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PROCEEDINGS AND DEBATES OF THE SEVENTIETH CONGRESS
FIRST SESSION

SENATE

TUESDAY, *May 8, 1928*

(Legislative day of Thursday, May 3, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 805. An act donating Revolutionary cannon to the New York State Conservation Department;

S. 1456. An act to authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex.; and

S. 3947. An act to provide for the times and places for holding court for the eastern district of North Carolina.

The message also announced that the House had passed the following bills severally with amendments, in which it requested the concurrence of the Senate:

S. 797. An act granting the consent of Congress to the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Wellsburg, W. Va.;

S. 1480. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington to present their claims to the Court of Claims; and

S. 3862. An act authorizing J. T. Burnett, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tiptonville, Tenn.

The message further announced that the House had passed the following bill and joint resolutions, each with an amendment, in which it requested the concurrence of the Senate:

S. 2004. An act authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz.; and

S. J. Res. 23. Joint resolution providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the Old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 43. An act to amend the act entitled "An act to standardize lime barrels," approved August 23, 1916;

H. R. 167. An act to amend the act of February 12, 1925 (Public, No. 402, 68th Cong.), so as to permit the Cowlitz Tribe of Indians to file suit in the Court of Claims under said act;

H. R. 491. An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California;

H. R. 5475. An act authorizing the New Cumberland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Cumberland, W. Va.;

H. R. 5548. An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct;

H. R. 5644. An act to enable an enlisted man in the naval service to make good time lost in excess of one day under certain conditions;

H. R. 5718. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service";

H. R. 6518. An act to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services";

H. R. 6854. An act to add certain lands to the Montezuma National Forest, Colo., and for other purposes;

H. R. 7354. An act to allow the Postmaster General to promote mechanics' helpers to the first grade of special mechanics;

H. R. 8728. An act to authorize the Postmaster General to give motor-vehicle service employees credit for actual time served on a basis of one year for each 306 days of eight hours served as substitute;

H. R. 8907. An act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes;

H. R. 9046. An act to continue the allowance of Sioux benefits;

H. R. 9194. An act authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873;

H. R. 9355. An act to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes;

H. R. 9965. An act to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., where on February 14, 1779, Elijah Clarke, of Georgia, and Colonel Pickens, of South Carolina, overtook the Tories under Colonel Boyd, killing him and many of his followers, thus ending British dominion in Georgia;

H. R. 10786. An act authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Gila River and its tributaries above the San Carlos Reservoir in New Mexico and Arizona;

H. R. 11621. An act to authorize the Secretary of the Navy to advance public funds to naval personnel under certain conditions;

H. R. 11758. An act authorizing the Secretary of War to grant a right of way for a levee through the Chalmette National Cemetery;

H. R. 11804. An act authorizing and directing the Secretary of War to lend to the town of Appalachia, Va., 500 canvas cots, 500 blankets, 1,000 bed sheets, 500 pillows, 500 pillowcases, and 500 mattresses or bed sacks, to be used at the convention of the American Legion, Department of Virginia, to be held at Appalachia, Va., on August 13, 14, and 15, 1928;

H. R. 11852. An act providing for the confirmation of grant of lands formerly the United States barracks at Baton Rouge, La., to the board of supervisors of the Louisiana State University and Agricultural and Mechanical College;

H. R. 11917. An act granting the consent of Congress to the county of Cook, State of Illinois, to widen, maintain, and operate the existing bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 11950. An act to legalize a pier and wharf in Deer Island thoroughfare on the northerly side at the southeast end of Buckmaster Neck at the town of Stonington, Me.;

H. R. 11953. An act to authorize the sale under the provisions of the act of March 12, 1926 (Public, No. 45, 69th Cong.), of surplus War Department real property;

H. R. 11980. An act granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana;

H. R. 12192. An act authorizing the Secretary of the Interior to accept a deed to certain land and issue patent therefor to the city of Buhl, Twin Falls County, Idaho;

H. R. 12379. An act granting the consent of Congress to Howard Seabury to construct, maintain, and operate a dam to retain tidal waters in an unnamed cove which is situated and extends from Cases Inlet into section 28, township 21 north, range 1 west, Willamette meridian, in Pierce County, State of Washington;

H. R. 12386. An act authorizing the State of Texas and the State of Louisiana to construct, maintain, and operate a free highway bridge across the Sabine River at or near Pendleton's Ferry;

H. R. 12408. An act authorizing custodians and acting custodians of Federal buildings to administer oaths of office to employees in the custodian service;

H. R. 12605. An act to enable the Postmaster General to purchase and erect community mail boxes on rural routes and to rent compartments of such boxes to patrons of rural delivery;

H. R. 12676. An act to amend section 2 of an act approved February 14, 1926, granting consent of Congress for the construction of a bridge across Red River at or near Fulton, Ark.;

H. R. 12677. An act to amend section 2 of an act approved March 12, 1928, granting consent of Congress for the construction of a bridge across the Ouachita River at or near Calion, Ark.;

H. R. 12814. An act to increase the efficiency of the Air Corps; and

H. J. Res. 236. Joint resolution authorizing the Secretary of War to lend tents and camp equipment for the use of the housing committee for the convention of the American Legion for the Department of Washington, to be held at Centralia, Wash., in the month of August, 1928.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of War, transmitting, pursuant to law, lists of useless papers in the War Department not needed or useful in the transaction of current business and having no permanent value or historic interest, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. REED of Pennsylvania and Mr. FLETCHER members of the committee on the part of the Senate.

THE AMERICAN MERCHANT MARINE

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes, which was to strike out all after the enacting clause and to insert a substitute.

Mr. JONES. I move that the Senate disagree to the House amendment, ask for a conference, and that the Chair appoint five conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. JONES, Mr. MCNARY, Mr. JOHNSON, Mr. FLETCHER, and Mr. RANSDELL conferees on the part of the Senate.

CLAIMS OF INDIANS IN THE STATE OF WASHINGTON

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1480) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims, which were, on page 6, line 18, to strike out the comma and "but any" and insert a period and "Any"; on page 7, line 7, to strike out "any one" and insert "all"; and on the same page, line 17, after the word "annum," to insert a comma and "subject to appropriation by Congress for the health, education, and industrial advancement of said Indians, including the building of homes."

Mr. JONES. I move that the Senate agree to the amendments made by the House.

The motion was agreed to.

APPROPRIATIONS FOR LEGISLATIVE BRANCH

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 39 and 45.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, and 44, and agree to the same.

The committee of conference have not agreed on amendments numbered 42, 43, and 46.

F. E. WARREN,
REED SMOOT,
CHARLES CURTIS,
E. S. BROUSSARD,
ROYAL S. COPELAND,
Managers on the part of the Senate.

FRANK MURPHY,
GEO. A. WELSH,
WM. P. HOLADAY,
JOHN N. SANDLIN,
EDWARD T. TAYLOR,
Managers on the part of the House.

The report was agreed to.

CALL OF THE ROLL

Mr. HEFLIN obtained the floor.

Mr. CURTIS. Mr. President, will the Senator yield that I may suggest the absence of a quorum?

Mr. HEFLIN. I yield for that purpose.

Mr. CURTIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Sheppard
Barkley	Frazier	McKellar	Shipstead
Bingham	George	McLean	Shortridge
Black	Gerry	McMaster	Simmons
Blaine	Gillett	McNary	Smith
Blease	Glass	Mayfield	Smoot
Borah	Goff	Metcalf	Steck
Bratton	Gooding	Moses	Steiwer
Brookhart	Gould	Neely	Stephens
Broussard	Greene	Norbeck	Swanson
Bruce	Hale	Norris	Thomas
Capper	Harris	Nye	Tydings
Caraway	Harrison	Oddie	Tyson
Copeland	Hawes	Overman	Vandenberg
Couzens	Hayden	Phipps	Wagner
Curtis	Heflin	Pine	Walsh, Mass.
Cutting	Howell	Pittman	Walsh, Mont.
Deneen	Johnson	Ransdell	Warren
Dill	Jones	Reed, Mo.	Waterman
Edge	Kendrick	Reed, Pa.	Wheeler
Edwards	Keyes	Sackett	
Fess	King	Schall	

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF CONQUEST OF THE NORTHWEST TERRITORY

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 23) providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779, which was, to strike out all after the enacting clause and insert a substitute.

Mr. FESS. I move that the Senate disagree to the amendment of the House and request a conference on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. FESS, Mr. HOWELL, and Mr. MCKELLAR conferees on the part of the Senate.

REPORT OF THE JUVENILE COURT OF THE DISTRICT OF COLUMBIA (S. DOC. NO. 99)

Mr. CAPPER. I present a letter addressed to me by the Attorney General, forwarding two communications from Judge Kathryn Sellers, of the juvenile court of the District of Columbia, together with a report covering the activities of that court during the year ended June 30, 1927. I ask an order, in accordance with the usual practice, that it be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

PETITIONS AND MEMORIALS

Mr. VANDENBERG. I present a telegram from Henry C. Walters, of Detroit, Mich., president of the Michigan Bar Association, protesting against the passage of Senate bill 3151,

which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the telegram was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

It is not feasible to call a meeting of the 1,600 members of the Michigan State Bar Association to take formal action. But 19 out of the 27 directors and directors at large, which is the governing body unit, have asked me to protest on behalf of the association against the passage of S. 3151 on the ground that miscarriages of justice would follow upon its enactment. Remaining 8 directors and directors at large not yet heard from. The 19 heard from include former Chief Justice Carpenter, ex-Judge Murfin, George W. Weadock, Mark Norris, Stuart Knappen, George E. Nichols, George W. Cook, Wade Millis, Burritt Hamilton, Walter Foster, and C. W. Perry, all former presidents of the State association. The governing body consists of lawyers long in active practice, and they know from experience that real prejudice exists against nonresident litigants and that it is much less pernicious in its effect in Federal than in State courts. They feel that passage of the act would work incalculable mischief and constitute deplorable retrogression.

HENRY C. WALTERS,
President Michigan State Bar Association, Detroit, Mich.

Mr. CAPPER presented a resolution adopted by Earl C. Gormley Post, No. 45, American Legion, of Junction City, Kans., favoring the passage of the so-called Capper-Johnson universal draft bill, which was referred to the Committee on Military Affairs.

Mr. JONES presented a petition of sundry citizens of Sunnyside, Wash., praying for the passage of the so-called universal draft bill, which was referred to the Committee on Military Affairs.

He also presented a resolution adopted at the annual meeting of the Washington State Society Sons of the American Revolution, favoring the passage of the so-called Box bill, providing for the restriction of Mexican immigration, which was referred to the Committee on Immigration.

Mr. FESS presented petitions of sundry citizens of the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. COPELAND presented petitions of sundry citizens of Brooklyn and vicinity, in the State of New York, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. McLEAN presented a resolution of Raymond W. Harris Post, No. 145, Veterans of Foreign Wars of the United States, of Bridgeport, Conn., favoring the passage of the so-called Gold Star Mothers bill, which was referred to the Committee on Military Affairs.

He also presented the petition of Eddy-Glover Post, No. 6, American Legion, of New Britain, Conn., favoring the passage of the so-called Capper universal draft bill, which was referred to the Committee on Military Affairs.

He also presented letters in the nature of petitions from Middletown Branch, No. 175, of Middletown, and Capital City Branch, No. 86, of Hartford, both of the National Association of Letter Carriers, in the State of Connecticut, favoring the passage of the so-called Dale civil service retirement bill, which were referred to the Committee on Civil Service.

He also presented letters in the nature of petitions from Sarah Williams Chapter, Daughters of the American Revolution, of Danielson, and Sibbel Dwight Kent Chapter, Daughters of the American Revolution, of Suffield and Windsor Locks, both in the State of Connecticut, praying for the retention of the national origins quota provision in the immigration law, which were referred to the Committee on Immigration.

He also presented a resolution adopted at the forty-fourth annual encampment of the Connecticut Division, Sons of Union Veterans of the Civil War, favoring the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented letters in the nature of petitions from the congregations of the First Congregational Church of Stamford and the Methodist Episcopal Church of New London, and of sundry citizens of Danbury and New Haven, all in the State of Connecticut, praying for the passage of the so-called Gillett resolution (S. Res. 139) suggesting a further exchange of views relative to the World Court, which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

Mr. SACKETT, from the Committee on the District of Columbia, to which was referred the bill (S. 4087) authorizing the use of certain land owned by the United States in the District of Columbia for street purposes, reported it without amendment and submitted a report (No. 1052) thereon.

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 8110) withdrawing from entry the northwest quarter section 12, township 30 north, range 19 east, Montana meridian, reported it with an amendment and submitted a report (No. 1053) thereon.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 2526) for the relief of Sheldon R. Purdy, reported it with an amendment and submitted a report (No. 1054) thereon.

Mr. LA FOLLETTE, from the Committee on Indian Affairs, to which was referred the bill (S. 727) authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California, reported it with amendments and submitted a report (No. 1055) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 4295) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near the mouth of Indian Creek in Russell County, Ky., reported it without amendment and submitted a report (No. 1056) thereon.

He also, from the same committee, to which was referred the bill (S. 4289) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Neelys Ferry in Cumberland County, Ky., reported it with an amendment and submitted a report (No. 1057) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 4290) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky. (Rept. No. 1058);

A bill (S. 4291) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Arat, Cumberland County, Ky. (Rept. No. 1059);

A bill (S. 4292) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Center Point in Monroe County, Ky. (Rept. No. 1060); and

A bill (S. 4293) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky. (Rept. No. 1061).

FEDERAL OFFICES IN GEORGIA

Mr. MOSES, from the Committee on Post Offices and Post Roads, to which was referred the resolution (S. Res. 193) directing an investigation of the barter of Federal offices in the State of Georgia, reported it with amendments, and moved that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

COOPERATIVE MARKETING OF FARM PRODUCTS

Mr. SHIPSTEAD, from the Committee on Printing, reported the following concurrent resolution (S. Con. Res. 18), which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That 1,500 copies of Senate Document No. 95, entitled "Report of the Federal Trade Commission on Cooperative Marketing of Farm Products," transmitted to the Senate on May 2, 1928, in response to Senate Resolution 34, Sixty-ninth Congress, be printed, with illustrations, of which 500 copies shall be for the use of the Senate and 1,000 copies for the use of the House of Representatives.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the enrolled bill (S. 3594) to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSES:

A bill (S. 4382) to amend the act (Public, No. 135, 68th Cong.) approved May 24, 1924, entitled "An act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes"; to the Committee on Foreign Relations.

By Mr. TYSON:
A bill (S. 4383) granting a pension to Mary Lizzie Mosby; to the Committee on Pensions.
By Mr. BINGHAM:
A bill (S. 4384) to amend an act entitled "An act creating the United States Court for China and prescribing the jurisdiction thereof" (Public, No. 403, 59th Cong.), and an act entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921" (Public, No. 238, 66th Cong.); to the Committee on Foreign Relations.
By Mr. NORBECK:
A bill (S. 4385) to establish the Teton National Park in the State of South Dakota, and for other purposes; to the Committee on Public Lands and Surveys.
By Mr. TYDINGS:
A bill (S. 4386) to authorize and direct the Federal Trade Commission to investigate the practices of the chain-store organizations; to the Committee on the Judiciary.
By Mr. FESS:
A bill (S. 4387) granting an increase of pension to Frances Bales; to the Committee on Pensions.
By Mr. HALE:
A bill (S. 4388) granting a pension to Adelaide A. Ryerson; to the Committee on Pensions.
By Mr. HOWELL:
A bill (S. 4389) for the relief of Ralph Rhees (with accompanying papers); and
A bill (S. 4390) for the relief of the Ayer & Lord Tie Co. (Inc.) (with accompanying papers); to the Committee on Claims.
By Mr. GOFF:
A bill (S. 4391) waiving the statute of limitations in the claim of Leona E. Kidwell under the civil service retirement act; to the Committee on Civil Service.
A bill (S. 4392) to amend an act entitled "An act creating the United States Court for China and prescribing the jurisdiction thereof" (Public, No. 403, 59th Cong.), and an act entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921" (Public, No. 238, 66th Cong.); to the Committee on Foreign Relations.
By Mr. McNARY:
A bill (S. 4393) to authorize arrests in certain cases and to protect employees of the Department of Agriculture in the execution of their duties; to the Committee on Agriculture and Forestry.
By Mr. FLETCHER:
A bill (S. 4394) to amend "An act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes; to the Committee on Pensions.
A bill (S. 4395) to amend section 305 of the World War veterans' act, as amended; to the Committee on Finance.
By Mr. MOSES:
A joint resolution (S. J. Res. 144) relating to the manufacture of stamped envelopes; to the Committee on Post Offices and Post Roads.

FOUR YEARS' TERM FOR REPRESENTATIVES IN CONGRESS

Mr. FLETCHER. Mr. President, the Norris resolution having been defeated, I introduce a joint resolution changing the terms of Members of the House from two years to four years. Under the present situation, newly elected Members of the House scarcely take their seats before beginning a campaign for reelection; and that situation ought to be corrected. I ask that the joint resolution be referred to the Committee on the Judiciary in the hope that we can extend the terms of Members of the House from two years to four years, so that a Member may have an opportunity at least to get acquainted with his work before he has to run for office again.

The joint resolution (S. J. Res. 145) proposing an amendment to the Constitution of the United States relative to the terms of Representatives was read twice by its title and referred to the Committee on the Judiciary.

AMENDMENT TO TAX REDUCTION BILL

Mr. FLETCHER submitted an amendment intended to be proposed by him to House bill 1, the tax reduction bill, which was ordered to lie on the table and to be printed.

DEFENSES IN PATENT SUITS

Mr. DILL submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 2783) to provide for the forfeiture of patent rights in case of conviction under laws prohibiting monopoly, which was referred to the Committee on Patents and ordered to be printed.

MARKETING OF PERISHABLE AGRICULTURAL PRODUCTS

Mr. BORAH submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 1294) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce, which was ordered to lie on the table and to be printed.

ORDER FOR EVENING SESSION ON THURSDAY

Mr. CURTIS. Mr. President, I ask unanimous consent to present the following order, and I ask for its immediate consideration.
The VICE PRESIDENT. The clerk will read the order.
The Chief Clerk read as follows:

Ordered (by unanimous consent), That on Thursday, May 10, 1928, at not later than 6 o'clock p. m., the Senate take a recess until 8 o'clock p. m., and that at the evening session, which shall not continue later than 11 o'clock p. m., the Senate proceed to the consideration of the bills on the calendar, under Rule VIII.

Mr. BRUCE. Mr. President, is unanimous consent asked for the order?
The VICE PRESIDENT. The Senator from Kansas has asked unanimous consent for its adoption.
Mr. BRUCE. I object.
The VICE PRESIDENT. Objection is made.
Mr. CURTIS subsequently said: Mr. President, before the Senator from Alabama proceeds further, if he will allow me to interrupt him, the Senator from Maryland [Mr. BRUCE] is willing to withdraw his objection to the request for unanimous consent. Will the Senator from Alabama yield to me to present it again?
Mr. HEFLIN. The Senator from Maryland a day or two ago objected to the bill I am discussing, and I will pay him my compliments in a few moments. I yield to the Senator from Kansas.
Mr. CURTIS. I present a request for unanimous consent and ask that it may be read and entered into.
The VICE PRESIDENT. The clerk will read.
The Chief Clerk read as follows:

Ordered (by unanimous consent), That on Thursday, May 10, 1928, at not later than 6 o'clock p. m., the Senate take a recess until 8 o'clock p. m., and that at the evening session, which shall not continue later than 11 o'clock p. m., the Senate proceed to the consideration of the bills on the calendar, under Rule VIII.

Mr. KING. I think the Senator ought to change the hour of adjournment on that evening to 10.30 p. m.
Mr. CURTIS. I am willing to change it to 10.30 p. m.
The VICE PRESIDENT. Without objection, the request for unanimous consent will be modified so as to provide for a session beginning at 8 o'clock and adjourning at not later than 10.30 o'clock p. m. Is there objection to the request for unanimous consent as modified?
The unanimous-consent agreement as modified was entered into, as follows:

Ordered by unanimous consent, That on Thursday, May 10, 1928, at not later than 6 o'clock p. m., the Senate take a recess until 8 o'clock p. m., and that at the evening session, which shall not continue later than 10.30 o'clock p. m., the Senate proceed to the consideration of the bills on the calendar, under Rule VIII.

COTTON-PRICE PREDICTIONS—THE FLAG—GOVERNOR SMITH

Mr. HEFLIN. Mr. President, on yesterday I gave notice that this morning I would discuss the cotton bill (S. 3845), which I have pending in the Senate, the flag in connection with the question which I raised yesterday, the candidacy of Governor Smith, and the presidential situation generally.
Mr. President, on the 15th of September, 1927, the Bureau of Economics, in the Department of Agriculture, gave out a most remarkable statement in which it predicted the prices of cotton. It had no authority to make such a prediction. After reciting the fact that the boll weevil had injuriously affected the crop, that the yield had been cut nearly a million bales in a month, and that the crop would be 5,000,000 bales short of the previous crop, they said, "Therefore we predict that the prices will decline."
(At this point Mr. HEFLIN yielded to Mr. CURTIS to present a request for unanimous consent.)
Mr. HEFLIN. Mr. President, I hope I will not be interrupted any more until I can state the facts in this case. That price prediction broke the cotton market, and the cotton farmers lost some $35 to $40 a bale on the cotton crop of 1927. We are seeking to prevent the occurrence of another such destructive and criminal act. I saw the necessity of having some law on the subject, and while we were debating the Agricul-

tural appropriation bill the Senator from North Carolina [Mr. SIMMONS], the Senator from Tennessee [Mr. MCKELLAR], and other Senators suggested that as I had raised the question here I should introduce a bill providing a penalty for making such cotton-price predictions. I did introduce such a bill; it was referred to the Committee on Agriculture and Forestry; and it was unanimously reported by that committee.

When I first called it up, the Senator from Rhode Island [Mr. METCALF], who comes from a New England cotton-spinning State and is himself a spinner, as I understand, objected. He renewed his objection later, but finally, as I understand, withdrew his objection.

The Senator from Maryland [Mr. BRUCE], who is supposed to represent in part a State of the South where the home of the cotton industry is located, objected. The Senator knew the importance of passing this measure; he knew how greatly interested the cotton producers of the section from which he comes were, but he objected. He has never withdrawn his objection. I hardly know how to characterize the strange conduct of the Senator from Maryland, who pretends to represent the southern section at least to some extent. Of course, we all are from various States and represent in particular our States and try to represent the whole country as best we can. I do, and I think other Senators here in the main do. There are Senators here who, I believe, are whole-heartedly dedicated to the public interest and are trying to serve the country. There are some who seem to have the center of gravity in their systems on the side of special interests.

The farmers of my section have not only been sorely oppressed, but absolutely robbed of millions and millions of dollars by that strange and unwarranted price prediction made by the Agricultural Department here at Washington.

Mr. BRUCE. Mr. President, may I interrupt the Senator for a moment?

Mr. HEFLIN. I will let the Senator interrupt me just for a moment.

Mr. BRUCE. There is such a thing as even momentary satisfaction. I will say to the Senator that he is laboring under an entire misapprehension in believing that I have any fixed prepossession against this bill of his. All I suggested the other day was that I did not think at the time that a matter of such importance ought to be taken up for instant consideration. What I was hoping was that some Member of this body who is more familiar with the problem than am I, after hearing the Senator from Alabama, would make an argument that would enable me to realize just how much force the point of view opposite to that of the Senator from Alabama has. That is all. I think it is not unlikely, after I hear the Senator from Alabama and have heard what may be said in opposition to him, that I will vote for his bill.

Mr. HEFLIN. Well, Mr. President, the Senator is too late now, because I am going to express myself on this subject. Seven or eight objections have been made here to the passage of this bill and I think certain interests have suggested the objections. There are Jesuits who sit in this gallery every day, and Roman Catholic priests. I think that they have got friends here through whom they may have objection interposed.

Now, I will give some of my reasons as to why this measure ought to pass. The cotton farmers of the South on a single cotton crop have lost $400,000,000 because of the low price of cotton produced by the unwarranted, unjustified, and outrageous price prediction made by this board in the Department of Agriculture.

Mr. SHORTRIDGE. Mr. President, will the Senator from Alabama yield to me?

Mr. HEFLIN. Not now; I can not yield to the Senator now. He is one of the Senators who objected to the consideration of my bill on yesterday, and I am coming to him just as soon as I can get to him.

Mr. SHORTRIDGE. You may come any time you wish.

Mr. HEFLIN. I will certainly accommodate the Senator soon. The Senator from California himself comes from a cotton-growing State.

Mr. SHORTRIDGE. And I know as much about cotton as you do.

Mr. HEFLIN. His people were robbed by this same prediction, and yet he objected to the passage of this bill on yesterday. I want the cotton farmers of his State to know the true situation and let them inquire of him——

Mr. SHORTRIDGE. So they may——

Mr. HEFLIN. What interest he was looking after when he was trying to prevent the passage of a bill which would punish their enemies who had robbed them of two or three million dollars in that State.

Mr. SHORTRIDGE. Now, will the Senator courteously permit me to ask him a question? It will be put in the utmost good faith, and it may shorten this discussion. It is this: If the Senator will explain to me how this loss, logically and economically, may be attributed to the prediction which the Secretary put out, I should be persuaded that he is right, but for the moment I have never been able to understand why that prediction of the Secretary had that baneful and hurtful effect. I can not see the logic of that contention.

Mr. HEFLIN. Would the Senator want to give any department of the Government the right to predict prices on any farm product of this country?

Mr. SHORTRIDGE. For the moment, I see no economical or logical reason why the people of our country might not be aided by the advice of a Secretary presumably familiar with all the facts with respect to our own Nation and the commerce of the world.

Mr. CARAWAY. Mr. President——

Mr. HEFLIN. I yield to the Senator from Arkansas.

Mr. CARAWAY. If it is not conceded that the prediction of the Secretary of Agriculture actually broke the price, he did a perfectly foolish thing, because if it did not affect the price he had no right to use up Government paper and ink to put out a prediction unless it would affect the price.

Mr. HEFLIN. Certainly.

Mr. CARAWAY. It was calculated to do so. If it did not do so, he did a perfectly indefensible and inexcusable thing, an idle and foolish thing. But if it broke the price, as everybody knows it did, then he did a most unjustifiable thing, because he took the sustenance of men and women who had labored through a year to produce a product, and broke the price over night with a prediction that it was selling too high.

Mr. SMITH. Mr. President——

Mr. HEFLIN. I yield.

Mr. SMITH. If the Senator from Alabama will allow me, I should like to say a word in reply to the suggestion made by the Senator from California [Mr. SHORTRIDGE]. The Chief of the Bureau of Economics, under oath, swore that the reason the prediction was made was because the department considered the price too high. I should like to say to the Senator that I think the Senate or any board to whom the facts had been presented as they were in the context of this bulletin touching the situation in cotton would, if the last line and a half were striken out, have said, "The price has not yet responded to the facts; it has not as yet gone as high as the law of supply and demand would put it."

If the Senator will allow me to make just this further statement, it was then ascertained that the production of last year was approximately five and one-half million bales less than that of the preceding year. The consumption by the world of American cotton was the greatest in its history. There never was a more healthy tone in the textile market. That was testified before the committee by witnesses representing spinners, cotton merchants, and speculators. Every one uniformly testified that the price obtaining at the time this prediction was made was easily justifiable on the law of supply and demand, and every one testified that they thought it would have gone still higher. But when the Government, with all the facts known to them that were known to the trade, and no more, and perhaps not as much known by these gentlemen in the Bureau of Economics as others knew, came out and as a non sequitur, an absolutely illogical conclusion from the premises they set down, said, "The price is likely to decline," it paralyzed the entire cotton-buying world to such an extent that telegrams poured in from all the exchanges to the Secretary of Agriculture, inquiring if he authorized it. Was it official? Could it be possible under the circumstances? They are in the hearings, and will be in the report that I hope to make as to the facts brought out after nearly three months of as complete investigation as we could make.

The producers protested. The cotton merchants protested. The cotton exchanges and the speculators wanted to know why. It never had been done before; and, remember, it was in the beginning of the marketing period when not a bale could be added to the crop nor one subtracted from it, except one did it arbitrarily; and upon the known fact that the production was five or six million bales less than that of the previous year, with an unusually increased demand and a healthy tone, the question was, "What good purpose can the Government serve, especially the producer, by giving any such statement to the public now?"

It was all right for them in the spring, in March and April, to say, "The carry-over of old cotton is so many bales, and if you plant extravagantly you may have lower prices." That was justifiable. That was what we appointed them to do—not the Bureau of Economics but the Bureau of the Census and others. That was all right. They could say, and did say, in other instances, "If you plant and make a large crop and

add it to the large carry-over, you will get lower prices; but if you observe the history of crops and provide for a small crop, you will get better prices." That is precisely what they did in 1927. They responded to that advice in March and April. They planned to reduce their acreage, and the insect infestation added to it and startled the world with the small result and the consequent rise in the price. Now, what possible good purpose could they serve when the advice had already been given and the crop was already marketed by coming in the midst of a prosperous condition and upsetting the whole thing and demoralizing the whole world?

Mr. HEFLIN. Mr. President, the Senator from South Carolina has stated the matter very clearly. Most Senators who keep themselves informed as to what is going on in this country would not have to have the matter explained to them at length at this time—the loss of $400,000,000 to the people of one section who produced the cotton crop of the United States, the men who toiled through the year to produce it, and frequently their families with them in the field, in the hot sun, and then came into the market place and were battered to death by a Government bureau going into the realm of price prediction on the cotton crop of the United States. I do not hesitate to say that I think they were influenced to do it by wicked and unscrupulous cotton factors. The president of the New York Cotton Exchange swore that if he had the power to predict the price, and had the weight of the Government behind it, he would give millions of dollars for such a power.

This dreadful thing has been done to the cotton farmers of my State. Farmers have lost their homes and have gone into the towns and cities to try to get work. They were unable to meet their obligations. A loss of $35 to $40 a bale took away all their profit and put the price below the cost of production. When I labor as I have done at this session on this committee with the Senator from South Carolina [Mr. SMITH] to investigate the scoundrels who brought about this ruin, and introduce this bill, and get it favorably reported, and bring it upon this calendar, it is a strange thing, I say, to have the Senator from Maryland—who ought to be in sympathy with the people of the South who produce cotton, and who are now selling it below the cost of production, and who have lost $35 to $40 a bale on it this season—get up and make an objection without stating any reason for it. Five or six objections having already been made, I confess that I was getting a little tired of it.

I am one Senator who is not going around here to beg Senators privately to withdraw their objections to my bills. I think legislation ought to be had in the open, and facts ought to be brought out. If your measure is not meritorious, it ought to fail. Let the responsibility be taken by those who are willing to make these objections for outside influences, whether or not they are prejudiced against me for making the fight I have made for my country in my opposition to the war sought by the Knights of Columbus at the time when Mr. BOYLAN, a Member of the House, a Roman Catholic, introduced the resolution to sever diplomatic relations with Mexico. I have no apology to make for all that, and I will meet in the open any enemy I have because of it; I do not care whether he is a Catholic, or a Protestant, or a half-hammered Protestant sailing under Protestant colors.

Mr. President, I will never forget a scene near my home—a man, his wife, and two children; a farmer, a boy 14 years old, and a little girl of 6. He had nearly paid for his little farm. He had painted his house. He owned two or three mules and had bought him a Ford car and was trying to get up in the world. Low-priced cotton came. He could not meet his obligations. The mortgage was foreclosed. He was passing my home with his wife sitting in the wagon, back of the driver, with a portion of their household goods. She was holding the little girl by her side, and the farmer himself, with his 14-year-old boy, was walking behind the wagon. I knew him well. I hailed him as he passed my home. I went out to him and said, "Where are you going? What is the matter?" He dropped his head; with a lump in his throat he said, "I am going down to the cotton factory at Lanett, I and my boy, to work in the mill." I said, "What in the world are you giving up your little farm for? You had a nice little home and farm out there." He shook his head and shed tears like a child and he said, "I have lost my home. I have lost everything. I am not out of debt. I am in an awful fix." He said, "My little boy took it harder than anyone else. He did not seem to understand it until we got ready to leave. We all walked out. He closed the gate and looked back at the old home, and turned to me with tears in his eyes and said, 'Papa, what does all this mean?'"

These people have been mistreated and robbed. I am fighting for them. I am seeking to give them a fair deal. I want them to have the necessities of life and some of the comforts of life. God knows they are entitled to them. I want them to be able to educate their children. I do not want them to be agricultural slaves; and it was that motive that prompted me to introduce this measure and to ask for its immediate passage. I did not expect to have a man like the Senator from Maryland—who, I suppose, is supported by the farmers of his State—some of them at least—a man who ought to stand with drawn sword to battle for the producing classes not only of one section, but of all other sections, rise and object. If it had not been for his objection, this bill would have passed the Senate and have been in the House now, and it would have been referred to a committee, and they would have gone to work on it, and the bill would have passed; but he helped to prevent action and he stayed the hand of legislation by his objection. He has never withdrawn it. I doubt whether he has ever read the bill or not; and now he says if it could be explained to him he might withdraw his objection. I shall move to pass that bill, and I shall ask a roll call on it.

Senators know me very well, some of them, most of them here. You never heard me make one of these objections to anybody's bill that had merit in it; I do not care whose it is. You can not point to a single instance where I have ever indulged in such practices as that. But when the cotton speculators do not want this bill passed, when the cotton gamblers do not want it passed, when those who profit by low and destructive prices of cotton to the farmer do not want it passed, the Senator from Maryland rises and objects, blocks its passage by his objection, and he could do that because we were proceeding by unanimous consent at that time. Then on yesterday the Senator from California [Mr. SHORTRIDGE], the tall sycamore from the Pacific slope, rose and, strange to say, interposed his objection, and I explained to him then what the bill meant, and I asked him, as kindly as I could, to let me pass it. He shook his head and waved his hand with those magnificent and graceful gestures that he indulges in, and still objected.

Mr. SHORTRIDGE. Mr. President, will the Senator permt me to interrupt him?

Mr. HEFLIN. I desire to say that the Senator from California and the Senator from Maryland are largely responsible for the time I am consuming to-day, by throwing themselves in front of needed and meritorious legislation for the farmers of the South and the farmers of California. I am fighting their battle, while the Senator from California is blocking legislation intended to aid and protect them.

Mr. SHORTRIDGE. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from California?

Mr. HEFLIN. Just briefly, because the Senator has got me to speaking now and I do not want to be pestered very much.

Mr. SHORTRIDGE. I do not wish to engage in personalities, may I say to the Senator from Alabama. I never do, and I mean nothing personal. I was about to ask him, if he would be good enough to reply, this question:

The bill, as it appears, when first introduced related to cotton, corn, maize, wheat, rye, oats, barley, flaxseed, and other grains. In a desire to get at the philosophy or the reasoning which permits the elimination of these other items, I will ask the Senator this question——

Mr. HEFLIN. I stated to the Senator that all that had been stricken out and that the bill now referred only to cotton. I can not yield to the Senator to go over things like that.

Mr. SHORTRIDGE. But why was it struck out? If it is good, if the Senator's argument is sound—and I am not now disputing it—why is it not good as to wheat, as to corn, and so on?

Mr. HEFLIN. They have not predicted any prices on grain and the grain growers wanted that out.

Mr. HARRIS. Mr. President——

Mr. HEFLIN. I want to say that I will vote for any measure that will help the grain-growing West, and deliver those farmers from the hands and the clutches of the robbers. The farmers of the West have some representatives here who are faithful to them; and when they come and tell me, "Here is a bill that will give the grain growers a fair deal, and we want you southern fellows to help us," we help them. I would do it. I have done it. I announce it in the open, and they are for my bill. They wanted grain out, and I let them strike it out, and I told the Senator yesterday afternoon that it was all stricken out and applied only to cotton; so the Senator had no excuse whatever to object to its passage.

Did the Senator from North Carolina [Mr. SIMMONS] want me to yield to him?

Mr. SIMMONS. No, Mr. President

Mr. HARRIS. Mr. President——

Mr. HEFLIN. I thought the able Senator from North Carolina, who is right on practically everything he advocates, wanted me to yield to him. I yield to the Senator from Georgia, who is another good friend of the farmer.

Mr. HARRIS. I am sure the Senator would like to correct one statement he made. He said they had not predicted that grain would go down. At the same time that they predicted that cotton would go down they said that corn would go down, and in the same statement they predicted that wheat would go up.

Mr. HEFLIN. I had overlooked that.

Mr. SIMMONS. Mr. President, I was not on my feet for the purpose of interrupting the Senator a few moments ago; but, since he has alluded to me by name, I will do so to the extent of saying that I am heartily for the bill which he has proposed.

Mr. HEFLIN. I thank the Senator.

Mr. SIMMONS. I do not think that any official of the Department of Agriculture, or any other department of this Government, has a right to express an opinion upon the future price of a product. That is beyond the domain or jurisdiction that we have given any department. As lawyers say, it is ultra vires. This prediction must have been made, if made deliberately, for a purpose.

Mr. HEFLIN. That is what I think.

Mr. SIMMONS. And it could not have been made, if for a purpose, for any purpose other than to restrain the advance in the price of cotton.

Mr. HEFLIN. The Senator is entirely correct in that, and we are in hearty agreement.

Mr. President, there is no question about it, there are those in this body, and in all other legislative bodies, I suppose, who really want to legislate for the good of the masses of the people, who want to hold this Government true to the purpose of its creation, who want to be useful to the country. There are others, I have been thinking, who have an ear that they keep mighty close to the ground regarding special interests, and if one introduces a bill in the interest of the farmer, and they think it will get on the toes of the special interests, they are ready to object. Then one will withdraw his objection, and they will call on another one to object, and then keep that up until it is too late to pass the bill. Then, when you ask them why they did it, they say, "I wanted an opportunity to look into it."

I am giving you an opportunity now. I have invited you to look into the Cotton Belt. Men killed themselves after these prices broke and they were ruined, and others lost their minds and have gone to asylums for the insane. Mortgages have been foreclosed, homes have been lost to the farmers, and they have drifted into the cities to swell the number of the unemployed and to bid for the jobs that our laboring men already there now have. You are making the problem of life on the farm exceedingly hard; but none of these things seem to appeal to some Senators, and they rise and object, they protest against the passage of such a measure as this.

Mr. President, let me tell Senators what the testimony has shown. The ex-president of the New York Cotton Exchange, Mr. Marks, under oath said that, in his opinion, this price prediction cost the farmers $20 a bale. That would amount to over $200,000,000 for the whole crop. The president of the New York Cotton Exchange, Mr. Herbert, who has been in the cotton business all his life, and whose father before him was in that business, testified under oath that this prediction broke the price, and that if the prediction had not been made, cotton, in his judgment, would have gone to 30 cents a pound. Senators, what would that have meant to the farmers of the South? Four hundred million dollars. To do what? To pay their debts, to carry on their operations, to lift the mortgages from the homes and farms, to make their families happy, to educate their children, and to give them some of the comforts of life.

Yet the Senator from Maryland and the Senator from California throw their stalwart statures across the path of this legislation and hold it up. This legislation has been pending here for about a month. One objection after another has been made. I want the RECORD to show just who it is that is blocking legislation in the interest of the people, just who it is who is willing to rise and protest against measures that are meritorious, in the interest of the toiling masses of our people.

Mr. Bryan made a great speech, in which he said everything depended on the farmer; and that is true. The Bible says that bread is the staff of life; and the farmer produces that. Mr. Bryan said, "Tear down your cities and leave your farms, and your cities will spring up again as if by magic. But destroy your farms, and grass will grow in the streets of every city in the country." That is true. You break the morale of the farming class, these fine, firm citizens, and you strike the Government a body blow. Rome started on her decline when she proceeded, as the Senator from Maryland has proceeded and as the Senator from California has proceeded, to stand in front of honest, meritorious, needed legislation for the farmers of the country. When Rome struck agriculture down her doom was in sight, and in the United States 2,000,000 farmers have lost in their struggle; they have lost their homes and farms and gone to the cities.

Two millions of them, I repeat, have lost their farms, in six years. In the face of that, the Senator from Maryland objects to my bill which is aimed at an action which has robbed the farmers recently on one crop, the farmers of the South, in a sister State to the State of Maryland—God bless old Maryland! I sometimes sympathize with her. He objects to legislation that one of her sons, a member of the Committee on Agriculture, introduced in this body. I know the facts. I am trying to relieve the situation. I would vote just as quickly to relieve the farmers of California, or of Maryland, or of a State in any other section.

What interest is it that is stalking around this Capitol? Is it those who are interested financially, or has some priest suggested to some of his friends that he hopes they will hold up and defeat HEFLIN'S bill, because the Roman hierarchy and the political machine are on his trail? I wonder if that is a part of the punishment they want to visit upon me. I defy them all. When I get to where I can not stand in this body and defend my country without fearing that I will be punished by a Roman Catholic political machine, I ought to get out of the Senate. When I get to where I can not express my views for the good of my country and defend free institutions in America in their integrity, it will be time for me to quit this body.

Senators, you are going soon to reach the time when you will have to meet this issue. I am receiving a lot of copies of letters you are getting now from your home States asking you to support me, and I have had assurances from many of you that you are back of me. You are going to have to meet this issue in the open. You are not going to be subjected to intimidation by priests who come here and send in for Senators, or see them at their hotels, and suggest in whispered conversation the course to pursue in this body.

I do not ask for any quarter at all. They can oppose me and my measures if they want to. If the bill is a righteous one, it is a contemptible spirit that would prompt the opposition; but I do not ask them to withdraw their opposition. I will put these measures up to this body, and let them vote in the open record as to how they stand upon these questions. I submit to you that I have all sorts of grounds to believe that they have taken an interest against this very bill. I will talk perhaps a little plainer on it later on.

Mr. President, there should not be a dissenting vote in this body on this measure. I have reminded Senators before that in 1904 the senior Senator from South Carolina [Mr. SMITH], the best informed man on cotton who has ever been a Member of Congress in either branch, in my judgment, a farmer himself, able and fearless in the service of the farmers, detected fraud and corruption in the Agriculture Department in 1904, when two employees padded the reports on cotton production and sold out to some gamblers on the exchange in New York, and made $40,000 between them. The names of those gentlemen were Hyde and Holmes. Now comes this thing. The sell-out of Hyde and Holmes cost the farmer about $7.50 a bale. This prediction, this criminal action, cost the farmer $35 to $40 a bale, and the Government never authorized the department to make the prediction. They included a carry-over report in it, something they have never done before. That comes under the duty of the Census Department. They handled it all in that report, and hammered the price, admitting that the crop was 5,000,000 bales shorter than the one before, and the estimate of the yield had fallen nearly a million bales, and that the boll weevil was doing a lot of damage. Still, in the face of that, they predicted the low price.

Senators, I am just asking for a fair deal for these cotton producers of the United States.

POSITION OF THE UNITED STATES FLAG

Now, to the second phase of this matter. Yesterday I introduced a resolution setting out the fact that the Roman Catholic flag had been hoisted above and flown above the United States flag on the battleship *Florida* and the battleship *Cincinnati*. I have seen the pictures of both. I have both of them. I referred to one of them, the *Cincinnati*, in this Chamber a month or more ago. I have here a picture of the battleship *Florida*, and exhibited it to several Senators yesterday.

Mr. President, I ask that the clerk read my resolution in my time.

The PRESIDING OFFICER (Mr. CUTTING in the chair). The clerk will read.

The legislative clerk read as follows:

Whereas it is alleged that the Roman Catholic flag, the same design as the flag flown at the Vatican in Rome, has been recently hoisted above and flown above the United States flag on the U. S. battleship *Cincinnati* and the U. S. battleship *Florida;* and

Whereas it is the solemn duty of Congress to see to it that no flag of a foreign power or potentate shall fly above the United States flag on any foot of American soil or on any American battleship or on any other American ship or in any foreign American possession; and

Whereas the act of placing the flag in question or any other flag above the United States flag has the appearance of questioning its right to be first and of challenging its supreme authority and sovereign power: Therefore be it

Resolved, etc., That it is hereby declared to be the fixed principle and policy of the United States that hereafter nowhere on land within her jurisdiction or on her battleships or on her merchant ships shall any other flag be placed above and flown above the United States flag.

SEC. 2. That it shall be the duty of Government officials in civil authority and in the Army and the Navy to see to it that the principle and policy here set forth is strictly observed.

Mr. HEFLIN. Mr. President, what objection could any real American have to that resolution? I offered it yesterday morning and asked unanimous consent to have it immediately acted upon. The Senator from Maryland [Mr. BRUCE] objected. What excuse can any American give to declaring it to be the fixed policy of this Nation that no flag shall fly above the United States flag? I reminded the Senator from Maryland yesterday that as I wrote the resolution the other night I thought over the membership of the Senate and said to myself, "Senator BRUCE, of Maryland, will just about object to it." Oh, my prophetic soul! The Senator rose and fulfilled my prophecy and made his objection to the consideration of the resolution. Never did I dream the day would come when in this historic, magnificent old body there would be a voice lifted to prevent the passage of a resolution laying down the doctrine of the sovereign power of my country that that flag should fly first and uppermost always.

Mr. President, while I was absent yesterday afternoon in the committee carrying on the investigation of the cotton exchange's activities in the Agricultural Department a friend sent me word that some statement was being presented to the Senate from some chaplain of the Navy regarding my resolution. I hurriedly came into the Chamber, found out what was going on, and expressed a few thoughts upon the subject at that time. I would not have thought, with the exception I have already made, that anybody would be bold enough to stand up here and object to the passage of a resolution like that.

Listen to this order, you who are still interested in your country, who believe in asserting its sovereignty anywhere that our flag flies, whether over a battleship or any of our possessions or at home. Listen to this remarkable order of 1927, when Al Smith's campaign was just getting off good on the race track, when they were looking forward with a great deal of pleasure to the time when they would have one of their chief and high muckamucks in the White House. This is an extract from the code book of the Navy, 1927:

Church pennant: The church pennant shall be hoisted at the same place of hoist and over the ensign during the performance of divine services on board vessels of the Navy.

What is the ensign? It is the Roman Catholic flag. It flies the cross above the Stars and Stripes. They sent some more instructions up here on this subject to the effect that not only do the Catholics worship under it flying above the United States flag, but that the same pennant and none other is used in the same place when Protestants of various denominations have their services on board a ship. Then, I ask, why was that particular flag design adopted for this purpose? What Roman Catholic conclave gave birth to that suggestion? Who backed the movement and forced the naval officers to write it down as an order of the United States Government that that flag should fly first and be the only one to fly over our flag at any and all religious services on a ship?

Senators, I said on yesterday that I did not care if it was a church pennant. There is no place too sacred for our flag to be. It represents the best that there is in human government. It stands for principles without which no republic can last, and in the loss of which religious liberty is lost.

I introduced in the House in 1914 a resolution at the suggestion of Miss Anna Jarvis, of Pennsylvania. She was working to create some movement that would perpetuate the name of her mother. She wanted to pay a fine tribute to her mother. Congressman Hampton Moore, of Philadelphia, was in the House, as I was. He introduced her to me and told her that I, he was sure, would be glad to aid her. I wrote the resolution. We passed it through the House. The able Senator from Texas [Mr. SHEPPARD] looked after it in the Senate and it passed the Senate. President Wilson approved it, Secretary of State Bryan proclaimed it, and it is the doctrine of our Nation to-day. In it we provided that the second Sunday in May of each year should be designated as Mothers' Day in America, and that as distinct tribute, of affectionate regard, and undying love for the mothers of America, the United States flag was to be unfurled above the homes of the people of the Nation. The home is the most sacred place in the Nation. Henry Grady said, "The fireside is the true altar of liberty and the strength of the Nation is lodged in the homes of the people."

We proclaimed that the flag should fly above the homes of all American people on that day, and on public buildings, and in our foreign possessions, paying a tribute of honor and love to the mothers of America. That flag has been used for many noble and lofty purposes, but never was it used in a dearer or more sacred cause than when it flies above the tender and gentle army of American mothers. If it is good enough for that purpose, if it is good enough to fly above the American homes, and to fly from the public buildings of the Nation, kissing with its beautiful folds the genial breezes of a great and free country, it is good enough to fly first on a battleship when people want to engage in religious worship.

I do not see the importance or necessity of lowering that flag on any occasion for the purpose of putting another one above it. The Senator from Maryland [Mr. BRUCE] I would think naturally or ordinarily would be the last to raise his hand against it. Maryland has paid many tributes to the flag. Francis Scott Key's immortal poem described that flag—"Mid the rocket's red glare, gave proof through the night that our flag was still there." That flag was good enough to fly above the Continental Army, good enough for John Paul Jones to unfurl above the *Ranger,* when the sea caught a glimpse of its glory, and it proclaimed the imperishable doctrine of the rights of a free sea.

It was good in the battle with Spain when that song was written, "Look, boys, the flag is down. Who will volunteer to save it from disgrace?" "I will," a young man shouted; "I will bring it back or die." He rushed into the thickest of the fray, saved the flag, but gave his young life all for his country's sake. When they brought him back they heard him softly say, "Break the news to mother. She knows how dear I love her. Tell her not to look for me for I am not coming home." He had given his life for the flag. "Tell her there is no other to take the place of mother. Kiss her dear sweet lips for me and break the news to her." If that flag was good enough to die for—for a young man to dash into the fray and sacrifice himself in the iron storm of war, it is good enough to fly first on a battleship when people want to worship on Sunday.

In my section of the country the flag flies above the church and above the schoolhouse. I want to remind Senators that I was in Illinois last summer. They had a bill pending in the legislature providing that the flag should be placed above all schools in Illinois, where the remains of the immortal Lincoln sleep until the light of eternities morning shall break beyond the mystic mountains and the redeemed of earth shall meet to part no more. That bill in the Illinois Legislature provided that they shall fly the United States flag above Protestant schools, Jewish schools, and Catholic schools, and every Roman Catholic member of the legislature in the House of Illinois voted against the bill and brought about its defeat.

I am raising an important question here as an American. National dissension and warring interests on a great and vital question between the North and South are behind us. Brave men from both sections went on the battle line and settled their differences. They could not be settled in the halls of peace. The right to secede, a doctrine originally agreed to by all the States, had existed, but a new idea had grown up. Webster and others had given expression to the thought that the Union was one and indivisble. The southern idea was that the States could secede if they wished to do so. Those questions were settled by the arbitrament of the sword. I have seen Union soldiers and Confederate soldiers in happy reunion shaking hands, tears streaming down their faces, those grizzly old warriors of the War between the States happy in a reunited country.

I was to speak in Kentucky in October about eight years ago. As I approached the courthouse at Scottsville I heard singing. I said, "What is going on up there?" I was told, "The old soldiers of both armies are having a reunion." I said, "I want to go up there and see them." I went in. They were walking up and down shaking hands with each other, shedding tears, and I saw them lean their heads on the shoulders and breasts of one another. They all joined in singing "God be with you till we meet again."

Hope's precious pearl in sorrow's cup
Unmelted at the bottom lay,
To shine again when all drunk up
And the bitterness should pass away.

No longer held together by outward forces and barriers, but bound together by the ties of love and loyalty and the cling of section to section. East and West, North and South, to work together for the good of each and each for the good of all! One country! Old Glory is the standard, the banner of constitutional liberty in each and every section, and the South stands ready to follow wherever Old Glory bares her beauty to the breeze; one people, devoted to that great banner which hangs back of the chair of the able Vice President of the United States.

Mr. President, I can not give my consent to have any banner, church pennant, or anything else fly above our flag. I will not agree that it is necessary to put it above it in order to announce religious services. I say that it would be better to set up a pole on the side of the ship and place a church notice there, because the flying of church pennants is not the sort of worship that appeals most to Jesus Christ our Lord. It is not by these outward signs, this pomp and show, that have no religion in them. Religion is a contrite heart, a humility of spirit, earnest devotion, and faithful service to the Christ of God, the Son of Man, the Savior of the world.

I challenge the strange doctrine that you have got to lower the United States flag and put this Roman cross above it in order to be accessible to a throne of grace. I challenge the doctrine that this Government should permit it for a moment. It ought not to permit it. We are going on record as to whether or not we will permit it. I ask again why this particular flag was adopted by the Navy?

Mr. HALE. Mr. President, I explained to the Senate on yesterday the circumstances in connection with this matter, and it seems to me the explanation is perfectly clear.

Mr. HEFLIN. I like the Senator personally. I hope he will not get out too far into the water on this particular question.

Mr. HALE. I was not alive when the church pennant was adopted, and the Senator was not alive. It has been in use in the Navy for probably 150 years—since the very beginning of the Navy. We have records showing that it was referred to in 1867, and in all probability the flag that is now used was taken over when we started our Navy, and its use was in accordance with the English tradition. They had the same custom in their own navy. The Senator referred to this as a "Roman Catholic flag." What does he mean by a "Roman Catholic flag"? I did not know there was such a flag.

Mr. HEFLIN. Well, the Senator is not able to discuss this matter with me if he does not know that. [Laughter.]

Mr. HALE. There is a cross on this flag, and there is also a cross on the Red Cross flag. Does the Senator say that is a Roman Catholic flag?

Mr. HEFLIN. I am speaking about this particular one.

Mr. HALE. But I should like to have the Senator explain what he means by a "Roman Catholic flag." This is purely a nonsectarian flag; it has nothing to do with any religious denomination in any way whatsoever.

Mr. HEFLIN. Has not the Senator ever seen a cross flying on the Catholic banner around their institutions and in their parades, and in other places?

Mr. HALE. Does the Senator mean to say that the cross may not be used at all on any banner in this country?

Mr. HEFLIN. If the people want to use a cross, of course, Christ was crucified on a cross; but I do not propose for Catholics in the Navy, if I must speak plainly, to prescribe what pennant shall be used to the exclusion of all others, and I deny that this particular pennant has been used all along by our Navy—the order permitting the use of this one seems to have been issued recently. So now in the Navy it seems that when other denominations worship they are compelled to have the United States flag lowered and this particular Catholic pennant put above it.

Mr. HALE. The cross is not a Catholic symbol in this case in any possible way, shape, or manner. The only Catholic flag that I ever heard of is the flag of the Vatican, which, I understand, has a cross on a black and yellow field, and on that cross is superimposed the corpus; that is, the figure of the body of Christ. I understand that to be the Vatican flag. I have not seen that flag myself, but I have heard it so described.

Mr. HEFLIN. The Senator is more familiar with the Vatican and its flag than I am.

Mr. HALE. This question has nothing to do with any such flag as that.

Mr. HEFLIN. That is what I said, that it was designed on the order of the Vatican flag, and the Catholics are well pleased with it.

Mr. HALE. It is not in any way a sectarian flag, and I can not see why the old custom of the Navy should be changed because the Senator objects to the particular flag which is used.

Mr. HEFLIN. I will ask the Senator, does he believe that any flag or pennant should be put above the American flag? What is the necessity for it? Does the Senator believe that the people of Maine want that flag lowered by any denomination and another flag put above it?

Mr. HALE. I do not think the people of Maine would in any way be disturbed by the Navy keeping up the custom that it has always kept up. The move to put that flag over the other flag was a religious move; certainly not a sectarian move. It was done in order to do reverence and honor to religion, no particular religion but to religion in general.

Mr. HEFLIN. But this I understand is not the pennant always used. How would the Senator stand on fixing up a banner of American design and putting that up there with a little red schoolhouse on it? That would represent the public-school system of America, the bulwark of American liberty. The Roman hierarchy and political machine of Rome are deadly enemies of the little red schoolhouse that opens the door of education and opportunity to every boy and girl in the country.

Mr. HALE. The hierarchy and political machine of Rome, to which the Senator refers, have nothing to do with this question in any way in the mind of anyone except the Senator from Alabama.

Mr. HEFLIN. I regret that the Senator feels that way about it; but let the people of Maine help him to determine that question.

Mr. HALE. I am perfectly willing to leave it to the people of Maine.

Mr. HEFLIN. I am satisfied that the Senator is going to be questioned about it, because this serious matter means a great deal to informed wide-awake Americans. They do not want these things put over their public servants at the Capitol, some of whom seem to be stone blind and deaf with regard to this important American matter.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit me to suggest also that the Army chaplain's flag is a Latin cross in white on a blue ground.

Mr. HEFLIN. I am going to take both of them down. [Laughter.] I will ask the Senator from Pennsylvania if he does not think it would be better to put those banners or pennants somewhere else below the United States flag rather than above it?

Mr. REED of Pennsylvania. In the Army there are not any masts, so they can not put one above the other.

Mr. HEFLIN. Why not?

Mr. REED of Pennsylvania. Because the Army does not have any masts.

Mr. HEFLIN. They put the flag up and fasten it to a pole.

Mr. REED of Pennsylvania. They do not put two flags on the same pole.

Mr. HEFLIN. They can lower the American flag on the pole and put the Roman cross above it. Senators can not get away from this issue by reciting statements here that were taught them by Roman Catholic chaplains of the Navy. [Laughter.] I am familiar with them.

I want to remind the Senator of another thing. A Protestant boy on one of the battleships was beat up by some of the officers and men. He seems to have struck an officer a back-handed lick, not knowing he was there. It seemed that he had been drinking. It was his first offense. When he discovered that he had struck an officer he never touched him any more and did not hurt him at all seriously. That boy has been transferred to another ship. He and one other were the only two Protestants on that ship; among the whole outfit there were just two Protestant sailors, and there is only one of them now.

These things just do not happen in this way. I am talking to you about matters that vitally affect this Government. The Bible says, "My people perish for lack of knowledge." Some countries perish for lack of courage in their public men. Now, here is what happens with some of them: This Roman machine slips around; it keeps in touch with Protestants it can use. It tells them, "If you will do this and do that we will give you the Catholic vote." You never get such Protestants to open their mouths for Protestant institutions or for American free institutions any more. Such men are not worth 5 cents any more to the cause of the country; but they get enough of that vote and by pussyfooting and whispered conversations do get elected; and when you bring up the question of the sovereignty of this Government, supreme power of the flag, they say, "That is all right; sure, that is all right. That just happens to be a cross, and the Pope has got one just like it on the Vatican, but what of it?" That is fine logic, is it not?

Now I am going to give you a chance to say whether or not any pennant shall fly above the American flag. I am going to ask the Senator from Maine if he will vote for a resolution that will declare it to be the fixed policy of this Government that no flag or pennant shall fly above the American flag?

Mr. HALE. Mr. President, I do not object to the question of the Senator in any way. If we are going to have any action on that matter that involves a change in the whole procedure of the Navy in this respect, I should think it should go before the Senate Committee on Naval Affairs to see whether or not there is any rhyme or reason in the request. Certainly I should not object to that.

Mr. HEFLIN. From what the Senator knows about it now, with the question up as to whether or not the pennant should fly above or below the American flag, which way would the Senator vote?

Mr. HALE. Does the Senator mean after the argument that he has made whether I would agree with him? If so, I must certainly say that I would not, and I do not believe that there are 10 Senators in the Chamber who would.

Mr. HEFLIN. We will give the Senator an opportunity to see, and I am going to predict that the Senator will receive a number of telegrams from Maine to-morrow.

Mr. HALE. The Senator from Maine will be delighted to have them.

Mr. HEFLIN. The Senator may speak his convictions and those of the Jesuits and others who do not want that pennant pulled down from above and put under the American flag, but he is not speaking the sentiments of the rank and file of Maine. I have been in Maine; I have spoken there; I know those people and they do not agree with him on this question. They do not want any flag hoisted above that flag; and when the Senator stands on this floor and becomes the champion of the Roman Catholic chaplains and the hierarchy, to keep that Roman cross above the flag, he is taking upon himself a considerable job.

Mr. HALE. Mr. President, the Senator knows that what he is saying is not based on facts in any way, shape, or manner whatever. He knows, if he has any intelligence, that that is not a Roman Catholic flag, and he has no right to call it such.

Mr. HEFLIN. The Senator is improving in his defense of the hierarchy. I assert that it is the Roman Catholic papal banner.

Before I pass from this point, let me say that just yesterday, after the Senator from Maryland objected to the passage of the resolution, I saw that this Roman Catholic anointed of the Pope, Nobile, is to fly to the North Pole, and here is a picture on the front page of the Washington Times showing the cardinals, and the Pope amongst them, anointing him. They have got a cross made out of a tree that grew in the garden of the Vatican; and Nobile, before he sets out on his mission, is blessed and anointed, and he agrees to pray, when he plants that cross on the top of the world, in the name of the Pope, whom they claim is the supreme power of the world.

I just wish the Senator from Maine could have gone there and witnessed that. If he had done that, he would have been in better position to defend them. This man is going up to drop that cross, to plant it in the ice. I imagine that a hundred years from now, when trips will frequently be made there, they will find that thing looking as though it grew up out of the ice, and there will be a lot of pilgrims who will swear that Christ himself put it there. Oh, it would have been glorious for the Senator from Maine to have been present on that occasion.

Mr. President, I have here a picture of the battleship *Florida*. There is Old Glory, drawn down a couple of feet or more; and up goes the Roman cross, flying to the breeze. In spite of the imagination of the Senator from Maine, it is flying there in the picture. I received a letter from a patriotic citizen who sent it to me, and he asked me why we did not look after that situation and change it. He said that he did not want to see any flag fly above our flag. Yet I encounter opposition from the Senator from Maryland and the Senator from Maine when I raise the question as to which flag should fly in the uppermost place, when I contend for the right of our flag to be first, the right to have it fly with no other flag challenging its supreme authority. There is but one excuse you can give me—one of two. One is that the Romans want it there; the other is that Old Glory is not fit to fly first.

Mr. President, that flag flies over the great American household in which is sheltered religious freedom in America. But for that flag and its sovereign power, I would not have the right to worship as I choose; neither would you, nor the people here who hear me. It is by the sovereign power which that flag represents that I am entitled to worship as I choose. It is that flag, and what it represents, that gives every man and woman in the country the right to kneel down and worship God as he or she sees fit; the right of congregations throughout the country to repair to their churches on Sunday, whether they are plain log houses, brick, or stone, and conduct their services as they choose; and yet the Pope of Rome, Pius IX, declares in his doctrine that the State has no right to permit the citizen to have the religion of his choice. He declares in his doctrine, following that, that the Roman Church has the right to set up the Roman Catholic religion as the exclusive religion, and to exclude all other religions but the Roman Catholic religion.

Cardinal Gibbons, of Maryland, said:

> Nowhere in recorded history can you find a single instance where the doctrine laid down by any Pope was ever condemned or repudiated by another Pope. The doctrine of one Pope becomes the doctrine of all Popes, unchangeable and eternal.

Now, if that doctrine is taught in this land of ours—and it is—why do we sit here with folded arms, having eyes to see and seeing not, and ears to hear and hearing not, when they are pulling down our flag upon the battleships and elsewhere and flying the Roman cross above it?

Let me read to you what is being taught in the parochial schools of America right on this subject.

This is from the Manual of Christian Doctrine, and so forth, forty-fourth edition. It bears the imprimatur of Cardinal Dougherty as an approved textbook. The system of instruction is by question and answer. I quote two or three samples of the instruction that is now being given to our American children in Catholic parochial schools:

> Q. May the state separate itself from the church?—A. No; because it may not withdraw from the supreme rule of Christ.
>
> Q. What name is given to the doctrine that the state has neither the right nor the duty to be united to the church to protect it?—A. This doctrine is called liberalism. It is founded principally on the fact that modern society is founded on liberty of conscience and worship and liberty of speech and of the press.
>
> Q. Why is liberalism to be condemned?—A. Because it denies all subordination of the state to the church.

That is being taught in the parochial schools of America. One of the fundamental doctrines of this Nation is the separation of church and state—religious freedom—that every man, woman, and child may worship God as they choose. That is left to the citizen to decide; but here we are confronted with the doctrine of the Roman Catholic hierarchy, backed by the Roman Catholic political machine, with Al Smith as its chief head, trying to become President of the United States, claiming delegates right and left.

He has not got 500, and some of them are in question, and there will be contests at the convention. He is claiming 659. This little squirrel-headed fellow up here in the press gallery named Fox has claimed about enough to nominate him. They say Senator REED is as mad as a wet hen, if he will excuse the slang; that they are claiming his delegates and claiming other delegates; and now they bring forth the startling statement from Tammany that the thing that concerns them most is how to keep from nominating him on the first ballot!

What do you think of that? There never has been such a campaign made in the history of this country. My judgment is that there never has been so much money spent in any one man's campaign. I think a great deal has been spent in Mr. Hoover's campaign. I think the metropolitan press has determined to nominate Hoover for the Republicans, and Smith for the Democrats, and I think the hierarchy would be satisfied with either. Of course, they would like to have their own dear Al Smith, but they are not going to get him; and I do not think Hoover is going to be nominated. I think the Vice President has some chance; I think Frank Lowden has some chance; but I am inclined to think that you will nominate either Hughes or Coolidge. Put that in your pipes and smoke it until the convention and see how it works. [Laughter.]

Why are the leading Republicans trying to get Smith nominated? Why are the Republican Washington Post and these little Republican pen pushers boosting Smith and just trying to shove him right over on us? Because they know that if we nominate him, you Republicans will get in a room and you will laugh your sides sore. [Laughter.] You will say, "By golly! They did it. We can go fishing now." [Laughter.] You know you can beat him by ten or fifteen million votes, and that is why you are trying to put him on us. I want you to stop it [laughter] because I think something of the future of my party; the well-being of the Democratic Party.

The PRESIDING OFFICER. The occupants of the galleries will be in order.

Mr. HEFLIN. It looks like the Democratic Party is fast becoming the only champion of the flag. The leader from Maine has gone back on it. The Senator from Pennsylvania

was about to get into the lake. The Senator from Maryland—may the Lord have mercy on his soul! [Laughter.]

Here is a little fellow called Rothwell Brown. Rothwell is a pretty bright squib writer. He writes the "Postscripts," and he is properly the postscript. Listen what he observes about this race of Governor Smith's:

> If Senator JIM REED were as philosophical as Senator WALSH, he would realize that if Al Smith is finally turned down because he is a Catholic the Democratic nomination for President would be just about as valuable to any other candidate as a plugged nickel in a Broadway night club.

[Laughter.]

Do you understand how to count notches on a mile post, or to interpret figures on a cat-faced pine? Then there is a threat to the party that the Roman Catholic hierarchy will bolt; that unless we do their bidding, and accept their chosen candidate, they will vote some other ticket. Of course they will. That is nothing new for them. I understand they have interrogated these candidates for President a little.

I advocated this resolution to raise a committee to investigate these slush funds, and I am satisfied that there are Senators on that committee who are going to make something out of the investigation. You are going to investigate in earnest, and not let it be a farcical performance to whitewash somebody. I understand that Governor Smith gave out a statement that he had not even authorized anybody to give anything for him, and he had not asked anybody to act as treasurer. Why, of course not. Those are the Tammany tactics. Somebody else does that; and you note this: He has not made a speech in a single State in the Union outside of New York. He has not discussed national issues once. You will pardon me if I tell you I do not think he can. [Laughter.] I do not think he is presidential timber. I do not think he is big enough to fill that office. I do not think the Nation ought to accept a Tammanyite of that stripe for the office of President.

Grover Cleveland denounced and repudiated Tammany. Bryan, whose voice sounded around this Nation like a trumpet call, denounced and repudiated Tammany. Woodrow Wilson, a great man, twice elected President, denounced and repudiated Tammany. Her history is covered with the slime of crookedness and corruption from its birth time; and yet the great Democratic Party, which has produced some of the ablest men that ever adorned public life in this country, is now called upon to accept that man to be the leader of the host of Democracy; and we are threatened, like that Rothwell Brown squib, and others say that if we do not accept him they will bolt the party, and bring it to defeat.

Are we ready to heed those threats? Is the South ready to accept the threat against her, that Governor Smith and his bunch would punish the South by opposing measures which would benefit the South unless we fell in line and supported Smith? Yet that is a fact. Even the Washington Post had an editorial on that, and condemned them for employing those tactics. They went down in Virginia and made that speech. There is a publication gotten out by Doctor Scharf, a Roman Catholic, who is aiding Smith in the South, to the effect that they bolted in 1924, and that they would bolt again if Smith were not nominated.

What are they saying to us, in effect? Rothwell Brown has said that if the Democrats of America decided to nominate a Protestant instead of a Catholic, the Catholics would bolt. That is what they are saying. There is not any other way to express it but to tell the blunt truth about it. They are saying in their Catholic papers, "If you do not nominate Smith, the party will commit suicide." What is that equivalent to saying? "We are demanding his nomination, and if you do not accept him, we are going to bolt."

I say to loyal Democrats, you have no business considering a man like that as a candidate of the Democratic Party. He has no right or claim upon leadership in the party, or upon the support of Democrats.

That last move by Tammany was interesting; that the thing that was troubling them was how they were going to prevent a stampede to Smith, with Smith being nominated on the first ballot. They hope to avoid that! Are they not considerate and kind? They do not want to hurt the feelings of the favorite sons. Some Democrats are going to have a hard time ever emerging from this wreck that is coming if that fellow is nominated and they vote for him. You will see some of them after it is all over and ask, "How are you?" A great many of them will be lame and halt, and they will be saying, "I am poorly"; and they will be poorly.

And now Tammany is saying: "All we have to do now is to hold them back, and do not let them nominate him on the first ballot!" That is the only thing that is troubling them.

That reminds me of old Rufus, who joined the church when he was 80, and the parson said, "Some of you "niggers" stayed out of the church all your lifetime. I am going to give you a chance to say something now. I have got my eye on one who has been out all his life, and now he is 80 years old," looking at old Rufus. Old Rufus looked pious and blinked, and then got up and said, "As fur as I is individually concerned, the way is clear, dry, and smooth, just like the ceiling. They ain't no rocks or roots or stumps in the way. All I has to do is to walk right up to the pearly gates and go right in. The only thing that's troubling me is how is I gwine to get my shirt on over my wings." Old Rastus, a crap-shooting old fellow, sitting in the corner, rose up and said, "Yes, you old crap-shootin' devil, you; your trouble's gwine to be how is you gwine git your hat on over your horns." [Laughter.] That is going to be Alfred's trouble at Houston. They are not going to be able to put the Democratic hat over the ears of that Tammany tiger. The moral forces in the Democratic Party will never accept that as leadership.

The Senator from Maryland rises in his place here and makes wet speeches, attacking the eighteenth amendment and the law-enforcement forces of the country, nearly every chance he gets. He did imagine at one time that Ritchie had some chance; but Ritchie spoke himself out up here at the Jackson Day banquet. He is now not much more than an aid society to Alfred E. Smith.

The Senator from Maryland stands up here talking about violation of the law, and what is going to happen. You remember last year in the debate with me he said that if a dry were nominated there would be a third party, and a wet would be nominated. Do you remember that? I thought about him the other night. I read a horrible story from Kentucky, of a mother with her two boys and her daughter and her sister living with her out beneath the shades of her own roof tree; an American mother, entitled to protection, entitled to live undisturbed.

There was a stillhouse or two operating near her home. Her boys were being tempted. Her desire to rear them away from that miserable influence, her desire to see the law of the country enforced, her desire to have the Constitution lived up to, prompted her to walk 14 miles—an American mother, earnest enough to get out and walk the highway 14 miles in and 14 miles back—to quietly inform the officers of the law, of the law being broken, and of these evil influences near her home. It got out amongst the distillers that she had told. They gathered around her house at midnight and called one of her boys to the door, pretending to want to hire him to chop wood the next day. The boy agreed to do the work and he went back into the house. They found who was there. In half an hour or more they were awakened by hearing the crackling of fire. The house was filled with smoke. Their house was afire, being consumed in a flood of flame—and all this right here in America.

Outlaws and thugs had gone there, lighted this house with a torch, and gathered around with their guns. The door had been fixed so that it could not be opened, and one of the boys had to break it down with an ax from within. Then one of the boys leaped out through the smoke and they shot him four or five times. He hollered that he was shot. That was the first sound that greeted his mother's ears as she followed, the cry of her offspring, of her eldest boy, who was shot down and murdered in her home. Then they shot her, and she passed away in a moment or two. They shot her sister and shot her other boy and her daughter.

There was a mother guarding her offspring from the road of ruin, aiding the constituted authorities of her country to enforce the law, murdered for being a good citizen, killed for opposing the conduct of criminals, and hearing the wails of her offspring dying before she passed away, right here in the United States.

The outlaws, the criminal horde who attack the eighteenth amendment and the Volstead Act, are moving against the strongholds of the Government, shooting down mothers and killing their children, inspired by speeches made in this body, no doubt, and by other forces that are at work, since they feel that Al Smith, the Tammany wet, will soon be in charge, and the law will not be enforced, and the barrooms will come back, with all their attendant evils, these hell holes that haunted the Nation and dragged men and women down to ruin in the years that have gone; driven out by the prayers and the efforts of godly mothers and fathers in the country, by ministers of the gospel, by moral men and women, and now they are fighting to keep them out. Alfred Smith said in a speech in New York, we are told, that he wanted the day to come back when he could put his foot on the bar rail and blow the foam from the glass.

You would bring back the barroom, Governor Smith? We have a serious problem with the negro now. We have the best negroes in the world, and we have some of the meanest, and your social-equality ideas, Governor Smith, are hurting us in the South; already your dance halls in your home city of New York, where negro men dance with white women in New York City every night, present a mean and contemptible form of social equality.

Your effort to have the antilynching bill passed when your Democrats from Tammany would not vote with us was putting a premium on the crime of rape, and sowing dragon's teeth in the paths of white women in the South and in other sections of the country.

Governor Smith, you are not sound on that question; you are not sound on the whisky question; you are not sound on the great moral issues of the Nation. You are a Constitution nullifier. You withdrew your State from the Union so far as the eighteenth amendment is concerned. You bade defiance to that portion of the Constitution and announced in effect that you had no sympathy for it and no support for it in the action you took.

Now, Governor Smith, there is a doctrine in your church which declares that any part of the Constitution or laws condemned by the Pope is not binding on Catholics.

Not long ago, Governor Smith, the Delaware Express, a paper in the United States, took the college of cardinals to task for advising the repeal of the eighteenth amendment and the law-enforcement statutes of the United States, and that Delaware paper said that they were not taking their inspiration and directions from the Vatican in Rome, but were taking them from the people of this country, and that they relied upon the United States Congress to attend to these things.

Mr. President, on top of that, they are going around and digging up this money and pussyfooting about the country, slipping it here and yonder. It is hard to keep track of them. But you see the evil effects of their corrupt work.

I hope the campaign investigating committee will summon here the editor of the Asheville Citizen, of North Carolina, Mr. Webb. I want them to call him here and ask him if any contribution has been made to him or to his paper for the support of Governor Smith in North Carolina. I want the manager of his campaign in North Carolina subpœnaed, and I want the manager of his campaign in each congressional district subpœnaed, and asked who is furnishing the money they are using in North Carolina; asked the source of the financial aid they are getting.

I would like to have Mr. Wilbur Marsh, of Iowa, brought here, and Mayor Walker, of New York City, and others. There are some active up there, I understand, who are not in the city of New York; they are operating for Smith in this campaign on the Jersey side of the river. Let the committee inquire about them, and bring them down and see what they know about this question.

Mr. President, another word or two for the moment, and I will be through. Let me read you something interesting on this subject:

When a Catholic candidate is on a ticket and the opponent is a non-Catholic, let the Catholic candidate have the vote, no matter what he represents. (Catholic Review.)

A priest can not be forced to give testimony before a secular judge. (Taberna, a papal theologian, vol. 2, p. 288.)

The Roman Catholic citizens of the United States owe no allegiance to any principles of the Government which are condemned by the Pope. (The Tablet—R. C.)

Undoubtedly, it is the intention of the Pope to possess this country. In this intention he is aided by the Jesuits and all the Catholic prelates and priests. (Dr. O. A. Brownson—Catholic writer.)

Many non-Catholics fear us as a political organization and are afraid that the Catholic Church will dominate and rule. We are working quietly, seriously, and, I may say, effectively to that end.

June number, 1909, of the Missionary Roman Catholic:

We can have the United States in 10 years, and I want to give you three points for your consideration: The Indians, the negroes, and the common schools.

They will get control of the common schools of America. The next time I discuss this question I am going to tell how they captured the common schools of a large city, a city of considerable importance, and just what happened to the institution after they got charge of it, how they ignored the requests of the Protestants and how they have filled the places of teachers with Catholics.

I am going to call attention now to a bill introduced in the Legislature of New York a few years ago providing a penalty for any agency to go out in the rural districts seeking a school for a son or a daughter or a neighbor and telling what church they belonged to. At the hearings it was disclosed that the Knights of Columbus objected to the present way of doing these things because they said Catholics were discriminated against. If the Protestant people out in the communities were told that the person seeking a school was a Catholic they would not employ him or her, but wanted a Protestant. Think of that, Senators! Why should not they have Protestant teachers if they wanted them? Would you muzzle a Protestant community and deny it the right to have a Protestant to teach Protestant children? That is what that Catholic move sought to do.

Senators, did you know that Governor Smith offered an amendment to the State constitution of New York proposing to repeal the present provision which provides that no subdivision of the State or the State itself shall appropriate the taxpayers' money for sectarian schools? Governor Smith offered an amendment to repeal that provision in the constitution so as to allow subdivisions to appropriate money to the Roman Catholic schools. That is what was meant by sectarian schools. They control New York City absolutely, so they were going to put parochial schools on the basis of public schools, and Governor Smith was the author of that amendment. I have it.

Mr. HALE. Mr. President, will the Senator yield to me for a moment?

Mr. HEFLIN. I yield.

Mr. HALE. I am compelled to go to a meeting of the conferees on the naval appropriation bill. I would like to explain that the flag which I described this morning as the papal flag was not the papal flag. The papal flag consists of a mitre with crossed keys under it.

Mr. HEFLIN. How is that?

Mr. HALE. The papal flag consists of a mitre with crossed keys under it. I described this morning a flag with a crucifix and cross on it.

Mr. HEFLIN. Now the Senator says the cross is under it.

Mr. HALE. I have stated that the papal flag is a flag with a mitre and crossed keys underneath.

Mr. HEFLIN. Crossed keys?

Mr. HALE. The keys are crossed under it.

Mr. HEFLIN. That is a cross just the same!

Mr. HALE. Oh, no; it it not.

Mr. HEFLIN. That is a very interesting piece of information the Senator from Maine is now offering. It does not make any difference whether the cross is made of keys or straight bars. Show it to me. Oh, no; that is not a key. That is a flag flying at each end of the material forming the Catholic cross.

Mr. HALE. Oh, no; it is a mitre and crossed keys.

Mr. HEFLIN. I do not know what they call it. I know it is a flag at the upper end of the crossed bars. They have two flags flying at the upper end of the cross.

Mr. HALE. No, Mr. President. I have explained that it is a mitre, and the crossed keys have nothing to do with a flag.

Mr. HEFLIN. The Senator is not only wrong on the other question, but he is blind on this one. Anybody can see that those are little flags at the end of that cross. Would the Senator give the impression that they are the Vatican keys to unlock the sovereign household of America? Well, I do not think that will be done.

It does not make any difference whether they run the flag at the top of those crosspieces, or whether they run it at the bottom. The flags are there. The pennant is one that has been gotten up, not by the Protestants of America, not by the Jews, but by that other force. They are very successful in getting certain Protestants to come to their rescue, and they will get the Senator from Maine in a lot of trouble if he does not mind. They will have him explaining all over Maine why he has championed the plan of a foreign potentate to fly that flag above the United States flag. I did not ask him to get into this discussion. I told him at the outset I would rather he would stay out. [Laughter.] But he has come in of his own accord, and that is his privilege. Now let him explain to his people in Maine.

Mr. President, I ask unanimous consent that we vote immediately on this flag resolution of mine.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection to the request of the Senator from Alabama?

Mr. BRUCE. I object. I desire to say something on the matter.

Mr. SMOOT. Mr. President, according to the rule we would have to have a quorum called first.

Mr. HEFLIN. I have not yielded the floor.

Mr. SMOOT. Before a vote could be taken by unanimous consent we would have to have a quorum call.

Mr. HEFLIN. Very well; I had a purpose in making that request now; I will wait and renew the request later. It may be necessary for me to make a motion. My resolution is already on the table and can be taken from there. I want a quorum

here when we vote on it. I want every one to have a chance to express himself on it. I think it is high time that the country, through the Congress, should fix a policy regarding the use and abuse of the United States flag. We will never have this question before us any more if we do that. If anyone wants to put up a pennant somewhere around the ship's edge to announce religious services on Sunday, that can be done. I am utterly surprised that any Senator on this floor would rise here and quibble on the question when it is so simple that a child can see it and understand it. If there is no design in putting it above our flag, why does not everybody rise up and say so? There would be no harm done. Put it below our flag. Why should they insist that it go up there? That is a question for us to consider.

Who are we representing, the people of America or the people who have some sort of secret allegiance to a foreign government? Mr. President, I told the Senate the other day that the supreme authority of that flag in the United States was challenged by the Pope of Rome and his cardinals recently. Sixty-three Americans, members of the Catholic Church, in Rhode Island, who had given large sums of money to a Catholic bishop and priest, asked what they had done with it. They refused to tell. They said, "We will take you into court." Was it not the natural thing for American citizens to want to go into an American court of justice to have their claims adjudicated? They ought to have been encouraged. Of course, the bishop and priest had to go into court in the matter. They were indignant. What did they do? They took the names of those 63 Americans to Rome. The Americans were not there in person. They tried those American citizens in a college of cardinals, a church court in a foreign country.

They found against them on this transaction in Rhode Island, United States of America. They condemned and repudiated those American citizens. They excommunicated them, which means that so far as they could they sent their souls to hell for going into a court of justice in America, suing the bishop and priest to get an accounting of the funds in their hands amounting to a million dollars or more. They attacked their business. One of them was an editor. They issued an edict that he could not run his American paper another day. They tried to confiscate his paper by an edict under the Roman flag in Rome when he was exercising his rights as an American citizen under the American flag at home. Which one of those countries has jurisdiction? I say again, we have soldiers and marines in Nicaragua defending the property of American citizens, but who is defending that poor editor in Rhode Island, right under the United States flag, for committing no crime whatever? All he did was to go into an American court of justice instead of a Roman Catholic Church court in a foreign country. They wanted to know the truth and they had a right as American citizens to know it. Their names were taken to Rome in their absence; this action was taken; they condemned his property and ordered him to cease publishing his paper at once.

Senators do not seem to know what is going on. Doctor McDaniel, the great Baptist preacher, president of the Southern Baptist Convention, said in the last public speech he ever made to his people: "Of all countries in the world, the Pope wants to get control of America." I have read you doctrine from the Catholic books showing that they intend to control it. The strong men are now laying the foundation, one of them said. Doctor Chapman, of Yale or Harvard, in his book said the Roman Catholic Knights of Columbus slogan is "M. A. C.," meaning "Make America Catholic." Doctor McDaniel said Mussolini and the Catholics had destroyed free speech in Rome; they have destroyed religious freedom; they have destroyed the religious press; they have closed Protestant churches; and burned the lodges of Masons. They have murdered Masons in their homes, 137 of them in one night in Florence, Italy. The grand master of the Masons in Italy is now in prison because he dared to meet with his brethren in a Masonic lodge—five years imprisonment by Mussolini's order, the most dangerous Roman Catholic tyrant in all the world.

Pardon me for expressing the belief that Mussolini was in that plot to kill King Emanuel recently when a bomb exploded. They tried to say that he, too, was in danger, but he was not. The bomb exploded before the King got there. He was a little late. Now, subsequently, we are told that Mussolini is talking about driving the king from his throne and taking it himself. This tyrant, this Roman Catholic tyrant, this man who is secretly conniving with the Vatican in Rome, is a dangerous man. Doctor McDaniel said if the Roman Catholics of the United States wanted to, they could use their influence on the Pope and Mussolini and stop the killing of Protestant and Jew Masons, stop the burning of their lodges, unfetter speech, restore free press, and permit the Protestants and Jews to worship as they choose. He said if they wanted to they could do that, but they will not do it. He said if Mussolini and the Pope wanted to give this freedom to those Protestants and Jews there they could do it, but they will not.

Wake up, America! That flag is the ensign of a Nation's strength and solidarity. It is the battle flag of a patriot Republic. It is the banner of constitutional liberty. Marks, of Tennessee, once speaking of America, said:

> Her emblem is the eagle. Her flag, like a scrap of midnight heaven, blossoms with stars. Stars and eagles belong near the sky, and she will take them home if glory's wing can get her there.

I want our flag to be first and uppermost nearest the sky. I do not want any eye in the world to see that flag pulled down and another flag put above it. Whether it be a Roman Catholic flag or any other flag. Let our flag be first at all times, asserting at home and abroad her single and supreme national authority.

Mr. BRUCE. Mr. President, the Senator from Alabama has said, "God bless the State of Maryland; I sometimes sympathize with her." I reciprocate by saying, "God bless the State of Alabama; I often condole with her," and so does all the press of this country at the present time, and I might say also all of its enlightened citizens.

Of course, the Senator from Alabama is not inclined to draw distinctions between the religious crosses that are consecrated by the strong devotional feelings of mankind. The only cross in which he is interested is the "fiery cross" of the Ku-Klux Klan, which has been responsible during the last three years for no fewer than 700 floggings in the State of Alabama, some of old men, some of women, and some of children.

Mr. HEFLIN. I challenge that statement. It is not true. There has been a lot of misrepresentation made about that by the Roman-Catholic-controlled press of my State.

Mr. BRUCE. Mr. President, I decline to be interrupted. All I want to say is that the truth would be in a bad way if the final test of truth was the ultimatum of the Senator from Alabama.

Many years ago a Member of this body entertained the same fear of assassination by some agency, the exact nature of which I forget, that the Senator from Alabama does, of assassination at the hands of the Catholic Church; and Senator Thurman, of Ohio, commenting on that fact, said on one occasion that the idea of that Senator that he might be assassinated was "the airiest bubble that had ever found lodgment in an empty head." So I say that an airier bubble never found lodgment in a—I will not repeat the adjective—head than the idea of the Senator from Alabama that I have been prompted by any Catholic ecclesiastic, prelate, or layman to object to the instant consideration of the bill which he attempted to bring to a vote yesterday. Not one single, solitary ecclesiastic, prelate, or layman has ever had a word to say to me, either epistolary or oral, with respect to that bill. Equally absurd is the idea that the conditional objection that I made to it yesterday was prompted by any special interest of any sort. Never has a single line been written nor a single word uttered to me by any banker, broker, factor, merchant, trader, or any person whatsoever in relation to the bill. The abusive allegations of the Senator from Alabama are wholly the fictions of his own distempered, and I am beginning to believe almost deranged intellect. [Laughter.] I simply asked that the bill, which I had had no opportunity to examine, should not be taken up yesterday for instant consideration, as I wished an opportunity to examine its contents.

Mr. HEFLIN. It was on day before yesterday.

Mr. BRUCE. Was it the day before yesterday? If that is true, I am glad to see that the Senator from Alabama is for once accurate.

Mr. HEFLIN. I will be accurate again in a few minutes.

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Alabama?

Mr. BRUCE. No. It is beyond the Senator's power to be accurate. I recollect that Judge Black once spoke of somebody or something as being "marked by loose and lavish unveracity," and I have never heard the Senator from Alabama make a speech in my life that was not marked by loose and lavish inaccuracy.

I took it for granted, naturally enough, that our Department of Agriculture would not have pursued for years the practice of making predictions with reference to crop prices unless there had been some popular demand for price prediction, and unless there had been some sort of substantial basis found in the human reason for such a practice; but I was as good as my word. As soon as I had the opportunity I read the bill, and notwithstanding the fact that I observed that it had been so amended as to eliminate from it all reference to predictions in

relation to corn and wheat and other commodities than cotton, I became inclined to vote for it——

Mr. HEFLIN. Will the Senator yield there?

Mr. BRUCE. That is to say, to withdraw my objection to its consideration, should consideration again be asked for at any time, though to this moment it has been my hope that some Member of the Senate—if there be such a Member opposed to it—might rise and give me a clearer understanding than I have had of the reasons why the administrative practice of making price predictions has prevailed for so many years.

Mr. HEFLIN. Mr. President, will the Senator yield now?

Mr. BRUCE. So the Senator has not only indulged in scurrilous language with reference to me, but he has indulged in it from the point of view of the fortunes of his own bill, when there was no occasion for his doing so; but I suppose that when the Senator gives free rein to his natural instincts of scurrility it makes very little difference to him whether there is any real provocation for his doing it or not.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. BRUCE. No; I do not. You have already made a threat as to what you propose to say in reply to me.

Mr. HEFLIN. The department never has made those price predictions before.

The PRESIDING OFFICER. The Senator from Maryland declines to be interrupted.

Mr. BRUCE. They had never previously made these price predictions?

Mr. HEFLIN. No, sir; they never made those predictions until last year.

Mr. BRUCE. Then, it is hard for me to see how there could be any considerable fund of human experience to show that the practice is a pernicious or inexpedient one.

So much for that. Now, just a word with regard to the pennant that flies above our ships during the hour of prayer. As has been already explained, that pennant is not the Catholic pennant at all. The Catholic pennant is a yellow and white flag with the crossed keys of St. Peter and the papal tiara. That is the Catholic flag. The flag that flies above our ships is a flag that, like the Constitution of our country, like the human heart when it is at its best, knows no sect whatsoever. It is flown from the ship whether its chaplain is a Catholic priest or a Presbyterian minister or a Methodist pastor or a Baptist pastor or a Lutheran pastor. It is a blue cross on a white field, the Christian cross that is common to all sects, except, as I am informed, the Greek Orthodox Church, whose cross is the St. Andrew's cross.

And why should that pennant not fly at the masthead above our national flag when our naval officers and sailors are paying their brief homage in prayer to God, the God who is not only the God of mercy and the God of love, but the God of hosts. It is flown to notify every passing vessel that on the ship on which it is spread to the breeze the hour is being dedicated to the worship of God, to reverence for His holy name, and to the cultivation of the profoundest and most exalted sentiments by which the human breast can be animated. It has been flown on our warships ever since 1850, and on British warships for the last 800 years, it is said.

Never, it seems to me, is the character of the Christian more impressively, more strikingly illustrated than when he is pictured as a soldier. He owes allegiance to the most powerful of all princes. He serves under the greatest of all commanders. It is his duty, as it is that of the seaman or the ordinary soldier, to obey his superiors and to keep step with his comrades. In his bosom is the battle field on which the principles of good and evil are ever struggling for the mastery. It is eminently proper, therefore, that His pennant should, at times, in the hour of prayer, in the hour of devotion, in moments of adoration or reverence, fly above the Stars and Stripes from the mastheads of our ships, or be elevated above them in the military field.

As for me, I see nothing inappropriate, I see nothing incongruous, I see nothing that deserves criticism or censure in the pennant of Christ floating for a few minutes of worship above our proud national emblem; and when I see it streaming in the wind my mind goes back to those beautiful lines of Shakespeare, in Richard II, when, speaking of the end of "banished Norfolk," he says that Norfolk—

> Toil'd with works of war, retired himself
> To Italy; and there at Venice gave
> His body to that pleasant country's earth,
> And his pure soul unto his captain Christ,
> Under whose colors he had fought so long.

These are the sensations, these are the feelings, aroused in my heart, and I believe in the heart of every Member of the Senate, except perhaps that of the Senator from Alabama, when we see that religious emblem aloft in the pure air of heaven.

I do not intend to follow the Senator any further in his long rambling and disconnected observations on pretty much everything with which the human mind of the United States is concerned at the present time. Least of all have I any intention of offering any defense of Governor Smith. He is already as good as nominated. Every thinking man knows that. Now that in Maryland we have been unable to make certain the nomination of our own honored governor—who, in my opinion, is the best qualified man in the United States at the present time to be President—it is a source of nothing but intense gratification to me that Governor Smith will so assuredly be nominated, and, as I believe, elected, too.

For many months past I have said that, other things being equal, at the present time—though under ordinary circumstances I do not think that sectarian distinctions of any sort should have any place in the public life of this country—I should rather see a Catholic, if you please, nominated to the Presidency of the United States, than any Protestant, because, in the providence of God, the time has come when another solemn appeal should be made to the fidelity of the American people to the Federal Constitution, which, of course, bans sectarian distinctions of every sort so far as the political life of our country is concerned, and when every true American should be quick to set his foot upon the rising spirit of sectarian intolerance, which has recently been such a disgraceful, not to say such an abominable feature of our national life.

The Senator made some reference to Francis Scott Key, the author of the Star-Spangled Banner. Besides being a poet of some merit, and a true American, he was as pure minded a man and as devout a Christian as ever lived in our land. The thought that he would not have been willing that the pennant which is the pennant of no single church but of all churches, should fly in hours of devotion at sea above the flag that he did so much to glorify, is one that is not tenable for a moment to a Marylander who is familiar with his character, his career, and his religious and political beliefs.

No; I say that nothing better could befall this country, nothing would do more to purify our political atmosphere at the present time, than the election to the Presidency of the United States of some one who did not happen to be a Protestant. Governor Smith is about to be nominated to the Presidency not because he is a Catholic but because he is a man of the most delightful and magnetic personality; because his whole career has been marked in the highest degree by integrity and public spirit; because he is endowed with an extraordinary measure of administrative genius; and because he has taken hold of the imagination of the country as no one has done for years past in our political history.

It so happens that no other Catholic in our national annals, unless it is Charles Carroll of Carrollton, has ever been sufficiently famous to be pointed out as a highly eligible candidate for the Presidency of the United States; but now that we have a man who answers that description, and who happens to be of a different faith from mine or from the faith of the Senator from Alabama, if he has any, which I am inclined to doubt, he is to be rejected on the preposterous ground that he is a Papist, or that, if elected to the Presidency of the United States, he would be subservient to some influence inimical to the welfare of the people of the United States! It is enough to state such a proposition to doom it to condemnation.

Why, the splendid qualifications of this man for the Presidency are not certified to by Democrats alone. By far the most impressive tributes that I have ever heard paid to his abilities and public usefulness are those paid to them by three of the most celebrated Republican residents of the State of New York—indeed, of the entire United States—Elihu Root, Charles E. Hughes, and Nicholas Murray Butler. Upon credentials from such members of the Republican Party as these, as well as upon credentials from members of his own party, the claims of Governor Smith to the Presidency are based.

In fine, in the fullness of time just what was predicted by Theodore Roosevelt—that true American, who scorned sectarian bigotry as few great Americans have—is about to take place. You will recollect that in one of his famous letters he said, if I recall his words aright, that in the future it was not unreasonable to expect that a Catholic would become President of the United States, and later a Jew.

I say, God speed that day; because once elect a Catholic or a Jew to the Presidency of the United States, and never again would we hear anything more of hateful sectarian distinctions in connection with the Chief Magistracy of our Nation. To-day we have sitting upon our supreme bench, in the city of Baltimore, two Americans of Jewish extraction, and two of the

most learned and useful judges on that bench they are. The two most famous chief judges that have ever sat upon the bench of the Court of Appeals of Maryland in my time were two great Catholic lawyers and jurists, Judges Alvey and McSherry. Two of the greatest Chief Justices that have ever sat upon the Bench of the Supreme Court of the United States, Chief Justice Taney and Chief Justice White, were Catholics; and there are one or more Catholics sitting upon the Bench of the Supreme Court to-day. Surely if we can commit our lives, our liberties, and fortunes to the arbitrament of Catholic judges we can safely intrust to a Catholic the responsibilities of the loftiest executive office of our country.

Who stops to think any longer whether a man appointed to high judicial office, and clothed with the most exacting duties with which an individual can be invested is a Catholic or a Protestant or a Jew? We have long passed that stage of primitive superstition and prejudice. This thought—how contemptible it is—that the heart of the Catholic is not as devotedly loyal to every part of our country as that of any other American citizen whatsoever.

Why, it is a fact that practically every battle lyric that has ever stirred the heart of the South, not to speak of Catholic patriotism in its larger aspects, was written by a Catholic.

Who wrote The Sword of Lee? Who wrote The Conquered Banner? Father Ryan, of Alabama, a Catholic priest. Who wrote Maryland, My Maryland—that inspiring battle song? Randall, of Maryland, a Catholic. Who wrote Hurrah for the Bonny Blue Flag—that flag that was so often dyed with the richest crimson from the veins of the South? Why, an Arkansas Catholic.

Ah! Far better did the trustees of the University of Virginia know the true heart of the South than the Senator from Alabama when that university held its great centenary celebration a few years ago, to which illustrious men repaired from almost every corner of the globe, and selected as the priest to open the exercises on that memorable occasion Bishop O'Connell, a Catholic bishop of the city of Richmond, Va.

The Senator from Alabama is in no danger of assassination. Let him not lay that flattering unction, for that is all it is, to his soul. American patriots, American Democrats, can not afford to have him assassinated. He is making more friends for religious freedom and Governor Smith than any other man in the land. I for one am ready at any moment to form part of a bodyguard with which to preserve his precious life—so priceless to us in making intolerance detestable, in showing how much better it is that the human heart should be actuated by love than by hate, and how much more advisable it is that we should cling, as to the cords of our eternal salvation, to our Federal Constitution, which tolerates no sectarian discrimination whatever, than that we should be engaged in the odious, the un-Christian, the unpatriotic, the wicked task of stirring up brother against brother and sister against sister and of curdling all that is kindliest in the sweet milk of human nature; the effect of such conduct is simply to estrange us from the teachings of Washington and Jefferson and Madison and the other great founders of this Republic, who inculcated, as they inculcated hardly anything else, the principle of religious freedom, and brings us to that domain of narrow-mindedness, of bitterness, of rancor, and of discord, in which the despicable bigot lives and has his being.

I had not expected to say what I have said. Perhaps I have spoken longer than I should have done, but I would have been false to my country, false to the State that I have the honor in part to represent in this body, and above all to myself, if I had not said what I have said.

Mr. HEFLIN. Mr. President, I shall be very brief in replying to the defense that the Senator from Maryland has tried to make of himself and his political alignments.

Mr. NORBECK. Mr. President, will the Senator yield to me just a moment; or does the Senator prefer to go on now?

Mr. HEFLIN. I would prefer to go on now. I am not going to speak long.

Mr. NORBECK. I just want to make a short speech on a Republican candidate for President.

Mr. HEFLIN. I would like to proceed briefly now, because I want to get through and get a bite to eat. I have had nothing to eat since breakfast.

Mr. NORBECK. If I do not have to wait too long.

Mr. HEFLIN. The Senator will not have to wait long. I have already spoken at length and I assure the Senator that I will not speak long.

Mr. President, in the first place, the Senator from Maryland has shown how utterly innocent he is, not to say ignorant, of the facts about this price-predicting power and practice of the Agricultural Department.

Last year, the time we complained of, is the only time they ever made such a prediction about cotton prices. The Senator consumed a great deal of time justifying what he called a practice of a long period of years by the Department of Agriculture. The Senator from South Carolina [Mr. SMITH] showed that this cotton-price prediction was something new under the sun, and that they had no authority to make this prediction, and we complained about it, and we are now trying to keep it from happening again. That was and is the purpose of my bill. So the Senator now shows that he objected to the consideration of it on a ground that did not exist. His information or misinformation was absolutely incorrect, and not sound in any particular. He made his objection and opposed the passage of the bill, according to his own statement, because he was not at all informed about the matter. The Senator also said that he would be glad to see a Roman Catholic elected President over a Protestant. Doctor McDaniel, the great president of the Southern Baptist Convention, in 1926, in a great speech, one of the greatest I ever read, goes on to show that this country was established by Protestants; that these institutions that have grown out of the work of the statesmanship of the early days are Protestant institutions; that there were not in the United States anywhere Catholics of any consequence except a handful with Lord Baltimore over here in Maryland.

I am proud of these institutions, and I do not want to see them lose their Protestant form. I am not fighting the Catholic religion. I am willing for the Catholic to worship as he chooses. I do not know of a Protestant or a Jew in the United States who would, if he could, prevent a Catholic from worshiping as he wants to worship, but I am fighting the Roman Catholic hierarchy and the Roman Catholic machine. I am fighting the declared purpose of the Roman Catholic Church, not the individual's right or desire to worship as he chooses. I am fighting a program that is dangerous to religious freedom in America.

The last book given to the public by the Catholics in America, so far as I know, was written by Doctor Ryan, a Catholic priest of this city, who is the professor of moral theology in the Catholic University of America. Senators, the Senator from Maryland does not keep informed, because I do not think he reads any Protestant literature. He is well informed on the Vatican, he knows what the Jesuits desire and what the program of priest and Pope is, but he is not informed about American affairs from the American standpoint.

Listen to this: In this book which Doctor Ryan has written he sets out boldly and pointedly that when the day comes in the United States when Catholics are strong enough they will set up the Catholic state, declare the Catholic religion, and proscribe other religions; that they may permit some of them to continue to worship until they die out, but they will not be permitted to carry on general propaganda. You can not have your protracted meetings, you can not invite outsiders to join your church, but must eke out your existence until you die, and then the Catholic religion will be declared to be the only religion in the United States. That is what I am fighting against, fighting against the day, and God stay the hand that would bring it, when they will proscribe me and mine, and you and yours, and make us worship as Catholics would have us worship, as they did in Mexico for 400 years, as they have done in other Catholic countries, as they do in the Argentine Republic now. There is a provision in the Constitution of the Argentine Republic to-day, a sister republic, that nobody but a Roman Catholic can be president of that country.

In the face of that the so-called Protestant Senator from Maryland, who was once, I believe, a Presbyterian, and who is now a high church Episcopalian, is gradually moving toward the Vatican. He expresses his wish, and his sincere hope and supreme desire, to see a Roman Catholic elected above all the Protestant statesmen in America President of the United States.

Mr. President, the Senator from Maryland talked about the old days when Roger B. Taney was on the Supreme Bench, and when Priest Ryan wrote The Sword of Lee and Furl that Banner. I want to say to the Senator that in that day the Catholic population was small; they were not flying their flag above the Stars and Stripes; they were not making open and determined warfare against the public-school system of America; they were not bold enough to write in their books to the faithful the program that they were going to proscribe Protestants and Jews and suppress Protestant and Jew religion.

In those days no Pope would have dared to issue an edict condemning the property of an American citizen in Rhode Island or elsewhere and, by an order from Rome, confiscate his property right here under the flag of the United States. In those days, Mr. President, no priest would have dared sit in these galleries and hiss a United States Senator, as one of

them did me when I was helping to defeat their Mexican war program. In those days no priest would have dared to state, as this thug Priest Belford, of New York City, in his periodical, a Catholic paper, did, when he said that they (meaning the Roman Catholics) ought to hire thugs to waylay me and murder me on my way home from the Capitol.

I remind the Senator from Maryland of these bold and brazen encroachments and all these outrageous programs that they are now laying down right here in the United States. They assert in their doctrine that "the public-school system of America ought to go where it came from—the devil." Then the Senator wonders why I give warning to my country in these strange times when so many Americans are asleep.

When I assailed the Roman Catholics for their efforts to get us into war with Mexico, every priest about this place—that I have heard about—condemned me. Every Roman Catholic writer in this press gallery assailed me and misrepresented me and slandered me all over the country. Every Roman Catholic paper in the Nation assailed and slandered and vilified me because I was talking as an American against their un-American program, because I was asserting my rights as an American Senator to defeat, if possible, the Roman Catholic program for war with Mexico. They hated me because I seemed to have the foresight to see just what they were trying to do and had dared to tell the Senate and the country about it.

They would not have dared do that in the days about which the Senator from Maryland speaks when he is courting Catholic votes in Baltimore. I want to remind the Senator that just such obeisance to the flag of the Pope and by the way that particular flag is driving his State away from those who have had control of the Democratic Party there. I want to assert on this floor as a Democrat who has spoken in the name of the Democratic Party since my early youth time that the Democratic Party is not going to become the tail to a Roman Catholic kite in America. The Democratic Party of the Nation, the upstanding, red-blooded Americans of the Nation, under the flag of Democracy, are not going to permit the Roman Catholic political machine of Tammany to intimidate and control the great Democratic Party. Let the Senator from Maryland put that in his pipe and smoke it.

Mr. President, let me also remind the Senator that Baltimore, a Democratic city, defeated a Roman Catholic candidate for mayor last year by 17,000 majority. Archbishop Curley, it is said, insisted on nominating Curran, a Catholic, a very clever and able man. They followed Bishop Curley's suggestion and nominated him, and he was defeated by a large majority.

I want to remind the Senator that a Protestant mayor was elected in Boston; that in Chicago, Dever, the Roman Catholic candidate, went down before Thompson, the Protestant, and in Detroit a man by the name of Smith, a Catholic, was defeated.

I spoke in Detroit in June last year. I addressed Masons, members of the Junior Order of American Mechanics, Knights of the Ku-Klux Klan, the Odd Fellows, and other patriotic citizens. They had a parade in a park. The Romanists objected. The mayor, a Roman Catholic, had machine guns sent out there. They clubbed women, one, it was charged, with a baby in her arms, her head lacerated with a club in the hands of a Catholic policeman, and they had to take her to a hospital.

I addressed them just after all this had occurred. Those fine and brave Americans were ready to fight and die, but I said, "Do not do that; that is not wise or best. They have done enough to make you want to fight and do something desperate, but do not do it. Listen: If you have the American manhood and womanhood that I think you have, lay this to Mayor Smith, candidate for reelection, and beat him for reelection." They did it. Protestants and Jews who were not klansmen were indignant at the action of that Roman Catholic mayor in clubbing those Protestant people, and so they joined with the people imposed upon and clubbed, and beat him by 17,000 votes and drove him out of office. That is what happened to this crowd that is trying to pull down the American standard and put Al Smith in the White House and their standard above the United States flag.

The Senator from Maryland said that three great Republicans had paid high tribute to Al Smith. I told him in the outset that they are trying to get Smith nominated. They know that they can defeat him easily. The Senator told us that Elihu Root had complimented him. Elihu Root is the man who wrote that corporation constitution which Smith tried to put over a few years ago in New York and which the people of New York beat by 500,000 majority. Charles E. Hughes, the able and distinguished American citizen, perhaps the ablest man in the Republican Party to-day, complimented him, I think, because he wants the Democrats to nominate him. He knows that he can toss him around and play with him in a race for President, and operate on him as he chooses. That is why Mr. Hughes complimented Governor Smith.

Then comes old Nicholas "Flurry" the Butler, of the Columbia University, this old whisky-soaked bag of New York. He, a Republican, comes out and boosts Al Smith. Well, his wife is a Roman Catholic and he is rearing his children in the Roman Catholic Church. You know whenever one of those smart alecks, sailing under false colors, gets very smart I unhorse him before the public. I have the history of every one of them, and of their Roman Catholic connections. So I am telling you about old Nicholas Flurry the Butler, of Columbia University. So that disposes of Senator BRUCE'S Nicholas Flurry, the Butler.

The Senator from Maryland referred to President Roosevelt. Roosevelt, in his letter to Archie Butt, which was among the letters Archie gave to his mother at Augusta, Ga., and which were published after Archie Butt died, said: "The Catholic Church is out of harmony with American institutions. It is a Latin proposition," he said, "and could never hope to grow and expand except by emigration." That is what Roosevelt felt and said.

Now, what else? The Senator from Maryland talks about me attacking Catholics. I am not attacking the individual Catholic nor his right to worship God as he chooses. I have two letters now from those American citizens of Roman Catholic faith in Rhode Island thanking me for taking their part and defending them in the Senate in this hour "of their deep trouble." Instead of the Senator from Maryland being of any value to the American Catholics who want to be real Americans he leaves it to me to defend them and their American rights in the Senate and they are now writing and thanking me for what I have said. In this letter one of them said he would like to vote for me for President. If the Senator from Maryland had heard that he would have fainted, would not he? [Laughter.]

Now, in conclusion, the Senator from Maryland said that he would like to form a bodyguard to protect me. Mr. President, I have been frequently threatened. I have probably 250 letters from various sections of the country from Roman Catholics, saying to me that if I did not let up and cease making my fight in the Senate on this question they would murder me. Of course, that is not pleasant. I have written 37 letters, and they are in the hands of 37 friends, true and tried, saying that if anything happens to me I want those letters published and I want my expressed will carried out.

I do not intend that the time shall ever come when these pussyfooting priests and Jesuits shall stalk around the Capitol and intimidate Senators, and whisper in their ears to "Go in there and punish this man or that because he dares to speak for his country and against the Roman Catholic program." I want the truth known. They know what will happen to them if they ever carry out their threats against me. I hope they will not, but if it takes a promise from me to them to cease my fight for my country to prevent it, I swear before God in the United States Senate that I refuse to make such a promise. That is my position.

Mr. President, if I know my own heart I am for my country. I am going to continue to support it regardless of any view the Senator from Maryland may have, who has this day and yesterday brought down on his head the wrath of the rank and file of the party in Maryland. Let him and them settle that question.

No, Mr. President, I do not want the Senator from Maryland on any bodyguard for me. He will have to excuse me. I would hate to lie down and sleep in a room, if it was not locked, with a bunch of bodyguards such as some of them might select for me. I prefer to have Masons and Klansmen, and the Knights of Pythias, Woodmen of the World, Odd Fellows, and other Americans who do not belong to any fraternity, rather than to have the Senator from Maryland and the Knights of Columbus. That is my position. The Senator will have to excuse me. I could not vote for the Senator to be my bodyguard. This is a very delicate question but I must be excused.

The Senator from Maryland was a member of the committee of the Senate investigating a Roman Catholic scandal and conspiracy to destroy me politically. That scheme and criminal performance was born in the brains of Knights of Columbus and Catholic priests and Jesuits. They set up the machinery and turned it over to Hearst, whose wife is a Catholic, to bring me into a scandal and ruin me if possible.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Alabama yield to the Senator from Pennsylvania?

Mr. HEFLIN. I yield.

Mr. REED of Pennsylvania. I was chairman of the committee that investigated the incident to which the Senator has just referred. There was no evidence whatsoever that Mr. Hearst's wife or any Catholic priest had anything to do with it. The thing originated in the mind of a man named Avilla, who wanted to get money for his purposes.

Mr. HEFLIN. I am not asking the Senator from Pennsylvania to make any suggestion to me. I will come to him in a minute. I was just going on to say that this conspiracy framed against me was born in the minds of Roman Catholics. I did not expect the Senator from Maryland or Pennsylvania to say that, but I did not expect them to do what he did in that important matter. Avilla swore before that committee. He is a cross between an Italian Catholic and a Roman Catholic Mexican. He swore before that committee, and the testimony has been changed.

Mr. REED of Pennsylvania. Does the Senator mean that we changed one syllable of that testimony?

Mr. HEFLIN. I do not; but it certainly was changed by somebody.

Mr. REED of Pennsylvania. The committee does not know it if there was one syllable changed.

Mr. HEFLIN. I heard his testimony, and I will swear to what I heard. He was asked, "Who did you get those papers from?" He said he got them from Catholic clerks of the Government of Mexico.

Mr. REED of Pennsylvania. I heard every syllable of his testimony and there was nothing like that in it.

Mr. HEFLIN. Nothing like that in it?

Mr. REED of Pennsylvania. No; not a word.

Mr. HEFLIN. I repeat that Avilla said what I say that he said.

I will send for the record. That part of it is still in there. I will send a page for the record of the hearings. I want to show the Senator from Pennsylvania before the Senate and the public. That part is still in there. They said, "What did you tell them you wanted to do with it?" He said, "I told them I wanted it for Bishop Diaz, a Roman Catholic bishop." Did he not say that? I did not know there was a Mexican Diaz, a Catholic bishop. I was in the committee room and heard him. He said, "I told them I wanted them for Bishop Diaz, a Roman Catholic bishop," and that is the part that they struck out. He might have corrected his statement. I do not know. The first part is in there yet, that he got them from Catholic clerks of the Mexican Government, and that "they wanted them for Bishop Diaz" is stricken out.

Mr. REED of Pennsylvania. He was not allowed to see his testimony before it went to the printer. There was not one word of it changed by him or by anybody else so far as I know.

Mr. HEFLIN. That is worse still. If he did not do it, I would like to know who did. I have witnesses who were with me and heard him make that statement. I made that statement on the floor of the Senate in my speech on January 18 by what I heard him say and not by that changed record. They undertook to ruin me, and I got up on the floor of the Senate as an American Senator and exposed that Roman Catholic conspiracy and crime and told the truth about it and drew my own conclusions as to how it was brought about. I have had over 6,000 letters from people in every State in the Union who read the facts, and they agreed with me and indorsed my position. I came here and made my speech denouncing those scoundrels who conspired together to get up that conspiracy. When I got through the Senator from Arkansas [Mr. ROBINSON], the temporary leader of the Democrats, rose with a well-prepared speech and attacked me. Who got him to make it? This Roman influence? I think it did.

What did the Mexican scandal investigating committee do? It did what it could not help but do in one instance. It exonerated me, freed me of all suspicion and charges of wrongdoing, as it did the Senator from Idaho [Mr. BORAH], the Senator from Wisconsin [Mr. LA FOLLETTE], and the Senator from Nebraska [Mr. NORRIS]. Then the members of the committee folded their tents like Arabs and silently marched away. They have never said a word of condemnation of Hearst. They brought no indictment against Avilla, a Roman Catholic, who had dragged the names of four of their colleagues into this Catholic Mexican scandal. They have not said anything condemnatory of him yet. Is not that strange? Then talk about it not being time that we should take some steps to curb this rampant Roman Catholic spirit in America and check its hurtful influence in Congress. What influence prevented proper action by Senator ROBINSON, of Arkansas, and BRUCE, of Maryland, and REED, of Pennsylvania, and JOHNSON, of California? Why did they not condemn Hearst and ask the Senate to condemn him and Avilla?

Mr. REED of Pennsylvania. The committee found the facts and left the denunciation to those who enjoy it.

Mr. HEFLIN. Yes; the committee found the facts. It could not help but do that and acquit of wrongdoing the four Senators who were unfortunately in their hands in the matter, but it failed to go further, neglected its duty, and is subject to my condemnation, and I here and now pronounce it in the Senate of the United States. I have spoken in the Senator's State, the State of Pennsylvania, and I am going to make many more speeches in it. There are many very fine people up there. Woodrow Wilson paid them a very high compliment while he was President of the United States.

I was entitled to have my good name relieved from this cloud of scandal. I was entitled, as were the other three Senators and the Senate itself, to have this committee of Senators denounce those who sought to destroy us; but, strange to say, they have not done so to this day. They are still hanging on to this committee, and I object to the presence of every one of them except the Senator from Washington [Mr. JONES] on that committee. If anybody wants me to give reasons for that statement, I will do so. Why were the Roman Catholics able to hush this matter up as they did? Why not bring these things out in the open? That is the way to preserve the Republic. If a public man is assailed wrongfully, go after and denounce and repudiate those who did it.

Bring them into the open and repudiate them, and denounce them as scoundrels. That was the duty of you, Senator REED, of Pennsylvania; Senator JOHNSON, of California; Senator JONES, of Washington; Senator ROBINSON, of Arkansas; and Senator BRUCE, of Maryland. But, Mr. President, I repeat, strange to say, that that committee never opened its mouth on this question. I, a United States Senator, a Democrat, from the State of Alabama, would expect that the Senator from Maryland [Mr. BRUCE], and the Senator from Arkansas [Mr. ROBINSON], at least to go after those and denounce those who had slandered and tried to destroy me, but they both failed and refused to do it. I am going to get some lunch directly, and build up for another charge against the Roman Catholic machine. And after I get another good night's sleep I may be able to lay some other revelations before the Senate.

Mr. President, it is a noble thing to render service to one's country. It is pleasant to fight in the open without fear and without annoyance from the enemy who is seeking to control this Government, and who has announced in its program that when it does control it it will destroy the Protestant religion in the United States. There is a thrill and an enjoyment in battling for a cause when you know you are right. Regardless of the opposition, regardless of the difficulties and dangers that beset us, it is the duty of every Senator, of everyone who loves his country, who is willing to serve it in time of peace and fight for it in time of war, to stand his ground and speak his views and serve his country as best he can in the open. I took an oath when I came into the Senate and stood at the altar place of this body that I would defend my country against all enemies, both foreign and domestic; and, so help me God, I will be faithful to that oath.

HERBERT HOOVER

Mr. NORBECK. Mr. President, I have been wondering whether Secretary Hoover was going to say anything about the agricultural issue, and the silence has finally been broken. The newspapers carry a copy of his telegram to John Brown, of Monon, Ind. The statement is positive as to the many things he does not want and is vague as to what he favors.

I send Mr. Hoover's statement to the desk and ask that it be read.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

> I have your wire saying that the statement is being broadcast in Indiana that I am opposed to all farm-relief measures. As you are aware, I have continuously advocated Federal farm-relief measures for many years. While I have not been able to support those provisions in such measures which embrace price fixing or Government buying and selling of farm products because of my belief that they will be harmful to the farmer and the whole Nation, I have and do believe there are methods through a Federal farm board by which the farming industry can be brought to the same success as our other industrial groups. The President has repeatedly recommended such legislation, and I have been in hopes that Congress will find such measures this session.

Mr. NORBECK. Mr. Hoover says he favors farm "legislation." The remarkable thing is that this statement was made two days after the McNary-Haugen bill passed the House by a majority of nearly 100 and had previously passed the Senate by a vote of more than 2 to 1. Mr. Hoover must have heard of this bill. If so, he must be repudiating it. At least, he refuses

to recognize that measure which the farm organizations of the entire country are supporting. It can hardly be ignorance. If it is not ignorance, then it is something worse—a deliberate insult to the farm organizations, an insult to the farmer, and an insult to the Congress of the United States.

He implies that the bill is already dead, because he still expects farm legislation. He does not favor price fixing; but this bill is not a price-fixing bill. It simply provides for removing the surplus so as to give an American market to the American farmers.

Mr. Hoover says he does not favor placing the Government in business. The McNary-Haugen bill is a device through which the farmer, at his own expense, will be able to remove from the domestic market the weight of exportable surplusage, thus insuring to him the benefit of a domestic market, with full protection of the tariff on agricultural commodities. There is no element of price fixing or Government in business in this bill.

What kind of farm legislation does Secretary Hoover favor? As far as I know, the only plan that has not met his objections has been the one suggested in the 1925 report of the President's agricultural conference. This simply provided for loaning money to farm organizations for marketing purposes. These organizations did not ask for any such bill. They did not need it then. They do not need it now. They do not want it.

We recall that in the last Congress a close friend of Secretary Hoover advocated such a measure in the Senate. It got splendid support from the industrial section, but was repudiated by the agricultural representatives. The plea that under this proposed plan some of this borrowed money might be used to stimulate the market was only another way of saying that the funds would be available for gambling on the board of trade for the purpose of boosting prices.

Unless the farmers were wiser than others who "play the board," they would soon lose their wad. They would be discredited and dishonored. They would be worse off than ever, and they would frequently be reminded by their new-found friends that their business methods were not the best.

By this telegram Herbert Hoover has given notice to Congress and to the farmers that if he is elected President they need not apply to him. It can only be considered a declaration that the present policy of cheap foodstuffs must be maintained in the interest of larger industrial dividends. The election of a candidate who approves the break of party pledges made four years ago would mean the final submergence of agriculture in America to industry.

MESSAGE FROM THE HOUSE

A mesage from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House insisted upon its amendment to the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WHITE of Maine, Mr. LEHLBACH, Mr. FREE, Mr. DAVIS, and Mr. BLAND were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes.

MISSISSIPPI RIVER BRIDGE NEAR TIPTONVILLE, TENN.

The PRESIDING OFFICER (Mr. ODDIE in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 3862) authorizing J. T. Burnett, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tiptonville, Tenn., which were, on page 5, line 5, to strike out the word "and," and on the same page, line 13, to strike out the word "its" and insert "his."

Mr. McKELLAR. I move that the Senate agree to the House amendments.

The motion was agreed to.

OHIO RIVER BRIDGE NEAR WELLSBURG, W. VA.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 797) granting the consent of Congress to the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, at or near Wellsburg, W. Va., which were, on page 1, line 3, to strike out "the consent of Congress is hereby granted to" and insert "in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes"; on page 1, line 4, after the word "assigns," to insert "be, and is hereby, authorized"; on page 2, line 10, to strike out the words "and terminals"; on page 2, line 17, to strike out the word "and" and insert "or"; on page 3, line 1, after the word "any," to insert "public agency or"; on page 3, line 7, after the word "condemnation," to insert "or expropriation"; on page 3, line 9, after the word "condemnation," to insert "or expropriation"; on page 3, line 11, after the word "condemnation," to insert "or expropriation"; on page 3, line 20, to strike out the word "interest" and insert "interests"; on page 3, line 22, after the word "shall," to insert "at any time"; on page 3, line 24, after the word "are," to insert "thereafter"; on page 4, line 1, after the word "the," to insert "reasonable"; on page 4, line 2, after the word "approaches," to insert "under economical management"; on page 4, line 4, after the word "therefor," to insert "including reasonable interest and financing cost"; on page 4, to strike out all after the word "sufficient" in line 7, down to and including the word "approaches" in line 8, and insert "for such amortization"; on page 4, line 9, after the word "been," to insert "so"; on page 4, line 12, to strike out "care, repair"; on page 4, line 13, after the word "approaches," to insert "under economical management"; on page 4, line 15, after the word "the," to insert "actual"; on page 4, line 21, after the word "War," to insert "and with the highway departments of the States of West Virginia and Ohio"; on page 5, line 1, after the word "may," to insert "and upon request of the highway department of either of such States shall"; on page 5, lines 2 and 3, to strike out "the actual cost of constructing the same" and to insert "such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of cost so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge"; on page 5, line 3, to strike out "such" and insert "the"; on page 5, line 3, after the word "purpose," to insert "of such investigation"; on page 5, line 5, to strike out "financing and" and to insert "construction, financing, and"; on page 5, lines 5 and 6, to strike out "the construction" and insert "promotion"; on page 5, line 7, to strike out "actual original cost" and insert "reasonable costs of the construction, financing, and promotion"; on page 5, line 7, after the word "conclusive," to insert "for the purposes mentioned in section 4 of this act"; and to amend the title so as to read: "An act authorizing the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Wellsburg, W. Va."

Mr. NEELY. I move that the Senate concur in the House amendments.

The motion was agreed to.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. SMOOT. Mr. President, the first amendment which was passed over was the one dealing with the surtax rate. I understand that the Senator from North Carolina [Mr. SIMMONS] has a very urgent appointment for 4 o'clock, and he would like to open the discussion upon that amendment. It is impossible for him to conclude his remarks to-day by 4 o'clock. He will have to leave some minutes before that time. Therefore, at the Senator's request, I ask that we take up the amendment on page 195, section 500 (a), which is the admissions tax.

Mr. HARRISON. Mr. President, I understood that out of the fullness of the Senator's heart, and those of his colleagues, they might agree to the proposition to eliminate the admissions tax, with the exception, of course, of the House provisions touching prize fights, because it was stated in the committee that the House having cut down the exemption to $1, and the Senate having raised the exemption up to $3, that would be a loss of some $17,000,000, as I recall, and we would only get an additional $1,000,000 out of admissions. Necessarily, the administration of the law would cost something, as well as the worry; and I understood that the Senator might agree that we would strike out all admissions taxes with the exception of the provision in regard to prize fights carried in the House bill.

Mr. SMOOT. Mr. President, the committee decided to follow the recommendations of Mr. Brady, who represented the producers of the spoken drama, as well as the representative of the actors' associations; and they requested that the limitation be increased to $3. I think this will only cover high-priced operas and the spoken drama perhaps in Chicago and New York; I do not know of any other place in the United States where it will apply.

Mr. HARRISON. I think the Senator is putting Mr. Brady in a false light there. Mr. Brady was trying to get the exemption raised as much as he could. He wanted it all eliminated if it was possible, because it was pointed out before the committee that these people who train themselves in life work, endowed with wonderful talent, that are engaged in grand

opera, for instance—personally, I do not like it, but a good many people do like it, and I admire those that do like it—would have to pay the tax. In other words, it is argued that we are taxing talent in this matter; and because of the small amount of taxes that we would obtain by virtue of leaving it over $3 it seems to me we might eliminate the whole proposition, and this one war nuisance tax would be gotten behind us. Of course, if the Senator wants to contend further on the proposition, it just takes up that much more time.

Mr. SMOOT. I prefer to.

Mr. HARRISON. Let us take a vote on the proposition, then.

Mr. SMOOT. I am perfectly willing to have that done.

Mr. HEFLIN. Let us have a vote now.

Mr. HARRISON. I call for the yeas and nays.

Mr. SMOOT. I am perfectly willing to take the yeas and nays.

The yeas and nays were ordered.

Mr. SIMMONS. Mr. President, before the vote is taken I wish to say just a word.

I want to say, with reference to the request that I made of the Senator in charge of the bill, that I had expected this bill to come up earlier in the day, and made the appointment which has been spoken of, thinking that by the hour named we would have disposed of it; but, while I am on my feet, I want to discuss briefly the amendment that is now before the Senate.

I heard the argument or statement of Mr. Brady. It was one of the most interesting to which I have listened in a long time. Of course, in the position he occupied, Mr. Brady was ready to take and had to take what he could get. He wanted to get as much as he could, and he expressed the opinion that so far as his association was concerned it would be very gratifying if the exemption was moved up to $3. He discussed, however, the effect of this heavy tax upon the spoken drama. He said that before the admissions tax was imposed the spoken drama was played in all parts of the United States; that it went to the smaller towns. Especially did he lay stress upon the fact that it played in the South, which at that time had but few small cities, and that these smaller communities were given the benefit of the spoken drama, with all its educational advantages and effects. As a result of this heavy tax, he said, the spoken drama now was almost exclusively confined to the larger cities of the country; that they had practically ceased to pay any attention to the South or to those States in the West with only small towns, and that as a result of that these people were denied the benefits of hearing the spoken drama as interpreted by the highest talent in the profession. That he pronounced deplorable. That he denounced as something that denied to a large portion of the United States the educational benefits of the spoken drama.

He called attention to the fact that the movies had been substituted for the spoken drama in these sections of the country. I had not thought of it in that light before, but I did remember when I was a younger man, before I came to the Senate, how I enjoyed the plays that visited the little town in which I lived, then a town of not over 10,000 people, and how the people of North Carolina and all these little towns had the benefit of the visitation of these troupes, giving Shakespearean plays and other great educational performances; and it seemed to me that while the movies are also enlightening and educational, they are not to be compared in many respects to the spoken drama. The sections that have had them substituted altogether for the spoken drama have suffered on account of it, and suffered for the sake of a very small revenue income which it was supposed would be derived from the tax.

The majority on the Committee on Finance agreed to raise the exemption, and it may be that as a result of that increase to $3 in the exemption some classes of those companies that play the spoken drama may come to the South, may go to the West, the smaller towns of the South, the smaller towns of the West; but I am inclined to think that while the increased exemption will mitigate the evils of the situation it will not give those sections that are now excluded from these enlightening performances full restoration of what they lost through the imposition of this tax.

There is only a million dollars in dispute. I do not see why we should haggle about a thing of this sort for only a million dollars' revenue. There is no such emergency as requires a tax of this sort, especially a harmful tax yielding such a small amount as this yields. That there is no emergency requiring such a tax is shown by the large surpluses that are constantly piled up in the Treasury.

Raising the exemption to $3 will not enable grand opera to go to the South. Its towns are too small to justify its coming. Now and then some ambitious community in the South—and I take it that this applies also to the West—sometimes gives a guaranty on the part of some of its enterprising citizens, and in that way they secure now and then grand opera in those communities. But why impose upon them, upon a few gentlemen or a few citizens who are so eager to see grand opera that they are willing to pay exorbitant prices for admission and guarantee that the total receipts will not be below a certain sum? Would it not be well to strike out this little pittance of a million dollars and let every part of this country have an opportunity to enjoy the better type of spoken drama, to see the great actors in person upon the stage, to draw that inspiration from these performances which we used to get from the better Shakespearean plays?

Why should not the people of all the country be permitted to hear grand opera? It is delightful to many. I myself care little about it. I do not know that men care so much about it as a rule, but the women of our country almost without an exception enjoy it to the fullest, and yet by reason of this tax, as I say, a large part of the people of this country are prohibited from hearing it because of the burdensome tax imposed upon it. That tax now has been reduced so that it will remain as it was before, above $3 upon grand opera, and exclude it. It will remain, as before, above $3 upon the spoken drama, and exclude it. Is $1,000,000 in the Treasury of the United States so badly needed by the Government that it should deny the privilege of enjoying these plays and hearing this grand music?

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SIMMONS. Yes.

Mr. COPELAND. And, of course, I may say to the Senator, it is not alone the rich. Many of the most lowly of our people are interested in these fine plays and this fine music.

Mr. SIMMONS. Why, of course; and if they are induced to come to a community by reason of the guaranty given by a few citizens of the community, the poor can not take advantage of it. The rates will have to be so high that they will be prohibitive except to the people who are well-to-do in life.

It seems to me if there is any tax in this bill that is utterly unjustified, it is the retention of this $1,000,000 tax; and that is the total revenue the tax yields.

I regret very much that the chairman of the committee does not feel at liberty to consent, without having a vote upon it, to let this $1,000,000 tax go.

Mr. SMOOT. If this amendment went out it would make no difference whatever in the matter of grand opera. The tax is not going to hurt any person who is able to pay $10 or $11 for opera seats. We desire to have this as a tax program in order that if there were to be a raise of the tax in the future we could simply raise the rate, and there could never be any complaint about it.

The spoken drama up to $3 would never pay a cent of tax. There are very few little towns in the United States in which the people could ever or would ever afford to pay $3 for a ticket. The movies have taken the place of the spoken drama; there is very little of it left. If it were free of tax it would never be revived again, in my opinion, as long as the theaters charge the rate they do, and Mr. Brady said they were compelled to charge such a rate on account of the expenses. It will never be revived again in the United States. We have on hand now the spoken movie, in which the person appears, you hear his voice, you see him upon the platform, and that can all be witnessed for 35 or 50 or 75 cents. It seems to me that we ought to retain this tax, even if we want to increase the taxes in the future; and I want to say frankly that if the plans are carried out upon the five or six great projects that are being pressed here and in the other House, and they become law, I do not see how we are going to avoid it. Therefore, for that reason, I hope the Senate will support the committee amendment.

Mr. SIMMONS. Does the Senator take the position that remitting this million-dollar tax would embarrass the Treasury?

Mr. SMOOT. Not to-day. I thought I explained that that would not embarrass the Treasury.

Mr. HARRISON. May we not have the amendment reported now?

Mr. SMOOT. I think the proper way to proceed would be for the Senator from North Carolina to offer his amendment now.

Mr. HARRISON. The Senator has offered his amendment, and I just asked that it be reported.

Mr. SMOOT. It is lying on the table.

Mr. SIMMONS. It is on the table, and I ask that it be reported.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. The Senator from North Carolina offers the following amendment: On page 195, to strike out lines 3 to 23, inclusive, and insert in lieu thereof the following:

(a) Section 500(a) of the revenue act of 1926 is amended to read as follows:

"SEC. 500. (a) There shall be levied, assessed, collected, and paid—

"(1) A tax of 25 per cent of the amount paid for admission to a prize fight, or boxing, sparring, or other pugilistic match or exhibition, for which the amount paid for admission is $5 or more: *Provided*, That an equivalent tax shall be collected on all free or complimentary tickets or admissions to such prize fight, or boxing, sparring, or other pugilistic match or exhibition, and the tax shall be on the amount for which a similar seat or box is sold at the said match or exhibition;

"(2) Upon tickets or cards of admission to theaters, operas, and other places of amusement, sold at news stands, hotels, and places other than the ticket offices of such theaters, operas, or other places of amusement, at more than 50 cents in excess of the sum of the established price therefor at such ticket offices plus the amount of any tax imposed under paragraph (1), a tax equivalent to 50 per cent of the whole amount of such excess, such tax to be returned and paid, in the manner and subject to the interest provided in section 502, by the person selling such tickets."

Mr. HARRISON. Mr. President, this amendment is in three sections. One section provides for the taking off of the admission tax. The House adopted the provision with reference to boxing and sparring matches, and so on, which we do not disturb, which is included in this amendment. In other words, by this amendment we leave the tax which the House incorporated in the bill.

Mr. SMOOT. The Senate committee also leaves it in.

Mr. McKELLAR. The Senator means the committee leaves it in on boxing matches?

Mr. HARRISON. Yes; and on prize fights. The third section of the amendment deals with this situation: Under the law now there has been a custom which has grown up in the large cities that hotels and certain theater brokerage firms sell theater tickets.

Mr. SMOOT. Which are known as scalpers' tickets.

Mr. HARRISON. They are known as scalpers in some instances, but the large hotels of the country carry these tickets for the convenience of their patrons.

Mr. SMOOT. This is the present law.

Mr. HARRISON. In the amendment which the Senator from North Carolina proposes, he permits a service charge of not more than 50 cents for each of these tickets which are sold in these hotel lobbies and brokerage offices.

Mr. SMOOT. That is the present law.

Mr. HARRISON. If they charge more than that, there is a penalty imposed. Consequently, we do not disturb the law in these other features particularly, but we do take the admission tax off by this amendment, whether the admission is over $3 or under $3.

Mr. SACKETT. What is the amount of the penalty imposed?

Mr. HARRISON. The penalty is 50 per cent of the amount charged by these people for the services rendered.

Mr. SACKETT. Fifty per cent of the amount charged?

Mr. HARRISON. Fifty per cent in excess of the established price, I should say.

Mr. SACKETT. That would be 25 cents?

Mr. HARRISON. That would be 25 cents in addition to the 50 cents.

Mr. SMOOT. That is correct.

Mr. FLETCHER. Mr. President, does the amendment repeal existing law respecting these admissions? Would that law be terminated under this amendment?

Mr. HARRISON. It does repeal the existing law with reference to the admission tax; yes. That is the object of the Simmons amendment.

Mr. Brady, who has represented the theatrical people for a long time, not with any pay coming to him, but because of his love of the work, made one of the finest presentations before the committee that was ever made before it. He had us all crying there for a little while, in speaking of the great men and women who had shed luster on the theatrical profession.

I do not believe any member of the committee wants to penalize the talent of these people. We all know that in the large cities—and here in Washington—often the theaters charge more than $3. It may be more than they should charge, but they do charge more at times. If the public wants to pay it, it is up to the public; but it seems to me that a decade after the war is over, when this war tax was imposed, it is time for us to eliminate it; and if there is good reason for the Congress to eliminate $17,000,000 out of the $18,000,000 that is now collected from admission dues, certainly the reason should be just as great not to retain the $1,000,000 that we do collect by virtue of this.

I submit that when we consider the expenses incurred in the administration of the law, the trouble that is imposed upon the theatrical profession in the sale of these tickets, and so on, this million dollars can be well made up in some other way, and that all the admission taxes should be taken out of this bill.

Mr. EDGE. Mr. President, the Senator believes in the principle of the surtax, does he not?

Mr. HARRISON. Oh, yes; I believe in the principle of the surtax.

Mr. EDGE. This involves very much the same principle; if one can afford to pay $3 for a ticket, it is not a great burden to pay a small amount of taxation.

Mr. HARRISON. I am surprised at my friend from New Jersey making that argument, because I presume that, outside of the great city of New York, more of these talented people come from New Jersey than from any other State. I suppose the people of New Jersey, which is really next to New York, like to see real legitimate drama, spoken drama, and grand opera and these talented people. I am surprised the Senator wants to impose this penalty upon them. I can see very little likeness or similarity between the imposition of a surtax and the imposition of a tax on people who go to a real good show that might cost $5, where the finest talent are "strutting" their goods on the stage, rather than to go to the Gayety down here, where the admission is probably 50 or 75 cents. I want to encourage people to go to the very best in this country. I want to encourage the people in this country with talent, who have educated themselves for the stage, for the drama, and for grand opera to employ their talent and make great money if they want to without being embarrassed by the Federal Government.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. COPELAND. The Senator from New Jersey speaks of this as a surtax. As a matter of fact, we put a surtax upon the rich, but just as many of the people who buy these tickets are poor as are rich.

Mr. SMOOT. A ticket costing over $3?

Mr. COPELAND. Yes; tickets costing over $3.

Mr. SMOOT. They may be in New York.

Mr. COPELAND. A man may be a truck driver and yet have a love of the stage or of grand opera, and he is entitled to go, and he should be given consideration just as much as those who are able to pay high prices.

Mr. HARRISON. Mr. President, in the very forceful presentation to the committee by Mr. Brady he showed that a few years ago in all the cities throughout this country the finest, highest class theatrical troupes visited the cities, and people in those communities could see those shows.

Mr. COPELAND. The poor people.

Mr. HARRISON. Yes; the poor people could see them; but not to-day. Because of the obstacles being thrown in their path, discouragement upon the part of the Government, and many other things, there is hardly any legitimate theater in the country. The people are now going to see motion pictures, and so on. When the people from my section of the country get enough money to visit the city of New York, one of the first things on their program is to see a fine show there, or the grand opera; they want the best; and I presume that is the way with the people from Utah, and from other States.

I submit, Mr. President, that this figure of $3 was not fixed at the instance of Mr. Brady.

Mr. Brady wanted to strike out the admission tax altogether. The theaters of the country and the theatrical patrons want to strike it all out. But when the chairman of the committee, in his suave way, put it to Mr. Brady, "Would you not accept $3," of course, he would accept $3 in preference to a dollar, which was put in the bill in the House, or in preference to the 75 cents that is fixed by the present law. I submit that the amendment of the Senator from North Carolina should be accepted.

Mr. SIMMONS. Mr. President, may I interrupt the Senator?

Mr. HARRISON. Yes.

Mr. SIMMONS. Does not the Senator know it to be a fact that in parts of the country where these fine plays do not go there are numerous people who will travel at heavy expense to the larger cities, at least once a year, maybe twice a year, for the purpose of enjoying the kind of play that is denied them at home?

Mr. HARRISON. That is quite true.

Mr. SIMMONS. We have taken all the tax off the movies; we have taken all the tax off circuses; we have taken all the tax off everything of that kind except the spoken drama.

Mr. SMOOT. Except where the admission is over $3.

Mr. SIMMONS. Except where it is in excess of $3.

Mr. FLETCHER. Can the Senator say whether taking the tax off the movies has reduced the price of admission to the public?

Mr. SIMMONS. I presume it has, and I think it has. I think it will have that effect.

Mr. SMOOT. In some cases, and in some cases not.

Mr. SIMMONS. Why, I ask the Senator, take the tax off these other things, circuses and movies, and retain it qualifiedly or to a limited extent upon these other performances?

Mr. HARRISON. The reason is just as strong for taking it off this as for taking it off these other things. I ask the chairman of the committee if he will not agree to let us strike this out?

Mr. SMOOT. The chairman of the committee can not do that.

Mr. HARRISON. Then let us vote. I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair announces that before a vote can be taken on this amendment, it will be necessary for the Senate to vote on the two committee amendments on page 195, lines 11 and 23. The clerk will read the amendments, because these will perfect the amendment which the Senator from North Carolina proposes.

Mr. SMOOT. It will be just the same thing.

Mr. HARRISON. I ask unanimous consent that we vote on the amendment as it is pending now.

Mr. SMOOT. Mr. President, the Senator must modify that request. Let us vote upon this amendment as a substitute for the committee amendments as reported.

Mr. HARRISON. That is right.

Mr. SACKETT. I would like to ask the chairman of the committee whether the committee has considered at all the penalty provision on speculation in tickets?

Mr. SMOOT. That is in the present law.

Mr. SACKETT. That is in the present law; and is not changed by the amendment of the Senator from North Carolina?

Mr. SMOOT. It is changed very little. It is not changed as the Finance Committee reported the bill, but it is changed in the last four lines of the amendment offered by the Senator from North Carolina.

Mr. SACKETT. Has the committee examined that change to see whether it amounts to anything or not?

Mr. SMOOT. No; but I know that the scalpers desire to have this change made.

Mr. FESS. Let the question be stated.

Mr. SMOOT. The Senator from North Carolina [Mr. SIMMONS] offers an amendment as a substitute for section 500.

Mr. FESS. Then we will have to vote on these amendments before we vote on that.

Mr. SMOOT. We certainly would; but unanimous consent was asked to vote upon this amendment as a substitute for the committee amendment as reported.

Mr. FESS. I wanted to know what we were to vote on.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed as a substitute by the Senator from North Carolina [Mr. SIMMONS].

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. SMITH (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON]. Not knowing how he would vote, I withhold my vote.

Mr. SIMMONS (when the name of Mr. ROBINSON of Arkansas was called). I was requested by the senior Senator from Arkansas [Mr. ROBINSON] to announce that if he were present he would vote "yea" on this question.

The roll call was concluded.

Mr. CURTIS. I transfer my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the Senator from Idaho [Mr. GOODING], and vote "nay."

Mr. REED of Pennsylvania (after having voted in the negative). I have a general pair with the Senator from Delaware [Mr. BAYARD]. I transfer that pair to the Senator from Vermont [Mr. DALE], and allow my vote to stand.

Mr. BRATTON. I have a pair with the junior Senator from Indiana [Mr. ROBINSON]. I am not at liberty in his absence to vote, but if allowed to do so I would vote "yea."

Mr. SMITH. I transfer my pair with the senior Senator from Indiana [Mr. WATSON] to the junior Senator from Wyoming [Mr. KENDRICK], and vote "yea."

Mr. JONES. I desire to announce the following pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL]; and

The Senator from Oklahoma [Mr. PINE] with the Senator from Ohio [Mr. LOCHER].

I also desire to announce the absence of the Senator from South Dakota [Mr. NORBECK] and the Senator from New Mexico [Mr. CUTTING] on business of the Senate. If present, both Senators would vote "nay" on this question.

The result of the roll call was—yeas 40, nays 40, as follows:

YEAS—40

Ashurst	George	McNary	Steck
Barkley	Gerry	Mayfield	Stephens
Black	Glass	Neely	Swanson
Blease	Harris	Overman	Thomas
Broussard	Harrison	Pittman	Tydings
Caraway	Hawes	Ransdell	Tyson
Copeland	Hayden	Reed, Mo.	Wagner
Dill	Heflin	Sheppard	Walsh, Mass.
Edwards	King	Simmons	Walsh, Mont.
Fletcher	McKellar	Smith	Wheeler

NAYS—40

Bingham	Fess	Keyes	Reed, Pa.
Blaine	Frazier	La Follette	Sackett
Borah	Gillett	McLean	Schall
Brookhart	Goff	McMaster	Shipstead
Bruce	Gould	Metcalf	Shortridge
Capper	Greene	Moses	Smoot
Couzens	Hale	Norris	Steiwer
Curtis	Howell	Nye	Vandenberg
Deneen	Johnson	Oddie	Warren
Edge	Jones	Phipps	Waterman

NOT VOTING—14

Bayard	du Pont	Norbeck	Trammell
Bratton	Gooding	Pine	Watson
Cutting	Kendrick	Robinson, Ark.	
Dale	Locher	Robinson, Ind.	

The VICE PRESIDENT. The yeas are 40 and the nays are 40. The amendment of the Senator from North Carolina [Mr. SIMMONS] in the nature of a substitute is not agreed to.

Mr. HARRISON. Mr. President, I would like to give notice that there will be another vote on the Simmons amendment when the bill is in the Senate unless some Senator on the other side of the aisle desires to change his vote and come over to us.

Mr. SMOOT. Now, Mr. President, I would like to have the amendment agreed to as reported.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 195, line 11, strike out "$1 or less" and insert in lieu thereof "$3 or less," so as to read:

(1) A tax of 1 cent for each 10 cents or fraction thereof of the amount paid for admission to any place, including admission by season ticket or subscription, to be paid by the person paying for such admission; except that in case the amount paid for admission is $3 or less, no tax shall be imposed, and except that in case of admission to a prize fight, or boxing, sparring, or other pugilistic match or exhibition, for which the amount paid for admission is $5 or more, the tax shall be 25 per cent of such amount: *Provided*, That an equivalent tax shall be collected on all free or complimentary tickets or admissions to such prize fight, or boxing, sparring, or other pugilistic match or exhibition and the tax shall be on the amount for which a similar seat or box is sold at the said match or exhibition.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment passed over will be stated.

The CHIEF CLERK. On page 195, line 23, strike out "$1 or less" and insert in lieu thereof "$3 or less," so as to read:

Amounts paid for admission by season ticket or subscription shall be exempt only if the amount which would be charged to the holder or subscriber for a single admission is $3 or less.

The amendment was agreed to.

Mr. SIMMONS. Mr. President, I desire to ask the chairman of the Committee on Finance in charge of the bill whether he would be willing to take up, somewhat out of its order, the amendment with regard to club dues?

Mr. SMOOT. I am perfectly willing to do so. It will be found in section 412, on page 196.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 196, line 5, the committee proposes to strike out "5 per cent" and insert in lieu thereof "10 per cent," so as to read:

(a) Section 501 of the revenue act of 1926 is amended to read as follows:

"SEC. 501. (a) There shall be levied, assessed, collected, and paid a tax equivalent to 10 per cent of any amount paid—

"(1) As dues or membership fees to any social, athletic, or sporting club or organization, if the dues or fees of an active resident annual member are in excess of $10 per year; or—

And so forth.

Mr. SIMMONS. Mr. President, I wish to state to the Senate that the revenue derived from club dues amounts to $10,000,000 a year. The House proposes to reduce that tax to $5,000,000; that is to say, the House adopted a rate just one-half of the present law. It is in opposition to the amendment proposed by the Finance Committee of the Senate, restoring the tax eliminated by the House, that I wish to ask the Senate to indulge me just for a moment.

I believe that both parties have repeatedly, through their official spokesmen in the administration and in Congress, expressed the desire that we should get rid as quickly as possible of these small rates that were imposed during the war when a great emergency existed, and which are generally characterized as nuisance taxes. The tax upon club dues is largely of that character. There was a time in our history when only the rich were able to indulge in the pleasure of belonging to clubs. But that time has passed and there is hardly a town of 5,000 inhabitants in the country to-day that has not what is called a country club, with golf links attached. Golf was formerly a sport of the rich. There were but few clubs with golf courses in the country, and they were confined largely to the rural surroundings of the larger cities of the country.

But that game has to-day become one of the most fashionable amusements in which our people indulge. The little clubs with golf courses have in their membership the relatively poor as well as the relatively rich. It is a sport that is indulged in by women as well as by men. It is a sport that conduces to good health, to vigorous manhood and womanhood. Not only lovers of sports indorse it but leading scientists and physicians of the country join in proclaiming it one of the most healthful amusements to which men and women now resort.

I wish it were possible to eliminate the tax altogether. An amusement and a sport which is healthful, which has become a resort for exercise and for pleasure of a large element of our people from one end of the country to the other ought not to be subjected to a tax. There are other things from which the Government can get its revenue which are more appropriate sources than this. Because of the universality of this sport, because of its healthful character, I hope that the Treasury Department will be able to stand at this time a cut of one-half of the tax.

Mr. President, I do not wish to pursue the matter further than to make this brief statement. I might speak more at length, but, as I said, I believe it unnecessary at this time.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SIMMONS. Certainly.

Mr. COPELAND. How much will we lose if we leave off the tax entirely?

Mr. SIMMONS. We would lose $10,000,000. If we cut it in half, we will have $5,000,000 still left. The House proposal was to reduce the tax one-half, and I am asking that we adopt the House amendment. The majority of the Finance Committee have asked that the House amendment be stricken out and the present tax retained.

Mr. REED of Pennsylvania, Mr. President, a parliamentary inquiry. On the last roll-call vote I understand that the vote of the Senators was equally divided; and I rise to ask how the Vice President is recorded as having voted?

The VICE PRESIDENT. The name of the Vice President was not called. The parliamentarian informs the Vice President that in the case of a tie vote on an amendment, where the tie vote defeats the amendment, it is not the custom to call the name of the Vice President. If my name had been called, I should have voted "nay."

Mr. REED of Pennsylvania. I suggest that under the Constitution it is the duty of the clerk to call the name of the Vice President when the Senators are equally divided.

The VICE PRESIDENT. The Chair is informed by the parliamentarian that it is necessary for the Chair to direct the clerk to call his name; and the Chair now directs him to call his name.

The CLERK. The Vice President.

Mr. BORAH. Mr. President, just a moment. As I understand, the vote was 40 to 40; and, as it was an amendment, the amendment was lost by reason of the tie vote.

The VICE PRESIDENT. The amendment was lost on a tie vote.

Mr. BORAH. I can not quite understand what effect the Vice President's vote will have.

Mr. NORRIS. Mr. President, was the vote 40–40 or 50–50? [Laughter.]

Mr. WALSH of Montana. Mr. President, undoubtedly it is the parliamentary rule that a motion requires a majority to carry it. If the vote is evenly divided, the motion is lost; but in view of the provisions of the Constitution, it seems to me that the Vice President is charged with the duty of voting, whether he desires to defeat or to carry the motion; and I take the view of the Senator from Pennsylvania that when there is a tie vote the Vice President has a right to vote.

Mr. REED of Pennsylvania. Not only a right but a duty, Mr. President.

Mr. WALSH of Montana. Not only a right but a duty as well.

Mr. REED of Pennsylvania. And if he disagrees with the adversaries of the amendment it is his duty to register his vote and carry the motion.

Mr. SWANSON. Mr. President, if the Senator will permit me, it seems to me the failure of the Vice President to vote shows that he was opposed to the amendment, because his vote for it would have carried it.

Mr. REED of Pennsylvania. The Constitution does not provide for implying or inferring what his intent is.

Mr. SWANSON. The Constitution can not compel him to vote, I should think.

Mr. REED of Pennsylvania. The Constitution compels all of us to vote unless we are excused.

Mr. BLEASE. Mr. President, I submit, on the point of order, that it required a majority vote to carry that amendment, and unless there was a majority vote it was lost. Being lost, obviously there was no requirement or necessity for the Vice President to vote.

I now raise the point of order that the roll call having been finished and the result announced, and other business having been transacted, it is not in order for the Vice President to cast his ballot, any more than it would be for an individual Senator who has now come into the Chamber.

Mr. REED of Pennsylvania. I make the point of order that the roll call is invalid unless the names of all those entitled to vote shall be called.

Mr. BLEASE. I ask that the roll call be taken over, if my friend insists on his point of order; but under all parliamentary usage, where there is a motion made, in order to carry the motion a majority must vote in favor of it, and if there is not a majority the motion is lost; and if another Senator should come in now he certainly would not have a right to cast his vote.

Mr. HARRISON. Mr. President, I want to resent the imputation that the Vice President has not done his duty, and I am delighted to know that the imputation does not come from this side of the aisle. I know, and the other Senators know, that the Vice President does want to discharge his duty, because we will not forget an occasion when he hastened back here at top speed in order to perform his duty. [Laughter.]

Mr. REED of Pennsylvania. Mr. President, leaving the comedy out for a moment, I do not think the question is wholly a laughable one. Every motion conceivable to be made in the Senate is lost if the vote upon it is a tie. There is nothing peculiar about this amendment. The passage of every bill is defeated if the vote be a tie; so that the plain intention of the Constitution was that wherever a tie vote existed, the Vice President should vote. His vote is not dispensed with by reason of the fact that the motion is lost when there is a tie, because that is true in every case and the Constitution must have had it in mind.

I do not advance the suggestion facetiously or lightly. I think the question ought to be ruled upon and acted upon, and that in time it might become of extreme importance; and if there is any doubt about the procedure to be followed it ought to be settled now.

Mr. DILL. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. DILL. I call the Senator's attention to the constitutional provision. It does not require the Vice President to vote. It is a permissive provision. It says:

but shall have no vote, unless they be equally divided.

Mr. REED of Pennsylvania. Precisely. That is true of the Senators. Each Senator has a vote; but the whole intention of the Constitution is that every one having a vote shall vote unless excused.

Mr. DILL. But there is nothing compulsory about it.

Mr. REED of Pennsylvania. There is nothing compulsory in terms upon the Senators.

Mr. DILL. I do not think the Vice President has failed to discharge his duty at all.

Mr. FLETCHER. Mr. President, in order to settle the thing, I move a reconsideration of the vote. Then we can take another vote.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Florida. Without objection, the motion is agreed to.

Mr. SHORTRIDGE. No, Mr. President.

Mr. REED of Pennsylvania. I call for the yeas and nays on the original reconsidered motion.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. ASHURST. Mr. President, I ask to have the question stated. I do not understand it.

Mr. SMOOT. The yeas and nays were not ordered.

Mr WALSH of Montana. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. WALSH of Montana. Is this the motion to reconsider, or has the motion to reconsider been adopted?

The VICE PRESIDENT. The roll call is on the motion to reconsider.

Mr. BINGHAM. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. BINGHAM. Is it in order for a Senator who is in the minority to move to reconsider?

Mr. TYDINGS. Mr. President, I make the point of order that the motion to reconsider is out of order, because the original vote was an illegal vote, and it can not be ratified by another one of the same kind.

The VICE PRESIDENT. The point of order is overruled.

Mr. SMOOT. Mr. President——

Mr. TYDINGS. I have the floor. Let me state the matter, please.

Mr. SMOOT. I thought the Senator was through.

Mr. BINGHAM. Has the Chair ruled on the point of order which I raised?

Mr. TYDINGS. Have I the floor, Mr. President?

The VICE PRESIDENT. The Senator from Florida did not have the right to make the motion to reconsider.

Mr. FLETCHER. Then I call on the Senator from Pennsylvania to make it.

Mr. TYDINGS. I still have the floor, have I not?

The VICE PRESIDENT. The Senator from Maryland has the floor.

Mr. TYDINGS. Then the only way we can correct the RECORD, there being an illegal roll call, is to have the roll recalled on that amendment, without any motion to reconsider.

The VICE PRESIDENT. The point of order is overruled.

Mr. SMOOT. I ask unanimous consent that the roll call that was taken be set aside, and that another roll call on the amendment now take place.

The VICE PRESIDENT. Without objection, it is so ordered. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a pair with the junior Senator from Indiana [Mr. ROBINSON]. During his absence, and not knowing how he would vote, I withhold my vote. If at liberty to vote, I should vote "yea" on this question.

Mr. CURTIS (when his name was called). I have a pair with the Senator from Arkansas [Mr. ROBINSON], which I transfer to the Senator from Idaho [Mr. GOODING], and will vote. I vote "nay."

Mr. REED of Pennsylvania (when his name was called). Making the same announcement as before, I vote "nay."

The roll call was concluded.

Mr. JONES. I have been requested to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Oklahoma [Mr. PINE] with the Senator from Ohio [Mr. LOCHER]; and

The Senator from Indiana [Mr. WATSON] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 39, nays 42, as follows:

YEAS—39

Ashurst	George	McKellar	Stephens
Barkley	Gerry	Mayfield	Swanson
Black	Glass	Neely	Thomas
Blease	Harris	Overman	Tydings
Broussard	Harrison	Pittman	Tyson
Caraway	Hawes	Ransdell	Wagner
Copeland	Hayden	Reed, Mo.	Walsh, Mass.
Dill	Heflin	Sheppard	Walsh, Mont.
Edwards	Kendrick	Simmons	Wheeler
Fletcher	King	Steck	

NAYS—42

Bingham	Fess	McLean	Sackett
Blaine	Frazier	McMaster	Schall
Borah	Gillett	McNary	Shipstead
Brookhart	Goff	Metcalf	Shortridge
Bruce	Gould	Moses	Smoot
Capper	Greene	Norbeck	Steiwer
Couzens	Hale	Norris	Vandenberg
Curtis	Johnson	Nye	Warren
Cutting	Jones	Oddie	Waterman
Deneen	Keyes	Phipps	
Edge	La Follette	Reed, Pa.	

NOT VOTING—13

Bayard	Gooding	Robinson, Ark.	Watson
Bratton	Howell	Robinson, Ind.	
Dale	Locher	Smith	
du Pont	Pine	Trammell	

So Mr. SIMMON'S amendment, in the nature of a substitute, was rejected.

Mr. BARKLEY. Mr. President, I desire to offer a substitute for the committee amendment by moving to repeal section 501 of the present statute.

Mr. SMOOT. The committee amendment is to restore 10 per cent, the existing law.

Mr. BARKLEY. My motion is to repeal section 501 altogether. I offer this as a substitute for the committee amendment, which restores the tax from 5 per cent, as carried in the House bill, to 10 per cent, as under the present law.

The VICE PRESIDENT. The vote will be taken first upon the committee amendment, since it seeks to correct what the Senator would strike out. The amendment will be stated.

The CHIEF CLERK. On page 196, line 5, it is proposed to strike out "5 per cent" and insert "10 per cent."

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. BARKLEY. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. Without regard to the action taken by the Senate on the committee amendment, will I still have the right to move to repeal this whole section?

The VICE PRESIDENT. The Senator will have that right.

Mr. SMOOT. The first amendment voted on, however, will be the committee amendment for 10 per cent.

Mr. REED of Missouri. I ask to have the amendment stated.

The VICE PRESIDENT. The amendment will be restated.

The Chief Clerk restated the amendment.

Mr. SMOOT. That is existing law. In other words, we impose the same tax upon club dues as is imposed in the existing law.

Mr. REED of Missouri. Mr. President, it is a very serious question in my mind as to whether the anti-nuisance-tax crusade is a wise one. The fact is that the tax upon moving pictures, upon theaters, and amusements in general is the easiest paid tax there is. A good deal of it comes from a class of people who pay no other taxes. It is a voluntary tax, because no one is compelled to attend any of these places of amusement unless he feels able to pay his way into the theater or other place of amusement. It brings in a large income, and its burden is but slightly felt. My own opinion about it is that there will be but very little money saved to the patrons of these places; that the reduction in tax will be absorbed by the proprietors of the places; and that there will be, in fact, no reduction.

I voted for the amendment to take the tax off theaters proper, because if you are going to exempt the moving pictures, then clearly the exemption ought to be extended to all classes of theatrical amusement. If we ought to encourage anything, it is the legitimate drama, which certainly has not sunk quite to the depths that the moving pictures have in many instances.

Now it is proposed to impose a very heavy tax on clubs. The Senator from North Carolina spoke of golf clubs. If that were the only kind of clubs concerned, it would not arouse much sympathy with me. I am not opposed to ladies and gentlemen playing golf if they want to, but this provision applies, as I understand it, to almost all kinds of clubs.

The fact is that the club is in many instances the home of many people, and if not the home, it is the place where they resort for a portion of their meals. A tax levied upon a club is a good deal like levying a tax upon a home. It applies not only to the great club, with its wealth, but it applies to the club that is of ordinary size. Many of these clubs are barely able to exist; the only way they can pay this tax is by increasing the charges to the patrons; and the patrons are simply a number of men and women who have organized for the purpose of having some place where they can go and enjoy an evening meal. In some instances single men live at the clubs, and it is a tax upon their rooms.

If the tax is to be levied upon homes, it ought to be levied upon every hotel in the land, and I can not see why it should not be levied on the homes themselves. I am opposed, therefore, to increasing the tax on these clubs, and I think that if we are going to take it off theaters, off moving pictures, particularly off moving pictures, we ought to take it off clubs; but in principle I believe that these so-called nuisance taxes are not nuisance taxes at all; they are taxes which get a very large revenue for the Government. Most of them are taxes upon pleasure; most of them are taxes nobody has to pay unless he

voluntarily pays them, whereas a man with ordinary income finds to-day that the Government takes so large a slice of it as seriously to impair his living. Taxes upon moderate incomes in this country are outrageously high.

There ought to be an effort to reduce those taxes, taxes that are forced from people, taxes that largely fall upon the actual earnings of men, not upon their invested capital, but upon their earnings as they go through life.

As far as I am concerned, I am opposed to a 10 per cent tax upon clubs. The 10 per cent upon the club is just the difference between an extortionate rate and bankruptcy. It is said the individual pays the tax. In the long run, it is just the same whether the individual pays it or the club pays it.

Mr. BARKLEY. Mr. President, I desire to discuss very briefly the amendment pending, because what I might say in behalf of the amendment which I expect to offer later would be as applicable to this amendment as it would be to that.

There are some 5,000 of these country clubs located throughout the United States. There has grown up in the last 5 or 10 years a disposition among the smaller communities throughout the country, county seats of 1,500 and 2,000, 2,500, and 3,000 population, to establish some community centers where the members of these clubs, and where the people in the towns generally, might have a place of recreation.

If anybody has any prejudice against these clubs because men play golf on the grounds, I would suggest that a very small portion of the people who attend them engage in golf playing. In the average small county seat there is no public park where children may play or men and women may congregate for any purpose of pleasure or recreation. So by reason of the lack of these public facilities for recreation they have undertaken throughout the country to establish country clubs; there are now nearly 5,000 of these small clubs which have sprung up throughout the country in smaller towns, and many of them have a very difficult time in meeting their expenses and maintaining themselves.

I have in my office letters from officers of some of these small clubs which state that it is a continual fight throughout the entire year to maintain them, and that it is a very serious handicap to be required to pay this 10 per cent tax upon the dues that are charged.

The men and women who are members of these clubs take their children out in the afternoon; they take their lunches out in the daytime; they take their dinners at the club at night; and until bedtime these clubs afford a place for children to play and for men and women to congregate on the porches and engage in conversation.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. COPELAND. Many of these clubs are devoted to the improvement of health, where people go to exercise and to acquire health. So they render a public service in improving the public health.

Mr. BARKLEY. They are all devoted to health, in a general way. Some of them are especially devoted to the improvement of health.

It has been a very fine thing, in other words, to find in the smaller communities of the country men and women who are willing to get behind these local organizations, because their children, as a rule, have no place around the cities to play except in the back alley or out on the street, where they are liable to be run over by a passing automobile and injured or killed.

The amount raised by this tax is $10,000,000 a year. Certainly, in the interest of health and recreation, the Government of the United States can undergo a loss of $10,000,000 a year that is now collected upon these dues under the present law.

Mr. SMOOT. Mr. President, I want to call the Senator's attention to the fact that the very people about whom he has been talking do not pay the $10 dues. This exempts everybody paying up to and including $10.

Mr. BARKLEY. I am not talking about $10; I am talking about 10 per cent.

Mr. SMOOT. If the dues do not exceed $10, the member does not pay anything.

Mr. BARKLEY. There is not one club out of a thousand where the dues are not more than $10 a year.

Mr. SMOOT. They are not $10 a year in the class of clubs to which the Senator has been referring.

Mr. BARKLEY. They are more than $10 a year in the clubs I have reference to. There are some clubs where the dues are less than $10 a year, but it is inconceivable that any club of any importance or any size can maintain itself on an initiation fee or dues of $10 a year.

Mr. SMOOT. The important clubs charge sometimes as high as a thousand dollars.

Mr. BARKLEY. The exemption of $10 really brings no benefit to any great number of clubs.

I think that of all the nuisance taxes which are now levied, this is one which ought to be removed. It ought to be removed in the interest of health and recreation; it ought to be removed in the interest of the creation of a community spirit which is fostered and maintained around these small country clubs in various sections of the country and in the small county seats, where the people have no other center where they can meet for social or athletic or recreative purposes.

I not only hope that if any tax is to be imposed the Senate will agree to the House provision of 5 per cent—if there is to be any tax at all it ought not to be more than 5 per cent—but I sincerely hope we may be able to strike this tax out entirely, because there is no justification for its continuance any longer.

Mr. WALSH of Montana. Mr. President, the exemption of $10 would not take care of a country baseball club, would it?

Mr. BARKLEY. No; the exemption of $10 is practically of no benefit whatever. There is not a club among the nearly 5,000 to which I have referred that could maintain itself on a charge of $10 a year as dues. Many of the clubs charge $10 a month; many of them charge over $100 a year; and to a small county seat, a town in a rural section, where the people are undertaking to maintain a community center for the benefit of the community and for the creation of a spirit of neighborliness among the people, as well as health and recreation, this 10 per cent tax is quite an important item, and keeps many men from joining these clubs.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FRAZIER. I would like to ask the Senator from Kentucky if he does not think it might be better, if we are going to tax the wealthy clubs—and I do not know that there is any serious objection to that—in the next paragraph to raise the exemption, which is now $10, to at least $25? That would exempt the ordinary little town or country club.

Mr. BARKLEY. It might help some, but even that $25 limit would not touch the great bulk of these clubs. The Senator can very well understand that in a town of 2,500 or 3,000 or even 5,000 people, in order to maintain a club of any value, the annual dues must be more than $25 a year.

Mr. FRAZIER. Then raise the exemption to $50.

Mr. BARKLEY. I think the whole thing ought to be eliminated.

The number of large, rich clubs in this country as compared with those which have sprung up in all sections of America for the benefit of the people who have no other lines of recreation, is insignificant. I think a proper raising of the exemption would help many of these clubs, but I think the tax ought to be eliminated entirely.

Mr. FRAZIER. It seems to me the raising of the exemption would meet the situation, at least as I see it in my State, and I think perhaps it would reach it in a great many other States.

Mr. WALSH of Massachusetts. Mr. President, I am opposed to any tax being levied upon club dues, for the same reason that I was opposed to the tax levied upon admissions. Those taxes were only thought of for the purpose of creating revenue during the war. They were war-nuisance taxes.

We have removed these taxes on from 40 to 50 different articles upon which nuisance taxes were levied during the war. The whole tendency, in every tax revision bill, has been to eliminate the nuisance taxes. They are taxes levied upon a particular class. I do not care how rich people are or how poor they are, it is class taxation, and is not based upon any sound principle of tax policy.

The theory of ability to pay is not applicable here, and I hope that the Senate will get rid of all these nuisance taxes and get down to a simple taxation system of levying the tax burdens upon the theory of ability to pay.

So, Mr. President, I shall vote not only against this tax and the admission tax but every other war-nuisance tax in order that we may get back to a peace-time system of taxation.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

Mr. McKELLAR. Mr. President, may not the amendment be stated? I do not know exactly what we are to vote upon.

Mr. SMOOT. We are voting upon the committee amendment, as I understand it.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 196, line 5, the committee proposes to strike out "5 per cent" and to insert in lieu thereof "10 per cent."

Mr. BRUCE. That is an amendment proposed by the committee?

Mr. SMOOT. Yes; a committee amendment we are voting on. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). Repeating the announcement of my pair made on the last preceding vote, I withhold my vote. If permitted to vote, I should vote "yea."

Mr. CURTIS (when his name was called). Making the same announcement as to my pair and its transfer as on the previous vote, I vote "yea."

Mr. JOHNSON (when his name was called). Upon this vote I am paired with the junior Senator from Utah [Mr. KING]. I am unable to vote, the Senator and I being paired, he being of one thought and myself of another.

Mr. HARRIS (when the name of Mr. OVERMAN was called). The junior Senator from North Carolina [Mr. OVERMAN] is absent on official business. He is paired with the senior Senator from Wyoming [Mr. WARREN].

Mr. REED of Pennsylvania (when his name was called). Making the same announcement as on the last vote, I vote "yea."

The roll call was concluded.

Mr. GLASS. I desire to announce that my colleague the senior Senator from Virginia [Mr. SWANSON] was called from the Chamber on official business. He is paired with the senior Senator from Massachusetts [Mr. GILLETT]. Were he present, my colleague would vote "nay."

Mr. BRATTON. I transfer my pair with the junior Senator from Indiana [Mr. ROBINSON] to the junior Senator from South Carolina [Mr. BLEASE] and vote "nay."

Mr. JONES. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Oklahoma [Mr. PINE] with the Senator from Ohio [Mr. LOCHER]; and

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN].

The result was announced—yeas 38, nays 35, as follows:

YEAS—38

Bingham	Edge	McLean	Reed, Pa.
Blaine	Fess	McMaster	Sackett
Borah	Frazier	McNary	Schall
Brookhart	Goff	Metcalf	Shipstead
Bruce	Gould	Moses	Shortridge
Capper	Greene	Norbeck	Smoot
Couzens	Hale	Norris	Vandenberg
Curtis	Jones	Nye	Waterman
Cutting	Keyes	Oddie	
Deneen	La Follette	Phipps	

NAYS—35

Barkley	Gerry	Mayfield	Stephens
Black	Glass	Neely	Thomas
Bratton	Harris	Pittman	Tydings
Broussard	Harrison	Ransdell	Tyson
Caraway	Hawes	Reed, Mo.	Wagner
Copeland	Hayden	Sheppard	Walsh, Mass.
Dill	Heflin	Simmons	Walsh, Mont.
Fletcher	Kendrick	Steck	Wheeler
George	McKellar	Steiwer	

NOT VOTING—21

Ashurst	Gillett	Overman	Trammell
Bayard	Gooding	Pine	Warren
Blease	Howell	Robinson, Ark.	Watson
Dale	Johnson	Robinson, Ind.	
du Pont	King	Smith	
Edwards	Locher	Swanson	

So the amendment of the committee was agreed to.

Mr. BARKLEY. Mr. President, I desire to offer an amendment at this point. I move to amend the bill by striking out, on page 196, under the title "Sec. 412. Club dues tax," lines 1 to 26, inclusive, and on page 197, lines 1 to 10, inclusive. This would eliminate altogether the nuisance taxes.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The Senator from Kentucky moves, on page 196, to strike out lines 1 to 26, inclusive, and on page 197, lines 1 to 10, inclusive, in the following words:

SEC. 412. CLUB DUES TAX.

(a) Section 501 of the revenue act of 1926 is amended to read as follows:

"SEC. 501. (a) There shall be levied, assessed, collected, and paid a tax equivalent to 10 per cent of any amount paid—

"(1) As dues or membership fees to any social, athletic, or sporting club or organization, if the dues or fees of an active resident annual member are in excess of $10 per year; or

"(2) As initiation fees to such a club or organization, if such fees amount to more than $10, or if the dues or membership fees, not including initiation fees, of an active resident annual member are in excess of $10 per year.

"(b) Such taxes shall be paid by the person paying such dues or fees.

"(c) There shall be exempted from the provisions of this section all amounts paid as dues or fees to a fraternal society, order, or association, operating under the lodge system, or to any local fraternal organization among the students of a college or university. In the case of life memberships a life member shall pay annually, at the time for the payment of dues by active resident annual members, a tax equivalent to the tax upon the amount paid by such a member for dues or membership fees other than assessments, but shall pay no tax upon the amount paid for life membership.

"(d) As used in this section, the term 'dues' includes any assessment irrespective of the purpose for which made; and the term 'initiation fees' includes any payment, contribution, or loan required as a condition precedent to membership, whether or not any such payment, contribution, or loan is evidenced by a certificate of interest or indebtedness or share of stock, and irrespective of the person or organization to whom paid, contributed, or loaned."

(b) Subsection (a) of this section shall take effect on the expiration of 30 days after the enactment of this act.

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). Repeating the announcement of my pair with the junior Senator from Indiana [Mr. ROBINSON], I withhold my vote.

Mr. CURTIS (when his name was called). Making the same announcement as on the previous vote, I vote "nay."

Mr. REED of Pennsylvania (when his name was called). Making the same announcement as before, I vote "nay."

The roll call was concluded.

Mr. BRATTON. I transfer my pair with the junior Senator from Indiana [Mr. ROBINSON] to the senior Senator from North Carolina [Mr. SIMMONS], and vote "yea."

Mr. HARRIS. I desire to announce that the junior Senator from North Carolina [Mr. OVERMAN] was called from the Chamber on official business. He has a pair with the Senator from Wyoming [Mr. WARREN].

Mr. JONES. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Oklahoma [Mr. PINE] with the Senator from Ohio [Mr. LOCHER]; and

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN].

The result was announced—yeas 33, nays 40, as follows:

YEAS—33

Barkley	Gerry	McKellar	Tydings
Black	Glass	Mayfield	Tyson
Blease	Harris	Neely	Wagner
Bratton	Harrison	Pittman	Walsh, Mass.
Broussard	Hawes	Ransdell	Walsh, Mont.
Copeland	Hayden	Reed, Mo.	Wheeler
Dill	Heflin	Sheppard	
Fletcher	Kendrick	Steck	
George	King	Thomas	

NAYS—40

Bingham	Edge	La Follette	Phipps
Blaine	Fess	McLean	Reed, Pa.
Borah	Frazier	McMaster	Sackett
Brookhart	Goff	McNary	Schall
Bruce	Gould	Metcalf	Shipstead
Capper	Greene	Moses	Shortridge
Couzens	Hale	Norbeck	Smoot
Curtis	Johnson	Norris	Steiwer
Cutting	Jones	Nye	Vandenberg
Deneen	Keyes	Oddie	Waterman

NOT VOTING—21

Ashurst	Gillett	Robinson, Ark.	Trammell
Bayard	Gooding	Robinson, Ind.	Warren
Caraway	Howell	Simmons	Watson
Dale	Locher	Smith	
du Pont	Overman	Stephens	
Edwards	Pine	Swanson	

So Mr. BARKLEY's amendment was rejected.

Mr. BARKLEY. Mr. President, I understand under the unanimous-consent agreement entered into that we are not to take up other amendments until all committee amendments are disposed of. Therefore I shall offer no further amendment at this time, but at a later time I shall offer amendments increasing the exemption of $10 to a higher figure.

Mr. SMOOT. Mr. President, we have had all the votes that I shall ask the Senate to take to-night, and I am ready to have the Senate take a recess under the unanimous-consent agreement.

FLOOD CONTROL—CONFERENCE REPORT

Mr. JONES. Mr. President, I desire to state that as early as possible after the Senate convenes to-morrow I desire to call up the conference report on the flood control bill, which has already been adopted by the House.

GOLD MEDALS FOR "NC-4" AVIATORS

Mr. BINGHAM. Mr. President, in accordance with the notice which I gave a few days ago and in order to properly commemorate the fact that it was nine years ago to-day that the first airplane crossed the Atlantic Ocean, the *NC-4* starting from Long Island on that journey which made her and her crew so famous, I ask unanimous consent for the immediate consideration of Calendar 1088, Senate bill 4338, providing for gold medals for that crew. The bill was reported yesterday unanimously by the Committee on Naval Affairs.

The VICE PRESIDENT. Is there objection to the request of the Senator from Connecticut?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4338) to authorize the President to award in the name of Congress gold medals of appropriate design to Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes, which was read, as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to award, in the name of Congress, gold medals of appropriate design to Lieut. Commander Albert C. Read, United States Navy, commanding officer; to Lieut. Elmer F. Stone, United States Coast Guard, pilot; to former Lieut. Walter Hinton, United States Navy, pilot; to Lieut. H. C. Rodd, United States Navy, radio operator; to former Lieut. J. L. Breese, United States Naval Reserve Force, engineer; and to former Machinist's Mate Eugene Rhodes, United States Navy, engineer, for their extraordinary achievement in making the first successful trans-Atlantic flight, in the U. S. naval flying boat *NC-4*, in May, 1919.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 805. An act donating Revolutionary cannon to the New York State Conservation Department;

S. 1456. An act to authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex.;

S. 3791. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1928;

S. 3947. An act to provide for the times and places for holding court for the eastern district of North Carolina;

H. R. 9481. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes; and

H. R. 10141. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 6518. An act to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services"; to the Committee on Civil Service.

H. R. 8907. An act to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes; to the Committee on Agriculture and Forestry.

H. R. 12408. An act authorizing custodians and acting custodians of Federal buildings to administer oaths of office to employees in the custodian service; to the Committee on the Judiciary.

H. R. 167. An act to amend the act of February 12, 1925 (Public, No. 402, 68th Cong.), so as to permit the Cowlitz Tribe of Indians to file suit in the Court of Claims under said act;

H. R. 491. An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California; and

H. R. 9046. An act to continue the allowance of Sioux benefits; to the Committee on Indian Affairs.

H. R. 7354. An act to allow the Postmaster General to promote mechanics' helpers to the first grade of special mechanics;

H. R. 8728. An act to authorize the Postmaster General to give motor-vehicle service employees credit for actual time served on a basis of one year for each 306 days of eight hours served as substitute; and

H. R. 12605. An act to enable the Postmaster General to purchase and erect community mail boxes on rural routes and to rent compartments of such boxes to patrons of rural delivery; to the Committee on Post Offices and Post Roads.

H. R. 6854. An act to add certain lands to the Montezuma National Forest, Colo., and for other purposes;

H. R. 11852. An act providing for the confirmation of grant of lands formerly the United States barracks at Baton Rouge, La., to the board of supervisors of the Louisiana State University and Agricultural and Mechanical College; and

H. R. 12192. An act authorizing the Secretary of the Interior to accept a deed to certain land and issue patent therefor to the city of Buhl, Twin Falls County, Idaho; to the Committee on Public Lands and Surveys.

H. R. 9194. An act authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873;

H. R. 9355. An act to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes; and

H. R. 9965. An act to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., where, on February 14, 1779, Elijah Clarke, of Georgia, and Colonel Pickens, of South Carolina, overtook the Tories under Colonel Boyd, killing him and many of his followers, thus ending British dominion in Georgia; to the Committee on the Library.

H. R. 5548. An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct;

H. R. 5644. An act to enable an enlisted man in the naval service to make good time lost in excess of one day under certain conditions;

H. R. 5718. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service"; and

H. R. 11621. An act to authorize the Secretary of the Navy to advance public funds to naval personnel under certain conditions; to the Committee on Naval Affairs.

H. R. 43. An act to amend the act entitled "An act to standardize lime barrels," approved August 23, 1916;

H. R. 5475. An act authorizing the New Cumberland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Cumberland, W. Va.;

H. R. 10786. An act authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Gila River and its tributaries above the San Carlos Reservoir in New Mexico and Arizona;

H. R. 11917. An act granting the consent of Congress to the county of Cook, State of Illinois, to widen, maintain, and operate the existing bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 11950. An act to legalize a pier and wharf in Deer Island thoroughfare on the northerly side at the southeast end of Buckmaster Neck at the town of Stonington, Me.;

H. R. 11980. An act granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana;

H. R. 12379. An act granting the consent of Congress to Howard Seabury to construct, maintain, and operate a dam to retain tidal waters in an unnamed cove which is situated and extends from Cases Inlet into section 28, township 21 north, range 1 west, Willamette meridian, in Pierce County, State of Washington;

H. R. 12386. An act authorizing the State of Texas and the State of Louisiana to construct, maintain, and operate a free highway bridge across the Sabine River at or near Pendleton's Ferry;

H. R. 12676. An act to amend section 2 of an act approved February 14, 1926, granting consent of Congress for the construction of a bridge across Red River at or near Fulton, Ark.; and

H. R. 12677. An act to amend section 2 of an act approved March 12, 1928, granting consent of Congress for the construction of a bridge across the Ouachita River at or near Calion, Ark.; to the Committee on Commerce.

H. R. 11758. An act authorizing the Secretary of War to grant a right of way for a levee through the Chalmette National Cemetery;

H. R. 11804. An act authorizing and directing the Secretary of War to lend to the town of Appalachia, Va., 500 canvas cots, 500 blankets, 1,000 bed sheets, 500 pillows, 500 pillowcases, and 500 mattresses or bed sacks, to be used at the convention of the

American Legion, Department of Virginia, to be held at Appalachia, Va., on August 13, 14, and 15, 1928;

H. R. 11953. An act to authorize the sale under the provisions of the act of March 12, 1926 (Public, No. 45, 69th Cong.), of surplus War Department real property;

H. R. 12814. An act to increase the efficiency of the Air Corps; and

H. J. Res. 236. Joint resolution authorizing the Secretary of War to lend tents and camp equipment for the use of the housing committee for the convention of the American Legion for the Department of Washington, to be held at Centralia, Wash., in the month of August, 1928; to the Committee on Military Affairs.

COST OF PRODUCING FERTILIZER UREA

Mr. KING submitted the following resolution (S. Res. 228), which was ordered to lie on the table:

Senate Resolution 228, Seventieth Congress, first session

Whereas it was the intention of the tariff act of 1922 to permit the importation, free of duty, of fertilizers and fertilizer materials for the benefit of the agriculture of the United States; and

Whereas paragraph 26 of said tariff act laid a duty of 35 per cent ad valorem upon importations of urea; and

Whereas at the date of said act importations of urea were of negligible quantity and were restricted to medicinal uses; and

Whereas since the date of said tariff act there has been a wide expansion in the production of synthetic urea and an expanding market for such urea in the United States as a fertilizer, a use which was unknown when said tariff act was passed; and

Whereas there is no production of fertilizer urea in the United States, and the production of medicinal urea with which said fertilizer urea does not compete is limited to a few hundred tons per annum; and

Whereas, because of the demand of American agriculture for an improved and effective nitrogenous fertilizer which leaves no inert residue in the soil, the imports of fertilizer urea have arisen to approximately 1,000,000 pounds per annum; and

Whereas the cost of said fertilizer urea to the American farmer is increased 35 per cent by virtue of the existing tariff which represents an arbitrary imposition upon agriculture without corresponding benefit to any American industry: Now, therefore be it

Resolved, That the United States Tariff Commission is requested, under provisions of section 315 of the tariff act of 1922, to investigate the cost of the production of fertilizer urea in the country from which the principal exports of fertilizer urea are made to the United States, and the facts with respect to the quantities of fertilizer urea being imported and used in the United States, and to report its findings to the President of the United States.

COSTS OF PRODUCING AMMONIUM SULPHATE AND AMMONIUM PHOSPHATE

Mr. KING submitted the following resolution (S. Res. 229), which was ordered to lie on the table:

Senate Resolution 229, Seventieth Congress, first session

Whereas the tariff act of 1922 laid a duty of $5 per ton upon imported ammonium sulphate and a duty of $80 per ton upon imported ammonium phosphate; and

Whereas by the tariff acts of 1909 and of 1913 ammonium sulphate was importable free of duty; and

Whereas in 1926 the exports of ammonium sulphate were 181,125 tons and the imports were 8,368 tons, giving a balance of exports over imports of 172,757 tons, which balance is more than twenty times the total imports for that year; and

Whereas since the date of said tariff act of 1922 the exports of ammonium sulphate as a fertilizer have more than trebled in quantity; and

Whereas ammonium sulphate produced in the United States is sold abroad for the service of foreign agriculture at a lesser price than the same is available in the United States for the service of American agriculture; and

Whereas over 95 per cent of the ammonium sulphate sold in the United States for domestic consumption and for export is under the control of a single monopolistic corporation; and

Whereas said monopolistic corporation by increasing its exports has created an artificial shortage of ammonium sulphate available for the service of American agriculture, which has caused the domestic price to be bid up from $43 to $48 per ton in the last few months, which artificial increase equals the entire duty on ammonium sulphate laid by the tariff act of 1922; and

Whereas ammonium phosphate is becoming available for use as a fertilizer material because of new processes which permit large-scale production; and

Whereas the duty of $30 per ton on ammonium phosphate laid by the tariff act of 1922 is prohibitive and prevents the importation and use of ammonium phosphate as a fertilizer for the service of American agriculture; and

Whereas the rates of duty laid by the tariff act of 1922 upon ammonium sulphate and ammonium phosphate effectively restrict the use of such materials as fertilizers for the service of American agriculture and lay an undue burden upon the farmers of the United States: Now, therefore, be it

Resolved, That the United States Tariff Commission is requested, under the provisions of section 315 of the tariff act of 1922, to investigate the costs of production of ammonium sulphate and of ammonium phosphate in the United States and the principal competing country, and to report its findings to the President of the United States.

COSTS OF PRODUCING SYNTHETIC METHANOL

Mr. KING submitted the following resolution (S. Res. 230), which was ordered to lie on the table:

Senate Resolution 230, Seventieth Congress, first session

Whereas the tariff act of 1922 laid a duty upon importations of methanol at the rate of 12 cents per gallon; and

Whereas the President, by proclamation of November 27, 1926, under the authority of section 315 of said tariff act, increased the duty on imported methanol from 12 cents to 18 cents per gallon, which was the maximum increase permitted by such act; and

Whereas at the date of said proclamation the domestic price of methanol was 65 cents per gallon; and

Whereas since said proclamation there has been a great expansion in the production of synthetic methanol in the United States by virtue of which the domestic price has fallen to 45 cents per gallon, which indicates a presumptive reduction in the cost of production in the United States of 20 cents per gallon, which is more than three times the increase of 6 cents per gallon in the duty made by the presidential proclamation aforesaid; and

Whereas the facts above recited warrant that the President, in the exercise of his powers under section 315 of said tariff act at this time, reduce the duty imposed by said act upon imported methanol from 12 to 6 cents per gallon, which will absorb but 12 cents of the presumptive reduction of 20 cents per gallon in the cost of producing synthetic methanol in the United States; and

Whereas methanol is of extensive and expanding use as a raw material in important industries in the United States: Now, therefore, be it

Resolved, That the United States Tariff Commission is requested, under provisions of section 315 of the tariff act of 1922, to investigate the costs of the production of synthetic methanol in the United States and the principal competing country and to report its findings to the President of the United States.

THE LEAGUE OF NATIONS, CARTELS, AND THE TARIFF

Mr. METCALF. Mr. President, I ask unanimous consent to have printed in the RECORD a very interesting article on "The League of Nations, cartels, and the tariff," by A. Cressy Morrison.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is here printed, as follows:

THE LEAGUE OF NATIONS, CARTELS, AND THE TARIFF[1]

(From the viewpoint of an unofficial observer at the Geneva Economic Conference. Mr. Morrison presents some interesting facts on the international situation.—The editors.)

In May of 1927 I had the good fortune to be an unofficial observer at the Geneva Economic Conference. The League of Nations had devoted a year and a half preparing for the conference, and had invited a selected list of distinguished thinkers and writers in different parts of the world to compile data for the gathering of economists and other representatives from all nations. The conference was called to discuss questions of commerce, industry, trade barriers, international cartels, and agriculture in its relation to industry. One idea developed at the conference was termed the "rationalization of industry."

President Coolidge, upon request, sent five American representatives; like members were also sent from other countries. The league reserved the right to select additional delegates from the different countries representing various organizations. Fifty nations were represented by about 400 delegates and experts.

As soon as the conference organized, it divided into many committees upon which each nation might have a representative if so desired. Not being a member of the League of Nations, the United States did not desire representatives upon some of the committees.

You will be interested to know that the international sessions at Geneva are not nearly as orderly as meetings of the majority of commercial bodies in the United States. There are so many races, people, and languages involved. Those who do not understand the speaker immediately begin talking loudly, and no one is able to comprehend what is being said. It was my idea that the league would be a very dignified body where diplomats in uniform or formal dress would rise and address the assembly, which would listen in rapt silence.

[1] First published under the title "International centralization as suggested by the Geneva Economic Conference."

The official languages of the league are English and French. A Frenchman makes a vigorous speech with all the emphasis of his nature and with that eloquence which is proverbial among the French. He meets with tremendous applause from those who understand French. Immediately after him a translator rises, who says: "Monsieur So-and-So has spoken as follows——"; and then, to the utter amazement of those who are unfamiliar with the real brilliancy of these translators, he will repeat the speech that occupied 30 or 40 minutes and not miss a point. If he is speaking in English, translating it from the French, all those who understand French begin to talk at once, and the poor English listener is hardly aware of what is being said by the translator, and I may well say vice versa. These meetings, therefore, are not the dignified and wonderful things which one would expect.

I emphasize this particular characteristic of the League of Nations meetings because I want to illustrate the point—that it is not a body of supermen. The delegates are ordinary human beings. They have the same frailties, the same standards, the same selfishness, and the same schemes, and indeed the same generosity and general decency which humanity in general possesses. It is a composite of humanity. As a nation is a composite of its citizens, so when a nation sends delegates to the league they are more or less a cross section of its average intelligence. So the League of Nations is the average of the intelligence of the nations which compose it.

Now, that disposes of a prevalent idea that a gathering of the League of Nations is necessarily always right or always wrong. It is human, and the human equation is just as apparent there as anywhere—vindictive responses, lacking entirely in diplomacy, and earnest, sincere men advocating theories they believe to be new but which have been accepted in other countries for years. It is a most interesting study.

As it seems to be a universal opinion in Europe and other countries that the United States is unduly prosperous, so is there a united sentiment that anything which can be done to distribute our prosperity throughout the world, and advance other nations by tapping our sources of income, is a perfectly normal and proper thing to do.

The organization of the League of Nations is very complete and, as in many great bodies where there is wide divergence of opinion, the steam roller is also present. I want to emphasize this steam roller without questioning or criticizing it, except as it applies to the United States.

All the documentary preparation for the economic conference was necessarily in the hands of the officials of the league. Their point of view being international, then the documents prepared are likely to be international, because they select sympathetic writers for the preparation and so the documentation of the economic conference, amounting to about 120 volumes, all prepared in advance and costing approximately $100,000 of the league's money, had a strong international tendency. There were long and emphatic statements about universal brotherhood, the love of your fellow man, mutual dependency of nations, and so on, all highly altruistic. This was a part of the steam roller designed to color the thought of the delegates.

The chairmen of the committees, I am perfectly sure, were designated before the conference convened; and were more or less in sympathy with the purposes of internationalism which the league had in view. I am not criticizing that.

The resolutions were prepared in advance and submitted to the committees for consideration. Of course, they were considered, but human experience develops the fact that there is almost always a majority affirmatively inclined toward a well-written resolution. Mental laziness prevents many from rising and criticizing the verbiage of a resolution which has already been prepared, especially since men have confidence in their committees. The fundamental basis of the resolutions, the thing on which the outcome depended, was evidently prepared in advance. In the end, those delegates who wished to oppose a resolution were almost always in the minority. As a result, the fruit of the conferences and the outcome was largely the result of the determination of the League of Nations to bring about in the conference an international point of view; to destroy nationalism and to substitute a universal brotherhood of nations may be ideal, but the millennium is not yet here. The New Testament teaches "brotherhood," but we still have policemen.

Every one of our own delegates at the conference was sound in his Americanism. On many things they did not vote, especially where it involved an investigation or an expenditure of money by the league; and the American position was very sound, for they could not well vote on a subject that involved expenditures from a fund to which we do not contribute.

Our delegation found many things in the resolutions, evidently inserted with direct reference to us or for the purpose of propaganda in the United States. Many were eliminated. In one case an American delegate, who was a minority of 1 against 52 opposing a clause in a resolution, had the courage to say: "If you press this matter, which is contrary to the interest of the United States as I see it, I shall be obliged to bring in a minority report and precipitate a debate on the question before the conference." That seemed certainly effective, and the wording after long debate was apparently eliminated; but when the report of the committee was printed the next morning, by some inadvertence the objectionable clause was still in the resolution; and it required still more courage for that American delegate to go to the chairman and say to him: "I have discovered a typographical error in the report, and unless it is taken out before it is presented I will renew my objection by making a minority report and will bring the error into public discussion."

So you will see how difficult it is for any nation, and more especially the United States, to meet the majority opinion and be courteous and friendly without yielding something to his international idea when in our hearts we feel we should not yield.

I have given this picture of the League of Nations so that you may see that the league differs in no particular from other great bodies of men wherever they get together to discuss important matters. As is human, they, too, are more or less steered; it is the same thing we find anywhere. That disposes of the League of Nations as a superbody, and I am sure that anyone who will go there and observe it as I did in connection with its inner mechanism will feel that way. In my opinion, whether the propaganda charges us with isolation or not, it makes little difference. If we become bound by the rules of the League of Nations we will find ourselves, step by step, yielding to the majority. We are a good-natured, generous-minded people, and with organization and a majority against us the situation would be dangerous. It is my opinion that the United States should stay out of the League of Nations.

Many of the keynotes of the league are obvious statements. If I were a politician I would always deal in obvious statements, and then the most of my hearers would agree with me.

For illustration, here are some of them: "It is generally conceded that 'the greater the international interchange of products best and most economically produced' in different countries should therefore be regarded as the normal rule." This, of course, means free trade. But the human equation enters, and certainly France, with her standard of living, could not abandon the making of silk and pottery and give this business to China or Japan, nor would those countries give France any return unless her prices were lower than other nations.

Again, England could not abandon the manufacture of dyes and chemicals to Germany on both military and commercial grounds; nor could she intrust a monopoly in such things to any other country and be sure that the higher prices of dyes would not make her production of textiles competitively impossible.

Here is another obvious statement: "Human brotherhood is growing, and in human brotherhood lies our opportunity for future progress and the growth of civilization." Well, that is true basically whether we are white, black, yellow, or red. We are of the same humanity, and we have evolved along similar lines; but our standards differ enormously, and we can not sacrifice them; nor can we adopt the methods of life, morals, or economics of some of our brothers.

Another: "You can not sell unless you buy." Well, that sounds perfectly sound and obvious, but there is much to be said on the other side. Such general statements are hard to answer, and it takes patience and time and no little ability to do it. The league's attitude all the way through was based upon these generalized statements.

"Rationalization of industry," by which is meant quantity production, automatic machinery, system, and great capital investment, became a subject of much discussion. There was a clear understanding that a great deal of the industrial progress of the United States was due to this policy. The efforts of the American people to standardize products so that rationalization could be attained and the extraordinary reduction in man power per unit of output was recognized. The league was apparently unanimous in the opinion that Europe, if it wishes to succeed and compete successfully with the great country across the seas, must adopt this magic rationalization.

All through the discussions of rationalization were long arguments to the effect that the introduction of new machinery was dangerous to the workingman; that if they started rationalization by improving their products or getting a larger production per man it would increase unemployment; and therefore provision must be made and subsidies provided for the idle laborers thus thrown out of work until consumption caught up.

Now, we in America have passed beyond that. Labor in this country knows perfectly well that the introduction of a new machine means more business for the employer and more work for themselves at higher pay. But over on the other side they still show by their debates that they are in the old state of mind. That may not be the feeling of all, but it is the state of mind of many of the delegates.

We see that the average opinions of the other nations are a generation behind us in this matter. But they are awakening, and the time is coming very soon when rationalization and the adoption of American methods will be general. American machinery is now purchased and copied, so that in certain industries, like window glass, they are beating us with our own tools. It is going to increase their competitive ability most materially. They are still in the stage where they feel that low-cost labor reduces the cost of production and that the way to save money is to take it out of the human hide. Fortunately we have gotten beyond that, and the producing power of the American people is the key to our progress. I hope we can maintain wages in this country, and if necessary pay higher ones. Certainly we should pay wages com-

mensurate with our standard of living and continue to use our genius to improve our processes and to bring about further savings in manpower cost.

ON THE QUESTION OF AGRICULTURE

At the Geneva conference agriculture was recognized for the first time side by side with commerce and industry. Its problems must be solved with the others.

But we Americans had paved the way for that, for when we framed our own tariff act of 1922 we recognized that the raw material of one man is the finished product of another. We recognized the farm as a producing industry. It is just as difficult to raise a Merino sheep as it is to make cloth and an overcoat from its wool. The man who produces sheep is just as much a manufacturer as the mill owner. That idea seemed to be just born in Geneva, although we have had it over here for some time. So agriculture was recognized as an integral part of the industrial structure of human life and civilization and entitled to equal compensation and equal recognition.

It seemed to be acknowledged as a deplorable reality that in all of the European countries agriculture was not prospering in the same measure as industry. Our own country recently has been no exception to the general rule. But there the comparison ends, for in our own country agriculture has attained a position of importance, incomparably better than that of the farmer of Europe, who has absolutely no voice in the councils of the nations, and is only a peasant.

If our farmers could only visit Europe and see the return for effort and the standard of living of the peasant farmer, they would learn much by the comparison and would conclude that their lot here is not so bad. Our farmer should still try to better it, but he should hesitate to change our great national policies, like the protective tariff, lest he destroy himself.

CARTELS

Now comes the question of cartels, and that, I presume, is the key point to which I am to address myself. You will be interested to know that the ultimate conclusion of the League of Nations was this: They do not know whether the cartel is a good thing or not. Let me explain that "cartel" is their word in Europe for a trust or monopolistic organization, which may be national or international.

Here in our country, as is well known, we are not allowed to form monopolies or combinations to raise prices or to divide markets. The Sherman antitrust law has for years forbidden that, and our country has thought it wise to continue to do so. Here we know what riotous competition is and what its dangers are. At Geneva we were told that we are stripping our natural resources because riotous competition forces us to take only the cream from our mines, our forests, and other exhaustible natural resources. That is certainly a detriment to future generations, but for the present at least we can not help it.

But over in Europe cartels have been encouraged. Prior to the war Germany had an enormous advantage of rapidly growing industry and governmental recognition or encouragement of cartels. Agencies of the old German Government in foreign countries were charged with the duty of ascertaining the nature of imports from other countries. In Brazil, for illustration, representatives of the German Government were everywhere, in banks and other clerical positions, acquiring information regarding contracts and trade relations with other countries, so that the information might be transmitted to Germany and there acted upon by the cartel for the benefit of German commerce.

An American concern sent a man to Brazil who made contracts with the leading dealers in his particular commodity. The contract bound him to furnish all the items of that commodity which they could normally handle. The contract was large enough to involve the question of loans, and as a matter of course the local dealers went to the banks. The banks copied the contracts and sent them to Berlin, and inside of 60 days a German representative of the cartel came to Brazil, saw the other dealers, and cut the price sufficiently so that the original firms could not compete. The American manufacturer was confronted with the necessity of either cutting his price to a ruinous degree or going out of the business there. In those days Americans were not particularly interested in export business, and the manufacturer did not cut his price, and his business in Brazil was lost.

These methods are not exactly ethical and I do not say that Germany is the only one who did it. A chicken like that might some day come home to roost on our own rail. At the same time, a cartel is in a much better position to conduct such a fight and drive competitors out of business than is a single individual concern.

Now, those pre-war cartels were very successful. We have heard it said, and believe it to be so, that if the German Government had been less inclined to war and more patient, the German method of competition would have made Germany the commercial leader of the world by this time. But, of course, the war came and Germany lost. She lost territory, personnel, training, and methods of government which were effective in this case. It will take that country, and every other country in Europe, some time to reorganize and reestablish old connections and build up their trade again.

But the cartel idea is not dead, and when it came up at Geneva the conference said that there was no law which could control an international cartel; that no law could be made until cartels had demonstrated their usefulness or lack of usefulness, their dangers or their benefits. So national cartels were recognized as established facts and international cartels were considerably encouraged. The league in general terms said: "If a cartel does not raise prices internationally, if it does not discriminate against nations by charging a high price for a necessary commodity to be used in a further commodity, and thus drive that nation out of the competitive field on the further commodity, the cartel would be all right. That if it did not throw workmen out of employment it was all right. That if it did not work them too hard it was all right." But the curious thing about it was that the international cartels were discussed with the same arguments which we find took place in our own Congress when we reread the debates on the Sherman antitrust law—again showing that we have passed through much that seems new to many other nations.

Although the league reached no conclusion about cartels, yet nothing was done to discourage them. Cartels were then and there in process of formation. Last summer the "chemical cartel" was formed internationally. I met people in May who were interested in it and asked, "Have you signed? I see that German chemical stocks are rising." They answered, "No; we have not signed; but conversations are still going on." Later the great "chemical cartel" was formed.

The difficulty in forming cartels is that the initiators usually demand the greater share of the business. When the cartel divides the world's business, for instance, it may be suggested that Germany shall have 50 per cent, France 22 per cent, Holland 16 per cent, and Luxemburg 6 per cent, and so on. These percentages present great difficulties as to who will share and how much each will get.

Cartels divide up the countries on the theory that if you control production you can thus raise prices and prevent destructive competition. Back of the whole thing lies this idea: That the cartels will be better equipped to give successful combat to American industry. The strength of the cartel lies in its centralized control and in its ability to dump or to exercise the kind of competition which will force its competitors out of a neutral market. I believe it is their underlying hope that the increase in American exports may be checked, or in fact radically decreased by the efforts of these organizations.

I was astonished to learn that national cartels are so general that they cover almost all industries. International cartels are less so, but I am told that when the World War broke out there were some 600, and they have increased rapidly ever since.

Which is the proper method of doing business? Of the two systems, which will succeed? A concentrated body organized for international trade, like a cartel, or a concentrated body like the great corporations in the United States? Certainly the small fry must keep near the shore. I do not think the world has as yet demonstrated which is the best for humanity generally. That is a matter for discussion. It is trust and antitrust, and I think we may dismiss that question because we can not settle it here.

These international cartels have weaknesses, and that is the same thing that I have illustrated in the workings of the League of Nations. They are made up of human beings, and my observations confirmed my feeling that Europeans, both as nations and individuals, are not more generous nor less unselfish or high-minded than the American people.

We know there is a very large class of people in the United States who feel that anything our Government does is absolutely wrong. For instance, if we send an ambassador to Mexico who asks Mexico to protect American business interests there, some one is bound to rise and complain that it is not right; that we are trying to interfere with Mexican business and the Mexican Government. If we do not send an ambassador to look after these matters in Mexico, we are then charged with being a neglectful Government. If we go into Nicaragua because we want to protect Americans there, many in this country at once declare we are utterly wrong, are imperialistic, and have ulterior motives. They charge we are creating ill will for our Government, and that we ought to at once withdraw. If we try to do anything to protect Americans in China because there is no strong government in China and no one able to protect us there, some one jumps up and says we are brutal and are helping others to rob China of its independence.

THE TARIFF AND THE LEAGUE

Much of this unthinking criticism is directed at the American tariff. How many thousands of people in the United States think the American tariff is wicked, that it is a menace to peace, that it prevents the whole world from recovering from the war, and that we are ungenerous and unkind to Europe! How many of these critics, either Americans or Europeans, know that 60 per cent of all goods coming here are on the free list; that our imports are double those of any previous time in our history, and that more goods come in free to-day than the total of all imports under any previous law? Well, I found this ignorant criticism in Europe. I talked with a man from Finland who said: "Oh, Mr. Morrison, I wish to speak to you about your American tariff. It is hampering our development." I asked: "In Finland?" I said: "The American people are very friendly to Finland and are proud of

the fact that you have organized a government upon the American model. That we are doing anything to upset the commercial relations between these two countries or do anything that is distasteful to Finland is a surprise to me. Please be specific." Now, gentlemen, that is the key to the whole situation—let the critics be specific. He said: "It is your tariff on lumber and wood pulp." I said: "Why, I am astounded that should affect you, because both are on our free list."

Then I met a Canadian, who said, "Your tariff is very, very bad." I said, "What makes you think so?" He said, "Lots of my friends in the lumber business in Canada are almost bankrupt." I said, "Wait a minute. Lumber is on our free list." He replied, "No; there is a duty of $2 per thousand." So I took my copy of our tariff act, and after reading it to him I said, "There is a duty on one kind of lumber, on planed tongued-and-grooved boards, of $2 per thousand. And the reason for that duty is because Canada charges us a duty of $2 per thousand feet. There is a clause in our tariff bill which says we will put lumber on the free list if the other nations permit our lumber to enter their markets free. In the case of Canada, I know that an application has been made to the Canadian Government to take that $2 per thousand feet off of that particular class of lumber. So you understand the moment your country takes off its tariff then our tariff falls. Your complaint is not against the United States. Go to Ottawa and have it corrected there." This is just another instance of foreign misunderstanding of our tariff.

In Europe they thoroughly believe that we have a tariff wall so high as to prevent anything from coming over here, and that it is almost impossible to export anything to us. None of them know the fact, as I stated a moment ago, that 60 per cent of all imports coming into the United States under our present tariff law are free, and that a tariff is put upon those commodities in which a large amount of labor is used in production, so as to keep our own people working instead of throwing our workmen and women out of employment and giving their jobs to the workmen in Europe. So there is a very strong sentiment, and it results in propaganda which is ever increasing. Indeed, much of this propaganda emanates right in Geneva from certain American organizations with altruistic ideals and supported by American philanthropy, who preach that our self-preservation by means of a tariff is "a menace to world peace." I have innumerable instances of that sort of matter in my possession. All the European nations have organized press bureaus which are sending alleged national opinions to our press, and, strange to say, criticisms of America and our policy get the headlines here in the States.

NATIONAL OPINIONS

And this brings me to this thought: These "national opinions" seem to come into our public prints as though they were the opinions of the peoples of these foreign governments. The propaganda is like this: "It is the consensus of opinion in Germany," or "English opinion is as follows," or "France thinks so and so." Who knows what France thinks? Who knows what the consensus of opinion is in Germany? Who knows what English public opinion is? Do we think we know because an Associated Press dispatch tells us this or that? There is no referendum. Somebody says, "France hates us." Shall we believe that? I think France loves us, and my opinion is as good as a reporter's. I think there is no lack of appreciation in France of the fact that we went "over there." They helped us in our struggle for independence and we came to them when they needed us most. Do you think the people of France hate us because of our tariff, of which ninety-nine out of a hundred Frenchmen never even heard?

But the propagandists say that France made this last attempt to raise duties against us because she wanted to get even with us on account of our protective tariff. You should know that all the European tariff walls are about as high as ours, and many exceed ours. There is not nearly as much on their free list as you would suppose.

Why should we accuse France of reprisal? How do we know what "France" thinks or why she acts? I was once told by a diplomat that if one could tell to-night what the French Government will think to-morrow morning he would surpass the greatest intellectual achievement of the century. Let us analyze this question of reprisal: Shall we say that France "thinks" this or that, and because of the American tariff she prefers to buy goods elsewhere? Is the American tariff as serious a menace to France as the German border line? Germany has been her hereditary enemy, and for generation after generation the French and the Germans have distrusted each other. On the other hand, can you tell me France has entirely forgotten our services to her and the friendly relations which have always existed? Is it because of our tariff or is it for some other reason she has made a reciprocity treaty with Germany, her worst enemy, and tried to raise her tariff against us? You may guess what an individual thinks, but no man can tell what a nation thinks. That is what I am coming to in this whole question of international relationship. France may think one thing or she may think another, but the individual in France who is engaged in the grain business "thinks" that if he can buy wheat from the Argentine one cent cheaper than he can in the United States, he is going to buy in the Argentine. And if he can buy wheat one cent cheaper in Russia than he can buy it in the Argentine or in the United States he is going to buy it in Russia.

We must not expect the individual business man to sacrifice his profits simply because he "thinks" what a wonderful, generous country the United States is, or will say, "How good it has been to us; I for one appreciate it, and therefore I am going to make the sacrifice."

We can take it as axiomatic that the purchasers in all European nations are going to buy what they can within their own borders, and if they must buy from other countries they will buy where they can buy cheapest, and nowhere else. And if they find there is something coming across their borders in serious competition with them, they will devise some means to protect themselves; a tariff, or a classification, or whatever may be necessary.

No matter what we do in America, whether we loan them money to start their industries—as we have done enormously, and thus helped them to build up competition against us—or whether or not we set aside a tariff duty, it is individual American initiative and ability that is going to determine whether we get foreign trade or not; and it is our competitive ability to produce at a lower cost and sell better goods or cheaper goods that will get us the business. Let us not adopt as a commercial principle the idea that we may expect gratitude in our business relations with the people of another country. One of the great philosophers put over his dressing table:

"Never expect gratitude. If it comes it is as a gentle rain from heaven, and it is as rare as a shower in the desert."

Quite apropos of this is a recent statement in Le Temps, a leading Paris paper, which refers to our "holier than thou" attitude, and adds: "At the feet of the Pharisees this attitude must be seriously considered, for they are only too willing to walk over those who prostrate themselves before them," and says further regarding America: "While waiting for a powerful war fleet under hasty construction she is blocking all the seas in order to hold the Old World at her mercy. She is throttling it with chains of gold."

This is a responsible French journal, and the information given is news to us all. I do not believe you knew our country was half as bad as this.

What we may do for the protection of American industry and the maintenance of our own standard of living is our own affair, and we can not look for gratitude whether we do or do not let down our tariff walls.

CARTELS AND THE TARIFF

And that brings me back to the question of cartels: With unorganized industry in the United States and organized trusts abroad when the opportunity occurs and there is any breach in our protective tariff walls, they are coming through. That is one of the great hazards of unorganized effort. Personally, I know of an instance before the war where a certain manufacturing industry was started in this country that had never been undertaken here before. At the end of one year the American manufacturer had demonstrated ability to produce the commodity economically, and at the price of $110 a ton it furnished a small profit. He was then visited by a representative of the foreign cartel, who said: "We want to be very friendly; we recognize the great ability with which you have mastered this industry, and we want to cooperate with you. Your price is $110 a ton. We will allow you 20 per cent of the business in the United States, we will take 80 per cent for ourselves, and will maintain that price." The answer of the American producer was: "I will not enter into any such combination. It is unlawful. I will go it alone and you can go, alone, to a certain very warm clime."

The foreign cartel immediately dropped the price to $60 a ton, much lower than the cost of production in the United States, and just before the war the price was dropped by the cartel to $52 a ton, because the manufacturer in this country was not only persistent but as a patriotic American as well, he kept on making it, even at a loss, because he had a deep pocket.

That is the warfare you will have to meet from the cartels. The strength of the cartel is in its unified effort; its ability to maintain prices in countries which are in the cartel, and to utilize resources thus acquired to drive competitors out of foreign markets including the markets of our own United States, which is the envy of the world.

A weakness of the cartel is also apparent: As soon as it becomes international there is the national feeling as well as the human equation—national pride, jealousy, and selfishness. I do not expect cartels in their present form to last indefinitely, but I do expect the idea to grow and superorganized aggregations to appear, and I think within a very few years we will have cartels of such sound foundation that they will be a distinct menace to American industry. It therefore behooves us, in view of the centralization in Europe, to remember that the greatest market of the world is in the United States; that our export business is from 7 to 10 per cent of the total volume of our production, and, essential as our exports appear to be, we can not afford to bring down our standard of living and throw labor out of employment here just to get us an export trade. We must not break

those things down which have made our prosperity, because with wages paid here three or four or five times those paid in foreign countries, without some means to equalize this difference in cost we are in no position to defend ourselves.

I feel that the League of Nations may be useful; and on the Continent where wages are nearly on a level, where economic conditions are much the same and distances are shorter, perhaps there may be an actual breaking down of tariff walls there. Let us expect that, and let them work out their own salvation. But let us not deceive ourselves with the thought that we can make any nation grateful to us by anything we do in this country. The individual merchant decides the question of where to buy, and he will buy in the cheapest market.

So let us maintain the United States as we have it. Let us keep our high wage scale and our standard of living. Let us thus keep our prosperity. Let us continue to rationalize our industries and in many fields we shall be able to win the world's trade by giving better goods for less money; and at all times we can help Europe, because a prosperous America makes the best customer for all the nations of the world.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. Under the order heretofore entered, I move that the Senate take a recess until 8 o'clock p. m.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION

THE CALENDAR

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

The PRESIDENT pro tempore. The period of recess having expired, under the unanimous-consent agreement previously entered into the clerk will call the calendar for unobjected bills.

Mr. McKELLAR. I wish to inquire where we are to begin? We left off at Calendar No. 768 on the last call.

Mr. CURTIS. I think we should commence at the first bill on the calendar.

The PRESIDENT pro tempore. The clerk will call the first bill on the calendar.

NAMING OF CERTAIN STATE AND FEDERAL HIGHWAYS

The bill (S. 1182) to provide for the naming of certain highways through State and Federal cooperation, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized to cooperate with the highway departments of the several States in selecting and assigning names to highways embraced in the system of Federal-aid highways as designated and approved in accordance with the provisions of section 6 of the Federal highway act of November 9, 1921. (42 Stat. L. 212.) When the Secretary of Agriculture and the highway department of a State, acting under the provisions of this act, shall name any such highway it thereafter shall be unlawful for any person, firm, association, organization, or corporation to erect on or along the highway so named, or on or along any part thereof, any sign, marker, or other device on which such highway is referred to, either directly or indirectly, by any other name. Violation of any provision of this act shall be a misdemeanor punishable on conviction by a fine of not to exceed $50, or by imprisonment for not more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Mr. KING. Mr. President, I call the attention of the Senator from Wisconsin [Mr. BLAINE] to the bill.

The PRESIDENT pro tempore. The attention of the Senator from Wisconsin is invited by the Senator from Utah to Calendar No. 42.

Mr. KING. It is a bill which engaged the Senator's attention for some time. Is he satisfied with the bill?

Mr. BLAINE. I have no objection to its passage.

Mr. KING. Then I have no objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2447) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 61) granting an increase of pension to Louise A. Wood was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1939) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, the Senator from South Dakota [Mr. NORBECK] is not in the Chamber at the moment. An amendment will be offered to the bill. I ask that it be passed over for the present.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS INDEFINITELY POSTPONED

The bill (S. 132) to authorize the President to appoint LeRoy K. Pemberton a first lieutenant, Officers' Reserve Corps, United States Army, was announced as next in order.

Mr. KING. Over.

Mr. SHORTRIDGE. Mr. President, as to this bill——

The PRESIDENT pro tempore. Objection has already been made to the bill.

Mr. SHORTRIDGE. I propose to make a suggestion, if I may. I myself would ask that it be indefinitely postponed, as it has been adversely reported, together with Calendar Nos. 176, 184, and 268, being Senate bills 2053, 141, and 133. I shall introduce a bill at the next session for relief of the parties named in the respective bills.

The PRESIDENT pro tempore. Without objection, the bill (S. 132) to authorize the President to appoint LeRoy K. Pemberton a first lieutenant, Officers' Reserve Corps, United States Army, the bill (S. 2053) to establish a military record for Daniel P. Tafe, the bill (S. 141) for the relief of Felix Medler, and the bill (S. 133) for the relief of Kenneth B. Turner, will be indefinitely postponed.

BILLS PASSED OVER

The bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate, was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war, was announced as next in order.

Mr. BORAH. Over.

The PRESIDENT pro tempore. Does not the Senator wish to deal with the adverse report at all?

Mr. LA FOLLETTE. Let the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

STANDARDS FOR HAMPERS, BASKETS, ETC.

The bill (S. 2148) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes, was considered as in Committee of the Whole.

Mr. BRUCE. Mr. President, the Senator from Delaware [Mr. BAYARD] is interested in the bill, and has offered an amendment, but is not present now. Therefore I would like to have the bill go over.

Mr. McNARY. Mr. President, the Senator from Delaware is now one of the strongest advocates of the bill, because I have accepted his amendment.

Mr. BRUCE. I was not aware of that.

Mr. McNARY. I think the Senator will accept my statement?

Mr. BRUCE. Of course, I will.

The amendment was, on page 1, line 5, before the word "three," to insert the words "five-eighths bushel," so as to make the bill read:

Be it enacted, etc., That the standard hampers and round-stave baskets for fruits and vegetables shall be of the following capacities: one-eighth bushel, one-fourth bushel, one-half bushel, five-eighths bushel, three-fourths bushel, 1 bushel, 1¼ bushels, 1½ bushels, and 2 bushels, which, respectively, shall be of the cubic content set forth in this section. For the purposes of this act a bushel, standard dry measure, has a capacity of 2,150.42 cubic inches.

(a) The standard one-eighth bushel hamper or round-stave basket shall contain 268.8 cubic inches.

(b) The standard one-fourth bushel hamper or round-stave basket shall contain 537.6 cubic inches.

(c) The standard one-half bushel hamper or round-stave basket shall contain 1,075.21 cubic inches.

(d) The standard three-fourths bushel hamper or round-stave basket shall contain 1,612.8 cubic inches.

(e) The standard 1-bushel hamper or round-stave basket shall contain 2,150.42 cubic inches.

(f) The standard 1¼-bushel hamper or round-stave basket shall contain 2,688 cubic inches.

(g) The standard 1½-bushel hamper or round-stave basket shall contain 3,225.63 cubic inches.

(h) The standard 2-bushel hamper or round-stave basket shall contain 4,300.84 cubic inches.

SEC. 2. That the standard splint baskets for fruits and vegetables shall be the 4-quart basket, 8-quart basket, 12-quart basket, 16-quart basket, 24-quart basket, and 32-quart basket, standard dry measure. For the purposes of this act a quart standard dry measure has a capacity of 67.2 cubic inches.

(a) The 4-quart splint basket shall contain 268.8 cubic inches.

(b) The 8-quart splint basket shall contain 537.6 cubic inches.

(c) The 12-quart splint basket shall contain 806.4 cubic inches.

(d) The 16-quart splint basket shall contain 1,075.21 cubic inches.

(e) The 24-quart splint basket shall contain 1,612.8 cubic inches.

(f) The 32-quart splint basket shall contain 2,150.42 cubic inches.

SEC. 3. That the Secretary of Agriculture shall in his regulations under this act prescribe such tolerances as he may find necessary to allow in the capacities for hampers, round stave baskets, and splint baskets set forth in sections 1 and 2 of this act in order to provide for reasonable variations occurring in the course of manufacturing and handling. If a cover be used upon any hamper or basket mentioned in this act, it shall be securely fastened or attached in such a manner, subject to the regulations of the Secretary of Agriculture, as not to reduce the capacity of such hamper or basket below that prescribed therefor.

SEC. 4. That no manufacturer shall manufacture hampers, round stave baskets, or splint baskets for fruits and vegetables unless the dimension specifications for such hampers, round stave baskets, or splint baskets shall have been submitted to and approved by the Secretary of Agriculture, who is hereby directed to approve such specifications if he finds that hampers, round stave baskets, or splint baskets for fruits and vegetables made in accordance therewith would not be deceptive in appearance and would comply with the provisions of sections 1 and 2 of this act.

SEC. 5. That it shall be unlawful to manufacture for sale or shipment, to offer for sale, to sell, to offer for shipment, or to ship, hampers, round stave baskets, or splint baskets for fruits or vegetables, either filled or unfilled, or parts of such hampers, round stave baskets, or splint baskets that do not comply with this act: *Provided*, That this act shall not apply to Climax baskets, berry boxes, and till baskets which comply with the provisions of the act approved August 31, 1916, entitled "An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes" (39 U. S. Stat. L. 673), and the regulations thereunder. Any individual, partnership, association, or corporation that violates this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $500: *Provided further*, That no person shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the manufacturer, wholesaler, shipper, or other party residing within the United States from whom the hampers, round stave baskets, or splint baskets, as defined in this act, were purchased, to the effect that said hampers, round stave baskets, or splint baskets are correct, within the meaning of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of the hampers, round stave baskets, or splint baskets to such person, and in such case such party or parties making such sale shall be amenable to the prosecution, fines, and other penalties which would attach in due course under the provisions of this act to the person who made the purchase.

SEC. 6. That any hamper, round stave basket, or splint basket for fruits or vegetables, whether filled or unfilled, or parts of such hampers, round stave baskets, or splint baskets not complying with this act, which shall be manufactured for sale or shipment, offered for sale, sold, or shipped, may be proceeded against in any district court of the United States within the district where the same shall be found and may be seized for confiscation by a process of libel for condemnation. Upon request the person entitled shall be permitted to retain or take possession of the contents of such hampers or baskets, but in the absence of such request, or when the perishable nature of such contents makes such action immediately necessary, the same shall be disposed of by destruction or sale, as the court or a judge thereof may direct. If such hampers, round stave baskets, splint baskets, or parts thereof be found in such proceeding to be contrary to this act, the same shall be disposed of by destruction, except that the court may by order direct that such hampers, baskets, or parts thereof be returned to the owner thereof or sold upon the payment of the costs of such proceedings and the execution and delivery of a good and sufficient bond to the effect that such hampers, baskets, or parts thereof shall not be sold or used contrary to law. The proceeds of any sale under this section, less legal costs and charges, shall be paid over to the person entitled thereto. The proceedings in such seizure cases shall conform as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case, and all such proceedings shall be at the suit and in the name of the United States.

SEC. 7. That this act shall not prohibit the manufacture for sale or shipment, offer for sale, sale, or shipment of hampers, round stave baskets, splint baskets, or parts thereof, to any foreign country in accordance with the specifications of a foreign consignee or customer not contrary to the law of such foreign country; nor shall this act prevent the manufacture or use of banana hampers of the shape and character now in commercial use as shipping containers for bananas.

SEC. 8. That it shall be the duty of each United States district attorney to whom satisfactory evidence of any violation of this act is presented to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States in his district for the enforcement of the provisions of this act.

SEC. 9. That the Secretary of Agriculture shall prescribe such regulations as he may find necessary for carrying into effect the provisions of this act, and shall cause such examinations and tests to be made as may be necessary in order to determine whether hampers, round stave baskets, and splint baskets, or parts thereof, subject to this act, meet its requirements, and may take samples of such hampers, baskets, or parts thereof, the cost of which samples, upon request, shall be paid to the person entitled.

SEC. 10. That for carrying out the purposes of this act the Secretary of Agriculture is authorized to cooperate with State, county, and municipal authorities, manufacturers, dealers, and shippers, to employ such persons and means, and to pay such expenses, including rent, printing publications, and the purchase of supplies and equipment in the District of Columbia and elsewhere, as he shall find to be necessary, and there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes.

SEC. 11. That sections 5 and 6 of this act shall become effective at but not before the expiration of one year following the 1st day of November, next, succeeding the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2149) authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance was announced as next in order.

Mr. KING. Mr. President, does the Senator from Oregon [Mr. MCNARY] desire to take up the bill this evening?

Mr. MCNARY. Conformable with the request of the Senator from Utah, I shall ask that it go over at this time, because I desire to collect some data which I shall present at some other time to the Senate.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

Mr. COPELAND. Mr. President, I have an understanding with the Senator from Texas [Mr. MAYFIELD] regarding the bill. Therefore I ask that it may go over.

The PRESIDENT pro tempore. The bill will be passed over.

CLASSIFICATION OF SERVICE POSTMASTERS

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

PRISON-MADE GOODS

The bill (S. 1940) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, was announced as next in order.

Mr. BLEASE. Mr. President, I wish to briefly state my objections to S. 1940, entitled "A bill to divest goods, wares, and merchandise manufactured, produced, or mined by convicts of their interstate character in certain cases," which has been

favorably reported with an amendment by the Committee on Interstate Commerce.

The report opens with a significant statement:

The penitentiary problem is a problem for the State. The factors that enter into its adjustment are so many and so varied as to make it essentially a State problem, and no Federal impediment should stand in the way of any State which seeks to determine its own prison affairs and the regulation of the sale of prison products.

Such impediment now exists, and it is only for the removal of the impediment that this legislation is designed.

It goes on to state that the proposed legislation is supported by three great elements of society—namely, the American Federation of Labor, the manufacturers, and the General Federation of Women's Clubs; discusses the "State use" and "State-use plans"; mentions the opposition of prison contractors; deplores uncontrollable abuses; and closes with the gracious announcement, in the form of an amendment, that two years have been given for the readjustment of present systems.

In speaking of the character of the bill the report says:

Briefly, the bill divests convict-made products of their interstate character upon their arrival in the State of their destination and permits the laws of that State to become operative with respect to the sale and distribution of such products within the State. It is simply an enabling act.

The bill does not prohibit the transportation of convict-made goods. It does not force the enactment of any State legislation. It does not alter or in any way interfere with any existing law in any State, nor does it interfere with the management of any State penal institution.

I propose to show by a brief analysis of the bill that this is not a proper subject for legislation by Congress; that its enactment would be unconstitutional and void; and that the effect of its passage, if legal, would be a far-reaching and unjustifiable invasion of the rights of the sovereign States.

In defining the powers of Congress the Constitution of the United States provides, among other things, that—

The Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes. (U. S. Constitution, Art. I, sec. 8, cl. 3.)

It is now considered an elementary proposition of law that this grant of express power to Congress was absolute and exclusive in its nature and, therefore, I will not take the time of the Senate to discuss it. The object of the provision as shown by numerous constructions of the clause in decisions by the Supreme Court of the United States was to place the regulation of interstate commerce under the control of Congress to prevent unfair discriminations against the commerce of one State by another State, and to encourage and foster free and unrestricted intercourse of trade among the several States.

However, we all know that laws are supposed to be founded upon reason and are subject to common-sense interpretation. It was held in the case of Stoutenburg *v.* Hennick (129 U. S. 141) that Congress could not delegate to the District of Columbia the power to regulate commerce between the District and the States; but, on the other hand, it was decided in the Interstate Commerce Commission cases that Congress had authority, under its sovereign and exclusive power to regulate commerce, to create a commission for the purpose of taking over certain of its duties in reference to this subject.

It has also been generally accepted that it is within the power of Congress to permit the exercise of the power to regulate interstate commerce by the States in certain instances. In this connection I might state that sections 4278 and 4279 of the Revised Statutes of the United States, relating to nitroglycerine and other explosives, are grants of power by Congress directly to any State, Territory, District, city, or town to prohibit the introduction of such substances into its limits for sale, use, or consumption therein, and this principle is supported by the opinion of the Supreme Court in Ex parte Jervey, 66 Federal, 960.

Following the decision in Leisy *v.* Hardin (135 U. S. 100), Congress provided in an act of August 8, 1890 (26 Stat. 313):

That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale, or storage therein shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

This act was held to be valid and constitutional in In re Rahrer (140 U. S. 561), the court saying:

Congress has not attempted to delegate the power to regulate commerce, or to exercise any power reserved to the States, or to grant a power not possessed by the States, or to adopt State laws. It has taken its own course and made its own regulation, applying to these subjects of interstate commerce one common rule, whose uniformity is not affected by variations in State laws in dealing with such property.

And goes on to further say:

No reason is perceived why, if Congress chooses to provide that certain designated articles of interstate commerce shall be governed by a rule which divests them of that character at an earlier period of time than would otherwise be the case, it is not within its competency to do so.

It is peculiarly interesting to note the striking similarity in the wording of the above-quoted act and the language employed by the court in construing the same with S. 1940, the bill which we have under discussion, and which reads as follows:

That all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except paroled convicts or prisoners, or in any penal and/or reformatory institutions, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise.

Section 2 provides that—

This act shall take effect two years after the date of its approval.

It is therefore apparent that upon the foregoing statements of law the proponents of S. 1940 base their claims for its validity. This contention can not be sustained for various and obvious reasons.

In the first place, the business of manufacturing is not commerce. In Kid *v.* Pearson (128 U. S. 20) the Supreme Court of the United States says:

No distinction is more popular to the common mind or more clearly expressed in economic or political literature than that between manufactures and commerce.

The legal definition of the term "commerce" as given by the Supreme Court in County of Mobile *v.* Kimball (102 U. S. 671, 702), and reiterated in Kid *v.* Pearson (supra), is as follows:

Commerce with foreign countries and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property, as well as the purchase, sale, and exchange of commodities.

Compare this statement with the following declaration in the same case:

Manufacture is transformation * * * the fashioning of raw materials into a change of form for use. The functions of commerce are different. The buying and selling and transportation incidental thereto constitute commerce; and the regulation of commerce in the constitutional sense embraces the regulation, at least, of such transportation.

The distinction is important and can not be overly emphasized, for it may clearly be seen that the power to regulate commerce does not infer nor imply the power to regulate manufactures.

In fact, the absence of an express grant of power to Congress to regulate manufactures plainly shows that this right was wisely reserved to the people and the several States under the tenth amendment to the Constitution.

Now, the obvious and proximate effect of the enactment into law of the bill under discussion—S. 1940—whatever may be the motives actuating its advocates, will be to permit certain States to regulate and control the legitimate manufacture of wholesome and useful articles in other States through the medium of restrictions and embargoes on interstate commerce.

Unlike the instances of "explosives," "intoxicating beverages," and other articles of like nature deemed by reason of inherent qualities to be dangerous or injurious to the safety, health, and good morals of a community, thereby falling within the class of police power restrictions, S. 1940 is not a measure protesting against the character of the articles sought to be affected thereby, but, on the other hand, and admittedly so, objects solely to the class of labor employed in the manufacture of the goods. In other words, articles of the same kind are proposed to be classified and discriminated against according to the method of origin and not nature. Brooms made by convicts may not be sold, while brooms made by other than convicts may be sold, and likewise with other goods, wares, and merchandise.

In United States *v.* Knight Co. (156 U. S. 1) the Supreme Court has this to say:

> Commerce succeeds to manufacture and is not a part of it. The power to regulate commerce is the power to prescribe the rule by which commerce shall be governed, and is a power independent of the power to suppress monopoly.

Thereby holding that commerce was separate and distinct from the business of manufacturing.

In International Paper Co. *v.* Massachusetts it was held that the manufacture of paper is not commerce. (246 U. S. 135.)

The mining of coal or ore is not interstate commerce, and the Supreme Court of the United States has so held in United Mine Workers *v.* Coronado Co. (259 U. S. 344) and the Oliver Iron Co. *v.* Lord (262 U. S. 172).

See also Crescent Oil Co. *v.* Mississippi (257 U. S. 129).

How, then, if Congress has not the power to regulate manufactures, can it, by passing this bill, divest itself of nothing and at the same time confer something upon the different States? Congress has not this power to give; it has never had this power to give, and surely no one will assert that any State under our form of government has the right to regulate or control the manufactures, mining, and other industries of another State. It is a simple proposition in arithmetic. Nothing subtracted from nothing leaves naught, and naught added to naught gives nothing.

It may be argued where, then, does the power rest? It certainly does not belong to Congress and the right abides in each of the several States.

Once an article is manufactured, mined, or produced and becomes the subject of interstate commerce, of course, the constitutional power of Congress immediately attaches, as has been pointed out, to prevent discriminations by the States.

The question is, Can Congress, by act, designate certain articles as being subject to discriminatory legislation by the States because of the method of their production, and, at the same time, allow other articles of the exact nature to enjoy the privileges and immunities of interstate commerce? The answer is "no," for to admit the affirmative of this proposition would give to Congress the right to regulate the manufactures, mining, and other producing interests of the States and deprive them of this valuable and necessary power.

The Supreme Court in United States *v.* Knight Co. (156 U. S. 1) says:

> It is vital that the independence of the commercial power and of the police power, and the delimitation between them, however sometimes perplexing, should always be recognized and observed.

There is another feature of this proposed legislation, and an important one, to which I desire to call special attention. In his admirable work, Watson on the Constitution, page 532, he has this to say:

> Closely akin to the question of regulating manufacturing is the question whether Congress can forbid the hauling of a commodity by a carrier of interstate commerce which was manufactured in a State, for instance, by women or children under a certain age, as has recently been maintained. This question is of far-reaching effect, and if such power exists in Congress it would result in the most complete invasion of the sovereignty of the States by the General Government which has ever been accomplished under the Federal Constitution.

In Hammer *v.* Dagenhart (247 U. S. 251) it was held that the child labor law can not be sustained on the theory that Congress has power to control interstate commerce in the shipment of child-made goods in States where the evil of child labor has been recognized by local legislation and the right to employ child labor has been more rigorously restrained than in the State of production.

See also Bailey *v.* Drexel Furniture Co. (259 U. S. 20), in which an act imposing a tax on child-labor-made goods was held unconstitutional.

I hope that I have made my objections to S. 1940 clear.

In the first place, I frankly believe that the proposed law would be held unconstitutional and void by the Supreme Court for the reasons which have been assigned.

In the second place, the bill is analogous to the proposed child-labor legislation and constitutes an unwarranted and dangerous invasion of the rights of the sovereign States.

In the third place, it seeks to do indirectly that which can not be done directly and is intended to circumvent the Constitution of the United States.

In the fourth place, Congress can not change the nature of things by act. Frequently acts are passed to alter the records and show that a man was not a deserter from the military or naval forces, but the act of Congress does not alter the fact that he was a deserter. Interstate commerce is interstate commerce and Congress can not alter that fact.

In the fifth place, the enactment of this bill would result in much confusion and controversy between the States. One State will lay an embargo against the goods of another and this will result in reprisals. There is no saying where it would eventually lead to.

I therefore ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety, was announced as next in order.

Mr. KING. The Senator from Delaware [Mr. BAYARD] is interested in the measure and he is not here to-night. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands, and fixing salaries of certain officials was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1831) to authorize the Secretary of War and the Secretary of the Navy to class as secret certain material, apparatus, or equipment for military and naval use, and for other purposes, was announced as next in order.

Mr. FESS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions, was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

CHARLES R. SIES

The bill (S. 151) for the relief of Charles R. Sies, was announced as next in order.

Mr. KING. Over.

Mr. SHORTRIDGE. Mr. President, I ask the Senator if he will withhold the objection for a moment?

Mr. KING. I will.

Mr. SHORTRIDGE. The House has passed a companion bill which will be found on page 16 of the calendar. It was reported favorably by the House committee, passed by the House, and has been reported favorably by the Senate Committee on Naval Affairs. I hope that we may substitute the House bill for the Senate bill and that the House bill may be put upon its passage.

The PRESIDENT pro tempore. Is there objection?

Mr. KING. I have not seen the House bill, but I notice on page 2 of the report on the Senate bill an adverse recommendation; that is, it is equivalent to that. I read from the report:

> The bill (S. 151) is identical with the bill (S. 3033), Sixty-ninth Congress, which was referred to the Bureau of the Budget, and in regard to which the Navy Department is informed that the proposed legislation was in conflict with the financial program of the President.

I ask the Senator to let the bill go over until Thursday evening, when I shall be very glad to cooperate with him.

Mr. SHORTRIDGE. May I ask the Senator if he will in the meantime have the goodness to read the full report? I think he will agree with me that it is a meritorious bill.

Mr. KING. I shall be glad to do that.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 2859) for the relief of Francis J. Young was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2864) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, was announced as next in order.

Mr. TYSON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1093) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. BRATTON. Mr. President, I see that the Senator from Louisiana [Mr. RANSDELL] has presented minority views. He is absent just now, and on that account I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 57) requesting the President to immediately withdraw the armed forces of the United States from Nicaragua, was announced as next in order, and as being an adverse report.

Mr. ODDIE. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The joint resolution (S. J. Res. 99) to amend joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges, was announced as next in order.

Mr. FESS. Over.

Mr. METCALF. I hope the Senator will not insist on the objection.

Mr. FESS. It involves a controversy and I must ask that it go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 2532) to provide for the designation of clerks and employees of the Department of the Interior to serve as registers and receivers in the land office in Alaska, was announced as next in order.

Mr. LA FOLLETTE. Over.

Mr. BINGHAM. Mr. President, will the Senator withhold the objection for a moment?

Mr. LA FOLLETTE. Certainly.

Mr. BINGHAM. I call attention to the bill that has been asked for by the Secretary of the Interior, who says that—

> It is believed that the enactment recommended will promote efficiency in the public service and at the same time work in the direction of economy.

I hope the Senator will not object.

Mr. LA FOLLETTE. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term shall have expired was announced as next in order.

Mr. JONES. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, was announced as next in order.

Mr. HAYDEN. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1263) to amend section 4 of the interstate commerce act was announced as next in order.

Mr. BLEASE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 173) expressing it as the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury was announced as next in order.

Mr. REED of Pennsylvania. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 1748) relating to the qualifications of jurors in the Federal courts was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

LIMITATION OF JURISDICTION OF UNITED STATES DISTRICT COURTS

The bill (S. 3151) to limit the jurisdiction of district courts of the United States was announced as next in order.

SEVERAL SENATORS. Over.

Mr. NORRIS. Mr. President, will the Senator objecting to the bill withhold his objection long enough for me to have a couple of amendments to the bill passed on, to which there will be no objection and which will relieve most, if not all, of the objections to the bill when they are examined later. After that is done, then we can pass it over.

The PRESIDENT pro tempore. Does the objecting Senator withhold his objection?

Mr. BRUCE. Mr. President, I am bound to object to the bill. I was not the only Senator who objected, however. There were several who interposed an objection.

Mr. NORRIS. I do not intend to try to pass the bill to-night. I understand it will lead to some debate, but I want to offer two amendments to which there can be no possible objection, and then I am going to ask that it go over.

Mr. BRUCE. Very well.

The PRESIDENT pro tempore. There is a committee amendment.

Mr. NORRIS. Instead of the committee amendment I am going to offer another amendment. The reference in the committee amendment is not quite right. It ought to be as follows——

The PRESIDENT pro tempore. The Senate should disagree to the committee amendment first.

Mr. NORRIS. I want to offer it in lieu of the committee amendment.

The PRESIDENT pro tempore. That may be done.

Mr. NORRIS. Instead of the committee amendment insert the following words:

> United States Code, title 28, section 41, paragraph 1.

That makes the proper reference.

The PRESIDENT pro tempore. Without objection, the bill is before the Senate as in Committee of the Whole, and the amendment is agreed to.

Mr. NORRIS. I now offer another amendment to which there will be no objection because it narrows down the effect of the bill and will leave it so there will be no objection whatever, I believe. It affects the diverse citizenship jurisdiction of the court. It takes away everything except that one.

Mr. BRUCE. Mr. President, I am bound to say I think it will be a little premature to take up the amendments now to limit the jurisdiction of district courts of the United States. I am frank to say that I have received more letters making objection to this bill than with reference to any other bill on the calendar.

Mr. NORRIS. When this amendment is agreed to, if the Senator will then examine the bill I feel as confident that he will favor it as that I am in favor of it myself. I think it will remove any possible objection except from one class of people.

Mr. BRATTON. Mr. President, let me suggest to the Senator from Nebraska that he have his amendment printed and lie on the table before the Senate acts upon it, in order that it may be examined in connection with the bill.

Mr. NORRIS. Of course, I will do that. I will not offer it at all if there is objection. I realize that it takes unanimous consent, but in order that Senators may understand it, let me say that the bill takes away certain jurisdiction of the Federal courts. The amendment narrows down to one particular thing the jurisdiction that it takes away so that those who object to the bill will find it less objectionable, of course, when the amendment is agreed to. They can still object to the bill after that. Of course, as soon as the amendment is agreed to, I will ask that the bill go over.

The PRESIDENT pro tempore. Without objection the amendment will be received, printed, and lie on the table, and without objection the bill as already amended will go over.

Mr. NORRIS. Oh, no, Mr. President. I ask Senators to withhold their objection to see if we can not adopt the amendment. There can not possibly be any objection to it, because those who object to the bill now taking away jurisdiction will have less objection when a part of their objection is entirely removed.

Mr. COPELAND. Mr. President, will the Senator yield to me?

Mr. NORRIS. Certainly.

Mr. COPELAND. I think I may say to the Senator from Maryland, because I brought up the objection to the bill in the first place, that the bar association of my city is very much opposed to it. However, I can see no objection to the adoption of the amendment. That completes the bill, but it is still on the calendar. It is not passed in any sense, but is still before us.

Mr. KING. Mr. President, the Senator tenders the amendment, and now the Senator from New York indicates that by the adoption of that amendment it would complete the bill other than the final vote upon it. Some of us might want to offer an amendment to the amendment of the Senator from Nebraska. It does seem to me it would be better to have the bill go over and have the amendment printed and lie on the table.

The PRESIDENT pro tempore. The Chair understands the objection to be maintained on the part of the objecting Senators, and the order of the Chair already entered is that the amendment will be received, printed, and lie on the table.

Mr. COPELAND. Mr. President, I ask unanimous consent to insert in the RECORD at this point a resolution and statement of the committee on jurisprudence and law reform of the American Bar Association in connection with the bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution and statement referred to are as follows:

RESOLUTIONS AND STATEMENT OF THE COMMITTEE ON JURISPRUDENCE AND LAW REFORM OF THE AMERICAN BAR ASSOCIATION IN OPPOSITION TO SENATE BILL 3151

To the Senate of the United States:

The within resolutions and statement in relation to Senate bill 3151 are transmitted to the Members of the Senate by direction of the committee on jurisprudence and law reform of the American Bar Association.

HENRY W. TAFT, *Chairman.*

APRIL, 27, 1928.

Resolution of the executive committee of the American Bar Association, adopted at a meeting on April 24, 1928, in Washington, D. C.

Whereas there have been introduced in the present Congress of the United States certain bills which, in the judgment of the executive committee, are inconsistent with the advancement of the science of jurisprudence and the promotion of the administration of justice and uniformity of legislation and of judicial decision throughout the Nation, as defined by the constitution of the American Bar Association; and

Whereas the executive committee is of opinion that it is the duty of the association, acting through its proper committees, to oppose the passage of all bills intended to diminish the powers and to limit the jurisdiction of the Federal courts: Now, therefore, be it

Resolved, That the committee on jurisprudence and law reform be, and it hereby is, authorized in the name of the association to oppose the passage of any bills intended to diminish the powers and to limit the jurisdiction of the Federal courts.

Resolution of the committee on jurisprudence and law reform of the American Bar Association, adopted at a meeting held in Washington, D. C., on April 26, 1928

Pursuant to the authority conferred by the preambles and resolution of the executive committee of the American Bar Association, adopted at its meeting on April 24, 1928, authorizing the committee on jurisprudence and law reform in the name of the association to oppose the passage of any bills intended to diminish the powers and to limit the jurisdiction of the Federal courts, the said committee on jurisprudence and law reform unanimously adopted the following resolutions:

Resolved, That the committee on jurisprudence and law reform of the American Bar Association, in behalf of said association and in its name, opposes the passage of Senate bill 3151, by which it is sought to deprive the United States district courts of the larger part of their jurisdiction in common-law and equity cases, conferred upon them by paragraph (1) of section 24 of the Judicial Code (sec. 41, U. S. C.), being the most important part of the jurisdiction conferred by that section and that most frequently exercised;

Resolved further, That the reasons for the committee's opposition to Senate bill 3151 are set forth in a statement hereto annexed;

Resolved further, That the chairman of the committee be authorized to cause the said preambles and resolutions, together with the said statement, to be printed in convenient form and sent to each Member of the United States Senate.

STATEMENT OF THE COMMITTEE ON JURISPRUDENCE AND LAW REFORM OF THE AMERICAN BAR ASSOCIATION IN OPPOSITION TO SENATE BILL 3151

Senate bill 3151, introduced by Senator NORRIS and favorably reported to the Senate Judiciary Committee, seeks to amend paragraph (1) of section 24 of the Judicial Code (sec. 41, U. S. C.) by taking from the United States district courts jurisdiction at common law or equity in the following cases, viz:

1. Where the suit is between citizens of the same State claiming lands under grants of different States;

2. Where the matter in controversy exceeds $3,000, exclusive of interests and costs; and

(a) Arises under the Constitution or laws of the United States or treaties made or which shall be made under their authority;

(b) Is between citizens of different States; or

(c) Is between citizens of a State and foreign States, citizens or subjects.

As a result of the proposed amendment litigants would be forced in all of the above cases to resort to State courts having jurisdiction.

By the judiciary act of September 24, 1789, establishing the judicial courts of the United States, the Federal courts were given jurisdiction in all cases specified above, except those of citizens of the same State claiming lands under grants of different States and those relating to controversies arising under the Constitution, laws, or treaties of the United States. In the latter cases jurisdiction was conferred by the act of March 31, 1875.

A

During the fiscal years of 1927 there were commenced in the district courts of the United States, exclusive of admiralty and bankruptcy cases, 19,340 private suits. On June 30, 1927, there were there pending in that court undetermined 29,870 of suits of that character (Rept. of the Attorney General, 1927, p. 81). Most of these suits are of a kind in which the district courts would not have jurisdiction if the Senate bill 3151 should become law.

In the annotated copy of the United States Code, under section 41 (Judicial Code, sec. 24), there are over 400 pages of annotations to paragraph (1), most of which relate to litigation of which the district court would be deprived if the bill objected to were passed. Under all of the rest of the 28 paragraphs of that section dealing with other heads of jurisdiction there are only 200 pages of annotations.

The annotated copy of the code also shows that under the first paragraph of section 41 (Judicial Code, sec. 24) 955 subjects have been dealt with by the courts—the number of decisions upon each subject varying—while under all the other paragraphs of the section the subjects, excluding admiralty, number only 194. The pecuniary importance of the business of the district courts is indicated by the fact that in the year 1927 judgments were rendered for the plaintiffs for an aggregate of $92,310,602.85 and for the defendants of $4,913,158.38.

If the Norris bill should become law, the greater portion of the litigation indicated by the above figures would be withdrawn from the Federal courts, and there would probably be no further need for the present judicial establishment. Special courts would be able to deal with admiralty and patent causes, while government causes would be committed to special tribunals—the first step toward a system, alien to Anglo-Saxon ideas of civil liberty, of having one kind of law and procedure governing the rights of individuals among themselves and another controlling rights growing out of their relations to the Government. The benefits of the harmonious and consistent body of law built up in the Federal courts during a period of 140 years would thus be largely lost and the systems of 48 States substituted, often inharmonious and inconsistent.

B

There has been built up by the Federal courts during a period of 140 years, and especially during the last 40 or 50 years, which have been marked by an unprecedented development in agriculture, industry, and transportation, a great body of Federal jurisprudence. The decisions relating to interstate commerce and to due process of law under the fifth and fourth amendments of the Constitution alone constitute a body of law of vast importance to the growth and prosperity of the country. Federal jurisprudence relating to these and other matters owes little to the decisions of State courts, while the Federal courts are constantly contributing to its development. Indeed, the interpretation of the Federal Constitution and statutes has become so associated in the minds of the American public with the Federal courts that to transfer it to the State courts would give a rude shock to the bench, the bar, and the business interests of the country, because it would seem to be a sinister attack upon one of our institutions heretofore regarded as the keystone of the constitutional system.

Apart from considerations based on this historical background there is something essentially unfair and contrary to the spirit of our national system of government in forcing a litigant claiming that a State statute is void under the Federal Constitution to resort in every case to the courts of the very State which has enacted the legislation and presumably in response to a sentiment prevailing among its citizens. And the prejudice such a litigant would naturally suffer under such circumstances will be enhanced where the claim of unconstitutionality depends upon issues of fact which must be settled under the rules of evidence and procedure of the State court, often quite different from those prevailing in the Federal courts. The settlement by the trial court of matters resting in its discretion, the settlement of findings of fact, the making up of the record on appeal, and the limitations upon the power of the highest State appellate court to review the findings or conclusions of the trial court—all of these matters may, and not infrequently do, combine to present in the Supreme Court a case in quite a different aspect from that which would result from the uniform methods and procedure prevailing in the Federal courts; and they might conceivably defeat a litigant in fairly presenting a question of constitutionality to the Supreme Court.

A striking illustration of what might have happened if the Norris bill had been law is afforded by the case of Pierce *v.* Society of Sisters (the Oregon school case, 268 U. S. 510), where an injunction was granted by the district court to restrain the enforcement of a State statute—an initiative measure adopted by the people—requiring parents to send their children to the public schools. The district court held that the statute was in violation of the fourteenth amendment, as it was an unreasonable interference with the liberty of parents in bringing up their children. It was charged among other things that the object of the law was to destroy parochial schools, and it was argued in support of the law that the voters might have been alarmed "at the rising tide of religious suspicion." Here is a typical case where a plaintiff, forced to bring a suit in a State court, would be seriously handicapped in an atmosphere of hostile public opinion based on religious prejudice and where the supporters of the State law would avail of every procedural expedient to prevent their opponents from securing a review in the Supreme Court.

Many other cases will occur to an experienced lawyer. We mention a few by way of illustration.

In Truax *v.* Raich (239 U. S. 33) a suit was brought to restrain the officers of the State of Arizona from enforcing what was alleged to be an unconstitutional statute. The suit was heard before three judges under the provisions of section 266 of the Judicial Code (U. S. C. 380). The statute was adopted under the initiative provision of the constitution of the State and presumably reflected the prevailing sentiment of the people of the State. It was assailed and held to be unconstitutional as being repugnant to the fourteenth amendment in that it denied to aliens equal protection of the laws, by restricting the number of them who could be employed in a business to 20 per cent of the entire number of employees. The plaintiff was a cook in a restaurant, dependent on his employment for his livelihood, but being an alien was excluded by the terms of the statute. Obviously, he fared better in the Federal court than he would have in a State court.

Contracts for the future delivery of cotton, involving immense sums of money, are made in Illinois, New York, Louisiana, and other States. Several States, notably Georgia, have passed laws declaring that such contracts are gambling contracts. On the other hand, the courts of New York and Louisiana, and the Supreme Court of the United States, take the opposite view. If, therefore, a resident of Georgia incurs an indebtedness to a New York, Louisiana, or Illinois resident upon a transaction in cotton futures, and the latter is forced to go to Georgia to collect it, the courts of that State will reject his claim, and he can only collect by resorting to the Federal court.

In case of the insolvency of great railroad or industrial corporations having property and operating in a number of States, with different receivers, complications arise even in the Federal courts, as they did in the Northern Pacific receiverships. But the difficulties would be infinitely greater if such corporations were forced to have their affairs liquidated in the courts of a dozen States. Neither Congress nor the Supreme Court could grant relief, and the confusion thus created would involve enormous waste of values and great delay in the resumption of normal business, which would in turn affect the welfare of hundreds of thousands of employees dependent for their livelihood upon a resumption of the business of the bankrupt concerns. In some jurisdictions ancillary receivers decline to transmit assets to the receivers in another jurisdiction until creditors in their own localities are fully paid; and the tendency to take this attitude is greater in the State courts than in the Federal courts.

C

Human nature has not changed since Justice Story, speaking for the Supreme Court in Martin *v.* Hunter (1 Wheat. 304), said that the Constitution had presumed that—

"State attachments, State prejudices, State jealousies, and State interests might sometimes obstruct or control, or be supposed to obstruct or control, the regular administration of justice. Hence, in controversies between States; between citizens of different States; between citizens claiming grants under different States; between a State and its citizens or foreigners; and between citizens and foreigners, it enables the parties, under the authority of Congress, to have controversies heard, tried, and determined before the national tribunals."

It will be observed that the opinion of Justice Story is not predicated alone upon the actual existence of "attachments, prejudices, jealousies, and interest" but upon the supposition that they exist; and that supposition continues unchanged.

It was to avoid discrimination based on such conditions as these that Federal courts were authorized by the Constitution, and lawyers as well as laymen who have given attention to the subject will agree that the following expression is as true now as it ever was, viz:

"The exercise of this jurisdiction [i. e., Federal] tends to promote confidence and commercial intercourse between the citizens of the several States of the Union by furnishing them a comparatively impartial tribunal wherein to adjudicate and enforce the controverted and unsatisfied claims growing out of such intercourse." (Judge Deady, Goldsmith *v.* Peters, 36 Fed. Rep. 484, 487; aff'd. 147 U. S. 150.)

A man would be blind to conditions in different parts of this country who did not realize that attachments, prejudices, and jealousies and differing social, economic, and political views continue to influence (if sometimes unconsciously) lawyers, judges, and jurymen, when they are called upon to adjudicate upon the rights of citizens from distant States. It is not necessary to charge an unjust point of view in fellow Americans living in different parts of the country. But that marked differences of outlook and opinion exist which influence both legislation and judicial proceedings, especially when the interests of nonresidents are involved, is undeniable.

The commissioners on uniform State laws, appointed by governors of the several States, have been attempting to bring about uniformity in the laws of the several States, and have been successful in certain subjects of legislation; but in many cases where local traditions, prepossessions, and prejudices have resulted in prevailing views on economic, social, or industrial conditions the States have refused to be influenced by the desirability of uniformity. Some States indulge themselves freely in experimental legislation, which is a reflection of dominant local sentiment. Such legislative tendencies do not afford much assurance that a person from a distant brought into a State court will always obtain the same kind of justice as that available to him in a Federal district court.

In contrast with the uncertainties created by the varying conditions existing in the State courts, the necessity for uniformity in the decisions and procedure of the district courts, creates in the judges a sense of judicial responsibility and an esprit de corps which can never exist in the judges of 48 State courts beyond the influence of a unified administration of Federal jurisprudence. This was anticipated by the framers of the Constitution as was pointed out by Chief Justice Taney in Ableman *v.* Booth, 21 Howard 506. He said:

"But the supremacy thus conferred on this Government could not peacefully be maintained, unless it was clothed with judicial power, equally paramount in authority to carry it into execution; for if left to the courts of justice of the several States, conflicting decisions would unavoidably take place, and the local tribunals could hardly be expected to be always free from the local influences of which we have spoken. And the Constitution and laws and treaties of the United States, and the powers granted to the Federal Government, would soon receive different interpretations in different States, and the Government of the United States would soon become one thing in one State and another thing in another."

Federal district judges, appointed by the President and confirmed by the Senate, have the same salary and hold office during good behavior. They frequently sit in States and districts far removed from their home districts. They are generally men of high character and wide experience, and have made a study of our Federal system. State judges, on the other hand, sit only in their home States and, frequently, only in their own counties; their terms of office and salaries vary; some are elected, some appointed, and some are subject to recall. Uniformity in their experience, capacity, legal learning, or judicial temperament is not to be expected.

D

The development of the sparsely settled portions of this country has been made possible by the investment of capital by security holders residing not alone in the more populous centers, such as Boston, New York, Philadelphia, Chicago, and San Francisco, but, and especially since the war, in every part of the country. Investments have been made, not alone in the securities of the great systems of railroads, but in industrial projects having plants, works, and mines in States other than those where the security holders themselves reside. Billions of both Eastern and Western capital have also been invested in Western banks, trust companies, mortgage companies, and have been loaned on farm mortgages, livestock, cotton, and crops of all kinds. When nonresident investors learn that they must in an emergency depend on the State courts to protect their interests the confidence which has for generations been based upon the security afforded by the right to resort to the Federal courts will be seriously impaired; and a serious blow will be directed at the financial structure which has been built up in a long course of years. And this blow will be reflected not alone in the contraction of investments and loans, but in the increase in the rates of interest, especially on farm mortgages.

E

1. The report of the Judiciary Committee recommending the passage of the Norris bill lays stress upon the jurisdictional limitation as to amount involved. That amount was originally $500 and has been changed by statute from time to time. There is ample power in Congress to change it again. The subject is irrelevant to a discussion of the highly important matter of emasculating the long-established jurisdiction vested in the Federal courts.

2. Another argument used by the committee in its report is embodied in the statement that a nonresident "is given a choice that the resident does not have"; that is, for example, that a resident of New York can go into the State of Pennsylvania and there sue in either the State court or the Federal court. But it is equally true that a resident of Pennsylvania can go into the State of New York, and he there has the choice as to which tribunal he will resort to. In other words, any so-called privilege is reciprocal.

3. The committee also says that "It is a practice becoming more or less common in many States for corporations to be incorporated in one State while they do business in another, and it is believed that this often occurs simply for the purpose of being able to have the choice of two tribunals in case of litigation."

If there are such cases, they do not occur with such frequency as to justify the drastic change proposed by the bill. In most cases the choice of a State in which to incorporate is dependent upon much more important considerations than the creation of a diversity of citizenship. What generally determines the place of incorporation is the taxation system of a State, the stock and bond structure permissible under its laws, and the general liberality, workability, and fairness of its corporation laws. Furthermore, in the case of railroad lines running through a dozen States, it is necessary that one of the States shall be selected as the place of incorporation, and it follows that the corporation can not avoid being a nonresident in all of the other 11 States. And the same is the case with a great industrial corporation

like the United States Steel Corporation, which was incorporated in the State of New Jersey, but has plants and mines in probably a dozen other States, in which it or its subsidiary companies could resort to the Federal courts.

4. The committee asserts that corporations can "make litigation so expensive that their antagonists in the lawsuits frequently submit to unjust and unreasonable demands rather than go to the expense of litigating their rights in the United States courts."

Under the present practice an appeal may be taken to the circuit court of appeals, and thence to the Supreme Court, and in some cases (as in suits provided for in sec. 266) directly to that tribunal. The expense of this process would generally be far less than would be involved in the State courts, where, after a trial in the court at nisi prius, an appeal would perhaps lie to an intermediate appellate tribunal, thence to the highest court of the State, and thence by a writ of error to the Supreme Court of the United States—a circuitous and expensive process.

F

In view of the foregoing considerations and the opposition which has been manifested to the provisions of Senate bill 3151, it would seem suitable that the bill be recommitted to the Judiciary Committee, in order that hearings may be had.

The bill (S. 1794) establishing additional land offices in the States of Montana, Oregon, Idaho, and South Dakota was announced as next in order.

Mr. KING. Mr. President, I shall not object to the bill, but I shall be very glad to have the Senator explain it.

Mr. NORRIS. Mr. President, if the bill is before the Senate, I want to be heard.

Mr. BRUCE. I feel bound to object to the bill, though very reluctantly.

The PRESIDENT pro tempore. Does the Senator refer to 634, the bill to limit the jurisdiction of district courts of the United States?

Mr. BRUCE. Yes.

The PRESIDENT pro tempore. That has gone over under objection maintained by the Senator.

Mr. BRUCE. I saw the Senator from Nebraska on his feet.

Mr. NORRIS. Yes; I am about to speak on the bill, although another bill is technically before the Senate. I am entitled to five minutes on the bill.

The PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. NORRIS. I want to call Senators' attention to just what the bill does. Senators are objecting to it because they have received objections from attorneys. The bill, as introduced and as reported by the Judiciary Committee, took away from the district courts of the United States certain matters of jurisdiction. Among a number of things that it deprived the courts of jurisdiction over was jurisdiction of cases arising by reason of diverse citizenship. The objection comes, I conceive, mostly from that ground, but there are other objections, because it includes other things of which it deprives the courts of jurisdiction.

All my amendment would do would be to restore the bill to such form as to relieve it of all points except that one, so that anyone objecting to the bill certainly can not object to the amendment because it narrows its scope. I realize the objection would have still been made, but I wanted to put it in such shape that it would be confined to one thing alone. If the amendment was agreed to, the only thing it would apply to would be to diverse citizenship, and the only thing that it would eliminate from the law would be the following words:

Is between citizens of different States,

I want Senators to know just exactly what the bill does, and then they can understand what is attempted by the bill. I am not expecting the bill to pass to-night; but I wanted to have it so thoroughly understood that there would not be any further controversy, at least, as to what the bill did.

These are the words that this bill would take out of the present statute:

Is between citizens of different States,

That is all. Those words would be eliminated and the statute would be just the same as it is now. The amendment would narrow it down to those words; and I can not possibly see how anyone who objects to the bill would possibly object to the amendment, because it makes it nearer the present law than it is now.

Mr. DALE. Mr. President——

The PRESIDENT pro tempore. The Senator from Vermont.

Mr. DALE. May I ask the Senator from Nebraska a question?

Mr. NORRIS. Yes.

Mr. DALE. In connection with that bill, if an insurance company had a great many cases, as they do have in all the States of the Union, would they not be excluded from the Federal courts and be compelled to bring their cases in each separate State?

Mr. NORRIS. Yes; an insurance company incorporated in the State of Vermont, which took out a policy in the State of Nebraska, under the laws of Nebraska, and did business in Nebraska, would have to go into the Nebraska courts to settle its controversies. That is what would happen. There is not anybody that I know of that objects to the bill except insurance companies, railroad companies, and large corporations who want to go into a State and do business under its laws, but refuse to go into its courts.

The PRESIDENT pro tempore. The Senator from Vermont having yielded the floor, and the time of the Senator from Nebraska having already expired——

Mr. COPELAND. Mr. President, I ask that the colloquy we have had to-night be printed at one place in the RECORD. The other day the Senator from Nebraska and I had a running colloquy all the afternoon, and I think I have had a hundred letters with reference to it. This is an important matter. I include in my request that the amendment suggested by the Senator from Nebraska be printed in the RECORD, so that all the information may be there for the benefit of our various constituents, because we shall have hundreds of letters about this matter.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The amendment proposed by Mr. NORRIS is as follows:

On page 1, line 4, after the figures "41" and the comma, insert "title 28," and on the same page, line 8, after the word "sue," strike out the period and insert a comma and the following words:

or between citizens of the same State claiming lands under grants from different States; or where the matter in controversy exceeds, exclusive of interest and costs, the sum or value of $3,000, and (a) arises under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, or (b) is between citizens of a State and foreign States, citizens, or subjects. No district court shall have cognizance of any suit (except upon foreign bills of exchange) to recover upon any promissory note or other chose in action in favor of any assignee, or of any subsequent holder if such instrument be payable to bearer and be not made by any corporation, unless such suit might have been prosecuted in such court to recover upon said note or other chose in action if no assignment had been made. The foregoing provision as to the sum or value of the matter in controversy shall not be construed to apply to any of the cases mentioned in the succeeding paragraphs of this section.

Mr. BRUCE. Mr. President, I simply want to ask the Senator a question. As I understand, this does away with the jurisdiction of the district courts based on diversity of citizenship.

Mr. NORRIS. That is all it does.

Mr. BRUCE. Then, that makes it, to me, insuperably objectionable.

Mr. NORRIS. Exactly. I am not trying to controvert that. I want to confine it to that. The amendment does not affect that. That is still left. I expect that the Senator will oppose it, and a good many other Senators who will be moved by those who like to go into a State and do business under the laws of that State, but who will not submit themselves to the courts of that State, who want to drag the citizens of the State into the Federal court and make their litigation expensive, and thus wear them out, even though they may have a good defense, with expensive litigation.

The PRESIDENT pro tempore. The clerk will restate the next bill on the calendar.

ADDITIONAL LAND OFFICES IN MONTANA, OREGON, IDAHO, AND SOUTH DAKOTA

The bill (S. 1794) establishing additional land offices in the States of Montana, Oregon, Idaho, and South Dakota was announced as next in order.

The PRESIDENT pro tempore. This bill was considered on April 13 and amended.

Mr. BRATTON. Mr. President, my colleague [Mr. CUTTING] proposed an amendment to this bill yesterday. He had it printed. It is lying on the table. During his absence I propose that amendment on his behalf.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 3, after line 17, it is proposed to insert the following new section:

SEC. 8. That an additional land district is hereby created in the State of New Mexico to embrace lands described as follows:

Beginning at the southeast corner of the State of New Mexico and running thence north on the east line of said State to the base line of the public-land survey in said State; thence west on said line to the range line between ranges 8 and 9 east; thence south on said range line to the first standard parallel south; thence west on said line to the range line between ranges 8 and 9 east; thence south on said line to the second standard parallel south; thence west on said line to the range line between ranges 8 and 9 east; thence south on said line to the third standard parallel south; thence east on said line to the range line between ranges 8 and 9 east; thence south on said line to the south line of the State of New Mexico; thence east on said line to the point of beginning, and that Roswell, within said district, is hereby designated as the site for the land office thereof.

On page 4, line 5, after "Idaho," insert "New Mexico."

Mr. JONES. Mr. President, I should like to inquire if this bill is restoring land offices that have heretofore been abolished by the department as not necessary?

Mr. WALSH of Montana. That, I may say, is the purpose of the bill.

Mr. JONES. Do these amendments contemplate restoring all those that are abolished?

Mr. WALSH of Montana. No. In my State there were 10, and every one of them was abolished but 2, and the bill contemplates the restoration of 4 of them.

Mr. JONES. Making six in all?

Mr. WALSH of Montana. Six instead of 10.

Mr. JONES. I think this bill should go over.

Mr. WALSH of Montana. This bill has heretofore passed the Senate, and was discussed at some considerable length. A very grievous wrong was done, in the judgment of every member of the committee which had this matter under consideration, by this sweeping law. The result is that homesteaders in the State of Montana are obliged now to travel a distance of 500 miles in order to do business at the land office, a distance greater than from this city to the city of Boston.

Mr. JONES. If this were confined to the State of Montana, I do not think I should object to it. I know something about the distances out in our country. We have one land office in the State of Washington, and people travel about 350 miles where they have to travel; but, according to the department, it is not necessary for them to go to the place where the land office is.

As I said to the Senator, if this were confined to the State of Montana, which I know is a State of very great size, I do not think I should object to it; but it seems to be covering and really providing for the restoration of a great many of these offices that the department, after very careful investigation, found were not necessary, and their abolition was in the interest of economy. It is their contention that it does not affect the efficiency of the service.

I want to say, further, that we objected very strenuously in our State to the abolition of all the offices except one. I have not had a single complaint from my State, however, since the offices were reduced to one—not one. Apparently, the service is going on just as satisfactorily as before.

Mr. ODDIE. Mr. President, will the Senator yield?

Mr. JONES. Yes; I yield to the Senator.

Mr. ODDIE. Just a word on this matter. One of the most important land offices in the United States, located in Nevada, was abolished, and it is included in this bill.

Mr. JONES. I yield the floor.

Mr. BRATTON obtained the floor.

Mr. ODDIE. Will the Senator from New Mexico yield for just one second?

Mr. BRATTON. I yield.

Mr. ODDIE. One of the most important land offices in the country was in the State of Nevada. It was abolished by the department. The department made a serious and blundering error in abolishing that office. It was an uneconomic, a ridiculous, and unbusinesslike piece of business to abolish it. It has caused serious loss and inconvenience to a large number of our citizens, and nothing was gained by it.

Mr. BRATTON. Mr. President, in view of the fact that the Senator is speaking in my time, and I am under the five-minute rule, I shall ask him to speak in his own time.

Mr. ODDIE. Mr. President, I beg the Senator's pardon. I was not conscious of the fact that he had the floor first.

Mr. BRATTON. Mr. President, my colleague [Mr. CUTTING] has just come into the Chamber. If I may have his attention for a moment, I shall state for his information that on his behalf I have just proposed the amendment reestablishing the land office formerly located at Roswell, N. Mex., and was about to explain for the information of the Senator from Washington that this office was discontinued by the department some time ago. I am told by my colleague that a representative of the department has made a careful survey of conditions, and recommends this amendment in the strongest language. People in the State of my colleague and myself necessarily travel immense distances to transact their business with the land office. Oil has been discovered in the southeastern part of the State, where much Government land is situated. Under the present situation many persons interested have to travel to the office situated at Las Cruces, which is a distance in some cases of I should say 200 to 250 miles. The department recommends a restoration of the office formerly located at Roswell. My colleague so informed me to-day. This is my colleague's amendment. I offered it during his absence.

Mr. WALSH of Montana. Mr. President, if I may say a word——

The PRESIDENT pro tempore. The Senator from Montana.

Mr. WALSH of Montana. I agree with the statement of the Secretary of the Interior that the expense of administration of these lands can be reduced by the abolition of these offices. That is true enough; but the effect is to turn over the cost and expense of it to the homesteader who takes up the land, instead of its being borne by the General Government. That is the operation of this thing. As a matter of fact, it does not save one dollar to anybody.

Mr. NORBECK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from South Dakota?

Mr. WALSH of Montana. I do.

Mr. NORBECK. I call the attention of the Senator from Montana to the fact that some of these offices were self-supporting and putting a revenue in the Treasury, when they were abolished.

Mr. WALSH of Montana. Undoubtedly.

The PRESIDENT pro tempore. Does the Senator from Washington maintain his objection?

Mr. JONES. Mr. President, I recognize the situation in Montana. I doubt the wisdom of establishing six offices there, especially in view of the experience in the State of Washington; but I know that the Senator knows the condition there even better than I do, and I know that he would not ask for the establishment of these offices if he did not think it was for the benefit of the settlers.

Mr. WALSH of Montana. We have abolished four now.

Mr. JONES. Yes; I know. Six is quite a good many. I will withdraw my objection under the circumstances, though I doubt the wisdom of it very much.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New Mexico.

Mr. KING. Mr. President, if we are going to have an additional number added to this bill, I shall object to its being considered.

Mr. STEIWER. Mr. President, will the Senator yield? I desire to offer an amendment.

Mr. METCALF. I object to the consideration of the bill.

The PRESIDENT pro tempore. The bill will be passed over. The amendment proposed by the Senator from Oregon will be received, printed, and lie on the table.

HOWARD UNIVERSITY

Mr. BLEASE. Mr. President, in connection with Order of Business 680, House bill 279, I ask unanimous consent to insert in the RECORD the minority views of the House Committee in reference to this bill. In addition thereto, I should like to call attention to Claflin College at Orangeburg, Allen University, and Benedict College at Columbia, and South Carolina State Normal, Industrial and Agricultural College, all of the State of South Carolina; and I object to the consideration of the bill.

The PRESIDENT pro tempore. Without objection, the minority views of the House committee will be printed in the RECORD.

The matter referred to is as follows:

MINORITY VIEWS

The one object of this bill is to give authority of law by which the Congress may continue to appropriate money from the Federal Treasury for the purpose of improving and maintaining Howard University for negroes, in the city of Washington.

THE SITUATION, PAST AND PRESENT

For nearly a half century the Congress has been annually appropriating to this institution in amounts ranging from $10,000 to more than $500,000. These appropriations have been pure gratuities. Howard is in no sense a Government institution. Again, all these appropriations have been illegal for the reason that no law authorizing them has ever been passed. In committee hearings January 27, 1926, Mr. CRAMTON, of Michigan, says, "We are not authorized to report items of appropriations that are not authorized by law." There is

no need, however, for any argument to prove that all the $5,000,000 which the Congress has in the past years appropriated to this institution has been appropriated illegally. The present bill is an admission of that fact. Furthermore, when a point of order has been made against this item in the Interior Department appropriation bill, the Chairman has always sustained the point, and no proponent of the bill has ever questioned his decision.

THE QUESTION NOW INVOLVED

This bill simply proposes that we now legalize this policy which has been pursued regardless of law for so many years. Thus we would fasten this university upon the Federal Government for permanent support, and establish finally the governmental policy of sustaining one university for one race by Federal funds, while the hundreds and thousands of schools for that race and all other races are left to State, county, or municipal support, or to private philanthropy. Such a policy is unfair, unwise, and unjust. There are many other large colleges or universities for the education of the Negro race—Tuskegee of Alabama, Hampton of Virginia, Wilberforce of Ohio, Fiske of Tennessee, Southern and Straight of Louisiana, Clark and Spellman of Georgia, and many others. These are meeting the demands for the education of the Negro race in pretty well all sections of the country and are supported without Federal aid. Is it right that the friends and constituents of these institutions should now be taxed for the Federal funds to constantly enlarge and maintain this one university for one race in one locality? It is not a question of negro education, nor a question of the needs of education in any way. It is the question of permanently establishing this unsound paternalistic governmental policy.

THE NEED DOES NOT JUSTIFY IT

Throughout the North most of the colleges are open to students of both races. In the South every State maintains one or more institutions for higher education of negroes, and every State has a number of negro colleges maintained by church or private philanthropy. A Washington newspaper has just published a statement that there are 500 institutions for negro education above the high-school grades. In almost every Southern State there comes nearer being college room for all the negro pupils that are really prepared to enter college than for all of the white pupils that are thus prepared.

THE INCREASING DEMANDS OF HOWARD

In the committee hearings on January 27, 1926, Doctor Scott, secretary and treasurer of Howard, said:

"In addition to the $197,500 authorized by the last Congress for a gymnasium, armory, and athletic field, other dormitories for young men and young women must be provided to meet the needs of the rapidly growing student body. Adequate buildings must also be erected for schools of medicine, law, and religion. There is need for an administration building, so that the space now occupied by these offices may be released for classrooms for the collegiate department."

In the same hearings Doctor Durkee, then president of Howard, speaks of the $370,000 appropriated by Congress for a new medical building. Meantime we have been called on for $150,000 for a new dormitory, and the pending Interior bill calls for $180,000 for a new chemistry building. From the above quotation from Doctor Scott it would seem that these demands for new buildings are to continue and doubtless to enlarge indefinitely. The question now before the Congress is, Shall we by passing this bill commit the Government permanently to this program?

Are we to go on for ever appropriating Federal funds for the erection of new and costly buildings to meet the growing demands of this institution? No doubt it is fine for Howard to have all these good buildings and some $200,000 more each year for running expenses. Yet almost every Member of the Congress has in his own State or district some struggling college which is just as much in need of funds and buildings. Many a struggling college in our own districts, dependent on church or private philanthropy, would feel greatly enriched to receive just one gift as large as one of the annual amounts that this Congress is asked to give to Howard University. The demand of Howard for this year is $390,000. Hardly a Member of the House but can think of some worthy struggling college back in his home State that would be relieved of an unspeakable burden, and immensely promoted in usefulness by one gift of that amount. Then shall we go on from year to year making these large donations to one university for negroes in the city of Washington while the constituents of our home schools pay the taxes and struggle on in poverty with their own institutions? Some Members of this House have expressed a hesitancy as to their vote on this bill because of the answer they may have to make to their negro voters back home. It might be well for some to consider the answer to be made to their white constituents who are struggling so hard to maintain institutions for the education of their own young people.

The plea is made that Howard is a necessity for the purpose of preparing physicians, dentists, etc., for the service of the Negro race. In a very large part of the South that is not a necessity, because the white physicians and dentists do practice for the negroes, and the negroes seem to prefer them. But finally, if Howard must be supported for any reason, we submit that it should be done with District funds, just as other cities all over the Nation give large funds for great institutions of learning because of the advantages material and otherwise which such an institution brings to the town in which it is located.

B. G. LOWREY,
M. C. TARVER,
RENE L. DE ROUEN.

Mr. COPELAND. Mr. President, if the Senator will withhold his objection, I wish that the Senate might find it in its heart to pass this bill. We have been beating the devil around the stump for a long time with these appropriations for Howard University.

Here is an establishment which is dedicated to the purpose of educating colored students. Here is a place where they have the facilities for those who are seeking education to go, with their own people in it; and we have always found ways of making the appropriation. If this bill were to pass, we could then, in an orderly and proper way, without subterfuge, make the appropriations which we are bound to make anyway.

I wish the Senator might find it in his heart to consent to the passage of this bill.

Mr. BLEASE. Mr. President, if you will give the negro colleges in South Carolina the same amount of money I will agree to it. Otherwise I object.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. COPELAND. Mr. President, just a word. Has the Senator introduced a resolution or offered an amendment to the bill?

Mr. BLEASE. No; but when the bill comes up I am going to do it.

Mr. COPELAND. Let me suggest to the Senator that he present the amendment that he has in mind. I am not sure but that, so far as I am concerned, I should be glad to support the amendment.

Mr. BLEASE. Mr. President, I do not think there is a State in the American Union that has the same or better facilities for educating the colored people than South Carolina has. We pay a 3-mill constitutional tax for their free school education. Every man pays that tax. We have some of the very best colored institutions in this country.

One of them is maintained entirely by the State of South Carolina, with an appropriation of over $100,000 each year. If every State will do that there will be no necessity for the Government to have to pay for this institution. If you will give to the State colleges for colored people of my State what we are asked to give to this District of Columbia institution, I have no objection; but I shall never consent for my State to pay a 3-mill constitutional tax to educate these people, to which I do not object, and keep up these other institutions by State appropriations, and then sit here and vote to give away the money of my people to other States that do not do anything to try to help their colored people. We are educating ours. We are taking care of them, and we are keeping them in their places by that education.

As the Senator suggests, I will offer an amendment, and it will get two votes, probably—mine and his.

Mr. BINGHAM. Mr. President——

Mr. KING. I call for the regular order.

Mr. BLEASE. I object to the consideration of the bill.

The PRESIDENT pro tempore. The regular order is demanded. The bill will be passed over.

Mr. BINGHAM. I ask unanimous consent that Senate Report No. 672 may be printed as a part of the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The report (No. 672) submitted by Mr. COUZENS, from the Committee on Education and Labor, on April 2, 1928, is as follows:

(Report to accompany H. R. 279)

Your Committee on Education and Labor, to which was referred H. R. 279, a bill to amend section 8 of an act entitled "An act to incorporate the Howard University, in the District of Columbia," approved March 2, 1867, by authorizing Federal appropriations to aid in the construction, development, improvement, and maintenance of said university, having considered said bill reports favorably thereon with the recommendation that the bill do pass without amendment.

A bill similar to H. R. 279 was reported favorably by the Committee on Education and Labor in the last session of Congress.

Howard University was incorporated under the act of March 2, 1867. The first Federal appropriation for its aid was granted March 3, 1879. Since that date the Federal Government has made annual appropriations to assist the university. However, since the establishment of the Budget system items recommended by the Budget and approved by the Committee on Appropriations of the House have been subject to a point

of order and invariably have been stricken out on the ground that such appropriations are not authorized by existing law. This bill would relieve that situation. Even after the items are stricken out in the House the Senate invariably reinserted them in the bill and they were approved in conference.

The university has an attendance of about 2,000 students, who are required to pay tuition and provide their own living expenses. The university has been thoroughly investigated by the college rating board of the Maryland and Middle States district and is rated in class A.

BILLS PASSED OVER

The bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes, was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 10885) to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat L., 437), was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

MAY GORDON RODES AND OTHERS

The bill (S. 126) for the relief of May Gordon Rodes and Sara Louise Rodes, heirs at law of Tyree Rodes, deceased, was announced as next in order.

Mr. KING. Let that go over.

Mr. SHORTRIDGE. Mr. President, I hope the Senator who objected to the immediate consideration of this bill will withhold his objection for one moment. It will be observed that it is in behalf of the widow and daughter of the deceased; and it was through his genius and his patented rights that our Government during the Great War was saved something over $17,000,000.

It is true that the testimony, as the record shows, claimed upon the one side that a just allowance would be on the basis of $1 per thousand of lumber sawed through or by the patented method of the deceased, whereas others testified that the value would be, perhaps, considerably less; wherefore the committee, which held long and patient hearings, reached the conclusion that instead of $141,000, as claimed according to one side of the controversy, the claim should be allowed for $35,750.

I am saying this in the hope that as between now and the coming on of this case again, Senators who have objected to it may read the report prepared by the subcommittee, written by the Senator from Oregon [Mr. STEIWER], and then agree that this just claim, as I think it is, should be recognized, and this bill passed.

The PRESIDENT pro tempore. The Secretary will state the next bill on the calendar.

BILLS, ETC., PASSED OVER

The bill (S. 2505) granting increase of pension under the general law to soldiers and sailors of the Regular Army and Navy, and their dependents, for disability incurred in service in line of duty, and authorizing that the records of the War and Navy Departments be accepted as to incurrence of a disability in service in line of duty, was announced as next in order.

Mr. NORBECK. Mr. President, I am not going to ask that this bill be taken up to-night, because it calls for quite a little explanation, and there are several changes to be made in it.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 25) to declare the 11th day of November, celebrated and known as Armistice Day, a legal holiday, was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 1729) extending the classified civil service to include postmasters of the third class, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

MEDICAL RELIEF TO RETIRED OFFICERS AND MEN OF COAST GUARD

The bill (H. R. 11022) to extend medical and hospital relief to retired officers and enlisted men of the United States Coast Guard was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. JONES. Who objected?

The PRESIDENT pro tempore. The junior Senator from Utah.

Mr. JONES. Will the Senator withhold his objection for just a moment?

Mr. KING. Yes.

Mr. JONES. I think if I read a brief extract from the report he will withdraw his objection.

The Secretary of the Treasury says this:

The officers and enlisted men of the Coast Guard while on active duty receive medical attention and hospitalization from the Public Health Service. However, as soon as an officer or enlisted man is retired from active duty, either because of physical disability in line of duty or incident to service, or after having served the Government faithfully and honorably for the greater portion of his life, the Public Health Service is at present without the necessary legislative authority to extend him, in his retired status, the facilities of the marine hospitals or outpatient offices under the jurisdiction of that service. The bill, if enacted into law, will permit the extension to these retired officers and enlisted men of a privilege to which they are justly entitled, a right analogous to that accorded to retired officers and enlisted men of the Navy at naval hospitals and dispensaries. There is a pressing need for this proposed legislation, and the department urges its passage as a meritorious measure.

I hope the Senator will withdraw his objection.

Mr. KING. I will state what has been my objection to this bill. It will be the opening wedge, as I see it, and give the same advantages to every employee of the Government. If the Coast Guard can be differentiated from all other employees of the Government and put in the same category with officers of the Army and the Navy and the Marines, there might be some excuse for it.

Mr. JONES. The Senator knows that when there is a war the Coast Guard goes into the Navy.

Mr. KING. That is true; yet I can see but little difference between the Coast Guard employees and those engaged in the Customs Service, because most of the work of the Coast Guard relates to the enforcement of prohibition or the prevention of smuggling. The activities are rather those of civil-service employees of the Government.

Mr. JONES. No; before the acts to which the Senator has referred were passed we had the Coast Guard, and its work was largely in rescuing people in danger, especially at sea. It is a very dangerous occupation. Now, under the law, when we get into war, it automatically goes into the Navy.

Mr. KING. Yes; I know that.

Mr. JONES. It seems to me the Senator will be justified in withholding his objection to this bill. It has passed the House and is very strongly recommended by the Secretary.

Mr. KING. Is there a unanimous report?

Mr. JONES. There is a unanimous report.

The PRESIDENT pro tempore. Does the Senator maintain his objection?

Mr. KING. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, on page 1, line 3, after the word "and," to insert the word "retired," so as to make the bill read:

Be it enacted, etc., That hereafter retired officers and retired enlisted men of the United States Coast Guard shall be entitled to medical treatment at marine hospitals and out-patient offices of the Public Health Service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed for a third reading, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to extend medical and hospital relief to retired officers and retired enlisted men of the United States Coast Guard."

BILL PASSED OVER

The bill (S. 742) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

PUBLIC PRINTER AND DEPUTY PUBLIC PRINTER

The bill (H. R. 6669) fixing the salary of the Public Printer and of the Deputy Public Printer, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act the salary of the Public Printer shall be $10,000 per annum and the salary of the Deputy Public Printer shall be $7,500 per annum.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CROMWELL L. BARSLEY

The bill (H. R. 6152) for the relief of Cromwell L. Barsley was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 2, to strike out the words, "be held to have accrued prior to the passage of this act," and to insert, "accrue or be allowed on account of the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Cromwell L. Barsley, who was a member of Company D, Fifth Regiment United States Volunteers, and Thirty-fourth Regiment United States Volunteer Infantry, and Company D, Nineteenth Regiment Infantry, United States Army, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Nineteenth Regiment Infantry, United States Army, on the 23d day of December, 1907: *Provided*, That no bounty, back pay, pension, or allowance shall accrue or be allowed on account of the passage of this act.

Mr. KING. Mr. President, I would like to have an explanation in regard to this bill.

The PRESIDENT pro tempore. The Senator reporting the bill is not at the present time in the Chamber.

Mr. KING. Let it be passed over temporarily.

The PRESIDENT pro tempore. The bill will go over.

Mr. STEPHENS rose.

Mr. REED of Pennsylvania. I hope the Senator from Utah will not object to the bill. Was the Senator from Mississippi about to make an explanation?

Mr. STEPHENS. I was about to respond to the Senator from Utah.

Mr. KING. Mr. President, I was just about to state that in the report of the major general with respect to this bill, really the report of the Secretary of War, I find that there was a court-martial in the case of this soldier, and he was dishonorably discharged from the service. If there are any reasons why he should be restored, I should be glad to withhold the objection.

Mr. REED of Pennsylvania. Mr. President, this soldier enlisted in 1899, and served loyally and faithfully in the Philippine campaign. He came back and reenlisted, and was sentenced to dishonorable discharge for the crime of stealing two turkeys.

Mr. STEPHENS. One turkey.

Mr. REED of Pennsylvania. I myself never stole two turkeys, but I do not believe that is an essentially heinous crime that ought to offset the service of one who served with distinction in actual hostilities. The committee was unanimous in its belief that the sentence of dishonorable discharge was too severe. Surely, after this delay, the Senate would not be going too far to recognize the honorable service and overlook that offense.

Mr. BRUCE. Mr. President, I think the Senator has overlooked one little circumstance connected with the action of the committee in this case. It is true that this bill was reported favorably by the committee, but it was reported with an amendment. The committee was willing, in other words, that the sentence of dishonorable discharge should be canceled, but the Senator from South Carolina [Mr. BLEASE], who is a member of the committee, informs me that the committee was unanimous in thinking that this soldier should not be allowed any back pay, pension, or pecuniary compensation of any sort.

The effect of the amendment is just that. In other words, the committee took the view that because of this soldier having been sentenced to imprisonment for nine months, and having been dishonorably discharged from the Army, as a matter of grace, as a matter of clemency, if his object is simply to have the record of his dishonorable discharge canceled, that should be done, but it was wholly unwilling that he should be allowed any back pay or any pension or any pecuniary compensation of any kind.

Mr. BORAH. Do I understand that the committee canceled the order of dishonorable discharge?

Mr. BRUCE. Yes; the bill does with this amendment.

Mr. BORAH. Did they find that the man was not amenable to punishment?

Mr. BRUCE. Oh, no. In view of his age, in view of the fact that he had been a soldier for some two years, and had been twice honorably discharged, the committee was willing, if the object of the man was really to establish his moral reputation, as well as it could be reestablished under the circumstances, that the bill should effect a cancellation of the sentence of discharge; but they thought that the man having been formally convicted of theft by a court-martial, and having been sentenced to imprisonment for nine months, and having served a term of imprisonment of six months, and having been dishonorably discharged from the Army, he should not be placed upon the same footing as an irreproachable soldier.

Mr. BORAH. If I had my way about it, I would give him his money.

Mr. BRUCE. That may be, but while the Senator——

Mr. SWANSON. I call for the regular order. This case was discussed for half an hour at the last call of the calendar.

Mr. BRUCE. I agree entirely with the committee. I am perfectly willing that this sentence of dishonorable discharge should be canceled, if that will afford any relief.

The PRESIDENT pro tempore. The Senator from Virginia demands the regular order, which is the amendment proposed by the committee.

Mr. REED of Pennsylvania. Mr. President, the Senator from Virginia will not object to the bill passing as it stands?

Mr. SWANSON. I am not objecting to its passage. This bill was discussed for half an hour, and interrupted the calendar. We will have Thursday night for bills of this kind, bills which are to be debated, and I will not consent to this bill taking up this entire session when it ought to come up on Thursday. I call for the regular order.

The PRESIDENT pro tempore. The Senator from Virginia objects, and the bill will be passed over.

Mr. REED of Pennsylvania. If we will all agree to sit down without further discussion, will not the Senator withdraw his objection?

Mr. SWANSON. Yes.

The PRESIDENT pro tempore. The Senator from Virginia withdraws his objection on condition that no further discussion ensue. The question is on the committee amendment.

Mr. BRUCE. I simply ask——

The PRESIDENT pro tempore. The unanimous-consent agreement is violated, and the regular order will take place.

Mr. BLACK. May I make a request of the Senator from Virginia? Suppose we vote on this bill——

Mr. SWANSON. I have no objection to voting.

The PRESIDENT pro tempore. Just a moment. We are not going to enter into unanimous-consent agreements to do something, and then have them violated within the next 30 seconds, as long as the present occupant of the chair is in the chair.

Mr. SWANSON. I have no objection to voting. All I ask is the regular order. Let a Senator say whether he objects or does not object to the consideration of the bill.

Mr. BRUCE. I have no objection at all to the amendment being disposed of, and to the bill being brought to a vote.

The PRESIDENT pro tempore. When a bill comes up, a Senator is entitled to five minutes, if it comes up without objection.

Mr. SWANSON. I am willing to give the five minutes, but not an hour.

Mr. REED of Pennsylvania. Question!

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee.

Mr. NEELY. Mr. President, I inquire if this man's offense consisted only of stealing two turkeys; is that all?

Mr. REED of Pennsylvania. That is all.

Mr. NEELY. What is the personnel of the committee that decided that he should have been dishonorably discharged for stealing two turkeys?

Mr. REED of Pennsylvania. The committee did not decide it; the court-martial decided it. The committee is trying to give him a position on the records of the Army substantially equal to an honorable discharge. He deserves it for service in the Spanish War and the Philippine campaign, and we who now discuss it are in substance denying him that relief.

Mr. BRUCE. He was in the Army for only about two years. There is no evidence that he was a brave soldier and, as far as I know, no evidence that he was ever in action.

The PRESIDENT pro tempore. This time is being charged to the Senator from West Virginia.

Mr. NEELY. Mr. President——

Mr. CURTIS. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will go over.

BILL PASSED OVER

The bill (S. 1995) placing certain employees of the Bureau of Prohibition in the classified civil service, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

NATIONAL GUARD STATE STAFF OFFICERS

The bill (H. R. 239) to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard

State staff officers, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

Mr. REED of Pennsylvania. Mr. President, that bill has been agreed upon by the adjutants general of the National Guard. It simply puts the staff officers of the guard on the same basis as the staff officers of the Regular Army. It allows them the same privileges and fixes the same qualifications as are fixed for staff officers of the Regulars. I hope there will be no objection.

The PRESIDENT pro tempore. Does the Senator maintain his objection?

Mr. KING. I have no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the following provisions, to wit, "nor to any State, Territory, or District, or officer or enlisted man in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, including officers of the finance, inspection, quartermaster, and medical departments hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of 64 years, unless retired prior to that time by reason of resignation, disability, or for causes to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the militia of such State, Territory, or District," contained in the last paragraph of section 110 of the national defense act as amended by the act approved September 22, 1922 (42 Stat. L. 1036), be, and the same are hereby, repealed and stricken therefrom, so that said paragraph when so amended will read as follows:

"Except as otherwise specifically provided herein no money appropriated under the provisions of this or the last preceding section shall be paid to any person not on the active list, nor to any person over 64 years of age, nor to any person who shall fail to qualify as to fitness for military service under such regulations as the Secretary of War shall prescribe."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRACTICE OF HEALING IN THE DISTRICT OF COLUMBIA

The bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia, was announced as next in order.

SEVERAL SENATORS. Over.

Mr. COPELAND. Mr. President, may I ask who objected to this bill?

Mr. NORRIS. I thought the Senator from New York objected.

Mr. COPELAND. No; I did not object. Does anyone object?

The PRESIDENT pro tempore. The Chair thought some Senator objected.

Mr. KING. Mr. President, will not the Senator explain the bill?

Mr. COPELAND. This bill has occupied the attention of the committee on the District of Columbia for two years, and after great tribulation we have an agreement with all the various systems and cults of practice in this city. The bill provides that every applicant shall apply to a commission, and then go before a basic science committee for an examination in the fundamentals of medicine. Then, if qualified by that basic science committee, the applicant goes before a committee of his own school of practice; and then, if he passes, he gets a license to practice in the District of Columbia.

Mr. CARAWAY. I would like to ask a question as to the nature of this examination by the basic science committee.

Mr. COPELAND. They examine in anatomy, bacteriology, chemistry—the fundamental subjects.

Mr. CARAWAY. If they want to practice the healing art, they must pass that examination whether they are going to be chiropractors or——

Mr. COPELAND. Yes.

Mr. CARAWAY. Are dentists included?

Mr. COPELAND. No; it relates only to practitioners of some branch of medicine.

Mr. CARAWAY. How about undertakers?

Mr. COPELAND. Undertakers are exempt.

Mr. CARAWAY. They ought not to be.

Mr. BRUCE. May I call the attention of the Senator from New York to the fact that I have offered two amendments to this bill relating to chiropractors? The chiropractors of Maryland and other States in the Union think that this bill prescribes no proper standard at all for the qualifications of chiropractic. The chiropractors in the city of Washington accept the bill as it stands; but, so far as I know, it is not the case with the members of that profession anywhere else in the United States. I have offered amendments calculated to create real standards of professional proficiency, and with those amendments I have no objection to the bill.

CROMWELL L. BARSLEY

Mr. BLACK. Mr. President, I endeavored a few moments ago to get the floor with reference to the bill of the young man who was charged with stealing the turkeys. I think it is not right that that bill should be further held up. This young man served between five and six years as an honorable soldier. He served in the Philippine Islands. He was arrested and charged with the crime of stealing two turkeys from his own company. If every soldier who ever stole a turkey had served nine months in prison and been dishonorably discharged, and had that held up against him for the remainder of his life, there would not be many of them left to serve in the Army.

Mr. REED of Pennsylvania. Mr. President——

Mr. BLACK. I yield.

Mr. REED of Pennsylvania. The Senator was a soldier himself, was he not?

Mr. BLACK. I was a soldier for about two years.

Mr. REED of Pennsylvania. Did the Senator ever know of a soldier who would not steal anything to eat when he was hungry?

Mr. BLACK. If he did not, he would be a very unusual soldier.

Mr. BRUCE. I have never had any conception that standards of conduct in the Army were so low.

Mr. NEELY addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator yield?

Mr. BLACK. I do not yield at all. This turkey matter has been a subject of talk here on this floor, and we have talked about it until one would think the man had committed burglary and grand larceny and murder and robbery and every other crime in the decalogue. As a matter of fact, I am opposed to the committee amendment, although I am a member of the committee. I do not believe that we should deprive this man, after all these years, of anything that might be coming to him in the way of pension or compensation. I think we ought to go back and take up this bill. I think if we do not, we ought to have some more discussion of it. Is it such an awful thing for a soldier to steal a turkey that we have to hold up our hands in holy horror for the remainder of his life—and stealing a turkey from his own company? It was probably just a question whether he would steal it or the company cook would steal it. It was a turkey that belonged to his own company, and here we take the time of the Senate from time to time and object and object to giving a man that which he ought to have when he served between five and six years honorably in the Army as a soldier, fought for this country, risked his life, and now we hold up this price of a turkey and say it is so great and that we have not time to pass on his case, and that we will not give him that which he ought to have after all these years have passed by.

Mr. BRUCE. Mr. President, I am perfectly willing——

The PRESIDENT pro tempore. The Senator from Maryland is now speaking on Calendar No. 768, to regulate the practice of the healing art in the District of Columbia.

Mr. BLACK. That is what I spoke on, Mr. President.

Mr. BRUCE. Mr. President, I want to say that the very mild view that the Senator from Alabama takes of theft reminds me of a thing that happened in my boyhood in southside, Virginia. A colored man came back from church, and somebody asked him what sort of a sermon had been delivered. He said, "A very good sermon, except a reference to chicken stealing brought a sort of coolness over the meeting." The Senator seems to take the same lenient view of theft that the old colored acquaintance of mine did.

Who is to be the judge of what constitutes crime on the part of a soldier, pray? To what tribunal is that question left by the law? It is left to the superior officers of the soldier.

In this case it was a court-martial, and that court-martial determined that under all the circumstances of the case, many of which, of course, can not well be brought to our attention, that soldier had been guilty of a heinous offense, and the sentence of the court-martial was that he should be imprisoned for nine months and that he should be dishonorably discharged from the Army. That was the result. No matter what effort may be made to belittle the importance of this offense, that was the conclusion reached by that court-martial in the deliberate discharge of its duty.

Mr. SHORTRIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator yield?

Mr. BRUCE. If the Senator is speaking on another bill, and not speaking in my time——

The PRESIDENT pro tempore. The Senator must be speaking in the time of the Senator from Maryland.

Mr. BRUCE. I am sorry, I can not yield.

The PRESIDENT pro tempore. The Senator from Maryland declines to yield.

Mr. BRUCE. I am compelled to decline to yield.

Mr. SHORTRIDGE. I want to ask a question.

The PRESIDENT pro tempore. The Senator from Maryland declines to yield.

Mr. BRUCE. There is no evidence, so far as I know, that the soldier had ever been in action.

Mr. SHORTRIDGE. I want to ask a question.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. BRUCE. There is no evidence that this soldier was a soldier of exemplary character in any respect. It is fair to infer that in all probability he had a very poor general reputation, because we can almost see that by reading between the lines. But, be that as it may, the fact was that the court-martial came to the conclusion that he had been guilty of theft, and that he had been guilty of theft under circumstances sufficiently heinous to justify them in sentencing him to prison for nine months and having him discharged dishonorably from the Army.

The PRESIDENT pro tempore. The time of the Senator from Maryland has expired.

Mr. STEPHENS. Mr. President, I am not going to take much time. I merely desire to say——

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. STEPHENS. I yield.

Mr. SWANSON. I ask unanimous consent that next Thursday, when we meet for the consideration of contested bills, the first bill that shall be taken up promptly at 8 o'clock and disposed of by 8.20, granting 10 minutes to each side, shall be this turkey bill. [Laughter.] I ask unanimous consent for that purpose.

Mr. BRATTON and Mr. JONES. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. STEPHENS. Mr. President, I am going to say just a word or two.

Mr. CURTIS. Mr. President, will the Senator from Mississippi yield to me?

Mr. STEPHENS. I yield.

Mr. CURTIS. We have a unanimous-consent agreement to take up the calendar under Rule VIII Thursday night. When this bill is reached that night, if there is objection, a motion can be made to proceed to its consideration.

Mr. STEPHENS. Pardon me just a moment, anyway.

Mr. CURTIS. I do hope that Senators will let us complete the call of the calendar for unobjected bills to-night. If we put in all our time discussing one or two bills there will be no others passed. I think Senators ought to let the bill go over because there is objection to it.

Mr. STEPHENS. I am going to say just a word or two.

The PRESIDENT pro tempore. The Senator from Mississippi has the floor.

Mr. BRUCE. I object. If we are going to discuss the bill under Rule VIII Thursday night, I object to discussing it now.

The PRESIDENT pro tempore. The Senator from Mississippi has the floor in his own right and it can not be denied him.

Mr. STEPHENS. Mr. President, before I say what I rose to say, I desire to state in answer to the Senator from Kansas that I have been here five years and I have never objected to the consideration of any Senator's bill. I have not occupied much of the time of the Senate on private bills or other bills.

I rose to say, in answer to the Senator from Maryland [Mr. BRUCE], when he spoke of the character of that man, that if the Senator would go down to the city of Vicksburg, where that poor fellow, weak and feeble and almost unable to walk the streets of the city, now lives, he would find that the best people of that community are the friends of this man.

He would find that Cromwell L. Barsley stands as high in his own community as the Senator from Maryland does in his. I rose, Mr. President, merely to repudiate the statement or the charge or suggestion that this is a man of poor reputation, a man of bad character. I hope we will discuss the matter further at another time.

The PRESIDENT pro tempore. The bill goes over.

PRACTICE OF HEALING IN THE DISTRICT OF COLUMBIA

The PRESIDENT pro tempore. The clerk will restate Order of Business No. 768.

The CHIEF CLERK. A bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia.

Mr. DILL. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. COPELAND. Mr. President, did I understand the Senator from Maryland [Mr. BRUCE] to object to the bill?

Mr. BRUCE. I have no objection if the amendment is adopted. So far as I know there is no objection to it.

Mr. DILL. I objected.

Mr. COPELAND. Will not the Senator let us consider it?

Mr. DILL. Not to-night.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1215) for the relief of Helen F. Griffin was announced as next in order.

The PRESIDENT pro tempore. The bill was reported from the Committee on Claims adversely. Without objection the bill will be indefinitely postponed.

The bill (S. 1552) for the relief of Thomas J. Roff was announced as next in order.

The PRESIDENT pro tempore. The bill was reported from the Committee on Claims adversely. Without objection the bill will be indefinitely postponed.

Mr. McNARY. Mr. President, I regret to state to the Chair that I should like to have the bill (S. 1215) for the relief of Helen F. Griffin remain on the calendar for further consideration.

The PRESIDENT pro tempore. Without objection, the bill will remain on the calendar and will be passed over.

Mr. DENEEN. I make a similar request with respect to the bill (S. 1552) for the relief of Thomas J. Roff.

The PRESIDENT pro tempore. Without objection, the bill will remain on the calendar and will be passed over.

The bill (S. 2901) to amend the national prohibition act, as amended and supplemented, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

LIABILITY IN BREACHES OF FIDUCIARY OBLIGATIONS

The bill (H. R. 6844) concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the following provisions concerning liability for participation in breaches of fiduciary obligations, and to make uniform the law with reference thereto, shall be in force in the District of Columbia, namely:

"SECTION 1. Definition of terms: (1) In this act unless the context or subject matter otherwise requires:

"'Bank' includes any person or association of persons, whether incorporated or not, carrying on the business of banking.

"'Fiduciary' includes a trustee under any trust, expressed, implied, resulting or constructive, executor, administrator, guardian, conservator, curator, receiver, trustee in bankruptcy, assignee for the benefit of creditors, partner, agent, officer of a corporation, public or private, public officer, or any other person acting in a fiduciary capacity for any person, trust, or estate.

"'Person' includes a corporation, partnership, or other association, or two or more persons having a joint or common interest.

"'Principal' includes any person to whom a fiduciary as such owes an obligation.

"(2) A thing is done 'in good faith' within the meaning of this act when it is in fact done honestly, whether it be done negligently or not.

"SEC. 2. Application of payments made to fiduciaries: A person who in good faith pays or transfers to a fiduciary any money or other property which the fiduciary as such is authorized to receive, is not responsible for the proper application thereof by the fiduciary; and any right or title acquired from the fiduciary in consideration of such payment or transfer is not invalid in consequence of a misapplication by the fiduciary.

"SEC. 3. Registration of transfer of securities held by fiduciaries: If a fiduciary in whose name are registered any shares of stock, bonds, or other securities of any corporation, public or private, or company or other association or of any trust, transfers the same, such corporation or company or other association, or any of the managers of the trust, or its or their transfer agent, is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in making the transfer, or to see to the performance of the fiduciary obligation, and is liable for registering such transfer only where registration of the transfer is made with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in making the transfer, or with knowledge of such facts that the action in registering the transfer amounts to bad faith.

"SEC. 4. Transfer of negotiable instrument by fiduciary: If any negotiable instrument payable or indorsed to a fiduciary as such is indorsed by the fiduciary, or if any negotiable instrument payable or indorsed to his principal is indorsed by a fiduciary empowered to indorse such instrument on behalf of his principal, the indorsee is not bound to inquire whether the fiduciary is committing a breach of his obligation

as fiduciary in indorsing or delivering the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith. If, however, such instrument is transferred by the fiduciary in payment of or as security for a personal debt of the fiduciary to the actual knowledge of the creditor, or is transferred in any transaction known by the transferee to be for the personal benefit of the fiduciary, the creditor or other transferee is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in transferring the instrument.

"SEC. 5. Check drawn by fiduciary payable to third person: If a check or other bill of exchange is drawn by a fiduciary as such, or in the name of his principal by a fiduciary empowered to draw such instrument in the name of his principal, the payee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in drawing or delivering the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith. If, however, such instrument is payable to a personal creditor of the fiduciary and delivered to the creditor in payment of or as security for a personal debt of the fiduciary to the actual knowledge of the creditor, or is drawn and delivered in any transaction known by the payee to be for the personal benefit of the fiduciary, the creditor or other payee is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the instrument.

"SEC. 6. Check drawn by and payable to fiduciary: If a check or other bill of exchange is drawn by a fiduciary as such or in the name of his principal by a fiduciary empowered to draw such instrument in the name of his principal, payable to the fiduciary personally, or payable to a third person and by him transferred to the fiduciary, and is thereafter transferred by the fiduciary, whether in payment of a personal debt of the fiduciary or otherwise, the transferee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in transferring the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith.

"SEC. 7. Deposit in name of fiduciary as such: If a deposit is made in a bank to the credit of a fiduciary as such, the bank is authorized to pay the amount of the deposit or any part thereof upon the check of the fiduciary, signed with the name in which such deposit is entered, without being liable to the principal, unless the bank pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in drawing the check or with knowledge of such facts that its action in paying the check amounts to bad faith. If, however, such a check is payable to the drawee bank and is delivered to it in payment of or as security for a personal debt of the fiduciary to it, the bank is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the check.

"SEC. 8. Deposit in name of principal: If a check is drawn upon the account of his principal in a bank by a fiduciary who is empowered to draw checks upon his principal's account, the bank is authorized to pay such check without being liable to the principal, unless the bank pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in drawing such check, or with knowledge of such facts that its action in paying the check amounts to bad faith. If, however, such a check is payable to the drawee bank and is delivered to it in payment of or as security for a personal debt of the fiduciary to it, the bank is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the check.

"SEC. 9. Deposit in fiduciary's personal account: If a fiduciary makes a deposit in a bank to his personal credit of checks drawn by him upon an account in his own name as fiduciary, or of checks payable to him as fiduciary, or of checks drawn by him upon an account in the name of his principal if he is empowered to draw checks thereon, or of checks payable to his principal and indorsed by him, if he is empowered to indorse such checks, or if he otherwise makes a deposit of funds held by him as fiduciary, the bank receiving such deposit is not bound to inquire whether the fiduciary is committing thereby a breach of his obligation as fiduciary; and the bank is authorized to pay the amount of the deposit or any part thereof upon the personal check of the fiduciary without being liable to the principal, unless the bank receives the deposit or pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in making such deposit or in drawing such check, or with knowledge of such facts that its action in receiving the deposit or paying the check amounts to bad faith.

"SEC. 10. Deposit in names of two or more trustees: When a deposit is made in a bank in the name of two or more persons as trustees and a check is drawn upon the trust account by any trustee or trustees authorized by the other trustee or trustees to draw checks upon the trust account, neither the payee nor other holder nor the bank is bound to inquire whether it is a breach of trust to authorize such trustee or trustees to draw checks upon the trust account, and is not liable unless the circumstances be such that the action of the payee or other holder or the bank amounts to bad faith.

"SEC. 11. Act not retroactive: The provisions of this act shall not apply to transactions taking place prior to the time when it takes effect.

"SEC. 12. Cases not provided for in act: In any case not provided for in this act the rules of law and equity, including the law merchant and those rules of law and equity relating to trusts, agency, negotiable instruments, and banking, shall continue to apply.

"SEC. 13. Uniformity of interpretation: This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

"SEC. 14. Short title: This act may be cited as the uniform fiduciaries act.

"SEC. 15. Inconsistent laws repealed: All acts or parts of acts inconsistent with this act are hereby repealed.

"SEC. 16. Time of taking effect: This act shall take effect upon the date of its passage."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAYMENT OF BANK DEPOSITS, DISTRICT OF COLUMBIA

The bill (H. R. 6856) relating to the payment or delivery by banks or other persons or institutions in the District of Columbia of deposits of money and property held in the names of two or more persons, and for other purposes, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That when a deposit shall have been made or shall hereafter be made in, or any collection item shall have been placed or shall hereafter be placed with, any bank, trust company, savings bank, building association, or other banking institution including national banks, transacting business in the District of Columbia, or when any shares of stock shall have been issued or shall hereafter be issued by any building association, transacting business in the District of Columbia, in the names of two or more persons, including husband and wife, payable to either, or payable to either or the survivor or survivors, such deposit, or in any part thereof, or any interest or dividend thereon, and such collection item or its proceeds, or any interest or dividend thereon, or such shares of stock issued by a building association or any interest or dividend thereon, may be paid or delivered to either of said persons whether the other or others be living or not; and the receipt or acquittance of the person to whom such payment or delivery is made shall be a valid, sufficient, and complete release and discharge of the bank, trust company, savings bank, building association, or other banking institution, including national banks, for any payment or delivery so made.

SEC. 2. That when a safety deposit box or vault shall have been hired or shall hereafter be hired from any bank, trust company, savings bank, building association, or other banking institution, including national banks, or any other corporation, transacting business in the District of Columbia, in the names of two or more persons, including husband and wife, with the right of access being given to either, or with access to either or the survivor or survivors of said persons, or property is held for safe-keeping by any such bank, trust company, savings bank, building association or other corporation or banking institution, including national banks, for two or more persons, including husband and wife, with the right of delivery being given to either, or with the right of delivery to either or the survivor or survivors of said persons, any one or more of such persons, whether the other or others be living or not, shall have the right of access to such safety deposit box or vault and to remove the contents thereof, or any part of such contents, or to have delivered to him or them, the property so held for safe-keeping, or any part thereof, and in case of such removal or delivery the said bank, trust company, savings bank, building association, or other corporation or banking institution, including national banks, shall be exempt from any liability for permitting such access or removal or for the delivery to such person or persons.

SEC. 3. Whenever a writ of attachment shall be served on any bank, trust company, savings bank, or other banking institution, including national banks, or on any other corporation, association, or person as garnishee, and such garnishee holds a credit or property for two or more persons, including the person whose credit or property is sought to be attached, or holds a credit or property for any person as agent or trustee or in any other representative capacity without designation of the principal or beneficiary, such credit or property shall not be subject to withdrawal by any person, but shall be held by the garnishee until the attachment shall have been dismissed or otherwise disposed of by the court. If the credit or property is condemned, payment or delivery thereof as ordered by the court shall be a complete discharge of the garnished from all liability to any person in respect of said credit or property. The provisions of this section shall not be construed to apply to a credit or property of a partnership.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SURVEY FOR NICARAGUAN CANAL

The joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

Mr. EDGE. Mr. President, will the Senator withhold his objection just a moment? I want to make a brief statement.

Mr. KING. I am familiar with it, and I am opposed to the proposition entirely.

Mr. LA FOLLETTE. Regular order!

The PRESIDENT pro tempore. The regular order is demanded.

Mr. EDGE. I still think the Senator should be courteous enough to allow me to make a statement.

The PRESIDENT pro tempore. The Senator from New Jersey is speaking on the next bill, Calendar 791, Senate bill 2097, the regular order having been demanded.

Mr. EDGE. I am not averse to speaking on it if I am allowed to make the statement which I would like to make.

Calendar 785, Senate Joint Resolution 117, is a joint resolution which, in my judgment, is very important and should be disposed of at this session. It does not commit the Government to any constructive engineering work in the slightest degree. It simply provides for the accumulation of information which must necessarily be accumulated either this year or next year or some other year before we can consider what is definitely known to be a proposition we must consider, to wit, the enlargement of the Panama Canal or the building of another canal.

Just why any Member of the Senate or Congress would object to securing the information, which is absolutely essential, is beyond my understanding. We are not committing ourselves to the building of any canal. We are simply endeavoring to find out what is necessary from an engineering standpoint if we meet the commercial obligation which the enlarged business of the Panama Canal suggests we must meet.

It is information that sooner or later we must procure. Just why we should not permit the engineering board of the War Department to attempt to bring down to date a survey which was made some 25 years ago, and give us the information necessary to decide as business men whether we will enlarge the Panama Canal or whether we will build another canal, I repeat, is beyond my understanding.

I can not understand why we should be denied that information. We must get it and can get it in only one way, and that is to investigate. We do not commit ourselves to a single constructive act. We simply say to the War Department, "Use your Corps of Engineers, investigate the Panama Canal, investigate the possibility of a Nicaraguan canal for which we have spent $3,000,000 to have the privilege of using if we want it, and report back to Congress whether either of them is advisable from a professional engineering standpoint." That is all the resolution provides. I can not understand why Congress would not want to get the information. We can not get it in any other possible manner.

I wish to announce that on Thursday night I shall move to bring this measure before the Senate for consideration.

Mr. McKELLAR. Mr. President, may I ask the Senator from New Jersey a question?

Mr. EDGE. Certainly.

Mr. McKELLAR. I will not be here Thursday night. I am leaving the city to-night. As I understand it, the Senator is willing to present my amendments and accept them so far as he can.

Mr. EDGE. I am entirely prepared to accept the amendments which have been presented by the Senator from Tennessee, which add to the resolution the authority that the President may negotiate with the countries of Costa Rica, Honduras, and Salvador in order to provide, if necessary, for certain private rights in order that if Congress decides to build a canal it can be done, and if Congress desires to do it we will then be in possession of the necessary information.

The PRESIDENT pro tempore. The time of the Senator from New Jersey has expired.

The bill (S. 2097) to provide for the protection of municipal watersheds within the national forests was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. BLAINE. Mr. President, I desire to ask the Senator from New Jersey a question.

Mr. EDGE. I shall be glad to answer if I may be permitted to do so.

The PRESIDENT pro tempore. It is in the time of the Senator from Wisconsin.

Mr. BLAINE. I shall ask the question, and then grant the Senator from New Jersey the balance of my time in which to answer.

Mr. EDGE. I thank the Senator from Wisconsin.

Mr. BLAINE. How many additional marines will it be necessary to send to Nicaragua to protect the Americans who go down there to make the survey?

Mr. EDGE. I am very glad to have the three and one-half minutes to answer that question, if I may be permitted to do so without being called to order.

In my judgment, if the Government of the United States takes advantage of the Bryan-Chamorro treaty, for which we paid $3,000,000 in order to have a right of way across Nicaragua, and proceed in a businesslike way to get the information necessary, to ascertain whether the construction of a canal is feasible, is practical, or is advisable, it will be a type of diplomacy that perhaps will result very similarly to the type of diplomacy resulting when we constructed or completed the construction of the Panama Canal.

We have not had any difficulty with Colombia or Panama since we started and completed the Panama Canal. We seem to have a community of understanding and interest with Colombia and Panama. If we consider the construction, which is all the resolution contemplates, or the possibility of building a Nicaraguan canal, with Costa Rica, Honduras, and Salvador all interested in it and all interested in having it done, in my judgment, we will find a type of common sense and practical diplomacy which will solve a great many of our political problems that we have been worrying about a great deal here in the last few weeks.

Mr. BLAINE. I desire to ask the Senator from New Jersey to give me back, out of the time which I gave him, sufficient time to ask him another question.

Mr. EDGE. I am glad to do so.

Mr. BLAINE. I assume the statement the Senator has just made is correct, that if the proper kind of diplomacy were employed in Nicaragua there would be no necessity for sending marines.

Mr. EDGE. I am not discussing the marines. I am discussing a practical, common sense, commercial proposition. We will find the situation in a very few years to be that the Panama Canal will not take care of our commerce and traffic. We must either increase the facilities of the Panama Canal or build another canal, which in ordinary common sense is a pretty good thing to do anyway.

The PRESIDENT pro tempore. The time of the Senator from Wisconsin has expired.

Mr. EDGE. I would like to have another Senator give me a moment. Will the Senator from Tennessee ask me a question and give me a moment?

Mr. SWANSON. I object. I demand the regular order.

The PRESIDENT pro tempore. The regular order is demanded. The clerk will state the next bill on the calendar.

BILLS PASSED OVER

The bill (S. 3458) to create the reserve division of the War Department, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Over.

Mr. REED of Pennsylvania. Mr. President, the objections that have been made to the bill come from the inclusion of the reserve officers' training corps and citizens' military training camps.

Mr. LA FOLLETTE. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1624) to authorize the payment of additional compensation to the assistants to the engineer commissioner of the District of Columbia was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1625) to fix the salaries of the members of the Board of Commissioners of the District of Columbia was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1945) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes, approved July 11, 1916, and for other purposes," was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3554) to authorize the Public Health Service and the National Academy of Sciences to investigate the means and methods for affffording Federal aid in discovering a cure for cancer, and for other purposes, was announced as next in order.

Mr. CURTIS. The Senator from Utah [Mr. SMOOT] asked me to request that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

UPPER MISSISSIPPI GAME REFUGE

The joint resolution (H. J. Res. 200) to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924, was announced as next in order.

Mr. BLAINE. Mr. President, I desire to offer an amendment. I will ask that the amendment be read.

The PRESIDENT pro tempore. The amendment will be reported.

The CHIEF CLERK. Amend by adding a new paragraph on page 2, after line 3, as follows:

Provided, however, That the Secretary of Agriculture shall not grant any exclusive privilege to any person for the trapping or taking of fur-bearing animals on any of the land purchased hereunder, nor shall he grant any privilege of trapping or taking of fur-bearing animals until the person to whom such privilege is granted shall first have complied with the laws relating to trapping of the State wherein the land is situated.

Mr. NORBECK. Mr. President, I hope the Senator will not press the amendment, not that there is anything wrong with it. I have had a letter from the Agricultural Department, to whom the amendment was referred, in which they state it is in line with their policy. But I am hopeful the amendment will not be agreed to, because the bill has to go back to the House, and I do not think they will take it in any other form than that in which they sent it here. I have not the letter with me; but if the Senator will withdraw the amendment, I will have the letter printed in the RECORD to-morrow.

Mr. BLAINE. I understand the Senator from South Dakota to say that the Department of Agriculture states in the letter to which he refers that the department has no objection to the policy proposed by the amendment, and that in the future the department will adhere to the policy proposed by the amendment, but that the department fears that if the amendment is pressed at this time and adopted, the Senate amendment going to the House for concurrence might defeat the legislation, and that it becomes important to them to have the additional right, as conferred by the measure under consideration, in order to increase the acreage of the Mississippi River wild life and fish refuges. I appreciate that such a letter has not the effect of law, but I assume and believe the department will in good faith hereafter refrain from issuing special privileges to special individuals. If the Senator will insert the letter in the RECORD, I wish it might be placed immediately following the discussion on the amendment which I have offered, so that there will be a continuity as to the bill, the amendment, and my remarks for future reference. Under those circumstances I shall be glad to comply with the request of the Senator from South Dakota.

The PRESIDENT pro tempore. The Senator from Wisconsin withdraws his amendment, and without objection the joint resolution will be placed on its passage.

The joint resolution was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924 (43 Stat. L. 650), as amended by joint resolution of March 4, 1925 (43 Stat. L. 1354), be, and the same is hereby, amended by substituting in lieu of the proviso therein contained the following: *Provided,* That the Secretary of Agriculture shall not pay for any land or land and water a price which shall exceed an average cost of $10 per acre: *Provided further,* That this provision shall not apply to any land or land and water heretofore acquired or contracted for under the provisions of this act."

Mr. NORBECK. I ask to have printed in the RECORD a letter from Secretary Jardine in support of the joint resolution.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., May 7, 1928.

Hon. PETER NORBECK,
United States Senate.

DEAR SENATOR: Reference is made to your letter of May 4, transmitting copy of Senator BLAINE'S proposed amendment to H. J. Res. 200, amending section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924.

Senator BLAINE'S amendment, proposed as a new paragraph, page 2, after line 3, is understood to read as follows:

"*Provided, however,* That the Secretary of Agriculture shall not grant any exclusive privilege to any person for the trapping or taking of fur-bearing animals on any of the land purchased hereunder, nor shall he grant any privilege of trapping or taking of fur-bearing animals until the person to whom such privilege is granted shall first have complied with the laws relating to trapping of the State wherein the land is situated."

We have no objection to this amendment in itself, as it contains nothing whatever that counters with what will be our policy in the administration of the upper Mississippi River wild life and fish refuge, but would appreciate it if the Senator would not press his amendment, as it would mean that the resolution would have to be referred back to the House and there might be some delay that would prevent favorable action on the resolution so near the end of the session, and it is extremely urgent that this resolution be approved by the Congress in order to enable us to proceed advantageously with our land-acquisition program.

You are, I think, already familiar with the reasons why it is so urgent that the average price limit be raised from $5 to $10 per acre. We have now reached the point in our purchase work where, unless the average limit is raised, our purchase work must practically come to an end, as the most of the lands within the lower-priced ranges have been purchased or are under purchase agreement.

Sincerely,

W. M. JARDINE, *Secretary.*

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LATIN-AMERICAN HIGHWAY MATTERS

The bill (S. 1718) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin-American Republics in highway matters, was announced as next in order.

Mr. KING. Mr. President, I would like to have an explanation of the bill.

Mr. CURTIS. The Senator from Colorado [Mr. PHIPPS] asked me to request that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

J. C. PEIXOTTO

The bill (S. 1433) for the relief of J. C. Peixotto was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to waive the statute of limitations in the application filed by J. C. Peixotto, a former employee in the medical and utilities division of the War Department at Fort McPherson, Ga., the provision of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, in order that he may receive the same consideration as though he had applied within the specified time required by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARKETING OF PERISHABLE AGRICULTURAL PRODUCTS

The bill (S. 1294) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce was announced as next in order.

Mr. COPELAND. Mr. President, I am sorry to object to this bill, I will say to the Senator from Idaho [Mr. BORAH], but a number of my constituents are not in sympathy with the bill and I want to find out what is the ground of their objection. I do not intend to be disagreeable about it and keep it forever from being considered, but I would like to have it go over until I can do that.

Mr. BORAH. Mr. President, I simply desire to say that the amendments which have been proposed by those who are not favorable to the bill as it stands are now in process of being agreed upon and I presume we will make time by permitting the bill to go over.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1762) granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South

Mole of San Antonio Estuary, in the county of Alameda, in said State, was announced as next in order.

Mr. ODDIE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 391) to regulate the use of the Capitol Building and Grounds was announced as next in order.

Mr. DILL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

LAKE CHAMPLAIN BRIDGE

The bill (H. R. 10643) authorizing the Gulf Coast Properties (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y., was announced as next in order.

Mr. DALE. Mr. President, I should like to call the attention of the Senator from New York to this bill. There are some matters connected with it that were under consideration.

Mr. WAGNER. Mr. President, is this the so-called bridge bill?

Mr. DALE. Yes.

Mr. WAGNER. I am quite content to be recorded in the negative, without offering any further opposition.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 10159) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

Mr. KING. Mr. President, may I inquire of the Senator from South Dakota whether this is a House bill or a Senate bill?

Mr. NORBECK. This is the House bill. It passed the House carrying a rate of $40 a month, made no change in the marriage date, but limited it to those who had reached the age of 75 years.

Mr. KING. Very well.

The PRESIDENT pro tempore. The amendments proposed by the committee will be stated.

The first amendment of the Committee on Pensions was, on page 2, line 1, before the word "years," to strike out "75" and insert "72."

The amendment was agreed to.

The next amendment was, on page 2, line 5, after the words "rate of," to strike out "$40" and insert "$50."

Mr. NORBECK. Mr. President, the Senator from Utah and I have an agreement that the rate of $50 will be cut to $40, to conform to the House bill. I therefore suggest that that amendment be rejected.

The amendment was rejected.

The next amendments were, on page 2, line 12, before the word "month," to strike out "next," and in the same line, after the word "month," to insert "next."

The amendments were agreed to.

Mr. JONES. Mr. President, may I ask the Senator a question? Did the committee give consideration to the proposal to change the marriage date?

Mr. NORBECK. Yes. I will say that the present marriage date is approximately 40 years after the close of the war. For 20 years or 23 years the question of changing the date has been before the committee regularly; and every committee, as far as I know, has held consistently to the idea that it should not be changed. There are bills introduced at every session to bring it up to date. It has been contended by some that a woman who married a soldier 60 years after the war ended should be given a pension of $50 a month; but the committee does not agree to that.

Mr. JONES. That is not the contention generally. Of course, these widows might desire a pension of $50 a month, but there are mighty few of them who get it under the law as it is now. It is contended by many, however, that those who marry a soldier who may be 75 or 80 years of age—that happens sometimes, and I think very properly—to take care of him, to look after him, are entitled to some consideration. I wanted to find out whether or not the committee had given that proposition careful consideration, and had come to the conclusion not to make the change.

Mr. NORBECK. I think the committee was unanimous against those changes.

Mr. BLEASE. Mr. President, I should like to ask the Senator a question. The senior Senator from Utah [Mr. SMOOT] stated on the floor of the Senate the other day that the widow of one of the Presidents of the United States was not paid any pension because she married him after he was President of the United States. Are we paying pensions to widows of soldiers who married these soldiers after the war?

Mr. NORBECK. Yes; but we are holding down the limit.

Mr. BLEASE. Then I object to the bill, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. NORBECK. I desire to give notice of my intention to move to take up this bill on Thursday evening.

BILLS PASSED OVER

The bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression was announced as next in order.

Mr. KING. Mr. President, that bill will take some time.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3845) to prohibit predictions with respect to cotton or grain prices in any report, bulletin, or other publication issued by any department or other establishment in the executive branch of the Government, was announced as next in order.

Mr. SHORTRIDGE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 11074) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

EMPLOYMENT OF MINORS WITHIN THE DISTRICT OF COLUMBIA

The bill (H. R. 6685) to regulate the employment of minors within the District of Columbia was announced as next in order.

Mr. FLETCHER. Let that go over.

Mr. CAPPER. Mr. President, was objection raised to House bill 6685?

Mr. KING. Yes; the Senator from Florida [Mr. FLETCHER] objected.

Mr. CAPPER. I wish the Senator would withhold his objection until I can state, just in a minute or two, that there is no measure on this calendar affecting the District of Columbia for which there is more universal support than this measure, known as the child labor bill. Every civic organization in the city, the District Commissioners, the Board of Public Welfare, the Board of Education, the Central Labor Union, all the commercial and trade organizations in the city, were represented at the hearing before the Committee on the District of Columbia, and urged the passage of this measure.

The present child labor law is much below the standards of all the States. It was passed over 20 years ago. In that time there have been very great changes in the child-labor legislation of the country, and the District of Columbia is out of line with the progressive legislation of all the States.

I hope, therefore, that the Senator who offered the objection will withdraw it.

The PRESIDENT pro tempore. Does the Senator from Florida maintain his objection?

Mr. FLETCHER. I do, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. FLETCHER. I should like an opportunity to look into the bill. My understanding was that we had a very good child labor law in the District of Columbia.

Mr. CAPPER. We have not, Mr. President.

Mr. McNARY. I call for the regular order.

The PRESIDENT pro tempore. The regular order is demanded. The Secretary will state the next bill on the calendar.

BILLS PASSED OVER

The bill (S. 814) to rearrange and reconstruct the Senate wing of the Capitol was announced as next in order.

Mr. COPELAND. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3089) to increase the efficiency of the Military Establishment, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

WILLIAM H. CHAMBLISS

The bill (S. 2274) for the relief of William H. Chambliss was announced as next in order.

Mr. KING. Let that go over.

Mr. EDGE. Mr. President, will not the Senator withhold his objection for a moment?

Mr. KING. I will withhold it.

Mr. EDGE. This is the first time this bill has been reached. The Senator from Alabama [Mr. BLACK] is the chairman of

the subcommittee of the Claims Committee which considered it. The bill is simply proposing a compromise settlement for a captain in the merchant marine who unquestionably, and without any voice raised against his claim, is entitled to payment for having been held up by the Shipping Board for 10 or 12 years with his license to act as a master or captain, and not being permitted to take out a ship. Having accumulated back salary, as I recall, in the neighborhood of $30,000 or $40,000, after careful review and investigation of the circumstances, the committee made a unanimous report to pay him $10,000.

I should be very glad if the Senator from Alabama, who has given a great deal of time to this matter as the chairman of the subcommittee, would give any further explanation that the Senator from Utah might desire.

Mr. KING. Mr. President, I have read the report very carefully. There are probably some appealing reasons for some relief. There is a contradiction of testimony. A full examination was made by the Shipping Board after this beneficiary returned to the United States, and they supported the view that he was properly refused permission to return with his ship.

Concede for the moment that he was improperly discharged. He was discharged; and there is no reason why he should have remained inactive all these years upon the theory that he was still in the employ of the Government.

I shall be perfectly willing, when we can have some little time, to discuss the bill. We have not time now.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

BILL PASSED OVER

The bill (S. 4174) to establish a woman's bureau in the Metropolitan police department of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

Mr. COPELAND. Mr. President, will the Senator withhold his objection just a moment? Can we take up this bill at some other time when we can discuss the matter? What is the attitude of the Senator about it?

Mr. KING. Undoubtedly, before we adjourn, it will be taken up.

The PRESIDENT pro tempore. The bill will be passed over.

PUBLIC LANDS IN ARKANSAS

The joint resolution (S. J. Res. 114) authorizing assessments by levee, drainage, and road districts upon unreserved public lands in the St. Francis levee district, State of Arkansas, was considered as in Committee of the Whole, and was read, as follows:

Whereas in the improvement by reclamation and otherwise of swamp lands in the State of Arkansas by the St. Francis levee district and by drainage and road districts, great benefits have accrued to lands now owned, or formerly owned, by the United States; and

Whereas under the laws of Arkansas, improvements by all such districts are paid for from the proceeds of special assessments levied on the basis of the benefits accruing to the lands affected, and it has been the practice of the various districts to levy such special assessments upon entered public lands of the United States and to collect such assessments from each entryman when he becomes entitled to a final certificate for the lands; and

Whereas this long-established and equitable practice has been challenged by litigation, and decisions have been rendered invalidating all assessments for benefits accruing to public lands before issuance of final certificate therefor, for the reason that the United States had not given its consent to such assessments upon its lands; and

Whereas the result of the inability of the districts to collect such assessments is to confer the benefit upon owners who have made no compensation therefor, and to place a correspondingly greater burden upon the owners of lands who have paid the assessments, thus unjustly compelling the latter to bear the expense of improving the public lands for the benefit of those who later receive them from the United States: Therefore be it

Resolved, etc., That all unentered, unreserved public lands, and all entered lands for which no final certificates have been issued, within the boundaries of the St. Francis levee district, State of Arkansas, shall after the approval of this act be subject to inclusion in and assessments by the St. Francis levee district and drainage and road districts, such assessments to be made, and to be enforced as a lien, in the same manner as provided in the case of drainage assessments and enforcement of liens therefor by drainage districts upon certain public lands, in the act entitled "An act authorizing local drainage districts to drain certain public lands in the State of Arkansas, counties of Mississippi and Poinsett, and subjecting said lands to taxation," approved January 17, 1920.

SEC. 2. The United States consents to any assessments made prior to the approval of this act by the St. Francis levee district and drainage and road districts, upon any unreserved public lands within the boundaries of the St. Francis levee district (whether or not entered at the time the assessment was made and whether or not final certificates or patents therefor had been issued prior to the approval of this act), if such assessments were made in conformity with the constitution and laws of the State of Arkansas as in force at the time. In the case of lands still beneficially owned by the United States, such assessments shall constitute a lien upon such lands, to be enforced in the same manner as liens for assessments authorized by section 1.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLARENCE CLEGHORN

The bill (H. R. 5981) for the relief of Clarence Cleghorn was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISE M. CAMBOURI

The bill (S. 363) for the relief of Louise M. Cambouri was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments.

Mr. KING. Mr. President, I see that this claim was allowed by the Accounting Office. Was a further examination made, and the validity of the claim established?

Mr. HOWELL. It was; and the Comptroller General advises that the bill should be paid.

Mr. KING. I have no objection.

The PRESIDENT pro tempore. The amendments of the committee will be stated.

The amendments were, on page 1, line 5, after the words "sum of," to insert "$251.26," and at the top of page 2 to insert a new section, as follows:

SEC. 2. That no part of the amount appropriated in this bill in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered or advances made in connection with said claim. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not exceeding $1,000.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Louise M. Cambouri, out of any money in the Treasury not otherwise appropriated, the sum of $251.26, in full satisfaction of all claims against the United States on account of services rendered in the translation and verification of letters and documents for the United States Veterans' Bureau, prior to the cancellation of a contract dated May 13, 1926, claim for payment having been disallowed by the General Accounting Office on April 20, 1927.

SEC. 2. That no part of the amount appropriated in this bill in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered or advances made in connection with said claim. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1749) providing for the development of hydroelectric energy at Great Falls for the benefit of the United States Government and the District of Columbia was announced as next in order.

The PRESIDENT pro tempore. Let this bill be passed over.

EDWARD I. GALLAGHER, ADMINISTRATOR

The bill (S. 456) to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward I. Gallagher, administrator of the estate of Charles Gallagher, deceased, of New York, the sum of $23,387.03, being the amount found due by the Court of Claims for loss and destruction of his schooner *Nimrod* and cargo, during the Civil War while he was under military orders, within military lines, and executing military commands, as reported to Congress in Senate Document No. 56, Fifty-eighth Congress, third session, Congressional Report No. 1303, filed in the Senate December 5, 1904.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD A. BLAIR

The bill (S. 1633) for the relief of Edward A. Blair was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the President is authorized to appoint Edward A. Blair a second lieutenant of the United States Marine Corps and to retire him and place him upon the retired list of the Marine Corps with the retired pay and emoluments of that grade.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KING subsequently said: Mr. President, what became of Senate bill 1633?

The PRESIDENT pro tempore. It was passed.

Mr. KING. I ask unanimous consent to reconsider the vote by which the bill was passed, and have it put back on the calendar. I want to look into it.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the vote is reconsidered. The bill will be passed over.

AMENDMENT TO COPYRIGHT LAW

The bill (H. R. 6104) to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Patents with an amendment, on page 2, line 16, after the word "regulations," to insert "as," so as to make the bill read:

Be it enacted, etc., That sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909 (sec. 57 and sec. 61, title 17, U. S. C.), be, and the same are hereby, amended so as to read as follows:

"SEC. 57. That the said printed current catalogues as they are issued shall be promptly distributed by the copyright office to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised lists of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster General, and they shall also be furnished in whole or in part to all parties desiring them at a price to be determined by the register of copyrights for each part of the catalogue, not exceeding $10 for the complete yearly catalogue of copyright entries. The consolidated catalogues and indexes shall also be supplied to all persons ordering them at such prices as may be determined to be reasonable, and all subscriptions for the catalogues shall be received by the Superintendent of Public Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time.

"SEC. 61. That the register of copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees: For the registration of any work subject to copyright, deposited under the provisions of this act, $2, which sum is to include a certificate of registration under seal: *Provided,* That in the case of any unpublished work registered under the provisions of section 11, the fee for registration with certificate shall be $1, and in the case of a published photograph the fee shall be $1 where a certificate is not desired. For every additional certificate of registration made, $1. For recording and certifying any instrument of writing for the assignment of copyright, or any such license specified in section 1, subsection (e), or for any copy of such assignment or license, duly certified, $2 for each copyright office record-book page or additional fraction thereof over one-half page. For recording the notice of user or acquiescence specified in section 1, subsection (e), $1 for each notice of not more than five titles. For comparing any copy of an assignment with the record of such document in the copyright office and certifying the same under seal, $2. For recording the renewal of copyright provided for in sections 23 and 24, $1. For recording the transfer of the proprietorship of copyrighted articles, 10 cents for each title of a book or other article, in addition to the fee prescribed for recording the instrument of assignment. For any requested search of copyright office records, indexes, or deposits, $1 for each hour of time consumed in making such search: *Provided,* That only one registration at one fee shall be required in the case of several volumes of the same book deposited at the same time."

SEC. 2. This act shall go into effect on July 1, 1928.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (S. 3874) authorizing appropriations of funds for construction of a highway from Red Lodge, Mont., to the boundary of the Yellowstone National Park near Cooke City, Mont., was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

APPOINTMENT OF MIDSHIPMEN BY VICE PRESIDENT

The bill (S. 2802) to provide for the appointment of five midshipmen each year at large by the Vice President of the United States was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs, with amendments.

The first amendment was, on page 1, line 5, after the word "law," to strike out "five."

The amendment was agreed to.

Mr. KING. Mr. President, I desire to ask the chairman of the Naval Affairs Committee if it is deemed necessary, in view of the recent bill passed authorizing further appointments of cadets at Annapolis, to provide for further appointments.

Mr. HALE. I do not think it is exactly necessary, Mr. President; but the committee felt that the Vice President, who has the right to appoint cadets to West Point, should have the same right at the Naval Academy. We have simply given him the same right that any Senator would have.

Mr. KING. The point I am making is whether or not we are overloading the officers, both of the Army and the Navy, by appointing too many to Annapolis and to West Point.

Mr. HALE. I do not think so.

Mr. KING. It seemed to me that we were.

Mr. HALE. I do not think it will overload us at all.

Mr. BRUCE. Mr. President, I will ask the Senator from Maine whether a Senator has power now to appoint more than three appointees to West Point and the Naval Academy?

Mr. HALE. At the present time only three, Mr. President; but the appropriation bill for the coming year authorizes four.

Mr. BRUCE. Then he will have power to appoint four after this year?

Mr. HALE. Yes.

Mr. DILL. Mr. President, I think we all received notices that we have the power to appoint the extra one now.

Mr. NEELY. No; upon the passage of the bill.

Mr. DILL. The bill has already passed.

Mr. HALE. Under the law as it at present exists, we have a right to appoint five; but appropriations are only made sufficient to take care of three at the present time. The appropriation bill for the coming year provides for four.

Mr. DILL. But the Bureau of Navigation less than 10 days ago sent out notices stating that the extra appointee might be named to take the examination on June 13.

Mr. HALE. They probably thought the bill would go through before that time.

Mr. DILL. I know that I received such a notice.

Mr. HALE. They were simply anticipating. Of course, they will have to call that off if the appropriation bill does not go through.

Mr. BARKLEY. Mr. President, I should like to ask the Senator from Maine a question.

Mr. McNARY. I call for the regular order.

Mr. BARKLEY. I notice that this bill provides that the Vice President may appoint five midshipmen each year. Inasmuch as the four-year term for graduation at Annapolis would apply to these midshipmen as well as those appointed by the Senators and Representatives, that would give the Vice President 20 midshipmen in the Naval Academy. Is that what is intended?

Mr. HALE. The bill gives the Vice President the same power to appoint midshipmen that Senators now have.

Mr. BARKLEY. But that is not what this bill says. It says he shall have the right to appoint five for each year.

The PRESIDENT pro tempore. The Chair will state to the Senator from Kentucky that there are other amendments to come which cover that point.

Mr. McNARY. I call for the regular order.

The PRESIDENT pro tempore. There are other amendments not yet agreed to.

Mr. LA FOLLETTE. I call for the regular order.

Mr. JONES. I desire to ask the Senator from Maine if this is the situation—that under the general law now the Vice President appoints a certain number to West Point?

Mr. HALE. He does, now.

Mr. JONES. And he never has had the right to appoint to the Naval Academy?

Mr. HALE. He has not.

Mr. JONES. This simply extends that right to him?

Mr. HALE. It does.

The PRESIDING OFFICER. The remaining amendments proposed by the committee will be stated.

The next amendment was, in line 5, after the word "appointed," to strike out "each year."

The amendment was agreed to.

The next amendment was, in line 6, after the words "United States," to insert "equivalent in number to those allowed for each United States Senator."

The amendment was agreed to.

As amended the bill is as follows:

Be it enacted, etc., That hereafter there shall be allowed at the United States Naval Academy, in addition to those allowed by existing law, midshipmen appointed at large by the Vice President of the United States, equivalent in number to those allowed for each United States Senator.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the appointment of midshipmen at large by the Vice President of the United States."

APPRAISAL OF CERTAIN GOVERNMENT PROPERTY

The bill (H. R. 5746) to authorize the appraisal of certain Government property and for other purposes was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALARIES OF PUBLIC PRINTER AND DEPUTY PUBLIC PRINTER

Mr. KING. Mr. President, the Senator from Mississippi [Mr. HARRISON] was unavoidably detained. He has telephoned me asking that I request that Order of Business No. 737, House bill 6669, be put back on the calendar.

Mr. BINGHAM. What is that bill?

Mr. KING. Order of Business No. 737, House bill 6669.

The PRESIDENT pro tempore. It is a bill fixing the salary of the Public Printer and of the Deputy Public Printer. What is the Senator's request?

Mr. KING. I ask unanimous consent that it be restored to the calendar as not having been passed. I ask unanimous consent to reconsider its passage.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent to reconsider the vote whereby the bill was passed, and that it be restored to its place on the calendar. Is there objection?

Mr. BINGHAM. I object, Mr. President.

The PRESIDENT pro tempore. Objection is made.

DUTY OF NAVAL OFFICERS ON AIRSHIPS

The bill (H. R. 5465) to amend section 1571 of the Revised Statutes to permit officers of the Navy to count duty on airships as sea duty was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DUTY OF NAVAL OFFICERS AS FLEET AND SQUADRON ENGINEERS

The bill (H. R. 5531) to amend the provisions contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONCURRENT RESOLUTION PASSED OVER

The concurrent resolution (S. Con. Res. 11) to investigate the problem of the control of aircraft for seacoast defense was announced as next in order.

Mr. JONES. Mr. President, may we have a brief explanation of this concurrent resolution?

Mr. HALE. I have just had word that the War Department would like to have the concurrent resolution go over.

The PRESIDENT pro tempore. The concurrent resolution will be passed over.

DATE OF PRECEDENCE OF CERTAIN STAFF NAVAL OFFICERS

The bill (H. R. 21) to provide for date of precedence of certain officers of the staff corps of the Navy was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KING subsequently said: Mr. President, I desire to ask the Senator from Maine if House bill 21 is the bill known as the running mate bill, to which there was so much objection a year or two ago?

Mr. HALE. No; this has nothing to do with that matter. The Senator from Rhode Island [Mr. METCALF] reported the bill. He will explain it.

Mr. KING. It is the bill with respect to taking precedence, and so forth. If it is the so-called running mate bill that was under consideration when I was a member of the Naval Affairs Committee, I want to object to it.

Mr. HALE. The bill simply seeks to correct the date of precedence in the Navy of two officers who were originally appointed ensigns in the line of the Navy upon graduation from Annapolis.

Mr. KING. I have no objection.

Mr. REED of Pennsylvania. Mr. President——

The PRESIDENT pro tempore. The bill is already passed.

Mr. REED of Pennsylvania. Mr. President, the bill provides that any officer transferred to the Navy staff shall take precedence of the officer of the line immediately above him at the time of the transfer, which officer shall be assigned as his running mate for promotion purposes.

Mr. HALE. There are only two officers involved in this. As I explained, under existing law at the time of transfer when these two officers transferred from the line to the staff corps they were given precedence in accordance with their rank and with their date of entrance into the staff corps; thereby losing the precedence they took upon the date of their commission in the line upon graduation from Annapolis. By this bill they will be restored to and placed in the same position for pay purposes based on promotion as the other members of their class of the Naval Academy, the class of 1923.

These are the only two officers involved, as since the time of their transfer from the line to the staff legislation has been enacted—the act of June 10, 1926—whereby hereafter when a line officer is transferred to a staff corps he shall retain the rank and date of commission held by him at the time of such transfer.

Mr. REED of Pennsylvania. This simply gives these officers the same privilege as all officers enjoy by law.

BILL PASSED OVER

The bill (H. R. 11134) to authorize appropriations for construction at military posts, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, in behalf of the senior Senator from Utah [Mr. SMOOT] I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

SETTLEMENT OF ACCOUNTS IN THE NAVAL SERVICE

The bill (H. R. 10276) providing for sundry matters affecting the naval service was considered as in Committee of the Whole.

Mr. JONES. Mr. President, this is an act, according to the title, providing for sundry matters affecting the naval service. That does not give very much information. I would like to have some brief explanation as to what the bill provides for.

The PRESIDENT pro tempore. The attention of the chairman of the Committee on Naval Affairs is invited to the inquiry.

Mr. HALE. Mr. President, Captains Smith and Hutchins in their accounts have had certain small sums disallowed by the General Accounting Office in the audit of their accounts; the small sums represented alleged losses in the accounts because of fluctuation of exchange while they were serving as naval attachés at Pekin, China. Both these officers were following the instructions of the Navy Department then in effect, and the alleged loss was the direct result of such procedure. That takes care of two.

Mr. JONES. That is all right.

The bill was reported to the Senate without amendment, ordered to a third reading, was read the third time, and passed.

BILL PASSED OVER

The bill (S. 4179) to amend the corrupt practices act by extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States, and for other purposes, was announced as next in order.

Mr. STEPHENS. I think that is a matter that will bear some discussion.

The PRESIDENT pro tempore. The bill will be passed over.

EXTENDING PROVISIONS OF REVISED STATUTES TO HAWAII AND ALASKA

The bill (S. 2069) to extend the provisions of section 1814 of the Revised Statutes to the Territories of Hawaii and Alaska was announced as next in order.

Mr. KING. Mr. President, I would like to be advised of the object of this bill.

Mr. BINGHAM. Mr. President, the only object of that bill is to permit the Territories of Hawaii and Alaska to have the same privilege which the States now have of paying for two statues to go into Statuary Hall. The bill was introduced at

the request of the Legislature of Hawaii, and it is unanimously reported by the committee.

Mr. KING. Very well.

Mr. FLETCHER. There are some amendments to it.

The PRESIDENT pro tempore. There seems to be some confusion with reference to the amendments. The bill was reported in the first instance by the Committee on Territories and Insular Affairs with amendments, and then was sent to the Committee on the Library, which now reports it with amendments, but the print of the bill at the desk seems to contain no amendments whatever.

Mr. JONES. I want to ask the Senator whether or not the committee took into consideration the fact that possibly at some time in the future these Territories might become States, and in the meantime the Territories would put two statues in Statuary Hall, and the States would have no privilege of doing so. The Senator may think that is rather remote.

Mr. BINGHAM. The time is so remote and the event so unlikely to happen, and the desire of the Territories, being that their distinguished men should be recognized in this way, the committee saw no objection. The amendment which the Committee on Territories put in was changing the reference to section 1814 of the Revised Statutes to the section of the Code, but it later appears that the Code is not the law yet, nor will it be for four or five years, and therefore that amendment was not pressed.

Mr. SWANSON. Mr. President, it does seem to me that this hasty method of filling up Statuary Hall is not wise. We put a great many statues there in a few years, and nobody will know why they were put there.

I think one of the most striking things I remember reading was about Themistocles, the greatest of the Greeks, a genius in war and peace. Athens never erected a monument to him, and somebody asked him once why Athens did not erect a monument to him. He said, "I would rather have people ask that question, than ask why they did erect a monument to me."

As to half the monuments in Statuary Hall, people may ask, "Why did they put those monuments there?" In the cases of most of the old States it took 20 or 30 or 40 or 50 years before they had the privilege of filling the places to which they were entitled. It is not wise to hurry this matter on behalf of the Territories, and I object.

The PRESIDENT pro tempore. The bill will go over.

BILLS PASSED OVER

The bill (S. 3770) authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, was announced as next in order.

Mr. CURTIS. The Senator from Colorado [Mr. PHIPPS] asked that this go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2330) authorizing reconstruction and improvement of a public road in Wind River Indian Reservation, Wyo., was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

FEDERAL BUILDING IN HARTFORD, CONN.

The bill (S. 4035) authorizing conveyance to the city of Hartford, Conn., of title to site and building of the present Federal building in that city was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in consideration of the fact that the site of the present Federal building at Hartford, Conn., was originally donated to the United States for Federal uses, the Secretary of the Treasury be, and he is hereby, authorized and directed to convey by quitclaim deed to the city of Hartford, Conn., title to said site and the Federal building thereon, upon completion and occupancy of the new Federal building authorized to be constructed in said city.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORT DEFIANCE HISTORICAL MUSEUM

The joint resolution (S. J. Res. 82) providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio, was considered as in Committee of the Whole, and was read, as follows:

Whereas on the 9th day of August, 1794, Gen. Anthony Wayne, a gallant and distinguished soldier of the Revolutionary and Indian Wars, erected a fort at the confluence of the Maumee and Auglaize Rivers, known as Fort Defiance; and

Whereas the original site of old Fort Defiance is now preserved as a public park of 3 acres, wherein the State of Ohio has expended $26,000 to construct a concrete retaining wall, and a further appropriation by the State of Ohio is available for landscaping and beautification of site; and

Whereas the site is one of national as well as local significance: Therefore be it

Resolved, etc., That the Secretary of War is authorized and directed (1) with the approval of the proper official of the State of Ohio, to select a site in the public park maintained by the State of Ohio on the site of Fort Defiance, at Defiance, Ohio, and (2) to construct thereon, as a memorial to Gen. Anthony Wayne, a public museum suitable for housing a collection of historical relics which is already available; but such museum shall not be constructed until the State of Ohio has made adequate provision for its care and maintenance, and the Secretary of War may, in his discretion, suspend all construction under this act until the State of Ohio has made available a sum equal to that hereinafter authorized to be appropriated, to be used in the construction of such museum.

SEC. 2. The plans for such museum shall be subject to the approval of the National Commission of Fine Arts.

SEC. 3. There is hereby authorized to be appropriated the sum of $50,000, or so much thereof as may be necessary, to carry out the provisions of this act.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MAJ. GEN. WILLIAM C. GORGAS MONUMENT

The joint resolution (S. J. Res. 92) to provide for a monument to Maj. Gen. William Crawford Gorgas, late Surgeon General of the United States Army, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on the Library with an amendment, to strike out all after the enacting clause and to insert:

That the Director of Public Buildings and Public Parks of the National Capital is authorized and directed to select a site on public grounds of the United States in the District of Columbia, and to contract for the erection thereon, at a cost not to exceed $50,000, of a monument to Maj. Gen. William Crawford Gorgas, late Surgeon General of the United States Army, commemorative of the services rendered by him to humanity. The site chosen and the design of such monument shall be approved by the National Commission of Fine Arts and the Joint Committee on the Library.

SEC. 2. There is hereby authorized to be appropriated the sum of $50,000, or so much thereof as may be necessary, to carry out the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADMINISTRATIVE ASSISTANT, LIBRARY OF CONGRESS

The bill (H. R. 10544) to abolish the office of administrative assistant and disbursing officer in the Library of Congress and to reassign the duties thereof, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ETHNOLOGICAL RESEARCHES

The bill (S. 1855) to provide for cooperation by the Smithsonian Institution with State, educational, and scientific organizations in the United States for continuing ethnological researches on the American Indians, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Smithsonian Institution is hereby authorized to cooperate with any State, educational institution, or scientific organization in the United States for continuing ethnological researches among the American Indians and the excavation and preservation of archæological remains.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000, which shall be available until expended for the above purposes: *Provided*, That at such time as the Smithsonian Institution is satisfied that any State, educational institution, or scientific organization in any of the United States is prepared to contribute to such investigation and when in its judgment such investigation shall appear meritorious, the Secretary of the Smithsonian Institution may direct that an amount from this sum equal to that contributed by such State, educational institution, or scientific organization, not to exceed $2,000, to be expended from such sum in any one State during any calendar year, be made available for cooperative investigation: *Provided further*, That all such cooperative work and division of the result thereof shall be under the direction of the Secretary of the Smithsonian Institution.

Mr. McKELLAR. Mr. President, in reference to this bill, it should be indefinitely postponed. Substantially the same bill

has already been passed. I call the attention of the Senator from Ohio to that fact.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

DISTRICT JUDGE, NORTHERN DISTRICT OF ILLINOIS

The bill (S. 4183) authorizing filling of a vacancy occurring in the office of district judge for the northern district of Illinois created by the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That a vacancy occurring at any time in the office of district judge for the northern judicial district of Illinois created by the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922, is authorized to be filled.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE, KENTUCKY

The bill (S. 4059) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River, at or near the mouth of Clarks River, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at a point suitable to the interests of navigation, at or near where Clarks River empties into the Tennessee River, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUMBERLAND RIVER BRIDGE, KENTUCKY

The bill (S. 4060) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River, at or near Canton, Ky., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River, at a point suitable to the interests of navigation, at or near the town of Canton, Ky., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ILLINOIS RIVER BRIDGE, ILLINOIS

The bill (S. 4034) authorizing the Calhoun Bridge Co., an Illinois corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Illinois River, at or near Grafton, Ill., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 2, line 10, to strike out "pedestrains," and to insert the word "pedestrians," so as to make the bill read:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the Calhoun Bridge Co., an Illinois corporation, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Illinois River, at a point suitable to the interests of navigation, at or near Grafton, Ill., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The Calhoun Bridge Co., its successors and assigns, is authorized to construct, maintain, and operate such bridge and the necessary approaches thereto as a railroad bridge for the passage of railway trains or street cars, or both, or as a highway bridge for the passage of pedestrians, animals, and vehicles, adapted to travel on public highways, or as a combined railroad and highway bridge for all such purposes; and there is hereby conferred upon the said Calhoun Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. After the completion of such bridge, as determined by the Secretary of War, if the same is constructed as a highway bridge only, either the State of Illinois, any political subdivision thereof, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 4. If such bridge shall at any time be taken over or acquired by the State of Illinois or by any municipality or other political subdivision or public agency thereof, under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the

bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 5. If such bridge is constructed as a combined railroad bridge for the passage of railway trains or street cars, and a highway bridge for the passage of pedestrians, animals, and vehicles, then the right of purchase and condemnation conferred by this act shall apply to a right of way thereover for the passage without cost of persons, animals, and vehicles adapted to travel on public highways; and if the right of purchase or condemnation shall be exercised as to such right of way over the bridge, then the measure of damages or compensation to be allowed or paid for such right of way shall be a sum equal to the difference between the actual fair cash value of such bridge determined in accordance with the provisions of section 3 of this act, and what its actual fair cash value so determined would have been if such bridge had been constructed as a railroad bridge only. If the right of purchase or condemnation conferred by this act shall be exercised as to the right of way over such bridge, then that part of the bridge which shall be purchased or condemned and shall be thereafter actually used for the passage of pedestrians, animals, or vehicles, shall be maintained, operated, and kept in repair by the purchaser thereof.

SEC. 6. The Calhoun Bridge Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway department of the State of Illinois a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of the State of Illinois shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of construction, financing, and promoting such bridge. For the purpose of such investigation the said Calhoun Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 3 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The Calhoun Bridge Co., its successors and assigns, is hereby authorized and empowered to fix and charge just and reasonable tolls for the passage of such bridge of pedestrians, animals, and vehicles adapted to travel on public highways, and the rates so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of toll as provided in the act of March 23, 1906; and if said bridge is constructed as a railroad bridge, or a joint railroad and highway bridge, as provided in this act, the said Calhoun Bridge Co., its successors and assigns, is hereby authorized to fix by contract with any person or corporation desiring the use of the same for the passage of railway trains or street cars, or for placing water or gas pipe lines or telephone or telegraph or electric light or power lines, or for any other such purposes, the terms, conditions, and rates of toll for such use; but in the absence of such contract, the terms, conditions, and rates of toll for such use shall be determined by the Secretary of War as provided in said act of March 23, 1906.

SEC. 8. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Calhoun Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRENCH BROAD RIVER BRIDGE, TENNESSEE

The bill (S. 4045) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Newport-Asheville (N. C.) road in Cocke County, Tenn., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 2, line 3, to strike out after the numerals "1906" and the comma the remainder of the paragraph, so as to read:

Be it enacted, etc., That the consent of Congress is hereby granted to the highway department of the State of Tennessee, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the French Broad River, at a point suitable to the interests of navigation, on the Newport-Asheville (N. C.) road near the town of Del Rio, in Cocke County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Newport-Asheville (N. C.) road near the town of Del Rio, in Cocke County, Tenn."

TENNESSEE RIVER BRIDGE, KENTUCKY

The bill (S. 4062) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near Egners Ferry, Ky., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 1, line 7, to strike out the word "Egners" and insert in lieu thereof the word "Eggners," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State highway commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at a point suitable to the interests of navigation, at or near Eggners Ferry, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near Eggners Ferry, Ky."

TELEPHONE LINE WESTERN NAVAJO INDIAN RESERVATION

The bill (S. 3779) to authorize the construction of a telephone line from Flagstaff to Kayenta on the Western Navajo Indian Reservation, Ariz., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 3, to strike out "$40,000" and insert in lieu thereof "$35,000," so as to make the bill read:

Be it enacted, etc., That $35,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the reconstruction of the telephone line from Flagstaff to the Western Navajo Indian Agency at Tuba City, and for the construction of a continuation of said telephone line from Tuba City to the Marsh Pass Indian Boarding School at Kayenta, Ariz.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

C. R. OLBERG

The bill (S. 2738) for the relief of C. R. Olberg was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs, with an amendment, on page 1, line 11, to strike out "January 26" and insert "September 30, 1926," so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of David Buddrus, cashier and special disbursing agent, Five Civilized Tribes, in the amount of $494, and to credit the accounts of C. R. Olberg, assistant chief irrigation engineer and special disbursing agent, Indian Service, in the amount of $1,253, both amounts representing per diem allowances in lieu of subsistence paid to C. R. Olberg during the period March 5, 1924, to September 30, 1926, while on duty at Sacaton, Ariz., and Los Angeles, Calif.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE AND ROAD, HOOPA VALLEY RESERVATION, CALIF.

The bill (H. R. 441) to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CUMBERLAND RIVER BRIDGE, KENTUCKY

The bill (S. 4061) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State highway commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River, at a point suitable to the interests of navigation, at or near the city of Smithland, Ky., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDMUND F. HUBBARD

The bill (H. R. 10139) for the relief of Edmund F. Hubbard was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 12381) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 18, to strike out:

The name of James F. Conner, late of the Ninety-ninth Company, United States Coast Artillery Corps, Philippine insurrection, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to strike out:

The name of David Gregory, late of Company G, Thirteenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 5, to strike out:

The name of John F. Kilbride, late of the Sanitary Detachment, First Regiment New York Cavalry, National Guard, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 16, to strike out:

The name of George F. Wiggins, late of the United States Navy, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 5, line 22, after the words "rate of," to strike out "$20" and insert "$12," so as to read:

The name of Carl Johan Anderson, late of the United States Navy, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 6, after line 15, to strike out:

The name of Mary A. Clarke, widow of James Clarence Clarke, late of the Coast Signal Service, United States Navy, war with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 7, after line 17, to strike out:

The name of John H. Doremus, late of Company D, Second Regiment New Jersey Volunteer Infantry, war with Spain, and pay him a pension at the rate of $125 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, after line 21; to strike out:

The name of Thomas A. McEntire, alias Thomas Ingalls, late of Companies A and G, Second Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $8 per month.

The amendment was agreed to.

The next amendment was, at the top of page 8, to strike out:

The name of Joseph D. Keane, late of Troop A, Eighth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 9, line 3, after the words "rate of" to strike out "$30" and insert "$12"; so as to read:

The name of William H. Clarke, late of the United States Navy, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 9, after line 14, to strike out:

The name of Annie McNamara, widow of Robert C. McNamara, late major, Fifth Regiment Pennsylvania Volunteer Infantry, war with Spain, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 18, to strike out:

The name of John B. Maddox, late of the Sixth Battery, Iowa Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of $15 per month.

The amendment was agreed to.

The next amendment was, on page 13, after line 6, to strike out:

The name of James C. Hicks, late of the Sixty-eighth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 9, after the words "rate of," to strike out "$40" and insert "$20," so as to read:

The name of John Garvey, late of the United States Navy, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 18, line 13, after the words "rate of," to strike out "$20" and insert "$12," so as to read:

The name of Joseph D. Combs, late of Capt. F. C. Sells's company, and Capt. Jim Cummings's Oregon Volunteer Infantry, Indian wars, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 18, line 20, after the words "rate of," to strike out "$100" and insert "$75," so as to read:

The name of Terese B. Hall, widow of Gen. William P. Hall, late of the United States Army, Regular Establishment, and pay her a pension at the rate of $75 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, after line 13, to strike out:

The name of Herman Green, late of the Sixth Battery, United States Field Artillery, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 19, line 19, after the words "rate of" to strike out "$12" and insert "$20"; so as to read:

The name of Harry F. Palmer, late of the United States Navy, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 19, after line 23, to strike out:

The name of James Shaw, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 7, after the words "rate of," to strike out "$30" and insert "$20," so as to read:

The name of William D. Warren, late of Company G, First Regiment Territorial, United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 5, to strike out:

The name of Clark Brown, late of Company I, Third Regiment Georgia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 22, to insert:

The name of David J. Menard, jr., late seaman of the United States Navy, and pay him a pension at the rate of $30 per month.

The name of Lawrence Waterhouse, late of Troop B, Seventh Regiment United States Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving, said increase to date from February 17, 1927.

The name of Sarah I. Booth, dependent mother of Albert Booth, late of Battery K, Third Regiment United States Artillery, Company G, Thirty-seventh Regiment United States Infantry, and pay her a pension at the rate of $20 per month.

The name of John Rose, late of Battery F, Second Regiment United States Artillery, and later of the Twenty-second Company of the Recruiting Service, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The name of Harry L. Dean, late of Company A, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of John T. Kiernan, late of Company L, Fourth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Charles G. Bostwick, alias Carlos G. Bostwick, late of Company I, Second Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Joseph Burris, late of Company G, Fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The name of Ellis East, late of Companies F and B, Fourth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Gus W. Peterson, late of Wagon Company 26, Quartermaster Corps, United States Army, First Cavalry Division Trains, and pay him a pension at the rate of $24 per month.

The name of Devonah Watts, widow of Albert S. Watts, late of Company G, First regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Joel M. Clanton, late of Capt. William C. Painter's company, Washington Volunteers and Oregon Volunteers, Bannock War, 1878, and pay him a pension at the rate of $12 per month.

The name of Stephen B. Moss, pioneer frontiersman and Indian fighter, and pay him a pension at the rate of $20 per month.

The name of Annie Ward, dependent mother of Raymond J. Ward, late of Company I, Fifty-third Regiment Pioneer Infantry, and Sixty-first Service Squadron, Air Service, United States Army, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Tillie M. Foley, widow of Jeremiah C. Foley, late of the Fourteenth Company, United States Signal Corps, and pay her a pension at the rate of $30 per month.

The name of John G. Hawkins, late of Company A, Second Signal Corps, National Guard, and Troop B, Twelfth Regiment United States Cavalry, and pay him a pension at the rate of $15 per month.

The name of Charles V. Barr, late of Company I, One hundred and fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Elmer J. Allard, United States Navy, and pay him a pension at the rate of $12 per month.

The name of Henry Buck, civilian employee, Quartermaster Department, Nez Perce Indian War, and pay him a pension at the rate of $12 per month.

The name of Salathiel G. Leach, late of Company G, Second Regiment Idaho Volunteer Militia, Nez Perce Indian War, and pay him a pension at the rate of $12 per month.

The name of Bowie G. Mills, late of Company E, Third Regiment Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Clarence W. Queen, late of One hundred and twenty-fourth Company, United States Coast Artillery Corps, and pay him a pension at the rate of $17 per month.

The name of Simpson Wilson, late of the Modoc Indian War, 1872–1873, and pay him a pension at the rate of $12 per month.

The name of John O. White, late of Twenty-second Company, unassigned United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Harry A. Nichols, late of the United States Navy, and pay him a pension at the rate of $12 per month.

The name of George W. Cleveland, late of Company B, First Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Ada J. Lewis, dependent mother of Dixon W. Lyons, late of Company K, Seventh Regiment United States Volunteer Infantry, and Troop H, Casualty Department, Ninth Regiment United States Cavalry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, I offer the following amendment to the bill.

The PRESIDENT pro tempore. The amendment will be reported.

The CHIEF CLERK. The Senator from Pennsylvania proposes the following amendment:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leon P. Chesley, late of One hundred and twenty-first Company, United States Coast Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. KING. Mr. President, I would like to ask the Senator why there is so much discrimination between the beneficiary under his amendment and so many of the others.

Mr. REED of Pennsylvania. The reason this particular claimant was denied relief was that previously, in a past Congress, a special bill had passed for his relief. He is very old, very much crippled, and in dire need of this relief. Therefore I would like to see this go on as an amendment to this bill.

Mr. KING. May I inquire of the Senator what military service this man rendered?

Mr. REED of Pennsylvania. He is a veteran of the Civil War. This is an increase on account of his excessive disability.

Mr. KING. He has an honorable record?

Mr. REED of Pennsylvania. He has an honorable record.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

VERN E. TOWNSEND

The bill (H. R. 3029) for the relief of Vern E. Townsend was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KING subsequently said: Mr. President, I hope the Senator from Pennsylvania will pardon me, but I would like to ask him a question about the case where he offered an amendment to a pension bill. Under existing law I do not understand why the beneficiary of the amendment would not receive a pension of $50 a month under the existing law.

Mr. REED of Pennsylvania. I understand that he does not. Thirty dollars is the maximum he would get.

Mr. KING. Under the general law he would be entitled to $50, unless there is some reason why it was disallowed.

Mr. REED of Pennsylvania. I do not know of any special circumstances. I suggest that the Senator let this go on, and I will agree to cut it out in conference if there is any reason why that should be done.

Mr. KING. I am sure the Senator will discover that he would receive the compensation indicated, unless there was some legal objection.

Mr. REED of Pennsylvania. If I misstated the facts, I shall join with the Senator in asking the conferees to cut it out.

DISTINGUISHED FOREIGN AVIATORS

The bill (S. 4235) to amend section 12 of the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 12 of the act approved July 2, 1926, entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," be, and the same is hereby, amended by inserting after the words "in an aerial flight" the following: "and to citizens of foreign countries, visitors to the United States, who have distinguished themselves by extraordinary achievement in an aerial flight or flights made at least in part within the bounds of the United States or its possessions."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH J. BAYLIN

The bill (S. 1643) for the relief of Joseph J. Baylin was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Joseph J. Baylin, of Baltimore, Md., out of any money in the Treasury not otherwise appropriated, the sum of $1,000, which sum was forfeited to the United States by Joseph J. Baylin on the bail bond of Berkely Morseberger, afterwards produced in court through the efforts of said Joseph J. Baylin.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JENNIE WYANT

The bill (H. R. 4229) for the relief of Jennie Wyant and others was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT O. EDWARDS

The bill (S. 2894) for the relief of Robert O. Edwards, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., that the President of the United States be, and he is hereby, authorized to summon Robert O. Edwards, late major in the Coast Artillery Corps of the Regular Army of the United States, before a retiring board for the purpose of a hearing of his case and to inquire into all facts touching upon the nature of his disabilities, to determine and report the disabilities which in its judgment have produced his incapacity and whether such disabilities were incurred during his active service in the Army and were in line of duty; that if the findings of such board are in the affirmative the President is further authorized, in his discretion, to nominate and appoint, by and with the advice and consent of the Senate, the said Robert O. Edwards a major in the Coast Artillery Corps and to place him immediately thereafter upon the retired list of the Army with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for the officers of the Regular Army: *Provided*, That the said Robert O. Edwards shall not be entitled to any back pay or allowance by the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL ILITZ

The bill (H. R. 6908) for the relief of Michael Ilitz was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 4, after the word "retired," insert the words "he had applied for retirement three months previous to June 13, 1916."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM H. DOTSON

The bill (H. R. 7227) for the relief of William H. Dotson was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARLEY O. HACKER

The bill (S. 3690) to correct the military record of Harley O. Hacker was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 5, to strike out "Harley" and to insert in lieu thereof "Harlie."

Mr. KING. Mr. President, I regret to say that I notice that a number of these cases which we are just considering show that the beneficiary was dishonorably discharged. I was wondering if the committee had changed its policy. I think I shall object to this bill.

The PRESIDENT pro tempore. The bill will be passed over.

ORGANIC SCHOOL LAW

The bill (S. 3828) to amend Public Law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve individual members of the Board of Education of personal liability for acts of the board, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia, with amendments, on page 1, line 8, to strike out the words "for any acts of the said board in which the said members" and insert in lieu thereof the words "for any official action of the said board performed in good faith in which the said members"; and on page 2, line 3, after the word "any," insert the word "such," so as to make the bill read:

Be it enacted, etc., That Public Law No. 254, approved June 20, 1906, be amended by adding, at the end of section 2 of said act, the following:

"The members of the Board of Education of the District of Columbia shall not be personally liable in damages for any official action of the said board performed in good faith in which the said members participate, nor shall any member of said board be liable for any costs that may be taxed against them or the board on account of any such official action by them as members of the said board; but such costs shall be charged to the District of Columbia and paid as other costs are paid in suits brought against the municipality; nor shall the said board or any of its members be required to give any supersedeas bond or security for costs or damages on any appeal whatever."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALLY MATTIE MACREADY

The bill (H. R. 7992) for the relief of Sally Mattie Macready, widow of Edward Daniel Macready, was announced as next in order.

The PRESIDING OFFICER. That bill was reported adversely, and will be indefinitely postponed.

LOS ANGELES NATIONAL FOREST

The bill (S. 4135) to conserve the water resources and to encourage reforestation of the watersheds of Los Angeles County by the withdrawal of certain public lands included within the Angeles National Forest from location and entry under the mining laws, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the public lands of the United States within the boundaries of the Angeles National Forest located in the

State of California and hereinafter described are hereby withdrawn from location or entry under the mining laws of the United States:

All Government lands in section 6, 7, and 18, township 1 north, range 7 west, San Bernardino meridian.

All Government lands in sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, township 1 north, range 8 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 25, 26, and 27, township 1 north, range 9 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15, 18, 21, and 24, township 1 north, range 10 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, and 14, township 1 north, range 11 west, San Bernardino meridian.

All Government lands in sections 1, 2, and 12, township 1 north, range 12 west, San Bernardino meridian.

All Government lands in sections 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 27, 28, 30, and 31, township 2 north, range 7 west, San Bernardino meridian.

All Government lands in sections 5, 6, 7, 8, 10, 13, 15, 16, 17, 18, 19, 20, 21, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 2 north, range 8 west, San Bernardino meridian.

All Government lands in sections 5, 8, 9, 10, 11, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 2 north, range 9 west, San Bernardino meridian.

All Government lands in sections 1, 10, 11, 12, 13, 14, 19, 20, 21, 22, 23, 24, 31, 32, 33, 34, 35, and 36, township 2 north, range 10 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, and 36, township 2 north, range 11 west, San Bernardino meridian.

All Government lands in sections 3, 4, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 2 north, range 12 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 23, 24, and 26, township 2 north, range 13 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, and 6, township 2 north, range 14 west, San Bernardino meridian.

All Government lands in sections 19 and 20, township 3 north, range 7 west, San Bernardino meridian.

All Government lands in sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 21, 23, 24, 28, 29, 32, and 33, township 3 north, range 8 west, San Bernardino meridian.

All Government lands in sections 1, 4, 5, 7, 8, 9, 16, 17, 20, 21, 28, 29, 32, and 33, township 3 north, range 9 west, San Bernardino meridian.

All Government lands in sections 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, and 18, township 3 north, range 10 west, San Bernardino meridian.

All Government lands in sections 1, 3, 10, 11, 12, 13, 14, 15, 17, 20, 22, 23, 24, 26, 27, 29, 30, 31, 32, 34, and 35, township 3 north, range 11 west, San Bernardino meridian.

All Government lands in sections 4, 5, 6, 8, 16, 17, 20, 21, 22, 25, 26, 27, 28, 29, 31, 32, 34, and 35, township 3 north, range 12 west, San Bernardino meridian.

All Government lands in sections 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 19, 20, 21, 28, 29, 30, 31, 32, and 33, township 3 north, range 13 west, San Bernardino meridian.

All Government lands in sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 3 north, range 14 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 23, 24, 25, and 36, township 3 north, range 15 west, San Bernardino meridian.

All Government lands in sections 21, 28, 31, 32, 33, 34, and 35, township 4 north, range 8 west, San Bernardino meridian.

All Government lands in sections 20, 21, 27, 28, 29, 32, 33, 34, 35, and 36, township 4 north, range 9 west, San Bernardino meridian.

All Government lands in sections 19, 29, 30, and 31, township 4 north, range 10 west, San Bernardino meridian.

All Government lands in sections 3, 10, 11, 13, 14, 24, 30, 31, 32, 33, and 34, township 4 north, range 11 west, San Bernardino meridian.

All Government lands in sections 24, 25, 31, 32, and 33, township 4 north, range 12 west, San Bernardino meridian.

All Government lands in sections 17, 18, 35, and 36, township 4 north, range 13 west, San Bernardino meridian.

All Government lands in sections 11 (inside forest), 13, 14, 15, 16, and 17 (inside forest), township 4 north, range 14 west, San Bernardino meridian.

All Government lands in sections 27, 28, and 34, township 5 north, range 11 west, San Bernardino meridian.

All Government lands in sections 7 and 18, township 5 north, range 14 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 6, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 29, and 30, township 5 north, range 15 west, San Bernardino meridian.

All Government lands in sections 1, 2, 4, 5, 11, 12, 14, 23, 25, and 26, township 5 north, range 16 west, San Bernardino meridian.

All Government lands in sections 3, 4, 10, 15, and 22, township 5 north, range 18 west, San Bernardino meridian.

All Government lands in sections 7, 8, 18, 25, 26, 27, 28, 29, 31, 32, 35, and 36, township 6 north, range 14 west, San Bernardino meridian.

All Government lands in sections 2, 5, 6, 11, 12, 13, 14, 19, 20, 21, 22, 27, 31, 32, 33, and 34, township 6 north, range 15 west, San Bernardino meridian.

All Government lands in sections 1, 6, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 27, and 34, township 6 north, range 16 west, San Bernardino meridian.

All Government lands in sections 1, 6, 8, 12, 13, 14, 15 16, 17, 18, 19, 21, 27, and 28, township 6 north, range 17 west, San Bernardino meridian.

All Government lands in section 13, township 6 north, range 18 west, San Bernardino meridian.

All Government lands in section 30, township 7 north, range 14 west, San Bernardino meridian.

All Government lands in sections 16, 17, 18, 21, 22, 23, 25, 26, 27, 30, 31, 32, 33, and 34, township 7 north, range 15 west, San Bernardino meridian.

All Government lands in sections 6, 7, 12, 13, 17, 19, 20 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, and 33, township 7 north, range 16 west, San Bernardino meridian.

All Government lands in sections 1, 2, 5, 6, 7, 8, 10, 11, 12, 18, 19, 30, and 31, township 7 north, range 17 west, San Bernardino meridian.

All Government lands in section 36, township 7 north, range 18 west, San Bernardino meridian.

And all Government lands in sections 32, 34, and 35, township 8 north, range 17 west, San Bernardino meridian.

SEC. 2. That this act shall not defeat or affect any lawful right which has already attached under the mining laws and which is hereafter maintained in accordance with such laws: *Provided*, That the President, upon recommendation of the Secretary of the Interior and the Secretary of Agriculture, may, by Executive order, when in his judgment the public interest would best be served thereby, and after reasonable notice has been given through the Department of the Interior, restore to location and entry under the mining laws any of the lands hereby withdrawn therefrom.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 4012) for the relief of Charles R. Sies was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

RESERVE OFFICERS' TRAINING CORPS

The bill (H. R. 244) to enable members of the Reserve Officers' Training Corps who have interrupted the course of training prescribed in the act of June 4, 1920, to resume such training and amending accordingly section 47c of that act, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT BAKER MILITARY RESERVATION, CALIF.

The bill (H. R. 4588) authorizing an appropriation for the repair and resurfacing of roads on the Fort Baker Military Reservation, Calif., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRATUITOUS ISSUE OF SERVICE MEDALS

The bill (H. R. 5789) to provide for the gratuitous issue of service medals, and similar devices, for the replacement of the same, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PURCHASE OF REAL ESTATE BY THE WAR DEPARTMENT

The bill (H. R. 5806) to authorize the purchase of real estate by the War Department was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHAPLAINS AT THE UNITED STATES MILITARY ACADEMY

The bill (H. R. 6652) to fix the pay and allowances of chaplain at the United States Military Academy, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RESERVE SUPPLIES, WAR DEPARTMENT

The bill (H. R. 7752) to limit the issue of reserve supplies or equipment held by the War Department was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PREPARATION OF MILITARY MAPS

The bill (H. R. 7937) to authorize mapping agencies of the Government to assist in preparation of military maps was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PURCHASE OF LAND AT SELFRIDGE FIELD, MICH.

The bill (H. R. 11808) to authorize an appropriation for the purchase of land at Selfridge Field, Mich., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PURCHASE OF REAL ESTATE IN HAWAII

The bill (H. R. 11809) to authorize an appropriation to complete the purchase of real estate in Hawaii was considered as in Committee of the Whole.

Mr. KING. Mr. President, I ask the chairman of the Committee on Military Affairs if we did not make a large appropriation, either last year or this year, for the purchase of necessary barracks and grounds for military purposes?

Mr. REED of Pennsylvania. Yes; Mr. President, we did. This amount is about $34,000, appropriated to pay the verdict in condemnation proceedings started in 1917 for the condemnation of a tract that fitted into the land of Schofield Barracks. It has been occupied by the Government for more than 10 years, the condemnation proceedings were begun, and this is the final amount of the verdict rendered against the Government.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOARD OF VISITORS, UNITED STATES MILITARY ACADEMY

The bill (H. R. 8105) to provide for the membership of the Board of Visitors, United States Military Academy, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 5, after the word "Senate" and the comma, to add the words "two members of the Committee on Appropriations of the Senate."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WILLIAM R. CONNOLLY

The bill (H. R. 1537) for the relief of William R. Connolly was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. O'CONNOR

The bill (H. R. 6436) for the relief of Mary E. O'Connor was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOIS WILSON

The bill (H. R. 10192) for the relief of Lois Wilson was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIE JUNE

The bill (H. R. 2473) for the relief of Louie June was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, after line 10, to add a new section, as follows:

SEC. 2. That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered or advances made in connection with said claim. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE M. BROWDER AND F. N. BROWDER

The bill (H. R. 3372) for the relief of George M. Browder and F. N. Browder, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George M. Browder and F. N. Browder, as administrators of the estate of the late F. G. Browder, the sum of $7,500. Such sum shall be in full satisfaction of all claims against the United States for damages resulting from the death of the said F. G. Browder, who, on October 20, 1926, near the city of Montgomery, Ala., was struck and killed by an airplane owned and operated by the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLIFFORD J. SANGHOVE

The bill (H. R. 3442) for the relief of Clifford J. Sanghove was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to cancel the claim of the United States against Clifford J. Sanghove, lieutenant, United States Naval Reserve Force, retired, in the sum of $1,067.46 erroneously paid to him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

M. M. EDWARDS

The bill (H. R. 3936) for the relief of M. M. Edwards was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to M. M. Edwards, widow of Lieut. John Davis Edwards, chief engineer of the U. S. S. *Shaw*, United States Navy, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $1,000 for the loss of her husband's household goods and personal effects which were destroyed in the disaster to the U. S. S. *Shaw*, occurring on October 9, 1918, which destruction was due to collision with H. M. S. *Aquitania*.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM V. TYNES

The bill (H. R. 7061) for the relief of William V. Tynes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $125 to William V. Tynes, in compensation for damages sustained by his Ford motor car as result of a collision with United States Navy trailer No. 42, in Norfolk, Va., on March 4, 1924.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM THURMAN ENOCH

The bill (H. R. 4993) for the relief of William Thurman Enoch was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to William Thurman Enoch, of El Paso, Tex., the sum of $5,000 on account of permanent injury sustained by him through the negligence of Frederick W. Warner, an employee of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BYRON BROWN RALSTON

The bill (H. R. 5968) for the relief of Byron Brown Ralston, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President is authorized to appoint Byron Brown Ralston, formerly lieutenant commander in the United States Navy, a lieutenant commander in the United States Navy and place him upon the retired list of the Navy with the retired pay and allowance of that grade with credit for any purposes for all service to which he was entitled on April 15, 1927: *Provided*, That a duly constituted naval retiring board finds that the said Byron Brown Ralston incurred physical disability incident to the service while on the active list of the Navy: *Provided further*, That no back pay, allowance, or emoluments shall become due as a result of the passage of this Act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF JOHN EIMER

The bill (H. R. 1529) for the relief of the heirs of John Eimer, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full and legal settlement against the Government, to the heirs of the late John Eimer the sum of $5,000 for death of said John Eimer, caused by being struck by a Government-owned automobile which was driven by a Government employee.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF DR. THOMAS C. LONGINO

The bill (H. R. 5398) for the relief of the heirs of the late Dr. Thomas C. Longino was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government the sum of $1,000 to the heirs of the late Dr. Thomas C. Longino as reimbursement on account of losses of personal property as a result of the Galveston flood, on September 8, 1900.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS EDWIN HUFFMAN

The bill (H. R. 11741) for the relief of Thomas Edwin Huffman was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Thomas Edwin Huffman United States coupon notes Nos. L-12380683 to L-12380685, inclusive, in the denomination of $50 each, of the Victory Liberty loan 4¾ per cent convertible gold notes of 1922–23, matured May 20, 1923, with interest at the rate of 4¾ per cent per annum from May 20, 1919, to May 20, 1923, inclusive, without presentation of said notes or the coupons representing interest from May 20, 1919, to May 20, 1923, the notes with the said coupons attached having been lost, stolen, or destroyed: *Provided*, That the said notes shall not have been previously presented and paid, and that payment shall not be made hereunder for any coupons that shall have been previously presented and paid: *And provided further*, That the said Thomas Edwin Huffman shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said notes and the interest payable thereon when the notes matured, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed notes hereinbefore described, or the coupons pertaining thereto.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES R. WAREHAM

The bill (H. R. 8808) for the relief of Charles R. Wareham was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Charles R. Wareham, acting postmaster at Kearney, Nebr., in the sum of $17,204.83, due to the United States on account of funds and stamps lost in the burglary of the post office at Kearney, Nebr., on September 23, 1926.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOTTUM-KENNEDY DRY DOCK CO.

The bill (S. 513) for the relief of the Hottum-Kennedy Dry Dock Co., of Memphis, Tenn., was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$1,438.89" and insert in lieu thereof "$1,231.50," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to the Hottum-Kennedy Dry Dock Co., owner of the Hottum-Kennedy Dry Docks, out of any money in the Treasury not otherwise appropriated, the sum of $1,231.50 in full settlement to reimburse such owner for loss sustained as a result of damages caused to such docks and appurtenant property through collision with the U. S. S. *Inspector* on January 30, 1920.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes was announced as next in order.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3569) to equalize the pay of certain classes of officers of the Regular Army was announced as next in order.

Mr. KING. Mr. President, I have had a number of letters making objection to the bill.

Mr. REED of Pennsylvania. I think it is perhaps another bill relating to something else about which the Senator has had letters. The Senator from Texas [Mr. SHEPPARD] is here. I would be glad to have him explain the bill.

Mr. SHEPPARD. Mr. President, the bill merely gives to several hundred captains and majors in the Army the same promotion pay as is given all other officers in the same rank. They were omitted, it is presumed by oversight, when the bill was passed in 1920. These few hundred captains and majors are not receiving as much pay by $100 or $150 a month as all other officers of the same rank.

Mr. KING. I am unable to understand how that could have occurred.

Mr. SHEPPARD. It was an oversight. They were left out and were not mentioned in the Army pay bill when all the others were taken care of, or when the advanced pay was provided for. These officers were admitted in 1920 as emergency Army officers.

Mr. KING. Does it mean that there are a number of persons from civilian life who entered the Army and who are now in the Army, and that they want the same pay as regular West Point officers who have been in the Army for many years and perhaps have attained their number of years of service, when in the same grades there are emergency officers who reached those grades after a few months of service?

Mr. REED of Pennsylvania. No. The circumstances are these: The pay bill of 1922 provides that the pay period into which these officers shall be placed shall be determined by the length of their commissioned service plus an allowance of 14 years for officers of a particular age. It has been held by the Comptroller General that although that credit for commissioned service applies to the original pay bill in which they are placed, it does not help them in the subsequent increment or subsequent pay period in which they would be entitled to be placed by further service. It gives them a constructive credit at the beginning of their service, but denies them the same constructive credit in the calculation of their pay periods from then on. It puts them in exact relation with those officers with whom they ranked at the beginning of their service.

It is the result of a technicality that did not occur to anyone in Congress or in the department at the time the officers began their service. It will go very far toward relieving the discontent among the emergency officers who were taken in in 1920. It merely carries on the constructive credit for service that they were given at the beginning of their term.

Mr. KING. I want to ask the Senator from Pennsylvania if the War Department, after full consideration of the bill, has reported favorably or adversely? My understanding is it would cost a very large sum of mony—about half a million dollars, or perhaps more. That is not a primary objection or a sufficient objection if it is a proper bill.

Mr. REED of Pennsylvania. The War Department reports that the additional cost will be $1,173,000 a year and reports against it. At the same time I do not want to say that without saying I believe it is fair and that I hope, if not to-night, at some time, it will be passed.

Mr. KING. I confess I do not understand the bill. I would like an opportunity to read the report and get the views of the War Department.

The PRESIDENT pro tempore. The bill will be passed over.

SALARIES OF PUBLIC PRINTER AND DEPUTY PUBLIC PRINTER

Mr. HARRISON. Mr. President, I understand that Calendar 737, the bill (H. R. 6669) fixing the salary of the Public Printer and of the Deputy Public Printer was passed in my absence. I had spoken to at least three Senators about objecting to it in my absence.

Mr. McKELLAR. Mr. President, I think that was reconsidered a while ago.

The PRESIDENT pro tempore. Objection was made to its reconsideration.

Mr. HARRISON. I thought it would be objected to when it was called. I had understood from at least three Senators that they would object for me, but it was passed and some one objected to its reconsideration. I now ask unanimous consent that the vote by which it was passed be reconsidered and the bill take its place on the calendar.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Mississippi?

Mr. BINGHAM. Mr. President, there was no objection when the bill was reached on the calendar.

Mr. HARRISON. That may be true. The Senator did not understand me. I had spoken to two or three Senators who were opposed to the bill, as I was opposed to the bill. I could not be here when the matter came up in the regular course, but I understood it would be objected to by the other Senators to whom I had spoken. It was not objected to, and I therefore request that it be reconsidered. Is there objection to my unanimous-consent request?

Mr. BINGHAM. Will not the Senator let the request go over until to-morrow?

Mr. HARRISON. No. I want to get it acted on and the bill placed back on the calendar to-night.

Mr. BINGHAM. The Senator can submit his request to-morrow.

Mr. HARRISON. I can state the reasons why I am opposed to the bill, but I do not want to take up the time of the Senate by doing that to-night, because it would prevent the passage of some other legislation. I may say to the Senator that if he objects to my request for reconsideration, there will be nothing else passed to-night.

The PRESIDENT pro tempore. May the Chair interject the suggestion to the Senator from Mississippi that he make his motion to reconsider, which will prevent transmission of the bill to the House.

Mr. HARRISON. Do I understand the Chair objects to my unanimous-consent request?

The PRESIDENT pro tempore. No. The Chair was trying to offer some first aid to the injured. If the Senator enters his motion to reconsider he secures substantially the benefits which he attempts to secure by his unanimous-consent request.

Mr. HARRISON. I understand that, but I want the matter reconsidered and the bill placed on the calendar. I am not making an unreasonable request of the Senate. I object to very few bills here. I can object to more bills. I am opposed to this bill at this particular time. I want it to take its place on the calendar again. I ask unanimous consent that the votes by which it was ordered to a third reading and passed be reconsidered.

The PRESIDENT pro tempore. The Senator from Mississippi asks unanimous consent that the votes by which the bill was ordered to a third reading and passed be reconsidered, and that the bill be restored to the calendar. Is there objection? The Chair hears none and it is so ordered. The bill is restored to its place on the calendar.

WARRANT OFFICERS OF THE REGULAR ARMY

The bill (S. 3459) to amend an act of Congress approved March 4, 1927 (Public, No. 795, 69th Cong.), to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status caused by military service rendered by them as commissioned officers during the World War, was announced as next in order.

Mr. KING. Over.

Mr. REED of Pennsylvania. Mr. President, will the Senator withhold his objection until I make a statement?

Mr. KING. Certainly.

Mr. REED of Pennsylvania. It has been held that these noncommissioned officers, who would be entitled to be appointed warrant officers, are prohibited from appointment if, as a matter of fact, their services as noncommissioned officers were interrupted during the World War by their temporary service as commissioned officers. In other words, they can not receive the appointment to which they would otherwise be entitled if they were more than ordinarily meritorious and were temporarily used as commissioned officers. The additional cost to the Government will be very slight. It is a long-deferred recognition of good service to very loyal noncommissioned officers. I hope the Senate will be willing to pass it.

Mr. KING. I observe the report of the Secretary of War states that the Director of the Budget has been consulted and advises that the proposed legislation is in conflict with the financial program of the President. There must be a considerable amount of expense attached to it or it would not meet with the disapproval of the President.

Mr. REED of Pennsylvania. The additional cost will be $6,387.20 a year. The recommendation of the War Department is that if the proposed legislation should be enacted into law it will correct an injustice done to a small class of men who served faithfully during the World War and are yet debarred from reaping the benefits to which they would have been eligible by reason of long and faithful service had they not accepted temporary commissions as officers. Then, having in every way argued in favor of the bill, the Secretary of War winds up with the curt statement that it is in conflict with the financial program of the President. It may be that it is, but it is certainly a long-deferred recognition due to a very faithful group of noncommissioned officers.

Mr. KING. There ought to be some harmony in the executive departments.

The PRESIDENT pro tempore. Does the Senator from Utah withdraw his objection?

Mr. KING. I do.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment on page 1, line 5, to strike out the word "person" and insert the word "persons," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to appoint as warrant officers of the Regular Army any persons whose commissioned service in the Army during the World War, added to their service as quartermaster clerk, amounted to 12 years or more of service prior to June 4, 1920, and who were not eligible for appointment as field clerks, Quartermaster Corps, under the provisions of the act of August 29, 1916, because of the interruption of their 12 years' requisite service as quartermaster clerks to render commissioned service in the World War: *Provided*, That for the purposes of this act the period of commissioned service during the World War prior to June 4, 1920, be deemed equivalent to a like period of detached service away from permanent station or duty beyond the continental limits of the United States: *Provided*, That in determining length of service for longevity pay and retirement they shall be credited with and entitled to count the same military service as authorized for warrant officers, and all classified service rendered as clerks in the Military Establishment: *Provided further*, That the limitation in the act of June 30, 1922, on the number of warrant officers, United States Army, shall not apply to the appointees hereunder.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDGAR TRAVIS, SR.

The bill (S. 652) for the relief of Edgar Travis, sr., was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with amendments on page 1, line 7, after the word "have" to insert the words "enlisted in said company on April 1, 1863, and to have," and in line 9, after the word "service," to insert the words "of the United States as a private," and in line 10, after the word "company" to insert the words "on December 26, 1864," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edgar Travis, sr., late of Company I, Sixth Regiment West Virginia Volunteer Infantry, shall hereafter be held and considered to have enlisted in said company on April 1, 1863, and to have been honorably discharged from the military service of the United States as a private of said company on December 26, 1864: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 8988) for the relief of Milton Longsdorf was announced as next in order.

Mr. FLETCHER. Mr. President, I desire to call the attention of the Senate to the fact that we have passed to-night a number of House claims bills, one after the other. I am not going to object to any of them, but my understanding is, and I want to state this for the information of all concerned, that there are over 100 bills which have passed the Senate involving meritorious and just claims, hanging fire in the body at the other end of the Capitol, without even being reported out of committee. It is almost time to serve notice on somebody that they can not expect us to pass their bills sent to us by the House and have them continue to refuse to act on bills which the Senate sends to them. I merely wanted to say that much.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 3241) for the relief of Seymour Buckley was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

BILL INDEFINITELY POSTPONED

The bill (S. 1690) for the relief of Lewis W. Crain was announced as next in order. The bill had been reported adversely from the Committee on Military Affairs.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

ENSIGN JACOB E. DEGARMO

The bill (H. R. 9148) for the relief of Ensign Jacob E. DeGarmo, United States Navy, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, Ensign Jacob E. DeGarmo, United States Navy, a lieutenant, junior grade, on the retired list of the Navy: *Provided*, That nothing contained herein shall entitle Ensign Jacob E. DeGarmo to any back pay or allowance.

Mr. KING. Mr. President, I should like an explanation of the bill from the Senator from Maine.

Mr. HALE. Mr. President, the purpose of the bill is to advance Ensign DeGarmo, United States Navy, one grade on the retired list of the Navy, thereby giving him retired rank, pay, and allowances that by general law should and would be his had the proper procedure and action been taken in his case.

The act of March 4, 1911, provides that if an officer of the Navy fails in his physical examination when eligible for promotion, and said physical disability shall be determined to have been contracted in the line of duty, such officer shall be retired with the rank to which his seniority entitled him to be promoted.

Ensign DeGarmo was eligible for promotion to the rank of lieutenant, junior grade, and was examined physically by a medical board to determine his physical fitness for promotion to that rank. He became eligible in 1923. He was not found physically qualified for promotion. Eight months later he was ordered to appear before a naval retiring board, not before a medical examining board, to determine fitness for promotion, and as a result of the findings of the retiring board he was placed on the retired list with the rank of ensign, whereas he should have been ordered before a medical board to determine fitness for promotion, and, if found physically unqualified for promotion, he would have been placed upon the retired list with the rank of lieutenant, junior grade, to which his seniority entitled him.

The bill seeks to give him the rank of lieutenant, junior grade, on the retired list to which, by the act of March 4, 1911, he is entitled. Under the regular procedure he should have been retired as a lieutenant, junior grade, instead of ensign, the rank in which he was retired. The department reported favorably on the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK A. GRAB

The bill (H. R. 1951) granting six months' pay to Frank A. Grab was considered as in Committee of the Whole.

The bill has been reported from the Committee on Naval Affairs with an amendment, on page 1, line 10, after the word "death," to insert: "*Provided*, That the said Frank A. Grab establishes that he was actually dependent upon his son, Alfred Newton Grab, at the time of the latter's death," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of current appropriations, Pay of the Navy, 1927, to Frank A. Grab, father of Alfred Newton Grab, deceased seaman, United States Navy, who was killed in line of duty on February 7, 1922, at Guantanamo Bay, Cuba, an amount equal to six months' pay at the rate said Alfred Newton Grab was receiving at the date of his death: *Provided*, That the said Frank A. Grab establishes that he was actually dependent upon his son, Alfred Newton Grab, at the time of the latter's death.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ALEXANDER GINGRAS

The bill (H. R. 11978) granting six months' pay to Alexander Gingras, father of Louis W. Gingras, deceased private, United States Marine Corps, in active service, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 9, after the word "death," to insert: "*Provided*, That the said Alexander Gingras establishes that he was actually dependent upon his son, Louis Walter Gingras, at the time of the latter's death"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of current appropriations, Pay of the Navy, 1927, to Alexander Gingras, father of Louis W. Gingras, deceased private, United States Marine Corps, who died in line of duty on March 31, 1927, at Managua, Nicaragua, an amount equal to six months' pay at the rate said Louis W. Gingras was receiving at the date of his death: *Provided*, That the said Alexander Gingras establishes that he was actually dependent upon his son, Louis Walter Gingras, at the time of the latter's death.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

GOVERNMENT PRINTING OFFICE

The bill (S. 2440) to provide that four hours shall constitute a day's work on Saturdays throughout the year for all employees in the Government Printing Office was announced as next in order.

Mr. KING. Let that go over until we have a chance to discuss it.

Mr. SHIPSTEAD. Mr. President, will the Senator withhold that objection for a moment?

Mr. KING. Let me say to the Senator that he was kind enough to furnish me some data this afternoon which I have not had time to examine. I thought perhaps on Thursday evening we could take up the matter and discuss it.

Mr. SHIPSTEAD. Very well.

Mr. KING. It seems to me there is some relationship between these and other employees of the Government.

Mr. SHIPSTEAD. Yes. May I take just a moment to state the difference? The difference is this:

The employees of the Government Printing Office work 48 hours a week. The employees of the executive departments work 42 hours a week. The employees of the Government Printing Office do not get 30 days' sick leave, as all employees of all the other departments get. They do not get that 30 days' leave. This will give them a half holiday on Saturday. It will give them a 44-hour week, the same hours per week that are enjoyed by all men in the printing trades all over the United States.

I hope the Senator will withdraw his objection. That is the only difference.

Mr. KING. Mr. President, on Thursday evening I shall be very glad to consider this bill. With the statement of the Senator, I am inclined to support it; but I should like to examine it.

The PRESIDENT pro tempore. The Senator objects, and the bill will be passed over.

AMENDMENT OF TEACHERS' SALARY ACT

The bill (S. 4063) to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes, was considered as in Committee of the Whole, and was read.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KING subsequently said: Mr. President, what became of Senate bill 4063?

The PRESIDENT pro tempore. It was passed.

Mr. KING. I had an amendment to offer to that bill, and I do not have it here to-night. I ask unanimous consent to reconsider the vote by which the bill was passed.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent to reconsider the vote whereby Senate bill 4063 was passed. Is there objection? The Chair hears none, and the bill will be returned to its place on the calendar.

CUSTOMS BUILDINGS IN PORTO RICO

The bill (H. R. 9363) to provide for the completion and repair of customs buildings in Porto Rico was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES K. P. WELCH

The bill (H. R. 971) for the relief of James K. P. Welch was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 7, after the word, "as," to insert, "of the date August 31, 1864, as," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteers, or any branch thereof, James K. P. Welch shall hereafter be held and considered to have been honorably discharged from the military service of the United States as of the date August 31, 1864, as a private of Company I, Fifty-ninth Regiment Indiana Volunteer Infantry, Civil War: *Provided,* That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

M. SELLER & CO.

The bill (S. 2304) for the relief of M. Seller & Co. was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to refund to M. Seller & Co., Portland, Oreg., certain penalties in the amount of $7,147.80, being amount paid to the collectors of customs at Portland, Oreg., and Seattle, Wash., on April 28, 1927, in the respective sums of $4,749.40 and $2,398.40, said penalties being incurred under the customs laws in the entry of certain merchandise from Germany, at a less value than that returned upon final appraisement, such entry having been made without any intention to defraud the revenues of the United States or to conceal or misrepresent the facts of the case or to deceive the appraiser as to the value of the merchandise.

Mr. KING. Mr. President, I should like to have an explanation of that bill.

Mr. STEIWER. Mr. President, the bill is my colleague's bill. I observe that he is absent for the moment from the Chamber.

This bill is for the relief of a firm doing business at Portland, Oreg., and Seattle and Spokane, Wash. It provides for the refunding of certain penalties exacted by the Customs Service upon goods that were erroneously misvalued and entered. The department felt that they were obliged to collect the penalties. They have stated, however, in the statement made to the committee which examined the bill that they had no doubt but that the declaration of value was made in good faith.

The committee believed in the light of 50 years of very law-abiding course of this firm in its dealings with the United States Government, in view of the fact that it had never encountered any penalty heretofore, that the statement of good faith upon the part of the department was a sufficient justification to allow the return of the penalties. I hope the Senator may not object to the bill.

Mr. KING. I should like to ask the Senator what is the recommendation of the acting official of the Treasury Department under whose jurisdiction this claim would come.

Mr. STEIWER. They made no recommendation, save to report that they had no doubt that the declaration of value was made in good faith. The reason why they made no recommendation was that they thought their recommendation might be construed as an attitude upon their part that would open up other claims; but I desire to suggest to the Senator that there probably will be no other claims where the circumstances are similar to this one.

I neglected to state, in the statement I made a minute ago, that in this particular case this importer had appealed to the Treasury Department for information as to its course in making the valuation, and made the valuation under the information supplied by the Treasury Department itself, which was erroneous, as it proved afterwards because the antidumping law had just been enacted, and both the agent of the Treasury Department and the importer were in error in their understanding of the law.

Mr. KING. Mr. President, may I say to the Senator that many complaints have come to the attention of some of us, and I know the matter was considered when an investigation of the Internal Revenue Bureau was under consideration, as to the frequency with which goods were undervalued that were brought into the United States; and many manufacturers in the United States, those whose products come into competition with imports into the United States, have complained of the undervaluations; and many charges have been made. I think truthfully, that many of these importations were fraudulently undervalued. It would seem to me that we ought to be very careful in remitting these penalties.

Mr. STEIWER. The committee, if I may say so to the Senator, scrutinized this claim with that particular idea in mind. We thought, in view of the statement made by the Treasury Department that it was done in good faith, on account of 50 years of honest dealings with the Treasury, that the claimants were entitled to the presumption of good faith in this particular case.

Mr. KING. I shall not object.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FINCH R. ARCHER

The bill (H. R. 2658) for the relief of Finch R. Archer was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. SAVERY

The bill (H. R. 4925) for the relief of John M. Savery was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 11951) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

PAN AMERICAN UNION

The bill (H. R. 12899) authorizing the erection for the sole use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C., was considered as in Committee of the Whole.

Mr. KING. Mr. President, may I inquire what is the cost to the Government, if any? I thought we had a Pan American Union. Is this to authorize the construction of another building?

Mr. KEYES. Yes, Mr. President; this is to authorize the construction of an office building. The present building is not adequate for the activities of the Pan American Union at the present time. It is proposed to erect an office building across the street from the present Pan American Union Building, on a site now owned by the Government, and now occupied by the War Department. There is no expense at all to the Government, except that the Government will loan this site, but will retain the title to the land.

Mr. KING. Who will pay for the building?

Mr. KEYES. The Pan American Union.

Mr. FLETCHER. Have they not got ground enough where they are to construct their office building?

Mr. KEYES. There is room around the building, but architects are of the opinion that it would spoil the building that is there now to undertake to put an office building on the same lot.

Mr. FLETCHER. I thought possibly there was room back of that building.

Mr. KEYES. This would be back, of course, but it would be across the street. There is no objection to it, so far as I know; and the War Department, which occupies the proposed site, is perfectly agreeable to the use of the land for this purpose.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE LEAGUE OF NATIONS

Mr. BRUCE. Mr. President, if there is no objection, I should like to have inserted in the RECORD an address by Rev.

George E. Bevans, of Fairmount, W. Va., which I think is of some value.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The matter referred to is here printed, as follows:

BEVANS REVIEWS LEAGUE OF NATIONS IN ACTION—MINISTER WRITES ABOUT ORGANIZATION IN "LEAGUE OF NATIONS PRACTICAL"

"The League of Nations practical" is the subject discussed this week by the Rev. George E. Bevans, pastor of the First Presbyterian Church, at Fairmount, W. Va. Doctor Bevans spent a week at Geneva last summer studying the League of Nations and attending the fourth annual Institute of International Relations arranged by the League of Nations Union (London) and the League of Nations Nonpartisan Association (New York). About 400 delegates were present from Great Britain and the United States.

In discussing the "League of Nations practical," Doctor Bevans says:

"Fifty-five years ago there was no association of nations to see that letters were safely and quickly delivered from one country to another. Mail traveled very slowly and on account of the difference in rates of postage it was difficult to send letters into foreign countries. In 1874 representatives from many nations met in Berne, Switzerland, and formed what was knowu as the Universal Postal Union. As a result of that union mail service was perfected between all nations and speed and safety of mail delivery was guaranteed by the governments of the world.

"Nine years ago there was no League of Nations established to help maintain peace and the most terrible war in all history had just come to a close. It was in January, 1920, that the first meeting of the League of Nations was called by President Woodrow Wilson in Paris to promote international good will and peace. But as early as 1914 definite plans had been formulating in the minds of leading statesmen in Great Britain, France, and America, to the end that after the World War ways and means must be provided to prevent another such holocaust of civilization. Hence, when the delegates to the Peace Conference met in Paris in 1919 there was a general understanding that some agreement would be made by the nations to prevent if possible future wars. Such an understanding was contained in the last of President Wilson's famous fourteen points, on the basis of which the allied nations signed the armistice with Germany, which stipulated that 'a general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike.'

"The framing of the League of Nations covenant was the first work accomplished by the delegates at the Peace Conference in 1919. The introduction to this peace covenant reads as follows: 'The high contracting parties in order to promote international cooperation and security by the acceptance of obligations not to resort to war, by the prescription of open, just, and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, agree to this covenant of the League of Nations.'

"Such was the origin of the League of Nations, the story of its organization and accomplishments represents the dawning of a new day in world history. First, let us note the mechanics of the league and then appraise its success and failures. The league consists of an assembly, a council, and a secretariat. The assembly is composed of the rank and file of the nations of the earth. The underlying motive back of the league is that eventually every government will become a member. Such membership is not automatically accorded, however, but only as each nation, other than those nations which were charter members, makes definite application and agrees to certain requirements and guarantees and is favorably voted upon by two-thirds of the assembly.

"There were 28 of the allied and 13 neutral nations who were the first members of the leagues. One state, China, though it never signed the treaty of Versailles, containing the peace covenant, did sign the covenant and entered the league that way. Hence at the first meeting of the assembly of nations in 1920 there were 42 members represented. The assembly meets once a year on the first Monday in September. At the end of the seventh assembly in 1927 the membership of the league had increased to 50 nations. The most notable countries not in the league are the United States, Russia, Mexico, Turkey, and Egypt. All governments in the world with the exception of eight have been members of the league.

"It was quite fitting that the home of this new international organization should be centered at Geneva, Switzerland, the country which has not had a war in a hundred years and whose republican form of government is the oldest in existence. The assembly building at Geneva is a very plain-looking rectangular structure, much like a public hall in America, with a seating capacity of possibly 1,200. In the assembly each nation can have three representatives, nominated in most cases by the prime ministers of each country, and as all public questions are referred to committees and each nation has a member on each committee it is customary for the different States to have a group of experts to assist in the committee work. The unanimous vote of the assembly is required for any definite action.

"The work of the assembly consists in discussing six classes of questions, as follows: 1. Legal and constitutional questions. 2. The league's technical organizations (the economic, health, and transit commissions). 3. Disarmament. 4. The league's budget. 5. Humanitarian questions. 6. Political questions (including mandates). The assembly is independent of the council and corresponds roughly to a house of representatives. Its meetings are always of the open-forum type, where the freest public discussions are held. The assembly turns the white light of publicity upon all international questions and serves as a safety valve for the nations.

"The council is limited in numbers and corresponds to a cabinet in a government. It gives prominence and recognized leadership to the largest nations. In the council, Great Britain, France, Italy, Japan, and Germany have permanent seats, and nine other members are elected by the assembly, the method being to elect three members each year for a period of three years. The council is somewhat like the Senate of the United States with its restricted membership, it meets at least four times a year, in March, June, September, and December, and almost always at Geneva in the famous glass room. In fact, the council has had 44 meetings in the seven years of its history and has developed a new method of handling problems of foreign affairs. The prime ministers, secretaries of foreign relations, and other leading statesmen thus are brought together frequently to talk informally about matters of international concern. English and French are the two official languages used at the league.

"The secretariat is chosen from 30 nations. It is something distinctively new in international cooperation and is the outstanding feature of the League of Nations. It has been called the international civil service and well deserves the confidence and praise which it has received from everyone acquainted with its work. There are from five to six hundred international employees in the secretariat and labor department of the league. They are all experts, skilled in the special line of work for which they have been selected. They keep their nationality, but their official allegiance and responsibility are to the league alone. They remain at Geneva all the year engaged in their technical work relating to the mandate countries, public health, social and labor problems, press publicity, legal matters, armaments, etc. Rarely do two members of the same nationality work together, the result being a new and valuable coordination of different racial points of view, produce better international understanding and better international relations. Men and women are equally eligible for this world work through the secretariat. The secretary general is elected annually by the league.

"The expense attachd to such international administration and service is by no means small and yet anyone who makes a study of the League of Nations would not begrudge the expenditures. The cost of the league, including the International Labor Organization and the Permanent Court of International Justice, amounts to $4,500,000 annually, which sum represents the cost of two hours of World War to the United States or one three-thousandths of the annual budget of France.

"The accomplishments of the league in the brief seven years of its history can be summed up as follows: First, the settlement of political disputes, such as the Vilna question, which had started a war between Poland and Lithuania in September, 1920, but, through the intervention of the League of Nations, fighting was ended. Second, the Aaland Islands question represented a struggle between Sweden and Finland for possession of the islands. The league appointed two impartial commissions of jurists of different nationalities, who visited the islands and countries involved and whose recommendations brought about satisfactory settlement of the difficulties. Third, the Upper Silesia question presented a problem of the division of that territory between Germany and Poland which would be acceptable to the two nations. The league by wise and tactful planning succeeded in making the new frontier 'a line of union rather than of division.' Fourth, the Yugoslav threat of Albania was the occasion of the invasion of Albanian territory by Yugoslav troops. The matter was brought before the council, the Albanian and Yugoslav representatives being present. Pledges were given to respect the frontier and the trouble died down. Fifth, the Memel dispute illustrates another type of league methods. The port of Memel on the Baltic was the prize sought both by Lithuania and Poland. A small commission of experts, with Mr. Norman Davis, a former Acting Secretary of State in the United States, as chairman, studied the dispute and submitted an agreement which settled the points at issue. Sixth, the Greco-Bulgarian dispute which started in October, 1925, an open warfare between the two countries, with Greek troops invading Bulgaria with artillery and airplanes and bombing towns and bridges. Bulgaria appealed to the league, fighting was stopped, and Greece had to pay over $200,000 damages to Bulgaria.

"Other examples of disputes settled by the league could be mentioned. Again and again embryonic wars have been prevented by the intervention of the league, which without such an international agency might have resulted in another continental or world war. In addition

to settling political disputes, the League of Nations has accomplished an enormous amount of reconstruction work. International loans were arranged which saved Austria and Hungary from bankruptcy. One million four hundred thousand Greek refugees were kept from perishing and established in Greece by a loan of $50,000,000. Four hundred and twenty-seven thousand prisoners of war were exchanged and aided by the League of Nations. Various health centers have been established by the league. The white-slave traffic in women and children has been closely watched and studied. Obscene literature curtailed and two antiopium conferences fostered.

"In conclusion, the successes in international relations through conferences and by throwing delays into the war machinery have demonstrated that the League of Nations has developed a new technique, which, if perfected, will produce a new world order. The failures of the league are due to old national intrigues and racial jealousies. It is hard for old hatreds to die. Treaties will always be potential scraps of paper until the sense of moral obligation is universally developed.

"The League of Nations in the seven years of its history has dealt with minor political differences rather than major difficulties, though no dispute is so trifling that it can not become larger. As Hon. Elihu Root said, 'The spirit of international disputes is the main thing,' and it is the creation of that spirit which cooperation and interchange of thought and discussion between the nations of the earth at Geneva is accomplishing.

"The day can not be far distant when the United States, with the other indifferent countries, will pledge allegiance to a united states of the world, a league of nations which shall in truth become an open parliament of man. When the day dawns, 'the sword shall be beat into plowshares and the spears into pruning hooks, nations shall not lift the sword against nation, neither shall they learn war any more.' God hasten that day!"

ESTABLISHMENT OF ADDITIONAL LAND OFFICES

Mr. STEIWER submitted an amendment intended to be proposed by him to the bill (S. 1794) establishing additional land offices in the States of Montana, Oregon, Idaho, and South Dakota, which was ordered to lie on the table and to be printed.

PNEUMATIC-TUBE SERVICE

The bill (H. R. 13171) authorizing the Secretary of the Treasury to accept a franchise from the government of the city of New York to change the routing of the pneumatic-tube service between the customhouse and the present appraisers' stores building, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE BILLS

Mr. CURTIS. Mr. President, I ask unanimous consent to pass seven bridge bills that have been reported without amendment. They are in the usual form.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the following bridge bills in their order, and they were severally reported to the Senate without amendment, ordered to a third reading, read the third time, and passed:

H. R. 11692. An act authorizing the Gulf Coast Properties (Inc.), a Florida corporation, of Jacksonville, Duval County, Fla., its successors and assigns, to construct, maintain, and operate a bridge across the Lake Champlain at or near East Alburg, Vt.;

H. R. 11797. An act granting the consent of Congress to Columbus County, State of North Carolina, to construct, maintain, and operate a free highway bridge across the Waccamaw River at or near Reeves Ferry, Columbus County, N. C.; and

H. R. 11992. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Biggers, Ark.

LAKE SABINE BRIDGE, TEX.

The bill (S. 4253) authorizing H. L. McKee, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Sabine at or near Port Arthur, Tex., was considered as in Committee of the Whole, as follows:

Be it enacted, etc., That, in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, H. L. McKee, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto, across Lake Sabine, at a point suitable to the interests of navigation, between a point at or near Port Arthur, Tex., and a point opposite in Cameron Parish, La., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon H. L. McKee, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State: *Provided*, That no part of the present Pleasure Pier on the east side of the Sabine-Neches Canal belonging to the city of Port Arthur and/or leased to the Port Arthur Chamber of Commerce and Shipping shall be condemned, nor shall the same be acquired or occupied by the said H. L. McKee, his heirs, legal representatives, or assigns, except upon terms and conditions to be stipulated by said city of Port Arthur and the Port Arthur Chamber of Commerce and Shipping.

SEC. 3. The said H. L. McKee, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Texas, the State of Louisiana, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge, the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge and its approaches shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 15 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said H. L. McKee, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge, file with the Secretary of War and with the highway departments of the States of Texas and Louisiana, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of cost so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said H. L. McKee, his heirs, legal representatives, and assigns, shall make available all of his records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be con-

clusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to H. L. McKee, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. There is hereby granted to H. L. McKee, his heirs, legal representatives, and assigns, a right of way not to exceed 100 feet in width across the spoil bank of the ship canal at such location, to be approved by the Chief of Engineers, as will provide a highway connection or connections between the bridge authorized by this act and any bridge or bridges that are or may hereafter be constructed across the ship canal, the United States to retain such free use of the right of way as does not interfere with the bridge approach: *Provided*, That no toll shall be charged for use of the approach to be built on United States property. The duration of such right of way shall terminate with the termination of the franchise granted by this act for the construction of the bridge and shall attach to and become a part of such bridge, and shall pass with the same in any transfer thereof.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SABINE RIVER BRIDGE

The bill (S. 4254) authorizing the State of Texas and the State of Louisiana to construct, maintain, and operate a free highway bridge across the Sabine River at or near Pendleton's Ferry, was considered as in Committee of the Whole, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the State highway commission of Texas and the Louisiana Highway Commission be, and are hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Sabine River, between Sabine County, Tex., and Sabine Parish, La., at a point suitable to the interests of navigation, at or near Pendleton's Ferry, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. There is hereby conferred upon the State highway commission of Texas and the Louisiana Highway Commission all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property, needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE NEAR RANDOLPH, MO.

The bill (H. R. 11338) authorizing the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Randolph, Mo., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "An act authorizing the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River near Randolph, Mo."

MISSOURI RIVER BRIDGE

The bill (S. 4203) authorizing J. H. Haley, his successors and assigns (or his heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Missouri River at or near a point where Olive Street Road, St. Louis County, Mo., if extended west would intersect the Missouri River, was considered as in Committee of the Whole.

The amendments of the Committee on Commerce were, on page 1, line 5, after the name "J. H. Haley," to strike out "his successors and assigns (or"; in line 6, after the word "assigns," to strike out the parenthesis; on page 4, line 8, after the name "J. H. Haley," to strike out "his successors and assigns (or"; on the same page, line 9, after the word "assigns," to strike out the parenthesis; on the same page, line 24, after the name "J. H. Haley," to strike out "his successors and assigns or"; on page 5, line 1, after the word "assigns," to strike out the parenthesis; on the same page, line 10, after the name "J. H. Haley," to strike out "his successors and assigns (or"; and in line 11, after the word "assigns," to strike out the parenthesis, so as to make the bill read:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, J. H. Haley, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near a point about 3,500 feet downstream from mile 45 as established by the survey of the United States Engineers, War Department, said place or point being approximately 5,000 feet downstream from the point where Olive Street Road, St. Louis County, Mo., if extended west would intersect the southerly bank of the Missouri River, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Missouri, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Missouri, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financial cost, as soon as possible under reasonable charges, but within a period of not to exceed 10 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. J. H. Haley, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway department of the State of Missouri a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of the State of Missouri shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said J. H. Haley, his heirs, legal representatives, and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to J. H. Haley, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privi-

leges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing J. H. Haley, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River near a point where Olive Street Road, St. Louis County, Mo., if extended west would intersect the Missouri River."

INTERNATIONAL CONFERENCE FOR REVISION OF CONVENTION OF 1914 FOR SAFETY OF LIFE AT SEA

The joint resolution (S. J. Res. 131) providing for the participation by the United States in the International Conference for the Revision of the Convention of 1914 for the safety of life at sea was considered as in Committee of the Whole, and was read.

Mr. KING. Mr. President, I have no objection to the consideration of this joint resolution, but I inquire why the appropriation is $100,000. In most of these measures it is either $25,000 or $50,000.

Mr. REED of Pennsylvania. Because it will be necessary for the United States to send a delegation of not less than 11 persons to London for this purpose, with about 11 experts accompanying them. That was the size of the delegation in 1914. The United States has more tonnage and is more interested in this convention than any other nation, and it is necessary for her to be represented at all of the various subcommittee meetings that are held by the conference.

Mr. JONES. Mr. President, I desire an opportunity to look into this joint resolution. I ask that it go over to-night.

The PRESIDENT pro tempore. The joint resolution will be passed over.

INDEMNITY TO GOVERNMENT OF FRANCE

The bill (H. R. 9043) to authorize the payment of an indemnity to the Government of France on account of losses sustained by the owners of the French steamship *Madeleine* as a result of a collision between it and the U. S. S. *Kerwood*, was considered as in Committee of the Whole.

Mr. KING. Mr. President, I observe that the tort in this case, if there was one, was committed by the United States, so I have no objection.

Mr. REED of Pennsylvania. It was a collision with an American transport.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECESS

Mr. CURTIS. Mr. President, the hour of 10.30 o'clock having arrived, I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 10 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, May 9, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 8 (legislative day of May 3), 1928

FOREIGN SERVICE

To be Foreign Service officers, unclassified

Carlos J. Warner, of Ohio.
Burton Y. Berry, of Indiana.
John S. Littell, of New York.
William P. Cochran, jr., of Pennsylvania.
Robert D. Coe, of Wyoming.
Stanley G. Slavens, of Texas.
Archibald E. Gray, of Pennsylvania.
Arthur R. Ringwalt, of Nebraska.
Morris N. Hughes, of Illinois.
Bertel E. Kuniholm, of Massachusetts.
Edmund O. Clubb, of Minnesota.
Henry S. Villard, of New York.
William Edwin Guy, of Missouri.
Frederick H. Ward, of New Jersey.
William W. Butterworth, jr., of Louisiana.
Julius Wadsworth, of Connecticut.
Robert Y. Brown, of Alabama.
Monroe Hall, of New York.
H. Livingston Hartley, of Massachusetts.
Edward G. Trueblood, of Illinois.
Garret G. Ackerson, jr., of New Jersey.
Robert P. Joyce, of California.
Charles S. Reed, 2d, of Ohio.
James E. Brown, jr., of Pennsylvania.

To be vice consuls of career

Carlos J. Warner, of Ohio.
Burton Y. Berry, of Indiana.
John S. Littell, of New York.
William P. Cochran, jr., of Pennsylvania.
Robert D. Coe, of Wyoming.
Stanley G. Slavens, of Texas.
Archibald E. Gray, of Pennsylvania.
Arthur R. Ringwalt, of Nebraska.
Morris N. Hughes, of Illinois.
Bertel E. Kuniholm, of Massachusetts.
Edmund O. Clubb, of Minnesota.
Henry S. Villard, of New York.
William Edwin Guy, of Missouri.
Frederick H. Ward, of New Jersey.
William W. Butterworth, jr., of Louisiana.
Julius Wadsworth, of Connecticut.
Robert Y. Brown, of Alabama.
Monroe Hall, of New York.
H. Livingston Hartley, of Massachusetts.
Edward G. Trueblood, of Illinois.
Garret G. Ackerson, jr., of New Jersey.
Robert P. Joyce, of California.
Charles S. Reed, 2d, of Ohio.
James E. Brown, jr., of Pennsylvania.

POSTMASTERS

ALABAMA

Alden M. Wallace to be postmaster at Tuskegee, Ala., in place of A. M. Wallace. Incumbent's commission expires May 20, 1928.

William L. Jones to be postmaster at Parrish, Ala., in place of W. L. Jones. Incumbent's commission expires May 20, 1928.

Howard F. Little to be postmaster at Linden, Ala., in place of H. F. Little. Incumbent's commission expires May 20, 1928.

Griffin G. Guest to be postmaster at Fort Payne, Ala., in place of G. G. Guest. Incumbent's commission expires May 20, 1928.

Louie W. Vaughan to be postmaster at Cuba, Ala., in place of L. W. Vaughan. Incumbent's commission expires May 20, 1928.

Hugh H. Dale to be postmaster at Camden, Ala., in place of H. H. Dale. Incumbent's commission expires May 20, 1928.

ALASKA

Charles A. Sheldon to be postmaster at Seward, Alaska, in place of C. A. Sheldon. Incumbent's commission expires May 23, 1928.

William J. Shepard to be postmaster at Cordova, Alaska, in place of W. J. Shepard. Incumbent's commission expires May 19, 1928.

ARKANSAS

Genie O. Starnes to be postmaster at Louann, Ark., in place of W. S. Edsall, removed.

Madie W. Russell to be postmaster at Star City, Ark., in place of M. W. Russell. Incumbent's commission expires May 26, 1928.

Maud Jackson to be postmaster at Sherrill, Ark., in place of Maud Jackson. Incumbent's commission expires May 26, 1928.

Elmer B. Wacaster to be postmaster at Mount Ida, Ark., in place of E. B. Wacaster. Incumbent's commission expires May 26, 1928.

Bertha E. Millian to be postmaster at Lexa, Ark., in place of B. E. Millian. Incumbent's commission expires May 26, 1928.

John M. Phillips to be postmaster at Jasper, Ark., in place of J. M. Phillips. Incumbent's commission expires May 17, 1928.

CALIFORNIA

Homer C. Bolter to be postmaster at Vacaville, Calif., in place of S. F. Ellison, deceased.

Leslie M. McClary to be postmaster at Lomita, Calif., in place of C. M. Smith, removed.

Edward A. Rees to be postmaster at Fontana, Calif., in place of H. S. Barbee, resigned.

Warren A. Woods to be postmaster at Suisun City, Calif., in place of W. A. Woods. Incumbent's commission expired April 21, 1928.

Frances W. Brown to be postmaster at Montrose, Calif., in place of F. W. Brown. Incumbent's commission expires May 14, 1928.

Nan G. Cary to be postmaster at Engelmine, Calif., in place of O. B. Camp. Incumbent's commission expired January 24, 1928.

COLORADO

James L. Allison to be postmaster at Woodmen, Colo., in place of J. L. Allison. Incumbent's commission expires May 19, 1928.

Charles V. Engert to be postmaster at Lyons, Colo., in place of C. V. Engert. Incumbent's commission expires May 26, 1928.

John C. Kessenger to be postmaster at Limon, Colo., in place of J. C. Kessenger. Incumbent's commission expires May 14, 1928.

Cora M. Northup to be postmaster at Fountain, Colo., in place of C. M. Northup. Incumbent's commission expires May 26, 1928.

George Haver to be postmaster at Eckley, Colo., in place of George Haver. Incumbent's commission expires May 19, 1928.

Irving P. Beckett to be postmaster at Craig, Colo., in place of I. P. Beckett. Incumbent's commission expires May 19, 1928.

Thomas F. Beck to be postmaster at Aspen, Colo., in place of T. F. Beck. Incumbent's commission expires May 14, 1928.

CONNECTICUT

Frederick W. Foster to be postmaster at Short Beach, Conn., in place of F. W. Foster. Incumbent's commission expires May 14, 1928.

John A. Ayer to be postmaster at Saybrook, Conn., in place of J. A. Ayer. Incumbent's commission expires May 19, 1928.

Clarence L. Clark to be postmaster at Lyme, Conn., in place of C. L. Clark. Incumbent's commission expires March 19, 1928.

William T. Crumb to be postmaster at Jewett City, Conn., in place of W. T. Crumb. Incumbent's commission expires May 19, 1928.

James F. Holden to be postmaster at Forestville, Conn., in place of J. F. Holden. Incumbent's commission expires May 19, 1928.

Edward S. Coulter to be postmaster at Essex, Conn., in place of E. S. Coulter. Incumbent's commission expires May 19, 1928.

IDAHO

Lester J. Holland to be postmaster at Shelley, Idaho, in place of L. J. Holland. Incumbent's commission expires May 19, 1928.

Charles J. Shoemaker to be postmaster at Sandpoint, Idaho, in place of C. J. Shoemaker. Incumbent's commission expires May 19, 1928.

Floyd E. Reynolds to be postmaster at Richfield, Idaho, in place of F. E. Reynolds. Incumbent's commission expires May 19, 1928.

Amanda O. Holmes to be postmaster at Plummer, Idaho, in place of A. O. Holmes. Incumbent's commission expires May 19, 1928.

Albert E. White to be postmaster at Payette, Idaho, in place of A. E. White. Incumbent's commission expires May 19, 1928.

Robert N. Molloy to be postmaster at Orofino, Idaho, in place of R. N. Molloy. Incumbent's commission expires May 19, 1928.

Ned Jenness to be postmaster at Nampa, Idaho, in place of Ned Jenness. Incumbent's commission expires May 31, 1928.

Hugh D. Stanton to be postmaster at Kendrick, Idaho, in place of H. D. Stanton. Incumbent's commission expires May 19, 1928.

Edith M. Smylie to be postmaster at Genesee, Idaho, in place of E. M. Smylie. Incumbent's commission expires May 12, 1928.

Frank Dvorak to be postmaster at Aberdeen, Idaho, in place of Frank Dvorak. Incumbent's commission expires May 19, 1928.

ILLINOIS

Clarence C. Cary to be postmaster at Utica, Ill., in place of S. K. Lewis, removed.

Laura A. Gregory to be postmaster at Willisville, Ill., in place of L. A. Gregory. Incumbent's commission expires May 20, 1928.

Mark Simpson to be postmaster at Waterman, Ill., in place of Mark Simpson. Incumbent's commission expires May 19, 1928.

Arthur Justus to be postmaster at Warren, Ill., in place of Arthur Justus. Incumbent's commission expires May 26, 1928.

Christian Andres to be postmaster at Tinley Park, Ill., in place of Christian Andres. Incumbent's commission expires May 20, 1928.

LeRoy Gammon to be postmaster at Thebes, Ill., in place of LeRoy Gammon. Incumbent's commission expires May 26, 1928.

Edward P. Devine to be postmaster at Somonauk, Ill., in place of E. P. Devine. Incumbent's commission expires May 23, 1928.

Elizabeth R. Grant to be postmaster at Shabbona, Ill., in place of E. R. Grant. Incumbent's commission expires May 23, 1928.

Harry Hutchins to be postmaster at Rockton, Ill., in place of Harry Hutchins. Incumbent's commission expires May 20, 1928.

John N. Taffee to be postmaster at Pinckneyville, Ill., in place of J. N. Taffee. Incumbent's commission expires May 23, 1928.

Minor S. Miller to be postmaster at Pearl City, Ill., in place of M. S. Miller. Incumbent's commission expires May 26, 1928.

Guy E. Meyers, to be postmaster at Milledgeville, Ill., in place of G. E. Meyers. Incumbent's commission expires May 26, 1928.

Irene L. Ford to be postmaster at Mahomet, Ill., in place of I. L. Ford. Incumbent's commission expires May 14, 1928.

Jessie A. Livingston to be postmaster at Livingston, Ill., in place of J. A. Livingston. Incumbent's commission expires May 20, 1928.

Charles J. Rohde to be postmaster at Lena, Ill., in place of C. J. Rohde. Incumbent's commission expires May 14, 1928.

Olive G. Woods to be postmaster at Hennepin, Ill., in place of O. G. Woods. Incumbent's commission expires May 23, 1928.

Andrew R. Tarbox to be postmaster at Gibson City, Ill., in place of A. R. Tarbox. Incumbent's commission expires May 20, 1928.

Frank G. Robinson to be postmaster at El Paso, Ill., in place of F. G. Robinson. Incumbent's commission expires May 20, 1928.

John H. Lawder to be postmaster at Campbell Hill, Ill., in place of J. H. Lawder. Incumbent's commission expires May 14, 1928.

Elliott O. Andrews to be postmaster at Belvidere, Ill., in place of E. O. Andrews. Incumbent's commission expires May 23, 1928.

Joseph D. Robertson to be postmaster at Barrington, Ill., in place of J. D. Robertson. Incumbent's commission expires May 26, 1928.

Francis W. Craig to be postmaster at Apple River, Ill., in place of F. W. Craig. Incumbent's commission expires May 20, 1928.

INDIANA

John N. Hunter to be postmaster at South Bend, Ind., in place of J. N. Hunter. Incumbent's commission expires May 12, 1928.

Warren B. Johnson to be postmaster at Owensville, Ind., in place of W. B. Johnson. Incumbent's commission expires May 20, 1928.

Iva D. Myers to be postmaster at Millersburg, Ind., in place of I. D. Myers. Incumbent's commission expires May 20, 1928.

Walter C. Farrell to be postmaster at Middletown, Ind., in place of W. C. Farrell. Incumbent's commission expires May 20, 1928.

Clara L. Boesen to be postmaster at Griffith, Ind., in place of C. L. Boesen. Incumbent's commission expires May 17, 1928.

Clara A. Salla to be postmaster at Denham, Ind., in place of C. A. Salla. Incumbent's commission expires May 20, 1928.

IOWA

Wesley Seufferlein to be postmaster at Lake City, Iowa, in place of L. M. Freeman, resigned.

Joseph McClelland to be postmaster at Wellman, Iowa, in place of J. A. Stump. Incumbent's commission expires May 19, 1928.

Clair A. Sodergren to be postmaster at Wayland, Iowa, in place of C. A. Sodergren. Incumbent's commission expires May 19, 1928.

Charlie C. Clifton to be postmaster at Thompson, Iowa, in place of C. C. Clifton. Incumbent's commission expires May 17, 1928.

Hazel A. Coltrane to be postmaster at Stockport, Iowa, in place of H. A. Coltrane. Incumbent's commission expires May 19, 1928.

Frank T. Best to be postmaster at Pomeroy, Iowa, in place of F. T. Best. Incumbent's commission expires May 20, 1928.

Solomon T. Grove to be postmaster at Plover, Iowa, in place of S. T. Grove. Incumbent's commission expires May 29, 1928.

Frank E. Moravec to be postmaster at Oxford Junction, Iowa, in place of P. E. Moravec. Incumbent's commission expires May 19, 1928.

Charles E. L. See to be postmaster at Laurens, Iowa, in place of C. E. L. See. Incumbent's commission expires May 19, 1928.

Howard B. Gillespie to be postmaster at Guthrie Center, Iowa, in place of H. B. Gillespie. Incumbent's commission expires May 20, 1928.

John F. Dicus to be postmaster at Griswold, Iowa, in place of J. F. Dicus. Incumbent's commission expires May 19, 1928.

Perry D. Burke to be postmaster at Gladbrook, Iowa, in place of P. D. Burke. Incumbent's commission expires May 14, 1928.

Calvin C. Knoll to be postmaster at Gilmore City, Iowa, in place of C. C. Knoll. Incumbent's commission expires May 14, 1928.

William M. Young to be postmaster at Defiance, Iowa, in place of W. M. Young. Incumbent's commission expires May 20, 1928.

James W. Duckett to be postmaster at Corwith, Iowa, in place of J. W. Duckett. Incumbent's commission expires May 14, 1928.

William E. Clayman to be postmaster at Conrad, Iowa, in place of W. E. Clayman. Incumbent's commission expires May 14, 1928.

Lloyd S. Meyers to be postmaster at Columbus Junction, Iowa, in place of L. S. Meyers. Incumbent's commission expires May 19, 1928.

J. Tracy Garrett to be postmaster at Burlington, Iowa, in place of J. T. Garrett. Incumbent's commission expired December 19, 1927.

William W. Jamison to be postmaster at Brighton, Iowa, in place of W. W. Jamison. Incumbent's commission expires May 19, 1928.

Charles H. Cookinham to be postmaster at Ayrshire, Iowa, in place of C. H. Cookinham. Incumbent's commission expires May 14, 1928.

Clyde C. Sheaffer to be postmaster at Alden, Iowa, in place of C. C. Sheaffer. Incumbent's commission expires May 20, 1928.

Patience Felger to be postmaster at Afton, Iowa, in place of Patience Felger. Incumbent's commission expires May 19, 1928.

KANSAS

Bertha Collins to be postmaster at Washington, Kans., in place of Connie Collins, deceased.

Susie J. Gibbons to be postmaster at St. Paul, Kans., in place of S. J. Gibbons. Incumbent's commission expires May 20, 1928.

Ulysses G. Stewart to be postmaster at Rossville, Kans., in place of U. G. Stewart. Incumbent's commission expires May 20, 1928.

Eldon C. Newby to be postmaster at Randolph, Kans., in place of E. C. Newby. Incumbent's commission expires May 19, 1928.

Henry M. Highland to be postmaster at McCune, Kans., in place of H. M. Highland. Incumbent's commission expires May 20, 1928.

Sherman F. Lull to be postmaster at Linn, Kans., in place of S. F. Lull. Incumbent's commission expires May 19, 1928.

Frank W. Brady to be postmaster at Lebanon, Kans., in place of A. J. Miller. Incumbent's commission expired December 18, 1927.

Charles F. Schafer to be postmaster at Jewell, Kans., in place of C. F. Schafer. Incumbent's commission expires May 24, 1928.

Merton M. Fletcher to be postmaster at Glasco, Kans., in place of M. M. Fletcher. Incumbent's commission expires May 19, 1928.

Herbert L. Fryback to be postmaster at Colby, Kans., in place of H. L. Fryback. Incumbent's commission expires May 19, 1928.

KENTUCKY

Anna E. Fuqua to be postmaster at Rockvale, Ky., in place of A. E. Fuqua. Incumbent's commission expires May 14, 1928.

Helen E. Park to be postmaster at Rockport, Ky., in place of L. F. Gibbs. Incumbent's commission expired February 29, 1928.

Carley O. Wilmoth to be postmaster at Paris, Ky., in place of C. O. Wilmoth. Incumbent's commission expires May 23, 1928.

Nannie J. Wathen to be postmaster at Irvington, Ky., in place of N. J. Wathen. Incumbent's commission expires May 14, 1928.

Byrant H. Givens to be postmaster at Caneyville, Ky., in place of B. H. Givens. Incumbent's commission expires May 14, 1928.

John G. Fisher to be postmaster at Berry, Ky., in place of J. G. Fisher. Incumbent's commission expires May 23, 1928.

John F. Graves to be postmaster at Arlington, Ky., in place of J. F. Graves. Incumbent's commission expires May 14, 1928.

LOUISIANA

Florence Shelton to be postmaster at Destrehan, La., in place of E. H. Tullis, removed.

Ector R. Gammage to be postmaster at Westlake, La., in place of E. R. Gammage. Incumbent's commission expires May 19, 1928.

Nannie H. Rogillio to be postmaster at Water Proof, La., in place of N. H. Rogillio. Incumbent's commission expired April 15, 1928.

Daniel Crowe to be postmaster at Vivian, La., in place of Daniel Crowe. Incumbent's commission expires May 12, 1928.

Walter C. Miller to be postmaster at Logansport, La., in place of W. C. Miller. Incumbent's commission expires May 29, 1928.

Lillian P. Gross to be postmaster at Lake Providence, La., in place of L. P. Gross. Incumbent's commission expires May 19, 1928.

Mattie B. Peyton to be postmaster at Keatchie, La., in place of M. B. Peyton. Incumbent's commission expires May 19, 1928.

Claude H. Wallis to be postmaster at Houma, La., in place of C. H. Wallis. Incumbent's commission expired January 7, 1928.

John A. Marchand to be postmaster at Gonzales, La., in place of J. A. Marchand. Incumbent's commission expires May 19, 1928.

Augustine M. Dugas to be postmaster at Centerville, La., in place of A. M. Dugas. Incumbent's commission expired March 12, 1928.

MAINE

Carleton E. Young to be postmaster at Winterport, Me., in place of C. E. Young. Incumbent's commission expires May 19, 1928.

Lawrence H. Allen to be postmaster at South Windham, Me., in place of L. H. Allen. Incumbent's commission expires May 19, 1928.

Frank G. Thompson to be postmaster at Milo, Me., in place of F. G. Thompson. Incumbent's commission expires May 20, 1928.

Arthur Donkus to be postmaster at Lisbon, Me., in place of Arthur Donkus. Incumbent's commission expires May 22, 1928.

Gustavus A. Young to be postmaster at Island Falls, Me., in place of G. A. Young. Incumbent's commission expires May 19, 1928.

Alvin H. Perley to be postmaster at Charleston, Me., in place of A. H. Perley. Incumbent's commission expires May 22, 1928.

Fred E. Jones to be postmaster at Brownville, Me., in place of F. E. Jones. Incumbent's commission expires May 20, 1928.

MASSACHUSETTS

Nancy S. Harley to be postmaster at South Hanson, Mass., in place of N. S. Harley. Incumbent's commission expires May 19, 1928.

Walter B. Currier to be postmaster at South Acton, Mass., in place of W. B. Currier. Incumbent's commission expires May 19, 1928.

William P. Lovejoy to be postmaster at Barnstable, Mass., in place of W. P. Lovejoy. Incumbent's commission expires May 20, 1928.

MICHIGAN

Henry S. Smith to be postmaster at Wolverine, Mich., in place of D. M. Butler. Incumbent's commission expired January 9, 1928.

Frank N. Green to be postmaster at Olivet, Mich., in place of F. N. Green. Incumbent's commission expires May 23, 1928.

Arthur G. Stone to be postmaster at Niles, Mich., in place of A. G. Stone. Incumbent's commission expires May 23, 1928.

Ralph M. Powers to be postmaster at Jonesville, Mich., in place of R. M. Powers. Incumbent's commission expires May 24, 1928.

Adrian J. Westveer to be postmaster at Holland, Mich., in place of A. J. Westveer. Incumbent's commission expires May 23, 1928.

James R. Flood to be postmaster at Crystal Falls, Mich., in place of J. R. Flood. Incumbent's commission expires May 29, 1928.

John H. Ter Avest to be postmaster at Coopersville, Mich., in place of J. H. Ter Avest. Incumbent's commission expires May 24, 1928.

Edwin L. Groger to be postmaster at Concord, Mich., in place of E. L. Groger. Incumbent's commission expires May 23, 1928.

Earl Brown to be postmaster at Brighton, Mich., in place of Earl Brown. Incumbent's commission expires May 24, 1928.

MINNESOTA

Henry E. Day to be postmaster at Raymond, Minn., in place of H. E. Day. Incumbent's commission expired December 19, 1927.

Alvin A. Ogren to be postmaster at New London, Minn., in place of A. A. Ogren. Incumbent's commission expired December 19, 1927.

Hans P. Becken to be postmaster at Hanska, Minn., in place of H. P. Becken. Incumbent's commission expires May 20, 1928.

Henry O. Halverson to be postmaster at Gonvick, Minn., in place of H. O. Halverson. Incumbent's commission expires May 20, 1928.

MISSOURI

Frederick M. Rich to be postmaster at Perry, Mo., in place of W. F. Norris, resigned.

Ezra L. Plummer to be postmaster at Seneca, Mo., in place of E. L. Plummer. Incumbent's commission expires May 14, 1928.

Robert J. Smith to be postmaster at Miller, Mo., in place of R. J. Smith. Incumbent's commission expires May 14, 1928.

Ruby M. Ratcliff to be postmaster at Matthews, Mo., in place of R. M. Ratcliff. Incumbent's commission expires May 19, 1928.

Isaac P. Hopkins to be postmaster at Edgerton, Mo., in place of I. P. Hopkins. Incumbent's commission expires May 19, 1928.

Mary M. Wightman to be postmaster at Bethany, Mo., in place of M. M. Wightman. Incumbent's commission expires May 23, 1928.

Walter L. Meyer to be postmaster at Auxvasse, Mo., in place of W. L. Meyer. Incumbent's commission expires May 14, 1928.

MONTANA

Thomas E. Devore to be postmaster at Whitehall, Mont., in place of T. E. Devore. Incumbent's commission expires May 20, 1928.

Lucile D. Knight to be postmaster at Twin Bridges, Mont., in place of L. D. Knight. Incumbent's commission expires May 31, 1928.

Robert Parsons to be postmaster at Sweetgrass, Mont., in place of Robert Parsons. Incumbent's commission expires May 20, 1928.

Margaret D. McGlumphy to be postmaster at Sumatra, Mont., in place of M. D. McGlumphy. Incumbent's commission expires May 12, 1928.

Claude C. Alexander to be postmaster at Stanford, Mont., in place of C. C. Alexander. Incumbent's commission expires May 20, 1928.

Robert T. Richardson to be postmaster at Missoula, Mont., in place of R. T. Richardson. Incumbent's commission expires May 20, 1928.

Lee Jellison to be postmaster at Hobson, Mont., in place of Lee Jellison. Incumbent's commission expires May 26, 1928.

George W. Patterson to be postmaster at Havre, Mont., in place of G. W. Patterson. Incumbent's commission expires May 20, 1928.

Avory W. Dehnert to be postmaster at Denton, Mont., in place of A. W. Dehnert. Incumbent's commission expires May 20, 1928.

George C. Core to be postmaster at Choteau, Mont., in place of G. C. Core. Incumbent's commission expires May 20, 1928.

Charles W. Allison to be postmaster at Bainville, Mont., in place of C. W. Allison. Incumbent's commission expires May 20, 1928.

NEBRASKA

Louis A. Rice to be postmaster at Wilsonville, Nebr., in place of L. A. Rice. Incumbent's commission expires May 14, 1928.

Otto J. Zuelow to be postmaster at Schuyler, Nebr., in place of O. J. Zuelow. Incumbent's commission expires May 26, 1928.

Anton B. Helms to be postmaster at Randolph, Nebr., in place of A. B. Helms. Incumbent's commission expires May 26, 1928.

Wesley E. Snider to be postmaster at Osceola, Nebr., in place of W. E. Snider. Incumbent's commission expired April 7, 1928.

May Roberts to be postmaster at Nemaha, Nebr., in place of May Roberts. Incumbent's commission expires May 19, 1928.

Archie L. Smith to be postmaster at Imperial, Nebr., in place of A. L. Smith. Incumbent's commission expires May 20, 1928.

Elizabeth McGuire to be postmaster at Hampton, Nebr., in place of Elizabeth McGuire. Incumbent's commission expired April 7, 1928.

Frank W. Fuhlrodt to be postmaster at Fremont, Nebr., in place of F. W. Fuhlrodt. Incumbent's commission expires May 20, 1928.

Harry V. Ingram to be postmaster at Exeter, Nebr., in place of H. V. Ingram. Incumbent's commission expires May 20, 1928.

Russell Mooberry to be postmaster at Dorchester, Nebr., in place of Russell Mooberry. Incumbent's commission expired January 16, 1928.

Stanley E. Hemenway to be postmaster at Clearwater, Nebr., in place of S. E. Hemenway. Incumbent's commission expires May 26, 1928.

Orin J. Schwieger to be postmaster at Chadron, Nebr., in place of O. J. Schwieger. Incumbent's commission expires May 19, 1928.

Harry B. Clayton to be postmaster at Central City, Nebr., in place of H. B. Clayton. Incumbent's commission expires May 19, 1928.

Oscar M. Fenstermacher to be postmaster at Cedar Bluffs, Nebr., in place of O. M. Fenstermacher. Incumbent's commission expires May 20, 1928.

Minnie L. Smith to be postmaster at Blue Springs, Nebr., in place of M. L. Smith. Incumbent's commission expires May 20, 1928.

Elmer H. Doering to be postmaster at Battle Creek, Nebr., in place of E. H. Doering. Incumbent's commission expires May 26, 1928.

Edward F. Farley, jr., to be postmaster at Bancroft, Nebr., in place of E. F. Farley, jr. Incumbent's commission expires May 19, 1928.

Harry C. McClellan to be postmaster at Arlington, Nebr., in place of H. C. McClellan. Incumbent's commission expires May 26, 1928.

NEVADA

John W. Christian to be postmaster at Pioche, Nev., in place of J. W. Christian. Incumbent's commission expires May 14, 1928.

William E. Dalton to be postmaster at Gerlach, Nev., in place of W. E. Dalton. Incumbent's commission expires May 14, 1928.

NEW HAMPSHIRE

Maurice R. Wright to be postmaster at Northampton, N. H., in place of M. R. Wright. Incumbent's commission expires May 24, 1928.

William T. Lance to be postmaster at Meredith, N. H., in place of W. T. Lance. Incumbent's commission expires May 19, 1928.

Leston F. Eldredge to be postmaster at Durham, N. H., in place of L. F. Eldredge. Incumbent's commission expires May 19, 1928.

Thomas H. Dearborn to be postmaster at Dover, N. H., in place of T. H. Dearborn. Incumbent's commission expires May 19, 1928.

NEW JERSEY

Anne W. Campbell to be postmaster at Tabor, N. J., in place of A. W. Campbell. Incumbent's commission expires May 12, 1928.

Belle H. Smith to be postmaster at Springfield, N. J., in place of B. H. Smith. Incumbent's commission expires May 19, 1928.

Charles Herrmann to be postmaster at South River, N. J., in place of Charles Herrmann. Incumbent's commission expires May 19, 1928.

Rachel E. Berger to be postmaster at Ringoes, N. J., in place of R. E. Berger. Incumbent's commission expires May 14, 1928.

Harry B. Mason to be postmaster at Pompton Lakes, N. J., in place of H. B. Mason. Incumbent's commission expires May 19, 1928.

Ida H. Collom to be postmaster at Pemberton, N. J., in place of I. H. Collom. Incumbent's commission expires May 19, 1928.

Frank L. Pote to be postmaster at Paulsboro, N. J., in place of F. L. Pote. Incumbent's commission expired April 15, 1928.

William A. Reeves to be postmaster at New Lisbon, N. J. in place of W. A. Reeves. Incumbent's commission expires May 19, 1928.

Frank McMurtry to be postmaster at Mendham, N. J., in place of Frank McMurtry. Incumbent's commission expired January 15, 1928.

John E. MacIlwain to be postmaster at Magnolia, N. J., in place of J. E. MacIlwain. Incumbent's commission expires May 29, 1928.

Lyle W. Morehouse to be postmaster at Little Falls, N. J., in place of L. W. Morehouse. Incumbent's commission expires May 19, 1928.

George Coleman to be postmaster at Delanco, N. J., in place of George Coleman. Incumbent's commission expires May 19, 1928.

Charles E. Bishop to be postmaster at Elizabeth, N. J., in place of C. E. Bishop. Incumbent's commission expired April 21, 1928.

Harriet C. Rosenkrans to be postmaster at Branchville, N. J., in place of H. C. Rosenkrans. Incumbent's commission expires May 12, 1928.

NEW MEXICO

George H. Disinger to be postmaster at Hillsboro, N. Mex., in place of G. H. Disinger. Incumbent's commission expires May 14, 1928.

NEW YORK

Volney P. Hyde to be postmaster at La Fargeville, N. Y., in place of H. S. Luther, removed.

Clifford C. Wenzel to be postmaster at Deferiet, N. Y., in place of M. M. Parker, deceased.

Herbert J. Crandall to be postmaster at Silver Creek, N. Y., in place of H. J. Crandall. Incumbent's commission expires May 31, 1928.

Copeland E. Smith to be postmaster at Olean, N. Y., in place of C. E. Smith. Incumbent's commission expires May 19, 1928.

William W. Carpenter to be postmaster at Monticello, N. Y., in place of W. W. Carpenter. Incumbent's commission expires May 19, 1928.

William P. McConnell to be postmaster at Marlboro, N. Y., in place of W. P. McConnell. Incumbent's commission expires May 19, 1928.

Lulu B. Morehouse to be postmaster at Marathon, N. Y., in place of L. B. Morehouse. Incumbent's commission expires May 19, 1928.

George B. Bradish to be postmaster at Malone, N. Y., in place of G. B. Bradish. Incumbent's commission expired April 15, 1928.

Walter N. Durland to be postmaster at Hurleyville, N. Y., in place of W. N. Durland. Incumbent's commission expires May 19, 1928.

Daniel T. Evans to be postmaster at Chittenango, N. Y., in place of D. T. Evans. Incumbent's commission expires May 19, 1928.

Margaret M. Senecal to be postmaster at Champlain, N. Y., in place of M. M. Senecal. Incumbent's commission expires May 19, 1928.

Ettie M. Babcock to be postmaster at Canaan, N. Y., in place of E. M. Babcock. Incumbent's commission expires May 26, 1928.

Arthur J. Lytle to be postmaster at Angelica, N. Y., in place of A. J. Lytle. Incumbent's commission expires May 26, 1928.

NORTH CAROLINA

Thomas A. Kennedy to be postmaster at Troutmans, N. C., in place of T. A. Kennedy. Incumbent's commission expires May 20, 1928.

Perry T. Roane to be postmaster at Kelford, N. C., in place of P. T. Roane. Incumbent's commission expires May 19, 1928.

Joseph S. Mitchell to be postmaster at Draper, N. C., in place of J. S. Mitchell. Incumbent's commission expires May 17, 1928.

Sue M. Vick to be postmaster at Bailey, N. C., in place of S. M. Vick. Incumbent's commission expires May 17, 1928.

NORTH DAKOTA

Michael Coyne to be postmaster at Starkweather, N. Dak., in place of Michael Coyne. Incumbent's commission expires May 31, 1928.

Benjamin L. Anderson to be postmaster at Grenora, N. Dak., in place of B. L. Anderson. Incumbent's commission expires May 20, 1928.

Paul M. Bell to be postmaster at Elgin, N. Dak., in place of P. M. Bell. Incumbent's commission expired April 21, 1928.

OHIO

Ray Phillips to be postmaster at Leavittsburg, Ohio, in place of P. L. Livingston, removed.

Ralph Dunfee to be postmaster at Dresden, Ohio, in place of C. S. Littick, deceased.

Ben J. Filkins to be postmaster at Wakeman, Ohio, in place of B. J. Filkins. Incumbent's commission expires May 17, 1928.

Charles R. Finnical to be postmaster at Newton Falls, Ohio, in place of C. R. Finnical. Incumbent's commission expires May 19, 1928.

Harry E. Griffith to be postmaster at Mount Gilead, Ohio, in place of F. H. Miller. Incumbent's commission expired December 19, 1927.

John W. Kramer to be postmaster at Maumee, Ohio, in place of J. W. Kramer. Incumbent's commission expires May 19, 1928.

Don B. Stanley to be postmaster at Lowell, Ohio, in place of D. B. Stanley. Incumbent's commission expires May 17, 1928.

Robert E. Friel to be postmaster at Lore City, Ohio, in place of R. E. Friel. Incumbent's commission expires May 17, 1928.

Olive G. Randall to be postmaster at Hubbard, Ohio, in place of O. G. Randall. Incumbent's commission expires May 19, 1928.

Fred M. Hopkins to be postmaster at Fostoria, Ohio, in place of F. M. Hopkins. Incumbent's commission expires May 31, 1928.

Hosea A. Spaulding to be postmaster at Delaware, Ohio, in place of H. A. Spaulding. Incumbent's commission expires May 19, 1928.

Melroy C. Johns to be postmaster at Caldwell, Ohio, in place of M. C. Johns. Incumbent's commission expires May 17, 1928.

OKLAHOMA

Dosia Parsons to be postmaster at Mountain View, Okla., in place of W. M. Underwood, resigned.

Fred Godard to be postmaster at Wellston, Okla., in place of Fred Godard. Incumbent's commission expires May 19, 1928.

Howard E. Sowle to be postmaster at Vici, Okla., in place of H. E. Sowle. Incumbent's commission expires May 19, 1928.

John H. Durnil to be postmaster at Picher, Okla., in place of J. H. Durnil. Incumbent's commission expires May 24, 1928.

OREGON

William P. Skiens to be postmaster at Burns, Oreg., in place of W. P. Skiens. Incumbent's commission expires May 14, 1928.

PENNSYLVANIA

George A. Hill to be postmaster at Newtown, Pa., in place of W. S. Tomlinson, resigned.

Laura C. Ehler to be postmaster at Shippenville, Pa., in place of L. C. Ehler. Incumbent's commission expires May 19, 1928.

Teresa G. Burke to be postmaster at Renova, Pa., in place of T. G. Burke. Incumbent's commission expired January 22, 1928.

Maurice G. Coffey to be postmaster at Mill Hall, Pa., in place of M. G. Coffey. Incumbent's commission expired January 22, 1928.

Joseph S. Gillingham to be postmaster at Lincoln University, Pa., in place of J. S. Gillingham. Incumbent's commission expires May 17, 1928.

Calvin E. Cook to be postmaster at Dillsburg, Pa., in place of C. E. Cook. Incumbent's commission expired March 7, 1928.

Howard S. Kiess to be postmaster at Blossburg, Pa., in place of H. S. Kiess. Incumbent's commission expires May 26, 1928.

PORTO RICO

Moises Jordan to be postmaster at Utuado, P. R., in place of Moises Jordan. Incumbent's commission expires May 19, 1928.

Jose Mayol to be postmaster at Arecibo, P. R., in place of J. M. Alcover. Incumbent's commission expires May 19, 1928.

Carlos F. Torregrosa to be postmaster at Aguadilla, P. R., in place of C. F. Torregrosa. Incumbent's commission expires May 19, 1928.

SOUTH DAKOTA

Goodwin L. Hansen to be postmaster at Wasta, S. Dak., in place of M. S. Reed, deceased.

William R. Amoo to be postmaster at Morristown, S. Dak., in place of W. R. Amoo. Incumbent's commission expires May 20, 1928.

TENNESSEE

William G. Leach to be postmaster at Huntington, Tenn., in place of W. G. Leach. Incumbent's commission expires May 14, 1928.

TEXAS

Joe P. Luce to be postmaster at Graford, Tex., in place of V. M. Kahlban, resigned.

Oliver P. Maricle to be postmaster at Wichita Falls, Tex., in place of O. P. Maricle. Incumbent's commission expires May 26, 1928.

James A. Morgan to be postmaster at Vega, Tex., in place of J. A. Morgan. Incumbent's commission expires May 26, 1928.

Minerva M. F. Cowart to be postmaster at Turkey, Tex., in place of M. M. F. Cowart. Incumbent's commission expires May 26, 1928.

William M. Willis to be postmaster at Timpson, Tex., in place of W. M. Willis. Incumbent's commission expires May 26, 1928.

Hal M. Knight to be postmaster at Sterling City, Tex., in place of H. M. Knight. Incumbent's commission expires May 24, 1928.

Jesse P. Smith to be postmaster at Smiley, Tex., in place of J. P. Smith. Incumbent's commission expires May 26, 1928.

Raymond G. Hirth to be postmaster at San Juan, Tex., in place of R. G. Hirth. Incumbent's commission expires May 14, 1928.

William H. Tarter to be postmaster at Roxton, Tex., in place of W. H. Tarter. Incumbent's commission expires May 26, 1928.

Lillie M. Ragsdale to be postmaster at Richardson, Tex., in place of L. M. Ragsdale. Incumbent's commission expires May 26, 1928.

Edgar W. Hargett to be postmaster at Richards, Tex., in place of E. W. Hargett. Incumbent's commission expires May 26, 1928.

Fred N. Bland to be postmaster at Orangefield, Tex., in place of F. N. Bland. Incumbent's commission expires May 14, 1928.

Clara C. White to be postmaster at Megargel, Tex., in place of C. C. White. Incumbent's commission expires May 26, 1928.

Dunn R. Emerson to be postmaster at Marlin, Tex., in place of D. R. Emerson. Incumbent's commission expires May 26, 1928.

Robert W. Bourland to be postmaster at Marathon, Tex., in place of R. W. Bourland. Incumbent's commission expires May 14, 1928.

George F. Bates to be postmaster at Lyons, Tex., in place of G. F. Bates. Incumbent's commission expires May 26, 1928.

Thomas C. Hood to be postmaster at Lyford, Tex., in place of T. C. Hood. Incumbent's commission expires May 14, 1928.

Mike O. Sharp to be postmaster at Denison, Tex., in place of M. O. Sharp. Incumbent's commission expires May 26, 1928.

Charles F. Palm to be postmaster at Carrizo Springs, Tex., in place of C. F. Palm. Incumbent's commission expires May 14, 1928.

UTAH

Harris B. Simonsen to be postmaster at Helper, Utah, in place of Eugene Chatlin, resigned.

Charles Boyer to be postmaster at Springville, Utah, in place of T. H. Latimer, jr. Incumbent's commission expired December 18, 1927.

VERMONT

Reginald W. Buzzell to be postmaster at Newport, Vt., in place of R. W. Buzzell. Incumbent's commission expires May 19, 1928.

VIRGINIA

William B. Perkins to be postmaster at Trout Dale, Va., in place of W. H. Hash, deceased.

Guthrie R. Dunton, jr., to be postmaster at White Stone, Va., in place of G. R. Dunton, jr. Incumbent's commission expired April 8, 1928.

James O. Dameron to be postmaster at Weems, Va., in place of J. O. Dameron. Incumbent's commission expired April 8, 1928.

Herbert C. Bolton to be postmaster at St. Paul, Va., in place of H. C. Bolton. Incumbent's commission expires May 22, 1928.

John J. Ward to be postmaster at Nassawadox, Va., in place of J. J. Ward. Incumbent's commission expires May 19, 1928.

Frank G. Jones to be postmaster at Montvale, Va., in place of F. G. Jones. Incumbent's commission expires May 19, 1928.

Nannie L. Curtis to be postmaster at Leehall, Va., in place of N. L. Curtis. Incumbent's commission expires May 19, 1928.

Bernard Willing to be postmaster at Irvington, Va., in place of Bernard Willing. Incumbent's commission expired April 8, 1928.

Thomas T. Weddle to be postmaster at Floyd, Va., in place of T. T. Weddle. Incumbent's commission expires May 19, 1928.

Ray L. Barlow to be postmaster at Buckner, Va., in place of R. L. Barlow. Incumbent's commission expires May 19, 1928.

WASHINGTON

William G. Meneice to be postmaster at Carson, Wash., in place of W. G. Meneice. Incumbent's commission expires May 14, 1928.

WEST VIRGINIA

Norvell H. Burruss to be postmaster at Spring Hill, W. Va., in place of B. N. Burruss, deceased.

Gertrude Smith to be postmaster at Oak Hill, W. Va., in place of Gertrude Smith. Incumbent's commission expires May 14, 1928.

Alphonse Leuthardt to be postmaster at Grafton, W. Va., in place of Alphonse Leuthardt. Incumbent's commission expired May 3, 1928.

Aileen J. Calfee to be postmaster at Eckman, W. Va., in place of A. J. Calfee. Incumbent's commission expires May 14, 1928.

Lawrence Barrackman to be postmaster at Barrackville, W. Va., in place of Lawrence Barrackman. Incumbent's commission expires May 14, 1928.

WISCONSIN

Charles E. Sage to be postmaster at Wild Rose, Wis., in place of C. A. Smart, deceased.

Earl H. Herbert to be postmaster at Coleman, Wis., in place of A. B. Van Vonderen, deceased.

Fred J. Scheinpflug to be postmaster at Boscobel, Wis., in place of L. K. Austin, resigned.

Charles L. Calkins to be postmaster at Rhinelander, Wis., in place of C. L. Calkins. Incumbent's commission expires May 12, 1928.

Richard A. Goodell to be postmaster at Platteville, Wis., in place of R. I. Dugdale. Incumbent's commission expired January 7, 1928.

John A. Dickerson to be postmaster at Edgerton, Wis., in place of D. C. Gile. Incumbent's commission expired February 15, 1928.

WYOMING

Frank G. Brown to be postmaster at Fort Laramie, Wyo., in place of F. G. Brown. Incumbent's commission expires May 20, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 8 (legislative day of May 3), 1928

COMMISSIONER OF INTERNAL REVENUE

Harris F. Mires to be assistant to the Commissioner of Internal Revenue.

COLLECTOR OF CUSTOMS

Manuel B. Otero to be collector, collection district No. 24, El Paso, Tex.

POSTMASTERS

CALIFORNIA

Zylpha Potter, Hughson.
Frank N. Lawrence, Mount Shasta.
Belle Kornelissen, Newhall.

ILLINOIS

Harold E. Ward, Sterling.

KENTUCKY

Sophia A. Calvert, Big Clifty.
Charles A. Niles, Dawson Springs.
Orvil Coleman, Wolfpit.

MINNESOTA

Fred J. Page, Cusson.
Thomas Considine, Duluth.
Albert J. Schroeder, Holdingford.

MISSISSIPPI

John B. Going, Calhoun City.
Charles Kramer, Stonewall.

NEW HAMPSHIRE

Thomas H. Dearborn, Dover.

WISCONSIN

Fred J. Scheinpflug, Boscobel.

HOUSE OF REPRESENTATIVES

TUESDAY, *May 8, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord and Master, Thy bountiful mercy is our hope and trust. We are here not in our own strength but through the loving-kindness and condescension of our Heavenly Father. Each day Thou dost set the marks of loveliness upon the face of Thy creation. Unto us do Thou send forth Thy light, that we may fulfill the measure of duty that is made plain to us. Enrich us with the fruitful joys of the Christian's faith; may they be our shield and our defense. Redeem our country from enmities and jealousies. Shadow it everywhere with the sweet, gracious sentiment of brotherhood. Teach us that the lasting treasure of life is the presence of Him who quiets all alarms and stills the soul with heavenly peace. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11026) entitled "An act to provide for the coordination of the public-health activities of the Government, and for other purposes."

The message also announced that the Senate disagrees to the amendment of the House of Representatives to the bill (S. 744) entitled "An act to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes," requests a conference with the House on the disagreeing votes

of the two Houses thereon, and appoints Mr. JONES, Mr. MCNARY, Mr. JOHNSON, Mr. FLETCHER, and Mr. RANSDELL to be the conferees on the part of the Senate.

CUSTER STATE PARK, S. DAK.

Mr. WILLIAMSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2910) granting to the State of South Dakota for park purposes the public lands within the Custer State Park, S. Dak.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to take from the Speaker's table the bill S. 2910. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be, and is hereby, granted to the State of South Dakota, for public park purposes, the publicly owned lands within the boundaries of the Custer State Park in townships 3 and 4 south, range 6 east, and the east one-third of townships 3 and 4 south, range 5 east, Black Hills meridian: *Provided*, That in the event of the failure on the part of the State of South Dakota to use the lands hereby granted for public park purposes the title thereto shall revert to the United States, and the Secretary of the Interior is hereby authorized and empowered to determine the facts and to declare such forfeiture and such reversion and to restore said lands to the public domain.

With the following committee amendment:

Page 2, line 4, after the word "domain," insert the following: "*Provided*, That this grant shall not include any land which on the date of the approval of the act is covered by any existing bona fide right or claim under the laws of the United States unless and until such right or claims is relinquished or extinguished."

The committee amendment was agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PRELIMINARY EXAMINATION AND SURVEY OF EASTCHESTER CREEK, N. Y.

Mr. FITZPATRICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the preliminary examination and survey of Eastchester Creek, N. Y.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FITZPATRICK. Mr. Speaker and gentlemen of the House, some time ago I introduced a bill, H. R. 9604. The object of this bill is to provide for a preliminary examination and survey of the Eastchester Creek to determine such improvements as may be necessary to meet with increasing transportation.

The Members of this House are not familiar with this creek I refer to, which is also known as Hutchinson River. It empties into Eastchester Bay, an indentation 3 miles long and 1,000 feet to 1½ miles wide, in the north shore of Long Island Sound, immediately east of Throggs Neck, 12 miles west of the Connecticut State line, and 21 miles by water east of the Battery, New York City. Its course is 9 miles slightly west of north from the head of the bay. The navigable section of the creek is tidal, is 100 feet to 1,000 feet in width, and extends about 2½ miles above its mouth. The approach through the bay is approximately 600 feet wide, with a controlling depth of 5 feet at mean low water. Four bridges cross the creek, two near the mouth, one a highway bridge and the other a railroad bridge, one highway bridge at Boston Post Road, and the other at Fulton Avenue.

There has been no permanent improvement proposed since 1910. Since that time transportation has increased from 800 to 1,000 per cent, and it would increase considerably more if this river was improved by deepening and widening the channel so that larger boats could enter it. At the present time the channel is supposed to be 5 feet deep at low tide, but if it is not dredged out frequently it is less than that.

I have been petitioned by a number of business men both in Westchester County and Bronx County to try and get some permanent improvement; among those are—

Hon. James Berg, mayor city of Mount Vernon, N. Y.
J. F. Mahlsted, president Mahlsted Lumber & Coal Co.
G. T. Macbeth, representing the Westchester Lighting Co.
John F. Fee, secretary and treasurer William J. Fee Coal Co.
William Hart Hussey, secretary H. B. Pruser Coal Co.
Theodore S. Trimmer, president T. S. Trimmer Coal Co.
Frank J. Howard, representing the Sylvestre Oil Co.
Frank Zeltray, representing the Beacon Oil Co.
Philip Levene, president Pelham Manor Coal & Transfer Co.
Joseph S. Yendell, representing the Excelsior Lubrication Co.
Roy J. Garofano, vice president Garofano Construction Co.
Alfred F. Barbaresi, of A. Barbaresi & Son, builders and contractors.
A. P. Brooks, president the Wilson & Adams Co.
C. O. Beck, manager the Bang Service Station (Inc.).
A. Aurisy, secretary Hutchinson River Supply Co. (Inc.).
Petrillo Bros. (Inc.), Eastchester Creek.
James V. Petrillo, secretary Carlo Petrillo Dock & Supply Co.
Harold Ferlard, manager Valvoline Oil Co.
Suburban Lumber Co., Boston Road, Eastchester, N. Y.
The Home News of the Bronx, which enters the home of nearly every family in that county.
The Mount Vernon Argus, Mount Vernon, N. Y.
The Pelham News, Pelham, N. Y.
Hon. Thomas H. O'Neil.
Hon. Robert L. Moran, county clerk Bronx County.
Hon. Albert G. Halberstadt, president Century Mills Paper Co.
Hon. John J. Hanley.
Hon. Thomas J. McDonald.
Hon. Christopher C. McGrath.
Hon. William A. Keating.
Hon. Edwin W. Fiske.
August Miller.
Paul A. Vaccarelli.
Joseph A. Carey.
R. J. Jennings, president Eastchester Creek Association.
Daniel V. O'Connell and Hon. Edward R. Koch.

I would like to impress upon this body the great necessity of this waterway. The river is bounded on the north by Westchester County and the south by Bronx County. If the river was widened so that large boats could navigate it would be a great benefit to over one quarter of a million people, and there is no part of our country to-day that is building so rapidly as the northern end of the Bronx and the southern end of Westchester County, which takes in Yonkers, Mount Vernon, Pelham, and New Rochelle. At the present time at low tide it is extremely difficult for three or four boats to use this creek at the same time, and if this improvement is made, it would lower the prices on building materials, oils, fuel, and all kinds of merchandise, and I believe that our Government owes the people of this section the improvement such as I am asking for. I hope that the Rivers and Harbors Committee will favorably report this bill and that prompt action will be taken on it by the House.

EXTENSION OF REMARKS

Mr. CONNERY. Mr. Speaker, I ask unanimous consent that all Members of the House who wish to do so may extend their remarks in eulogy of the late JAMES A. GALLIVAN.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that all Members who wish to do so may extend their remarks in eulogy of the late Representative GALLIVAN. Is there objection?

There was no objection.

DIRECT MARKETING OF HOGS

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by answering the argument of the gentleman from Kansas [Mr. HOPE] on the packers and stockyards bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, on February 29 the gentleman from Kansas [Mr. HOPE] addressed the House on the subject of the Capper-Hope bill and the direct marketing of hogs. I have studied this question and have some facts and figures that should be welcomed. These relate to certain statements made by the gentleman from Kansas.

Of primary importance was a question as to whether or not the bill introduced by the gentleman from Kansas would affect smaller packers. He was asked how the owner or the manager of a particular plant in Iowa, for example, was going to buy his hogs unless he buys them direct from a farmer. The gentleman from Kansas stated that his bill would not affect such a situation at all and that he did not think his bill would apply to towns with no public stockyards. The fact of the matter is the bill by its very language positively is applicable to so-called smaller packing plants owning private receiving yards. The same question came up during recent hearings before the Senate Committee on Agriculture and Forestry and at the hearing Dr. Arthur W. Miller, chief of the stockyards and packers division of the Bureau of Animal Industry, United States Department of Agriculture, indicated very definitely that the bill would apply to such plants. The bill positively would be applicable to all packing houses, small as well as large, owning pens where they receive livestock direct from farmers who have elected to sell their property direct to the packer. We have

such plants in St. Louis, and they as well as farmers who have been selling to them would be very severely affected by the unique proposal advanced by the gentleman from Kansas.

In St. Louis there are no public stockyards. There are yards across the Mississippi in East St. Louis, Ill. The farmers of Missouri and near-by States sell large numbers of their hogs direct to the packing plants in St. Louis to their entire satisfaction. If the gentleman's bill should ever pass, the ultimate result of its effect would be that the farmers of Missouri would have to haul or send their hogs right by the doors of our St. Louis packers, take them across the river into Illinois at an added expense of hauling, bridge tolls, and marketing charges, and then the St. Louis packers would have to go over into Illinois, buy these Missouri hogs, and haul them back into Missouri again, paying a heavy switching charge, having the animals damaged, bruised, and crippled by additional handling and generally encountering a heavy increase in the cost of their operations. The producer would receive fewer net dollars, the manufacturer's cost would be increased, and if the money wasted in this fashion could be made up at all it would have to mean a greater cost of meat.

Moreover, it would be a serious question whether our St. Louis packers doing business under such conditions could compete successfully with some other packers not situated as they are. Our packers could not move, because you can not put a packing house on wheels. Even if you could put a packing house on wheels, what benefit would that be to the farmers of Missouri, who now get the greatest possible returns for their pigs by selling them to the nearest buyer in St. Louis? The prices, incidentally, are based on the public terminal markets' prices, grade for grade. The economic loss resulting from any bill such as the gentleman's would amount to something between $50 and $75 a car—a loss which would have to be stood largely by the farmer, partly by the packer, and partly by the consumer.

The fact is that under the bill introduced by the gentleman from Kansas the Secretary of Agriculture—and nobody knows how some future Secretary might interpret the proposed law for some particular class or locality—may post as a public yards any packer or any shipper or any feeder or any farmers, or all of them, if they own or operate private yards. Also, the bill provides that any farmer selling to a posted stockyards privately owned by a shipping association or packer may complain to the Secretary of Agriculture, whereupon the Secretary may hold a hearing on behalf of the discontented farmer in any way the Secretary desires. There is nothing in the bill to give the privately owned posted yards a guaranty that it will be cited for a hearing only when there is reasonable ground for a hearing. Some one might just imagine that he had a grievance and still throw the private yards into a hearing. If the shipper or shipping association manager were forced to go to such a hearing his work would absolutely cease while he was so occupied. When small organizations like the packers we have in St. Louis, various parts of the Corn Belt, and elsewhere as well, are forced to appear, their chief operating officers must stop their operating and productive work and busy themselves with preparing for and attending whatever hearing they might be called upon to attend.

The gentleman might also be interested in observing that a great majority of the farmers in the Corn Belt and in the West are unalterably opposed to his bill which, while it ostensibly is directed at preventing packers from buying livestock direct, actually would have the effect of preventing farmers, individually or collectively, as the case might be, from selling their livestock direct, and the testimony is that they have found it extremely profitable to do so inasmuch as by so doing they are able to market their stock in the most economical manner, saving themselves heavy marketing charges.

Among other organizations that have opposed this legislation is the Iowa Cooperative Livestock Shippers, which is a State federation of local cooperative shipping associations of Iowa. There are approximately 640 shipping associations in Iowa and those associations have about 100,000 members. They handle approximately 60,000 carloads of livestock a year, mainly hogs. The position taken by the Iowa Cooperative Shippers has been that this bill would restrict the number of outlets available for selling their livestock. There are in Iowa 19 so-called concentration yards owned by packers and 13 packing plants. Each and every one of these so-called concentration yards and 13 local plants purchases livestock direct from farmers or farmers' cooperatives. There are several plants, especially in such States as Iowa, Minnesota, and adjacent States that purchase 100 per cent of their livestock direct from farmers or from farmers' cooperatives. The farmers of various localities have found it profitable to sell direct to packers and they are against any legislation which would prevent them from continuing to do so. They are selling this year in one State alone more than 4,000,000 hogs direct to packers.

It may also be of interest to know that the American National Livestock Association, the Oregon Cattle Raisers' Association, the Nebraska Stock Growers' Association, the Utah Cooperative Livestock Exchange, the Wyoming Stock Growers' Association, the Texas Cattle Raisers' Association, the Fayette County (Ohio) Producers' Co. and a large number of other important cooperative and farmers' associations are opposed to the bill and to the idea embodied in it.

The opposition of the farmers' cooperatives and shipping associations has been so strong that, as was to be expected, proponents of this legislation have drafted amendments which purport to exempt them from the operation of the measure. That might be all very well, but such an amendment would not help the individual farmers, or even the cooperative associations, who desire to sell their own property to some packer a few miles away and to whom for years they have been selling hogs to their entire satisfaction; that is, getting the high dollar for the fruits of the farmers' own labor in raising the hogs for market. The best evidence that this system of marketing has been satisfactory to millions of individual farmers all over the United States is that they continue to sell their hogs this way and not a few who used to sell their animals entirely in the terminal markets are now following the practice of selling their animals direct to some conveniently located packing house. Some individual farmers have been selling their hogs this way for 30 or 40 years, and even if cooperative and shipping associations should be exempted from the operations of this bill, in so far as posting their yards and so on is concerned, the bill still would prohibit freedom of action on the part of farmers individually and collectively who want to sell their own hogs direct and packers who want to buy the farmer's hogs direct. If you eliminate a buyer, you at the same time affect sellers, because, obviously, you can not sell direct if somebody else is prevented from buying direct. Here is an arrangement that is mutually satisfactory to buyer and seller. Personally, I do not believe that Congress will ever even seriously consider abridging the individual's right of contract and freedom of action in any such manner as is proposed.

The gentleman made some other statements during the course of his remarks which were—unintentionally, I am sure—not quite accurate, or at least they were not complete.

The gentleman charged that packers who own private yards at terminal markets are depressing prices on those markets by buying a portion of their hog requirements direct from farmers or direct at their plants from farmers and their associations and cooperatives.

The fact that packers located at the terminal markets may have bought some of their hog requirements through private yards and, therefore, will need to buy fewer hogs on that particular market in no way tends to depress hog prices because the supply to be sold on the market has been reduced along with the demand. It is obvious that the reduction in the supply automatically offsets any reduction in demand.

The gentleman then infers that the present low level of hog prices is a result of manipulation of the livestock market. I have found some very interesting figures touching on this point; figures which show conclusively that the lower level of hog prices is a direct result of the lower prices which packers obtained for pork. For example, I have compared the price of fresh and cured pork products on the Chicago market on March 1 of 1928 with the prices of those same products on March 1, 1927. I have a table taken from official figures issued by the Bureau of Agricultural Economics of the United States Department of Agriculture. It shows interesting comparisons:

Pork prices at Chicago; fresh pork products

	Mar. 1, 1928	Mar. 1, 1927	Amount of decline	Per cent of decline
Loins 10/12	$13.75	$22.50	$8.75	39
Skinned shoulders	11.00	16.50	5.50	33⅓
Spare ribs	9.00	15.00	6.00	40
Boston butts	13.25	20.25	7.00	34

Cured pork products week ending February 25

	1928	1927	Amount of decline	Per cent of decline
Hams, smoked, regular No. 1 12/14	$22.00	$28.00	$6.00	21
Hams, smoked, skinned No. 1 16/18	20.00	28.50	8.50	30
Picnics, smoked 4/8	16.50	18.50	2.00	11
Bacon, No. 1 6/8	30.00	34.50	4.50	13
Backs, dry salt 12/14	11.00	14.25	3.25	23
Lard, refined	11.00	14.38	3.38	24

It will be noted from these tables that declines in the nine principal pork products have ranged from 40 to 11 per cent, with an arithmetical average decline of 26.5 per cent. In the case of four fresh-pork items shown the declines have averaged 36.6 per cent. Against this we have a decline of only 31 per cent in the price of hogs at Chicago on March 1, 1928, as compared with March 1, 1927, according to figures published by the Chicago Daily Drovers Journal. These figures show clearly, in my opinion, that the decline in hog prices is due to one thing—a parallel and equal decline in the price of pork.

In other words, regardless of the decline in the export demand and regardless of whether or not there has been an increase in the hog supply and hog marketings, hog prices went down because the consumer would not absorb our pork supply except at lower levels, which necessitated declines in wholesale pork prices as much as 8¾ cents per pound. It is unnecessary, I am sure, to point out that when a packer is forced to sell his meat at wholesale at drastically lower levels, a decline in hog prices is inevitable.

The gentleman from Kansas confessed he did not know whether there has been an increase in the supply of hogs. It is interesting to observe that during January, 1928, the receipts of hogs at the seven leading markets were 20 per cent greater than during January, 1927, and, furthermore, during February, 1928, receipts of hogs at these seven leading markets were 60 per cent greater than during February of last year. The aggregate increase for the two months over the same two months of last year was 38 per cent. Surely these figures indicate clearly that the supply of hogs coming to market has increased and furnishes in itself ample reason for a corresponding decrease in the prices which have been paid for those hogs.

Disregarding the present situation, however, the gentleman stated that the drop in the prices of hogs took place about seven months ago. That is true. Prices of hogs seven months ago were appreciably lower than they had been one year before that. According to figures published by the Drovers' Journal, the average hog price at Chicago during July, 1927, was 28 per cent below the price for July, 1926. The price in August, 1927, was 21 per cent below the price in August, 1926; but prices of pork products at that time showed even greater declines. The figures of the Bureau of Agricultural Economics for the week ending July 30, 1927, and the corresponding week of 1926 are shown in another tabulation.

Pork prices at Chicago

	Week ending July 30, 1927	Week ending Aug. 1, 1926	Amount of decline	Per cent of decline
Loins 10/12	$23.10	$25.40	$2.30	9
Skinned shoulders	12.00	18.50	6.50	35
Spare ribs	10.50	14.00	3.50	25
Boston butts	15.50	23.40	7.90	34
Regular smoked hams	22.00	37.00	15.00	60
Smoked picnics	17.00	24.50	7.50	30
Bacon	32.00	44.00	12.00	27
Dry salt backs	12.50	17.50	5.00	29
Refined lard	12.00	17.50	5.50	30

We see from this table that the decrease of 21 to 28 per cent in the price of hogs was accompanied by an equal decline in the wholesale prices of pork products. Thus, whether we look at the figures for a week ago or seven months ago, or any other time, we only find proof that the price of hogs is determined by what consumers are willing to pay for the amount of pork which those hogs produce. It was the lower price of pork, gentlemen, and not direct marketing or alleged market manipulation which has been responsible for the lower level of hog prices.

At another point the gentleman asks that producers be permitted to sell their hogs on a competitive and open market instead of one which is under the absolute "control" of the purchaser. The producer is entirely free to do this now if he so desires. Official figures issued by the United States Department of Agriculture show that two-thirds of the entire hog supply is marketed through the public markets, which always have been considered open and competitive. Furthermore, the one-third of the hog supply which is marketed direct to the packer is marketed in that way only because the producer chooses to market his hogs that way. If the producers were not satisfied with the prices and conditions which they obtain in selling direct, it is obvious that they would market all of their livestock through the public markets, or in some other way. No producer is compelled to send his hogs direct to any packer. He does so only because he chooses to do so.

The gentleman next turns his attention to the technique of country buying. He infers that packers select a favorite dealer in each town, authorize him to pay higher prices than the market in order to drive competitors out of business and thereby create a monopoly for themselves in that community. Then, the gentleman says, the packers apportion and divide territory so that they will not have to compete with each other. In this same connection, however, representatives of the United States Department of Agriculture point out that every Iowa county has from 2 to 14 outlets for its hogs, and all but 9 counties have 4 or more buying agencies.

The statement that packers apportion territory among themselves is unsubstantiated by the gentleman, probably because he can point to no instance of apportionment. If, however, the packers have attempted to apportion territory among themselves such fact would constitute no argument whatever in favor of additional legislation. Anyone with the slightest knowledge of the antitrust acts well knows that under the provisions of the Sherman Act any agreement by the packers to apportion territory is now and has been unlawful ever since the enactment of that law in 1891. Aside from this, however, section 202, Clause F, of the packers and stockyards act of 1921, reads as follows:

> It shall be unlawful for any packer to (f) conspire, combine, agree, or arrange with any other person (1) to apportion territory for carrying on business in commerce, or (2) to apportion purchases or sales of any article in commerce, or (3) to manipulate or control prices in commerce.

We thus see that the laws of the United States now in full force and effect are ample to correct any situation such as the gentleman has described. All that he or those who are urging passage of this bill need to do in this connection is to bring the facts to the attention of the Secretary of Agriculture for the filing of complaint. No additional legislation whatever is necessary.

The gentleman then makes the statement that, as a result of what he describes as the selected shipper plan, the packers are enabled to get the best hogs in any territory without competition, with the result that the inferior hogs are shipped to the central markets and thus set the price for good hogs which are produced direct. The fact is that the packers do not make a practice of taking only selected hogs when they buy direct. In most cases they take entire droves which may contain hogs of all grades, with the result that there still is a plentiful supply of choice hogs being shipped to the central markets. Even when the packer does buy only choice grades direct he is obliged to pay the price for such grades which has been established on the central markets each day, and the law of supply and demand establishes a separate price for each grade and weight. Incidentally, hundreds of buyers are on each of the terminal markets, not just the buyers of packers who buy in the country. The prices of these different grades are readily available to producers through Government reports, radio, and newspapers, and by the telephone.

There is no justification, therefore, for the charge that direct marketing of choice grades of hog results in depressing the prices for the choice grades, The contrary is nearer the truth. Choice hogs are in great demand on all terminal markets. If some have been bought direct in the country, it would seem to follow that the supply on the terminal markets would be lessened, but the demand would be almost the same; hence the price should be higher than otherwise would be the case.

I find also a statement to the effect that there is no agency to guarantee the farmer fair grading and weighing on his direct shipments, since the packer himself fixes the grade, weight, and price. In commenting on this unfair inference I should like to point out that the very fact that farmers continue to market their hogs direct to packers, and in many cases have been doing so for 20 or 30 years, and that the fact that this practice has been increasing during recent years, indicates clearly that the grading, weighing, and pricing are satisfactory to the farmer, otherwise he would not market his hogs in that manner.

At another point the gentleman states that in a good many cases the producer of hogs who does not "stand in" with the packers can not sell his hogs at all. Surely any producer anywhere can ship his hogs to one of the public markets whenever he wishes and get them sold promptly regardless of whether he is or is not in favor with some packer. No farmer needs favors from some packer. The farmer has hogs and the packer must have his raw material. It is a business proposition purely and simply.

The next of the statements on which I wish to comment is one to the effect that the packer who has bought some of his hogs direct lays off the public market until later in the day, with the result that there is no competition all day and with the effect that hog prices are lowered. I should like to point

out that the time of day in which the buying takes place in no way affects competition. The plain fact is, however, that hog prices are determined by the total supply of hogs and the total demand for hogs—as influenced by the demand from consumers of pork—and not by the time or place or method of purchase.

As a matter of fact, staying out of the market in the early part of the day is not a new practice nor one which can be attributed to direct marketing. It is merely a phase of buying and is directly comparable to the case where a market agency will hold its hogs at higher prices than the market during the first part of the day.

Staying out of the market is not, however, practiced to any extent. The bulk of the packers are willing to bid, and do bid, on hogs soon after they are yarded and presented for sale. There is occasionally a situation where buyer's and seller's views as to price do not immediately meet to the extent of promptly causing an active market, and sometimes things are dull for an hour or two while this adjustment is going on, but it does not take as long for buyer and seller to meet on the price of livestock as it does on many other articles; some are quicker; some are longer.

We do not believe there has been any reason for complaint in recent years because of lack of bids reasonably early in the morning from buyers, and even if there was less activity for longer periods it would have no bearing on the direct marketing problem.

The gentleman then quotes the Secretary of Agriculture to the effect that the direct marketing system will, in fact, if it has not already done so, impair and ultimately break down the open competitive public markets where livestock is bought and sold, and where prices are established. In this the present Secretary does not agree with his predecessor, Henry C. Wallace.

Direct marketing in no way imperils the existence of the central markets. It is obvious that the many packers who have enormous sums of money invested at the central markets are as interested as anyone alse in maintaining the markets at which they are established. Moreover, the great bulk of the buying is done through the central markets.

As for the suggestion that direct marketing already may have broken down the public markets, I think I need only call attention to the combined increase of 38 per cent in the receipts of hogs at the seven leading markets during January and February of this year as compared with the same two months of last year. From these figures it would seem that the open competitive markets were healthy and flourishing.

It is only fair to observe that charges which have been made from time to time against the packing industry have been quickly disproven by mere reference to official Government figures showing livestock prices, meat prices, and the rate of packers' profits.

In conclusion, I wish only to point out that producers of livestock and their representatives in Congress need not fear that direct marketing will bring about the downfall of the central markets, or that it will in any way affect adversely the price of hogs. What they should fear is the effect of unwise legislation which would restrict the processes of the packing industry, for such action would only curtail the outlets and marketing privileges of the livestock producers themselves. The Hope bill they should fear for an additional reason, namely, that even if amended it would tend to discourage cooperative direct marketing of livestock.

It is a fundamental principle of cooperative marketing and good marketing practice for individual farmers to get the produce of the farms to what is termed the farmer's consumer by the most direct route possible—passing by the door of the middlemen wherever possible or desirable. This is exactly what is being done now and increasingly developed in the marketing of livestock direct to packers. The economic saving by this method amounts to $50 or more per car of livestock marketed, some of this accruing to the producer and some to the packer. It also helps the consumer because it tends to decrease the spread between the farm and the table, a thing which for years has been recognized as being highly desirable for producers and consumers as well.

The packers in St. Louis who will be affected if this bill becomes a law number over 50. Many are in my district, and their existence practically depends upon their ability to purchase part of their kill direct.

Several thousand of my constituents who are now employed by these packers will also be affected if the business of their employers is curtailed.

Missouri has just completed a $90,000,000 good-roads program, the Federal aid being advanced in part to afford good roads for the farmer to bring his products to market by truck. Thousands are now saving freight rates by using these roads, and they will resent any attempt to prevent them from marketing their hogs direct to the packer where they receive the market quotations without any deductions for yardage, water, feed, and so forth.

FLOOD PROTECTION ON WHITE RIVER, ARK.

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 135 and consider the same.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table Senate Joint Resolution 135 and consider the same in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Senate joint resolution (S. J. Res. 135) making an emergency appropriation for flood protection on White River, Ark.

Whereas the disastrous floods of 1927 destroyed millions of dollars' worth of property along the White River, State of Arkansas; and

Whereas the efforts to hold the levees along that stream exhausted the entire resources of the levee districts; and

Whereas the funds to build said levees and keep them in repair is raised by a tax levied on the lands; and

Whereas the last dollar under the constitution these lands can be taxed for that purpose has been exhausted; and

Whereas the Government under the flood control act has assumed jurisdiction over these levees; and

Whereas these levees are now being threatened with destruction by a flood now raging on White River; and

Whereas there are no available funds appropriated to strengthen and hold these levees against the impending flood: Therefore be it

Resolved, etc., That there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of $25,000, or so much thereof as may be required, to be expended under the direction of the Chief of Engineers of the United States Army and the Mississippi River Commission to strengthen and hold levees on the White River in Woodruff and Monroe Counties, Ark.

SEC. 2. The Chief of Engineers of the United States Army or the Mississippi River Commission, or both, are hereby authorized to expend said sum, or so much thereof as may be required, to strengthen or hold said levees.

The SPEAKER. The question is on the preamble.

The question was taken, and the preamble was stricken out.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. WOOD, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

FLOOD CONTROL

Mr. REID of Illinois. Mr. Speaker, I ask unanimous consent to call up the conference report on the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Illinois asks unanimous consent to call up the conference report on the bill (S. 3740) and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 13, 17, 18, 19, and 20.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 21, 22, 24, 25, 26, 27, 28, 29, 30, 32, and 33, and agree to the same.

Amendment numbered 9: That the Senate recede from its disagreement to the amendment of the House numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "but nothing herein shall prevent, postpone, delay, or in anywise interfere with the execution of that part of the project on the east side of the river, including raising, strengthening, and enlarging the levees on the east side of the river"; and the House agree to the same.

Amendment numbered 14: That the Senate recede from its disagreement to the amendment of the House numbered 14, and agree to the same with an amendment as follows: In lieu of the

matter proposed to be inserted by said amendment insert the following:

"; (c) provide without cost to the United States, all rights of way for levee foundations and levees on the main stem of the Mississippi River between Cape Girardeau, Mo., and the Head of Passes."

"No liability of any kind shall attach to or rest upon the United States for any damage from or by floods or flood waters at any place: *Provided, however*, That if in carrying out the purposes of this act it shall be found that upon any stretch of the banks of the Mississippi River it is impracticable to construct levees, either because such construction is not economically justified or because such construction would unreasonably restrict the flood channel, and lands in such stretch of the river are subjected to overflow and damage which are not now overflowed or damaged by reason of the construction of levees on the opposite banks of the river it shall be the duty of the Secretary of War and the Chief of Engineers to institute proceedings on behalf of the United States Government to acquire either the absolute ownership of the lands so subjected to overflow and damage or floodage rights over such lands."

And the House agree to the same.

Amendment numbered 15: That the Senate recede from its disagreement to the amendment of the House numbered 15, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"SEC. 4. The United States shall provide flowage rights for additional destructive flood waters that will pass by reason of diversions from the main channel of the Mississippi River: *Provided*, That in all cases where the execution of the flood-control plan herein adopted results in benefits to property such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid."

And the House agree to the same.

Amendment numbered 16: That the Senate recede from its disagreement to the amendment of the House numbered 16, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "which in the opinion of the Secretary of War and the Chief of Engineers, are"; and the House agree to the same.

Amendment numbered 23: That the Senate recede from its disagreement to the amendment of the House numbered 23, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"Including levee work on the Mississippi River between Rock Island, Ill., and Cape Girardeau, Mo., and on the outlets and tributaries of the Mississippi River between Rock Island and Head of Passes in so far as such outlets or tributaries are affected by the backwaters of the Mississippi: *Provided*, That for such work on the Mississippi River between Rock Island, Ill., and Cape Girardeau, Mo., and on such tributaries, the States or levee districts shall provide rights of way without cost to the United States, contribute 33⅓ per cent of the costs of the works, and maintain them after completion: *And provided further*, That not more than $10,000,000 of the sums authorized in section 1 of this act shall be expended under the provisions of this section.

"In an emergency, funds appropriated under authority of section 1 of this act may be expended for the maintenance of any levee when it is demonstrated to the satisfaction of the Secretary of War that the levee can not be adequately maintained by the State or levee district."

And the House agree to the same.

Amendment numbered 31: That the Senate recede from its disagreement to the amendment of the House numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following:

"The sum of $5,000,000 is hereby authorized to be used out of the appropriation herein authorized in section 1 of this act, in addition to amounts authorized in the river and harbor act of January 21, 1927, to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers for the preparation of the flood-control projects authorized to be submitted to Congress under this section: *Provided further*, That the flood surveys herein provided for shall be made simultaneously with the flood-control work on the Mississippi River provided for in this act: *And provided further*, That the President shall proceed to ascertain, through the Secretary of Agriculture and such other agencies as he may deem proper, the extent to and manner in which the floods in the Mississippi Valley may be controlled by proper forestry practice."

And the House agree to the same.

Pursuant to House Concurrent Resolution No. 34, it is recommended that in the first proviso to section 10 the words "board created in section 1 of this act" be stricken out, and in lieu thereof the words "Mississippi River Commission" be inserted.

FRANK R. REID,
C. F. CURRY,
ROY G. FITZGERALD,
RILEY J. WILSON,
W. J. DRIVER,
Managers on the part of the House.

W. L. JONES,
DUNCAN U. FLETCHER,
CHAS. L. MCNARY,
JOS. E. RANSDELL,
HIRAM W. JOHNSON,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report, as to each of such amendments, namely:

SECTION 1

On No. 1: Strikes out the Secretary of War as a member of the planning board.

On No. 2: Provides for one civil engineer as a member of the planning board, instead of two as proposed by the Senate.

On No. 3: Provides that the civil engineer shall be chosen from civil life.

On No. 4: Provides that the planning board shall consider the plans recommended by the Mississippi River Commission.

On No. 5: Inserts the language proposed by the House, providing that the planning board shall recommend to the President such action as it may deem necessary to be taken in respect to the engineering differences between the two flood-control plans, the President's decision to be followed in carrying out the project. The planning board is to have no other authority in regard to the project except as set forth in this section.

On No. 6: Strikes out the word "further" as proposed by the House.

On No. 7: Strikes out the word "as" as proposed by the House.

On No. 8: Strikes out the words "as those protected by levees constructed on the main river" as proposed by the House.

On No. 9: Inserts the language proposed by the House, with the additional insertion, after the word "of," in line 22, on page 3, of the words "that part of." This is in the nature of a perfecting amendment and does not change the sense of the House amendment.

On No. 10: Inserts the new paragraph at the end of section 1, as proposed by the House, providing that all unexpended balances of appropriations heretofore made for flood control on the Mississippi River under the flood control acts of 1917 and 1923 shall be available for expenditure under this act, except section 13.

SECTION 2

On No. 11: Strikes out the word "additional," as proposed by the House, from the phrase "no additional local contribution to the project herein adopted is required."

SECTION 3

On No. 12: Strikes out the words "local interests" and inserts the words "the States or levee districts," as proposed by the House, in line 8, on page 5.

On No. 13: Strikes out the words "the title to" proposed to be inserted by the House, in line 15, on page 5.

On No. 14: Inserts the language proposed by the House, but changes the latter part of the last paragraph of the section so as to clarify the meaning.

SECTION 4

On No. 15: Strikes out the first paragraph of the section, as proposed by the Senate, and inserts in lieu of the amendment proposed by the House a provision which has been agreed upon by the conferees, to the effect that the United States shall provide flowage rights for additional destructive flood waters that will pass by reason of diversions from the main channel of the Mississippi River. The amendment agreed to by the conferees also contains a proviso to the effect that where the flood-control project results in benefits to property, such benefits shall be taken into consideration by way of reducing

the amount of compensation to be paid. This provision is similar to existing law.

On No. 16: Inserts the language proposed by the House, to the effect that the opinion of the Secretary of War is to decide what lands, easements, or rights of way are necessary to be acquired, and adds that the opinion of the Chief of Engineers is also to be followed.

On Nos. 17, 18, 19, and 20: Strikes out the language proposed by the House and restores the language of the Senate, in the last proviso in section 4, the House amendment not having been considered essential or important.

SECTION 6

On No. 21: Strikes out the language, proposed by the Senate, and inserts the word "Funds," as proposed by the House, in line 10, on page 8.

On No. 22: Inserts the words "section 1 of," as proposed by the House, in line 11, on page 8.

On No. 23: Strikes out the language, proposed by the Senate, and inserts the language, proposed by the House, with the additional provision that for levee work on the Mississippi River between Rock Island, Ill., and Cape Girardeau, Mo., the States or levee districts shall provide rights of way, pay one-third of the work, and maintain the levees when completed.

SECTION 7

On No. 24: Strikes out the words "below Cape Girardeau, Mo.," as proposed by the Senate, so that the emergency fund may be used for rescue work or repair or maintenance on any of the tributaries of the Mississippi.

On No. 25: Inserts the language, proposed by the House, which would authorize the emergency fund to be used to repair levees destroyed by the flood of 1927.

SECTION 8

On No. 26: Inserts the new paragraph at the end of the section, as proposed by the House, providing that the salary of the president of the Mississippi River Commission shall be $10,000, and the salary of the other members of the commission shall be $7,500.

SECTION 9

On No. 27: Strikes out the entire section, as proposed by the Senate, and inserts the language, proposed by the House, providing that the provisions of sections 13, 14, 16, and 17 of the river and harbor act of March 3, 1899, shall be applicable to all lands, waters, easements, and other property and rights acquired or constructed under the provisions of this act.

SECTION 10

On No. 28: Inserts the language, proposed by the House, providing that the surveys authorized by the river and harbor act of January 21, 1927, in addition to those set forth in House Document No. 308, Sixty-ninth Congress, first session, shall be prosecuted as speedily as practicable.

On Nos. 29 and 30: Strikes out the language, proposed by the Senate, and inserts the language, proposed by the House, naming the tributaries for which flood-control projects shall be prepared.

On No. 31: Inserts the new paragraph at the end of the section, as proposed by the House, with the additional provisions that the flood-control projects on the tributaries of the Mississippi shall be submitted to Congress, and that the forestry investigation may be undertaken by such other agencies as the President may deem proper as well as by the Secretary of Agriculture.

SECTION 11

On No. 32: Strikes out the language, proposed by the Senate, and inserts the language, proposed by the House, to the effect that if the levee between Tiptonville, Tenn., and the Obion River, in Tennessee, is found feasible and is approved by the President, it shall be built.

SECTIONS 13 AND 14

On No. 33: Inserts the two new sections, proposed by the House, section 13 providing for a modification of the flood-control project on the Sacramento River, Calif., and section 14 providing that contracts for the sale of land shall contain a provision that no Member of Congress is interested in the sale.

The conferees have agreed to recommend that section 10 be amended to provide that the surveys of the tributaries shall be reviewed by the Mississippi River Commission instead of the planning board. This change is recommended in order to make this section consistent with the provision in section 1 that the planning board shall have no power or authority except to consider the engineering differences between the two plans for flood control on the lower Mississippi. This recommendation of the conferees was authorized by House Concurrent Resolution No. 34, adopted by the House and Senate on May 7, 1928.

FRANK R. REID,
C. F. CURRY,
ROY G. FITZGERALD,
RILEY J. WILSON,
W. J. DRIVER,
Managers on the part of the House.

Mr. REID of Illinois. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

Mr. DENISON. Mr. Speaker, I ask the gentleman to yield to me for five minutes.

Mr. REID of Illinois. Mr. Speaker, first I yield five minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Speaker and gentlemen of the House, this flood control bill as now reported by the conferees is accepted, as I understand it, by the Attorney General and by those who were in the President's conference. They have agreed to it as a compromise, and to my mind it is a very satisfactory compromise, depending upon the legal interpretation that is to be had hereafter. I shall speak of one or two points which were in controversy and were discussed in the House quite fully during debate upon the bill. In section 3, it will be remembered, there is a provision relating to forcing waters across the Mississippi River by reason of levees constructed by the Government, and the consequent damage to those living on the opposite side of the river. In section 3 there has now been inserted this provision:

lands in such stretch of the river subjected to overflow and damage which are not now overflowed or damaged by reason of the construction of levees on the opposite banks of the river.

Any additional damage caused by the Government should be paid, so far as the damage is concerned. The only criticism that rises in my mind is whether or not the Government should buy the flowage rights instead of permitting the damage to be recovered by court action.

Mr. GARRETT of Tennessee rose.

Mr. FREAR. In just a moment. In section 4 the same result, apparently, is reached, to be determined by legal construction of the word "additional" inserted before "destructive flood waters." The chairman of the committee will correct me if I am not stating this correctly. That word provides, in effect, that in these flood ways, where they have been used heretofore for flood ways, no damage can be collected from the Government unless it is "additional" damage due to the construction of levees. Where the use of the flood ways creates additional overflow because of greater floods caused by the works, then the Government might properly be held responsible to the extent of providing land for such additional overflow or flowage rights. Actual damages to be recovered by court action would be preferable.

Those are the two principal provisions in controversy. Of course, the effect of this change is to strike out the enormous expenditure of two or three hundred million dollars for buying up whole flood ways that we have had in the bill heretofore.

Mr. BOX rose.

THE ADMINISTRATION PLAN ACCEPTED BY CONFEREES IS 100 PER CENT BETTER THAN THE SENATE BILL

Mr. FREAR. In just a moment. A third proposition which, to my mind, is important provides that benefits shall be charged or credited or offset against any damages, which is certainly proper and has been our contention at all times. The commission feature now in the bill is, of course, far preferable to that which was provided in the Senate bill, and the bill as presented to you by the conferees, as influenced by the advice of the President and his advisers, in my judgment is 100 per cent better than the bill as it came from the Senate. It is also far preferable to the bill that was discussed here in the House. As long as it is also acceptable to those who have the final say in its determination, I am satisfied with it. [Applause.]

A brief examination has only been afforded of all the amendments, but the conference report on the flood control bill in some respects presents an entirely different bill from that which passed the Senate unanimously or that which was afterwards reported to the House by the House committee and thereafter passed.

A VETO WOULD HAVE BEEN SUSTAINED. IT WILL NOT BE NEEDED NOW TO GET FAIR FLOOD LEGISLATION

In the week's discussion of the flood control bill when before the House different objectionable features connected with the

bill were pointed out, apparently successfully, judged by the final vote of April 24 to recommit the bill and substitute the measure recommended by the Attorney General. On this motion 139 votes for recommittal with 28 pairs totaled 167 votes for the substitute proposal and gave positive assurance that in case of a veto of the flood control bill because of its objectionable features, such veto would be sustained by the House.

With that certainty the Executive, with the aid of the Attorney General and Chief of Engineers, has been able to secure modifications of the bill so that it is far less objectionable than the bill passed by the House as stated, and it is a vast improvement over the carelessly drawn bill passed by the Senate.

No attempt will be made to point out all of the important changes in a bill which it was predicted by Army engineers would cost the Federal Government from $1,000,000,000 to $1,500,000,000 as passed by the Senate, although a misleading amount of $325,000,000 was carried in the Senate bill.

NOT TO COST MUCH MORE THAN THE ARMY ENGINEERS' PLAN

Several specific amendments accepted by the conferees have been briefly referred to. Their adoption ought to materially reduce the cost estimate to an amount not far in excess of the $300,000,000 in round numbers estimated for the General Jadwin plan of flood control rejected in its local contribution features by both House and Senate bills.

A provision inserted in the Attorney General's substitute bill offered on the motion to recommit required that States or local interests furnish rights of way for flood-way levees and also a provision recommended by the Army engineer's plan for small local contributions are omitted from the conferees' bill. To that extent it is a departure from the policy heretofore adopted by the Federal Government. It also affords invitation for subsequent flood-control projects to evade contribution because of this precedent.

The following changes, however, in the original Senate and House bills are of vast importance, and in substance far overshadow the objections mentioned:

First. The amendment accepted by the conferees under section 1 now provides that the President shall determine the flood plans and other important questions which are to be submitted to him, and that the board temporarily formed for the purpose of recommending plans shall have no power or authority in respect to the project excepting to recommend to the President. This places responsibility with the Executive, and is a protection to the Government not afforded by the original bills, that left large powers to a mixed politically formed board.

Second. The commission or board, consisting of the Chief of Engineers, the president of the Mississippi River Commission, and a civil engineer, with duties confined to a submission of Mississippi River plans, is infinitely preferable to the commission provided in the Senate bill that, as stated, was reasonably certain to develop into a political commission in course of time. Proposals in other bills to have many millions of dollars of existing levee indebtedness assumed by the Federal Government through action by such commission affords an understanding of a danger that has been thus avoided.

$71,000,000 RAILWAY PAYMENT STRICKEN OUT

Third. The provision contained in section 4 of the Senate bill and also as reported in the House bill granting unlimited damages to public-service corporations has been stricken from the bill. The provision, urged by railway engineers before our committee, contemplated a payment by the Federal Government to their roads of over $71,000,000 for relocating their roads in the flood ways and elsewhere. That provision has been eliminated from the bill by the conferees.

Fourth. Under the House bill as passed by the House it was provided in section 3 that the Government should acquire absolute ownership of land or floodage rights where lands along the banks of the Mississippi River are damaged by the construction of flood-control works.

This provision as passed by the House might have included lands heretofore subject to flowage all along the river and would have occasioned heavy expense to the Government because of that fact.

As reported by the conferees, section 3 is now changed so as to provide liability only "for damages for lands not now overflowed." This amendment is not subject to reasonable objection, although the provision is subject to difficulties and possibly unnecessary expenditures because the Government will not be limited to "damages" to be collected by court procedure but upon proof of damages not heretofore suffered it may be the duty of the Federal Government to acquire absolute ownership or flowage rights to such lands.

The distinction between a remedy of damages and an alternative of purchasing flowage rights was discussed when the flood-control bill was before the House and also by the Attorney General's substitute, which limited relief for damages to damage suits.

Fifth. The main cause of contention throughout the debate of several days was section 4, which provided that the Government should provide flowage rights for 4,000,000 acres of land or for any additional or less amount required for the flood ways.

Army engineers have estimated these costs would reach from $25 to $75 per acre, and presumably would cost the Government through condemnation suits or purchase over $200,000,000 just for flowage rights in the flood ways. It was also disclosed that 17 per cent of the owners of flood way lands owned 77 per cent of such lands.

BILL NOW STRIKES OUT 4,000,000 ACRE PURCHASE

The conferees, according to the report, have changed section 4 in two particulars, as stated, first by inserting the word "additional" before the words "destructive flood waters," so that it is understood the Government will only be liable for any new or additional damages in the flood ways that may be occasioned by the construction of flood-control works. If this construction is correct—and it has been passed upon by the Attorney General—then it will avoid any necessity for purchasing the 4,000,000 acres of lands which have heretofore been subject to overflow. Only a small fraction of such lands will be subjected to new overflow according to the engineers. This was an indefensible objection to the Senate and House bill which is now eliminated.

A second material amendment to section 4 has been agreed upon in the conferees' report, which provides "that in all cases where the execution of the flood-control plan herein adopted results in benefits to property such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid." This recognizes and puts into effect the policy of offsetting benefits against damages, and is an important protection to the Government not recognized in the bill as passed by the House.

LOCAL CONTRIBUTION OF ONE-THIRD OF COSTS HEREAFTER TO BE DECLARED

Sixth. An important provision not found in the Senate bill but reported in the House bill is that which provides that in work on the tributaries "local interests shall provide rights of way without cost to the United States, contribute 33⅓ per cent of the cost of the works, and maintain the works after completion." This provision sets forth a flood policy hereafter to be adopted by the Federal Government.

The modifications in the bill speak for themselves, and were made possible by the fact that without modifications there was strong possibility that the bill could not become law, due to Executive opposition. To the President and his advisers belongs the credit for removing some of the most objectionable features of the bill.

In its present form the bill is not entirely all that could be desired to protect the Government, but due to the threatening situation in the Mississippi Valley flood-control works must be constructed without delay. For this reason in their efforts to reach a satisfactory compromise the conferees of both Senate and House are entitled to commendation from every friend of and sympathizer with the flood-control problem.

To those minority members of the committee, and to the Members of the House who by their action and vote on the motion to recommit brought about a situation that protected the rights of the Federal Government, thanks are due. As stated at the outset of the discussion, we have a responsibility toward the Federal Government as well as to our own States and local constituencies, and that has been fairly recognized in mutual efforts to secure a satisfactory bill.

Mr. REID of Illinois. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Speaker, I want to commend the action of the managers on the part of the House for the splendid work they have done in reaching an agreement on this bill. I think they did good work, and they deserve a great deal of credit for what they did. They had some very serious difficulties to overcome in order to get an agreement and get a bill that would be satisfactory. Of course, as will often happen, however, some unwise provisions have crept into the bill, and I want to call attention to one of those provisions. I think I should do that at this time, before the bill becomes a law, because I think sooner or later it will be necessary for Congress to amend the bill.

In section 6 it is provided that the fund appropriated under the bill may be expended for the construction of flood works and levees on the Mississippi between Rock Island and Cape

Girardeau, Mo.; but on that part of the river the local levee districts or the States under this provision have to provide not only the ground where the levees are built but will have to furnish 33⅓ per cent of the funds for the construction of the levees and maintain them after they are built. Of course, you understand that below Cape Girardeau, Mo., the Government pays all of the costs of constructing the levees, but above Cape Girardeau the local districts will be required to pay 33⅓ per cent of the cost. I do not think there is any justification for such a distinction on different parts of the Mississippi River. It is also provided that on the tributaries of the Mississippi River, which are affected by the floods of the Mississippi, the local districts have to pay 33⅓ per cent of the levees on those tributaries. Let me show you the injustice of that. I am not criticizing the conferees or the committee. I think they did the best they could do, but I merely wish to call the attention of the House to the injustice of that provision. Let me illustrate it by the city of Cairo, Ill. Cairo is situated on the narrow point where the Ohio and the Mississippi come together. On the Mississippi side the Government will pay for all expenses of flood protection. Just around the point on the other side of the city—the city faces both rivers—where the Mississippi River water backs up into the Ohio, just as high as in the Mississippi, the city might have to pay 33⅓ per cent of the cost of levee protection upon that side. The Mississippi River causes the danger on both sides of the city. On one side the city might have to pay one-third of the flood protection, while on the other side the Government will pay it all.

Mr. NEWTON. What is the reason for the distinction?

Mr. DENISON. There is no reason, but I assume the conferees had to accept that or not have any legislation. Sooner or later Congress will have to correct that provision. The Mississippi River, in the flood of 1927, cut across into the Ohio River above the city of Cairo, and ran entirely around the city, so you can see that the Mississippi River flood is often the only source of danger to the city of Cairo. So the same rule as to costs ought to apply on both sides of the city, because the source of danger is usually the same.

I merely use the situation at Cairo as an illustration of the point I am trying to make with reference to one provision of the bill as agreed to by the conferees. As a matter of fact, we all understand that Cairo will be protected by the flood way provided across the river in Missouri, especially if the Jadwin plan adopted by the bill is not changed by the action of the board. If the board should change the Jadwin plan for the protection of Cairo, and if a plan to protect Cairo would provide only for levees, then we can all see that a great injustice will have been done to the people of Cairo and to Mound City and Mounds, just above Cairo. Cairo can not stand higher levees. Cairo will not be secure until the flood level of the Mississippi River is materially reduced, as provided in the Jadwin plan. If the board should unfortunately decide to reject the Jadwin plan for the protection of Cairo and approve a plan for higher levees there, I would be compelled to file a bill to amend the flood control bill at least to the extent of providing that the same rule with reference to paying for the costs of levees should apply on the tributaries of the Mississippi River as far as they are directly affected by the floods of the Mississippi River. Every reason that would justify the payment of all costs by the Government for levees on the Mississippi River would suggest that the Government pay all costs of levees on the tributaries of the Mississippi River as far back as such tributaries are directly flooded by the waters of the Mississippi River. Above those points there is justification for an apportionment of costs to local levee districts for constructing levees on the tributaries. The Mississippi River floods endanger Mounds and Mound City just above Cairo on the Ohio River when the Ohio River is in flood, and the Government should pay all costs for the protection of those cities. But if the Jadwin plan is followed and the flood level of the Mississippi River at Cairo is lowered by a diversion channel on the opposite side, then, of course, Cairo and Mound City will alike be fully protected. And I wish to say that the people of Cairo and southern Illinois are depending upon full adherence by the board to the Jadwin plan for their protection.

Mr. REID of Illinois. Mr. Speaker, I yield myself five minutes.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. REID of Illinois. Mr. Speaker, the important changes are only three in number. I will begin backwards. In the first section we provided for the planning board composed of the Chief of Engineers, the president of the Mississippi River Commission, and one civil engineer. In that same section we provided that they should have no other power or authority except to try to make the two flood-control plans consistent.

In section 10 it was provided in the bill as it passed both Houses that certain surveys of the tributaries and reservoirs be referred to this same board. To make it consistent with the provision in section 1 the conferees recommend that section 10 be amended so that the surveys of the tributaries will be reviewed by the Mississippi River Commission instead of by the planning board. That change was authorized by House Concurrent Resolution No. 34, which was adopted here yesterday.

The next important section is the so-called flowage-rights section. I think we have the language corrected to meet the views of nearly everyone in the House. The United States will not now have to pay for flowage rights over lands now used in conducting the destructive water from the main Mississippi Rived. It was cured very simply by the addition of the word "additional." If the work puts any additional flood destruction on those lands, that must be provided for. In the same paragraph it was provided in the House amendment that the diversion must be regulated or controlled or confined. We struck those words out and referred it to the board.

Then the only other provision was the so-called Garrett amendment. We changed the House amendment so that the additional damage caused by the construction work would come within their purview as the objection was made to giving them the right to collect damages.

Mr. GARRETT of Tennessee. I observe there has been inserted in that amendment which vitally affects the interests of my State the words, "not now flooded or damaged." I would like to ask the gentleman this question: As is well understood by the gentleman and the gentleman's committee, by reason of work on the opposite side now in existence, and by reason of work that will be erected in the future, not only levees that will cause water to come over on Tennessee that does not belong there, but also revetment work for the protection of the west bank levees, in all probability there is going to be a continuation and increase of the bank erosion on the east side. Does the gentleman think, under the language as it now reads, the damage by erosion will be taken care of?

Mr. REID of Illinois. I will answer that by saying to you that I do not think the additional words change your position one bit, and if you refer to the paragraph you will see why. The paragraph now reads:

> No liability of any kind shall attach to or rest upon the United States for any damage from or by floods or flood waters at any place: *Provided, however,* That if in carrying out the purposes of this act it shall be found that upon any stretch of the banks of the Mississippi River it is impracticable to construct levees, either because such construction is not economically justified or because such construction would unreasonably restrict the flood channel, and lands in such stretch of the river are subjected to overflow and damage which are not now overflowed or damaged by reason of the construction of levees on the opposite banks of the river it shall be the duty of the Secretary of War and the Chief of Engineers to institute proceedings on behalf of the United States Government to acquire either the absolute ownership of the lands so subjected to overflow and damage or floodage rights over such lands.

And then the words that the gentleman objected to, "which are not now overflowed or damaged." I think if it can not be economically justified they must find a substitute, and that substitute, in my opinion, would be to acquire flowage rights made necessary by the construction on the other side of the river.

I do not think the addition of those words makes any change in the amendment the gentleman submitted.

Mr. GARRETT of Tennessee. And if the original amendment embraced erosion, and the words "not now flooded or damaged" retained, the gentleman thinks it would still embrace erosion?

Mr. REID of Illinois. My idea is that any flood-control works erected under this act, thereby damaging the land on the other side to a different extent from that existing before the flood-control works were erected, would come within that amendment.

Mr. GARRETT of Tennessee. The question of national liability is recognized in the amendment?

Mr. REID of Illinois. Yes. It is the first time it has been recognized that it is a duty to take care of that side of the river.

Mr. CHINDBLOM. Only by reason of additional damage due to the works constructed under this act?

Mr. REID of Illinois. Yes.

Mr. QUIN. Mr. Speaker, will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. QUIN. We have levees constructed doing damage now. The levees on the other side have caused us damage.

Mr. REID of Illinois. All right. The amendment you submitted makes it the duty to provide levees. Failure to provide levees because not economically justified makes it necessary to pay flowage rights or damages on those that exist at the present time.

Mr. BOX. Mr. Speaker, will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. BOX. The gentleman provides additional damages done by reason of the increased flow, as I understand it. How will such damages be ascertained?

Mr. REID of Illinois. There is no method provided under the bill.

Mr. BOX. Will they have the right to proceed in court for the collection of such damages?

Mr. REID of Illinois. This is the first time that any right has been recognized on the part of the individual owner against the Government for any flood-control damages.

Mr. BOX. And does the gentleman believe we will have the right to proceed in court for the collection of such damage without the permission of Congress hereafter?

Mr. REID of Illinois. I think it creates a right, and I presume every right in court follows the creation of that right.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. WHITTINGTON. I call attention to the fact that there is no inhibition in the project with reference to the construction of revetments on the bluff side and that, as a matter of fact, revetments have been constructed in the vicinity of Natchez on the bluff side.

Mr. REID of Illinois. In regard to the question raised by the gentleman from Illinois [Mr. DENISON], I think his criticism is not well directed for the reason that the project takes care of Cairo and consequently it would come within the project whether or not that happens to be on the Ohio side or the Illinois side. That was my construction of it, that Cairo was a part of the project and consequently it would be necessary to take care of Cairo because it was within the project and would not come within the so-called tributary section. I think those are the main points, and I think we have gone over them fully.

Mr. FULBRIGHT. Will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. FULBRIGHT. The gentleman is familiar with what is designated as the New Madrid flood way in the Jadwin plan and spoken of in this bill. That plan provides for the cutting down of the levee that now exists along the Missouri side and provides for the construction of a new levee 5 miles west, and, I presume, it takes in the land intervening between the two levees as a flood way.

Now, under the provisions of this bill as amended, will the landowners between the existing levee that is to be cut down 5 feet and the new levee that they propose to erect 5 or more miles to the west be entitled to flowage rights?

Mr. REID of Illinois. The gentleman can answer it himself. Does it put additional destructive flood waters down there?

Mr. FULBRIGHT. Well, I think the gentleman is familiar with this situation.

Mr. REID of Illinois. That is the only way I can answer it. If the Government puts additional destructive flood waters down there, of course they would be entitled to flowage rights.

Mr. CHINDBLOM. If the chairman is going into a discussion of facts relating to various localities, I am afraid we will get far afield from the principles underlying this legislation.

Mr. REID of Illinois. I think that is so and that is the reason I answered the gentleman as I did. If that puts additional flood waters down there, then you come within the purview of the act and the Government would have to acquire the flowage rights.

Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

On motion of Mr. REID of Illinois, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

THE JURISDICTION OF THE INTERSTATE COMMERCE COMMISSION OVER INTERURBAN ELECTRIC LINES

The SPEAKER. Under special order of the House the Chair recognizes the gentleman from South Carolina [Mr. STEVENSON] for 15 minutes. [Applause.]

Mr. STEVENSON. Mr. Speaker and gentlemen, in 1911 an interurban electric railroad system was chartered in South Carolina to be extended from Greenwood, by way of Anderson, Greenville, Spartanburg, Gaffney, and Grover, to Gastonia, N. C. Of course, the charter in South Carolina only applied to that State, about 115 miles. At the same time North Carolina chartered an interurban system also to meet with it and be a part of it, to extend from the North Carolina line, by way of Kings Mountain, Gastonia, Charlotte, and Salisbury, to Winston-Salem. The construction was begun and they completed 90 miles from Greenwood, S. C., to Spartanburg. When the war came on construction stopped at Spartanburg and construction from Charlotte south stopped at Gastonia, leaving a gap of 60 miles in there to be joined up. That stood until 1926. The charter in the meantime had been extended by the Legislature of South Carolina and, I believe, by the Legislature of North Carolina, and they got ready to join this up and make the extension to Salisbury and Winston-Salem, N. C.

The Southern Railway has always occupied that territory with a splendid system, as good as there is in the world, and it occupies it to-day with a double track from this city to Atlanta, Ga. They opposed the completion of this system. It was brought before the Interstate Commerce Commission, and the question was raised whether it had jurisdiction to keep them from building. Under the Esch-Cummins Act jurisdiction was given to the Interstate Commerce Commission to either give or withhold a certificate. If the commission gives such a certificate the railroad can be built; and if they do not, the railroad can not be built. Without that certificate railroads can not be constructed any more, in so far as ordinary railroads are concerned.

The Interstate Commerce Commission has heard the matter at some length and has decided that it has jurisdiction, that there is no public convenience served, and therefore it has refused this permission, with three or four dissenting members.

Now, I want to discuss for a few minutes the genesis of this trouble and see whether they are justified in extending their jurisdiction over this railroad.

I assert that it is in keeping with the determination to have a transportation monopoly in this country consisting of the railroads that now exist; that it is a throttling of extensions of roads where there are no railroads; and that it is giving to the Interstate Commerce Commission jurisdiction to which that commission is not entitled.

When the Esch-Cummins Act came up for consideration it contained this provision, subdivision 21 of section 1. It is now subdivision 22, all of the subdivisions having been advanced one number:

> The authority of the commission conferred by paragraphs (17) to (20), both inclusive—

It is now 18 to 21—

> shall not extend to the construction or abandonment of side tracks, or of spur, industrial, team, or switching tracks, or of street car and electric interurban lines, if such tracks or lines are located or to be located wholly within one State.

You will notice this confined the jurisdiction to interurban lines and other lines that cross a State line but did not extend to those wholly within the State.

I had this very situation in mind because it runs across my district. I offered an amendment, and we debated it for two or three hours, and finally Mr. Esch and myself got together on language which was much better than that which I had offered, and Mr. Esch finaly offered this amendment:

> Mr. ESCH. Mr. Chairman, I desire to offer a substitute to the amendment of the gentleman from South Carolina.
>
> The CHAIRMAN. The Clerk will report the amendment.
>
> The Clerk read as follows:
>
> "Amendment offered by Mr. Esch: Page 53, line 13, strike out lines 13, 14, 15, and 16 and insert in lieu thereof the following:
>
> "'To the construction or abandonment of any line located or to be located wholly within one State or to any street car or electric interurban line.'"

The Chairman required the Clerk to report the language as it would read, and he so reported it.

The paragraph as amended read:

> The authority of the commission conferred by paragraphs 17 to 20, both inclusive, shall not extend to the construction or abandonment of any line located or to be located wholly within one State or to any street car or electric interurban line.

In this way we enacted the law. You will notice that the distinction was made that certain lines used by steam tracks, side tracks, and spur tracks had to be located within a State to be exempt from this jurisdiction, but any street car or electric interurban line was exempted from the jurisdiction. This point came up and this question was raised, and the act was finally enacted in the following language—the Senate, of course, had to do something. It had to amend this somehow, and they put it in this way:

The authority of the commission conferred by paragraphs 18 to 21, both inclusive, shall not extend to the construction or abandonment of spur, industrial, team, switching, or sidetracks located or to be located wholly within one State.

Now, that is one complete sentence. This follows:

Or of street, suburban, or interurban electric railroads which are not operated as part or parts of a general steam railroad system of transportation.

You have there two classes that were exempt—the spur tracks and other kinds of tracks connected with steam railroads that were located wholly within the State and the electric lines, interurban, or street railways that were not operated as a part of a steam railroad system. These were the two.

Now, what does the commission say? Nobody claims that this system is operated as a part of any steam railroad system, but they say, forsooth, because it is built on better lines than the Southern Railway was at the time, and its bridges are better than the Southern Railway had at that time, and it is prepared to haul as heavy freight trains as the Southern Railway, and does haul as heavy freight trains as the Southern Railway, "We class it as a commercial steam railroad," although it has never had a steam engine on it and it is not contemplated to put any on it.

The people who control it have developed wonderful power there, and they are making a wonderful accession to property and wealth and industry and population in that part of the country, and they propose to continue to do it by electricity.

This is their proposition. They say we will class it as a steam railroad—as a commercial railroad.

Suppose you adopt their classification as a commercial electric railroad separate and distinct from an interurban railroad? Then it is not embraced in this bill. You would have a street railway that would be subject to the jurisdiction of the Interstate Commerce Commission if it were operated in conjunction with a steam railroad system, but you would not have, if it were operated in conjunction with an interurban commercial railroad system, which is something that was born in the brain of the ingenuity of the people who do not want any more transportation in that country.

Very aptly Mr. Brainerd, one of the commissioners, in the dissenting opinion says:

The act does not distinguish between a "commercial railroad operated by electricity" and an interurban electric railroad not operated as a part of a general steam-railroad system of transportation, and we can make no such distinction.

There is no such distinction as a commercial interurban system from the ordinary interurban system.

The commission in order to justify this decision cited a statute of South Carolina, and it started in the middle of the section and cited only that part that seemed to justify their action. They say:

The statutes of South Carolina provide that the phrases "interurban railroad" or "interurban railway" shall be construed to include all railroads and railways operated by electricity whose main business consists in the transportation of passengers from one municipality to another.

Well, that sounds as if they did intend to limit it, does it not? But that simply gives you an idea of the candor of the commissioner who wrote the opinion.

I just want to show you what that statute says, and you will see at once that it is a case of misapplication of a statute, and that they certainly ought to have had sufficient intelligence to have discriminated:

In the construction of this section (which is section 4 and section 5) the phrases street railroad or street railway shall be construed to include all railroads and railways operated by electricity whose main business consists in the transportation of passengers between different points within the limits of a municipality, and the phrases "interurban railroad" or "interurban railway" shall be constructed to include all railroads and railways—

This is where they began to quote—

operated by electricity whose main business consists in the transportation of passengers from one municipality to another.

Now, what was section 5? Section 5 is the section requiring them to have vestibules on all interurban railroad cars for the protection of passengers and motormen, and expressly so states. In other words, the Legislature of South Carolina was providing for vestibules on the passenger cars of interurban railroads, and has expressly stated that this was for the protection of passengers and of motormen, and they said that in so far as they are concerned interurban railways shall be held to be embraced in any electric railroad that carries passengers.

They take that and make what South Carolina did not intend an interurban railway in their charter. You will see when you read both sections that it did not intend anything of the kind. Not only that, but if that was true of all the railroads it would have required every interurban railroad that carried freight to put a vestibule on its freight cars, which is absurd.

Then they tried to tie up North Carolina with this proposition. There is the case of Kirkpatrick in the Sixty-seventh North Carolina, page 477. That North Carolina case was where an abutting landowner on a street was suing the interurban railroad for damages to his property because they were operating freight cars up and down the street. In other words, they had a freight system, and the supreme court of the State said that street railways would not be liable to the abutting landowner, but they said that so far as the right of the abutting landowner was concerned they would have the same right as against the interurban as against the steam railroad.

What is the upshot of this? Here is a territory teeming with industry, the center of the manufacturing country of the Southland—I have been familiar with that country all my life—I was raised in it—there has not been in that country 100 miles long and 100 miles wide—more than 100 miles of railroad constructed within my memory for 50 years. I mean the territory between the Broad and the Yadkin and the North Carolina line and the Blue Ridge.

Now, the development is beginning, it has reached out, and capital is flowing in, and full development is going on, and the opportunities for development are unlimited for the prosperity of this country. The people are ready to put up their money and build those instrumentalities which are desirable over the Piedmont country, establish factories, and the Interstate Commerce Commission says no, you can not do it, you have the Southern Railroad and that is good enough.

I have no disposition to criticize that splendid system, but there is nothing so perfect that it can do everything and I submit that it is absolutely outrageous and an invasion of the rights of the State and an infraction of the provisions and a perversion of the statute that Mr. Esch wrote, and he dissented like a man from the decision made in the case.

Mr. ABERNETHY. The State of North Carolina, as well as South Carolina, is back of this proposition?

Mr. STEVENSON. Yes.

Mr. NEWTON. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. NEWTON. How many of the commissioners dissented?

Mr. STEVENSON. Mr. McManamy, Mr. Esch, and Mr. Brainerd.

Now, I thank the House for the opportunity of addressing it. There is a bill pending in which it is proposed to take the jurisdiction away from the Interstate Commerce Commission and I submit there ought to be some action upon it. [Applause.]

REAPPORTIONMENT OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. FENN). Under the special order, the Chair recognizes the gentleman from New York [Mr. JACOBSTEIN] for 20 minutes.

Mr. JACOBSTEIN. Mr. Speaker and Members of the House, I am taking this opportunity to address the Members on a subject which may come to a vote in the House in a very few days.

I am going to address myself to the subject of reapportionment of the membership of the House of Representatives, a subject not only of importance to every Member of the House but to every portion of the United States.

I do not know whether you realize that every day we sit here, every day Congress is in session, we are violating the very first articles of the Constitution of the United States. You may talk all you want about the observance by the States and citizens of the fourteenth amendment or the fifteenth amendment or the eighteenth amendment of the Constitution, the cold fact remains that for the last eight years the very first article of the Constitution of the United States has been violated every day by ourselves—the Congress.

We can not hope to have the respect for the Constitution from citizens of this country unless we as a Congress respect the Constitution ourselves.

Here are the constitutional provisions regarding apportionment:

ART. 1, SEC. 2. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such manner

as they shall by law direct. The number of Representatives shall not exceed 1 for every 30,000, but each State shall have at least one Representative.

* * * * * * *

AMENDMENT XIV, SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. * * *

The first proposition I lay down is that the Constitution of the United States describes very definitely that we "shall" reapportion this House every 10 years. It is true there is no explicit mandate to that effect, and there are some constitutional lawyers who maintain that is discretionary with the Congress itself. The fact remains, however, that for 120 years this provision of the Constitution was very religiously adhered to and was very consistently and uniformly observed. Thirteen times we have reapportioned the Congress of the United States, as shown in the following table:

The membership and ratio of the different apportionments heretofore had and when enacted

Census	Date of apportionment act	States	Members	Ratio
	1789	13	65	30,000
1790	Apr. 14, 1792	15	105	33,000
1800	Jan. 14, 1802	16	141	33,000
1810	Dec. 21, 1811	17	181	35,000
1820	Mar. 7, 1822	24	213	40,000
1830	May 22, 1832	24	240	47,700
1840	June 25, 1842	26	223	70,680
1850	May 23, 1850	32	234	93,423
1860	May 23, 1860	34	243	127,381
1870	Feb. 2, 1872	37	293	131,425
1880	Feb. 25, 1882	38	325	151,911
1890	Feb. 7, 1891	44	356	173,901
1900	Jan. 16, 1901	45	386	194,182
1910	Aug. 8, 1911	46	433	211,877

The first break in that fine tradition came in 1920. There is a feeling abroad in the land that the Congress of the United States ought to be a little more meticulous in the observance of the Constitution.

We talk loudly and a whole lot about representative government. Do you believe in representative government? Do you think that we really have representative government when 13,000,000 people (which represents the increase in population from 1910 to 1920) are to-day without proper, fair representation as a result of our failure to reapportion the House? Let me illustrate how this representative government of ours works. We have a Representative in Los Angeles, our colleague, Mr. CRAIL, who represents a million and a quarter people. Each one of you please compare that with the representation in your own individual districts. The average is about 225,000 to 250,000. Is there any equity in that situation? Can anyone say that we have a representative government in the United States when a man in Detroit, Mich., has in his district 750,000 to 800,000 people as against a bare one-quarter of a million for the average Representative? Most assuredly this is a travesty on representative government.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. JACOBSTEIN. Yes, indeed.

Mr. RAMSEYER. That inequality, of course, can be greatly relieved by the legislatures of those States.

Mr. JACOBSTEIN. That is true as within the States, but it does not correct the inequality as between States. California, for instance, was entitled to three additional members on the basis of the 1920 census returns, whereas Missouri would have lost two Members if the House membership had been retained at 435.

The following table shows the gains and losses that would have occurred if the 1920 reapportionment had gone into effect on the basis of a House membership of 435, 460, and 483 respectively:

State	Number of Representatives	Compared with present House		Number of Representatives	Compared with present House		Number of Representatives	Compared with present House	
		Gain	Loss		Gain	Loss		Gain	Loss
United States	435	12	12	460	27	2	483	48	
Alabama	10			10			11	1	
Arizona	1			1			1		
Arkansas	7			8	1		8	1	
California	14	3		15	4		16	5	
Colorado	4			4			4		
Connecticut	6	1		6	1		6	1	
Delaware	1			1			1		
Florida	4			4			4		
Georgia	12			13	1		13	1	
Idaho	2			2			2		
Illinois	27			28	1		30	3	
Indiana	12		1	13			13		
Iowa	10		1	11			11		
Kansas	7		1	8			8		
Kentucky	10		1	11			11		
Louisiana	7		1	8			8		
Maine	3		1	3		1	4		
Maryland	6			6			7	1	
Massachusetts	16			17	1		18	2	
Michigan	15	2		16	3		17	4	
Minnesota	10			10			11	1	
Mississippi	7		1	8			8		
Missouri	14		2	15		1	16		
Montana	2			2			2		
Nebraska	5		1	6			6		
Nevada	1			1			1		
New Hampshire	2			2			2		
New Jersey	13	1		14	2		14	2	
New Mexico	1			2	1		2	1	
New York	43			45	2		47	4	
North Carolina	11	1		11	1		12	2	
North Dakota	3			3			3		
Ohio	24	2		25	3		26	4	
Oklahoma	8			9	1		9	1	
Oregon	3			3			4	1	
Pennsylvania	36			38	2		40	4	
Rhode Island	2		1	3			3		
South Carolina	7			7			8	1	
South Dakota	3			3			3		
Tennessee	10			10			11	1	
Texas	19	1		21	3		21	3	
Utah	2			2			2		
Vermont	1		1	2			2		
Virginia	10			10			11	1	
Washington	6	1		6	1		6	1	
West Virginia	6			6			7	1	
Wisconsin	11			12	1		12	1	
Wyoming	1			1			1		

Mr. RAMSEYER. We are not responsible for the districting within the States.

Mr. JACOBSTEIN. That is true as within States, but our's is the duty to wipe out inequalities as between States. It was to adjust ourselves to that fluctuation, to that shifting of population that the framers of the Constitution provided that there shall be an enumeration every 10 years. There has been either an increase or a shifting of population between the rural and

industrial centers of the United States every 10 years from the beginning. A decennial census and a decennial reapportionment was specifically provided for to make our Government strictly representative.

Mr. RAMSEYER. I do not want to leave the impression, of course, that I do not think that the Congress should act in reapportioning the House of Representatives every 10 years. I think it is the duty of the Congress, and that Congress has neglected that duty.

Mr. JACOBSTEIN. I am glad to have the gentleman from Iowa support my contention that Congress has neglected its duty, and that is the first point that I make. The serious consequences of the neglect are brought home to every Member of this House when he stops to realize the great disparity in representation as measured by population in the various districts of the United States.

Mr. HOCH. Mr. Speaker, will the gentleman yield?

Mr. JACOBSTEIN. Yes; gladly.

Mr. HOCH. I agree with the gentleman as to the constitutional duties, but there is one phase of the matter to which I think attention has not been called, and that is the practical phase. Some Members are in favor of 435 Members, some in favor of 300, and some in favor of 460. Assuming that all are honest in their opinion, and you can not get a majority who favor any one number, how can you carry out the mandate of the Constitution? Whose duty is it to surrender to the other fellow's opinion?

Mr. JACOBSTEIN. I am going to answer that question by passing to my next point. The gentleman has anticipated my next proposition, which is this: Ever since the foundation of our Government there has been a deadlock in Congress over the question as to what should be the size of the House. I have read all of the debates from the beginning on this subject, and in every Congress every 10 years the subject comes up, "What shall be the size of the House?" As a matter of fact, there has usually been a compromise. The way they have solved it in the past was very simple. They always increased the size of the House to take care of most of the States. They did that every time but once. That exception occurred in 1840, when a slight decrease was made in the size of the House. Usually whenever any Member feared that reapportionment might affect adversely his State and he opposed reapportionment, they satisfied him by increasing the size of the House. This solution was simple up to 1920. Up to that time the size of the House kept rolling up, satisfying most of the States of the Union, even those States that had a decrease in population between the census periods. Have I answered the question?

Mr. HOCH. The gentleman has answered how they solved it.

Mr. JACOBSTEIN. They solved the problem by always increasing the size of the House. I imagine the increases were always a little larger than normal because of the compromise effected.

Mr. HOCH. But I am talking about where you do not want to solve it in that way.

Mr. JACOBSTEIN. Well, let us see. In 1920 there came a deadlock. If we had kept the House as now constituted at 435, there would have been a considerable number of States—11—which would absolutely have lost in their membership. Eleven States would have lost representation in this House at that time. Naturally they objected to it. That is human nature. They wanted to protect their own districts and their own States. There was a compromise proposed of 460, which did not satisfy the House, and the bill was recommitted and all chance of reapportionment shattered at that session of Congress. Some Members from California and Michigan who anxiously desired reapportionment voted to recommit the bill rather than agree to a House larger than 435.

Of course, 483 would have taken care even of Maine and Missouri, the States which relatively lost most in population in the decade from 1910 to 1920. The point is that there were some Members of the House who wanted the membership increased to 483 to take care of everybody. Many want a House of 460, but there was a considerable body of opinion which said that we ought to keep the House down to 435 for the sake of efficiency. They split on that rock, and so the bill was recommitted, and every year since that time every effort to secure reapportionment on the basis of 1920 met with defeat in the committee and on the floor of the House.

Mr. RAMSEYER. If the gentleman will permit, in January, 1921, the bill passed the House, but it died in the Senate.

Mr. JACOBSTEIN. That is true, and I thank the gentleman for refreshing my memory on that matter. The Senate failed to act on it. It came up again in the House and the bill was recommitted by the House and since that time it has never come up because the Census Committee has never favorably reported a reapportionment bill upon the basis of the 1920 returns. I may say in passing that in the Census Committee the argument against the use of the 1920 figures of population was always made that they contained too great an element of error adverse to the rural regions.

Mr. RAMSEYER. I wish to say the House did favor action of the bill to hold the membership down to 435.

Mr. JACOBSTEIN. Yes. I am glad the gentleman made that point. The action of this House in that regard, if it means anything, means that they favor 435. They favor a House having a membership of 435; and because a membership of 435 would have adversely affected 11 States, we never have been able to get a bill through. Remember that 11 States mean 22 Senators. I call your attention to the fact that in 1930, if we try to hold the membership of the House down to 435, 17 States are likely to be affected, representing 215 members of the House.

The following table represents the States which would lose one or more Members with the House on the basis of preliminary estimates of population for 1930 and assuming the House to retain its present 435 membership:

Alabama	10
Indiana	13
Iowa	11
Kansas	8
Kentucky	11
Louisiana	8
Maine	4
Massachusetts	16
Mississippi	8
Missouri	16
Nebraska	6
New York	43
North Dakota	3
Pennsylvania	36
Tennessee	10
Vermont	2
Virginia	10
Total	215

You can imagine what 34 Senators representing these 17 States can do when they go on the warpath to wreck a bill. You can see the difficulties ahead.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. JACOBSTEIN. Yes; with pleasure.

Mr. DOWELL. When the apportionment bill at one time was before the House and apparently had enough votes to pass it, a motion was made to recommit it. Was the gentleman one of those who favored to recommit the bill?

Mr. JACOBSTEIN. I was not a Member of the House at that time.

Mr. DOWELL. Those who were favoring it and claiming that the Constitution required that the House should act upon the question voted generally to recommit the bill.

Mr. JACOBSTEIN. What you say is true and only helps to reinforce my own argument that a deadlock is impending in 1930. As you have stated, many Members who demanded reapportionment to protect their own States actually voted against the Siegel reapportionment bill (H. R. 7882, October 14, 1921). They helped kill this bill by voting to recommit it. Their vote to recommit, however, must be interpreted as meaning not a vote against reapportionment, but rather a vote against increasing the size of the House above 435. The RECORD shows that 3 Members from California, 7 Members from Michigan, 10 from Ohio, 13 from Texas, 7 from North Carolina, and 7 from New Jersey voted to recommit and helped kill the bill, even though their States would have gained by the passage of that particular reapportionment bill, which would have increased the size of the House to 460. The explanation I have given is the only logical explanation, namely, that rather than see the House increased in size they preferred to have no reapportionment at all.

Mr. DOWELL. If the gentleman please, the motion was made by the gentleman from California to recommit the bill.

Mr. JACOBSTEIN. The motion to recommit was made in order to get the 435.

Mr. DOWELL. In order to prevent the possibility of getting more than 435.

Mr. JACOBSTEIN. Yes; I believe that is true, and again your own argument emphasizes the point I have been making namely, a strong feeling against enlarging the size of the House membership, rightly or wrongly.

Mr. LOZIER. Mr. Speaker, will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. LOZIER. The gentleman from California [Mr. BARBOUR] did not make the motion to recommit. He made a motion to amend the bill by fixing the membership at 435. This amendment was defeated by a vote of 123 yeas to 140 nays. The gentleman from Indiana, Mr. FAIRFIELD, made a motion to recommit the bill without instructions. The motion to recommit carried, the vote being 146 yeas and 142 nays. This

vote killed the bill; and on this vote the vast majority of those who insisted on reapportionment voted to recommit the bill, thereby killing the measure and destroying the possibility of a reapportionment bill at that session.

Mr. JACOBSTEIN. I believe that to be a fair statement, but it indicates again that there is trouble ahead in the 1930 reapportionment.

Mr. LOZIER. One more statement, with your permission: California and Michigan would have secured a large increase in their representation if this bill had been enacted; but on the motion to recommit seven members of the Michigan delegation in the House voted to recommit, three were paired in favor of recommitting, two voted against the motion, and there is no record as to the views of the other Representative from Michigan. Three of the Representatives from California voted to recommit, four voted against the motion, and four did not vote. The two States Michigan and California, that would have fared the best under the bill as reported by the committee, were largely instrumental in defeating this bill, thereby destroying all chance for reapportionment on that occasion. Our colleagues from Michigan and California are loud in their demands for a new reapportionment, but I am wondering if they have told the people of their States that they would have secured an increased representation seven years ago, if their Representatives in Congress at that time, had not lent their influence to defeat the 1921 reapportionment bill.

Mr. DOWELL. Mr. Speaker, will the gentleman permit a question?

Mr. JACOBSTEIN. If it is on the bill; yes.

Mr. DOWELL. It is. On the bill as it now stands Congress is delegating the power——

Mr. JACOBSTEIN. If the gentleman will give me five minutes more, I think I can answer all these questions.

The emergency is going to be more critical in 1930. I will tell you why. The population has probably increased from 105,000,000 to approximately 125,000,000.

If you undertake to satisfy the wishes of every State in the Union you will have to have a House with a membership of 535. It is inconceivable that that will be done. Five hundred and thirty-five means a size too large to be wieldy, it seems to me, and there is a decided opinion here that in view of the fact that so many Members voted for 435 they are not going to vote for 535. If you do not get legislation in 1930 you will have a rotten borough system developed in this country by which 30,000,000 people will be unfairly represented in the United States.

We can therefore anticipate a deadlock. What is the remedy? The remedy is simply this: We propose to Congress now—and I hope the bill will be reported to the House by special rule—anticipatory legislation. Unless Congress does act in 1930, then the reapportionment we provide in this bill shall become operative. What do we provide in this bill? First, that the House shall consist of 435 Members, retaining the present membership of the House. That can be changed at any time; in 1930, or in 1931, or in 1932, or in 1933, or on up to 1940. But until Congress acts the House will remain at 435. In our bill (Fenn bill) we do not suggest what the future Congress should do as regards the size of the House. We merely say that the House shall stay where it is in size until changed by some future Congress. Then we specify that the apportionment shall be made according to the well-known mathematical formula, the method of major fractions. This is the method used in 1910 and recommended in 1920. You understand, of course, the Fenn bill simply provides a method of reapportionment only operative in the event Congress fails to act.

Congress always reserves that legislative power. In fact, Congress can always pass supplementary legislation on reapportionment and has done so on many occasions. I will now answer the question in the minds of many of you and raised in the minority report. Congress surrenders none of its powers. It can act at any time on reapportionment, and there is ample precedent for this statement. What it does do is this: It says to the Bureau of the Census, "Go ahead and take the census of the population of 1930, and after you have done that, after you have enumerated the population according to the States of the Union, assign representation to every State on the basis known as major fractions," a method used in 1910, a method used in 1920, and a method which is very simple to understand. I think I could make it plain to you in five minutes if I had the time. So Congress does not divest itself of its authority. It is constitutional. The last word from the Supreme Court of the United States bears me out in this. Only a month ago—April 9, 1928—the Supreme Court of the United States sustained the flexible provisions of the tariff act (J. W. Hampton, jr., & Co. *v.* The United States), wherein Congress gave another Government agent the power to fix rates on imports and gave it the power, when ordered by the President, to increase or decrease a tax. Our apportionment does not begin to go as far as that. What we propose here is not so drastic. We are merely assigning a function, a ministerial function, to a department of the Government which we at all times control. We say to the Census Bureau, "We direct you to apportion 435 members on the basis of the 1930 census, using the method of major fractions, but only to become effective or operative if we do not act." At any time if we choose to act and do enact legislation, then that particular apportionment which has been set into operation ceases to be the law.

It seems to me the bill is very simple. It is easy to understand. We surrender no power and it protects the Nation against the emergency of a deadlock that might arise in the year 1930 and which might be fraught with serious consequences to the country.

Mr. DOWELL. Will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. DOWELL. As I understand this bill it authorizes the apportionment for 1930.

Mr. JACOBSTEIN. On the basis of the 1930 population.

Mr. DOWELL. That involves the same principle, does it not, as though we made a permanent apportionment by the Census Department?

Mr. JACOBSTEIN. After that 1930 population census is taken, Congress is at liberty to act and should act. But if it fails to do its duty in 1930–31 then this bill provides a definite method and basis for reapportionment. That is all there is to it.

Mr. DOWELL. This is permanent law for action in the future?

Mr. JACOBSTEIN. It is permanent only in the sense that if Congress fails to act that method and formula continues to operate—and should.

Mr. DOWELL. If Congress fails to agree on the number they will permit, then the Census Bureau will make an apportionment in 1930; in 10 years, in 1940, they make it again.

Mr. JACOBSTEIN. That is right.

Mr. DOWELL. In 10 years they make it again.

Mr. JACOBSTEIN. That is right.

Mr. DOWELL. And unless Congress agrees to the number——

Mr. JACOBSTEIN (interposing). Just let me make one supplementary remark there. They will have to do it every 10 years, but when the Census Bureau does do it it is bound by the particular formula prescribed by Congress itself.

Mr. DOWELL. To be sure, but you have delegated it to the Census Department.

Mr. JACOBSTEIN. That is right. We have not, however, delegated any legislative power, but have merely assigned a ministerial function to another agent of the Federal Government, just as Congress did when it set up the Interstate Commerce Commission or the Tariff Commission, only with this difference, however, in the reapportionment bill this other outside agency is powerful and does not function at all if Congress does its duty by taking affirmative action. The Census Bureau merely submits tables to Congress showing reapportionment for a House membership of 435 on the 1930 census figures. These figures become the reapportionment when transmitted by the Clerk of the House to the several States. Neither the Census Bureau nor the Secretary of Commerce exercises any discretionary power. It is all done by specific direction of the Congress.

THE FEDERAL COURTS

The SPEAKER pro tempore. The time of the gentleman from New York has expired. Under special order of the House the gentleman from New York [Mr. LAGUARDIA] is recognized for 15 minutes.

Mr. LAGUARDIA. Mr. Speaker, I have had occasion to speak concerning the Federal judiciary several times. I have been criticized for my outspoken statements concerning Federal judges. That my statements were "too strong" was stated by some of my colleagues. Others claim that I am entirely wrong. The power of the judiciary has been steadily creeping and growing, until to-day it has established itself a supergovernment answerable and responsible to no one. The framers of our Constitution but a few years after its adoption saw this danger. The best minds of the time protested against the encroachment of the court on legislative and administrative functions of the other branches of Government. It was seen even in the early days of our Republic that this mighty power could and would be used or misused by a selfish, greedy minority for the exploitation of the masses. No one living to-day, whether Republican, Democrat, Progressive, or independent, will doubt the wisdom, ability, foresight, and patriotism of

Thomas Jefferson. There are few outstanding figures in American history who everyone claims as they do Thomas Jefferson. With prophetic vision and almost uncanny accuracy he looked into the future and saw exactly what the Federal courts would become and the power that they would eventually arrogate unto themselves. Just let me pause for a moment to read a short quotation from Thomas Jefferson:

We already see the power, installed for life, responsible to no authority (for impeachment is not even a scarecrow), advancing with a noiseless and steady pace to the great object of consolidation. The foundations are already deeply laid by their decisions for the annihilation of constitutional State rights and the removal of every check, every counterpoise to the ingulphing power of which themselves are to make a sovereign part. * * * Let the future appointments of judges be for four or six years and removable by the President and Senate. This will bring their conduct at regular periods under revision and probation, and may keep them in equipoise between the general and special governments. We have erred in this point by copying England, where certainly it is a good thing to have the judges independent of the King. But we have omitted to copy their caution also, which makes a judge removable on the address of both legislative houses. That there should be public functionaries independent of the Nation, whatever may be their demerit, is a solecism in a republic of the first order of absurdity and inconsistency. (Letter to Mr. William T. Barry. The Jeffersonian Cyclopedia.)

Mr. RAMSEYER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. RAMSEYER. From what is the gentleman quoting?

Mr. LAGUARDIA. I am quoting from a letter written by Thomas Jefferson to William T. Barry. It will be found in the Jeffersonian Cyclopedia, page 448.

Just another short quotation from Jefferson:

At the establishment of our Constitution the judiciary bodies were supposed to be the most helpless and harmless members of the Government. Experience, however, soon showed in what way they were to become the most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and irresponsibility in office; that their decisions, seeming to concern individual suitors only, pass silent and unheeded by the public at large; that these decisions, nevertheless, become law by precedent, sapping, by little and little, the foundations of the Constitution and working its change by construction before anyone has perceived that that invisible and helpless worm has been busily employed in consuming its substance. In truth, man is not made to be trusted for life if secured against all liability to account. (Letter to A. Coray. The Jeffersonian Cyclopedia.)

Now, Mr. Speaker, only a few days ago a decision was handed down in the city of New York by a so-called statutory court, this court consisting of either a justice of the supreme court and two circuit court judges or a judge of the circuit court and two district court judges.

Mr. WAINWRIGHT. How are they convened?

Mr. LAGUARDIA. They are convened on motion.

I desire to call the attention of my colleagues at this time that what happened to New York a few days ago may happen in your cities at any time. In fact, this regulation of public service utilities and local municipal matters by Federal courts is not new. Greedy public-service corporations have learned that they can run to the Federal courts and evade State laws and regulatory measures of State commissions. They will sign a contract or accept a franchise from a State commission, agree to all the terms, solemnly agree to submit to the regulatory powers of a State commission, with a dishonest mental reservation that as soon as they obtain the franchise or the contract they will go to the Federal courts and obtain judicial relief from compliance and exploit the people to the extent of their greed and the nerve of the Federal judge. The State of Indiana is at this very moment protesting against the usurpation of the Federal courts. I have here a resolution passed by the Legislature of the State of Indiana begging Congress to protect the State against the action of the Federal courts, and at this point, Mr. Speaker, I ask unanimous consent to read part of the resolution of the Indiana Legislature and to extend the complete resolution.

The SPEAKER pro tempore (Mr. FENN). The gentleman from New York asks unanimous consent to extend his remarks in the manner indicated. Is there objection? The Chair hears none.

Mr. LAGUARDIA. Here is what the Legislature of the State of Indiana says:

UNITED STATES OF AMERICA,
STATE OF INDIANA,
Office of the Secretary of State.

I, F. E. Schortemeier, secretary of state of the State of Indiana, hereby certify that the following and hereto attached is a full, true, and complete copy of enrolled Senate Joint Resolution 5, chapter 269, acts of seventy-fifth regular session of the General Assembly of the State of Indiana:

A joint resolution requesting Congress to prepare, support, and secure the enactment of legislation limiting and defining the jurisdiction of the United States courts in public utility and rate cases to the consideration after, not before, the courts of various States have considered the issue involved

Whereas Congress in 1816 created Indiana a sovereign and independent State, with full right to control its local affairs, and the corporations it created, and these would include especially utility corporations, furnishing water, light, gas, phone service, and other necessities; and

Whereas the growth and development of the State of Indiana and its public utilities reached such proportions in 1913 that it became necessary that careful and proper consideration of the rights of the public and the adequate protection of the public welfare, made it necessary for the General Assembly of the State of Indiana to create a public-service commission; and

Whereas certain utilities of this State, to wit: The Indianapolis Water Co., the Indiana Bell Telephone Co., the Citizens Gas Co. of Indianapolis, and The Central States Gas Co. of Vincennes, and the Greensburg Water Co. of Greensburg, petitioned the Public Service Commission of the State of Indiana for increased rates for service to the public; and

Whereas such petitions were heard and valuations thereof determined and rates fixed by the Indiana Public Service Commission, which were in the judgment of the commission fair, reasonable, and just; and

Whereas said utilities, to wit, the Indianapolis Water Co., the Indiana Bell Telephone Co., the Citizens Gas Co., the Central States Gas Co., of Vincennes, and the Greensburg Water Co. did, immediately in each case, invoke the jurisdiction of the Federal court of the State of Indiana instead of taking their cases to our State courts, alleging that the valuation determined and rates fixed by the public service commission were confiscatory; and

Whereas the laws of the State of Indiana governing the public service commission provide for and authorize any utility or person interested in any rate order to appeal to the circuit or superior court of any county in this State from any order of the commission fixing such rate, or rates, or valuation; and

Whereas such utilities did, in each instance, invoke the jurisdiction of the Federal court without first having pursued the remedy provided by the laws of the State of Indiana giving the right to appeal to the State courts; and

Whereas in each instance the Federal court has fixed a higher valuation and a higher rate than that fixed by the public service commission; and

Whereas the right of the State of Indiana to control its local affairs with reference to such utilities was defeated and prevented; and

Whereas the Public Service Commission of Indiana fixed the valuation of the Indianapolis Water Co. at $16,455,000; the Indiana Bell Telephone Co. at $32,000,000; the Citizens Gas Co. at $12,000,000; the Central States Gas Co. of Vincennes at $482,845, and the Greensburg Water Co. at $225,000; and

Whereas thereafter at hearings in the Federal Court of the District of Indiana the valuations of these public utilities were fixed at the following figures, to wit: The Indianapolis Water Co. at $19,000,000, resulting in increase of rates; Indiana Bell Telephone Co. at $36,000,000, resulting in increase of rates; Citizens Gas Co. at $16,000,000, increasing the rate for gas from 90 cents to $1.20; Central States Gas Co., of Vincennes, at $739,572; and the Greensburg Water Co. at $340,000, resulting in increase of rates: Therefore be it

Resolved by the Seventy-fifth General Assembly of the State of Indiana, That the United States Senators and Members of Congress representing the State of Indiana be, and they are hereby, respectfully petitioned to prepare, support, and their associates enact legislation limiting the jurisdiction of the courts of the United States in all cases that may be filed therein by public utilities seeking relief from orders issued by public service commissions, to such utilities as have first exhausted all legal remedies given by the courts of the respective States; Be it further

Resolved, That copies of this resolution be transmitted by the governor and the secretary of state to the Senators and Members of Congress representing the State of Indiana, and the Senators and Congressmen of the other States of the United States.

F. HAROLD VAN ORMAN,
President of the Senate.
HARRY G. LESLIE,
Speaker of the House of Representatives.

Filed March 11, 1927—12.02 p. m.

F. E. SCHORTEMEIER,
Secretary of State.

In testimony whereof I hereunto set my hand and affix the great seal of the State of Indiana. Done at my office in the city of Indianapolis, this 12th day of March, A. D. 1928.

[SEAL] F. E. SCHORTEMEIER,
Secretary of State.

The city of New York has invested over $400,000,000 in subways. These subways are operated by rapid-transit corporations under a contract with the city of New York. Among other things, the contract provides that the operating companies must furnish service under certain general conditions, and specifically provides that a fare of 5 cents shall be charged. The gentlemen must bear in mind that at the time the contract was signed there was a movement all over the United States for cheap transportation. Many of the cities in Ohio were enjoying 3-cent car fares. Six rides and seven rides for a quarter were in effect in many cities of the United States. So the operating companies, to protect themselves, insisted that the 5-cent provision should be written into the contract. It was written into the contract. It has been there for 15 years. If when the operating companies were making huge profits and declaring big dividends the city of New York would have sought to lower the rate, the operating companies would have resisted and would have insisted upon the rights of contract. Yet, now we find these same companies, after years of maneuvering, after years of the dirtiest kind of politics, resorting to the Federal court to aid in the execution of their dirty work.

Mr. WAINWRIGHT. Will the gentleman yield for a question?

Mr. LaGUARDIA. Yes.

Mr. WAINWRIGHT. May I ask the gentleman to enlighten us as to what claim of authority this statutory court asserts in order to get control of this matter? I think there is a great deal of confusion in the public mind as to how this purely local question got into a Federal court.

Mr. LaGUARDIA. The decision handed down by this so-called statutory court starts off with an apology and a misstatement of facts. It makes a clumsy attempt to prevent the scorn of public opinion. It states in the opinion that the action in the Federal court was commenced by the subway company prior to the action commenced in the State court by the transit commission. Not one of the millions of strap hangers of New York City will be deceived by this misstatement of fact, even if it is contained in a judicial decision.

The action was commenced in the Federal court by obtaining an ex parte order from a Federal judge residing in Westchester hours after court had adjourned. This ex parte order was suddenly presented to the judge and signed by him at his home. The order is lengthy, involved, and technical. Yet the ex parte order signed by the judge at his home was prepared and printed. How did the transit company know how the judge would decide and what he would put in the order to have a printed and prepared order for his honor to sign? The fact is, and everyone in New York knows it, with the apparent exception of the three judges who sat on the case, that this order was obtained after both the Federal court and the transit companies had learned that the State commissioners had moved in the State court to protect the rights of the city of New York and the millions of citizens compelled to use the subways.

The opinion of the court smacks of the shrewd mathematics of the curb rather than the deliberate judgment of the bench.

The prophetic wisdom of Jefferson was never more emphasized than in the present instance. I submit that it was the intention of the framers of the Constitution that the Federal courts should dispense justice and should not be made the adding machine for greedy corporations.

The decision in the Interborough Rapid Transit Co. case increasing the rate of fare without any justification of facts compares with the political decision in the Dred Scott case. It will settle nothing. The millions of people of New York City will simply refuse to pay the increased fare.

I happen to have first-hand knowledge concerning the contracts under which the Interborough Rapid Transit Co. is operating. First of all, the people of this country must know that the city of New York owns the subways. Second, that the Interborough operates these subways under a contract with the city of New York. When I was president of the board of aldermen in 1920, the Interborough and the other rapid-transit companies appeared before us seeking to modify the contract. It was admitted and conceded then that the rates of fare could not be increased unless both parties to the contract consented.

This happened to me. I do not get this out of a book. I was president of the board when they applied for a modification of the contract.

It was the law then. On the showing the board of estimate and apportionment of which I was a member refused to modify the contract and the fare was not increased. The law has not changed since 1920. The judges have changed.

If the contract was constitutional and valid during the years that the Interborough and other rapid-transit companies paid out over 180 per cent in dividends, it is constitutional to-day.

This case is not novel in any way. The same point came squarely before the Supreme Court in the case of the Georgia Railway & Power Co. against the town of Decatur, reported in two hundred and sixty-second United States Reports on page 432. There the facts were almost identically the same as in this case. It was a case where the city of Decatur, Ga., had made a contract with the railroad for a 5-cent fare, and the railroad sought to increase the fare to 7 cents, exactly the same as in New York, and after a lengthy opinion the court said, Judge Sutherland writing the opinion—I can give the law in two lines—

> The contract being valid, we are not concerned with the question whether the stipulated rates are confiscatory.

And there are a number of such decisions. They cite in their opinion the cases of Southern Iowa Electric Co. *v.* Chariton (255 U. S. 539), Paducah *v.* Paducah Railway Co. (261 U. S. 267).

The question is not novel. The very conduct of the statutory court in face of the existing law raises a suspicion that the Federal court will never be able to remove.

The outrageous decision handed down by the so-called statutory court lays down a new principle of law which is un-American, inequitable, unconstitutional, and indecent. This decision says that a contract is valid when a corporation is making enormous profits and invalid at any time that its profits decrease according to the corporation's own view as to what is a reasonable return.

I challenge anyone to point out one decision in the Federal courts where a corporation was compelled to reduce its rates agreed upon in a contract with a municipality, county, or State because the corporation was making too much profit.

Did you ever hear of such a case? If this law is good, then I challenge anyone to show a case in point.

Now, gentlemen, get this:

The court either refused to examine the figures of the Interborough or else ignored them. In either event the court was not justified in granting an increase in fare.

Now get these figures:

The Interborough as a matter of fact is not losing money.

So even if the court had jurisdiction as a matter of law and the rate was confiscatory; but the court did not, because the rate was fixed in a contract. But even so, on the facts themselves it can not be shown that the rate of 5 cents is confiscatory, because the companies are not losing money, but making a profit.

During the first six months ended June 30, 1927, this same company that went before the Federal court and complained that it was losing money, paid $265,541.46 Federal income tax—net income on this figure would be $1,966,973.78. For the calendar year 1926 this same company paid $89,507.27—net income on this figure would be $292,646.44.

The courts stress the lease with the Manhattan Railway Co. This Manhattan Railway Co., whose rates are now to be increased because it claims that it must operate under a confiscatory rate of fare, made so much money that from January 1, 1918, to June 30, 1927, it paid $4,800,000 Federal income tax.

All through the decision you will find many references to the lease existing between the Interborough and the Manhattan Railway Co. This lease is for 999 years. What they did, gentlemen, was this: The same crowd that owned and controlled the Interborough got control of the Manhattan and leased the company to themselves.

The only difference between the men who negotiated the lease between the Manhattan Railway and the Interborough and Gerald Chapman is that Gerald Chapman was caught, convicted, and hanged. [Laughter.]

If the court was honestly sincere in seeking to bring about relief and if it claims the power to destroy the contract between the city of New York and the Interborough, it could destroy the dishonest and fraudulent contract between the Manhattan Railroad and the Interborough.

As a matter of fact, the Interborough can operate on 5 cents under the contract with the city of New York and make money. Everybody in New York knows it except the three judges who sat on the case.

Section 380 of the United States Code, or section 266 of the Judicial Code, was never intended to be used in a case where a contract was involved. The purpose of this provision of the law was to create a tribunal to immediately pass upon a State law which might bring irreparable injury if enforced, though unconstitutional. But, gentlemen, this law that is now brought before the Federal court is nothing new. It was first enacted

in 1891 and then amended in 1894. The original contracts with the city of New York for the construction of the subways were made on July 10, 1902, and August 10, 1905. These contracts were assigned to the Interborough Co. now operating.

Gentlemen, but a few days ago we had before our Judiciary Committee one of the ablest railroad lawyers of this country. He is not a radical and not even a progressive and does not come from New York City. He is a staid, conservative railroad corporation lawyer and makes no bones about the fact that he believes railroad corporations are sanctified, are always pure and holy, and have constitutional rights that no one can take away. In fact, he was before the Judicial Committee in opposition to one of my bills. After arguing for a long time on the powers of the Federal court, and, mark you, this lawyer, who, by the way, is Mr. Alfred P. Thom, general counsel of the Association of Railway Executives, took the position that Congress could not deprive the Federal courts of any of its powers. Of course, I do not agree with him on that, and I believe that very few Members of the House will agree with him on that. But I took the opportunity to question Mr. Thom on the subject of the interference by the Federal courts where a contract was involved. I will here read the colloquy between Mr. Thom and myself:

Mr. LAGUARDIA. You referred to the necessity of getting protection and used carriers as an illustration, seeking relief from orders of State commissions or State laws. Is it your belief that in purely intrastate matters a carrier, or a public utility corporation, may go to the Federal court in the first instance?

Mr. THOM. If what the State does is to confiscate its property.

Mr. LAGUARDIA. Suppose it is a matter of contract and not a law or order of the State commission, but a contract entered into between a company and a subdivision of the State or a municipality. In that instance, could there be a resort to the Federal courts to avoid the terms of that contract at the first instance?

Mr. THOM. If it is a valid contract, I do not think they could resort to the Federal court. I do not think any Federal question arises.

Mr. LAGUARDIA. There is another question I wanted to ask you. You agree with the decision of the United States Supreme Court in the Porto Rico tax case, do you not?

Mr. THOM. Yes.

Mr. LAGUARDIA. Fully?

Mr. THOM. Yes.

Mr. LAGUARDIA. But you distinguish that because it is a tax matter?

Mr. THOM. Yes.

Mr. MICHENER. Just one question there: On this question of going into the Federal court where a contract has been violated, as referred to by Mr. LAGUARDIA, assuming that that contract was a franchise given to a public utility, we will say a 30-year franchise, and that conditions changed during the 30 years, so that the utility could not survive financially under the franchise, which is a contract, do you not think that a stockholder who happened to reside in some other State, for instance, might go into a Federal court in a case of that type?

Mr. THOM. I did not, perhaps, understand Mr. LAGUARDIA'S question. I did not know he was putting a question of a violation or a breach of a contract by a State. Of course, a State has no right to make a breach of a contract without violating the Federal constitutional provision.

Mr. LAGUARDIA. Does that answer the question of the gentleman from Michigan?

Mr. THOM. What is that? I did not hear you.

Mr. LAGUARDIA. I agree with Colonel Thom.

Mr. THOM. What is that?

Mr. LAGUARDIA. You are absolutely right.

Mr. THOM. So far as that is concerned, as I understand the question that you put, it is that where there is a valid franchise granted on certain conditions, there is no question of violating that franchise, but the effect of it has become destructive——

Mr. MICHENER. That is it.

Mr. THOM (continuing). Of the entity to which it was granted. Well, the fact that that contract becomes destructive does not seem to me to violate any law; and it seems to me that nobody has a right to insist that the franchise should be different simply because it destroys the prosperity of the entity to which it was granted.

Take this case, for example: Take a railroad company, and it makes a contract which is valid that it will perform a service for a certain amount. Well, to enforce that is not confiscation. The evil that comes there is from the contract which it voluntarily entered into. If, however, there is no contract, and the State undertakes to prevent the proper use of the instrumentalities of the corporation in such a way as to deny it a proper return, then a Federal question does arise.

Mr. MICHENER. That is the answer to my question.

Mr. THOM. But any carrier would be prevented from complaining if what it complains of was the enforcement of the contract which it had made. There is no question of confiscation that could arise in that case.

Mr. LAGUARDIA. We agree on that, Colonel.

Mr. THOM. I am very glad of it. I am always delighted when I find that any of you gentlemen agree with me.

So here, gentlemen, you have it from a corporation lawyer, representing the executive association of railroads, who believes in the unlimited power of the Federal court admitting that where a rate is fixed in a contract the Federal court can not set aside the terms of such a contract. I contend that the decision handed down by the so-called statutory court consisting of these three judges in New York City was not only contrary to the facts, against the weight of evidence, but also contrary to law. The court had no jurisdiction, it should not have interfered, and it did only what the Interborough wanted it to do. In fact, the Interborough, it is known, has made arrangements for weeks to prepare for the collection of the extra 2 cents fare. I will have more to say about this as the case progresses. I will serve notice now to these Federal judges in New York and elsewhere that they will not be able to carry on in such a manner, and that the people will resent not only the usurpation of power, but establishing in this country one law for corporations and one law for the consumers, one contractual right when a corporation is making money and wants the contract continued and different rights when a corporation is tired of a contract. The Federal courts have reached the limit of their arrogance. They have invited resentment and loss of confidence. I again desire to express the hope that some day Congress will act on my bill which will take from the Federal courts jurisdiction in the first instance in these purely intrastate matters in which no Federal or constitutional right is involved.

The SPEAKER pro tempore. The time of the gentleman has expired.

NECESSARY APPROPRIATIONS FOR MATTERS BEFORE CONGRESS

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. SNELL. Mr. Speaker and gentlemen of the House, I have asked for this time for the purpose of giving some information to the House and the country that I think may be of interest. Various Members are finding fault with the Rules Committee and specially with the Chair because they can not all get at once the legislation they are specially interested in. To show you that at present and for the immediate past that we have had some problems to deal with of importance and cost to the American people, I want to enumerate without comment some of the more pressing matters before us. Perhaps some of you may think as I do that it is about time to put up the stop-look-and-listen sign.

I presented this list to the President this morning:

Flood control	$325,000,000
Muscle Shoals ($60,000,000 to $75,000,000)	75,000,000
Boulder Dam	125,000,000
Mississippi barge line	10,000,000
Virginia road	4,500,000
Welch pay bill	18,000,000
Pink bollworm	5,000,000
Forestry research bill	3,625,000
Pay customs employees	1,635,000
Pay immigration employees	142,000
Vocational education bill	6,000,000
Retirement emergency officers	2,000,000
Retirement civil employees	30,000,000
Farm relief bill	400,000,000
Good roads bill ($75,000,000 to $85,000,000)	85,000,000
Vermont roads	1,600,000
Kentucky roads	1,800,000
New Hampshire roads	625,000
Rogers Clark memorial	1,000,000
	1,095,527,000

War-minerals relief, $5,000,000 to $10,000,000.

Gentlemen, if we pass all this legislation—and it is being earnestly urged at the present time—instead of spending your time passing tax-relief measures you better spend your time finding new revenues. [Applause.]

Mr. HASTINGS. What is the aggregate of those amounts?

Mr. SNELL. Something over $1,000,000,000. [Applause.]

LEGISLATIVE APPROPRIATION BILL

Mr. MURPHY, from the Committee on Appropriations, presented a conference report on the bill H. R. 12875, the legislative appropriation bill, for printing under the rule.

THE AMERICAN MERCHANT MARINE

Mr. WHITE of Maine. Mr. Speaker, I call up the bill S. 744, an act to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes, and ask unanimous consent that the House insist on its amendments and agree to the conference asked for.

The SPEAKER. The gentleman from Maine calls up the bill S. 744 and asks unanimous consent that the House insist on its amendments and agree to the conference asked for. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. WHITE of Maine, Mr. LEHLBACH, Mr. FREE, Mr. DAVIS, and Mr. BLAND.

CALENDAR WEDNESDAY BUSINESS

The SPEAKER. Under the order of the House, Calendar Wednesday is in order to-day. The Clerk will call the committees.

The Clerk called the Committee on the Merchant Marine and Fisheries.

CONSTRUCTION AND MAINTENANCE PROGRAM OF THE BUREAU OF FISHERIES

Mr. WHITE of Maine. Mr. Speaker, I call up the bill (H. R. 13383) to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries.

The SPEAKER. This bill is on the Union Calendar. The House automatically resolves itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LEAVITT in the chair.

Mr. WHITE of Maine. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maine asks unanimous consent that the first reading of the bill be dispensed with. Is there objection.

Mr. CRAMTON. I believe, Mr. Chairman, this bill is one that the House ought to hear read, and I object.

The Clerk read the bill, as follows:

Be it enacted, etc., That there are hereby authorized to be appropriated during the fiscal year beginning July 1, 1928, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in each of the following States, at a cost not to exceed the amount specified: New Mexico, $50,000; Idaho, $60,000.

(2) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: Wisconsin (in the southern part of the State), $50,000; Montana, $35,000.

(3) The establishment of fisheries laboratories in the State of Washington, at a cost not to exceed $100,000, and a laboratory in the Territory of Alaska, at a cost not to exceed $50,000.

(4) The establishment of experimental and bass and trout stations in the State of Maryland or West Virginia, at a cost not to exceed $60,000.

(5) The purchase and repair of the Rogue River substation, in the State of Oregon, at a cost not to exceed $35,000.

SEC. 2. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1929, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in each of the following States, at a cost not to exceed the amount specified: Alabama, $50,000; Indiana, $50,000; Louisiana, $50,000; Tennessee (in the central part of the State), $50,000; Pennsylvania, $100,000.

(2) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: New Hampshire (in the White Mountain Forest), $25,000; South Carolina, or the enlargement of Orangeburg station in said State, $35,000; Texas (in the western part of the State), $35,000; Colorado, $20,000.

(3) The purchase of Mill Creek station in the State of California, at a cost not to exceed $20,000.

(4) The enlargement of Cape Vincent station in the State of New York, at a cost not to exceed $25,000.

SEC. 3. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1930, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in the State of Florida, at a cost not to exceed $100,000.

(2) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: Maine, $35,000; Virginia (in the eastern part of the State), $75,000; North Carolina (in the eastern part of the State), $35,000; Mississippi, $35,000; Minnesota (in the Rainey Lake or Lake of the Woods region), $35,000; New York, $35,000.

(3) The establishment of a marine fish-cultural station in the State of Texas (on the Gulf coast of the eastern part of the State), at a cost not to exceed $100,000.

SEC. 4. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1931, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in the State of New Jersey at a cost not to exceed the amount of $75,000.

(2) The establishment of a fish-cultural substation in each of the following States at a cost not to exceed the amount specified: Illinois, $35,000; Nevada, $35,000.

SEC. 5. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1932, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in the State of Ohio at a cost not to exceed $75,000.

(2) The establishment of a fish-cultural substation in each of the following States at a cost not to exceed the amount specified: Kansas, $35,000; North Dakota, $35,000; Arkansas, $35,000.

(3) The purchase and repair of the Little White Salmon station in the State of Washington at a cost not to exceed $25,000.

(4) The establishment of a fish-cultural station in the State of Georgia for the propagation and hatching of shad and such species of fresh-water fish as may be feasible, desirable, and suitable, for food purposes, at a cost not to exceed $35,000.

SEC. 6. There is hereby authorized to be appropriated such amounts as may be necessary not to exceed $35,000 for the establishment of an experimental and bass and trout station in the Pisgah National Forest or in the Great Smoky National Park in the State of North Carolina upon the acquisition of said park by the United States.

SEC. 7. (a) The stations, substations, and laboratories authorized by sections 1, 2, 3, 4, 5, and 6 shall be located in the States and parts thereof and in the territory specified, at such suitable points as may be selected by the Secretary of Commerce.

(b) Any appropriation made under authority of sections 1, 2, 3, 4, 5, and 6 may be expended for the purchase of sites, the purchase of equipment, the construction of buildings and ponds, and for such other expenses as may be incidental to the cost of the establishment, purchase, or enlargement, as the case may be, of the station, substation, or laboratory in question.

(c) No part of an appropriation made under authority of sections 1, 2, 3, 4, 5, or 6 shall be expended in the construction, purchase, or enlargement of a station or substation until the State in which such station or substation is to be located shall have by legislative action accorded to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and fish culture and all operations connected therewith in any manner and at any time that may by the commissioner be considered necessary and proper, any laws of the State to the contrary notwithstanding. The operation of any station, substation, or laboratory established, purchased, or enlarged under authority of this act shall be discontinued whenever the State ceases to accord such right; and such operation may be suspended by the Secretary of Commerce whenever in his judgment State laws or regulations affecting fishes cultivated are allowed to remain so inadequate as to impair the efficiency of such station, substation, or laboratory.

SEC. 8. There are hereby authorized to be appropriated, in addition to all other amounts authorized by law to be appropriated, the following amounts during the fiscal years specified:

(1) For the purpose of providing adequate maintenance costs and personnel for the division of fish culture, Bureau of Fisheries: Fiscal year beginning July 1, 1928, $100,000; fiscal year beginning July 1, 1929, $200,000; fiscal year beginning July 1, 1930, $300,000; fiscal year beginning July 1, 1931, $400,000; fiscal year beginning July 1, 1932, $500,000. Of each amount authorized by this paragraph to be appropriated, 70 per cent shall be for miscellaneous expenses, division of fish culture, and 30 per cent for salaries at the seat of government and elsewhere.

(2) To meet the demand for fundamental knowledge regarding our great commercial fisheries and for developing the natural cultivation of oysters, mussels, and other mollusca, and the improvement of pond cultural and other operations of the division of inquiry, Bureau of Fisheries, respecting food fishes: Fiscal year beginning July 1, 1928, $50,000; fiscal year beginning July 1, 1929, $100,000; fiscal year beginning July 1, 1930, $150,000; fiscal year beginning July 1, 1931, $200,000; fiscal year beginning July 1, 1932, $250,000. Of each amount authorized by this paragraph to be appropriated, 60 per cent shall be for miscellaneous expenses, division of inquiry, and 40 per cent for salaries at the seat of government and elsewhere.

(3) To provide for the proper husbandry of our fisheries, improvements in methods of capture, merchandising, and distribution of our fishery harvest, including saving and utilization of waste products, and other operations of the division of fishery industries, Bureau of Fisheries: Fiscal year beginning July 1, 1928, $35,000; fiscal year beginning July 1, 1929, $70,000; fiscal year beginning July 1, 1930, $105,000; fiscal year beginning July 1, 1931, $140,000; fiscal year beginning July 1, 1932, $175,000. Of each amount authorized by this paragraph to be appropriated, 60 per cent shall be for miscellaneous expenses, division of fishery industries, and 40 per cent for salaries at the seat of government and elsewhere.

Mr. WHITE of Maine. Mr. Chairman and members of the committee, this is a bill which comes before the House with the unanimous approval of the Merchant Marine and Fisheries Committee of your body. It seems to me that it might well be entitled a bill to preserve and perpetuate the fisheries of the United States.

I do not in any degree minimize its importance. It contemplates a five-year program for the construction of fish hatcheries, substations, laboratories, and there goes with it the necessity for the authorization of appropriations to make effective the judgment of the committee as to the steps necessary to be taken, if we are to preserve for future years to the people the fisheries of the United States.

I think it proper that I should indicate in the first instance what is involved in this program as a matter of expenditure. The program carried out to its maximum would in the spread of five years call for an appropriation totaling $1,770,000 for the construction program.

It would call for a maximum increase in the annual maintenance costs of the Bureau of Fisheries at the end of the five years, assuming the entire program to be carried out, of approximately $915,000, raising that item from about $2,083,000 for this coming fiscal year to just under $2,998,000, or approximately that, at the end of the contemplated building and expansion program. That means in round numbers, and I speak only in round numbers, that at the end of a five-year program, assuming it to be carried out to the full extent contemplated and recommended by your committee, there will be an expenditure of approximately $3,000,000 in behalf of the fisheries of the United States.

Those of us charged with the immediate responsibility for considering the situation which obtains with respect to our fisheries, and of developing a ways and means for preserving those fisheries, give this proposal our unstinted and our unqualified approval. I often think that the people generally and the membership of this House fail to appreciate the magnitude of the fisheries industries, the tendencies in those industries, and what portends to the people of the United States unless we recognize the problem that confronts us and courageously and aggressively address ourselves to its solution. Roughly speaking, there are 120,000 men and women in the United States engaged in our fisheries. The catch totals annually almost 3,000,000,000 pounds of fish. The fishermen of the United States are paid something between $105,000,000 and $110,000,000 a year. Fish furnish to many people, to increasing numbers of people, a valuable article of diet. Every one recognizes its food value. It is becoming more and more a widely used food product, and its dietary qualities are becoming more and more recognized. Nature is prodigal, but I think the history of the years demonstrates to every one who will give heed that nature is not inexhaustible. What has been going on throughout this country of ours with respect to other natural resources points a moral and carries to us a solemn warning of what will come to us with respect to this great natural resource unless we give heed to the indications and unless we meet, as I conceive it, our obligations with respect thereto.

There has been a marked loss in our fishery products in certain kinds of fish. I shall allude in general terms to only a few of them, because they are illustrative and indicate clearly what we face. Take shad. That is one of the great fish of the Atlantic seaboard. In recent years it has become more or less prolific on the Pacific coast, but in a span of 30 years the catch of shad in the United States has dropped from about 51,000,000 pounds a year to barely 15,000,000 pounds a year, a loss of more than 66⅔ per cent. Sturgeon used to abound in the waters of the Atlantic seaboard, in the Great Lakes, and elsewhere. In a span of 30 or 35 years the catch of the sturgeon has dropped from 18,000,000 pounds a year to 1,200,000 pounds a year.

The catch of lobster on the New England coast in 30 years has dropped from 30,000,000 pounds to slightly over 10,000,000 pounds. There again is a loss of 66 per cent of the catch of this fish. Crab was abundant at one time in the waters of the Chesapeake Bay and elsewhere, but in the period of five years from 1915 to 1920 that catch dropped from 50,000,000 pounds to about 23,000,000 pounds. In later years it has slightly increased. I think the last figures indicate that the catch has risen to approximately 30,000,000. Next take the herring of the Great Lakes. In a span of seven years that catch fell from about 35,000,000 pounds to 3,000,000 pounds. In the Great Lakes and in the Lake of the Woods, those vast inland oceans, the catch of all kinds of fish dropped in seven years from about 149,500,000 pounds to approximately 100,000,000 pounds. Those waters have apparently been depleted in that short space of years by approximately 50 per cent. The catch of whitefish in the Great Lakes area in half a century has fallen from more than 21,000,000 pounds to approximately 4,000,000 pounds a year.

That, gentlemen, is what is taking place with respect to the fisheries of the United States. Unless we give heed to the scientific problems involved, unless we give heed to the question of pollution and propagation and conservation and to all of the other factors that make for perpetuation of the species, we are going to see in a few short years many of these valuable commercial foods unknown to the people of the United States.

What is our duty? I have said that nature is not inexhaustible. We have seen our forests go, we have seen the buffalo go, we have seen the fur-bearing animals disappear. I shall never get out of my mind the tragic story of the Atlantic sea salmon. I referred to it the other day. Within the memory of men on this floor the Atlantic sea salmon entered 28 streams between New York and the Canadian border. To-day that Atlantic sea salmon is seen in just 1 of those 28 streams. You have seen the situation on the Pacific coast. Not many years ago the Sacramento River was a great salmon river. You have seen the catch from that river disappear, and you have seen that same process going on up to the Columbia and on up through those rivers, reaching farther up to the north and up to the Territory of Alaska, represented by the gentleman from Alaska [Mr. SUTHERLAND]. It seems to your committee that we owe an obligation to the people of the United States, and we owe an obligation to those that are yet to come, to adopt every means of science and to make liberal expenditure to save this heritage to our people. This bill proposes what we believe to be a scientific, well-rounded program looking to those ends. The committee summoned before it the Commissioner of Fisheries, and I say to you that there is no project in this bill that does not have the approval of the scientific experts of the Government. After we have mapped out what we believe to be an essential program of construction, we have provided what we conceive to be a minimum of force to make useful and effective the physical aids we are giving in this bill.

I personally commend the bill to the membership of the House as a wise and necessary measure of conservation. It forces upon us, in my judgment, an obligation that we must now meet, or there will rest upon us in the years to come the onus of a clear failure to meet a manifest duty. [Applause.]

Mr. CRAMTON. Mr. Chairman, I ask recognition in opposition to the bill.

The CHAIRMAN. The gentleman is recognized for one hour.

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, my opposition to the bill is an opposition to the bill in its present form; not at all an opposition to the purposes of the bill, but because the bill as it stands if enacted into law is an encroachment upon the established Budget policy of our Government; an encroachment which, with this precedent established, would likely be followed by a multitude of similar measures and result in the destruction of the Budget system.

The bill in question has a widespread and comprehensive program of construction and maintenance of various activities that are deemed useful in promoting the ideas that the gentleman from Maine [Mr. WHITE] has urged. It involves an expenditure of several million dollars. The Committee on the Merchant Marine and Fisheries have not submitted the measure to the Budget to ascertain to what extent, if any, it would be in conflict with the President's financial program. Their bill provides that for each of certain years to come there shall be certain new buildings provided, or new establishments created; that in each of certain years there shall be a considerable sum of money spent in the development and maintenace of those institutions or establishments. In other words, if the bill becomes a law, so far as this subject is concerned the hands of the President are tied with reference to the expenditure of money for these purposes. The Congress will insist, the committee that reported the bill, and gentlemen who are interested in the items will insist that because this law was enacted the Budget has no discretion as to the recommendations it can make to the Congress on this subject, and when the items come to Congress from the Budget it will be insisted, first, that the Committee on Appropriations has no discretion as to such items, but must recommend them to the House because of the enactment of this legislation; and then that the House and the Congress have no discretion; that these appropriations have not only been authorized but they have been directed.

The gentleman from New York [Mr. SNELL] a few minutes ago called attention to the long program of bills pending before Congress that call for new expenditures of public funds. But that list was by no means complete. I did not notice this one among the list, and I know of others that were not included in the list. It is time to stop, look, and listen.

My position on this—and I hope it will be understood—is not caused by any fear or any personal feeling as to an encroachment on the jurisdiction intrusted to the committee of which I am a member; my fear as to the bill is aroused, however, because, growing out of my experience as a member of that committee and my contact with this subject I realize what this kind of legislation will do to the Budget program, and I say to you that this House can not afford to embark upon a policy that means a destruction of the Budget policy. The Budget policy in its importance is greater than the importance of any one committee or any set of committees. It is greater even than the importance of protecting the fisheries of the country.

But there is no need for any conflict. The fisheries of the country can be protected through a proper legislative policy without tying the hands of the Budget and the Congress for five years to come.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. CROWTHER. According to the language of the bill these are authorizations, are they not? It will be in the discretion of the Committee on Appropriations as to whether that money shall be expended or not?

Mr. CRAMTON. Of course it would be theoretically in their discretion, but if this bill passes the gentleman from Maine [Mr. WHITE] and others interested in the item will say to the Budget and to the Committee on Appropriations and to this House that because this bill is a law there is nothing to be done but to make the appropriations. For instance, I will call to the attention of the gentleman from New York——

Mr. CROWTHER. Has that policy been general, does the gentleman think?

Mr. CRAMTON. I will say this, that there was a case. I will say to the gentleman there was a bill passed with reference to the payment of certain Indian claims in Nebraska. That bill permitted the payment of interest, a thing somewhat out of the ordinary. That bill did not attract much attention when it was considered in the House. The facts were not brought forcibly to the attention of the House. Afterwards the bill became a law authorizing the payment.

The Committee on Appropriations, under the leadership of that wonderful man whose services we have just lost, took the position that the claim was unconscionable as against the Government and that we ought not to pay the amount provided by that bill. There was no division of sentiment on that question in the committee, so the committee did not report the amount to the House. The gentlemen interested in it offered an amendment on the floor, and the gentleman, if he likes excitement, will find it refreshing to look back to the RECORD and see the castigation that was heaped upon the Committee of Appropriations for not having reported the item in accordance with the law. There was no doubt in my mind then that if the item had come to the attention of the House in the beginning the House would not have approved it; but it having come up as it did, this House voted to put it in the appropriation bill, because it was authorized by existing law.

The only time to safeguard these things is before a bill becomes a law. I was unable to see that there was any report on this bill from the Budget, so I brought the matter to the attention of the Budget.

Mr. QUIN. Did not the Bureau of Fisheries designate all these items?

Mr. CRAMTON. I assume it did. There is no bureau of the Government that will neglect the opportunity to designate a number of expenditures. The matter, I am advised, was considered by the Director of the Budget and by the President. I have a letter here from the Budget. It states the bill is in conflict with the President's financial program because of the stipulated cost for stipulated fiscal years:

BUREAU OF THE BUDGET,
Washington, May 8, 1928.

Hon. LOUIS C. CRAMTON,
Committee on Appropriations, House of Representatives.

MY DEAR MR. CRAMTON: This is in reply to your inquiry relative to the status of H. R. 13383, "to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries." This measure has never been referred to this office for review. A study, however, has been made of its provisions, and it was presented to the President this morning to ascertain his attitude relative thereto. The President holds that this legislation would be in conflict with his financial program because of the stipulated cost for stipulated fiscal years.

Very truly yours,

H. M. LORD, *Director.*

Having that information, I made a study of the bill and I have sought to suggest an amendment that would give full force and effect to the desire of the committee to have Congress indicate their interest in this program, their desire to indicate a priority program of these improvements and still not to tie the hands of the Budget and of Congress for five years to come. I have suggested this amendment to the gentleman from Maine, but he has not as yet seen his way clear to accept it. I have much regretted that, and I have hoped that even yet he might see his way clear to accept it, because it does not destroy the work of his committee; it preserves the work of his committee, but it does not, with this amendment, tie the hands of the Budget and of Congress and would seem not to be in conflict with the financial program of the President.

The first five sections of the bill provide the construction program. Section 7 has various subdivisions having to do with this program and the appropriations authorized. I propose to add a new subdivision to be known as subdivision (d) and to read this way, leaving the first five sections as they are:

(d) That the authorizations herein given in sections 1, 2, 3, 4, and 5 with reference to appropriations for certain specified years are for the purpose of indicating priority proposed to be given the various projects enumerated therein, but shall not be held to require the appropriations therein enumerated to be made in the years specified, and the appropriations enumerated are likewise authorized in prior or subsequent years in annual or supplemental appropriation bills.

In other words, that amendment makes it clear that the first five sections are the indicated program, with certain priorities; that from year to year the estimates will be made; and that each year it shall be in order for the Budget and for Congress to either expedite the program or to slow it up, as the financial conditions of that year and the revenues of the Government may seem to indicate.

Under the bill as presented by the committee, following up the suggestion of the gentleman from New York [Mr. CROWTHER], let me emphasize to the committee and to the Committee of the Whole that there is an item authorized for the year 1932 for a fish-cultural station in the State of Ohio. It is true Congress is not obliged to make that appropriation in 1932, although it will be insisted that they are committed; but if Congress should not make the appropriation in 1932 there would be no authority of law to make it in 1931, in 1933, or any other year. It is only authorized to be made in one special year.

Apart from that proposition there may be great changes in conditions as to the relative importance of these several projects in five years to come; there may be changes, so that instead of Kansas, North Dakota, and Arkansas being left until 1932 they ought to come in in 1930 and that something in 1930 ought to be postponed. Under the committee bill it is a hard and fast program that can not be modified by the Budget or by Congress because of lack of authority, but under this amendment it becomes flexible and it can be modified and changed in accordance with conditions.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. SCHNEIDER. I was just wondering whether this legislation would be carried out if we must depend upon the Bureau of the Budget to recommend appropriations in accordance with the idea of the gentleman from Michigan.

Mr. CRAMTON. My observation has been—and I perhaps have watched these things as closely as anyone here, as I have been a member of that committee ever since the Budget system was inaugurated—that the President, acting through the Budget, has shown a great desire at all times to meet the wishes of the legislative branch just as far as was reasonably possible, and I am satisfied that the enactment of this bill into law with the amendment I have suggested does not destroy the legislation, but would have a great deal of weight with the Budget next winter and each year afterwards in the making up of the program. Here would be an expression from Congress, and if financial conditions permitted it would be followed. But suppose there should come a slump in the revenues of the Government and a retrenchment had to be made, why should not this question be open for consideration as well as other questions?

Mr. BUSBY. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BUSBY. Is it the gentleman's idea that the designation of places and amounts are proper as contained in the bill? Is that satisfactory to the gentleman?

Mr. CRAMTON. I am speaking now of the first five sections, the construction program. I think the Budget takes the position that it would be helpful to have some knowledge as to the priority program desired by Congress, but that it is not desirable to tie their hands absolutely for five years to come.

Mr. BUSBY. There is no objection, however, as I understand, from the Budget to the different items being designated with the amounts.

Mr. CRAMTON. I do not know of any objection except the objection that the stipulated cost for stipulated fiscal years ties the hands of the President and ties the hands of Congress. The amendment I have suggested does not eliminate them from the bill but leaves it clearly to an expression of Congress as to what the Congress would like and provides that these items that are in the bill authorized for certain years are authorized for those years or for any preceding or subsequent year.

Mr. BUSBY. In view of the experience we have had with the public buildings bill which leaves to the Treasury the duty to designate places and amounts and in view of the fact that nothing particularly has been done during the two or three years it has been the law, does not the gentleman think it is proper——

Mr. CRAMTON. If the gentleman will permit, it is not to be said nothing has been done.

Mr. BUSBY. Outside of the District of Columbia, I will put it.

Mr. CRAMTON. The program for Federal buildings has progressed as rapidly as it could have progressed in any event.

Mr. BUSBY. Does not the gentleman think it would have progressed more rapidly and more certainly if we had designated the places and the amounts and had required those things to be done which ought to have been done and which would have given service to the country?

Mr. CRAMTON. The only delay there has been has been the necessary preliminary examination to ascertain what buildings were required and what activities ought to be housed in these buildings. If we wanted the money spent efficiently to meet the real need, it could not have advanced any further than it has.

Mr. BUSBY. Does not the gentleman think, in view of the small amount of money, relatively speaking, contained in this bill and the great urgency that we should put behind the proposition involved in the bill, it is entirely proper in this case for us to designate and require these things to be done?

Mr. CRAMTON. I do not, or I would not be making this speech. Now let me ask the gentleman a question——

Mr. BUSBY. I was trying to direct the gentleman's attention——

Mr. CRAMTON. I do not know whether the gentleman is on the committee or not.

Mr. BUSBY. No.

Mr. CRAMTON. All right; I will get a somewhat unbiased judgment.

Mr. BUSBY. The gentleman sees I have no "look in" except through the gentleman.

Mr. CRAMTON. Section 5 says there shall be a fish-cultural substation in North Dakota in 1932, and section 3 says there shall be one in Florida in 1930.

There is a section here with reference to contributions by the States, and so forth. Now, does not the gentleman conceive it is possible that in three years' time or five years' time there may be such a change in conditions affecting North Dakota and Florida that the Florida item might not be ready in 1930? I know that is a violent assumption. I think they would always be ready for $100,000 to be spent in Florida; but assuming they were not ready in 1930, and North Dakota was ready, Congress ought to have the authority, the Budget ought to have the authority, and the Appropriations Committee ought to have the authority to switch these items around, and under the committee bill this could not be done.

Mr. BUSBY. In answer to that I would suggest that the Congress would still have that power over these items when it became apparent they were not needed.

Mr. CRAMTON. But it would need legislation.

Mr. BUSBY. Yes; but we could still do those things just as we can protect the Treasury in the initiation of them.

Mr. CRAMTON. If it is so easy to get legislation, the Committee on the Merchant Marine and Fisheries could bring this bill in every year instead of having a five-year program in one bill.

Mr. BUSBY. But we have to plan and start our work before it can be carried out, and it seems to me that the planning of the expenditure provided in this bill is very fair and very reasonable, and gives a very fair and very reasonable allocation all along the line.

Mr. BLACK of New York. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLACK of New York. Is it the gentleman's theory that if the bill is passed without the amendment he suggests, in case the Appropriations Committee in the first year on the first item refuses to appropriate, the whole authorization falls down?

Mr. CRAMTON. Oh, no; not at all. For instance, for the first year there are authorized items for New Mexico and Idaho for fish-cultural stations. If Congress failed to make the appropriation authorized for these items in that year there would be no authority to make the appropriation the next year, but other items would not be affected thereby.

Mr. ASWELL. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. ASWELL. In case of the contingency which the gentleman mentioned between Florida and North Carolina in 1930, would not Congress be in session that year?

Mr. CRAMTON. Congress would be in session every year, as the gentleman and I both are quite aware from some experience, but the committee has indicated by reporting out a five-year program that it is not easy to report legislation year after year.

Mr. ASWELL. This is not the only bill that this Congress has passed providing a plan for three years or five years, and the committee has studied this question perhaps more than any gentleman in the House and the five-year program came from the Director of the Budget——

Mr. CRAMTON. If the gentleman has a question, all right. I can not yield for a speech. I am afraid the gentleman does not approve of the force of my speech.

Mr. ASWELL. I did not get the force of it.

Mr. CRAMTON. Does the gentleman wish to ask a question?

Mr. ASWELL. I do. I want to know if the gentleman knows that the five-year program was suggested by the Bureau of the Budget?

Mr. CRAMTON. Oh, it was not suggested by the Bureau of the Budget.

Mr. DAVIS. Oh, yes.

Mr. CRAMTON. I am advised by the Budget that this bill has never been submitted to them and they were never asked for a report on it until I made my request.

Mr. DAVIS. Will the gentleman yield?

Mr. CRAMTON. I yield, but I can not yield indefinitely.

Mr. DAVIS. I want to say that that statement is true, but the matter was discussed by the committee with the Director of the Budget last year and the Director of the Budget was the one that originally suggested a five-year program.

Mr. CRAMTON. All right; and General Lord states to me that in so far as an indication of priority is concerned, he likes the idea, and that is preserved in my amendment; but when you come to tie him down definitely for five years and provide that the appropriations must be made at a certain time no matter what is the condition of the Treasury, he does not approve it.

Mr. LINTHICUM, Mr. GREEN, and Mr. SMITH rose.

Mr. LINTHICUM. I merely want to say to the gentleman that I have no doubt he remembers some years ago we passed a bill authorizing an appropriation for parks to the extent of a cent for each inhabitant of the United States. The Committee on Appropriations has not made the appropriations in accordance with that bill.

Mr. CRAMTON. That bill said "not to exceed so much," and I expect to ask the committee to put the words "not to exceed" in a certain part of this bill.

Mr. LINTHICUM. Then it will be like the parks and we will not get the appropriation.

Mr. CRAMTON. Well, it leaves some discretion to Congress.

Mr. SMITH. In what way does the program laid out in this bill differ from the program laid out in regard to the building of roads? For instance, a few years ago we authorized an appropriation of $7,500,000 to be expended, one-third each year, for three years in the national parks. Is not this a similar program, providing for the expenditure of so much money each year for a period of five years?

Mr. CRAMTON. I am not sure that that was passed while the Budget system was in operation; it was some time ago, and I am not sure of the text of it.

Mr. GREEN. Will the gentleman yield?

Mr. CRAMTON. I will yield.

Mr. GREEN. I do not see anything to prevent our adding to this two years from now.

Mr. CRAMTON. I can only repeat what I said—legislation can be passed, but the Appropriations Committee would have no authority to recommend an appropriation.

Mr. GREEN. Does not the gentleman know that the industry is declining?

Mr. CRAMTON. I can not yield to go into that.

Mr. CROWTHER. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. CROWTHER. Does the gentleman know whether the geographical allocation is equal—are all the States here except

those that now have fish hatcheries? It seems to me almost like a miniature river and harbor bill.

Mr. CRAMTON. As the gentleman from New York [Mr. LAGUARDIA] says, it suggests a pork bill. I assume that the committee has intended to satisfy all the different States that were interested in the subject.

Now, I am trying to emphasize that this bill as drawn, specifying a program of expenditure for certain years, several years to come, is intended to leave no discretion to the Budget, no discretion to the Appropriations Committee—and is intended to leave no discretion to the Congress in subsequent years. It is intended now to fix definitely the appropriations for five years to come.

If the Committee on the Merchant Marine and Fisheries can report a definite program that the President says is in opposition to his financial program, because it does fix stipulated cost, then the Committee on Military Affairs, the Committee on Naval Affairs, the Committee on Agriculture, and every other committee of the House likewise may do it, and are likely to do it. If we are to have a Budget system, this sort of thing can not exist; and if it does, you will destroy the Budget system.

Mr. GARRETT of Texas. Is not that just what the Committee on Military Affairs did do in a five-year program?

Mr. CRAMTON. The Committee on Military Affairs and other committees show a tendency that way, and my remarks are to sound a note of warning that if you want a Budget system, you have got to stand by the side of the executive branch in its defense.

I repeat what I said before, that I believe the Budget system was the salvation of the finances of the Government following the World War, and that the Budget system could not have accomplished what it has accomplished without the legislative and the executive branches of the Government working side by side in carrying it out. The President alone can not make a successful Budget system. The Congress alone can not make a successful Budget system. There must be a cooperation of both of the branches in order to make it successful.

A few years ago in a certain Western State they adopted a budget system. Then they elected a governor and a legislature on an economy platform. That winter the legislature passed and the governor signed appropriations totaling more than they ever had made before in any one year in that State. Why? Because when the legislature met there were a number of men who wanted certain bridges built, there were a number of men who wanted certain roads constructed, there were a number of men who wanted certain institutions built, and they joined together in a program which they sent to the governor and which he accepted and which abrogated the budget system they had created and made appropriations greater than they had ever passed before in any one year.

Congress up to this time has cooperated, and the Budget system has been successful. But if we are to adopt this policy because this program looks good, because this other thing looks good, and that expenditure seems desirable and this one seems to be needed—if we are to judge each one separately, we will have a total far beyond the revenues of the Government.

Mr. CRISP. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. CRISP. The gentleman is quite familiar with the activities of the Government. I supported this law, but I would like to ask my friend if he thinks it was the intention of Congress when the Budget law was enacted that Congress should abrogate its powers to the Budget Bureau as to the policy to be pursued by the Government in undertaking new propositions?

Mr. CRAMTON. Congress not only did not abdicate its functions, under the Constitution it could not abdicate its responsibility. It has not abdicated its functions, but that does not prevent this House taking the position that we recognize the importance of an orderly system of governmental expenditures, and that we are going to cooperate with the administration to bring that about. It is not a question of abdicating our functions, it is a question of performing those functions in the most efficient manner possible. When we pass a bill here which says that five years from now in a certain year we are to build a fish hatchery in the State of Florida and that three years from now we are to build a fish hatchery in the State of North Dakota, we are not abdicating our functions, but we are not maintaining them, and we are frittering away our opportunity and our responsibilities.

Mr. CRISP. I am not concerned about this bill. I know under the present administration if a bill is introduced in Congress providing a new undertaking or a new policy, even if the Secretary of the Department having charge of the matter feels favorably inclined to the legislation, yet when the committee of Congress submits the bill to the Budget and they are forced to do so, and the Budget makes an adverse report, then that particular department notifies the committee of the House that the legislation is in conflict with the President's economy policy, and therefore are against it.

Mr. CRAMTON. Certainly.

Mr. CRISP. Is not that pressing the Budget System far beyond what was intended? When we leave to the administration the question of whether Congress shall embark on a new policy, are we not going far beyond what we intended originally by the Budget?

Mr. CRAMTON. Not at all. That is not what is involved. The different departments are a part of the executive branch of the Government, and when the President starts out on a policy of economy, if he means business and really wants economy, there is only one thing that he can do and that is to say to the various parts of the executive branch of the Government, "You must cooperate with me; there must be some coordination." But from the very beginning of the Budget plan, Congress has insisted upon its right to have any information it asks for, and there is not a bill which comes before the Committee on Appropriations but that a request is made for information concerning items that are not in the Budget, or, if desirable, an increase is made in items that are in the Budget. When Congress asks for that information, it is the business of the executive branch of the Government to give the information. Then the prohibition is off, the information is given. Let me say to the gentleman from Georgia, that the way this thing has operated from the beginning emphasizes that an efficient and effective budget system must be bottomed upon cooperation of the executive and the legislative branches, and so, when the President sent in his first budget of estimates, the appropriation committee adopted a policy to govern all of its subcommittees and that policy was that we would not report to the House any appropriation bill that exceeded in its total the amount specified in the Budget. We were not obliged to adopt the policy. Congress was not obliged to approve the policy, but Congress, I think, has approved it. The result of that was that if we did not increase the total of any one of the appropriation bills above the total of the Budget, the total of all the bills would not exceed the total in the Budget, and the result of that has been that each year Congress has recommended an expenditure lower than the Budget recommended—in all many millions. But accompanying that, too, by reason of our constitutional authority, we have frequently recommended that this or that item be reduced, or that certain items be increased, and oftentimes that items be inserted which were not in the Budget at all, keeping only in mind that the totals should not be above the totals in the Budget. The great purpose of the Budget is to insure a comparison of the supposed expenditures with the anticipated revenues of the Government, and so long as we keep within the totals we are not disturbing that balance between the receipts and expenditures.

Mr. CRISP. Mr. Speaker, I am in perfect accord with the last statement of the gentleman that the Executive send the Congress estimates for appropriations for objects authorized by law.

Mr. CRAMTON. Yes.

Mr. CRISP. For the purpose of preventing competition between the various departments and cutting off unnecessary overhead charges. I think that was what was clearly intended when the Budget was adopted—that the administration should pass on the necessity for appropriations for objects already authorized by law, and how much should be appropriated for each of those objects; but I do not believe it was intended by Congress, nor do I believe it is right, that Congress would have to submit to the Bureau of the Budget and get its report upon a new project or new legislation, and that if the Budget is opposed to it that the Secretary of that department must muzzle his own views as to the legislation and report to Congress that the legislation is opposed to the President's policy of economy, and that is the case to-day. [Applause.]

Mr. CRAMTON. If the gentleman from Georgia were the Executive and administered the executive branch of the Government along the lines he has indicated he might cherish economy as a delightful program; but it would be only a dream. The actual realization of it would not occur, because there must be this coordination, and failing of coordination, if every head of a bureau is at liberty to run to Congress and make a personal appeal for additional expenditures without hindrance, you would not have much left in the way of a Budget system so far as practical results are concerned. I think perhaps I should say this to the gentleman from Georgia, so that I may not be misunderstood. I never have, and I do not intend now, to argue that Congress must slavishly follow the recommendations

of the Budget. The mere fact that the Budget disapproves of a proposed expenditure is not alone and of itself reason why I would vote against that expenditure. It may be a contributing cause; it ought to have consideration by the Congress; but need not necessarily be conclusive as to a particular expenditure. In this case, however, this bill goes far beyond a proposal that might be made as to a particular expenditure that is desirable to-day. Suppose this were a bill to establish a fish hatchery in the State of Florida. The gentleman from Florida [Mr. GREEN] would have his information, and even if there were a disapproval here from the Budget, it might be that with a presentation of facts as they now exist, for an expenditure now to be made, we might conclude to make it. But here comes a bill that proposes a program of expenditure for five years to come and which says that five years from now, without knowledge as to what the condition of the Treasury then will be, without knowledge as to what the conditions then will be in the State of Florida, we must make an appropriation for a fish-cultural station there at $75,000. Here is a program laid down that ties the hands of the Budget for five years to come.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. I will yield for a question.

Mr. GREEN. Would not the gentleman prefer to take what appears to be the unanimous recommendation of his fellow committeemen and colleagues rather than that of the Bureau of the Budget?

Mr. CRAMTON. Oh, the gentleman knows that if I did I would not be making this speech. I think the gentleman knows that I do not make speeches for the fun of making them. I hope to accomplish results, although I am not entirely certain at times. But I will say this: There has to be this cooperation between the Executive and the legislative branches to secure the success of the Budget system. If it were this bill alone, this one bill, I would not feel so concerned about it. But standing as a practice that is growing in this House and a practice that will grow more rapidly if this bill becomes a law, I felt it necessary to sound a note of warning. I say, if we are to have a successful cooperation, sooner or later if the President desires to protect the integrity of the Budget system he will find it necessary to veto such legislation as this, because this legislation, expanded through different committees of Congress, means destruction of the Budget.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. BOYLAN. I would like to ask the gentleman if it is not far better to have a broad, comprehensive plan extending through the years than to go at things piecemeal?

Mr. CRAMTON. Oh, yes. It appears to me that the gentleman was not here in the earlier part of my remarks; and, therefore, I think it is desirable to close with this emphasis on what I am proposing. I am not suggesting any limitation of the program that the committee outlined. It is true that it is desirable to make up a comprehensive program, and it is desirable to make up a program for several years ahead, based on the best information we have now. That is true; but I am objecting to making it inflexible. I am objecting to tying the hands of the Budget five years or six years to come.

I have suggested an amendment which I will read again. It will not destroy the bill, but in my judgment it will make it more effective and more workable. I am suggesting that these items as to the construction program for five years remain as they are, to stand as an expression of the policy desired by Congress, to stand as the present view of Congress with reference to the desired priority, but to give some discretion to the Budget and to Congress as to the years following.

The amendment I suggest is this—

> That the authorization herein given in sections 1, 2, 3, 4, and 5 with reference to appropriations for certain specified years are for the purpose of indicating priority proposed to be given to the various projects enumerated therein, and shall not be held to require the appropriations therein enumerated to be made in the years specified, and the appropriations enumerated and likewise authorized in prior or subsequent years in annual or supplemental appropriation bills.

Then, as the years pass, in connection with the financial conditions of each year and the success in working out the proposed fisheries policies, the appropriations may be either expedited or retarded as Congress may desire.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. DAVIS. If that amendment is adopted, it would give the Committee on Appropriations authority to defer for 5 or 10 years, or any number of years, the appropriations for the project.

Mr. CRAMTON. The Appropriations Committee is only the servant of the House.

I think I am performing my responsibility and my duty, and I shall accept the vote of the House in deciding this question, just as the House decides every question in an appropriation bill. The recommendations of the Committee on Appropriations have often been overridden and will be hereafter overridden. If the recommendations made by the Committee on Appropriations meet the approval of this House, they stay in the bill. If their recommendations do not meet the approval of the House, they do not stay in the bill.

I will say frankly that this amendment is not offered with the expectation or intention of slowing up or retarding a desirable program, but in order to have some flexibility, so that each year the thing can be taken care of in the light of the facts then existing. I think the chances are at least equal, if my amendment is adopted, that appropriations might be expedited instead of retarded, because I think that gentlemen who are down at the end of the priority list are all going to be interested in expedition. [Applause.]

Mr. WHITE of Maine. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. SHREVE].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. SHREVE. Mr. Chairman and gentlemen of the House, first I want to congratulate the gentleman from Maine [Mr. WHITE] and his committee on bringing out this splendid bill. [Applause.]

It has been apparent for some time to those of us who are handling the appropriations for the Bureau of Fisheries that there should be a building program in the Bureau of Fisheries. Now, it seems to me that the Bureau of Fisheries is about the last Government activity that has not received the attention of Congress. We have taken care of almost everybody else. Appropriations have been provided for about all the other activities, and now we come to the Bureau of Fisheries. It stands about where it stood 10 years ago. There has been no expansion. Sometimes we went down into the flour barrel to get a little money to help the Commissioner of Fisheries to get a fish hatchery established in North Carolina or elsewhere, but it has not been sufficient for proper development, not sufficient to cover the demands coming from every State in the Union—and they come every year. It seems that in this last year we have had more demands upon us than we have ever had before.

So I am glad that the gentleman from Maine [Mr. WHITE] and his committee have at this time brought in this very meritorious measure. I hope to see it pass this House, and pass this afternoon. [Applause.]

There is much in it besides the recreational feature. There is another feature which refers to the commercial side and which refers to the scientific side. There is much in the bill. You have all read the bill, and I will not attempt to enumerate the things in it, but I want to say that many of us for years have been going across the boundary line into that splendid country to the north of us. Many of us spend much time up there every year, and many more would if they could. But, my friends, I want to bring good fishing right down to the man at home, to the man who stays at home, and to those who live so far away that they can not go across the Canadian border like some of the rest of us do. They are compelled to stay in the hot cities during the summer months, and possibly they can get away for a day or two at the week end and go to some stream or some lake where they can enjoy good fishing. I have been fishing all my life. I know what good fishing is, and I know I would like to have all my friends enjoy it as much as I do. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SHREVE. I know of no recreational pursuit, which would command a greater number of enthusiasts or do more in building up our bodies tired with the cares of to-day, than will good fishing. Therefore I am for good fishing.

I am also for good fishing as an auxiliary food supply to that produced by the land. I believe our water resources should be as carefully husbanded as our land resources. I believe they merit the same care and thought as to ways and means of increasing their productivity, by fertilization, by cultivation, and judicious management. I believe that with the development of proper methods it will be possible to make thousands of acres of our water areas productive of fish, of oysters, of clams, of fresh water mussels, and other valued aquatic products.

Members of this body remember when our waters were far more productive of fish life than they are to-day; when in nearly every body of water we could catch a mess of fish

within a reasonably short period of time. With these thoughts in mind let us consider present-day conditions in the cold light of fact.

This bill provides added facilities—new stations, larger and better stations, and it is only by such means that we can hope to satisfy this demand for fish. To foster and encourage the return of our people to the quiet places of nature and to see that they may enjoy good fishing and hunting, I believe to be a good investment and I am for it.

I am also greatly concerned about our great commercial fisheries and the falling off in the catch. In Lake Erie, which has been and should continue to be one of the greatest food-fish producing bodies of water in the world, the catch declined from over 76,000,000 pounds to 38,000,000 pounds during the period 1915 to 1925, a decline of 50 per cent, and the end of the decline appears to be not in sight.

A survey made the past summer indicates that the fishery experienced the worst slump in its history. The white fish and ciscoe are approaching extermination and the yellow perch and yellow pike appear to be growing scarce. Only the blue pike, the sauger, and sheepshead appear to be holding their own. While cultivated water areas are capable of producing from 150 to 300 pounds of fish per acre, the productivity of Lake Erie is only 10 pounds per acre.

Some of my colleagues may ask if this or that cause does not explain the decline. Frankly, I do not know. I do know that this bill is aimed to provide the Bureau of Fisheries with funds for finding the answers and I have the confidence to believe that given the funds they will be able to work out a satisfactory system of fish husbandry. Provisions for such work are contained in the sections for increasing the appropriations and personnel of the divisions of inquiry and fishery industries.

What I have said with respect to Lake Erie and the other Great Lakes applies to our other interior and coastal water fisheries. In the Hudson River, once famed for shad, the catch has fallen from about 4,400,000 to 125,000 pounds in 35 years, and a considerable percentage of the shad now consumed on the Atlantic seaboard is caught in the rivers of California, the progeny of earlier plantings from the Atlantic coast by the Bureau of Fisheries.

In 25 years the catch of the celebrated sockeye salmon in the three Pacific Coast States decreased from forty-two to less than seven million pounds, and only by heroic efforts on the part of the Bureau of Fisheries are the salmon fisheries of Alaska being maintained. Many illustrations of this character might be given, but these will serve to show the need for expanding the research program as provided for in this bill.

While the sea is far from being a limitless storehouse of food and other products, man can undoubtedly draw upon its resources to a much greater extent than at present. Recent advances in knowledge have disclosed the value of sea products as a feed for cattle, hogs, and poultry. From what has been learned, it appears by the use of this material some of the worst ills to which our domestic animals are subjected can be largely if not wholly eliminated, particularly goiter, tuberculosis, and so forth. While such foods will not be produced in sufficient quantities to replace present foods, effort should be made to develop satisfactory ways and means of recovery of such products and to render them available. While this may involve the development of technical processes, the results will justify the expenditure. I am told that we are far behind European countries in the development of such processes and uses. This bill contains provision for an expansion of technological research by the Bureau of Fisheries, which in the light of previous work of this character will pay for itself many times over in added wealth.

Under the provisions of this bill, instead of expanding the work of the Bureau of Fisheries in spots with the attendant weaknesses of such development, an effort has been made to develop a well-rounded program. I believe the Members of this body are thoroughly conversant with the need for more fish-cultural stations. The fullest efficiency of the stations depends upon the development of ways and means for controlling epidemics of fish diseases which may break out at these stations; also of improving the fertility and productivity of the ponds and by selective breeding to produce brood stocks which are disease resistant, are productive of a greater number of eggs, and of a stock of faster growing fish. This is but a single illustration to reveal the interdependence of the several divisions, provisions for which are contained in the bill. [Applause.]

The Clerk read as follows:

Be it enacted, etc., That there are hereby authorized to be appropriated during the fiscal year beginning July 1, 1928, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in each of the following States, at a cost not to exceed the amount specified: New Mexico, $50,000; Idaho, $60,000.

(2) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: Wisconsin (in the southern part of the State), $50,000; Montana, $35,000.

(3) The establishment of fisheries laboratories in the State of Washington, at a cost not to exceed $100,000, and a laboratory in the Territory of Alaska, at a cost not to exceed $50,000.

(4) The establishment of experimental and bass and trout stations in the State of Maryland or West Virginia at a cost not to exceed $60,000.

(5) The purchase and repair of the Rogue River substation in the State of Oregon, at a cost not to exceed $35,000.

Mr. CROWTHER. Mr. Chairman, I offer an amendment. In subdivision 5 of the first section, after the word "Oregon," add the words "and Oklahoma." I see Oklahoma is not in this bill and I think it ought to be in it.

Mr. HASTINGS. Mr. Chairman, I hope the committee can see its way clear to accept that amendment.

Mr. HOWARD of Nebraska. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York by adding "Nebraska." I can not find Nebraska in the bill.

Mr. CROWTHER. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CROWTHER: On page 2, in line 11, after the word "Oregon," insert "and Oklahoma."

Mr. CRAMTON. I hope the gentleman from Oklahoma will not be too enthusiastic. It says "Rogue River substation."

Mr. HASTINGS. I would like to see Oklahoma in the picture, because I think it would help matters very materially.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. HOWARD of Nebraska. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York by adding, after the word "Oklahoma," the words "and Nebraska."

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOWARD of Nebraska to the amendment offered by Mr. CROWTHER: After the word "Oklahoma" insert "and Nebraska."

Mr. HOWARD of Nebraska. Mr. Chairman, the righteousness of it is so apparent that I will not take up any time.

Mr. McKEOWN. Mr. Chairman, I will say to the gentleman that I am one of the members of this committee who has no fish hatchery in this bill, and we are not asking for one at this time. The gentleman from Nebraska has a fish hatchery.

Mr. HOWARD of Nebraska. Two or three of them.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Nebraska.

The amendment was rejected.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. LaGUARDIA. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. LaGUARDIA. Mr. Chairman, it is suggested and urged by the committee that the provisions of this bill will greatly increase the production of fish. Well, this bill looks more like pork than fish to me. A portion of the pork is handed to no less than 33 States involved, and the question here is, seemingly, whether or not, regardless of the budgetary program, Congress is to legislate and authorize the appropriation of funds years in advance.

There is no one who is more jealous of the rights of Congress than I am; in fact, I believe I am a source of annoyance both to my colleagues on the floor and in committee in standing for the prerogatives of Congress. Yes, I can not see any conflict between the Budget Bureau and Congress. The Budget Bureau is simply an adviser, and if we are to legislate intelligently, with the ever-increasing functions of the Federal Government, no body of men of 435 members can possibly go into the details of expenditures without the aid of a fact-finding bureau such as the Budget Bureau is for Congress.

Mr. McKEOWN. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. McKEOWN. Where is the fact-finding bureau for the Navy Department's five-year program?

Mr. LAGUARDIA. Well, that is entirely different, for the simple reason that there you have the construction of large vessels which require over a year to complete, and it would be impossible to appropriate each year or to authorize each year the amount for the installment construction of a ship during a specific fiscal year. But the gentleman knows I have always taken a stand against extravagant programs looking into the future.

A former distinguished Member of this House, the lamented Julius Kahn, of California, was fond of telling a story of an appropriation, such as we have before us, during the early days of his service in this House, some 25 or 30 years ago, when an appropriation was made for a fish station in some inland State, and under the authorization the Committee on Appropriations was compelled to make the appropriation. They had the money for the fish hatchery in an inland State, in an inland town, and in order to be able to use the money they had to go to the Committee on Rivers and Harbors and get an appropriation to build a canal, bringing some water from the river into the town. I do not know how much fish the State of Idaho produces, or the State of Montana or the State of Arkansas or the State of Indiana——

Mr. SMITH. I can tell the gentleman, so far as Idaho is concerned. We are endeavoring to take care of our fish industry there. We have 10 hatcheries that are kept up at the expense of the State, but our State is the only one in that northwestern country that has no Government fish hatchery.

Mr. LAGUARDIA. So the gentleman's State is included in the 33 States in this list.

The gentleman from Pennsylvania makes it a sporting proposition, the gentleman from Maine makes it a food proposition, and the gentleman from Idaho makes it an equitable proposition, because his State has no Federal hatchery to date.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHNEIDER. Are they not all correct?

Mr. LAGUARDIA. Oh, I suppose so. At any rate, I want to say to the committee that the amendments suggested by the gentleman from Michigan [Mr. CRAMTON] limiting future appropriations are wholesome and should not be resisted. I shall vote for the amendments, and by the looks of things, with 33 States looked after in this bill, there will not be many votes for the amendments.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 2. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1929, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in each of the following States, at a cost not to exceed the amount specified: Alabama, $50,000; Indiana, $50,000; Louisiana, $50,000; Tennessee (in the central part of the State), $50,000; Pennsylvania, $100,000.

(2) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: New Hampshire (in the White Mountain Forest), $25,000; South Carolina, or the enlargement of Orangeburg station in said State, $35,000; Texas (in the western part of the State), $35,000; Colorado, $20,000.

(3) The purchase of Mill Creek station in the State of California, at a cost not to exceed $20,000.

(4) The enlargement of Cape Vincent station in the State of New York, at a cost not to exceed $25,000.

Mr. HUDSON. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I notice in respect of several of these items, for instance, the one in Tennessee, you say "in the central part of the State," and in section 2, "in New Hampshire, in the White Mountain Forest," and "in Texas, in the western part of the State," and so on. Does this mean that later on you will ask for stations in other parts of these same States?

Mr. WHITE of Maine. Not at all.

Mr. SMITH. Why do you designate where they shall be in the particular States?

Mr. WHITE of Maine. As I said in my opening remarks, every single item in this bill has the specific approval of the experts of the Government and in statements filed before the committee the reasons for the recommendations are set forth. In this particular instance the bureau knows now where in the State of Tennessee it desires this particular hatchery to be put and where the bureau so designated, we follow the recommendation of the bureau and have indicated it in this general way. Where there is no specific designation, the location will hereafter be determined according to conditions.

Mr. PARKS. Will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. PARKS. The Bureau of Fisheries will cooperate in the various States with the State bureau of fisheries, if that is their proper designation, in locating these fish hatcheries, in order to locate them in the most suitable and most convenient place possible.

Mr. WHITE of Maine. They will be located where they can carry on comparatively with the largest measure of success.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 7. (a) The stations, substations, and laboratories authorized by sections 1, 2, 3, 4, 5, and 6 shall be located in the States and parts thereof and in the territory specified, at such suitable points as may be selected by the Secretary of Commerce.

(b) Any appropriation made under authority of sections 1, 2, 3, 4, 5, and 6 may be expended for the purchase of sites, the purchase of equipment, the construction of buildings and ponds, and for such other expenses as may be incidental to the cost of the establishment, purchase, or enlargement, as the case may be, of the station, substation, or laboratory in question.

(c) No part of an appropriation made under authority of section 1, 2, 3, 4, 5, or 6 shall be expended in the construction, purchase, or enlargement of a station or substation until the State in which such station or substation is to be located shall have by legislative action accorded to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and fish culture and all operations connected therewith in any manner and at any time that may by the commissioner be considered necessary and proper, any laws of the State to the contrary notwithstanding. The operation of any station, substation, or laboratory established, purchased, or enlarged under authority of this act shall be discontinued whenever the State ceases to accord such right; and such operation may be suspended by the Secretary of Commerce whenever in his judgment State laws or regulations affecting fishes cultivated are allowed to remain so inadequate as to impair the efficiency of such station, substation, or laboratory.

DISTINGUISHED VISITOR

Mr. FISH. Mr. Chairman, I ask unanimous consent to proceed out of order for two minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. FISH. Mr. Chairman and members of the committee, it is a great privilege and honor to present to the Members of the House, Mr. Nicola Sansanelli, the president of the F. I. D. A. C., which is the mother organization of all the associations of World War veterans. Mr. Sansanelli is a distinguished member of the Italian Chamber of Deputies. He was wounded six times while serving in the Italian Army during the World War. It is a great honor for me, as a veteran, to present him to the House of Representatives. [Applause, the Members rising.]

I am authorized to invite the veterans in the House to meet Mr. Sansanelli immediately in the Ways and Means Committee room.

CONSTRUCTION AND MAINTENANCE PROGRAM OF THE BUREAU OF FISHERIES

Mr. CRAMTON. Mr. Chairman, I offer the amendment which I send to the desk.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 6, after line 9, insert a new paragraph as follows:

"(d) That the authorizations herein given in sections 1, 2, 3, 4, and 5 with reference to appropriations for certain specified years are for the purpose of indicating priority proposed to be given the various projects enumerated therein, but shall not be held to require the appropriations therein enumerated to be made in the years specified, and the appropriations enumerated are likewise authorized in prior or subsequent years in annual or supplemental appropriation bills."

Mr. CRAMTON. Mr. Chairman, this is the amendment that I have discussed.

Mr. GREEN. Mr. Chairman, I reserve a point of order.

Mr. CRAMTON. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late.

Mr. GREEN. I spoke as soon as I could. I reserved the point of order as soon as the Clerk quit reading the amendment.

Mr. CRAMTON. No; I had started my remarks before the gentleman rose.

Mr. GREEN. Certainly, as soon as I could get recognition.

The CHAIRMAN. The gentleman from Michigan had started debate. The Chair therefore sustains the point of order of the gentleman from Michigan.

Mr. CRAMTON. Mr. Chairman, I do not want to take further time. I have expressed myself fully. I simply want to identify the amendment as being the one I discussed in my speech.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CRAMTON].

The amendment was rejected.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 6, line 12, after the word "appropriated," insert the words "not to exceed."

Mr. CRAMTON. Mr. Chairman, the purpose of this amendment is to permit the Congress to have some discretion to grant as much as needed each year.

Mr. WHITE of Maine. Mr. Chairman, this question was considered at great length by the committee. It is the judgment of the committee that this provision is necessary to properly respond to and meet the purposes of the bill.

Mr. STEVENSON. And I will call attention to the fact that if Congress did not think it needed that appropriation it would not spend it.

Mr. CRAMTON. If that is to be the understanding there is no need of my amendment. If the Appropriations Committee shall consider the needs that may then exist—if that is the understanding of the gentleman from Maine, I will withdraw my amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Michigan.

The question was taken, and the amendment was rejected.

Mr. CRAMTON. I have another amendment, and I think this will commend itself to the committee.

The Clerk read as follows:

Page 6, beginning in line 21, after the word "appropriated," strike out the remainder of line 21, all of line 22, and insert "not more than 30 per cent shall be."

Mr. CRAMTON. I will state the purpose of this amendment. As the bill stands it provides that exactly 70 per cent shall be used in the field and 30 per cent for salaries. The purpose of the committee is to limit the amount that can be spent for salaries. When you say exactly 70 per cent for this and 30 per cent for that you have a difficult proposition. I am suggesting that not more than 30 per cent shall be spent for salaries and let it go at that. I think that is the purpose of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were 25 ayes and 59 noes.

So the amendment was rejected.

The Clerk completed the reading of the bill.

Mr. WHITE of Maine. Mr. Speaker, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13383 and had directed him to report the same back without amendment, with the recommendation that it do pass.

Mr. WHITE of Maine. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WHITE of Maine, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 797. An act granting the consent of Congress to the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Wellsburg, W. Va.;

S. 1480. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims; and

S. 3862. An act authorizing J. T. Burnett, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tiptonville, Tenn.

The message also announced that the Senate disagrees to the amendment of the House of Representatives to the joint resolution (S. J. Res. 23) entitled "Joint resolution providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the Old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FESS, Mr. HOWELL, and Mr. MCKELLAR to be the conferees on the part of the Senate.

The message further announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 12875, entitled "An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes."

The message also announced that the Vice President had appointed Mr. REED of Pennsylvania and Mr. FLETCHER members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the War Department.

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 444. An act for the relief of H. C. Magoon; to the Committee on Claims.

S. 1857. An act authorizing the Delaware & New Jersey Bridge Corporation, a corporation of the State of Delaware, domiciled at Wilmington, Del., its successors and assigns; George A. Casey, of Wilmington, Del.; Clifford R. Powell, of Mount Holly, N. J.; and Anthony J. Siracusa, of Atlantic City, N. J., their heirs, executors, administrators, or assigns, to construct, maintain, and operate a bridge across the Delaware River at or near Wilmington, Del.; to the Committee on Interstate and Foreign Commerce.

S. 3171. An act providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States; to the Committee on the Library.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9481. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes; and

H. R. 10141. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 805. An act donating Revolutionary cannon to the New York State Conservation Department;

S. 1456. An act to authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex.;

S. 3791. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1928; and

S. 3947. An act to provide for the times and places for holding court for the eastern district of North Carolina.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills and joint resolution of the House of the following titles:

H. R. 4357. An act for the relief of William Childers;

H. R. 6492. An act to authorize the Secretary of War to donate to the city of Charleston, S. C., a certain bronze cannon; and

H. J. Res. 177. House joint resolution authorizing the erection of a flagstaff at Fort Sumter, Charleston, S. C., and for other purposes.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the business of the Committee on Merchant Marine and Fisheries is concluded this afternoon we may take up the Consent Calendar where we left off yesterday and continue to consider it until the usual hour of adjournment.

Mr. DAVIS. I do not think there will be any objection to the other two bills. They are navigation bills and will not consume much time.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that at the conclusion of the two other bills to be called up by the Committee on Merchant Marine and Fisheries that it may be in order to consider the Consent Calendar beginning where the House left off yesterday. Is there objection?

There was no objection.

PUBLIC-HEALTH ACTIVITIES

Mr. MAPES, from the Committee on Interstate and Foreign Commerce, presented a conference report on the bill H. R. 11026, for printing under the rule.

MASTERLY INACTIVITY OF THE REPUBLICAN PARTY ON COAL

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address which I delivered relating to coal.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks on the subject of coal. Is there objection?

There was no objection.

Mr. BOYLAN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

The Republican Party's failure to take any steps to solve the vital subject of a supply of cheap coal, with fair wages to the miners, is a neglect of national interests more serious than its bartering away of the Teapot Dome reserves to Harry Sinclair.

For four years a Congress controlled by the Republican Party has deliberately neglected the public interests and defied the repeated requests of its President, Calvin Coolidge, for legislation on this matter. He has again and again demanded action, but his suggestions have been ignored. His accusations against his own party and four Congresses have been more severe than any ever made by a Democrat.

In three separate messages President Coolidge called attention to the need for legislation creating governmental agencies to intervene in industrial disputes like that now raging in the bituminous industry and that which involved the hard-coal fields a few years ago, bringing suffering and economic losses to the people and business.

The President has also urged leaders of the industry to enter voluntary agreements for a more scientific production and distribution of coal. But the leaders of the coal industry, which include such men as Secretary Mellon and his relatives interested in the Pittsburgh Coal Co., have steadily declined to follow the President, though they are now demanding his renomination.

I do not believe the President's recommendations go far enough. I believe the Nation will have to take over the coal mines in times of emergencies sooner or later, and subject the industry to regulations like those imposed upon the railroads and other national necessities. Four years ago I introduced a bill to that effect, but it has been pigeonholed in committee. The coal barons seem to have more influence in this Congress than the people or their Representatives.

Not even the President can make any headway against the coal interests' strength on Capitol Hill.

Just to keep the record straight and place the blame where it belongs, here are the President's coal recommendations which the Republican-controlled Congresses have denied. In his 1923 message, on page 11, he said:

> The cost of coal has become unbearably high. It places a great burden on our domestic and industrial life. The public welfare requires a reduction in the price of fuel. With the enormous deposits in existence, failure of supply ought not to be tolerated. Those responsible for the conditions in this industry should undertake its reform and free it from the charge of profiteering.

Since 1923 the price of coal has gone up, both hard and soft. The bituminous producers are now refusing to let a Senate committee examine their production figures. Both the Congress and the coal industry must share the blame. They are the ones "responsible for the conditions in this industry."

The President was even more severe in his 1925 message. On page 16 he declared that—

> inability to control and manage this great resource for the benefit of all concerned is very close to a national economic failure.

He has never used words of condemnation for the oil scandals, which shows what he thinks of those inside the industry and inside Congress who have neglected this subject. He again demanded legislation permitting the Government to create commissions empowered to deal with an emergency. But nothing ever came of that.

In 1926 the President reported that—

> no progress appears to have been made within large areas of the bituminous coal industry toward creation of voluntary machinery by which greater assurance can be given to the public of peaceful adjustments of wage difficulties such as has been accomplished in the anthracite industry.

The President again emphasized the importance of legislation. But nothing was done by his Congress.

In his 1927 message the President once more asked for action. But long defiance of his requests seems to have disgusted him, for he confined his references to coal to one paragraph, even though the soft coal strike was under way at the time and emphasizing the need of quick action by Congress.

It is no wonder the President is disgusted. Certainly the country has a right to be.

REGULATING NAVIGATION ON THE GREAT LAKES

Mr. WHITE of Maine. Mr. Speaker, I call up the bill (H. R. 13037) to amend section 1, rule 2, rule 3, subdivision (e), and rule 9 of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895 (ch. 64, 28 Stat. L., sec. 645), on the House Calendar, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That rule 2, rule 3, subdivision (e), and rule 9 of section 1 of an act entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters," enacted February 8, 1895, and being chapter 64, Twenty-eighth Statutes at Large, section 645, be, and the same are, respectively, hereby amended so as to read as follows:

"Rule 2. The lights mentioned in the following rules, and no others which may be mistaken for the prescribed lights, shall be exhibited in all weathers from sunset to sunrise. The word 'visible' in these rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere.

"Rule 3, subdivision (e). A steamer of over 150 feet register length shall carry also, when under way, a bright white light so fixed as to throw the light all around the horizon, and of such character as to be visible at a distance of at least 3 miles. Such light shall be placed in line with the keel at least 15 feet higher from the deck and more than 75 feet abaft the light mentioned in subdivision (e); or in lieu thereof two such lights of the same character and height as herein described placed not over 30 inches apart horizontally, one on either side of the keel, and so arranged that one or the other or both shall be visible from any angle of approach.

"Rule 9. A vessel under 150 feet register length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light constructed so as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least 1 mile.

"A vessel of 150 feet or upward in register length, when at anchor, shall carry in the forward part of the vessel two white lights at the same height of not less than 20 and not exceeding 40 feet above the hull and not less than 10 feet apart horizontally and athwartships, except that each need not be visible all around the horizon but so arranged that one or the other, or both, shall show a clear, uniform, and unbroken light and be visible from any angle of approach at a distance of at least 1 mile; and at or near the stern of the vessel two similar lights, similarly arranged and at such a height that they shall not be less than 15 feet lower than the forward lights. In addition the four anchor lights above specified, at least one white deck light shall be displayed in every interval of 100 feet along the deck measuring from the forward lights, said deck lights to be not less than 2 feet above the deck and arranged, so far as intervening structures will permit, so as to be visible from any angle of approach."

Mr. WHITE of Maine. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. Mr. Speaker, the purpose of this bill is to make safe navigation on the Great Lakes. The present law regulating lights was passed in 1895 when the ships sailing on the Great Lakes were much smaller than the present-day Lake

steamers. In 1895 no ships on the Great Lakes exceeded in length 350 feet. To-day most of the ships on the Great Lakes are 600 feet or more in length. The present law, which was passed in 1895, provided that one light must be carried in the forward part of the ship and one near the stern at a certain height above the deck of the vessel. When ships were only 350 feet or less in length the two lights were sufficient. When, however, most of the steamers are 600 feet long, or more, the two lights now required are not sufficient, for the reason I shall now give. When a 600-foot steamer is anchored at night in some harbor and another ship sails toward the ship which is anchored, the navigator on the approaching vessel is in danger of mistaking the dark space between the two lights to be a channel and so steer his ship into the side of the standing ship, because the forward light and stern lights are about 600 feet apart. A mistake of this kind was made recently and a serious collision resulted.

This bill amends the law so as to require every ship to display at least one white light in every interval of 100 feet along the deck. This will enable the approaching navigator to determine easily that the space between lights is not an open channel, but a ship lying at anchor.

Mr. SHREVE. Mr. Speaker, will the gentleman yield?

Mr. CROSSER. Yes.

Mr. SHREVE. I was not in the Chamber when the gentleman began his statement. Are the shipowners in favor of this bill?

Mr. CROSSER. Oh, yes; the Lake Carriers' Association is in favor of the bill. As a matter of fact, they have urged me to have the bill passed. This is undoubtedly in the interest of safe navigation. As I have already said, a very serious accident happened not long ago because of the fact that a ship lying at anchor in the harbor had but one light at each end of the ship and therefore about 600 feet apart. One can readily understand how the navigator of an approaching ship might think that the space between the lights constituted an open channel in the harbor. The bill also authorizes the exhibition of two lights on the after spar of a vessel in order to make possible with the law requiring that the rear light be visible from all points of the horizon. The law now permits a ship to carry one light only on the rear, and there is always an arc of invisibility caused by the spar and also by the smokestack.

Ships have become so much larger in every way, and they have so much larger houses fore and aft, and sometimes towering machinery, that the lights when placed as the law requires them are often hidden from the view of another ship. The bill provides that there shall be at least two lights, instead of one light, on the front mast so as to make it impossible to have any arc of invisibility to those looking from a ship at any point on the horizon. In other words, the bill provides that there will always be a light visible to the navigator of another ship. This provides that two lights shall be carried at the required height in the front part of the vessel and two lights at the required height about the deck at the rear. The two front lights must be at least 10 feet apart crosswise of the ship, so that there will be no possible way for an approaching navigator to make an excusable mistake. The whole purpose of the bill is to make safer navigation on the Great Lakes. The Steamboat Inspection Service has unqualifiedly indorsed the bill.

Mr. ABERNETHY. This applies only to the Great Lakes?

Mr. CROSSER. Yes.

Mr. WHITE of Maine. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK of New York. Mr. Speaker and gentlemen of the House, collisions at sea are such agonizing affairs that Congress should do everything it can to help prevent them. We have had a great number of very serious collisions at sea of late. Probably the most serious one which caught the attention of the American people was the collision in which the *S–4* was destroyed. It might be just as well at this time to have something to say in respect to the history of the investigation of the *S–4*. I charged on the floor of this House when the proposition was made that we should investigate into the accident that the administration wanted a whitewash, or that the collision would be blamed on the victims. That is just what has happened. Originally the court of special inquiry investigating the collision said that the Coast Guard was responsible. The Treasury Department protested against that, and with its powerful influence was able to change the decision of the naval court.

Then the naval court found fault with Admiral Brumby. The Navy Department realized that for Admiral Brumby it was responsible, and brought about a change again in the decision of the court, and Brumby was exonerated; and then, by a process of elimination, the very thing that I prophesied would happen has happened. The victims, the men of the *S–4*, are now charged before the court with being responsible for the situation.

This Congress failed flagrantly in its duty to the American people by not insisting on a careful investigation of the situation. Everybody knew who looked into the situation at all that the Navy Department was anxious to clear itself of criticism in the situation. Everybody knew that the Secretary of the Navy was responsible, as the head of the department, for not seeing to it that proper salvage and rescue processes were available for these men; he was responsible for not seeing to it that there were rafts, pontoons, and other equipment near by where the submarine was operating. He was responsible for the court in the situation. It was known that he wanted a whitewash, and the chairman of the Committee on Rules [Mr. SNELL] found fault with me for suggesting that there was any such thing in mind.

I say that the people of this country are not satisfied with the record of this special court. I say that this Congress has been derelict to the men in the service in not thoroughly looking into the situation. I believe the President of the United States is wrong when he thinks the people have forgotten this disaster. And I believe that he owes it to the people of the United States to bring the Secretary of the Navy on the carpet and to learn from him to what extent the Secretary of the Navy was responsible for the delay in the rescuing processes and in the salvage arrangements. [Applause.]

Mr. BOYLAN. Mr. Speaker, will the gentleman yield?

Mr. BLACK of New York. Yes.

Mr. BOYLAN. May I ask the gentleman whether or not any responsibility was placed upon the rum-force chasers?

Mr. BLACK of New York. The court originally held the Coast Guard responsible, but the Treasury used its influence on the court of inquiry, and the so-called court changed its report. The idea of such a court that can come in with new facts just because the Treasury Department wanted them to do it, and then because the Navy Department wanted them to change the facts they proceed to change them. It is not that kind of an investigation that the American people are used to. They want a straightforward and fair and nonpartisan investigation by an agency outside of the departmental influences, and it ought to be had. [Applause.]

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

REGULATION OF NAVIGATION ON THE GREAT LAKES

Mr. WHITE of Maine. Mr. Speaker, I call up the bill (H. R. 13032) on the House Calendar.

The SPEAKER. The gentleman from Maine calls up the bill H. R. 13032, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13032) to amend the act of February 8, 1895, entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters"

Be it enacted, etc., That rule 7 of the act of Congress approved February 8, 1895, entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters," be amended so as to read as follows:

"RULE 7. The lights for tugs under 100 tons register (net), whose principal business is harbor towing, and for boats navigating only on the River St. Lawrence, also ferryboats, rafts, and canal boats, shall be regulated by rules which have been or may hereafter be prescribed by the Board of Supervising Inspectors of Steam Vessels."

SEC. 2. All laws, or parts of laws, inconsistent herewith are hereby repealed.

SEC. 3. This act shall take effect on and after its approval.

Mr. WHITE of Maine. Mr. Speaker, the report fully describes the bill. I have no desire to discuss it, and unless somebody desires time I move a vote on the bill.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

THE AIR MAIL

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks relative to the establishment of night air-mail service between New York and Atlanta, the establishment of the philatelic agency, special issues authorized by the Postmaster General, and to incorporate a statement by

Second Assistant Postmaster General Glover on the same subjects.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, with the authorization by the Postmaster General of a special stamp commemorative of the one hundred and fiftieth anniversary of the encampment of Washington's army at Valley Forge, which will be issued on May 26 of this year, it seems fitting to bring to the attention of Congress the increasing interest of stamp collectors in issues of this character and to point out the valuable contribution made by these men, women, and children to the Post Office Department.

There is not a single move made by the department which fails to get its quota of scrutiny for some possible philatelic value. The most recent event next to the Valley Forge stamp, which was proposed by Representative WATSON, of Pennsylvania, was the inauguration of night air mail service between New York and Atlanta.

Thousands of pieces of mail carried on the first flight are either now cherished items in collections or in time will become so as the interesting and intricate system of "collecting" continues to operate. These covers can never be duplicated. There can never be another "first flight" of the night air mail between New York, Atlanta, and intermediate points. For this reason, envelopes and mail carried on the first flight have an especial significance and resultant value. The same is true of past first flights, and will hold good of all first flights to come in the future.

When the Lindbergh stamp was put on sale it was bought by the thousands in sheets and portions of sheets. Thousands of these stamps are now in collections in all parts of the world. They have never been used and never will be for mailing purposes. In this way the Government receives large sums in revenue for which it is not called upon to render any service, and the sums of money thus received helps the revenues materially.

What I have said about the Lindbergh stamp is true of all other special issues, although there was probably a more widely popular demand for that issue than some others.

Sensing this appeal, it was my privilege and pleasure to have suggested to Postmaster General New the issuance of a Lindbergh stamp soon after his epoch-making flight in 1927 had been made. The stamp was hurriedly gotten out and went on sale the day he arrived for his home-coming reception in St. Louis. From then on for several weeks the post offices of the country were unable to supply the demand for this commemorative stamp.

Since then it has been my pleasure to have met the "flying colonel" on several occasions, the most recent one being when I was a passenger in an airplane of which he was pilot. Having flown before the experience was new to me only in the complete mastery he had of every detail connected with the flight and the confidence his mastery inspired from start to finish.

PHILATELY AND HISTORY

It is but natural that stamps and stamp collecting should interest so many of our people. The history of our Nation is inseparably connected with an incident in Boston Harbor where stamps were a most important factor. You all recall the Boston tea party! It was held because the offending tax on the tea was levied by means of stamps. Congress was brought together in 1765 to remonstrate against the imposition of these new taxes.

Unfortunately, there were no stamp collectors—or philatelists, as we are called now—in those days. As a result, few of the priceless historic stamps were saved. Those saved are most highly valued and are within reach of only a few collectors.

One thing which contributes largely to the scarcity of the older stamps, not only of the United States but other countries, is the fact that until 1840 adhesive stamps did not exist.

Instead documents were stamped much as a notary's seal is impressed on papers sworn to before him.

In 1840 Great Britain, at the suggestion of Sir Rowland Hill, began the use of adhesive stamps. Brazil followed in 1843; and in 1847 the United States adopted the plan.

PHILATELY AND POLITICS

In a recent campaign in the district I have the honor to represent, the use was made of a powerful weapon which my knowledge of philately placed in my hands, and since the famous tea party in Boston Harbor more than a hundred and fifty years ago, it is doubtful if stamps have played such a conspicuous part in connection with American politics.

I had obtained an envelope which contained a letter written in Russia and sent to Philadelphia. The postage on the letter was paid by many sheets of Russian stamps, 100 in each sheet, which, when folded together, back to back, made a double strip of stamps 15½ feet in length, or, counting each side, a strip 6 inches wide and 31 feet long. As the strip was folded and refolded to conform to the size of the letter, the whole made a package which bears a striking resemblance to an accordion.

In all, the postage on this letter was paid by 1,625 stamps, each of the denomination of 250 rubles, making a total face value of 406,250 rubles. Before the World War this number of rubles would have equaled $207,137.50 in United States currency. However, at the time the letter was sent, they were only sufficient to pay the equivalent of 15 American cents worth of postage.

During the campaign I exhibited this Russian cover more than a score of times at various places in my district. No matter how large the room in which I was speaking, no one in the audience had any difficulty in seeing the "accordion" letter and visualizing the enormous depreciation in the value of the Russian ruble which it so graphically represented. I used the letter to illustrate what I believed might happen to the United States if ever the American people permitted bolshevism or unsound economic theories to obtain a foothold, my argument being that the great depreciation in the value of Russian money, as shown by the number of rubles required to carry a letter, followed the advent of a government which had assumed the absolutely erroneous idea that to start the printing presses turning out money would add to the country's wealth, despite the fact that there was no corresponding reserve in the Treasury to back up the paper money.

PHILATELY AND FOREIGN AFFAIRS

Stamps have also played an important part in the affairs of other nations. I recall one in Serbia which is said to have largely contributed to the events which brought on the World War.

To commemorate King Peter's coronation in Serbia in 1904, that government decided to issue a series of specially designed postage stamps of considerable artistic value and of large size, which were to bear side by side the profile of King Peter and his ancestor, Kara George.

The result was admired by all. But before the stamps had been in circulation many weeks the Government suddenly called in all that remained unsold, for when the stamp was held upside down there appeared clearly to everyone the death mask of the murdered King Alexander Obrenovitch.

The ghastly face of the dead sovereign was made to appear, by the engraver manipulating cleverly the eyebrows, eyes, and nose of the two Karageogevitch profiles.

The "death mask stamps," as they are now called, made a profound impression in the Serbian Army, and among the uneducated classes. The Government's attempt to recall all the stamps proved fruitless, as thousands have been used on letters, and a vast number are held by private individuals in Serbia.

ESTABLISHMENT OF PHILATELIC AGENCY

Recognizing the growing need of a clearing house or centralized agency for the accommodation of collectors where stamps of all issues, denominations, and so forth, could be kept and so be available for collectors—and, incidentally, bring in many thousands of dollars annually in additional revenue—the Post Office Department in 1921 established at the Washington City post office what is known as the philatelic agency.

An article dealing with the establishment of this agency and showing its work and value was recently published in Scott's Monthly Journal, a publication devoted to philately. The article is by Second Assistant Postmaster General Glover and is so interesting and illuminating that I asked leave and obtained permission to incorporate it as a part of my remarks. The article follows:

Well do I remember—

Says General Glover—

my first efforts to establish the philatelic agency in the Post Office Department. The straw that broke the camel's back was when an enthusiastic stamp collector addressed a letter to me saying that in his city the other day he asked for a block of four well-centered 2-cent stamps and the answer of the stamp clerk at the window was that he had no time to waste on "nuts," please step out of the line.

You can imagine the indignation of this enthusiast upon being classified with thousands of unfortunates who are temporary or permanent inmates of institutions which harbor those who have lost their minds.

This happened in the early part of 1921 while I was Third Assistant Postmaster General, and, shortly afterwards, at the weekly conference of the Postmaster General and his staff, I suggested the establishment of a philatelic bureau (the Stamp Division, of course, coming under the immediate supervision of the Third Assistant Postmaster General). After my suggestion the first assistant (who, I might say, was the genial Dr. Hubert Work, who later became Postmaster General and is now Secretary of the Interior) looked sidewise at me and said he had

been a doctor for many years (having formerly been president of the American Medical Association), but had never heard the word "philatelic" used as a medical term, and the Postmaster General (at that time the Hon. Will H. Hays) gave me a hearty laugh and said, "really believe, Glover, you are crazy."

My answer to this remark was the fact that many people had ofttimes used that title before and had become quite accustomed to it. In any event my suggestion was later turned down at this conference, and, during the month of August, 1921, I again brought up the matter that the Postmaster General allow the establishment of a philatelic agency, and at the same time made the proposition that, if the agency did not sell $5,000 worth of stamps to collectors during the first two months of its operation I would be willing to give up my ambition to establish it; so, under this condition, we established the philatelic agency of the Post Office Department in December, 1921.

During the first few months of its operation the sales at the agency, of course, far exceeded the stipulated amount of $5,000, and, during the past fiscal year, the sales to collectors at the agency amounted to $176,157.95, while the total sales from its establishment up to and including April 30, 1928, amounted to $800,918.55.

At the present time there are seven employees in the philatelic agency, consisting of the agent and six clerks, and they are busily engaged from the opening of the window in the morning until the close of business each day. Its success has proven beyond a doubt that there was a place in the philatelic world for the establishment of the same in the Post Office Department, and now, instead of the jokes and jibes and the promiscuous use of the word "philatelic" toward the then Third Assistant, the tide has been turned to one of comment and appreciation over the wonderful strides this agency has made in the short period of its existence.

There were some offices among our 52,000 post offices where a stamp collector could receive some consideration, but they were few and far between, and ofttimes the method was unsatisfactory to the purchaser, because no consideration was given for the examination and selection of the very best stock for the album. This condition, of course, has now been done away with, as the clerks at the agency are trained stamp clerks, and have very quickly learned what the philatelist is anxious to obtain for his collection.

The agency desires at all times to give equal opportunity to all of its patrons, and does not permit the granting of special favors, as the large collector, who may be a Congressman, receives but the same consideration that is accorded the young beginner with a small collection of several hundred stamps.

The Post Office Department does not claim that the agency is error proof, but we do try to do the very best we can, and think the thousands of letters of commendation that have been received from collectors are fitting testimonials to the fact that the department is filling a long-felt want and an important place in philately in America to-day.

PHILATELY AND THE AIR MAIL

At this point it is both fitting and proper for me to digress for the time being from the subject of philately in order that I might acquaint the many readers of Scott's Monthly Journal with a brief history of the department's air mail service and its cooperation with philately.

On May 15, 1918, the Congress having made appropriation, an air mail route was established to operate between New York and Washington, via Philadelphia, on a daily except Sunday schedule. Its establishment was undoubtedly aided by the prominence given to the airplane through its accomplishments in the World War as an offensive and defensive arm of the service. Convinced that the airplane could be made a useful means of transportation, the department determined to make the experiment and was successful in the consummation of an arrangement with the War Department whereby the Army would furnish the planes and pilots and the Post Office Department the ground personnel.

Coincidental with the inauguration of air mail service by the Post Office Department an airplane stamp of the 24-cent denomination was issued in red and blue colors on May 13, 1918. This stamp was intended primarily for air mail postage, but was valid for all purposes for which postage stamps of the regular issue are used. The stamp was rectangular in shape, about seven-eighths inch by three-fourths inch and in the central design consisted of a mail plane in flight. On July 11, 1918, the department issued a new airplane postage stamp of the 16-cent denomination, as the rate was changed to 16 cents, effective on July 15, 1918. This stamp was similar in design to the 24-cent stamp, and, effective December 15, 1918, when the rate of postage for airplane mail was again changed to 6 cents, a new airplane stamp of the 6-cent denomination was issued which was also similar in design to that of the 16-cent and 24-cent airplane stamps. This stamp was first issued on December 10, 1918.

On May 15, 1919, just one year after the establishment of the Washington-New York line and the opening day of the Chicago-Cleveland route, the two planes that were flown on the Washington-New York route were the same that carried the mail on the initial trip a year before and had been constantly in service.

The year's record for the Washington-New York route showed 92 per cent of performance representing 128,037 miles of service and 7,720,840 letters carried. On July 1, 1919, the New York-Cleveland route was inaugurated and soon the department saw the necessity for new routes and the need of spanning the continent with an air mail service.

In working toward this end, provisions had to be made for terminal fields and hangars between Chicago and San Francisco, and the generous response from municipalities along the proposed extension was one of the factors which aided in clearing the way for its accomplishment and, after careful preparation, service was inaugurated on May 15, 1920, between Chicago and Omaha, and on September 8 of the same year, between Omaha and San Francisco.

As first operated, the schedule on the air mail service across the continent did not provide an uninterrupted transportation of the mail but flew the mail during daylight to some point where it was trained through the night and taken off the following morning to be flown during the following day.

After it had been demonstrated that dependable service could be provided, the rapid transportation by through flights engaged attention, and, on February 22, 1921, a plane left San Francisco at 4.30 a. m. and landed at the New York terminus at 4.50 p. m. February 23. The total elapsed time for the trip, including all stops, was 33 hours and 21 minutes, but an actual flying time of 25 hours and 16 minutes, with an average speed of 104 miles over the distance of 2,629 miles.

NIGHT FLYING STARTED

This experimental flight stimulated the progress toward night flying and as an aid in securing weather reports on localities in our own service and prompt transmittal of instructions in emergencies radio stations were provided at 17 fields on the route. Later the fields between Chicago and Cheyenne were developed for night flying and plans were studied for the establishment of beacon lights for the guidance of pilots.

During the fiscal years 1923 and 1924 these preparations were completed and a through transcontinental service between New York and San Francisco was the result, which was accomplished in time to begin the through service on July 1, 1924.

Shortly before this time, or during August, 1923, the department issued a new series of air mail stamps in 8, 16, and 24 cent denominations for use in the new transcontinental air mail service. Three zones were established in connection with this service, the first from New York to Chicago, the second from Chicago to Cheyenne, and the third from Cheyenne to San Francisco, and the rate of postage was 8 cents an ounce, or fraction thereof, for each zone or part of zone in which mail was carried by plane. The 8-cent stamp was green, the 16-cent stamp blue, and the 24-cent stamp red in color; and the subjects on the stamps, in their respective order, consisted of a mail-airplane radiator with a propeller attached, official insignia of the air mail service and a mail airplane in flight.

The through transcontinental service had not been in operation long before its advantage to commercial firms was learned and patrons at New York and Chicago realized the value of an overnight service between their offices, and, as this part of the route was not lighted, preparation for night flying was begun and completed in time to start the overnight service between New York and Chicago on July 1, 1925.

During the entire period of operation of the Government-operated air mail routes the planes had been flown 15,853,242 miles, including trips from mail, ferry, and test flights, or 93 per cent of the distance scheduled to fly, and 301,855,840 letters were carried with only 0.00028 of the amount lost through fire or other agency. There were 32 pilots lost, or an average of 495,414 miles for each fatality, and, during the fiscal year of 1927, there was only one fatality in flights of 2,583,006 miles. This was a remarkable record and indicates a degree of safety in flight in all kinds of weather which would have been unbelievable just a few years ago.

AIR MAIL CONTRACTS

The accomplishment of the Post Office Department in the successful development of the air mail service to the point where private enterprise and agencies were able to take it over and operate it under Government contracts was a signal achievement. This had been done with the expenditure of a little over $16,000,000 from the beginning to the end of the Government's operation.

Acting upon legislation passed by Congress authorizing the Post Office Department to contract for the transportation of mail by aircraft, nine contract air mail routes were placed in operation during the fiscal year ended June 30, 1926, and, inasmuch as the act of Congress approved February 2, 1925, changed the rate of postage on air mail to not less than 10 cents for each ounce or fraction thereof, it became necessary to issue a new 10-cent air mail stamp for the use of the air mail service. This stamp was a horizontal rectangle, seventy-five one-hundredths by one and eighty-four one-hundredths inches in size, and was printed in blue ink. The central design represented a relief map of the United States, showing some of the rivers and mountain ranges. On each side was an airplane in flight, one traveling east and the other toward the west. This stamp was first placed on sale on February 13, 1926.

At this time the postage for the contract air mail service was 10 cents an ounce or fraction thereof, where the distance over the route was not

more than 1,000 miles; 15 cents an ounce up to and including 1,500 miles; and 20 cents an ounce where the distance was in excess of 1,500 miles, with an additional charge of 5 cents an ounce each zone the mail traveled over the Government-operated transcontinental route. In conforming with the law a new air mail stamp of 15-cent denomination was issued on September 18, 1926. This stamp was the same shape, size, and design as the current 10-cent air mail stamp issued in February and was printed in sepia.

Owing to the new rate of postage on air mail, effective on February 1, 1927, the department issued a new 20-cent air mail stamp, which was first placed on sale on January 25, 1927, at New York City and Washington, D. C. This stamp was the same shape, size, and design as the current 10 and 15 cent air mail stamps, except that the numerals "20" appeared in both lower corners of the stamp and it was printed in green.

The Post Office Department ceased to operate the Chicago-San Francisco portion of the transcontinental air mail route on June 30, 1927, and the Boeing Air Transport Co., of Seattle, Wash., began service under their contract over this portion of the route on July 1 of last year. That portion of the transcontinental air mail route from New York City to Chicago was readvertised and the bid of the National Air Transport of Chicago was accepted and service began under contract over that portion of the route on September 1, 1927. Thus the discontinuance of Government operation marked the close of a very satisfactory service which had its inception on May 15, 1918.

SPECIAL TRIBUTE TO COLONEL LINDBERGH

As a special tribute to Col. Charles A. Lindbergh, the intrepid air-mail pilot who made the first nonstop flight from New York to Paris, the Post Office Department issued a new 10-cent air mail stamp which displaced the current 10-cent air mail stamp issue of 1926. The new stamp was the same shape and size as the current air mail stamps and was printed in blue. The central design represents Lindbergh's airplane, *The Spirit of St. Louis*, in flight. Across the top of the stamp, in white Roman letters, are the words, "United States postage," with the words "Lindbergh air mail" directly underneath. At the left of the central design appears the coast line of the North American Continent, with the words "New York" in small dark letters and to the right appears the coast line of Europe, showing Ireland, Great Britain, and France, with the word "Paris," also in small dark letters. A dotted line depicting the course of the flight to France connects the two cities. At the bottom of the stamp in shaded letters is the word "cents," and in both lower corners are the white numerals "10." It was first placed on sale on June 18, 1927, at the post offices at St. Louis, Mo.; Detroit, Mich.; Little Falls, Minn.; and Washington, D. C.

CONTRACT AIR MAIL ROUTES NOW OPERATING

It may be interesting to note that on May 5, 1928, the following commercial air mail routes were in operation under contract in the United States:

C. A. M. 1. Boston, via Hartford, to New York.

C. A. M. 2. Chicago, via Springfield and Peoria, to St. Louis.

C. A. M. 3. Chicago, via Moline, St. Joseph, Kansas City, Wichita, Ponca City, Oklahoma City, to Fort Worth and Dallas.

C. A. M. 4. Salt Lake City, via Las Vegas, to Los Angeles.

C. A. M. 5. Salt Lake City, via Boise, to Pasco.

C. A. M. 6. Detroit to Cleveland.

C. A. M. 7. Detroit to Chicago.

C. A. M. 8. Seattle, via Portland, Medford, San Francisco, Fresno, and Bakersfield, to Los Angeles.

C. A. M. 9. Chicago, via Milwaukee and La Crosse, to St. Paul and Minneapolis.

C. A. M. 11. Cleveland, via Youngstown and McKeesport, to Pittsburgh.

C. A. M. 12. Cheyenne, via Denver and Colorado Springs, to Pueblo.

C. A. M. 17. New York to Chicago (transcontinental and overnight service).

C A. M. 18. Chicago, via Iowa City, Des Moines, Omaha, North Platte, Cheyenne, Rock Springs, Salt Lake City, Elko, Reno, and Sacramento, to San Francisco.

C. A. M. 19. New York, N. Y., via Philadelphia, Pa.; Washington, D. C.; Richmond, Va.; Greensboro, N. C., and Spartanburg, S. C., to Atlanta, Ga. (Service inaugurated on May 1, 1928.)

C. A. M. 20. Buffalo to Cleveland.

C. A. M. 21. Dallas, via Fort Worth and Houston, to Galveston.

C. A. M. 22. Dallas, via Fort Worth, Waco, and Austin, to San Antonio.

C. A. M. 23. Atlanta, via Birmingham and Mobile, to New Orleans, La.

C. A. M. 24. Chicago, via Indianapolis to Cincinnati.

F. M. 2. Seattle, Wash., to Victoria, British Columbia.

F. M. 3. New Orleans, La., to Pilottown, La.

F. M. 4. Key West, Fla., to Habana, Cuba.

When air mail service is inaugurated on a new contract route the department furnishes a special cancellation stamp depicting the event for the use of each office on the route, and the hundreds of thousands of first-day covers now in the possession of collectors all over the United States offer indisputable evidence of the fact that these first-day flights and special cancellations are of the utmost value and importance to the philatelic world.

The department has awarded contracts for air mail service on the following routes over which service has not yet been inaugurated:

C. A. M. 16. Cleveland, via Akron, Columbus, Dayton, and Cincinnati, to Louisville, Ky.

C. A. M. 25. Atlanta, via Jacksonville, to Miami, Fla.

C. A. M. 26. Great Falls, Mont., via Helena and Butte and Pocatello, Idaho, to Salt Lake City, Utah.

C. A. M. 27. Bay City, via Saginaw, Flint, and Lansing, to Kalamazoo, Mich.; Pontiac, via Detroit, Ann Arbor, Jackson, and Battle Creek, to Kalamazoo, Mich.; Muskegon, via Grand Rapids, to Kalamazoo, Mich.; and from Kalamazoo, Mich., via South Bend, Ind., to Chicago, Ill. (Contract awarded May 5, 1928.)

C. A. M. 28. St. Louis, Mo., via Kansas City, Mo., to Omaha, Nebr. (Contract awarded May 5, 1928.)

In the foregoing article by the Second Assistant Postmaster General it is apparent that the Post Office Department officially recognizes the science of stamp collecting. This recognition and the arrangements made for the accommodation of collectors has netted the Post Office Department many thousands of dollars it might otherwise not have received.

SESQUICENTENNIAL ANNIVERSARIES

The years 1926, 1927, 1928, and 1929 will be most fruitful to collectors, owing to the sesquicentennial anniversaries of so many important historic events in the life, progress, and development of the Nation, many of them marked with appropriate commemorative stamps. A number of other anniversaries are approaching and may be fittingly celebrated.

It is estimated that there are 1,000,000 collectors at the present time in the United States and between 2,500,000 and 3,000,000 collectors in the entire world. Practically every one of these is interested in issues made by the United States of America. Therefore, they will watch with interest for the issuance of the stamps mentioned in the bills as introduced by the various Members of the Congress, among which are Senate Joint Resolution 71 by Senator WAGNER and House Joint Resolution 133 by Representative HARCOURT J. PRATT, of the twenty-seventh district of New York. These resolutions are identic and provide for the issuance of a special postage stamp to commemorate the one hundred and fiftieth anniversary of the founding of the government of the State of New York, the great Empire State of the Union.

Representative DAVID HOGG, of the twelfth district of Indiana, introduced House Joint Resolution 158, providing for the issuance of a special series of postage stamps commemorating the George Rogers Clark expedition which won the Northwest 150 years ago. A million dollars has been authorized by Congress for a memorial to be constructed on the site of Fort Sackville, at Vincennes, Ind., which figured so prominently in Clark's enterprise.

Representative LOUIS T. MCFADDEN, of the fifteenth Pennsylvania district, is the author of House Joint Resolution 179. It provides for the issuance of a postage stamp in commemoration of the one hundred and fiftieth anniversary of the first run of a steam locomotive in America. History relates that the run was made on August 9, 1829, at Honesdale, Wayne County, Pa.

Hon. VICTOR K. HOUSTON, Delegate in Congress from the Territory of Hawaii, has introduced House Joint Resolution 248, providing for the issuance of a special stamp to commemorate the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook.

Representative HAROLD G. HOFFMAN, my colleague from the third district of New Jersey, has presented House Joint Resolution 210. It provides for the issuance of a series of stamps to commemorate the Battle of Monmouth. This was the Revolutionary War engagement in which Mollie Pitcher won undying fame. Her heroism on that occasion brought to public notice the patriotic sacrifices and service being rendered by mothers, wives, and daughters in the cause of freedom and intensified the bravery of many of their little-noted but nevertheless brave and devoted deeds.

Senate Joint Resolution 101 and House Joint Resolution 205 are also identic resolutions. They are sponsored by Senator WALTER E. EDGE and myself, respectively. Unlike the foregoing, they are intended to perpetuate a very recent epochal event—the good-will flight of Colonel Lindbergh to the Republics to the south of us.

The resolution reads as follows:

Resolution authorizing the Postmaster General to issue a set of stamps relative to the good-will flight of Colonel Lindbergh

Whereas the Nation and the world have followed with close interest and admiration the good-will flight of Colonel Lindbergh to our South American and Central American sister Republics; and

Whereas the national understanding thus produced between the Government of the United States and the governments of the countries visited may be extended and made more complete and enduring: Therefore be it

Resolved, etc., That the Postmaster General be, and he is hereby, authorized to issue a set of 13 stamps, being the number of countries Colonel Lindbergh visited, as well as the number of the original States in the United States, the stamps to be issued in denominations from one-half cent to $1, from dies to be specially made, in appropriate designs suitable for perpetuating the benefits and recording in a permanent way this epochal flight and series of good-will visits.

I feel sure that if these commemorative issues just referred to were issued there would not only be the happiest of feelings created because of the recognition of profoundly important historic events, but in the case of the Lindbergh set the ties of friendship that would be fostered would be of increasing value and would enhance the cordiality created by the colonel's triumphant journey of "good will" which was so eminently successful and which was performed as an ambassador of good will without portfolio during the past winter. The sale of the stamps also would help to reduce the deficit now existing in the Post Office Department, and which will be of increasing size as time goes on because of the reduction of rates contemplated in bills that have recently been considered by the Congress.

CONSENT CALENDAR

The SPEAKER. Is it desired now that the House shall proceed to the consideration of the Consent Calendar? If so, the Clerk will report the first bill of those remaining on the Consent Calendar.

BRIDGE ACROSS THE MISSISSIPPI RIVER NEAR CARONDELET, MO.

The first business on the Consent Calendar was the bill (S. 3598) authorizing Dupo Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Carondelet, Mo.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, can the gentleman give me the usual information on this bridge?

Mr. IRWIN. The terms of this franchise are the same as all other franchises.

Mr. LAGUARDIA. We are making certain inquiries, you know, as to grantees. Is the gentleman familiar with the Dupo Bridge Co.?

Mr. IRWIN. Yes. It is a corporation formed in good faith locally by people of St. Louis. It is to build this bridge across the Mississippi River, reaching over to my district on the Illinois side. It is a good proposition. I have made an investigation of it.

Mr. LAGUARDIA. It is not like some that we have been guarding against in these bills?

Mr. IRWIN. No. The franchise is asked in good faith. The bridge is very necessary, and I am very much interested in it, because the people of my district wish to use the bridge across that stream.

Mr. LAGUARDIA. Mr. Speaker, I have no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, Dupo Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Carondelet, Mo., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Dupo Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Dupo Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Missouri or the State of Illinois, or any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 10 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Dupo Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge, file with the Secretary of War and with the highway department of the States of Missouri and Illinois, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Dupo Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Dupo Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment, as follows:

Strike out all after the enacting clause and insert the following:

"That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the Dupo Bridge Co., a Missouri corporation, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, at or near Carondelet, Mo., in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. The Dupo Bridge Co., its successors and assigns, is authorized to construct, maintain, and operate such bridge and the necessary

approaches thereto as a railroad bridge for the passage of railway trains or street cars, or both, or as a highway bridge for the passage of pedestrians, animals, and vehicles, adapted to travel on public highways, or as a combined railroad and highway bridge for all such purposes; and there is hereby conferred upon the said Dupo Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

"SEC. 3. After the completion of such bridge, as determined by the Secretary of War, if the same is constructed as a highway bridge only, either the State of Missouri or the State of Illinois, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property, and (4) actual expenditures for necessary improvements.

"SEC. 4. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, under the provisions of section 3 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 10 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

"SEC. 5. If such bridge is constructed as a combined railroad bridge for the passage of railway trains or street cars, and a highway bridge for the passage of pedestrians, animals, and vehicles, then the right of purchase and condemnation conferred by this act shall apply to a right of way thereover for the passage without cost of persons, animals, and vehicles adapted to travel on public highways; and if the right of purchase or condemnation shall be exercised as to such right of way over the bridge, then the measure of damages or compensation to be allowed or paid for such right of way shall be a sum equal to the difference between the actual fair cash value of such bridge determined in accordance with the provisions of section 3 of this act, and what its actual fair cash value so determined would have been if such bridge had been constructed as a railroad bridge only. If the right of purchase or condemnation conferred by this act shall be exercised as to the right of way over such bridge, then that part of the bridge which shall be purchased or condemned and shall be thereafter actually used for the passage of pedestrians, animals, or vehicles shall be maintained, operated, and kept in repair by the purchaser thereof.

"SEC. 6. The Dupo Bridge Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway departments of the States of Missouri and Illinois a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said Dupo Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 3 of this act, subject only to review in a court of equity for fraud or gross mistake.

"SEC. 7. The Dupo Bridge Co., its successors and assigns, is hereby authorized and empowered to fix and charge just and reasonable tolls for the passage of such bridge of pedestrians, animals, and vehicles adapted to travel on public highways, and the rates so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of toll as provided in the act of March 23, 1906; and if said bridge is constructed as a railroad bridge, or a joint railroad and highway bridge, as provided in this act, the said Dupo Bridge Co., its successors and assigns, is hereby authorized to fix by contract with any person or corporation desiring the use of the same for the passage of railway trains, or street cars, or for placing water or gas pipe lines or telephone or telegraph or electric light or power lines, or for any other such purposes, the terms, conditions, and rates of toll for such use; but in the absence of such contract, the terms, conditions, and rates of toll for such use shall be determined by the Secretary of War as provided in said act of March 23, 1906.

"SEC. 8. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Dupo Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

"SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved."

Amend the title so as to read: "A bill authorizing Dupo Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a combined highway and railroad bridge across the Mississippi River at or near Carondelet, Mo."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

CAMP SHERMAN, OHIO

The next business on the Consent Calendar was the bill (H. R. 10649) providing for the transfer of a portion of the military reservation known as Camp Sherman, Ohio, to the Department of Justice.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to transfer to the jurisdiction of the Department of Justice, for use as a site for the industrial reformatory established under authority of the act of January 7, 1925, chapter 32, entitled "An act for the establishment of a United States Industrial Reformatory," all that portion of the United States military reservation known as Camp Sherman, Ohio, lying west of the Scioto River and south of a line beginning at a point in the center line of Portsmouth Street at the Scioto River and running thence southwesterly along the center line of Portsmouth Street to the center line of Columbus Avenue; thence southeasterly along the center line of Columbus Avenue to the center line of Moundsville Street; thence southwesterly along the center line of Moundsville Street to the center line of Egypt Pike; thence northwesterly along the center line of Egypt Pike to its intersection with the center line of Sandusky Boulevard; thence due west to the boundary line of the Government reservation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRYCE CANYON NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 12487) to correct the descriptions of land comprising the Bryce Canyon National Park as contained in the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," and the act approved

February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the 'Bryce Canyon National Park,' and for other purposes."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COLTON. Mr. Speaker, I ask unanimous consent to substitute Senate bill 3824 and consider the same in lieu of the House bill, the Senate bill being identical with the House bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the tract of land described in section 1 of the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," be, and the same is hereby, amended to read as follows:

"Unsurveyed sections 31 and 32, township 36 south, range 3 west; surveyed section 36, township 36 south, range 4 west; north half, southwest quarter and west half of the southeast quarter of partially surveyed section 5; unsurveyed sections 6 and 7, west half, west half of the northeast quarter, and west half of the southeast quarter of partially surveyed section 8, partially surveyed section 17, and unsurveyed section 18, township 37 south, range 3 west; and unsurveyed sections 1, 12, and 13, township 37 south, range 4, all west of the Salt Lake meridian in the State of Utah."

SEC. 2. That the tract of land described in section 2 of the act approved February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the 'Bryce Canyon National Park,' and for other purposes," be, and the same is hereby, amended to read as follows:

"The east half east half section 25, township 36 south, range 4 west; the east half and southwest quarter section 20, and all of sections 21, 29, and 30, township 36 south, range 3 west; all of sections 24 and 25, township 37 south, range 4 west; and all of sections 19 and 30, township 37 south, range 3 west, Salt Lake meridian."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

CITY OF LEOMINSTER, MASS.

The next business on the Consent Calendar was the bill (H. R. 12354) to grant to the city of Leominster, Mass., an easement over certain Government property.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to grant to the city of Leominster, Mass., for the purpose of widening the street in front of the Federal building in such city, an easement over the tract of land situated at the northerly corner of Merriam Avenue and Main Street, bounded and described as follows: Beginning at the intersection of the northwesterly line of Main Street and the northeasterly line of Merriam Avenue; thence by the northwesterly line of said Main Street north 44° east 192.07 feet to granite monument at the land now or formerly of the heirs of Andrew Whitney; thence by land of said heirs of Andrew Whitney, making an included angle of 90° and bearing north 46° west 4.25 feet to land of grantee; thence by land of said grantee, making an included angle of 90° and bearing south 44° west 162.48 feet; thence tangent to the last-described line on a curve to the right with a radius of 33.07 feet a distance of 48.73 feet to a point in the northeasterly line of said Merriam Avenue; the tangent distance of this last-described curve is 30 feet and the central angle of the curve is 84° 26'; thence by said northeasterly line of Merriam Avenue, tangent to the last-described curve and bearing south 51° 34' east 34.27 feet to the point of beginning. This last-described line makes an included angle with the first-described line of 95° 34'. Such easement shall continue so long as the land shall be used exclusively for street purposes.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TERRITORY OF HAWAII

The next business on the Consent Calendar was the bill (S. 757) to extend the benefits of certain acts of Congress to the Territory of Hawaii.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, perhaps the gentleman from Hawaii can explain the matter to me. I am inclined to ask that this bill go over. It is a rather important bill; it carries a lot of appropriations into 1941, and I do not think we should consider it now.

Mr. HOUSTON of Hawaii. If the gentleman will permit, I may be able to explain the matter. The bill in question is one which provides for eventual participation by the Territory of Hawaii in appropriations which are now being made to all the States. At the present time the Territory of Hawaii is in receipt of the usual $50,000 per year for the Federal colleges under the original grant, but it is not receiving the $80,000 a year which the other States are now receiving and which is increased to $90,000 in 1929. In accordance with this bill the Territory of Hawaii will receive only $15,000 for the year 1930, which is increased by gradual increments so that in the year 1941 it will be receiving the same as the States are now receiving. The bill carries the approval of the Secretary of Agriculture and of the Director of the Budget.

Mr. CRAMTON. If the gentleman will yield, the acts authorizing these appropriations in some cases would seem to include the Territory of Hawaii, but the Attorney General has held that the appropriations were not authorized for Hawaii, and so they have been without them. This bill, instead of overturning the thing abruptly and putting them in at 100 per cent, starts them in at a lower figure and it would be 1941 before they will be receiving full participation.

Mr. LAGUARDIA. Then, all this bill does is to correct existing law and to carry out what the gentleman from Michigan believes was the intent of Congress.

Mr. CRAMTON. I made some study of it even before the Delegate from Hawaii came to Washington, and it seemed to me it had been the intention of Congress that Hawaii should share, and it seems logical that they should share in it.

Mr. LAGUARDIA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That beginning with the fiscal year ending June 30, 1929, the Territory of Hawaii shall be entitled to share in the benefits of the act entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," approved March 2, 1887, as amended and supplemented, and of the act entitled "An act to provide for cooperative agricultural-extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, and of acts supplementary thereto: *Provided*, That the experiment station so established shall be conducted jointly and in collaboration with the existing Federal experiment station in Hawaii in enlarging and expanding the work of the said Federal station on cooperative plans approved by the Secretary of agriculture; and the Secretary of Agriculture shall coordinate the work of the Territorial station with that of the Federal station and of the United States Department of Agriculture in the islands: *Provided further*, That the Territory of Hawaii shall make provision for such additional buildings and permanent equipment as may be necessary for the development of the work.

SEC. 2. To carry into effect the above provisions for extending to Hawaii the benefits of the act of March 2, 1887, and supplementary acts in the order and amounts designated by these acts, the following sums are hereby authorized to be appropriated in addition to the amounts appropriated to the Department of Agriculture for use in Hawaii: $15,000 for the fiscal year ending June 30, 1929; $20,000 for the fiscal year ending June 30, 1930; $22,000 for the fiscal year ending June 30, 1931; $24,000 for the fiscal year ending June 30, 1932; $26,000 for the fiscal year ending June 30, 1933; $28,000 for the fiscal year ending June 30, 1934; $30,000 for the fiscal year ending June 30, 1935; $50,000 for the fiscal year ending June 30, 1936; $60,000 for the fiscal year ending June 30, 1937; $70,000 for the fiscal year ending June 30, 1938; $80,000 for the fiscal year ending June 30, 1939; and $90,000 for the fiscal year ending June 30, 1940, and thereafter a sum equal to that provided for each State and Territory for agricultural experiment stations established under the act of March 2, 1887.

SEC. 3. The permanent annual appropriations provided for in section 3 of said act of May 8, 1914, and of acts supplementary thereto are hereby authorized to be increased by an amount necessary to carry out the provisions of this act but without diminishing or increasing the amount which any State is entitled to under the provisions of said act of May 8, 1914, and of acts supplementary thereto.

Mr. CRAMTON (during the reading of the bill). Mr. Speaker, I do not want to cut off anyone who may be interested, I withdraw the request I was about to make.

Mr. BANKHEAD. I renew it, Mr. Speaker. I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. LAGUARDIA. It is a very interesting bill.

Mr. BANKHEAD. Yes; but the gentleman must have some ulterior motive in making that statement.

Mr. LAGUARDIA. If the gentleman wants to know, the gentleman from New York does not want to work all night again. We had unanimous-consent day yesterday and I think you should give us a chance to catch up with our work. I know the gentleman wants to be reasonable about it.

Mr. BANKHEAD. I want to be entirely reasonable, but the gentleman's leader asked unanimous consent that we go on with the calendar this afternoon.

Mr. LAGUARDIA. We have one hour until 5 o'clock and we can pass a good many bills in that time, but we can not keep up with this calendar if we are going to pass the bills like "rolling the bones."

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. LAGUARDIA. I object, Mr. Speaker. Let us read the bill.

The Clerk concluded the reading of the bill.

With the following committee amendments:

On page 2, line 23, strike out the figures "1929" and insert "1930."
On page 2, line 24, strike out the figures "1930" and insert "1931."
On page 2, line 25, strike out the figures "1931" and insert "1932."
On page 3, line 1, strike out the figures "1932" and insert "1933."
On page 3, line 2, strike out the figures "1933" and insert "1934."
On page 3, line 3, strike out the figures "1934" and insert "1935."
On page 3, line 4, strike out the figures "1935" and insert "1936."
On page 3, line 5, strike out the figures "1936" and insert "1937."
On page 3, line 5, strike out the figures "1937" and insert "1938."
On page 3, line 6, strike out the figures "1938" and insert "1939."
On page 3, line 7, strike out the figures "1939" and insert "1940."
On page 3, line 8, strike out the figures "1940" and insert "1941."

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SILVER BELL OF THE BATTLESHIP "NEW ORLEANS"

The next business on the Consent Calendar was the bill (H. R. 5826) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver bell in use on the battleship *New Orleans*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., for preservation and exhibition the silver bell which was in use on the battleship *New Orleans: Provided*, That no expenses shall be incurred by the United States for the delivery of such silver bell.

With the following committee amendment:

Page 1, line 6, strike out the word "battleship" and insert the word "cruiser."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

AMENDMENT OF THE NATIONAL DEFENSE ACT—BANDMASTERS

The next business on the Consent Calendar was the bill (H. R. 9373) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I have one or two minor amendments, which I would like to offer. Page 2, line 21, after the word "commissioned," insert the word "warrant," and on page 3, line 1, after the word "physically," insert the words "and professionally."

Mr. REECE. Those amendments will be quite acceptable.

Mr. LAGUARDIA. With that understanding, I shall not object.

Mr. BANKHEAD. Reserving the right to object, I call the attention of the gentleman from Michigan [Mr. CRAMTON] to this bill, inasmuch as the gentleman is usually rather solicitous about matters involving additional appropriations.

Mr. CRAMTON. I will say to the gentleman from Alabama, frankly, that that fact, strange as it may seem, has not depressed me. I think there is ample justification for the increased appropriations. I am somewhat disturbed about the idea of giving commissions to bandmasters. I do not believe it is going to work out in a military organization.

Mr. BANKHEAD. I want also to call the attention of the gentleman from New York, who is rather zealous in these matters, to the fact that this bill is directly in the teeth of the opinion of the Secretary of War with reference to the matter suggested by the gentleman from Michigan [Mr. CRAMTON].

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. LAGUARDIA. Perhaps I should explain that my attitude on this bill is based purely on sentimental reasons. My father was a bandmaster in the Army 40 years ago, and even in those days they were seeking to obtain the passage of a bill of this kind; and that was at least 40 years ago.

I want to say, gentlemen, that in most of the armies the bandmasters are commissioned officers. It is nothing new. It has been under consideration and under study for the last 40 years. I have personal knowledge of it, and I am sure it is not going to disrupt the Treasury. Unfortunately, no one of my family now derives any benefit from it, but for sentimental reasons I would like to do all that I can for the passage of the bill.

Mr. CHINDBLOM. Will the gentleman from Alabama yield?

Mr. BANKHEAD. I yield.

Mr. CHINDBLOM. "Music hath charms to soothe the savage breast." I think it is important to have competent men in charge of the music in the various arms of the military and naval service by reason of the fact——

Mr. BANKHEAD. Does the gentleman think the quotation, which is a delightful one, meets the practicable objection urged by the Secretary of War, when he says?—

In the case where band leaders are concerned. Here there is no field of activity extending beyond that of leading the band. It is a circumscribed and definite duty such as that of a warrant officer who is master of an Army mine planter. To place one who performs this definite and specific character in the category of commissioned personnel is to put him in an illogical and unfortunate position unless it is intended to promote him along with other commissioned personnel. If this were done, we might expect to have a colonel leading a regimental band who was senior to the colonel commanding the regiment of which the band is but one of the integral parts.

Mr. CHINDBLOM. Let me say that it requires ability and training of a different order and to some degree of higher order to fill the position of bandmaster than that of some officers.

Mr. LAGUARDIA. Not only that, but one of the functions is to train men and make musicians of them, arrange the music, and all that, besides leading the band.

Mr. REECE. Let me state that the objection which seems to be in the gentleman's mind——

Mr. BANKHEAD. Not in my mind, but the mind of the Secretary of War.

Mr. REECE. The objections of the Secretary of War have been met. This bill does not give the men it creates a new rank. He is not a commissioned officer. So the objection which the gentleman has read in the letter does not obtain as far as the bill before the House is concerned. We purposely rewrote the bill to meet the objections.

Mr. TILSON. What about section 2, which says?—

SEC. 2. The limitations now prescribed by law upon the number of commissioned officers of the Army, and the number of commissioned officers in the various grades, are hereby increased to, and only to, the extent necessary to give effect to the provisions of this act. The number of warrant officers authorized by law shall be decreased by the number of warrant officers receiving commissions in pursuance of the provisions of this act.

Mr. REECE. They are bandmasters with the rank and allowance of commissioned officers in a certain grade, but as specified in the second section there shall be created a new rank of bandmaster in lieu of the present warrant officer as band leader. By the enactment of this legislation they will become known as bandmasters of the United States Army.

Mr. TILSON. They will not be subtracted from the sum total of officers allowed under the law?

Mr. REECE. No.

Mr. BANKHEAD. I will ask the gentleman if this is a unanimous report of the committee?

Mr. MORIN. I do not recall any objection to it.

Mr. REECE. It was unanimous.

Mr. BANKHEAD. I do not care to press the objection. I wanted to call attention to the fact that the Secretary of War objected.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

Mr. REECE. Mr. Speaker, I ask unanimous consent to substitute an identical Senate bill (S. 750), and I ask that it be considered in lieu of the House bill, with the amendment to be offered by the gentleman from New York.

The SPEAKER. The gentleman asks unanimous consent to substitute the Senate bill. Is there objection?

There was no objection.

The Clerk read the bill (S. 750), as follows:

Be it enacted, etc., That section 6 of the national defense act of June 3, 1916, as amended, is amended by adding to the end thereof the following:

"In addition there shall be created a new rank of bandmaster in the United States Army in lieu of the present warrant-officer band leaders, who shall be appointed and commissioned bandmasters by the President, by and with the advice and consent of the Senate.

"SEC. 6a. Chief bandmaster: A chief bandmaster shall be selected from among experienced Army bandmasters of the service by the Secretary of War, to serve until relieved by the Secretary of War, and shall have the assimilated rank, pay, and allowances of a major, fourth pay period, while so serving. He is charged with the duty for the uniform administration of the Army Music School and all authorized Army bands, and shall advise The Adjutant General on all matters relating to the musical organizations in the Army.

"SEC. 6b. Bandmasters: Bandmasters hereafter commissioned under the above section shall be entitled to the same benefits in respect to pay, allowances, and retirements as are applicable to commissioned officers of the various grades to which they are assimilated with, as follows: Less than 3 years, first pay period, to rank with second lieutenants; 3 to 10 years, second pay period, to rank with first lieutenants; over 10 years, third pay period, to rank with captains. All prior active band-leader service, commissioned and enlisted, shall be credited toward computing the pay period present band leaders shall receive on first appointment. There shall be one bandmaster for each authorized band of the Army and eight additional bandmasters for duty with the Army Music School as instructors. Appointment as bandmasters shall be made, first, from band leaders now in the service who are found to be physically qualified; second, subject to such examination as the President may prescribe from noncommissioned officers and other enlisted musicians who have had at least 10 years' service in Army bands, with preference to such appointments to qualified graduates of the Army Music School."

SEC. 2. The limitations now prescribed by law upon the number of commissioned officers of the Army, and the number of commissioned officers in the various grades, are hereby increased to, and only to, the extent necessary to give effect to the provisions of this act. The number of warrant officers authorized by law shall be decreased by the number of warrant officers receiving commissions in pursuance of the provisions of this act.

SEC. 3. This act shall take effect on the first day of the third month next following its enactment.

SEC. 4. This act may be cited as the "Army bands act."

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment: Page 2, line 20, after the word "commission," insert a comma and the word "warrant."

The Clerk read as follows:

Page 2, line 20, after the word "commission," insert a comma and the word "warrant."

The amendment was agreed to.

Mr. LAGUARDIA. I offer another amendment.

The Clerk read as follows:

Page 3, line 1, after the word "physician," insert the word "professional."

The amendment was agreed to.

The Clerk read the following committee amendments:

Page 2, line 6, after the word "is," insert the words "shall be."

Page 2, line 7, after the word "of," strike out the words "the Army Music School."

Page 2, line 23, after the word "Army," strike out "and eight additional bandmasters for duty with the Army Music School as instructors."

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

RETIREMENT, OFFICERS OF MEDICAL CORPS

The next business on the Consent Calendar was the bill (H. R. 11981) to authorize officers of the Medical Corps to account certain services in computing their right for retirement, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in computing length of service for purposes of retirement in the case of an officer of the Medical Corps of the Army, active duty performed as a member of the Medical Reserve Corps or as a contract surgeon, acting assistant surgeon, or contract physician, under a general contract obligating him to serve full time and to take station and change station as ordered, shall be credited to the same extent as service under a Regular Army commission.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PAVING OF RINGGOLD ROAD, STATE OF GEORGIA

The next business on the Consent Calendar was the bill (H. R. 11724) to provide for the paving of the Government road, known as the Ringgold Road, extending from Chickamauga and Chattanooga National Military Park, in the State of Georgia, to the town of Ringgold, Ga., constituting an approach road to the Chickamauga and Chattanooga National Military Park.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have certain amendments the gentleman from Georgia [Mr. TARVER] I understand is agreeable to, and with those I have no objection to the bill.

Mr. TARVER. Mr. Speaker, I have not examined the amendments, but I understand they are the same as those proposed in a bill passed not long ago.

Mr. CRAMTON. Yes; on the Lafayette Road bill.

Mr. TARVER. I have no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized to improve and pave the Government road, known as the Ringgold Road, commencing at the Chickamauga and Chattanooga National Military Park and extending to Ringgold, Ga., in the length of approximately 7.8 miles, for which an appropriation of not to exceed $117,000 is hereby authorized out of any money in the Treasury not otherwise appropriated: *Provided*, That should local interests desire that said road be improved and paved in such manner as would involve an expenditure of more than $117,000 the Secretary of War is hereby authorized to expend such sum as may be contributed by said local interests concurrently with the appropriation herein authorized in the imrovement and pavement of said road: *Provided further*, That no part of the funds herein authorized to be appropriated shall be expended prior to such time as agreements have been made for the conveyance of the Federal jurisdiction over said road, as provided in the act of March 3, 1925 (43 Stat. L. 1104), immediately upon the completion of such improvements as may be made hereunder.

With the following committee amendments:

Page 2, line 8, strike out the words "local interests" and insert in lieu thereof the following: "the State of Georgia or any county or municipality or legal subdivision thereof, or any State or county or municipal highway commission, or equivalent public authority."

Mr. CRAMTON. Mr. Speaker, I offer the following amendment to the committee amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON as a substitute for the committee amendment: Page 2, strike out lines 8 to 13, inclusive, and insert in lieu thereof the following:

"That no part of the appropriation herein authorized shall be available until the State of Georgia or any county or municipality, or local subdivision thereof, or any State or county or municipal highway commission or equivalent public authority, shall contribute at least an equal amount for the same purpose, and the Secretary of War is hereby."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The committee amendment as amended was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 17, after the word "road," strike out the rest of line 17 down to and including the word "hereunder," in line 23, and insert in lieu thereof the following: "*Provided further*, That should the State of Georgia or any county or municipality or legal subdivision thereof, or any State or county or municipal highway commission, or equivalent public authority desire that the position of said road be changed in any particular from the present Government-owned right of way, and should such local authorities acquire title to the land necessary to effect such changes, the Secretary of War may expend the funds herein authorized for the improvement and pavement of such road as changed: *And provided further*, That no part of this appropriation shall be expended until the State of Georgia, or the counties or municipalities thereof concerned, have obligated themselves in writing to the satisfaction of the Secretary of War that they will accept title to the present Government-owned road, known as the Ringgold Road, and will maintain said road as built under the provisions of the act approved March 3, 1925 (43d Stat. L. 1104), immediately upon the completion of such improvements as may be made under this appropriation."

Mr. CRAMTON. Mr. Speaker, I offer the following amendment to that amendment which I send to the Clerk's desk.

The Clerk read as follows:

Mr. CRAMTON offers the following amendment to the second committee amendment: Page 3, strike out lines 8 to 13, inclusive, of the committee amendment and insert in lieu thereof the following: "*And provided further*, That no part of the appropriation herein authorized shall be expended until the State of Georgia or the counties or municipalities thereof concerned have accepted title to the present Government-owned road, known as the Ringgold Road, and have obligated themselves in writing to the satisfaction of the Secretary of War that they will maintain the same.

The SPEAKER. The question is on the amendment of the gentleman from Michigan.

The amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF COLUMBIA ARSENAL PROPERTY, TENNESSEE

The next business on the Consent Calendar was the bill H. R. 12479, authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is there any urgency for the passage of this bill to-day?

Mr. ESLICK. Yes. It is an urgent matter with the people, because the life of this school is depending upon it.

Mr. LAGUARDIA. What was the idea of the long recital in the whereases in the bill?

Mr. ESLICK. To set out the whole history of the matter.

Mr. LAGUARDIA. But that goes out.

Mr. ESLICK. Yes.

Mr. LAGUARDIA. This land was originally given to the Columbia Academy to be used for the purpose specified in the grant.

Mr. ESLICK. No; the citizens of Columbia bought the land and deeded it to the United States Government, and it was used as arsenal property.

Mr. LAGUARDIA. That was in 1888?

Mr. ESLICK. In 1888, and in 1894 the Government by special act of Congress authorized the conveyance of this property to this school corporation, and in the deed there is a reservation that if it should cease to be used for school purposes, then the title shall revert. Then there is the right of visitation by the Secretary of War and the right to prescribe the curriculum. These people have spent more than a hundred thousand dollars in improvements on this property. They have pupils from 38 different States in the Union.

Mr. LAGUARDIA. And what do they want to do now?

Mr. ESLICK. They have to go forward with new improvements and buildings, and with this limitation on that title they can not borrow any money.

Mr. LAGUARDIA. So they are going to appraise this land and get rid of that limitation?

Mr. ESLICK. Yes.

Mr. McSWAIN. This is so that they can mortgage the land and borrow some money.

Mr. LAGUARDIA. I withdraw my objection and ask unanimous consent to dispense with the reading of the whereas clauses which are very long.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. Without objection, the Clerk will omit the whereases.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell upon such terms and conditions as he considers advisable and to make proper deed of conveyance to the Columbia Military Academy, a corporation organized under the laws of the State of Tennessee, all of the title, interest, limitations, conditions, restrictions, reservations, and rights owned and held by the United States of America as defined in Public Act No. 152 of the second session of the Fifty-eighth Congress and in the deed of the United States of America to the lands conveyed therein to the Columbia Military Academy of record in book 105, volume 4, page 495 in the register's office of Maury County, Tenn. Said limitations, conditions, restrictions, reservations, and rights are defined in said public act and deed, as follows:

That the Secretary of War shall be a visitor to said school and have and exercise full rights of visitation, and he shall have the right and authority in his discretion, as the public interest requires, to prescribe the military curriculum of said school and to enforce compliance therewith, and upon refusal or failure of the authorities of said school to comply with the rules and regulations so prescribed by the Secretary of War or the terms of the act he is authorized to declare that the estate of the grantee has terminated and the property shall revert to the United States, and the Secretary of War is authorized thereupon to take possession of said property in behalf of the United States, and shall further reserve to the United States the right to use such lands for military purposes at any time upon demand of the President of the United States.

Said lands to which said limitations, conditions, restrictions, reservations, and rights attach are described as situated in the ninth civil district of Maury County, Tenn., and were formerly used as an arsenal and known as the Columbia Arsenal property, the same comprising about 67 acres, more or less, and generally bounded by the Hampshire Pike, the Louisville & Nashville Railroad, the Mount Pleasant Pike, and a public road connecting the two pikes above named.

All of said limitations, conditions, restrictions, reservations, and rights of the United States of America, whether legal or equitable, vested or contingent, in and to said lands as specified and defined in said public law and deed and belonging to the United States of America will pass to the purchaser under the sale herein authorized.

SEC. 2. The Secretary of War shall have said tract of land appraised, the appraisal being of the land alone and without regard to the buildings thereon; and the Secretary of War shall not sell the rights and interests of the Government herein above defined in said Columbia Arsenal property for a less consideration than the appraised value herein provided for.

SEC. 3. That the proceeds of said sale shall be deposited in the Treasury to the fund known as the military post construction fund after first paying the expenses of and incident to the sale including appraisal fees, but no appraiser shall be paid in excess of $100 for such services as he may render under the terms of this act.

The SPEAKER. Without objection, the whereases will be stricken out.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PAY OF THE ARMY, NAVY, MARINE CORPS, COAST GUARD, COAST AND GEODETIC SURVEY, AND PUBLIC HEALTH SERVICE

The next business on the Consent Calendar was the bill (H. R. 12624) to amend section 17 of the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I am not familiar with the merits of the bill. I have not studied that. The form of it is very undesirable. I have pre-

pared an amendment that will set up the complete section as amended. I will offer it when the proper time comes.

Mr. COLLINS. I object.

Mr. HOFFMAN. Mr. Speaker, I hope the gentleman will withhold his objection and let this bill pass. Otherwise 150 retired officers on active duty will be deprived of their regular annual leave this summer. I believe the bill is meritorious.

Mr. COLLINS. Does it apply simply to annual leave?

Mr. HOFFMAN. To annual leave and to longevity pay. It confirms rights already established by law, but not granted by reason of the ruling of the Attorney General.

Mr. COLLINS. I object.

The SPEAKER. Objection is heard.

DONATION OF BUILDINGS TO THE CITY OF TUCSON, ARIZ.

The next business on the Consent Calendar was the bill (S. 2978) authorizing the Secretary of War to donate certain buildings to the city of Tucson, Ariz.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to donate to the city of Tucson, State of Arizona, without cost to the said city, for public use, all of buildings Nos. 1, 3, and 4 now located on the old Army aviation field in said city of Tucson, including heating and plumbing fixtures and excluding water heater and hot-water tank, which said buildings are now located on property of the said city of Tucson formerly leased to the United States.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

AMENDMENT OF SECTION 127A, NATIONAL DEFENSE ACT

The next business on the Consent Calendar was the bill (H. R. 11273) to amend section 127a, national defense act, as amended and approved June 4, 1920.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The bill reads as follows:

Be it enacted, etc., That the first paragraph of section 127a of the national defense act, as amended and approved June 4, 1920, is hereby amended to read as follows:

"SEC. 127a. Miscellaneous provisions: Hereafter no detail, rating, or assignment of an officer shall carry advanced rank, except as otherwise specifically provided herein: *Provided,* That in lieu of the 50 per cent increase of pay provided for in this act any officer who has heretofore been announced in the War Department orders as having qualified on or before December 31, 1913, as a military aviator or any officer upon whom the rating of military aviator has heretofore been conferred for having specially distinguished himself in time of war in active operations against the enemy, shall while on duty which requires him to participate regularly and frequently in aerial flights, receive the pay, allowances, and additional pay as provided by the act of June 3, 1916, and the act of July 24, 1917, for the rating of military aviator. At any time after the passage of this act any officer who has heretofore been announced in War Department orders as having qualified as a military aviator on or before December 31, 1913, shall, if he make application therefore to the President, be retired from active service and be placed upon the retired list. The retired pay of any officer who has heretofore been announced in War Department orders as having qualified as a military aviator on or before December 31, 1913, shall be 75 per cent of all the pay and allowances, including flying pay, of the grade in which he is retired. No extra pay or allowances shall accrue under the provisions of this section for services rendered prior to the passage thereof."

Mr. McSWAIN. Mr. Speaker, I offer two amendments.

The SPEAKER. The gentleman from South Carolina offers two amendments, which the Clerk will report.

The Clerk read as follows:

Amendments offered by Mr. McSWAIN: Page 2, line 5, after the word "enemy," add the following: "or any officer who is officially credited on the records of the War Department with the destruction in aerial combat during the World War of five or more enemy aircraft."

Page 2, lines 18, 19, and 20, strike out remainder of sentence after "1913" and substitute therefor the following: "or any officer upon whom the rating of military aviator has heretofore been conferred for having specially distinguished himself in time of war in active operations against the enemy or any officer who is officially credited on the records of the War Department with the destruction in aerial combat during the World War of five or more enemy aircraft, shall be 75 per cent of all the active pay and allowances, including flying pay, of his grade on the retired list."

Mr. LaGUARDIA. Mr. Speaker, will the gentleman from South Carolina yield?

Mr. McSWAIN. Yes.

Mr. LaGUARDIA. The gentleman flashes two amendments on us which, on their face, may be all right. This bill as it comes before us is to provide for proper legislation concerning seven military aviators. Seven of them have retired; 10 of them have been killed or died. The gentleman comes in with these two amendments. We do not know just how far-reaching they are. We do not know why pursuit pilots have been picked out, and not bomb pilots. I hope the bill may be passed over without prejudice so that it may be considered at the proper time.

Mr. McSWAIN. I did not want to take anyone by surprise. These men should come in on their merits.

Mr. CRAMTON. Mr. Speaker, the gentleman's amendments have been offered and might stand for the information of the House. I suggest that he let the bill be passed over to-day. The bill will come up later and then possibly the amendments will be agreed to.

Mr. McSWAIN. Objection can be made the next time by one Member. I will withdraw my amendments at the present time.

The SPEAKER. The amendments of the gentleman from South Carolina are withdrawn. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

ROAD OR CAUSEWAY ACROSS LAKE SABINE, PORT ARTHUR, TEX.

The next business on the Consent Calendar was the bill (H. R. 10951) authorizing the construction of a toll road or causeway across Lake Sabine at or near Port Arthur, Tex.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, H. L. McKee, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a road or causeway with a bridge therein and approaches thereto, across Lake Sabine, at a point suitable to the interests of navigation, between a point at or near Port Arthur, Tex., and a point opposite in Cameron Parish, La., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon H. L. McKee, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such road, causeway, or bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said H. L. McKee, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such road, causeway, and bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such road, causeway, and bridge, as determined by the Secretary of War, either the State of Texas, the State of Louisiana, any public agency or political subdivision of either of such States, within or adjoining which any part of such road, causeway, and bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such road, causeway, and bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing

the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such road, causeway, and bridge, the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such road, causeway, and bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the road, causeway, and bridge and its approaches and acquiring such interests in real property, and (4) actual expenditures for necessary improvements.

SEC. 5. If such road, causeway, and bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the road, causeway, and bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 15 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such road, causeway, and bridge shall thereafter be maintained and operated free of tolls, or rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the road, causeway, and bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the road, causeway, and bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said H. L. McKee, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such road, causeway, and bridge, file with the Secretary of War and with the Highway Departments of the States of Texas and Louisiana, a sworn itemized statement showing the actual original cost of constructing the road, causeway, and bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such road, causeway, and bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of cost so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such road, causeway, and bridge; for the purpose of such investigation the said H. L. McKee, his heirs, legal representatives, and assigns, shall make available all of his records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the road, causeway, and bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to H. L. McKee, his heirs, legal representatives, and assigns, and any corporation to which any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. There is hereby granted to H. L. McKee, his heirs, legal representatives, and assigns, a right of way not to exceed 500 feet in width across the spoil bank of the intracoastal canal at such location, to be approved by the Chief of Engineers, as will provide a highway connection or connections between the road or causeway authorized by this act and any bridge or bridges that are or may hereafter be constructed across the intracoastal canal. The duration of such right of way shall terminate with the termination of the franchise granted by this act for the construction of the road or causeway and shall attach to and become a part of such road or causeway, and shall pass with the same in any transfer thereof.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 7, after the word "a," strike out the words "road or causeway with a," and in the same line, after the word "bridge" strike out the word "therein."

Page 2, line 12, after the word "such," strike out the words "road, causeway, or."

Page 2, line 20, after the word "State," insert a colon and add the following: "*Provided*, That no part of the present Pleasure Pier on the east side of the Sabine-Neches Canal belonging to the city of Port Arthur and/or leased to the Port Arthur Chamber of Commerce and Shipping shall be condemned, nor shall the same be acquired or occupied by the said H. L. McKee, his heirs, legal representatives, or assigns, except upon terms and conditions to be stipulated by said city of Port Arthur and the Port Arthur Chamber of Commerce and Shipping."

Page 3, line 5, after the word "such," strike out the words "road, causeway, and."

Page 3, line 9, after the word "such," strike out the words "road, causeway, and."

Page 3, line 13, after the word "such," strike out the words "road, causeway, and."

Page 3, line 15, after the word "such," strike out the words "road, causeway, and."

Page 3, line 22, after the word "such," strike out the words "road, causeway, and."

Page 4, line 2, after the word "such," strike out the words "road, causeway, and."

Page 4, line 7, after the word "the," strike out the words "road, causeway, and."

Page 4, line 10, after the word "such," strike out the words "road, causeway, and," and after the word "bridge" insert the words "and its approaches."

Page 4, line 17, after the word "the," strike out the words "road, causeway, and."

Page 4, line 25, after the word "such," strike out the words "road, causeway, and."

Page 5, line 4, after the word "the," strike out the words "road, causeway, and."

Page 5, line 6, after the word "the," strike out the words "road, causeway, and."

Page 5, line 13, after the word "such," strike out the words "road, causeway, and."

Page 5, line 16, after the word "the," strike out the words "road, causeway, and."

Page 5, line 22, after the word "such," strike out the words "road, causeway, and."

Page 5, line 25, after the word "shall," strike out the word "made" and insert the word "make."

Page 6, line 2, after the word "such," strike out the words "road, causeway, and."

Page 6, line 8, after the word "the," strike out the words "road, causeway, and."

Page 6, line 23, after the word "exceed," strike out the word "five" and insert the word "one."

Page 6, line 24, after the word "the," strike out the word "intracoastal" and insert the word "ship."

Page 7, line 1, after the word "the," strike out the words "road or causeway" and insert the word "bridge."

Page 7, line 3, after the word "the," strike out the words "intracoastal canal" and insert the words "ship canal, the United States to retain such free use of the right of way as does not interfere with the bridge approach: *Provided*, That no toll shall be charged for use of the approach to be built on United States property."

Page 7, line 9, after the word "the," strike out the words "road or causeway" and insert the word "bridge."

Page 7, line 11, after the word "such," strike out the words "road or causeway" and insert the word "bridge."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS EMORY RIVER

The next business on the Consent Calendar was the bill (H. R. 12664) granting the consent of Congress to the County Court of Roane County, Tenn., to construct a bridge across the Emory River at Suddaths Ferry, in Roane County, Tenn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DENISON. Mr. Speaker, there is a Senate bill substantially similar, and I ask unanimous consent to consider the Senate bill in lieu of the House bill, and I shall offer an amendment to correct the text.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the County Court of Roane County, Tenn., to construct, maintain, and operate a bridge and approaches thereto across the Emory River, at a point suitable to the interests of navigation, at or near Suddaths Ferry, in Roane County, Tenn., in accordance with the provisions of

the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. DENISON. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENISON: Page 1, line 6, strike out "Emory" and insert "Emery."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

A similar House bill was laid on the table.

CHIPPEWA INDIANS IN THE STATE OF MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 12067) to set aside certain lands for the Chippewa Indians in the State of Minnesota.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Indian Affairs having recommended to the Secretary of the Interior on February 8, 1899, that certain Chippewa Indian lands be withheld from entry and settlement, described as follows: The southwest quarter and the south half of the southeast quarter section 21, township 145, range 26 west of the fifth principal meridian, in Minnesota, consisting of 240 acres, and reserved as a village site made to the Indians residing on the reservation of the Mississippi Chippewa, known as the Chippewa Reservation, and approved by the Secretary of the Interior on February 8, 1899, are hereby permanently reserved for said village site for said Indians.

With the following committee amendment:

Page 2, line 3, strike out the figure "8" and insert in lieu thereof the figure "9."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SUPERINTENDENTS OF NATIONAL CEMETERIES AND NATIONAL MILITARY PARKS

The next business on the Consent Calendar was the bill (H. R. 10809) to provide qualifications for the superintendents of national cemeteries and national military parks.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BROWNING. Mr. Speaker, I object.

FORT PECK INDIAN RESERVATION, MONT.

The next business on the Consent Calendar was the bill (H. R. 11580) to authorize the leasing or sale of land reserved for administrative purposes on the Fort Peck Indian Reservation, Mont.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LEAVITT. Mr. Speaker, I give notice that I intend to offer an amendment to this bill.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, what is the purpose of selling this land, at all?

Mr. LEAVITT. It is land that has been withdrawn for agency school use, and so on, and is not now being used for that purpose. I intend to offer an amendment which will restrict the authorization of sale to a small area needed for a landing field, which adjoins the town of Wolf Point.

Mr. LAGUARDIA. For a public landing field?

Mr. LEAVITT. Yes.

Mr. LAGUARDIA. Are you going to give it to the town?

Mr. LEAVITT. The town will purchase or lease it, and if purchased it will carry the provision that any discovery of oil, gas, and minerals shall remain to the benefit of the Indians.

Mr. LAGUARDIA. Does the gentleman's amendment provide for the conveyance of the land to the town for an aviation field?

Mr. LEAVITT. Yes; with the consent of the tribal council. The bill would do that as it is, since it would apply to all such lands as now written. But in the last day or two I have received word that there is some disagreement among the Indians as to some features. But they have all seemingly agreed on this one proposition of a landing field, and it is my intention to confine the present bill to that one purpose and possibly take care of the general situation later.

Mr. LAGUARDIA. The land will be sold to the town for a public aviation field?

Mr. LEAVITT. Yes; or leased.

Mr. LAGUARDIA. Do you use the word "public"?

Mr. LEAVITT. I will be glad to have that go in.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, with the approval of the Secretary of the Interior and upon such terms and conditions as he may prescribe, the council of the Fort Peck Indians in the State of Montana is hereby authorized to lease or sell any of the tribal land reserved for agency, school, and other administrative purposes on said reservation: *Provided*, That no part of said land shall be sold until no longer required for such purposes or for allotment to individual Indians, and in case of sale the mineral rights, including oil and gas, shall be reserved to the tribe: *Provided further*, That the proceeds derived from the sale or lease of said land shall be deposited in the Treasury of the United States to the credit of the Fort Peck Tribe subject to disposition under the act of May 30, 1908. (35 Stat. L. 558.)

Mr. LEAVITT. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LEAVITT: Page 1, line 6, after the word "sell," strike out the language "any of the tribal lands reserved for agency school or for other administrative purposes on said reservation" and insert in lieu thereof the following:

"Lot 6 and the southeast quarter of the southeast quarter of section 16, township 28, north of range 47 east, Montana principal meridian, for a public aviation field."

Page 1, line 8, after the word "that," strike out the language "no part of said land shall be sold until no longer required for such purposes or for allotment to individual Indians and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SENECA OIL SPRINGS RESERVATION, N. Y.

The next business on the Consent Calendar was the bill (H. R. 12446) to approve a deed of conveyance of certain land in the Seneca Oil Spring Reservation, N. Y.

The Clerk read the title of the bill.

Mr. LAGUARDIA. Mr. Speaker, I have an amendment which simply provides that the land shall revert to the Seneca Nation of Indians if it is ever placed to any other use following the text of the original grant.

Mr. LEAVITT. I am sure there will be no objection to that on the part of the committee.

Mr. HOOPER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Montana a question. I notice the report says that the Indians have already received what seems to be a just compensation for the land. Does the gentleman know that it was just compensation?

Mr. LEAVITT. I have been so informed by the gentleman from New York [Mr. REED].

Mr. HOOPER. And the gentleman is entirely satisfied there is no question about the compensation?

Mr. LEAVITT. Not to my mind; and in any event, it is only for the erection of a monument.

Mr. HASTINGS. Mr. Speaker, I would like to have the bill read.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That a certain instrument of conveyance dated December 30, 1927, from the Seneca Nation of Indians to the Seneca Oil Spring Association (Inc.), granting by quitclaim title a tract of land having a radius of 75 feet from the center of the oil spring located on the Oil Spring Reservation, N. Y., and a right of way 3 rods wide to such spring from the public highway now passing through the reservation, is hereby confirmed and the approval of the Assistant Secretary of the Interior Department of February 28, 1928, thereof is hereby validated: *Provided*, That the purpose for which the land is hereby conveyed shall be for the preserving of the spring as a historical monument only.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 2, line 3, strike out the period and insert the following: "And title to said land shall revert to the Seneca Nation of Indians if said land is ever placed to any other use."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGES ACROSS THE TENNESSEE RIVER

Mr. DENISON. Mr. Speaker, just before we adjourn, and out of order, I ask unanimous consent to take up the bill (H. R. 13481) authorizing an Alabama State corporation, or, in fact, the State of Alabama, to build 15 State bridges. There is an emergency on account of the fact that these bridges are to be constructed under a State law, and the time is very important.

The Clerk read the title of the bill, as follows:

A bill (H. R. 13481) granting the consent of Congress to the Alabama State Bridge Corporation to construct bridges across the Tennessee, Tombigbee, Warrior, Alabama, and Coosa Rivers, within the State of Alabama.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Alabama State Bridge Corporation, a body corporate organized and existing under an act of the Legislature of Alabama approved August 31, 1927, to construct, maintain, and operate toll bridges at or near the following points within the State of Alabama, to wit:

One across the Tennessee River at or near Whitesburg Ferry on the Huntsville-Cullman Road, between Madison and Morgan Counties; one across the Tennessee River at or near Guntersville on Huntsville-Guntersville Road, in Marshall County; one across the Tennessee River at or near Scottsboro on the Scottsboro-Fort Payne Road, in Jackson County; one across the Tombigbee River near Butler on the Butler-Linden Road, between Choctaw and Marengo Counties; one across the Tombigbee River at or near Epes on the Eutaw-Livingston Road, between Sumter and Greene Counties; one across the Tombigbee River at or near Gainesville, on the Gainesville-Eutaw Road, between Sumter and Greene Counties; one across the Tombigbee River at or near Cochrane on the Aliceville-Cochrane Road, in Pickens County; one across the Warrior River, between Eutaw and Linden, at or near Demopolis, Ala., between Greene and Marengo Counties or between Greene and Hale Counties; one across the Warrior River at or near Eutaw on the Eutaw-Greensboro Road, between Greene and Hale Counties; one across the Alabama River at or near Claiborne on the Monroeville-Grove Hill Road, between Monroe and Clarke Counties; one across the Alabama River near Camden on the Camden-Linden Road, in Wilcox County; one across the Coosa River at or near Childersburg on the Columbiana-Talladega Road, between Shelby and Talladega Counties; one across the Coosa River at or near Riverside on the Anniston-Birmingham Road, between St. Clair and Talladega Counties; one across the Coosa River at or near Cedar Bluff on the Center to Georgia State-Line Road, in Cherokee County; one across the Tombigbee River at or near Jackson, between Clarke and Washington Counties; all of said bridges shall be located at points suitable to the interests of navigation and shall be constructed in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridges, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridges under economical management, and to provide a sinking fund sufficient to amortize the costs of the bridges, including reasonable interest on bonds issued to provide funds for constructing the same, as soon as possible, under reasonable charges, but within a period of not to exceed 18 years from the date of approval of this act. After a sinking fund sufficient for such amortization shall have been so provided, and in any event after such period of 18 years, all of said bridges shall thereafter be maintained and operated free of tolls. All tolls collected for the use of said bridges shall be kept in a separate fund by the proper authorities of the State of Alabama, according to the law of said State, and no part of said funds shall be used for any purpose except for paying for the reasonable cost of maintaining, repairing, and operating the bridges and amortizing the costs of constructing the same, including interest, as provided in this act. The tolls charged by the Alabama State Bridge Corporation, its successors or assigns, shall be uniform as between persons, and as between vehicles of the same type, using each of such bridges, and the corporation shall not authorize or permit any discrimination between persons or between vehicles of the same type transiting any particular bridge constructed under the provisions of this act: *Provided*, That nothing herein shall be construed to prevent different tolls being charged at different bridges, but in fixing the rate of tolls there shall be no discrimination as between persons and none as between vehicles of the same type. An accurate record of the cost of the bridges, the amount of notes or bonds issued for the construction of the same, and the expenditures for maintaining, repairing, and operating the same, the daily tolls collected, and the sinking fund on hand shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill granting the consent of Congress to the Alabama State Bridge Corporation to construct, maintain, and operate bridges across the Tennessee, Tombigbee, Warrior, Alabama, and Coosa Rivers, within the State of Alabama."

A motion to reconsider was laid on the table.

ANNIVERSARY OF THE CONQUEST OF THE NORTHWEST TERRITORY

Mr. LUCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the resolution (S. J. Res. 23) providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779, with House amendments, insist upon the House amendments and agree to the conference asked.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. LUCE, ALLEN, DAVENPORT, GILBERT, and BULWINKLE.

VETERANS OF FOREIGN WARS

Mr. BEERS. Mr. Speaker, I offer the following privileged resolution from the Committee on Printing.

The Clerk read as follows:

House Resolution 113

Resolved, That there shall be printed as a House document the proceedings of the Twenty-ninth National Encampment of the Veterans of Foreign Wars of the United States for the year 1928, with accompanying illustrations.

The resolution was agreed to.

STATUE OF ANDREW JACKSON

Mr. BEERS. Mr. Speaker, I present another privileged resolution from the Committee on Printing.

The Clerk read as follows:

House Concurrent Resolution 33

Resolved by the House of Representative (the Senate concurring), That there be printed and bound, with illustrations, the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Andrew Jackson, the seventh President of the United States, presented by the State of Tennessee, 10,000 copies, of which 2,000 shall be for the use of the Senate and 5,000 for the use of the House of Representatives, and the remaining 3,000 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Tennessee.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall provide suitable illustrations to be bound with these proceedings.

Mr. KINCHELOE. Will the gentleman state whether these documents are to be distributed through the folding room or the document room?

Mr. BEERS. Through the folding room.

The resolution was agreed to.

CAPITAL PUNSHMENT IN THE DISTRICT OF COLUMBIA

Mr. BEERS. Mr. Speaker, I offer another resolution.

The Clerk read as follows:

House Concurrent Resolution 30

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on the District of Columbia of the House of Representatives be, and is hereby, empowered to have

printed for its use 1,000 additional copies of the hearings held before the committee during the Sixty-ninth Congress, first session, on the bills (H. R. 349 and H. R. 4498) to abolish capital punishment in the District of Columbia.

With the following committee amendment:

Page 1, line 6, strike out the word "one" and insert the word "two."

The committee amendment was agreed to.

The resolution as amended was agreed to.

SOME OUTSTANDING HEROES OF THE WORLD WAR

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill (S. 777) and include citations for medals of honor which have been granted and citations for gallantry in action and the names of some of the beneficiaries.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. ROY G. FITZGERALD. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following: Senate bill 777 is to come before the House on Thursday. Of the great army which our country contributed to the conflict, there are a host of examples of noble and patriotic men among both enlisted men and officers. I call attention at this time to some of the latter, whose records make us proud we are Americans and whose heroic conduct inspire us with the highest ideals of patriotism and love of country. These names should be engraved in our memories. They deserve the honor of a grateful Nation.

DECORATIONS AND CITATIONS OF DISABLED EMERGENCY ARMY OFFICERS AWARDED FOR GALLANTRY IN ACTION DURING THE WORLD WAR

CONGRESSIONAL MEDAL OF HONOR (3)

George H. Mallon: In the Boise-de-Forges, France, September 26, 1918. Residence, Minneapolis, Minn.; born, Ogden, Kans.; General Orders, No. 16, War Department, 1919. Captain, One hundred and thirty-second Infantry, Thirty-third Division. Becoming separated from the balance of his company because of a fog, Captain Mallon, with nine soldiers, pushed forward and attacked nine active hostile machine guns, capturing all of them without the loss of a man. Continuing on through the woods, he led his men in attacking a battery of four 155-millimeter howitzers, which were in action, rushing the position and capturing the battery and its crew. In this encounter Captain Mallon personally attacked one of the enemy with his fists. Later, when the party came upon two more machine guns, this officer sent men to the flanks while he rushed forward directly in the face of the fire and silenced the guns, being the first one of the party to reach the nest. The exceptional gallantry and determination displayed by Captain Mallon resulted in the capture of 100 prisoners, 11 machine guns, four 155-millimeter howitzers, and one antiaircraft gun.

L. Wardlaw Miles: Near Revillon, France, September 14, 1918. Residence, Princeton, N. J.; born, Baltimore, Md.; General Orders, No. 44, War Department, 1919. Captain, Three hundred and eighth Infantry, Seventy-seventh Division. Volunteered to lead his company in a hazardous attack on a commanding trench position near the Aisne Canal which other troops had previously attempted to take without success. His company immediately met with intense machine-gun fire, against which it had no artillery assistance, but Captain Miles preceded the first wave and assisted in cutting a passage through the enemy's wire entanglements. In so doing he was wounded five times by machine-gun bullets, both legs and one arm being fractured, whereupon he ordered himself placed on a stretcher and had himself carried forward to the enemy trench in order that he might encourage and direct his company, which by this time had suffered numerous casualties. Under the inspiration of this officer's indomitable spirit his men held the hostile position and consolidated the front line after an action lasting two hours, at the conclusion of which Captain Miles was carried to the aid station against his will.

Joseph H. Thompson: Near Apremont, France, October 1, 1918. Residence, Beaver Falls, Pa.; born, Ireland; General Orders, No. 21, War Department, 1925. Major, One hundred and tenth Infantry, Twenty-eighth Division. Counterattacked by two regiments of the enemy, Major Thompson encouraged his battalion in the front line by constantly braving the hazardous fire of machine guns and artillery. His courage was mainly responsible for the heavy repulse of the enemy. Later in the action, when the advance of his assaulting companies was held up by fire from a hostile machine-gun nest and all but one of the six assaulting tanks were disabled, Major Thompson, with great gallantry and coolness, rushed forward on foot three separate times in advance of the assaulting line, under heavy machine-gun and antitank-gun fire, and led the one remaining tank to within a few yards of the enemy machine-gun nest, which succeeded in reducing it, thereby making it possible for the infantry to advance.

DISTINGUISHED SERVICE CROSS (82)

Charles V. Abernathy:—Near Thiaucourt, France, September 14, 1918. Residence, Palatka, Fla.; born, Shelby, N. C.; General Orders, No. 70, War Department, 1919. Second lieutenant, Sixth Infantry, Fifth Division. Commanding the regimental pioneer platoon, he led it and the Stokes mortar platoon as infantry, and overcame a machine-gun nest, capturing several machine guns and disposing of the crew. He continued to advance under heavy shell and machine-gun fire until he fell wounded in the head, hip, and leg.

John H. Ale: North of Flirey, France, September 12, 1918. Residence, Muncie, Ind.; born, Benton County, Ind.; General Orders, No. 128, War Department, 1918. First lieutenant, Three hundred fifty-fifth Infantry, Eighty-ninth Division. After having been badly wounded early in the action, losing his right hand and being wounded in both legs and chest, he returned to his platoon and addressed the men, telling them he was unable to go with them, but that he had confidence in their ability to go ahead without him and urged them to sustain the high reputation of the platoon, company, and battalion, thereby inspiring his men with his own personal courage to advance.

Alfred M. Barlow: Near Heurne, Belgium, November 3, 1918. Residence, Gallipolis, Ohio; born, Gallipolis, Ohio; General Orders, No. 37, War Department, 1919. First lieutenant, One hundred and forty-eighth Infantry, Thirty-seventh Division. Although suffering from a painful shrapnel wound in the leg, he led his company, with excellent leadership and command, over the river, and not until he had received wounds in both legs would he give his consent to be taken to a dressing station.

Jesse B. Barton: Near Becquigny, France, October 17, 1918. Residence, Barton, Ohio; born, Barton, Ohio; General Orders, No. 68, War Department, 1920. Second lieutenant, One hundred and eighteenth Infantry, Thirtieth Division. After his superior officer had been wounded, he assumed command of and personally led the advance of his unit until he was struck by an enemy shell and severely wounded. Although suffering intense pain and almost unconscious, he refused to be evacuated until after he had given instructions to the platoon sergeant to continue the advance. His gallant conduct was an inspiring example to the men of his platoon.

Alfred M. Bergstein: Near Exermont, France, October 8, 1918. Residence, Pottsville, Pa.; born, Philadelphia, Pa.; General Orders, No. 46, War Department, 1919. First Lieutenant, Medical Corps, attached to Eighteenth Infantry, First Division. Under heavy shell fire, Lieutenant Bergstein cared for the wounded, although he had been severely wounded and was suffering great pain. He refused to be evacuated until all the wounded had been treated.

Theodore E. Boyd: Near Conflans, France, September 14, 1918. Residence, Carthage, Tenn.; born, Ashland City, Tenn.; General Orders, No. 20, War Department, 1919. Second lieutenant, Seventh Field Artillery, observer, attached to Eighty-eighth Aero Squadron, Air Service. This officer, being detailed for the protection of a photographic mission with five other planes, proceeded on his mission, when three of the escorting planes failed to join the formation. While flying near Conflans the formation engaged in combat with five enemy pursuit planes. Wounded in both legs, the left foot and the right elbow, he displayed exceptional tenacity and courage by continuing to fire his guns until the enemy were put to flight.

Vincent C. Breen: In the Bois Belleau north of Verdun, France, October 27, 1918. Residence, Boston, Mass.; born, Boston, Mass.; General Orders, No. 39, War Department, 1920. Captain, One hundred and first Infantry, Twenty-sixth Division. During the attack made to retake the woods lost by the retirement of our units Captain Breen was severely wounded in the arm. After receiving first aid he again led his company forward through heavy fire until wounded a second time, this time in the shoulder. It was largely due to his courage and initiative that his company was able to advance to its objective.

Robert C. Bunge: Near Montfaucon, France, September 26, 1918. Residence, Cincinnati, Ohio; born, New York, N. Y.; General Orders, No. 43, War Department, 1922. Captain, One hundred and forty-eighth Infantry, Thirty-seventh Division. While in command of a combat liaison group operating between the Thirty-seventh and Ninety-first Divisions and under heavy hostile artillery fire Captain Bunge, although painfully wounded by a shell fragment and burned with gas, courageously remained in command of his company, maintained contact with the enemy, and directed the company movements. When the attack was continued on September 27 and his company was acting in the same capacity, while passing through a terrible hostile artillery barrage he received a serious fracture of the skull from enemy shell fragments, and refusing to be evacuated he tenaciously continued with his group. Later, on the same day, while leading his company, he was again seriously wounded by shell fire, which necessitated his evacuation.

Lawrence Donald Butler: Near Romanovka, Siberia, June 25, 1919. Residence, San Francisco, Calif.; born, Plano, Tex.; General Orders, No. 133, War Department, 1919. Second lieutenant, Thirty-first Infantry. Although twice wounded, once severely early in the action, and after over 50 per cent of the detachment were casualties and the detachment completely surrounded by the enemy, he continued courage-

ously to direct the men, and by his heroism, bearing, and skill so inspired the few survivors that they were enabled to completely repulse greatly superior numbers of the enemy.

Robert B. Cable: (1309715) Near Monthrehain and Busigny, France, October 7–17, 1918. Residence, Tellico Plains, Tenn.; born, Carter County, Tenn.; General Orders, No. 46, War Department, 1919. First lieutenant, Company M, One hundred and seventeenth Infantry, Thirtieth Division. For repeated acts of extraordinary heroism near Monthrehain and Busigny, France. Leading two platoons of his company, after the officers had become casualties, Sergeant (First Lieutenant) Cable effectively cleared the ground on the right flank of the company of machine-gun nests, capturing two guns. Later in the day he took command of the company, when no officers remained with it, and contained to be in charge for a week, in which time he lead his men in six attacks, inspiring them by his fearlessness. On October 9 he led an attack on the town of Busigny, charging across an open field in the face of heavy machine-gun fire from the houses of the village, and clearing the town of the enemy. This gallant soldier was later wounded while leading two platoons against an enemy machine-gun nest.

Daniel B. Carroll: Near Bois-de-Cheppy, France, September 26–28, 1918. Residence, Santa Cruz, Calif.; born, Australia; General Orders, No. 39, War Department, 1920. First lieutenant, Three hundred and sixty-fourth Infantry, Ninety-first Division. Although wounded in the arm in the attack of September 26, Lieutenant Carroll gallantly led his platoon forward, under heavy artillery and machine-gun fire, through the Bois-de-Cheppy. Later, while leading his platoon in an attack near the Neuve Grange Farm, he continued on until severely wounded a second time.

Charles E. Chenoweth: In the forest of Argonne, France, September 29–30, 1918. Residence, Lima, Ohio; born, St. Johns, Ohio; General Orders, No. 20, War Department, 1919. Captain, Three hundred and sixty-third Infantry, Ninety-first Division. At the time when troops on the left had retired, Captain Chenoweth, with his company, covered the left flank of his division and thus prevented an attack by the enemy upon its flank. After being severely wounded he remained at his post until he had issued the necessary orders for holding the position he had seized.

John T. Comerford: Near Bois-de-Belleu, north of Verdun, France, October 28, 1918. Residence, Brookline, Mass.; born, Brookline, Mass.; General Orders, No. 56, War Department, 1922. Captain Machine Gun Company, One hundred and first Infantry, Twenty-sixth Division. Following five days' combat, during which his company made three attacks and repulsed four counterattacks in which his company was well-nigh exhausted by uninterrupted fighting, the enemy placed a barrage of minenwerfer, machine-gun, and artillery fire on a slightly entrenched front line, causing the Infantry to fall back, leaving a gap in the line. Captain Comerford volunteered to reestablish the line, gathered a group of 10 men, organized them, and led them into the gap, encountered an enemy patrol coming through, charged and drove them out, reestablished the line, and held it under a heavy machine-gun fire until reinforcements arrived. During this action he and a majority of his men were wounded, and some of the latter killed, but their heroic action prevented the enemy from inflicting heavy losses by flanking fire.

Charles C. Conaty: Near Crezancy, France, July 16, 1918. Residence, Taunton, Mass.; born, Taunton, Mass.; General Orders, No. 99, War Department, 1918. First lieutenant, chaplain, Eleventh Infantry, Twenty-eighth Division. Without regard for his personal safety, Chaplain Conaty, under intense shell fire following the attack of his troops from Crezancy to the Marne River, attended the wounded and throughout the night searched and assisted in carrying wounded to the dressing station.

John W. Cousins: Near Conflans, France, November 2, 1918. Residence, New Haven, Conn.; born, New Haven, Conn.; General Orders, No. 15, War Department, 1919. First lieutenant, Infantry, observer, Ninety-first Aero Squadron, Air Service. In the course of a photographic mission of a particularly dangerous character he and his pilot were attacked by a superior number of enemy pursuit planes. During the combat that ensued, with remarkable coolness and excellent shooting, he destroyed one of the attacking machines. Notwithstanding that the enemy aircraft continued to attack and harass them, Lieutenant Cousins and his pilot reached all their objectives and returned to our lines with photographs of great military importance.

George S. Crabbe: Near Cierges, France, July 31, 1918. Residence, Saginaw, Mich.; born, Saginaw, Mich.; General Orders, No. 64, War Department, 1919. First lieutenant, One hundred and twenty-fifth Infantry, Thirty-second Division. While advancing with his company he wrenched his leg severely in the crossing of the Ourcq River, but continued in the advance. Later he was severely wounded by machine-gun bullets in the left thigh, but again refused evacuation, and continued in command of his company until the objective had been reached and the position consolidated, remaining nine hours with his company after having been wounded.

James Cross: Near St. Souplet, France, October 15, 1918. Residence, Helenwood, Tenn.; born, Huntsville, Tenn.; General Orders, No. 74, War Department, 1919. Second lieutenant, One hundred and eighth Infantry, Twenty-seventh Division. Accompanied by four soldiers, Lieutenant Cross made a reconnaissance of the River La Salle, the journey being under constant heavy machine-gun fire. To secure the desired information it was necessary to wade the stream for the entire distance. On the following evening Lieutenant Cross tapped the line from which his regiment would launch their attack, and in the battle that followed he was severely wounded.

Howard Hubber Davis: In Templeux Quarries, France, January 8, 1918. Residence, Cleveland, Ohio; born, Cleveland, Ohio; General Orders, No. 138, War Department, 1918. First lieutenant, Medical Corps, attached to Twelfth Sherwood Foresters, British Army. He entered a dugout which had been caved in by enemy shell fire and ministered to the wounded. Although the dugout was under heavy shell fire, he performed an operation for amputation of a leg and thereby saved a soldier's life.

Charles W. Drew: Near Flirey, France, August 15, 1918. Residence, Philadelphia, Pa.; born, Rochester, N. Y.; General Orders, No. 15, War Department, 1926. First lieutenant, Thirteenth Aero Squadron, Air Service. Lieutenant Drew operated one of a patrol of four machines which attacked four enemy battleplanes. In the fight which followed he attacked in succession three of the enemy airships, driving one of them out of the battle. He then engaged another machine at close range and received 10 bullets in his own plane, one of which penetrated his radiator, while another pierced his helmet. In spite of this he followed the German plane to a low altitude within the enemy's lines and shot it down in flames. During the latter part of the combat he courageously refused to abandon the fight, although he had become separated from his companions, and his engine had become so hot, because of the leak in his radiator, that there was imminent danger of its failing him at any moment.

Luther E. Ellis: In Bois-d'Ormont, France, October 23, 1918. Residence, Montpelier, Ind.; born, Butler, Ky.; General Orders, No. 133, War Department, 1919. Captain, One hundred and second Infantry, Twenty-sixth Division. He personally led his company against a strongly held enemy machine-gun position. During the advance he was shot through the lung. When wounded, his men halted to render first aid, but he ordered them forward. His example of gallantry contributed greatly to the success of the attack.

Nathaniel Watson Ellis: Near Montbrehain, France, October 7, 1918. Residence, Tellico Plains, Tenn.; born, Elizabeth, Tenn.; General Orders, No. 46, War Department, 1919. First lieutenant, One hundred and seventeenth Infantry, Thirtieth Division. When his company was held up by sweeping machine-gun fire Lieutenant Ellis rushed forward alone, in the face of direct machine-gun fire, to an enemy machine-gun nest 60 yards in advance of his platoon, and by the effective use of his pistol killed five of the enemy and captured 26 prisoners, together with the machine gun. Although he had been seriously wounded in two places while advancing, he held the position until his platoon came up.

William J. Farrell: At Seicheprey, France, April 20, 1918. Residence, Dorchester, Mass.; born, Boston, Mass.; General Orders, No. 49, War Department, 1922. First lieutenant, chaplain, One hundred and fourth Infantry, Twenty-sixth Division. With great gallantry and with utter disregard for his own danger, he personally conducted an ambulance from the battalion command post to the position of a supporting battery, where he assisted in the evacuation of the wounded. At Villedevant, Chaumont, France, November 9, 1918, when informed that one of the men of his battalion had been mortally wounded, Chaplain Farrell, in spite of extremely heavy artillery and flanking machine-gun fire, made his way by running and crawling from shell hole to shell hole until he reached the dying soldier to whom he gave the last rites of his church and with whom he remained until the soldier died.

John Vincent Flood: Near Badonvillers, France, June 24, 1918. Residence, New York, N. Y.; born New York, N. Y. General Orders, No. 24, War Department, 1920. Second lieutenant, Three hundred and eighth Infantry, Seventy-seventh Division. After being severely wounded he continued to direct his platoon with great courage and determination.

Charles M. Fox: Near Bantheville, France, October 26, 1918. Residence, Chicago, Ill.; born, Stinesville, Ill.; General Orders, No. 66, War Department, 1919. Captain, Medical Corps, attached to Three hundred and fifty-third Infantry, Eighty-ninth Division. Although he was suffering from the effects of gas, Captain Fox maintained his battalion dressing station under a terrific bombardment of gas and high explosive shells, which had almost demolished his station, continuing to care for the wounded and refusing to be evacuated until blindness rendered him unable to work.

Joseph W. Gray: In Romagne, France, October 18, 1918. Residence, Titusville, Pa.; born, Titusville, Pa.; General Orders, No. 37, War Department, 1919. First lieutenant, Seventh Engineers, Fifth Division. Although wounded, he personally supervised the construction of a bridge under severe artillery and direct machine-gun fire, thereby making it possible for the Infantry and Artillery to advance to more advantageous positions.

Reuben G. Hamilton: Near Marcheville, France, September 25 and 26, 1918. Residence, Carlisle, S. C.; born, Herbert, S. C.; General Orders, No. 138, War Department, 1918. Major, Medical Corps, head-

quarters ambulance section, One hundred and first Sanitary Train, Twenty-sixth Division. He established and maintained an ambulance dressing station in an advanced and hazardous position, where he labored unceasingly treating and evacuating the wounded throughout the day, in full view of the enemy and under heavy bombardment. Knowing that our troops were withdrawing and the enemy was about to enter the town, he continued his aid to the wounded, even after permission to withdraw had been given him by his commanding officer.

James W. Hanbery: At Chateau-Thierry, France, July 19, 1918. Residence, Pittsburg, Kans.; born, Hopkinsville, Ky.; General Orders, No. 31, War Department, 1922. First lieutenant, Fifty-ninth Infantry, Fourth Division. For extraordinary heroism in action at Chateau-Thierry, France, July 19, 1918, in command of the attacking unit of the assault company of his battalion. After gaining his objective, in an advance through heavy machine-gun and artillery fire, the battalion on his left having been held up by enemy machine-gun nests, his company and battalion became exposed to a grazing and flanking fire, which threatened the destruction of the entire battalion. Lieutenant Hanbery reorganized the attacking line and, although wounded, led a brilliant and successful attack against the enemy machine-gun nests until again wounded and rendered helpless, when he refused succor in order not to endanger the lives of his men.

Carl T. Hatch: Near Nantillois, France, October 4, 1918. Residence, Baltimore, Md.; born, St. Albans, Vt.; General Orders, No. 37, War Department, 1919. Second lieutenant, Three hundred and seventeenth Infantry, Eightieth Division. Seriously wounded in both knees while leading his platoon against German machine-gun nests, Lieutenant Hatch declined to be evacuated, but remained in command of his platoon for nine hours until it was relieved.

Courtney S. Henley: North of the Sommerance-St. Juvin Road, France, October 11, 1918. Residence, Birmingham, Ala.; born, Birmingham, Ala.; General Orders, No. 105, War Department, 1919. Captain, Three hundred and twenty-seventh Infantry, Eighty-second Division. Captain Henley led a party of three enlisted men in an attack on an enemy machine-gun position which was doing considerable damage to our forces. Under intense hostile fire his attack drove the enemy gunners from the machine-gun nest.

William Harris Howard: South of Soissons, France, July 18–19, 1918. Residence, Lockport, Ill.; born, Lockport, Ill.; General Orders, No. 139, War Department, 1918. First lieutenant, Ninth Infantry, Second Division. He conspicuously distinguished himself by his gallant actions in leading his platoon through two fierce attacks. By his splendid example in facing enemy fire, his platoon fought with the same qualities and succeeded in routing the enemy until the final objective was reached. His personal disregard of life consequence to himself under terrific shell fire was noted at all times by his men along the line. He was wounded just before his objective was reached.

Lee S. Hultzen: Near Vieville-en-Haye, France, September 26, 1918. Residence, Norwich, N. Y.; born, Burlington Flats, N. Y.; General Orders, No. 26, War Department, 1919. First lieutenant, Three hundred and eleventh Infantry, Seventy-eighth Division. After reaching his objective with a platoon of about 15 men, Lieutenant Hultzen organized his platoon and held it with three captured German machine guns. He cleaned out a "pill box" and attacked a dozen of the enemy with practically no assistance.

Horatio N. Jackson: Near Montfaucon, France, September 26–29, 1918. Residence, Burlington, Vt.; born, Canada; General Orders, No. 37, War Department, 1919. Major, Medical Corps, attached to Three hundred and thirteenth Infantry, Seventy-ninth Division. Constantly working in the face of heavy machine-gun and shell fire, he was most devoted in his attention to the wounded, always present in the line of advance, directing the administering of first aid, and guiding the work of litter bearers. He remained on duty until severely wounded by high-explosive shells, when he was obliged to evacuate.

Lamar Jeffers: Near St. Juvin, France, October 11, 1918. Residence, Anniston, Ala.; born, Anniston, Ala; General Orders, No. 46, War Department, 1919. Captain, Three hundred and twenty-sixth Infantry, Eighty-second Division. On the night of October 10 Captain Jeffers reconnoitered a badly damaged bridge, and early in the morning of the 11th he supervised its repair, being continuously under an intense machine-gun fire. He later led the leading company of the battalion over this bridge and across an open level terrain, where all of his officers and almost two-thirds of his men became casualties and he himself was seriously wounded. He continued to lead his company forward, however, until he fell, shot through the jaw with a machine-gun bullet.

Frank Johnstone Jervey: Near Les Franquettes Farm, France, July 23, 1918. Residence, Charleston, S. C.; born, Summerville, S. C.; General Orders, No. 32, War Department, 1919. Captain, Fourth Infantry, Third Division. Although wounded five times when his company was suddenly fired upon by machine guns while crossing an open field, Captain Jervey remained in command of his company until he became unconscious.

Howard C. Knotts: Near Arieux, France, September 17, 1918. Residence, Carlinville, Ill.; born, Guard, Ill.; General Orders, No. 19, War Department, 1921. Second lieutenant, Seventeenth Aero Squadron, Air Service. During a patrol flight 5 American planes were attacked by 20 enemy Fokkers. During the combat, when Lieutenant Knotts saw one of his comrades attacked by seven enemy planes and in imminent danger of being shot down, he, although himself engaged with the enemy, went to the assistance of his comrade and attacked two of his immediate pursuers. In the fight which ensued he shot one of the enemy down in flames and forced the other out of control. His prompt act enabled his comrade to escape destruction, although his comrade's plane was so disabled that he made the Allied lines with difficulty, crashing as he landed.

Fred Kochli: Near Montfaucon, France, September 27, 1918. Residence, Alliance, Ohio; born, Alliance, Ohio; General Orders, No. 68, War Department, 1920. First lieutenant, One hundred and forty-sixth Infantry, Thirty-seventh Division. Lieutenant Kochli, with 2 noncommissioned officers, advanced 200 yards beyond the objective of the patrol in the face of heavy machine-gun fire and captured three 77-millimeter field pieces and 2 light machine guns.

Wilbur F. Leitzell: Near Apremont, France, October 1, 1918. Residence, State College, Pa.; born, Scottdale, Pa.; General Orders, No. 72, War Department, 1920. Captain, One hundred and seventh Machine Gun Battalion, Twenty-eighth Division. Captain Leitzell exposed himself to heavy fire in order to place his machine guns in action against an enemy counterattack. Due to his initiative and gallantry the enemy attack was repulsed without the aid of supporting Infantry. Later, the commander of arriving Infantry support being wounded, Captain Leitzell took command of the Infantry and led them to their positions. While in the performance of this act he was seriously wounded.

Reuben M. Levy (2263302): Near Very, France, September 26, 1918. Residence, Placerville, Calif.; born, Vallejo, Calif.; General Orders, No. 72, War Department, 1920. Second lieutenant, Company B, Three hundred and sixty-third Infantry, Ninety-first division. After the advance of his platoon had been held up by machine-gun fire, Sergeant (Second Lieutenant) Levy, with one other man, attacked one machine gun and put it out of action. This act resulted in the enemy abandoning two other machine guns and permitted the advance of his platoon.

Harry B. Liggett: Near Bois-de-Chaume, France, October 10, 1918. Residence, Freeport, Ill.; born, Broadhead, Wis.; General Orders, No. 44, War Department, 1919. Second lieutenant, One hundred and twenty-second Machine Gun Battalion, Thirty-third Division. Leading his platoon, under heavy shell and machine-gun fire, Lieutenant Liggett launched an attack on two enemy machine-gun nests. Accompanied by one soldier, he silenced the fire from one nest with rifle fire, and directed the fire of his platoon so that the other nest was destroyed. He was severely wounded in this action.

David W. Lillard: Near Ponchaux, France, October 7, 1918. Residence, Etowah, Tenn.; born, Decatur, Tenn.; General Orders, No. 81, War Department, 1919. Captain, One hundred and seventeenth Infantry, Thirtieth Division. Severely wounded in the side when an enemy machine-gun bullet struck and exploded two clips of shells in his magazine pouch, Captain Lillard struggled to his feet and directed the further advance of his company. For six hours he remained in command of his company, issuing orders from a shell hole under the most intense fire. During part of this period he was practically unconscious and was suffering severe pain, but he nevertheless successfully accomplished the organization of his company's position.

Arthur F. McKeogh: Near Binarville, France, September 29, 1918. Residence, New York, N. Y.; born, Troy, N. Y.; General Orders, No. 15, War Department, 1921. First lieutenant, Three hundred and eighth Infantry, Seventy-seventh Division. In order to obtain ammunition and rations Lieutenant McKeogh, accompanied by two enlisted men, attempted to reestablish communication between battalion and regiment headquarters. When night came they lay over three hours undetected. Finally discovered, they made a dash to escape, and Lieutenant McKeogh, in order to protect his men, deliberately drew the enemy fire upon himself. He succeeded, however, in getting through the enemy lines, delivered his message, and effected the reestablishment of communication.

Norbert W. Markus: Near Soissons, France, July 19, 1918. Residence, Quincy, Ill.; born, Quincy, Ill.; General Orders, No. 126, War Department, 1918. Second Lieutenant, Third Machine Gun Battalion, First Division. After the entire personnel of the machine-gun squad under his command had been killed or disabled and when he himself was severely wounded near Soissons, France, July 19, 1918, he kept up the operation of his gun and refused to be taken to the rear when relieved until he had been carried to his company commander and had given the latter valuable information.

Marvin James Menefee: At Molleville Farm, France, October 12, 1918. Residence, Luray, Va.; born, Covington, Va.; General Orders, No. 44, War Department, 1919. First lieutenant, One hundred and sixteenth Infantry, Twenty-ninth Division. While in charge of a 37-millimeter gun section in advance of the assaulting troops Lieutenant Menefee displayed unusual courage by operating the gun himself after his gunners had been killed, thereby reducing a machine-gun nest which had been holding up the line.

William D. Meyering: Near Riga, France, April 6, 1928. Residence, Chicago, Ill.; born, Chicago, Ill.; General Orders, No. 59, War Department, 1918. First lieutenant, Twenty-third Infantry, second division. While commanding a platoon of Infantry it was attacked by the enemy on the morning of April 6, 1918. He took effective measures before and during the attack to defeat the enemy and handled his men well, under fire, until he was seriously wounded. Forced to attend to his wound, he refused assistance and walked through the enemy's barrage to a dressing station. He objected to being taken to the rear till he knew the outcome of the attack. His brave example inspired his men to drive off the enemy, who did not reach our trenches. He lost his right hand by amputation as the result of the wound.

John E. Morphew (2216646): In the offensive against the St. Mihiel salient, France, September 12, 1918. Residence, Trousdale, Okla.; born, Gillham, Ark.; General Orders, No. 128, War Department, 1918. Second lieutenant, Company C, Three hundred and fifty-seventh Infantry, Ninetieth Division. This soldier showed utter fearlessness and bravery of a high order throughout the drive. He took two machine-gun nests single handed, in both cases killing the gunners and taking the other members of the crews prisoners. He took 35 prisoners during the first day, entering dugouts alone and disarming the occupants.

Alexander L. Nicol: Near Juvigny, north of Soissons, France, August 30, 1918. Residence, Sparta, Wis.; born, Sparta, Wis.; General Orders, No. 116, War Department, 1919. First lieutenant, One hundred and twenty-eighth Infantry, Thirty-second Division. After being severely wounded, Lieutenant Nicol directed the orderly retirement of his company and organized it under heavy fire of artillery and machine guns. At great personal risk he made several trips forward to bring in wounded men. Throughout the entire action he fearlessly exposed himself to fire in order to encourage and cheer his men. His energetic and faithful work furnished an example of calmness and courage to the men under his command.

William T. Nimmo (60828): Near Bois-de-St. Remy, France, September 12, 1918. Residence, Waltham, Mass.; born, St. Albans, Vt.; General Orders, No. 46, War Department, 1919. Second lieutenant (sergeant) Company G, One hundred and first Infantry, Twenty-sixth Division. During the drive across the St. Mihiel salient he led a group of 25 men through a severe machine-gun fire and into the woods occupied by the enemy. There he charged a machine-gun nest single handed and captured the gun. The gun crew attempted to escape by entering a nearby dugout, but Sergeant (Lieutenant) Nimmo followed them into the dugout alone and captured the entire crew.

Frederick W. McL. Patterson: Near Nantillois, France, October 28–29, 1918. Residence, Pittsburgh, Pa.; born, England; General Orders, No. 15, War Department, 1921. Major, Three hundred and fifteenth Infantry, Seventy-ninth Division. After being severely wounded in the left leg, he continued throughout the night to exercise command of his battalion at a critical time. He refused medical aid until the morning of the 29th and was evacuated by order of the regimental commander.

Jim Quinn: Near Soissons, France, July 18, 1918. Residence, Memphis ,Tenn.; born Mayfield, Ky.; General Orders, No. 100, War Department, 1918. Second lieutenant, Twenty-eighth Infantry, First Division. With a small platoon he attacked and captured a fortified French farmhouse in an open field. He so courageously and skillfully handled his men that this German strong point, held by 100 men and 5 machine guns, was promptly captured.

Brazilla Carroll Reece: In the Bois d' Ormont, France, October 23–28, 1918. Residence, Butler, Tenn.; born, Butler, Tenn. General Orders, No. 46, War Department, 1919. Distinguished service medal also awarded. First lieutenant, One hundred and second Infantry, Twenty-sixth Division. In leading his company through four successful actions he was twice thrown violently to the ground and rendered unconscious by bursting shells, but upon recovering consciousness he immediately reorganized his scattered command and consolidated his position. On several occasions, under heavy enemy machine-gun fire, he crawled far in advance of his front line and rescued wounded men who had taken refuge in shell holes.

William G. Reynolds: Near St. Etienne, France, October 4, 1918. Residence, Berryville, Va.; born, Kingston, Pa. General Orders, No. 46, War Department, 1919. Captain, Twenty-third Infantry, Second Division. After Captain Reynolds had been severely wounded by a shell he managed by a supreme effort to regain sufficient consciousness to acquaint his successor with the necessary information for the continuance of the struggle. His courage, under such great agony, set a most wonderful example for his men.

Walter A. Richards: Near St. Juvin, France, October 11, 1918. Residence, Clifton Station, Va.; born, Washington, D. C. General Orders, No. 46, War Department, 1919. First lieutenant, Three hundred and twenty-sixth Infantry, Eighty-second Division. Leading his platoon in attack, Lieutenant Richards was subjected to fierce and devastating fire of enemy artillery and machine guns. Although he, himself, was wounded and 90 per cent of his platoon made casualties, he continued to press forward until he was felled by machine-gun fire after reaching the foremost position of the entire action.

Alan Rogers: Near La Palletta Pavillon, France, October 4, 1918. Residence, New York, N. Y.; born, New York, N. Y.; General Orders, No. 81, War Department, 1919. Second lieutenant, Three hundred and seventh Infantry, Seventy-seventh Division. Having taken command of his company after the company commander and second in command had been wounded, Lieutenant Rogers personally undertook a reconnaissance of the front line. Crawling forward alone under intense rifle and machine-gun fire for 200 yards to within 30 yards of an enemy machine-gun nest, he was seriously wounded in the knee, but applying a tourniquet to his leg he succeeded in crawling back to his company. Here he resumed command, and though suffering intense pain, gave instructions for repelling an expected counterattack, directing that no man be taken from the firing line to carry him to the rear. For seven hours after being wounded he remained with his command, inspiring his men by his fortitude and courage.

Theodore Rosen: In the Grande Montagne sector, north of Verdun, November 4, 1918. Residence, Philadelphia, Pa.; born, Carmel, N. J.; General Orders, No. 19, War Department, 1920. First lieutenant, Three hundred and fifteenth Infantry, Seventy-ninth Division. While on a reconnaissance with two other officers, Lieutenant Rosen drew fire from a machine-gun nest in order to allow the other two officers to escape. A few minutes later he and two runners were sent into the Bois d'Etraye in order to locate the left flank. Lieutenant Rosen again came under close-range fire of the enemy. The runner, who was some yards in rear, escaped, but Lieutenant Rosen, who had been terribly wounded by a hand grenade, unable to move or resist by further fighting, was taken prisoner.

Clarence C. Schide: Near Bois d'Ormont, France, October 12, 1918. Residence, Mason City, Iowa; born, Charles City, Iowa; General Orders, No. 26, War Department, 1919. Second lieutenant, One hundred and fourteenth Infantry, Twenty-ninth Division. Although severely wounded, Lieutenant Schide continued to lead his platoon over open ground and subjected to heavy artillery and machine-gun fire until he received a second wound, which necessitated his removal from the field in a critical condition.

Harry Hodges Semmes: Near Xivray, France, September 12, 1918. Residence, Washington, D. C.; born, Washington, D. C.; General Orders, No. 35, War Department, 1919. Captain, Tank Corps. During the operations along the Rupt de Mad, Captain Semmes's tank fell into the water and was completely submerged. Upon escaping through the turret door and finding that his driver was still in the tank, he returned and rescued the driver under machine-gun fire. Oak-leaf cluster. For the following act of extraordinary heroism in action near Vauquois, France, September 26, 1918, Captain Semmes is awarded an oak-leaf cluster to be worn with the Distinguished Service Cross: He left his tank under severe rifle fire and personally reconnoitered a passage for his tank across the German trenches, remaining dismounted until the last tank had passed. While so engaged, he was severely wounded.

James J. Sheeran: Near Chateau-Thierry, France, June 6, 1918. Residence, Chicago, Ill.; born, Chicago, Ill.; General Orders, No. 99, War Department, 1918. First lieutenant, Twenty-third Infantry, Second Division. After being severely wounded, near Chateau-Thierry, France, June 6, 1918, he displayed remarkable fortitude and exemplary poise by continuing to direct the operation of his platoon under violent machine-gun fire.

Grant Shepherd: At Soissons and Chateau-Thierry, France, June and July, 1918. Residence, Washington, D. C.; born, Washington, D. C.; General Orders, No. 89, War Department, 1919. Captain, Twenty-third Infantry, Second Division. After being so seriously gassed as to be rendered temporarily so blind that he had to be led by hand through his trenches, he refused to be evacuated, nevertheless, visiting all portions of his trenches to encourage his troops to hold at a most critical stage in the operations. Commanding his company in the Soissons-Reims offensive, he advanced over the top in front of his company, personally engaging machine-gun nests with his men until he was so severely wounded by the explosion of a shell as to render him a cripple for the rest of his life.

Charles L. Sheridan: On Hill 230, near Cierges, France, July 31 and August 1, 1918. Residence, Bozeman, Mont.; born, Marshalltown, Iowa; General Orders, No. 124, War Department, 1918. Captain, One hundred and twenty-eighth Infantry, Thirty-second Division. He demonstrated noble courage and leadership by taking command of the remnants of two companies and leading them up the hill and into the woods against violent fire from the enemy. His grit and leadership inspired his men to force the enemy back. He personally shot and killed three of the enemy, and under his direction six machines were put out of action and the hill captured.

Roy F. Shupp: Near Gland, France, July 21, 1918. Residence, New Bern, N. C.; born, Kresgeville, Pa.; General Orders, No. 35, War Department, 1919. First lieutenant, Fourth Infantry, Third Division. After crossing the Marne, with the leading platoon of his company, Lieutenant Shupp, with two companions, made a surprise attack on an enemy machine-gun emplacement and succeeded in taking one gun and eight prisoners.

Charles N. Sissons: Near Cornay, France, October 9, 1918. Residence, Jacksonville, Ala.; born, Jacksonville, Ala.; General Orders, No. 15, War Department, 1919. Captain, Three hundred and twenty-eighth Infantry, Eighty-second Division. When the advance was checked on

the outskirts of Cornay because of the exhaustion of the troops and the machine-gun fire from the town, Captain Sisson, who had been in action several hours, took charge without orders, and started two patrols into the town. One was driven back by the machine-gun fire, but this gallant officer personally led the other and succeeded in capturing 2 machine guns and their crews, and 112 prisoners, completely cleaning out the town. Throughout this operation he displayed great bravery and coolness under the most trying circumstances.

Howard G. Smith: In Bois-de-Romagne, France, October 15, 1918. Residence, East Lansing, Mich.; born, Cleveland, Ohio; General Orders, No. 15, War Department, 1919. First lieutenant, One hundred and sixty-eighth Infantry, Forty-second Division. He was wounded early in the engagement, but he declined to be evacuated, although he was suffering much pain. He brilliantly led his platoon in a charge on four machine guns, which he captured, together with many prisoners, and was instrumental in clearing the Bois-de-Romagne of the enemy under terrific machine-gun fire. Throughout the action his leadership, courage, and determination inspired the greatest confidence. When he was partly overcome by the loss of blood he volunteered to guide 60 prisoners back over a shell-swept area, and refused medical treatment until the prisoners were delivered at battalion headquarters.

Lorillard Spencer: In the Champagne sector, France, September 26, 1918. Residence, New York, N. Y.; born, New York, N. Y.; General Orders, No. 37, War Department, 1919. Major, Three hundred and sixty-ninth Infantry, Ninety-third Division. Commanding a battalion which was in action for the first time, Major Spencer inspired his men by his own coolness and courage under intense machine-gun fire. He continually exposed himself without regard for personal safety until he was wounded six times.

Edward J. Stackpole, jr.: Near Baslieux, France, August 24, 1918. Residence, Harrisburg, Pa.; born, Harrisburg, Pa.; General Orders, No. 71, War Department, 1919. Captain, One hundred and tenth Infantry, Twenty-eighth Division. Directed to advance to a new position, he led his men forward with great gallantry. Although painfully wounded in the back and leg by shell fragments, he remained on duty with his men, inspiring them by his courage and coolness to hold a difficult position against repeated attacks by the enemy in force for a period of 24 hours.

Edwin R. Stavrum: West of Chateau-Thierry, France, June 6, 1918. Residence, La Crosse, Wis.; born, La Crosse, Wis.; General Orders, No. 27, War Department, 1920. First lieutenant, Twenty-third Infantry, Second Division. Lieutenant Stavrum was severely wounded in the left shoulder during the first phase of the attack. In spite of his wound he conducted his platoon to its objective and exposed himself to heavy fire in order to organize his position for defense.

Maurice S. Stevenson: Near Exermont, France, October 9, 1918. Residence, Kansas City, Mo.; born, Milwaukee, Wis.; General Orders, No. 128, War Department, 1918. Second lieutenant, Sixteenth Infantry, First Division. He displayed splendid devotion to duty by twice passing through a terrific artillery and machine-gun barrage in order to transmit important orders from his brigade commander to the assaulting battalion, and while in the performance of such duty was seriously wounded, but refused to be evacuated before he had made his report.

Ralph N. Summerton (1248643): Near Chatel-Chehery, France, October 6, 1918. Residence, Tidioute, Pa.; born, Tidioute, Pa.; General Orders, No. 130, War Department, 1918. Second lieutenant (sergeant), Company L, One hundred and twelfth Infantry, Twenty-eighth Division. Sergeant Summerton, having on his body several aggravated wounds from an enemy grenade and being tagged for evacuation for these, as well as for grippe, when assured that his company was about to attack Chatel-Chehery and that it had lost all its officers, went back to his company and courageously and skillfully led it as the first wave, and while so doing was again wounded.

Charles K. Templeton: Near Nouart, France, November 5, 1918. Residence, Chicago, Ill.; born, Superior, Nebr.; General Orders, No. 37, War Department, 1919. Second lieutenant, One hundred and twenty-second Field Artillery, Thirty-third Division. After telephone communications had been destroyed and his runners scattered on other missions Lieutenant Templeton started on his mission of extreme importance from the Infantry to the Artillery. His path lay through a heavy machine-gun and shell fire, and before he reached his destination he was seriously wounded. He succeeded, however, in relaying his message to its destination.

Alexander W. Terrell: Near Pexonne, France, March 5, 1918. Residence, Forth Worth, Tex.; born, Boonville, Mo.; General Orders, No. 139, War Department, 1918. Second lieutenant, One hundred and fifty-first Field Artillery, Forty-second Division. He showed unusual courage in assisting to direct the operations of Battery C, One hundred and fifty-first Field Artillery, near Pexonne, France, on March 5, 1918, when that organization was under particularly accurate artillery bombardment. Although wounded himself he refused first aid and continued on duty until all of the wounded soldiers of the command had been treated.

Zebulon B. Thornburg: Near Montbrehain, France, October 8–16, 1918. Residence, Concord, N. C.; born, Cabarrus County, N. C.; General Orders, No. 37, War Department, 1919. First lieutenant, One hundred and eighteenth Infantry, Thirtieth Division. Although he was severely wounded on October 8 to such an extent that eating was impossible he remained as second in command until the night of October 16, when he was again wounded during an advance by his company.

Charles H. Tilghman: Near Nantillois, France, September 28, 1918. Residence, Easton, Md.; born, Baltimore, Md.; General Orders, No. 81, War Department, 1919. Captain, Three hundred and fifteenth Infantry, Seventy-ninth Division. After having been wounded in the head by a piece of high-explosive shell, which slightly fractured his skull and rendered one eye useless, Captain Tilghman insisted on remaining with his command. Throughout the night of constant rain and continual gas attacks he encouraged his demoralized troops, remaining with them until evacuated on the following morning.

William H. Vail: At Stenay, France, November 6, 1918. Residence, Chicago, Ill.; born, Chicago, Ill.; General Orders, No. 37, War Department, 1919. First lieutenant, pilot, Ninety-fifth Aero Squadron, Air Service. Lieutenant Vail, while on patrol, engaged four hostile pursuit planes which were about to attack an accompanying plane. Almost immediately he was attacked by five more enemy planes, all of which he continued to fight until he was severely wounded and his plane disabled. He glided to the ground, abandoning the fight only when his machine fell to pieces near the ground.

James A. Vincent: Near Eclisfontaine, France, September 27, 1918. Residence, Berkeley, Calif.; born, Davenport, Iowa; General Orders, No. 37, War Department, 1919. First lieutenant, Six hundred and thirty-sixth Infantry, Ninety-first Division. Returning to the company after being treated for a very severe wound in the neck he commanded his platoon, which had been ordered to fall back because of a violent barrage. He volunteered and went forward to the aid of two enlisted men of his platoon who had been seriously wounded. While performing this duty he was again wounded in the knee, but worked his way back to the dressing station and from there walked a distance of 4 kilometers to the field hospital.

Richard J. Walsh: Near Marg, France, October 18, 1918. Residence, Philadelphia, Pa., born, New York, N. Y.; General Orders, No. 44, War Department, 1919. First lieutenant, Dental Corps, attached to Three hundred and third Engineers, Seventy-eighth Division. Voluntarily acting as battalion medical officer, Lieutenant Walsh, although severely gassed, administered first aid to injured men under heavy shell fire. He worked constantly until all the wounded were removed to places of safety.

Edward R. Warren: Near Fey-en-Haye, France, September 12, 1918. Residence, El Paso, Tex.; born, San Antonio, Tex.; General Orders, No. 128, War Department, 1918. First lieutenant, Three hundred and fifteenth Engineers, Ninetieth Division. He was in command of a platoon of engineers and went over the top with the second wave of the Infantry. When the first wave was halted by severe machine-gun and shell fire early in the action and all its officers killed or disabled, he led his men up to the first wave, reorganized the remaining effectives, and led them across a valley and up a hill through severe flanking fire from German machine guns. He was knocked down by the explosion of a shell, but, undaunted by murderous fire from the front and both flanks, he continued to lead his men on toward their objectives until he was shot down by a machine gun.

Herbert W. Whisenant: Near Soissons, France, July 18, 1918. Residence, Austin, Tex.; born, Kyle, Tex.; General Orders, No. 44, War Department, 1919. Second lieutenant, Sixteenth Infantry, First Division. While advancing with this platoon, Lieutenant Whisenant, after he was so severely wounded that he was unable to continue, so encouraged and inspired his men that they won a decided victory and captured many men and guns. His wound resulted in the loss of a leg.

Richard G. White: Near Soissons, France, July 18, 1918. Residence, Charleston, S. C.; born, Marion, S. C.; General Orders, No. 15, War Department, 1919. First lieutenant, Sixteenth Infantry, First Division. He led his platoon through intense machine-gun and artillery fire, destroying machine guns that were causing heavy losses on an exposed flank and remaining in command of his platoon until twice severely wounded.

Merritt B. Wilson: Near Reddy Farm, France, August 2, 1918. Residence, Menominee, Mich; born, Menominee, Mich.; General Orders, No. 64, War Department, 1919. First lieutenant, One hundred and twenty-fifth Infantry, Thirty-second Division. With a party of 30 men he led the advance on the Bois Chenet, where a full company of Germans, supported by machine guns, were encountered. Due to his splendid leadership and example this resistance was overcome and the woods were taken. Although suffering great pain from a broken eardrum, caused by the explosion of a shell, Lieutenant Wilson immediately led his party to the flank of the battalion, where numerous attempts of the enemy to retake the woods were repulsed. He refused to leave his company for first aid until darkness had brought an end to the advance.

Alan F. Winslow: In the Toul sector, France, June 6, 1918. Residence, River Forest, Ill.; born, River Forest, Ill.; General Orders, No. 121, War Department, 1918. Second lieutenant, Ninety-fourth Aero

Squadron, Air Service. While on a patrol, consisting of himself and two other pilots, he encountered an enemy biplane at an altitude of 4,000 meters near St. Mihiel, France. He promptly and vigorously attacked, and, after a running fight extending far beyond the German lines, shot his foe down in flames near Thiacourt.

David J. Winton (9604): Near Exermont, France, October 4, 1918. Residence, Minneapolis, Minn.; born, Warsaw, Wis.; General Orders, No. 59, War Department, 1919. Second lieutenant (sergeant) Company C, Three hundred and forty-fifth Battalion, Tank Corps. Sergeant Winton ran his tank into the woods to reduce a machine-gun nest, but it was hit and set on fire. He and the driver were wounded as they left the tank, but advanced on the nest and were both wounded the second time. While attempting to reach his companion, who had been hit the third time, Sergeant Winton was again wounded, but reached the driver. They then took cover and remained until darkness, when Sergeant Winton made his way back to our lines, being hit three more times while returning.

Jesse Walton Wooldridge: East of Chateau-Thierry, France, July 15, 1918. Residence, San Francisco, Calif.; born, Hopkinsville, Ky.; General Orders, No. 99, War Department, 1918. Distinguished-service medal also awarded. Captain, Thirty-eighth Infantry, Third Division. With rare courage and conspicuous gallantry he led a counterattack against an enemy of five times his own numbers on July 15, 1918, east of Chateau-Thierry, France; 189 men entered this counterattack and 51 emerged untouched. More than 1,000 of the enemy were killed, wounded or taken prisoners.

John F. Woolshlager: Northwest of Grand Pre, France, October 18, 1918. Residence, Castorland, N. Y.; born, Beaver Falls, N. Y.; General Orders, No. 16, War Department, 1920. First lieutenant, Three hundred and twelfth Infantry, Seventy-eighth Division. In the attack of morning of October 18, Lieutenant Woolshlager was severely wounded, both legs being broken. He nevertheless retained command of his platoon and that of an adjoining platoon. Throughout the day, exposed to heavy machine-gun and artillery fire, he encouraged and directed his men. Due to his efforts the position, gained at great cost, was held against enemy attacks.

OLD-AGE PENSIONS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on House Joint Resolution 278.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker and Members of the House, I wish to say a few words in regard to H. R. 6511, a bill to protect labor in its old age, and H. J. Res. 278, a joint resolution appointing a committee of 15 to inquire into the subject of old age dependency in the United States and proper methods of its relief, and to report back its finding within two years.

I am deeply interested in the subject. If I could eradicate poverty and its accompanying misery from the lives of men I would not exchange the proud satisfaction which I should enjoy for all of the triumphs ever decreed to the most successful conqueror. In that I am no different, I suppose, from the most of men. It is upon that assumption that I believe H. R. 6511 should be considered by the Committee on Labor at the next session of Congress and the entire subject matter of that bill canvassed, examined, analyzed, and published, as the first great step in ultimately securing congressional legislation upon the most important subject of human existence. Old-age pensions, in my judgment, is the act which, when performed, will completely justify the present civilization. "What profit a man if he gain the whole world and lose his own soul," and of what value is a civilization that is rich, powerful, and opulent in spots, with degredation, poverty, misery, hopelessness, and the haunting fear the specter of want dogging the footsteps of many men and women in their old age, who, with advancing years, become more and more terrified at the thought that they will not have food, raiment, and shelter in the wintry days before death closes all.

I frankly admit that a good part of my education and experience, which are almost synonymous terms from my standpoint, were gained as a result of my membership in a number of fraternal organizations. As soon as I attained the age of 21 I joined the Knights of Pythias. That order is based upon the inspiring story of the friendship that existed between Damon and Pythias and will last as long as the English language has power to enthrall the ear and command the attention of man. For its ritual, written in the purest and loftiest English, is yet as simple as the language of the Bible, and makes for an indelible impression upon the coldest hearts and the dullest imaginations. That fraternal order has made for the betterment of mankind. Its wonderful story has made men do noble things, not dream them all the day long, and so made death and that vast forever one grand sweet song, if I may be permitted to slightly alter Kingsley's immortal words so as to fit them into this sentence. The fundamentals that are its mudsills and its foundations, friendship, charity, and benevolence are really the support on which rests all of the other great fraternal orders of which I have any knowledge, such as the Elks, Moose, the Woodmen of the World, the Eagles, and the Knights of Columbus, each of which has a ritual which is a liberal education and a declaration of patriotism that attest an unfaltering devotion to American institutions and ideals. These fundamental principles, call them by what name you will, go back into the very twilight of man's existence and were the basis on which rested fraternal organizations in the dawn of the history of the world.

In Egypt's celebrated Book of the Dead, written long before Joseph was sold into captivity, and thousands of years before the dawn of Judaism had yet begun, there appear these words:

> He hath given bread to the hungry and clothes to the naked; he hath given a boat to the shipwrecked; he hath befriended the widow and the orphan; he hath offered due rights to the gods and honored the dead.

Those lofty sentiments and those ideals would justify the existence of any church in the history of the world and make appealing any religious formula, by whatever name it might pass through the ages. All men are deeply moved, I am sure, by words that convey such a meaning and such a throb as are found in these two stanzas:

> Open my eyes to visions girt
> With beauty and with wonder lit
> But never let me forget the dirt
> And all that spawn and die in it.
>
> Open my ears to music; let
> Me thrill with spring's first flutes and drums—
> But never let me dare forget
> The bitter ballads of the slums.

Some of the finest men I know I met through these great, powerful American organizations that are, as it were, in each case an imperium in imperio, and which round out and harmonize, as far as present legal, social, and governmental conditions will permit, the human relations that exist even in our great Republic. In other words, benevolent organizations do for their members that which government can not do in view of the restrictions and restraints placed upon its operations. Governments have not yet reached the point, except in a few instances, where they are willing to take care of the people upon a broad and unlimited scale and guarantee them against want and the terrible fears that go with it, and make for so many specters in the shape of old men and old women who totter and dodder in dread to their graves.

But it must be admitted that we have done many things and created many institutions to help the afflicted. Hospitals, insane asylums, deaf and dumb asylums, institutes for the blind, homes for incurables, and many other similar institutions show that humanity is on the march, and that it is crowning itself with a greater glory than that which could ever be achieved through the construction of great subways, tunnels, wonderful bridges, inspiring skyscrapers, vast cathedrals, universities, and the solemn temples which adorn our educational structure, the great libraries and art galleries that are the outstanding public buildings in every municipality in America. But much remains yet to be done. We are on the march, and men like SIROVICH, torchbearers, are preparing for the great day that still lies ahead, when no man need fear that he and his companions will be without bread to eat or a roof to cover their heads when the storms blow across their lives, for "into each life some rain must fall, some days must be dark and dreary." There are, however, many of the advanced thinkers of this country along fraternal and benevolent lines, such as Frank Herring, of the Fraternal Order of Eagles, a hero in every strife for the uplift of the race, and James J. Davis, present Secretary of Labor, and intrenched in the affections of every member of the Moose order over this country, who believe that we should not attempt to hurry the great movement in behalf of benevolence lest we make the advance a disorderly instead of an orderly one. These really great spirits believe that nothing can happen permanently until the appropriate time arrives for its birth and development, and they both feel, I think, while impressed with the boldness and the vision and the courage of the advance guard, that perhaps it is well to observe and ponder over the wisdom of the maxim, "festina lente," "make haste slowly," and therefore mark time occasionally and then go forward again.

There are many, I think, who believe that H. J. Res. 278 would not accomplish as much as H. R. 6511, under which the

Committee on Labor could hold hearings and give to the world the facts that have already been accumulated and which could be restated in such a manner that the great newspapers of the country which mold and crystalize public opinion, the mighty law that rules the land, would find it attractive and stimulating enough to make for numberless news stories which would pave the way for a fruition of the hopes of those who have through nights of sorrow foreseen the glories of the coming days.

As I understand it from a letter that I have received from a very dear friend who has investigated the subject, a wealth of information is awaiting the committee whenever it undertakes the investigation. I am informed that—

At least two very exhaustive State investigations have been made in regard to old-age pensions, Massachusetts and Pennsylvania. Three nation-wide organizations are studying and issuing propaganda material constantly on the subject of old-age pensions. In this group is the American Association for Old Age Security, whose headquarters address is Room 2004, 104 Fifth Avenue, New York City. One of the activities of the American Association for Labor Legislation, 131 East Twenty-third Street, New York City, is the furtherance of old-age-pension legislation. The Independent Order of Eagles has been studying this subject and advocating old-age pensions for a number of years.

A very informative article is in the issue of the American Labor Legislation Review for June, 1927. In 1927 two additional States passed old-age pension laws, Colorado and Maryland, which makes a total of six—Colorado, Maryland, Montana, Nevada, Wisconsin, and Kentucky, and the Territory of Alaska. In Wyoming a bill passed both houses and was vetoed by the governor. In six States—Idaho, Indiana, Nebraska, Texas, Utah, and Washington—such bills succeeded in passing one or the other of the houses. In Washington it was a question of repassing a bill over the governor's veto in 1926. Four States—Arkansas, California, Iowa, and New York—made provisions for an investigation of old-age dependency with a view to such legislation.

The Bureau of Labor Statistics of this department has in its reports and in its files all the information that any such a commission as H. J. Res. 278 proposes could obtain. They have and have published information relative to the pension systems of private corporations. They have all the information in regard to the unions that have established old-age pension systems, such as the bricklayers and masons, bridge and structural iron workers, electrical workers, granite cutters, locomotive engineers, and others.

On the question of old-age retirement I think the following material which has been published in the Monthly Labor Review of the Bureau of Labor Statistics would prove exceedingly valuable to the Committee on Labor should they ever conclude to hold hearings on the subject or publish investigations they may make of their own motion in newspapers where it will prove efficacious, instead of dry reports which are sepulchered on the shelves of rooms that really are vaults for dead books:

January, 1926: Industrial pensions for old age and disability. (Separate).

June, 1926: Public pensions for aged dependents. (Pp. 1–9.) Bibliograph. Public old age pensions in the United States. (Pp. 238–246.)

August, 1927: Public service retirement systems: Pennsylvania. (Pp. 10–24.)

December, 1927: Public service retirement systems: State employees. (Pp. 30–46.)

January, 1928: Trade-union provision for sick, aged, and disabled members, and for dependents. (Pp. 1–16.)

Public service retirement systems in Great Britain and France. (Pp. 33–42.)

February, 1928: Trade-union old age pensions and homes for the aged and tubercular. (Pp. 1–29.)

Federal employees' retirement act. (Pp. 37–47.)

Public service retirement systems in foreign countries. (Pp. 47–73.)

March, 1928: Public service retirement system of Belgium—a supplementary note. (P. 26.)

April, 1928: Retirement systems for municipal employees. (Pp. 38–43.)

I would also call your attention to an article by Secretary Davis in this month's issue of the North American Review on "Old age at fifty." The National Civic Federation has made two separate investigations of old-age pensions the results of which it has already published.

Let me close by saying that I believe that we should be liberal in meeting the request of the Department of Labor for funds for which to make investigations along the lines of the subject matter of H. J. Res. 278 and H. R. 6511. We want all the light we can get and all the information we can secure upon this tremendous possibility that has to be faced by so many men and women in moving across the stage of life—the fear of want. In the grand drama of life each any every one must play a part and our colleague Doctor SIROVICH is one of the principal actors of his generation in carrying to the hearts and minds of his countrymen the truth that civilization must justify itself by a finer fruit than mere material grandeur. "Ye shall know the truth and the truth shall make ye free" will always be upon the lips of the real reformer who desires to promote the interest of his country along benevolent roads. A civilization that can boast of having exercised the demon and evil spirit, poverty and dread, from the household of those whose only fear is that they will suffer want in their old age will endure. No other can survive the constant and steady stroke of remorseless time. All the kingdoms and empires that are buried beneath the sands of centuries were tried in the balance and found wanting. We too shall pass away, perish as a people if we have not the vision to see.

BRIDGE ACROSS THE MISSISSIPPI

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take up Calendar No. 682, a bridge bill that I am informed is a matter of emergency.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows (H. R. 12235):

H. R. 12235. Seventieth Congress, first session

A bill authorizing B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Bettendorf, Iowa, and Moline, Ill.

Be it enacted, etc., That, in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Twenty-third Street in Moline, State of Illinois, and at or near Tenth Street in Bettendorf, State of Iowa, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Illinois, the State of Iowa, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Departments of the States of Illinois and Iowa a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; and J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Amend the title so as to read: "A bill authorizing B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River, at or near Tenth Street in Bettendorf, State of Iowa."

A motion to reconsider was laid on the table.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned until to-morrow, Wednesday, May 9, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, May 9, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To consider various bills on the committee calendar.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity (H. R. 7759).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 13596).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote the stability of commerce, industry, agriculture, and employment; to assist in realizing a more stable purchasing power of the dollar (H. R. 11806).

COMMITTEE ON RIVERS AND HARBORS

(10 a. m.)

To consider a report from the Chief of the Army Engineers on the proposal to deepen the Great Lakes channel.

COMMITTEE ON THE LIBRARY

(10.30 a. m.)

To provide a medal of honor and awards to Government employees for distinguished work in science (H. R. 424).

To authorize the Board of Regents of the Smithsonian Institution to make recommendations regarding conspicuous service (H. R. 13036).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

489. A letter from the Secretary of War, transmitting lists of certain records in the offices of the Secretary of War, Quartermaster General, Surgeon General, and director of civilian marksmanship, which the department wishes to destroy under the terms of the Executive order of March 16, 1912 (No. 1499); to the Committee on the Disposition of Useless Executive Papers.

490. A communication from the President of the United States, transmitting deficiency estimate of appropriation for the Post Office Department for the fiscal year 1927, for the payment of personal or property damage claims in accordance with the act approved June 16, 1921, $1,000 (H. Doc. No. 266); to the Committee on Appropriations and ordered to be printed.

491. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the War Department for the fiscal years ending June 30, 1928 and 1929, amounting in all to $215,878; also a draft of proposed legislation affecting an existing appropriation of the War Department (H. Doc. No. 267); to the Committee on Appropriations and ordered to be printed.

492. A letter from the chairman of the Federal Power Commission, transmitting, in accordance with the provisions of the act (Public, No. 100, 70th Cong.), information that the commission has investigated the proposed development of hydroelectric power at the Coolidge Dam and the compensation that is to be paid to the Apache Indians of the San Carlos Reservation for the use of their lands in connection with the Coolidge Dam project; to the Committee on Indian Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. R. 9054. A bill to amend section 118 of the Judicial Code to provide for the appointment of law clerks to the United States circuit judges; without amendment (Rept. No. 1561). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLY: Committee on the Post Office and Post Roads. H. R. 56. A bill to authorize the Postmaster General to issue receipts to senders for ordinary mail of any character, domestic or international, and to fix the fees chargeable therefor; with amendment (Rept. No. 1563). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLY: Committee on the Post Office and Post Roads. H. R. 5837. A bill to increase the salaries of certain postmasters of the first class; without amendment (Rept. No. 1564). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 9343. A bill to provide for dispensing with oath or affirmation as a method of verifying certain written instruments; with amendment (Rept. No. 1566). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 13071. A bill to amend section 8 of the food and drugs act, approved June 30, 1906, as amended; without amendment (Rept. No. 1570). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. R. 11859. A bill for the relief of B. C. Miller; with amendment (Rept. No. 1562). Referred to the Committee of the Whole House.

Mr. COCHRAN of Pennsylvania: Committee on Claims. H. R. 7236. A bill for the relief of James M Long; without amendment (Rept. No. 1568). Referred to the Committee of the Whole House.

Mr. STEELE: Committee on Claims. H. R. 12117. A bill for the relief of Samuel F. Tait; with amendment (Rept. No. 1569). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Pensions was discharged from the consideration of the bill (H. R. 13551) granting a pension to Myzella Rowe, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HALE: A bill (H. R. 13614) to equalize the pay and allowances of officers of the Navy and Marine Corps on sea duty; to the Committee on Naval Affairs.

By Mr. HAUGEN: A bill (H. R. 13615) to authorize arrests in certain cases and to protect employees of the Department of Agriculture in the execution of their duties; to the Committee on Agriculture.

By Mr. McKEOWN: A bill (H. R. 13616) authorizing an appropriation for cooperating with States granting old age and disabled persons pensions, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH: A bill (H. R. 13617) to amend section 177 of the Judicial Code; to the Committee on the Judiciary.

By Mr. WILLIAMSON: A bill (H. R. 13618) to establish the Teton National Park in the State of South Dakota, and for other purposes; to the Committee on the Public Lands.

By Mr. DOUGLAS of Arizona: A bill (H. R. 13619) authorizing the Secretary of the Interior to dispose of two bridges on the San Carlos Indian Reservation in Arizona, and for other purposes; to the Committee on Indian Affairs.

By Mr. COLE of Maryland: A bill (H. R. 13620) authorizing Elmer J. Cook, his heirs, legal representatives, and assigns, to construct, maintain and operate a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md., and a point opposite in Baltimore County, Md.; to the Committee on Interstate and Foreign Commerce.

By Mr. ROY G. FITZGERALD: A bill (H. R. 13621) to authorize preparation and publication of supplements to the Code of Laws of the United States with perfecting amendments; printing of bills to codify the laws relating to the District of Columbia and of such code and of supplements thereto, and for distribution; to the Committee on Revision of the Laws.

Also, a bill (H. R. 13622) to amend and supplement the Code of the Laws of the United States of America; to the Committee on Revision of the Laws.

By Mr. SMITH: A bill (H. R. 13623) to authorize the improvement of the Ice Caves near Shoshone, Idaho; to the Committee on the Public Lands.

Also, a bill (H. R. 13624) to authorize the building of roads and making improvements in the craters of the Moon National Monument in Idaho; to the Committee on the Public Lands.

By Mrs. ROGERS: A bill (H. R. 13625) to amend the act (Public, No. 135, 68th Cong.) approved May 24, 1924, entitled "An act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes"; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 299) to provide for the printing of the names of and other information relating to members of the military and naval forces who died during the World War; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 13626) granting an increase of pension to Catherine J. Shindledecker; to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 13627) for the relief of Anthony Stewart; to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 13628) granting a pension to Daniel B. Fitzpatrick; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 13629) granting an increase of pension to Catherine D. Hyland; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 13630) authorizing the President to order Clive A. Wray before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his discharge; to the Committee on Military Affairs.

By Mr. FREE: A bill (H. R. 13631) granting an increase of pension to Gertrude Williams; to the Committee on Invalid Pensions.

By Mr. FROTHINGHAM: A bill (H. R. 13632) for the relief of Ruth B. Lincoln; to the Committee on Claims.

By Mr. GREEN: A bill (H. R. 13633) for the relief of Martin G. Schenck, alias Martin G. Schanck; to the Committee on Military Affairs.

By Mr. MILLIGAN: A bill (H. R. 13634) granting an increase of pension to Sylfinia Bryan; to the Committee on Invalid Pensions.

By Mr. QUAYLE: A bill (H. R. 13635) for the relief of E. A. McCormack; to the Committee on Claims.

By Mr. SABATH: A bill (H. R. 13636) for the relief of William Chinsky; to the Committee on Claims.

Also, a bill (H. R. 13637) for the relief of the John F. Lalla Co.; to the Committee on Claims.

Also, a bill (H. R. 13638) for the relief of Weymouth Kirkland and Robert N. Golding; to the Committee on Claims.

Also, a bill (H. R. 13639) for the relief of Habel, Armbruster & Larsen Co.; to the Committee on Claims.

Also, a bill (H. R. 13640) for the relief of Olaf Nelson; to the Committee on Claims.

By Mr. SPEAKS: A bill (H. R. 13641) granting an increase of pension to Helen McCartney; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 13642) granting an increase of pension to Sarah A. Cole; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7459. By Mr. BOYLAN: Resolution adopted by executive council of the American Federation of Labor, favoring better housing conditions for the Army; to the Committee on Military Affairs.

7460. By Mr. CHINDBLOM: Memorial of the city council of the city of Chicago, in the matter of a proposed amendment to subdivision (d) of section 116 of House bill 1, "An act to reduce and equalize taxation, provide revenue, and for other purposes," relative to the tax on incomes of public utilities, resulting in the diminution of returns or profits to any State, Territory, the District of Columbia, or any political subdivision of a State or Territory; to the Committee on Ways and Means.

7461. By Mr. COCHRAN of Pennsylvania: Petition of Mrs. Ted Jones, of Clarendon, and other residents of Warren County, Pa., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

7462. Also, petition of Mrs. M. L. Nollinger, rural route 2, Warren, and other residents of Warren County, Pa., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

7463. By Mr. CRAIL: Petition of approximately 1,000 citizens of Los Angeles County, Calif., favoring the national flood control bill; to the Committee on Flood Control.

7464. By Mr. ESTEP: Resolutions of the Engineers' Council of the Pittsburgh Chamber of Commerce, through their secretary, A. V. Snell, offering resolutions concerning Senate bills 3434 and 3740; to the Committee on Flood Control.

7465. By Mr. GARBER: Petition of Soldiers Tubercular Sanatorium, Sulphur, Okla., in support of Senate bill 777, without amendment; to the Committee on World War Veterans' Legislation.

7466. Also, petition of Rev. George N. Carlson, Oklahoma City, Okla., in support of Senate bill 777, without amendment; to the Committee on World War Veterans' Legislation.

7467. Also, petition of residents of Major County, Ringwood, Okla., in support of the Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

7468. Also, petition of Eugene Whittington & Co., of Oklahoma City, Okla., in opposition to the bill amending the law of subdivision 1, section 41, title 28, of the Judicial Code; to the Committee on the Judiciary.

7469. Also, petition of Ed S. Roberts, Avard, Okla., in opposition to Oddie bill (S. 1752); to the Committee on the Post Office and Post Roads.

7470. Also, petition of Hubert R. Pentecost, American National Red Cross, United States Veterans' Hospital No. 80, Fort Lyon, Colo., in support of Senate bill 777, without amendment; to the Committee on World War Veterans' Legislation.

7471. Also, petition of Brady P. Gentry, Fitzsimons General Hospital, Denver, Colo., in support of House bill 500 and Senate bill 777; to the Committee on World War Veterans' Legislation.

7472. Also, petition of George McAneny, president National Civil Service Reform League of New York City, N. Y., in opposition to House bill 393; to the Committee on the Census.

7473. By Mr. GRAHAM: Petition of sundry citizens of Philadelphia, Pa., favoring the passage of House bill 13143; to the Committee on Ways and Means.

7474. By Mr. GREGORY: Petition of Kittie G. Sunderland and others, urging that immediate steps be taken to bring to a vote a Civil War pension bill for veterans and widows of veterans; to the Committee on Invalid Pensions.

7475. Also, petition of Carrie Palmer and others, urging that immediate steps be taken to bring to a vote a Civil War pension bill for veterans and widows of veterans; to the Committee on Invalid Pensions.

7476. Also, petition of Ozzie Vandergriff and other citizens of Paducah, Ky., protesting against the passage of House bill 78 and other Sunday legislation; to the Committee on the District of Columbia.

7477. By Mr. HAWLEY: Petition of residents of Marion County, Oreg., to increase the pensions of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

7478. By Mr. HICKEY: Petition of Frances C. Hedger and other residents of South Bend, Ind., urging passage of the MacGregor resolution (H. J. Res. 234); to the Committee on Immigration and Naturalization.

7479. Also, petition of Jennie H. Bhymer, of Westville, Ind., urging passage of a bill increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7480. By Mr. HUDSON: Petition of citizens of Oakland County, Mich., urging the enactment of House bill 11, known as the fair trade act; to the Committee on Interstate and Foreign Commerce.

7481. By Mr. IRWIN: Memorial of the city council of the city of Chicago, Ill., urging Congress to amend subdivision (d) of section 116 of the pending tax bill of 1928 (H. R. 1) to exempt from payment of the income tax those portions of the revenue of public utilities which the utility companies are, or in the future may be, under contract to pay to the municipalities in which they operate; to the Committee on Ways and Means.

7482. By Mr. KINDRED: Petition of the Rainbow Division, Veterans of New York, indorsing the Tyson-Fitzgerald bill for the retirement of disabled emergency officers, and urging Congress for early and favorable enactment of this bill without amendment; to the Committee on World War Veterans' Legislation.

7483. By Mr. McREYNOLDS: Petition from the voters of Hamilton County, Tenn., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

7484. By Mr. McSWEENEY: Evidence in support of House bill 13607, granting a pension to Regina W. Smith; to the Committee on Invalid Pensions.

7485. By Mr. MILLER: Petition of citizens of Seattle, Wash., opposing the District of Columbia Sunday observance bill; to the Committee on the District of Columbia.

7486. Also, petition of citizens of Kitsap County, Wash., indorsing legislation for Civil War veterans' and widows' increases in pensions; to the Committee on Invalid Pensions.

7487. By Mr. O'CONNELL: Petition of Hon. William M. Calder, former Senator of New York, favoring the passage of the Wainwright-McSwain bill (H. R. 13509), for the revision of promotion list and promotion on length of service; to the Committee on Military Affairs.

7488. Also, petition of the Aviators Post No. 743, American Legion, New York City, favoring the passage of the Tyson bill (S. 777) without amendments; to the Committee on World War Veterans' Legislation.

7489. Also, petition of V. F. Owens, inspector of customs; John Rowan; and Vincent Kane, of New York City, favoring the passage of the Bacharach bill (H. R. 13143); to the Committee on Ways and Means.

7490. Also, petition of Powers & Mayer (Inc.), New York City, favoring the passage of the Boulder Dam legislation; to the Committee on Irrigation and Reclamation.

7491. Also, petition of the National Civil Service Reform League, New York City, opposing the passage of House bill 393, to provide for the fifteenth and subsequent decennial censuses; to the Committee on the Census.

7492. Also, petition of the Chamber of Commerce of the United States of America, opposing certain provisions of the pending legislation in regard to Muscle Shoals; to the Committee on Military Affairs.

7493. By Mr. QUAYLE: Petition of the Disabled American Veterans of the World War, Department of California (Inc.), favoring the passage of the Tyson bill (S. 777); to the Committee on World War Veterans' Legislation.

7494. Also, petition of the American Legion, Department of New York, New York City, favoring the passage of House bill 12023, for the relief of chief warrant officers; to the Committee on Naval Affairs.

7495. Also, petition of Aviators Post, No. 743, American Legion, of New York, favoring the passage of the Tyson bill (S. 777); to the Committee on World War Veterans' Legislation.

7496. Also, petition of National Civil Service Reform League, of New York City, opposing the passage of House bill 393, to provide for the fifteenth and subsequent decennial censuses; the blanket exemption from the provisions of the civil service law for all special agents, supervisors, supervisor's clerks, enumerators, and interpreters which appear in lines 16 and 17 on page 3 of this bill should be stricken out; to the Committee on the Census.

7497. Also, petition of the Colorado River Commission of Arizona, Phoenix, Ariz., with reference to the Boulder Dam bill (H. R. 5773); to the Committee on Irrigation and Reclamation.

7498. Also, petition of Powers & Mayer (Inc.), of New York City, favoring the passage of the Boulder Dam bill; to the Committee on Irrigation and Reclamation.

7499. Also, petition of the National Fertilizer Association, Washington, D. C., opposing the pending House substitute for the Norris Muscle Shoals resolution (S. J. Res. 46), particularly paragraph C of section 20, for which a special rule is now being sought; to the Committee on Foreign Affairs.

7500. Also, petition of the Ithaca Gun Factory, Ithaca, N. Y., favoring the passage of the Tyson-Fitzgerald bill (S. 777) without amendment; to the Committee on World War Veterans' Legislation.

7501. By Mr. SMITH: Petition by the Central Baptist Association of South-Central Idaho, for the enactment of House bill 11410, to amend the national prohibition act; to the Committee on the Judiciary.

7502. By Mr. SPEARING: Petition of Charles O. Chalmers and other citizens of New Orleans, for the passage of the Sproul bill (H. R. 11410); to the Committee on the Judiciary.

7503. By Mr. TILSON: Petition of Antoinette M. Reiman and other residents of Meriden, Conn., urging the passage of legislation providing increased pensions for Civil War soldiers and their dependents; to the Committee on Invalid Pensions.

7504. Also, petition of Antoinette M. Reiman and other residents of Meriden, Conn., urging the passage of legislation providing increased pensions for Civil War soldiers and their dependents; to the Committee on Invalid Pensions.

SENATE

WEDNESDAY, *May 9, 1928*

(Legislative day of Thursday, May 3, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dale	Hawes	Norris
Barkley	Deneen	Hayden	Nye
Bayard	Dill	Heflin	Oddie
Bingham	Edge	Howell	Overman
Black	Fess	Johnson	Phipps
Blaine	Fletcher	Jones	Pine
Blease	Frazier	Kendrick	Pittman
Borah	George	Keyes	Ransdell
Bratton	Gerry	King	Reed, Mo.
Brookhart	Gillett	La Follette	Reed, Pa.
Broussard	Glass	McLean	Sackett
Bruce	Goff	McMaster	Schall
Capper	Gooding	McNary	Sheppard
Caraway	Gould	Mayfield	Shipstead
Copeland	Greene	Metcalf	Shortridge
Couzens	Hale	Moses	Simmons
Curtis	Harris	Neely	Smith
Cutting	Harrison	Norbeck	Smoot

Steck	Thomas	Wagner	Waterman
Stelwer	Tydings	Walsh, Mass.	Wheeler
Stephens	Tyson	Walsh, Mont.	
Swanson	Vandenberg	Warren	

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

PAVING OF INTERNATIONAL STREET, NOGALES, ARIZ.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2004) authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz., which was, on page 1, line 13, to strike out "$60,000" and insert "$40,000."

Mr. ASHURST. I move that the Senate concur in the House amendment.

The motion was agreed to.

PETITIONS AND MEMORIALS

Mr. SHIPSTEAD presented a memorial of sundry citizens of Swan Lake, Minn., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. VANDENBERG presented letters in the nature of petitions from sundry publishers in the State of Michigan, and the chairman legislative committee, of the National Editorial Association, of Washington, D. C., praying for the passage of the bill (S. 1752) to regulate the sale and manufacture of stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented letters in the nature of memorials from sundry firms, associations, and citizens, all in the State of Michigan, remonstrating against the passage of the bill (S. 1752) to regulate the sale and manufacture of stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES

Mr. DILL, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 3039) making an appropriation for the construction of a bridge and approach road leading to the Zillah State Park, Wash., reported it with amendments and submitted a report (No. 1062) thereon.

Mr. BAYARD, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 460) for the relief of the owners of the barge *Mary M* (Rept. No. 1064);

A bill (S. 3056) for the relief of the estate of Moses M. Bane (Rept. No. 1065);

A bill (H. R. 4396) for the relief of Jesse R. Shivers (Rept. No. 1066);

A bill (H. R. 8001) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *City of Beaumont* against the United States, and for other purposes (Rept. No. 1067); and

A bill (H. R. 8810) for the relief of John L. Nightingale (Rept. No. 1068).

Mr. MOSES, from the Committee on Foreign Relations, to which was referred the bill (S. 4382) to amend the act (Public, No. 135, 68th Cong.) approved May 24, 1924, entitled "An act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes," reported it with amendments and submitted a report (No. 1069) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

A bill (H. R. 7459) to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes (Rept. No. 1070); and

A joint resolution (S. J. Res. 130) suspending certain provisions of law in connection with the acquisition of lands within the Alabama National Forest (Rept. No. 1071).

Mr. McNARY also, from the Committee on Agriculture and Forestry, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 1344) to amend an act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 4, 1924 (Rept. No. 1072); and

A bill (H. R. 10374) for the acquisition of lands for an addition to the Beal Nursery at East Tawas, Mich. (Rept. No. 1073).

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (H. R. 10067) for the relief of Marion Banta, reported it without amendment and submitted a report (No. 1074) thereon.

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (S. 3794) for the relief of R. E. Hansen, reported it with an amendment and submitted a report (No. 1075) thereon.

He also, from the same committee, to which was referred the bill (H. R. 167) to amend the act of February 12, 1925 (Public, No. 402, 68th Cong.), so as to permit the Cowlitz Tribe of Indians to file suit in the Court of Claims under said act, reported it without amendment and submitted a report (No. 1076) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 3595) for the relief of Arch L. Gregg, reported it with an amendment and submitted a report (No. 1077) thereon.

Mr. BORAH. As in executive session, from the Committee on Foreign Relations, I submit three reports for the Executive Calendar.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

INVESTIGATION RELATIVE TO UNEMPLOYMENT

Mr. COUZENS, from the Committee on Education and Labor, to which was referred the resolution (S. Res. 219) providing for an analysis and appraisal of reports on unemployment and systems for prevention and relief thereof, reported it with amendments, submitted a report (No. 1063) thereon, and moved that the resolution with the report be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills:

S. 805. An act donating Revolutionary cannon to the New York State Conservation Department;

S. 1456. An act to authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex.;

S. 3791. An act to aid the Grand Army of the Republic in its Memorial Day services May 30, 1928; and

S. 3947. An act to provide for the times and places for holding court for the eastern district of North Carolina.

SAND ISLAND, COLUMBIA RIVER

Mr. DILL. Mr. President, I introduce a bill relating to Sand Island, in the mouth of Columbia River, concerning which the Committee on Public Lands held hearings two years ago, but no decision was arrived at regarding it. I should like to have the bill printed in the RECORD, together with the statement I am about to make regarding the need for the legislation.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill (S. 4396) for the purpose of authorizing payment of moneys received for fishing licenses on Sand Island to the bureau of fisheries of the State of Washington and the State fish commission of the State of Oregon and authorizing them to control fishing rights on Sand Island hereafter, and for other purposes, was read twice by its title, referred to the Committee on Public Lands and Surveys, and ordered to be printed in the RECORD, as follows:

S. 4396, Seventieth Congress, first session

A bill for the purpose of authorizing payment of moneys received for fishing licenses on Sand Island to the bureau of fisheries of the State of Washington and the State fish commission of the State of Oregon and authorizing them to control fishing rights on Sand Island hereafter, and for other purposes

Whereas, August 29, 1863, Abraham Lincoln, then President of the United States, assumed that Sand Island, in the entrance to Columbia River, Oreg., was part of the public domain belonging to the United States, did upon recommendation of the Secretary of War issue an order reserving Sand Island from sale for military purposes; and

Whereas the War Department thereafter discovered that Sand Island did not rise above high tide, but laid between low and high water mark, and concluded that Sand Island was not a part of the public domain, but belonged to the State of Oregon, and September 26, 1864, the War Department requested an act be passed by the Legislature of Oregon ceding to the United States Sand Island; and

Whereas the Legislature of Oregon passed an act so ceding Sand Island to the United States, intending thereby to convey to the United States the use of said island for military purposes only; and

Whereas the Supreme Court of the United States in the case of Washington *v.* Oregon (211 U. S. 127), found that Sand Island had been gradually moving northward until it has now moved north of what was formerly the north channel of the Columbia River, and said north channel has become so shallow that the channel to the south of the island is now the main channel used by ships; and

Whereas Sand Island is now on the Washington side of the point in the river where the north channel of the river was when the island was originally ceded to the United States and that it is a shifting, changing mass of sand above high-tide water and has never been used by the United States for military purposes; and

Whereas since the cession of said island to the United States, previous to 1905, the citizens of the State of Washington and of the State of Oregon did secure fishing licenses from their respective States for the use of said island as a public fishing ground and did use said island as a public fishing ground; and

Whereas beginning in the year 1905 the War Department asserted control over said island, advertised for bids for the privilege of fishing thereon, and did issue licenses to fish thereon for various terms of years and for various monetary considerations, and has ever since that time asserted control, advertised for similar bids, and issued licenses and permits for monetary considerations; and

Whereas the United States has received from various licensees and permittees for the privilege of fishing on Sand Island from the year 1905 to and including the year 1927 the sum of $—: Now, therefore,

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to the bureau of fisheries of the State of Washington out of any money in the Treasury not otherwise appropriated, one-half the sum of $— and the other one-half of said sum of $— to the State fish commission of the State of Oregon in full satisfaction of all claims for money had and received by the United States from the issuance or sale of fishing licenses, leases, or permits on Sand Island in the entrance to the Columbia River: *Provided*, That previous to the payment of said sum of money to the bureau of fisheries of the State of Washington and the State fish commission of the State of Oregon, as aforesaid, the supervisor of fisheries and the Governor of the State of Washington and the chairman of the State fish commission and the Governor of the State of Oregon shall sign a joint stipulation to the Treasury of the United States that all of said money will be expended jointly by them within five years after the date of payment thereof to the bureau of fisheries of the State of Washington and the State fish commission of the State of Oregon in the propagation and protection of fish in the Columbia River and its tributaries; and, too, that on and after April 1, 1929, the Secretary of War shall cease to issue fishing licenses for the use of Sand Island, if previous to that date the supervisor of fisheries of the State of Washington and the chairman of the State fish commission of the State of Oregon shall agree to issue licenses jointly for the use of Sand Island as a fishing ground and shall stipulate in said agreement with the Secretary of War that all fees received for said licenses shall be expended jointly by them for the propagation and protection of fish in the Columbia River and also that one-half of said licenses shall be issued to the citizens of the State of Washington and one-half of said licenses to the citizens of the State of Oregon, unless and except in case that a sufficient number of citizens of either State fail to make application for said licenses previous to an annual date to be fixed by them: *Provided*, That said supevisor of fisheries of the State of Washington and the chairman of the State fish commission of the State of Oregon shall make and enforce jointly all regulations for fishing on Sand Island: *And provided further*, That in time of war or in case said supervisor of fisheries of the State of Washington or the chairman of the State fish commission of the State of Oregon shall fail to carry out the agreement with the Secretary of War, as hereinbefore provided, the Secretary of War shall take control of the fishing rights on Sand Island and shall report said action to Congress within 30 days.

Mr. DILL. Mr. President, this island was ceded by the State of Oregon to the United States during the Civil War for military purposes. The swirling waters of the Columbia have shifted this mass of sand across the river until it is now on the north side of the channel, which was formerly on the north side of the island. This mass of sand called an island has moved like a sand dune on the desert.

The War Department has never used it for military purposes. It has been used entirely for fishing purposes. There has been collected more than $400,000 for fishing license fees. This money is in the Treasury of the United States. It should be used for the propagation of fish in the Columbia River by the fisheries departments of the States of Washington and Oregon. It was collected because of the fish in the river and should be used to perpetuate the fish there. That is the purpose of the legislation. I hope to have the bill considered by the Public Lands Committee within a few days and have it reported favorably to the Senate.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 4397) granting a pension to Frances McLeod; to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 4398) granting an increase of pension to Sarah Stanley (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 4399) granting an increase of pension to Marguerite W. Houston; to the Committee on Pensions.

By Mr. GILLETT:

A bill (S. 4400) for the relief of Peter Joseph Sliney; to the Committee on Naval Affairs.

By Mr. TYDINGS:

A bill (S. 4401) authorizing Elmer J. Cook (his heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md., and a point opposite in Baltimore County, Md.; to the Committee on Commerce.

A bill (S. 4402) authorizing the Secretary of the Navy to assign to the Chief of Naval Operations the public quarters originally constructed for the Superintendent of the Naval Observatory in the District of Columbia; to the Committee on Naval Affairs.

By Mr. MOSES:

A bill (S. 4403) granting a pension to John H. Glynn (with accompanying papers); to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 4404) granting a pension to Benjamin F. Jackson; to the Committee on Pensions.

By Mr. VANDENBERG:

A bill (S. 4405) authorizing the Detroit River Canadian Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Detroit River at or near Stony Island, Wayne County, State of Michigan; to the Committee on Commerce.

By Mr. BARKLEY:

A bill (S. 4406) to provide for the establishment of the Fort Boonesboro national monument in the State of Kentucky, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. FESS:

A bill (S. 4407) to amend section 5, subsection C, of the act of March 3, 1923, entitled "An act establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes"; to the Committee on Agriculture and Forestry.

A bill (S. 4408) for the relief of the legal representatives of Cobb, Blasdell & Co.; to the Committee on Claims.

By Mr. REED of Pennsylvania:

A bill (S. 4409) to promote labor and industry in the United States by expanding in the foreign field the service now rendered by the United States Department of Labor in acquiring and diffusing useful information regarding labor and industry, and for other purposes; to the Committee on Education and Labor.

By Mr. BLACK:

A bill (S. 4410) granting a pension to Julia T. Goodhue; to the Committee on Pensions.

By Mr. BLEASE:

A joint resolution (S. J. Res. 146) to provide for reports to the Congress on the employment in the classified civil service of members of the same family; to the Committee on Civil Service.

CHANGE OF REFERENCE

On motion of Mr. FESS, the Committee on the Library was discharged from the further consideration of the bill (H. R. 9965) to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., where, on February 14, 1779, Elijah Clarke, of Georgia, and Colonel Pickens, of South Carolina, overtook the Tories under Colonel Boyd, killing him and many of his followers, thus ending British dominion in Georgia, and it was referred to the Committee on Military Affairs.

AMENDMENT TO TAX REDUCTION BILL

Mr. COPELAND submitted an amendment intended to be proposed by him to House bill 1, the tax reduction bill, which was ordered to lie on the table and to be printed.

CONTROL OF AIRCRAFT FOR SEACOAST DEFENSE

On motion of Mr. BINGHAM, the concurrent resolution (S. Con. Res. 11) to investigate the problem of the control of aircraft for seacoast defense, was taken from the calendar and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, transmitted to the Senate the resolutions

of the House (H. Res. 187) adopted as a tribute to the memory of Hon. James A. Gallivan, late a Representative from the State of Massachusetts.

The message announced that the House had passed without amendment the following bills of the Senate:

S. 2978. An act authorizing the Secretary of War to donate certain buildings to the city of Tucson, Ariz.; and

S. 3824. An act to correct the descriptions of land comprising the Bryce Canyon National Park, as contained in the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," and the act approved February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the 'Bryce Canyon National Park,' and for other purposes."

The message also announced that the House insisted upon its amendment to the bill (S. 1609) recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic*, *American Trader*, *President Roosevelt*, *President Harding*, and the British steamship *Cameronia*, and for other purposes, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WHITE of Maine, Mr. LEHLBACH, and Mr. DAVIS were appointed managers on the part of the House at the conference.

The message further announced that the House insisted upon its amendment to the joint resolution (S. J. Res. 23) providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779, disagreed to by Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LUCE, Mr. ALLEN, Mr. DAVENPORT, Mr. GILBERT, and Mr. BULWINKLE were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bill and joint resolution of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 2910. An act granting to the State of South Dakota for park purposes the public lands within the Custer State Park, S. Dak.; and

S. J. Res. 135. Joint resolution making an emergency appropriation for flood protection on White River, Ark.

The message further announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 750. An act to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes;

S. 757. An act to extend the benefits of certain acts of Congress to the Territory of Hawaii;

S. 3571. An act granting the consent of Congress to the County Court of Roane County, Tenn., to construct a bridge across the Emory River at Suddaths Ferry, in Roane County, Tenn.; and

S. 3598. An act authorizing Dupo Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a combined highway and railroad bridge across the Mississippi River at or near Carondelet, Mo.

The message also announced that the House had passed the following bills and concurrent resolutions, in which it requested the concurrence of the Senate:

H. R. 5826. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver bell in use on the cruiser *New Orleans;*

H. R. 10649. An act providing for the transfer of a portion of the military reservation known as Camp Sherman, Ohio, to the Department of Justice;

H. R. 10951. An act authorizing H. L. McKee, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Sabine at or near Port Arthur, Tex.;

H. R. 11273. An act to amend section 127a, national defense act, as amended and approved June 4, 1920;

H. R. 11580. An act to authorize the leasing or sale of land reserved for administrative purposes on the Fort Peck Indian Reservation, Mont.;

H. R. 11724. An act to provide for the paving of the Government road, known as the Ringgold Road, extending from Chickamauga and Chattanooga National Military Park, in the State of Georgia, to the town of Ringgold, Ga., constituting an approach road to the Chickamauga and Chattanooga National Military Park;

H. R. 11981. An act to authorize officers of the Medical Corps to account certain service in computing their rights for retirement, and for other purposes;

H. R. 12067. An act to set aside certain lands for the Chippewa Indians in the State of Minnesota;

H. R. 12235. An act authorizing B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa;

H. R. 12354. An act to grant to the city of Leominster, Mass., an easement over certain Government property;

H. R. 12446. An act to approve a deed of conveyance of certain land in the Seneca oil spring reservation, New York;

H. R. 12479. An act authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund;

H. R. 13032. An act to amend the act of February 8, 1895, entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters";

H. R. 13037. An act to amend section 1, rule 2, rule 3, subdivision (e), and rule 9 of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895 (ch. 64, 28 Stat. L. sec. 645);

H. R. 13383. An act to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries;

H. R. 13481. An act granting the consent of Congress to the Alabama State Bridge Corporation to construct, maintain, and operate bridges across the Tennessee, Tombigbee, Warrior, Alabama, and Coosa Rivers, within the State of Alabama;

H. Con. Res. 30. Concurrent resolution to provide for the printing of additional copies of the hearings held before the Committee on the District of Columbia of the House of Representatives on bills relative to capital punishment in the District of Columbia; and

H. Con. Res. 33. Concurrent resolution to print and bind the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall of the statue of President Andrew Jackson presented by the State of Tennessee.

WHEAT RATES

Mr. McNARY. Mr. President, I ask unanimous consent to have printed in the RECORD two very thoughtful and informative editorials published in the Pendleton East Oregonian, entitled "Our wheat rates too high."

The VICE PRESIDENT. Without objection, it is so ordered.

The editorials are as follows:

[Editorial of May 1, 1928]

OUR WHEAT RATES TOO HIGH

Canadian railroads haul wheat from Winnipeg to Port Arthur, Ontario, for 14 cents per hundred weight, the distance being 424 miles whereas the rate from Pendleton to Portland, a distance of 218 miles, is 18½ cents a hundred. The Canadian rate is 4½ cents a hundred lower than our rate yet the distance in Canada is approximately twice as far as from here to Portland. From Heppner to Portland, a distance of 196 miles, the rate is 22½ cents, whereas in Canada the rate from Drydon, Ontario, to Port Arthur, a distance of 215 miles, is 12 cents. Heppner farmers pay a rate that is 10½ cents higher than the rate charged for a greater distance in Canada.

As shown by the following table provided by the Oregon Public Service Commission, the rates from Canadian points to Port Arthur are invariably lower than the American rates and sometimes less than half the rates paid by farmers in this country:

Rates on wheat carloads for export and domestic shipment (see note) in cents per 100 pounds

TO PORTLAND, OREG.

Distance (miles)	From—	Rate per hundredweight
218	Pendleton, Oreg	18½
292	La Grande, Oreg	25
392	Huntington, Oreg	28
415	Weiser, Idaho	30
432	Ontario, Oreg	31
465	Caldwell, Idaho	34
494	Boise, Idaho	35
559	Glenns Ferry, Idaho	38
611	Shoshone, Idaho	42
701	Twin Falls, Idaho	44
817	Montpelier, Idaho	47
244	Walla Walla, Wash	18½

Rates on wheat carloads for export and domestic shipment (see note) in cents per 100 pounds—Continued

Distance (miles)	From—	Rate per hundredweight
265	Yakima, Wash	21½
273	Waitsburg, Wash	19
294	Turner, Wash	19
304	La Crosse, Wash	21½
312	Pomeroy, Wash	23
325	Connell, Wash	21½
356	Lewiston, Idaho	24
370	Spokane, Wash	24
421	Kamiah, Idaho	28½
433	Granville, Idaho	31
564	Paradise, Mont	27
634	Missoula, Mont	29
703	Garrison, Mont	30½
754	Helena, Mont	31½
828	Logan, Mont	31½
877	Livingston, Mont	32
992	Billings, Mont	33½
1,006	Bridger, Mont	34
1,021	Red Lodge, Mont	34½
1,259	Beach, N. Dak	52

NOTE.—Rates shown from Montana points to Portland, Oreg., are exclusive export rates, local rates are 7 cents per hundredweight higher. Other rates apply both on export and domestic shipments.

TO PORT ARTHUR, ONTARIO

Distance (miles)	From—	Rate per hundredweight
215	Dryden, Ontario	12
298	Kenora, Ontario	13½
393	Lydiatt, Manitoba	14
411	Oatbank, Manitoba	14
432	Bergen, Manitoba	15
465	Poplar Point, Manitoba	15
495	Bagot, Manitoba	16
557	Brandon, Manitoba	16
621	Elkhorn, Manitoba	18
704	Grenfell, Saskatchewan	19
816	Pasqua, Saskatchewan	20
242	Vermillan Bay, Ontario	13½
262	Pine, Ontario	13½
273	Hawk Lake, Ontario	13½
301	Keewatin, Ontario	13½
308	Laclu, Ontario	14
312	Busteed, Ontario	14
329	Ingulf, Ontario	14
364	Darwin, Manitoba	14
370	Whitemouth, Manitoba	14
424	Winnipeg, Manitoba	14
439	Rosser, Manitoba	15
565	Kemnay, Manitoba	17
635	Fleming, Saskatchewan	18
739	Indian Head, Saskatchewan	19
781	Regina, Saskatchewan	20
822	Moose Jaw, Saskatchewan	20
876	Caplin, Saskatchewan	22
985	Rosetown, Saskatchewan	23
1,009	Cardell, Saskatchewan	23
1,017	Maple Creek, Saskatchewan	23
1,256	Calgary, Alberta	26

Since the price of wheat is based upon the export market less the cost of transportation our present rates place our farmers at a disadvantage compared with Canadian farmers.

To-morrow the East Oregonian will publish a schedule showing rates from various points to Portland and the rates charged to Duluth from points comparable as to distance.

[Editorial of May 1, 1928]

OUR WHEAT RATES TOO HIGH

Wheat freight rates are much lower in Canada than in the United States, according to schedules secured by this paper from the Oregon public service commission. In many cases the Canadian rates are less than half the rates prevailing in this country.

But the rates from American points to Duluth are also lower than the rates from our interior country to Portland. The wheat rate from Heppner, Condon, and Shaniko to Portland is 22½ cents whereas the rate to Duluth from points comparable as to distance are but 13½ and 14 cents. That means that our friends in Morrow, Gilliam, and Sherman Counties pay vastly more in freight charges than do the Minnesota farmers who ship to Duluth from about the same distance.

Pendleton farmers pay 18½ cents for shipping their wheat from this point to Portland while from Lake Park, Minn., to Duluth, virtually the same distance as from here to Portland, the rate charged is only 14½ cents.

The following table provided by the public service commission shows a comparison between the rates charged to Portland and to Duluth from points of approximate distance.

Rates on wheat carloads for export and domestic shipment (see note) in cents per 100 pounds

TO PORTLAND, OREG.

Distance (miles)	From—	Rate per hundredweight
176	Shaniko, Oreg	22½
185	Condon, Oreg	22½
196	Heppner, Oreg	22½
218	Pendleton, Oreg	18½
252	Bend, Oreg	23½
292	La Grande, Oreg	25
302	Huntington, Oreg	28
415	Weiser, Idaho	30
432	Ontario, Oreg	31
465	Caldwell, Idaho	34
494	Boise, Idaho	35
559	Glenns Ferry, Idaho	38
611	Shoshone, Idaho	42
701	Twin Falls, Idaho	44
817	Montpelier, Idaho	47
244	Walla Walla, Wash	18½
304	Lacrosse, Wash	21½
312	Pomeroy, Wash	23
370	Spokane, Wash	24
356	Lewiston, Idaho	24
433	Grangeville, Idaho	31
564	Paradise, Mont	27
634	Missoula, Mont	29
703	Garrison, Mont	30½
754	Helena, Mont	31½
828	Logan, Mont	31½
877	Livingston, Mont	32
992	Billings, Mont	33½
1,006	Bridger, Mont	34
1,021	Red Lodge, Mont	34½
1,433	Mandan, N. Dak	52

NOTE.—Rates shown from Montana points to Portland, Oreg., are exclusive export rates, local rates are 7 cents per hundredweight higher. Other rates apply both on export and domestic shipment.

TO DULUTH, MINN.

Distance (miles)	From—	Rate per hundredweight
179	Sauk Center, Minn	13½
184	Stiles, Minn	13½
200	Underwood, Minn	14
216	Lake Park, Minn	14½
255	Great Bend, N. Dak	17½
295	Hill Top, Minn	16
392	Bowesmont, N. Dak	17½
412	Pembina, N. Dak	17½
434	Wing, N. Dak	23½
464	Mercer, N. Dak	24
492	Almont, N. Dak	26
561	Dickinson, N. Dak	28
612	DeMores, N. Dak	30
702	Cato, Mont	32½
812	Sanders, Mont	37
244	Barnes, Minn	15½
304	Peak, N. Dak	20
310	Valley City, N. Dak	20
373	Medina, N. Dak	21
360	Windsor, N. Dak	20½
433	Burleigh, N. Dak	23½
565	Eland, N. Dak	29½
631	Yates, Mont	31
706	Terry, Mont	32½
758	Horton, Mont	35
828	Rancher, Mont	37½
880	Huntley, Mont	39
995	Elton, Mont	42
1,008	Livingston, Mont	42
1,021	West End, Mont	42
1,403	Cedar Spur, Mont	56

As will be noted, the table above shows that the rate from Lake Park to Duluth is 4 cents lower than the rate from Pendleton to Portland. Since Pendleton is a main-line point and has a water-grade rate to Portland, why this differential?

The freight cost is borne by the grower and is deducted from the price paid him for his wheat. If Umatilla County farmers pay 4 cents a hundred more than they should for the hauling of their wheat to tidewater, they lose around $125,000 a year. That is a large sum and if our farmers were required to subscribe that amount each year for a useless purpose they would complain seriously because of the burden.

The East Oregonian is inclined to the belief they are making just such a donation. Read the schedules and judge for yourself.

LEON P. CHESLEY

Mr. REED of Pennsylvania. Mr. President, I have an embarrassing statement to make to the Senate. Last night when we were considering the Spanish War veterans' pension bill I offered an amendment, which will be found on page 8098 of the CONGRESSIONAL RECORD, in behalf of Leon P. Chesley. I made the statement that he is a Civil War veteran and completely disabled. I find this morning that that is partially incorrect.

He is a Spanish War veteran. The statement that he is hopelessly disabled was true. He is unable to work at all and for that reason the $50 pension was suggested, but he is not, as I stated, a Civil War veteran. I am willing to ask unanimous consent, if any Senator desires, for a reconsideration of the bill and the striking out of the amendment, but I do not want to have it remain in the bill under false pretenses.

Mr. KING. Mr. President, has the matter been before the committee and was there favorable action on it?

Mr. REED of Pennsylvania. It was before the committee, but the committee did not include it in its report. I believe that was because he is a Spanish War veteran.

Mr. KING. In view of the fact that there will be many applications of the same character and the matter is before the committee, I think it should go back to the committee.

Mr. REED of Pennsylvania. Then I ask unanimous consent that the vote by which the bill was ordered to a third reading and passed be reconsidered, the amendment rejected, and the bill passed without the amendment.

Mr. BRUCE. Mr. President, what bill is it to which the Senator refers?

Mr. REED of Pennsylvania. A pension bill for veterans of other wars than the Civil War.

Mr. BRUCE. And not a special pension bill?

Mr. REED of Pennsylvania. It is an omnibus pension bill. When it was under consideration I offered the amendment and in support of it made the statement I have explained. Now, I ask unanimous consent that the votes by which the bill was ordered to a third reading and passed may be reconsidered and that the amendment may be reconsidered. It is a deserving case.

Mr. KING. If the committee reports upon it I shall have no objection.

Mr. NEELY. Mr. President, may I ask the Senator from Pennsylvania if this action will in any wise prejudice the bill? I do not want to take action that will deprive others of relief.

Mr. KING. No; the bill will be passed immediately.

Mr. REED of Pennsylvania. We will pass the bill without the amendment to which I have referred.

Mr. JOHNSON. Mr. President, will the Senator from Pennsylvania yield?

Mr. REED of Pennsylvania. Certainly.

Mr. JOHNSON. If it is a deserving case, and if it ought to be provided for, why should we, because of an innocently erroneous statement made by the Senator from Pennsylvania last night, which he now corrects, go to the trouble of reconsidering the bill? The whole question with me would rest upon whether it ought to be done and whether or not the man is deserving. If he is, why not let the matter rest as it is?

Mr. KING. It relates to a different kind of case from those which we were considering. The committee will have other cases of a similar character, and I would like a policy to be laid down by the committee.

Mr. JOHNSON. Here is a man disabled.

Mr. KING. Let the committee pass upon it.

Mr. JOHNSON. It is not my bill and I have no interest in it except from the statement made. My sympathy is entirely with the individual who is disabled and to whom the pension would be paid. I wish it were possible under these circumstances to permit the bill to stand with the provision suggested.

Mr. BINGHAM. Mr. President, may I ask the Senator from Pennsylvania whether the case properly belongs in the bill?

Mr. REED of Pennsylvania. Yes; this is the appropriate bill for the amendment to be in if it is to go in at all.

Mr. BINGHAM. Has the committee considered the bill at all?

Mr. REED of Pennsylvania. The private pension bill was introduced by me and referred to the committee, and they took no action upon it. Therefore I presented the case in the form of an amendment last night.

Mr. BINGHAM. The committee have already considered the case?

Mr. REED of Pennsylvania. Apparently they have not; at least they have taken no action. The Senate approved of the case on an incorrect statement made by me, and I can not afford to have the Senate feel that I do not make correct statements.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. Certainly.

Mr. CARAWAY. Of course no one would suspect that. It would have gone in just as easily if the Senator had been correct about the war in which the man served. I am hopeful that the Senator from Utah will withdraw his objection.

Mr. KING. The only point I have in mind is that the amendment will necessitate the bill going back to the House again, whereas if it is not in we will pass the bill without it.

Mr. REED of Pennsylvania. The Senate committee put on a lot of amendments which will have to be considered by the House.

Mr. KING. If that is true, I have no objection.

Mr. BRATTON. Mr. President, as a member of the committee, though not speaking for other members of the committee, I hope the vote will not be reconsidered and that we will let the passage of the bill last night stand.

Mr. KING. I have no objection, but I thought the amendment would require the bill to go back to the House and would delay procedure.

Mr. REED of Pennsylvania. No; not at all.

Mr. KING. Then I have no objection.

Mr. FLETCHER. Mr. President, I do not understand that the committee to which the bill was referred ever made an adverse report or took adverse action on the amendment; they just did not reach it.

Mr. REED of Pennsylvania. They did not do anything with it.

Mr. FLETCHER. I think it ought to pass.

Mr. NORRIS. Mr. President, inasmuch as it seems to be conceded that the man is entitled to a pension and that his item is properly in the bill, and also conceded that the committee had not acted in the case or had not reached it and therefore had taken no adverse action, and some of the members of the committee think it a just provision, I think the way out is not to reconsider anything, and therefore I object to the granting of the request made by the Senator from Pennsylvania.

The VICE PRESIDENT. Objection is made.

INCOME-TAX DECISION

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have inserted in the RECORD an editorial from the Grand Rapids Herald entitled "Tax tyranny."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TAX TYRANNY

The decision of the United States Board of Tax Appeals in favor of Senator COUZENS, of Michigan, terminates the most spectacular tax litigation in American history. It does not terminate the repercussions. These will be heard for many a day and year to come. Whether one agrees with Senator COUZENS in all of his Mellon warfare or not it seems to the Herald that no impartial study of the facts can justify the warfare which the Treasury itself has conducted against Senator COUZENS or can do other than sustain yesterday's verdict.

The very nature and circumstance of the dispute put the Treasury Department in unfortunate and untenable posture from the start. Here was an effort to revise an old assessment made on values fixed by the Government itself in the matter of COUZENS's sale of Ford stock. Here was an effort to collect $10,000,000 in back taxes against one citizen after this citizen long since had paid in full on the basis originally dictated by the Treasury itself. Thirty-one different bureaus and departments of the Government had rendered 63 separate and distinct decisions validating this original basis and approving the original assessment. In all common sense and all decency, as between a citizen and his government, this cumulative decision should have been conclusive and final.

But this did not happen in the COUZENS case. Instead, another decision finally overturned all these others. This subsequent decision, furthermore, was made within eight hours after Senator COUZENS launched his initial attack upon conditions in the Internal Revenue Department. Perhaps this was only a strange and fortuitous and unhappy coincidence, as the Treasury, of course, insists. But even the Treasury must admit that the coincidence could invite suspicion. There is a resolution pending in the Senate to investigate this latter hypothesis, which, of course, if true would be insufferable tyranny. Intimidation or reprisal would be a dangerous weapon in the hands of so powerful an agency as the Treasury. Whether this hypothesis be warranted or not, the whole story discloses an extremely dangerous possibility of the use of governmental power. A citizen less wealthy than Senator COUZENS would be ruined by such an experience long before a tax board could come to his relief. A citizen less pugnacious than Senator COUZENS would have been driven to composition and surrender.

The Government should take a lesson from the COUZENS case. It should be bound by its own decisions. It should give every honest citizen the benefit of the doubt. So far as this particular issue is concerned, Senator COUZENS has not been fighting for himself alone. He has rendered his country a useful service.

SHOOTING OF JACOB D. HANSEN

Mr. COPELAND. Mr. President, I send to the desk a letter, which I ask may be read by the clerk.

The VICE PRESIDENT. The clerk will read, as requested. The Chief Clerk read the letter, as follows:

NIAGARA FALLS, N. Y., *May 7, 1928.*

Hon. ROYAL S. COPELAND,

United States Senate, Washington, D. C.

DEAR SIR: We desire to call your attention to the murderous assault committed on Jacob D. Hansen by two members of the United States Coast Guard Service situated at or near Fort Niagara.

When driving his automobile up the Lewiston Hill, just outside of this city, at about 3 o'clock on the morning of May 6 he was called upon to stop by a man in the road. This man was dressed in overalls and a sheepskin coat. Mr. Hansen did not stop and the man fired several shots at him. There was another man stationed farther up the hill dressed in the same kind of clothes, and as Mr. Hansen approached this man he fired a great many times at the car, which was approaching him, and one of the bullets struck Mr. Hansen in the right temple, put out both of his eyes, fractured his skull in several places, and lodged in the back of his head. Mr. Hansen is at the point of death and, as we are informed, will probably die within a short time. Even if he should recover, he will be totally blind.

Mr. Hansen is the secretary of the local lodge of Elks and is a prominent and respected citizen of this city.

In the interests of the public of this community generally it seems to us that an investigation of this matter should be ordered and that the man who fired the shots, if Mr. Hansen dies, should pay the penalty prescribed by law for murder in the first degree.

No law-abiding citizen is safe on the roads in and about the Niagara frontier so long as these men of the Coast Guard are allowed to hold up a car in the nighttime by shooting at the occupants thereof without any information whatsoever as to the character of the occupants of the car.

We hope that you will do whatever you can in your official capacity toward curbing these practices by the Coast Guard men and toward bringing the perpetrators of this crime to justice.

Very truly yours,

WALLACE & ORR.

Mr. COPELAND. Mr. President, what committee of the Senate has charge of matters concerning the United States Coast Guard?

The VICE PRESIDENT. The Committee on Commerce.

Mr. COPELAND. I ask that this letter be referred to the Committee on Commerce, and the committee requested to have an explanation made of this terrible situation.

In this connection I send forward an article from the New York Sun giving more details of this murderous attack upon this citizen and ask that it be printed in the RECORD, and that the whole matter be referred to the Committee on Commerce with a request for an early report.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[From the New York Sun of Monday, May 7, 1928]

DRY SPIES ADMIT MOTOR SHOOTING—VICTIM, PROMINENT ELK, IN SERIOUS CONDITION—UPSTATE FEELING RUNS HIGH—GUARDS SAY THEY WERE TRYING TO HALT CAR

NIAGARA FALLS, May 7.—The condition of Jacob D. Hanson, shot by United States Coast Guard men when he failed to stop his car on Lewiston Hill early Sunday morning, was unchanged to-day. Hanson has a bullet wound in the head, and physicians say if he recovers he probably will be blind. Hanson is secretary of the local lodge of Elks.

The shooting occurred within a stone's throw of the city's exclusive residential section at Lewiston Heights, and the road over which Hanson was traveling is a main highway leading to the summer homes of many Niagara Falls and Buffalo residents along the lower Niagara and Lake Ontario shores.

The two men held in the shooting—Glenn Jennings and Chris Dew, Coast Guard men—have admitted the shooting. Jennings fired the shot which wounded Hanson. Assistant District Attorney Edmund D. O'Brien made public to-day statements which Dew and Jennings had made to him.

According to the two Coast Guard men's version of the shooting, as given to the assistant district attorney, they had been assigned to duty on the hill by their superior officers, with instructions to stop and search any cars suspected of carrying contraband liquor.

Dew was stationed at the curve in the road under the overhead crossing of the New York Central Railroad tracks and Jennings was farther up the hill near the next curve in the road.

VERSION OF ONE OF THEM

Dew said that he saw the Hanson car approaching up the hill at what he claimed to be a high rate of speed, and as it rounded the first curve under the bridge he stepped in front of the car with a gun in one hand and a flashlight in the other, which he waved in a signal for the machine to stop. He said that the car increased its speed and he was forced to jump to the side of the road to avoid being struck; then, according to his statement, he fired four shots into the bank on the opposite side of the road in an effort to frighten the driver.

Jennings, who had seen what was taking place farther down the hill, stepped into the road, he said, with the idea of crippling the car by firing into the engine and forcing it to stop. He said that he fired five shots as the car approached and while it was passing the point where he stood. He fired one shot after the car had passed. He said that he then saw the car strike the curb and slide along, coming to a stop approximately 100 feet from where it struck. He did not know that any of his shots had taken effect and ran to the car and saw that the man was injured.

FEELING RUNS HIGH

BUFFALO, May 7.—Feeling in western New York runs high to-day against two Coast Guard men held on a charge of shooting Hanson.

Hanson was returning to the Falls after taking a party of friends to Lewiston following their attendance at the silver-jubilee celebration of the North Tonawanda Lodge of Elks. The Coast Guard men, clad in overalls and sheepskin jackets, came upon him on the Lewiston hill. Suspecting he was a rum runner they commanded him to stop.

EASILY PASSED FOR THUGS

From the rather nondescript appearance of the pair, Hanson apparently thought they were highwaymen. He tried to speed away. The guardsmen fired several shots. One went through the windshield and entered the driver's right temple. The car ran into the rocky bank and stopped.

Clarence R. Runnals, prominent Falls attorney, said to-day one of the Coast Guard men aroused him at daybreak and asked permission to use the telephone to call an ambulance. The man's appearance was so disreputable, he said, that he forced the stranger to remain outside and locked the door while he summoned the conveyance himself.

PLAN INDIGNATION MEETING

Citizens generally at the Falls are aroused. The management of one theater has offered the Elks the use of its house for an indignation meeting to-night to protest against the shooting of innocent citizens by Federal men. Stories of other shootings at motorists are freely circulated. Several lawyers who are members of the Elks in Niagara Falls and Buffalo have offered their services gratis to see that justice is done. Wealthy members of the order in western New York have offered financial aid to bring Jennings and Dew before the courts.

Hanson is one of the most widely known men in Niagara Falls. He is unmarried.

SPEECH BY HON. ROBERT F. WAGNER ON UNEMPLOYMENT

Mr. TYDINGS. Mr. President, I ask unanimous consent to have inserted in the RECORD a speech on unemployment by the junior Senator from New York [Mr. WAGNER], delivered over WRC May 8, 1928.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is here printed, as follows:

To my mind the elimination of unemployment is a Federal task in a class with flood control and national defense. Fundamentally, it is a business question that has nothing to do with politics. We know that every so often, in fact six times within the past 35 years (1893, 1903, 1908, 1914, 1921, and 1927) we suffer depressions which shut down our factories and our mines, slacken our transportation systems, and reduce the volume of building and trade. We also know that on every one of those occasions millions of workmen are thrown out of work through no apparent fault of their own. Soon enough their savings are exhausted, their resources gone, and they are compelled to undergo the shame and degradation of applying for relief. How long they suffer in silent misery, going without the most elementary needs, is known to everyone who has taken an interest in their plight.

If you have ever knocked at one factory gate after another without gaining admittance, if you have ever stared at a sign "No men wanted," and felt that it was written especially to you, if you have tramped the city streets hour after hour without seeing a single doorway which meant welcome to you, and through which you could step to work and wages, if you have done any of these, then you have experienced the emptiness of heart, the drooping of the lips, the sinking of the knees, and the stooping of the shoulders of the man without a job.

Right now we have in this country a vast number of these men and women who are ready, able, and anxious to work to multiply the fabulous wealth of this Nation, but opportunity is denied them. They are treated as outcasts of industry. To me they present a very depressing yet a challenging picture. I can imagine them lined up in a single file reaching from the White House to Kansas City, and their wives and children stretching the line beyond to the Golden Gate of California. I do not mean to use figures of speech. The line of job hunters I have projected is a very real one for we have now mobilized a huge standing army of over 4,000,000 men and women who can not find work.

During periods of prosperity we forget. We have a proud people in these United States who do not like to complain or to recite old grievances. When the unemployment is over we return with renewed zest and added vigor to produce—produce, more and more, faster and faster, with ever-increasing efficiency—until once again we find that the very plenty we have created brings us poverty. The very progress we have achieved condemns us to idleness.

That is just where we are now. We are suffering from the ancient paradox, suffering want because we have too much—going idle because we have learned to work too well.

Now, I believe, the time is ripe to dissolve that illicit relationship between progress and poverty. Public opinion is now fully behind such an attempt and public interest has reached a high degree of intensity in every proposal honestly calculated to relieve the unemployment situation.

A combination of circumstances has made the present situation particularly intolerable. According to the report of the Secretary of Labor, we have a large number of men temporarily without jobs, because we are suffering from a business depression, which means that we have more goods on hand than the people have money to buy. In addition, we have a large number of wage earners whose jobs are entirely gone, because their work is now being done by machinery. Not only are their jobs gone, but their trade has disappeared. The skill which they had acquired is worthless. They must start all over again at the bottom if they can find the place to begin.

Everybody is agreed that this is so. Yet we have done nothing and are doing nothing to combat unemployment. The administration is, of course, in a dilemma. It has rested the entire justification of its policies on the ground that they have produced prosperity and it is afraid that to attempt to solve the unemployment problem might be construed as an admission that we have no prosperity.

To get out of the dilemma it has chosen to deny or to minimize the extent of unemployment. That is the only way that I can explain the declaration of the President that employment was plentiful at a time when jobs were so scarce that bread lines once again reappeared on our city streets. That is the only reason I can find for the declaration of one of Mr. Hoover's assistants that there was no unemployment at all, though the published figures of the Department of Labor showed a wholesale discharge of employees computed to be over 1,800,000 in number in the two years between 1925 and 1927. I can only explain these declarations as an apology for the know-nothing, do-nothing policy which this administration has adopted in spite of the suffering and depression which it has already once witnessed in 1921.

The truth is slowly dawning upon all that the price of freedom from unemployment is eternal vigilance, constant planning, incessant guard against the conditions which bring it about. The extent of the problem, the danger to our peace and security which it threatens, call for a permanent body whose task and burden it shall be to carry on a continuous offensive against conditions productive of unemployment. So long as we prefer to rely on emergency committees, so long will there be emergencies to relieve.

We want to do for the unemployment panics what the Federal Reserve Board does for the financial panics. It is a truism that prevention is better than relief.

I am asked why should the Government interfere in this economic problem? My answer is threefold:

First, that government was created for this very purpose, to solve problems cooperatively which we can not solve individually.

Secondly, because unemployment holds out a threat to the security of every American home and to the peace and safety of the entire American people; and lastly, because the problem is such that no one business man could solve it if he would, and he has not the necessary motive to solve it if he could. Only on a national scale and from a national viewpoint does it become both desirable and economical to solve this problem. Let me tell you why. A manufacturer I know had 1,400 men in his employ. Business slackened; he discharged 500 and let them shift for themselves. That may be sound economy for that one manufacturer who releases the men and then he is no longer responsible for them. But can America likewise release those 500 or 5,000,000 of wage earners who are similarly discharged by manufacturers throughout the land? Can its responsibility be shifted so readily? Must not those idle men and their families be fed and clothed and sheltered? Is it desirable for America to destroy their standards of living and uproot their essential faith in the fairness and future of America? Is it fair to the rest of the working men and women of this country to compel them to compete with men who, because of prolonged unemployment, are ready to work at any price?

The individual manufacturer who discharges his men saves their salaries. That is his economy. But for the Nation it is a total loss. For the Nation it is an inexcusable waste. Four million men who earn a minimum of $20,000,000 daily and would produce goods worth double that amount.

If you wish to forget the humanitarian aspect of this problem, at least, as business men and business women, you must attend to this flood stream of waste which unemployment produces on a national scale.

Is there a remedy? That is the practical question. Can I make a constructive suggestion to help solve this problem? I believe I can.

Three bills (S. 4157, S. 4158, S. 4307), which I recently introduced in the United States Senate, offer a plan which promises success. The most significant element of the plan is the creation of a permanent body, which shall quietly and uninterruptedly work away on the problem of unemployment, procure the elimination of conditions productive of unemployment, and advise the Government and the people what steps to take to avoid it. That body will not be a temporary committee of well-meaning citizens but a permanent organization officially charged with the task and the burden of safeguarding us against unemployment. That will be their responsibility and the extent of their success in office will be measured by the extent of their success in eliminating unemployment.

One of the bills declares it to be the policy of this Government so to use its spending power to bring about steadiness of employment. The Government is at all times engaged in vast undertakings, of building construction, of road construction, of river and harbor improvement, and flood control. These projects can be planned in advance so that work upon them can be accelerated in time of depression and retarded during times of prosperity.

The operation of such a plan will not cost the Government any money. On the contrary, it will save money for the Public Treasury because it will take advantage of the lower prices which prevail during periods of depression.

To care for the man whose job has been taken by a machine, as well as for the new industry that wishes to recruit a new labor force, one of the bills provides for a nation-wide system of employment offices, under the cooperative auspices of the State and municipalities and the Federal Government.

The third bill provides for the collection and publication of adequate information of employment. Without proper statistics we shall never be able fully to solve unemployment.

Briefly, then, this plan embraces the following:

(1) The collection of adequate statistics and information.

(2) A force of employment offices out in the field actually making the adjustments and bringing together the idle man and the vacant job.

(3) A central body continually getting information coming in from the field and interpreting it and converting it into governmental policy deliberately dedicated to the elimination of enforced idleness.

No guaranty accompanies this plan. It may prove successful beyond our dreams. Application may demonstrate that it requires change. At any rate, we shall have set up the machinery to make the changes. We shall have some one thinking, planning, and responsible for the results. We shall have left behind us the hopelessness and despair which now characterizes the official attitude toward unemployment.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. SMOOT. Mr. President, the next amendment passed over will be found on page 205, section 441, tax on sales of produce on exchange, to strike out lines 12 to 14, inclusive.

Mr. FLETCHER. Mr. President, may I ask the Senator what became of the amendment in line 7, striking out the words "$1 each year"?

Mr. SMOOT. That went over.

Mr. FLETCHER. It has not been acted on?

Mr. SMOOT. No; it has not been acted on.

The PRESIDING OFFICER (Mr. McNARY in the chair). The question is on the amendment of the committee.

Mr. HARRISON. Mr. President, may I ask the Senator from Utah and the Senator from Washington [Mr. JONES] a question? We can not possibly finish the consideration of the revenue bill to-day, although we are making pretty good strides. Can we not take up the conference report on the flood control bill? I understand that the House has adopted it, and it is here before the Senate. I should be very glad if we could get that matter out of the way.

Mr. JONES. Mr. President, I desire to say to the Senator from Mississippi that I am very anxious to get rid of this flood-control conference report. I gave notice last night that I expected to take it up to-day, but the Senator from Utah [Mr. SMOOT], in charge of the revenue bill, and the Senator from Kansas [Mr. CURTIS], the leader on this side, urged me very strongly to put the matter over at least until to-morrow in the hope of getting along with the revenue bill. Very reluctantly I consented to that course. I would like very much to have the conference report disposed of as soon as possible.

Mr. HARRISON. I thought perhaps the reason actuating the Senator from Utah in his stand was his belief that we could finish with the revenue bill to-day, but we can not conclude the consideration of it to-day, and I wish we could get up the flood-control conference report.

Mr. SMOOT. Does the Senator from Washington think we can complete consideration of the conference report to-day?

Mr. JONES. I do not suppose that it would take anywhere near all the day. Of course, I do not know how long anyone may desire to speak upon it. I understand the Senator from Nebraska [Mr. NORRIS] wants to make some remarks on it—I do not know how long—and the Senator from North Dakota [Mr. FRAZIER] wants to speak on it. I do not know whether anyone else desires to speak on the conference report. I had hoped that if we got it up probably it would take but an hour or so, even if it took that long.

Mr. SIMMONS. Mr. President, I have no information as to anyone on this side who desires to address the Senate on the flood-control conference report.

Mr. HARRISON. I thought perhaps the Senator from Utah [Mr. KING] might want briefly to discuss the conference report. I do not think it would take any amount of time.

Mr. SMOOT. In order to save time, so as to arrive at something definite, I will consent that the conference report shall be taken up now. I give notice now that unless the consideration of the conference report is completed to-day I shall ask to have it laid aside to-morrow. For the present I ask that the revenue bill be laid aside for the sole purpose of taking up the conference report.

Mr. NORRIS. Mr. President, before that is done, so there will be no misunderstanding, I desire to say that I do not know that there will be any lengthy debate. The Senator from North Dakota [Mr. FRAZIER] and I want to talk a while on the report. It is perfectly immaterial, as far as I am concerned, whether it is taken up now or laid over until to-morrow, but I do not want to have any understanding that we will get through with it at any particular time.

Mr. SMOOT. There is no understanding, except that it may be considered for the whole day to-day.

Mr. NORRIS. I should think we would get through to-day, but I can not give any assurance of that kind.

Mr. SMOOT. Let us try to get through to-day.

Mr. FLETCHER. I can not see any reason why we should not get through to-day and dispose of the report.

Mr. JOHNSON. Mr. President, a parliamentary inquiry. Has not the conference report the right of way?

Mr. SMOOT. The conference report has the right of way to be presented, but that is all; it may be presented at any time; but if there is any objection whatever, the Senate has to vote as to whether it will take up the conference report or not.

The PRESIDING OFFICER. The conference report has been presented and now lies on the table. The Senator from Utah has asked unanimous consent that the revenue bill be temporarily laid aside, and that the Senate proceed to the immediate consideration of the conference report on the flood control bill. Is there objection? The Chair hears none, and lays the conference report before the Senate.

FLOOD CONTROL

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, and the report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 13, 17, 18, 19, and 20.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 21, 22, 24, 25, 26, 27, 28, 29, 30, 32, and 33, and agree to the same.

Amendment numbered 9: That the Senate recede from its disagreement to the amendment of the House numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: ", but nothing herein shall prevent, postpone, delay, or in anywise interfere with the execution of that part of the project on the east side of the river, including raising, strengthening, and enlarging the levees on the east side of the river"; and the House agree to the same.

Amendment numbered 14: That the Senate recede from its disagreement to the amendment of the House numbered 14, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"; (c) provide without cost to the United States, all rights of way for levee foundations and levees on the main stem of the Mississippi River between Cape Girardeau, Mo., and the Head of Passes.

"No liability of any kind shall attach to or rest upon the United States for any damage from or by floods or flood waters at any place: *Provided, however*, That if in carrying out the purposes of this act it shall be found that upon any stretch of the banks of the Mississippi River it is impracticable to construct levees, either because such construction is not economically justified or because such construction would unreasonably restrict the flood channel, and lands in such stretch of the river are subjected to overflow and damage which are not now overflowed or damaged by reason of the construction of levees on the opposite banks of the river it shall be the duty of the Secretary of War and the Chief of Engineers to institute proceedings on behalf of the United States Government to acquire either the absolute ownership of the lands so subjected to overflow and damage or floodage rights over such lands."

And the House agree to the same.

Amendment numbered 15: That the Senate recede from its disagreement to the amendment of the House numbered 15, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"SEC. 4. The United States shall provide flowage rights for additional destructive flood waters that will pass by reason of diversions from the main channel of the Mississippi River: *Provided*, That in all cases where the execution of the flood control plan herein adopted results in benefits to property such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid."

And the House agree to the same.

Amendment numbered 16: That the Senate recede from its disagreement to the amendment of the House numbered 16, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "which, in the opinion of the Secretary of War and the Chief of Engineers, are"; and the House agree to the same.

Amendment numbered 23: That the Senate recede from its disagreement to the amendment of the House numbered 23, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

", including levee work on the Mississippi River between Rock Island, Ill., and Cape Girardeau, Mo., and on the outlets and tributaries of the Mississippi River between Rock Island and Head of Passes in so far as such outlets or tributaries are affected by the backwaters of the Mississippi: *Provided*, That for such work on the Mississippi River between Rock Island, Ill., and Cape Girardeau, Mo., and on such tributaries, the States or levee districts shall provide rights of way without cost to the United States, contribute 33⅓ per cent of the costs of the works, and maintain them after completion: *And provided further*, That not more than $10,000,000 of the sums authorized in section 1 of this act shall be expended under the provisions of this section.

"In an emergency, funds appropriated under authority of section 1 of this act may be expended for the maintenance of any levee when it is demonstrated to the satisfaction of the Secretary of War that the levee can not be adequately maintained by the State or levee district."

And the House agree to the same.

Amendment numbered 31: That the Senate recede from its disagreement to the amendment of the House numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"The sum of $5,000,000 is hereby authorized to be used out of the appropriation herein authorized in section 1 of this act, in addition to amounts authorized in the river and harbor act of January 21, 1927, to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers for the preparation of the flood-control projects authorized to be submitted to Congress under this section: *Provided further*, That the flood surveys herein provided for shall be made simultaneously with the flood-control work on the Mississippi River provided for in this act: *And provided further*, That the President shall proceed to ascertain through the Secretary of Agriculture and such other agencies as he may deem proper, the extent to and manner in which the floods in the Mississippi Valley may be controlled by proper forestry practice."

And the House agree to the same.

Pursuant to House Concurrent Resolution 34, it is recommended that in the first proviso to section 10 the words "board

created in section 1 of this act" be stricken out, and in lieu thereof the words "Mississippi River Commission" be inserted.

W. L. JONES,
DUNCAN U. FLETCHER,
CHAS. L. MCNARY,
JOS. E. RANSDELL,
HIRAM W. JOHNSON,
Managers on the part of the Senate.

FRANK R. REID,
C. F. CURRY,
ROY G. FITZGERALD,
RILEY J. WILSON,
W. J. DRIVER,
Managers on the part of the House.

PERSONAL EXPLANATION—FARM LAND BANK, COLUMBIA, S. C.

Mr. BLEASE. Mr. President, I rise to a question of personal privilege. I am informed that on Saturday last the Committee on Banking and Currency met and took up for consideration the resolution which I introduced asking for an investigation of the land bank at Columbia, S. C. The Columbia (S. C.) Daily Record of May 6 contains an interview with the chairman of that committee, in which it is stated that he said that the vote against the investigation is "almost unanimous." I ask to have that article printed in the CONGRESSIONAL RECORD, without taking up the time of the Senate to read it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BLEASE LOSES BEFORE COMMITTEE FOR PROBE OF LOCAL LAND BANK—VOTE AGAINST INVESTIGATION "ALMOST UNANIMOUS," SAYS CHAIRMAN NORBECK—ECHO BEAUFORT FAILURE—JUNIOR SENATOR MAY AGAIN TAKE MATTER TO FLOOR OF UNITED STATES SENATE

By Lewis Wood, Washington correspondent of the Columbia Record

WASHINGTON, May 5.—It took the Senate Banking and Currency Committee just 40 minutes to-day to decide upon an unfavorable report on Senator BLEASE'S resolution to investigate the joint stock land bank and intermediate credit bank at Columbia.

Mr. BLEASE has been unremitting in his fight for the investigation and has frequently charged that Treasury pressure was preventing it, but the committee decided that it would not support his proposal. It is expected that the Senator will renew his attacks upon the Senate floor. The committee arrived at its decision in an executive meeting.

After the committee meeting Senator NORBECK, the Banking and Currency chairman, alluded to the information presented to him regarding the Columbia bank.

"All of this information was placed before the committee, and it was practically unanimous in feeling that there was not sufficient evidence to justify an investigation such as Senator BLEASE proposed," he said.

The situation with regard to the Columbia bank grew out of the failure of the Bank of Beaufort and the conviction of several persons connected with that institution. According to Senator NORBECK, when the Beaufort bank failed it had received about $700,000 in funds which should have been applied toward redemption of notes signed by truck growers in the vicinity of Beaufort for loans from the intermediate credit bank at Columbia.

Supporters of the proposed investigation have argued that the Beaufort bank was the designated agent of the Columbia bank and that funds paid into the Beaufort institution should be credited toward the notes held by the Columbia bank.

But Senator NORBECK said the committee felt there was no evidence to justify this contention, and that the money had been paid to the Beaufort bank under instructions from the signers of notes themselves, but without any agreement on the part of the Columbia bank that the Beaufort bank should act as its agent to receive the payments.

Mr. BLEASE. In reference to that, at that committee meeting there were 9 members of the committee present, and the Senators voting for the resolution were Messrs. FRAZIER, PINE, BROOKHART, and FLETCHER; the Senators voting against the resolution were SACKETT, NORBECK, PHIPPS, GLASS, and one other Senator, whose name I do not know, making a vote of 5 to 4 to report the resolution unfavorably.

Mr. President, there are 94 Senators in the Senate, and there are 15 members on that committee. There were 9 votes cast. Six members of the committee were absent. There were 5 against the resolution and 4 for the resolution, making a majority of 1 against it. Consequently, according to this interview in the paper, 5 men are controlling the 94 votes in the United States Senate, and here is a unanimous report, according to the information in this newspaper given out by the chairman of that committee and circulated in my home town, to injure me and hoping to defeat me as a delegate to the State Democratic convention of my State.

I want to say without any spirit of egotism that on last Monday, the day after this paper was circulated, the county conventions of South Carolina met to elect their delegates to the State convention, which will be held one week from this day. The county convention where this bank is located elected me a delegate to the State convention. The county convention of Anderson, where the post office is located where this fellow who was brought over from Georgia was made postmaster, also elected me delegate to the State convention. That action shows that the people in the city where this land bank is located are behind me in this fight. It shows that the people of Anderson County, away up in the northern part of the State, 150 miles, possibly, from the city of Columbia, indorse my position in regard to their post office. Yet the chairman of the Committee on Banking and Currency says that there was an almost unanimous report. Nine members being present, 5 only out of 15, or one-third, in his opinion, I suppose, makes a unanimous report.

In the same newspaper, on the same date, appears an article by Lewis Wood, correspondent for this paper, giving an interview, or what is supposed to be an interview, with Senator NORBECK. It says that Senator NORBECK, chairman of the committee, received an exhaustive letter on the subject from Mr. Meyer. Here is what Mr. Meyer said:

Of course, some responsibility attaches to the management of the Columbia bank for these occurrences, particularly as to its failure more successfully to checkmate the conspirators.

I call for the chairman of the committee to make that report. It was last Saturday that the committee met; it was last Saturday that they voted 4 to 5. I have held this paper in my hand since Monday morning, waiting here for three days to get the unanimous (?) report of the committee. I want to see the letter in which Eugene Meyer is quoted as saying:

Of course, some responsibility attaches to the management of the Columbia bank for these occurrences, particularly as to its failure more successfully to checkmate the conspirators.

Yet this committee, with Meyer's report in their hands and those remarks in the concluding paragraph of his letter before them, says that there is no reason to investigate the land bank at Columbia, S. C. I most respectfully ask the chairman of that committee to make the report that was agreed on by the committee last Saturday by this unanimous (?) vote, as he calls it, of 4 to 5, with 6 members absent. Let us see whether or not the Senate of 94 Members is going to hide this stealing with a vote of five members, only one-third of the committee, stealing which Eugene Meyer himself admits and mentions in his letter, saying that the blame is on the Columbia bank because that bank did not stop the conspirators in their action. If that kind of a situation does not demand an investigation, I can not tell what would. But since then he tries to make his apology. He says the personnel of the bank has been somewhat changed.

Of course, when he went down and found that this rascality was going on, when he found that the farmers of South Carolina had been robbed of thousands of dollars, when he found that the United States Government had lost more than a million dollars, and was standing to lose nearly $2,000,000 more, when he found that out, he changed some of the personnel of the bank. Of course, when he found that out, he tried to hide it, and this resolution was brought before the Senate for the very purpose of showing that condition which he now admits in his report, if this newspaper speaks the truth

I ask again most respectfully that the report be brought in, that he not go around and have it signed by other members of the committee to show that it was more nearly unanimous, because here is the vote, just as the members voted in the committee, FRAZIER, PINE, BROOKHART, FLETCHER for the investigation; SACKETT, NORBECK, PHIPPS, GLASS, and one Senator whose name I have not been able to get, against it.

I ask leave to print as a part of my remarks the article from this newspaper by Lewis Wood and another article headed "Is the Senate afraid?"

The PRESIDING OFFICER (Mr. MCNARY in the chair). Is there objection?

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MEYER COMMENTS

By Lewis Wood, Washington correspondent for the Columbia Record

WASHINGTON, D. C., May 5.—Eugene Meyer, head of the Federal Farm Loan Bureau, asserts that the officials of the Columbia land bank can not in any way be connected with any criminality arising out of the Beaufort bank matter.

Following the refusal of the Senate Banking and Currency Committee to-day to support Senator BLEASE'S resolution demanding an investigation of the Columbia bank, it was learned that Mr. Meyer had written an exhaustive letter on the subject to Senator NORBECK, chairman of the committee. After reviewing the case in great detail, Mr. Meyer concluded:

"The fact that the special examination made by the Farm Loan Board, and the searching investigation over a period of 18 months by the United States attorney and expert accountants of the Department of Justice, connected no officer of the Federal intermediate credit bank at Columbia with any criminal act, indicates clearly that these officials had no part in the conspiracy.

"On the other hand, the fact that, following a trial of some six weeks' duration, during which every means was afforded to bring out the truth, three defendants were found guilty, as charged, establishes their responsibility for the criminal acts committed.

"Of course, some responsibility attaches to the management of the Columbia bank for these occurrences, particularly as to its failure more successfully to checkmate the conspirators, but since then the personnel of the bank has been strengthened, certain remedial measures have been put in effect, and others will be adopted as time and opportunity permit."

IS THE SENATE AFRAID?

EDITOR OF THE SUNDAY TIMES:

On February 24, 1928, Senator BLEASE, of South Carolina, submitted Senate Resolution 159 to the United States Senate, calling for a complete investigation of the Federal Land Bank and Intermediate Credit Bank of Columbia, S. C.; this because of certain criminal convictions obtained in Federal court wherein some of the testimony is said to have involved officials in connection with those banks. The resolution was referred to the Senate Banking and Currency Committee, of which Senator PETER NORBECK, of South Dakota, is chairman.

On March 13, in response to numerous requests and much testimony, Senator BLEASE submitted Senate Resolution 167, which calls for a complete investigation of the entire Federal farm loan system, including the Farm Loan Board, the 12 Federal land banks, the 12 intermediate credit banks, the fifty-odd joint-stock banks, and any of the 4,700 national farm-loan associations necessary for a complete review of the system. This resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, of which Senator CHARLES S. DENEEN, of Illinois, is chairman. The other members are SIMEON D. FESS, of Ohio; FRANK L. GREENE, of Vermont; THADDEUS H. CARAWAY, of Arkansas; and DAVID I. WALSH, of Massachusetts.

Since those two committee references literally thousands of letters urging these investigations have been pouring through the mails. More than 150 columns of closely printed matter, some of it voicing the very gravest of criticisms and presenting evidence against farm-loan officials, have appeared in the CONGRESSIONAL RECORD, bringing direct charges of mismanagement, incompetence, dishonesty, and absolute stealing, specific cases being cited and the evidence submitted. Some of these charges involve local officers, some include Federal bank examiners and officers, members of the Farm Loan Board itself, and the charges have been neither vague nor indefinite. They have been made against specific officers, and they have been made by and through the most trustworthy sources. Here are a few of the authorities cited: The New York Times, Farm and Fireside, Farm Journal, Farmers National Magazine, American Thresherman, Pennsylvania Farmer, American Grain Trade, Pacific Homestead, Efficiency Magazine, Good Business Magazine, Breeders Gazette, Farm Leader, Forum, American Farm Bureau Federation, and many others. An entirely impartial though very much interested committee, sent from Canada by farm banking interests for the purpose of studying our farm-loan system with a view to its adoption, reported against it recently, largely on account of its mismanagement.

For about two months Senator BLEASE urged the reporting of his resolutions, either favorably or unfavorably, so that he could take them and his evidence to the floor of the Senate. Possibly some one was afraid to have him do that; he could get no action whatever. Finally about the middle of April, Senator NORBECK, it is stated, announced that Resolution 159 had been referred to the Farm Loan Board for recommendation. To its Sinclairs and Falls had been awarded the right of judgment in this farmers' Teapot Dome. To Arnold himself had been referred the question of his treason. Guiteau had been appointed his own judge and jury in his trial for the murder of Garfield. Judas himself was to decide whether he had betrayed Christ.

There is no doubt about the decision of this Farm Loan Board, for they have been under fire many times before. They will decide themselves immaculate and that they need no investigation. All of their subsidiaries will be declared as sinless as a dead saint reposing in some cathedral vault. Andrew W. Mellon recently announced that he knows of nothing materially wrong with the land banks; no doubt he can be induced to pronounce them, along with the Pennsylvania slush fund, as immaculate and innocent as a donation to a church. There will be only one material difficulty with their reports upon the land banks; that is, to get any credence for them among people who have real personal knowledge of the land-bank system.

Senator NORBECK has been a specially conspicuous word champion of the farmer on the floor of the Senate the past few years. The hardships of the farm have caused him much bitterness and many rhetorical tears. He comes from a farming district; his constituents are practically all farmers. His denunciations of political and financial intrigues that have crippled agriculture have been frequent and eloquent. Few other Members of either House have won sincerer or more general confidence among farmers by fearless defense of their interests on the Senate floor. Right now he is facing an opportunity to do something more than talk; he may confirm or refute by his deeds this rural admiration, and it is entirely out of his hands to avoid the issue. Here is a man who has been wailing for a term of years over the great things that he would do for the farmer if he only could. Now he can; he has that opportunity. Furthermore, he can not avoid declaring himself "for 'em or agin' 'em." As chairman of the Banking and Currency Committee he can not, of course, pass this resolution, but he can, if he pleases, force it before the committee for action of some sort, and that is exactly what Senator BLEASE charged on the floor of the Senate he was not doing; in fact, he has charged that the South Dakota Senator, perhaps at Secretary Mellon's request, has neglected to call meetings of his committee to avoid any action on this bill.

For at least a half-dozen years repeated efforts have been made by friends of the Federal farm-loan system to secure an investigation of its personnel and management. FLETCHER, BORAH, HOWELL, WALSH, and others have tried, only to find the same invincible defense, the same official stone wall, and with the Treasury Department or the Farm Loan Board all the time declaring that nothing was wrong. To sustain these assertions there have been numerous "special investigations," each declared absolutely all right, and when that became untenable, each in turn displaced by a different one prepared by the same bank examiner from the same accounts. Secret bank deposits that have been concealed for years from their rightful owners have been brought out under the compulsion of discovery as a commercial triumph instead of a disgrace. Certified directors' resolutions of 1922 have been produced for the first time as recently as 1927; resolutions signed by officials who in 1924 had signed a denial of the statements therein contained. In the meantime courts have convicted a few of these individuals who have been so strenuously defended; there has been an occasional prison sentence, one or two suicides, a few millions of dollars of the farmers' money acknowledged to have been lost through crookedness and mismanagement; still there is nothing wrong. Mellon says there is nothing—all is as sincere and sacred as that Pennsylvania slush fund or a contribution to a church. Surely, these conglomerate results are in the strictest harmony with the jazzy personnel that has been kept in control of the system; not men who know anything about farm problems or cooperative banking, but lawyers, sailors, office clerks, Wall Street brokers, ex-prison wardens, politicians galore.

Something over $3,000,000,000 of farm property had been pledged up to March 1, 1928, as security for nearly one and a half billion dollars which had been handled or is now being handled by the 12 Federal land banks that are now owned but not managed by farmers. Nearly two-thirds as much has passed through the management of these same officials to the joint-stock banks which are privately owned. The same final management, too, has control of the intermediate credit bank funds. This amount can not be brought nearly to date, because at this writing Secretary Mellon is still withholding the annual Farm Loan Board report, which he is required by law to make, and which he is expected to transmit to Congress in time to govern and direct its legislative activities about the first of the year. If any of this money is being juggled with, the owners have a right to know it. If it is being properly handled, these pure and innocent saints who handle it ought to gladly join with their critics in bringing out the facts. The farmers are not afraid of these facts; if the Farm Loan Board is afraid of them, or if the land banks are, or if the invisible empire guarding the system from investigation is afraid, or if Andrew W. Mellon has any specific reason for not wanting the truth about the system to be known, all these are entirely beside the question. The actual owners of this or of any other stock company have a right to an occasional accounting of their own property, no matter who is afraid to have it rendered.

Shall these Senate committees prevent a half million of men from securing that right by a trick of evasion or of cowardice? Shall a handful of men, just because they are Senators and have been specially trusted over a few things by their fellows, refuse to the rest of the Senate the right to decide a question upon which these few are afraid to vote? There is no question about their right to vote adversely if for any reason they feel like it. For an insignificant minority to throttle the expression of the majority by the cowardly tactics of a committee filibuster tempts one to think of ex-Congressman Reed's statement that "a statesman is only a dead politician," and to feel that we need a few more statesmen. To certain members of these

two committees I would specially commend parts of a letter which appears on page 7791 of the CONGRESSIONAL RECORD for May 4, 1928, as follows:

"'LET IT GO OVER!'

"'Let it go over!' These politicians will soon infest the various States with a message of 'what we did for you dear farmers.' The answer to that should be shouted from every seat, 'Let it go over!' * * *.

"The battle cry of the Coolidge administration now is, 'Let it go over!' Along next November millions of American voters will let it go over—to the Democrats, who gave them first a farmer-owned land-bank plan, which was pillaged away from them by dishonest Ohio politicians at the time that Daugherty, Sinclair, Fall, and company were in the saddle.

"Let it go over!"

If Senator NORBECK or any of these committee members are afraid to vote in the interests of the farmers they protest to love so devotedly, when the real test comes let them be manly enough to vote against them and give the farmers a chance to find out whether the United States Senate is afraid. Certainly the more this cowardice—if that is what it is—can be smoked to the surface the sooner will the people rally to the task of supplying men who are not afraid to the Senate and the better it will be for both the Senate and the people.

Respectfully,

XENO W. PUTNAM.

WORLD PEACE

Mr. COPELAND. Mr. President, I ask unanimous consent to have printed in the RECORD a letter printed in the New York Post, signed by Mr. Frederick H. Allen, on the subject of the conversations taking place between Mr. Kellogg and Mr. Briand.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

SUGGESTS WE BLOCK WAR BY BEING "ASSOCIATED POWER" WITH THE LEAGUE COUNCIL

To the EDITOR OF THE EVENING POST:

SIR: The conversations that have been taking place between Mr. Kellogg and M. Briand in an effort to aid the cause of peace, which is of supreme importance not only for us but for the whole world, lead me to make the following observations:

As all the European powers are members of the League of Nations and subject to the provisions of the covenant thereof, it is apparent that whatever arrangements we do make must not contravene the terms of the covenant, which in article 20 thereof sets forth that the members of the league "solemnly undertake that they will not hereafter enter into any negotiations inconsistent with the terms thereof."

In article 11 it is provided "that any war or threat of war * * * is a matter of concern to the whole league * * * and at such a time the secretary general shall, on the request of any member of the league, forthwith summon a meeting of the council."

In article 16 it is provided that if a member of the league resorts to war in disregard of the covenants contained in articles 12, 13, and 15, which provide for arbitration or judicial settlement or inquiry by the council, such member shall be deemed to have committed an act of war against all the other members of the league, who are then to sever all trade and financial relations or intercourse between their nationals and the covenant-breaking State. The council is also to recommend what military measures shall be taken by the other members of the league.

Any uncertainty as to the attitude that our country might take would certainly greatly weaken the efforts of the other powers to keep the peace, just as the uncertainty in regard to England's attitude before the outbreak of the Great War made that war more easily possible, for had Germany known that England would join with Russia and France it is certainly possible to conceive that the war might not have taken place at all.

The treaty that Mr. Kellogg has submitted to the six great powers provides that "they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another." It further provides that the "solution of all disputes or conflicts of whatever nature * * * which may arise among them shall never be sought except by pacific means." But should not the pacific means to be employed be definitely set forth?

Senator BORAH, in the very interesting interview he gave to Mr. Kirby Page some time since, said that "another important result of such a treaty would be to enlist the support of the United States in cooperative action against any nation which is guilty of a flagrant violation of this outlawry agreement." He went on further to say: "Of course, in such a crisis we would consult with the other signatories and take their judgment into account."

Why, then, could we not state definitely that just as we were an associated power in the war, we would become an associated power with the council of the league and would appoint a representative to meet with the council whenever a dispute had become so acute that war was threatened, so that a nation threatening to go to war might know that we were acting at such a time in conjunction with the other nations in an effort to keep the peace, and so that in case a war should break out we would have a hand in the decision to be made as to the nation that had violated the treaty? If we had a representative meeting with the council at once, who would, of course, be in constant communication with the Government at Washington, the necessary economic pressure could be exerted if all were in agreement, and I can not but think that the prospect of an economic boycott would calm a war fever.

We could limit our association with the league solely to a situation where there was danger of war, it being fully understood that we were in no way obligated to go to war in case a war had broken out, Congress being the only power in our Government which can authorize such a declaration. Quick decisions at such a crisis are of the greatest moment, and resistance against a nation threatening to violate the treaty should be so powerful and so certain and the consequences of breaking the peace so likely to be disastrous that any nation, no matter how powerful, would not dare to let loose the dogs of war.

FREDERICK H. ALLEN.

NEW YORK, *April 24, 1928.*

AIRCRAFT CARRIER

Mr. BINGHAM. Mr. President, I ask unanimous consent that there be printed in the RECORD two articles by the Assistant Secretary of the Navy for Aeronautics, Edward P. Warner.

The PRESIDING OFFICER. Is there objection?

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

AIRCRAFT CARRIER KEY TO NEW NAVY—ASSISTANT SECRETARY WARNER CALLS IT "INDISPENSABLE" FOR FIGHTING FLEET—PLANES ITS PROJECTILES—AVIATION HEAD FORECASTS DEVELOPMENTS FROM LEXINGTON AND SARATOGA

By Edward P. Warner, Assistant Secretary of the Navy for Aeronautics

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WASHINGTON, March 28.—One evening late in February the captain of a coastwise passenger steamer approaching the eastern end of Long Island Sound beheld an apparition. The grouping of the lights off to the north indicated a ship, and a ship of enormous size, but in what eccentric form! Either it was traveling sideways, which no proper vessel does, or the navigating bridge had been plucked from its normal position and moved 40 feet to one side, its lights out of line with everything else on board.

The captain looked again and his curiosity grew. He gave an order and a blinker light breathlessly flickered the international code in frank and brief inquiry, "What ship is that?"

The reply flashed back, "U. S. aircraft carrier *Lexington*," and the merchant captain understood.

He was entitled to his bewilderment, for the *Lexington* and *Saratoga* and their fellow ships devoted to the carriage of airplanes in the fleets of other nations are among the very oddest craft in appearance that have ever traveled the seas, as well as among the most interesting and most vitally important at the present time. Their superstructure either suppressed entirely or dizzily perched on one edge of the ship to make way for a clear exchange of deck for landing and taking off, they are a living proof that invention is necessity's offspring.

LAST WORD IN SPECIALIZATION

The days when a ship had no function except to carry goods, and possibly fighting men, from one port to another, with little regard to comfort or to arrangements for the loading and discharge of cargo, are far in the past. The universal tendency to specialize for increased efficiency has made itself felt afloat as well as ashore. There are vessels that carry nothing but automobiles and others designed solely for the transportation of crude petroleum. There are ships that are essentially floating hotels and ships that are planned as floating fortresses.

Never before, however, has naval construction displayed more sheer audacity in transplanting of purely terrestrial activities to the high seas than now in building these floating flying fields. The Navy's airports travel under their own power and go where they are wanted.

Bold though the concept is, the airplane-carrying ship is no longer an experiment. With six years of experience behind it, and with more than a dozen examples now in service in the various navies of the world, it has solidly established itself. The full degree of its importance may not yet be realized, nor can the extent to which the carrier may take the place of ships of other types be appraised with certainty until more have been built and even more experience gained in their operation, but it is already plainly apparent that such ships are indispensable for the safety of any fleet that has to approach anywhere near enemy shores in time of war or that may meet enemy vessels carrying airplanes.

The effectiveness of attack on ships by aerial bombing, given reasonably favorable conditions, has been amply demonstrated. Plentifully proved, also, is the conclusion that it takes airplanes to put up successful defense against airplanes. Antiaircraft guns are by no means negligible,

but taken by themselves they can not suffice. Airplanes must be at hand both to repel attack and to make the counterstroke, and only by the provision of ships specialized for carrying aircraft can their presence in considerable numbers be assured.

STRIKING POWER AT LONG RANGE

As against all other naval vessels, in direct combat the airplane-carrying ship would have enormous advantage in the combination of speed to keep the enemy at the desired distance and enormously effective range of action to make it possible to strike him crippling blows while he, outside his own range of fire, is powerless to strike back.

The heaviest ship of the line of a generation or two ago, brought to face a modern cruiser, to say nothing of a battleship, would be blown to bits at leisure before her own guns could be brought to bear. Obviously analogous would be the prospective fate of a vessel possessing no airplanes, finding itself at a distance of 30 or 40, or for that matter 100, miles from a fighting craft disposing of bombing planes and capable of flying them from its deck.

Lacking a sufficient margin of speed either to escape or to close within gun range, lacking the ability to make any defensive effort except by fire against the individual planes during the few seconds available while they are dropping their bombs and starting back for their base, the only hope would be in bad marksmanship by the bombers to permit of escaping serious damage until the merciful fall of darkness gave hope of evasion. That offers but a slender reed to lean upon.

"Indispensable" is a strong word, but, indicating the need for airplane carriers in a fleet such as ours, operating normally on the high seas far beyond the effective military radius of action of airplanes based on friendly shores, its use is fully justified.

The value of the ship that uses bomb-dropping airplanes in place of guns, and observation from a score of planes flying far out in all directions to supplant a lookout from the crow's nest or bridge, has not been reduced but rather enhanced by the sensational developments of the past year.

Enthusiasts with but superficial knowledge either of sea power and its strategy or of airplane design and its limitations have sought to graft onto the flights of Lindbergh, Chamberlin, Byrd, and others an interpretation which those who are in the best position to know would probably be first to deny. It did not need new crossings of the Atlantic by air to demonstrate that the airplane alone can be a tremendously, even a decisively, effective factor in protecting a coast from attack.

In the broader problem of protecting trade which may originate thousands of miles from home, not even the ability to fly from the United States to Europe without stop renders the airplane self-sufficient. Trade must still travel on the surface of the sea. Trade routes require constant surveillance. Merchant ships need convoys capable of staying with them throughout their danger zone. Not only distance travel but time as well is involved.

If the problem of naval aviation were merely one of attacking an enemy fleet of which the approximate location is known in advance, airplanes might now be built for effective operation to a radius of a thousand miles or more. When it becomes necessary to scout to and fro over hundreds of thousands of square miles of sea and to furnish constant protection for a convoy of freighters wallowing along at 12 miles an hour, even an airplane that can fly 4,000 miles without stop is likely to be of little direct use unless it can also slow down so as to remain aloft for a week or so.

Failing that yet unattainable accomplishment, the aircraft-carrier deck is essential as a mobile base offering far greater efficiency than the fixed point of departure, on some very remote shoreless hazard, and the assurance of being able to concentrate a force of 40 or 50 airplanes at any point within 150 miles of the ship in but little more than an hour.

SAME FUNCTION AS OTHER NAVAL CRAFT

The carrier has the same ultimate function as the cruiser, the destroyer, or any other type of naval vessel—to scout and to fight.

In so far as it does what can not be done at all by any other means, or provides safeguard against a danger having no other antidote, it is absolutely necessary. In so far as it is able to do more expeditiously and certainly and with greater economy of force and effort what would have to be done in some way in any case, its procurement in quantity as a substitute for vessels of other types is desirable. Seldom are any two instruments wholly interchangeable.

Seldom, on the other hand, are two types of naval vessel mutually exclusive in their employment or incapable of doing a certain part of each other's work. In measuring relative economy, if it befell that the cost of constructing their floating airports runs into high figures, the comparison must be made with the cost of other ships able to cover the same ground and do the same things, so far as other ships could do them at all.

To compare the expenditure on airplane-carrying ships with those of shore-based airplanes would be ridiculous, for the ship is the essential adjunct without which the airplane can not usefully function in general operations upon the oceans. It would be no more absurd to condemn the building of battleships merely because eight 16-inch guns mounted on a capital ship cost more than a like armament installed in a fort on solid ground.

Any believer in aviation, and all those who look forward expectantly to continuing progress in the aeronautical field, and their name is now legion, must extend his approbation over the airplane carrier and hold it worth all it cost if we are to maintain any naval force at all.

STILL AN OBJECT OF STUDY

The time is not yet ripe to say how large a place the carrier may come to deserve in the naval organization. That it can be used for many purposes is obvious, but the relative advantage of doing some of those things with carriers and doing them with other vessels can only be determined by more extensive trial. That no carriers would in any case be wasted, that a considerable number of them could be made continuously useful either in peace or in war, is evident.

The exact scope of their use, and the extent to which it may be wise to seek to increase their numbers a few years from now, can only be determined by constant study in maneuvers simulating battle problems. Problems must be worked out with carriers on both sides in such maneuvers, working with each other and against each other. Aerial combats, attacks on enemy carriers, convoy, long-range scouting and a host of other activities must be not merely imitated but actually practiced up to the limit of possibility. A single carrier is of but little use in such studies. Two, our present total, if one experimental ship of painful slowness be omitted from the count, are better.

Four or five, all of good speed, begin to constitute a fair force with which to work. In studying the tactics of cruiser, destroyer, or submarine, even five units working together in maneuvers would be all too few. Airplane carriers, like all other ships, need trial in groups as well as singly.

It would be a bold prophet who would undertake to say just what ships we shall be laying down for naval purposes 10 years hence, or what characteristics will be most stressed in their design, but it may be confidently predicted that the fleet will then embody much that results from experience with airplane carriers completed during the first 6 years of the 10-year interval, together with those already in existence. That forecast requires only the proviso that commanders in chief during the next decade must have had the opportunity of working with carriers in such number and variety as to make it possible to draw valid conclusions.

Enthusiasts for aviation and those interested primarily in the development of naval science will share with the plain citizen, concerned with the efficient and economical maintenance of a proper national defense at sea, an intense desire that knowledge of naval flying and of the ships upon which the breadth of its usefulness largely depends should be expanded with all possible rapidity.

AIRCRAFT CARRIERS NATION'S BIG NEED—USE OF PLANES IN CONJUNCTION WITH SHIPS DEPENDENT ON OFFSHORE BASES—NAVAL AIR SERVICE GROWING—COOPERATION OF LAND, SEA, AND AIR FORCES NECESSARY FOR DEFENSE, NAVAL OFFICIAL SAYS

By Edward P. Warner, Assistant Secretary of the Navy for Aeronautics

Among the many points of similarity between ourselves and our friends in the British Isles, with whom we share the heritage of English speech, is a common regard for the sea. For the American people and the British alike the oceans have been the channels of flow of a vitally important trade. No less important, they have offered us security against direct attack by land. Freed from such apprehensions as commonly beset continental powers concerning the probable action of great and powerful states, removed only by land frontiers, we, like the British for the last century, escape the necessity of keeping continuously under arms a great force either of professional military men or of conscripts. The sea itself becomes our safeguard if we keep ourselves in position to make it so. The Navy becomes our first line of defense, the action of sea power a national interest. There has long been among the American people an instinctive confidence that our national existence can not be very gravely endangered while the integrity of our naval force is preserved.

The advent of the airplane has made changes. It has modified, though, of course, it has not entirely destroyed, the military insularity of Great Britain, for practically the whole industrial area of that country now lies open to direct attack by air from the territory of other great powers. For us it has had a different effect. The range of flight of airplanes has not yet attained such figures that an air attack in force upon the United States from overseas would be feasible. For us it is not the airplane standing alone and taken by itself that is of greatest significance, but the airplane correlated with military and especially with naval instruments already existing. The Navy has long been accepted as the first line of defense of the continental United States, of our overseas possessions, and of our commercial interests abroad. In that it is likely to be earliest brought into use in naval engagements the airplane to-day occupies the van of naval force. As the first line of the Nation's first line the airplane carries a mighty responsibility.

AIR SERVICE A PART OF NAVY

It is hardly possible to say that aircraft support any single part of the burden alone, great as is their share, for the airplane has not been superposed on the naval organization. It has been woven into it. It is not engaged in doing things that were not done at all before and that could be stopped without affecting the remainder of naval activity. The service of the airplane at sea is to make it possible to do more efficiently work that was already being carried on after some fashion. The airplane and the surface ship are not mutually destructive rivals. They work in conjunction for mutual support, one in fact often being a part of the permanent equipment of the other. The commonly entertained picture of an airplane with a bomb on board going out to drop the bomb on a ship and to sink the ship is too simple by more than half. It has always been an axiom of the national defense when amphibious operations were in prospect that the Army and Navy should be used together, so that a desired end might be attained with a minimum of hazard and a minimum of sacrifice of blood and treasure, and it makes no difference which of the two services working together with a common aim may actually deliver the final or the most spectacular strike.

Similarly with the airplane. It matters not whether the final result is accomplished by shell, bomb, or torpedo, or whether the missile is launched from upon the surface or above it or below, and the airplane has done its work as well if it contributes to the chance of a successful attack by battleship, destroyer, or submarine, as if it plays a lone hand with the same successful result. Often it is possible to do the first when there is no chance for the second, and it follows that there are as many different modes of employment of aircraft as there are types of naval operations. It is even less possible to get along with one kind of airplane than with one kind of ship. They must vary in size, in speed, in carrying capacity, and even in the most general arrangement of landing gear, for the machine intended to operate on aircraft carriers, those to be used on battleships and cruisers, and those which are expected to rise normally from the surface of the water must be of fundamentally different design.

EQUIPMENT FOR WAR

The employments of the Navy in peace are varied, but taken by themselves they make explicit demand upon but a relatively small part of the naval organization. Navies, like armies, exist primarily for war, and not merely for police duty in the more backward areas of the earth and those where life and property are unsafe, but in conflict with major maritime powers.

In such a war the fleet and the naval vessels and aircraft assigned to various detached duties have three clear responsibilities. It is for them, if their strength permits, to defend American commerce, including the transport of troops and their supplies; to deny the seas to enemy trade; and to protect American territory from attack. It may also become necessary at times to participate directly in assault on hostile shores or to support landing operations by troops, but that is a special case somewhat infrequently arising.

It is toward the naval battle, then, that naval aviation must first look. The use of aircraft in conjunction with ships engaged in battle on the high seas is absolutely dependent on provision for basing them on board of surface vessels. We have actually in commission at the present time one aircraft carrier, the *Langley*, slow and experimental. Excellent results have been obtained with the ship and much has been learned, but she does not constitute an effective unit to be relied upon in emergency. Two more carriers, the *Saratoga* and *Lexington*, will go in full commission within a few weeks, but we shall still be limited to two points within the whole area of all the seas upon which our fleet might operate to which our planes can return and reprovision and prepare for fresh flight. Many of the other vessels of war carry airplanes and have provision for catapulting them into the air, but can only pick them up again by stopping to hoist them out of the water after they have made landing alongside the ship. For steady use with the fleet under conditions of stress the carrier is the prime reliance, and the concentration of all our existing tonnage in two very large units occasions a serious shortage of flying decks. There is real need for provision of further ships of that type if the fleet is to be rounded out and if airplanes are to be able to do their proper part of its work. The President in his message to Congress during the past week directed attention to that need.

Given a sufficiency of mobile bases, it may be anticipated that in scouting for an enemy fleet, for isolated surface vessels or submarines, or for commercial craft the airplanes will take a leading part. A carrier equipped with only 40 planes can while traveling at a moderate speed in order to economize its own fuel expenditure minutely cover an area 150 miles or more in width and still have a number of machines held in reserve on the ship for emergencies.

The carrier can also, by sending scouting airplanes straight ahead on its own course during the afternoon, decrease the probability that the fleet to which the ship is attached will be surprised by an enemy attack during the hours of darkness.

The airplane justifies its claim to be considered as the Navy's first line of action, in that it would be likely to be through the medium of air force that contact would first be made between vessels of the opposing fleet and information first furnished. It establishes its position again in the probability that airplanes would be first to take actual offensive action. As a naval weapon the airplane has a range exceeding that of any gun yet imagined, save the legendary one which took Jules Verne's readers on a trip to the moon. The range of the naval gun is 15 or 20 miles. That of the airplane is limited only by fuel capacity, and accuracy does not decrease with increasing distance from the point of departure to the target. Were it possible to mount on a naval vessel such a supergun as that which fired on Paris in 1918, and to increase range to 60 or 80 thousand yards, there could be little expectation of making a hit on a ship, but the bombing airplane can work at two or three times that distance, starting from a floating base which is in complete security unless the enemy, too, employs aircraft, and can be directed by its pilot's intelligence to within a few thousand or perhaps even a few hundred feet of the object of its attack.

In the days of John Paul Jones, of Decatur and Hull and Nelson, fleet actions were fought at a few hundreds yards' range, and might even culminate in contact of the ships and boarding expeditions crossing from one to the other. The improvement of armaments and the increasing deadliness of fire have been such that it would have been most unusual for capital ships of the era of 1915 to approach each other within ten or twelve thousand yards during an action.

It might easily happen that a future naval engagement, or many of them, would be decided and one fleet or the other sent down to total defeat without the main bodies ever having come within 40 miles of each other. There is no suggestion that anything of that sort would be typical, but it might happen, and the possibility would in itself indicate the indispensability of aircraft, for it is too obvious to require discussion that if a battle is begun and finished at a range at which one of the two contending fleets is unable to use its weapons, that fleet is not going to emerge victorious.

In recapitulation, if naval battle is joined the degree of success gained, at least in the first stages of that battle, is likely to be influenced very largely by the relative strength in aircraft of the opposing forces. That, in turn, is dependent on the number and nature of aircraft-carrying ships possessed. From this time on the aircraft carrier is a vital element in naval power, and it is unusual among naval vessels in that it combines extreme speed and mobility for scouting purposes, and relatively small displacement for economical construction and operation, with the ability to strike effective blows against even the heaviest and best protected capital ships without waiting for cover of darkness or fog, and without exposing itself to a virtual certainty of destruction.

To return to the fundamentals. They were enumerated as three. The prime objects of navies were declared to be the support of friendly commerce, the extirpation of commercial activity under the enemy flag or friendly to the enemy, so far as that is compatible with international law on the freedom of trade at sea, and the protection of friendly soil.

In protecting friendly commerce the airplane service is a most effective instrument of convoy, especially against submarine attack. Successful action by submarines against merchant ships well convoyed by airplanes was virtually unknown during the late war. Attacks on a convoy by a substantial force on the surface, of course, would be met by airplanes and surface ships in conjunction. Most important, however, is that the airplane, together with the submarine, makes a close blockade virtually impossible. To station ships within 200 miles, or thereabouts, of an enemy coast and keep them there on blockade duty is to invite constant harrying attacks both by submarine torpedo and by bombing of all kinds destructive to upper works and to the installation of accessories, and extremely damaging to the morale of the crew, if not actually fatal to the ship.

WIDENED SURVEILLANCE

In attacks on enemy commerce airplanes are most useful for reconnaissance, to find and identify ships for search or seizure. Treaties prohibitive of the destruction of merchant vessels, without due provision for the safety of the crew, would make it impossible without open violation of those humanitarian agreements to attack merchant craft with bombs, but the airplane can enormously increase the area kept under observation by a single ship, and the aircraft carrier accordingly becomes a most useful instrument for commerce raiding or surveillance.

Most effective of all, however, is the airplane in protecting our own coast and overseas possessions. The coast defense of the continental United States and also of the islands and other areas flying the American flag has always been built up of successive layers. The first line of coast defense has always been the fleet, which went forth from bases on shore to hold the sea for varying periods, for as long as American vessels held the seas secure so that it was unsafe for enemy ships to slip past, singly or as a group, so long would the coast behind the fleet be immune from attack. The next recourse behind the fleet in olden days was the coastal fort, with its artillery, which protected important harbors and bases in which ships might take refuge for refitting and repair.

Recent developments have thrown in an intermediate stage. If the fleet is evaded, or if it is occupied elsewhere, or even if it should by

mischance be insufficiently strong to contend directly with the enemy force for the time being, attacks on the coast should be detected in advance of their delivery by the scouting of patrol planes or large flying boats and airships. Attacks may be delivered by sea or by air, but if they come by air, except for the possibility of a sporadic raid for moral effect by a single machine flying an enormous distance over water and carrying a trivial military load, they must take their departure from a floating base to strike anywhere along our coast or at Hawaii. Even in the Canal Zone the same general conclusion holds as a strong possibility, although not with the absolute rigor that it does in Hawaii where there is no land available as a point of departure, outside the Hawaiian group, for well over a thousand miles. The problem of patrolling is therefore that of scouting for enemy ships, and it is handled in essentially the same way as it would be if the scouting airplane were based on an aircraft carrier instead of ashore, except that the distances covered are likely to be longer, and the importance of navigation is therefore greater. Patrol aviation is of the very first significance to the coast defense, and especially to the defense of the Panama Canal, and it deserves the increased attention that it is now receiving. Vigorous steps are being taken to secure metal flying boats of the most modern design to replace the antiquated wooden craft upon which the operations in our mid-Pacific territory and the Canal Zone have so far had to depend.

METHODS OF ATTACK

If enemy activity were detected from the air, an attempt would be made to repulse it from the air. In the case of submarines or light surface craft, not well equipped with antiaircraft guns and not having airplanes of their own, the patrol machine itself should be prepared to bomb on the spot immediately after detection. If a more specialized attack were needed, as it would be in contending with battle cruisers or other heavy forces, or with any considerable number of ships, it would be delivered by any naval vessels located in the neighborhood, and especially by submarines and bombing aircraft in close conjunction and cooperation. The provision of aircraft and submarines in such areas as Hawaii and the Canal Zone, as well as in strategic proximity to points of our continental coast line critical in a particular campaign, ought to be such that the chances of turning back any enemy thrust, either in an attack in force or a light raid, would be bright. If the effort and repulse should, however, fail, there would still remain the Coast Artillery, the final resort prior to the arrival of landing forces at the shore line.

The danger of exclusive dependence on coastal fortifications, or on bombing aircraft operated to comparatively short distances offshore, would be that any raid carried out from the sea in war, especially against the Panama Canal, would be likely to include the use of aircraft carriers, which would launch their planes when they themselves were still far from the coast. To attack the carriers directly would then not suffice, and to find airplanes and bring them down when they have once left their base and are actually on their way to their objective has repeatedly been shown by theory and in maneuver experience since the war, to say nothing of the actual test of 1916–1918, to be a matter of extreme difficulty.

As it is easier to sink an armed vessel and so put all guns out of action at once than it is to pick off individually a like number of guns independently mounted on permanent foundations ashore, so it is far better in the planning of a defensive organization to prepare to contend with aircraft carriers when they are far enough offshore to have all their planes still aboard, and thus to seek to get rid of all the planes at one stroke, rather than to wait for them to get into the air and then try to hunt them down separately. The problem of defending the territorial possessions of the United States against attack from the sea is largely a problem of coordinated effort by aircraft and surface and subsurface vessels at the greatest practicable distance offshore, and as soon after the first notice of impending enemy action is received as the necessary forces can possibly be mobilized.

The functions of naval aircraft are divided in general under five headings, patrols, bombing—including torpedo carrying—observation, fighting, and training, but in each of these general titles there is a diversity of employment. No greater mistake could be made than to interpret the naval aviation of 1927 in terms of recollections of 1918, and to think of it as engaged exclusively in cruising the coast line looking for submarines, or as employing exclusively flying boats, or nothing but seaplanes, or nothing but very large and slow machines. All naval airplanes are adapted to use over the water, as all naval aviators are especially trained to fly there, but that is a very slight limitation on the variety of their type. They include landplanes, seaplanes, and large machines and small ones, and the fastest airplanes that are to be had and others comparatively slow. Quietly and without seeking or getting great public acclaim, the air arm of the Navy has built for itself a new and a sound place in the national defense organization within the last seven years. Within the last three years $69,000,000 has been expended and 880 airplanes have been purchased. Its importance is constantly growing, the magnitude of the organization is expanding under provision made by Congress and in general accord with the recommendations and desires of the Navy Department, and the scope of the work is broadening in proportion.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 5826. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver bell in use on the cruiser *New Orleans;* to the Committee on Naval Affairs.

H. R. 12354. An act to grant to the city of Leominster, Mass., an easement over certain Government property; to the Committee on Post Offices and Post Roads.

H. R. 11580. An act to authorize the leasing or sale of land reserved for administrative purposes on the Fort Peck Indian Reservation, Mont.;

H. R. 12067. An act to set aside certain lands for the Chippewa Indians in the State of Minnesota; and

H. R. 12446. An act to approve a deed of conveyance of certain land in the Seneca Oil Spring Reservation, N. Y.; to the Committee on Indian Affairs.

H. R. 10649. An act providing for the transfer of a portion of the military reservation known as Camp Sherman, Ohio, to the Department of Justice;

H. R. 11273. An act to amend section 127a, national defense act, as amended and approved June 4, 1920;

H. R. 11724. An act to provide for the paving of the Government road, known as the Ringgold Road, extending from Chickamauga and Chattanooga National Military Park, in the State of Georgia, to the town of Ringgold, Ga., constituting an approach road to the Chickamauga and Chattanooga National Military Park;

H. R. 11981. An act to authorize officers of the Medical Corps to account certain service in computing their rights for retirement, and for other purposes; and

H. R. 12479. An act authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military-post construction fund; to the Committee on Military Affairs.

H. R. 10951. An act authorizing H. L. McKee, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Sabine at or near Port Arthur, Tex.;

H. R. 12235. An act authorizing B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa;

H. R. 13032. An act to amend the act of February 8, 1895, entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters";

H. R. 13037. An act to amend section 1, rule 2, rule 3, subdivision (e), and rule 9 of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895 (ch. 64, 28 Stat. L. sec. 645);

H. R. 13383. An act to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries; and

H. R. 13481. An act granting the consent of Congress to the Alabama State Bridge Corporation to construct, maintain, and operate bridges across the Tennessee, Tombigbee, Warrior, Alabama, and Coosa Rivers, within the State of Alabama; to the Committee on Commerce.

MISSISSIPPI RIVER BRIDGE

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3598) authorizing Dupo Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a combined highway and railroad bridge across the Mississippi River at or near Carondelet, Mo., which were to strike out all after the enacting clause and insert:

That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the Dupo Bridge Co., a Missouri corporation, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, at or near Carondelet, Mo., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The Dupo Bridge Co., its successors and assigns, is authorized to construct, maintain, and operate such bridge and the necessary approaches thereto as a railroad bridge for the passage of railway trains or street cars, or both, or as a highway bridge for the passage of pedestrians, animals, and vehicles, adapted to travel on public highways, or as a combined railroad and highway bridge for all such

purposes; and there is hereby conferred upon the said Dupo Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. After the completion of such bridge, as determined by the Secretary of War, if the same is constructed as a highway bridge only, either the State of Missouri or the State of Illinois, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property, and (4) actual expenditures for necessary improvements.

SEC. 4. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, under the provisions of section 3 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 10 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. If such bridge is constructed as a combined railroad bridge for the passage of railway trains or street cars, and a highway bridge for the passage of pedestrians, animals, and vehicles, then the right of purchase and condemnation conferred by this act shall apply to a right of way thereover for the passage without cost of persons, animals, and vehicles adapted to travel on public highways; and if the right of purchase or condemnation shall be exercised as to such right of way over the bridge, then the measure of damages or compensation to be allowed or paid for such right of way shall be a sum equal to the difference between the actual fair cash value of such bridge determined in accordance with the provisions of section 3 of this act and what its actual fair cash value so determined would have been if such bridge had been constructed as a railroad bridge only. If the right of purchase or condemnation conferred by this act shall be exercised as to the right of way over such bridge, then that part of the bridge which shall be purchased or condemned and shall be thereafter actually used for the passage of pedestrians, animals, or vehicles, shall be maintained, operated, and kept in repair by the purchaser thereof.

SEC. 6. The Dupo Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge, file with the Secretary of War and with the highway departments of the States of Missouri and Illinois a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said Dupo Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 3 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The Dupo Bridge Co., its successors and assigns, is hereby authorized and empowered to fix and charge just and reasonable tolls for the passage of such bridge of pedestrians, animals, and vehicles adapted to travel on public highways, and the rates so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of toll as provided in the act of March 23, 1906; and if said bridge is constructed as a railroad bridge, or a joint railroad and highway bridge, as provided in this act, the said Dupo Bridge Co., its successors and assigns, is hereby authorized to fix by contract with any person or corporation desiring the use of the same for the passage of railway trains, or street cars, or for placing water or gas pipe lines or telephone or telegraph or electric light or power lines, or for any other such purposes, the terms, conditions, and rates of toll for such use; but in the absence of such contract, the terms, conditions, and rates of toll for such use shall be determined by the Secretary of War as provided in said act of March 23, 1906.

SEC. 8. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Dupo Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

Amend the title so as to read: "An act authorizing Dupo Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a combined highway and railroad bridge across the Mississippi River at or near Carondelet, Mo."

Mr. HAWES. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

FLOOD PROTECTION ON WHITE RIVER, ARK.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 135) making an emergency appropriation for flood protection on White River, Ark., which was to strike out the preamble.

Mr. CARAWAY. I move that the Senate concur in the House amendment.

The motion was agreed to.

LANDS WITHIN CUSTER STATE PARK, S. DAK.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2910) granting to the State of South Dakota for park purposes the public lands within the Custer State Park, S. Dak., which was, on page 2, line 4, after the word "domain," to insert:

Provided, That this grant shall not include any land which on the date of the approval of the act is covered by any existing bona fide right or claim under the laws of the United States, unless and until such right or claim is relinquished or extinguished.

Mr. NORBECK. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

FLOOD CONTROL

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes.

Mr. FRAZIER. Mr. President, there has been a great deal of interest taken in the Mississippi flood-control situation, and it is a mighty important question. It is one in which the people of the lower Mississippi Valley are vitally interested. It is one in which the people throughout the Nation are interested, because it affects such a large portion of our country, and because the waters that do the damage there come from some 38 States through tributaries to the Mississippi.

For something like 40 years there has been a commission which has had charge of flood control in the Mississippi Valley. A majority of that commission have been Army engineers all these years, and the chairman of that Mississippi River Commission is an Army engineer. These Army engineers, through all these past years, have said that the levees were sufficient to take care of the floods of the Mississippi River, and they have kept building the levees higher in places, and building them up where they wash out, and in spite of complaints that

have been made and damage that has been done by floods in previous years they have maintained, until the flood of a year ago, that the levees were high enough to protect the valley there, and that nothing else was needed. Since the flood of a year ago they have admitted, reluctantly apparently, that they have been mistaken, and that there is need of something more than levees.

The flood control bill as passed by the Senate provided for a commission consisting of the Secretary of War, the Chief of Engineers, the president of the Mississippi River Commission, and two civilian engineers. The House amended the bill by striking out the Secretary of War and changing the two civilian engineers to a civilian engineer, which would leave the control of this board, whose duty it will be to investigate and report on the methods of taking care of the flood situation, absolutely in the Army engineers.

The Army engineers have made a dismal failure of the flood-control situation in the lower Mississippi Valley for the last 40 years, and yet the committee of the Senate that held hearings on this measure, and also the committee of the House, and the Senate itself and House itself, and the committee of conference, have agreed to leave this whole situation up to the Army engineers, in face of the fact that they have made a failure of handling the situation during all these past years.

Some days ago I spoke briefly here on the floor in regard to a letter written by Major General Jadwin, Chief of Army Engineers, and his criticism of the so-called Riker spillway plan after he had visited the model that is in the subway of the Senate Office Building. I want to comment a little further upon some of the statements made by General Jadwin. Among other things, he stated in substance that—

> Flood ways in the St. Francis Valley are not essential for flood relief of the main river above the mouth of the Arkansas.

On this map that has been prepared the blue lines represent routes that were suggested by the Mississippi River Commission, four different routes through the St. Francis Valley, spillways to take care of the flood situation, although General Jadwin now says that they are not needed.

The Mississippi River Commission did consider them at one time and said:

> Route 1. Its chief disadvantage is that it passes through the most highly developed portions of the St. Francis Basin.
>
> Route 2. This route was abandoned after preliminary estimate of cost, which was $1,000,000,000.
>
> Route 3. This route was selected for more detailed investigation.
>
> Route 4. Its chief advantage is a relatively short length.

On page 89 of the Mississippi River Commission's report the further statement is made:

> Diversions through the St. Francis Basin are deemed worthy of further study.

Yet the Chief of Engineers stated in his letter to the Senate of April 28 that in his opinion flood ways in the St. Francis Valley are not essential to flood relief.

General Jadwin further said:

> The lands in the St. Francis and Yazoo Valleys have not been subjected to overflow frequently in recent years, and flood ways are not essential for relief of the river.

The flood of 1927, a year ago, was rather recent, and it did overflow those valleys and did a great deal of damage. Yet General Jadwin says they have not been flooded frequently in recent years and seems to draw the conclusion that it is not necessary to have any spillway to take care of the situation through the Yazoo and St. Francis Valleys, because the floods come only infrequently. But the damage that was done there last year, I am sure, proved to the people living in those valleys that they need some sort of a system to take care of the situation and to take care of the infrequent floods General Jadwin mentions.

Furthermore, on General Jadwin's own map there is shown in dark the portions that were flooded in the 1927 flood. His own map shows that there was a great deal of land flooded and evidently a great deal of damage done there a year ago.

General Jadwin further stated that "the Riker-Mississippi spillway, 3 miles wide, will have insufficient flow below Red River junction to relieve the Mississippi River at New Orleans." The Mississippi junction with the Red River comes in at the point I indicate on the map. The proposed spillway will go directly straight down to the Gulf, a distance of 90 miles. It is proposed to be 3 miles wide, with a levee on each side 50 feet high.

General Jadwin said that the slope from the junction of the Red River with the Mississippi to the Gulf is not sufficient to take the water out of the Mississippi River, yet the water now courses down the Mississippi in a crooked channel a distance of 300 miles, and the slope or fall is exactly the same from the mouth of the Red River by the way of the Mississippi, which is 300 miles to the Gulf, as it is from the mouth of the Red River by the way of the proposed spillway, 90 miles to the Gulf. In other words, General Jadwin says the water will not run down a straight course 3 miles wide and 90 miles long as fast as it will down a crooked course 300 miles long and about a mile wide. Yet an engineer who will make a statement of that kind is proposed to be put at the head of the commission that will survey the flood situation in the Mississippi Valley.

The spillway would have three times as much fall as the river in every mile of its length, and at the same velocity as the river would discharge more than twice as much water, while, if its velocity was safely checked by proposed dams that will be put in there, the discharge would be more than four times that of the Jadwin predicted possible flood.

General Jadwin further said:

> The proposed levees along the Riker spillway are, in my opinion, too high for safety.

The Riker flood way or proposed spillway, 3 miles wide, runs down the lowest part of the valley from Cairo to the Gulf. The proposal is for a width of 3 miles and a levee on each side 50 feet high, built from earth taken on each side through the valley, forming a drainage ditch of the same depth and the same width as the levees will be. With a width of spillway of 3 miles and a 50-foot height of the levees we have merely a proposed plan. If the engineers shall investigate and say they do not need a 50-foot levee, all well and good; it may be 30 feet or whatever they may decide upon. If they decide the spillway is not wide enough and that it should be wider, it could be made 4 or 5 miles wide. The suggested width of 3 miles, Mr. Riker thinks, will be sufficient.

According to the amount of water that went down the valley last spring in flood time, it is estimated that in the proposed spillway 3 miles in width the water would not be over 20 feet deep. That would leave a safety margin of 30 feet above the water line to the top of the levee. In the opinion of Mr. Riker the levees should be at least 50 feet high, 300 feet wide at the base, and about 130 feet wide at the top. That will give sufficient weight with the width to hold the earth compact in the levees, so that no water will seep through it, and so that if any little cut is made in it by a cloudburst it will still be sufficient to carry the water.

Under the proposal of General Jadwin, in the spillways he has suggested at certain places, the water would be practically up to the top of the levees along the spillways, while in the proposed Riker plan it would not be within 30 feet of the top of the levees in ordinary floods, although if a greater flood came than we had last year, and it may be possible that we will have twice as great a flood, the spillway, it is believed, would handle even twice as large a flood as the one we had last year, and perhaps even more than that.

The Jadwin levees can not be made high because of insecure foundations on the river bank, lack of available material, river erosion, sand bars, and so forth; but not one of these objections is likely to be made to the proposition of the Riker levees because of their being so much higher, wider, and larger and made of soil along a practically level valley. No sand bars are likely to form in a straight spillway, for in order to form sand bars there must be an obstruction, such as a bend in the stream, which will cause silt to deposit and thus form the sand bar. But in going straight down the spillway there would be no sand bars likely to form. If silt should be deposited it could be removed by the use of dredges.

Members of the committee will recall that General Jadwin made a statement when Mr. Riker appeared before the Committee on Commerce with reference to the bill; that he objected to the proposed spillway because, he said, they had found that the water in rivers did not generally tend to take a straight course. A spillway is not a river. It is a spillway to take care of flood waters or excess waters. It is not a river. Of course, any child knows that the reason why the river runs in a crooked course instead of a straight course is because of obstructions. A level, straight spillway will take the water, of course, a great deal more rapidly than would the crooked course of the river. In order to prevent a too swift current it is proposed to put dams at certain places, some 12 or 13 of them throughout the spillway, to regulate the water with gates, to allow the amount of water to go down that is wanted, or to hold the water in the spillway, 3 miles wide, as a reservoir for the flood water, to be let out afterwards in case of low water in the river.

General Jadwin further said that the dredge proposed by Mr. Riker for use in building the levees is of a design that has not

been proved. I want to read just a sentence or two from the report of the Secretary of War, volume 2, part 2, 1888. There was a contract let to fill in along the Potomac River what is now known as the Speedway down at Hains Point. The Army engineers estimated the cost of that work. A company took the contract to do the work. Mr. Riker designed, patented, and built the dredge that filled in the Speedway along the Potomac flats. The Army engineers at that time seemed to think it was impossible that the work could be done for anything like it was estimated the cost would be.

Mr. Riker requested an extension of time of 48 hours in order to get the machinery in better shape to commence the work. The Army engineer said, "We will not give you 48 seconds. You must start to work on schedule time." So the work was started on schedule time, the flat was filled in at practically half the cost that was estimated by the Army engineers, saving the Government on the contract a million dollars. I am told that is the only case in the history of the United States where a saving of that kind was made.

In the above-mentioned report Colonel Hains, who was afterwards Chief of Engineers, made this statement, speaking of the dredge which the Chief of Engineers now says is unproved:

> The suction and discharge pipes were each 30 inches in diameter in the apparatus used on the flats, and one stone weighing 1,300 pounds was pumped through them and forced out on the flats. At another time an old iron safe 25 by 16 by 14 inches was pumped out. * * * Under favorable circumstances the pumps discharged about 1,500 cubic yards per hour.

That is what Colonel Hains said about this dredge which General Jadwin says is unproved. Of course, Mr. Riker says that on a project of this kind, if it were undertaken, the dredge should be larger than the one used on the Potomac Flats; that while that was a pipe 36 inches in diameter, this work would probably need a pipe 60 inches or perhaps 6 feet in diameter. But that is only a matter of engineering. Yet the present Chief of Army Engineers says this dredge is unproved, even though by the use of it they reduced the contract price on the filling of the Potomac Flats by 50 per cent, saving the Government a million dollars on the contract.

During short periods in the maximum output of the dredge when they were filling in the Potomac Flats the output exceeded 90,000 cubic yards of solid material in 24 hours, many times greater, I am told, than the output to that elevation of any other dredging device ever yet constructed. They moved much of that dirt 30 feet above the water line. Of course, it may take larger pipes and a larger dredge to do this work, but it will be on the same principle as the dredge used on the Potomac Flats.

The work on the Potomac Flats was completed for 10½ cents per cubic yard. The estimated cost of dredging 2,000,000,000 yards on the Riker-Mississippi spillway is 30 cents per cubic yard. They used the estimate Mr. Riker made in his total of $785,000,000 for the total project, which would include the right of way for the spillway, the levees, the drainage ditches, and the dams.

Mr. President, I have reason to believe that from an engineering standpoint the other statements of General Jadwin in his letter of criticism of this plan are as childish from an engineering standpoint as are the ones I have mentioned when considered from the standpoint of a layman.

The proposed spillway would come down through the lower part of the valley from Cairo, the junction of the Ohio and the Mississippi. The ditch or drainage canal, which would be made in the excavation to build the levees, would drain the whole valley. In many places where it is lowland now and in some places swamp, it would make good agricultural land of it. There may be some places where the water will have to be pumped, but in most places it will flow into the river because the water of the river will be lowered in flood times by more than 30 feet, by use of proposed spillway. If it has to be pumped, of course, there can be plenty of power generated there that can be used for that purpose.

With the plan as shown are included storage dams on the larger tributaries of the Mississippi River. These storage dams, of course, could be used to generate power, if it were desired to use them for that purpose. If a spillway of this kind is put in, regulating the flow of the water in the Mississippi River and keeping it at a normal flow of, say 30 feet above low-water mark, it would make it possible to put in dams along the Mississippi River, dams of sufficient height, because there would be a comparatively uniform flow of the river, which would generate power enough to supply the whole Mississippi Valley and the power generated on the tributaries would furnish power for the valleys of the tributaries as well, if that feature of the project is gone into. However, what we are interested in now is taking care of the flood situation.

In my opinion, it is a grave mistake to reduce this commission as it has been done by the House and the conferees. I read into the RECORD a few days ago the resolution which was adopted by the American Society of Civil Engineers, wherein they recommended that a commission of nine disinterested engineers be appointed to study the situation and report to Congress. It seems to me that the suggestion of the American Society of Civil Engineers is worth considering and worth following. Their suggestion is that a board of nine disinterested engineers be appointed to study the situation.

To be frank about it, Mr. President, the present Chief of Army Engineers is apparently prejudiced in favor of his own plan, known as the Jadwin plan, and apparently can see nothing good in anything else.

You know, we sometimes meet some old-fashioned attorneys who will hunt through the records and go back a couple of hundreds years to find some case somewhere as a precedent upon which to base their opinion; and that sometimes, it seems, applies to engineers. The Army engineers apparently are very much interested in precedents, following along the precedents of previous Army engineers. It seems as if the present chief is a man of that type, and is looking for precedents from engineers who have held in the past the same position that he now holds.

The yellow portion on the map along the river is what would be flooded, according to General Jadwin's flood-control plan. It would involve some 9,000 square miles when that is flooded, doing a great deal of damage, undoubtedly. In some places there are levees to be built. In other places it goes back to the hills at the edge of the valleys; but it would flood a great territory here, and it is said by some who claim to know something about it that it would probably flood a lot more than that. On the other hand, the Riker spillway, 3 miles wide, would flood only about 2,000 square miles, and would be a permanent proposition, used to take care of the excess flood waters when we have great floods. At other times it would be dry, and could be used for other purposes, I suppose, if desired—at least for pasture land.

The levees along that spillway would make automobile highways in each direction. There would be room for railroad lines on each of the proposed levees. They are to be 300 feet wide at the base, about 50 feet high, and 130 feet wide at the top. That is the proposal, although that can be changed to any height or any width that is needed; and, according to the estimates, the whole work can be done for $785,000,000.

It seems to me that this question is of enough importance that it should be investigated by disinterested engineers. Speaking for myself, at least—and I think I voice the sentiment of a great number of others here in the Senate—I believe that the Senate should insist that the provision as contained in the bill when passed by the Senate should be insisted upon, including in this board the Secretary of War, the Chief of Engineers, the President of the Mississippi River Commission, and two civilian engineers. That would be a great deal better than it is at the present time, although I am inclined to think that still more civilian engineers should be included on the board and given a chance to investigate and report.

It is my intention, if this bill is passed and signed by the President, at some future date to offer an amendment to this law, as it would be then, providing for the repeal of that particular paragraph and including the proposition that the American Society of Civil Engineers adopted some time ago, providing for a disinterested group of engineers, nine in number.

I do not know that I have anything further to say at this time. If there are any questions that anyone wants to ask, I shall be glad to answer them if I can.

Mr. KING. Mr. President, if the Senator will permit a question, I should like to ask him whether this proposition of Mr. Riker was submitted to the committee—either the committee of the House or the committee of the Senate—and whether it was fully explained to either of those committees, and, if so, what action was taken by the committees with respect to the plan?

Mr. FRAZIER. Mr. President, the plan was submitted to both the committee of the Senate and the committee of the House—the Flood Control Committee of the House and the Committee on Commerce of the Senate—and explained to some extent, and some of the members seemed to be quite interested. So far as I know, however, no action was taken, largely, I think, because both committees had plans of their own, or at least had something of the kind worked out; and the Chief of Army Engineers was opposed to this plan of Mr. Riker's and ridiculed it; and for that reason—or, at least, that is the only reason I know—it was not given more attention.

Mr. KING. I should like to ask the Senator whether other engineers aside from Mr. Riker appeared before the committee and supported his plan?

Mr. FRAZIER. I know of no other engineers who appeared before the committee on the plan. A number of other prominent civilian engineers, and some Army engineers—that is, engineers who have been in the Army service—have studied the working model over in the basement of the Senate Office Building, and a number of them have expressed themselves very favorably to this plan.

Mr. KING. As I understand the Senator, Mr. Riker's plan would cost approximately three-fourths of a billion dollars?

Mr. FRAZIER. Approximately; yes.

Mr. KING. My understanding is that the plan that is contemplated in the bill now before us will cost about the same amount.

Mr. FRAZIER. Yes. It is undetermined, I think, how much this plan will cost. It is estimated all the way from half a billion up to a billion dollars, as I have understood.

Mr. KING. It seems to me, from all I can learn, that the bill now before us is practically the same as it was when first reported by the Senator from Washington [Mr. JONES], and that all of this talk by the President and others about the cost being too great, and the President having secured a compromise which will save the country a vast amount of money, is wholly without foundation. Is that the way the Senator understands it? That is to say, we are confronted now with the same bill, with a few little frills added to it, that was presented to us by the Senator from Washington a few weeks ago—a bill that costs about the same now, that has the same implications, the same obligations, which will be probably three-quarters of a billion dollars, and perhaps a billion dollars, and covering only that part of the Mississippi River below Cairo?

Mr. FRAZIER. That is practically the way I understand it.

Mr. KING. Then Mr. Riker's plan is just as cheap as the other, besides having the advantages which the Senator attributes to it?

Mr. FRAZIER. I think so; yes; and it seems to me it would be a permanent solution of the situation.

Mr. KING. Does the Senator think that constructing the spillway on straight lines, with abrupt turns here and there, angles in the channel, would be a feasible plan?

Mr. FRAZIER. I think it would. There will be a series of dams there to control the water, with gates that can be opened or closed, either to retard the flow or to increase the flow.

Mr. KING. Then this plan contemplates that the river will still exist, but the spillway will run alongside it?

Mr. FRAZIER. Just the spillway for the excess flood waters. In normal times no water will go into it at all. At the head of the spillway, up near Cairo, and where it crosses the Mississippi River at two other places, the lip of the spillway will be level with what is called the normal flow of the water, which is only about 30 feet above low-water mark; and when the river rises above that, the water naturally will go out of the spillway. When it goes below it, the spillway will run dry.

Mr. President, judging from letters that have come to my office from various parts of the country, and especially from the section of the lower valley that has been flooded, I am satisfied in my own mind that the people who are affected in those States are not going to be satisfied with this bill as it is about to be passed. They are not going to be satisfied to leave this whole situation up to the Army engineers, who for the past 50 years have made a failure of taking care of those flood waters, who have let that valley be flooded time after time, and last year damage was done running into millions and millions of property and an untold amount of distress. They are interested in this, and vitally interested, because it means the welfare and protection of their homes; and it seems to me preposterous that the United States Congress will vote to leave this proposition up to the same Army engineers who have attempted to control it in the past and have failed. It seems to me preposterous, in view of the statements made here recently on the 28th of April by the present Chief of Army Engineers—statements that I think are childish, and I believe I have proved it to the satisfaction of everyone here who heard my statement—that the United States Senate will vote to give control of this commission to the Army engineer who has made these childish statements in regard to flood control.

CALLING OF THE ROLL

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CAPPER in the chair). The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	La Follette	Shipstead
Barkley	Fletcher	McLean	Shortridge
Bayard	Frazier	McMaster	Simmons
Bingham	George	McNary	Smith
Black	Gerry	Mayfield	Smoot
Blaine	Gillett	Metcalf	Steck
Blease	Glass	Moses	Steiwer
Borah	Goff	Neely	Stephens
Bratton	Gould	Norbeck	Swanson
Brookhart	Greene	Norris	Thomas
Broussard	Hale	Nye	Tydings
Bruce	Harris	Oddie	Tyson
Capper	Harrison	Overman	Vandenberg
Caraway	Hawes	Phipps	Wagner
Copeland	Hayden	Pine	Walsh, Mass.
Couzens	Heflin	Pittman	Walsh, Mont.
Curtis	Howell	Ransdell	Warren
Cutting	Johnson	Reed, Mo.	Waterman
Dale	Jones	Reed, Pa.	Wheeler
Deneen	Kendrick	Sackett	
Dill	Keyes	Schall	
Edge	King	Sheppard	

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present.

FARM LAND BANK, COLUMBIA, S. C.

Mr. NORBECK. Mr. President, I have listened to one of a series of speeches by the Senator from South Carolina [Mr. BLEASE] in which he accuses the chairman of the Committee on Banking and Currency of some wrongdoing.

This time he says I gave out a statement that there was a unanimous report in the committee against favorable action on the Blease resolution to investigate the Federal Farm Land Bank and the Intermediate Credit Bank of Columbia, S. C.

I might easily be able to prove that there was a unanimous report, but I certainly did not say it.

The Senator has placed in the RECORD an article from the Columbia Record, published at Columbia, S. C., which carries my statement. I have secured same from the official reporter and I want to read exactly what it says and I want to read it correctly. It speaks for itself and disproves the wild statement of the Senator from South Carolina. It is as follows:

> After the committee meeting Senator NORBECK, the Banking and Currency chairman, alluded to the information presented to him regarding the Columbia bank. "All of this information was placed before the committee, and it was practically unanimous in feeling that there was not sufficient evidence to justify an investigation such as Senator BLEASE proposed."

The committee has carefully examined the so-called evidence, which was personally submitted to the Secretary of the Senate. Most of it is not evidence at all. It is composed mostly of letters from his admiring friends commending him for his effort. Some of the letters complain that the Government is not liberal enough in making loans. Some of them may be from those who failed to pay last year. One letter suggested that a halter be placed upon a certain southern Senator, whose name I will not put in the RECORD. One complains that he has been driven off the farm on which he was born. He does not say whether he had a lease or patent to the land or whether he had anything. He may have been foreclosed on. The letter does not say.

The Senator complains about the delay in the committee making the report. I am to blame for that. I plead guilty. There has been more work here this last week than I have been able to attend to. The report is not only delayed on the Blease resolution but it is also delayed on the La Follette resolution relating to brokers' loans.

Many charges have been made against this bank. The preamble to the resolution declares "there is much talk of mismanagement" and "there are rumors that the manner in which the affairs of said bank have been managed has worked a hardship to the farmers in the various sections of the district."

One might gain the impression from the preamble of the resolution that these convictions were connected with the Federal Land Bank or the Intermediate Credit Bank of Columbia, S. C., which is not the case.

I shall not attempt offhand to make a comprehensive speech on this matter. The report will be filed in a day or two and that will be the complete answer to the ridiculous charges that are being made by the Senator.

The record shows that the farmers in the neighborhood of Beaufort, S. C., believed that their situation was favorable to the greater production of truck crops for the early northern markets. Additional credit was needed but could be secured through the intermediate credit bank at Columbia. The necessary steps were taken by the organizing of an agricultural credit corporation to make loans to farmers, taking the necessary security, including a mortgage on the crop to be grown, which notes would in turn be guaranteed and sold to the intermediate credit bank at Columbia, S. C.

Mr. W. E. Richardson, president of the Beaufort Bank, a leading citizen of the community, a former State senator, and a man connected with many banks and business enterprises, became chairman of the board of directors of this agricultural credit corporation—the South Carolina Agricultural Credit Co. He had apparently been successful in all his undertakings and enjoyed the good will and the confidence of the entire community. Mr. Richardson became the directing head of this credit company.

A cooperative marketing association was also formed by the same people for the purpose of shipping in bulk and marketing their crops collectively to the best advantage. Mr. Richardson was also selected a director in this association and was very influential in the affairs of same.

The first crop was grown in the summer of 1924 and is referred to as the 1923–24 crop, as the arrangement for the finances would be made in the fall previous. The paid-up capital of the Agricultural Credit Co. was $50,000. Their rediscounts with the intermediate credit bank amounted to $321,475. The first year's crop was good, and equally important was the fact that the marketing conditions were quite satisfactory. The community benefited greatly and the indebtedness to the intermediate credit bank was paid up in full.

The natural result was that there was a still greater demand for funds in the following year. The Agricultural Credit Co. increased their capital. The cooperative marketing association equipped itself to take care of additional business. A larger crop was planted. The intermediate credit bank met the increased demands for the 1924–25 season, discounting more than a million dollars' worth of paper for this Agricultural Credit Co. The crop returns were quite satisfactory. Of the $1,000,000 borrowed during the second year, all was paid back that fall except $2,000, and this was paid a little later. The intermediate credit bank suffered no loss from loans extended to the Beaufort community for growing and marketing the 1924–25 crop.

The satisfactory results for the first two years led to further expansion and a greater demand for funds with which to plant an increased acreage. The credit company again increased its capital—this time to $260,000, 90 per cent of which, invested in Liberty bonds and other securities, was pledged with the intermediate credit bank as additional collateral.

The cooperative marketing association increased its operations so as to handle the business. The intermediate credit bank met the increased demand for funds, and this time rediscounted about $2,018,000 of farmer paper for the local credit company.

The weather conditions in the summer of 1926 were not favorable. The harvesting and marketing of the crop was delayed. Payments came in very slowly to the intermediate credit bank and inquiries were answered by the officers of the local credit company to the effect that the slow payments were entirely due to the lateness of the season and the delay in marketing. The continued delay in remittances aroused the suspicions of the officers of the intermediate credit bank. They sent their investigator to Beaufort and found that the Agricultural Credit Co. had a record of only $300,000 worth of products sold by the borrowers of their association.

This did not look right. A further investigation revealed the fact that $900,000 had actually been marketed, but that the funds had been diverted and this sum of about $600,000 had been deposited in the Beaufort Bank, a State bank of which Mr. Richardson, previously referred to, was president. This deposit had been made upon the written order of the officers of the cooperative marketing association, who had instructed their New York representative to make his sale remittances to the Beaufort Bank or deposit same in New York to the credit of the Beaufort Bank.

The intermediate credit bank held the notes and the security, and they had notified the cooperative marketing association to that effect, and acceptance of the notice had been made by said association. But notwithstanding this, the directors of the association ordered the money sent to the Beaufort Bank instead of to the intermediate credit bank.

A demand was made upon the Beaufort Bank for the funds belonging to the intermediate credit bank and improperly deposited in the Beaufort Bank. Said bank was unable to make payment and was closed by the State banking department. It was later found to be in very bad condition, and no substantial dividends from the liquidation are expected. But other losses were also suffered by the intermediate credit bank in connection with these loans made through this Agricultural Credit Co. It was later found that many of the notes that had been discounted with the intermediate credit bank were irregular or fraudulent. Some were accompanied by false financial statements and others were actual forgeries.

When the conditions at Beaufort were brought to the attention of the Farm Loan Board in the summer of 1926 by the Federal Intermediate Credit Bank of Columbia, the board immediately notified the Department of Justice, which promptly sent investigators to South Carolina to work in cooperation with the United States district attorney in ascertaining the facts, with a view to prosecuting any persons who might be found guilty of violation of the Federal law. The United States district attorney and the investigators spent 18 months in a thoroughgoing investigation of the situation at the inception of the investigation. Because of suggestions that the officers of the intermediate credit bank might be implicated, investigation was directed toward the conduct of these officers as well as the conduct of the defendants, who were subsequently found guilty.

As the investigation progressed, the investigators became satisfied that the officers of the intermediate credit bank had not in any way violated the law. They found the books and records of the intermediate credit bank complete and satisfactory, and all information available. The district attorney went to the extent of arranging for the appearance of the president of the intermediate credit bank, Mr. Arnold, before the grand jury so that the grand jury might have an opportunity to determine for itself from his testimony, and Mr. Arnold waived any immunity in connection with the investigation.

While the investigation by the Department of Justice was in progress, the Farm Loan Board also sent its chief examiner and members of the examining force to South Carolina to make an examination of the affairs of the intermediate credit bank with reference to the situation in Beaufort. In addition, the State banking department made an investigation of the affairs of the Beaufort Bank. This was brought out in the trial at Columbia.

As a result of the investigation by the Department of Justice and the examination department of the Farm Loan Board, indictments were returned by a grand jury in the United States District Court for the Eastern District of South Carolina for violations of section 37 of the Criminal Code of the United States, for conspiracy to violate the farm loan act. Indictments were not returned against any of the officers of the intermediate credit bank, because the United States district attorney had satisfied himself that they were in nowise guilty of any violation of the law.

The trials under these indictments began on January 9, 1928, and consumed about six weeks, resulting in the conviction of Richardson, Horne, and Miss Harvey—Richardson and Horne each being sentenced for two years in the penitentiary, the maximum punishment that could be imposed under the conspiracy statute, and Miss Harvey being sentenced to jail for six months. The other defendants were acquitted of the conspiracy charge. The trials under the indictments for violation of the farm loan act were deferred and are expected to take place in the summer of 1928.

The president of the intermediate credit bank, Mr. Arnold, appeared as a witness for the Government and testified at considerable length, being subjected to intensive cross-examination by the counsel for the defendants; and the Federal judge before whom the case was tried, in his charge to the jury, practically exonerated Mr. Arnold from all blame and from the various accusations made against him during the course of the argument.

The convictions above referred to were W. E. Richardson, R. C. Horne, and Miss Harvey—all three of whom were officers in the Agricultural Credit Co. and all three were connected with the Beaufort Bank.

It was discovered that the Beaufort Bank had been in financial difficulties for some time, but conditions were growing gradually worse and became acute in the summer of 1920, when it developed that the crops did not bring the returns that were expected on account of unavoidable delay in marketing same. For instance, the tomato crop shipped from the neighborhood was expected to bring more than a million dollars, but arrived in the markets too late to be salable.

Frauds and forgeries were evidently committed with a view to helping the Beaufort Bank—possibly in the hope that the future would bring the necessary magic to save the bank.

Besides the convictions in Federal court, there have also been convictions in the State court of Mr. W. E. Richardson, as president of the bank at Beaufort, and Mr. Jay, cashier, for violations of the State banking law. The convictions in Federal court were on the conspiracy charge only and they were given the maximum sentence for same.

There are still a large number of indictments pending for violation of the farm loan act, which provide heavy penalties. Some of these indictments are against those already convicted of conspiracy. These are expected to come to trial during the summer. The frauds committed by Mr. Richardson were of such a nature that they were not suspected by the community.

They had not even been detected by the State banking department, which had made regular examinations. The frauds were not even suspected by his associates, except those involved in the same irregularities.

Congressman HARE, of South Carolina, has a bill pending in the House (H. R. 11384) to authorize and direct the Intermediate Credit Bank of Columbia, S. C., to credit certain notes and mortgages discounted for the South Carolina Agricultural Credit Co. The purpose of this bill is to reimburse those farmers who had secured loans from the intermediate credit bank and had suffered misfortune through their own acts or through the acts of the officers of their own organization. Mr. HARE appeared personally before the Banking Committee in support of such a plan.

An attempt is naturally made to lay the blame upon the intermediate credit bank, and while I might well admit that if they had been more alert they would have suffered less losses, the cold fact of the matter is that they were imposed upon by those who received favors from the bank, and the Government must bear a loss of over $1,000,000.

Among others were some members of the association who were "pikers" and refused to keep their agreement of selling their crops through the association. They sold them individually. They put the money in their pockets. They deposited the money in the Beaufort Bank. When the bank closed they lost their money. Now they are not only hoping the Government will reimburse them for these losses, but they are actually demanding it.

There has been considerable of a clean-up in the farm-loan bank and the intermediate credit banks since the board appointed last summer took charge. The less efficient at the Columbia bank have been dismissed. The bank now seems to be functioning in good shape.

From the convictions made and the number of indictments pending of men who had been prominent in business and politics, it is quite natural that a big howl will go up. There are those who believe that there is an effort being made right here to mislead the public and create some sentiment in favor of these criminals who are under indictment.

Mr. BLEASE. Mr. President, I want to congratulate the Senator from South Dakota on being a very shrewd lawyer. From a reading of his biography in the Congressional Directory I would not think he was a lawyer. But down in my section of the country we have some lawyers who will go into court and take a court decision and read the part that is favorable to their side of the case, but do not read the other part of the Supreme Court decision. If my friend had looked at the top of this paper he would have seen this:

BLEASE loses before committee for probe of local land bank.

Mr. NORBECK. That is the headline. I read my interview.

Mr. BLEASE. The headline reads:

Vote against investigation "almost unanimous," says Chairman NORBECK.

Mr. NORBECK. But the other appeared also, in which I do not say that at all.

Mr. BLEASE. That is in quotations.

Mr. NORBECK. That is the one I read.

Mr. BLEASE. It says, "Vote against investigation 'almost unanimous,' says Chairman NORBECK." That is in quotations. Down below it says, referring to the committee:

It was practically unanimous in feeling that there was not sufficient evidence to justify an investigation.

Yet only five voted against investigation, and four voted for it. Certainly the four men who voted for it out of the nine who were present did not feel that it was unnecessary, or they would not have voted for it, and certainly it was not practically unanimous when only a majority of one voted for an unfavorable report.

I shall not answer the Senator at this time. I will wait until the report comes in in reference to the other part of his speech on the merits of the resolution.

FLOOD CONTROL

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes.

Mr. FRAZIER. Mr. President, since I concluded my remarks a few minutes ago one or two Members have asked me about this man Riker, who is the author of this proposed spillway. I want to read a letter dated March 20, 1921, on the letterhead of George W. Goethals & Co. (Inc.), 40 Wall Street, New York, as follows:

GEORGE W. GOETHALS & CO. (INC.),
40 Wall Street, New York, March 30, 1921.

Mr. CARROLL S. RIKER,
East Falls Church, Va.

DEAR MR. RIKER: The plans for an international terminal, transportation, and shipbuilding undertaking, outlined in your recent letter to Senator WESLEY JONES, a copy of which I have read, appeals so favorably to me that I should be willing to afford them my personal support, and the engineering support of my corporation.

Sincerely yours,

GEORGE W. GOETHALS.

I want to say further that Mr. Riker was consulting engineer, at the request of General Goethals, during the construction of the Panama Canal. He was called down there to consult with General Goethals at that time, and has been affiliated with General Goethals in several other undertakings.

Mr. SMOOT. Mr. President, the Senator from Nebraska [Mr. NORRIS] I know desires to speak about this conference report, and if there is no one else in the Chamber who desires to address the Senate I shall suggest the absence of a quorum, in order that the Senator from Nebraska may have time to get here. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	La Follette	Shipstead
Barkley	Fletcher	McLean	Shortridge
Bayard	Frazier	McMaster	Simmons
Bingham	George	McNary	Smith
Black	Gerry	Mayfield	Smoot
Blaine	Gillett	Metcalf	Steck
Blease	Glass	Moses	Steiwer
Borah	Goff	Neely	Stephens
Bratton	Gould	Norbeck	Swanson
Brookhart	Greene	Norris	Thomas
Broussard	Hale	Nye	Tydings
Bruce	Harris	Oddie	Tyson
Capper	Harrison	Overman	Vandenberg
Caraway	Hawes	Phipps	Wagner
Copeland	Hayden	Pine	Walsh, Mass.
Couzens	Heflin	Pittman	Walsh, Mont.
Curtis	Howell	Ransdell	Warren
Cutting	Johnson	Reed, Mo.	Waterman
Dale	Jones	Reed, Pa.	Wheeler
Deneen	Kendrick	Sackett	
Dill	Keyes	Schall	
Edge	King	Sheppard	

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, there is a quorum present.

Mr. NORRIS. Mr. President, the importance of the flood-control legislation can not be well overestimated. We are confronted with a problem that is national in its scope, and nothing of the kind has ever before been presented to any body of men in the history of the world.

I am informed that the water from 38 States flows into the Mississippi River. The Mississippi Valley comprises two-thirds or more of the area of our country. This is a problem that has been with us for a century, one which I think we all realize now has never yet been solved. It is because I feel that we ought to take a broad national view of the situation that I am detaining the Senate while I give to them what to my mind would be the proper method of solving this great question.

It is not solved, in my judgment, by the bill which we have passed or by the conference report which is now before us, although we have taken a step, it seems to me, in the right direction in this legislation. It is a subject that can rightfully command the careful and candid consideration of the greatest engineers of the world. I do not believe we ought to confine ourselves in its solution or in hunting for a method of solution to Government engineers. We ought to have the best engineers that the country or even the world affords to lay out and form a program which, if possible, should be a permanent solution of this great national problem. I say this without casting any reflection upon the ability or the integrity of the Government engineers. I believe it is generally agreed now that no system of levees alone will solve the problem; that while we build the levees higher and higher, the silt that comes down from the tributaries for thousands of miles and fills up the bed of the rivers gradually raises the bed higher and makes it necessary for higher levees, with the knowledge all the time that we can not indefinitely continue that kind of a program and that sooner or later—it may be soon and it may not be for years—the levees constructed by man will be destroyed by nature in the very natural course of events. If the river has built itself up and the levees are extremely high, when the break comes the destruction is much greater than under any other circumstances.

I have listened with a great deal of interest to the Senator from North Dakota [Mr. FRAZIER]. It occurred to me that he had presented to us a plan which to me is practically new, and

I think is new to most of us, but one well worthy of the careful and candid consideration of the best experts we can possibly procure. We are not fully providing in the proposed legislation for that plan or for any plan or for the investigation of any such plan. I could not refrain from thinking as I listened to the Senator from North Dakota that it is an exceedingly interesting plan which he proposes, having the backing at least of some of the engineers, and which comes from a man who lives near the source of the great Mississippi River. I was reminded that heretofore I have until within the last few years, and I think the country has as well, considered this problem as one in which only those living in the Mississippi Valley were interested. It has dawned upon me and I think upon the country that no matter where we live, especially if we are in this great valley, we are directly interested in the solution of this great problem.

It is going to cost a great deal of money, and some have backed away from it because of its enormous cost. While we have only an indefinite idea as to what its cost will be, we all know that it will be enormous. While I regret that the expense is going to be so great, yet I feel it is a problem which we must meet, and we ought not to try to side-step it because of its cost. In my judgment a billion dollars will not meet the expense that will be necessary to properly handle the question; and yet, Mr. President, if it is solved properly I think it would be found that much of the expenditure would be returned in the way of benefits which should and no doubt will come from a plan national in scope, which would control every tributary and every tributary of every tributary of the Mississippi River.

Mr. President, I would like to get the proper solution of the problem regardless of its cost. We can not think of such a thing as placing the country in the lower Mississippi Valley in the jeopardy that we know it is continually in under present conditions and under all the conditions that have existed during the years that have passed. Yet I believe if we meet it unselfishly and treat it as a national problem and try to banish from our hearts all selfishness, at least all selfishness that is unfair, we will reach the conclusion that a national settlement of the question upon a broad, humanitarian scale will show that the benefits which will come from a proper solution of the problem will to a great extent take care of the expense. If we will spread the cost over the years in the plan I am going to advocate, it will amply repay every dollar of investment that we make.

It should be remembered that every gallon of water that does damage in the lower Mississippi Valley is needed for the sustenance of human life in the production of crops in many of the tributaries away up in the northern and western part of this great valley. The water that is doing damage in the far South would be welcome for the benefit it would bring to humanity if it were spread upon the thirsty soil of the semiarid regions of the West and Northwest. It seems to me it is a proper solution of the question, making such a disposition of the water that instead of doing damage it will render benefit not only, as I think I will be able to show, to the particular locality where it is used, but everywhere else in our country where people wear clothes or eat food. After all, if we are unselfish and honest in the settlement of all these great questions it will be found that we are all equally interested and all to a great extent ultimately benefited by a proper, honest solution of any governmental question that can properly or possibly come before Congress. I believe that the people of New England, while their interest may be indirect, are nevertheless vitally interested in the proper settlement of this question and they will realize it as the years go by.

We have tried levees. The plan has not worked, although it has been very beneficial. I am not advocating the abandonment of levees. They ought to be utilized wherever they can properly be utilized in connection with any other remedy we may have. But it seems to me the proper way to settle the question is to hold back the flood waters of the Mississippi River in every tributary, both on the eastern and the western shores of the Mississippi River, particularly on the western shores where much of the country is semiarid and where that water, instead of doing damage, will be beneficial. We ought not only to store it in reservoirs wherever nature has provided a reservoir site but wherever it can be used for irrigation purposes it ought to be so used.

After all the best place in the world to store flood waters is in the soil itself. There are millions of acres of the semiarid country that have never been wet down to the bottom of the soil since man has inhabited the country. If properly soaked, if properly filled with moisture, that land will not only produce crops, but will hold back that moisture and that water which is going down the stream unrestrained to become a menace farther down the Mississippi River. If we can prevent a river like the Missouri, for instance, from changing its course and washing away hundreds of thousands of acres of fertile and valuable soil, we will do two things. We will save for beneficial purposes the land that it carries away and we will save the expense that will be necessary to take that same soil out of the Mississippi River farther down, where it interferes with flood control and interferes with navigation.

It will be found that if we make a proper survey and in a national way build dams wherever there is a natural reservoir in any of its tributaries, much of the expense can be properly borne by the sale of the electric power, because there will be hundreds of thousands of horsepower generated all over this great valley. The income from the power and the income from the irrigation will go a long ways toward paying the expense of the investment. In the course of time it will more than repay it. It depends upon the length of the period that we are going to select for amortization. The water which is now destructive of human life and of property farther down the stream would be used for the production of food, for the production of power, and in a general way used for the happiness, prosperity, and contentment of the people throughout the entire valley.

It can be historically proven, I think, that the storing of flood waters in the soil will have a great deal to do with the navigability of the streams, so that navigation and flood control and irrigation and power all dovetail into each other and each help the other. Quite a number of years ago the Reclamation Service built a great dam in Wyoming holding back the flood waters of the north bank of the Platte River. It has been shown since those flood waters were held back, and that water spread out over the land in northwestern Nebraska and in Wyoming, that the flow of the Platte River in the State of Nebraska, hundreds of miles away from the place where the flood waters were stored in Wyoming, has been made nearly constant the year around. In round numbers, the flow of the river in the dry season has been increased by 50 per cent, and Senators know what that means to those who want to use the water still farther down for irrigation or for navigation in the Mississippi and some of its tributaries. It has likewise been shown, and is historically true, that the high waters in the same river have been decreased about 50 per cent; I think the exact figures are in one case 45 per cent and in the other 47 per cent. It all works together for navigation, for flood control, for power, and for irrigation.

We would in that way get the maximum amount of navigation, the maximum amount of irrigation, the maximum amount of power, the maximum amount of flood control, all for the minimum amount of cost. When we do that, as it seems to me we ought to from every angle, and see how these different parts of the question will dovetail into each other and bring us one harmonious whole, it seems to me it is worthy of statesmanship if we could provide, by a comprehensive statute, that there should be selected a corps of the best engineers we can get, and lay this program before them, give them ample funds, and time and opportunity to make a complete survey of the entire Mississippi Valley, with the view and the object of bringing about navigation, flood control, development of power, and irrigation. If these things work out as I think they will, as it seems to me they must, we will have solved the problem of flood control and several other problems besides.

It is true that in the power aspect of the question much of the power would be secondary power. I realize that. In that respect it would not be nearly as valuable as primary power, because a reservoir utilized as a flood-control proposition must always be empty when the water is low so that it can be filled up with the flood waters and must be emptied so that it can be filled up in time of flood. But it would be found, under the proper management of all these matters of flood control dams, that we would not let all of the water out of all of them perhaps at the same time. It would depend upon conditions. It would be necessary perhaps to utilize that power and, to make the best use of it, to have auxiliary plants with it. That is something about which we need not bother ourselves in solving the flood control proposition. It is one of the incidents that will naturally come if the commercial necessity for it is demonstrated.

Then Senators ought to remember that there are many times when the rivers are too low for practical navigation purposes. That is because all the water that ought to be then flowing in the streams has passed on down at a time when it was not necessary for navigation, indeed, at a time when it interfered somewhat with navigation—has passed on down to the lower Mississippi Valley and destroyed millions of dollars worth of property and sometimes human lives. By saving the property

in one place we will have made more valuable the property in another place.

As to how much should be contributed toward this great scheme by each one of the various elements I am not prepared to state. It necessarily will be somewhat of an estimate when these questions are settled, as settled they must be. Each one, however, should bear a part of the expense, including, in my judgment, the lands farther down that are prevented from being overflowed by the works above, or by the levees in the immediate vicinity; but when they are all put together, each one contributing its proper share, including the Government, we will have attained the cheapest navigation, the cheapest flood control, the cheapest power, and the cheapest irrigation that can be obtained in any possible way.

In this connection I want to say a word to my senatorial friends from New England and from the East who are not in the Mississippi Valley, and who perhaps, at first blush, think they have no interest in this great question. I want to call their attention to the fact that they do not produce enough food to feed their own people; that the great Mississippi Valley is the food-producing part of the United States; and that when, in the semiarid country, the drought comes and blights the farmer's prospect, and he does not raise any wheat, the price of bread in New England goes up. When he produces an abundant crop the price of food in Boston and in New York and in Chicago goes down.

Then we must not think that even as far west as Ohio and that great country we can get all the food that the people of this country need; but those who must produce our food under the uncertain circumstances of drought ought to be considered also. It is true that when drought comes those who happen to be in some small favored localities make larger amounts of money than though they produced a large crop. That, however, is an unnatural condition, a condition that we want to avoid, because those same communities probably lose it all by drought the next year. What would conduce and go toward promoting and maintaining the happiness of all the people, both West and East and North and South, would be a regulation of the water supply of this great valley so that, taking one year with another, we could have about the same crop production, and with the same consumption taking place we would have less variation in the prices that the producers get and the consumers must pay, because, after all, those in the East who depend upon the West and the South for the food they eat and the clothes they wear must remember that they can not permanently prosper while a part of the country is in distress.

It is a law of human nature that one portion of the country can not permanently and properly and honestly be prosperous and happy while other great portions of the country are in distress and suffering from lack of the necessaries of life. If the food supply of the great West were practically constant from one year to another, it would not only to a great extent take the gambling out of farming in the West but it would to a great extent take away the uncertainty of the cost of living in the East. So, after all, no matter where we live or what may be our occupations, assuming that we are honest and that we are unselfish, that we want to do what is right for ourselves and for our fellow man, we must reach the conclusion that in this great problem, as well as in all other national problems, we are all in the same boat, and we are all going up or down together when we take one year with another.

This legislation in one place hints at and takes the first step toward this kind of a survey. If I had my way about it, I would make it much broader. I wanted to say this much, however, because I believe the time will come—perhaps after many of us have disappeared from the scene, but it will come; and it will commence to come within the next few years—when the people of this country who study this question will reach the conclusion that in order to control the flood waters of the Mississippi River we must consider it on a national basis, and we must go into every tributary of the Mississippi River and develop restraining dams wherever God has made a reservoir site. When we have done that we will have contributed much to the equalization of the cost of living, and particularly to the solution of the farming problems of the West, and the promotion of the real happiness and contentment of all the people of the United States.

There is just a little in this bill that starts on the survey. It ought to be done in a much more comprehensive way. After this bill is passed and signed and has become a law, I look to see the time come when Congress will provide for a complete survey, as great as the problem may be, and that in carrying out such a program we will ultimately start on what to me seems to be the proper solution of the flood-control problem—that is, to consider it as a national question; to consider not only the people in the lower Mississippi Valley who do not want the water but the people in North Dakota, in South Dakota, in Nebraska, and Kansas, and Oklahoma, where they do want the water, where they need it not only for their own good and their own prosperity but in the long run on the broader principle, for the prosperity and happiness of every soul who lives within the United States.

Mr. KING. Mr. President, it is not my purpose to detain the Senate very long. I appreciate the disadvantage in attempting to discuss a measure of such magnitude as the one now under consideration, where an opportunity has not been afforded me to listen to the hundreds of witnesses who have testified, or examine the thousand of pages of testimony which have been taken before committees of the House and the Senate in connection with the Mississippi flood-control problem. Aside from the general proposition involved technical questions have been considered which require prolonged study to fully appreciate. Engineers of eminence have testified before the committees of the House and the Senate, and differences of opinion have arisen between them as to the project and the plans under which it is to be worked out. A great divergence of views has developed upon the part of many interested in the project, and many who have given it some consideration, as to just what is contemplated and how far-reaching will be the effects or consequences of the proposed legislation.

When the matter was first brought to the attention of the country following the disastrous flood of 1927 the general thought was that the Federal Government, in cooperation with the States and with the districts and sections involved, would proceed to strengthen the levees of the Mississippi River and thus prevent further inundations of contiguous territory. But during the latter part of 1927 there developed a movement of no small proportions which grew in volume as interested parties made known their views, which had for its object the taking over by the United States of practically the entire region between the Allegheny Mountains and the summit of the Rocky Mountains upon the theory that such course was necessary to provide against recurring floods.

Many conferences and meetings were held in various parts of the Mississippi Valley for the purpose of arousing public sentiment and creating a demand for prompt action by Congress when it convened in December. Before the meeting of Congress one of the important committees of the House gave weeks to the consideration of the matter and heard the testimony of a large number of witnesses, who urged that the Government adopt a policy, which they denominated "national and comprehensive" in its character, for the protection of lands in the Mississippi Valley from future damages. Many plans were urged before the committee, and later before the Senate Commerce Committee. Some of these plans, as I have stated, required the Federal Government to practically assume control over all springs, rivulets, and streams between the Rocky Mountains and the Allegheny Mountains. The question of the rights of the States to control the waters within their borders was wholly ignored by many who were urging Federal action. They proceeded upon the theory that there were no limitations upon the power of the Federal Government; that it was supreme and sovereign in dealing with domestic and local matters and could enter States and take over their functions and restrict or destroy their authority. Under this view the States did not own nor did they have any control over the beds and banks of navigable streams within their borders or have any right to control the nonnavigable streams or exercise any supervision over the same, notwithstanding the fact that more than 100 years ago the Supreme Court of the United States had decided that the States had sovereign power over all the streams within their borders, subject only to the limitation that they could not interfere with navigation.

That view of the Supreme Court has been consistently adhered to by the courts of our country until the present time. In harmony with that position many States have adopted the riparian doctrine, while others have approved what is known as the doctrine of "appropriation." The Western States generally, because of the importance of irrigation, have enacted laws granting to prior appropriators the right to use the waters so appropriated for beneficial purposes. The States referred to enacted statutes providing for the method of appropriation and defining with more or less particularity the use to which the waters might be put and the conditions and circumstances under which rights might be acquired, distribution made, and the interests of the public generally served. But, as stated, during the consideration of the Mississippi River flood situation, accepted and uncontested legal propositions became obsolete. Views were announced that the Federal Government had supreme and unrestricted authority to control all of the waters navigable and nonnavigable within all States of the Union.

Under that view neither State nor individual could acquire any rights in and to the beds or banks of streams or the waters flowing therein. Under no interpretation of the Constitution can such a view be justified. The rights of the Federal Government, as I have stated are restricted to navigable streams, and it may proceed no further than to prevent interference with navigation. Under the pretext that the Government was preventing interference with navigation it has made large appropriations for the construction of canals and the building of levees and other protective works upon the banks of rivers and waterways within the United States. It has gone further, and under the interstate clause has assumed the right to control floods and to protect private lands from inundation by the waters of navigable and nonnavigable streams.

The theory upon which this bill rests, dealing with the Mississippi River project, is that the Federal Government may pursue any plan it desires in connection with all streams, springs, and sources of water supply which, directly or indirectly, find their way into the Mississippi River and finally into the Gulf of Mexico. It may go into the Rocky Mountains and build reservoirs, or, as indicated by the Senator from Nebraska, who has just spoken, it may convey waters upon the arid and semi-arid lands where, as he averred, they would percolate into the soil and there be held as in a reservoir, finally reaching the Mississippi River through subterranean channels and fissures in the earth's crust. It is also contended by some who are advocating the Mississippi River project that lands may be acquired by the Federal Government and a policy of reforestation employed in order that the snows and rainfalls may be held back and reach the lowlands at such times as to prevent floods.

Serious objection to the pending bill is justified because of the uncertainty and ambiguity of its provisions. But little discussion of the measure has taken place in the Senate, but divergent views have been expressed by Senators as well as others who are proponents of the bill with respect to its meaning, purposes, and consequences. A few days before the bill was reported to the Senate the senior Senator from Missouri [Mr. REED] indicated that the project would cost a billion dollars or more, and that the Government should issue bonds in order to finance the undertaking.

When the bill was brought to the Senate the Senator from Washington [Mr. JONES] reported the bill, and explained some of its provisions. In reply to questions which I propounded to him he stated that while the bill carried an authorized appropriation of $325,000,000, no one could determine what the cost would be, and that it might reach the gigantic proportions of more than three-quarters of a billion dollars. So far as I can learn, no one has definitely declared that this project will cost only $325,000,000, and we are advised that some of the engineers who have been connected with the investigation of the project report that it will cost more than $425,000,000. Senators will bear in mind that this bill only provides for a part of the contemplated Mississippi flood-control project. This deals only with a segment of the river between Head of Passes in Louisiana and Cape Girardeau, Mo.

It is contemplated that the Mississippi River project shall not only provide levees and other works along and upon the banks of the Mississippi River between the points I have just referred to, but that it will comprehend the entire river and all of its tributaries. Indeed, the act declares—

> that surveys of the river and its tributaries which are authorized in the Sixty-ninth Congress shall be prosecuted—

As speedily—

> as practicable, and the Secretary of War, through the Corps of Engineers, United States Army, is directed to prepare and submit to Congress at the earliest practicable date projects for flood control on all tributary streams.

It further declares that some of these projects shall be the—

> Red River and tributaries, the Yazoo River and tributaries, the White River and tributaries, the St. Francis River and tributaries, the Arkansas River and tributaries, the Ohio River and tributaries, the Missouri River and tributaries, and the Illinois River and tributaries.

The bill also provides that the reports and surveys to be submitted and made by the Secretary of War, through the Corps of Engineers, United States Army, shall include—

> the effect on the subject of further flood control of the lower Mississippi River to be attained through the control of the flood waters in the drainage basin of the tributaries by the establishment of a reservoir system; the benefits that will accrue to navigation and agriculture from the prevention of erosion and siltage entering the stream; a determination of the capacity of the soils of the district to receive and hold waters from such reservoirs; the prospective income from the disposal of reservoired waters; the extent to which reservoired waters may be made available for public and private uses; and inquiry as to the return flow of waters placed in the soils from reservoirs and as to their stabilizing effect on stream flow as a means of preventing erosion, siltage, and improving navigation.

The bill also authorizes an appropriation of more than $5,000,000 in addition to the various other sums authorized in the bill and in the river and harbor act of January 21, 1927, to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers for—

> the preparation of the flood-control projects authorized under section 10 of the bill—

which means, of course, all of the tributaries of all the rivers and streams flowing into the Mississippi River. And that these flood surveys shall be made—

> simultaneously with the flood-control work on the Mississippi River provided for in this act: *And provided further*, That the President shall proceed to ascertain through the Secretary of Agriculture the extent to and manner in which the floods in the Mississippi Valley may be controlled by proper forestry practice.

I repeat, an examination of the bill justifies the statements which have been made repeatedly during the past few weeks in the press, and by persons giving this subject consideration, that the ultimate cost can not be determined but that it may reach the stupendous sum of one and one-half billion dollars. The President has signified his opposition to the bill, and statements have been attributed to him that it might cost between a billion and a billion and a half dollars. Since the bill passed the House a few weeks ago Members of the Senate and of the House have been holding conferences with a view to composing differences existing between the two bodies, and for the purpose also of trying to meet the objections of the President to the bill. Senators know that conferences have been held between the President and Members of the House and Senate, and that the President has indicated that if changes were not made the bill might be vetoed. We are now advised that the President, while not satisfied with the bill, will approve it.

I am compelled to say that the conference report presents a bill but slightly changed since it passed the Senate. If the President was then opposed to it, and there is no doubt upon this point, it seems incomprehensible to me that he should now consent to approve it. The bill is just as uncertain, just as ambiguous, just as all-comprehensive and embracing, just as subject to criticism and objection now as it was when it received the approval of this body.

The President by his conferences with the committees of the House and the Senate has gained no victory, or if one it is a Pyrrhic victory. There is no doubt that the President has been opposed to the bill; that he perceived its imperfections and uncertainties, dangers and uncertainties which will be emphasized as the days go by. I regret that the President did not use in the contest the weapons at his command. He could exercise his constitutional right to veto the measure. I believe that if the President had indicated that he would pursue this course, we would have before us a measure relieved of some of the uncertainties and dangers which we find in the bill under consideration.

I have referred to the uncertainties of the bill and to the indefinite realms into which it enters. I have just referred to a number of the rivers and tributaries of the Mississippi, surveys of which are to be completed at an early date together with—

> reports of projects for flood control of the same and of all tributary streams of the Mississippi River system subject to destructive floods.

I have also called attention to the bill which it declares contemplates—

> further flood control of the Mississippi River to be obtained through the control of the flood waters of the drainage basin of the tributaries by the establishment of a reservoir system.

In other words, the bill contemplates the building of reservoirs upon the tributaries of the Mississippi River, the purchase of lands for such purposes, and the construction of all of the extensive works incidental to the undertaking of such a project so stupendous.

The bill also requires the project to take into account the benefits that will accrue to agriculture and navigation, and requires that the capacity of the soils to hold and receive waters shall be determined and the income that will be obtained from the reservoired waters.

The Secretary of Agriculture is also to—

ascertain how the extent of floods in the Mississippi Valley can be controlled by proper forestry practices.

In view of the contention that all streams between the Allegheny and the Rocky Mountains constitute a part of the Mississippi River, I suppose that this entire region will be held to be within the periphery of the Mississippi Valley. Apparently the bill contemplates that a great national work of reforestation is to be undertaken within the 21 States which, it is claimed, send their waters to the Mississippi River.

Mr. President, I repeat the bill is ambiguous and uncertain. It is bewildering and uncomprehensible. Its implications, its consequences, no one can foresee or determine. A measure so uncertain and so indefinite should, in my opinion, not be enacted into law. It should be perfected and made definite and certain, We should know at least within $100,000,000 what the cost will be. Even if the project is confined to that part of the Mississippi River alone between its mouth and Cape Girardeau, we are left absolutely in the dark as to what the cost will be. The bill does not limit the cost. It authorizes an appropriation of $325,000,000, but it does not restrict or limit the cost to that amount.

Senators know that authorizations are often but the beginning of an ever-increasing drain upon the Treasury. Reclamation projects have been authorized said to cost but a few million dollars, but when completed exceeded by several hundred per cent the estimates and the first authorization.

When the chairman of the committee admits, as he did, that the projects authorized may cost more than three-quarters of a billion dollars, I am justified in declaring that we are making a leap into the dark. The Senator from North Dakota [Mr. FRAZIER] has just explained the plan submitted by Mr. Riker for the control of the waters of the Mississippi River. The map, prepared, I presume, by Mr. Riker, and which is hanging here upon the wall, has just been explained by the Senator from North Dakota. It indicates that the plan which the committee and the President have been considering, known as the Jadwin plan, with perhaps modifications, will require that the Government secure either the title to 900 square miles or the floodage rights over the same.

I am advised that this project will call for the purchase of a great amount of land, and that the flowage rights will have to be secured for hundreds of thousands of acres. Mr. Riker has demonstrated that he is a man of ability and is familiar with the question. If 900 square miles will be inundated by this project, that means that the Government will be called upon to pay tens of millions of dollars, perhaps more than a hundred million of dollars, for lands the fee of which must be obtained or the same subjected to a perpetual flowage servitude.

A Senator has told me within the past hour that, comprehensive as the bill is and costly as it will prove to be, there are 70,000 persons within the project who have not been reckoned with, and that they must be cared for because of the damages which they will sustain in the execution of the plan which seems to have been agreed upon. It is quite certain that the claims of these 70,000 people whose lands are to be inundated or subjected to perpetual easements, will be entitled to large damages, thus adding to the uncertainties and indefiniteness of the bill and making it impossible to even approximate what the enterprise will cost the Government.

Mr. President, my reference to these matters is not for the purpose of indicating that I do not think that the Government should do something to protect the people of a number of the States who have been damaged by the flood waters of the Mississippi River. The Government has assumed from time to time the task of protecting certain regions from the floods of navigable streams. I shall not discuss the question as to the power of the Federal Government to provide flood control. I shall assume that there is some obligation upon the part of the Government to provide at least partial protection against floods in behalf of those residing upon the banks or in close proximity to the Mississippi River. My recollection is that Congress has already appropriated more than $100,000,000 for that purpose. I might add in passing that the entire appropriations made by the Government from the time of Washington until the present for rivers and harbors, including flood control, do not exceed $1,250,000,000; and yet we are now about to commit the Government to a policy the extent of which no one can determine, but which in all probability will cost at least a billion dollars.

And it should be said that under this bill we are establishing a new policy, the results of which, as that policy shall be applied to the entire country, will probably call for expenditures of billions of dollars. As I have stated, this bill contemplates the entrance of the Federal Government into 21 States and the control of substantially all of the streams therein. It in effect means that the Government is responsible for the control of the waters and streams of that vast area between the two ranges of mountains to which I have referred. It means the nationalization of the waterways of our country. It contemplates that all streams, navigable and unnavigable, shall pass under the control of the Federal Government and that it will assume the responsibility of conserving the waters by reservoirs and other means and of utilizing and distributing them for power and irrigation and other purposes. Apparently the States are to be deprived of prerogatives and rights which belong to them. This policy, if carried out, will restrict, if not prevent, the utilization and development of streams by private enterprise or by States or municipalities. I call attention to these questions for the purpose of showing how important, how revolutionary, indeed, how dangerous is the step which we are about to take.

I invite the attention of the Senate to another feature of this policy: In the past where the Government made appropriations for flood control and to protect property from inundation, contributions were made by the districts or political subdivisions or States, based theoretically, at least, upon benefits to be derived from the improvement. That, as I understand, has been a certain and fixed policy. It seems to be that that policy is being abandoned and the unwisdom of its abandonment with respect to the project provided for in the bill is obvious when it is conceded that hundreds of thousands—if not millions—of acres of privately owned lands will have to be acquired by the Government or floodage easements obtained therefor. If the Government is to bear the entire expense of acquiring this land or securing the perpetual right to overflow the same, it is quite likely the cost will be much greater than if the district or the State was required to pay a proportion of the costs. It is quite natural that if the State or the district benefited had to pay a proportion of the costs incident to acquiring the lands or the easements over the same the obligation would be less than if the entire costs are to be borne by the Federal Government. The bill makes a gesture, and it is only a gesture, of indorsing what was formerly the policy of the Government of requiring local contribution. It declares—

that the principle of local contribution toward the cost of flood-control work, which has been incorporated in all previous national legislation on the subject, is sound, as recognizing the special interest of the local population in its own protection, and as a means of preventing inordinate requests for unjustified items of work having no material national interest.

But having made this solemn gesture the bill declares that it has—

been fully complied with because of past contributions.

This admission that no future contribution is required is made in the face of the certain fact that the Government is about to assume a tremendous though unknown obligation which may exceed a billion dollars, and in the face of the fact that the bill announces a policy which, in effect, is that the Federal Government now takes over all of the streams between the Rockies and the Alleghenies; and, of course, with this new policy will assume control and jurisdiction over all the rest of the streams, big and little, great and small, between the Atlantic and Pacific and Canada and the Gulf.

Mr. President, one of the uncertainties of the bill so far as the liability of the Government is concerned is found in the provision which declares that in carrying out the purpose of the act it is impracticable—

to construct works for the protection of adjacent lands, and that such adjacent lands will be subject to damage by the execution of the general flood-control plan, it shall be the duty of the board herein provided to cause to be acquired on behalf of the United States Government either the absolute ownership of the lands so subjected to overflow or floodage rights over such land.

It seems to me that the Government, in addition to this liability for the costs of acquiring easements or title to the large area which may from time to time be inundated, will be required to purchase further tracts of land or obtain floodage rights over the same in those districts where it is—

impracticable to provide adequate works to protect adjacent lands.

It is known that there are stretches of the Mississippi River where large areas have been flooded almost annually since white men have known the river. Those who have acquired these lands know of the frequent inundations.

Under the bill the Government, though it is impracticable if not impossible to build levees and dikes because of physical

conditions to prevent the water flooding these low, swampy lands, nevertheless is to be held liable for damages whenever the lands are flooded.

Mr. JONES. Mr. President, I should not construe the latter part of the language as going to that extent. I think that is a general declaration, with reference to general flood damage and flood loss, that the Government will not be responsible for anything of the sort; or, in the case of a flood along these levees, if a levee should break, that the Government is not responsible for the damage growing out of the break. That is my impression. That is a provision put in by the House and agreed to by the conferees.

Mr. KING. Mr. President, I believe that an examination of the provisions of the bill will demonstrate that the interpretation which I have placed upon the language referred to is the correct one. On page 6, section 4, this language is found:

The United States shall provide flowage rights, for destructive flood waters that will pass by reason of diversions from the main channel of the Mississippi River and shall control, confine, and regulate such diversions.

Mr. JONES. That is modified in the conference report to read in this way:

The United States shall provide flowage rights for additional destructive flood waters that will pass by reason of diversions from the main channel of the Mississippi River: *Provided*, That in all cases where the execution of the flood-control plan herein adopted results in benefits to property such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid.

That is the way it reads now. In other words, the words "and shall control, confine, and regulate such diversions" are omitted, and this provision with reference to the benefits is added.

Mr. KING. Mr. President, the provisions just read by the Senator which is not in the bill, but as he states is in the conference report, is an improvement upon the bill, or at least may be an improvement. I had not seen this supplemental provision which has emanated from the conferees. However, it must be construed in connection with section 2 which states that—

the local interests of the alluvial valley of the Mississippi River have fully complied with the principles of local contribution and that because of the national concern—

In this project and—

in the interests of national prosperity no local contribution to the project herein adopted is required.

If there is no contribution it will be probably contended that full payment should be made by the Government for damages regardless of benefits to the owner, upon the theory that if benefits were to be taken into account and deducted from the damages resulting from the overflow of the waters of the river, it would be equivalent to local contribution. But the provision just read by the Senator has the vice of uncertainty and compiexity. It says that the—

United States shall provide flowage rights for additional destructive flood waters by reasons of diversions from the main channel of the Mississippi River.

We are told that the flood waters cover large areas of territory. How can it be argued that there will be "additional destructive flood waters" caused by the Government when the Government does not create the floods. As I understand the project contemplated, it calls for the creation of new channels and the overflow of hundreds of thousands of acres of land not heretofore affected by the floods. The owners of these lands can set up no benefits from the project, and these are the lands which the Government must acquire in fee or an easement over the same, the cost of which will be, as I have indicated, very great. The provision just read by the Senator, I repeat, is uncertain; it adds further mystification and bewilderment to an indefinite bill and is an admission that this bill should not become a law until it is further clarified and its terms made more certain and definite. Of course, the United States will not create "additional destructive" flood waters. What are "additional destructive flood waters"? Who shall say? I submit that this provision is meaningless, and as interpreted will prove a snare to the Government and a pitfall in its path.

Mr. President, the measure before us needs clarity with respect to the agency which shall be paramount and controlling. Is that agency to be the Secretary of War or the Chief of Engineers, or a board to consist of the Chief of Engineers, the president of the Mississippi River Commission, and a civil engineer chosen from civil life by the President—or the Mississippi River Commission?

Obviously, the bill contemplates that there are differences of opinion now existing as to the project and its execution, and that after further study by the commission and the Secretary of War and the Chief of Engineers and "the engineer chosen from civil life," an attempt is to be made to reconcile the differences, and then, if they succeed in effecting a reconciliation, they are to recommend to the President such action as they may deem necessary to be taken in respect to such—

engineering differences, and the decision of the President upon all recommendations or questions submitted to him by such board shall be followed in carrying out the project herein adopted.

This is a most remarkable provision and reveals that no one is yet satisfied with the project or the plans. Indeed, it seems to prove that there is no definite plan. It will be observed that the President, with respect to the controversy and differences of opinion upon the project and plans, is only to give a "decision with respect to engineering differences" that may arise among the groups of persons comprised within the Mississippi River Commission and the board consisting of the Chief of Engineers and the president of the Mississippi River Commission and the engineer chosen from civil life.

Mr. President, there are other provisions of the bill as uncertain, unsatisfactory, and indefinite as those to which I have called attention. They will be provocative of controversy and lead to strife and litigation to the great disadvantage financially and otherwise of the United States. I regret that a suitable bill has not be offered, one that will fairly meet the situation, afford reasonable protection to the people in the Mississippi Valley, and impose upon the United States responsibilities and obligations which are just and fair. I appreciate that the Mississippi River presents a problem in which the National Government is interested. There rests upon it a responsibility which must not be overlooked and obligations which it must cheerfully assume. I am ready to vote for any measure that will provide for the assumption of that responsibility and the discharge of such obligation. And I might add that my support of the measure will not be affected or influenced by the amount involved; whatever sum, great or small, should be paid by the Government to meet its just obligations I shall gladly vote for. The measure before us does not meet my approvel. I have given some of the reasons for my position, and why I can not support the conference report.

Mr. CARAWAY. Mr. President, I shall detain the Senate but a few minutes in discussing the conference report. We who live in the valley feel grateful for the unwavering support of the Senators and the Representatives who live outside the lower valley. We shall always be grateful to them for the support they gave us in framing this legislation. It does not carry all we had hoped it would do in the way of relief. We who have lived with this problem have not felt that it had any of the characteristics of a local problem. It is one of those efforts which the Government occasionally puts forth to increase the wealth and the happiness of all the citizens of the United States by some act within some locality that is too great to be cared for by local interests.

If one had time to recall what the conditions were last year, and a map to point out the territories flooded, it would be easy to disclose that quite one-fifth of all the cotton grown in America is produced in the territory that was under water this time last year. While the cotton, of course, was the product of the toil of the people who dwelt within that area, it produced a wealth that paid a larger dividend in other sections of the country than in the area where it was produced. It kept the spindles busy in New England. It furnished the balance of trade to this country, and has done so every year since the Civil War, except for a few years during the World War. It furnished the clothes of half the people of America who wear cotton. As I said a moment ago, it kept the spindles in New England busy, and, almost alone, it kept the commerce between this country and the Orient from being destroyed.

It has, in addition to that, another side to it. Between one-fifth and one-sixth of all the colored population in America who live upon farms dwell in this area. It is an agricultural area. There are no industries there to absorb the labor of that race if they should find it impossible to remain upon the farm. Therefore, unless this condition were remedied, it meant that between one-fifth and one-sixth of the colored population who live on farms in America now would have had to be transported anywhere from 500 to 1,000 miles. That would have happened to a race that has been illy equipped by training to compete in an industrial community. They have been reared upon farms. Their inclination, their training, made farmers out of them. If you should drive them away from the farms they would have to go to the industrial centers of the

North and East. As I said, they are illy equipped to compete in the fierce struggles in those centers.

In addition to that, they would bring to those centers of the North and East an industrial, social, and political problem with which those communities are illy equipped to grapple. It would add to the unemployment. It would add to the unskilled labor in those communities. They would become factors, social and political, difficult to deal with. Therefore, if that alone were to be considered, I think the Government would be amply justified in making the experiment in seeking to make it possible for those people to remain where they are and where they have been for a hundred years.

It would be of no advantage to any section of America, no advantage to any class in the United States, to let conditions continue as they have been, and let them grow more acute every year, more difficult for the people who live in the valley to handle on account of the increasing floods in the valley. If Senators will look at the map, it will be seen that all the water that falls between the Allegheny and the Rocky Mountains finds its way down the lower valley of the Mississippi River. Therefore, in the area between these two great mountain chains, a territory which embraces the whole central part of the United States, every cutting down of a forest, every draining of a swamp, every canalizing of a river has hastened down this great flood that falls between these two mountain chains, and adds to the difficulty of controlling that flood when it reaches the lower valley.

At common law there was a cause of action of the lower riparian owner against the upper riparian owner who accelerated the flow of water from above, down to, and over the property of one who lived below. Therefore, while we can not exercise the right, if it were private individuals, we would have the right to restrain the development of the upper courses of the river in order to protect those people who lived on the lower reaches of that stream.

With all those things to be considered, I have not been able to follow with any sympathy any argument that this was a local problem and ought to be cared for by local communities. I am not unmindful of the fact that some special advantages do come to people who own property in the lower valley which possibly do not come to people who dwell in other sections of the country; but those things are mere incidents of the improvement. They are not uncommon in the development of any governmental activity, and no one has ever thought heretofore that the local communities should contribute locally for incidental advantages which grow out of governmental activities.

We spend hundreds of millions of dollars every year in maintaining an ample Navy; I think it is a wise national policy so to do; but everybody realizes that the cities along the seacoast have a special interest in the Navy that is not shared by the people living in the valley of the Mississippi. During the late war we spent many millions of dollars in keeping a naval patrol on the sea to protect New York and Boston and other seacoast cities from a German raid. It was said, and I do not doubt but that it was true, that if a ship of war could approach New York it could do incalculable harm in a few hours. Therefore, to avoid any catastrophe like that, we spent hundreds of millions of dollars. Anyone knows that the people living in New York or Boston had very much more at stake than the citizens of St. Louis, because no ship that floated on the sea could have done any physical damage to St. Louis. But there is nobody so wild anywhere who would have thought of proposing that we should have put into the Navy appropriation bill a provision that the people living along the seacoast should make a local contribution toward maintaining the Navy, because incidentally they got a greater protection out of it than people living away from the coast.

We did not do that, because we realize it is a national obligation to protect every square foot of America's soil from the incursion of a foreign enemy. Therefore no one would be so unpatriotic as to object to maintaining a navy. But if it be wise that the individuals living along the seacoast, where the protection is greatly needed, should not contribute locally for that protection, I am unable to follow the reasoning of those who insist that we who live in the Mississippi Valley should contribute, because connected with the protection of a part of the territory of these United States from destruction by flood there is an incidental advantage to the people living there. I have not been able to follow that reasoning, and I never shall be able to follow it. Therefore I shall not be able wholeheartedly to assent to the provisions of this bill.

I am not unmindful that it is the best that can be had, and we are grateful to those who made it possible to have this much assistance. But there is not a man, woman, or child in America who has not something at stake in the protection of the great central plain from floods. The food they eat, the clothes they wear, the commerce that flows from one section to another, all depend, to a certain extent, upon this improvement.

We furnish a very substantial market for the manufacturing institutions of this country. We buy more when our lands are free from floods. What we produce we may expend in that way, instead of having to expend it in fighting floods. We are very much better customers. I say this as an illustration, that New England can sell us much more of her manufactured products if we are protected from floods than she can sell us if we have to devote our time and all of our resources to fighting water. Therefore there is a very substantial advantage going to that section of the country.

Certainly everybody realizes the advantage in having the balance of trade in our favor instead of having the balance of trade against us. It tends to make prosperity in every section of the United States, and unless this country can produce the staple that heretofore has given us the balance of trade, that balance of trade must turn against us instead of being with us.

In conclusion, I want to say that I shall vote for the conference report, but I shall do it not believing that it does all for that section which it is entitled to receive. I shall do it because it is the best that can be had. I have examined the amendments that were recently written into the bill. Just what they are expected to accomplish I am unable to determine. The first amendment insisted upon adds the word "additional." The only measure of recovery that one who owns property there that is taken, or partly taken, for public use, is the difference between the value of the property before and after the improvement is made. You can not take that right from the owner, because the Constitution guarantees it to him, and the word "additional" does not add to or take from the liability of the Government or the right of the citizen whose property is appropriated. Some of the other amendments possibly make a more substantial change.

I regret that one provision in the Senate bill which provided for a larger civilian engineering force, and more power to the civilians instead of to the Army engineers, has been stricken out. I say that not with a view of reflecting upon the Army engineers. I think they are a very competent body indeed, and in one hundred and odd years that they have handled the Government's funds, hundreds and hundreds of millions of dollars, there has been one instance only in which they misappropriated money. That is a record for any profession to feel proud of.

This is the objection I have to that: It tends more to concentrate in the hands of the Executive the control over the development of the improvements that are to protect the valley from floods. When the Chief of Engineers can largely veto the plans, we know that to a very large extent that is putting into the hands of the President of the United States the power thus to control the rate at which the development shall go forward, and, to a certain extent, the plans which shall be adopted for carrying out the purposes of this act.

I do not want it to be understood that I am reflecting on the President, but it is obvious that he can not understand that problem as one who is in control of it ought to understand it, and as men do understand it who live with it and who work with it year in and year out. The President has too many other duties to perform. It frequently happens that the President, like any other individual, is more impressed by that thing with which he comes in daily contact than he is with a problem that is further removed. As an illustration, we read without any very great emotion of wars of 100 or 200 years ago. We can contemplate whole cities devastated, and thousands of people massacred, if they are far removed from us in time and space. If a disaster were to fall upon the city of Washington to-day and a thousand men, women, and children were to lie dead in the streets, we would be very much more impressed about it than we are by reading of all the bloody wars that attended the building up and the destruction of the Roman Empire, because it would be nearer to us both in time and space. Therefore, I would rather that the development of this project were in the hands of men who lived with it, who were familiar with it by seeing it every day, who knew the problem, and had that human sympathy which comes from contact, rather than that it should be controlled by some one who has not that intimate personal knowledge and therefore that sympathy which would come from having actual contact with the problem.

I regret very much that the present President, Mr. Coolidge, did not find it in his heart to come down and see the conditions which existed a year ago in the valley. It was worth anybody's time and it seems to me that it imposed an obligation upon the Chief Executive to acquaint himself with those conditions. In my own State of Arkansas we had 16,000 square miles of territory under water. Thousands of people were stranded in the

flood where they had to be brought out by any means of transportation that could be secured. I am sure the Senator from Louisiana [Mr. RANSDELL] witnessed that some of them were brought out who had been marooned in treetops, on housetops, on railroad embankments, and other places where they could escape the flood, so long that they had become almost wild. I saw them bring out people down in the southeast part of my State where they had to prevent them jumping off the boat into the water as they approached land. They came out with the scantiest of wearing apparel. Everything that they had was gone. Everything that breathed in that territory, except those human beings, had been drowned. Their livestock was gone; even their chickens were gone. Their household effects were gone. While they might not have had much, it was all they had.

There were stretches of country miles in width and miles in length in which there was not a single thing left that man had put there. Every house, every barn, every outbuilding of every nature, even the fences, were swept away. It was as desolate as this earth was when the flood subsided. So far as their little effects were concerned, it was just as destructive. Where nearly a million people who had paid their taxes, who had discharged every obligation to the Government that the Government imposed upon them, who had shed their blood on every battle field where American honor was at stake, I felt then and I feel now that they were and are entitled to a consideration which they did not get. I am persuaded that if the President of the United States, instead of going to South Dakota to fish, had gone down there he would have waged no fight upon this legislation, and he would not have been insisting that the word "additional" should be added by way of amendment.

Mr. HAWES. Mr. President, there are but a few features of the bill which I shall discuss. I hope within the next two hours, by the same vote registered in the Senate when the bill was originally presented, that we will send to the President the greatest peace-time domestic proposal he has been called upon to sign.

Just a year ago the flood passed down the Mississippi River. It created damage to property of $250,000,000. Many lives were lost. It was only a repetition of floods that had preceded it, totaling in all, in a period of some twenty years, a loss of $400,000,000.

During the same period the States in the lower valley had expended $292,000,000 in their own defense.

Mr. REID, chairman of the House Committee on Flood Control, a committee composed of 21 Congressmen, called that committee together in November and they remained in session for nearly three months. The Commerce Committee of the Senate, composed of 19 Senators, devoted practically two months to a study of the subject. There has been such agreement between the House committee and the Senate committee and the expression of opinion by the whole House and the Senate that when this bill shall be interpreted there are one or two phases which seem to me should be amplified in the RECORD now.

This is not the bill that some of us desired. It does not contain the vision of the valley. It does not contain those things discussed by the Senator from Nebraska [Mr. NORRIS], nor does it do for the tributaries the things that friends of the tributaries wanted done. It is a distinct compromise, a compromise begun at the head of the flood waters of the Mississippi. The legislation is confined to the States that suffered. It is confined to that district which must care for the overflow waters of 31 States and 41 per cent of the territory of the United States.

Personally I have been amazed at statements which have appeared in the newspapers about the supposedly stupendous sums which were to be expended by Congress in this matter. Two plans were presented to the House committee and the same two plans were presented to the Senate committee. One was presented by the Chief of Engineers, General Jadwin. The other was presented by the Mississippi River Commission composed of seven members. The Jadwin plan provided one method of flood control. The Mississippi River Commission provided another method of flood control. Your committee provided a special board to reconcile the differences between the two plans and if necessary, to agree upon a composite plan.

Mr. President, I am one of those Members of the Senate who believe there should have been greater latitude in the matter of civilian engineer representation upon this board.

There are over 250,000 civilian engineers in the United States, more than twice as many men as we have in the United States Army, all graduates from colleges and universities. In every State in the Union there is a State college which graduates civil engineers. This great body of 250,000 engineers has its own special organization of 20,000 members controlled by the highest standard of conduct. When we approach this subject, involving as it does nearly three times the amount of money that was spent upon the Panama Canal, it seems to me that the civilian engineer should have his full part in the planning of the enterprise. I regret to say, Mr. President, that while we talk of bureaucracy and clerk-made laws, while we denounce bureaucratic control, it was bureaucratic dictation that denied to those 250,000 civil engineers their proportion of representation in this great plan.

But out of it came finally a board, and whether the plan is a failure or a success will depend upon the kind of men who will go upon the board. The Chief of Army Engineers is to be one of the commissioners. A second commissioner is designated as the president of the Mississippi River Commission. This position is now held by a man who served 18 years upon the river, a man who knows the river. Those who study the problem of the river know that experience counts at least 50 per cent with engineering skill in solving problems of that great stream. But unfortunately the term of office of Colonel Potter, the head of this commission, a man who knows more of the river than any engineer on the river, has expired. Therefore, both the House and Senate committees wrote into the bill a request to the President for the reapointment of Colonel Potter. So that there might be no misunderstanding, the intent of Congress was expressed by the unanimous vote of the 19 Senators on the Commerce Committee, by the unanimous vote of the 21 Congressmen on the Flood Control Committee, and by a vast majority in the House and a unanimous vote in the Senate, that the President should, in all fairness and to preserve the philosophy of the bill, reappoint Colonel Potter as president of the Mississippi River Commission.

This is the language used in the bill:

Provided, That the present incumbent of the office may be appointed a brigadier general of the Army, retired, and shall be eligible for the position of president of the commission if recalled to active service under the provisions of existing law.

That would give the people of the United States the Chief of Engineers, who can explain and expound the Chief Engineer's plan, and it would give the people of the United States the president of the Mississippi River Commission, who could present his plan. Then the President may select a civilian engineer, who could compose the differences between the two.

Mr. President, I am sure the President of the United States understands the situation. He understands that it would be unfair to those who believe in the Mississippi River plan not to have a representative of that commission appointed. All we ask of him, and I am sure he will do it, is to give us an engineer of great civil ability and experience who will reconcile the differences between the two plans.

Mr. KING. Mr. President, will the Senator suffer an interruption?

The PRESIDING OFFICER (Mr. SACKETT in the chair). Does the Senator from Missouri yield to the Senator from Utah?

Mr. HAWES. Certainly.

Mr. KING. Does the Senator think there is any conflict or will be any conflict between the so-called independent board, composed of the Chief of Engineers, the head of the Mississippi River Commission, and a third party to be appointed by the President, and the Mississippi River Commission? Who will ultimately control in determining the project and the plans to be pursued in the execution of it? I am asking for information.

Mr. HAWES. If there is disagreement, the discretion will lie with the civilian engineer. The so-called Jadwin plan, which was an incomplete plan, called for $296,000,000. The Mississippi River Commission plan called for $406,000,000. The committees of the House and Senate provided for $325,000,000 as the total sum to be spent. The board is appointed to compose the differences between the two plans, the limitation being placed at $325,000,000.

Mr. President, I have been amazed at some recent statements which have appeared in the newspapers. There seems to have been a confusion in the minds of men regarding the work to be performed by the United States Government. It is not a work of reclamation. It never was a work of reclamation. It was not a thing that affected the landowners. It is a work of controlling flood waters.

The great proportion of the work will be done in one State, the State of Louisiana. When men talk of profits out of a spillway or something wrong about the purchase of land for a spillway, they confuse reclamation with a Government direction to drive over a man's land. It may interest the Senate to know that the waters from Louisiana do not flow down the Mississippi River. They enter into the Gulf of Mexico through its rivers and its bayous. The flood that passes through Louisiana is the water that comes from outside the State of Louisiana. Both engineering plans provide for spillways. They are not down the course of the river. They do

not follow previous overflows. They are diversions to be created by man for the benefit, not of Louisiana, but for the benefit of 31 States in the Union.

There has been a difference of opinion among the engineers, and the public should understand that there is a difference today, so that the public may look forward to seeing that when we have one tribunal, one forum, which is to decide between the plans of the Mississippi River Commission and the plans of the Chief of Engineers, it may be a fair forum composed of fair men, so that the Nation will have the best advice given to it in both plans.

Mr. President, I know of no subject since my service began in Washington which has been given such careful attention by the committees of the Senate and House. I must not fail to say before I take my seat one word for the chairman of the Senate committee, the senior Senator from Washington [Mr. JONES], for his great patience, his fairness, his perseverance in preserving in the bill a philosophy which has gone through it all, a philosophy of fairness, in reconciling two plans that the American people might in the last analysis secure the best plan.

Mr. HOWELL. Mr. President, this bill proposes a great internal improvement. I am in favor of the Government undertaking such great works of improvement. However, this bill reverses policies that have been heretofore in effect recognized by Congress; and I feel that we should all realize that as a consequence readjustments in connection with other similar public improvements will be demanded and can not well be refused.

From time immemorial the Mississippi River and its tributaries have been making a pathway to the sea. We recognize, under the common law, that the use of a track after a certain number of years entitles the public to travel over the same as a highway without restraint. In other words, the right to use the track as a highway is secured by proscription. If there ever was a right by proscription obtained, certainly that right has been secured by the Mississippi River for its course to the sea.

Man has been infringing upon that right, gradually contracting this pathway, and as a result now and then the Mississippi has reasserted its full title to this route to the sea and has occupied it. The consequence is that we are now confronted with a demand for flood control because man wants permanently a part of the pathway of the Mississippi River for his own use.

This occupation has been developing for a long time. It has been urged, however, that even though these infringements upon this right of way have taken place, the necessity of flood control has been accentuated by the fact that forests have been removed from upper tributary areas. However, we have but to go back over history to find that in 1881 there was an equivalent flood, and still further back to 1844, before practically any forest was removed from the upper regions, to find that there was a corresponding flood to that which was sustained in the last year. Therefore, so far as deforestation is concerned, it is probable that it does not greatly affect this problem.

As a matter of fact, this bill provides for reclamation—a great reclamation project. We have to deal with two classes of reclamation. The first class of reclamation is leading water on dry land to make it livable. A second class is keeping water from wet land, thus making it livable. In connection with legislation for reclamation of the first character, we have recognized this principle: That it was an economic problem, practically in its entirety. The question being, Is Congress justified in providing for a particular reclamation? And Congress has had to be shown that if it spent, on an average, a hundred dollars for the reclamation of an acre of land, it would be worth at least a hundred dollars after reclamation was accomplished; and if that could not be demonstrated, reclamation has been denied.

Furthermore, it has been provided that those who were the beneficiaries of reclamation should pay for reclamation. At least they should pay the cost of reclamation, if not interest upon that cost during the repayment period.

That has been the policy of Congress. Under that policy Congress has expended or authorized the expenditure of about $170,000,000; and, as a result of these expenditures, certain repayments are being made each year. Now, however, it is proposed that in connection with this great reclamation project there shall be practically no contribution by the owners of the lands that are benefited.

The President recognized this great change in policy and has opposed it; but I understand that now he has finally agreed that the people of the United States shall pay practically all the cost of this work, including sixty or seventy millions to landholders for lands and rights. In short, the President has surrendered.

This being the case, we are indeed confronted with a new policy respecting reclamation in this country, and I do not see how we can very well insist that the husbandman, upon the plains in the West and the Northwest, shall pay for the reclamation that he has been afforded, or how, in the future, we can say to those who ask for the reclamation of dry land, "You must pay therefor, or else you can not expect consideration from Congress."

I accept this situation; but I represent regions that are interested in dry reclamation and I should like to have it understood that hereafter we will be entitled to come to Congress and ask for corresponding consideration. In fact, we are entitled to come and ask not merely for reclamation of arid lands but of subarid lands.

A drought is nothing but a natural phenomenon, a lack of water in the form of rain. The trouble in the lower Mississippi Valley has been a surplus of water because of rain. It is now proposed to reclaim and prevent the suffering that results from an excess of water due to such cause. Have not our western settlers the same right to come to Congress and ask relief because of the lack of rain? These are simply two natural phenomena quite akin. That is what this is to lead to, and Congress can not fairly refuse to consider favorably our requests.

In my State there are three counties that up to last year for three or four years had practically no crops whatever. The people were practically wiped out so far as their fortunes were concerned. Under similar circumstances again they will have a right to appeal to Congress. We have in the past appealed to Congress and asked that a reclamation project should be authorized in this region, but up to the present time have been refused, because the reclamation project might involve the expenditure of some $15,000,000.

Mr. KING. Mr. President, will the Senator suffer an interruption?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HOWELL. Certainly.

Mr. KING. I was interested in the statement made by my able friend from Missouri [Mr. HAWES]. It seemed to me a very proper one—namely, that we ought not to confuse this project, dealing with the flood waters of the Mississippi River, with the sources of streams and irrigation projects.

In this case it is claimed that 41 per cent of the area of the United States is involved; that the waters of 21 States are sent into the Mississippi River; and that the effect of those waters is to work serious injury in a few States. The States that are inundated and damaged are not at fault. Their situation is caused, perhaps, by the sins of omission or commission, whichever view may be taken, of a large part of the United States. Does not the Senator differentiate such a situation as that from propositions to irrigate private land?

May I say that I was in the House when the so-called Newlands bill was passed, and I wrote a minority report concurring generally in the proposition that Congress had the right to reclaim its own lands, though it was paternalism that might be carried to an extreme, and we could justify appropriations from the Treasury of the United States to irrigate the lands which were owned by the Government, because by so doing we would facilitate the salé of those lands; but I believe the committee were unanimous in the opinion that it was not within the power of the Federal Government to irrigate private lands.

I express no opinion now. I wanted simply to ask the Senator if he did not differentiate between this project and the project of the Federal Government going into States and building reservoirs for the purpose of irrigating the lands of private persons?

Mr. HOWELL. Mr. President, of course this project of reclamation as proposed in this bill is not identical with one where it is necessary to lead water upon dry land. However, as the Senator from Arkansas [Mr. CARAWAY] stated, 17,000 square miles in his State were submerged as the result of last year's flood. If works are provided that enable these 17,000 square miles to be freed from subsequent flooding so that they may be utilized for the raising of crops without interference, is not that a form of reclamation? There can be no question about it; and the necessity for reclamation in both cases is due to water—too little or too much.

Mr. GEORGE. Mr. President, let me ask the Senator if that is not merely an incidental result? Is not the reclamation of a portion of the land along the Mississippi merely incidental in this case?

Mr. HOWELL. If it were not for the advantages of reclamation there would be no urgency for this measure.

Mr. GEORGE. For reclamation?

Mr. HOWELL. For reclamation.

Mr. GEORGE. Is that the Senator's idea about this bill?

Mr. HOWELL. I have no question about it.

Mr. GEORGE. If I entertained it I should vote against the bill.

Mr. HOWELL. There is no question about it.

Mr. GEORGE. The Senator contends that that is the urgent reason for the passage of this bill?

Mr. HOWELL. That is the urgent reason for its passage. Reclamation is necessary, and permanent reclamation.

Mr. GEORGE. I have not thought so, Mr. President. If the Constitution of the United States gives to the Federal Government power to control the navigation and commerce upon this great stream—and the United States, of course, will brook no interference with commerce and navigation upon this stream—it seems to me that there is a national obligation that grows out of that power, and that the reclamation which benefits the land adjacent to the river, derived from the proper control of flood waters in that river, is purely incidental to the duty and oblition that rests upon us under the Constitution.

Mr. HOWELL. Mr. President, if the purpose, or if the advantage, to be achieved by this measure were merely navigation this measure, meaning the ultimate expenditure of $1,000,000,000, would not now be before Congress.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. HOWELL. I yield.

Mr. CARAWAY. The very word "reclamation" carries with it what meaning to the Senator?

Mr. HOWELL. It means making land livable and useful that otherwise is not livable and useful.

Mr. CARAWAY. It means to change the conditions of that land, does it not?

Mr. HOWELL. It does.

Mr. CARAWAY. Did it ever occur to the Senator that there might be this difference between his idea of reclaiming desert land and preventing overflows? To take the water off land does not reclaim it. It does not take care of local conditions. It simply prevents a moving body of water that originates in another section, much of it a thousand miles away, from destroying what already exists.

There is no such thing as something moving down on the arid lands. Your condition is local. You are not protesting against something that occurs outside your region. You are asking, when you ask for reclamation, that a changed condition may take place within your local area. You are fighting a local condition. The idea of flood control does not look to taking local water to change a local condition. It is to prevent a flood rising in anther section from sweeping down and destroying the section to be protected.

Does not that appeal to the Senator as a difference?

Mr. HOWELL. West of the one hundredth meridian there is a region about 150 or 200 miles in width that has been called semiarid. Some years we have crops, and splendid crops. Other years Nature does not smile on us; she frowns upon us, and then we suffer. Sometimes those years succeed each other and leave the land practically barren. That is exactly what takes place in the Mississippi Valley. People settle upon its low, fertile lands. Suddenly, after several years of successful cultivation, they are overwhelmed by flood water, just as our people are overwhelmed—by what? Lack of water.

Mr. CARAWAY. Mr. President, if the Senator will pardon me, let us take New England. There came a flood there last spring that washed away their roads and bridges. This bill carries a provision that the Government shall help restore them. Suppose these bridges had crumbled on account of some purely local condition. Does anybody in the Senate believe that there would have been an appropriation in this bill to build them up? Suppose the concrete out of which they were made had proven faulty, and they had crumbled and the bridges had fallen down. Nobody would have said that the Government ought to go in there and rebuild them. We undertake to do it, wise or otherwise, because of a condition which does not originate with them.

A great flood of water comes down the valley and destroys property. It seems to me to be so obvious that I certainly just miss the Senator's point. If we were to have a drought, I do not think there would be any obligation resting upon the Government or anybody else to take care of the damage, although since I have been a Member of Congress I have voted quite frequently to supply certain things needed for drought-stricken areas in the West. The committee of which I am a member, and of which the Senator sitting in front of me [Mr. GEORGE] is a member, reports bills to buy seed, to furnish food and feed and seeds to enable people to make crops where there has been damage caused by a local drought.

Mr. HOWELL. Just as has been done for flood-stricken regions.

Mr. CARAWAY. Absolutely not. There has not been one single thing of the kind done for a single acre of land or a single individual living in the valley. It is wholly different. You can search the records from beginning to end, and you will find that we never asked for it. All we have said was that if you originate a flood beyond our borders, it is a national situation, it comes down a national stream, and you ought to take care of your water. There is a law, wise or otherwise, in every community on earth, that you can not even keep a vicious dog and let it bite your neighbor without answering for it. The Government controls the Mississippi River and owns it. You can not put an obstruction in it, you can not dig a channel in it, without the Government's permission. It would not seem to be exceedingly unfair, then, to ask it to maintain its property in such a way that it would not destroy the people along its banks.

Mr. HOWELL. Mr. President, I called attention not long ago in my remarks to the fact that the Mississippi River from time immemorial has been cutting a pathway to the sea; that it had a right to that pathway by proscription; that man was interfering with that pathway, and has interfered with it; and that the Mississippi has merely retaliated.

I recognize that this bill is to pass. I recognize that we are taking a new position respecting certain internal improvements. I recognize that this new position means that tremendous areas of private property are to be benefited without contribution at the expense of all the people of the country. The purpose of my remarks is to call to the attention of the Senate that necessarily, in justice to ourselves, we, from the arid and semiarid regions, must come here and ask for similar assistance when we are threatened or affected by natural phenomena, and especially that phenomenon, drought.

Therefore, Mr. President, I trust that when we do come, as we will, we will be treated in the same generous spirit which is now the lot of the great Mississippi Valley.

Mr. GEORGE. Mr. President, I do not intend to discuss the conference report, because I know the important step is the taking of the vote on the measure. I merely wish to say that I do not regard flood control on the Mississippi River as standing upon the same basis or being in anywise analogous to reclamation. The two seem to me to be wholly apart. There is no ground of similarity between the two. Flood control on the Mississippi River, a great channel of interstate and international commerce, over which the United States has complete jurisdiction under the Constitution, presents, of course, a different picture from any that can be presented by or on behalf of the irrigation of land anywhere in the country.

The recognition of the problem as national is not coming too soon; it is coming all too late. It requires some great catastrophe, some great flood, as the flood of last year, to bring us to a realization of the fact that this is a national problem. Before the vote is taken I merely wish to say that my vote is not placed upon the basis that this is a reclamation project. Wholly incidental is the benefit that flows to landowners and property owners along the Mississippi. The national obligation springs from other considerations, and rests upon the basis which I have indicated; that is, the national power over this stream as an artery of interstate and foreign commerce.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. JONES. Mr. President, there have been many propositions advanced during the debate on the conference report to which I may not agree, and about which there is much difference of opinion. It may not be important at all, but I wanted it to appear in the RECORD that the mere fact that I am not discussing these propositions, or attempting to controvert them, can not be taken as an indication of an agreeement on my part with the contentions made. I have been interested in the passage of this bill, and so have refrained from discussing any of these proposals about which there may be an honest difference of opinion.

There has been considerable said in the papers about the cost of this project. Where these estimates came from I do not know; but I have here a letter from the Chief of Engineers of the United States Army in answer to a letter from me with reference to the probable cost under these two plans, and I desire

to have it printed in the RECORD so as to show what the estimate of the Chief of Engineers with reference to the cost of this project is.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 2, 1928.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your letter requesting certain estimates pertaining to your flood-control bill, I give the following:

The local contribution required to construct the main-river levees to the 1914 grade is estimated at $4,200,000. This assumes that the Army engineer project is adopted as to the scope of the levee work and that tributary flood control contained in the commission plan is not to be done. If the commission plans are adopted to the extent of including tributaries and work above Cape Girardeau then the local contributions would be $15,447,357.

In view of the uncertainties about the project that the bill leaves to be settled later, it is very difficult to make any estimate of what it might cost. However, the attached statement indicates what might occur. The minimum is $305,000,000 and the maximum is over $502,400,000.

Trusting that this is what you desire, I am,

Yours very sincerely,

EDGAR JADWIN,
Major General, Chief of Engineers.

Approximate estimate

Army engineer estimate		$296,400,000
Land and damages Bonnet Carre		3,300,000
Land and damages Atchafalaya flood way if fuse-plug levees are removed		37,000,000
Land and damages Bayou Des Glaizes Loop		1,000,000
Land and damages Boeuf flood way if masonry spillway replaces fuse-plug levees		80,000,000
Masonry spillway Boeuf flood way		20,000,000
Land and damages Birds Point-New Madrid		2,500,000
Rights of way flood way levees		1,400,000
		441,600,000
Less local contributions		4,200,000
Net total		437,400,000
The following items in Mississippi River Commission estimate might be added to above:		
Above Cape Girardeau	$10,500,000	
Tributaries	50,000,000	
Atchafalaya revetments	4,500,000	
		65,000,000
Grand total		502,400,000

NOTE.—If certain features of the Mississippi River Commission plan, such as narrower flood ways, are adopted, greater levee raising will be required on the main river and the grand total will exceed the $502,400,000 above.

Mr. KING. Mr. President, I was called from the Chamber for a moment to answer the telephone when the Senator from Georgia [Mr. GEORGE] was speaking. I supposed there would be some further debate on the flood-control conference report. Coming into the Chamber a moment ago I discovered that the report had been adopted. I only want to say that if there had been a record vote I should have voted "nay," for the reasons I very briefly outlined a few moments ago when I addressed the Senate. If there had been a viva voce vote, I should likewise have voted "no."

EMERY RIVER RIDGE, ROANE COUNTY, TENN.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 3571) granting the consent of Congress to the county court of Roane County, Tenn., to construct a bridge across the Emery River at Suddaths Ferry, in Roane County, Tenn., which were, on page 1, line 5, after the word "a," to insert "free highway"; on page 1, line 6, to strike out the word "Emory" and insert "Emery"; and to amend the title so as to read: "Granting the consent of Congress to the county court of Roane County, Tenn., to construct a bridge across the Emery River at Suddaths Ferry, in Roane County, Tenn."

Mr. TYSON. I move that the Senate concur in the House amendments.

The motion was agreed to.

THE NATIONAL DEFENSE

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 750) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes, which were, on page 2, line 6, to strike out the word "is" and insert "shall be"; on page 2, line 7, to strike out the words "the Army Music School and"; on page 2, line 20, after the word "commissioned," to insert "warrant"; on page 2, lines 23 and 24, to strike out "and eight additional band masters for duty with the Army Music School as instructors"; and on page 3, line 1, after the word "physically," to insert "and professionally."

Mr. BINGHAM. I move that the Senate concur in the House amendments.

The motion was agreed to.

TERRITORY OF HAWAII

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 757) to extend the benefits of certain acts of Congress to the Territory of Hawaii, which were, on page 2, line 23, to strike out "1929" and insert "1930"; on page 2, line 24, to strike out "1930" and insert "1931"; on page 2, line 25, to strike out "1931" and insert "1932"; on page 3, line 1, to strike out "1932" and insert "1933"; on page 3, line 2, to strike out "1933" and insert "1934"; on page 3, line 3, to strike out "1934" and insert "1935"; on page 3, line 4, to strike out "1935" and insert "1936"; on page 3, line 5, to strike out "1936" and insert "1937"; on page 3, line 5, to strike out "1937" and insert "1938"; on page 3, line 6, to strike out "1938" and insert "1939"; on page 3, line 7, to strike out "1939" and insert "1940"; and on page 3, line 8, to strike out "1940" and insert "1941."

Mr. BINGHAM. Mr. President, I move that the Senate concur in the House amendments.

Mr. SMOOT. What is the nature of the amendments?

Mr. BINGHAM. The amendments propose to change the date when the agricultural aid acts, with which the Senator is familiar, will become available for the Territory by pushing the dates forward one year. It would take some time to read all the amendments.

Mr. SMOOT. If that is the only change, I have no objection.

Mr. BINGHAM. I ask to have inserted at this point an extract from the House report on the bill, which includes a letter from the Secretary of Agriculture, explaining that this proposed legislation would not be out of harmony with the financial program of the President.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

MARCH 15, 1928.

Hon. G. N. HAUGEN,
Chairman Committee on Agriculture, House of Representatives.

DEAR MR. HAUGEN: Under date of February 7 the department submitted a report to your committee on H. R. 6070, a bill to extend the benefits of certain acts of Congress to the Territory of Hawaii. The acts referred to were those commonly known as the Hatch Act and supplementary acts, Adams Act, and Purnell Act, providing for the establishment and maintenance of agricultural experiment stations, and the act of May 8, 1914, known as the Smith-Lever Act, which provides for cooperative agricultural extension work between the agricultural colleges receiving the benefits of the act of Congress approved July 2, 1862, which is the Morrill Act, and acts supplementary thereto. In the report of February 7 it was stated that upon submission of this proposed legislation to the Bureau of the Budget, as required by Circular No. 49 of that bureau, the Department of Agriculture was advised under date of February 3, 1928, that the legislation proposed in H. R. 6070 would be in conflict with the financial program of the President.

The department is now in receipt of a communication from the Director of the Bureau of the Budget, dated March 7, 1928, in which he states that the legislation proposed in H. R. 10959 for the same purpose, introduced February 14, 1928, by Mr. HOUSTON, the Delegate from Hawaii, would not be in conflict with the financial program of the President if it were amended so as to start the program of progressive appropriations in the fiscal year 1930 instead of the fiscal year 1929.

Sincerely yours,

WM. M. JARDINE, *Secretary.*

From the above it will be seen that the Bureau of the Budget and the Department of Agriculture approved of H. R. 10950, with the understanding that the start of the program should be in 1930 instead of the fiscal year 1929.

The Senate has already passed S. 757, which is an identical bill with H. R. 10959. S. 757 is being reported amended so as to start the program appropriations in the fiscal year 1930 instead of the fiscal year 1929.

* * * * * * *

Between the years 1917 and 1927 the Territory of Hawaii has paid into the Federal Treasury, through internal revenue and the customhouse, a total of $107,628,451.64.

The Federal Congress has recognized Hawaii's right to share in Federal aid laws relating to highways, farm loans, vocational education, and

child welfare and maternity, and now asks that similar recognition be accorded her in respect to the Federal aid for agricultural purposes. Hawaii has a greater population than three States and is at the present time paying into the Federal Treasury more than 13 States.

It is in no sense a possession, as possessions do not carry the burdens which States and Territories do. Neither Porto Rico nor the Philippines contribute to the Federal income by reason of the income tax, nor do they pay into the Federal Treasury by reason of the customs.

The intent of this bill is to eventually give to the Territory of Hawaii all of the Federal aid for agricultural colleges enjoyed by the States, no more and no less.

In view of all of the above facts, but principally in view of the fact that there is a large need for this aid by reason of the agricultural industry of the Territory, the importance of the college work (where there are 840 pupils at present), and by reason of section 5 of the organic act, the committee recommends that the bill do pass.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut to concur in the amendments of the House of Representatives to the bill.

The motion was agreed to.

HEARINGS ON BILLS ABOLISHING CAPITAL PUNISHMENT IN THE DISTRICT

The PRESIDING OFFICER laid before the Senate a concurrent resolution from the House of Representatives (H. Con. Res. 30), which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on the District of Columbia of the House of Representatives be, and is hereby, empowered to have printed for its use 2,000 additional copies of the hearings held before the committee during the Sixty-ninth Congress, first session, on the bills (H. R. 349 and H. R. 4498) to abolish capital punishment in the District of Columbia.

Mr. SHIPSTEAD. I ask that the Senate agree to the concurrent resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

PROCEEDINGS UPON ACCEPTANCE OF STATUE OF ANDREW JACKSON

The PRESIDING OFFICER laid before the Senate a concurrent resolution from the House of Representatives (H. Con. Res. 33), which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound, with illustrations, the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Andrew Jackson, the seventh President of the United States, presented by the State of Tennessee, 10,000 copies, of which 2,000 shall be for the use of the Senate and 5,000 for the use of the House of Representatives, and the remaining 3,000 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Tennessee.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall provide suitable illustrations to be bound with these proceedings.

Mr. SHIPSTEAD. I ask that the Senate agree to the concurrent resolution of the House.

The concurrent resolution was considered by unanimous consent and agreed to.

LANDS OF CERTAIN MEMBERS OF THE FIVE CIVILIZED TRIBES

Mr. FRAZIER. I submit a concurrent resolution and ask for its immediate consideration. It provides for the recall of a bill from the President which has, unfortunately, one word wrong, and I want to bring it back so that the change may be made.

The concurrent resolution (S. Con. Res. 19), was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate S. 3594, entitled "An act to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes."

BEFORE AND AFTER THE WAR

Mr. TYSON. Mr. President, I ask permission to have inserted in the RECORD an article appearing in the Wall Street Journal of May 8, 1928, entitled "Before and after war."

The PRESIDING OFFICER. Without objection it is so ordered.

The article referred to is as follows:

[From the Wall Street Journal, May 8, 1928]

BEFORE AND AFTER WAR

What is known as the Tyson-Fitzgerald bill for retirement of disabled emergency Army officers of the World War is on the calendar of the House of Representatives. This is no pension-grabbing scheme but a provision for simple justice to one class of officers who, in disregard of the Government's pledges in 1917 when they were needed, have been discriminated against and neglected. For over eight years these disabled officers have asked for consideration, yet there is danger that the House of Congress will deny this act of justice, long overdue, and put the Government in the position of repudiating a wartime pledge.

In the World War the United States had nine classes of officers. There were the regular, provisional, and emergency officers of Army, Navy, and Marine Corps—three classes of officers in each of the three branches of the service. In the service act of May, 1917, Congress provided that all officers and men of the provisional and emergency classes should in all respects be upon the same footing as to pay, allowances, and pensions as those of the Regular Army.

There is the country's pledge. Let us see how it has been kept. For illustration, stand nine men in a row, all of them officers who served in the war, three from each branch of the service. Imagine that every one has suffered the identical disability, say the loss of the right arm. Congress comes along, puts eight of them in an automobile, drives away with them, and provides for them. It overlooks the ninth man, refuses to go back for him, and for over eight years leaves him standing there alone waiting for that pledge to be redeemed.

Now name those who have been cared for. To one in each of the Army and Navy corps give the name of Regular, another Provisional, and another Emergency, then call the forgotten one Army Emergency, and you have the case.

Why should eight be taken and one ignored? In the summer of 1918 we would have said that it would be impossible to forget any of those men. Yet, in less than 10 years St. Mihiel, Belleau Wood, Chateau-Thierry, and the Argonne are forgotten. These emergency officers were among those who led the American forces in the great battles that turned the tide of war.

War Department records show that proportionally the battle-field mortality was 55 per cent greater for officers than for the men; that of the officers who laid down their lives on those fields 93 per cent were the emergency officers of the Army. The disabled survivors of this class of officers are those represented by the ninth man left standing. Will the country forget its pledge and permit that ninth man to be left alone any longer?

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. SMOOT. Mr. President, at the request of a number of of Senators that I call for a quorum before the resumption of the consideration of the revenue bill, so that the Senator from North Carolina [Mr. SIMMONS] and some others might be here, I wish to suggest the absence of a quorum.

Mr. CARAWAY. Will not the Senator withhold that suggestion for a moment?

Mr. SMOOT. Yes; I withhold it.

Mr. CARAWAY. I want to ask the Senator a question. I wish to offer an amendment on page 27, line 7. I do not know whether there is some amendment to that provision now pending or not.

Mr. SMOOT. There is no amendment pending, but I will ask the Senator to kindly withhold his amendment until we get through with the committee amendments. There is a unanimous-consent agreement that we consider committee amendments first.

Mr. CARAWAY. That is all right. I just wanted to ascertain whether there was an amendment pending.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	La Follette	Shipstead
Barkley	Fletcher	McLean	Shortridge
Bayard	Frazier	McMaster	Simmons
Bingham	George	McNary	Smith
Black	Gerry	Mayfield	Smoot
Blaine	Gillett	Metcalf	Steck
Blease	Glass	Moses	Steiwer
Borah	Goff	Neely	Stephens
Bratton	Gould	Norbeck	Swanson
Brookhart	Greene	Norris	Thomas
Broussard	Hale	Nye	Tydings
Bruce	Harris	Oddie	Tyson
Capper	Harrison	Overman	Vandenberg
Caraway	Hawes	Phipps	Wagner
Copeland	Hayden	Pine	Walsh, Mass.
Couzens	Heflin	Pittman	Walsh, Mont.
Curtis	Howell	Ransdell	Warren
Cutting	Johnson	Reed, Mo.	Waterman
Dale	Jones	Reed, Pa.	Wheeler
Deneen	Kendrick	Sackett	
Dill	Keyes	Schall	
Edge	King	Sheppard	

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present.

Mr. SMOOT. Mr. President, the first amendment to be taken up this afternoon is found on page 205, section 441, tax on sales of produce on exchange.

The House repealed "subdivision 4 of schedule A of Title VIII of the revenue act of 1926, to take effect on the expiration of 30 days after the enactment of this act." The Senate committee sees no reason why that should be repealed. The tax imposed to-day is 1 cent upon each $100 of valuation by transfer. There is $3,000,000 involved. Therefore we ask that the Senate committee action be approved by the Senate.

Mr. WALSH of Massachusetts. Mr. President, what is the amount of revenue produced by the item?

Mr. SMOOT. It is $3,000,000.

The PRESIDING OFFICER. The Clerk will state the pending amendment.

The CHIEF CLERK. On page 205 the committee proposes to strike out lines 11 to 14, both inclusive, in the following words:

Subdivision 4 of Schedule A of Title VIII of the revenue act of 1926 is repealed, to take effect on the expiration of 30 days after the enactment of this act.

Mr. SIMMONS. Mr. President, I see in the report of the Senator from Utah the statement that the loss of revenue by the repeal of this amendment would be $3,500,000.

Mr. SMOOT. The Senator must have the wrong report.

Mr. SIMMONS. I am referring to page 46 of the Senator's report.

Mr. SMOOT. Whether it is $3,000,000 or $3,500,000 makes very little difference.

Mr. SIMMONS. That is true.

Mr. President, I do not desire to engage in any extensive discussion of the question. The Senator from Mississippi [Mr. HARRISON] expected to discuss it pretty thoroughly, I think, and may do so before we pass on the amendment. In the meantime, I may say that I do not know whether it is true or not, but I think the farmers of the country are under the impression that all of this tax upon their products will ultimately have to be paid by themselves. It is said that the farmers have not made their views heard upon this subject. It is to be regretted that they have not. But that is in conformity to the custom among our farmers in this country. Ordinarily they are voiceless. Ordinarily they do not complain. Ordinarily they bear their burdens with patience. It is true that such a yoke has been imposed upon certain producers of staple products in the country, that it has forced the farmers, contrary to their usual custom, to voice in tones that are heard from one end of the country to the other their protest against these burdens, against these exactions, against these discriminations.

This is a small matter compared with the things about which the farmers have been aroused. With respect to this question the average farmer knows nothing. He does not know that he has to pay a tax of one cent on each hundred dollars of the value of his products sold on exchange. The farmers probably have not been able to reach the ears of the chairman of the committee or of the majority. Nevertheless the farmers' representatives are looking more closely to-day than ever before into the multitude of little exactions that are made against him. They have not been silent. They have expressed their objection to this tax. It does not raise much revenue. It is claimed that the farmers are opposed to it. I know that if the farmers believe as they do that this is a tax upon the sale of their products, they would be as unanimously against it as the wheat farmers of the West are against the burdens which are placed upon them and the discriminations which are leveled against them.

Therefore there is in my judgment nothing in the argument which the Senator from Utah, the able chairman of the committee, urges to the effect that the farmers have not protested. They have not in the sense that they protested against the heavy exactions which they could not overlook, because it is small and insignificant. It only amounts on the whole to $3,500,000; and yet, finding this little burden imposed upon the farmer, in order to answer the demands of the administration for economy in expenditures, economy in reduction of taxes, economy in relieving against burdens which are unnecessarily imposed, the majority denies the benefit of this little reduction. I am not surprised that there is a feeling among the farmers of the country that the present administration and the Congress of the United States as now constituted have not been as much of a friend to the farmer as his pitiable condition of inequality under the law would seem to call for.

Mr. SMOOT. Mr. President, this tax is not upon the products of the farmers at all. Up in New York they will sell 10,000,000 bushels of wheat on the exchange. Not a kernel of it is actually transferred. To-morrow they will sell that 10,000,000 bushels somewhere else. They simply gamble on the stock exchange, and all we ask is that they pay one cent on every hundred dollars that they gamble in the farmers' products. If I know anything about it and if I may judge from what I am told, they do not care about this tax and we might just as well get the $3,000,000 out of the gamblers and the stock exchanges in Chicago and New York, who never take a single penny out of the farmer, and it might as well go into the Treasury.

Mr. CARAWAY. Mr. President, I wish the Senator would make it so high that it would make that business prohibitive.

Mr. SMOOT. That is what the farmers have asked us to do.

Mr. CARAWAY. I do not know of a farmer anywhere who does not realize not only that gambling is morally wrong but that gambling in farm products is destructive. Let us make it so heavy that they will have to quit it.

Mr. SMOOT. It is not a very heavy tax now.

Mr. CARAWAY. Will the Senator accept an amendment to make it heavier?

Mr. SMOOT. We would like to get some revenue out of it.

Mr. CARAWAY. We do not want to get revenue out of crime.

Mr. SMOOT. As long as it is not a violation of law but is a moral wrong——

Mr. CARAWAY. I know it is morally wrong. But we have entered into a great period of moral uplift which should encourage us to make the tax so heavy that they will have to quit this gambling. What is the amount of the tax now?

Mr. SMOOT. One cent on every hundred dollars.

Mr. CARAWAY. Would 10 cents on a hundred dollars make it unprofitable to them?

Mr. SMOOT. I have never bought a bushel of grain on the market and I know nothing about what it would be.

Mr. CARAWAY. I am going to move to make it 10 cents in the belief that it will make the gambling prohibitive. I am sure the Senator from North Carolina [Mr. SIMMONS] will be glad to have it made prohibitive.

Mr. SMOOT. Oh, no; the Senator from North Carolina is opposed to the 1-cent tax now levied.

Mr. SIMMONS. I wanted to repeal it.

Mr. CARAWAY. But if we could prohibit this exploitation of the farmer, this selling of millions and millions of bushels of corn and wheat that never was in existence and never will be, of millions and millions of bales of cotton that never was grown and never will be, destroying the markets by that process, it seems to me that we ought to be quite willing to tax it out of existence. They sell from 150,000,000 to 200,000,000 bales of American cotton on the exchanges in New Orleans, New York, and Chicago, when 13,000,000, 14,000,000, and 15,000,000 bales covers the total production. I am told that there were sold in Chicago one day last year more bushels of wheat than were produced in all America that year. We have just taken testimony on that point. The price of the product can be manipulated on the market by those gambling in futures.

We have testimony from Mr. Palmer, who is in charge of the cotton division of the future markets in the Department of Agriculture. He said last year, when he was testifying before the committee, that they could manipulate the price of cotton on the future market as much as $7.50 a bale. The testimony in the examination before the committee which has just been had before the subcommittee, composed of the Senator from South Carolina [Mr. SMITH] and others, shows that they actually manipulate the price of cotton until they destroy it. One of them said there was no reason at all why cotton should not have been sold for 20 or 25 cents a pound last year to destroy the future market. They destroyed the wheat market. They abolished the myth of future markets representing the world markets. There was a time last year when cotton futures in Liverpool sold at $10 less than they sold in New York, although they ought to have been $4 or $5 higher.

There was a difference of nearly $14 a bale on cotton manipulated through the Liverpool market; and Mr. Clayton—who, I think, is one of the ablest men who deal on the cotton exchange—said that that was due to a local condition; that the coal strike and the industrial depression in Great Britain made it impossible for there to be a demand for cotton in Liverpool, and therefore that was a local condition.

You can not control a world market nor reflect a world market when a local condition will depress the price of cotton $14 a bale. The greatest economic crime of this century is permitting people to gamble in the products of the toil of 30,000,000 of American people. It robs the producer, it robs the consumer, because, if you will notice, the producer always has to sell on the low price. The price of the finished product, whether it is bread or clothes, is always based on the highest price. Therefore, the producer is robbed by this manipulation of prices in what are called future markets, which are nothing but gambling dens; and the consumer is robbed by the same process.

We have a chance to wipe that out in this bill by putting a tax on this gambling in the products of the sweat and blood of 30,000,000 of American producers, and close the exchanges.

They do not reflect a world's market. They reflect a gambler's market. We heard them testify day after day here in the Senate Office Building. We heard Mr. Marsh say that Clayton, Anderson & Co. had manipulated the cotton market and squeezed out a lot of people; and Mr. Clayton said, "I had to carry 172,000 bales of spot cotton to New York and keep it there to tender on tender days, not because they were going to accept it, but," to use his very words, "because they would have taken my shirt off my back if I had not had it there." In other words, by manipulating the market and keeping a lot of unspinable cotton in New York he could break the price of cotton and save his shirt and make millions of dollars, although he took the shirt off every cotton grower in America.

It ought to be stopped. A moral spasm struck this country at one time, I remember, and all of you do, because they had a lottery down in New Orleans. It was a gambling machine, of course; but nobody gambled on that except the man who gambled with his own money. They did not gamble in the sweat and blood of other people. They gambled in their own wealth; and yet the sense of moral justice in this country that desired to shut down public gambling made them close the Louisiana lottery by denying them the use of the mails. They closed it, and nobody has ever complained about it. It was a righteous thing to do; but the Louisiana lottery was mere penny gambling as compared to the futures markets.

We talk about the gambling that takes place in the little kingdom over on the Mediterranean Sea, Monte Carlo. They never risk as much there in a year as is bet on the Board of Trade in Chicago in one day, and yet they bet their own money. These people in Chicago are robbing every wheat grower and every grain grower in America. If we do not feel any repulsion against gambling, if we are willing to say that gambling is all right, that it is not morally wrong, we ought at least to make men gamble with their own wealth, and not gamble with other people's wealth. There is not a Senator on this floor who will vote to-day to establish a public gambling house in the District of Columbia. There is not a man here that would not be driven out of public life if he did it; and yet when you authorize these people to gamble in the price of wheat, which is the bread of the Nation, and in cotton, which is the clothes of the Nation, you authorize the biggest gambling institution this world ever saw, and you permit them to gamble, not in their own wealth but in the wealth that is produced by the American farmer.

You can not do it any longer under the theory that you are having a market that reflects a world condition and therefore is an advantage, because, of all the people that came before the committee, there was not one who did not say that the markets could be and were manipulated. Mr. Clayton himself said, "There is not any excuse for the cotton market in New York." He said, "It is an economic crime to have it there." He said you could manipulate it, and all of them said he had done it. He testified—the greatest buyer and seller of spot cotton in the world—that they manipulated the price of futures in Liverpool last year until it was ruinous; and they said that cotton would have sold 5 or 6 cents higher if it had not been manipulated in the future market.

We owe something to the people who feed us, and we owe something to the people who make the products out of which the clothes we wear are made. Therefore let us put a tax on these transactions that at least will give the farmer a chance under the economic conditions, as bad as they are, to get what the world's price is, and not have it destroyed by a lot of gamblers in New York and Chicago and New Orleans.

Mr. SMOOT. Mr. President, has the Senator finished?

Mr. CARAWAY. Yes; except that I am going to move to increase the rate to 10 cents.

Mr. SMOOT. Mr. President, the only reason why the rate in the past has not been increased is the fact that if we put the rate too high all of the dealing will be done in Canada or England through telegraphic communication from the offices in New York.

Mr. CARAWAY. Mr. President, let me ask the Senator a question: There is a good deal of gambling in Monte Carlo because we have not got a public gambling place here in the District of Columbia. If it is a good idea to keep your gambling at home, why do you not introduce a bill to open a public gambling place here, so that people will not have to go to Monte Carlo to gamble? The Senator says that if we do not let the people gamble at home they will gamble in Canada.

Mr. SMOOT. That is quite true, Mr. President. I think the sales will be made there.

Mr. CARAWAY. That is not the belief of the people who gamble in these products, Mr. President.

Mr. SMOOT. I think it is. I do not think there is any question about it.

Mr. CARAWAY. I have a bill pending into which you can write provisions which will stop gambling in American products by American people anywhere on the earth by denying them the right of communication, which is always under the control of the Government.

Mr. SMOOT. That legislation would be effective.

Mr. CARAWAY. Yes, sir; and this will be effective.

Mr. SMOOT. No; if we put this tax at 10 cents, which is very much higher than the present law, the trading will be transferred to England or it will be transferred to Canada.

Mr. CARAWAY. Whenever you can break up gambling in futures in America there will be no opposition to passing a bill that will prevent them from gambling in Liverpool in our products. Besides, Mr. Clayton himself said that you could not hedge on Liverpool, and therefore you could not gamble on the Liverpool market, because there was a difference of $14 a bale there against American cotton. You can not hedge on it; you can not gamble on it there.

Mr. SMOOT. But that is not the question. This is what they will do: The same people that gamble in this produce here will have the sales and the purchases made in England, and immediately reflected here, or send them here. That is exactly what will happen.

Mr. CARAWAY. Then the people who have been gambling do not know what will happen, because under oath they swore that they could manipulate the cotton market in Liverpool, and that they did not dare try to hedge on that market. There is certainly some Member on the floor who is a member of that committee. The Senator from Alabama [Mr. HEFLIN] is one.

Mr. SMOOT. That is true where you have a competition between England and the United States; but if it is done from there directly through an American agency here, then of course it is not true.

Mr. CARAWAY. The Senator from Utah is not familiar with this gambling process. The Senator from Alabama [Mr. HEFLIN] heard Mr. Clayton say that local conditions depressed the price of cotton $14 a bale in Liverpool.

Mr. HEFLIN. Yes.

Mr. CARAWAY. And everybody knows that you can not hedge on a $14 a bale loss in cotton. Everybody who followed that investigation for a minute knows that there is not anything in gambling in futures for anybody except the man who gambles in them. It destroys the farmer. In the interest of common decency, in the interest of protecting people against a raid upon their products by people who have no interest in them except to make money out of them for themselves, let us stop it. If you will stop it by taxing it out of existence, there will be no trouble in passing any needed legislation to prevent gambling in Liverpool. They can not do it anyway, according to their own statement before the committee; and I shall offer an amendment to increase the tax to 10 cents.

FARM RELIEF

Mr. NEELY. Mr. President, the President is about to make a devastating application of the scriptural aphorism, "He that hath, to him shall be given; but he that hath not, from him shall be taken even that which he hath."

The predestined victims of this application are the American farmers, multitudes of whom are in bankruptcy and millions of whom are in the greatest distress that they have ever known.

Again the President is on the verge of vetoing the McNary-Haugen agricultural bill. And what is the basis of this assertion? The Wall Street Journal, which for a long time has played the part of a rhinoceros bird to the President, and which habitually not only warns him of every approaching danger but gratuitously and sometimes obstrusively tells him how to avert it, says in a front-page article carried in last Monday's issue, "Why should he sign?"

> Congress has done the expected thing and passed the Haugen bill for "farm relief." As in some details it differs from the McNary bill passed by the Senate, the two measures must go to conference. When the revamped bill finally gets to the President a veto is expected. Political wailing may follow such action by the Executive, but what else could be expected of a President who is not afraid to do his duty? What other course is there for him to take?

The Wall Street Journal is the duly chosen and profusely anointed journalistic apostle of big business. If it has ever favored anything that the common people wanted, or ever opposed anything that the favor-hunting privilege-seeking few have demanded, that fact has escaped my attention. But, in spite of the journal's zeal to serve only those whose incomes are in the "highest brackets," it must, as a matter of simple justice, be admitted that it is the greatest financial publication

in the country. As a forecaster of the ebb and flow of Wall Street's turbulent financial tide, and the predictor of the price movement of stocks and bonds, and President Coolidge's actions, if any, the Wall Street Journal is without a peer.

In the circumstances, I hazard my reputation as a political prophet upon the prediction which I now make, that within a few days the Senate will receive a veto message that will prove that the article which I have read from the Wall Street Journal is but the record of a stern master's imperious voice, and that the President has unhesitatingly obeyed it.

As to the poverty-stricken farmers of the Nation, may a benign Providence have mercy on their souls!

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. BRATTON. Mr. President, I ask unanimous consent for the immediate consideration of a bill which I think will lead to no debate whatever.

Mr. SMOOT. I hope the Senator will not do that. We have had about 15 minutes to-day devoted to the consideration of the revenue bill. Let us proceed with it.

Mr. BRATTON. This will lead to no debate.

Mr. SMOOT. I do not know whether it will or not.

Mr. BRATTON. If it does, I will withdraw the request.

Mr. SMOOT. I do not know what the bill is.

Mr. BRATTON. I can tell the Senator in a moment.

Mr. SMOOT. I wish the Senator would let us go on for a little while to-day with the bill. It can be taken up in the morning at some time.

Mr. BRATTON. I think we are taking more time than it will take to pass the bill if the Senator will withdraw his objection.

Mr. SMOOT. Let it go over to-night. Let us go on with the bill.

Mr. BRATTON. Does the Senator object to it?

Mr. SMOOT. Yes; to-night.

Mr. HARRISON. Mr. President, the pending amendment relates to the tax of 1 cent per $100 in value of merchandise that is dealt in on produce exchanges. In 1917, I believe, Congress put a tax of 2 cents upon every hundred dollars' worth of value dealt in on exchanges and boards of trade. That was reduced to 1 cent some time later, in the act of 1924, I think. Of course, it was a war tax. There had been no such tax prior to that time.

I do not care to get into a discussion of whether or not the exchanges should be abolished. I do not think this has anything to do with that particular controversy. There can be no doubt that a lot of these gamblers speculating on the cotton exchange and on the grain exchanges have manipulated the price; but this goes deeper than that.

The Congress has recognized these exchanges. We have passed laws to regulate these exchanges. There are a lot of people who deal upon these exchanges in a purely legitimate way. I read from the testimony before the House committee of a Mr. Sturtevant, of Omaha, Nebr., in which Mr. Sturtevant discusses this proposition as it affects grain. He says:

> I also represent the Omaha Grain Exchange, at Omaha, Nebr., a corporation which maintains in the city of Omaha a market place where its members engage in the merchandising of grain. That is a similar organization to the Chicago Board of Trade, except that we do not deal in futures, as defined by Congress in the grain futures act. I receive no remuneration for my services to these two organizations.

So very often they deal on these exchanges and boards of trade not in futures but in the legitimate sale of their products. In talking to a gentleman from my State only night before last I learned that they raise some 25,000 bales of cotton on his plantation each year. He told me that he had just sold, and it was the policy there to sell, one-fourth of the cotton they expect to raise on the plantation this year for delivery in October. On that sale that he was making he said that the price to-day was such that he thought perhaps he could make some money out of selling a fourth of it. If it went up, he would sell another fourth, perhaps, and when October came and he made his crop he would make delivery, an entirely legitimate proposition.

Mr. CARAWAY. Mr. President, is he a staple grower?

Mr. HARRISON. He is a staple grower.

Mr. CARAWAY. This exchange does not deal in staple cotton at all.

Mr. HARRISON. There is some staple cotton and some short staple also.

Mr. CARAWAY. You know what he is doing. That is not affected by this. He is selling to mills or to merchants for future delivery.

Mr. HARRISON. Yes; for future delivery in October.

Mr. CARAWAY. That is altogether different from selling futures.

Mr. HARRISON. On that sale he had to pay a tax of 1 cent for every $100 of valuation on that particular crop. I suppose they do that with wheat, with corn, and with every other product. I suppose that, without question, in the cotton-manufacturing States, such as South Carolina and Georgia and North Carolina any number of the cotton mills buy for future delivery. I imagine that the millers buy for future delivery their wheat and corn and so on. That is an entirely legitimate proposition. There is no question but that on the New York Cotton Exchange and on the boards of trade there is a certain percentage of the transactions which are gambling transactions; it may be a very large per cent. The way to stop that is not by imposing a tax of 1 cent or 10 per cent a hundred of valuation but by legislating them out of business, and I understand the Senator from Arkansas has offered a bill looking to that end, the committee has reported it, and it is on the calendar.

I submit that in these legitimate transfers this war nuisance tax ought to be abolished. It is a troublesome proposition. It does not do any good, and it is merely a burden upon trade and commerce.

It was upon that theory that the House acted. The action was unanimous over there. There was not even a division on eliminating this tax on these exchanges. So the Democrats of the Finance Committee felt that the provision ought to be retained in the law.

Mr. CARAWAY. Mr. President, just a moment. I do not care to get into a discussion, but the difference between the man who sells a product which he himself expects to have for delivery and the man who sells it who does not have it and never expects to have it to somebody who never will receive it and never expects to receive it, is perfectly plain. There is the most conclusive answer that we do not need the exchange. There never was a future market for staple cotton in the history of the world. They never sold a bale on the future market, and never will. That shows it is not necessary to have a future market to sell that product. The woolgrowers of America were in bankruptcy until they got rid of the wool exchange. The hay producers got rid of the hay exchange, and when the German farmer once found himself in economic control of the German Empire he abolished the Berlin exchange, which was the greatest grain market in the world. Before the war in Germany, as any of the Senators who have been there will recall, instead of cursing Wall Street, when somebody wanted to "cuss out" something he picked on the farmers, because they were in control of the industry of the empire as was no other single class. When the farmer was in control and could make his will felt, he abolished the Berlin exchange, which was the greatest grain market ever established on earth. It was reestablished because the industrialists and speculators got control in Germany.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. MAYFIELD. It is true that the Senator's bill, which would prohibit gambling in the prices of farm products, has been reported favorably by the Committee on Agriculture and Forestry to the Senate, and is now upon the Senate Calendar, but we are so near the close of this session of the Congress that it is very doubtful whether we will be able to enact that bill into law, even should it pass the Senate. That is very true, is it not?

Mr. CARAWAY. Of course.

Mr. MAYFIELD. This tax bill has passed the House, and is now pending in the Senate. If the Senate should adopt the Senator's motion to increase this tax, it will prohibit gambling in the sweat and toil of the people of the country who produce the grain and the cotton; it would go back to the House, and could be concurred in, and we could secure legislation on that subject at this session of the Congress, could we not?

Mr. CARAWAY. Certainly.

Mr. MAYFIELD. I was surprised to hear the Senator from Mississippi say that this proposition to eliminate this tax entirely passed the House of Representatives unanimously, and that there was no one from the South on the floor of the House to stand and take a position for the farmers of our country, who feed and clothe the people of the country. Have we not an opportunity right now by the adoption of this amendment to render them the greatest service that we could possibly render?

Mr. HARRISON. Mr. President, may I say, if the Senator from Arkansas will yield, that the chairman of the Ways and Means Committee of the House, in presenting the matter, said he wanted to take this tax off in the interest of the producers of the country.

Mr. CARAWAY. I say to the Senator from Mississippi that when Mr. Gates, who at that time was the president of the Grain Exchange and Board of Trade in Chicago, came before the committee his whole concern was to save the exchange for the farmer. I sat in the committee and heard all those men testify, until I could tell what they were going to say before they opened their mouths. They just wanted to maintain these gambling marts for the farmer.

I do not know a man who gambles on the exchange anywhere who does not want to keep it up. I do not know a farmer whose sole business is farming anywhere who does not want to destroy it. That is the difference.

If we put this in this bill, inasmuch as the people who are going to get the benefit of this tax reduction are people who are not farmers, they will possibly push it through, but every blessed one of them would be against it if you put it in an independent measure. For once we have a chance to tie up their desire to escape paying taxes with a righteous effort to get rid of an incubus that has sat upon the agricultural interests since the Civil War.

One of the most prominent of the gamblers in farm products on the Chicago exchange after a long period of study picked out his occupation as farming. His only farming interest was cornering the market, beating down the producer on the one hand and pilfering from the men and women who eat bread. The activities of such people are gambling activities, and nothing more. The courts have so decided. The Supreme Court of Georgia not a great while ago said these things were gambling. Every time the question has been before courts, they have said it is nothing but gambling. If you would not want to set up a gambling concern here under the roof of the Capitol, where people have to gamble only in their own wealth, are you willing to maintain gambling marts where people gamble in the products of other people? There is all there is in it.

Mr. HARRISON. Mr. President, I regret to see this particular proposition confused with the matter presented by the Senator from Arkansas.

Mr. CARAWAY. It is involved in it.

Mr. HARRISON. I was just going to answer that suggestion. The Senator has a bill which, I understand, would prevent short selling on the exchange. It would prevent legitimate selling on the exchange, as I understand it.

Mr. CARAWAY. That word "legitimate"——

Mr. HARRISON. There are some people who sell legitimately on the exchange. I thought everybody admitted that.

Mr CARAWAY. No; everybody does not admit it.

Mr. HARRISON. As much as I respect the judgment and ability of the Senator from Arkansas, I say that there are a great many people of ability in the country, and fine people, who believe the exchanges are necessary.

Mr. CARAWAY. Why not extend it to staple cotton, then?

Mr. HARRISON. Because the price of long-staple cotton is influenced by the price of short-staple cotton. I think that is conceded generally. If we imposed a tax of 10 cents on every hundred dollar's worth of value that would not stop the gambling feature. That would only be 50 cents for a bale of cotton. But that would not stop the fellow who wanted to indulge in gambling. If you really want to stop trading in these products by taxation, the tax ought to be more than 10 cents for every hundred dollars of valuation.

Mr. CARAWAY. If I remember correctly, the brokerage is $12.50 on a thousand, and that is 100 bales of cotton. If the tax were 50 cents a bale, we would get $50, so that the tax would be four times as much as they would make on their gambling.

Mr. HARRISON. I do not think it would stop the fellow who wanted to indulge in gambling.

Mr. CARAWAY. He would lose 75 cents.

Mr. HARRISON. This was never intended, as I understand it, to operate as a prohibition against gambling at all. If we concede that 50 per cent of the transactions of the Board of Trade of Chicago and of the many exchanges in the country are gambling transactions, we would be imposing a burden on people who were legitimately buying and selling on the exchanges. It seems to me that since it was never intended to be a prohibition or a penalty, merely a tax, small as it is, of 1 cent on a hundred dollars, it is just a troublesome, cumbersome proposition. If the Senator wants to get at the proposition by closing up the exchanges, he ought to make the tax in such an amount that it would really render some service along that line.

Mr. CARAWAY. I think the Senator will agree that $12.50 is the brokerage on 100 bales of cotton. That is $1,000. The gambler must buy on the exchanges in 100-bale lots. That is $1,000. The brokerage is $12.50. This would yield $50, and I do not much believe that even a gambler would care about losing the difference between $12.50 that he received and $50 tax he would pay. My idea of a gambling man is that he is one who has a very keen sense of the value of his own money and not much regard for other people's.

Mr. HARRISON. As I understand the Senator, then, he does not think there are any legitimate transfers on the board of trade or on these exchanges at all?

Mr. CARAWAY. I think there may be some, but they are so overwhelmingly overshadowed by the economic crime that the exchanges ought not to be permitted to exist. The Senator a moment ago referred to 50 per cent of the exchanges——

Mr. HARRISON. That was a guess.

Mr. CARAWAY. It was such a wild guess, that I hope the Senator will pardon me for what I am about to say.

Mr. HARRISON. I based that upon the statement of one of the men connected with the board of trade. I asked him the question, and that is what he said. I never knew him to tell an untruth, so I can not say that it is incorrect.

Mr. CARAWAY. If the Senator will just look at the amount of gambling in one day, he will get an idea. I have been told, and I have seen the figures, that in one day on the Chicago Board of Trade they have sold more wheat than has been grown in America during the year. They have sold more cotton on the exchanges in New Orleans and New York in a week than America ever produced in any year of its history. If they sell a bale more than there is in existence, it is not a legitimate trade, is it? Therefore, instead of about 50 per cent of them being wild, it would be safe to say that nine hundred and ninety-nine out of every thousand deals are pure gambling. I am conscious of the fact that some people think gambling is not a crime, although the strange thing about it is that every State in the United States makes it a crime. There was one of the Western States that had a gambling proposition connected with it; I recall the name of it, but I do not care to mention it; but a few years ago they shut it out. There is not a legalized gambling place, except the exchanges, in any State in the United States. There is not a Member of either House who would stand up and vote for public gambling; yet how infinitely less hurtful it is if a man gambles with his own money, and does not affect anybody else's welfare but his own, in comparison with gambling with the very life of people who produce the things we eat and wear. We all understand it. There will be no mistake. We will know what we are voting for.

Mr. HEFLIN. Mr. President, the Senator from Arkansas, speaking about the number of bales one is required to buy in order to get in on the exchange at all—100-bale lots. It has been suggested that the exchange should be used and could be used to protect the producer.

I am a member of the subcommittee of the Committee on Agriculture and Forestry which is investigating the cotton exchanges and the conduct of the Agricultural Department in connection with the market manipulation last year. I asked the exchange president and the ex-president why, if the exchange could be used to protect the farmer, they did not permit them to deal in 10-bale lots. They said that would not do; that it would resolve itself into a bucket-shop arrangement.

The average production of cotton by the farmer is about 8 or 9 bales. So, if the farmer has to buy a hundred bales in a lot, he can not begin to go into the market when he is making only 10 bales. He has to put up between a thousand and twelve hundred dollars to get in on a 100-bale lot transaction. Therefore he is shut out. It is prohibitive, so far as he is concerned.

I think if the exchanges are going to be permitted in this country, farmers who can furnish the margin for 10 bales ought to be allowed to come in and deal. If you will not let him get any, he is not protected at all, but he is in this predicament. He does not desire to sell cotton, because the price is not adequate, is not profitable. He says, "I will refuse to put my cotton on the market." The exchange man says, "We will see whether you do or not." He goes upon the exchange and sells cotton in 100-bale lots. It is not really cotton. He sells only the name of cotton. He does not deliver cotton. The spinner does not get his cotton through the exchange. While the farmer is retiring to his home with his actual cotton to keep it off the market, here is a fictitious market dealing in fictitious cotton, and it governs the price of the actual cotton. While the farmer is holding his actual cotton for a price that will yield profits, the exchange is clubbing him over the head and using fictitious cotton in unlimited quantities to beat down the price of the actual cotton.

What happens next day? The New York quotation, as fixed by these transactions, is wired to my town in Alabama and all over the South. "Cotton was 17½ or 18 cents yesterday. It broke to 17 cents." The farmer who sells his cotton in the market place in my town gets that figure. Suppose we regulated the exchanges so that every time a man sold a hundred bales of something he would have to go to the farmer and get 100 bales of the actual stuff and deliver to that person; then

the exchange would be a legitimate institution. But now they deal in this fictitious stuff. It has the same relation to cotton that a mock orange has to a juicy orange that is produced in Florida. They call it cotton, but it is not cotton. They do not have to have cotton at all to deal in it. They sell in the United States probably 100,000,000 bales of cotton a year where we are producing 12,500,000 bales.

Senators, there is a weak place in this business. The same thing applies to grain. Grain growers may organize. They may start a holding movement through the grain-growing section and agree not to sell wheat for less than $1.50 and corn for $1 or $1.25. As they sit back holding their grain off the market, what are they confronted with? The stock exchange right in front of them is hammering the market to death, and yet it has not got a bushel of grain to deliver. The dealers on the exchange have a supply they keep on hand so they can go through the motion of having tendered something. Nobody accepts it, but it is poured back in the jug and the next day it is poured out again and then poured back again. They are using the power furnished on the exchange to fluctuate and fix the prices, and the farmer becomes demoralized. The merchant he deals with tells him he believes he had better go to selling. The banker tells him there is no telling what is going to happen, that the price is breaking and going lower. What price? It is a fictitious price brought about by a gambling process allowed in the United States. That is what happens to the cotton farmer and the grain grower under this law. Some drastic legislation has got to be had.

Before you can speculate in Pennsylvania Railroad stock you have to get them to list it, agree to it, and then you can take it on the exchange. Before you can speculate in motor stock or automobile stock you have to get the concerns that manufacture them and who hold the stock to give their consent so you can go upon the exchange and deal in it. Why not require them to consult the farmers of the West and of the South and get their consent before they are permitted to gamble in their cotton or grain? That is something for us to think about.

It has been developed in the hearings that with the accumulation of 200,000 bales of cotton in New York out of a crop of 12,000,000 to 15,000,000 bales, they could control the price and break it to pieces. We have some counties in the Cotton Belt that will produce 200,000 bales. I think there are one or two big counties in Texas perhaps that do it. But they accumulate that much cotton in New York and keep it there. The testimony is that it would have an effect on the market. The testimony showed that Mr. Clayton and his company shipped cotton up there and shipped it at a loss, because the difference in price is $4 or $5 a bale when they take the freight into consideration, and after they got it there it was a dead weight on the market but it controlled the market. Various witnesses testified that its presence there helped to beat the prices down and hold them down.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. HEFLIN. Certainly.

Mr. CARAWAY. As I recall, they have paid in interest, freight, and other charges about $9,000,000 to maintain their cotton there. Is not that the price?

Mr. HEFLIN. It was some tremendous amount.

Mr. CARAWAY. And yet the only use they have for it is to break the market whenever it rises.

Mr. HEFLIN. Not only that, but the law provides that a man can not tender any cotton on a contract unless it is seven-eighths-inch long staple. We have had this cotton resampled in New York. There are hundreds of bales that are not tenderable and the spinners do not want it. What happens? This is dog-tail cotton, as we call it. When a man buys a contract, delivery day approaches and they say to the seller, "What are you going to do for me?" "I am going to tender you some cotton out of that supply." The testimony showed that that supply was low-grade cotton and not up to the requirements of the law. Therefore it was not permissible to tender it under the law, but they were tendering it anyway. Some Government official had certified it as being proper and right and eligible to be tendered.

The buyer said when he was told that, as shown by the testimony, "No; I do not want it. I will settle the difference with money." What occurred? Clayton & Co. kept it. If you bought a contract the next day, they offered it to you, but you would not take it. You settled the difference in money. They kept that supply in New York for nearly two years. It never reached the spinner, but it was accumulated in the market place and used as a crop to beat down the price. Expert cotton men testified to that. The ex-president of the cotton exchange testified to it. He has been before our committee a number of times. He is a very able man. He has been president of the New York Cotton Exchange. He said this thing was happening over there. He said that the presence of this character of cotton was a dead weight on the market.

Something ought to be done to relieve the cotton farmer of this embarrassing situation. The grain grower ought to be relieved, too. I have nearly reached the point where I would vote to abolish the exchange outright. I have said here before, and the proposition can not be answered, that when we deal in real estate if we sell a lot we deed that lot to whoever buys it. He sells it and he deeds it. The man who buys it sells it and deeds it. It may be sold one hundred times in a month, but there is always a lot back of the transaction, and only one lot. If that man would undertake to sell 100 lots when he did not have more than one, he would be guilty of obtaining money under false pretenses and they would put him in the penitentiary. But the same man may go upon the exchanges and sell 100,000,000 bales of cotton, damaging the property of the farmer that he is holding for the market, and not be guilty of any crime at all. The man does not have any cotton at all; he does not own any cotton at all; but is selling cotton that is not in existence. It is an outrage. The practice ought to be outlawed.

The woolgrowers do not have to go on an exchange and fare better than the cotton producer. How do they dispose of their supply of wool? They get together and organize. They say, "It costs us so much to produce it. We ought to have this price." The producer is using his power to help fix the price and he ought to do so. It is a God-given right. The buyer meets with the producer and he talks about how much he can afford to pay. He has the mill, and the woolgrower can not spin the wool into cloth. The wool spinner is the only one who can do that, and he can not spin anything unless the woolgrower will furnish the wool.

The woolgrower wants to sell his supply, the wool manufacturer has to have it, and so they get together, with no exchange confusing the situation and misleading them and causing fluctuation of prices. They come together on a business basis, each one of them possessing some price-fixing power, and they reach the point where their minds come together, the deal is closed, the producer gets a profit and the spinner is satisfied with what he has to pay.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. HEFLIN. In a moment.

Mr. SMOOT. The Senator is mistaken about wool.

Mr. HEFLIN. I want to reach the point where the producer has got to be consulted. He is not now consulted at all. The producer may hold every bale of cotton off the market that he has and yet they sell millions and hundreds of millions of fictitious cotton on the market and fix the price of the actual cotton which the producer is holding for a better price. It is an outrageous thing and a scandal that it is done.

Mr. MAYFIELD. Mr. President, will the Senator yield to me?

Mr. HEFLIN. I yield to the Senator from Texas.

Mr. MAYFIELD. I call the attention of the Senator from Alabama to the fact that when the wool manufacturer purchases wool enough to run him for a year or to meet his needs and demands, he has no exchange into which he can go and hedge.

Mr. SMOOT. There is no exchange that handles wool.

Mr. MAYFIELD. That is the point I am making, and the manufacturer does not have to hedge his purchases.

Mr. SMOOT. Certainly he does. The Senator does not know the wool business. Does he think the woolen manufacturer can go to work and sell goods unless he knows what his wool is going to cost him? He would be broke if he did. He could not do it.

Mr. MAYFIELD. How does he do it?

Mr. SMOOT. He buys his wool.

Mr. HEFLIN. He buys the actual wool.

Mr. SMOOT. Absolutely.

Mr. HEFLIN. And he stores it away.

Mr. SMOOT. That is what I said.

Mr. HEFLIN. That is what I want the cotton factors to get together with the farmers and do, to buy the cotton and store it and have it.

Mr. SMOOT. The wool manufacturer to-day may want three or four grades of wool. Nobody can say that a certain clip of wool will shrink 66⅔ per cent, another will shrink 65 per cent, a third 45 per cent, and still another 30 per cent. That can not be determined. Cotton is not that way. Cotton has no shrinkage at all. Wool has the shrinkage and it has the grade as well. There are seven grades of wool.

Mr. CARAWAY. There are more grades of cotton than that.

Mr. SMOOT. The Senator will not find seven grades of cotton in the same bale. In one fleece of wool, taken from one sheep, you may find seven grades of wool that have to be sorted.

Mr. CARAWAY. Anyway, the sheep growers have kept away from the exchanges. They are able to pay their taxes, while the cotton grower often is not.

Mr. HEFLIN. But when we take into consideration the matter of shrinkage, the buyer of wool or the manufacturer of wool examines the wool. He is an expert and a master of the subject. He tells the seller or the producer that he can not pay more than a certain price for this and that. The producer can either accept it or refuse it.

Mr. SMOOT. All my thought was to suggest that wool has nothing whatever to do with stock exchanges in the United States.

Mr. CARAWAY. Does not the Senator know that Chicago is trying to set up a wool exchange?

Mr. SMOOT. They can not do it.

Mr. CARAWAY. They will do it if the Senator does not watch them. They will be selling the Senator's sheep before they are born.

Mr. SMOOT. They buy the wool.

Mr. CARAWAY. No; they are setting up a future market. They voted to do it some time last fall.

Mr. SMOOT. Nobody is going to buy wool unless he knows what he is doing.

Mr. NORRIS. Mr. President, will the Senator from Alabama yield?

Mr. HEFLIN. I yield.

Mr. NORRIS. It seems to me, from what the Senator from Utah said about wool as compared to cotton, that there is an interesting situation. I am anxious to know what is the necessity for a cotton exchange if there is no necessity for a wool exchange? From what the Senator said, it seems to me we could get along easier without a cotton exchange than we could without a wool exchange, because there is no shrinkage in cotton.

Mr. SMOOT. In the manufacturing business—I am not saying now anything about the gambling business, but in the manufacturing business of cotton, cotton goods, like woolen goods, are made in styles. Those styles change at least once in six months. The samples that are made by a woolen concern are of lightweight goods and heavy-weight goods. The light-weight goods are sold nine months before they are delivered. When they take those first samples and go on the market with them they know exactly that they have to have that grade of wool, and that it will cost so much.

With the cotton business, the cotton man goes to work and gets his samples out six months ahead, or sometimes nine months ahead. Before any of the goods are made, except the samples, those samples are shown and the orders are taken from all over the United States, or wherever the manufacturer's customers may be, whether outside or inside the United States. His styles are made up. He knows exactly how many pieces of goods of this kind and that kind are sold, and he has the orders for them. The manufacturer then buys the cotton; that is, he must know what the price of the cotton is.

Mr. CARAWAY. I know that happens not to be the fact in the cotton business.

Mr. SMOOT. The Senator asked about the legitimate part of the business. I am not talking about the gambling part. I am talking about the legitimate part.

If he has sold goods that will require 100 bales of cotton or 1,000 bales of cotton or whatever number of bales of cotton it would take, he immediately buys that cotton on the exchange. It is not delivered then, but they have to deliver it at the price at which he buys it on the exchange.

Mr. NORRIS. Suppose there was no exchange, where would he buy it?

Mr. SMOOT. He would have to buy it from the producer and put it somewhere, like the wool man.

Mr. NORRIS. Why should he not do it then like the wool man?

Mr. SMOOT. Because that practice has not been established and it is much easier the way it is. He is protected against a rise in price. I am only speaking of the legitimate part. If he did not buy it in that way and cotton went up, he would be ruined, and he dare not take that chance. That is the legitimate part of the business as far as the manufacturer is concerned. Outside of that, as I said, it is a gamble upon the stock exchange, just as has been stated here to-day.

Mr. GEORGE. Mr. President, let me call the Senator's attention to the fact that not one single bale of cotton is ever delivered to a cotton spinner that is bought on exchange, as the Senator describes. He never takes one single bale of actual cotton in that way.

Mr. SMOOT. Because it is not on the exchange where he buys the cotton. When he calls for it they have to deliver it.

Mr. GEORGE. Then he settles on margins.

Mr. NORRIS. He buys cotton on the exchange that he never gets. He buys his cotton somewhere else that he really uses. The exchange transaction is really only a fictitious operation. The point I am trying to get at is this. I have listened to days of testimony on the subject, and I am still in doubt as to what is right.

What is the necessity of this exchange, now—narrowing it down to a concrete case as applied to cotton—when there is not any, and none seems to be necessary, as applied to wool? I still do not understand why one is necessary in one case and unnecessary in the other.

Mr. SMOOT. When you buy a bale of cotton you have 500 pounds of cotton in it.

Mr. NORRIS. Why, of course.

Mr. SMOOT. But when you buy a bale of wool weighing 300 pounds there may be only 30 per cent or 90 per cent of the 300 pounds of a certain grade of wool.

Mr. NORRIS. Do you not know what it is before you buy it?

Mr. SMOOT. No; no living soul can tell about that.

Mr. NORRIS. Do you buy your bale of wool without knowing what its grade is or what its quality is?

Mr. SMOOT. No; you have to judge that.

Mr. NORRIS. Well, you judge that pretty accurately, do you not?

Mr. SMOOT. Those that are used to buying it do.

Mr. NORRIS. Why, of course. I should like to get rid of everything that is not disputed. The man who buys wool is an expert. He knows what kind of wool he is buying?

Mr. SMOOT. He never buys futures. He never hedges.

Mr. NORRIS. That is what I am talking about. He buys the actual wool?

Mr. SMOOT. Yes.

Mr. NORRIS. If it is true that the bale of wool is so uncertain that you can not tell anything about it, it seems to me there is more reason for hedging on that kind of a transaction than on cotton, where that doubt does not exist. I may be wrong; but it looks to me, on the Senator's own illustration, that the necessity for a cotton exchange is less than the necessity for a wool exchange.

Mr. SMOOT. We have no wool exchange.

Mr. NORRIS. I understand that. I know that.

Mr. SMOOT. This is the way it is done: There is a grade of wool that is purchased largely by the manufacturer himself. That which is not purchased by the manufacturer is sent to Chicago or Boston or Philadelphia. Those are the three principal places where it is sent.

Mr. NORRIS. Other people buy it for investment, then, do they not, outside of the manufacturer? In other words, there is not any exchange gambling on wool?

Mr. SMOOT. I will explain it to the Senator. It is consigned to the houses, and they charge so much for the storage, and so much for the sorting, and so much for the handling of it. It is in warehouses. The whole of it goes to warehouses. You can go to these three principal places, and they have great warehouses, and this is the fine wool, this is the medium wool, and this is the coarse wool. All of the grades are there, sorted out.

Mr. NORRIS. Exactly; and the buyer knows just what he is getting?

Mr. SMOOT. He knows just what he is getting.

Mr. NORRIS. And he gets what he buys?

Mr. SMOOT. He does not do that with cotton.

Mr. NORRIS. He buys the actual material. In the cotton business he does not do that, it seems.

Mr. SMOOT. That is right.

Mr. CARAWAY. Mr. President, may I read two or three letters? I shall not occupy the floor long.

In the first place, I want to say that the largest actual seller of spot cotton in New England wrote me—I thought I had the letter in my desk, but it is in my office—that he would be glad if the futures market were abolished, because he is no longer able to hedge on the cotton future market because of the manipulations.

I have just two letters here that I want to read among dozens that I have picked up. One of them comes from the Charles E. Walters Co., bank stocks, Omaha, Nebr. Does the Senator from Nebraska know the company?

Mr. NORRIS. Yes; I know them.

Mr. CARAWAY. I will read this letter, because it has so often been said that the bankers would not finance the farm development of the crop unless they had the futures:

THE CHARLES E. WALTERS CO. (INC.),
Omaha, Nebr., March 7, 1928.

Senator CARAWAY, of Arkansas,
Washington, D. C.

MY DEAR SENATOR: Local papers of March 3 print an article from their Washington correspondent referring to a bill you have introduced prohibiting the speculation in grain and cotton futures on the market.

If you are correctly quoted in this article, I want to congratulate you most heartily and express my sincere conviction that a bill such as you propose would do more to help the farmers of this country than would all of the other so-called agricultural-relief measures combined.

It is entirely fair and right that the law of supply and demand should control the market so long as it can operate uninfluenced by speculators, but with considerable study given to the marketing condition of the farmer—of which I am one by proxy—I am convinced that the greatest menace to the success of agriculture to-day is the speculator on the board of trade. I sincerely hope you will be successful in making your bill a law, for only after this speculation has been abolished will the full influence of this menace to the agricultural interests be felt. Congratulations to you, Senator, and success to your efforts in this direction.

Most sincerely yours,

ROBT. L. GOETHE, *President.*

I picked up this letter:

M. F. JONES & CO.,
Oklahoma City, Okla., March 8, 1928.

Hon. Senator CARAWAY,
Washington, D. C.

DEAR SENATOR: A straw vote was taken to-day in the Cotton Exchange Building, of Oklahoma City, to determine the attitude of those present on your bill pertaining to the sale of cotton and grain in the futures markets.

The ballot was proposed and taken by a man who is an avowed opponent of your bill. The result of the vote stood 13 to 5 in favor of the bill, although 3 of those voting were paid employees of a futures brokerage house.

Sentiment in Oklahoma City and this vicinity is strongly in favor of regulatory measures for the futures exchanges, and we consider this poll as truly representative of the sentiment.

We assume that it was the purpose of the person taking this poll to use it for the benefit of the opponents of your bill had the result been satisfactory to them. While writing this letter we have been submitted, and asked to indorse, a petition requesting our representation in Congress to vote and work against your bill and the Vinson bill, this by the representative of a futures brokerage house.

Wishing you success for your measure, we are,

Yours very truly,

W. C. CHISUM, Jr.

These are the very folks who deal with these products.

There are innumerable letters. I have one written by the largest farmer in the State of Tennessee, Lem Banks, who until 1920 was possibly the richest farmer in that country. He owns a large plantation in Mississippi; he owns a large plantation in Arkansas; he owns plantations in Tennessee. I will put his letter in the RECORD. He says there is not any chance of the cotton grower escaping until you abolish futures.

Mr. NORRIS. Who is he?

Mr. CARAWAY. His name is Lem Banks, of Banks & Co. They were for a number of years the largest producers of cotton in Mississippi. They had the largest house dealing in cotton in the city of Memphis. I have not the remotest idea of the number of thousands of acres that at one time they controlled. They control very much less now, however. I shall include in the RECORD his letter, written to me under date of March 5 of this year. I have known him intimately for a long time.

I have here a letter from the C. G. Foust Lumber Co., of Dublin, Tex. They write a highly intelligent letter, and say that they can not prosper until they can get rid of the exchange.

I have a letter from Waxahachie, Tex., from J. E. McDonald.

I have one here from Fredericksburg, Tex., bearing out the same protest.

I could bring over here hundreds of letters from farmers, most of them large farmers, and every one of them is opposed to the present system. Not a single farmer is in favor of it.

I have a letter from the largest farmer—by the way, he is the president of the chamber of commerce in Lake Providence, La., the home city of the senior Senator from Louisiana [Mr. RANSDELL]—saying that "they are ruining us farmers with their marketing machinery called the exchange." I shall put this letter in the RECORD. I am going to bring a lot of them over. I will have an edition devoted to the farmers of America protesting against the gambling that is ruining them.

I ask to have the letters to which I have referred inserted in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

WALNUT HILL FARM,
Memphis, Tenn., March 5, 1928.

Hon. T. H. CARAWAY,
United States Senate, Washington, D. C.

DEAR SIR: I read with interest your proposed bill to regulate dealing in cotton futures.

If we ever did have an example of the need of this legislation, we have it now. In round figures, we produced 18,000,000 bales in 1926 and in 1927, 5,000,000 bales less. Notwithstanding the 1927 crop was 5,000,000 bales under that of 1926, the price of cotton declined from October $35 per bale within 90 days.

The only argument that I have ever heard to justify trading in futures is that the cotton merchants who carry actual supplies of cotton, and the mill people, who spin it, need to protect their purchases of cotton by selling what is known as a hedge. The brief synopsis of your bill seems to me to cover this admirably, in that the bona fide owner of cotton can hedge or sell futures against it, but it does prevent the speculation that has been so hurtful.

I do trust that the Senators and Representatives from the South and West will give such support to the proposed investigation of cotton dealing that their eyes may be opened to the iniquity thereof heretofore existing, and that your bill or something similar will be enacted into a law so as to protect the producer.

A few days ago I was talking to a man who is interested in cotton, and he said that if a law was passed that limited trading in futures to those people who actually had cotton to be protected by future selling, it would mean that the cotton exchanges and futures brokers would have to go out of business. If by the passage of a good law they are forced to go out of business, I trust they may find something else to do that will be just as profitable to them and less hurtful to the cotton producers.

The very fact that with 5,000,000 bales less of cotton there has been a decline of $35 per bale in 90 days seems to me to make it a very opportune time to inquire carefully and in detail as to the wherefore thereof.

Yours very truly,

LEM BANKS.

In the morning paper I see that Mr. Alfred Mash, a former president of the New York Cotton Exchange, states that Anderson, Clayton & McFadden kept 185,000 bales of cotton in New York to depress prices. When speculators fall out among themselves the producer may be able to get his dues. I hope the committee will call on Mr. Mash, Mr. Hubbard, and others, so as to go into this as fully as into the Teapot Dome and Sinclair.

C. G. FOUST LUMBER CO.,
Dublin, Tex., March 6, 1928.

Senator CARAWAY, of Arkansas,
Senator SHEPPARD, of Texas,
Senator MAYFIELD, of Texas,
Washington, D. C.

SIRS: Permit me, in a crude way, but the best I can, to urge upon you the vital importance of the measure now before Congress either to emasculate or execute cotton exchanges.

If either one of you gentlemen could see his way clear to leave all the other active public service to your colleagues, only voting and performing routine duties, and devote the rest of his active life in public service, if need be, or until accomplished, to the complete annihilation of futures trading you would accomplish the greatest work of a lifetime and go down in history as the greatest modern servant of the South.

I urge that it can not be done by an evasive or conciliatory enactment. Such a measure must have teeth in it.

All such transactions now get by under the subterfuge that they contemplate actual delivery. It's a blatant lie. Not one in a million contemplates actual delivery. Make it so each contract can be followed up to conclusion. If cotton is not delivered, it was not remotely intended to be delivered. The South was never within my recollection victimized by this pernicious system as it has been the present cotton season.

I don't know how it was done, but I know it was done. I knew all the season that some powerful agency was at work (effectively) to hold down the price of cotton. At every report put out, with one or two minor exceptions, the price flashed up, beginning with the September report, when 30 cents was freely predicted. But after every one of these advances it was plainly evident that some powerful agency was systematically hammering it down. You gentlemen are in position to get the facts.

I am told that one favorite method is by what are termed "wash sales"—that is, by throwing huge offerings out but seeing to it that only the initiated inside few get these offerings. Thus none of the insiders suffer; there is no expense except a small brokerage and contingent fee, and the brokerage probably on a favored basis.

"Carthago est delenda" were the relentless words that old Cato, the Roman senator, closed every peroration, every conversation, with. And Carthage was destroyed.

Yours very truly,

C. G. FOUST.

WAXAHACHIE, TEX., *March 2, 1928.*

Senator CARAWAY, of Arkansas,
Washington, D. C.

DEAR SENATOR: It was with great pleasure that I noted the approval of your antispeculative futures bill by the Senate Agricultural Committee last Saturday.

This measure, if it becomes a law, will prove one of the most constructive pieces of legislation and the greatest benefactor to agriculture and commerce in a decade.

It is deplorable that the destiny of millions is influenced by the reckless speculation of a few "gamblers" that neither "toil nor spin."

Your bill and your untiring efforts are being watched and lauded by men that have the best interest of our country at heart.

I trust that your measure as now written becomes a law; it is worthy and commendable of you to wage so determined a fight for the welfare of your people.

Wishing you success, I am, with kindest regards,

J. E. MCDONALD.

FREDERICKSBURG, TEX., *March 5, 1928.*

Hon. T. H. CARAWAY,
Washington, D. C.

DEAR SIR: I notice in the papers of to-day that your antifutures gambling bill has been favorably acted on by the Agricultural Committee. Will you be so kind as to send me a copy of your bill and give me your opinion as to possibility of final passage?

Under separate cover I am sending you copy of circular I am now distributing, this circular going into details as to history, methods of operation, and effect of grain and cotton futures gambling. The only purpose I had in making announcement for the Senate was to carry on an educational campaign. My idea is that the people must be educated to work united and direct for the kind of legislation you have introduced. Unless something drastic is done, and done without too much delay, agriculture is doomed, both in the grain and cotton sections.

Thanking you in advance for your compliance with this request and assuring you of my hearty accord and my willingness to render any service I can, I am,

Respectfully,

DON H. BIGGERS.

BEE BRANCH, ARK., *March 5, 1928.*

Hon. T. H. CARAWAY,
Washington, D. C.

MY DEAR SIR: I see your bill to prohibit dealing in options in futures is reported out from the committee. It is just what the country needs. Options in futures are 1 cent per pound cheaper in cotton than spots. When it comes to a vote have a roll call. Put the opposition on record. The bankers and all gamblers will be against your bill. Perhaps it will never pass both Houses; but stay with them; it's the best bill ever introduced in Congress for the producers of the real wealth of the Nation. Farm products is the real wealth. All must live from the soil.

Your friend,

J. E. SCANLAN.

PALM BEACH SELLING

TITUS COUNTY, TEX.

FARM AND BRANCH: An item in the financial news said: "Cotton declined on account of Palm Beach selling." What does this mean to the world in general and the South in particular? It means that a group of millionaires spending the winter in some magnificent hotel in Florida meet every day around a mahogany table and by pooling their millions offer blocks of cotton in such quantities that the trade can not absorb them, and down goes the market till the selling ceases. What are they really selling and why? They are selling the cotton (now in the seed) to be raised this year; gambling on the seasons, the flood, the drought, the sunshine, and the storm. They are selling the labor, the sweat, and the toil of farmers and their wives, of little children kept from school, working beneath a blazing sun to raise this cotton for these soulless gamblers to depress. They are selling the standard of living of over 20,000,000 human beings, trying to reduce their wages to that of a slave and make peons out of a race of free men. All for the almighty dollar.

Palm Beach selling—selling the blood, the manhood, and womanhood of the descendants of that grand army that followed Lee and Jackson and Forrest and Johnston.

Congressmen of America, can not this be stopped? There is a way and every Congressman knows it. It is but a case of action. Prohibit short selling or pass a farm relief bill.

E. I. LAZARUS.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee.

Mr. CARAWAY. There is an amendment to the amendment, to raise the tax to 10 cents instead of 1 cent.

The PRESIDENT pro tempore. No; the amendment is section 441, a proposal by the committee to strike out.

Mr. SMOOT. That is the amendment. I will tell the Senator what he can do: He can strike this out, and then that will leave the present law at 1 cent.

Mr. CARAWAY. Before you strike it out it is always permissible to perfect the text as it stood, providing for a tax of 1 cent. The committee moves to strike that out; and I move, instead, to increase it to 10 cents.

Mr. NORRIS. Mr. President, I should like to make an inquiry in the nature of a parliamentary inquiry. As I understand, the present law provides a tax of 1 cent.

Mr. SMOOT. Yes.

Mr. NORRIS. The House struck that out?

Mr. SMOOT. It struck it out.

Mr. NORRIS. This amendment is an amendment by the committee to restore it?

Mr. SMOOT. Yes; to disagree to the action of the House.

Mr. NORRIS. In other words, it is a disagreement with what the House strikes out?

Mr. SMOOT. No; just the reverse, Mr. President.

Mr. MAYFIELD. That is right. If you agree to the amendment, the 1 cent will go back.

Mr. NORRIS. I understand the situation now.

Mr. SMOOT. We ask that the Senate disagree to the House provision.

Mr. NORRIS. In other words, the House proposes an amendment to the existing law by striking out a certain tax. We are now called upon in the committee amendment to disagree to that proposition.

Mr. SMOOT. That is right.

Mr. NORRIS. And the 1 cent will go back in the law if the committee recommendation prevails.

Mr. CARAWAY. Mr. President, I desire to propound a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Arkansas will state it.

Mr. CARAWAY. As I understand, the House struck out of the old law the provision for a tax of 1 cent. The committee proposes to resubstitute the old law, and that is the amendment now before the Senate?

Mr. SMOOT. Yes. In other words, the question will be, Will the Senate agree to the committee amendment?

Mr. CARAWAY. That is what I thought. Then I want to move to increase it to 10 cents; and that would be the first vote.

Mr. HARRISON. Mr. President, I ask unanimous consent that the first vote be taken on this motion, which shall be a substitute for the pending motion:

> Upon each sale, agreement of sale, or agreement to sell (not including so-called transferred or scratch sales) any products or merchandise at, or under the rules or usages of, any exchange, or board of trade, or other similar place, for future delivery, for each $100 in value of the merchandise covered by said sale or agreement of sale or agreement to sell, 10 cents, and for each additional $100 or fractional part thereof in excess of $100, 10 cents.

That carries out the idea.

Mr. SMOOT. That can only be done by unanimous consent. I have no objection to that.

Mr. NORRIS. I should like to make a suggestion that I think will meet with the Senator's view.

For several years at different times this proposition has been before the Agricultural Committee. I happen to know that the cotton men of the South are not in agreement on these exchanges. I notice that the Senator from Louisiana [Mr. RANSDELL] and the Senator from South Carolina [Mr. SMITH] are both absent this afternoon. I hardly think it would be fair to vote on this matter in their absence.

Mr. CARAWAY. Does the Senator want it to go over until to-morrow morning?

Mr. NORRIS. I was going to say that I think it ought to go over until those two Senators are present.

Mr. CARAWAY. I have no objection to that.

Mr. SMOOT. I hope if this goes over we are not going to have all of this discussion over again.

Mr. NORRIS. I realize that we are likely to have it, and I have a great deal of sympathy with the Senator's view; but

these Senators did not know that this matter was coming up. I do not know why they are absent, but at least they are not present, and they are both very much interested in this proposition—as much as any Members of this body. I know that from my contact with them for a great many years, both of them being on the committee.

Mr. CARAWAY. I have no objection.

Mr. SMOOT. Mr. President, I have no objection; but I am going now to appeal to the Senate that we be allowed to-morrow to take up the bill, and not have any other matters intervene.

Mr. CURTIS. Let us take it up at 12 o'clock and go ahead with it.

Mr. NORRIS. I sincerely sympathize with the Senator from Utah in that proposition.

Mr. CURTIS. I hope the Senator from Utah will not yield to anybody else to-morrow.

Mr. SMOOT. This is the third day that we have made no headway at all with the bill. We have not even had a vote to-day.

Mr. NORRIS. Most of the time to-day was taken up with the conference report on the flood control bill. The Senator from Utah did not have to yield for that. I would not have cared, as far as I was concerned, whether he did or not; but it would have taken up just so much time anyway. It does not make any difference whether it was to-day or some other day. The debate on the conference report was not wasted, in my judgment, although there was no real opposition to the report.

Mr. SMOOT. No; I am not criticizing the Senator or anyone else. The day before, the whole day was taken up with other matters.

Mr. NORRIS. Yes.

Mr. SMOOT. All I shall do now is to appeal to the Senate that to-morrow we shall begin at 12 o'clock and keep the bill before the Senate so that we may get some action on it.

Mr. BROUSSARD. Mr. President, inasmuch as reference was made to my colleague [Mr. RANSDELL], I wish to say that at 4 o'clock he went into a conference, I think, on the shipping bill. That accounts for his absence.

Mr. NORRIS. I should like to ask the Senator from Louisiana if he does not think these Senators ought to be here when this matter is voted on.

Mr. BROUSSARD. Yes; I think so.

Mr. SIMMONS. Mr. President, I should like to inquire of the Chair upon what this proposition of the Senator from Arkansas will be hinged? The committee has done nothing except to disagree to the House amendment, and it seems to me we will have to vote upon that question first.

Mr. SMOOT. It can be done only by unanimous consent——

Mr. SIMMONS. Only by unanimous consent.

Mr. SMOOT. And I am perfectly willing that that shall be granted. I think it ought to be granted. The suggestion of the Senator from Mississippi [Mr. HARRISON], I think, is a wise one; that by unanimous consent we allow the Senator's amendment to be voted on first.

Mr. SIMMONS. Let us see if that unanimous consent is given.

Mr. SMOOT. I have no objection.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent agreement proposed by the Senator from Mississippi?

Mr. HEFLIN. I do not think there will be any objection.

Mr. BROUSSARD. It will not be voted upon until to-morrow?

Mr. SMOOT. No; the vote will be to-morrow.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order is entered.

Mr. ODDIE. Mr. President, I ask unanimous consent to have placed in the RECORD a statement of the views expressed by the American Mining Congress on the tax on sales or transfers of capital stock, section 442, which will come up next. It expresses views in which I concur.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

Many of the States of the Union have ceased to have any pioneer mining, while others still need the pioneer miner for their necessary development. Any form of mining containing a shaft or a tunnel is an expensive proposition and the majority of metal mines contain one or the other. They naturally require financing, and as in the initial stages the extent of the body of ore to be tapped by the shaft or tunnel is problematical—although comparatively inexpensive tests may have shown the presence of some ore—there is nothing definite on which a representation can ordinarily be made on which a bond issue can be based. In other words, the pioneer miner for the sinking of his shaft has to depend either on his own resources or on the sale of stock. Ordinarily the resources of the pioneer miner are limited. Consequently, he quite generally is obliged to depend upon the sale of stock.

In other industries the issuance of shares of stock, each representing $100, is quite generally the rule, but the custom of nearly 75 years has been to issue shares of mining stock with a smaller par value, occasionally as small a value as 10 cents a share. This custom allows small investors to acquire stock in mining properties which, in their opinion, would prove of value. This difference between the custom connected with the issuance of stock in mining companies and those of other industries has never been fully recognized in the law imposing stamp taxes. For instance, Schedule A–2 of the stamp tax of the act of 1926 reads, in part, as follows:

"Capital stock issued: On each original issue, whether on organization or reorganization, of certificates of stock, or of profits, or of interest in property or accumulations, by any corporation, on each $100 of face value or fraction thereof, 5 cents."

It will be seen from this that if a corporation issues a stock the face value of which is $100, and another corporation issues a stock the face value of which is $1, each corporation pays a tax of 5 cents per share. In other words, the corporation issuing $1 stock pays proportionately one hundred times as much as the corporation issuing the $100 share. The injustice of this is obvious and can not be defended. As to stock issue without any face value at all, the provision is as follows:

"*Provided*, That where a certificate is issued without face value, the tax shall be 5 cents per share, unless the actual value is in excess of $100 per share, in which case, the tax shall be 5 cents on each $100 of actual value or fraction thereof, or unless the actual value is less than $100 per share, in which case the tax shall be 1 cent on each $20 of actual value or fraction thereof."

This is a trifle more fair to no par value stock, but using the same illustration, the stock with no par value stated, but an actual value of $1, would still be paying proportionately twenty times the tax of the stock with no par value, but an actual value of $100 per share.

As to transfers of capital stock, the situation is even worse. The law as contained in schedule A–3 of the act of 1926 so far as applicable is as follows:

"Capital stock, sales or transfers: On all sales, or agreements to sell, or memoranda of sales or deliveries of, or transfers of legal title to shares or certificates of stock or of profits or of interest in property or accumulations in any corporation, or to rights to subscribe for or to receive such shares or certificates, whether made upon or shown by the books of the corporation, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale, whether entitling the holder in any manner to the benefit of such stock, interest, or rights, or not, on each $100 of face value or fraction thereof, 2 cents; and where such shares are without par or face value, the tax shall be 2 cents on the transfer or sale or agreement to sell on each share."

In other words, the tax on the transfer of a share of stock of which either the face value in the one case or the actual value in the other is a dollar, is the same as the transfer of a share of stock worth $5,000. In other words, in those particular cases, the owner of the $1 share pays proportionately five thousand times as much as the owner of the $5,000 share.

This situation has received the attention of the American Mining Congress. Through its officers it appeared and was heard before the Ways and Means Committee of the House of Representatives when the act of 1924 was in preparation, and at its twenty-seventh annual convention held at Sacramento, Calif., September 29 to October 4, 1924, the following resolution urging repeal of this tax was approved by the fourth annual conference on mine taxation and unanimously adopted by the delegates assembled in the convention:

"Whereas the stamp tax on stock of any par value is now computed on such par value, and is therefore the same on the speculative shares of a development company as on the share of the richest corporation whose surplus may be several times its capital, while as to no par value shares the stamp tax is computed on the actual value, but is so adjusted as to be grossly unfair and oppressive on no par value shares of small actual value, which in some cases are thus taxed one hundred times as much for transfer as par value shares worth many times their par value; and

"Whereas the stamp tax is a special tribute exacted from stockholders of corporations, justified only by the existence at the time of similar taxes which were repealed at the last session of Congress, and the stamp tax should also be repealed: It is therefore

"*Resolved*, That the law fixing a stamp tax on stock certificates should be immediately repealed."

The foregoing resolution clearly defines the issue. It is becoming more and more difficult for the small prospector and mine owner to obtain capital with which to carry on the exploration and development work that in the past has been responsible for the growth and maintenance of the several branches of the American mining industry. The opportunities for obtaining capital with which to pioneer in an undeveloped or unproven area through the usual methods and channels

of finance are necessarily limited, and only by securing needed capital in small amounts from persons who were willing to take certain chances has it been possible for the pioneers of the mining industry to create independent enterprises and avoid bowing to monopoly. The manner in which small mining enterprises are in effect penalized by the stamp tax is ably illustrated in the following statement of Mr. M. D. Leehey, of Seattle, Wash., made at the Twenty-seventh Annual Convention of the American Mining Congress. He said:

"The stamp tax on stock certificates is still in force, although it has been repealed as to bank drafts, notes, telegrams, beverages, etc. And that stamp tax is just the same on the speculative par value shares of the small mining company as on shares of the richest bank in America. I now refer to shares having par value, but the stamp tax is still more oppressive on no-par value shares under the ruling of the Internal Revenue Bureau. That ruling makes the issuance tax on no-par value shares of the actual value of $1 just twenty times as much, and the transfer tax just one hundred times as much as on the par value shares of the Ford Motor Co. or the United States Steel Corporation. For instance, the stamp tax on an issue of 100,000 shares of the par value of $100,000 is $50, regardless of the actual value, which may be a million, while that tax on an issue of 100,000 no-par value shares of the actual value of $100,000 is $1,000. The stamp tax on the transfer of that same $100,000 par value shares is $20, and on 100,000 no-par value shares of the actual value of $1 each, as represented by the selling price, it is $2,000, or one hundred times larger.

"We all know that a development company must issue small shares, because it must attract capital on the hope of an increased value in its shares after a few years, rather than the promise of prompt dividends. It is grossly unjust, therefore, to compel a mine-development company to pay the same stamp tax on its small shares of speculative value as paid by the richest corporation in the United States whose surplus is many times its capital.

"The relief suggested is the repeal of the stamp tax on corporation shares. It is a special tax on corporation stockholders. It discriminates against that one class more than did the stamp tax on bank drafts, notes, telegrams, telephone messages, beverages, and candy. Those taxes were more general in their application, but have been repealed, and the taxes on stock certificates should have been repealed at the same time. If, however, its repeal is not possible at this time, then amend the stamp tax law as to all shares, both of par and no par value, so as to compute the tax 'on each $100 of actual value or fraction thereof.' These are the very same words the present law uses in fixing the stamp tax on par value shares changing only the words 'face value' to read 'actual value.' This amendment would fix the stamp tax on all shares according to actual value. Simple justice requires it if the stamp tax is not promptly repealed, as it should be."

Everyone knows that the mining industry is in need at this time of every possible assistance. This fact was recognized by the Ways and Means Committee of this Congress to a certain extent. By section 442 of H. R. 1 they recommended a 50 per cent reduction in the 2-cent tax on stock transfers, and their recommendation was adopted by the House of Representatives and is contained in the pending bill. It does not go as far as it should. At least there should have been a similar reduction in the tax on issues of capital stock, but the House left this provision of 5 cents a share untouched.

The Finance Committee of the Senate proposes to strike out this action of the House, and to leave the tax of 2 cents a share untouched, thus operating to the full the injustice on the mining corporations situated largely in the Western and far Western States. It is stated privately that the reason for this is that this provision also covers the transfers of stock on stock exchanges. The entire tax on the transfers of stock of all corporations, both on the exchanges and elsewhere, for the fiscal year 1927 amounted to $16,674,102.83. A 50 per cent reduction would have amounted to about $8,337,000, but it is also stated that on account of the activities on the various stock exchanges of the country since July 1, 1927, the income from these sources will, for the fiscal year ending June 30, 1928, amount to nearly $44,000,000. If this is correct, a 50 per cent reduction will still leave a collection from this source of $22,000,000, or $6,000,000 more than the collections for the fiscal year 1927.

None of these taxes are paid by brokers; all are paid by customers. In a tax reduction bill why should the amount paid by any class of taxpayers be increased over 250 per cent? Yet, if the information is correct and the collections from this source at the 2-cent rate will amount to $44,000,000 for 1928, it will be a 250 per cent increase over the 1927 figures. Even if this tax is reduced from 2 cents to 1 cent, the resulting $6,000,000 increase will still be a 40 per cent increase over 1927. The buying and selling of stocks on exchanges or elsewhere is an entirely legitimate proposition in which those who so buy and sell have a perfect right to take part. While the owners of the small metal mines of the Western States are not to any great extent interested in these stock-exchange sales, they see no reason why the fact that the increased sales on the stock exchanges are going to result in greater revenue to the Government should be a reason for reversing the action of the House of Representatives and thus compelling owners of mining stock, with the small face or actual value per share, to continue to pay a tax at a ratio of anywhere from one hundred to five thousand times as great as are paid by the owners of stock in other corporations.

In addition, this is a nuisance tax. There are in the United States over 425,000 corporations. Every one of these corporations, especially those in the small communities where documental stamps are hard to get, are put to the trouble of obtaining and affixing these stamps every time a stockholder transfers a single share of stock. In addition, at stated intervals the representatives of the Government visit each corporation in the United States, inspect its books, and if the luckless officers have made the slightest mistake, either in omitting to affix the necessary 2-cent stamps or in affixing a lesser amount than the Government official thinks proper, a fine is collected. Usually this fine is not large, but its imposition and collection involves usually a relatively large expenditure of time, and sometimes attorney's fees. While the action of the House does not go as far as it should, the extent to which it does go should be sustained, and the amendment seeking to strike out section 442 of H. R. 1 from the bill should be defeated.

SALLY MATTIE MACREADY

Mr. THOMAS. Mr. President, on last night House bill 7992, for the relief of Sally Mattie Macready, widow of Edward Daniel Macready, was reached on the calendar. The bill has an adverse report; and, by order of the presiding officer, the bill was indefinitely postponed.

I now ask unanimous consent that that order be vacated, and that the bill be rereferred to the Committee on Military Affairs for further consideration.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

COTTON PRICE PREDICTIONS

Mr. HEFLIN. Mr. President, last night I was unable to be present. Having spoken nearly three hours yesterday, and having to go over my remarks, I was not able to attend the night session.

I ask unanimous consent for the present consideration of my bill to prevent price predictions on cotton, Senate bill 3845, Order of Business 866.

The PRESIDENT pro tempore. Is there objection?

Mr. SHORTRIDGE. I object.

The PRESIDENT pro tempore. Objection is made.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 38 minutes p. m.) the Senate took a recess until to-morrow, Thursday, May 10, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *May 9, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, the Father of our Lord and Saviour, Jesus Christ, who art the glory of day and the master of night, let the light of Thy truth and wisdom illuminate our minds, and may it clear away all prejudice, misconception, and ignorance. May we humbly appreciate the great honor which has been assigned to us in the service of the Republic, and to labor for the welfare of our fellows. In every relationship may we be wise men and beneficent servants of the country. Allow nothing to stand between our convictions and obedience. Be Thou the security of our best desires and purest loves. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 21. An act to provide for date of precedence of certain officers of the staff corps of the Navy;

H. R. 239. An act to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes;

H. R. 244. An act to enable members of the Reserve Officers' Training Corps who have interrupted the course of training prescribed in the act of June 4, 1920, to resume such training and amending accordingly section 47c of that act:

H. R. 441. An act to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif.;

H. R. 1529. An act for the relief of the heirs of John Eimer;

H. R. 1537. An act for the relief of William R. Connolly;

H. R. 2658. An act for the relief of Finch R. Archer;

H. R. 3029. An act for the relief of Vern E. Townsend;

H. R. 3372. An act for the relief of George M. Browder and F. N. Browder;

H. R. 3442. An act for the relief of Clifford J. Sanghove;

H. R. 3936. An act for the relief of M. M. Edwards;

H. R. 4229. An act for the relief of Jennie Wyant and others;

H. R. 4588. An act authorizing an appropriation for the repair and resurfacing of roads on the Fort Baker Military Reservation, Calif.;

H. R. 4925. An act for the relief of John M. Savery;

H. R. 4993. An act for the relief of William Thurman Enoch;

H. R. 5398. An act for the relief of the heirs of the late Dr. Thomas C. Longino;

H. R. 5465. An act to amend section 1571 of the Revised Statutes to permit officers of the Navy to count duty on airships as sea duty;

H. R. 5531. An act to amend the provision contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers;

H. R. 5746. An act to authorize the appraisal of certain Government property, and for other purposes;

H. R. 5789. An act to provide for the gratuitous issue of service medals and similar devices, for the replacement of the same, and for other purposes;

H. R. 5806. An act to authorize the purchase of real estate by the War Department;

H. R. 5968. An act for the relief of Byron Brown Ralston;

H. R. 5981. An act for the relief of Clarence Cleghorn;

H. R. 6436. An act for the relief of Mary E. O'Connor;

H. R. 6652. An act to fix the pay and allowances of chaplain at the United States Military Academy;

H. R. 6844. An act concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto;

H. R. 6856. An act relating to the payment or delivery by banks or other persons or institutions in the District of Columbia of deposits of moneys and property held in the names of two or more persons, and for other purposes;

H. R. 7061. An act for the relief of William V. Tynes;

H. R. 7227. An act for the relief of William H. Dotson;

H. R. 7752. An act to limit the issue of reserve supplies or equipment held by the War Department;

H. R. 7937. An act to authorize mapping agencies of the Government to assist in preparation of military maps;

H. R. 8808. An act for the relief of Charles R. Wareham;

H. R. 9043. An act to authorize the payment of an indemnity to the Government of France on account of losses sustained by the owners of the French steamship *Madeleine* as a result of a collision between it and the U. S. S. *Kerwood;*

H. R. 9148. An act for the relief of Ensign Jacob E. DeGarmo, United States Navy;

H. R. 9363. An act to provide for the completion and repair of customs buildings in Porto Rico;

H. R. 10139. An act for the relief of Edmund F. Hubbard;

H. R. 10192. An act for the relief of Lois Wilson;

H. R. 10276. An act providing for sundry matters affecting the naval service;

H. R. 10544. An act to abolish the office of administrative assistant and disbursing officer in the Library of Congress and to reassign the duties thereof;

H. R. 10643. An act authorizing the Gulf Coast Properties (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y.;

H. R. 11692. An act authorizing the Gulf Coast Properties (Inc.), a Florida corporation, of Jacksonville, Duval County, Fla., its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near East Alburg, Vt.;

H. R. 11741. An act for the relief of Thomas Edwin Huffman;

H. R. 11797. An act granting the consent of Congress to Columbus County, State of North Carolina, to construct, maintain, and operate a free highway bridge across the Waccamaw River at or near Reeves Ferry, Columbus County, N. C.;

H. R. 11808. An act to authorize an appropriation for the purchase of land at Selfridge Field, Mich.;

H. R. 11809. An act to authorize an appropriation to complete the purchase of real estate in Hawaii;

H. R. 11992. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Biggers, Ark.;

H. R. 12899. An act authorizing the erection for the sole use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C.;

H. R. 13171. An act authorizing the Secretary of the Treasury to accept a franchise from the government of the city of New York to change the routing of the pneumatic-tube service between the customhouse and the present appraisers' stores building, and for other purposes; and

H. J. Res. 200. Joint resolution to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House of Representatives was requested, bills of the House of the following titles:

H. R. 971. An act for the relief of James K. P. Welch;

H. R. 1951. An act granting six months' pay to Frank A. Grab;

H. R. 2473. An act for the relief of Louie June;

H. R. 6104. An act to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909;

H. R. 8105. An act to provide for the membership of the Board of Visitors, United States Military Academy, and for other purposes;

H. R. 11022. An act to extend medical and hospital relief to retired officers and retired enlisted men of the United States Coast Guard;

H. R. 11338. An act authorizing the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Randolph, Mo.;

H. R. 11978. An act granting six months' pay to Alexander Gingras, father of Louis W. Gingras, deceased private, United States Marine Corps, in active service; and

H. R. 12381. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message further announced that the Senate had passed bills, joint resolutions, and a concurrent resolution of the following titles, in which the concurrence of the House was requested:

S. 363. An act for the relief of Louise M. Cambouri;

S. 456. An act to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased;

S. 513. An act for the relief of the Hottum-Kennedy Dry Dock Co., of Memphis, Tenn.;

S. 652. An act for the relief of Edgar Travis, sr.;

S. 1182. An act to provide for the naming of certain highways through State and Federal cooperation, and for other purposes;

S. 1433. An act for the relief of J. C. Peixotto;

S. 1643. An act for the relief of Joseph J. Baylin;

S. 2148. An act to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes;

S. 2304. An act for the relief of M. Seller & Co.;

S. 2738. An act for the relief of C. R. Olberg;

S. 2802. An act to provide for the appointment of midshipmen at large by the Vice President of the United States;

S. 2894. An act for the relief of Robert O. Edwards;

S. 3459. An act to amend an act of Congress approved March 4, 1927 (Public, No. 795, 69th Cong.), to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War;

S. 3779. An act to authorize the construction of a telephone line from Flagstaff to Kayenta on the Western Navajo Indian Reservation, Ariz.;

S. 3828. An act to amend Public Law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve individual members of the Board of Education of personal liability for acts of the board;

S. 4034. An act authorizing the Calhoun Bridge Co., an Illinois corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Illinois River at or near Grafton, Ill.;

S. 4035. An act authorizing conveyance to the city of Hartford, Conn., of title to site and building of the present Federal building in that city;

S. 4045. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Newport-Asheville (N. C.) road near the town of Del Rio in Cocke County, Tenn.;

S. 4059. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River;

S. 4060. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky.;

S. 4061. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.;

S. 4062. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near Egners Ferry, Ky.;

S. 4135. An act to conserve the water resources and to encourage reforestation of the watersheds of Los Angeles County by the withdrawal of certain public lands included within the Angeles National Forest from location and entry under the mining laws;

S. 4183. An act authorizing the filling of a vacancy occurring in the office of district judge for the northern district of Illinois created by the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922;

S. 4203. An act authorizing J. H. Haley, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near a point where Olive Street Road, St. Louis County, Mo., if extended west, would intersect the Missouri River;

S. 4235. An act to amend section 12 of the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926;

S. 4253. An act authorizing J. L. McKee, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Sabine at or near Port Arthur, Tex.;

S. 4254. An act authorizing the State of Texas and the State of Louisiana to construct, maintain, and operate a free highway bridge across the Sabine River at or near Pendletons Ferry;

S. 4338. An act to authorize the President to award in the name of Congress, gold medals of appropriate design to Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes;

S. J. Res. 82. Senate joint resolution providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio;

S. J. Res. 92. Senate joint resolution to provide for a monument to Maj. Gen. William Crawford Gorgas, late Surgeon General of the United States Army;

S. J. Res. 114. Senate joint resolution authorizing assessments by levee, drainage, and road districts upon unreserved public lands in the St. Francis levee district, State of Arkansas; and

S. Con. Res. 18. Senate concurrent resolution to provide for the printing of the report of the Federal Commission on Cooperative Marketing of Farm Products.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills and a joint resolution of the following titles:

S. 750. An act to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes;

S. 757. An act to extend the benefits of certain acts of Congress to the Territory of Hawaii;

S. 3571. An act granting the consent of Congress to the county court of Roane County, Tenn., to construct a bridge across the Emory River, at Suddaths Ferry, in Roane County, Tenn.;

S. 2004. An act authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz.;

S. 2910. An act granting to the State of South Dakota for park purposes the public lands within the Custer State Park, S. Dak.;

S. 3598. An act authorizing Dupo Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a combined highway and railroad bridge across the Mississippi River at or near Carondelet, Mo.; and

S. J. Res. 135. Senate joint resolution making an emergency appropriation for flood protection on White River, Ark.

The message further announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 3740) entitled, "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes."

The message also announced that the Senate had passed the following concurrent resolution:

Senate Concurrent Resolution 19

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate S. 3594, entitled "An act to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes."

Mr. EATON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New Jersey makes the point of order that there is no quorum present. The Chair will count.

Mr. EATON (interrupting the count). Mr. Speaker, I withdraw it temporarily.

HEROIC CONDUCT OF CREWS OF CERTAIN STEAMSHIPS

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 1609, recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic*, *American Trader*, *President Roosevelt*, *President Harding*, and the British steamship *Cameronia*, and for other purposes, with House amendments thereto, insist on the House amendments and agree to the conference asked.

The SPEAKER. The gentleman from Maine asks unanimous consent to take from the Speaker's table the bill S. 1609, with House amendments thereto, insist on the House amendments, and agree to the conference asked. Is there objection?

There was no objection.

The Chair announced the following conferees: Mr. WHITE of Maine, Mr. LEHLBACH, Mr. DAVIS.

A MEMBER OF A SMALL MINORITY PARTY IN THE HOUSE

Mr. BERGER. Mr. Speaker, since it is almost impossible to procure time to speak, I ask unanimous consent to extend my remarks in the RECORD upon the position and mission of a minority Representative in Congress.

The SPEAKER. Is there objection?

There was no objection.

Mr. BERGER. Mr. Speaker, ladies, and gentlemen, I am to speak on the mission of a pioneer of a new idea and the position of a member of a small minority party in this House.

Mr. Speaker, all great political parties, both in our country and abroad, were originally small minority factions. They usually stood for some great idea or some principle that was unpopular with the ruling powers, and worked for it until it was achieved. Then the small minority party became a great majority organization.

HOW THE DEMOCRATIC PARTY GOT ITS START

This was the case in our country with the old Democratic-Republicans, organized against the Federalists at the end of the eighteenth century, when the Federalists had passed the drastic alien and sedition law to suppress the "demagogues" and "democrats" who were deemed to be dangerous to the vested interests of that day.

"Democrat" and "demagogue" in those days were held by the ruling powers in about the same esteem as the "Bolshevik" and "radical" of to-day.

Later on the Democratic-Republican Party dropped the word "Republican" and called itself Democratic Party. Those were the days of Thomas Jefferson.

REPUBLICANS ATTRACTED ELEMENTS OPPOSED TO SLAVERY

The modern Republican Party also had a modest beginning. It was founded in Ripon, Wis., in 1854, by simple farmer folks in opposition to the ruling party of that day—the Democratic Party. The Republicans soon attracted all the elements opposed to chattel slavery and cast a rather respectable vote in 1856 for John C. Frémont, the "Pathfinder"—although not nearly as large as the vote cast for the late Senator La Follette four years ago.

Owing to a split in the Democratic Party in 1860 the Republican Party won out under the leadership of Lincoln and Seward. It is unnecessary for me to recite the history of the two old parties since.

ONLY THE SPOOK OF DEAD ISSUE LEFT

All I can say is that there is absolutely no difference of principles, methods, or aims between the two old parties now. They are both ultraconservative and even reactionary. And apart from the negro question down South, which is still

spooking there as a dead issue—both old parties are absolutely alike in every respect.

An opposition party, however, is necessary in a democratic Republic—if democracy is to survive.

EVEN THE MERE DISCUSSION ALWAYS PROVOKES THOUGHT

At the present time it is the few straggling and struggling independents that form a rather remarkable opposition. They expose corruption and spot grafters, but can not bring about basic changes. Still these few members of the opposition are of the greatest importance to the country.

The reason for this is very simple: Even one man, as you know, can put on the electric light in a dark room and show up any pilfering that is going on.

But these independents are even more important because by their fearless activity they prevent the ruling capitalists from abusing their power too much. Thus they form a sort of safety valve against the bursting of the political boiler. And also because they form the nucleus for new movements and for progress.

They prepare the public mind for new ideas, which must be discussed, even by the papers and organs of the ruling class. Such discussion, no matter how prejudiced it may be, provokes thought, and leads people to study.

CONGRESS WOULD VOTE DIFFERENTLY ON WAR TO-DAY

A striking example of the fact that the work of an independent opposition does not always fall on barren soil may be seen in the position Senator Robert M. La Follette, sr., and I took during the recent World War.

While both of us were very much denounced—in many places in Wisconsin we were burned in effigy—and while I even got a 20-year sentence and was excluded from Congress a few times for my opposition to the entrance of our country into the war—it is pretty certain that to-day 90 per cent of the Members of Congress, if Congress had to vote on the same war question again, would undoubtedly vote against it.

MUST DO ALL THE DEPARTMENTAL WORK FOR HIS CONSTITUENTS

As to the duties which devolve upon the spokesman of a minority in a legislative body, let me say, to begin with, that he has to do very much of the same kind of work that all the other Members, including those of the majority, have to do.

Only he must do them more intensely. And he usually has more of that kind of work to do.

The minority Member must give consideration to all the problems which affect individually and collectively his constituents whenever they are brought to his attention.

He must obtain for his constituents of all classes the consideration to which they are entitled. He must represent them in adjusting matters before the departments and assure to them fair and full attention of any claims they may have.

WAS SUCCESSFUL IN MOST CASES

In this respect I have been rather fortunate.

The heads of the various departments to whom I have been obliged to turn for and in behalf of my constituents on all sorts of business have uniformly and always been courteous and fair. They have, in many instances, gone out of their way to provide the relief I sought.

To some extent this may have been due to the fact that I did not indiscriminately seek favors, regardless of whether my constituent was entitled to them or not. When the case was meritorious—and I was convinced that it was meritorious—I interceded, and almost invariably succeeded.

In this respect I gladly acknowledge that my thanks are due to the administration—from the President down to the last department chief.

MINORITY REPRESENTATIVE MUST SHOW HIS COLORS

In addition to these duties—and we all know that they constitute an important part of a Congressman's activities—the Representative of a minority—and especially of a minority such as the socialist—with a program of industrial, social, and political reform—must endeavor to propose measures which, if accepted, would afford relief from pressing ills. He must introduce propositions applicable to existing problems, and must strive to secure for them the widest possible hearing.

And in voting on bills that are presented he must so conduct himself as to advance measures designed to bring the greatest good to the greatest number, and to try to defeat legislation that will merely entrench special-privilege groups.

PRESENCE HELPFUL AND DESIRABLE

In this connection it would be well to say that a member of the minority can serve the principles he advocates without becoming an obstructionist. The gentleman from Connecticut [Mr. TILSON], the able floor leader in this House of the Republican Party, made the observation during a speech of mine last week that "I was helpful in conducting the business of this House, and not obstructive," and he took that occasion to thank me personally.

The minority Representative has the additional advantage that he is not bound by any party which serves the big interests. This freedom is extremely useful and beneficial.

As to the measures introduced by a minority Member, they, of course, have little chance to become law immediately. During my service in Congress I have not succeeded in having the bills I introduced passed.

Still, it is the general opinion among the majority of Congressmen of both old parties that, for instance, my presence in Congress is very helpful and desirable. My propositions provoke a great deal of thought and discussion both among the Members and also in the public press.

IDEAS ARE LIKE SEEDS IN NEW FIELD

Alone among 531 representatives in the two Houses of Congress, I did not expect—and I am sure my constituents did not expect—that I would have my proposals incorporated into the statutes of the Nation the moment I proposed them.

After all, however, I was no worse off in this respect than the representatives of the Democratic Party, numbering hundreds of Members, whose chances of enacting legislation of any importance are no better, while they are in a minority, than are mine.

Moreover, I was no worse off in that respect than the average member of the majority party, who has little to do with legislation, except to vote "yes" or "no" as the party leaders tell him, when a measure is presented.

For me the same rule holds good that holds good with all intelligent voters. I would rather vote for something I want and which is beneficial, and not get it—than to vote for something I don't want, and that hurts, and get it.

My sole object in introducing bills was to show my colleagues and, to the extent that the public press would permit, show the Nation what the socialists want done and what they would do if they had the power.

Many of the ideas which the socialists have introduced were like seeds sown in a new field. Some seeds are undoubtedly wasted; others grow up and bring a hundredfold harvest.

And many of the propositions which we originated and which were decried by the conservatives as impracticable and even dangerous have become the common property of the people in Nation, State, city, and country.

MOST SOCIAL PROGRESS IS OF SOCIALIST ORIGIN

For example, when I first came to Congress in 1910 I introduced an old-age pension bill, so that those who labor a lifetime may not find themselves in the poorhouse when they are too old to work. There was not a State in the Union that had enacted such a measure or had given it serious consideration. To-day there are six States with old-age pension laws on the statute books—and numerous others considering the enactment of such laws.

The same holds good about our propositions as to child labor.

In fact, it may be said that practically all the beneficial progressive legislation in the social, economic, and political fields were of socialist origin. Thus we have done wonderful work—even as a minority—not only in the preservation and enlarging of political freedom, but also in legislation helpful in the protection of men, women, and children.

THE PROGRESSIVE CAMPAIGN OF 1924

Still there can be no doubt that if we are to make progress in the field of social relations as rapidly as it is being made in all other fields of human endeavor, if the inventive genius of men is to serve all our people instead of a few, a new party alignment is necessary. Our Republic can not endure without such a realignment.

We must have a new party with progressive views and progressive ideas. It is absolutely useless to put new wine into old bottles.

It will be recalled that the Socialists attempted to bring about a new alignment in 1924. As a result of that attempt, 5,000,000 voters, undeterred by all the threats of panics and loss of the "dinner pail," followed our standard bearer on a program which for the time promised relief from the oppression of our plutocracy.

The campaign showed that the Socialists and progressives could and would work together. And the registering of 5,000,000 votes for a program that was denounced by every plutocratic newspaper and from every political platform was an achievement of which they have just cause to feel proud.

MUST BE DONE AGAIN

Unfortunately, the progressive group in the House of Representatives did not show the same degree of persistence and courage that these 5,000,000 voters did. While the 5,000,000 voters were not scared by talks of panics and other dire threats,

the members of the progressive group—or most of them—were frightened by the loss of committee assignments and threats of other reprisals. Some of them became extremely apologetic for the stand they had taken in the presidential election.

I say that was unfortunate, because the time is ripe for a political realignment, and because so large a number of our citizens indicated four years ago that they were ready.

I hope that the progressives will soon muster enough courage to stand by their guns and become a nucleus for a new and larger movement.

I know it is a difficult task. But it has been done in the past and it will be done again.

A NEW ALIGNMENT ABSOLUTE NECESSITY

When it was necessary for the solution of chattel slavery to create a new party the Republican Party was organized by uniting the Free Soilers, the Abolitionists, and the remnant of the old Whig Party. I am confident that we will very soon have a new political party based upon what the Socialists, Farmer-Laborites, and the progressives desire, and united to oppose the autocracy of the present-day capitalism.

It is true that capitalism is infinitely stronger and better intrenched than were the slave owners in their day. The economic trend of our civilization, however, the better education of the masses, and the greater power of resistance of the common people are factors that will enable us to overcome this disadvantage.

This new alignment, as I have said, is an absolute necessity. It must be honest, consistent, and give the common people of all classes relief.

THE GENERAL OUTLINE

It must stand for measures that remove the causes of corruption. It must take away the temptation for corruption.

It must bring more and more activities that are necessary for the welfare of all under the control of all.

It must also try to enact legislation that will enable the individual to live a fuller and freer life.

Such a party must not only take special care of the city worker and of the farmer but also of the small business man while the present system lasts.

SOCIALIST PARTY STEADFAST IN WAR AND PEACE

The only party which has always stood for securing the greatest economic advantage for the largest number of individuals is the Socialist Party. It is the only party that has always sought to remove corruption by removing temptation.

It is the only organization that stood upright in war and in peace.

MY GUIDING LINE

The Socialist Party is willing to cooperate with any and all other organizations and with any and all individuals striving for the same aims and objects, however different their individual point of view, provided they are consistent and sincere in their desire to promote human welfare and national progress.

As for myself, well, that was my guiding line in the National Congress of the United States. And that will always be my aim and object in the future.

MUSCLE SHOALS

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a digest of the proposed Muscle Shoals act of 1928, which is to be taken up to-day.

The SPEAKER. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

DIGEST OF PROPOSED "MUSCLE SHOALS ACT OF 1928"

(Union Calendar No. 324, S. J. Res. 46, an amendment in the nature of a complete substitute for the Norris resolution)

Section 1 creates the "Muscle Shoals corporation of the United States" to maintain and operate the Muscle Shoals properties for national defense, agricultural and industrial development, navigation, and flood control.

Section 2 provides for appointment by President with Senate confirmation of five directors, not more than three of whom shall be members of same political party.

Section 3 fixes terms of office; provides for filling vacancies, stipulating that vacancies shall not impair action; fixes compensation of board members at $50 per day, plus expenses, authorizing 150 days' pay during first year and 100 days in succeeding years; forbids any director having any financial interest in any business that may be adversely affected by the success of Muscle Shoals introducing concentrated fertilizers; empowers the board to exercise all the powers of the corporation and prescribes that no one may be a member of the board unless he professes a belief in the feasibility, wisdom, and probability of success of producing and selling fertilizers as provided by the act; authorizes corporation to appoint general manager for 10-year term, who shall select two assistants, one competent in fertilizer production, the other in power production and distribution, and all other employees; combined salaries of three chief operating officers may not exceed $50,000.

Section 4 authorizes $10,000,000 capital stock which is subscribed by United States.

Section 5 defines the broad general powers of the corporation, including inter alia authority to sue and be sued, to lease or purchase personal property, and to exercise the right of eminent domain.

Section 6 confers important special powers on the corporation, as follows:

(1) Gives it complete possession of the facilities and properties at Muscle Shoals with direction to produce and sell nitrogen and its products for agricultural and military uses, and to sell surplus electric power as later defined, also gives authority to build and operate any additional plants at Muscle Shoals, Ala., the corporation may consider necessary.

(2) Directs it to make, distribute, and sell fertilizers, fertilizer ingredients, and by-products of fertilizer manufacture.

(3) Authorizes it to make explosives, etc., for the War and Navy Departments at cost and requires it to supply the Secretary of War without charge all power necessary for the operation of locks, etc.

(4) Directs it to produce, distribute, and sell electric power under limitation later specified.

(5) Authorizes it to experiment in nitrogen production for military and agricultural uses and empowers the President to assign to the corporation experts from other Government services.

Section 7 announces as the policy of Government regarding distribution and sale of surplus power that (a) Muscle Shoals shall be used for fertilizer purposes in time of peace, and that no electric power shall be considered surplus that can be used profitably for fertilizer manufacture; that (b) surplus power shall be sold at the best prices obtainable, and that the corporation may buy or build transmission lines or sell at the plant to those who have transmission facilities; and that (c) the board shall run the steam plants in connection with the hydroelectric plants.

Section 8. (1) Declares it to be the policy of Government to distribute fertilizers made at Muscle Shoals equitably among States, Territories, and possessions. (How can this be done to Maine, Florida, Hawaii, and California as compared with Alabama and Tennessee?)

(2) Provides that sales through intermediaries to farmers shall be under contracts that fix maximum prices. (Generally speaking, fertilizer manufacturers can not fix resale prices, though cooperative associations and farm bureaus can.)

(3) Prescribes the basis on which the board shall fix prices which shall include production, marketing, and distribution expenses properly chargeable against the particular product, and after five years shall have elapsed interest at 4 per cent, but then only on the investment of the United States in capital stock, and not on any part of the value of a property that has already cost over $125,000,000.

(4) Defines purposes of corporation to provide "plant food in abundance for agriculture and to users of commercial fertilizers at as reasonably low cost as possible, and net profits derived from sale of surplus electric power * * * shall be used toward that end for the first five years of the life of the corporation."

(5) Forbids sales of nitrogen products outside the United States and her possessions except to allies in case of war.

(6) Prescribes that for five years fertilizer and ingredients shall be sold at actual cost, cash in advance, f. o. b. cars, Muscle Shoals, and that preference shall be given (a) to farmers, farmer groups, and farm organizations, and (b) to States and State agencies for resale to farmers, and not until thereafter may sales be made "to private manufacturers, mixers, and merchants of fertilizers."

(7) Provides that after five years half of the power receipts shall go into the Treasury, but would be earmarked "Muscle Shoals Receipts," and after 10 years all power receipts would go into the general funds of the Treasury, but still be earmarked.

Section 8, paragraph E, directs the board to begin making concentrated fertilizers by using the cyanamide process and the existing plant, but also authorizes it to employ other processes of fixation; prescribed also that the board "shall construct and operate a plant or plants at Muscle Shoals for the production of phosphoric acid and/or potash to be combined with nitrates and nitrogenous products in the manufacture of a complete fertilizer."

Section 8, paragraph F, permits the board for five years to donate 5 per cent of the fertilizers produced to farmers through county agents, agricultural colleges, or otherwise, for experimentation, education, and introduction. If in any year of the first five as much as 25 per cent of the product remains unsold, the board may give away an additional 10 per cent of the unsold surplus, or a total of 15 per cent.

Section 8, paragraph G, gives the board power to buy any fertilizer ingredients and to mix them with any other ingredients manufactured by the corporation; in other words, puts the United States Government, through this corporation, completely in the fertilizer business.

Section 9 confers complete control and possession of nitrate plants 1 and 2, all real estate and equipment, laboratories, the Waco lime quarry,

the Wilson Dam (No. 2), its power house, and all hydroelectric equipment, excepting only the locks, to the Corporation, and authorizes the President to transfer any other properties of the United States to it as may be deemed necessary or proper.

Section 10 provides for the principal office of the corporation to be at Muscle Shoals, and that its legal residence shall be the northern judicial district of Alabama.

Section 11 requires filing of reports with the President and with Congress in December of each year, and provides for certified public accountants' audits.

Section 12 reserves the right to the United States to take possession of the whole property in event of war, indemnifying persons whose contracts for either electric power or fertilizers may thus be invalidated.

Section 13 empowers the board to sell surplus electric power not used for fertilizer or munitions or in operation of locks or other navigation works under contract for periods not exceeding 10 years.

Section 14 declares the policy of the Government to distribute surplus power from Muscle Shoals equitably among the States within transmission distance.

Section 15 to place the corporation in a strong competitive position, expressly authorizes the corporation to construct transmission lines from Dam No. 2 and its steam plant with provision that political units or public or cooperative organizations not for profit, engaged in supplying electricity, if they construct their own transmission lines, may be contracted with for a term not exceeding 15 years.

Section 16 authorizes completion of steam plant at nitrate plant No. 2, and installation of additional generating machinery at Wilson Dam without appropriating funds for the purpose with a view to the efficient use of all power generated.

Section 17 authorizes the Secretary of War, under conditions described, to construct the Cove Creek Dam so that an increased amount of primary power may be developed at Dam No. 2 and others below; and authorizes the Federal Power Commission to compel contributions under the Federal water power act by persons it may in future license to build dams in the Clinch or Tennessee Rivers below Cove Creek Dam.

Section 18 authorizes the Secretary of War to exercise the right of eminent domain in any necessary way in connection with obtaining the site and constructing Cove Creek Dam and the reservoir above it and to make necessary agreements with all persons affected by this project; provides also that when Cove Creek Dam, its transportation facilities, and power house are completed, the whole shall be turned over to the Muscle Shoals corporation for use and operation.

Section 19 gives access to the corporation, as a Government instrumentality, to the files of the United States Patent Office.

Section 20 provides penalties for misuse of public moneys, property, etc., for fraud on the part of corporation employees as to the book records or other statements of the corporation and for accepting compensation or rebates involving any intent to defraud the corporation or defeat its purposes. Fines ranging up to $25,000 or imprisonment up to 15 years, or both, are provided.

Sections 21, 22, 23, and 24 contain miscellaneous provisions authorizing appropriations, repealing conflicting legislation, making the act immediately effective, and reserving the usual right to amend.

THE FLOOD CONTROL ACT OF 1928

Mr. WILSON of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the conference report upon the flood control bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. WILSON of Louisiana. Mr. Speaker, the approval of the conference report by both the House and the Senate and the signing by the President of the measure for the control of the floods of the Mississippi River and its tributaries on May 15, 1928, completes the most important piece of legislation presented to the Seventieth Congress. For the first time in history the Federal Government assumes responsibility, at its own expense, for the protection and security of the alluvial valley of the Mississippi River from destructive floods, and also the improvement of the river for the purposes of navigation. This is a final victory after a struggle of more than 100 years. It is not necessary now to go into details of the contest or the gradual steps leading to this final accomplishment; those have been recited time and again. It might be said, however, that only the disastrous flood of 1927 could so impress the Nation with the vital importance of this undertaking as to bring the Congress to a realization of the duties and responsibilities of the National Government.

During and following the flood of 1927 investigations and surveys were made, with reports to Congress, both by the Chief of Engineers of the United States Army and by the Mississippi River Commission, the latter having been in charge of the work on the lower river for the past 50 years.

The Chief of Engineers submitted to Congress a plan dealing with the problem of flood control from Cape Girardeau to the Head of Passes, recommending the strengthening of the levees, increasing their grade and height, bank revetment for the stabilization of the channel, spillways, diversion channels, and flood ways at a total cost of $296,000,000.

The Mississippi River Commission recommended a plan covering practically the same section of the river—what is termed the alluvial valley—and the tributaries and outlets in so far as they are affected by the flood waters of the Mississippi River. This plan outlined substantially the same program for levees on the main river, the tributaries and outlets, and the adoption of spillways, flood ways, and diversion channels, at a total cost of $407,000,000.

In each engineering report the proposed location of the protective works is practically the same, but the works recommended differ materially in many instances in respect to character and type of construction.

In addition to these reports, there was also submitted the report of the Spillway Board, which was created by an act of Congress in 1926, and which had made a survey in respect to controlled and regulated spillways between Point Breeze and Fort Jackson in Louisiana. The report of this board was adopted by the Mississippi River Commission.

In respect to spillways on the main river in the vicinity of New Orleans both reports are in agreement as to the diversion at Bonnet Carre. The spillway board and the Mississippi River Commission reports recommend an emergency spillway below New Orleans. This is not in the report of the Chief of Engineers.

The report of the Mississippi River Commission and the spillway board for an increased diversion at Old River and through the Atchafalaya is for a maximum capacity of 900,000 cubic second-feet of water for the highest flood predicted—that is, 25 per cent greater than the flood of 1927. The plan of the Chief of Engineers would divert at this point, in the highest predicted flood, 1,500,000 cubic second-feet. There is a wide difference in the character of the engineering works to take care of the diversion as between the two plans.

For the Cypress Creek diversion, the plan of the Chief of Engineers for the greatest flood predicted would divert 900,000 cubic second-feet, while that of the Mississippi River Commission would divert 600,000 cubic second-feet. There is a radical difference as between the engineering plans of the two reports both as to the volume of water to be diverted and the works for its control and regulation.

Investigations were also made as to the effect upon flood heights and as to the control thereof by the construction of reservoirs. To speak generally, the report of the reservoir board does not indicate that material effect can be had on flood heights on the lower river, except where reservoir sites might be found on the tributaries bordering on the alluvial valley. The phase of this report that attracted the most attention was that showing that upon the White and Arkansas Rivers in the State of Arkansas, 11 reservoirs could be constructed that would lower flood heights 8 feet at Arkansas City and 5 feet at Old River. This would in any flood except such as 1927 avoid the necessity for flood ways, but would not dispense with the requirement for spillways below Point Breeze.

With these official reports and the hearings thereon before the Flood Control Committee of the House and the Commerce Committee of the Senate, it manifestly followed that additional investigations and surveys should be made and more accurate information and data collected in order to proceed with this gigantic project in a businesslike way. It is not a criticism of any department that this position was taken, because it was very clearly demonstrated by the hearings that sufficient time and opportunity had not been had to make as definite a report as should be had before the work was begun.

Therefore the first section of the flood control act provides as follows:

Provided, That a board, to consist of the Chief of Engineers, the president of the Mississippi River Commission, and a civil engineer chosen from civil life to be appointed by the President, by and with the advice and consent of the Senate, whose compensation shall be fixed by the President and be paid out of the appropriations made to carry on this project, is hereby created; and such board is authorized and directed to consider the engineering differences between the adopted project and the plans recommended by the Mississippi River Commission in its special report dated November 28, 1927, and, after such study and such further surveys as it may deem necessary, to recommend to the President such action as it may deem necessary to be taken in respect to such engineering differences, and the decision of the President upon all recommendations or questions submitted to him by such board shall be followed in carrying out the project herein adopted.

This provision gives opportunity for such investigation, and it is only fair to the Government itself, the people of the lower

Mississippi Valley, and the Nation as a whole that such investigation should be made in an effort to work out and finally adopt a project that will bring about an effective solution of the flood-control problem.

The law further provides that—

Such surveys shall be made between Baton Rouge, La., and Cape Girardeau, Mo., as the board may deem necessary to enable it to ascertain and determine the best method of securing flood relief in addition to levees before any flood-control works other than levees and revetments are undertaken on that portion of the river.

This is an important provision of the act and had the urgent support of all sections of the Mississippi Valley. The board created by this act will undoubtedly give this section most serious consideration, because it involves all the States directly affected in the execution of this project. This affords an opportunity for further investigation of the effect of reservoirs on the White and Arkansas Rivers and in other localities where substantial results might be obtained. The feeling is general that this phase of the flood-control problem has not been given the consideration it deserves.

The act further states:

Provided, That all diversion works and outlets constructed under the provisions of this act shall be built in a manner and of a character which will fully and amply protect the adjacent lands.

This provision is important, because it implies directly that diversion works shall be constructed so as to control and confine the volume of water taken from the main channel of the river.

There is a further provision:

That pending completion of any flood way, spillway, or diversion channel, the areas within the same shall be given the same degree of protection as is afforded by levees on the west side of the river contiguous to the levee at the head of said flood way.

The purpose of this is that pending all the surveys and the completion of the works in any flood way, spillway, or diversion channel, including the acquisition of all rights or easements necessary and rights of way for levees and the construction thereof in a manner to afford ample protection to the areas within such proposed flood ways or diversion channels, these areas shall have the same degree of protection as other portions of the Mississippi Valley included within the project. These provisions are specific and direct instructions as to what shall be done in carrying out this law. It might safely be assumed that the Federal Government or the agencies carrying out its purposes would take every precaution to afford equal protection to all and not to bring unnecessary damage to any section, but the interests are so great, and the failure to conduct the work with proper care and caution would be so disastrous, that it is eminently proper that these views of the Congress be expressed affirmatively.

Section 2 simply recognizes that on account of contributions made by the States and local interests in the past that no further local contributions in execution of this project are required.

Section 3 limits the contributions by States and local interests to supplying levees on the main stem of the Mississippi River and to maintaining the levees on the main river after construction, but limits that obligation to supervision and minor repairs. With the authorized appropriation of $325,000,000 to carry the work to completion, the people of the lower Mississippi Valley are relieved from the burden of levee taxation under which they have labored in the past without satisfactory results.

During all the hearings and the efforts to secure the passage of flood-control legislation the greatest degree of controversy centered about the question of local contributions on the one hand and, on the other, the obligation of the Federal Government in respect to payment for lands or rights of way over lands in diversion channels or flood ways, as well as the complete cost for the construction and use of such works as part of the flood-control program.

The contention of the lower valley against the injustice of further local contributions has been sustained in this act, with the exception above stated, and the obligation of the Government is definitely fixed by the language in section 4, as follows:

The United States shall provide flowage rights for additional destructive flood waters that will pass by reason of diversions from the main channel of the Mississippi River: *Provided,* That in all cases where the execution of the flood-control plan herein adopted results in benefits to property such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid.

Considerable misrepresentation has unfortunately been broadcast over the country and impressions formed that have not been justified about this phase of the legislation. It was not the intention of the Senate or the House in the passage of the bill which was finally signed to subject the Government to any expenditures that were not fair or necessary in the execution of the project when finally adopted, and especially that phase of it dealing with diversions, spillways, and flood ways. The conclusion was reached that such diversions when planned, made, and executed by the Government should be entirely at national expense and national responsibility. It was realized that when the Government undertook the control of the flood waters of the Mississippi River as a national function, under the Constitution, that it could and had the authority to construct and plan the works necessary to effect that purpose. The object and intention of section 4 is that the Government shall provide the rights of way and construct the protective works where flood waters are to be diverted and shall provide flowage rights for additional destructive flood waters that will pass, not normally, but by reason of diversions from the main channel of the river. It is true that the word "additional" negatives the idea that the Government would be called upon to pay for flowage rights over natural channels or over lands flooded in normal years.

The contention has been made that certain sections of the valley are natural flood ways and therefore should be used for the protection of other portions of the valley. This is not true. Natural channels are the only portions of the valley that could be termed natural flood ways as distinguished from other portions. Before levees were constructed the entire valley could have been termed a natural flood way and in the flood of 1927, 18,000 square miles of the 30,000 square miles in the alluvial valley operated as a flood way. Under either plan, or any plan that may be adopted adjusting differences between the plans presented, the entire valley is to be protected without the use of flood ways against destructive flood waters except in a flood of the proportions of that of 1927 or greater, which is estimated to happen about every 15 or 20 years. In other words, the waters are to be kept within the natural channels by levees and bank revetments. Destructive flood waters is that volume which passes out of the natural channel; additional destructive flood waters is that volume which is deliberately diverted on the plans of the Government over a section of the valley not overflowed in normal years. So it naturally follows as a matter of justice, clearly expressed by Congress, that whatever rights of way and flowage rights are found necessary to carry out the purposes of the act shall be provided by the Government.

The second clause of section 4 simply provides the method by which the Government shall proceed to acquire lands, rights of way, and flowage rights.

The remainder of the act provides a $5,000,000 emergency fund for flood-control work on tributaries and authorizes an additional $5,000,000 for a complete survey of those tributaries that contribute to the floods of the alluvial valley of the Mississippi, for the purposes of flood control thereon, with reports to be made to the Mississippi River Commission and by it through the Secretary of War transmitted to Congress.

All who have had experience with legislation and work for control of flood waters on the Mississippi realize that we are now just at the beginning of the final solution of the problem; that there will be additional surveys; that there will be changes in plans as the work proceeds; and that it will take the best skill of the Engineer Corps of the Army and those from civilian life, as well as complete cooperation among all the authorities engaged in the work, including the States and local interests involved, to effectively bring about the solution contemplated by this legislation.

This final result has been attained by diligent work in Congress and by the assistance and support of the entire Nation. It demonstrates that the Congress and the executive branch of the Government are responsive to the needs of the country when those needs are made known and the merits of the problem presented in such a way as to place behind the legislation the support of public opinion.

As the work proceeds, the Congress will be advised each year as to the progress made and as to the amount of money required for the continuation of the work. The Government agencies in charge will no doubt keep in close touch with each community and each State immediately affected and show a spirit of consideration and cooperation necessary and required to secure the results intended. On the other hand, the communities and the States will meet such cooperation in the same splendid spirit that has been manifested in the past.

The vast expenditure involved will be an investment on the part of the Government because it will secure the ultimate development of that section of the Nation with the greatest possibilities for expansion in agriculture and industry. The returns to the Government will be many times the amount of the

expenditure and its safety and security will be enhanced in every way. So I repeat that this, the flood control act of May 15, 1928, is, for the valley, the most important legislative achievement of the present or any other Congress.

RAISING THE QUESTION OF CONSIDERATION

Mr. CRISP. Mr. Speaker, I desire to address a parliamentary inquiry to the Speaker. This is Calendar Wednesday. Under the rules of the House, the question of consideration is always in order. Under the Calendar Wednesday rule, when a bill on the Union Calendar is called up the House automatically resolves itself into the Committee of the Whole House on the state of the Union to consider the bill. If a question of consideration is to be raised to the bill which has been called up, should that question be raised in the House or should it be raised in the committee after the House has resolved itself into the Committee of the Whole House on the state of the Union? I am aware, of course, of the decision by Mr. Speaker Clark in which he ruled that the question should be raised in the committee. I know the Speaker has considered the matter. I do not know whether he has reached a determination as to what is the proper parliamentary procedure in such a case. Hence the inquiry. If the Speaker is prepared to and cares to answer that parliamentary inquiry I would be very glad to have him state whether the question must be raised in the House or in Committee of the Whole.

The SPEAKER. Before answering the question, the Chair would be very glad indeed to have the benefit of the views of the gentleman from Georgia upon that subject, if he would care to express them.

Mr. CRISP. Mr. Speaker, it seems to me unquestionably that the question of consideration should be raised in the House. If the House does not desire to consider the bill it is foolish for the House to resolve itself into the Committee of the Whole House on the state of the Union to consider the bill, and in that way waste time. Furthermore, Mr. Speaker, if the House resolves itself into the Committee of the Whole House on the state of the Union with directions to that committee to consider a bill, the committee being the agent or the creature of the House, the House being the principal, I do not think that the Committee of the Whole House on the state of the Union has any right to pass upon the question of consideration. The House itself, it seems to me, has determined that when it resolves itself into the Committee of the Whole House on the state of the Union with instructions to consider the bill. It seems to me that all of the logic in the matter is that the House should determine the question of consideration if that question is raised.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. CRISP. Yes.

Mr. TILSON. Does not the gentleman think we have an analogy to his proposition every time a bill on the Union Calendar is called up on Calendar Wednesday and unanimous consent is asked by the chairman of the committee to consider the bill in the House as in Committee of the Whole? Many times on Calendar Wednesday a bill on the Union Calendar is called up and this request is made. The rule is that the House shall automatically resolve itself into the Committee of the Whole House on the state of the Union to consider the bill when such a bill is called up; but oftentimes the chairman of the committee, immediately before this is done, asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Does not this practice of the House lend strength to the gentleman's argument that the House before going into committee should decide the question of consideration?

Mr. CRISP. I agree with the gentleman. Furthermore, suppose the House resolve itself into the Committee of the Whole House on the state of the Union to consider a bill, and the committee raises the question of consideration and decides it will not consider it. The committee goes back to the House and reports that fact to the House. Suppose, then, the House sends them back again to consider the matter. The House is the principal, and therefore it seems to me the question should be decided by the principal, the House, as to whether the agent shall consider the bill or not.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. CRISP. Yes.

Mr. CHINDBLOM. I am very glad that the gentleman from Georgia has raised this question. The purpose of every rule of the House is to expedite business. There is no question that business will be expedited in the manner suggested by the gentleman from Georgia. In addition to that, it seems to me that the automatic going into the Committee of the Whole House on the state of the Union by the House does not have the exact effect that sometimes has been given to it. The truth is that the chairman of the committee which has the Calendar Wednesday business in charge calls up a bill for consideration, and thereupon the bill is reported by the Clerk. After the bill has been reported by the Clerk the Chair announces that the House does automatically resolve itself into the Committee of the Whole House on the state of the Union to consider the bill, and it seems to me that at that point, before that action is taken, there is a place in the proceedings providing a parliamentary opportunity to raise the question of consideration.

Mr. CRISP. Undoubtedly the Calendar Wednesday rule does not repeal all the other rules. The practice is on Calendar Wednesday, if the chairman of a committee calls up a bill which is to be considered in Committee of the Whole House on the state of the Union, simply for the purpose of saving time, to make unnecessary a motion to go into the Committee of the Whole, the House automatically resolves itself into Committee of the Whole House on the state of the Union. But that does not repeal the other rule. That matter could be determined, pending the automatic going into Committee of the Whole, by raising the question of consideration; and if that question is raised and sustained the House does not go into Committee of the Whole. If the question is voted down, then the House goes automatically into the Committee of the Whole House on the state of the Union.

Mr. CHINDBLOM. Notwithstanding the precedents, I think the House would be very glad to have the views of the Speaker on the matter as of a matter de novo.

Mr. LINTHICUM. Mr. Speaker, I think the proceedings of the day are important enough to have a quorum present. I call the attention of the Chair to the absence of a quorum.

The SPEAKER. Will the gentleman withhold that until the Chair rules?

Mr. LINTHICUM. Yes.

Mr. GARRETT of Tennessee. Mr. Speaker, may I say a word?

The SPEAKER. The Chair will hear the gentleman.

Mr. GARRETT of Tennessee. I concur in the reasoning of the gentleman from Georgia [Mr. CRISP]. But there is just one suggestion I would like to offer, and that is, if the question be determined in the House, of course, it is determined by a quorum, theoretically, at least, whereas if it be remitted to the Committee of the Whole for determination the question may be settled by only a hundred Members. Of course, the precedents are the other way. But it seems to me the reasoning would justify an overruling of the precedents.

Mr. MAPES. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. MAPES. According to the procedure followed here a short time ago under the leadership of the gentleman from Tennessee, does he think it is quite accurate to say that the question of consideration is ultimately determined by the committee? The gentleman will recall the fact that the committee automatically rose and came back into the House to have the House pass upon the vote of the committee.

Mr. GARRETT of Tennessee. The gentleman is quite correct, and that was the proper practice, for the committee to rise, for the very reason that that did enable the whole House to pass upon the question of consideration. But it would be expedient to do it in the first instance instead of in that way.

Mr. CANNON. Mr. Speaker, I suppose the precedents on this point have been called to the Speaker's attention. As the Speaker is doubtless aware, this question was passed on by both Speaker Clark and Speaker GILLETT on various occasions in the Sixty-fifth, Sixty-sixth, Sixty-seventh, and Sixty-eighth Congresses.

The SPEAKER. The Chair is glad to answer the question of the gentleman from Georgia [Mr. CRISP]. While not of extreme importance, the question raised is of considerable importance. The last time the question was raised in the House was on March 20 of this year, when the gentleman from Tennessee [Mr. GARRETT] raised the question of consideration in the House. The present occupant of the chair, following the precedents, held that the proper place to raise the question of consideration was in the committee. It was raised in the committee, and then the question came up as to whether the committee must at once report back to the House its decision on the question of consideration. The occupant of the chair at the time, the gentleman from Michigan [Mr. HOOPER], held that it did. Therefore the question was ultimately determined by the House, which voted to consider the bill.

Now, it does seem perfectly apparent that on that occasion the House went through two practically useless motions; first, in going into Committee of the Whole; and then, second, raising the question of consideration and reporting back to the House what it had decided on the question of consideration, the House having ultimately to determine.

Now, the Chair, of course, is rather loath, under the rules, to overturn by his decision long and well-established precedents;

but numerous Speakers—at least one Speaker—expressed grave doubt some years ago as to whether we ought not to overrule this precedent, in response to a similar inquiry by the gentleman from Georgia [Mr. CRISP] as to whether the question of consideration should be raised in the House or in the committee; and Mr. Speaker GILLETT said:

The Chair is not disposed to express his opinion offhand without careful study of the question as to which would be the better practice; but, as the gentleman from Georgia suggests, the ruling has been—and it was a very carefully considered ruling by the last Speaker of the House when this question came up—that the question of consideration should be raised in the committee, and not in the House; and although to raise the question of consideration in the committee is an anomaly, the Chair would not feel disposed to overrule that without a very thorough study and consideration of the question.

The Chair has made careful investigation of that question, and has prepared a decision of some length, making quotations from the precedents, which, with the permission of the House, he will insert in the RECORD without reading. But the Chair is decidedly of the opinion that the former decision should be overruled. In every other case and at every other time in the case of a Union Calendar bill the question is always raised in the House, and the reason announced by Mr. Speaker Clark, when he ruled that it ought to be raised in the committee, was on account of the phraseology of the Calendar Wednesday rule, which provides that on Calendar Wednesday "bills called up from the Union Calendar shall be considered in the Committee of the Whole House on the state of the Union," without the necessity of a motion being made, but it has frequently happened that in the case of a Union Calendar bill the gentleman in charge may ask unanimous consent that it be considered in the House as in Committee of the Whole, which is, after all, an intervening motion.

So that the word "automatically" as used in the Cannon decision does not apply to that. Speaker Clark held that the words "bills called up from the Union Calendar shall be considered in the Committee of the Whole House on the state of the Union" meant that no intervening motion could be made; that the House must at once resolve itself into the Committee of the Whole House on the state of the Union. The Chair is inclined to think, though, that the logic of the situation is where the provision is that the House automatically resolves itself into the Committee of the Whole House on the state of the Union that that phraseology was put in merely to make it unnecessary to move that the House go into the Committee of the Whole. That is certainly in the direction of speeding up legislation, because on a motion, of course, the question could be put and a roll call had. But the present occupant of the chair does not think that would preclude the raising of the question of consideration in the House at the beginning. It must be raised in the House finally. Therefore why should we go through the useless motion of going into the Committee of the Whole, have the question of consideration raised in the committee, and then reported back to the House for its ultimate action? The Chair thinks the logic of the situation is all in favor of overruling the previous precedents, and as the Chair has said, while he is not disposed as a general thing to overrule well-established precedents he thinks that the necessity of the case justifies him in doing so now. So the present occupant of the chair will say that when the question is raised the next time he will hold that the question of consideration should be raised in the House and not in the committee.

On December 15, 1909, Mr. Mann, of Illinois, by direction of the Committee on Interstate and Foreign Commerce, called up a bill on the Union Calendar. This day being Calendar Wednesday, the Speaker, Mr. Cannon, of Illinois, caused the Clerk to read clause 4 of Rule XXIV, and said:

This bill is called up by direction of the Committee on Interstate and Foreign Commerce by the chairman of that committee. The part of the rule that governs the action of the House at this time is as follows:

On a call of committees under this rule bills may be called up from either the House or the Union Calendar, excepting bills which are privileged under the rules; but bills called up from the Union Calendar shall be considered in Committee of the Whole House on the state of the Union.

So far as the Chair has recollection, whenever special orders which are rules of the House for special occasions have provided that the House should immediately resolve itself into the Committee of the Whole House on the state of the Union for the consideration of a bill, the invariable practice of the House has been that the Speaker should at once declare the House in committee without a vote of the House on the question. It seems to the Chair that the intent of the rule now in operation, as shown by its purpose and language, is that the House shall without vote be resolved into the Committee of the Whole for the consideration of the bill specified by the committee having the right at this time to call a bill up for consideration. If such were not the case, we would have a motion to resolve the House into the Committee of the Whole House on the state of the Union for the consideration of the bill specified, with the possibility of a roll call, thus consuming time. And under the precedents for the prompt transaction of business, the Chair, in construing this rule, will declare the House in Committee of the Whole House on the state of the Union for the consideration of the bill.

At this time the Chair ruled that the House automatically resolved itself into the Committee of the Whole House on the state of the Union, he evidently did not contemplate the possibility of a Member raising the question of consideration.

In the above ruling there is no mention of it, although he does say that it does not require a motion to go into the committee. Ordinarily the motion to resolve into the Committee of the Whole House on the state of the Union is equivalent to raising the question of consideration. In this connection, Speaker Cannon's attention was not directed to Rule XVI, providing for the raising of the question of consideration. In the decision it will be seen that the question of consideration is not raised directly. The Chair merely decided that the House automatically went into the Committee of the Whole.

On April 15, 1914, Mr. Mann, of Illinois, propounded this inquiry to the Chair:

Mr. Speaker, this bill is on the Union Calendar. Under the rules of the House, it being called up by the committee, the House automatically resolves itself into Committee of the Whole House on the state of the Union. The parliamentary inquiry is, When is it in order to raise the question of consideration on the bill? I will say to the Chair that Mr. Speaker Cannon ruled under this same rule that it was in order in Committee of the Whole to raise the question of consideration. It must be in order some time, and I make the parliamentary inquiry as to whether it is in order now in the House or whether it would be in order in Committee of the Whole.

Speaker pro tempore Alexander in reply said:

The rule, paragraph 4, Rule XXIV, provides:

"After the unfinished business has been disposed of the Speaker shall call each standing committee in regular order, and then select committees, and each committee when named may call up for consideration any bill reported by it on a previous day and on the House Calendar, and if the Speaker shall not complete the call of the committees before the House passes to other business he shall resume the next call where he left off, giving preference to the last bill under consideration."

Paragraph 7, Rule XXIV, with reference to Calendar Wednesday, provides:

"7. On Wednesday of each week no business shall be in order except as provided by paragraph 4 of this rule, unless the House by a two-thirds vote on motion to dispense therewith shall otherwise determine. On such a motion there may be debate not to exceed five minutes for and against.

"On a call of committees under this rule bills may be called up from either the House or the Union Calendar, excepting bills which are privileged under the rules; but bills called up from the Union Calendar shall be considered in Committee of the Whole House on the state of the Union."

The unfinished business having been disposed of and the Committee on Revision of Laws having the right to call up bills reported from that committee for consideration, and that committee having called up a bill on the Union Calendar for consideration, it is the opinion of the Chair that it is the duty of the Speaker under the rules, paragraphs 4 and 7 of Rule XXIV, to declare that the House automatically resolves itself into Committee of the Whole House on the state of the Union for the consideration of the bill and to call some one to preside in committee.

Whether or not the question of consideration may be raised in committee, the Chair does not feel called upon to decide. He is inclined to the opinion, however, taking the spirit of the rule and the purpose it was intended to accomplish into consideration, that it is very doubtful if such a motion would be in order.

The gentleman from Louisiana, Mr. Watkins, calls up the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

In this case Speaker pro tempore Alexander evidently had in mind the ruling of Speaker Cannon of the preceding year. It may be well to note that in this connection the Chair expressed doubt as to whether the question of consideration was in order in the Committee of the Whole House on the state of the Union.

When the House automatically went into the Committee to consider the bill, Mr. Mann attempted to raise the question of consideration, but the committee rose before opportunity was given to pass on the question.

On April 22, 1914—Calendar Wednesday—the bill was again called up and the House automatically went into the Committee of the Whole House on the state of the Union. Mr. Mann demanded the question of consideration. Mr. Hay made the point of order against the demand for the question of consideration in the Committee of the Whole House on the state of the Union.

Chairman Russell ruled as follows:

The Chair would like to state, in the first place, that he believes that there ought to be some opportunity at some time for either the House or the committee to determine the question of consideration of any bill, and by a majority vote. The Chair has great respect for the opinion of the gentleman from Virginia, Mr. Saunders, but he can not agree with him that this rule is intended to enable the House to dispense with a part of Calendar Wednesday. As the Chair reads the rule and construes it, he is persuaded to believe that it means to dispense with the entire business of the day, or none. There are several reasons; among them there are several decisions of the Speakers of the House that there shall be no preference between House bills and Union Calendar bills upon the calendar on Wednesday. While it is admitted and has frequently been ruled that a majority vote on a House Calendar bill will prevent its consideration, and the argument is made which, if correct, would require a two-thirds vote to dispense with one that was on the Union Calendar, so there would be a distinction. Now, if this were an original proposition, the Chair is disposed to believe that he would have held that under Rule III that the consideration could have been raised before the House resolved itself into the Committee of the Whole House. The Chair knows that question may be raised where a motion is made to go into the Committee of the Whole House to consider a bill. The rule reads this way:

"When any motion or proposition is made, the question, Will the House now consider it? will not be put, unless demanded by a Member."

It says "any motion or proposition." The Chair is inclined to believe that this was intended to cover cases of this sort. When a bill is called it is a proposition, it would seem to the Chair, to go into the Committee of the Whole to consider the bill, not a motion, because you automatically go into the Committee of the Whole House to consider a bill on the calendar, if on the Union Calendar, as this bill was. If it were an original proposition, he would feel disposed to hold that at that time the question of consideration might have been raised in the House. But the Chair is impressed with the belief that there ought to be some time when a majority of the House or the Committee of the Whole House can determine whether or not it will consider a bill. In view of the ruling of Speaker Cannon and Speaker pro tempore Mr. Alexander, who, in this very case, decided when the motion was made raising the question of consideration that it could not be raised at that time. I think the opportunity to raise the question should now be permitted. Speaker Cannon decided that after you go into the Committee of the Whole House in a matter exactly like this—

"The question being taken on the demand for the question of consideration, the committee decided not to consider the bill."

In the House, a point of order being made against the report of the Chairman of the Committee of the Whole House on the state of the Union, Speaker Clark ruled as follows:

The Chair is ready to rule. There are several questions involved in this matter, and the Chair will try to straighten them all out.

Until the Calendar Wednesday rule was made it was the privilege of any Member of the House to raise the question of consideration on any bill, resolution, or proposition. Speaker Reed once said that the purpose of all rules was to expedite business and not retard it. That is the correct light in which to examine them all.

The House has the right to do as it pleases about any bill, and should have a chance to express its opinion. If it does not want to consider it, it has a perfect right to say that it will not consider it. That is no abridgment of anybody's privilege. It is to maintain the integrity of the House. The gentleman from Kentucky, Mr. Sherley, has a very terse and luminous way of stating things, and on the 14th day of December, 1910, he delivered these remarks:

"Mr. Speaker, if the Chair will permit me, it seems to me that the surest way to determine every debatable proposition is by answering the question. What ruling gives the House the greatest freedom? Now, the purpose of Calendar Wednesday was not to guarantee that certain committees should have certain bills considered but that they should have an opportunity to present bills that they had reported, and then the House should have the right to say whether it would consider them or not"—

And so forth. Now, until the Calendar Wednesday rule, as I said, was adopted, you could raise the question of consideration on any legislative proposition. Most of the men who have participated in this long debate here to-day—and the Speaker remained in the Chamber and heard every word—were here when this Calendar Wednesday rule was adopted, and we know precisely why it was adopted. In those same remarks the gentleman from Kentucky, Mr. Sherley, stated this:

"The abuse that Calendar Wednesday was meant to cure was the constant feeding into the House of matters that had privilege and prevented the calling of the calendar; but it was not meant, by making a call of the calendar peremptory on certain days, to compel the House necessarily to consider matters on the calendar but simply to give the House opportunity to consider them."

That is the exact truth about this, and the complaints that led to the adoption of Calendar Wednesday were precisely what the gentleman from Kentucky says they were—that committees went to work and reported bills and never got any chance to call them up. The call of the committees has been a part of the House proceedings, I suppose, from the beginning; anyhow, antedating any of us. But they fell into the habit of crowding privileged matters in here, sometimes on purpose and sometimes in the ordinary course of business, so that Members could not get their bills up at all, and therefore we established Calendar Wednesday. Nobody has any disposition to overthrow it. I know that the Chair has none.

The reading of that Calendar Wednesday rule is peculiar. It provides:

"On a call of committees under this rule bills may be called up from either the House or the Union Calendar, excepting bills which are privileged under the rules."

That last clause was put in there to prevent any of the big committees having jurisdiction of appropriations, revenue bills, etc., from crowding in on Calendar Wednesday. They have to stand aside on Wednesday and let somebody else have the right of way. The rule provides further:

"But bills called up from the Union Calendar shall be considered in Committee of the Whole House on the state of the Union."

Now, I differ with these gentlemen, and I agree with Speaker Cannon and the temporary Speaker, Mr. Alexander. I do not believe that any other reasonable construction can be put upon that clause except that it meant an automatic going into the Committee of the Whole House on the state of the Union; and the reason why that was done was to prevent filibustering on going into the Committee of the Whole House on the state of the Union. I know that is so, because I was here, and while I was not on the Committee on Rules I participated in the establishment of that rule.

There must be some place, somewhere—there ought to be, at least—to raise the question of consideration; and failing to be able to raise the question of consideration in the House in the first instance on bills on the Union Calendar on Wednesday it ought to be permitted to be raised in committee. As to the suggestion that somebody made—that 51 members in Committee of the Whole could upset the proceedings—the Chair is inclined to believe with the gentleman from Illinois [Mr. Mann], that when a report like this is brought in it ought to be ratified by the House.

The Chair does not believe that the committee is acting ultra vires when it reports to the House that it will not consider this bill any more on this occasion. The Committee of the Whole House on the state of the Union had its origin in England, and its history, which need not be stated here, is a very interesting one. It is simply a committee of the House, that is all it is, just like the Committee on Ways and Means, the Committee on Appropriations, etc., except that 100 Members make a quorum, and 51 are a majority of a quorum. The Committee of the Whole House on the state of the Union has the right to make its recommendations to the House. Of course, as the gentleman from Georgia, Mr. Bartlett, suggested, it might make some recommendation which was beyond its power. Now, if anyone does not like this Calendar Wednesday rule, the right thing to do is to offer an amendment to it. That is easy enough to do.

In the first place, the Chair sustains the ruling of Speaker Cannon and of Temporary Speaker Alexander, and he sustains the contention that you may raise the question of consideration on Calendar Wednesday—on no other day—in the Committee of the Whole House on the state of the Union. On every other day you have the opportunity to raise it in the first instance in the House. The motion to go into the committee raises the question on every other day.

Secondly, the Chair thinks that in this case the motion ought to be put to the House, which is the greater body, and the controlling body, as it takes 217 to make a quorum in the House, just as the House votes on the recommendation of the Commitee of the Whole House on the state of the Union when the committee reports back a bill with the recommendation that it lie on the table or with the recommendation that the bill do not pass or with the recommendation that the enacting clause be stricken out or that everything after the enacting clause be stricken out. The committee has the right to report any one of those recommendations.

Therefore the question is on agreeing to the recommendation of the Committee of the Whole House on the state of the Union.

On October 1, 1919, Mr. CRISP, of Georgia, rising to a parliamentary inquiry, said:

Mr. Speaker, I would like to ask the opinion of the Chair as to this question: I know that it has been ruled in the House that on Calendar Wednesday, when a bill is on the Union Calendar and is called up the House automatically goes into Committee of the Whole to consider it, and that the question of consideration should be raised in the Com-

mittee of the Whole House on the state of the Union. I know that has been ruled several times, but I want to ask the opinion of the Chair if the Chair does not think it would be better practice for the question of consideration to be raised in the House before we go into the Committee of the Whole, for this reason:

The Committee of the Whole House on the state of the Union is an agent or creature of the House, and if the House goes into the Committee of the Whole House on the state of the Union, directing the committee to consider a bill, may the question of consideration then be raised in the committee as to whether the committee will consider it when the House has gone into Committee of the Whole directing that committee to consider it? I just want to present that proposition to the Speaker. I will say to the Speaker very frankly that the rulings have been that the question of consideration is not raised until we get into the Committee of the Whole, when we go automatically into the Committee of the Whole; but it seems to me that the logic of it is that the better practice would be to determine in those cases whether we would consider it before taking up the time of the House to go into the Committee of the Whole.

Speaker GILLETT replied:

The Chair is not disposed to express his opinion offhand without careful study of the question as to which would be the better practice; but, as the gentleman from Georgia suggests, the ruling has been—and it was a very carefully considered ruling by the last Speaker of the House when this question came up—that the question of consideration should be raised in the committee and not in the House; and although to raise the question of consideration in the committee is an anomaly, the Chair would not feel disposed to overrule that without a very thorough study and consideration of the question.

On December 17, 1924, it being Calendar Wednesday, Mr. LAGUARDIA, of New York, by direction of the Committee on the Post Office and Post Roads, called up a bill establishing an air mail service, which was on the Union Calendar. Mr. THOMAS L. BLANTON, of Texas, raised the question of consideration against the bill. The question being taken, the Speaker [GILLETT] announced:

The House automatically resolves itself into the Committee of the Whole House on the state of the Union.

On April 28, 1926, when the Committee on Foreign Affairs was reached on Calendar Wednesday call of committees, Mr. FISH, of New York, in behalf of that committee, called up a bill to erect an American military monument in France. Mr. CONNALLY of Texas offered as privileged the motion to dispense with proceedings in order on Calendar Wednesday under the Calendar Wednesday rule. Speaker pro tempore SNELL ruled the motion out as not being privileged over the right of Mr. FISH to call up the bill. Thereupon Mr. CONNALLY raised the question of consideration against the bill. The question being put, it was decided in the affirmative.

CALL OF THE HOUSE

Mr. LINTHICUM. Mr. Speaker, I renew my point of order of no quorum.

The SPEAKER. The gentleman from Maryland makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and ninety-five Members are present, not a quorum.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 74]

Anthony	Davenport	Korell	Rowbottom
Bacharach	Davey	Kunz	Sears, Fla.
Begg	Douglas, Ariz.	Kurtz	Sears, Nebr.
Blanton	Douglass, Mass.	Larsen	Sirovich
Bloom	Drane	Lea	Spearing
Bohn	Elliott	Leech	Stalker
Boies	Fish	Lehlbach	Stedman
Bowling	Fisher	Lyon	Strother
Brigham	Fitzgerald, Roy G.	McClintic	Sullivan
Britten	Gardner, Ind.	McLaughlin	Tillman
Bulwinkle	Gifford	McLeod	Tucker
Burdick	Goodwin	McSweeney	Underwood
Burtness	Greenwood	Manlove	Updike
Burton	Hammer	Michaelson	Vestal
Bushong	Hogg	Moore, N. J.	White, Kans.
Butler	Hooper	Nelson, Wis.	Williamson
Canfield	Hudspeth	O'Connor, N. Y.	Winter
Casey	Igoe	Oldfield	Wurzbach
Clancy	Johnson, Wash.	Palmer	Yon
Connally, Tex.	Kendall	Porter	
Connery	Kerr	Purnell	
Curry	King	Reed, Ark.	

The SPEAKER. Three hundred and forty-five Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. DENISON rose.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. DENISON. To submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DENISON. The Speaker has just answered, in response to a parliamentary inquiry, that the proper place to raise the question of consideration is in the House rather than in the Committee of the Whole. Is it a proper deduction from the ruling of the Speaker that it will be improper hereafter to raise the question of consideration in the Committee of the Whole?

The SPEAKER. That would follow.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the committees. When the Committee on Military Affairs was reached—

MUSCLE SHOALS

Mr. MORIN. Mr. Speaker, I am going to call up Senate Joint Resolution 46. Before doing so, I would like to prefer a unanimous-consent request. I ask unanimous consent that if we do not finish the Muscle Shoals bill to-day that the committee have its second day to-morrow, Thursday.

Mr. TILSON. That would mean that to-morrow would be substituted for next Wednesday. That would be understood?

Mr. MORIN. Yes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that if the consideration of the Muscle Shoals bill is not finished to-day that the Committee on Military Affairs have its second day to-morrow, Thursday. Is there objection?

Mr. LINTHICUM. Mr. Speaker, I object.

Mr. BYRNS. Mr. Speaker, reserving the right to object, I want to ask the gentleman this question: Under the Calendar Wednesday rule only two hours are allowed for debate——

Mr. LINTHICUM. Mr. Speaker, I have objected.

Mr. BYRNS. I will ask the gentleman to withhold his objection for a moment. One hour in favor and one hour in opposition is all that is allowed under the rule. This is, I think, the most important or certainly among the most important bills that have been considered by Congress at this session.

The State of Tennessee, as well as every other State of the Union, is vitally interested in some of the provisions of this bill. If only two hours are allowed, I understand the gentleman from Tennessee [Mr. HULL], who wishes to present the matter from the viewpoint of the Tennessee delegation, will only have 10 minutes. I submit to the gentleman this is by no means sufficient time for him to present the matter, and it does seem to me that in a matter of this very great importance there ought to be an agreement to extend the time for general debate for a reasonable time in order that the views of those both for and against the bill may be fully presented. I am not asking this for myself, although I would like to have some time on the bill. I hope the gentleman will ask unanimous consent that the time may be extended for a reasonable length of time.

Mr. MORIN. Mr. Speaker, in response to the statement of the gentleman from Tennessee [Mr. BYRNS], we are, of course, desirous of giving everybody who wishes to debate the bill all the time we can. This is Calendar Wednesday and we have only two days, but I ask unanimous consent that the time be extended one hour, one hour and a half to be used by the opponents and one hour and a half by the proponents of the bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the time for general debate be fixed at three hours, one-half to be controlled by those in favor of the bill and one-half by those opposed.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I do not intend to do, I would like to ask the gentleman from Pennsylvania [Mr. MORIN] whether his committee has any assurance of being able to hold evening sessions during these two days, or in the event consideration of the bill is not completed on the second Wednesday, or in the event that by reason of fixing the date of adjournment, next Wednesday ceases to be a Calendar Wednesday, that time will be given for completion of the bill through a rule?

Mr. MORIN. We have not.

Mr. CRAMTON. Then the gentleman realizes that in any extension of time that is granted for debate, with the evidences that were indicated here this morning of some desire to consume time, his bill is in danger?

Mr. LAGUARDIA. In extreme danger.

Mr. BYRNS. I want to say to the gentleman that my request was not proposed with any such idea. I have no disposition to delay the consideration of the bill for a longer time than is necessary to fairly consider it.

Mr. CRAMTON. I want the gentleman from Tennessee [Mr. BYRNS] to understand I did not have him in mind.

Mr. JAMES. Mr. Speaker, reserving the right to object, I may suggest to the chairman of the committee before asking unanimous consent to extend the time for general debate, we find out from the ones who are going to filibuster on the bill whether or not in case consideration of the Muscle Shoals bill is not concluded to-day we may have to-morrow for its consideration under unanimous consent; and if that is objected to, then ask for Friday, and if that is objected to, then ask for Saturday, and the committee will then know how far the filibusterers are going in their opposition to the bill. We do not want to have anybody play any hocus pocus with us.

Mr. BYRNS. May I say to the gentleman, with the permission of the gentleman from Pennsylvania, I hardly think it is fair to hold those who are desirous of presenting what we believe are thoroughly sound views upon this bill responsible for what some one else may do.

Mr. FREAR. If the gentleman will yield, would the gentleman be willing to have the bill destroyed because some people want to talk about it or would the gentleman be willing to vote upon the bill at a particular hour to-morrow or to-day?

Mr. BYRNS. That, of course, is not for me to determine. What I am asking is not for myself but for those who have some views to present to the House, and I think the House should hear them. I think every Member of this House should be interested in having these views presented and I do not think extending general debate one hour is going to militate against a final vote of the bill.

Mr. FREAR. Will the gentleman yield for the purpose of having a motion put that a vote shall be had to-night at some hour upon the conclusion of debate?

Mr. BYRNS. I think it will probably take more than to-day to consider the bill, but I see no reason why it should not be concluded in two days, so far as I am personally concerned.

Mr. FREAR. I am just suggesting this.

Mr. CRAMTON. Reserving the right to object, if the House could understand that it is the policy of those who are responsible for the order of business in the House to complete the consideration of this bill, I believe it would save a lot of time to the House. I think this would discourage any waste of time in useless roll calls, and I would be glad if the gentleman from New York, the chairman of the Committee on Rules, or the gentleman from Connecticut, the majority floor leader, would give the House some assurance that would insure the completion of the consideration of this bill if that is possible.

Mr. TILSON. So far as I am concerned, I will say to the gentleman that I thought there were some other things that ought to be considered ahead of this proposition, and therefore in making up the program, so far as I could determine it, this bill was either left to its rights under Calendar Wednesday or to follow some other bills that I have thought were more important than this one.

Mr. CRAMTON. This would perhaps be pertinent at this time: What would be the attitude of the gentleman from Connecticut toward a continuous session until at least 11 o'clock to-night if there seemed to be any disposition to waste time?

Mr. SNELL. That is a matter in the control of the House, anyway.

Mr. TILSON. So far as I am personally concerned, I should not lend encouragement to an attempt to hold the House in session for any such time as that indicated by the gentleman from Michigan.

Mr. CRAMTON. It is true the House has it in its disposal——

Mr. TILSON (interposing). Absolutely; there is no question about that.

Mr. CRAMTON. But the position of the gentleman from Connecticut and the position of the gentleman from New York is very persuasive, and unless there is some word of assurance that there will be late sessions to meet the necessity of a filibuster, or that there will be given a rule for completion of the bill, I can foresee a lot of time wasted.

Mr. TILSON. The gentleman knows very well that there is another day to which this committee will be entitled.

Mr. CRAMTON. But if there should be a resolution for adjournment at any such date as the papers have mentioned, then next Wednesday ceases to be a Calendar Wednesday.

Mr. LINTHICUM. If the gentleman will permit, I want to say to the gentleman, there have been several Members here who have spoken about a filibuster.

I presume they are referring to me. I want to say that it is not my purpose to filibuster, but this means ruin to my city, and I intend to have it considered by a quorum. If that is lese majesty I am guilty. I think the bill is of sufficient importance to be considered by the whole Congress.

Mr. WINGO. Mr. Speaker, I want to ask the chairman of the committee a question. The bill as reported from the committee strikes out, as I understand, the Senate bill and substitutes a new bill entirely. That being true, when the bill passes the House and goes to conference, the conferees will have complete jurisdiction over the whole subject matter, and can bring back an entirely new bill if they see fit to do so. I think all will agree to that. That being true, is it not evident to Members here that the real contest is going to come on what the conferees bring in here after the election? If it is assured that the conferees will report before we adjourn I shall be willing to sit here in a night session, but I have no more idea that the particular provisions of the bill that will pass the House will become law, or that any bill will become law before election, than I have that I shall fly without using an airplane.

Mr. MORIN. I want to assure the gentleman that we will do everything we can to have the bill agreed on in conference before adjournment.

Mr. WINGO. But it will not rest with the gentleman. I predict this bill will be held in conference until after the election, and then wholly different provisions will be submitted to us by the conference committee.

Mr. JAMES. I want to assure the gentleman that if I am one of the conferees I shall do the best I can to get a report and have it agreed upon before adjournment.

Mr. WINGO. I appreciate the gentleman's good intentions, but I doubt if the gentleman has the power to control the Senate conferees.

Mr. LAGUARDIA. What would the gentleman from Arkansas suggest?

Mr. WINGO. I would suggest that there be no filibuster, and no night sessions, and that we consider this bill in the usual way, realizing that the real contest will come when the conference report comes in. What it will contain no one can predict, so why worry and wear ourselves out with night sessions on this particular phase of the controversy?

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania that the time for debate be extended one hour?

Mr. MORIN. Mr. Speaker, has my request been acceded to to have one day more to-morrow?

The SPEAKER. The Chair has not put that yet. The Chair will put that first. Is there objection to the request of the gentleman from Pennsylvania that if the bill is not completed to-day, that on to-morrow it will be in order to take up Calendar Wednesday business?

Mr. HOUSTON of Delaware. I object.

Mr. MORIN. Mr. Speaker, I ask unanimous consent that if we do not complete the Muscle Shoals bill to-day we may have the next day on Friday.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that if the bill is not completed to-day that it may be in order to take it up next Friday as of Calendar Wednesday. Is there objection?

Mr. LINTHICUM and Mr. GRAHAM objected.

Mr. MORIN. Mr. Speaker, I ask unanimous consent that if we do not complete the Muscle Shoals bill to-day we may take it up on Saturday as of Calendar Wednesday.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that if the Muscle Shoals bill is not completed to-day it may be in order to take it up on Saturday as of Calendar Wednesday. Is there objection.

Mr. O'CONNOR of Louisiana. I object.

Mr. MORIN. Mr. Speaker, I withdraw my request for additional time for debate.

Mr. SNELL. Mr. Speaker, I wish to make a unanimous-consent request for the orderly consideration of this bill. The bill before us is a Senate bill, and the committee have stricken out everything after the enacting clause, substituting a new bill. That practically is the same condition that existed when we considered the farm relief bill and the merchant marine bill. But that condition was provided for under a special rule of the House.

In order to give this bill the same consideration, under the same conditions, I make the following unanimous-consent request: That the substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill; that at the conclusion of such consideration the committee shall rise and report the bill to the House, the committee substitute and amendments, and that any Member may demand a separate vote in the House on any amendment adopted in Committee of the Whole.

Mr. JAMES. Mr. Speaker, reserving the right to object, those particular bills were under a special rule from the Committee

on Rules. Can the gentleman assure us that we will have an opportunity to finish on the two Calendar Wednesdays?

Mr. SNELL. Mr. Speaker, I shall answer the question in two ways. As far as my unanimous-consent request is concerned, it is made entirely for the gentleman's benefit. It does not make any difference to me whether it is granted or not. It is made in order to help the committee to an intelligent and orderly consideration of the bill.

In regard to the other question, as far as I am personally concerned, I am glad the gentleman has asked me that question. I am not in favor of the present bill, but it is here before the House in a concrete form, the first time that we have had any proposition before the House dealing with this subject. As far as I am personally concerned, I hope the House gives careful attention to it and considers it and disposes of it in the next two days. [Applause.] There is ample time to consider this bill fully, and it is entirely within the control of the committee and the Members of the House how long they will sit here each night. The gentleman does not have to ask unanimous consent of anybody to accomplish that purpose. If the Members who are interested in the passing of this legislation remain here, they can hold the House in session until 12 o'clock at night without the consent of anyone. It is my desire to have no delays whatever, but to give strict attention to the passage of the bill. If we do that and work honestly, we can pass the bill in two days.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, does the gentleman's request include the provision in the rules on the other bills mentioned that the entire substitute shall be held to be germane?

Mr. SNELL. No; it does not provide anything about germaneness. My request is made simply for the purpose of orderly consideration.

Mr. CRAMTON. If orderly consideration only is desired, would not the gentleman include that request with his other request?

Mr. SNELL. I am perfectly willing to do that if it is desired to have it done.

Mr. CRAMTON. So far as I know it is all germane, but it would remove any question.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. SNELL]?

Mr. ABERNETHY. Mr. Speaker, I reserve the right to object.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I object.

The SPEAKER. The gentleman from Louisiana objects. The bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 46, providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, and the gentleman from Minnesota [Mr. NEWTON] will take the chair.

Mr. LINTHICUM. Mr. Speaker, I raise the question of consideration.

The SPEAKER. The gentleman from Maryland raises the question of consideration. The question is, Shall the House consider the joint resolution?

The question was taken, and the House decided to consider the joint resolution.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 46, with Mr. NEWTON in the chair.

The CHAIRMAN. The Clerk will report the joint resolution by title.

The Clerk read the title of the joint resolution.

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent that the further reading of the joint resolution be dispensed with.

The CHAIRMAN. Is there objection?

Mr. O'CONNOR of Louisiana. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will read the joint resolution.

The Clerk read the joint resolution.

The CHAIRMAN. Under the rule, the Chair will recognize the gentleman from Pennsylvania [Mr. MORIN], chairman of the committee, for one hour. Is there any member of the minority of the committee who desires recognition in opposition to the bill?

Mr. FROTHINGHAM. Mr. Chairman, there are several who are opposed to the bill on this side.

The CHAIRMAN. Are there members of the majority of the committee who are opposed to the bill?

Mr. RANSLEY. Mr. Chairman, I am the ranking member on the majority side of the Committee on Military Affairs and am opposed to the bill. I claim the time in opposition to the bill.

The CHAIRMAN. In default of anyone from the minority of the committee seeking recognition in opposition to the bill, the Chair will recognize the gentleman from Pennsylvania [Mr. RANSLEY] for one hour in opposition to the bill.

Mr. O'CONNOR of Louisiana. Mr. Chairman, do I understand if there is no one on the committee on the minority side who is opposed to the bill that it is not in order for anyone else on the minority side of the House who is opposed to the bill to have control of the time in opposition to it?

The CHAIRMAN. The custom and practice is to recognize members of the committee who are opposed to the bill, first giving recognition to those on the minority of the committee. In default of anyone there claiming time, then it is the practice to recognize members of the majority side, members of the committee, who are opposed to the bill.

Mr. MORIN. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, we are a little late getting started on this program for the American farmer. I trust that his friends will stay on this floor during the consideration of this bill. [Applause.] There is no use in fooling ourselves. We have been confronted, I am sorry to say, with opposition for the purpose of obstructing a reasonable and fair consideration of this important measure. No rule has been provided by the machinery in control of the House under which to consider the bill. We call it up under our right on Calendar Wednesday from the Committee on Military Affairs. We have not the time to debate this measure fully, as only one hour is provided for the opponents and one hour for the proponents of the measure, which, in my judgment, is a measure that is vitally progressive for the benefit of agriculture in this country.

For many years Congress has endeavored to pass some kind of legislation which will be satisfactory for the operation of the Government plant at Muscle Shoals. Nothing has been done. Finally, in desperation, our committee has brought forward what I believe to be a splendid bill. I believe that under it we will really produce fertilizer. Of course, if there is any gentleman here who is fearful about the Government operating the great plant through a corporation, though it be not through choice but through necessity, then he might find fault with the legislation.

I do not think that the manufacturers of fertilizers in the United States relish this bill very much, and the reason why they are not enthusiastic for this measure is that they know it will produce fertilizer.

I have not the time to tell you what the bill really means, but in a few years, stripping off the extraneous matter, $10,000,000 is to be put by the United States Government into this corporation to function for the specific purpose of utilizing that power that cost us $40,000,000 in the construction of the dam; to turn it into plant food to go out to the farms of the United States and enable the farmers of this country to feed and clothe the American people.

We have in this measure provided for a corporation to operate the plant, the same as we have a corporation to operate the Panama Railroad in connection with the Panama Canal, and the same as the Shipbuilding Corporation of the United States; nothing radical, yet a progressive, sound business measure, of which no one complains except those with whose business it would interfere in a competitive way.

I do not want to interfere with a single legitimate business in the United States. This measure is intended to produce 2,000,000 tons of fertilizer, if the plant is run at full capacity; 40,000 tons of nitrate, to put it in a form to be distributed to the farmers in a sensible, sound way; to farmers represented by organizations in any county or any State through those representing them or through any group of farmers, and then directly to the State itself, or, in addition to the State itself, the fertilizer merchant and the ingredients to fertilizer factories. By this measure the fertilizer is to be distributed throughout the Territories as well as the States of this Republic.

This bill also provides that concentrated fertilizers shall be produced in order to save freight rates—fertilizers which the consumer must mix and use on his land in order to bring forth crops and get the fertilizer at the lowest expense. Do you not believe it will be made in a cheap manner?

This bill provides that the capital employed shall be $10,000,000, in installments of $100,000 each, until the whole $10,000,000 shall be put into the operating fund. The bill also provides that no salaries shall be paid except to executive officers to handle that business and to the employees producing

the fertilizer, the fertilizer to be produced without profit. And in addition a subsidy by way of the excess power that will be sold, the proceeds to be used in the manufacture of fertilizer.

Is there any man in the United States who doubts that fertilizer will be produced in a cheap and reasonable manner? Is there any man who doubts that this is necessary? The people of the United States have borne the burden of high-priced fertilizer all these years. One reason is that we have to get our nitrogen down in Chile and our potash from the Black Forest in Germany.

The cost of ammonia has been high. The essential ingredients and elements of all plant food come too high. The fertilizer factories themselves for these essential ingredients have been charged exorbitant prices, and in the natural order of business they are compelled to pass it on to the consumer, who is the farmer, and he must pay the price that is charged for these necessary and essential elements that must go on the soil in order to produce reasonable crops.

Our people from one end of this country to the other have realized the necessity of something being done for fertilizer production. You have a measure now before you that guarantees fertilizer at a reasonable price. This bill, if we finally make the entire 40,000 tons of product, will make 2,000,000 of the total 8,000,000, which the private factories are grinding out.

Why is a discrimination made against the people of the United States in carrying out the purposes of the national defense act? One purpose of that act was to produce explosives and munitions for use in time of war, and it was the intention also that in time of peace this plant should operate in a sane and sensible manner for the benefit of agriculture by producing fertilizer. The President of the United States in his message last December set forth the facts to justify this bill. However, he outlined three different schemes, and wound up by saying this plant should be dedicated to agriculture. That is what this committee has done, and no man on this floor need deceive himself. If he votes against this bill he can not stand up before intelligent farmers in the United States and make those farmers believe he is their friend. No man need fool himself.

This measure has in it the essential elements that will enable the Government to furnish fertilizer at a reasonable price, and every fertilizer manufacturer in the United States knows that, and that is the reason why gentlemen here, representing that sentiment, are insisting on a quorum during the consideration of this bill, because they know the bill is going to produce fertilizer at a reasonable price for the farmers of this Republic. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired. The gentleman from Pennsylvania [Mr. RANSLEY] is recognized for one hour.

Mr. RANSLEY. Mr. Chairman, I yield myself five minutes.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. RANSLEY. Mr. Chairman and members of the committee, if the bill now before the committee becomes a law it will be the duty of the United States to advance the necessary capital, to operate the plant at Muscle Shoals, sell fertilizer and power, if any is surplus, and stand the losses.

Under the provisions of this bill a $10,000,000 corporation is formed, which is only the beginning of unlimited expenditure of the people's money. Its enactment will strike the first great blow, in time of peace, against individual initiative in this country. Surely this bill is socialistic.

This country has grown great because of the policy of the Government in protecting and encouraging its industries. But this bill forces the Government into the fertilizer business in competition with private industry. President Coolidge in a recent speech had this to say:

> When the Government once enters a business it must occupy the field alone, no one can compete with it. The result is a paralyzing monopoly.

The process for the manufacture of fertilizer with which Muscle Shoals is equipped, is pronounced by experts as obsolete. It is considered the most expensive method in the production of fertilizer in the world.

The business of the manufacture of fertilizer is to-day in a state of flux, all manufacturers believing the business will be greatly changed overnight. This thought was indorsed by the experts from the Department of Agriculture who appeared before the committee.

Under the provisions of this bill, for the first five years fertilizer is to be sold at cost or given away—after that period the basis for determining the price to be charged is in no case to consider past expenditure at the Shoals, which amounts to $124,000,000.

The bill also authorized the expenditure of $37,500,000 for a new dam.

The vested rights of the State of Tennessee are ignored, which means litigation.

The files of the Patent Office are opened to this Government corporation. The patent laws are swept aside.

Litigation will follow this, and private research will be discouraged.

At present the Government receives an annual rental for the water power at the shoals of $1,250,000. This will be lost.

If you pass this bill, you discourage, if not destroy, a manufacturing business employing many men and millions of capital. At the same time remembering, that unless farmers can be induced to buy fertilizer in concentrated form, only those within normal shipping distance from the shoals will be benefited, for freight rates will prevent most of us from receiving the fertilizer.

We will, however, be compelled to pay the salary of the members of the board, the managers, the foremen, the chemists, attorneys, bookkeepers, agents, and laborers. This means an army of officeholders.

The people's money will be diverted for a special class. This, I contend, is socialistic. In this wonderful country of ours, I ask you, are we facing a world gone mad? [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. RANSLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. FROTHINGHAM].

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes.

Mr. FROTHINGHAM. Mr. Chairman, I hope everyone will be able to read this bill and realize what it does. We have had the Muscle Shoals proposition with us for a considerable time, and nobody wants it settled more than I do. I am on the committee which has had this proposition before it for a number of years. Some years ago the Ford bill was passed by the House and knocked down in the Senate. This bill not only puts the Government in business and creates a $10,000,000 corporation but it also goes far beyond anything for which Muscle Shoals was started.

Under the national defense act of 1916 Muscle Shoals was to be given over for the production of nitrates needed for munitions of war and useful in the manufacture of fertilizers and other useful products. This bill not only provides for the manufacture of nitrates but it goes far beyond the cyanamide process or anything else, because it provides for the manufacture of complete fertilizers.

Mr. WRIGHT. Will the gentleman yield?

Mr. FROTHINGHAM. I have only a limited time, and if I can yield later I will be glad to do so. I have only 10 minutes.

Mr. WRIGHT. Does the gentleman contend that the provisions of the national defense act provide for the production of nitrates only?

Mr. FROTHINGHAM. I read the provision, and I said nitrates useful in the manufacture of fertilizers. The bill not only provides for the production of nitrates by a process which is obsolete at Muscle Shoals, the cyanamide process, but it also provides for the manufacture of complete fertilizers. That is the whole point of this bill. The fertilizer people, I suppose, would not object if it were a question of nitrates or if it were a question of investigations which will help everybody. But since Muscle Shoals was built the expert opinion that we had before the committee—not in relation to this bill, because this bill never had a hearing before the committee, and that is the outrageous part of it—was that the Muscle Shoals process was the most expensive. This bill was never given a hearing before our committee, and if that is the way to pass legislation it is foreign to anything I have ever seen in any legislative body I have ever heard of.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. FROTHINGHAM. I would like nothing better than to yield to the gentleman, but I have only 10 minutes, and I can not cover what I want to say in that time. Not only is the cyanamide process obsolete, but you are putting in this bill the expenditure of money out of the Treasury in the most expensive way possible. You are not only going into Government ownership——

Mr. JAMES. Will the gentleman yield?

Mr. FROTHINGHAM. If the gentleman does not like what I say he can use his own time in answering me. If I had the time I would be glad to yield. Not only is this process obsolete and much more expensive, but now it is perfectly well known—and that evidence was brought out before our committee—that it is not at Muscle Shoals, but it is near coal mines that the fixation of nitrogen can be utilized to better advantage; in other words, that the power coming over a

dam in this way, from an overflow of water, is the most expensive way to obtain fixed nitrogen.

Now, there is a provision in the bill which provides that if any of these private manufacturers of fertilizers—and you have more of them in the South than we have in the North, because they do not obtain fertilizer in the North—should advertise, get together, and try to persuade the public that their private fertilizers are better than the fertilizers made by this Government business, then they would be liable to a fine of $25,000 or in lieu thereof imprisonment for 15 years.

Now, the gentleman from Arkansas [Mr. WINGO] just now suggested that they could take up anything in conference. He did not realize that the Senate bill is a bill for Government operation, as this bill is a bill for Government operation, so the conferees will be absolutely limited under the bill to a form of Government operation.

Mr. WINGO. Will the gentleman yield?

Mr. FROTHINGHAM. I will yield, since I have referred to the gentleman.

Mr. WINGO. I want to suggest to the gentleman that he had better refer to the precedents, because this bill strikes out all after the enacting clause and the conferees are confined to the disposition of Muscle Shoals and not to any particular plan. They are confined to the operation of Muscle Shoals and those dams, and that is all the limit they will have.

Mr. FROTHINGHAM. The Senate has one provision for Government operation of Muscle Shoals, and if this bill should happen to go through the House would have another.

Mr. WINGO. If the gentleman will permit, the substantive thing——

Mr. FROTHINGHAM. I should be very pleased if they could do what the gentleman says.

Mr. WINGO. The substantive thing in the two bills is the disposition or operation of Muscle Shoals and its dams. The conferees can reject both plans, just so they provide for the objective of both bills.

Mr. FROTHINGHAM. Does the gentleman claim that a bill for granting private operation of Muscle Shoals could be substituted for this bill?

Mr. WINGO. I do not think there is any doubt about it, under one of the precedents.

Mr. FROTHINGHAM. That is very interesting.

The farmers do not want this bill. There is evidence that they seriously object to it, because it is only to give fertilizer to those who can pay in cash, and those who can not afford to pay cash will be deferred.

In this bill the question of power also is put in a secondary position. Fertilizer is the great thing, and fertilizer only for those who can pay cash, and while the bill puts out of business to-day $300,000,000 legitimately invested in private fertilizer plants, it will chiefly benefit those people who are in the vicinity of the plant, and, as I have stated, the power is secondary. As long as this power is used for fertilizer the people in neighboring States, if they want the power, will not be able to get it under this bill.

Not only this, but provision is made in the bill to give away fertilizer up to 5 per cent, and under certain circumstances it may be as much as 15 per cent. Who is going to get the fertilizer? If anyone, it will be the people who are in the neighborhood.

I am not going into the constitutional question involved; but of course there is grave doubt of the constitutionality of a thing of this sort. We might as well go in there and raise cotton or we might put the Government into the coal business or the manufacture of goods or anything else.

There is no provision in the bill for the repayment of $125,000,000 or more that has already been spent at Muscle Shoals. We had other bills before us. We had the Madden bill, so called, in which the Cyanamid Co. made an offer that would have come under the water power act and in which they took the chance of losing money. That proposition would have come under the water power act, and if any losses were incurred they would have been on the private individuals and not on the taxpayers of the United States, and that bill would have paid back some of the money already expended there.

I sincerely hope a bill of this sort will not go through.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MORIN. Mr. Chairman, I yield 20 minutes to the gentleman from Georgia [Mr. WRIGHT].

Mr. WRIGHT. Mr. Chairman and gentlemen of the committee, the so-called Muscle Shoals project was brought into existence under a provision of what is known as the national defense act of 1916, and the particular part of the provision which relates to the production of nitrates at that plant reads as follows:

For the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

The statement has already been made that under the law which authorized the building of this plant it was not intended that anything in the form of fertilizer should be produced except nitrates. The law does not confine it to nitrates. It provides "nitrates or other useful products" in the manufacture of fertilizer.

Under the authority of the national defense act the Government of the United States determined to locate a plant at Muscle Shoals, and the preponderating reason that caused it to be located at Muscle Shoals was that on the Tennessee River at the point known as Muscle Shoals a great quantity of hydroelectric power could be produced, which was necessary in order to operate a nitrate plant.

The Government expended in the construction of what is known as nitrate plant No. 2, in round figures, $67,000,000. It has expended in round figures in the construction of what is known as Wilson Dam No. 2, $50,000,000. It has expended in the construction of what is known as nitrate plant No. 1 the sum of $14,000,000, which makes the total expenditure up to this date at Muscle Shoals approximately $130,000,000.

You will understand the big nitrate plant was designed to fix nitrogen from the air under what is known as the cyanamide process. The small plant near Sheffield, Ala., was designed to fix nitrogen under the Haber, or synthetic, process. The cyanamide plant has been tested and is a success. The Haber, or synthetic, plant is a failure.

The charge has been made, and made here this morning, that the cyanamide process is absolutely obsolete and that nitrogen can not be economically and successfully fixed by this process at this time.

There is a great division of opinion in the United States among scientists and others as to which is the better process, the synthetic or the cyanamide. Gentlemen, nobody knows what process will finally be adopted. It may be a process other than either the cyanamide or the synthetic. This whole matter is practically in its infancy, but I deny the statement that the cyanamide process is obsolete.

Now, why do I say this? To begin with, the only big cyanamide plant in all the world that stands idle to-day is at Muscle Shoals. Every other one is in operation. Again, all of the fixed nitrogen that goes into the manufacture of fertilizer at this time is nitrogen that is fixed by the cyanamide process, and practically none of it enters into fertilizer that is fixed by the synthetic process.

If the synthetic process is so much cheaper, requires so much less power to produce it, why has not capital in this country adopted this process in lieu of the cyanamide process?

Why, they point to Hopewell, Va. A great plant is going up down there.

To-day, gentlemen, nobody knows what they are going to do. So we go back to the fact that all the fixed nitrogen that is going into a fertilizer is under the cyanamide process.

Now, gentlemen, your committee has handled this matter since 1922. We have been making an effort to dispose of Muscle Shoals. In 1922, when it seemed that the whole project was a white elephant on the hands of the Government, Henry Ford came forward with an offer. That was accepted by the House, but before it was reached in the Senate Mr. Ford withdrew the offer. Since then we have had various offers. Your committee has held hearings for months and months, and up to now these hearings cover over 7,000 pages of closely printed matter. Your committee has done its utmost to turn the project over to private enterprise for the purpose for which it was built, as laid down in the national defense act. But, aside from Mr. Ford's offer, we have never been able to get an offer that the committee or the House would accept. Hence we were driven to the proposition of turning it over to Government operation.

Now, personally, I am opposed to Government operation or Government ownership, but if there ever was a case where Government operation was justified it is at Muscle Shoals.

It is not a question of the Government making an investment and going into the business—the Government has made an investment approximating $130,000,000, and is already in business to the extent of generating power at the great dam which is being sold by the Secretary of War to the Alabama Power Co.

In that connection it may be interesting to know that every kilowatt this is produced is sold to the Alabama Power Co. at an average price of 2.6 mills per kilowatt-hour.

Mr. LINTHICUM. Will the gentleman yield?

Mr. WRIGHT. Yes.

Mr. LINTHICUM. The gentleman says that the Government is already in the business. Do you not intend to put in $10,000,000 more?

Mr. WRIGHT. To utilize and try to make profitable what we already have there.

Mr. LINTHICUM. Do not you intend to turn over the $1,300,000 that you now receive for the sale of power?

Mr. WRIGHT. For the present the power will be used to operate the plant and only the surplus will be sold. Now, I made the statement that the Alabama Power Co. is purchasing this power for 2.6 mills per kilowatt-hour. It is retailing it at prices from 4 to 6, 8, and as high as 14 mills per kilowatt-hour.

It may be interesting also to you to know that the Alabama Power Co. has an absolute monopoly in the purchase of the power, because it is the only concern that has a transmission line that reaches Muscle Shoals.

I wish I had time to explain all the provisions of this bill. The bill differs from the Senate bill in that the Senate bill proposes that the Secretary of Agriculture should operate the plant. Your committee did not think it wise to turn it over to the Secretary of Agriculture, because the Secretary of Agriculture and Doctor Cottrell, in charge of the nitrogen fixation plant, both appeared before the committee and practically admitted in advance that it would be a failure. They both said that the cyanamide process is in fact obsolete. So your committee did not think it wise to turn over the project to men who avowedly admitted that it would be a failure.

Instead of that we create a board of five, and that board is to be appointed by the President of the United States by and with the consent of the Senate. The salaries are limited to a reasonable sum the first year and made less in the second year. They get a per diem and not a regular salary. Not more than three of the board shall be members of any one party.

The board will select what we call a general manager, who will be the executive officer. He must be a man who is a real business executive and of demonstrated ability. That general manager selects two assistant managers, one of whom must qualify as being an expert in the production and sale of commercial fertilizer. The other must be an expert in the production and distribution of hydroelectric power. These three men are not to receive a salary in excess of $50,000 a year.

Then we provide that the board shall begin the manufacture of concentrated fertilizer by utilizing the facilities of nitrate plant No. 2 under the cyanamide process and that process must be modernized and brought up to date.

You will appreciate the fact that since the plant was constructed the cyanamide process itself has undergone a wonderful improvement.

Mr. BYRNS. Will the gentleman yield?

Mr. WRIGHT. I will yield.

Mr. BYRNS. How much will it cost to modernize the plant?

Mr. WRIGHT. A change of the plant and the installation of a phosphoric-acid plant will cost perhaps $10,000,000.

Mr. BYRNS. Is the $10,000,000 appropriated in the bill to be utilized for that purpose?

Mr. WRIGHT. Yes; and for the general purposes outlined in the bill.

Mr. BYRNS. If the bill passes, will any further appropriation be necessary from Congress?

Mr. WRIGHT. No; it will ultimately turn out to be a money-making plant.

Mr. BYRNS. Will it turn out to be a money-making plant very soon?

Mr. WRIGHT. After the first five years.

Mr. BYRNS. Then I understand it is the gentleman's opinion that it will cost only $10,000,000?

Mr. WRIGHT. That is correct.

Mr. BYRNS. The gentleman has referred to the fertilizer feature of this bill and the original act of 1916. I am sure the gentleman knows that I am in thorough accord with him in the fact that this great power should be used for fertilizer primarily.

Mr. WRIGHT. Yes.

Mr. BYRNS. Take this particular bill now pending before Congress with reference to its fertilizer feature. I wish to ask the gentleman if, in these hearings to which he refers, any farmer or any representative of any farm bureau or organization has appeared and approved the proposition or has appeared before the committee advocating the provisions in this particular bill now pending before the House.

Mr. WRIGHT. I do not know of any, and that is one of the most remarkable things that ever happened in the United States. They claim to want cheap fertilizer, and when we offer it to them in the cheapest form—at actual cost—these farm organizations say that they do not want it, and let me say, with respect to the so-called leaders of the agricultural organizations and the farmers of this country, I have been persuaded from my observation here that the farmer is very poorly represented by many of these so-called representatives. [Applause.]

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. No; I have not the time. The bill goes further and provides that this board can install a phosphoric acid plant at Muscle Shoals to produce phosphoric acid. When the two elements are combined, when the ammonia, or nitrogen, which is fixed from the cyanamide, and the phosphoric acid are combined there can be produced at Muscle Shoals when the plant is running at full capacity, 370,000 tons of concentrated fertilizer, known as ammonium phosphate, which will contain 48 per cent of phosphoric acid and 13 per cent of nitrogen, or, in round numbers, 60 per cent of real plant food.

Mr. DICKINSON of Missouri. Within what time?

Mr. WRIGHT. In two years, and maybe get in operation within a year. This bill calls for a campaign of education so far as the use of commercial fertilizer in this country is concerned. Those of you who perhaps do not understand commercial fertilizer fail to realize that as it is now used an average of about only 15 per cent of real plant food is contained in each ton and the balance, 1,700 pounds, is dirt or inert matter or filler, and on that tonnage the farmer must pay the freight and pay the cost of handling. What we are seeking to do is to teach the farmer to use fertilizer in a concentrated form and instead of 15 per cent of plant food in the ton to give him 60 per cent in the ton; but your committee felt it would require time to educate the farmer to use it in this concentrated form, and hence we provide here for the first five years that we give away 5 per cent of the output of the plant and distribute it among the farmers, so that they may test it out and get accustomed to using it.

Mr. VINSON of Kentucky. What is proposed to be done with Cove Creek?

Mr. WRIGHT. There is authorization for the construction of a dam at Cove Creek.

Mr. VINSON of Kentucky. Are there any proposals to submit in amendment form?

Mr. WRIGHT. There will be a limitation as to time or to provide an authorization for an appropriation within which the work shall commence. Coming to the power feature of Muscle Shoals, many gentlemen have sought to make this a power proposition instead of a nitrate proposition. You will see from the national defense act that the power that was to be generated at Muscle Shoals was a mere incident, that it was not the prime object.

The object was to construct a plant, and then to provide power with which to operate it, hence the Wilson Dam. The power that can be produced there is largely exaggerated. The prime power, the power that can be produced the year round is only about 90,000 horsepower, and yet some gentlemen will speak about millions of horsepower which can be produced there. It will require 100,000 horsepower to operate the cyanamide plant No. 2 alone, so as to fix 220,000 tons of cyanamide, from which can be extracted 40,000 tons of pure nitrogen. Then, if the phosphoric acid plant is installed and the two plants run in conjunction, it will require 260,000 horsepower to operate the two plants, and the only available primary power we have there is 90,000 horsepower from Dam No. 2 and 80,000 horsepower from the steam plant at Muscle Shoals, making 170,000 horsepower.

About Cove Creek——

Mr. ALMON. Before the gentleman goes to that, did not the Government undertake, after the war, to get the fertilizer industry of the country to take over this plant, and did not they refuse to do it?

Mr. WRIGHT. Absolutely. I sympathize with my friends who are manufacturing fertilizer. I think their troubles are mainly imaginary and largely exaggerated. I do not think they are going to be hurt as badly as they conceive. I say in all frankness that the owners of the fertilizer plants in this country and the power people of the country could have disposed of this proposition long ago if they had been inclined to do so. In other words, if they had come in here and cooperated with the Congress instead of pulling back and fighting everything that we proposed to do, this project would long since have been disposed of and in the hands of private enterprise.

Mr. HASTINGS. Before the gentleman goes to the Cove Creek proposition, will he not discuss the terms of sale of the fertilizer?

Mr. WRIGHT. The product will be sold for cash, free on board cars at Muscle Shoals, Ala. Practically all fertilizer is sold for cash, and why? Because if the cash price is, say, $30 a ton, sold in March or April, and due in October, they charge $38 a ton, so that anybody who can afford to use

fertilizer must raise the money and pay cash for it. That wide difference is fixed in order to force them to pay cash. All this fertilizer for the first five years will be sold at cost, and after that at 4 per cent profit. [Applause.]

Mr. HASTINGS. That is what I wanted to know.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. RANSLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut [Mr. GLYNN].

The CHAIRMAN. The gentleman from Connecticut is recognized for 10 minutes.

Mr. GLYNN. Mr. Chairman and gentlemen, in my opinion this is the most dangerous and vicious piece of legislation that I have known to be reported out by any committee of this House during the 11 years I have been a Member. [Applause.]

We are making history to-day, because it is for you gentlemen to decide whether or not you are going to depart from that time-honored practice of private initiative and private enterprise which has brought prosperity to this great Nation.

Now, I realize that this bill is brought in under the whip and spur of what the committee believes to be public opinion. The members of the committee are all good friends of mine, and I have great respect for them. But because nothing has been done for years on the Muscle Shoals question, they said here, "The public demands that something must be done, and we are going to do something"; and they did.

The trouble with this whole Muscle Shoals proposition has been that back in 1916, when we were facing war and when it was necessary to look for a supply of nitrogen, they amended the public defense act to provide for the fixation of nitrate at Muscle Shoals, and the question came up, What are you going to do with it in time of peace? And the proponents of the bill and those who favored it said, "Oh, well, we will make fertilizer." So that act provided that the plant should be used for the purpose of making nitrogen in time of war and fertilizer in time of peace.

And now I want to say this, that to-day the Muscle Shoals property is neither a nitrate proposition nor a fertilizer proposition. It is neither. Why? When we went into the war and before we went into the war there was in this country no expert, not one—I do not think that statement will be disputed—there was not one who knew anything about the extraction of nitrate from the air or nitrate production, except by the cyanamide process. Germany did know something about it, but not much.

The older process was the cyanide process. But during the war Germany made great strides in the production of nitrate from the process known as the Haber process, and to-day the best experts will tell you that the best and most economical process is the direct synthetic process known as the improved Haber process.

Possibly the impression may have gotten out here that no nitrogen is made in this country by the direct synthetic process. The great du Pont Co., by the investment of millions of dollars—I wish I had some of their stock—the great Du Pont Co., which was in a position to select the very best process, because it was a question with them of dollars and cents, are producing 25 tons of nitrate daily and intend to increase that amount to 100 tons a day, all by the improved Haber process.

Mr. ALMON. No part of that goes into the manufacture of fertilizer?

Mr. GLYNN. No. No part of that goes into the manufacture of fertilizer, because they are not making nitrate for fertilizer, but are making it for their explosives, and they need it. But every ton they make for explosives is releasing a ton that can be used otherwise for fertilizer and would go into fertilizer. The great allied chemical and dye corporation have an investment of millions of dollars. They are getting at the correct process. They are spending down at Hopewell, Va., $100,000,000 taken out of the surplus of the company. According to statements I have seen in a newspaper they have spent $4,500,000 in investigation, and they are choosing the direct synthetic process known as the Haber process.

Of course, gentlemen, I know that this is the era when we must do something for the farmer, and we must do something for him whether he wants us to do it or not; and when we have this Government plant, which they say is going to furnish cheap fertilizer for the farmer, after we have killed off a private industry in this country with an investment of $300,000,000, and when the smokeless chimneys stand like silent monuments above the dead fertilizer industry, then the Government business can go on and we can extend the field of our Government activities by making cheap farm implements for the farmer.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. GLYNN. Yes.

Mr. MOORE of Virginia. At the existing freight rates, what would be the rate of distribution or transportation to destination of fertilizer from Muscle Shoals?

Mr. GLYNN. I can not answer that question. I realize that the distribution would be limited. I realize that the farmer in Minnesota or elsewhere a thousand miles distant from Muscle Shoals is not going to be benefited at all. So I say the proposition is wrong.

In the direction of this corporation you are going to have five men, none of whom has a financial interest in a fertilizer proposition, and probably not one of them knows anything about the proposition. That is the way they select juries sometimes. They get men for juries who have no opinions. You are going to appoint a board of directors of five men, not one of whom has any interest in any fertilizer proposition, and you are going to leave it in their hands.

I know that the assertion is made that this is not a question of the Government getting into business. They say the Government already is in business. I deny it. I deny that simply because dams were built down there at Muscle Shoals and because there are two obsolete plants down there that can not be modernized except with an additional investment of $10,000,000—I deny that is an excuse for us to go into a Government manufacturing plant. We have our national parks, and it may be said that because those parks have in them potential water power the Government is in business, and if that theory is followed out the time may come when it will be said we should start an automobile factory for the purpose of manufacturing cheap automobiles for the farmer. It is a dangerous precedent. It is a case of getting the camel's nose under the tent.

I know there are some men who favor Government ownership. If you favor Government ownership you ought to vote for this bill, but if you are opposed to Government ownership you should vote against this bill, and do it now. The time to stop and ponder is now.

Mr. FLETCHER. Will the gentleman yield?

Mr. GLYNN. I yield.

Mr. FLETCHER. I think the gentleman is making a fine contribution to the subject, but I would like to know what he would do with Muscle Shoals?

Mr. GLYNN. It is purely and simply a power proposition.

Mr. FLETCHER. How would you dispose of it?

Mr. GLYNN. And if some of them had not felt they were tied up with this so-called dedication of power to be used for fertilizers in times of peace there would not be this trouble. At that time not a member of the Committee on Military Affairs and not a Member of Congress knew the best method of extracting nitrogen. I would consider it to-day simply as a power proposition, and that is all it is.

Mr. ALMON. Will the gentleman yield?

Mr. GLYNN. Yes.

Mr. ALMON. What would you do with the power?

Mr. GLYNN. I would sell it under the best terms I could make. I would sell it so we could get more for it, and as the gentleman from Alabama knows, they are paying 2.6 mills per kilowatt simply because they only have a lease at will, a lease from month to month, and I think the gentleman from Alabama will agree, and I think every member of the Committee on Military Affairs will agree, that we could get many times 2.6 mills per kilowatt-hour for a long-term lease.

Mr. ALMON. With only one customer, the Alabama Power Co.?

Mr. GLYNN. There would be more customers than one. It is true the power is now delivered to the Alabama Power Co., but transmission lines can be built, precisely as provided for in this bill, to deliver that power wherever we think it ought to go.

Mr. ALLGOOD. Will the gentleman yield?

Mr. GLYNN. Yes.

Mr. ALLGOOD. If it is purely a power proposition, what would you advise doing with the $80,000,000 or $85,000,000 tied up in the nitrate plants there?

Mr. GLYNN. There is no such amount tied up.

Mr. ALLGOOD. It is $67,000,000 and $14,000,000.

Mr. GLYNN. Oh, no.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. RANSLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. HULL]. [Applause.]

The CHAIRMAN. The gentleman from Tennessee is recognized for 10 minutes.

Mr. HULL of Tennessee. Mr. Chairman, you can well imagine the surprise of the Tennesese delegation when virtually all

the Members suddenly discovered that this bill had been reported out with the Cove Creek provisions in it, without any hearings and without any opportunity for a conference with our good friends constituting the Military Affairs Committee.

I do not rise to discuss any phases of this bill or to offer any contention that would interfere with the purposes of those who are seeking fertilizers under the bill or who are opposing fertilizers under the bill or who are seeking any other purpose, except in connection with the Cove Creek Dam provisions.

I desire to say to the membership of the House with all the emphasis and with all the earnestness of my nature, speaking, I think, for virtually each Member of my delegation, that so far as the Cove Creek provisions of this bill relate to the rights of Tennessee they do not in any sense constitute an exercise of valid Federal power, but instead they offer a most unjust and unfair discrimination against the highly valued rights of the State of Tennessee. [Applause.]

There are three methods, as you know, of developing power in this country. One is by the State itself; the other by a permit granted to private corporations by the joint action of the Federal and State authorities under the Federal power act; and the third method would be for the Federal Government itself to construct a dam primarily and essentially for navigation purposes, and any power resulting there might be commercialized. Those are the three methods.

In that connection I desire to remind the committee that prior to the World War there was no definite power policy formulated in this country. We had a few individual, sporadic instances of power development, through special acts of Congress granting to some local enterprise the right to construct a dam and use the power resulting. Occasionally a dam was constructed by the Government where power resulted, but, of course, essentially for navigation purposes.

Five decisions of the courts have trailed along, after a fashion, with the very partial and indefinite policy of Congress in so far as we had any water-power policy in this country prior to the war. Since then the Federal power act was enacted. That act recognized that the chief responsibility for power development in this country is on the States, and not on the Federal Government.

The result is that the States must themselves agree to the location of a plant, to the procurement of the banks and the local properties, and in the distribution of the power that results from the plants.

In this provision, gentlemen, the rights and the benefits that accrue to Tennessee have been dug up, root and branch, and swept away.

You know out in the West the great forest reserves, which have never belonged to the States but to the Federal Government, when they are put in the permanent public domain, the States are given as a matter of equity 25 per cent of the license and other fees. When the royalties from oil on the public domain come forth the States, as a matter of equity and fair dealing, are given 50 per cent of them, I believe, and while the States are always ready to make their contributions to the Nation in the way of internal improvements, there are certain fundamental rights and properties that are peculiarly applicable to them, which, as a matter of fair dealing in every sense, ought to be retained.

Mr. JOHNSON of Texas. Will the gentleman tell us how far Cove Creek is from Muscle Shoals?

Mr. HULL of Tennessee. I am coming to that right now. I am sorry I only have 10 minutes.

Mr. Chairman, I want to refer to the basis of the claim of the Federal Government for the right to develop and commercialize power in contrast with the fundamental rights of the States. For example, in the beginning the States were the complete proprietors of all the banks and the beds and the water of the streams in this country, as much so as we are the proprietors of the clothes we wear. Finally, the States said to the Federal Government, "We will concede to you the naked right to control and improve navigation in this country. You can come to the beds of our rivers and put up any dam that may be necessary to improve navigation."

Under this naked right, with no power given to use the water for any other purpose except navigation, Congress has drifted along without any challenge by the States, they being asleep, and has naturally gone a little too far in some of the special acts that have been passed.

Here is what belongs to the States, my friends. Here is a statement of the Alabama commission, and I desire to commend it to my good friends in the Alabama delegation here who are now seeking to sweep away from Tennessee the very rights their State sets forth in this document:

Subject only to the authority of the United States relative to navigation and war purposes, the State of Alabama claims absolute title to, and ownership, jurisdiction, and control of, that portion of the Tennessee River which is within the State of Alabama, its waters, banks, beds, and soils, including the power in the water and the value thereof, and all other property rights in anywise incident thereto or arising therefrom.

I hope my Alabama friends will not repudiate all of this fundamental doctrine when they come to vote on the amendment that will be offered here.

Now, Mr. Chairman, the States have certain rights, and all we are asking for Tennessee is this: We are willing that these great properties, that are worth $40,000,000, because you can get $2,000,000 a year, or 5 per cent on $40,000,000, in perpetuity, we are willing they shall be dedicated to the Nation in order that the Government may get a good return on its money that it will invest if it builds the dam, and a splendid profit in addition; but over and beyond that the State of Tennessee has four fundamental rights, and it asks recognition for the use of these rights and for the use of the property that it otherwise dedicates to the Nation:

The right to regulate this power as it would regulate power produced by any other agency.

The right to a voice in the distribution of this power.

The right to a voice in the making of charges for the 200,000 horsepower that will be furnished from this headwater to power projects below.

The right to impose taxes and water charges in connection with the power development.

Now, there are four rights that are literally swept away from Tennessee, and if this is to be made a precedent, gentlemen, all the States of the Union having developed water power may prepare themselves to turn over, root and branch, to the Federal Government in extra profits the proceeds of these four indispensable rights to any local community.

Mr. LINTHICUM. Does the gentleman think the constitutional right of navigation carries with it the right to manufacture fertilizer as proposed in this bill?

Mr. HULL of Tennessee. I would rather discuss that with the gentleman a little later. I am undertaking to present this one angle from the standpoint of Tennessee, which does not in anywise affect the contentions of gentlemen who are involved in these other controversies.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MORIN. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HILL]. [Applause.]

Mr. HILL of Alabama. Mr. Chairman, it had not been my intention in the brief time of five minutes allotted to me to discuss the claims of Tennessee, but the gentleman from Tennessee [Mr. HULL] has rather challenged the Alabama delegation on this proposition.

I want to say to the membership of the House that as one member from Alabama—and I think I speak for the whole delegation—we feel this project is a great national project, that no selfish equation should enter into it, that it should be considered not from the point of view of Alabama, of Tennessee, of Georgia, of Kentucky, or of any other State of this Union, but rather from the standpoint of the benefit and the welfare of the whole country. [Applause.]

The gentleman from Tennessee has read from a report made by a commission in the State of Alabama. The Legislature of Alabama at its session last September specifically rejected that report when it refused to carry out the recommendations of that commission and enact any law whatsoever looking to the presentation of any claims at this time by the State of Alabama.

I think the Alabama delegation to-day shares in the position of the Legislature of Alabama; certainly, the delegation from Alabama is here to-day as a unit supporting the Morin bill as it was reported from the Military Committee.

Now, gentlemen, what the Alabama delegation asks is this: That we pass this bill for the disposition of Muscle Shoals; a disposition which has been patiently awaited for 10 years, and at some subsequent date the Congress of the United States can and should enact a general law with reference to water power, defining the rights of the Federal Government and the rights of the States; a law that will be uniform and will apply not only to Tennessee and Alabama, but to all the States of the Union.

For the Congress to make an exception in this case, to grant everything that is asked for by the State of Tennessee, may set a dangerous precedent which will rise up in days to come to plague and trouble the Congress. We have a great program ahead of us authorized by the last Congress, when the last Congress authorized an appropriation of over $7,000,000 for a survey of the navigable streams of this country. That program looks to the development of the navigation of the great rivers

of the country, and if we adopt a policy here to-day with reference to Tennessee, how do we know that we will not have to follow that policy with reference to other States of the Union wherever the Federal Government may go to build a dam for the improvement of navigation? There should be some law defining the rights of the States and the Federal Government, and that law should be uniform and ought not to be tacked on in the form of some kind of an amendment to this bill to take care of the rights of any particular State, whether that State be Tennessee or Alabama.

Mr. GARRETT of Tennessee. Does the gentleman think that law ought to be passed before the passage of this bill?

Mr. HILL of Alabama. No; this bill should be passed now. It is imperative that after a lapse of 10 years and no disposition having been made of the Muscle Shoals properties that this bill be passed here and now.

Mr. BROWNING. It is contemplated under this bill to build transmission lines all the way down to the gentleman's State. Is there anything selfish about that?

Mr. HILL of Alabama. I deny that that is in the project or within the plan.

Mr. BROWNING. That is what the engineers' report says.

Mr. HILL of Alabama. No; that is not the fact. The engineers' report says that to get the maximum amount of power out of the river the different dams on the river must be interconnected, but, so far as carrying power from Tennessee into Alabama is concerned, that proposition has not been projected or even thought of by the engineers or anyone else, so far as I know of, except by the gentleman from Tennessee.

Mr. TAYLOR of Tennessee. Will the gentleman move to strike out Cove Creek from the bill?

Mr. HILL of Alabama. No; I will not. I believe that Cove Creek is one of the great integral parts of Muscle Shoals, and of vital importance to the Government's properties there.

Mr. JOHNSON of Texas. How far is Cove Creek from Muscle Shoals?

Mr. HILL of Alabama. I do not know exactly, but about 300 miles. By the use of Cove Creek the primary power at Wilson Dam is doubled.

Mr. GARRETT of Tennessee. Why did not the committee include Dam 3?

Mr. HILL of Alabama. Let me say to the gentleman from Tennessee that I can not speak for the committee; but, as one member of the committee, I would be very happy to have Dam No. 3 included in the bill. If the gentleman will offer an amendment to this effect, I will vote for it. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. RANSLEY. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. EATON].

Mr. EATON. Mr. Chairman, I can not understand how our Military Affairs Committee, composed as it is of able, conscientious, and experienced legislators, could be induced to bring before this House a bill dealing with a major matter of public interest, which is so hopelessly unsound and vicious from every American point of view. The only possible explanation seems to be that the committee, like the country and Congress, is sick and tired of the interminable Muscle Shoals delirium which has afflicted our country for almost 10 years, and in desperation they have at last shut their eyes and jumped off into space, landing, without intention or desire on their part, in a bottomless morass of injustice and economic absurdity.

Of all the wild and weird legislation introduced in the present session of Congress this Muscle Shoals bill caps the climax.

Without a single hour of public hearing before the committee this bill is brought in here on Calendar Wednesday with no opportunity for adequate debate. And this in spite of the fact that it involves the disposition of property which has cost the taxpayers of the country between one and two hundred millions of dollars and incidentally involves the absolute destruction of a great private industry, widely owned by American citizens and representing an investment of around $300,000,000.

I am opposed to this bill, among other reasons because it is unsound in its economic premises and reasoning, unfair and un-American in its methods, and it embodies class legislation of the most dangerous kind.

The sections of this bill dealing with the disposition of power are bad enough, but its provisions for invading the fertilizer industry are infinitely worse.

The fertilizer industry in this country represents a total investment of around $300,000,000. This branch of American private enterprise since the war has suffered acutely, its losses aggregating many millions of dollars. Under the provisions of this bill the privately owned fertilizer industry of the United States will suffer complete destruction at the hands of the Government which is sworn to protect every citizen in his rights and property.

Under the provisions of this bill the entire property at Muscle Shoals is turned over to a corporation financed by the taxpayers of this country with a free gift of a working capital of $10,000,000.

This corporation takes title to the whole Muscle Shoals property absolutely without cost to itself. It is empowered to operate the plant by the cyanamide method, which, as is well known, has been superseded by much more effective and cheaper methods of nitrogen fixation.

The new corporation is further empowered to construct other plants and use any other methods it may approve and to buy raw materials not made at the plant.

In arriving at its prices to be charged the consumer for its products the corporation is to figure no interest on the immense original investment made by the taxpayers of the whole country in the plant; no interest on its capital stock for the first five years; no taxes, insurance, rentals, depletions, or amortization charges. All of these items have to be figured as cost in the private manufacture of any product.

The corporation in the manufacture of fertilizer is relieved from paying any power charge, but has placed at its disposal surplus power worth $2,000,000 a year.

Any of this surplus power which is not used in the manufacture of fertilizer, the corporation is empowered to sell and to credit the income from this excess power to fertilizer income, or, in other words, to reduce the cost of its fertilizer by this amount.

The bill also authorizes the corporation under certain conditions to distribute free of charge to favored farmers from 5 to 15 per cent of its products.

The corporation is authorized by the bill to go into the Patent Office and seize the patent rights and secrets of private citizens and use them as it sees fit, leaving the citizens, who at great expense have secured these patents, under the unwarranted necessity and expense of taking court action in order to receive any remuneration for their property thus seized.

Mr. GARRETT of Tennessee. Does not the gentleman believe that that section containing the patent proposition is possible of enforcement?

Mr. EATON. No; and we are about to enact it into law with a lot of other impossible things.

The management of this extraordinary enterprise is placed in the hands of a board which is only permitted by the bill to give half of its time to its functions in connection with the fertilizer corporation.

At this point the inevitable dictator is introduced in the person of a general manager who really has the supreme authority.

Last, but by no means least, the bill provides that "any person who shall receive any compensation, rebate, or reward or who shall enter into any conspiracy, collusion, or agreement, expressed or implied, with intent to defraud the corporation or to defeat its purposes shall on conviction thereof be fined not more than $25,000 or imprisoned not more than 15 years or both."

That provision alone ought to defeat this bill in its entirety. Here is a Government corporation set up to compete with and to destroy by unfair competition the business of private citizens. And any private citizen who seeks "to defeat the purposes of this Government corporation" is to be fined $25,000 or imprisoned for 15 years.

This proposal, gentlemen, is offered to the American Congress in this year of our Lord 1928. Certainly the dictators of the Russian proletariat ought to come over here for a few lessons in tyranny.

I hold no brief for the fertilizer industry as developed by private enterprise in this country. I am not connected with it in any way except as a customer, but I am not willing as a Member of this House to sit silently by and see this industry confiscated and destroyed by action of our Government, which was created for the express purpose of guaranteeing this and all other industries and persons in the rights belonging to every American citizen. I believe the farmers of this country would be the first to protest against such legalized robbery and oppression. Our farmers want and need good and cheap fertilizers, but they can ill afford to obtain these fertilizers by agreeing to the acceptance of a governmental principle and practice under which their own property and the property of any other private citizen could be confiscated at the will of a Federal bureaucracy. [Applause.]

The fundamental fallacy which has bedeviled the Muscle Shoals proposition from the beginning is the idea that it was created for and belongs to one class of our people. As a war measure it was perfectly legitimate for the President of the United States to be authorized by Congress to build a plant for

the production of war munitions at Muscle Shoals. But it was entirely beside the mark at that time and under those circumstances to hitch to a strictly war measure provisions for the manufacture of any article for the exclusive use of any class of our people in times of peace.

The Muscle Shoals property was not built by the money of any one class. It belongs as much to the pottery worker on the banks of the Delaware; to the apple grower on the banks of the Columbia; to the textile worker on the banks of the Merrimac, as it does to the farmer adjacent to the Tennessee River. The plant at Muscle Shoals was not built by western money, northern money, southern money, or eastern money. It was built by American money. It belongs to all the people of all the country. It can not and must not be made an instrument of tyranny, oppression, and confiscation directed toward any class or section of our people.

This bill puts the United States Government squarely into the power business and into the fertilizer business. Both proposals are contrary to the genius of our political and economic institutions and are fraught with serious menace to the prosperity and progress of our people.

There are two other reasons equally fundamental with those I have advanced why this bill should be defeated by this House.

The first of these reasons is that the power proposals of the bill are bound to inflict serious and permanent injury upon the future economic development of the South.

I venture to direct my remarks especially to the Members of this House who are fortunate enough to represent the people of our Southland. I have always been an admirer and lover of the South. It has been a fixed conviction of my mind since childhood that one of the greatest blunders if not one of the gravest crimes in American history was the way the reconstruction of the South was handled after the Civil War. Yet in spite of artificial difficulties created by prejudice and passion the brave men and women of the South girded themselves for the well-nigh hopeless task of reconstruction in the midst of desolation and ruin almost unparalleled, and in 60 years they have lifted themselves by their own genius and courage and intelligence steadily upward from the abyss until to-day they stand at the threshold of a golden age beckoning the whole South toward an economic achievement and a social prosperity and happiness which will make a new epoch in the glorious history of our great country.

It has been my privilege to study at first hand economic conditions in practically every Southern State. Especially in those States capable, because of their geographic position, of being served with power from the Tennessee River. It is a striking fact that from 1914 to 1925, as shown by a recent report of our Department of Commerce, manufacturing in these southeastern States increased 203 per cent, while in the country as a whole it increased only 159 per cent. In 1925, the value of the manufactured products in the States of Alabama, Tennessee, North and South Carolina, Georgia, and Florida was over $305,000,000 more than in 1923. While the South has in the past based its economic progress largely upon its agriculture and its agriculture in too many cases took the form of a one-crop enterprise, the great new economic force now developing through the South lies in the increase of manufacturing.

A few years ago I spent an entire winter studying the textile industry in southern Virginia and North and South Carolina. I found there an industrial development which in conditions of labor, in relations between employer and employee, in ideals of management, in housing conditions, and in most of the things that make life worth living compares favorably with any similar group that I have seen anywhere either in this country or in Europe.

I was struck especially with two aspects of the labor situation. One was the remarkable service which the textile industries of these States are rendering the country by bringing out of their mountain isolation great numbers of good citizens and giving them opportunity to mingle with the general current of our national life in and through the industrial centers.

And I was equally impressed by the fact that most of these great southern textile industries are located some distance from the larger centers of population. The effect of this upon the lives of the workers and the general level of social well-being can hardly be overestimated. There is one county in North Carolina—the county of Gaston, represented by the distinguished and able Member of this House Mr. BULWINKLE—which, in my judgment, is as nearly a model county as can be found anywhere in this country. It constitutes a great industrial community, but without congestion of population and with all the advantages of town and country combined.

What is the fundamental secret of this magnificent industrial awakening of these Southeastern States? To any unprejudiced mind the answer is absolutely unavoidable. This industrial progress is due to the remarkable development of hydroelectric energy on the rivers of the South by private enterprise and private capital. Reports from the Geological Survey show that the output of power in the six States of Georgia, Alabama, Tennessee, North and South Carolina, and Florida increased from 3,828,000,000 kilowatt-hours in 1923 to nearly 7,000,000,000 kilowatt-hours in 1927. This is an increase of over 78 per cent, as compared with an increase of 46 per cent of the Nation as a whole. And, contrary to all traditions and teachings of the proponents of political ownership and operation, this power is among the cheapest and most efficient in the world.

These facts constitute a sufficient reason why every Member of this House from the Southeastern States of this Union should vote to defeat the bill now under consideration. The Tennessee River constitutes the greatest single undeveloped natural asset of the South to-day. On the river from Muscle Shoals to Cove Creek there can be developed a power output of 4,000,000,000 kilowatt-hours a year. The introduction of this enormous reservoir of power into the economic and social resources of the Southeastern States will in itself insure an era of progress and prosperity never before achieved in this section.

I trust that the Representatives of this favored section of our country will not deem it an impertinence on my part if I venture to suggest that they approach the Muscle Shoals project from this new point of view, dealing with it as an asset of all of the Southern States rather than as a problem in politics to be solved here in Washington. The political mind runs in one groove, the economic mind in another. The problem of Muscle Shoals and the Tennessee River affects profoundly a great section of our country and through it the general level of prosperity and progress in the Nation as a whole. It is the duty of the economic-minded men of the South who have built up this great fabric of public service in the electric industry and in the other industries, including agriculture, and of the political leaders of that section to get together and work out a plan for the development not only of Muscle Shoals but of the whole Tennessee River which will be economically sound and at the same time in tune with the fundamental principle of our social and political institutions. This I am sure can be done and will be done, but the surest way to prevent the doing of it will be to put upon the statute books this inadequate and amazing law. The passage by this Congress of this bill will do more to deprive the citizens of the South of the enormous benefits accruing from the full development of the Tennessee River than any or all other causes combined.

My final reason for asking that this proposed legislation be defeated is to be found in the general economic development of our country. We are the most prosperous people in the world. We have the highest level of comfort, the widest distribution of wealth ever achieved by any society since time began. The one great modern problem which agitates every society is the determination, which is perfectly just and right, on the part of the masses of men to secure adequate participation in the economic resources of the world. In the achievement of this high purpose civilization has chosen organized industry as its chief instrument. And the center and front of organized industry is the power plant.

In America under private enterprise, backed by private capital, using organized industry as the chief instrument, we have gone further in spreading the ownership of property among the masses of men than any society that ever existed. And in this salutary process we are under enormous obligation to the electric industry. The electric industry of the United States made possible entirely by the wonderful development of cheap and adequate power by private initiative, enterprise, and capital, is the greatest single social service of a material kind ever rendered any people in the history of the world.

To meet an urgent and ever-increasing public demand, it has grown so rapidly as to outgrow public understanding. As a result there are doubtless some parts of the business which need readjustment. But these adjustments can never be brought about by putting the Federal Government into the power business. The average American has too much sense to burn down a fine barn in order to kill a weazel or two.

Modern industry as the chief instrument of civilization now confronts a choice between methods. One is the Old World method of putting government first and the citizen last. The other is the American method of putting the citizen first and making the Government, which is his own creation, his servant rather than his master. One of these methods must eventually prevail throughout the world. Of the first method, Russia is the supreme example. Of the second method, America is the supreme example.

Time will not permit me to give to the House the facts which prove beyond peradventure that in facing this strictly modern

problem America has consciously or unconsciously hit upon the best possible solution, which is to increase the ownership of the Nation's wealth among the masses of men, rather than to concentrate all power and all wealth in the hands of the Government.

My final objection to the bill now before the House is that it introduces into the economic development of America a principle which has its origin not in America but in the Old World, a principle which has never been successful and never can be. A principle which contravenes the foundations and ideals of our Government and which, if enacted into law, will surely slow down our progress and diminish our prosperity.

This bill puts the Government into business and puts the private citizen out of business. In that proportion the Government becomes strong, the citizens weak. To that degree the power of the Government increases, the rights of the citizens are diminished.

If we must go outside America to find some solution for the Muscle Shoals problem, why go to Russia? Russia is a country larger than our own, with a larger population, with a longer history, with equal or greater natural resources. But the people of that unhappy country know nothing of political freedom nor of economic prosperity in the American sense. No Russian has ever drawn a free breath on Russian soil, and the great communistic experiment now going on in that country, up to the present time at least, has resulted in social chaos and individual distress.

If we must go outside our own country to find principles for the solution of our problems at Muscle Shoals and elsewhere, why not go to some country which is better off than we are? Where can we find such a country? Our answer is, Nowhere. We are the most favored people in the world. It behooves us not lightly to turn aside from those principles, methods, and ideals which have brought us thus far upon the way of peace, prosperity, and happiness.

I hope this House will kill this bill. Not simply because the committee has failed over long and weary sessions to find some solution to the problem but because the bill is inadequate, unjust, un-American. Let us sweep the decks clean of our prejudices and preconceptions and passions, and recognize this as an American problem, to be solved in an American way. To this end I would suggest that we ask the President of the United States before the next session of Congress to call a conference of legislators, economists, farmers, industrial workers, leaders in the power industry, and any others qualified to make a contribution. By man-to-man discussion such a conference would reach a new understanding of the facts and factors involved and work out a plan which when submitted by the proper committee to this Congress can be acted upon with enthusiasm and unanimity, just as we solved the difficult alien-property matter. Thus and thus only can we reach a solution of the whole question of political versus private ownership of public services by the application of principles that are just, that are permanent, and, above all, that are American. [Applause.]

Mr. MORIN. Mr. Chairman, I yield 15 minutes to the gentleman from South Carolina [Mr. McSWAIN].

Mr. McSWAIN. Mr. Chairman and gentlemen of the committee, we thank the distinguished and learned gentleman from New Jersey [Mr. EATON] for this magnificent tribute to the progressive spirit of the new South, but I wish you to note that it has no relevancy or relation whatever to the subject under discussion. The distinguished gentleman bottomed what argument he did make upon the proposition that the mistake was made 12 years ago when the National Government coupled the proposition of national defense with the proposition of fertilizer at Muscle Shoals under section 124 of the national defense act. I submit to your fair and square judgment, as the representatives and keepers of the safety of this Nation in peace and in war, that one of the wisest projects ever inaugurated in the interest of national defense was that in 1916, whereby we provided for an adequate domestic supply of nitrogen, because without nitrogen we are absolutely helpless from the point of view of national defense. Without nitrogen our magnificent battleships are but floating ornaments. Without nitrogen every cannon and every gun and hand grenade is absolutely useless, silent, and harmless. During the World War our sole supply of nitrogen came from Chile, and it took not only $550,000,000 of our money to pay for it, more than $12 of which on every ton was paid as royalty to the Chilean Government, amounting to $97,000,000, but it also took 20 per cent of our shipping tonnage to transport it from Chile to American shores. One ton out of every five of our American shipping was devoted to the transportation of this single element of nitrogen alone. What would happen in the event of war? What might happen if the enemy got possession of the seas and drove our transports from the seas? We would be absolutely helpless. Every student of national defense for the last generation has announced it as an undisputed proposition that we must have a domestic supply of nitrogen. Not only that, but if enemy airplanes were to bomb our locks at the Panama Canal and destroy them so that our transports could not get through, our battleships and cannon and rifles would be utterly idle and useless.

What situation do we find? We find that here in the supply of nitrogen in time of war we have an element that is desirable, useful, and indispensable in time of peace to preserve life itself in the production of vegetation as food for man and beast. The next war, gentlemen, will use more nitrogen than the last one. Every war throughout history has employed an increasing amount of nitrogen. During the Revolutionary War, for seven long years we did not use as much nitrogen in our black gunpowder as did the American Army at the single battle of St. Mihiel. That one battle used more nitrogen than seven years of war under Washington. Not only that, but the 110 days' fighting of the American forces in France consumed 500,000 pounds more of nitrogen than did all the Union Armies during the four years' war with the Southern States. What will happen in the next war? They did a little bombing a few months ago of a concrete bridge by airplanes in North Carolina and then and there used more nitrogen in a matter of experiment to see what would be the effect of bombs on a single concrete bridge than was used by the Union Army at the Battle of Gettysburg. We have to have it inside of our own country and not outside in order to defend our Nation's very life itself. The $700,000,000 we are spending every year on the Army and Navy to defend ourselves is worse than money thrown away unless we have a domestic, interior supply of nitrogen. [Applause.]

The national defense act, representing the wisdom of the Congress of 1916—and you remember what was in the mind of the Congress in 1916—said that since we must have the nitrogen for war purposes, and since it is useful in time of peace, let us tie the two together; and that is what they did. That is what this Congress has insisted shall be done from that minute to this.

The joint congressional committee appointed by the joint resolution of the House and Senate provided that the two should be tied together, and every action of the Military Affairs Committee that has had this under consideration since 1922 has insisted that the two should be tied together in order that the power, which is highly desirable on the part of many private interests, may be a sort of subsidy to carry the fertilizer end of the project, the nitrogen end, the national-defense end along with it. Gentlemen, would we not be very happy if we had a navy yard that was self-sustaining, if we had a fleet that was self-sustaining, if we had an Army that was self-sustaining? Here is the indispensable arsenal, here is the very life, the very nerve, the heart of the whole scheme of national defense, and under the proposition now before us is to be self-sustaining and not to cost the taxpayers of the Nation in the end a single cent. We, the committee, wanted private operation; but, gentlemen, there was but one bidder before us, and we could not compel him to take it, and he wanted it on his own terms, and we were not willing to lease the plant on the bidder's own terms just to get the name of private operation. I do not believe you gentlemen would have favored it. I am quite satisfied that the three gentlemen who now uphold this bill here were opposing with all their vigor the proposition before the committee to lease the Muscle Shoals project to that single private bidder.

Mr. FROTHINGHAM. Does not the gentleman remember that they voted for the Madden bill?

Mr. McSWAIN. Yes; as against this committee bill; but was not the gentleman opposed to the Madden bill until it was put up as against this proposition?

Mr. FROTHINGHAM. I did not have any chance to show any opposition until the vote came.

Mr. McSWAIN. I withdraw the charge.

Mr. FROTHINGHAM. And then with certain amendments which the gentleman was trying to get and everyone was trying to get.

Mr. McSWAIN. I tried to put them on. The able and distinguished gentleman from Massachusetts, of course, never disclosed his hand, and I say that I was wrong in that regard. I think, however, that if it came to a vote on its face, without being in contrast with this proposition, he would have voted against the offer, because I know his general attitude, which is fair and square. But we were forced to the matter of some sort of Government operation. We say that the proposition that came from the Senate was like a bag open at both ends.

This Senate bill would not have produced fertilizer, and it would not have contained those essential elements of national

defense, and would not have preserved nitrate plant No. 2 as a going concern. So we decided, if we are going to have Government operation, let us not have a mockery, such as we feared we might have under the Norris bill, but let us have Government operation like that of the Post Office Department, like the War Finance Corporation, like the Shipping Board, that has centralized authority. So we turned it over to a board of directors, which in turn would operate it through a general manager—one man. It is organized like an army. Here is the general manager, the commander in chief. The President of the United States appointed General Pershing to take the American Expeditionary Forces to France and be their general ruler, so as to get results. Everything under the head of electric power comes up through the assistant manager for power. If it is a question of hydroelectric power or steam power, everything goes back through this organization into the hands of the general manager through his successive subordinates. Suppose it is a matter of fertilizer. The production comes from the assistant manager for fertilizer. The sale of fertilizer comes up to the general manager.

It is a matter of sale at a fixed price, preference being given to the farmers and States authorized to sell to the farmers and next to States and then to mixers of fertilizers. The subordinate men are responsible to those above them, and they in turn are responsible to the assistant manager, and the assistant manager is responsible to the manager.

Now, gentlemen, we have heard the criticism time and time again that the Government can not succeed in this business. We are opposed to Government operation, and we have here followed a form of organization that was adopted in the War Finance Corporation. We have followed an organization such as was formed in the operation of the Panama Railroad and the Panama Canal. We have followed, as suggested by the President's commission, the plan outlined in 1925, when he appointed a commission of experts, of which Senator Dial, of my State, was a member. These gentlemen laid down a proposition in entire harmony with the policy of this Congress from 1916, and they said if we could not get a private lease pursuant to the original terms they should do what? Organize a corporation, of which the Government should own 100 per cent of the stock, and put it into the hands of a board of directors of five men and let them operate it. Every one of the five members of the President's commission in 1925 who reported in 1926 was in harmony with his colleagues on that proposition. They were a unit on that proposition, although they differed on other things. Curtis and McClellan filed a minority report on that proposition, but on the proposition to put it in the hands of five men of known business and administrative ability they were unanimous.

If you will read the speech of the gentleman from New Jersey, you would think we were a bunch of bolshevists. You would think we were a bunch of revolutionists. You would think we proposed to undermine the Constitution of the United States. Of course, the gentleman has made a nice speech, but he could have made it just as well without having ever read the bill. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. RANSLEY. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. SNELL].

The CHAIRMAN. The gentleman from New York [Mr. SNELL] is recognized for 15 minutes.

Mr. SNELL. Mr. Chairman and gentlemen of the House, I am not sure but that my good friend from South Carolina [Mr. MCSWAIN] can support the provisions of the substitute that I intend to offer to this bill. [Applause.]

I have been deeply interested in Muscle Shoals from the very first and have always followed this legislation. I greatly regret that there has not been presented to the committee some plan of private operation that was compatible with the original intent of Congress, that the committee could present here for our consideration. I think I might say right here that I am gravely disappointed that the business interests of the country, representing the power companies and fertilizer companies, have not been more helpful in trying to solve this problem. [Applause.]

I think they are deserving of criticism in that they have not come forward with some concrete, constructive suggestion.

Furthermore, I think the people have a right to criticize us for our delay in solving this proposition.

I have stated several times on this floor that we certainly should do something at this session, and I have not changed my mind. Whether the bill that is passed is satisfactory to me or not, we now have a concrete proposition before us, and I propose that Congress express itself without further delay.

The Government has an investment as the result of the war of around $167,000,000 at Muscle Shoals. The question is what will we do with that property to make the best economic use possible under present conditions. That is the only proposition before us.

And I am not going to stand here and blindly oppose the bill presented by the committee—and the committee has worked long, laboriously, and conscientiously on the proposition—without offering something that in my opinion will more fairly meet the economic thought of the majority of our people and according to my idea of Government.

If I understand correctly the bill presented by the committee, it definitely commits the Federal Government to the manufacture and sale of fertilizer in unlimited amounts—in unlimited places for all times, which is positively opposed to my theory of government. My bill authorizes at first experimental manufacture of fertilizers, and if successful, we can then go as far as Congress cares to appropriate the money. It sets aside 15,000 kilowatts or 20,000 firm horsepower to be used for this purpose, and provides for selling the balance to the highest bidder.

The committee's bill provides for an additional expenditure of from sixty to one hundred million dollars, regardless of the success of the enterprise, while my substitute does not call for any immediate expenditure but makes it permissible if the undertaking proves a success.

My substitute simply provides for using the property you now own at Muscle Shoals with as little economic waste as possible without controversy with individual States and in no way destroys any man's business or violates those fundamental principles of government that have made this country great and prosperous.

Mr. QUIN. Mr. Chairman, will the gentleman yield?

Mr. SNELL. No; I regret I can not yield.

Mr. QUIN. The committee bill is based on the understanding that it can go into private business.

Mr. SNELL. While my bill proposes limited Government operation, it is simply for the property we now own and which came to us as a result of the war, and it in no way commits us to that policy.

It is limited to a period of five years in the hope we can work out a permanent solution in that time.

Now I want to give you a short analysis of the bill itself. I desire to explain rapidly the details and provisions of the substitute that I propose to offer.

Mr. TAYLOR of Tennessee. Mr. Chairman, will the gentleman yield there?

Mr. SNELL. Yes.

Mr. TAYLOR of Tennessee. I would like to know what disposition your plan makes of Cove Creek.

Mr. SNELL. It makes no provision.

The first proposition is to utilize the power facilities at Muscle Shoals so as to produce the highest practicable annual revenue to the United States and to use the annual revenues, or so much thereof as may be considered desirable, for the development of methods of nitrogen fixation in the interest of national defense and for the production and distribution of concentrated fertilizers and the promotion of their use.

That is the first proposition. Then section 2 authorizes the President, acting through the Secretary of War and the Chief of Engineers, to enter into a contract or contracts for the sale of power from Dam No. 2 and from the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals in accordance with the policies outlined above, and under the conditions set forth in following sections, for a period not exceeding five years.

Section 3 provides that under the direction of the Secretary of War the cost of such operation and maintenance shall be taken from the revenue derived from the sale of power. Section 4 provides for the continuous output of 15,000 kilowatts, which shall be reserved for the Secretary of Agriculture for the manufacture of fertilizer under the conditions set forth hereafter. I have found on examination that it will be necessary to increase that reservation by a certain amount and may propose later to do that in the consideration of the substitute.

It also provides that contracts may be entered into for the sale of secondary power in such amounts as will not be necessary for the manufacture and development of the fertilizer proposition.

Section 5 is an administrative section, but it does provide that the Government may lease or build transmission lines, if it is not possible to get a reasonable bid for the power at the switchboard. That protects us so we can not be held up by the Alabama Power Co., which company now owns or controls all of the available transmission lines that lead to Muscle Shoals.

Section 6 provides that the power shall be sold to the highest bidder, and that we shall get the most money possible out of it.

Section 7 is another administrative section and provides for the load factors, and so forth, but that is not important here now.

Section 8 provides that if the President deems it advisable and profitable they can enlarge the steam plant at Dam No. 2.

Sections 9 and 10 provide for the experiments in the manufacture of fertilizer through the Department of Agriculture. I think I had better read those sections completely to the committee so the Members will understand them:

SEC. 9. The President, through the Secretary of Agriculture, is hereby authorized, within the limits of appropriations made by Congress, to construct, maintain, and operate, on the site of nitrate plant No. 1, an experimental and/or production plant or plants for the development of methods of nitrogen fixation and for the manufacture of fertilizer or fertilizer products in such quantities as he may deem advisable. For this purpose nitrate plant No. 1, including the steam power plant and all buildings, equipment, and dwellings in connection therewith, which he may desire, shall be transferred to the Secretary of Agriculture who is hereby authorized to make such alterations, repairs, and additions as may be necessary, to carry out the provisions of this act, subject to the proviso contained in section 12.

SEC. 10. Subject to the instructions of the President, the Secretary of Agriculture is hereby authorized and directed to commence the manufacture of cyanamid by the use of one unit of nitrate plant No. 2 as soon as practicable, and to construct and operate such facilities as may be necessary to demonstrate the adaptability of this method of nitrogen fixation for fertilizer purposes. This plant shall be operated at the capacity of one unit for a period sufficient to determine whether or not fertilizer can be manufactured by this process at a cost favorably comparable with other processes, and whether a market can be established for its use. If the cyanamid process proves to be successful, and production costs are no higher than those for other forms of fertilizers, the President, at his discretion, and as the market demands, may direct the Secretary of Agriculture to increase the production from nitrate plant No. 2, to the full capacity of such plant, or any suitable fraction thereof.

Section 11 provides for the disposition and sale of whatever fertilizer or nitrates is made by the Government.

Section 12 provides that the plants we own at the present time shall be kept in what is called good stand-by condition for use in time of war.

Mr. ARENTZ. Will the gentleman yield?

Mr. SNELL. For a short question.

Mr. ARENTZ. Are the terms "nitrogen" and "fertilizer" synonymous, or does the gentleman mean them as two different products?

Mr. SNELL. They are two different products.

Mr. ARENTZ. The gentleman is using first one and then the other.

Mr. SNELL. Well, I am hurriedly running through this on account of my limited time, but I think the gentleman understands.

Mr. LOWREY. Will the gentleman enlarge on section 11, as to the disposition of fertilizer and nitrogen?

Mr. SNELL. I will read section 11:

SEC. 11. The Secretary of Agriculture is hereby authorized to dispose of the fertilizer or fertilizer products manufactured at any of the plants hereinbefore mentioned. During the term of experimental operation the price of such products shall, if practicable, be so regulated so as to afford a return covering the cost of production including a reasonable rate of interest on the investment in plant and equipment, but in any event such as to insure their prompt disposal and use. Accurate records shall be kept so that the actual cost of producing fertilizer commercially under the methods followed may be determined at the conclusion of experimental operation. If production be continued as provided for in this act, the product shall be sold at rates sufficient to cover the entire cost of production, including interest at 4 per cent on the fair value to the facilities used.

Mr. LINTHICUM. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. LINTHICUM. Does the gentleman's bill put the Government into the manufacture of fertilizer just as the pending bill does?

Mr. SNELL. In a limited way it does provide for the manufacture of fertilizer by the Government.

Mr. LINTHICUM. I had supposed the gentleman's bill was for the purpose of experimentation.

Mr. SNELL. It is for the purpose of experimentation, and then if the experiment proves successful they can go ahead and manufacture nitrates and also complete fertilizers.

Mr. CAREW. Forever?

Mr. SNELL. No; for a period of five years. It is limited to five years.

Mr. CRISP. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. CRISP. The gentleman said that the fertilizers under his bill were to be sold at cost plus 4 per cent on the investment. Does that include the total investment at Muscle Shoals?

Mr. SNELL. Well, that really does not mean very much during the period of experiments, but if we figure anything on the investment it would be on the power plant itself.

Mr. CRISP. About $50,000,000.

Mr. SNELL. Forty-nine million dollars, to be exact.

Mr. ALLGOOD. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. ALLGOOD. Does the gentleman's bill provide for fixed fertilizers?

Mr. SNELL. Yes; in a general way; but it does not go into all the details of manufacture and distribution, as is done in the committee bill. Those must be worked out later if it proves successful.

I can not say very much in the time I have remaining, but I want to suggest this: My bill simply provides for the use of property which the Federal Government owns at Muscle Shoals at the present time, with as little economic waste as possible. I am not in favor of any kind of Government ownership or operation, but the Government has this property and it is incumbent upon us as directors of this corporation to make some disposition of this property. I feel that the bill I have offered or intend to offer with some slight amendments could be made workable. It would take care of our property; it would develop whether we are able to manufacture fertilizers to advantage or not and at the same time it would not be expensive. It does not call for any additional appropriations at the present time, and none will be needed unless it is developed that we can do this and do it successfully. Then Congress can make such appropriations as it sees fit.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. WAINWRIGHT. There will be $2,000,000 available in earnings from the dam almost immediately.

Mr. SNELL. That is so. There is at least $2,000,000 worth of surplus property there which my bill provides can be sold, and that amount can be used at the present time for the development of this work.

It seems to me this is a practical proposition and that it is a practical way to solve this problem. I hope the committee will give it careful consideration. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MORIN. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. JAMES]. [Applause.]

Mr. JAMES. Mr. Chairman and gentlemen, one would imagine from the speeches made by the three members of the House Committee on Military Affairs, Mr. RANSLEY, Mr. FROTHINGHAM, and Mr. GLYNN, that they are in favor of private operation and that the fight in the committee was between private operation and Government operation.

We had only one private operation bill before the committee; and where was Mr. RANSLEY at that time, and where was Mr. FROTHINGHAM at that time? If Mr. GLYNN had been here at that time, I am sure he would also have been against the Ford offer, and that was the only offer we had that provided private operation.

The gentleman from New Jersey [Mr. EATON] stated he did not represent and had nothing at all to do with fertilizer companies. I wish the gentleman had stated whether he has any interest of any kind in any power company like the General Electric.

And one would imagine from the speech of the gentleman from New Jersey that he is also in favor of private operation. We have only one private operation bill before our committee; was the gentleman from New Jersey in favor of that? The gentleman made bitter speeches against the offer of the American Cyanamid Co. The gentleman is for power and for power only.

Gentlemen, as a member of the House Committee on Military Affairs I have been engaged on the Muscle Shoals proposition for six years and my chief interest in it is not fertilizer. That comes second. I am not interested in power at all. What I am interested in, and have always been interested in, is the matter of national defense, and that is the only reason the bill is before the Military Affairs Committee.

We built nitrate plant No. 2 for one thing, and that was in case of war we would have the nitrates necessary to manufacture munitions. This plant is capable of taking care of 14 divisions of the American Army.

I was for the Ford offer. It was the best offer we ever had. We would have had fertilizer manufactured there under the Ford offer.

I also happened to be on the joint committee. During most of the time I was acting chairman of the joint committee of the House and the Senate, and we worked over there for about a month. We had up the matter of Government operation and we also had the offer of the American Cyanamid Co. I would like to have been for private operation, but there was no offer before the joint committee that I could vote for and come out here on the floor and say that it adequately protected the United States. There was nothing of this kind in the American Cyanamid offer then, and there was nothing of that sort when we quit. We practically subsidized them with the entire Tennessee River, and they could stop manufacturing fertilizer after having about $1,500,000 on the dump, and then from that time on it became strictly a power proposition and there was no way of getting back our property.

Before Mr. Madden introduced his bill the first time he talked with me about it. Before he introduced it the last time he came out to Walter Reed Hospital and asked me whether or not he should reintroduce the bill, because Mr. Madden had not forgotten the experience in his office just before we adjourned the last time. We tried for over a month to get Mr. Bell, of the American Cyanamid Co., to agree to the proposition that when it became a power proposition pure and simple and there was no more fertilizer, then we could get back our property. We could not get this amendment. We could not get any suggestion of this kind.

Finally, the men representing the Farm Bureau had the idea that Mr. Madden and myself being good friends, if we were to meet in conference and he should say that we were wrong in asking for a guaranty, we might withdraw it. Mr. Madden listened to Mr. Bell and to myself, and finally he said to Mr. Bell, "There must be a guaranty in there so that when you stop making fertilizer we get back our property." He then made Mr. Bell the suggestion that when it became a strictly power proposition the contract would be rewritten for the unexpired time by three Justices of the Supreme Court. This was turned down, and as Mr. Bell said he could not agree to it, Mr. Madden said, "Although I sponsored your bill, why do you not withdraw your offer?"

Mr. Madden came out to see me again this time and asked me what I thought about reintroducing his bill, and I said, "That is all right, provided you will not be for the bill unless we can get the same kind of a clause we asked Mr. Bell for the last time." The bill was reintroduced with this understanding.

The day before we had Mr. Bell before us the last time, Mr. Madden called me over to his office and asked how we were getting along. I told him we were against the same proposition in 1928 that we were against in 1926 and in 1927, and that was the provision that we could not get back our property when they ceased making fertilizer. Mr. Madden told me then he had sent word to Mr. Bell several times that he ought to agree to an amendment of this kind.

There is practically not a man on our committee who wanted to be for Government operation, but we had no bill providing private operation that we dared come out here and face you gentlemen with. We could not come out here and say we had a bill providing for the manufacture of fertilizer when there was no section in the bill by which we could get back our property when they stopped making fertilizer, and neither could we be for the Norris bill because under that bill you would have fertilizer plants all over the United States. We wanted this confined to Muscle Shoals. Neither did we want to see the Department of Agriculture making fertilizer or experimenting in the making of fertilizer.

Under the Norris proposition you could have fertilizer plants all over the United States, and, as I have said, we wanted it confined to Muscle Shoals. Under the Norris bill, also, the fertilizer was to be made under the Department of Agriculture, and Senator NORRIS said that if the fertilizer was made down there under his bill it would be made under the direction of Doctor Cottrell.

Every time that Doctor Cottrell appeared before our committee he said he was not in favor of the Government going into any kind of business. It is not a question of a fight between private operation and Government operation. It is a question whether you are going to be in favor of the Morin bill, the Norris bill, or the Snell bill.

You will not get any fertilizer under the Snell bill. It provides for 20,000 horsepower. Why, gentlemen, it takes 70,000 horsepower to operate one unit of nitrate plant No. 2 alone, to say nothing of what it is going to take to operate nitrate plant No. 1. It takes $8,000,000 to $10,000,000 to put plants No. 1 and No. 2 into condition so it will operate with the requisite horsepower. There is nothing in the Snell bill that provides any money to fix up the plants.

Mr. Bell never claimed that he could operate plant No. 2 without putting in eight or ten million dollars. Is there anything in the Snell bill with reference to that? Not a word. It is a power proposition with no fertilizer in it. There can not be any fertilizer in it unless there is a reasonable amount of horsepower and you give the money as we do in our bill.

It has been stated that the farmers are not for the bill. It is true the Farm Bureau is not for the bill. They say that under our bill there will be no fertilizer. The fertilizer people say that if our bill passes it will materially hurt them. Who is the best judge as to whether we can make fertilizer or not—the representative of the Farm Bureau or the fertilizer people?

Gentlemen, as I said, I would like to have been for private operation, but there never has been a good private operation offer since that of Henry Ford, and finally we came to the same conclusion that John McKenzie, chairman of the President's committee, came to, and John McKenzie was neither a Bolshevist nor an anarchist. How many times have you seen him on the floor here saying, "We standpatters must stand together"? [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired. All time has expired, and the Clerk will read.

The Clerk read the Senate bill, as follows:

S. J. Res. 46, 70th Cong., 1st sess.

Joint resolution providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes

Resolved, etc., That the Secretary of War is hereby empowered and directed to complete Dam No. 2 at Muscle Shoals, Ala., and the steam plant at nitrate plant No. 2, in the vicinity of Muscle Shoals, by installing in Dam No. 2 the additional power units according to the plans and specifications of said dam, and the additional power unit in the steam plant at nitrate plant No. 2: *Provided*, That the Secretary of War shall not install the additional power unit in said steam plant until, after investigation, he shall be satisfied that the foundation of said steam plant is sufficiently stable or has been made sufficiently stable to sustain the additional weight made necessary by such installation.

SEC. 2. The Secretary of Agriculture is hereby authorized and directed, within the limits of appropriations made by Congress from the fund hereinafter provided for or from the Treasury of the United States—

(a) To construct, maintain, and operate experimental or production plants anywhere in the United States for the manufacture and distribution of fertilizer or any of the ingredients comprising fertilizer;

(b) To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants. Such contracts may provide either for outright purchase by the Government or only for the payment of carrying charges on special materials manufactured at the Government's request for its program;

(c) To arrange with farmers and farm organizations for large-scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce;

(d) To contract with said farmers and farm organizations to pay the special costs and losses, if any, sustained by them as a direct result of such large-scale use of the new fertilizer or fertilizer practices during the initial or experimental period of their introduction;

(e) Whenever the Secretary determines that it is commercially feasible to produce any such fertilizer, it shall be produced in the largest quantities practicable, and shall be disposed of at the lowest prices practicable, to meet the agricultural demands therefor, and to effectuate the purposes of this act;

(f) The Secretary is authorized to make alterations, modifications, or improvements in existing plants and facilities and to construct and operate new plants and facilities in order to effectuate properly the provisions of this section.

SEC. 3. The Secretary of Agriculture in carrying out the purposes of this act shall locate a fertilizer plant in the vicinity of Muscle Shoals in Alabama and there shall be turned over to him the nitrate plants together with the steam plant at nitrate plant No. 1 connected therewith and such other buildings, houses, and shops there located as shall be necessary for the Secretary and his employees in the construction and maintenance and operation of such plants; and, when such fertilizer plant is thus located and established in the vicinity of Muscle Shoals, all the power necessary for the requirements of said plant shall be supplied from said steam plant located at nitrate plant No. 2 or from Dam No. 2.

SEC. 4. The Secretary of Agriculture is authorized and directed to utilize nitrate plant No. 2 for experiments in the production of fertilizers by the use of the cyanamide process, to determine whether it is or is not commercially feasible to produce fertilizers by such process. If the Secretary of Agriculture determines that it is commercially feasible to produce fertilizers by the cyanamide process, then such plant

shall be used for the production of fertilizers by such process in the largest quantities practicable and the fertilizers so produced shall be disposed of at the lowest prices practicable, to meet the agricultural demands therefor and effectuate the purposes of this resolution. In the utilization of nitrate plant No. 2 the Secretary of Agriculture shall avail himself of power in the same manner as provided in section 8.

SEC. 5. Revenue obtained from the sale of fertilizer or fertilizer materials shall be paid into the Treasury of the United States and shall become a part of the special fund hereinafter provided.

SEC. 6. The Secretary of War is hereby empowered and authorized to sell the surplus current not used in fertilizer operations and for operation of locks and other works generated at said steam plant and said dam to State, counties, municipalities, corporations, partnerships, or individuals, according to the policies hereinafter set forth, and to carry out said authority the Secretary of War is authorized to enter into contracts for such sale for a term not exceeding 10 years and in the sale of such current by the Secretary of War he shall give preference to States, counties, or municipalities purchasing said current for distribution to citizens and customers.

SEC. 7. It is hereby declared to be the policy of the Government to distribute the surplus current generated at Muscle Shoals equitably among the States within transmission distance of Muscle Shoals.

SEC. 8. In order to place the Secretary of War upon a fair basis for making such contracts and for receiving bids for the sale of such current, he is hereby expressly authorized, either from appropriations made by Congress or from funds secured from the sale of such current, to construct, lease, or authorize the construction of transmission lines within transmission distance in any direction from said Dam No. 2 and said steam plant: *Provided*, That if any State, county, municipality, or other public or cooperative organization of citizens or farmers, not organized or doing business for profit, but for the purpose of supplying electricity to its own citizens or members, or any two or more of such municipalities or organizations, shall construct or agree to construct a transmission line to Muscle Shoals, the Secretary of War is hereby authorized and directed to contract with such State, county, municipality, or other organization, or two or more of them, for the sale of electricity for a term not exceeding 15 years, and in any such case the Secretary of War shall give to such State, county, municipality, or other organization ample time to fully comply with any local law now in existence or hereafter enacted providing for the necessary legal authority for such State, county, municipality, or other organization to contract with the Secretary of War for such electricity: *And provided further*, That any surplus power not so sold as above provided to States, counties, municipalities, or other said organizations, before the Secretary of War shall sell the same to any person or corporation engaged in the distribution and resale of electricity for profit, he shall require said person or corporation to agree that any resale of such electric power by said person or corporation shall be sold to the ultimate consumer of such electric power at a price that shall not exceed an amount fixed as reasonable, just, and fair by the Federal Power Commission; and in case of any such sale if an amount is charged the ultimate consumer which is in excess of the price so deemed to be just, reasonable, and fair by the Federal Power Commission, the contract for such sale between the Secretary of War and such distributor of electricity shall be declared null and void and the same shall be canceled by the Secretary of War.

SEC. 9. The money received by the Secretary of War for the sale of such current, after deducting the cost of operation, maintenance, depreciation, and the cost of constructing transmission lines, if any, shall be paid into the Treasury of the United States, and the same shall be segregated and set aside as a special fund for developing, manufacturing, and introducing improved fertilizers and fertilizer practices for the purpose of reducing the cost and increasing the efficiency and use of fertilizers on American soils.

SEC. 10. Both the Secretary of War and the Secretary of Agriculture shall report in detail to Congress, on the first Monday in December of each year, their operations under this joint resolution.

SEC. 11. In order that the Secretary of Agriculture may not be delayed in carrying out the program authorized herein the sum of $10,000,000 is hereby authorized to be appropriated for that purpose from the Treasury of the United States.

SEC. 12. The Government of the United States hereby reserves the right, in case of war, to take possession of all or any part of the property described or referred to in this act for the purpose of manufacturing explosives or for other war purposes; but, if this option is exercised by the Government, it shall pay the reasonable and fair damages that may be suffered by any party whose contract for the purchase of current is thereby violated.

Mr. BYRNS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BYRNS. As I understand it, the substitute will not be considered section by section?

The CHAIRMAN. No; the House refused unanimous-consent request of the gentleman from New York, and this is one amendment.

Mr. ABERNETHY. Assuming there are Members of the House who would like to vote for the Senate bill known as the Norris bill; how can that be accomplished?

The CHAIRMAN. The Clerk will report the committee amendment, and if that is voted down, then the question comes up on the Senate bill.

Mr. LINTHICUM. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. Have we a right to amend the different sections of the committee amendment?

The CHAIRMAN. Does the gentleman desire to offer an amendment to the Senate bill?

Mr. LINTHICUM. No; to the committee amendment.

The CHAIRMAN. The gentleman can offer amendments to the committee amendment after it has been reported to the House.

Mr. CRISP. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRISP. Is not this the parliamentary situation? The original Senate bill was read under the five-minute rule and would have been open for perfecting amendments to any section. None have been offered. Now the House committee substitute it to be read through in its entirety and then it is open, any part of it, to perfecting amendments? When that has been perfected a motion will come to substitute the House committee amendment for the original Senate bill. If the committee does substitute the House amendment for the original text of the Senate bill, that displaces the Senate bill. Those who prefer the original Senate bill will vote down the substitute and that leaves the original Senate text before the committee for its consideration.

The CHAIRMAN. Yes; if the committee amendment is voted down, then the question will arise on the Senate bill.

The Clerk read the committee amendment, as follows:

Strike out all after the resolving clause and insert:

"ORGANIZATION OF CORPORATION

"That for the purpose of maintaining and operating the properties now owned by the United States in the vicinity of Muscle Shoals, Ala., in the interest of the national defense and for agricultural and industrial development, and to aid navigation and the control of destructive flood waters in the Tennessee River and Mississippi River Basins, there is hereby created a body corporate by the name of the 'Muscle Shoals Corporation of the United States' (hereinafter referred to as the corporation). The board of directors first appointed shall be deemed the incorporators, and the incorporation shall be held to have been effected from the date of the first meeting of the board. This act may be cited as the 'Muscle Shoals act of 1928.'

"BOARD OF DIRECTORS AND OFFICERS

"SEC. 2. (a) The board of directors of the corporation (hereinafter referred to as the board) shall be composed of five members, not more than three of whom shall be members of the same political party, to be appointed by the President, by and with the advice and consent of the Senate, and when at least three directors shall have been confirmed any one of such three or more shall call the first meeting of said board, and at such meeting the board shall organize by electing a chairman, vice chairman, and other officers, agents, and employees, and shall proceed to carry out the provisions of this act.

"(b) The terms of office of the members first taking office after the approval of this act shall expire as designated by the President at the time of nomination, one at the end of the first year, one at the end of the second year, one at the end of the third year, one at the end of the fourth year, and one at the end of the fifth year, after the date of approval of this act. A successor to a member of the board shall be appointed in the same manner as the original members and shall have a term of office expiring five years from the date of the expiration of the term for which his predecessor was appointed.

"(c) Any member appointed to fill a vacancy in the board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(d) Vacancies in the board so long as there shall be three members in office shall not impair the powers of the board to execute the functions of the corporation, and a majority of the members in office shall constitute a quorum for the transaction of the business of the board.

"(e) Each of the members of the board shall be a citizen of the United States, and shall receive compensation at the rate of $50 per day for each day that he shall be actually engaged in the performance of the duties vested in the board, to be paid by the corporation as current expenses, not to exceed, however, 150 days for the first year after the date of the approval of this act, and not to exceed 100 days in any year thereafter. Members of the board shall be reimbursed by the corporation for actual expenses (including traveling and subsistence expenses) incurred by them while in the performance of the duties vested in the board by this act.

"(f) No director shall have any financial interest in any public-utility corporation engaged in the business of distributing and selling power to the public nor in any corporation engaged in the manufacture, mixing, selling, or distribution of commercial fertilizers, or any ingredients thereof, nor shall any member have any interest in any business that may be adversely affected by the success of the Muscle Shoals project as a producer of concentrated fertilizers.

"(g) The board shall direct the exercise of all the powers of the corporation.

"(h) All members of the board shall be persons that profess a belief in the feasibility and wisdom, having in view the national defense and the encouragement of interstate commerce, of producing fertilizers under this act of such kinds and at such prices as to induce the reasonable expectation that the farmers will buy said fertilizers, and that by reason thereof the corporation may be a self-sustaining and continuing success.

"ADMINISTRATION

"SEC. 3. (a) The chief executive officer of the corporation shall be a general manager, who shall be responsible to the board for the efficient conduct of the business of the corporation. The board shall appoint the general manager, and shall select a man for such appointment who has demonstrated his capacity as a business executive. The general manager shall be appointed to hold office for 10 years, but he may be removed by the board for cause, and his term of office shall end upon repeal of this act, or by amendment thereof expressly providing for the termination of his office. Should the office of general manager become vacant for any reason, the board shall appoint his successor as herein provided.

"(b) The general manager shall appoint, with the advice and consent of the board, two assistant managers who shall be responsible to him, and through him, to the board. One of the assistant managers shall be a man possessed of knowledge, training, and experience to render him competent and expert in the production of fertilizer. The other assistant manager shall be a man trained and experienced in the field of production and distribution of hydroelectric power. The general manager may at any time, for cause, remove any assistant manager, and appoint his successor as above provided. He shall immediately thereafter make a report of such action to the board, giving in detail the reason therefor. He shall employ, with the approval of the board, all other agents, clerks, attorneys, employees, and laborers.

"(c) The combined salaries of the general manager and the assistant managers shall not exceed the sum of $50,000 per annum, to be apportioned and fixed by the board.

"CAPITAL STOCK

"SEC. 4. The authorized capital stock of the corporation shall be $10,000,000, which is hereby subscribed by the United States and shall be paid in as the same shall be made available by law, upon the draft of the corporation upon the Secretary of the Treasury in amounts of $100,000 or multiples thereof, and as the same shall be paid in shall be charged upon the books of the corporation as paid-in capital stock.

"GENERAL POWERS

"SEC. 5. Except as otherwise specifically provided in this act, the corporation—

"(a) Shall have succession in its corporate name.

"(b) May sue and be sued in its corporate name.

"(c) May adopt and use a corporate seal, which shall be judicially noticed.

"(d) May make contracts, but only as herein authorized.

"(e) May adopt, amend, and repeal by-laws.

"(f) May purchase or lease and hold such personal property as it deems necessary or convenient in the transaction of its business, and may dispose of any such personal property held by it.

"(g) May fix the compensation of such officers, employees, attorneys, and agents as are necessary for the transaction of its business, define generally their duties, require bonds of them and fix the penalties thereof, and dismiss at pleasure any such officer, employee, attorney, or agent, and provide a system of organization to fix responsibility and promote efficiency.

"(h) The board shall require that the general manager and the two assistant managers, the secretary and the treasurer, the bookkeeper or bookkeepers, and such other administrative and executive officers as the board may see fit to include, shall execute and file before entering upon their several offices good and sufficient surety bonds, in such amount and with such surety as the board shall approve.

"(i) Shall have all such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the corporation, including the right to exercise the power of eminent domain.

"SPECIAL POWERS

"SEC. 6. The corporation is authorized and directed—

"(a) To hold, maintain, operate, and develop to the fullest extent all the properties hereby transferred to it for the purpose of producing and selling nitrogen and nitrogen products for agricultural and military uses, and for the purpose of selling any surplus electric power as hereinafter specified, and to construct, maintain, and operate such additional plants and facilities upon such properties now owned by the United States at or near Muscle Shoals, Ala., as it considers necessary for such production and sale.

"(b) To manufacture, distribute, and sell fertilizers, and/or any essential ingredient thereof, and/or any by-products of such manufacture.

"(c) Upon the requisition of the Secretary of War or the Secretary of the Navy to manufacture for and sell at cost to the United States explosives and/or their nitrogenous content.

"(d) Upon the requisition of the Secretary of War the corporation shall allot and deliver without charge to the War Department so much power as shall be necessary in the judgment of said department for use in operation of all locks, lifts, and/or other facilities in aid of navigation.

"(e) To produce, distribute, and sell electric power, as herein particularly specified.

"(f) To establish, maintain, and operate laboratories and experimental plants, and to undertake experiments for the purpose of enabling the corporation to furnish nitrogen products for military and agricultural purposes in the most economical manner and at the highest standard of efficiency.

"(g) The board shall have power to request the assistance and advice of any officer, agent, or employee of any executive department or of any independent office of the United States, to enable the corporation the better to carry out its powers successfully, and the President shall, if in his opinion the public interest, service, and economy so require, direct that such assistance, advice, and service be rendered to the corporation, and any individual that may be by the President directed to render such assistance, advice, and service shall be thereafter subject to the orders, rules, and regulations of the board and of the general manager.

"POLICY AS TO DISTRIBUTION AND SALE OF SURPLUS POWER

"SEC. 7. (a) It is hereby declared to be the policy of the Government to utilize the Muscle Shoals properties for fertilizer purposes in time of peace, and no electric power shall be considered surplus so long as it can be profitably used in the manufacture of fertilizer.

"(b) Surplus electric power sold by the corporation to the consuming public shall be sold to States, counties, municipalities, corporations, partnerships, or individuals at the best prices obtainable having in view the fair and equitable distribution of the power. The corporation shall have the authority to acquire, by construction or otherwise, transmission lines for the distribution of its power, or may sell power at the plant to those who have or will provide facilities for its distribution.

"(c) The board shall operate the steam plants so that power derived from said steam plants may be used in connection with hydroelectric power produced at any dam or dams under the possession and control of the corporation, so that the secondary power from the variable and fluctuating volume of water in the river may be converted into prime or firm power.

"POLICY AS TO FERTILIZERS

"SEC. 8. (a) It is hereby declared to be the policy of the Government to distribute the fertilizer manufactured at Muscle Shoals equitably among the States, Territories, and possessions of the United States.

"(b) The selling price of fertilizers and nitrogen products produced and sold by the corporation shall be fixed from time to time by the board. Sales through intermediaries shall be under contracts through which the maximum prices to the ultimate consumer shall be stipulated. The basis for the determination of the prices to be charged by the corporation shall be all charges properly attributable to the production, marketing, and distribution of the particular product, including interest at the rate of 4 per cent per annum, but only on money hereafter paid in as capital stock and then interest only after the first five-year period.

"(c) It shall be the purpose of the corporation to provide plant food in abundance for agriculture and to users of commercial fertilizer at as reasonably low cost as possible, and net profits derived from the sale of surplus electric power as provided by this act shall be used toward that end for the first five years of the life of the corporation. No nitrogen products of the corporation shall be sold for use outside of the United States, her Territories and possessions, except to the United States Government for the use of its Army and Navy or to its allies in case of war.

"(d) The board shall sell the fertilizers, or the fertilizer ingredients, produced under the authority of this act for the first five years of operation at actual cost, and all sales shall be for cash in advance free on board the cars at Muscle Shoals. Preference shall be given in sales, distribution, and shipments to the purchases by farmers, groups of farmers, and farm organizations for the use of members, then to States and State agencies for resale to farmers, and the demands of these two groups having been satisfied, to private manufacturers, mixers, and merchants of fertilizers.

"After the first five years of operation under this act, then the board shall manufacture and sell fertilizers at cost plus 4 per cent additional, and all profits arising by reason of said addition and, for the second

five-year period of operation under this act, one-half of the net profits from the sale of electric power may be paid into the Treasury of the United States and covered into the general funds, but the same shall be ear-marked as Muscle Shoals receipts. After the expiration of the first 10 years of operation under this act all of the net profits from the sale of electric power shall be paid into the Treasury of the United States and covered into the general funds, but the same shall be ear-marked as Muscle Shoals receipts.

"(e) The board shall commence the manufacture of concentrated fertilizers at Muscle Shoals by the employment of existing facilities, using the cyanamide process by modernizing the existing plant, but shall have power to employ also any other process or processes that in its judgment shall appear wise and profitable for the fixation of atmospheric nitrogen, and shall construct and operate a plant or plants at Muscle Shoals for the production of phosphoric acid and/or of potash to be combined with nitrates and nitrogenous products in the manufacture of a complete fertilizer.

"(f) For the first five-year period of the operation under the authority of this act, the board may donate not exceeding 5 per cent of the total product of the plant or plants operated by it to be fairly and equitably distributed through the agency of county demonstration agents, agricultural colleges, or otherwise as the board may direct for experimentation, education, and introduction of the use of said fertilizers in cooperation with practical farmers so as to obtain information as to the value, effect, and best methods of use of said fertilizers. If at the end of any fiscal year during the first five-year period there shall be on hand, unsold, more than 25 per cent of the product of the plant or plants operating by authority of this act, then the board shall have power, if unanimously approved by all of the members of the board in writing, to donate an additional 10 per cent of the total annual product of said plant or plants from such unsold surplus to be fairly and equitably distributed through the agency of county demonstration agents, agricultural colleges, or otherwise as the board may direct.

"(g) The board shall have the power and authority to buy one or more ingredients of commercial fertilizers and to mix the same with any other ingredient or ingredients manufactured by the corporation.

"PROPERTY

"SEC. 9. In order to enable the corporation to exercise the powers vested in it by this act—

"(a) The exclusive use, possession, and control of the United States nitrate plant Nos. 1 and 2, located, respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with all real estate and buildings connected therewith, all tools and machinery, equipment, accessories, and materials belonging thereto, and all laboratories and plants used as auxiliaries thereto; the fixed-nitrogen research laboratory, the Waco limestone quarry, in Alabama, and dam No. 2, located at Muscle Shoals, its power house, and all hydroelectric and operating appurtenances (except the locks), and all machinery, lands, and buildings in connection therewith, and all appurtenances thereof are hereby intrusted to the corporation for the purposes of this act.

"(b) The President of the United States is authorized to provide for the transfer to the corporation of the use, possession, and control of such other real and/or personal property of the United States as he may from time to time deem necessary and proper for the purposes of the corporation as herein stated.

"PRINCIPAL OFFICE AND VENUE

"SEC. 10. (a) The corporation shall maintain its principal office in the immediate vicinity of Muscle Shoals, Ala. The corporation shall be held to be an inhabitant and resident of the northern judicial district of Alabama within the meaning of the laws of the United States relating to venue of civil suits.

"(b) The corporation shall at all times maintain complete and accurate books of accounts.

"REPORTS AND AUDITS

"SEC. 11. (a) The board shall file with the President and with the Congress, in December of each year, a financial statement and a complete report as to the business of the corporation covering the preceding fiscal year. This report shall include the total number of employees and the names, salaries, and duties of those receiving compensation at the rate of more than $2,500 a year.

"(b) The board shall require a careful and scrutinizing audit and accounting by a reputable firm of certified public accountants during each governmental fiscal year of operation under this act, and said audit shall be open to inspection to the public at all times and copies thereof shall be filed in the principal office of the Muscle Shoals corporation at Muscle Shoals in the State of Alabama. Once during each fiscal year the President of the United States shall have power, and it shall be his duty, upon the written request of at least two members of the board, to appoint a firm of certified public accountants of his own choice and selection which shall have free and open access to all books, accounts, plants, warehouses, offices, and all other places, and records, belonging to or under the control of or used by the corporation in connection with the business authorized by this act. And the expenses of such audit so directed by the President shall be paid by the board and charged as part of the operating expenses of the corporation.

"USE OF PROPERTY DURING WAR

"SEC. 12. The Government of the United States hereby reserves the right, in case of war, or national emergency declared by Congress, to take possession of all or any part of the property described or referred to in this act for the purpose of manufacturing explosives or for other war purposes; but if this right is exercised by the Government it shall pay the reasonable and fair damages that may be suffered by any party whose contract for the purchase of electric power or fertilizers or fertilizer ingredients is thereby violated.

"EQUITABLE DISTRIBUTION OF POWER

"SEC. 13. The board is hereby empowered and authorized to sell the surplus electric power not used in fertilizer or munitions operations and not used for operation of any locks at the dams or any hydraulic lift and other navigation works to States, counties, municipalities, corporations, partnerships, or individuals, and to carry out said authority the board is authorized to enter into contracts for such sale for a term not exceeding 10 years.

"SEC. 14. It is hereby declared to be the policy of the Government to distribute the surplus electric power generated at Muscle Shoals equitably among the States within transmission distance of Muscle Shoals.

"SEC. 15. In order to place the corporation upon a fair basis for making such contracts and for receiving bids for the sale of such electric power, it is hereby expressly authorized, from appropriations made by Congress to construct, lease, or authorize the construction of transmission lines within transmission distance in any direction from said Dam No. 2 and said steam plant: *Provided*, That if any State, county, municipality, or other public or cooperative organizations whether incorporated or unincorporated, not organized or doing business for profit but for the purpose of supplying electricity to its own citizens or members, or any two or more of such municipalities or organizations, shall construct or agree to construct a transmission line to Muscle Shoals, the corporation is hereby authorized to contract with such State, county, municipality, or other organization, or two or more of them, for the sale of electricity for a term not exceeding 15 years; and in any such case the board shall give to such State, county, municipality, or other organization ample time to fully comply with any local law now in existence or hereafter enacted providing for the necessary legal authority for such State, county, municipality, or other organizations to contract with the board for such electric power.

"ADDITIONAL UNITS TO STEAM PLANT AND DAM

"SEC. 16. When the board shall deem it advisable and profitable, it shall, from funds that may be appropriated for carrying out such purpose, complete the steam-power plant at nitrate plant No. 2 by adding other power units and install in Dam No. 2 the additional generating machinery so that the operation of the steam plant when the water in the river is low may be combined with the power generated at Dam No. 2 when the water is high so as to produce the maximum of primary power.

"COVE CREEK DAM

"SEC. 17. The Secretary of War is hereby authorized, with appropriations hereafter to be made available by the Congress, to construct, either directly or by contract to the lowest responsible bidder, after due advertisement, a dam in and across Clinch River in the State of Tennessee, which has by long usage become known and designated as the Cove Creek Dam, according to the latest and most approved designs of the Chief of Engineers, including its power house and hydroelectric installations and equipment for the generation of at least 200,000 horsepower, in order that the waters of the said Clinch River may be impounded and stored above said dam for the purpose of equalizing and regulating the flow of the Clinch River and the Tennessee River below, so that an increased amount of primary power may be developed at Dam No. 2 and at any and all other dams below the said Cove Creek Dam. The Federal Power Commisison is hereby authorized, directed, and required to compel contribution by any person, firm, or corporation that it may hereafter permit, authorize, and empower to build a dam or dams in the said Clinch River and in the Tennessee River below the said reservoir and impounding dam herein called Cove Creek Dam in accordance with the provisions of the Federal water power act [(June 10, 1920, Stats. 1077, ch. 285, sec. 41) and U. S. C., title 16, ch. 12].

"SEC. 18. In order to enable and empower the Secretary of War to carry out the authority hereby conferred, in the most economical and efficient manner, he is hereby authorized and empowered in the exercise of the powers of national defense in aid of navigation, and in the control of the flood waters of the Tennessee and Mississippi Rivers, constituting channels of interstate commerce, to exercise the right of eminent domain and to condemn all lands, easements, rights of way, and other area necessary in order to obtain a site for said Cove Creek Dam, and the flowage rights for the reservoir of water above said dam and to negotiate and conclude contracts with States, counties, municipalities, and all State agencies and with railroads, railroad corporations, common carriers, and all public utility commissions and any other person, firm, or corporation, for the relocation of railroad tracks, highways, highway bridges, mills, ferries, electric-light plants, and any and all other properties, enterprises, and projects

whose removal may be necessary in order to carry out the provisions of this act. When said Cove Creek Dam and transportation facilities and power house shall have been completed, the possession, use, and control thereof shall be intrusted to the corporation for use and operation in connection with the general Muscle Shoals project and to promote flood control and navigation in the Tennessee River, and in the Clinch River.

"PATENT RIGHTS

"SEC. 19. The corporation as an instrumentality and agency of the Government of the United States for the purpose of executing its constitutional powers, shall have access to the Patent Office of the United States for the purpose of studying, ascertaining, and copying all methods, formulæ, and scientific information (not including access pending applications for patents) necessary to enable the corporation to use and employ the most efficacious and economical process for the production of commercial fertilizers, or any essential ingredient thereof, and any patentee whose patent rights may have been thus in any way copied, used, or employed, by the exercise of this authority by the corporation, shall have as the exclusive remedy a cause of action for any damages claimed to be instituted and prosecuted against the United States in the Court of Claims for the recovery of reasonable compensation, in accordance with the provisions of the act of June 25, 1910, as amended by the act of July 1, 1918 (title 35, sec. 68, U. S. C.), recoverable on a royalty basis in proportion to the entire volume of commercial fertilizers or essential ingredients manufactured by the corporation by the use and employment of such patent rights, and if said patent rights shall have contributed in a fractional part to the production of the entire volume, said compensation shall be proportionately allowed, and it shall be competent for the corporation to contract with any patentee in advance upon said basis, or to settle for any claim for such amount as to said corporation shall appear to be reasonable, fair, and just. The Commissioner of Patents shall furnish to the corporation, at its request and without payment of fees, copies of documents on file in his office.

"PENALTIES

"SEC. 20. (a) All general penal statutes relating to the larceny, embezzlement, conversion, or to the improper handling, retention, use, or disposal of public moneys or property of the United States, shall apply to the moneys and property of the corporation and to moneys and properties of the United States intrusted to the corporation.

"(b) Any person who, with intent to defraud the corporation, or to deceive any director or officer of the corporation or any officer or employee of the United States (1) makes any false entry in any book of the corporation, or (2) makes any false report or statement for the corporation, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

"(c) Any person who shall receive any compensation, rebate, or reward, or shall enter into any conspiracy, collusion, or agreement, express or implied, with intent to defraud the corporation or to defeat its purposes, shall, on conviction thereof, be fined not more than $25,000 or imprisoned not more than 15 years, or both.

"MISCELLANEOUS PROVISIONS

"SEC. 21. That all appropriations necessary to carry out the provisions of this act are hereby authorized.

"SEC. 22. That all acts or parts of acts in conflict herewith are hereby repealed.

"SEC. 23. That this act shall take effect immediately.

"SEC. 24. The right to alter, amend, or repeal this act is hereby expressly declared and reserved."

Mr. SNELL. Mr. Chairman, I offer the following substitute for the committee amendment which I send to the desk.

The CHAIRMAN. The gentleman from New York offers a substitute for the committee amendment, which the Clerk will report:

The Clerk read as follows:

Mr. SNELL offers as a substitute for the committee amendment the following:

"That it is hereby declared to be the policy of the Congress in regard to the properties at Muscle Shoals Ala.—

"(1) To utilize the power facilities of such properties so as to produce the highest practicable annual revenue to the United States.

"(2) To use said annual revenues, or such part thereof as may be considered desirable, for the development of methods of nitrogen fixation in the interest of national defense and for the production and distribution of concentrated fertilizers and the promotion of their use.

"SEC. 2. The President, acting through the Secretary of War and the Chief of Engineers, is hereby authorized to enter into a contract or contracts for the sale of power from Dam No. 2 and from the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals, Ala., in accordance with the policies outlined above and under the conditions set forth in the following sections for a period not exceeding five years.

"SEC. 3. The facilities and equipment used for the generation and delivery of such power shall be operated and maintained under the direction of the Secretary of War and the supervision of the Chief of Engineers, the cost of such operation and maintenance to be paid from revenues derived from the sale of power.

"SEC. 4. Contract or contracts may be entered into for the sale of firm primary power to the prime capacity of the two plants above mentioned except for a continuous output of 15,000 kilowatts, which shall be reserved for the Secretary of Agriculture for the manufacture of fertilizer under the conditions set forth hereafter. If at any time the Secretary of Agriculture determines that all or part of the primary power so reserved is no longer required, such power may be sold under the same conditions as those applying to the sale of other primary power. Contracts may be entered into for the sale of secondary power in such amounts as may be available, including the power reserved for the Secretary of Agriculture but not used.

"SEC. 5. Power shall be metered at the generated voltage and shall be delivered at that voltage or at 110,000 or 154,000 volts at the option of the contractor. Delivery shall be made at the switch yard of one of the generating plants. Right of way over Government-owned property for the construction of lines for the transmission of power purchased under contract shall be granted free of charge during the term of such contract. The location of such transmission lines shall be designated by the Secretary of War, upon the recommendation of the Chief of Engineers. In order that the President may be in a position to consider all bids for the sale of power, authority is hereby expressly granted for the construction or lease of transmission lines in any direction from said dam and steam plant either from appropriations made by Congress or from funds secured from the sale of power.

"SEC. 6. The rates to be charged for power shall be such as to produce the largest reasonable net return on the money invested in the power properties which shall be considered as $49,000,000 for the plants with their existing capacities, to wit, $37,000,000 of Dam No. 2 and $12,000,000 for the steam plant. For the purpose of computing the net return the power reserved for use by the Secretary of Agriculture shall be considered to have a value equal to the average contract price for other primary power.

"SEC. 7. Contractors purchasing power under this act shall guarantee to the satisfaction of the Secretary of War to pay each year for the entire amount of primary power contracted for whether used or not, and the daily, weekly, monthly, and yearly load factors as agreed upon and set forth in the contracts shall be maintained so that the power during the low flow periods may be equitably distributed among the various contractors.

"SEC. 8. If the President shall deem it advisable and profitable, he is authorized at his discretion to direct the Secretary of War to complete or enlarge the steam plant at nitrate plant No. 2 by adding other power units and to install at Dam No. 2 any or all of the additional generating units contemplated by the original design. Any funds heretofore or hereafter appropriated for work in connection with the purposes of this act, or funds derived from the sale of power, may be applied to such additional installation.

"SEC. 9. The President, through the Secretary of Agriculture, is hereby authorized, within the limits of appropriations made by Congress, to construct, maintain, and operate, on the site of nitrate plant No. 1, an experimental and/or production plant or plants for the development of methods of nitrogen fixation and for the manufacture of fertilizer or fertilizer products in such quantities as he may deem advisable. For this purpose nitrate plant No. 1, including the steam power plant and all buildings, equipment, and dwellings in connection therewith, which he may desire, shall be transferred to the Secretary of Agriculture, who is hereby authorized to make such alterations, repairs, and additions as may be necessary to carry out the provisions of this act, subject to the proviso contained in section 12.

"SEC. 10. Subject to the instructions of the President, the Secretary of Agriculture is hereby authorized and directed to commence the manufacture of cyanamide by the use of one unit of nitrate plant No. 2 as soon as practicable, and to construct and operate such facilities as may be necessary to demonstrate the adaptability of this method of nitrogen fixation for fertilizer purposes. This plant shall be operated at the capacity of one unit for a period sufficient to determine whether or not fertilizer can be manufactured by this process at a cost favorably comparable with other processes, and whether a market can be established for its use. If the cyanamide process proves to be successful, and production costs are no higher than those for other forms of fertilizers, the President, at his discretion, and as the market demands, may direct the Secretary of Agriculture to increase the production from nitrate plant No. 2 to the full capacity of such plant or any suitable fraction thereof.

"SEC. 11. The Secretary of Agriculture is hereby authorized to dispose of the fertilizer or fertilizer products manufactured at any of the plants hereinbefore mentioned. During the term of experimental operation the price of such products shall, if practicable, be so regulated so as to afford a return covering the cost of production, including a reasonable rate of interest on the investment in plant and equipment, but in any event such as to insure their prompt disposal and use. Accurate records shall be kept so that the actual cost of producing fertilizer commercially under the methods followed may be determined

at the conclusion of experimental operation. If production be continued as provided for in this act, the product shall be sold at rates sufficient to cover the entire cost of production, including interest at 4 per cent on the fair value to the facilities used.

"SEC. 12. Facilities and equipment at nitrate plant No. 1 or nitrate plant No. 2 not required by the Secretary of Agriculture in carrying out the provisions of this act may be disposed of by the Secretary of War, with the approval of the President, by the sale or lease or both: *Provided*, That the plants for producing nitric acid from ammonia and for combining nitric acid and ammonia for the production of ammonium nitrate shall, in the interests of national defense, be kept intact and shall be maintained in efficient operating condition by the Secretary of Agriculture until such time as the Secretary of War shall certify that they are no longer needed for the production of munitions of war.

"SEC. 13. Revenue received from the sale of power and from the sale of fertilizer under this act, over and above the cost of operation, maintenance, and new construction herein authorized, and funds derived from the disposal of facilities, as provided for in section 12, shall be deposited in the Treasury of the United States.

"SEC. 14. All contracts or other agreements made under the provisions of this act shall be made subject to termination in the event of emergency, when in the opinion of the President national welfare or safety requires."

Mr. GARRETT of Tennessee. Mr. Chairman, I offer the following perfecting amendment to the committee amendment, which I send to the desk.

The CHAIRMAN. The gentleman from Tennessee offers a perfecting amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 8, line 20, after the figures "1928," insert: "And the corporation herein created shall be subject to all the laws of the States in which it operates in the same manner and to the same extent as would a private corporation engaged in such enterprises, and when the Cove Creek Dam and power plant hereinafter provided for shall have been constructed by the United States Government the laws of the State of Tennessee and the regulations of the constituted authorities of Tennessee shall apply in full force and effect to the sale, lease, distribution, or other disposition of the power produced and the water released for power-developing purposes at all down-stream plants or projects, to the imposition of taxes and tolls on all the properties, and to the regulation and control of all rates and charges: *Provided*, That the provisions of this section shall not apply to navigation locks nor the operations concerned therewith."

Mr. McSWAIN. Mr. Chairman, I make the point of order to the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Upon what ground?

Mr. McSWAIN. I am willing to reserve the point of order.

Mr. GARRETT of Tennessee. No; I suggest that the gentleman make the point of order.

Mr. McSWAIN. Mr. Chairman, I make the point of order that it is not germane in that there is nothing in the bill or in any section of the bill which undertakes in any way to confer any power of taxation upon any State authorities over Federal property, or any power to regulate Federal property by State authority. If a State has any such right, we can not destroy it by legislative act, and if it has not any such right, we can not confer it by legislative act. There is nothing in the resolution that in any way has any reference to the power of the State or of any State in the Federal Union, over the exercise of any Federal activities. For the purposes of this motion we must assume that we are exercising a Federal power, and only a Federal power, in the interest of national defense. The war power has existed always, in peace and in war; we are also exercising the right conferred by the Constitution to control interstate commerce, from which the right to regulate navigation and flood control is derived. That being so, Mr. Chairman, an effort on the part of any Member of the House to restrict or limit the Federal power by conferring upon the State the exercise of the power of taxation, would be in the very teeth of the fundamental principle of our dual system of Government, which rests on the proposition that the power to tax or regulate involves the power to destroy.

If we can tax Cove Creek Dam, then the State of Alabama can tax Muscle Shoals property; and if the State of Alabama can tax the Wilson Dam and the nitrate plants at Muscle Shoals, then the State of Alabama can tax every Federal courthouse and every Federal post office within that State. Various other States of the Nation can tax every navy yard and every arsenal; can tax every Federal project that is established for the exercise of Federal power, if that be so.

Mr. BYRNS. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. BYRNS. This committee amendment creates a corporation to carry out the purposes of the act. It also provides for the construction of a dam at Cove Creek. Is it not within the province of Congress, and is not it perfectly germane to the purposes of the bill, to the very letter of the bill, to prescribe the conditions and circumstances under which Cove Creek Dam shall be built, and the limitations on the Federal Government after the dam shall have been built? In other words, the amendment offered by the gentleman from Tennessee [Mr. GARRETT] simply provides the conditions under which the dam is to be built. I can not see that it is not germane, as the gentleman argues.

Mr. McSWAIN. I think that I can show that it is not. There is nothing in the bill itself by implication or otherwise that in any way recognizes any right of any State.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. GARRETT of Tennessee. In other words, the contention of the gentleman from South Carolina is that when a committee of this House brings in a bill deliberately designed to take away from a State every right that it has, it is not in order to propose an amendment to preserve the rights of the State.

Mr. McSWAIN. I will answer the gentleman by saying that whenever a committee proposes the exercise of Federal power and Federal power only, it is not germane to the bill to say that the State in which that power is sought to be exercised shall have joint control over that Federal project.

How can two authorities control the Cove Creek Dam? Suppose the State of Tennessee says the water ought to go down the 1st of June, and the Federal Government says, "Oh, no; the water should go down on the 1st of May." It is proposed there to exercise joint control over the power of the Federal Government. I am as much in favor of State rights as anybody. I was raised in that school.

Mr. GARRETT of Tennessee. It is evident that the gentleman has not read the amendment. It does not propose a joint control. It proposes an exclusive State control after a certain period.

Mr. McSWAIN. Of course the gentleman will be recognized by the Chair on the point of order.

Mr. GARRETT of Tennessee. I hope the gentleman is not offended.

Mr. McSWAIN. No; I am not offended. I do not get offended by lots of things. The question is, "Shall the Federal Government permit a proposition by amendment here to divide the control with the State, because the power to tax is the power to destroy?" If the State of Tennessee can control the exercise of a Federal power, so can the State of Alabama and the State of Virginia and every other State.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. MONTAGUE. The gentleman speaks of exercising a Federal power. I understood the gentleman to speak a moment ago of the incompetency of the State of Tennessee to tax any property or activity that belonged to the Federal Government.

Mr. McSWAIN. Yes; under the Constitution.

Mr. MONTAGUE. If the Federal Government undertakes to do a private business and puts up a plant in the exercise of that undertaking, would the gentleman from South Carolina contend that this is the exercise of a Federal power?

Mr. McSWAIN. The gentleman from South Carolina would not. The gentleman from Virginia begs the question here. Here we are exercising three great Federal powers; the power of national defense, just as in the case of the navy yards; the power over interstate commerce, which is the basis of flood control, for without the interstate-commerce clause in the Constitution every proposition for flood control would fall; and we are further exercising the power to control and promote interstate commerce through our navigable rivers.

Now those are Federal powers, and the Supreme Court of the United States has held in a number of cases that the power incidentally generated under a navigation power project is the property of the United States Government. It is an absolute power that the Federal Government has, and that power, according to the proposition of the gentleman from Virginia, would apply to the power being generated at Muscle Shoals to-day, just as much as it does to a number of provisions enacted in time of war and in time of peace.

Mr. MONTAGUE. Suppose you exercised the power you have under the Constitution. You have auxiliary power, such as a steam plant and other things, to regulate and take care of the spasmodic power in the river. You have this private property in Teneessee and in Alabama. Is that beyond the range of the taxing power of those States?

Mr. McSWAIN. The Federal Government can establish a steam plant in connection with an arsenal or in connection with a navy yard. You can not limit the power of the Government in that respect. It has as much right to have a steam engine or a steam plant in Tennessee or in Alabama as it has to have one right here in Washington in the navy yard.

Mr. MONTAGUE. Of course, that is different from the exercise of power to manufacture fertilizers or to operate a private enterprise.

Mr. McSWAIN. The gentleman's inquiry goes to the merits of the question, and not to the legal question pending before the Chair as to the germaneness of the amendment.

Mr. GARRETT of Tennessee. Mr. Chairman, the gentleman from South Carolina is very ingenious in stating that the gentleman from Virginia [Mr. MONTAGUE] was talking to the merits while purporting to discuss the germaneness of the amendment.

The CHAIRMAN. The Chair is of the opinion that the amendment offered by the gentleman from Tennessee [Mr. GARRETT] is germane.

In section 17 of the bill, the Cove Creek Dam section, the Secretary of War is authorized to go ahead with certain developments there for the purposes set forth in the bill. The Garrett amendment refers to the corporation that is created in the bill and limits the right that the corporation will have in the State of Tennessee with reference to the dam. Section 18 of the bill goes on to say:

> In order to enable and empower the Secretary of War to carry out the authority hereby conferred in the most economical and efficient manner, he is hereby authorized and empowered in the exercise of the powers of national defense in aid of navigation and in the control of the flood waters of the Tennessee and Mississippi Rivers, constituting channels of interstate commerce, to exercise the right of eminent domain and to condemn all lands, easements, rights of way, and other area necessary in order to obtain a site for said Cove Creek Dam—

And so forth. In other words, the committee amendment to the Senate bill creates a corporation and confers certain rights and powers upon that corporation. It is the purpose and intent of the amendment proposed by the gentleman from Tennessee [Mr. GARRETT] to limit those rights and powers under certain conditions and circumstances. The Chair is of opinion that the amendment is germane and overrules the point of order.

Mr. GARRETT of Tennessee. Mr. Chairman, for the first time in all the history of the country it is deliberately proposed that the Federal Government shall go into business for business' sake. There is no use in our deceiving ourselves concerning this matter. This bill is not to promote navigation. No one would ever have dreamed of it as a navigation proposition. This bill is deliberately designed to put the Federal Government into two avenues of business, namely, the manufacture of fertilizer and the development and sale of power, and in order to do it the Committee on Military Affairs has deliberately determined to take from the State in which the greatest water-power possibilities exist the control over the water powers that are on the particular stream that this Cove Creek dam will affect.

It has deliberately done so. I can not understand why gentlemen who believe, or think they believe, in any sort of State rights—now, please, do not construe that word in the old-time terms—should not favor this amendment. The State of Tennessee, under all the decisions of the courts, owns in trust flowage rights on navigable, and particularly on nonnavigable streams, that may be possible of being made navigable. It is a property right in the State, held in trust for the people of the State. You are destroying them all in this bill—utterly destroying them.

Of course, we are all tired of Muscle Shoals. We have been hearing of it and worrying with it. It is a nightmare to me, and has been for years, and the danger is that because we are all so tired of it we are going to be swept away from the sound principles which this House ordinarily would observe and vote for anything in the world that is presented.

This amendment is designed to protect not only the rights of Tennessee, but, if my Alabama friends care to look at it and analyze it, the rights of Alabama.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five additional minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Tennessee [Mr. GARRETT] may proceed for five additional minutes. Is there objection?

There was no objection.

Mr. STEVENSON. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. STEVENSON. I want to ask the gentleman whether he has considered the proposition of attaching a proviso to his amendment to the effect that the properties used by this corporation, permission to tax which would be given by this amendment if it were adopted, should not be taxed in a discriminative way? In other words, that they should be only taxed on an equality with other like properties in the State. The gentleman has in mind, no doubt, the fact that an instrumentality of the Government, the national banks, could not be taxed until an act was passed permitting that, and we have had fight after fight to maintain the doctrine that while those corporations could be taxed by the States they should not be taxed at a greater rate than like property of other corporations.

Mr. GARRETT of Tennessee. My mind works slowly at times, but if the gentleman will examine the language of the amendment he will find it makes it purely subject to the laws of the State.

Mr. STEVENSON. I understand that. That was so as to the national banks, but it was provided that while the national banks, an instrumentality of the Government, should be subject to the general taxing laws of the States it was further provided that they could not tax them at a higher rate than they taxed competing capital.

Mr. DAVIS. Will my colleague yield?

Mr. GARRETT of Tennessee. Yes.

Mr. DAVIS. I want to suggest to the gentleman from South Carolina that the constitution of the State of Tennessee forbids anything except uniform taxation, and under our constitution they could not tax this corporation any differently or any more than any other hydroelectric power corporation in the State of Tennessee.

Mr. STEVENSON. But the gentleman will realize—and this is a question that might have a good deal to do with this law—that without this enabling act the State of Tennessee could not tax the property of this corporation because it is a Federal instrumentality, and Congress in giving the permission, as it has the right to do, to tax that property usually provides its own limitation.

Mr. GARRETT of Tennessee. If the gentleman will permit, I do not think Congress has the right to do what is provided in this bill but we are in this situation: We are here with a bill proposing to take everything away from us in the matter of natural resources. We are having to deal with it under the terms of the bill and we do not want to be remitted to the court. We do not wish to make any concessions concerning the rights of our State but we do not wish to be remitted to the courts to determine those rights. This language violates what we conceive to be our rights, and if the suggestion of the gentleman should be taken it would complicate our situation very much, or, at least I fear it would.

Mr. BROWNING. If the gentleman will permit, the amendment offered provides that:

> The corporation herein created shall be subject to all the laws of the States in which it operates in the same manner and to the same extent as would a private corporation engaged in such enterprises.

That is the beginning of it and I think that answers the gentleman.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. LaGUARDIA. Mr. Chairman, I rise in opposition to the amendment. This amendment is tantamount to a motion to strike out the enacting clause. If this amendment is carried, the project contemplated in the bill simply can not be carried out. Imagine submitting to the State regulatory power, as contemplated in the amendment offered by the gentleman from Tennessee, the Muscle Shoals plant and the development that is designed in the bill.

The gentleman from Tennessee says this is putting the Government into business, but this is not the first time the Government, by act of Congress, has been put into business.

We put the Government in business when we established the parcel post. Now, if it is sound, if it is proper to tax the property at Muscle Shoals, as contemplated in the amendment offered by the gentleman from Tennessee, then it is possible for any State to tax a warehouse or a mail wagon that is used exclusively for the carrying of parcel post.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. LaGUARDIA. In just a moment. If the taxing of the dam in Tennessee is proper, then the taxing of the Roosevelt Dam in Arizona is proper. It is a matter of policy, if you please, contrary and novel to anything that has ever been presented in reference to Federal activities.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. GARRETT of Tennessee. The gentleman surely distinguishes between the matter of sending packages by mail throughout the country or throughout the Nation and the control of physical properties lying within a State.

Mr. LAGUARDIA. All right then, how about the Shipping Board? How about the wharves and the docks and the warehouses and the repair shops of the Shipping Board? That is a Government corporation.

Mr. GARRETT of Tennessee. None of those ships float in Tennessee.

Mr. LAGUARDIA. And that is the only difference.

Mr. GARRETT of Tennessee. By no means. The gentleman, with all his keen and incisive intellect fails to distinguish between instrumentalities of foreign commerce sailing upon the seas and properties lying within the States. Let me say to the gentleman, and I have no doubt the gentleman is in entire accord with it although, of course, I may be wrong, all that is asked in this amendment I have proposed is what the authorities of the State of New York obtained by concession from the Federal Power Commission here. You have in the State of New York absolute control over every water-power facility of New York.

Mr. LAGUARDIA. The same as any other State.

Mr. GARRETT of Tennessee. Precisely; and all that is asked in this amendment is recognition of the same principle that was recognized by the Water Power Commission down here as a result of a conference.

Mr. LAGUARDIA. Let us assume—

Mr. GARRETT of Tennessee. I know the gentleman from New York believes—at least I suppose he believes—in the Government running everything?

Mr. LAGUARDIA. Not everything.

Mr. GARRETT of Tennessee. I do not believe in that.

Mr. LAGUARDIA. I know the gentleman does not, hence the gentleman's amendment.

Mr. GARRETT of Tennessee. So there is a very marked fundamental difference between us.

Mr. LAGUARDIA. Exactly; hence the gentleman's amendment.

Mr. GARRETT of Tennessee. But the gentleman is using in an effort to sustain his own position precedents that are not precedents at all.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. OLIVER of Alabama. Mr. Chairman, a fundamental question which underlies the consideration of this amendment should be called to your attention, and if there is a recognition of this fundamental right to which I refer in the Federal Government, then I do not understand that we would be doing violence at this time to any State by refusing to adopt the pending amendment.

You will recall that in 1916 we passed the national defense act. The gentleman from Tennessee [Mr. GARRETT] voted for that bill, as well as many other Members still here. In this bill Congress declared its purpose to establish at some place a plant that would provide nitrates for national defense in time of war and provided that in time of peace the plant so constructed for national defense should be used for the production of nitrates and other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products. We spent millions of dollars toward the establishment of such a plant at Muscle Shoals. I think we recognize its importance, and we are now seeking to put that plant in operation, and that there may be no misunderstanding as to the purpose of the Military Affairs Committee in this regard I invite your attention to the first section, where it is declared—

That for the purpose of maintaining and operating the properties now owned by the United States in the vicinity of Muscle Shoals, Ala., in the interest of the national defense and for agricultural and industrial development and to aid navigation and the control of destructive flood waters in the Tennessee River and Mississippi River Basins—

And so forth. Then on page 25 this language is found:

And for the purpose of equalizing and regulating the flow of the Clinch River and the Tennessee River below.

Then on page 26 these words appear:

In the exercise of the powers of national defense in aid of navigation and in the control of the flood waters of the Tennessee and Mississippi Rivers, constituting channels of interstate commerce, to exercise the right of eminent domain—

And so on.

I submit there can be no question but what this bill seeks to exercise a sovereign right of the National Government, and in selecting a site for the construction of a dam to improve navigation and to serve other governmental purposes herein declared, the Federal Government should not be required to assume the burdens imposed by the pending amendment.

If it should later appear that in the exercise of its powers this corporation is engaging in other than public business, it may be that Congress, by a general law, should and will define what contributions in the way of taxes and tolls the Federal Government shall make to the States wherein such business is carried on. You have done this in the District of Columbia and elsewhere, but you must do it by a law general in its application.

We in Alabama are willing that Congress shall deal with such questions under a general law applying to all States alike. Should you adopt this amendment, you would be subjecting the Federal Government to burdens such as the several States might see fit to impose—burdens assumed in one State might be very different from those assumed in another.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OLIVER of Alabama. May I have five minutes more?

The CHAIRMAN. The gentleman from Alabama asks for five minutes more. Is there objection?

There was no objection.

Mr. OLIVER of Alabama. You should not by an amendment like this impose on the Federal Government burdens not only in reference to taxes but also in reference to water tolls, such as the several States may determine. In the protection of Government rights you must pass a general law whereby you make its burdens and the contributions uniform.

We in Alabama are willing that the right of a State to tax or otherwise impose burdens and limitations on the exercise of Federal powers be fixed by a general law passed by Congress, and not left to the legislatures of 48 States.

Mr. LINTHICUM. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. LINTHICUM. Does the gentleman mean to say that the national defense act provided for the manufacture of fertilizer and nitrate?

Mr. OLIVER of Alabama. Has not the gentleman read it?

Mr. LINTHICUM. The manufacture of nitrates to be used in the production of fertilizer—did it undertake to authorize the Government to go into the fertilizer business?

Mr. OLIVER of Alabama. I think my friend was here when the national defense act was passed, and if he will refer to it he will find that so strong is the language that it required that the plant or plants authorized therein should be constructed and operated solely by the Government and not in conjunction with any industry carried on by private capital.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. OLIVER of Alabama. I yield.

Mr. DOUGLAS of Arizona. Did the War Department make any reference to the necessity for the development of nitrate as an act necessary for national defense?

Mr. OLIVER of Alabama. I am not prepared to say what the War Department may have done in that respect further than that I understand they were extremely anxious that our Government should be prepared to make nitrates. If you will read the statement of General Pershing, in which he called attention to the supreme needs of the Government for a plant to manufacture nitrates, you will not linger long in the field of doubt as to what should be the attitude of the War Department as to this development.

Mr. DOUGLAS of Arizona. Has the War Department ever made any recommendation as to the present manufacture of fertilizer as a necessity for national defense?

Mr. OLIVER of Alabama. I assume that was the declaration and policy of Congress, and Congress, long before the gentleman came, when the gentleman from Tennessee was cooperating with us, undertook to provide for the utilization of the Muscle Shoals plant in the manufacture of fertilizer for farmers. That has been the declared purpose of Congress since 1916. The War Department, I think, would be rather out of its sphere if it undertook to suggest what Congress should do for agriculture.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. OLIVER of Alabama. I yield.

Mr. GARRETT of Tennessee. The gentleman from Alabama will do me the justice to say that I never cooperated with the gentleman on any proposition which affected the sovereign rights of Tennessee touching the water power in Tennessee.

Mr. OLIVER of Alabama. I will say that the gentleman cooperated in constructing a plant just over the line from

Tennessee, and that the Governor of Tennessee and the Representatives from Tennessee cooperated in trying to put the plant to use for the same purposes that the Military Affairs Committee are seeking here to provide for, and neither the gentleman from Tennessee nor any member of the Alabama delegation undertook to ask that tax and toll rights be given the State of Alabama, such as this amendment seeks to give to Tennessee. When the question of the location of this plant was being considered there was a strong effort to locate it in Tennessee, and there was no insistence then that burdens should be imposed on the Federal Government such as the pending amendment seeks to impose now.

The declared purpose of the national defense act served notice on all when the site was selected that the plant would be used to manufacture nitrates in time of war and fertilizer in time of peace. [Applause.]

The CHAIRMAN. The time of the gentleman has expired, and the question is on the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were 46 ayes and 125 noes.

So the amendment was rejected.

Mr. HOCH. Mr. Chairman, I offer the following perfecting amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. HOCH: Page 16, line 12, after the word "power" strike out the period, insert a semicolon and add the following: "*Provided*, That in any contract of sale of power by the corporation, the purchaser from the corporation shall agree that any resale of such power to the ultimate consumer shall be at a price that is reasonable, just, and fair, as determined by the Federal Power Commission."

Mr. HOCH. Mr. Chairman, neither the committee bill nor the substitute proposed by the gentleman from New York [Mr. SNELL], if I read them correctly, provides for any regulation of rates as far as the ultimate consumer is concerned. Gentlemen who were here at the time we considered the Ford proposal recall that one of the principal objections to that proposal was that it lodged in no one regulation of the power rates. I think it is very doubtful whether control over rates, if we say nothing about regulation in the bill, could be exercised by the State commissions. It would be contended that since this is a Federal corporation engaged in interstate commerce the State commissions would have no power over the regulation of rates. Certainly there should be somewhere in the bill clear provision for the protection of the ultimate consumer, and even if the State commissions were held to have the power to regulate rates, do we desire to put into the hands of the service commission of Alabama, for instance, the regulation of rates on power developed and sold by this Federal corporation? I do not think we should do that.

Mr. CLARKE. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. CLARKE. Does the gentleman not think that it would be just as fair for the Government, if it is going to regulate the rates for the sale of electricity, to also regulate the rates at which the fertilizer manufactured by the Government should be sold to the ultimate consumer, the farmer?

Mr. HOCH. I do not want to be diverted from the proposition I am discussing.

Mr. CLARKE. That is not a diversion. It is a fair question for the farmer to ask, is it not?

Mr. HOCH. When we get to that proposition, if the gentleman has a provision to that effect, I shall be glad to consider it. But I want to discuss for a moment or two the one proposition before us. This bill provides for the sale of power at the plant, or over transmission lines which the corporation may build, but there is nothing in the bill, if I read it correctly, which provides that the purchaser of that power from the corporation shall be subjected to any sort of regulation of the rate when he comes to sell the power to the ultimate or private consumer.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. HUDSON. Suppose the gentleman's amendment was adopted and the Federal commission established a rate. Within each State there is a public utility commission that establishes the rate on which the current is sold on plants within the State. The Federal Power Commission might establish a rate that undersells and cuts under every institution within the State.

Mr. HOCH. I think if the Federal Government creates a corporation and sells power, if it is done in the discharge of a Federal function, then the Federal Government should control the rate at which the power is sold to the consumer.

Mr. HUDSON. Under those conditions they could undersell the companies within the States who operate under a ruling of the State utility commissions.

Mr. HOCH. Of course, any exercise of this power would be subject to review by the courts, as to whether there was any confiscation or anything of that sort, but certainly the gentleman does not want this power to be sold without any regulation either by the Federal or a State commission of the rate at which it is sold. I have talked this over with several members of the committee, and I trust the committee will be willing to accept the amendment in order that we may assure the public that there will be a regulation of the rates as far as the ultimate consumer is concerned.

Mr. REECE. Does not the gentleman feel that we could trust the regulating bodies of the various States to see that a reasonable and fair price is charged?

Mr. HOCH. I will answer the gentleman frankly. Without any disrespect to the great State of Alabama, I do not think the Federal Government, under the situation which has been outlined here with respect to the Alabama Power Co., should turn over to the commission of the State of Alabama the regulation of the rates for power developed and sold by this Federal corporation. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. STEELE. Mr. Chairman, I move to strike out the last word. I am not rising in opposition to the bill, but I hold in my hand a telegram containing a copy of a resolution adopted by the Chamber of Commerce of Atlanta, Ga., which they desire to appear in the RECORD. I ask unanimous consent to read the resolution and to place it in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

Mr. STEELE. Mr. Chairman, the resolution is as follows [reading]:

ATLANTA, GA., *May 8, 1928.*

Hon. LESLIE J. STEELE,
House of Representatives, Washington, D. C.:

Following is copy of resolution adopted this date by board of directors of Atlanta Chamber of Commerce:

"*Be it resolved*, That Senate Joint Resolution 46 entitled 'A bill to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals, in the State of Alabama, and for other purposes' should not be enacted into law for the following reasons: That said bill definitely commits the United States Government to the manufacture of fertilizer. That said bill is class legislation. That it tends to destroy the privately owned fertilizer business of the country by unfair means. It proposes to sell fertilizer at cost and in fixing the cost ignores the return to the Government on the $140,0000,000 spent up to this time in developing Muscle Shoals. It contemplates the free distribution under certain circumstances of 15 per cent of the fertilizer produced. It provides for further large expenditures by an initial capital upset of $10,000,000. It authorizes further large expenditures for acid-phosphate plants of which there is already a surplus. It provides for the further expenditure of some $37,500 for a new dam. That said bill would not only entail a loss of revenue to the Government but would entail further large expenditures calculated to increase the tax burden. Said bill in effect is nothing more than a tremendously wasteful and expensive method of subsidizing the farming interest."

ATLANTA CHAMBER OF COMMERCE.

[Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. COOPER of Wisconsin rose.

The CHAIRMAN. For what purpose does the gentleman from Wisconsin rise?

Mr. COOPER of Wisconsin. I want to say just a word on the amendment.

The CHAIRMAN. The Chair will first recognize the gentleman from Georgia [Mr. WRIGHT] in opposition to the amendment.

Mr. WRIGHT. Mr. Chairman and gentlemen of the committee, the amendment proposed by the gentleman from Kansas [Mr. HOCH] would place the regulatory power as to rates for the power generated at Muscle Shoals under the Federal Power Commission.

It seems to be pretty well conceded that this is the law of the case: If the corporation which is proposed to be created by the bill sells power at the switchboard to a city, municipality, county, or corporation, there will be no regulatory power exercised over that either by the Federal Power Commission or any State commission.

Mr. HOCH. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Yes.

Mr. HOCH. Since I took my seat I have been informed that power is being sold by the Government at 2 mills and being resold at 7 cents. What is the effect of the regulation we have by the State commission now?

Mr. WRIGHT. I will get to that.

I say it is conceded by the best authority that there will be no regulation either by the Federal Power Commission or the State commission, so far as the power sold by this corporation or by the Government at the switchboard is concerned, either to a State, county, municipality, or corporation. The moment that that current passes into the hands of a purchaser—and I do not care who the purchaser is—then it comes under the regulatory power of the State utilities commission.

Now, then, if the amendment of the gentleman from Kansas is adopted, you would have two regulatory powers over this same current. Suppose the Federal Water Power Commission says, "We will fix the price to the consumer at a certain rate." The State commission, there being no doubt about its right to fix rates, says, "We will fix it at another rate." Which one would control? It is admitted on every hand that the State commissions have the right to regulate the rates. It is conceded that the minute the power passes from the hands of the Government to a purchaser it is subject to the regulation of the State commissions.

Mr. RANKIN. Mr. Chairman, will the gentleman yield right there?

Mr. WRIGHT. Yes.

Mr. RANKIN. Suppose that is the case. The Alabama commission can fix one rate and the Mississippi commission can fix another rate. Would not that cause the State of Mississippi to have more or less trouble?

Mr. WRIGHT. The Alabama commission would fix rates on the power used in Alabama and the Mississippi commission on power used in Mississippi. It would handicap the sale of power if two authorities have the right to regulate the rate. The people of Mississippi would not know what they are getting if the Federal Water Power Commission had authority to fix rates and the Mississippi commission authority to fix rates on the same power.

Mr. RANKIN. If in Alabama you turn the power over to the Alabama Power Commission or the railroad commission or the public service commission, and in Mississippi to the Mississippi commission, Tennessee to the Tennessee commission, would you not have that many commissions competing with each other?

Mr. WRIGHT. No. If it were used in Mississippi, Mississippi would control the rates, and if used in Alabama, Alabama would control the rates. The purpose of this amendment would be to substitute Federal regulation for State regulation, thereby creating a conflict of authority which would embarrass the whole situation.

Mr. ALMON. Can the State of Alabama sell it at any rate?

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. COOPER of Wisconsin. Mr. Chairman, the amendment of the gentleman from Kansas [Mr. HOCH] is, in my judgment, of the utmost importance, and ought to be adopted by the committee, for otherwise there would not be any protection whatever to the ultimate consumer of the power generated by this plant and controlled by the authority set up in this bill. The Senate bill, when it came to the House, contained a provision to which I invite your attention, a provision that amply protects the ultimate consumer. It is on page 6 of the original Senate bill, beginning on line 13; and with your permission, Mr. Chairman, I will read it. I read:

And provided further, That any surplus power not so sold as above provided to States, counties, municipalities, or other said organizations, before the Secretary of War shall sell the same to any person or corporation engaged in the distribution and resale of electricity for profit, he shall require said person or corporation to agree that any resale of such electric power by said person or corporation shall be sold to the ultimate consumer of such electric power at a price that shall not exceed an amount fixed as reasonable, just, and fair by the Federal Power Commission.

Why, Mr. Chairman, there are plants in this country where between the water and the ultimate consumer are three corporations, each making a profit. That is absolutely wrong. And, knowing that fact, are you going to vote down an amendment so just and proper and well safeguarded as is the amendment proposed by the gentleman from Kansas?

If the United States Government is to sell to corporations which are to resell for profit, how much profit are they to make? Are they to gauge their rates by those of the private corporations that have three opportunities for profit between the water and the ultimate consumer? Are you going to do nothing to safeguard the consumer? I trust that the pending amendment, so just and fair and so founded in reason, and which, in substance, was in the bill when it came to the House, will be adopted. [Applause.]

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. CROWTHER. Does it not make void the contract if they do not comply with that amendment?

Mr. COOPER of Wisconsin. Yes.

Mr. UNDERHILL. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. UNDERHILL. If there is one man in this House who has shown the qualifications of a statesman of the old school, of the Jeffersonian school, of the Jacksonian school, it has been the gentleman from Tennessee, who has addressed you this afternoon, and stood for the fundamental principles laid down by the forefathers. [Applause.]

But just to get rid of this proposition many of you are willing to adopt something which is worse than the disease. Let me read to you from a speech made by one of your colleagues, Hon. JOHN MCDUFFIE, of Alabama, before the Alabama Bar Association:

There is a growing demand throughout the Nation for more bureaucratic control and more Federal supervision over the very person and conduct of the citizen himself. Even here in the Southland, where so much precious blood was spilled to preserve the integrity of State and local government, there are those who would all too quickly surrender to the Federal Government duties and responsibility which should be performed by the State and local communities.

There speaks the statesman once again, not the local representative, looking at this from the standpoint of how many votes it means to him or what advantage it means to his own immediate locality, but to what is to come in the aftermath of the surrender of the most precious possession of every State of the Union—its sovereignty and control of its natural resources.

I want to read to you one other article from the Liberal Socialist Forum, of New York. Here are seven issues, but I shall read only four of them:

Public ownership, development, and distribution at cost of all natural resources, such as coal and wood, iron, steel, and other metals, cement, oil, gas, electricity, water supply, and water power.

Abolition of patents. Inventors to be rewarded by having the Government pay them either a salary for inventing or a lump sum for each invention.

Establishment of municipal stores to furnish food, clothing, and other commodities.

Including fertilizers—

at cost to residents.

Employment by the town, city, or State of all residents who desire it, at some productive or otherwise useful work, for not less than $4 nor more than eight hours a day.

TEMPORARY MEASURES FOR IMMEDIATE RELIEF

First. Seizure by the Government of the entire food supply.

Second. A world-wide 4-hour day, at 50 cents an hour, in order to provide employment for all without overproduction.

Third. A general moratorium, including a proclamation giving each family rent-free possession for 10 years of its present place of residence.

Every one of these fundamental principles of the Socialist Party are embodied in this bill—every one of them.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. UNDERHILL. Mr. Chairman, may I have two additional minutes?

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for two additional minutes. Is there objection?

Mr. GARRETT of Texas. Mr. Chairman, reserving the right to object, and I shall not object, I want to ask the gentleman this question: Did the gentleman apply the same doctrine that he has announced with reference to the Muscle Shoals project to the Cape Cod Canal? [Laughter and applause.]

Mr. UNDERHILL. Oh, I expected that, Mr. Chairman. The fundamental principle of government is the protection of its people, and the Cape Cod Canal is, in the last analysis, for the protection of the lives and property of the people and did not take away any one of the rights of my own State, or I would have voted against it.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. UNDERHILL. Mr. Chairman, just one more word. Let me read you one paragraph from the bill:

Any person who shall receive any compensation, rebate, or reward or shall enter into any conspiracy, collusion, or agreement, express or

implied, with intent to defraud the corporation or to defeat its purposes, shall, on conviction thereof, be fined not more than $25,000 or imprisoned not more than 15 years, or both.

This is not for Soviet Russia. It is for the United States and its people; it is a proposition submitted to us by the Military Affairs Committee of the United States House of Representatives, which is supposed to protect us. Russia never has exceeded in any idea of economics the idea which they have presented to us in intolerance, in injustice, in interference with ambition. In the stifling of initiative in the development of one of the greatest sections of this country, which has a wonderful future before it if you keep the wasting hand of government out of it and let private individuals, private initiative, private ambition, and the States themselves take care of the future. [Applause.]

Mr. DAVENPORT. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes on the amendment. Is there objection?

There was no objection.

Mr. DAVENPORT. Mr. Chairman and gentlemen, it seems to me we should not deceive ourselves about what we should do by adopting the proposed amendment of the gentleman from Kansas [Mr. HOCH]. I am in entire sympathy with the attempt to put real power of control into this bill for rate making; but let us not think that by adopting this amendment we should go far toward putting power of control over rate making into the bill. No matter whether we employ the Federal Power Commission or the State commissions, it makes little difference, it seems to me, with respect to an adequate measure of control, in view of the recent decisions of the higher courts in the matter of valuations of public utilities.

We have in the Federal water power act the provision of actual prudent investment as a basis of valuation for rate making. Recent decisions of the courts make that "actual prudent investment" provision of no importance, even if the Federal Power Commission or a State commission should try to follow it. The principle laid down in these decisions is an entirely different principle, a principle of valuation in terms of reproduction cost and of going-concern value. And this means considerably higher rates than would result from the use of the actual prudent investment basis which the regulatory commissions have sought to follow.

Therefore if we are going to control power rates in this project for the benefit of the people of the Southeastern section of our country, it seems to me that we need more than Federal Power Commission or State commission protection. We should provide in this bill that in the contract which the Government or the Government corporation may make with the producer of power, the principle of actual prudent investment shall appear as a term of the contract. Unless we do this, neither by the use of the Federal Power Commission nor the State commissions have we done much, in view of the recent decisions of the courts, to protect the consumers in the Southeastern section of this country. [Applause.]

It seems to me this is a vital defect in this bill and one which has not been considered in connection with any of the other Muscle Shoals bills either, and I am informed that the proponents of the Senate bill, which this House bill amends, would gladly have incorporated a more certain form of contract control, if the need of it had been brought to their attention in time.

Mr. HOCH. Will the gentleman yield?

Mr. DAVENPORT. Yes.

Mr. HOCH. Assuming the validity of all the gentleman says, and I agree with him as to the importance of the matter, what has that to do with this particular amendment? Certainly we would be better off to have the power of regulation lodged in the Federal Power Commission than we would be to have no power of regulation lodged in any body under the terms of this bill.

Mr. DAVENPORT. We might be slightly better off, but we would not be as well off as we would be if we took the time to apply sound reason and experience to the feature of control over rate-making in this bill.

Mr. HOCH. In other words, the gentleman wants to go further, and I would probably go with him, but why should we refuse to go this far simply because we can not go further?

Mr. DAVENPORT. I would say to the gentleman from Kansas that in view of the importance of this matter the best thing this committee could do would be to rise and take time to settle the problem right. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RANKIN. Mr. Chairman, I ask unanimous consent to speak on the amendment for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Chairman, the people I have the honor to represent are vitally interested in the distribution of the surplus power at Muscle Shoals, and I sincerely hope the Hoch amendment will be adopted. [Applause.]

You may talk all you please about the State commissions regulating the sale of this power, but I am here to tell you that unless this provision is written into the law, giving the Federal Government the right to curtail the profits of those who retail this power, it simply means that the people in the Tennessee and Tombigbee Rivers Valleys are going to have to pay just as high prices for this power as they are paying today. [Applause.]

This is no theory. I live within about 60 miles of Muscle Shoals. I know of one town within 20 miles of me whose citizens went to one of these power companies and asked what they would bring power and distribute it in their town for. I am informed that the reply was 16 cents a kilowatt, whereas they are buying this power from the Federal Government at Muscle Shoals at about 2 mills a kilowatt.

Mr. ABERNETHY. Who gets the profit?

Mr. RANKIN. The power companies, and the power companies will continue to get the profit, if you leave this to be regulated by three or four State power commissions or State public-utility commissions scattered over that section of the country. How can the public-utility commission of a State regulate the sale of interstate power?

This extra power is going to mean a great deal to the people of that country. It is going to mean a new day, if it is given to us at something like what it costs to produce it and to transmit it.

I sincerely trust the membership of this House will vote for the Hoch amendment, in order that our people throughout that country, who have the right to the use of this power, may not be held up on the price of it in the years to come. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas [Mr. HOCH].

The question was taken; and on a division (demanded by Mr. BANKHEAD) there were 145 ayes and 35 noes.

So the amendment was agreed to.

Mr. MORIN. Mr. Chairman, I move that all debate on the amendment and all amendments thereto close in one hour.

The CHAIRMAN. The gentleman from Pennsylvania moves to close debate on the committee amendment and all amendments thereto in one hour.

Mr. TILSON. Will the gentleman yield?

Mr. MORIN. I yield.

Mr. TILSON. Will the gentleman couple with his motion a statement that if this motion is carried he will then move to rise? If the motion is carried, it limits debate to one hour, so that we can easily finish the bill in one day. There has been no disposition on the part of anybody to obstruct the progress of the bill so that I am sure the matter can be disposed of readily in one day.

Mr. ALMON. Will the gentleman yield? Under the Rules of the House, Calendar Wednesday is dispensed with 14 days prior to adjournment. Suppose Congress should adjourn?

Mr. TILSON. It would take a majority vote to pass the resolution to adjourn.

Mr. ALMON. Within 14 days of the time set for adjournment you will not have Calendar Wednesday.

Mr. SNELL. Let me say that we will give you a rule to have an extra day. We are not going to do anything to prevent a vote on this bill.

Mr. BYRNS. Mr. Chairman, I want to ask the gentleman from Connecticut a question. I understood the gentleman from Pennsylvania to move that all debate on the pending amendment and amendments thereto close in an hour. I submit that the proposition of the gentleman from Connecticut to rise after that will not amount to anything because the bill will have been concluded at that time.

Mr. TILSON. If we now vote to close debate in one hour, when we go into committee again there will be one hour's debate pending.

Mr. BYRNS. I thought the gentleman's proposition was to have one hour debate to-night.

Mr. MORIN. My motion is, Mr. Chairman, that all debate on the committee amendment and all amendments thereto and the substitute amendments close in one hour.

Mr. GARRETT of Tennessee. If that motion prevails will it be the purpose of the gentleman to move that the committee rise?

Mr. MORIN. It will not be my purpose.

Mr. GARNER of Texas. You might as well understand now that we are going to pass this bill to-night.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania to close all debate on the committee amendment and all amendments thereto and all substitutes thereto in one hour.

The question was taken; and on a division, there were 146 ayes and 114 noes.

Mr. BYRNS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. MORIN and Mr. RANSLEY.

The committee again divided; and the tellers reported that there were 144 ayes and 123 noes.

So the motion of Mr. MORIN was agreed to.

Mr. TILSON. Mr. Chairman, I ask unanimous consent to make a brief statement.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to make a brief statement. Is there objection?

There was no objection.

Mr. TILSON. Mr. Chairman, all debate on this bill is now limited to one hour, so that we can not go beyond this time, and there will be a whole day in which to conclude the bill. There is no disposition, so far as I know, on the part of anyone to obstruct the consideration of the bill. It will be an easy proposition to pass it on the next calendar day. In addition to this, I understand from the chairman of the Committee on Rules that so far as he can exercise influence with his committee he will urge a rule in case there should be a mishap, so that the bill may surely have a chance to pass. In view of this fact and the lateness of the hour I have been requested by a number of gentlemen to move that the committee rise and the House adjourn at this time. I therefore move that the committee do now rise.

The question was taken; and on a division (demanded by several Members) there were—ayes 148, noes 103.

Mr. QUIN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. MORIN and Mr. TILSON to act as tellers.

The committee again divided; and the tellers reported—ayes 153, noes 106.

So the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. NEWTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate Joint Resolution 46 and had come to no resolution thereon.

SENATE BILL REFERRED

A bill of the following title was taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 3990. An act granting the consent of Congress to the boards of county commissioners of the counties of Escambia, Florida, and Baldwin, Alabama, their successors and assigns, to construct, maintain, and operate, or to cause to be constructed, maintained, and operated under franchises granted by them, a toll bridge across Perdido Bay in the States of Florida and Alabama; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

H. R. 21. An act to provide for date of precedence of certain officers of the staff corps of the Navy;

H. R. 239. An act to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes;

H. R. 244. An act to enable members of the Reserve Officers' Training Corps, who have interrupted the course of training prescribed in the act of June 4, 1920, to resume such training, and amended accordingly section 47c of that act;

H. R. 441. An act to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif.;

H. R. 1529. An act for the relief of the heirs of John Eimer;

H. R. 1537. An act for the relief of William R. Connolly;

H. R. 2658. An act for the relief of Finch R. Archer;

H. R. 3029. An act for the relief of Vern E. Townsend;

H. R. 3372. An act for the relief of George M. Browder and F. N. Browder;

H. R. 3442. An act for the relief of Clifford J. Sanghove;

H. R. 3936. An act for the relief of M. M. Edwards;

H. R. 4229. An act for the relief of Jennie Wyant and others;

H. R. 4588. An act authorizing an appropriation for the repair and resurfacing of roads on the Fort Baker Military Reservation, Calif.;

H. R. 4925. An act for the relief of John M. Savery;

H. R. 4993. An act for the relief of William Thurman Enoch;

H. R. 5398. An act for the relief of the heirs of the late Dr. Thomas C. Longino;

H. R. 5465. An act to amend section 1571 of the Revised Statutes to permit officers of the Navy to count duty on airships as sea duty;

H. R. 5531. An act to amend the provision contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers;

H. R. 5746. An act to authorize the appraisal of certain Government property, and for other purposes;

H. R. 5789. An act to provide for the gratuitous issue of service medals and similar devices, for the replacement of the same, and for other purposes;

H. R. 5806. An act to authorize the purchase of real estate by the War Department;

H. R. 5968. An act for the relief of Byron Brown Ralston;

H. R. 5981. An act for the relief of Clarence Cleghorn;

H. R. 6436. An act for the relief of Mary E. O'Connor;

H. R. 6652. An act to fix the pay and allowances of chaplain at the United States Military Academy;

H. R. 6844. An act concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto;

H. R. 6856. An act relating to the payment or delivery by banks or other persons or institutions in the District of Columbia of deposits of moneys and property held in the names of two or more persons, and for other purposes;

H. R. 7061. An act for the relief of William V. Tynes;

H. R. 7227. An act for the relief of William H. Dotson;

H. R. 7752. An act to limit the issue of reserve supplies or equipment held by the War Department;

H. R. 7937. An act to authorize mapping agencies of the Government to assist in preparation of military maps;

H. R. 8808. An act for the relief of Charles R. Wareham;

H. R. 9043. An act to authorize the payment of an indemnity to the Government of France on account of losses sustained by the owners of the French steamship *Madeleine* as a result of a collision between it and the U. S. S. *Kerwood;*

H. R. 9148. An act for the relief of Ensign Jacob E. DeGarmo, United States Navy;

H. R. 9363. An act to provide for the completion and repair of customs buildings in Porto Rico;

H. R. 10139. An act for the relief of Edmund F. Hubbard;

H. R. 10192. An act for the relief of Lois Wilson;

H. R. 10276. An act providing for sundry matters affecting the naval service;

H. R. 10544. An act to abolish the office of administrative assistant and disbursing officer in the Library of Congress and to reassign the duties thereof;

H. R. 10643. An act authorizing the Gulf Coast Properties (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y.;

H. R. 11692. An act authorizing the Gulf Coast Properties (Inc.), a Florida corporation, of Jacksonville, Duval County, Fla., its successors and assigns, to construct, maintain, and operate a bridge across the Lake Champlain at or near East Alburg, Vt.;

H. R. 11741. An act for the relief of Thomas Edwin Huffman;

H. R. 11797. An act granting the consent of Congress to Columbus County, State of North Carolina, to construct, maintain, and operate a free highway bridge across the Waccamaw River at or near Reeves Ferry, Columbus County, N. C.;

H. R. 11808. An act to authorize an appropriation for the purchase of land at Selfridge Field, Mich.;

H. R. 11809. An act to authorize an appropriation to complete the purchase of real estate in Hawaii;

H. R. 11992. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Biggers, Ark.;

H. R. 12899. An act authorizing the erection for the sole use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C.;

H. R. 13171. An act authorizing the Secretary of the Treasury to accept a franchise from the government of the city of New York to change the routing of the pneumatic-tube service be-

tween the customhouse and the present appraisers' stores building, and for other purposes; and

H. J. Res. 200. Joint resolution to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 797. An act authorizing the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Wellsburg, W. Va.;

S. 1480. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims;

S. 2978. An act authorizing the Secretary of War to donate certain buildings to the city of Tucson, Ariz.;

S. 3862. An act authorizing J. T. Burnett, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tiptonville, Tenn.; and

S. 3824. An act to correct the descriptions of land comprising the Bryce Canyon National Park as contained in the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," and the act approved February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the 'Bryce Canyon National Park' and for other purposes."

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bills of the House of the following titles:

H. R. 9481. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1929, and for other purposes; and

H. R. 10141. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

ORDER OF BUSINESS

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for one minute in order to ask a question of the gentleman from Connecticut.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, if the House now adjourns, could the gentleman from Connecticut give some assurance that the pending resolution will be taken up to-morrow, in lieu of next Wednesday, either through a unanimous-consent agreement now, or the passing of a rule in the morning?

Mr. TILSON. I made a similar request this morning, and I am very glad to renew it now. I am glad to ask unanimous consent that to-morrow may be considered as Calendar Wednesday, in lieu of next Wednesday.

Mr. WELSH of Pennsylvania. Mr. Speaker, I object.

Mr. CRAMTON. In the remainder of my time, then I would observe that a delay of one week on this resolution keeps it out of conference just that much longer.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that to-morrow it shall be in order to consider business in order on next Calendar Wednesday. Is there objection?

Mr. O'CONNOR of Louisiana and several Members. I object.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that Monday next be considered as Calendar Wednesday, in order to take up this resolution.

The SPEAKER. The gentleman from Maryland asks unanimous consent that next Monday may be set aside for the consideration of business in order on Calendar Wednesday. Is there objection?

Mr. DEAL and several Members. Mr. Speaker, I object.

LEAVE OF ABSENCE

Mr. UNDERWOOD, by unanimous consent (at the request of Mr. MCSWEENEY), was granted leave of absence, for an indefinite period, on account of illness.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the Speaker announced that in his opinion the ayes seemed to have it.

Mr. COCHRAN of Missouri and several Members. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 169, nays 157, answered "present" 1, not voting 103, as follows:

[Roll No. 75]

YEAS—169

Abernethy	Dowell	Kent	Ramseyer
Ackerman	Doyle	Kiess	Ransley
Aldrich	Eaton	Knutson	Rayburn
Andrew	England	Kopp	Reed, N. Y.
Arentz	Eslick	Kurtz	Robinson, Iowa
Bachmann	Estep	Lanham	Rogers
Bacon	Fenn	Leavitt	Sanders, N. Y.
Barbour	Fitzgerald, Roy G.	Lehlbach	Seger
Beers	Fitzgerald, W. T.	Letts	Shreve
Black, Tex.	Fort	Linthicum	Snell
Bland	Foss	Luce	Spearing
Bowles	Freeman	McFadden	Sproul, Ill.
Bowman	French	McMillan	Stobbs
Britten	Frothingham	McReynolds	Strong, Kans.
Browning	Gambrill	MacGregor	Strong, Pa.
Buckbee	Garrett, Tenn.	Maas	Swick
Byrns	Glynn	Magrady	Taber
Campbell	Golder	Mapes	Tatgenhorst
Carley	Goldsborough	Martin, Mass.	Temple
Celler	Griest	Merritt	Thatcher
Chase	Guyer	Michaelson	Thompson
Chindblom	Hadley	Michener	Thurston
Clarke	Hale	Miller	Tilson
Cochran, Pa.	Hall, Ill.	Monast	Underhill
Cohen	Hall, Ind.	Montague	Vincent, Mich.
Cole, Iowa	Hancock	Moore, Ohio	Wainwright
Cole, Md.	Harrison	Morgan	Warren
Colton	Hawley	Murphy	Wason
Connolly, Pa.	Hersey	Nelson, Me.	Watres
Cooper, Ohio	Hickey	Newton	Watson
Corning	Hoch	Niedringhaus	Weaver
Crail	Hooper	Norton, N. J.	Weller
Cullen	Hope	O'Brien	Welsh, Pa.
Dallinger	Houston, Del.	O'Connell	White, Me.
Darrow	Hull, Morton D.	O'Connor, La.	Whitehead
Davenport	Hull, Wm. E.	Oliver, N. Y.	Williams, Ill.
Davis	Hull, Tenn.	Palmisano	Winter
Deal	Irwin	Parker	Wolverton
Dempsey	Jenkins	Peery	Wyant
Denison	Johnson, Ill.	Perkins	Zihlman
Dickinson, Iowa	Johnson, Ind.	Pratt	
Douglas, Ariz.	Kahn	Quayle	
Doutrich	Kearns	Rainey	

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Adkins	Curry	Kemp	Romjue
Allen	De Rouen	Ketcham	Rubey
Allgood	Dickinson, Mo.	Kincheloe	Rutherford
Almon	Dickstein	Kindred	Sabath
Andresen	Dominick	Kvale	Sanders, Tex.
Arnold	Doughton	LaGuardia	Sandlin
Aswell	Driver	Lampert	Schafer
Auf der Heide	Edwards	Langley	Schneider
Ayres	Englebright	Lankford	Sears, Nebr.
Bankhead	Faust	Lea	Selvig
Beck, Wis.	Fish	Lindsay	Shallenberger
Bell	Fitzpatrick	Lowry	Simmons
Berger	Fletcher	Lozier	Somers, N. Y.
Black, N. Y.	Fulmer	McClintic	Speaks
Box	Furlow	McDuffie	Sproul, Kans.
Boylan	Garber	McKeown	Steagall
Brand, Ga.	Garner, Tex.	McSwain	Steele
Brand, Ohio	Garrett, Tex.	McSweeney	Stevenson
Briggs	Gilbert	Major, Ill.	Summers, Wash.
Browne	Gregory	Major, Mo.	Sumners, Tex.
Buchanan	Green	Martin, La.	Swank
Busby	Hall, N. Dak.	Milligan	Swing
Cannon	Hardy	Mooney	Tarver
Carew	Hare	Moore, Ky.	Taylor, Colo.
Carss	Hastings	Moorman	Taylor, Tenn.
Carter	Hill, Ala.	Morehead	Vinson, Ga.
Chalmers	Hill, Wash.	Morin	Vinson, Ky.
Chapman	Holaday	Morrow	Ware
Christopherson	Howard, Nebr.	Nelson, Mo.	Welch, Calif.
Clague	Howard, Okla.	Norton, Nebr.	White, Colo.
Cochran, Mo.	Huddleston	Oliver, Ala.	Whittington
Collier	Hudson	Parks	Williams, Mo.
Collins	Hughes	Peavey	Wilson, La.
Combs	James	Porter	Wilson, Miss.
Connery	Jeffers	Quin	Woodruff
Cooper, Wis.	Johnson, Okla.	Ragon	Woodrum
Cox	Johnson, S. Dak.	Rankin	Wright
Cramton	Johnson, Tex.	Rathbone	
Crisp	Jones	Reed, Ark.	
Crosser	Kading	Reid, Ill.	

ANSWERED "PRESENT"—1

Pou

NOT VOTING—103

Anthony	Clancy	Graham	Lyon
Bacharach	Connally, Tex.	Greenwood	McLaughlin
Beck, Pa.	Crowther	Griffin	McLeod
Beedy	Davey	Hammer	Manlove
Begg	Douglass, Mass.	Haugen	Mansfield
Blanton	Drane	Hoffman	Mead
Bloom	Drewry	Hogg	Menges
Bohn	Dyer	Hudspeth	Moore, N. J.
Boies	Elliott	Igoe	Moore, Va.
Bowling	Evans, Calif.	Jacobstein	Nelson, Wis.
Brigham	Evans, Mont.	Johnson, Wash.	O'Connor, N. Y.
Bulwinkle	Fisher	Kelly	Oldfield
Burdick	Frear	Kendall	Palmer
Burtness	Free	Kerr	Prall
Burton	Fulbright	King	Purnell
Bushong	Gardner, Ind.	Korell	Reece
Butler	Gasque	Kunz	Robsion, Ky.
Canfield	Gibson	Larsen	Rowbottom
Cartwright	Gifford	Leatherwood	Sears, Fla.
Casey	Goodwin	Leech	Sinclair

Sinnott	Sullivan	Underwood	Wingo
Sirovich	Tillman	Updike	Wood
Smith	Timberlake	Vestal	Wurzbach
Stalker	Tinkham	White, Kans.	Yates
Stedman	Treadway	Williams, Tex.	Yon
Strother	Tucker	Williamson	

So the motion to adjourn was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. McLaughlin (for) with Mr. Williams of Texas (against).

Until further notice:

Mr. Manlove with Mr. Oldfield.
Mr. Bacharach with Mr. Tillman.
Mr. Purnell with Mr. Davey.
Mr. Begg with Mr. Fisher.
Mr. Rowbottom with Mr. Larsen.
Mr. Burton with Mr. Prall.
Mr. Stalker with Mr. Wingo.
Mr. Clancy with Mr. Bulwinkle.
Mr. Treadway with Mr. Stedman.
Mr. Burdick with Mr. Casey.
Mr. Elliott with Mr. Drane.
Mr. Vestal with Mr. Kerr.
Mr. Free with Mr. Mead.
Mr. Butler with Mr. Pou.
Mr. Evans of California with Mr. Kunz.
Mr. Wood with Mr. Tucker.
Mr. King with Mr. Bowling.
Mr. Leech with Mr. Canfield.
Mr. McLeod with Mr. Lyon.
Mr. Wurzbach with Mr. Cartwright.
Mr. Timberlake with Mr. Blanton.
Mr. Smith with Mr. Drewry.
Mr. Anthony with Mr. Connally of Texas.
Mr. Boies with Mr. Moore of Virginia.
Mr. Crowther with Mr. Yon.
Mr. Beck of Pennsylvania with Mr. Mansfield.
Mr. Brigham with Mr. Underwood.
Mr. Dyer with Mr. Evans of Montana.
Mr. Frear with Mr. Moore of New Jersey.
Mr. Kendall with Mr. Sullivan.
Mr. Leatherwood with Mr. Fulbright.
Mr. Updike with Mr. Douglass of Massachusetts.
Mr. Tinkham with Mr. O'Connor of New York.
Mr. Johnson of Washington with Mr. Hudspeth.
Mr. Hoffman with Mr. Gasque.
Mr. Gifford with Mr. Igoe.
Mr. Haugen with Mr. Gardner of Indiana.
Mr. Reece with Mr. Hammer.
Mr. Goodwin with Mr. Greenwood.
Mr. Hogg with Mr. Jacobstein.
Mr. Gibson with Mr. Griffin.
Mr. Sinclair with Mr. Sears of Florida.
Mr. Robsion of Kentucky with Mr. Sirovich.
Mr. Palmer with Mr. Bloom.

The result of the vote was announced as above recorded.

The SPEAKER. The House stands adjourned.

Thereupon (at 6 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Thursday, May 10, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, May 10, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To amend paragraph (11) of section 20 of the interstate commerce act, as amended (H. R. 12773).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Relating to sales and contracts to sell in interstate and foreign commerce (H. R. 13413).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

Providing for the reclassification of watchmen, messengers, and laborers in the Postal and Railway Mail Services of the United States in three grades, with increase in salary (H. R. 390).

To amend an act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates, to provide for such readjustment, and for other purposes," approved February 28, 1925 (H. R. 9955).

To provide a shorter workday on Saturday for postal employees (H. R. 9058 and H. R. 6505).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend section 5219 of the Revised Statutes, as amended (H. R. 8727).

COMMITTEE ON RIVERS AND HARBORS

(10 a. m.)

To consider a report from the Chief of the Army Engineers on the proposal to deepen the Great Lakes channel.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m)

To ascertain if the State Department is adequately equipped in both its foreign and domestic services (H. Res. 87).

To provide for the reorganization of the Department of State (H. R. 13179).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MORIN: Committee on Military Affairs. H. R. 13509. A bill to define the promotion-list officers of the Army and to prescribe the method of their promotion, and for other purposes; with amendment (Rept. No. 1574). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on World War Veterans' Legislation. H. R. 5513. A bill to authorize the Secretary of the Treasury to amend, in his discretion, contracts for the erection of the Edward Hines, jr., Hospital; without amendment (Rept. No. 1576). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 13248. A bill to authorize an increase in the limit of cost of one fleet submarine; without amendment (Rept. No. 1577). Referred to the Committee of the Whole House on the state of the Union.

Mr. REED of New York: Committee on Education. H. R. 13251. A bill to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes; with amendment (Rept. No. 1578). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WARE: Committee on Claims. H. R. 7411. A bill for the relief of Gilbert Faustina and John Alexander; with amendment (Rept. No. 1571). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. H. R. 12280. A bill for the relief of Lula Lewis; with amendment (Rept. No. 1572). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Claims. H. R. 5222. A bill for the relief of Robinson Newbold; without amendment (Rept. No. 1573). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. H. R. 12966. A bill for the relief of Jeannette S. Jewell; without amendment (Rept. No. 1575). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GIBSON: A bill (H. R. 13643) to provide for the appointment of an official reporter for the police trial board of the District of Columbia; to the Committee on the District of Columbia.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 13644) authorizing the Secretary of Commerce to sell at private sale a portion of the Pointe Aux Herbes Lighthouse Reservation, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. PORTER: A bill (H. R. 13645) to establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. VINSON of Georgia: A bill (H. R. 13646) for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton-futures exchanges, and for other purposes; to the Committee on Agriculture.

By Mr. EDWARDS: A bill (H. R. 13647) directing the National Capital Park and Planning Commission to make inquiry as to the feasibility of acquiring square 1310 in the District of Columbia for use in the present parking system in that vicinity and report its findings; to the Committee on Public Buildings and Grounds.

By Mr. BERGER: A bill (H. R. 13648) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. SMITH: A bill (H. R. 13649) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce; to the Committee on Agriculture.

By Mr. STEVENSON: A bill (H. R. 13650) to amend title 49, section 1, subdivision 22 of the United States Code; to the Committee on Interstate and Foreign Commerce.

By Mr. STEAGALL: A bill (H. R. 13651) granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Choctawhatchee River in Dale County, on the highway now under construction from Dothan to Enterprise; to the Committee on Interstate and Foreign Commerce.

By Mr. COLE of Maryland: A bill (H. R. 13652) authorizing Elmer J. Cook, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md., and a point opposite in Baltimore County, Md.; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: A bill (H. R. 13653) to permit the United States to be made a party defendant in certain cases; to the Committee on the Judiciary.

By Mr. BLACK of New York: A resolution (H. Res. 189) proposing mediation by the United States in the China-Japanese troubles; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. SABATH: Memorial of the Legislature of the State of Nevada, favoring Federal aid for highway maintenance; to the Committee on Roads.

Also, memorial of the Legislature of the State of South Carolina, favoring the elimination of certain World War discrimination against the emergency officers of the Army, Navy, and Marine Corps; to the Committee on World War Veterans' Legislation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 13654) granting a pension to Thomas S. Falkner; to the Committee on Pensions.

By Mr. COLE of Maryland: A bill (H. R. 13655) granting a pension to Eleanor A. M. Pugh; to the Committee on Pensions.

By Mr. CRAIL: A bill (H. R. 13656) granting a pension to Ida M. Uline; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 13657) granting an increase of pension to Elizabeth Van Alstyne; to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 13658) for the relief of Hugh Anthony McCuigan; to the Committee on Naval Affairs.

By Mr. LEATHERWOOD: A bill (H. R. 13659) granting a pension to Charles A. Robinson; to the Committee on Pensions.

By Mr. LOZIER: A bill (H. R. 13660) granting an increase of pension to Jane Darling; to the Committee on Invalid Pensions.

By Mr. MAJOR of Illinois: A bill (H. R. 13661) granting a pension to Adeline Pitzer; to the Committee on Invalid Pensions.

By Mr. SEGER: A bill (H. R. 13662) for the relief of the executors of the estate of James E. Prescott; to the Committee on Ways and Means.

By Mr. SWING: A bill (H. R. 13663) granting a pension to Kate Pomeroy; to the Committee on Invalid Pensions.

By Mr. WAINWRIGHT: A bill (H. R. 13664) authorizing an appropriation for the relief of Maj. H. E. Miner, Capt. A. J. Touart, Capt. J. L. Hayden, Capt. H. H. Pohl, First Lieut. C. C. Jadwin, and First Lieut. F. B. Kane, United States Army; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7505. By Mr. BOWLES: Petition of residents of Agawam, Mass., urging the passage of legislation providing increased pensions for Civil War soldiers and their dependents; to the Committee on Invalid Pensions.

7506. By Mr. BRIGHAM: Petition of H. M. Kendall and 15 other residents of Richford, Vt., favoring the passages of legislation for the relief of soldiers and widows of soldiers of the Civil War; to the Committee on Invalid Pensions.

7507. By Mr. COMBS: Petition of F. E. Gersinger et al. favoring increase for Civil War veterans' pensions; to the Committee on Invalid Pensions.

7508. By Mr. DOUGLAS of Arizona: Petition of Arizona Cattle Growers Association in opposition to House bill 9288, introduced by Mr. HOPE, to amend the packers and stockyards act, 1921; to the Committee on Agriculture.

7509. By Mr. DRIVER: Petition signed by citizens of Leachville, Ark., opposed to Senate bill 1752, the Oddie bill; to the Committee on the Post Office and Post Roads.

7510. By Mr. FITZPATRICK: Petition signed by the president of the New York chapter of the Rainbow Division, indorsing the Tyson-Fitzgerald bill for the retirement of disabled emergency officers; to the Committee on World War Veterans' Legislation.

7511. By Mr. GARBER: Petition of Acme Milling Co., by the president, G. G. Sohlberg, in opposition to House bill 11721; to the Committee on Interstate and Foreign Commerce.

7512. Also, petition of M. E. Olmstead, captain, Infantry, United States Army, Fort Benning, Ga., in support of House bill 13246, without rider, to alter present Army promotion list; to the Committee on Military Affairs.

7513. By Mr. CRAIL: Petition of faculty of the Sherman School, Los Angeles, Calif., favoring the new education bill; to the Committee on Education.

7514. By Mrs. LANGLEY: Petition of S. D. Osborn, of Martin, Ky., favoring the Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

7515. By Mr. LINDSAY: Petition of United States World War Amps, New York City, heartily indorsing the Tyson-Fitzgerald bill (S. 777); to the Committee on World War Veterans' Legislation.

7516. Also, petition of New York chapter of the Rainbow Division Veterans, strongly indorsing the Tyson-Fitzgerald bill; to the Committee on World War Veterans' Legislation.

7517. Also, petition of the American Legion, Department of New York, urging support of the Tyson-Fitzgerald bill; to the Committee on World War Veterans' Legislation.

7518. Also, petition of National Civil Service Reform League, New York City, urging disapproval in its present form the census bill (H. R. 393); to the Committee on the Census.

7519. Also, petition of Ithaca Gun Co., Ithaca, N. Y., urging passage of Tyson-Fitzgerald bill without amendments; to the Committee on World War Veterans' Legislation.

7520. Also, petition of Disabled American Veterans of the World War, Department of California, petitioning Congress to support Senate bill 777 as presented and to oppose all amendments; to the Committee on World War Veterans' Legislation.

7521. By Mr. LOZIER: Petition of 65 citizens of Brookfield, Mo., urging the enactment of more liberal pension legislation; to the Committee on Invalid Pensions.

7522. By Mr. McKEOWN: Petition of Kib H. Warren and other citizens of Pottawatomie County, Okla., urging immediate passage of a general increase in Civil War veterans' pensions; to the Committee on Invalid Pensions.

7523. By Mr. O'CONNELL: Petition of the New York Chapter, Rainbow Division Veterans, favoring the passage of the Tyson-Fitzgerald bill (S. 777) for retirement of disabled emergency officers; to the Committee on World War Veterans' Legislation.

7524. Also, petition of the United States World War Amps, New York City, favoring the passage of the Tyson-Fitzgerald bill (S. 777) for the retirement of disabled emergency officers; to the Committee on World War Veterans' Legislation.

7525. Also, petition of the Fulton Bag & Cotton Mills, opposing the passage of Senate Joint Resolution 46 and House bill 12448, Muscle Shoals development; to the Committee on Military Affairs.

7526. Also, petition of Maurice Stember, department adjutant, the American Legion, Department of New York, favoring the passage of the Tyson-Fitzgerald bill (S. 777) without amendments; to the Committee on World War Veterans' Legislation.

7527. By Mr. QUAYLE: Petition of the American Legion, Department of New York, 305 Hall of Records, New York City, favoring the passage of the Tyson-Fitzgerald bill (S. 777) without amendments; to the Committee on World War Veterans' Legislation.

7528. Also, petition of Hon. William M. Calder, former Senator of New York, favoring the passage of the Wainwright-McSwain bill (H. R. 13590) for the revision of promotion list and promotion on length of service; to the Committee on Military Affairs.

7529. Also, petition of the Chamber of Commerce of the United States of America, opposing certain provisions of the pending legislation in regard to Muscle Shoals; to the Committee on Military Affairs.

7530. Also, petition of United States World War Amps, of New York City, favoring the passage of the Tyson-Fitzgerald bill (S. 777); to the Committee on World War Veterans' Legislation.

7531. Also, petition of Reville Post, No. 127, of the American Legion, of Brooklyn, N. Y., favoring the passage of the Tyson-Fitzgerald bill (S. 777) without amendments; to the Committee on World War Veterans' Legislation.

7532. Also, petition of Fulton Bag & Cotton Mills, of Brooklyn, N. Y., opposing the passage of Muscle Shoals and dam development; to the Committee on Military Affairs.

7533. Also, petition of Rainbow Division Veterans, of New York City, favoring the passage of the Tyson-Fitzgerald bill (S. 777) without amendments; to the Committee on World War Veterans' Legislation.

7534. By Mr. SABATH: Resolution unanimously adopted by the River Cities Convention of the Upper Mississippi Valley, at Minneapolis, February 20, 1928, opposing any change in the present law to vest powers in others than our chosen Representatives in Congress, etc.; to the Committee on Interstate and Foreign Commerce.

7535. Also, resolution of Dixie Post, No. 64, Veterans of Foreign Wars of the United States, indorsing the Reece bill (H. R. 8560); to the Committee on Pensions.

7536. Also, resolution of the Illinois State Society, indorsing the Swing-Johnson bill; to the Committee on Irrigation and Reclamation.

7537. Also, memorial of Common Council of the City of Chicago, Ill., to amend subdivision (d) of section 116 of the proposed revenue bill now pending; to the Committee on Ways and Means.

7538. Also, resolution of Ernest A. Love Post of the American Legion; Buckey O'Neil Post, No. 541, of Veterans of Foreign Wars; and the Fort Whipple Chapter, No. 3, Disabled American Veterans, indorsing the Johnson bill (H. R. 11350) granting the right to ex-service men at any time within 20 years from the accrual of the course of action; to the Committee on World War Veterans' Legislation.

7539. Also, petition of the California State Department, Disabled American Veterans of World War, petitioning for support of the Tyson bill (S. 777); to the Committee on World War Veterans' Legislation.

7540. By Mr. SWING: Petition of residents of Redlands, Calif., in support of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

7541. By Mr. WELSH of Pennsylvania: Petition urging the prompt passage of House bill 13143, providing for increase in salaries for employees of the customs service; to the Committee on Ways and Means.

7542. By Mr. ZIHLMAN: Petition of residents of Glen Echo, Md., urging immediate action on the Civil War pension bill, which will afford relief to needy veterans and widows of veterans; to the Committee on Invalid Pensions.

SENATE

THURSDAY, *May 10, 1928*

(Legislative day of Thursday, May 3, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 797. An act authorizing the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Wellsburg, W. Va.;

S. 1480. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims;

S. 2978. An act authorizing the Secretary of War to donate certain buildings to the city of Tucson, Ariz.;

S. 3740. An act for the control of floods on the Mississippi River and its tributaries, and for other purposes;

S. 3824. An act to correct the descriptions of land comprising the Bryce Canyon National Park as contained in the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," and the act approved February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the 'Bryce Canyon National Park,' and for other purposes";

S. 3862. An act authorizing J. T. Burnett, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tiptonville, Tenn.;

H. R. 21. An act to provide for date of precedence of certain officers of the staff corps of the Navy;

H. R. 239. An act to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes;

H. R. 244. An act to enable members of the Reserve Officers' Training Corps who have interrupted the course of training prescribed in the act of June 4, 1920, to resume such training and amended accordingly section 47c of that act;

H. R. 441. An act to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif.;

H. R. 1529. An act for the relief of the heirs of John Eimer;

H. R. 1537. An act for the relief of William R. Connolly;

H. R. 2658. An act for the relief of Finch R. Archer;

H. R. 3029. An act for the relief of Vern E. Townsend;

H. R. 3372. An act for the relief of George M. Browder and F. N. Browder;

H. R. 3442. An act for the relief of Clifford J. Sanghove;

H. R. 3936. An act for the relief of M. M. Edwards;

H. R. 4229. An act for the relief of Jennie Wyant and others;

H. R. 4588. An act authorizing an appropriation for the repair and resurfacing of roads on the Fort Baker Military Reservation, Calif.;

H. R. 4925. An act for the relief of John M. Savery;

H. R. 4993. An act for the relief of William Thurman Enoch;

H. R. 5398. An act for the relief of the heirs of the late Dr. Thomas C. Longino;

H. R. 5465. An act to amend section 1571 of the Revised Statutes to permit officers of the Navy to count duty on airships as sea duty;

H. R. 5531. An act to amend the provision contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers;

H. R. 5746. An act to authorize the appraisal of certain Government property, and for other purposes;

H. R. 5789. An act to provide for the gratuitous issue of service medals and similar devices, for the replacement of the same, and for other purposes;

H. R. 5806. An act to authorize the purchase of real estate by the War Department;

H. R. 5968. An act for the relief of Byron Brown Ralston;

H. R. 5981. An act for the relief of Clarence Cleghorn;

H. R. 6436. An act for the relief of Mary E. O'Connor;

H. R. 6652. An act to fix the pay and allowances of chaplain at the United States Military Academy;

H. R. 6844. An act concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto;

H. R. 6856. An act relating to the payment or delivery by banks or other persons or institutions in the District of Columbia of deposits of moneys and property held in the names of two or more persons, and for other purposes;

H. R. 7061. An act for the relief of William V. Tynes;

H. R. 7227. An act for the relief of William H. Dotson;

H. R. 7752. An act to limit the issue of reserve supplies or equipment held by the War Department;

H. R. 7937. An act to authorize mapping agencies of the Government to assist in preparation of military maps;

H. R. 8808. An act for the relief of Charles R. Wareham;

H. R. 9043. An act to authorize the payment of an indemnity to the Government of France on account of losses sustained by the owners of the French steamship *Madeleine* as a result of a collision between it and the U. S. S. *Kerwood*;

H. R. 9148. An act for the relief of Ensign Jacob E. DeGarmo, United States Navy;

H. R. 9363. An act to provide for the completion and repair of customs buildings in Porto Rico;

H. R. 10139. An act for the relief of Edmund F. Hubbard;

H. R. 10192. An act for the relief of Lois Wilson;

H. R. 10276. An act providing for sundry matters affecting the naval service;

H. R. 10544. An act to abolish the office of administrative assistant and disbursing officer in the Library of Congress and to reassign the duties thereof;

H. R. 10643. An act authorizing the Gulf Coast Properties (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y.;

H. R. 11692. An act authorizing the Gulf Coast Properties (Inc.), a Florida corporation, of Jacksonville, Duval County, Fla., its successors and assigns, to construct, maintain, and

operate a bridge across the Lake Champlain at or near East Alburg, Vt.;

H. R. 11741. An act for the relief of Thomas Edwin Huffman;

H. R. 11797. An act granting the consent of Congress to Columbus County, State of North Carolina, to construct, maintain, and operate a free highway bridge across the Waccamaw River at or near Reeves Ferry, Columbus County, N. C.;

H. R. 11808. An act to authorize an appropriation for the purchase of land at Selfridge Field, Mich.;

H. R. 11809. An act to authorize an appropriation to complete the purchase of real estate in Hawaii;

H. R. 11992. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Biggers, Ark.;

H. R. 12899. An act authorizing the erection for the sole use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C.;

H. R. 13171. An act authorizing the Secretary of the Treasury to accept a franchise from the government of the city of New York to change the routing of the pneumatic-tube service between the customhouse and the present appraisers' stores building, and for other purposes; and

H. J. Res. 200. Joint resolution to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Schall
Bayard	Frazier	La Follette	Sheppard
Bingham	George	Locher	Shipstead
Black	Gerry	McLean	Shortridge
Blaine	Gillett	McNary	Simmons
Blease	Glass	Mayfield	Smith
Borah	Goff	Metcalf	Smoot
Brookhart	Gooding	Moses	Steck
Broussard	Gould	Neely	Stephens
Bruce	Greene	Norbeck	Swanson
Capper	Hale	Norris	Thomas
Caraway	Harris	Nye	Tydings
Copeland	Harrison	Oddie	Tyson
Couzens	Hawes	Overman	Vandenberg
Curtis	Hayden	Phipps	Wagner
Cutting	Heflin	Pine	Walsh, Mass.
Dale	Howell	Pittman	Walsh, Mont.
Deneen	Johnson	Ransdell	Warren
Dill	Jones	Reed, Mo.	Waterman
Edge	Kendrick	Reed, Pa.	Watson
Fess	Keyes	Sackett	Wheeler

Mr. GERRY. I was requested to announce that the Senator from New Mexico [Mr. BRATTON] and the Senator from Kentucky [Mr. BARKLEY] are necessarily absent on business of the Senate, in attendance upon the committee appointed to investigate presidential campaign expenditures.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

MEMORIAL—TAX REDUCTION

Mr. DENEEN presented a memorial of the council of the city of Chicago, Ill., which was ordered to lie on the table and to be printed in the RECORD, as follows:

A memorial to the Congress of the United States by the city of Chicago in the matter of the amendment of subdivision (d) of section 116 of the proposed revenue bill now pending before the Congress, H. R. 1, entitled "An act to reduce and equalize taxation, provide revenue, and for other purposes"

In this, its memorial to the Congress of the United States, the city of Chicago represents that by an ordinance the city participates in the earnings of the city's street railway companies and transit lines operating in said city under and by virtue of the terms and conditions of said ordinance, the division of said proceeds or earnings as provided being 55 per cent thereof to the city, previous to which, however, there shall be deducted from revenues derived from such operation all taxes or other governmental charges of every description assessed or which may hereafter be assessed against the lessee (street railway and transit companies) in connection with or incident to the operation of the railways before the city shall receive any rental or compensation for the rights leased or granted, or receive any payment or amortization on the public debt which represents the cost of constructing said railroads, or any division of net profits from operation of said railroads as aforesaid, and that these prior deductions are cumulative in their priority to the city's participation in profits or its realization of other rights, benefits, or interests under the contracts aforesaid; and

The city of Chicago represents that the realization by the city of such rights, profits, and interests are minimized, decreased, and postponed and a loss or burden thereby imposed upon the city to the extent that deductions are made by the operating companies, on account of increased operating costs due to the imposition of Federal income taxes, before the profits, rights, benefits, or interests of the city can be realized on the property owned by it, and that to such extent the taxes so imposed and paid by the operating companies are in the last analysis paid by the city out of the taxes levied by it upon its citizens; and

The city of Chicago further represents that the city council is now contemplating the adoption of another ordinance granting franchises to said street railway and transit companies, and also is proposing the construction at an estimated cost of several hundred millions of dollars of subways and other means of transportation in said city; and also has in contemplation the acquisition of other transit lines or connecting roads necessary to the efficient operation of its transit system, the cost of which is to be paid out of public funds; and

The city of Chicago represents that its present street railway and transit system and the new system in contemplation of construction and operation will render it necessary or advisable for the city to enter into contracts for the maintenance and operation of them, and that the methods of operation of such new railroads must be decided upon in the near future before such contracts are executed; and

It appearing to the city of Chicago that the proposed revenue bill now pending before the Congress, H. R. 1, and entitled "An act to reduce and equalize taxation, provide revenue, and for other purposes," provides, in subdivision (d) of section 116 thereof, that whenever a State, Territory, or any political subdivision of a State or Territory, prior to September 8, 1916, entered into a contract for the acquisition, construction, operation, or maintenance of a public utility, and by the terms of such contract the Federal tax on income is to be paid out of the proceeds from the operation of such public utility prior to any division of the proceeds between the person or corporation and the State, Territory, or political subdivision, that there shall be refunded to the State, Territory, or political subdivision a proportional part of any income tax collected from such public utility contractor to the extent that if, but for the imposition of the tax imposed by this title, a part of such proceeds for the taxable year would accrue directly to or for the use of the city; and

It further appearing that by and under the construction and interpretation placed upon the corresponding similar subdivisions of the revenue acts of prior years by the governmental agencies the city of Chicago is deprived, and will be deprived, of the benefits of a rebate of income taxes charged against the revenues derived from the operation of the railroads which are owned by the city, contrary to the true intent and spirit of the revenue laws; and

The city of Chicago represents that it will be deprived of any and all benefit which, under any construction of the proposed revenue law, it would be entitled to arising under any contract entered into by it subsequent to September 8, 1916, the object of which contract is the acquisition, construction, operation, or maintenance of a public utility; and

The city of Chicago being informed that it has been proposed that subdivision (d) of section 116 of the proposed revenue bill now pending before the Congress, No. H. R. 1, and entitled "An act to reduce and equalize taxation, provide revenue, and for other purposes," be amended so as to make more specific and certain that under such contractual relation, having for its purpose the acquisition, construction, operation, or maintenance of a public utility, the amount of any Federal income tax paid by the lessee, grantee, or person operating a public utility under such contract or contracts, or certificates similar to the contracts of March 19, 1913, aforesaid, shall, to the same extent as the amount, but for the imposition of such taxes, would have accrued directly to or for the use of, or inure to the benefit of, or increase the right, title, interest, or equity in such public utility of such municipality, be refunded to the city or shall not be levied, all of which is more particularly set forth in said proposed amendment, as follows:

"Whenever any State, Territory, or the District of Columbia, or any political subdivision of a State or Territory enters in good faith into a contract with any person the object and purpose of which is to acquire, construct, operate, or maintain a public utility—

"(1) If by the terms of such contract the tax imposed by this title is to be paid out of the proceeds from the operation of such public utility prior to any division of such proceeds between the person and the State, Territory, political subdivision, or the District of Columbia, and if but for the imposition of the tax imposed by this title a part of such proceeds for the taxable year would accrue directly to or for the use of, or inure to the benefit of, or increase the right, title, interest, or equity in such public utility of such State, Territory, political subdivision, or the District of Columbia, then a tax upon the net income from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title, but there shall be refunded to such State, Territory, political subdivision, or the District of Columbia (under rules and regulations to be prescribed by the commissioner with the approval of the Secretary, an amount which bears the same relation to the amount of the tax as the amount which (but for the imposition of the tax imposed by this title) would have accrued directly to or for the use of, or inure

to the benefit of, or increase the right, title, interest, or equity in such public utility of such State, Territory, political subdivision, or the District of Columbia bears to the amount of the net income from the operation of such public utility for such taxable year.

"(2) If by the terms of such contract no part of the proceeds from the operation of the public utility for the taxable year would, irrespective of the tax imposed by this title, accrue directly to or for the use of, or inure to the benefit of, or increase the right, title, interest, or equity in such public utility of such State, Territory, political subdivision, or the District of Columbia, then the tax upon the net income of such person from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title.

"(3) If by the terms of such contract the acquisition, construction, operation, or maintenance of such public utility is for or on behalf of a State, Territory, political subdivision, or the District of Columbia, or the effect of such contract is to enable the State, Territory, political subdivision, or the District of Columbia to acquire a right, title, interest, or equity in such public utility, no tax shall be levied under the provisions of this title upon the income derived from the acquisition, construction, operation, or maintenance of such public utility, so far as the payment thereof will impose a loss or burden upon or decrease or postpone such right, title, interest, or equity of such State, Territory, political subdivision, or the District of Columbia."

Whereas the city council of the city of Chicago is advised and is of the opinion that the foregoing proposed amendment will be beneficial to the interests of the city of Chicago under the said contracts of March 19, 1913, and under contracts which may be entered into by it subsequent thereto for the acquisition, construction, operation, or maintenance of such public utilities, and under any plan of consolidation or unification as is now being considered by its committee on local transportation:

Resolved, That the city council of the city of Chicago does hereby approve the proposed amendment aforesaid, and that it does hereby urge upon the Congress the passage of such amendment; further

Resolved, That the city clerk be, and is hereby, authorized and directed to transmit to each of the United States Senators for the State of Illinois and to each Member of the House of Representatives from the State of Illinois a certified copy of this resolution.

STATE OF ILLINOIS *County of Cook, ss:*

I, Patrick Sheridan Smith, city clerk of the city of Chicago, do hereby certify that the above and foregoing is a true and correct copy of the certain resolution unanimously adopted by the city council of the city of Chicago at a regular meeting held Tuesday, May 1, 1928.

Witness my hand and the corporate seal of the said city of Chicago this 3d day of May, 1928.

[SEAL.] PATRICK SHERIDAN SMITH,
City Clerk.

REPORTS OF COMMITTEES

Mr. LA FOLLETTE, from the Committee on Indian Affairs, to which was referred the bill (H. R. 491) authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California, reported it without amendment.

Mr. SWANSON, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 6195) granting six months' pay to Constance D. Lathrop (Rept. No. 1078); and

A bill (H. R. 7142) for the relief of Frank E. Ridgely, deceased (Rept. No. 1079).

Mr. TYDINGS, from the Committee on Naval Affairs, to which was referred the bill (S. 4402) authorizing the Secretary of the Navy to assign to the Chief of Naval Operations the public quarters originally constructed for the Superintendent of the Naval Observatory in the District of Columbia, reported it without amendment and submitted a report (No. 1080) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 1618) for the relief of Margaret W. Pearson and John R. Pearson, her husband, reported it with an amendment and submitted a report (No. 1081) thereon.

Mr. NYE, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 11852) providing for the confirmation of grant of lands formerly the United States barracks at Baton Rouge, La., to the board of supervisors of the Louisiana State University and Agricultural and Mechanical College, reported it without amendment and submitted a report (No. 1082) thereon.

Mr. WALSH of Massachusetts, from the Committee on Naval Affairs, to which was referred the bill (S. 3327) for the relief of Robert B. Murphy, reported it without amendment and submitted a report (No. 1083) thereon.

He also, from the same committee, to which was referred the bill (H. R. 5897) for the relief of Mary McCormick, reported it with an amendment and submitted a report (No. 1084) thereon.

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 4229) to extend the time for completing the construction of a bridge across the Mississippi River near and above the city of New Orleans, La. (Rept. No. 1085);

A bill (S. 4288) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the South Fork of the Cumberland River at Burnside, Pulaski County, Ky. (Rept. No. 1086); and

A bill (S. 4294) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the North Fork of the Cumberland River at Burnside, Pulaski County, Ky. (Rept. No. 1087).

Mr. COPELAND, from the Committee on Commerce, to which was referred the bill (H. R. 13032) to amend the act of February 8, 1895, entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters," reported it without amendment.

Mr. VANDENBERG, from the Committee on Commerce, to which was referred the bill (H. R. 13037) to amend section 1, rule 2, rule 3, subdivision (e), and rule 9 of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895 (ch. 64, 28 Stat. L. sec. 645), reported it without amendment.

BELL OF THE OLD CRUISER "MINNEAPOLIS"

Mr. SCHALL. I ask unanimous consent to submit a report from the Committee on Naval Affairs. I am directed by that committee to report back favorably, without amendment, the bill (S. 2289) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Veterans of Foreign Wars of the United States, Department of Minnesota, the bell formerly on the old cruiser *Minneapolis*, and I submit a report (No. 1088) thereon. The veterans there have had the use of the bell since 1922, and I ask unanimous consent for the present consideration of the bill.

Mr. SMOOT. I have no objection, if it does not lead to any discussion, but if it does I shall have to object.

Mr. SCHALL. It will lead to no discussion.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the Veterans of Foreign Wars of the United States, Department of Minnesota, the bell formerly on the old cruiser *Minneapolis: Provided,* That no expense shall be incurred by the United States for the delivery of such bell.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL POINT LIGHTHOUSE RESERVATION, N. C.

Mr. SIMMONS. From the Committee on Commerce I report back, without amendment, the bill (S. 4302) to authorize the Secretary of Commerce to convey the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., as a memorial to commemorate the Battle of Fort Fisher, and I submit a report (No. 1089) thereon. I ask unanimous consent for the immediate consideration of the bill.

Mr. SMOOT. It is a favorable report?

Mr. SIMMONS. It is reported favorably.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the Secretary of Commerce is authorized to convey the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., for improvement and maintenance as a memorial to commemorate the Battle of Fort Fisher. The property to be transferred under this act was conveyed to the United States by deed of April 7, 1817, from Charles B. Gause, registered in the records of New Hanover County in Book P, page 305, and is described therein as "a certain piece or parcel of land situate, lying, and being in the State of North Carolina and county of New Hanover on Federal Point near the new inlet of Cape Fear River, whereon the beacon erected by the United States now stands, to contain 1 square acre of land, the beacon being the center of said square acre," together with "the use and privilege of the most convenient and usual landing place on said point from the river and from said landing place free egress and regress over the said point of land."

SEC. 2. In the event the city of Wilmington should fail to improve or to maintain the said property in the manner contemplated by this act the Secretary of Commerce may at any time by letter addressed

to its chief executive officer or officers notify the city of Wilmington that the property conveyed will revert to the United States, and if the city of Wilmington does not begin or resume the performance of such improvement or maintenance within a period of six months from the date of such notice, the said property shall, upon the expiration of such period, revert to the United States without further notice or demand or any suit or proceeding. The United States reserves the right to resume ownership, possession, and control for Government purposes of the said property so conveyed at any time and without the consent of the grantee.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills:

S. 797. An act authorizing the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Wellsburg, W. Va.;

S. 1480. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims;

S. 2978. An act authorizing the Secretary of War to donate certain buildings to the city of Tucson, Ariz.;

S. 3740. An act for the control of floods on the Mississippi River and its tributaries, and for other purposes;

S. 3824. An act to correct the descriptions of land comprising the Bryce Canyon National Park as contained in the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," and the act approved February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the 'Bryce Canyon National Park,' and for other purposes"; and

S. 3862. An act authorizing J. T. Burnett, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tiptonville, Tenn.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH:

A bill (S. 4411) to amend the United States cotton futures act, approved August 11, 1916, as amended, by providing for the delivery of cotton tendered on futures contracts at certain designated spot cotton markets, by defining and prohibiting manipulation, by providing for the designation of cotton futures exchanges, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. HALE:

A bill (S. 4412) granting an increase of pension to Elmeda E. Bowen (with accompanying papers); and

A bill (S. 4413) granting an increase of pension to Susan E. Dawson (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 4414) for the relief of Ella Mae Rinks; to the Committee on Claims.

A bill (S. 4415) for the relief of Josiah Harden; to the Committee on Military Affairs.

By Mr. SACKETT:

A bill (S. 4416) granting an increase of pension to Katherine H. Califf;

A bill (S. 4417) granting an increase of pension to Idella McFarland (with accompanying papers); and

A bill (S. 4418) granting an increase of pension to Virginia G. Shirley (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4419) granting an increase of pension to Nancy Jane Hudson (with accompanying papers); to the Committee on Pensions.

By Mr. DILL:

A bill (S. 4420) to amend section 19 of the World War veterans' act (June 7, 1924, ch. 320, sec. 19, 43 Stat. 612) providing for extension of time for filing suits under the war risk insurance act; to the Committee on Finance.

By Mr. COPELAND:

A bill (S. 4421) to award a medal of honor to John C. Whiting; to the Committee on Military Affairs.

By Mr. CUTTING:

A bill (S. 4422) to create a commission on elections, to define its duties, and for other purposes;

A bill (S. 4423) to prevent fraud and corrupt practices in the nomination and election of Senators and Representatives in Congress, to provide publicity of campaign accounts, and for other purposes; and

A bill (S. 4424) to regulate campaign expenditures of candidates for President and Vice President, and for other purposes; to the Committee on the Judiciary.

By Mr. WATSON:

A bill (S. 4425) granting an increase of pension to Matilda M. Huddleston; to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 4426) granting an increase of pension to Orley A. Vawn; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 4427) authorizing the Secretary of Commerce to construct and equip a light vessel for the entrance to the St. Johns River, Fla.; to the Committee on Commerce.

By Mr. METCALF:

A bill (S. 4428) granting an increase of pension to Jennie Aldrich (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A joint resolution (S. J. Res. 147) for the relief of Leah Frank, Creek Indian, new born, roll No. 294; to the Committee on Indian Affairs.

By Mr. ODDIE:

A joint resolution (S. J. Res. 148) authorizing the President to appoint A. Campbell Turner to the Foreign Service of the United States; to the Committee on Foreign Relations.

By Mr. CUTTING:

A joint resolution (S. J. Res. 149) proposing an amendment to the Constitution of the United States, relative to the nomination or election of Members of Congress, President, and Vice President of the United States; and

A joint resolution (S. J. Res. 150) proposing an amendment to the Constitution of the United States, relating to eligibility of Members of Congress; to the Committee on the Judiciary.

AMENDMENT TO TAX REDUCTION BILL—INTERNATIONAL BRIDGES

Mr. COPELAND submitted an amendment intended to be proposed by him to House bill 1, the tax reduction bill, which was ordered to lie on the table and to be printed.

SURPLUS REAL PROPERTY OF WAR DEPARTMENT

Mr. SWANSON submitted an amendment intended to be proposed by him to the bill (H. R. 11953) to authorize the sale under the provisions of the act of March 12, 1926 (Public, No. 45, 69th Cong.), of surplus War Department real property, which was referred to the Committee on Military Affairs and ordered to be printed.

AMENDMENT TO SECOND DEFICIENCY APPROPRIATION BILL

Mr. ODDIE submitted an amendment providing that the unexpended balance of the appropriation of $50,000 for the survey and examination of water-storage reservoir sites on the headwaters of the Truckee River, and for other purposes, contained in the act making appropriations for the Department of the Interior for the fiscal year 1928, shall remain available during the fiscal year 1929 for the same purposes, including test borings, and also for the survey and examination of water-storage reservoir sites on the Carson River, investigations of dam sites at such storage reservoirs and estimates of costs, with recommendations in regard thereto, etc., intended to be proposed by him to the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE

Mr. JONES. House bill 10786, a bill authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Gila River and its tributaries above the San Carlos Reservoir in New Mexico and Arizona, was referred to the Committee on Commerce. That committee has examined the bill and it ought to go to the Committee on Irrigation and Reclamation. I move that the Committee on Commerce be discharged from the further consideration of the bill and that it be referred to the Committee on Irrigation and Reclamation.

The motion was agreed to.

COMMITTEE SERVICE

On motion of Mr. WATSON and by unanimous consent, it was—

Ordered, That Mr. KEYES be excused from further service as a member of the Committee on Agriculture and Forestry and that he be assigned to service upon the Committee on Finance; that Mr. FESS be excused from further service as a member of the Committee on Finance and

that he be assigned to service upon the Committee on Foreign Relations, and that Mr. CUTTING be assigned to service on the Committee on Agriculture and Forestry.

CONSTRUCTION OF CERTAIN NAVAL VESSELS—PROPOSED UNANIMOUS-CONSENT AGREEMENT

Mr. HALE. Mr. President, I ask unanimous consent that to-morrow afternoon, immediately after the close of the services in memory of the late Senator Willis, of Ohio, the Senate proceed to the consideration of Calendar No. 1022, the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes——

Mr. SMOOT. I object.

Mr. HALE. I would like to state my proposition. I ask unanimous consent that the Senate proceed to the consideration of the bill I have indicated immediately after the close of the services in memory of the late Senate Willis, of Ohio, and that the Senate continue with such consideration until 6 o'clock; that at that time, if the bill has not been disposed of, a recess be taken until 8 o'clock p. m., and that thereafter the consideration of the bill be continued until 10.30 o'clock, unless sooner disposed of.

Mr. SMOOT. I object.

Mr. KING and Mr. LA FOLLETTE. I object.

Mr. JOHNSON. I object also, if any further objection be needed.

The VICE PRESIDENT. Objection is made.

BOULDER DAM

Mr. ASHURST. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an address delivered yesterday before the Federal Trade Commission by Hon. LOUIS W. DOUGLAS, Representative in Congress from the State of Arizona, in which he urges the Federal Trade Commission to investigate the insidious and odious lobby which is here and elsewhere attempting to pass the Boulder Dam bill. I also ask to have printed in the RECORD an editorial from the San Diego Times-Union on this subject. I desire to have these printed in the RECORD at this juncture and not in the Appendix. May I secure such permission?

The VICE PRESIDENT. Without objection, it is so ordered.

The address and editorial are as follows:

STATEMENT OF LOUIS W. DOUGLAS, MEMBER OF CONGRESS FROM ARIZONA, BEFORE THE FEDERAL TRADE COMMISSION MAY 9, 1928

MEMBERS OF THE FEDERAL TRADE COMMISSION: I have seen the recent reports of evidence submitted to you relative publicity activities with reference to the Boulder Dam bill pending before Congress.

I appear as a Member of Congress to suggest to you a course of inquiry in this connection, which falls within the general authority given to you by Senate Resolution 83 of the Seventieth Congress, first session, to inquire into and to report to the Senate whether, and to what extent corporations doing an interstate or international business "in supplying electrical energy, or any officers thereof or anyone in their behalf, or any organization of which any such corporation may be a member, through the expenditure of money or through the control of the avenues of publicity have made any and what effort to influence or control public opinion on account of municipal or public ownership of the means by which power is developed and electrical energy is generated and distributed, or since 1923 to influence or control elections."

The city of Los Angeles is a corporation. The Los Angeles Bureau of Light and Power of the City of Los Angeles is engaged in the production and distribution of electric energy and in interstate commerce.

Its activities to persuade the Congress of the United States to appropriate moneys for the construction of the largest of power projects are proper subjects of inquiry by your commission. Its activities in connection with State legislation are likewise proper subjects of inquiry for this commission.

In 1917 the city of Los Angeles was successful in preventing the California Legislature from passing an act which would subject all dams in California to a rigid inspection by the State engineers. The bill providing for inspection (ch. 377, Calif. Stat. forty-second legislative session), as amended through the influence of the city of Los Angeles, specifically exempted from State inspection dams built by a municipality with an engineering department. The St. Francis Dam in California was constructed without a State license, without State inspection, and in violation of the water rights of the people in the Santa Clara Valley. The dam failed. The city of Los Angeles, through its great political power, went into Owens Valley and confiscated water, the right to which belonged to the inhabitants of Owens Valley. The city of Los Angeles is now attempting to persuade the Federal Government to appropriate the moneys for a high-power dam at Boulder Canyon and to confiscate the resources of States.

In the early part of February, 1922, before Boulder Canyon had been adequately investigated, the city of Los Angeles appropriated to the United States Reclamation Service for the investigation of that site, and for the investigation of no other site, $75,000, in support of which I call your attention to the following resolution:

"On presentation by special counsel, and on his recommendation and of the chief engineer and chief electrical engineer—the matter being considered at some length—Mr. Haynes moved the adoption of the following resolution:

"'Whereas the city has made application to the Federal Power Commission for license or permit to develop the Boulder Canyon Reservoir on the Colorado River with a view of obtaining from that source sufficient power for the future needs of Los Angeles; and

"'Whereas it is practicable to obtain such information through the United States Reclamation Service which, if provided with the necessary funds, proposes to complete investigations on the ground which will disclose the facts required, as aforesaid; and

"'Whereas the cost to the city of obtaining such necessary information if it should itself be required to do the proper investigation work, would be greatly in excess of the amount to be paid the United States Reclamation Service for supplying such information; and

"'Whereas said Reclamation Service estimates that the amount required of the city of Los Angeles for said purpose would be $75,000, and has indicated that said amount might be paid in installments conforming to the needs of said Reclamation Service for such work as it progresses; and it appearing to be to the best interests of the city and this board, in fulfilling the public duty to provide an ample power supply for the inhabitants of Los Angeles, that this board should undertake to advance said amount for said purposes: Therefore be it

"'*Resolved*, That this board, out of power revenue, undertake to advance and pay to the United States Reclamation Service the sum of $75,000 to carry on the work of said Reclamation Service in investigating the site of the proposed dam at Boulder Canyon on the Colorado River for the purpose aforesaid, subject to the condition that the results of said investigation be furnished this board; that such payment be made in installments; that a demand for the initial installment of said sum, to wit, $15,000, be drawn on the power-revenue fund in favor of the United States Reclamation Service.'

"Seconded by Mr. Bartlett, and carried by the following vote:

"Ayes: Messrs. Bartlett, Haynes, Robinson, the president.

"Noes: None. (Twenty minutes of the board of public service commissioners, city of Los Angeles, pp. 115–116, special meeting, February 16, 1922.)

You will note that the purpose of the appropriation for the investigation was "to provide for an ample power supply for the inhabitants of Los Angeles." You will also note that the appropriation was for the investigation of the Boulder Canyon site, and Boulder Canyon site only.

Dr. Elwood Mead, in a letter addressed to me under date of April 6, 1928, transmitted a statement disclosing that up to June 30, 1927, the city of Los Angeles, Imperial irrigation district, Coachella Valley district, Palo Verde levee district, and the city of Pasadena had appropriated $140,000 for the investigation of Boulder Canyon. The Reclamation Service was restricted in its use of funds for the investigation of the Colorado River to Boulder Canyon, in that it could not expend those funds for an investigation elsewhere except in so far as the Federal Government appropriated such funds. I inclose herewith a statement submitted by Doctor Mead.

Statement referred to:

Expenditures by Bureau of Reclamation and cooperating agencies for June 30, 1927

State	Project	Cooperating agency	Cooperative contract			United States, not under contract	Grand total
			United States	Cooperating agency	Total		
Arizona	Hualpai wells	State of Arizona	$1,623.62	$3,961.53	$5,585.15		$5,585.15
Do	Gila River storage	do	6,580.75	13,714.42	20,295.17		20,295.17
Do	Parker					$517.91	517.91
Do	San Carlos	San Carlos Irrigation Association and State of Arizona.		8,638.54	8,638.54	24,829.51	33,468.05
Do	Little Colorado					9,554.33	9,554.33
Do	San Pedro					2,427.34	2,427.34
Do	Paradise-Verde	Salt River Valley Water Users' Association		929.14	929.14		929.14

Expenditures by Bureau of Reclamation and cooperating agencies for June 30, 1927—Continued

State	Project	Cooperating agency	Cooperative contract			United States, not under contract	Grand total
			United States	Cooperating agency	Total		
Arizona—Continued.							
Do	Colorado River diversions		$1,957.23		$1,957.23		$1,957.23
Do	Colorado River tributaries					$4,966.06	4,966.06
Arizona-California	Boulder Canyon	Imperial irrigation district, Coachella Valley district, Palo Verde levee district, City of Los Angeles, City of Pasadena	35,000.00	$140,000.00	175,000.00	156,293.62	331,293.62
Do	Colorado River Basin					209,863.79	209,863.79
Do	do	Advisers				2,899.74	2,899.74
California	Imperial Laguna	Imperial Laguna Water Co		1,543.81	1,543.81		1,543.81
Do	Imperial Valley	Imperial irrigation district	13,008.99	26,009.66	39,018.65	2,794.04	41,812.69
Colorado	Dolores					4,256.27	4,256.27
Do	White River					4,357.00	4,357.00
Do	Little Snake River					951.43	951.43
Do	Montezuma					4,918.10	4,918.10
Do	Upper White River					6,282.27	6,282.27
Do	San Juan Basin					6,307.61	6,307.61
Colorado-Utah	Lower White River	State of Utah	6,615.25	6,615.25	13,230.50		13,230.50
New Mexico	San Juan Basin	State of New Mexico	7,426.34	7,426.33	14,852.67		14,852.67
Do	La Plata					5,014.09	5,014.09
Utah	Castle Peak	State of Utah and Mormon Church	999.45	999.45	1,998.90	23,054.23	25,053.13
Do	Dixie					863.52	863.52
Do	Utah reconnaissance					632.59	632.59
Do	Mammoth Reservoir					404.27	404.27
Do	Price River					145.40	145.40
Do	Green River water right					252.74	252.74
Do	Green River	Salt Lake Chamber of Commerce	5,247.09	5,247.09	10,494.18		10,494.18
Do	Transmountain diversions					3,555.02	3,555.02
Wyoming	Church Butte					1,442.28	1,442.28
Do	Green River Basin	State of Wyoming	3,681.76	3,700.52	7,382.28		7,382.28
Do	Green River					320.15	320.15
Do	Lyman					2,477.77	2,477.77
Total			82,140.48	218,785.74	300,926.22	479,381.08	780,307.30

It is clear that the city of Los Angeles and affiliated agencies, through their control of the investigating moneys, influenced the Reclamation Service to support Boulder Canyon as the site. In view of the subsequent activities of the city of Los Angeles and affiliated agencies, it is equally clear that the city of Los Angeles abandoned the idea of constructing a power project on the Colorado River with its own funds and supported instead the proposition of obtaining funds from the Federal Treasury for this purpose.

To carry out its ends there was organized in southern California an organization known as the Boulder Dam Association, of which the city of Los Angeles is a member. This association has been one of the great lobbying organizations in behalf of the Boulder Dam bill. In 1924 its secretary was Mr. Burdette Moody, who was also business manager of the board of public service commissioners of the city of Los Angeles.

The statement of receipts, July 19, 1924, audited by W. M. Irwin, auditor, shows sources of revenue of the Boulder Dam Association as of that date, a copy of which I inclose herewith:

Sources of revenue of the Boulder Dam Association:

Receipts from beginning	$9,660.00
Imperial irrigation district	4,750.00
Los Angeles Bureau of Power and Light—	
To San Diego office	1,000.00
To Los Angeles office	3,750.00
Cities meeting at Santa Ana	365.00
United States veterans of El Centro	10.00
Spruce Farm Center of Brawley	20.00
City of San Bernardino	15.00
Total	19,570.00

By S. C. Evans, executive director.

Audited by M. W. Irwin, auditor. Statement of receipts, July 19, 1924, City Hall, Long Beach, Calif.

In March, 1924, the city of Los Angeles passed the following resolution:

"On written recommendation of the special counsel by Floyd M. Hinshaw, Mr. Dykstra moved the adoption of the following resolution:

"'Whereas the city of Los Angeles is vitally interested in the matter of inducing Congress to provide the necessary funds for the construction of a high storage dam at or near Boulder Canyon on the Colorado River, because of the fact that such dam, besides insuring protection to Imperial Valley and other menaced sections against the floods of the Colorado River and greatly extending irrigation in the lower Colorado Basin, will make possible the development of a great amount of hydroelectric power; and

"'Whereas an organization known as Boulder Dam Association, composed of representatives of the various municipalities, districts, and communities interested in said project, has been formed for the purpose of providing such publicity, and such organization is to be supported and financed by participating public agencies, and it appears desirable that the city of Los Angeles, as a member of such organization, should contribute its share of the legitimate expense of such publicity work: Now, therefore, be it

"'*Resolved*, That a demand for $250 in favor of the Boulder Dam Association be, and the same is hereby, ordered drawn and approved on the "power revenue fund."'

"Seconded by Mr. Baker and carried by the following vote:

"Ayes: Messrs. Baker, Burton, Dykstra, the president.

"Noes: None." (Twenty-fourth minutes of the board of public service commissioners, city of Los Angeles, p. 484, March 21, 1924.)

On June 12, 1923, there was authorized an additional amount, not to exceed $1,500 per month, to the Boulder Dam Association, $1,000 of which was thereupon ordered drawn upon the power revenue fund. (Twenty-third minutes of the board of public service commissioners, city of Los Angeles, pp. 21, 22, 94, 95.)

On February 19, 1924, a sum of $500 was voted for the same purposes. (Twenty-fourth minutes of the board of public service commissioners, city of Los Angeles, pp. 12, 376, February 19, 1924.)

On April 30, 1928, I am informed that the Los Angeles Public Service Commissioners appropriated another $1,000 for the purpose of persuading Congress to construct a high dam at Boulder Canyon. How much in addition Los Angeles may have directly or indirectly appropriated to the Boulder Dam Association to influence public opinion I can not now testify to.

The Boulder Dam Association has published many pamphlets which it has distributed to the public and to the Members of Congress, copies of which I submit herewith. The purpose of the publication was to influence public opinion and the opinion of Congress.

In 1923 the public service commissioners of Los Angeles passed the following resolution:

"'*Be it resolved*, That Ralph L. Criswell, president of the council, and W. B. Mathews, special counsel, be authorized to proceed to Washington, D. C., to give attention to the interests of the city as involved in the Swing-Johnson bill, pending before Congress, for the development of the Colorado River, and that their necessary expenses in the matter be paid by the department out of the power revenue fund.'

"Seconded by Mr. Dykstra and carried by the following vote:

"Ayes: Messrs. Baker, Dykstra, Haynes, the president.

"Noes: None." (Twenty-second minutes of the board of public service commissioners, city of Los Angeles, pp. 21, 182, January 16, 1923.)

The representatives of the Boulder Dam Association and of the city of Los Angeles, together with representatives of the Imperial irrigation district, to which reference will later be made, have been constantly present at all of the hearings on the Boulder Dam bill and have been in constant contact with Members of Congress for the purpose of persuading them to support the proposed legislation.

The Imperial irrigation district has been active in other ways. I submit herewith as evidence the following, taken from a statement submitted by officials of the Imperial irrigation district, which will be found on pages 257–258, part 2, hearings before the House Committee on Irrigation and Reclamation on H. R. 2093, Sixty-eighth Congress:

1918. Various payments and expenses of directors, representatives, presenting valley's problems	$31,641.24
1919. Various payments and expenses of directors, representatives, presenting valley's problems	25,348.60
1922. Expenses of directors and representatives attending conferences with Secretary of the Interior, State and county institutions, American Legion, and other civic bodies	10,672.38
1923. Expenses of directors and representatives attending conferences with Secretary of the Interior, State and county institutions, American Legion, and other civic bodies	20,523.30
Conducting congressional party through Imperial Valley	15,978.82
1924. Expenses of directors and representatives attending conferences with Secretary of the Interior and arid lands committee at Washington, D. C	3,193.26
1924. Advances made to various representatives of district to cover expenses while in Washington, D. C	2,250.00
Total	109,607.60

I submit an analysis of the $15,978.82 item for conducting a congressional party through Imperial Valley:

Analysis of expenditures in connection with the conducting of congressional party to Imperial Valley during the month of March, 1923

Expenses, including railroad and Pullman fares, hotels, meals, and miscellaneous items for—	
R. D. McPherrin	$8.50
J. Stewart Ross	68.22
C. W. Brockman	47.50
F. H. McIver	247.18
J. S. Nickerson	22.04
B. D. Irvine	55.56
Elmer W. Heald, American Legion	113.08
F. W. Greer	700.65
Mark Rose	94.25
Earl Pound	64.06
Ira Aton	83.84
Phil D. Swing	261.88
Ray S. Carberry	103.03
Rental moving-picture projection machine	35.00
Expenses of congressional party at—	
Glenwood Hotel, Riverside	380.26
Barbara Worth Hotel	854.83
Labor and material and train expense, miscellaneous labor and material, Andrade	250.32
Southern Trust & Commerce, advanced for expenses—Pullman and meals	1,664.00
Refund on sale of banquet tickets	102.50
Southern Pacific Co., rail, Pullman fares, and meals	1,751.14
Kodak supplies for congressional party	30.30
Photographs of congressional party	10.00
Drayage on congressional party's baggage	58.50
Printing of banquet cards	20.75
Southern Pacific Co., Pullman and rail fares of congressional party	8,951.54
Telegrams and telephone tolls	25.57
Photographs, Keystone service	50.00
Barbara Worth Hotel, miscellaneous	18.06
Miscellaneous unallocated charges	111.26
Total	15,978.82

E. E. KIEFER, *Chief Accountant.*

The above items were submitted by E. E. Kiefer, chief accountant, Imperial irrigation district.

I am informed that Mr. John R. Haynes, one of the public service commissioners of the city of Los Angeles, has been very liberal in his donations to the Boulder Dam lobby.

How much may have been expended, either in cash or in kind, since 1924 I do not know, but I submit that if, as of that date, before the bill had reached the stage in its legislative career at which it might have been considered by the House, $129,177.60 (the sum of expenditures by the Boulder Dam Association and the Imperial irrigation district) had been expended in its behalf, then, as of this date, it is reasonable to conclude that at least four times that amount has been expended.

In this connection I call the attention of this commission to the special train which came to Washington in 1927, carrying lobbyists for the Boulder Dam bill; I call the attention of this commission to the many news advertisements containing large photographs and black-typed narrative of the Boulder Dam, and of the merits of the bill under consideration, which have appeared very frequently throughout the past few years in the Hearst newspapers and in the tabloids. I call the attention of this commission to the many boxes of grapefruit and oranges which have been presented to the Members of the Congress. I call the attention of this commission to the speeches which have been made throughout the country by representatives of the Imperial irrigation district and of the city of Los Angeles. I call the attention of this commission to the great number of Californians now in Washington lobbying for the Boulder Dam bill. I call the attention of this commission to an appropriation of $20,000 by the board of supervisors of Los Angeles County on May 3, 1928, for the purpose of lobbying for the Boulder Dam bill.

I have submitted evidence, which is conclusive, that over $129,000 was expended in behalf of the Boulder Dam bill as of the middle of the year 1924. I have indicated to this commission many other additional items for which moneys have been expended, the purpose of which was to influence public opinion and the Congress.

I submit to this commission that in view of the activities of the city of Los Angeles and other California municipalities in amending the dam inspection bill of 1917 to exclude municipalities from State supervision, and in view of the activities of the city of Los Angeles through the use of its great political power with relation to the inhabitants of the Owens and Santa Clara Valleys in California, and in view of the activities of the city of Los Angeles and affiliated agencies, not only in exerting its great political power but also in expending huge sums of money to influence public opinion and the Members of Congress to support Federal ownership of a tremendous power project, one can not but conclude that activities by political subdivisions to influence public opinion can be as insidious and as dangerous to the body politic as can be the activities of any other type of organization.

[From the San Diego Union, April 20, 1928]

IMPERIAL ASKS SAN DIEGO AID ON DAM FUNDS—$100,000 TO BE RAISED FOR LOBBY IN WASHINGTON ON BOULDER BILL LEGISLATION

The people of Imperial County are looking to the people of San Diego County to help them in the common cause of putting through the Boulder Canyon Dam legislation, according to C. A. Hall and George Whitlock, of the American Conservation Club of the Imperial Valley, who are in San Diego seeking funds to help in the last push in Washington.

"The people of the Imperial Valley are spending $100,000 this year to maintain the necessary lobby in Washington," said Hall yesterday. "Legislation of this nature is costly, and we are fighting the wealthiest and best-organized opposition lobby that ever went to Washington. The people of the valley can't carry all the load, and they are appealing to San Diego County, which will benefit almost as much as Imperial from the dam construction, to help carry on the work and to put over the legislation.

"This bill will do more for southern California than any other legislation ever initiated. It will produce enormous publicity all over the country. Thousands of people are just waiting for the passage of the bill to come to southern California, and I firmly believe that real-estate values will increase 10 per cent within 24 hours after President Coolidge signs the bill.

"This is a worthy and necessary cause. The San Diego Chamber of Commerce and many leading citizens here have given it their full indorsement, and the chamber is going to help all it can with funds. But it is necessary for us to make an appeal to the citizens of the community to help with funds now. The time is short, and we want the people of San Diego to help and help now."

EXCHANGE QUOTATIONS AND EUROPEAN CURRENCY

Mr. COPELAND. Mr. President, may I have the attention of the Senator from Nevada [Mr. ODDIE]? I desire to ask the Senator what has become of Senate Resolution 95, referred to the Committee on Mines and Mining, providing for the reprinting of Senate document serial 8 on foreign exchange quotations and European currency and finance. Early in January I introduced a resolution (S. Res. 95) calling for the republication of that Senate document.

Mr. ODDIE. Mr. President, the Committee on Mines and Mining expect to have a meeting in a very short time with reference to that matter. I want to say that I consider the resolution a very important one. The subject matter included in it is worthy of the grave attention of the Senate, and I hope that something will result.

Mr. COPELAND. May I inquire if there is any opposition in the Senate to the project?

Mr. ODDIE. I have not heard of any opposition. It has not been brought before the Senate.

Mr. COPELAND. Does the Senator know of any Senator who is in opposition to it?

Mr. ODDIE. There was opposition to it two years ago from various Senators, but I think it can be explained in a very satisfactory manner to them at this time.

Mr. COPELAND. May I inquire of the Senator from Utah [Mr. SMOOT] what his attitude is regarding the matter of the reprinting of the Senate document relating to foreign exchange quotations and European currency and finance? I know that he has given much thought to the matter. There are so many inquiries coming from every section of the country that I am very eager to have the Committee on Mines and Mining take action in the matter. Does the Senator from Utah know of any opposition to the republication?

Mr. SMOOT. Mr. President, unless there is some real demand for it I can not see why it should be reprinted. There were a great many copies printed originally.

Mr. COPELAND. What would the Senator consider a great demand? I think I have had a letter from every bank in the United States and from every college and from everyone in the United States interested in the subject of finance. Is that a demand?

Mr. SMOOT. I do not know when those banks asked the Senator, but I do know the original issue was sent to banks wherever they asked for it up to the time this resolution was submitted.

Mr. COPELAND. May I ask the Senator in all kindness and with deference if he is opposed to the matter?

Mr. SMOOT. I would be opposed to it unless there is a real call for the document. I have never received a request from anyone except those to whom I sent copies of the document when it was originally published.

Mr. COPELAND. I shall take pleasure in showing to the Senator from Utah a great stack of requests from every part of the country for the publication brought up to date. I believe, without knowing anything about it personally, from the character of the persons who have inquired and the nature of the requests, that it must be a very valuable document.

Mr. SMOOT. I shall be glad to have the Senator submit the requests to me.

Mr. WALSH of Montana. Mr. President, may I inquire of the Senator from New York why he did not have the resolution referred to the Committee on Printing?

Mr. COPELAND. Because, in the first place, the report was gotten out by the Committee on Mines and Mining, and in order to bring it up to date there must be some further work done on it that seems to be within the purview of that committee.

Mr. WALSH of Montana. I understood that the resolution merely provided for a reprint.

Mr. COPELAND. It provides for a little more than that. It says:

The Committee on Mines and Mining be, and is hereby, authorized to revise to date and publish with illustrations—

And so forth. That, apparently, would require some little work.

ANNIVERSARY OF DEATH OF STONEWALL JACKSON

Mr. BLEASE. Mr. President, on the 10th day of May, 1863, there passed away at Guinea Station, Va., one of the greatest generals this country has ever known. My State, South Carolina, set apart that day as Confederate Memorial Day. I ask to have printed in the RECORD an article furnished me by Miss Anna Jackson Preston, sponsor for the South at the reunion at Little Rock on this day, being a short sketch of the life of her great grandfather, Gen. Stonewall Jackson.

I also ask to have printed an address delivered by Dr. W. E. Abernethy to the Daughters of the Confederacy at Statesville, N. C., on May 10, 1927, and a short article by Bishop Charles B. Galloway.

There being no objection, the articles and address were ordered to be printed in the RECORD, as follows:

STONEWALL JACKSON

Thomas Jonathan Jackson, usually known as Stonewall Jackson, was born in Clarksburg, Va., now West Virginia, on the 20th day of January, 1824. He died at Guinea Station, Va., on the 10th day of May, 1863, being 39 years of age. He was the son of Jonathan Jackson, of Clarksburg, a promising and well-to-do young lawyer, and his beautiful and accomplished wife, Julia Beckwith Neale. His great grandfather, John Jackson, the first of the line in America, by birth a Scotch-Irishman, came from London about 1748, and located first in Maryland and later the western portion of Virginia. The Jacksons became in time quite a numerous family, owning large boundaries of mountain land. They were noted for their honesty, indomitable wills, and physical courage, holding many positions of public trust and honor in what was then known as western Virginia.

EARLY CHILDHOOD

When Thomas Jonathan Jackson was 3 years of age his father died with typhoid fever, contracted while he was nursing his little daughter who also died. He left a widow and three children in very limited circumstances. Mrs. Jackson, after recovering in a degree from the double shock—the death of her daughter and husband—supported her little family as best she could with her needle and by teaching school for about three years when she married Capt. Blake B. Woodson, a gentleman from eastern Virginia, of excellent family and delightful manners but visionary and unsuccessful. When her health became impaired the children were placed temporarily with relatives. A year later Jackson's mother died, and thus at the age of 7 he was left a penniless orphan.

One story most characteristic of him is that when about 12 years of age he appeared at the house of Federal Judge John G. Jackson in Clarksburg, and addressed his wife, saying, "Aunt, Uncle Brake [referring to the relative he was then living with] and I don't agree. I have quit him and will never go back any more." He never did, but walked 18 miles to the farm of Cummins Jackson, bachelor half-brother of his father. There he lived happily until he was appointed to West Point through the political influence of his Uncle Cummins, at the age of 18. Before going to West Point he held his only political office, that of constable, and satisfactorily discharged the duties of the office.

The first year at West Point, having had but indifferent preparation, he stood near the foot of the class, but each year by dint of untiring study he advanced steadily until he graduated No. 17 in a class of 60. One of his professors remarked that if there had been one more year in the course before graduation he would have led his class.

IN MEXICO

After graduating at West Point in 1846 he at once went to the Mexican war and served with distinction in the battles there, coming out brevet major, with a noble reputation for bravery and extremely popular with the Mexican people of the higher classes for whom he entertained to the end of his life great admiration.

AT LEXINGTON, VA.

In 1851 he became professor of military tactics at the Virginia Military Institute, Lexington, Va., known as the West Point of the South, at a salary of $1,200 per year and a residence. Lexington was at that time a small town in the midst of the Blue Ridge Mountains, also the seat of Washington College, now Washington-Lee University. The community at that time was largely dominated by the Presbyterian Church, whose pastor was Rev. William S. White, for whom Jackson formed a great affection. General Jackson was deeply interested in religious matters, and though baptised in the Episcopal Church, joined the Presbyterian Church the first year he was in Lexington.

In 1853 he married Miss Eleanor Junkin, daughter of Dr. George Junkin, president of Washington College. In a year his wife died. The young husband was heartbroken and his thoughts turned more than ever to religion. In fact, it was at this time that his intense religious nature began to assert itself outwardly.

In 1855 Jackson and Col. J. T. L. Preston, who was subsequently his adjutant general, organized a Sunday school for negroes in Lexington. Some local antagonism was aroused against them because slaves were taught to read and write in this school. The school was carried on successfully, however, up to the outbreak of the war.

On the 16th day of July, 1857, he was married to Miss Mary Anna Morrison, of Lincoln County, N. C., the daughter of Dr. Robert Hall Morrison, who founded Davidson College, Davidson, N. C., and Mary Graham Morrison, a sister of Gov. William A. Graham, of North Carolina.

IN THE WAR BETWEEN THE STATES

Though opposed to secession, Jackson, like many of the leading citizens of the South, was equally opposed to the coercion of the Southern States; and, therefore, promptly offered his services to the State of Virginia when war was declared against it, believing that his first and highest loyalty was to his native State.

Jackson had been commissioned by the Governor of Virginia to take charge of the State militia detailed to keep the peace during the trial and execution of John Brown at Charlestown in 1859. In a letter to his wife he gave an interesting account of this occurrence. At the actual outbreak of hostilities he spent his time drilling soldiers. He was then made colonel of the Virginia State troops. First at Manassas, he was given his famous sobriquet of "Stonewall," by General Bee, of South Carolina. His promotions to brigadier, major general, and lieutenant general were very rapid. His fame as a soldier rests largely upon what is known as the valley campaign, where in rapid succession he won a series of brilliant victories—McDowell, Winchester, Port Republic, Cross Keys, and Cedar Mountain. Of these he himself is said to have considered Cedar Mountain his greatest victory.

On May 3, 1863, in the midst of the brilliant victory at Chancellorsville, he was wounded by his own men, usually supposed to belong to one of the North Carolina regiments, and died a week later.

After half a century has elapsed, it is hard to realize the feelings of sorrow and hopelessness which swept over the South when the news of Jackson's death flashed along the wires. Everywhere men and women broke down and cried as though a beloved member of their own family had been taken. When the news of his death reached Europe the newsboys and porters in the hotels announced that "Stonewall Jackson was dead," for his was a familiar name throughout the world. The people of all nations felt a great soldier and a noble Christian hero had fallen, while in the hearts of the people of the South there was a deep and unexpressed fear that the cause which they loved so well had suffered an irreparable blow the day his casket with the Confederate flag wrapped around it was placed in the cemetery at Lexington.

It is not our purpose to attempt any eulogy of Jackson's career as a soldier. The English historian, Colonel Henderson, probably the greatest military critic of the nineteenth century, says that he was in no way inferior to Wellington, Napoleon, Lee, or any of the great generals of history. He was one of the few generals who was never defeated, and without any effort on his part maintained the confidence and admiration and, one might say, the adoration of all his troops.

APPEARANCE AND CHARACTERISTICS

In private life Jackson was a simple, rather silent Scotch-Irish, Presbyterian gentleman, with large blue eyes, pensive and deep; dark-brown hair, which was very slightly curly and worn rather long; about

5 feet 11½ inches in height, with a fine, full figure. His complexion was fair, almost like a girl's, except when tanned by outdoor exposure. He was noted for his politeness, gentleness of manner, and love of children. While never talkative, he felt always the duty when in society to be responsive to the conversation of others, and was at times a delightful companion and full of pranks and humor, though these occasions were rare. His habits of life were methodical and rigid. According to Dr. R. L. Dabney's Life of Jackson, he always rose at dawn, had private devotions, and then took a solitary walk. When at home family prayers were held at 7 o'clock, summer and winter, and all members of his household were required to be present, but the absence of anyone did not delay the services a minute. Breakfast followed, and he went to his classroom at 8 o'clock, remaining until 11, when he returned to his study. The first book that then engaged his attention was the Bible, which was studied as he did other courses. Between dinner and supper his attention was occupied by his garden, his farm, and the duties of the church, in which he was deacon. After supper he devoted his time for half an hour to a mental review of the studies of the next day, without reference to notes, then to reading or conversation until 10 o'clock, at which time he always retired. There was no variation in this daily program.

There were certain maxims of his life which had much to do with framing his character. One was that "you can be what you resolve to be," the other, "do your duty." His last works are supposed to have been, "Let us cross over the river and rest under the shade of the trees," though others of the attendants at his bedside tell us that the last words were, "Soldiers, do your duty."

General Jackson left one infant daughter, 6 months old, whom he had the privilege of seeing upon only one occasion, when Mrs. Jackson visited him in camp. He named her Julia Neale, for his mother, and in 1885 she married Capt. William E. Christian, of Richmond, author and newspaper man, now living in Washington, D. C. She died in 1889, leaving two infant children, the oldest, Mrs. Julia Jackson Christian Preston, wife of Randolph Preston, an attorney, lives in Charlotte, N. C., and has five children; the youngest, a boy 18 months old, bears the name of his great-grandfather. Mrs. Christian's son, Thomas Jonathan Jackson Christian, is a major in the United States Army, now stationed (1928) at the University of Chicago. He married Miss Bertha Cook and has two children, a boy, Thomas Jonathan Jackson Christian, jr., aged 11, and a girl, Margaret, aged 7.

General Jackson left surviving him an only sister, Laura, the wife of Mr. Jonathan Arnold, of Beverley, W. Va. This sister survived him until the year 1911, when she passed away at the age of 85 years, leaving one son, Hon. Thomas Jackson Arnold, and a number of grandchildren surviving her.

Mrs. Mary Anna Jackson, the widow, lived in Charlotte with her granddaughter until March 24, 1915, when at the age of 83 she passed to her reward. Her Christian faith, great wisdom, and cheerful, courageous disposition marked her as a most unusual woman. Her plan of life was as simple as her husband's, which consisted of finding out each day what she believed to be her duty, through prayer, Bible reading, and meditation, and then doing it uncomplainingly and with as little affectation as possible.

In 1907, when offered a pension by the Legislature of North Carolina, though she greatly needed it, she authorized one of her relatives, then a member of that body, to say that she preferred the money be given to help needy soldiers, or to found a school for wayward boys. At this session there was chartered the Stonewall Jackson Training School, one of the greatest institutions of its kind in America, and certainly the name it bears is an appropriate and inspiring one for the 500 boys enrolled there.

General Jackson's life was representative of the simple virtues for which the South was noted—honesty in thought, speech, and action, freedom from sordid ambition for wealth or notoriety, a high sense of honor and chivalry, unselfish patriotism, and benevolence toward his fellow men. To these traits were added an absolute reliance upon God, and trust in His providence as guarding, guiding, and controlling the daily lives of His servants.

Heroes of the Sixties

(Address delivered before the Confederate Veterans and Daughters of the Confederacy in Statesville, N. C., May 10, 1927, by Dr. W. E. Abernethy)

Daughters of the Confederacy, old veterans, ladies, and gentlemen, when Pericles ascended the hustings to deliver an eulogy over the Athenians who had fallen at Samos, he prayed to all the gods that he might utter no word unworthy of their fame. In some such spirit I approach the discharge of the duty with which you have honored me to-day.

In that memorable year of Our Lord 1860, no lovelier land lay under the circuit of the sun than that which in terms of tender endearment we call the "Old South." Here nature had lavished all her treasures. Mountains lordly as Olympus broke the hurricane's wing and the cyclone's wheel, standing sentinels around hills of embannered grain. Valleys fertile as the deltas of the Tigris or the Nile, clad in cotton, echoed to the happy songs of contented slaves. Mines rich as Golconda locked the sunshine of buried centuries in their vaults. Virgin forests rivalling those of Lebanon rang with the riotous carnival of the southern birds. Lakes, lovely as Leman or Lucerne, mirrored the sky as blue as that which bends above the Bay of Naples. Here dwelt a peaceful, pastoral people, living in Acadian simplicity, bowing to none but God, loving the old flag which their fathers had followed, and the Union which they had fashioned, coveting no man's goods, meddling with no other's conscience; utterly content only to be let alone in the home which the good God had given them, in possession of the rights clearly guaranteed them under the Constitution.

The flowers of the fateful summer of 1861 were not full blown when the sound of the sullen battery had supplanted the songs of peace. Eleven sovereign Southern States stood in embattled array on the border of our beleaguered land, lifting a new banner to the breeze against the old flag of our fathers, and striving to the utmost of human valor to sever by the sword the bond of an intolerable union. Were they right or wrong? On these memorial days it is just and right that we appeal for the verdict of history. It makes a material difference in our own self-respect as to whether we regard ourselves as the sons and daughters of patriots or traitors.

Lowell, in his address on Lincoln, says: "The impatient vanity of South Carolina hurried 10 prosperous Commonwealths into a crime." That I deny to-day with deep indignation. The assertion that our fathers would shatter the Union for the sake of slavery is the frothing of a flannel-mouthed fool, and deserves to be answered in language too lurid for the lips of a preacher. They fought for the Constitution as its framers understood it. Why should the South desire to destroy the Union? It was born in the brain of a southern sage; its freedom was won by the sword of a southern soldier, and it had been graced by the genius of southern statesmen.

The first Declaration of Independence was made in Charlotte in 1775; the first call for a Continental Congress came from Richard Henry Lee, of Virginia, in 1774. The national Declaration of Independence was drawn by Thomas Jefferson in 1776, James Madison, of Virginia, was called "the Father of the Constitution." The new Government was organized by the same southern soldier who had won our freedom. It was not in a fit of passion that our fathers broke the bonds of the Union, but it was because there was nothing else to do. I boldly assert that secession was justified by the Constitution, and, beyond that, by the right of revolution.

First, as to the Constitution: The original thirteen States were settled as separate and sovereign. The Declaration of Independence declared they were free and independent States. The treaty of peace with Great Britain called them by separate names as sovereign and independent States. Under the articles of Confederacy and Perpetual Union, the States reserved their separate sovereignty, and limited Congress to an "express" delegation of power. It was on motion of Richard Henry Lee, of Virginia, the convention was called to "revise the Articles of Confederation and Perpetual Union." That convention gave us the Constitution drawn by the hand of James Madison. It was not then, but years later, that the enemies of the South came to the conclusion that when the Constitution supplanted the Articles of Confederation, then the supreme sovereignty passed from the States to the Federal Government. At the time of its adoption everybody believed that the States were sovereign, and the Federal Government was but the servant; that it was a government not of the people but of the States. Nobody dreamed that the States were creating a corporation whose clutch later would choke its makers. The Federalists came to camp in the preamble, and bowed in worship before the words, "We, the people," ignoring the fact that the words "people" and "States" were used in the same sense in the ninth and tenth amendments. In the ninth: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." Then, in the tenth: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, or reserved to the States, respectively—or to the people." Under article II of the Constitution and the twelfth amendment, the President was not—and is not to this day—elected by the people but by the States through electors appointed as the State legislatures should direct—and on failure to so select he should be chosen by the States in the lower House of Congress, each State having one vote. Under article 1, the Senators were to be elected not by the people but by the States through their legislatures. All the justices of the Supreme and Federal Courts were elected not by the people but appointed by the President by consent of the Senate, both of which were creatures not of the people but of the States. It was not by accident or oversight that the word "perpetual" was left out of the new Constitution, for no man of that day dreamed that the States had surrendered their right at any time and for any reason to withdraw from the Union as freely as they had entered it.

Without this understanding, so notorious that it was not even discussed, not a single State would have entered the Union. Very early the course of events proved this true.

In 1797, John Adams, suffering from fatty degeneration of the ego, had Congress pass the alien and sedition laws, under which he, without any process of law, could banish any alien or imprison any citizen whom he disliked. It was answered by the Kentucky resolutions drawn

by Thomas Jefferson. Surely he knew what sort was our Government. Those resolutions recited: "The Federal Government is one of delegated powers for special purposes; each State reserves the residing mass of right to itself; when the General Government assumes undelegated powers its acts are null and void; each State has the right to judge for itself as to the infraction and the mode and measure of redress." In the selfsame year Virginia passed some resolutions drawn by Madison, "the father of the Constitution." Surely he knew what the Constitution meant. Those resolutions said: "We will defend the Constitution and the Union; the Federal Government is a compact of States; it is limited by the plain terms of the Constitution, and its acts are invalid if not authorized by grants in the Constitution; in case the General Government exceeds its granted powers the States have the right and duty to interpose."

There is hardly a State in the Union that has not at one time or another claimed the right of nullification or secession—they amount to the same thing. Josiah Quincy the younger proclaimed in Massachusetts the right of a State to nullify any act of Congress for any reason. In 1791 Congress laid a tax on liquor. Pennsylvania answered it by the "whisky rebellion." Utterly ignoring two proclamations of President Washington, she captured the Government officials. By strange coincidence it was the father of Robert E. Lee, "Light Horse Harry," who was sent by Washington to put down that rebellion.

In 1807 Congress passed the embargo act. All the New England States entered into a conspiracy with England and with Sir James Craig, Governor of Canada, to secede from the United States and unite with Canada, and they employed as their agent a naturalized Irishman named John Henry for the sum of $5,000. All that stopped it was the repeal of the embargo. In 1812 Congress passed an act declaring war with Great Britain, and President Madison called on the States for troops. Massachusetts and Connecticut spurned the act and the call. The Massachusetts Legislature said, "We spurn the idea that the free, sovereign, and independent State of Massachusetts is reduced to a mere municipal corporation without power to protect itself from oppression from any quarter." Where was the lordly Daniel Webster then? We listen in vain for that stentorian voice. But this is not all. The Legislature of Massachusetts issued a call for a convention of all the New England States; and they met in Hartford in 1814. For three weeks they sat behind locked doors. An officer of the Government watched them as far as he could. We know only what they gave out: They demanded that the war with England should stop at once; they denied the right of the General Government to call or control State troops; they declared the right of the States to nullify any act of Congress and to resist its enforcement by any means in their power. Where, oh, where was the lordly Daniel then? There is no doubt nor room for doubt that the New England States would have seceded from the Union then if the war had not stopped.

In 1816 Congress passed an act incorporating the United States Bank. The Legislature of Maryland declared the act unconstitutional, and, though overruled by the United States Supreme Court, the supreme court of Maryland, in the case of McCulloch *v.* Maryland, sustained the nullification. As early as 1793 James Iredell, of North Carolina, then a justice of the United States Supreme Court, said in Chisholm *v.* Georgia that the States were completely sovereign in regard to the powers they had not delegated to the Federal Government; as late as 1830 the Legislature of North Carolina refused to pass a resolution denying the right of secession, and in 1832 Senator Nat Macon said any State could withdraw from the Union on first paying its proportional part of the national debt.

Amidst all the thunder of fierce debate that shook the national forum from 1820 to 1860 historians concede that the position of the North was more moral; that of the South more logical. In the Senate of 1830 the speech of Hayne was an unanswerable argument for the Constitution; that of Webster an unanswerable plea for the Union. But while the right of secession slept in the Constitution like a sword in its scabbard, the Southern States would never have drawn it forth if they had not been harried and harassed beyond all endurance. Virtually the South was driven out of the Union by a rabid northern majority ruled not by reason but by the white-hot logic of passionate fanaticism.

Slavery was not the cause of the war; it was merely incidental. The position of southern leaders was expressed in the words of Lee: "Secession is anarchy. If I owned the 4,000,000 slaves, I would give them all for the Union." The colonial South was opposed to slavery, it was forced on her by New England States' slave traders who bought the slaves with New England liquor. At one time Virginia and Georgia comprised all the Southern States of the original thirteen. Twenty-three successive times the Legislature of Virginia refused to receive the slaves; but under the influence of Massachusetts slave dealers, poor, crazy King George forced Virginia to let them in. George Whitfield, cofounder of Methodism, dumped a cargo of slaves on Georgia over the bitter protest of the governor.

Moreover, it was the Northern States that set slavery in the Constitution as an integral part of it. Its adoption was effected by nine Northern States with a population of 2,000,000 and four Southern States with a population of 1,000,000. But it was soon found that negro slavery was not profitable in the North. With the coming of the cotton gin it became immensely profitable to the South.

When the Northern States had sold their slaves to the South they caught a malignant case of religion; slavery was a sin and must be suppressed. In 1908 a North Carolina barkeeper was converted, he sold his bar to his brother, and joined the church, and adopted the slogan of the Anti-Saloon League, "To hell with liquor." That was now the northern attitude. Press, platform, and pulpit poured forth a fiery denunciation of our people.

The happy relation between the slaves and Ol' Marse and Ol' Missus was colored by the lurid light of frenzied fiction. The Methodist Episcopal Church was sure we were going to hell without a return ticket. In 1844 James Andrew, of Georgia, was bishop. He had married a wife. In fact, he had married two wives. Both of them held inherited slaves. Andrew was opposed to slavery. He said to the slaves, "You are free so far as I can set you free; go in peace." But they would not go. Andrew made this frank, manly statement to the general conference of 1844. They kicked him out, and the South went with him.

Every so-called "compromise" in Congress was really a concession by the South to save the Union. In 1820 the Missouri compromise barred slavery from all territory north of 36° 30'. That was clearly unconstitutional, but the South submitted. In the case of California in 1850 the northern majority killed its own Missouri compromise because part of the State lay south of the dividing line. Again the South submitted. In 1854 Kansas and Nebraska knocked at the door. Douglas proposed his squatter sovereignty; that is, let the States decide for themselves by popular vote. The rabid abolitionists now untombed and paraded their own baby, which they had smothered—the Missouri compromise. Douglas won, and the battle of ballots was on in Kansas. Proslavery won at the polls. The duly elected legislature met at Lecompton, drew up a constitution, and sent their Delegate to Congress. The abolitionist, defeated and disgruntled, seceded, withdrew to Topeka, and set up an independent government. Again the battle was on—not of ballots but of bullets.

Then, in 1857, came the Dred Scott decision. Dred Scott was a Missouri slave who had sued for freedom. The United States Supreme Court said, "Negroes are not citizens and can not become so by any process known to the Constitution. They can not sue or be sued. They are only chattels in law. The Constitution gives the owner the right of taking them as property into any State or Territory. Therefore the Missouri compromise and all other compromises are null and void."

This decision, mark you, was effected by northern and not southern judges. On the bench sat five northern and four southern justices—Taney, of Maryland; Grier, of Pennsylvania; and Nelson, of New York, voted for the decision. Fondly our fathers dreamed that this settled the matter forever. Then the abolitionists began to "cuss" the court and the Constitution. Thad Stevens said that Taney went to hell for that decision. The Constitution was denounced as a "Covenant with hell and a league with death."

The fugitive slave law was annulled by the passage of "personal liberty" bills in the following 14 States: Connecticut, Illinois, Indiana, Iowa, New York, Massachusetts, Michigan, Maine, New Jersey, New Hampshire, Rhode Island, Pennsylvania, Wisconsin, and Vermont.

Then came the election of Lincoln. It has been charged that the election of Lincoln was not sufficient to justify secession. Standing as an isolated incident, this might be true. I know Lincoln said in his first inaugural that he had no purpose or power to interfere with slavery in the States and no express power to interfere with it in the Territories. But Lincoln, with all his power, would have been but a feather in the tempestuous passion of the party which elected him. They declared slavery was a sin and must be suppressed. Lincoln himself had said, "The Nation can not survive half slave and half free."

As a last gesture of despair the South threw a "sop to Cerberus" in the Crittenden resolution of 1860, offering to restore the Missouri compromise. Douglas, Davis, and Stevens believed its passage would restore peace and save the Union. It was beaten by northern votes. The Southern States were given to understand that they could remain in the Union only when shorn of their sovereignty and under a constitution regarded as a rotten rag. So, justified by the Constitution and clean of conscience, the South rescinded the ordinances under which she entered the Union.

When South Carolina resumed her separate sovereignty, then all her forts and arsenals reverted to her rightful possession. She sent Adams, Barnwell, and Orr to Washington to negotiate for their peaceable surrender. In answer the Government sent the *Star of the West* with reinforcements for Fort Sumter. This was a flagrant invasion; this was the first act of open war. The shot from the Confederate batteries in Charleston Harbor was the answer to that invasion.

The story of that struggle against such fearful odds has become the wonder of the world. On one side was a nation of 22 States and 10 Territories, with a population of 21,000,000 of white people, whose starry standard shone on every shore and sea of the planet. She had her army and her navy, her factories and munition plants, and the unlimited credit of the world.

We had 11 States, with a population of 10,000,000, including 4,000,000 slaves. New York, Pennsylvania, and Ohio together could send two fighting men to our one into the field. We were without army or navy, without factories for clothing or weapons, without the recognition of a single nation, practically without arms save such as freemen may find or fashion in the hour of oppression. Yet, with unfaltering faith and undaunted daring we unrolled the "Southern Cross" to the sky above the bravest, truest men that ever marched to war's wild music.

Never were men better lead than by the stainless sword of that superbest soldier of the centuries, Robert E. Lee, and never was a leader more faithfully followed than by the heroes in gray.

Eulogy knows no language nor language any eulogy to fashion a fitting wreath for Lee. Nor was self-sacrifice more sublime than when he gave up his princely home rich in tender and heroic memories, resolutely refusing the supreme command of the Nation's Army, to live or die with his people. He well knew that our cause was hopeless without the recognition of some great nation, yet he said: "We have a duty to perform."

"His was all the Norman's polish and sobriety of grace,
All the Goth's majestic figure, all the Roman's noble face.
And he stood the tall examplar of a grand heroic race.
Truth walked beside him always
From his childhood's early years,
Honor followed as his shadow; valor lightened all his cares;
And he rode—that grand Virginian, last of all the Cavaliers."

The genius of Napoleon; the courage of Cæsar; the fortitude of Wellington; the devotion of Leonidas; the chivalry of King Arthur; and the purity of Chevalier Bayard—all met and mingled in the perfect character of Robert Lee. Grand as he led his legions in the land of the Montezumas, grander as he rode "Old Traveler" along the dusty line of gray, grander still as he rode through the smoking streets of his conquered capital and heard the applause of the victors, grandest of all as, with the mist of unshed tears in his eyes, he faced his fate at Appomattox.

For one moment there came to his soldier soul the desperate dream of a final charge. "How easy," he said, "to ride along the lines and end it all!" He knew that at the flashing of his blade every tired, ragged southern soldier would die with him there. But above the sulphurous smoke of battle rose the vision of the stricken South, and he said: "We must live for our people." Sadder words never leaped from lips of mortal than these, "Men, we have fought through the war together; I have done my best for you; my heart is too full to say more." The greatest man of the Old Testament, Moses, cried to God: "Save my people; if not, blot out my name from Thy book!" The peerless man of the New Testament, St. Paul, said: "I could wish myself accursed from Christ for my kinman according to the flesh!" On that supreme height with these heroic souls stands Robert Lee, as he sacrificed all for his people.

What shall we say of the "Bluelight Elder," Stonewall, the unconquered and unconquerable? He never lost a battle and he never entered one without a prayer to God. Every old veteran of the Shenandoah campaign will recall the sharp command: "Halt!" and the dust-brown ranks stood with bowed heads while he lifted his gauntletted hands to Heaven. Then the clear, crisp command: "Hold your fire till you come within 50 yards of the enemy; then fire, and give them the bayonet, and when you charge yell like devils!" No line ever withstood that fiery onset. Hugo said of Napoleon that he embarrassed God. An all-wise Providence had to take Stonewall Jackson to Heaven before the Confederacy could fall.

But while we pay loving tribute to-day to our leaders, Lee and Jackson, Stuart, Johnston, and the long roll of fame, we would not forget the common soldier. We are told that Sir Christopher Wren built St. Paul's and Michaelangelo built St. Peter's, we hear nothing of the common workmen who translated their dreams with trowel and chisel. History heralds the proud admiral who wins the sea fight; it forgets that the men who handle the guns on the blood-besprinkled decks and the stokers down below the water line feeding the furnace—these made victory possible. We sing of the general with gleaming spur and shining epaulette riding along the line; sometimes we forget the unsung soldier standing in the trenches. No bulletin of war to blazon his name; yet in simple, heroic devotion, he does his duty and crowns his leader with victory.

Veterans of the South, I salute you reverently. Your record has become the priceless heritage of history. For four fearful years, through cold and hunger and homesickness, you fought on and on, undreaming of surrender. You were never conquered by Yankee blades or bullets. A deadlier enemy struck from the rear. The unuttered need of our defenseless women and children at home clamored for your aid. God never made more heroic women. Their tender hands, unused to toil, were called to crush the nettle of war. They slept in naked beds, for the sheets were gone to stanch the soldier's blood. The fields were untilled, for the plow horse was pulling the cannon. Food was scarce and money worthless. A calico dress cost $500; flour was $500 a barrel; corn, $30 a bushel; potatoes were $30 a bushel; bacon was $7.50 a pound; eggs were $5 a dozen; sorghum molasses $20 a gallon; yet our more-than-Spartan mothers locked their lips in silent suffering, and sent cheering messages to the front.

Your valor was unconquerable, your defeat was decreed in the chancery of heaven. An iron pen dipped in blood, wrote into the Constitution an interpretation never meant by its framers but one necessary to the perpetuation of the Union. God Almighty needed this undivided Nation. Among the old Hebrews, when a lasting covenant was made each of the contracting parties opened a vein in his arm, and they let their blood flow in a common stream. This blood covenant was irrevocable. So in the red blood of the North and of the South poured together on many a battle field a bond of Union was made which never shall be broken.

To-day you are facing a deadlier enemy than the boys in blue; you are getting old. The shadows are lengthening, and the days are darkening. The thin gray line is growing thinner and grayer. Only a few fleeting years and the last old veteran shall have crossed the river to rest with the leaders under the shade of the tree of life. But into the shadows of old age and into the darkness of death you shall be followed by the reverent regard of our men and the gentle ministries of our women.

When Alexander stood by the tomb of Achilles he said: "O happy Achilles, to have had Homer for your herald." So fortunate are you to have the dear daughters of the Confederacy to guard your memory and garland the graves of your comrades.

Daughters of the Confederacy, I salute you lovingly. No nobler ministry was ever committed to more faithful souls than that of yours to scatter sunshine over the darkening pathway of living veterans and scatter the fragrant flowers of spring over the graves of the dead. They shall live forever in the love and memory of a brave people.

The wild rose of spring dashed with the dews of dawn and sweet with the meadow's breath, the flaming laurel on the sloping highlands, and the shrinking violet in the lowly dell—all are fragrant with their memory. The song birds and the babbling brooks shall chant their names. Nature's cathedral voices, the soft south winds shall breath their story to the hills, and old ocean shall peal, like some mighty anthem to the star of heaven.

"The meanest rill, the mightiest river,
Rolls mingled with their fame forever."

A JUDICIAL ESTIMATE OF JEFFERSON DAVIS

That which preeminently signalizes the public character and parliamentary career of Jefferson Davis was his sincere, unwavering devotion to the doctrine of State sovereignty and all the practical questions that flowed therefrom. He held with unrelaxing grasp to the fundamental fact that the Union was composed of separate, independent, sovereign States, and that all Federal power was delegated, specifically limited, and clearly defined. The titantic struggles of his entire public life were over this one vital issue, with all that it logically involved for the weal or woe of his beloved country. The insistence of Mr. Davis and his compatriots was that the Constitution and laws should be obeyed, that the individual sovereign States must regulate their own domestic affairs without Federal interference, and that their property, of whatever kind, must be respected and protected. They resisted any invasion of the State's right to control its own internal affairs as a violation of the sacred Federal compact.

And, by the way, our present-day political discussions are eloquently vindicating the patriotic jealousy of Mr. Davis for the rights of the States. The most significant fact of these strenuous times is the solemn warnings in endless iteration and from both political parties against the ominous encroachment of Federal authority. More and more the Nation is seeing that Jefferson Davis was not an alarmist or an academical theorist, but a practical, sagacious, far-seeing statesman, when he contended so persistently for the rights and unconstrained functions of each member of the Federal Union. And it is an interesting and suggestive fact that the latest historians and writers on constitutional government sustain this fundamental contention of southern statesmen.

Mr. Davis wrought with all his great ability and influence to preserve the Union. He favored and earnestly advocated the "Crittenden resolutions" on condition that the Republican members of the peace committee would accept them. Had they not stubbornly refused (and they did it at the advice of Mr. Lincoln), war would have been averted and the dissolution of the Union prevented or postponed.

By the sacred political convictions which had inspired his every public and patriotic service Jefferson Davis consistently lived to the end. Without compromise or modification and with never a suggestion of contrition or concession, he died in the accepted faith of his fathers. And for that fearless and unshaken fidelity to his honest conception of truth and duty the South will continue to adore him, the world will never cease to admire him, and with a wreath of unfading glory the genius of history will not fail to crown him. Had he ever recanted or even compromised, had he ever apostatized or even compromised, had he shown in any way that his often-reiterated doctrines were not the

undying convictions of his sincere soul, had he ever pleaded for pardon on the ground that he had misconceived the truth and misguided his people, the South would have spurned him, the North would have execrated him, and the verdict of history would have deservedly and eternally condemned him. But in the calm consciousness of having done what sacred duty and the cause of constitutional liberty demanded to the end of his days he walked with a steady step that knew no variableness or shadow of turning. The banner under which he fought went down in clouds and gloom, but was never furled by his hands. (Bishop Charles B. Galloway.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 5297. An act for the relief of Christine Brenzinger; and

H. R. 10799. An act for the lease of land and the erection of a post office at Philippi, W. Va., and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10360) to confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11026) to provide for the coordination of the public-health activities of the Government, and for other purposes.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. CARAWAY. Mr. President, in lieu of the amendment I offered yesterday afternoon and which is to be voted on this morning, I wish to offer as a substitute the amendment I send to the desk. I ask the clerk to read it, and I should be very glad if those Senators who are interested in it would listen to the clerk's reading.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 205, after line 12, in lieu of the committee amendment striking out lines 12 to 14, inclusive, it is proposed to insert:

Upon each sale, agreement of sale, or agreement to sell (not including so-called transfer or scratch sales) any products or merchandise at, or under the rules or usages of, any exchange, or board of trade, or other similar place, for future delivery, for each $100 in value of the merchandise covered by said sale or agreement of sale or agreement to sell, 50 cents, and for each additional $100 or fractional part thereof in excess of $100, 50 cents: *Provided*, That if any person who shall contract for future delivery of cotton or grain shall furnish an affidavit stating that he is the owner of such cotton or grain and that he has the intention to deliver such cotton or grain, or that such cotton or grain is at the time in actual course of growth on lands owned, controlled, or cultivated by him, and that he has the intention to deliver such cotton or grain, or that he is at the time legally entitled to the future possession of such cotton or grain under and by authority of a contract for the sale and future delivery thereof previously made by the owner of such cotton or grain, giving the name of the party or names of parties to such contract and the time when and the place where such contract was made and the price therein stipulated and that he has the intention to deliver such cotton or grain; or that he has the intention to acquire and deliver such cotton or grain; or that he has the intention to receive and pay for such cotton or grain, shall in that event pay no taxes. But if such affidavit shall be made willfully false, then the maker thereof shall be guilty of perjury and upon conviction be punished as provided by law.

Mr. CARAWAY. Mr. President, if I may have the attention of the Senate for a few moments, let me say that the amendment just offered in lieu of the one we discussed yesterday afternoon will prevent what is called short selling. It would not prevent anyone who owns cotton or grain or who has it in course of production or who holds a contract from some one who has it or has it in course of production from selling that contract. It would not prevent the mill hedging on that sort of a contract. It would tax rather heavily those who sell what they have not and what they never will have to those who do not want it and never expect to receive it. That is what the amendment in its present form does. Under it anyone may sell for future delivery without tax anything he has or has in course of production or that he has under contract to buy.

The evil lies not in the sale for future delivery; no one objects to a man selling what he is going to produce to be delivered in a number of months thereafter; no one objects to a mill which is engaged in spinning cloth buying from somebody who is going to have the raw material in advance of the time it manufactures the product. We object only to people selling what they never have and never expect to have.

Mr. OVERMAN. Mr. President, may I ask the Senator a question for information?

Mr. CARAWAY. I will be glad to answer the Senator.

Mr. OVERMAN. Suppose a cotton mill wants 10,000 bales of cotton delivered and authorizes me as a broker to hedge for it on that contract—I call it a contract, but I will say its purpose to buy.

Mr. CARAWAY. In other words, it wants to buy a contract for a future delivery of 10,000 bales.

Mr. OVERMAN. Yes.

Mr. CARAWAY. The mill may do that, but before it can be sold to the mill you must hold a contract from somebody who has that cotton or somebody who is growing that cotton.

Mr. OVERMAN. I could not, then, telegraph to the cotton exchange to buy 10,000 bales.

Mr. CARAWAY. You could; but nobody on the exchange could sell it unless he had a contract from somebody who is going to own it. For instance, about 6,000,000 bales of American cotton, in round numbers, is all that is spun in America in a year. Yet they sell on the exchanges in the United States in excess of 200,000,000 bales.

It has been said by the defenders of this system that a future contract, a hedge contract, may be sold five or six times over. Granting that—though I do not think anybody ever has been able to establish it—there would be use for only twenty-five or thirty million of future-contract sales to take care of every bale of cotton that is to be spun in America. Instead of that, they sometimes sell that much on the exchange within a week; and against that we protest.

I have in my hand a letter from the Direct Sales & Finance Co., a concern of Fall River, Mass., with main office at Franklin Building, 100 Purchase Street, Fall River. The letterhead bears the legend "Grower to mill." They handle about 135,000 spot bales a year, and possibly are the largest concern selling directly to the mills in America. If I may trespass upon the time of the Senate for a few moments, I wish to read the letter. It is under date of April 7, 1928, and it is addressed to me:

I have your letter of April 4, and have handled as much as 135,000 bales of cotton in one season in this section.

I might say that I wrote a letter to the company to ascertain how much they handled.

I feel that the manipulation which is possible in New York has seriously interfered with the free movement of cotton and is one of the important factors disturbing the textile industry to-day.

One of the mill men in this section, who is also a national figure in the textile industry, informed me yesterday that there was a lack of confidence in cotton goods, going back to the retailer. This was caused by the steady decline in prices during the present season and may take considerable time to adjust itself.

I am thoroughly familiar with the working of the cotton exchange, having traded in rather a large way and also tendered and taken up cotton from the New York stock. All of the following statements are of facts of which I have personal knowledge and on which I can give exact information and names if desired.

In 1923 the cotton business was disrupted by a corner managed by Cooper & Griffin, which cornered March, May, and July. Early in that season I hedged staple cotton, with the market around 29 cents, which was worth at the time in the neighborhood of 36 cents.

Due to the manipulation the New York market advanced to over 35 cents, mills in this section practically stopped buying cotton entirely, and, although I had a loss of over $3,000 in each future contract, the cotton which I had hedged had shown no advance whatever, and was unsalable to the mills even at contract price.

This situation became so serious that mills closed down a great deal of machinery, purchased practically no cotton, and finally in July many of them tendered on New York contracts the cotton which they had in their warehouses. It was more profitable for them to do this than to run the mill; and this consumption which was lost removed this buying power from the market, with a consequent decline to owners of cotton after July contracts had expired.

The latter part of July I tendered on two July contracts cotton at about 35½ cents, when similar cotton could be purchased at the same time in the South at slightly over 29 cents. At that time it was impossible to get cotton from the South into New York in time to tender; and, if my memory is correct, the difference between New York and New Orleans was approximately 6 cents a pound.

Anyone who had hedged cotton during the spring or summer, and who did not tender it, had a very serious loss; and those who did tender were only able to lessen in a small way this loss, which must have been

very serious to a great many owners of cotton. I know it was very expensive to us; and the high market in New York was of no advantage to the southern owner of cotton, as he was not in a position to take advantage of it, as it had curtailed the buying of actual cotton.

There is quite a long letter here arguing it out, the result of which is that in his conclusion the grower of cotton lost heavily on the manipulation in the futures market. Doubtless the Senators from Massachusetts, who are familiar with textiles, will know this concern, and know whether it is reputable or not. It is the Direct Sales & Finance Co., of Fall River, Mass. It offers to make good by giving the names and dates of the transactions to anyone who wants to know about them.

Mr. President, I offer this letter to be printed in the RECORD.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Without objection, it is so ordered.

The letter is as follows:

DIRECT SALES & FINANCE CO.,
Fall River, Mass., April 7, 1928.

Hon. T. H. CARAWAY,
Washington, D. C.

DEAR SIR: I have your letter of April 4, and have handled as much as 135,000 bales of cotton in one season in this section.

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It is possible for New England to ship cotton into New York and tender within 48 hours, and I knew the mills in this section had shipped in considerable long-staple cotton late in July. In addition to the cotton which was shipped into New York, Cooper & Griffin agreed to buy cotton from certain mills and resell it to them provided the cotton could not be tendered on any contract in which they had an interest. They also purchased in the South cotton owned in the Eastern States which could have been tendered, and by holding this cotton off the market they were in a position to penalize all persons who were short the New York market, either as a speculation or as a legitimate hedge.

Knowing that this cotton was in New York and also that mills had practically no cotton to run, I got in touch with Mr. McCuen, who was handling the details of the cotton in New York for Cooper & Griffin. They had taken up, I believe, in the neighborhood of 65,000 bales, which was all of the cotton tendered. In this there were several thousand bales of staple cotton, a large part of which I purchased and which was shipped to New Bedford.

The handling of the market in 1923 was for no legitimate purpose. It was an absolute corner, run for the purpose of making money out of the shorts and for no other purpose. Cooper & Griffin gave plenty of warning of what they were doing and most of the New York brokers were familiar with what was going on. It was the legitimate cotton shipper who used the market as a hedge who was hurt and all owners of cotton indirectly by depriving them of a market for their actual cotton by maintaining fictitious values of which they were unable to take advantage.

These same people ran a corner in 1920, when futures were forced to 43 cents, followed later by a decline in the following months to very nearly 10 cents. To blame all of the subsequent declines on the corner would probably be incorrect, but they unquestionably made the subsequent declines more serious.

Since this corner, manipulation has tended in the other direction by keeping in New York under control of one organization practically all of a large stock in New York.

I have considerable sympathy with the attitude of Mr. Clayton in his controversy with the New York exchange, as he has at least handled actual cotton, whereas most of the active members of the exchange have been out of the cotton business for some time or have never engaged in the handling of actual cotton.

I believe that Mr. Clayton is correct when he says that if he did not control the market it would be impossible for him to do business; but, on the other hand, this is very little satisfaction to the small dealer in cotton who finds it impossible to make a profit in the face of competition as it is to-day.

Early this season, owing to the scarcity of low grades in the present crop, we tried to purchase in New York on a basis to figure more than 100 points over the contract price low middling contract cotton. There were at that time over 30,000 bales low middling value cotton in New York, but we found that no one would sell this cotton and either did not care to or were afraid to interfere with the owners of the stock.

I can not see why the tendering of 100,000 to 200,000 bales of cotton on first notice day is necessary for the protection of hedges. There are few, if any, dealers in New York who would be able to take this entire stock as tendered. For this reason it forces out of the market every owner of a contract and makes it impractical to own contracts after the 15th of the month preceding the contract month. This, of course, keeps the spot month down, and as actual cotton, to a large extent, is based on the spot month, also keeps the price at which cotton can be sold at a level below what it would be if there was not this manipulation on notice day.

When this practice of tendering practically the entire stock was first inaugurated by Anderson, Clayton & Co. the market dropped off very decidedly on notice day, and the difference between the spot and following months was widened. This is not so noticeable at the present time, as the adjustment is spread out over a longer period, but has the effect of depressing the spot month over a period of two or three weeks instead of concentrating this pressure on one day.

I firmly believe that unless the contract is put under strict control either of a body of the exchange or, preferably, a Government commission of practical cotton men, that a great many of the handlers of cotton will be forced out of business entirely. Up to the present time it has ruined a great many shippers and injured the credit of a great many more, and as far as I can see, up to the present time nothing has been done which gives any hope of improvement in the future.

I hope the above will be of value to you, and if you wish me to explain further will be pleased to do so.

Yours very truly,

EDW. C. PEIRCE.

Mr. CARAWAY. I have here—it will take me only a minute to read it—a letter from one of the large milling concerns, the Bay State Milling Co., millers of hard spring wheat and rye flours. Their address is 608 to 622, Grain and Flour Exchange, India and Milk Streets, Boston, Mass. I might explain that this letter is preceded by another letter, which I shall offer for the RECORD, which shows that the manipulation in wheat hurt both the farmer and the millman:

Referring to my letters of April 30 and May 1, if you have not happened to see a summary of the trading in wheat "futures," alone, in Chicago last week, you will be interested to know that the sales officially reported for the week were 478,000,000 bushels for each day, the session being three and three-quarters hours, except on Saturday, when it is two and one-half hours.

In other words, in one week they sold 478,000,000 bushels of wheat every day in three and a half hours, except that on Saturday they compressed the sales of that wheat into two and a half hours.

You will note that upon the basis of these transactions the entire wheat crop of the United States would be sold in 10 days.

Now, here is the interesting part of it:

* * * * * * * *

During the week the range in price was 17½ cents per bushel, the widest fluctuation on one day being 7 cents per bushel, the narrowest 2⅛ cents, the average daily range being 4⅝ cents per bushel. Bear in mind that this does not represent a steady movement up or down

but a constant swinging back and forth many times during the day. You can realize the impossibility of safely using such a market for the legitimate purpose of hedging or as a basis for the purchase of wheat from the farmer.

I do not advocate the complete abolition of trading in "futures," but I do believe that measures should be adopted that will prevent gambling in foodstuffs by hosts of small speculators and a comparatively few large ones having no legitimate connection with the production, processing, or distribution of grain and its products.

You will be further interested to know that the trading in corn "futures" during the week totaled approximately 225,000,000 bushels, oats and rye—I have not the exact figures—approximately 50,000,000 bushels, making a total of over 750,000,000 bushels of grain "futures" traded in in the six sessions of the Chicago Board of Trade alone.

Can there be any excuse for gambling of such magnitude in foodstuffs?

Yours very truly,

BERNARD J. ROTHWELL.

A longer letter that preceded this, to which this letter came as a supplement, contains the information that the price of wheat was broken by the great drive 17½ cents a bushel. It would represent prosperity to every wheat grower in America if he could get 17½ cents cash more per bushel for his wheat than he had been getting; but he does not get it because somebody gambles in his product and prevents his reaping the world's price for it.

The letter is too long for me to read, and I ask that it be inserted in the RECORD, together with a supplementary letter of May 1.

The PRESIDING OFFICER. Without objection, the letters will be printed in the RECORD.

The letters are as follows:

BAY STATE MILLING CO.,
Boston, Mass., April 30, 1928.

Hon. THADDEUS H. CARAWAY,
United States Senate, Washington, D. C.

MY DEAR SENATOR CARAWAY: I understand that your bill with regard to the control or elimination of "future" trading in grain is now under consideration, and I have been asked to write the Senators and Representatives from this State urging them to oppose its passage.

I am unwilling to do this, as, not having copy of the bill at hand, I am not familiar with its provisions.

That trading in grain "futures" has in the past been most seriously abused is unquestionable. It is carried to such extremes as to make hedging, which is a necessary factor in the merchandising of the crop and the milling of its products, an added liability rather than a protection, which it was designed to afford.

So intolerable had this fictitious grain trading become in 1924–25 that many in the milling industry believed that prohibition of "future" trading in wheat would be decidedly the lesser of two evils.

During the last two years, owing partly to closer relation of supply and demand the world over, and the consequent lessened opportunity for wide speculative swings, and partly, perhaps largely, to the activity of professional speculators being centered upon the stock market, these causes combined resulted in a reduction of "future" trading from an average of perhaps 65,000,000 bushels per day—occasional peaks of eighty or ninety million bushels, and on some occasions during the period referred to of 100,000,000 bushels; in one day 150,000,000 bushels, or nearly one-fourth of the entire crop of that year—to 10,000,000 or less bushels per day up to within a few months.

As a result of the unfavorable crop conditions in a part of the wheat area, gambling in grain has again assumed large proportions and is now running in the neighborhood of 60,000,000 bushels or more per day. On this basis, the entire prospective crop of the United States is being sold in Chicago alone once every two weeks. By far the greater proportion of this trading is by outright gamblers having no direct or indirect connection with the production, processing, or distribution of the actual grain or its products.

This has resulted in an advance of over 40 cents per bushel in "May" and "July" wheat in Chicago. This has been of little advantage to the producer, because nine-tenths of the crop had already left his hands.

The activities of this gambling element will probably, as in the past, be on the opposite side of the market as soon as the farmer begins to make deliveries of the new crop. At that time, not the weight of the crop itself, but the added weight of the millions and millions of bushels of paper wheat thrown on the market will tend to depress the price unduly.

As in the past, there will be such wide fluctuations in price as to make it necessary for the country dealer to protect himself, so far as possible, by a wider margin between central market price and price paid the farmer.

The miller will be unable to hedge with any safety or to calculate accurately the cost of his product. There were long periods during 1924–25 when a miller could not tell, from one hour to another, within 25 to 50 cents per barrel, or more, what it was costing him to make a barrel of flour.

I would like to point out that the greatly lessened activity of grain gamblers during the past couple of years was not due to any reforms by the grain exchanges, which have persistently refused to publish from day to day information regarding volume of trading, segregated as to months; total of outstanding "short" interest in each month, etc. All of this information is in possession daily of the grain futures administration of the Government, but the Agricultural Department has shown no disposition to publish such information, although it has been called for by the Millers' National Federation and by numerous individual millers throughout the country. No sound reason can be assigned for the refusal to publish this information; its suppression can only be in the interest of the professional grain gamblers. Its publication would involve no additional expense to the Government.

I believe it should be insisted upon by all who favor minimizing the evils inherent in trading in breadstuff "futures."

Personally, I have always believed that prohibition of speculative "short" selling would be a decided advantage to all concerned except the grain gamblers and their brokers, "short" selling being confined to the holders of the actual grain or its products, and, if necessary, to the farmer who had a crop about to be harvested, every "short" sale being based upon the identical grain or its products.

I likewise believe that all "future" trading should be limited to not exceeding three—or at the outside, four—months in advance, instead of eight or more months ahead as is the case at present.

Whatever you can do to minimize the evil effects of unlimited speculation in grain will, I believe, be to the interest of all legitimately connected with it from producer to final retail distributor.

Yours very truly,

BERNARD J. ROTHWELL.

DAILY STOCK LETTER

NEW YORK, May 3, 1928.—Two important financial developments scheduled for to-day are the meeting of the New York Federal Reserve Board, which may possibly increase the rediscount rate and publication of monthly loan figures by the stock exchange. Heavy selling featured yesterday's market on widely disseminated reports that the New York rediscount rate would be raised and that loan figure reach the $5,000,000,000 mark. A strictly economic interpretation, even assuming these anticipations were realized, would not be bearish. The business of the country will always have first call on the money market and the stock market will get the money only when there is a surplus. Legislation would not change the economic flow of money. If New York is to be the largest of international money exchanges, moreover, why should brokerage loans be limited to $5,000,000,000? The total borrowings in New York City real estate alone, we understand, exceed that figure. The psychological effect of a higher rediscount rate and a very large increase in brokerage loans would undoubtedly inspire some selling of weakly held securities. We would not look for more than a temporary setback, however, followed by the usual upward procession in selected stocks.

While Radio is making an impressive showing, the volume is not sufficiently large yet to indicate that the present is more than an intermediate move preparatory to a broad advance somewhat later. We note impressive buying of General Motors by interests who are not seriously disturbed by Ford competition. The rank and file of traders have been selling General Motors short and the technical position is considered strong at the present time. American Can broke through its old record high, and we again advise its purchase at the market. We look for a large increase in Can's earnings, not so much on account of a heavy increase in sales, but rather on account of the introduction of new machinery which will lower the cost of production. American Can Co., we understand, has exclusive control of patents on this new machinery. We look for a consolidation of the recent sharp gains in the oils stocks which we have been recommending, followed a little later by new high prices. In the rail group we are decidedly partial to Canadian Pacific, which offers speculative possibilities on a basis of possible segregation plans which are not matched by any American railroad. Four months ago the average daily trading in wheat on the Chicago Board of Trade was less than 10,000,000 bushels a day. Now transactions are running at the rate of about 100,000,000 bushels a day. This gauges the big increase in public participation in the commodity markets. Interest in securities and commodities is nation-wide and the public is in a decidedly bullish mood. It will take more than a minor economic influence to shake the public's confidence, and we note no major influence on the horizon at the present time.

JACKSON BROS., BOESEL & CO.

BAY STATE MILLING CO.,
Boston, Mass., May 1, 1928.

Hon. THADDEUS H. CARAWAY,
United States Senate, Washington, D. C.

MY DEAR SENATOR CARAWAY: Supplementing my letter of April 30, you will perhaps be interested in the inclosed Associated Press report of yesterday's grain market, clipped from to-day's Boston Herald. I

have not yet seen the volume of trading yesterday, but I presume that it ran in the vicinity of 75,000,000 bushels.

I also inclose telegraphic advice of the market report in to-day's Chicago Tribune and Chicago Journal of Commerce, and also on the telegram marked "4" some private advice as to the character of the trading.

To-day's wheat market was a wild one in Chicago, price covering a range of over 5 cents per bushel, and fluctuating widely back and forth every few minutes, finally closing about 4 cents per bushel lower than yesterday.

I mention this simply as confirming what I stated yesterday—that such incessant fluctuations make impossible either accurate calculation of wheat values in the country or of the cost of manufacturing grain products.

Yours very truly,

BERNARD J. ROTHWELL.

Mr. CARAWAY. I have here a letter from the Texas Wheat Growers Association, at Amarillo, Tex. These gentlemen are engaged in the marketing of wheat. Many of us know that northern Texas produces a considerable amount of wheat. The letter is so short and to the point that I want to read it:

TEXAS WHEAT GROWERS ASSOCIATION,
Amarillo, Tex., March 22, 1928.

Senator CARAWAY,
Washington, D. C.

DEAR SENATOR: The country for six years has been stirred from center to circumference by the graft and scandal in the Teapot Dome lease case, but if the editorial written by Carl Williams in the Oklahoma Farmer Stockman of March 15 is correct, and it evidently is, the Teapot Dome graft is a small affair compared with the exposures made by Mr. Williams.

The editorial says: "On July 30, 1926, Chicago, December wheat touched $1.50. On or about that date two big speculators began to sell short and kept on selling until by September 4 they had between them accumulated a short line of more than 23,000,000 bushels. This was the largest volume of speculative wheat ever dealt in on either side of the market at one time by any two men in the history of the Chicago Board of Trade. As a result of the short operations of these two men, and for no other known or guessed-at conditions whatever, the price of wheat dropped 18 cents a bushel between July 30 and September 4. So far as I know this is the plainest and the worst case of artificial manipulation of the wheat market known in history. In August, September, and October more than 60 per cent of the wheat crop of the United States goes to market. During these three months of 1926 these two speculators for their personal profit took 10 cents a bushel out of the pockets of the farmers who sold wheat in the United States. It meant a direct loss of not less than $40,000,000 to the wheat growers solely because two heavyweight speculators with plenty of money for manipulation saw a chance to grab more."

That shows that in 35 days the wheat farmers were deliberately swindled out of more money than is involved in the Teapot Dome case.

Then from the best information that we can get the public lost in margins they had bet on the game of these two men more than $86,000,000. Thus, robbing the farmer and the public of $126,000,000 in 35 days. Why does not Congress take cognizance of this crime and graft and either stop it or create public sentiment so it will stop it?

Awaiting your reply, we are,

Yours truly,

TEXAS WHEAT GROWERS ASSOCIATION,
L. GOUGH, *President.*

I have in my hand a letter from the American Cotton Association and Better Farming Campaign of Greenville, S. C. They are headquarters of the American Cotton Association and Cotton News, St. Matthews, S. C. The letter is signed by Harvie Jordan. I presume everybody knows who Mr. Jordan is. The letter is too long to read, and I want to insert it in the RECORD. Mr. Jordan is protesting, in the name of the cotton growers of the South, against a continuation of the conditions which he says and which his association says—because he writes as the president of his association—are robbing the southern cotton growers of what little chance they have under the law to make a profit.

I ask to have the letter inserted in the RECORD.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

AMERICAN COTTON ASSOCIATION AND
BETTER FARMING CAMPAIGN,
Greenville, S. C., April 13, 1928.

Hon. T. H. CARAWAY,
United States Senate, Senate Office Building,
Washington, D. C.

DEAR SENATOR CARAWAY: I notice in the press dispatches that you have introduced a bill to abolish the present cotton futures exchanges. I would be pleased to have a copy of your bill, so as to study and familiarize myself with its terms. The legitimate cotton trading system as at present organized depends upon "hedging" practices to insure against market fluctuations in the price of spot cotton bought from farmers for future sale and distribution to consuming mills. This has been necessary, due to the dumping methods of marketing in the fall months, when a large proportion of the crop has to be bought, stored, and financed until sold to the mills for forward delivery.

On the other hand, the system employed on the exchanges which permits unbridled speculative purchases and sales of cotton-futures contracts by persons and firms not engaged in any department of the legitimate industry has developed evils which seriously jeopardize the welfare of the growers and interfere with the orderly business of manufacturers. For several years I have contended that limitations should be placed by law upon the unbridled sales of fictitious cotton futures by individuals and firms for speculative purposes. I have also contended that when a contract or contracts for spot cotton sold on the exchanges is tendered to the purchaser, and not accepted, that such cotton should not be permitted for retender under future contract sales.

This would prevent the accumulation of a lot of spot cotton in any market for purposes of futures trading and consequent manipulation. I am now and have always been interested in the welfare of the cotton growers, and have never felt that our system of marketing and pricing spot cotton was fair or just to the farmers. I have had experience as a cotton grower for 50 years. While the evils of the present system of cotton-futures trading and control of spot markets by exchange dealings should be cured by proper amendments to the Federal cotton futures act, I doubt the wisdom of abolishing the system without a better and safer method being provided. There is but one way I have been able to work out that would simplify the market system, maintain fair prices for spot cotton, and protect the growers without so much reliance of the cotton trade on futures contracts. The plan in brief is to store and retire from the market each year the estimated surplus or carry-over for several months until it is needed by the mills for consumption. Dumping the surplus on the market every year is what depresses prices, fixing them upon as low speculative basis as the industry can stand, and with consequent heavy financial depression on the growers, who are merely pawns in the world cotton industry. If Congress, or the banks of the South, would provide a fund of, say, $100,000,000 as foundation capital to be handled by a strong financial organization in the South, it would be ample as a revolving fund to protect and retire the surplus cotton each year.

When only the actual supplies of raw cotton are placed in the markets for a 12-month period, based upon consumptive requirements, the legitimate laws of supply based upon demand will function and the staple will command its fair value unhampered by speculation. When the surplus is gradually sold its value, less interest, storage, insurance, and costs of handling, should be distributed to the growers who produced it, less loans advanced.

It should be handled by proper agencies in the South and the business put under the administration of trained and efficient bankers. The details of storing and making loans on the surplus cotton would have to be handled by local bankers of each county, each county's part of the whole prorated. The cooperative marketing associations could handle the surplus prorata part of their members. While the great masses of the growers could be reached through the county unit system.

The evils and depressing influences of speculation in raw cotton, with or without futures exchanges, will never be corrected until a sound system of protecting the surplus of crops is properly provided for. There can be no stability of prices so long as several million bales of cotton is dumped upon the markets each year that are not required for consumption purposes during the year in which it is sold. Safety to the farmer and minimizing the evil effects of extreme speculation depends upon a proper solution of that problem.

I am presenting these suggestions for your thoughtful consideration.

With best wishes,

Yours very truly,

HARVIE JORDAN.

Mr. CARAWAY. I have here a letter from Shreveport, La., from F. R. Shuford, who for six years was the auditor of a cotton association, and for a number of years had to do with a broker's office. It unqualifiedly condemns gambling in the future market. I ask to have it inserted in the RECORD.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

SHREVEPORT, LA., *April 17, 1928.*

Senator CARAWAY, of Arkansas,
Washington, D. C.

DEAR SIR: I am interested in a small way in the cotton investigation that has been going on for several weeks in the Senate. It occurs to me, though I am only a small figure in the cotton world—but have worked from the Carolinas to west Texas during the past 20 years as interior cotton buyer—that the Senate or House either in Washington does not know how to go at finding the faults in the cotton market South, or

else know and don't want to know for political and financial reasons. This I do not believe holds true with yourself.

Let me ask you to bring out from witnesses the culling out of cotton and redelivering all bad-classed bales they find in cotton they take up. This is bad abuse. I have seen 100 per cent consist of parts of 40 contracts—of course, this was the cull—out of cotton received on the exchange. It has been abused during my time of over 25 years in the business. The way to stop it is that 100 per cent must contain one serial contract number and can not be retendered if split or part of the original 100 taken out without being recertificated in hundred bales; then the classers might turn the cotton down as off grade. Let me say that classers get off, all of them, at times, on the exchange or anywhere else; and then we don't know but what the big fellows can reach a small man classing cotton in many ways—you can only deliver late 100 per cent New York. It should contain only one serial number—New Orleans the same, Houston for Chicago—50 per cent is the contract. It will prevent culling out the good cotton in the contracts and retendering the offs of all contracts in class and staple.

To find out about manipulation introduce and pass bill that all sales across the ring of all exchanges must actually be kept correct by the superintendent of the exchange—who bought them and who sold them and what months traded in; the broker must give the person or persons he has traded for or acted for; make a strong penalty attached, and that the Senate committee has access to check these exchanges up any time. A manipulator will buy and sell through a dozen brokers, called floor traders. Cut out floor trader and make him tell who he is buying or selling for. I have been from Mississippi to west Texas recently, and all of us poor little cotton men laugh at the investigation as a farce. If the superintendents of the exchanges are forced by law to keep the sales of all—every—contract daily, as to seller and purchaser, with some Government agency authorized to check the exchanges, you could discover the manipulation. I venture to say that every cotton buyer in the Cotton Belt knows that the big fellows, Anderson-Clayton Co. and McFadden, with their New York friends, manipulate the market constantly. It is easy for them, but is a complicated business to the average business man, big or little. If the cotton exchanges were prohibited or done away with the farmer and the public would be better off in the South. In the West, if the grain exchange was done away with the western farmer would be better off. If the stock exchange, New York, was done away with the public generally would be better off. These are institutions sponsored and regulated and brought into use for financiers; they are not for the poor man in any way, shape, form, or fashion under the sun. They have made the Senate and House think they are needed for hedging purchases. That is the veriest rot of it all. Did it ever occur to you that the financiers need an exchange for marketing everything the farmers grow and their own stocks, but they do not need any exchange to market any articles or anything they produce for the consuming public?

The farmer does not need any exchange. What in the world is there to guarantee the farmer after he puts his seed in the ground whether he will harvest a crop at all, whether a good one or small one?

It took me over 20 years to decide that the cotton, stock, and grain exchanges were for the rich people only. They are of no use to the farmers of the West and South, and the public ought to stay out of the stock market.

I am sure the South in few years would reap advantages if the cotton exchanges were done away with.

A small crop of cotton advertises itself very quickly to the trade and a big crop the Government advertises in July to the world. What chance has the farmer?

Cotton should be marketed like all other merchandise, covering a period of about eight months, the mill buying the cotton as they sell the goods, or otherwise suiting themselves, and it does not need any hedges—that's a farce to fool the Washington politician.

I will venture the assertion that the cotton crop of 1927–28 has been sold through New York and New Orleans over one hundred times, probably 150,000,000 bales bought and sold. I have seen in my time 500,000 traded in one day.

Yours truly,

T. R. SHUFORD,
230 Egan Street, Shreveport, La.

Mr. CARAWAY. I have a letter from N. C. Williamson, at Millikin, La., in which in the very strongest terms possible he asks that Congress do something to prevent the destruction of agriculture by the gamblers on the exchanges. He professes to have had quite a considerable experience with them, and is a grower of cotton. Since I do not want to take the time of the Senate to read it, I ask to have the letter included in the RECORD.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

MILLIKIN, LA., *March 8, 1928.*

Senator CARAWAY,
Washington, D. C.

DEAR SENATOR: There has always been serious doubt in my mind as to the necessity of the cotton exchanges as presently governed and operated, and I am frank to say I have no definite idea just how they could be regulated so as to serve the grower instead of the speculator. I notice you have a bill which, if passed, will destroy the exchanges, for the reason they could not exist if confined in their trading to actual hedges of spot cotton.

If you have not the information as to how many bales of cotton are bought and sold through the exchanges, it will be very interesting to you, and I suggest that you get these figures for use before the committee. You will have to get this data from the Department of Internal Revenue in Washington, they having the record of tax collected on each trade executed. This is the only place the figures can be secured, and then it will take your influence as a Senator to obtain them.

I can not see why these figures should not be published the same as sales of spot cotton each day and the sale of stocks on the New York Stock Exchange; however, it is not done. To prove how they guard these figures, just send some one around without letting them know you as a Senator want the figures, and see what he may be told.

It will be particularly interesting to see how many bales of actual cotton are delivered on contracts through the exchanges.

The last figures I have are for the year 1921–22, when 78,361,700 bales for New York and 40,701,700 for New Orleans, as published in the report of the Federal Trade Commission in 1924. During this year about 640,000 bales were delivered on contracts. The volume of business is larger now, and the Chicago Exchange will add quite a volume of business not included in the above.

I think it would be good to amend your bill so as to require the publication every day of the number of bales traded in through all the exchanges the same as spot-cotton sales are reported and published in all the different markets.

If the exchanges are to serve the grower as a vehicle for hedging his crop, the minimum number of bales for a trade should be reduced to 25 or even lower, instead of being 100 in New York and New Orleans and 50 in Chicago.

There is one thing we must not overlook in thinking of the exchange as a clearing house for all cotton markets, as they may term it, and that is, for every sale there must be a buyer, and if conditions are too rigid against the buyer, the markets might be restricted and thus prices depressed more easily. On the other hand, the reverse might be true if rules are too rigid for the sale of cotton. What we want is a more stable value for cotton. It appears now that trading facilities are more favorable to the speculative seller than the buyer.

While I have no definite information to support my belief, it is my firm conviction that the drive made on the market during the past few months has been a determined effort to destroy the cooperatives, and unless some strong Government agency is created to finance the surplus control of farm products the big spot dealers, together with the speculative interests, will always control prices. Personally, I like the Jardine plan for providing funds for surplus control as against the equalization fee as provided in the McNary-Haugen bill. Doctor Kilgore does not represent the thought of more than a very small percentage of cotton growers, and his attitude should be more practical. I am a member of the cotton cooperatives and president of the Louisiana association at this time; and while I am speaking personally, I know the Louisiana cotton growers with whom I have talked are in favor of the appropriation by Congress of a fund as suggested by Jardine instead of the equalization fee. Doctor Kilgore represents the thought of a few of the cooperative leaders who decided that is the right plan to stand out for. This may be all right, but I want to see the machinery set up and worked out in a practical way by capable men after it is started, if we can do no better.

I write only to possibly give you some thought that might be of assistance, for this is a great big question and one that affects vitally every cotton grower in this Nation.

Yours very truly,

N. C. WILLIAMSON.

Mr. CARAWAY. I am not unmindful that many may say that legislation of this great importance ought not to be included in a revenue bill. It is the only way, however, in which we are going to get a chance to have a vote, uninfluenced by other considerations, on this question of short selling.

Let me say again that I presume that most of us who live in the South grow cotton. I commenced when I was 7 years old working in a cotton field. I believe I know all about its production, and I am reasonably familiar with its sale. I have been a hired hand; I have been a share cropper; I have been a tenant; and now I am what is called in my country a shade-tree farmer. I have an equity in the land, and I rent it out, and between the sheriff and myself we get what the cotton grower makes off of it. The sheriff gets the most of it. Therefore, I am not speculating about what I am talking about.

I have seen the price of a load of cotton, where it left the plantation to go to a gin not in excess of 2 miles away, drop $10 a bale while the farmer traveled those 2 miles. There will come a wire that the Liverpool market opened at such a figure. Every cotton merchant in America drops his price immediately. There is a decline. On the other hand, if there is an advance,

he says, "I will wait to see whether that is a reaction or whether it is just a temporary flurry." He follows every decline down, but he does not follow every rise up; and it is perfectly reasonable that he should not do it, because as long as you give to people the right to sway and control a market by betting that the price will go up or down, that there are more people on my side than on your side, nobody can do business safely on that sort of a market; and he necessarily hedges at the expense of the grower of the product.

I said I have seen cotton drop $10 a bale in the time I mention, and that is more profit than the people who grew that cotton had in it. They lost more while they were going from the plantation gate to the gin than a year's toil produced; and the result is—I do not know how it is in other States, but I can speak with authority for my own—that I know hardly a single producer of cotton on a large scale who is not insolvent.

This gambling, Mr. President, is reflected not alone in the loss of profits by the growers of cotton; it is reflected in the loss of industry in New England; it is reflected in the loss in the buying power of all the people living in the southern cotton-growing belt. It is reflected, therefore, in every walk of life in America; and I presume what is true about cotton is true about wheat.

We will get a vote on it, Mr. President. As I said yesterday, let me repeat, there is not a Senator on this floor who would record his vote in favor of opening a gambling hall in the District of Columbia.

There is not a State in this Union that licenses gambling. They all pronounce it a crime. Yet the greatest gambling institution the world ever knew would pale into insignificance compared with the gambling on the cotton and grain exchanges in America. The double crime is that the people are gambling, not in their own wealth, but they are gambling in the sweat and toil of every man, woman, and child who eats his bread in the sweat of his brow. If Senators would not vote to license a man to open a gambling house here in the District of Columbia, where he can bet his own money and lose his own money, or win somebody else's money who may bet with him, can we afford to license a gambling place that is not only an infinitely worse one but that is going to take the profits of people who never saw it and had no chance to win on its gamble?

REVISION OF ARMY PROMOTION LIST

Mr. BLACK. Mr. President, due to the fact that a flood of telegrams has come to the Members of the Senate in the last few days from a certain group of officers with reference to Senate bill 3089, introduced by me, without attempting to go into the merits of the bill completely I desire simply to give a sufficient explanation so that those who are here will understand the source of the dissatisfaction and the reasons for the introduction of the bill. I shall be very brief, and I desire to make this statement in order that Senators may understand something of the underlying reasons behind the bill and behind the objections.

When the war was over there was a large group of officers who desired to be admitted into the Regular Army. Provision was made for examination. Any person who desired to get into the Regular Army had a right to apply for appointment to the grade he believed himself qualified to fill. If he thought he was capable of being a captain, he could apply for a captain's commission. If he thought he was capable of being a major, he could apply for a major's commission. If he thought he was capable only of being a second lieutenant, he could apply for a second lieutenant's commission. Every man in the United States who wanted a commission in the Army, whether he was already in the Army or not, had a right to take that examination. The statement has been made to Senators in telegrams that the examination was not open to all. That is incorrect. It was open to any man who was in the Army or out of the Army.

An elaborate system of examination was prepared. Men were invited to come into the Army under this competitive system. I have in my possession here the rules governing that examination. Age was to count. Business experience in the outside world was to be considered in the grade or commission which the man received.

Under this elaborate system of examination competitive tests were held. Various commissions were issued to thousands of officers—some of them received appointment as second lieutenants after they applied for this particular commission and met the test provided, some of them were made first lieutenants, some captains, some majors, and some lieutenant colonels.

After they had stood these tests they received their commissions. Then the War Department, interpreting the national defense act in such way as to deprive these officers of the benefits of the competitive test, scrambled together the lieutenants and captains and permitted 1,500 lieutenants to skyrocket over night above 1,500 captains. This stepping-up process was without examination or test. Many who had stood the examination for second lieutenant, who wanted nothing else, who evidently felt that they could get nothing else, stepped immediately over the men who had stood the examination for captain, and to-day the men who received the captain's commissions by competitive test have standing over them, blocking their promotion, men who either could not or did not stand the test. This has blocked the promotions of worthy and capable men, without fault on their part, for a period of about 10 years.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. BLACK. Yes.

Mr. KING. What class of men was it who received those discriminating benefits?

Mr. BLACK. The class of men mainly were provisional second lieutenants—and I will explain that in just a moment—or Regular Army officers.

Mr. KING. Were they graduates of West Point?

Mr. BLACK. Some of them were; some of them were not. There is one major who has given a study to the effect of my bill who in 1916 was a cadet at West Point. A man who is now a captain and is blocked was at that time a lieutenant colonel in the National Guard on the border. That lieutenant colonel stood an examination and received a captain's commission. To-day the man who was a cadet at West Point in 1916 is a major, although he has been in the service only since 1916, and this other man has been in the service about 10 years longer.

When war was declared, the Government needed officers, and an order was issued to the effect that any man who had been to West Point and had made as much as 30 per cent on his test, even though he had flunked and failed to stand the prescribed examination, should be given a provisional second lieutenant's commission. Four hundred and thirty-three men who had previously failed to pass the examination at West Point were given second lieutenant's commissions. Those men to-day rank the graduates of West Point who were in their class and who successfully stood the examination. One of them is here lobbying against this bill. He failed in the class of 1916. He failed to pass the test at West Point, but under the needs of war time received a provisional second lieutenant's commission. This officer to-day ranks every member of his own class of 1916 at West Point, although he failed and the other classmen passed satisfactory examinations. The reason he ranks them is the same reason these other officers are ranked by men who previously had lower grades.

The provisional second lieutenants, in the main, were granted commissions before they did a day's service in the Army. They were selected and were given commissions that same day. On the other hand, the emergency officers who went to the training camps were compelled to work three months, and then, if they met the test, secured their commissions. That gave to the provisional second lieutenants, it will be noted, a longer range of service, counting from the date they received their commissions, than was given the man who received an emergency captain's commission in the training camp. The War Department interpreted the national defense act to mean that officers should be promoted according to length of service only, so that if a second lieutenant, who had received a provisional commission started into service the same day a man had started in service in the reserve officers' training camp, that provisional officer's commission ranked from the day he went into the service, but the reserve officer's commission ranked from the day he completed his service in the training camp and was commissioned. So we have the strange and anomalous situation to-day in the American Army, fought for and contested for by these men who are sending the telegrams—the men who receive an advantage which is not theirs—we have the strange and anomalous situation of men who were second lieutenants July 1, 1920, standing above the men who were captains on the same date.

I know an officer who was a captain in a training camp, and he is ranked to-day by every provisional second lieutenant whom he trained as candidates for commissions. He did not get credit even for the length of time he served as a captain-instructor, and he turned out provisional second lieutenants of a less mature age, youthful men, and this weird system switched them above him where they are to-day. They object to this bill on the ground that it is unjust to them. What about the captain?

Those provisional officers are some who are dissatisfied with this bill. They feel that since they have something, they ought to keep it. They have had it for practically 10 years, and in the meantime these men who stood the examination and met the test have their way absolutely blocked by these younger men. We have that situation defended by the War Department, although

the War Department declared at one time that this condition was a menace to the American Army. Yet they say, "Do not try to rearrange it, because it will create dissatisfaction." Of course, it will create dissatisfaction among some of those young officers who have been promoted over older men, who block the way now for those officers who gave up their service in the outside world and entered the American Army with the promise on the part of the Government that they should receive such commissions as they proved themselves capable of holding, but who, strange to say, saw their hopes turned into ashes the very day they won the prize.

Mr. KING. Mr. President——

Mr. BLACK. I yield.

Mr. KING. Does the Senator's bill provide for taking these persons who have these advantages, apparently discriminatorially, and reducing them en bloc and elevating en bloc those who were denied the advantages to which they were entitled?

Mr. BLACK. It provides exactly this——

Mr. KING. It seems to me that to remedy the situation those persons who have been denied advantages ought to be put over the heads of those others, and, if necessary, the others who have had advantages to which they were not entitled should be reduced.

Mr. BLACK. I have provided that the promotion list shall be rearranged and readjusted so that those who were captains in 1920, when they stood this test, shall rank those who were first lieutenants and second lieutenants when they stood the test. That is the reason Senators are receiving telegrams from groups who have obtained something which was not justly theirs and who wish to cling to it.

Mr. COPELAND. Mr. President——

Mr. BLACK. I yield.

Mr. COPELAND. Not for a long time has there been a bill before the Senate concerning which I have had so many letters and telegrams; but they are not all one way.

Mr. BLACK. That is correct.

Mr. COPELAND. I get many telegrams and letters favoring the bill, and others in opposition to it. If the Senator will bear with me, I would like to read from some letters I have and ask him about what is said in them. Here is a letter which states:

We feel that no legislation for a long time has been so calculated to favor the few at the expense of the many or has promised to be so damaging to the democratic spirit of the service.

Granting that injustice may have been done at the inauguration of the present promotion list, it has been in effect now for eight years. A change at this late date would only serve to bring about fresh injustices at the expense of officers who have given their best to the service during this time and bring about the resignation of the best of them.

Unfortunately, the only officers who would suffer are World War veterans who came into the Army from civil life and remained in the service. We believe the Black bill is class legislation in its most superlative form.

Mr. BLACK. I will be glad to explain that to the Senator.

Mr. COPELAND. Let me read another, and then the Senator will have them both.

I am taking the liberty of addressing you with reference to the Black promotion bill.

I will ask the Senator to listen to this and tell me whether it is correct:

As I understand it, these bills provide that all classes which graduated from West Point after the declaration of war, up to and including the class of 1921, and a small group of other officers, gain hundreds of files at the expense of World War officers who entered the Regular Army in 1920, especially former National Guard officers. I am informed that many of the officers who are thus adversely affected were not afforded an opportunity to appear before the Committee on Military Affairs.

Are those statements true up to that point?

Mr. BLACK. No. Those mainly benefited are former National Guard officers and World War veterans. Everybody was entitled to appear before the committee.

Mr. COPELAND. The letter continues:

I am personally acquainted with a number of officers who served creditably with me during the World War, who, upon their return to the United States, became officers of the Regular Army. While I have every respect for the United States Military Academy, I do not think that Congress would really care to discriminate against men who, while former citizen soldiers, served their country faithfully during a period of emergency and who, prompted by motives of patriotism, decided to remain in the Army. I shall be very grateful for anything that you may do to prevent the passage of a bill which would thus unfairly treat men of the highest standing, who are a credit to the Military Establishment of the United States.

Those are the criticisms. I have no desire to enlarge upon them. I do not know enough about it to do so, but I would be glad to know what the Senator has to say in reply.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. BLACK. I would like to answer the Senator from New York first, but if it is in line with his question I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. This is my suggestion. As the Senator knows, and as other Members of the Senate do not know, a minority report was filed against the bill. The committee was divided on it. I am betraying no secret when I say the vote was 6 to 5 in favor of the bill of the Senator from Alabama.

Mr. BLACK. It was 9 to 7.

Mr. REED of Pennsylvania. The Senator must have included some who were not there.

Mr. BLACK. Yes; those who voted by proxy.

Mr. REED of Pennsylvania. In any event, the minority report has been filed and the bill will lead to a long debate. This is what I want to ask the Senator: I am wondering whether it is worth while to start that debate now while we are considering the tax bill. Would not the Senator find that his remarks had greater force if he made them while the bill itself was before the Senate and not now when the tax bill is here?

Mr. BLACK. I expect to do that, but the reason I am making the statement now is this: These telegrams are coming in very rapidly, and a large part of the time of myself and those in my office is consumed in giving information concerning the bill. I am not going to argue the bill at length now. I simply want to explain something about the situation.

Mr. REED of Pennsylvania. While the Senator is doing that will he explain this feature? I have a telegram from an officer in the Second Division, down in San Antonio, an officer who had long experience in the National Guard and who was in the same battery with me in training camp in 1917. He got his commission in August, 1917, and served at the front practically all the time until the armistice. He wires me as follows:

I want to thank you for your splendid support of the customs of the old Regular Army. Any change in the present promotion list will be a huge injustice. At a meeting of a group of officers of the Second Division it was estimated that fully 80 per cent of the lieutenants and captains stationed here will lose hundreds of files. Many contemplate resignation if present promotion list is revised.

Mr. BLACK. I am glad to explain that. In the first place, the contemplated resignation is not limited to any one group. It is the desire of the Army, or at least it is believed by these emergency officers to be the desire of those in charge, that every effort under the sun be made to eliminate them from the Army. That is based upon numerous statements, to the effect that "There is a hump in the Army and we have to relieve it by getting the emergency officers out." In my judgment there is no group of officers more thoroughly competent to fill their positions in the American Army than are the emergency officers who came in from civil life. If I were to put in the RECORD the vast number of letters and telegrams which I have had from men in the American Army who see suspended above their heads the sword of Damocles, proposed by the War Department and sponsored by the minority report of the committee, the information would be surprising to many.

Why do I say that? The first bill proposed by the War Department was a bill to create an arbitrary board of five general officers, with power to pluck any officer they saw fit in the American Army without a trial. They stood for it. They testified for it before the committee. They urged it. They urged that a system of autocracy be perpetuated in the American Army which would be as bad as any that has ever existed in any despotism in the world. They urged a board of five general officers, with absolute power, without a regulation, without a restriction, with the right to put a sword over the head of every officer in the Army and say, "We will put you out if we do not like the color of your hair or the color of your eyes."

Against that bill I had letters from emergency officers all over America and as far as the Philippine Islands, begging and pleading that the American Army be not permitted to hang such a sword over the heads of its officers. These emergency officers wrote me almost as with one accord: "We believe from the evidence before us that it is intended to get rid of the emergency officers who came into the Army in 1920."

The minority bill retains that board of officers. They keep the board limited by such rules and regulations for "plucking" officers as may be promulgated by the President of the United States. In the first place, I am unalterably opposed to giving the President or any bureau or any board the power to enact

regulations tantamount to law. It is my judgment that such practice has already gone entirely too far. All of us know that the President is not a military man. We know that such rules would be promulgated by the same group of officers that came before the Committee on Military Affairs and insisted on the creation of a plucking board with unlimited authority. Therefore, I am opposed to any plucking board, whether it be limited by regulation of law or permitted to be operated within regulations promulgated by the President.

Mr. REED of Pennsylvania. The Senator is talking about the system of promotion examinations suggested by the minority?

Mr. BLACK. I am talking about the system provided in the minority bill.

Mr. REED of Pennsylvania. The same system prevails in the Navy, does it not?

Mr. BLACK. I do not understand that the identical system prevails in the Navy.

Mr. REED of Pennsylvania. They have promotion examinations.

Mr. BLACK. Yes; they have promotion examinations and then select from those who are eligible, as I understand.

Mr. REED of Pennsylvania. That is for promotion to the grades of general officers; but so far as the grades of captain and below are concerned, I do not understand that is correct.

Mr. BLACK. The Senator is correct. It applies above the grade of captain. Some of them are attempting to bring it all the way down the line. The Senator is correct.

There are instances of men who served in the World War who will be injured and others who will be helped by this proposition. It is not limited to any one class. I have, for instance, a letter from a man who was decorated with the distinguished-service cross, who is blocked in such a way that if he lives to be 62 years old he will never rise above a captain. I have a letter from a National Guard officer, as follows:

> In behalf of many hundreds of former National Guard officers throughout the Army please allow me to extend our grateful appreciation for your splendid efforts in our behalf as evidenced by your bill, S. 3089. We note with pleasure that it has been reported favorably to the Senate.

It is no trouble to get letters on either side of the question. What I wanted to show this morning is what is intended to be remedied. It is the insistence of the majority of the committee that when a test has been prepared and a man has met such test, it is undemocratic, it is un-American, it is contrary to every fundamental principle of the progress of human life to take away from him that which he has earned, unless he forfeits it by his misconduct or by his neglect. It is the insistence of the majority that when these men stood that test throughout the Nation, with the statement made, "We will make you a captain if your ability justifies it," that this constituted an implied obligation on the part of the American Government to permit no man, who had stood the test and gotten no further than second lieutenant, to rise above one holding the commission of captain unless the captain was guilty of misconduct or had proven unworthy of the trust which had been bestowed upon him because of merit.

We believe that the only way to build up morale in the Army is to let a man not only obtain but keep that which he can get by meeting the tests prepared by the Government. They talk about unrest and dissatisfaction and resignation. I know men in the Army who gave up lucrative careers in the outside world. I have in mind a man who was graduated by one of the greatest colleges in the world. He gave up a lucrative law practice. He served valiantly and bravely in our Army. When the time came to stand the examination, he concluded to give up his career in the outside world and remain in the American Army. He proposed to do it because he believed that he could stand the test for a captaincy, and that in due course of time he would be promoted so that he might have a normal career in the Army. To-day that man is blocked by more than 3,000 men who were below him on the day he received his captain's commission.

My position with reference to these telegrams is that some of the officers are injured, if it be an injury to take away from them that which was never justly theirs. I would not care, so far as I am concerned, what were the proportionate numbers injured and benefited.

The whole single question in this matter with me is, What is right? Shall we permit these officers who have given to the Government the best years of their service, who have now reached a period in their career when it would be difficult to start out and begin life anew, to be blockaded, to be shut up in a stagnant pool where there is no hope of getting promotion because, forsooth, some man may have had a day's longer service than they, or perchance because some received their commissions at the beginning of training and this captain received his commission when he completed his training. We take the position that we do not disturb the promotion list of the Army when we restore it to the position which was promised these men it should have when they came into the service of the Government. We say that a wrong once done can be cured in only one way, and that is by restoring so far as possible the status quo which existed before the injury was inflicted upon those who met the test which the Government itself provided for them to stand. So much for that.

Now, as to the other feature of the bill. My bill, instead of providing a plucking board, with rules and regulations promulgated by the President or anyone else, and recognizing the fact that there is a hump blocking promotion, and knowing that there should be a normal yearly attrition by retirement, provides, instead of an involuntary retirement as does the minority bill, a method for a voluntary retirement. It holds up, to these officers who have given up their outside life for a career in the Army, a reward, and says, "If you want to go out by reason of the fact that you may not advance as rapidly as you anticipated you would, we will give you a half year's pay and later give you a retirement annuity."

We do that on this basis, that they gave up a business career to enter the Army, and it is neither fair, nor just, nor right for the Government of the United States to set these men adrift, to begin life anew, without aid in their future work. We are unalterably opposed to a forced system of retirement. We stand again holding a sword over the necks of the officers of the American Army, and saying: "We will put you out when we get ready; when we get tired of you; although you have given up your business careers to serve your Government which no longer needs you, we will set you adrift." Therefore we provide for the attrition by the only fair method which this Government can assume, in our judgment, for the benefit of these officers.

We provide a system of accelerated promotion which will really promote the provisional second lieutenants quicker than they can reach such a position now if they remain in the places which they do not justly occupy; and we arrange a flow of promotions, even and smooth, which will permit the American Army to advance as it should and give to every officer, whether he comes from the Military Academy or elsewhere, a normal career in the American Army.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. RANSDELL. Mr. President and Senators, I wish to discuss the amendment offered by the Senator from Arkansas [Mr. CARAWAY], which proposes to impose a tax of 50 cents for each $100 in value on the contracts on the grain and cotton exchanges of the country, which at present prices would amount to about $50 on each contract of 100 bales. This is a very important matter, and I hope I may have the attention of those who must vote upon it in order that they may receive the point of view of one who has studied it very carefully for many years.

To start with, let me say that the presentation of this amendment is an attempt to engraft on this revenue bill a piece of legislation seeking to destroy cotton exchanges, which has been pending more or less continuously in the American Congress for the last half century. In 1892, when the late Chief Justice White was a Senator from Louisiana, the Hatch bill to destroy cotton exchanges was pending. Senator White made a convincing and classical address in opposition to it. From time to time since then measures have been introduced the purport of which was to destroy the contract markets in cotton. I shall speak more particularly of cotton, as I am better acquainted with it, although this amendment reaches both cotton and grain.

It was recognized years ago that there were some evils in the practices of the exchanges, just as there are evils in practically every human agency, and a serious attempt was made to correct those evils. The efforts finally culminated in the United States cotton futures act, which became a law in 1914 and which has since been known as the Smith-Lever Cotton Futures Act. That law was found to be unconstitutional and was reenacted in 1916 in a form which overcame the constitutional objection. It has been in existence ever since, with slight amendments, and has functioned admirably. It justly takes rank with the great constructive pieces of legislation of the last quarter of a century and is fairly comparable with such legislation as the Federal reserve banking act and the act creating the Federal farm land banking system. The Smith-Lever Act has been of very great benefit to the producers and

consumers of cotton in America. When the bill was under consideration an able report was made in support of it, and I will read a brief extract therefrom. That report was prepared by Representative Lever, of South Carolina, and was submitted on behalf of the Committee on Agriculture of the House of Representatives in the Sixty-third Congress. In that report it is stated:

It is the opinion of the committee that the abolition of the cotton exchanges would result inevitably in the monopolizing of the entire cotton crop in the hands of a very few powerful interests with the force and means to fix the price at which the farmer would be compelled to sell his cotton. Fully 75 per cent of American-produced cotton leaves the hands of the producer during the four months of September, October, November, and December. It takes no stretch of the imagination to foresee how utterly helpless the farmer, as a class, would be in his present disorganized condition as a factor in fixing the price of his own product, as against the organized genius and money of the spinners and powerful spot-cotton dealers.

Mr. President, without reading it, I will ask to insert the remainder of that statement, along with my remarks, in the RECORD.

The PRESIDING OFFICER. Without objection, the matter will be printed in the RECORD.

The statement referred to is as follows:

The report of the House Committee on Agriculture (Sixty-third Congress), which framed the cotton futures act, had this to say on the functions and economic uses of the cotton exchanges:

"It is the opinion of the committee that the abolition of the cotton exchanges would result inevitably in the monopolizing of the entire cotton crop into the hands of a very few powerful interests with the force and means to fix the price at which the farmer would be compelled to sell his cotton. Fully 75 per cent of American-produced cotton leaves the hands of the producer during the four months of September, October, November, and December. It takes no stretch of the imagination to foresee how utterly helpless the farmer, as a class, would be in his present disorganized condition as a factor in fixing the price of his own product, as against the organized genius and money of the spinners and powerful spot-cotton dealers.

"The fundamental principles of trade is that the buyer always buys at the lowest possible price, while the seller always sells at the best possible price to be had. With this principle in mind and with the economic conditions surrounding the southern farmer not overlooked, it does not take a prophet to foretell what must be the result of a contest between the farmer on the one hand and the spinner and big spot-cotton dealer on the other in a struggle for fixing the price of cotton. The farmer can not hope to survive in such an unequal contest. He would be forced to peddle his cotton upon the streets and to take such prices for it as had been agreed upon, secretly, perhaps, by these big interests. He would be absolutely at their mercy without even the law of supply and demand to aid him.

"Any legislation, therefore, which eliminates from the cotton trade the element of legitimate speculation and legitimate speculators must, in the opinion of the committee, result disastrously to the producer, especially at that season of the year when the bulk of the crop is moving from him into the channels of commerce. Cotton exchanges properly regulated in their operations, in that they afford opportunities for legitimate speculation, may be made to be of real benefit to farmers, merchants, and spinners. The legitimate speculator, operating through the exchanges, is the only buffer standing between the helpless producer and the powerful buyer of his product."

Mr. RANSDELL. Let me remind Senators that there are literally thousands—I presume hundreds of thousands—of people in this country who are engaged in the production of cotton and the consumers are the spinners. Practically all the cotton is consumed by the mills, the manufacturing establishments. There are only a few hundred of those that buy the cotton of this country, and, of course, there are many of them abroad. I do not pretend to say that the splendid men who handle the manufacturing business of our country, and who have added so much to the wealth of this Nation by handling it in a successful manner, would form a combination or engage in a monopolistic endeavor to buy the cotton at prices which suited them, but I do say that there are so few of them it would be feasible for them to have an understanding among themselves to that end. I also insist that it would be impossible for the farmers, the producers, so to organize in order to put up the price, because there are so many of them that they could not possibly organize effectively for their own protection.

In this connection let us see what happens on the exchange to help the producer. When the cotton crop is being marketed it is all bought by merchants, who hope to sell to the mills and consumers, or it is purchased directly by the mills themselves, who go into the market for that purpose and who furnish a rather limited demand, because the farmer usually sells his cotton within 90 days after it is baled, while the mill buys and uses its cotton during 365 days—the entire year. So the mill is buying from time to time as its needs accrue, while the farmer, of necessity, because he can not afford to hold his cotton, must part with his crop within a period of three or four months.

When this situation appears the speculator comes on the scene—the speculator not only in this country but in other lands—in Europe, Asia, even Africa, and other parts of the world. The intelligent speculator says, "Cotton is too cheap. I will buy some cotton as a speculation, just as I would buy stocks, bonds, or real estate as a speculation, believing they are too low, and they are going to go up in price, and I can make money on the enhanced value of the cotton." Many people take that view if the price is low, and there is quite a widespread buying movement.

Everyone knows that when there are a good many buyers in the market the price of the commodity tends to go up. It rises in value; and, as it goes up, the farmer gets the benefit of the increase in value. As it goes up, the mill man who has been holding back says to himself, "This product is going up. I had better lay in a pretty good supply. I am going to need for my mill this year 10,000 bales, perhaps 12,000 bales; I need a thousand a month. I will not take chances on the commodity going out of sight, but I will go in the market and purchase 12,000 bales, 1,000 bales per month, for future delivery, not expecting actually to take up that cotton on contract, but as an insurance." That is called a "hedge," and the purpose is to assure him a supply of raw material at the rate of a thousand bales per month for the price set out in the insurance contract—a perfectly legitimate transaction.

This manufacturer has to make his contracts to deliver his product a long time in advance—6, 9, 12 months in advance. How can he intelligently say at what price he can sell the manufactured product unless he knows what the raw material is going to cost him? It is impossible for him to know what it will cost unless he does one of two things: He could buy it, of course. He could actually go in the market and buy 12,000 bales of spot cotton, pay the cash for it, and store it in his warehouses.

Mr. SMOOT. If he had the cash.

Mr. RANSDELL. If he had the cash, as the Senator from Utah so tactfully and wisely suggests; but it would take a great deal of cash to do a thing of that sort, and then he would be out the interest on his money for that time, and would be obliged to insure the spot cotton for that time. It would be a most troublesome and expensive transaction; whereas by going in the contract market and making a trade, an agreement to have a thousand bales per month delivered to him, at the end of each month he sells his future contract and buys on the spot market the corresponding amount of the particular quality of cotton needed for his mill. He has not been out of his money, except a very small portion of it. He has not had to tie himself up with the expense of storing, and insurance, and loss of interest, and innumerable transactions.

Mr. President, the most important feature of the cotton exchange is the insurance feature. It is just as important as insurance in any other kind of business.

Now, I am going to read a statement from a very able man who lives in Arkansas. I have been told that he was born in Louisiana, and if he was I am proud of it; but I understand that he lives now in Arkansas. His name is Sidney West, who has just retired as president of the American Cotton Shippers Association, which organization embraces more than 90 per cent of the cotton merchants of the South. Here is an analysis which he gave before the Senate committee on the question of the insurance feature of the cotton exchange:

Boiled down, the thing looks to me like it comes to this: A number of years ago, before we had marine insurance, people who shipped stuff around the world had to make much larger profits than they do to-day, when we can, for a very small premium, have our marine risks insured. The cotton people under the present system have price insurance, and it would be much better if these exchanges were called price-insurance associations, as Lloyd's is called an insurance, than if they were really called futures.

Senator RANSDELL. They are really price insurance?

Mr. WEST. They are really price insurance associations. They are not themselves companies. It is simply a place for people to meet.

Senator RANSDELL. It is very much like Lloyd's in that respect, is it not?

Mr. WEST. Yes; it is, exactly. Lloyd's is not an incorporation, as an insurance company is in this country at all. It is just a meeting place where these underwriters get together, this terrible speculating that we hear so much about. We have underwriters of marine risk, underwriters of fire, underwriters of credit insurance, underwriters of all sorts of insurance. They are speculators, if you please. That is just

exactly what they are, speculators, as much so as in the cotton business. In the cotton business there is a price underwriter. He bets it is going up or down, just like if I have insured a home in Little Rock, the insurance company will bet me a hundred dollars to two that it will not burn up this year. That is all it amounts to.

Any changes, as we know, upset confidence. I am from a farm State. The exchange that I represent there, of which I happen to have been president, 60 per cent of its membership are farmers, and we do not know a lot about the technical side of these things, but we do know this. We know what happened to us there in our State. I am also interested in a little bank. Futures went up very high in 1919 and 1920, during the winter of 1920, and then the next fall they were very cheap, and still kept getting cheaper. The man who had taken price insurance—and they were forced to do it in my town of Little Rock, because the banks would not loan them any money—was able to pay off his bank, and there was not a dollar lost by a bank in Little Rock on a cotton man. In other sections of Arkansas, where they are not quite so conservative, cotton shippers and merchants, the banks do not understand the economic functions of the futures, they did, or lots of them, and I will say they are in a poor condition. I don't mean that any of the banks are going to bust down there, but they are not flourishing with money.

Here is a buyer and here is a seller. Their interests are diametrically opposed. They have got very little in common. The buyer wishes to buy as cheaply as possible always, and the seller wishes to sell at the highest price obtainable all the time.

Senator RANSDELL. And the ultimate buyer in this country is the spinner?

Mr. WEST. Yes, sir; he is the spinner. I am a buyer this minute and a seller the next. I am one of those horrible middlemen, and maybe I should be eliminated, and I will be whenever there is a cheaper way of handling the cotton crop than the present one; I will go by the board, and ought to go by the board.

Please listen to this:

The spinners, being much wealthier men, commanding much greater credit than any conceivable combination of farmers that I can think of, if we have no futures markets, the spinners could get together and make a combination of credits and would not pay very much for the commodity which they were trying to buy, because the speculator would not be in there. Maybe some man in India believes cotton is selling too cheap in the United States and he buys a lot of cotton here. That helps to stabilize the price.

Senator RANSDELL. Suppose the spinners were the only buyers, Mr. West, and they chose to get out of the market for a few weeks. What would happen then?

Mr. WEST. It would be just like it was in 1914. There would be no bottom to it.

Senator RANSDELL. Just like some other agricultural commodities—no bottom?

Senator KEYES. Then, I understand your position to be that they are really a protection to the grower?

That refers to these horrible exchanges that we hear so much about.

Mr. WEST. Positively.

Senator KEYES. It is a fact that they do not buy through the exchanges?

Mr. WEST. I should say that 98 per cent of the spinners, or 99 per cent of them, never take up a bale through the exchange, Senator. The exchange is simply an insurance association. It is a body politic. The cotton exchanges do not make money at all, just like you might belong to a church or something of that kind. It is just a trading place.

Senator RANSDELL. The spinners do use the exchange as an insurance to hedge? When a spinner wants a thousand bales of spot cotton six months in advance, he will go on the exchange and buy a thousand bales of future cotton for the time?

Mr. WEST. That is right.

Senator RANSDELL. To insure that he is going to get his spots at the price?

Mr. WEST. Mr. Chairman, I did not mean that the spinners did not use the exchanges as price insurance, but for the actual acquisition of their spot cotton which they spin they do not use it.

Senator KEYES. Yes; that is what I understood.

Mr. WEST. That is the way I understood your question.

Mr. President, without reading, I ask to have the remainder of the statement of Mr. West inserted in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Senator Dial's bill, the one that he withdrew, and the one that he now wishes passed, I believe that is the thing we are talking particularly to-day——

Senator KEYES. Yes; also a bill introduced by Mr. CARAWAY.

Mr. WEST. Well, I was going to come to that.

Senator Dial's bill would have the same effect upon the marketing of cotton as if insurance companies with whom I have my fire insurance policies would say to me, "I will only insure certain qualities of your cotton against fire." Immediately my financial backers, my bankers, would want to know, "Well, what part of that cotton is insured? That is the cotton that we want to loan money on. We won't loan you any money on this other cotton that you can not get fire insurance on." That is, the whole thing is a question of insurance. A great many people don't believe in insurance. I think Senator CARAWAY does not believe in insurance. He told me that yesterday afternoon, that he had practically no insurance. We are able to get this price insurance to handle cotton on about as close a profit as possible, 1½ to 2 per cent, and out of that we have to pay everything. If I handle 50,000 bales of cotton in a year, at $2 a bale, and do $5,000,000 worth of business, if I make $50,000 a year on my business I am delighted and have done very well. People in the wholesale dry goods business, wholesale jobbers and grocers, who handle $5,000,000 worth of business, if they don't clear pretty near a million they feel like they have got a very hard deal. That is true in the State of Arkansas. I don't know about any place else. Without price insurance it would be impossible for us to do business on so small a margin.

Senator Dial misunderstands the functions of the future exchanges, I believe. He wishes to force everybody to trade on a modified form of section 10 of the Smith-Lever bill. Now, I am from the country, and before the passage of this Smith-Lever bill I felt that people in my position were at a very serious disadvantage many times. Under the present system I have just as much protection as anybody. The Government functions in this matter just as in any other law for the protection of the farmer, and the Smith-Lever bill is as much a protection for the farmer as for the cotton exchanges.

Mr. CARAWAY wishes in his bill to eliminate the speculator.

Senator RANSDELL. That would destroy the exchanges?

Mr. WEST. That would destroy the price underwriting feature of the cotton exchanges just as if you said to any insurance underwriter they could not any longer underwrite. To-day you get credit insurance from Lloyds. Is costs you pretty big, but you can get it. In 12 months' time they will guarantee the bank against loss under certain conditions.

Then we are attacked about this 100,000,000 bales traded in when only 10,000,000 bales are raised. You take the matter of fire insurance on that same number of bales, you will find it relatively about the same number as the 100,000,000 they speak of being traded in on the future exchanges, because every time I move a bale of cotton from one warehouse to another—buy it, for instance—when it is moved out of the warehouse that insurance policy is canceled out, and when it gets to my warehouse my policy covers it. When it gets to the depot my policy is canceled out, and another one takes effect when it gets on the railroad. Then, when it arrives at the compress at Little Rock the railroad policy is canceled out and the other policy takes effect at Little Rock. Then, when I sell that cotton, if it goes on the railroad again I cancel my Little Rock insurance and another policy takes it up, and so on, and it is carried right through. Each bale of cotton is insured, on an average, against fire, about six different times. There are 10,000,000 bales of cotton, and there are at least 60,000,000 bales insured against fire.

Senator RANSDELL. That is a very interesting fact. I did not realize that, but I see the truth of it.

Mr. WEST. Mr. Chairman, you asked for suggestions that would better the situation.

Senator KEYES. Yes. We would certainly be very glad to have them if you have any.

Mr. WEST. No. I must frankly admit that I am not intelligent enough to offer any constructive suggestions on this subject unless it would be to increase the number of grades deliverable on a contract rather than to decrease them. That is the interest of my State, because we are pretty far north, and our growing season is short. Our cotton is generally of poorer grade than the rest of the people's, with the exception of western Tennessee, Missouri, and northern Mississippi, possibly. That is the only suggestion I could make of that nature.

Another thing. We all know that uncertainty upsets confidence, and we have had this Smith-Lever bill as an excellent thing, but this business of putting a law in that changes your price insurance policy over night is very destructive of confidence in values. I think one thing that is the matter with the markets now—it has been sluggish for six weeks or more—one thing is the fear on the part of a lot of us that something drastic will be done in regard to futures, and our ability to get price insurance will be destroyed or so badly impaired that we won't be able to finance our business.

The head of the Arkansas Bankers' Association, president of one of the biggest banks in that State, told me that if this law passes there was not a firm that would do business in Arkansas in the cotton business that his bank would be willing to loan more than 40 per cent of the value of cotton or any other commodity which could not get price insurance which, in a very short time, would concentrate the cotton business into the hands of a very powerful, rich firm. People working way back in the woods, willing to work for a small profit,

sort of keep the thing from getting into the hands of a very few people.

Senator RANSDELL. Mr. West, do you know of any very well-defined sentiment in your State for the passage of this Caraway bill or the Dial bill?

Mr. WEST. The only sentiment in my State is in opposition to both bills. I have heard no favorable expression about either.

Senator RANSDELL. But there is a decided opposition to them?

Mr. WEST. The very fact that I am here, sent here by my exchange to fight this thing.

Senator RANSDELL. Which is not a future exchange at all?

Mr. WEST. Not at all.

Senator RANSDELL. And you are not a member of any futures exchange?

Mr. WEST. Not at all. There is only one man a member of our spot exchange in Little Rock, Ark., that is a member of any futures exchange, and I think he is the only member of any futures exchange in the State of Arkansas.

Senator KEYES. He is a member, as I understand it, as an individual?

Mr. WEST. As an individual; yes, sir.

Senator KEYES. Not representing your exchange?

Mr. WEST. Not representing our exchange at all. Now, as I told you, 60 per cent of our membership are farmers.

Senator RANSDELL. That is, cotton farmers, men who produce cotton themselves?

Mr. WEST. Yes, siree.

Senator KEYES. Mr. West, do you agree with the previous witness that the passage of the proposed legislation, instead of benefiting the grower, would actually injure him?

Mr. WEST. Yes, sir. I think he would be very much in the same predicament that he was in 1914, when there was no futures market. With price insurance I am ready to buy cotton every day at a pretty fair value, based on that price insurance, and without it I could not.

Senator RANSDELL. And there are a great many other people in your position, sir, ready to buy cotton every day, thereby furnishing buyers for the commodity?

Mr. WEST. Yes, sir.

Senator RANSDELL. And without these exchanges you would not be buying?

Mr. WEST. I would not.

Senator RANSDELL. So there would be no people in the market purchasing the commodity, and without purchasers it would naturally go down, wouldn't it?

Mr. WEST. Yes, sir. I agree thoroughly with the other witnesses in that respect. I think it is much better for the farmer. He gets a better price. He can market and does market, I believe, 60 or 75 per cent of his cotton in a very few months out of the year. The mills do not buy anything like that amount of cotton from the farmer at that time. Somebody must take up that slack. They must carry that stock of cotton just as a wholesaler carries a stock of dry goods, or whatever business he may be in. The reason he carries it is because he is convenient to the market, for his retailers to come in and buy from him. The farmer is selling from 60 to 70 per cent of his product in 90 days, and the world is using 100 per cent, or about 100 per cent of his product in 12 months. You can readily see what would happen to him without a lot of people taking up that slack in that time.

Mr. RANSDELL. To those Senators who have come in since I started, and did not hear what I have attempted to explain, I would like to say that I am opposing the effort of the junior Senator from Arkansas [Mr. CARAWAY] to impose a tax of 50 cents for each $100 in value on contracts in grain and cotton. I will not go into an explanation, except to say that, in my judgment, if this tax is imposed, it will completely destroy the grain and cotton futures exchanges. I do not think they can exist, I do not think it will be possible for them to do the legitimate business which everyone admits they should do, and which forms decidedly the most important part of their functions, if this amendment were adopted. I think they would be absolutely destroyed.

The Senator from Arkansas [Mr. CARAWAY] indicated in his address yesterday that nearly all the business of the exchanges was gambling. He said:

> Instead of about 50 per cent of them being wild, it would be safe to say that 999 out of every 1,000 deals are pure gambling.

I would not venture to set up my personal opinion against that of the Senator from Arkansas, but I would like to read just a line or two from the recent testimony of Mr. Marsh, former president of the New York Cotton Exchange, made before a subcommittee of the Committee on Agriculture and Forestry, of which the senior Senator from South Carolina [Mr. SMITH] is chairman. Mr. Marsh was being questioned about the amount of the trading on these exchanges, in connection with a resolution looking into supposed troubles in cotton marketing. On page 201 of the printed hearings before a subcommittee of the Committee on Agriculture and Forestry of the United States Senate, Seventieth Congress, first session, pursuant to Senate Resolution 142, a resolution to investigate the recent decline in cotton prices, appears the following:

Senator RANSDELL. Do you know what those proportions are in New Orleans?

Mr. MARSH. I do not, sir.

Senator SMITH. Now, I would like to emphasize for a moment what you have said, not to break the continuity of your statement. The proportion of the speculative operations on the New York Cotton Exchange, as revealed by proper investigations, is about 15 per cent, as compared to 85 per cent of the so-called legitimate hedging business; is that correct?

Mr. MARSH. That is correct, sir.

Mr. CARAWAY. Mr. President——

Mr. RANSDELL. In just one moment. I want to make a statement in regard to that, and then I will be glad to yield.

Mr. Clayton, who I believe is considered the head of the biggest cotton firm in America, also testified before the same subcommittee, and on page 760 of the hearings—April 11, 1928—he made this statement in reply to a question from Senator HEFLIN:

> Senator HEFLIN, I am very sorry to have to disagree with you on that. I think Mr. Marsh said that 80 to 85 per cent of the trading on the exchanges is legitimate trading, and that the other 15 to 20 per cent is speculative trading. I think Mr. Marsh has the speculative too small. But if the proposition is even 60 and 40 per cent, the futures markets are bound to reflect the prices that are struck as a result of that legitimate trading. Therefore, the futures markets do not fix the prices. They reflect the price which results from the legitimate factors.

From that evidence, and from all the investigation I have been able to make, legitimate trading constitutes a very large percentage of the transactions on the cotton exchanges, though there is a considerable speculative element. I am inclined to think, agreeing with Mr. Clayton, that the speculative part of these transactions is more than that stated by Mr. Marsh, although Mr. Marsh was for many years connected with and president of the New York Cotton Exchange, has been in the cotton business for many years, and had absolutely no motive to misrepresent that I can see, and is a recognized economist of high standing. He stated as his fixed opinion that 80 to 85 per cent of the transactions were legitimate hedging or price-insurance transactions, and only 15 to 20 per cent speculative.

I now yield to the Senator from Arkansas, if he wishes to ask a question.

Mr. CARAWAY. I just wanted to ask the Senator this question: About 6,000,000 bales of cotton is all that is consumed in the domestic market in this country per annum, is it not?

Mr. RANSDELL. I think it is rather more than that. I do not know just what it is this year.

Mr. CARAWAY. It is about that, I think the Senator will find. He will find that the speculative sales reach about 200,000,000 bales.

Mr. RANSDELL. Where will the Senator find that?

Mr. CARAWAY. If the Senator will send down to the Department of Agriculture they will send him up a statement of the number of sales day by day.

Mr. RANSDELL. I would rather the Senator would send for the statement, if he wants it. I do not know whether it is true or not. I do not think it enters into the argument at all. I do not admit the correctness of it, but it is immaterial.

Mr. CARAWAY. I have a letter here from the Bay State Milling Co., which has mills at Winona, Minn. It has its general offices in Boston. I just want to read a paragraph. This is dated May 9:

> Referring to my letters of April 30 and May 1, if you have not happened to see a summary of the trading in wheat futures alone in Chicago last week, you will be interested to know that the sales officially reported for the week were 478,000,000 bushels—

He is talking about wheat—

> for each day, the sessions being three and three-fourths hours, except on Saturday, when it is two and one-half hours.

That was the trading each day in wheat.

> You will be further interested to know that the trading in corn futures during the week totaled approximately 225,000,000 bushels a day. Oats and rye have not exact figures. Approximately 50,000,000 bushels a day. Making a total of 750,000,000 bushels of grain futures traded in on the stock exchange of the Chicago Board of Trade.

In other words, they would sell the entire crop of grain in 10 days. That does not reach the high-water mark. I am credibly informed that in one day in Chicago at one time they sold as

much wheat as was grown in America that year. How much of that necessarily would be gambling?

Mr. RANSDELL. I do not know, and I doubt whether any other Senator can say. Some of the Senators from the grain States probably can tell something about that.

Mr. CARAWAY. The Senator would have a strong suspicion that there was a good deal of gambling, would he not?

Mr. RANSDELL. There may have been some speculating there. I do not admit that all these trades are gambling. A great many of them may be speculative. The Senator would perhaps call it gambling if a man were to go on the stock exchange and buy some of the stocks and bonds of the Radio Corporation, for instance, or of some of the railroads. I would not call it gambling. I grant you that in that instance he would have to pay the then market value of the property, but he would not buy it unless he thought he was going to make money on it.

Mr. CARAWAY. Let me ask the Senator this question: When a man sells that which he does not have and never expects to have to a man who never expects to take it and never does take it, and they simply settle on a difference, is that gambling?

Mr. RANSDELL. I do not think it is gambling at all. I think it is a price-insurance contract.

Mr. CARAWAY. The Supreme Court of the United States said it was. The courts of every State in the Union, I think, have so stated, that wherever the settlement is made on a commercial difference it is a gambling contract, and void.

Mr. RANSDELL. The Federal courts have repeatedly held that such contracts are legal and enforcible.

Mr. CARAWAY. They have said that where there is a settlement on commercial differences, where the contract does not contemplate delivery, it is gambling.

Mr. RANSDELL. Will the Senator please put that in the RECORD, quote from the Supreme Court, and put it in along with his remarks?

Mr. CARAWAY. I will; but I wanted to know whether the Senator knew it.

Mr. RANSDELL. I am not supposed to know all the Supreme Court has said. I am not in the active practice of law, having given up the practice when I entered Congress 29 years ago. I do not keep up with their decisions. I have not seen such a decision as that. Will not the Senator please place it in the RECORD?

Mr. CARAWAY. Very well.

Mr. RANSDELL. Answering the question about the large volume of sales, I want to quote from a gentleman from the Senator's own State. I do not know whether the Senator stands by him or not, but I understand he is a good, reliable man, Mr. Sidney West.

Mr. CARAWAY. He lives in Louisiana.

Mr. RANSDELL. Mr. West stated before the committee that he lived in Arkansas; but if he is a Louisiana man, I am proud of it. If he was born and reared in Louisiana, I am proud of such a citizen; he is a very intelligent one.

Mr. CARAWAY. He did not go there until he became thoroughly imbued with the idea that the way to raise a crop was to go on the stock exchange. Then he went to Louisiana.

Mr. RANSDELL. Maybe he learned something wise from the people of Louisiana. This is what Mr. West said in testifying before the Committee on Agriculture and Forestry in regard to this awful amount of sales about which the Senator from Arkansas is talking:

> Mr. CARAWAY wishes in his bill to eliminate the speculator.
>
> Senator RANSDELL. That would destroy the exchanges?
>
> Mr. WEST. That would destroy the price-underwriting feature of the cotton exchanges, just as if you said to any insurance underwriter they could not any longer underwrite. To-day you get credit insurance from Lloyd's. It costs you pretty big, but you can get it. In 12 months' time they will guarantee the bank against loss under certain conditions.
>
> Then we are attacked about this 100,000,000 bales traded in when only 10,000,000 bales are raised. You take the matter of fire insurance on that same number of bales, you will find it relatively about the same number as the 100,000,000 they speak of being traded in on the future exchanges; because every time I move a bale of cotton from one warehouse to another—buy it, for instance—when it is moved out of the warehouse that insurance policy is canceled out, and when it gets to my warehouse my policy covers it. When it gets to the depot my policy is canceled out, and another one takes effect when it gets on the railroad. Then, when it arrives at the compress at Little Rock the railroad policy is canceled out and the other policy takes effect at Little Rock. Then, when I sell that cotton, if it goes on the railroad again I cancel my Little Rock insurance and another policy takes it up, and so on, and it is carried right through. Each bale of cotton is insured, on an average, against fire, about six different times. There are 10,000,000 bales of cotton, and there are at least 60,000,000 bales insured against fire.
>
> Senator RANSDELL. That is a very interesting fact. I did not realize that, but I see the truth of it.
>
> Mr. WEST. Then we are attacked about this 100,000,000 bales traded in when only 10,000,000 bales are raised.

That is the very point Senator CARAWAY is talking about. He says 200,000,000 now, but where he got the 200,000,000 I do not know. They might have traded in 10,000,000,000; I do not know; but I do like to have a man present statistics here and not mere statements.

Senators, there are as many or more legitimate hedges or insurances in the commercial transactions relating to cotton as there are insurances against fire relating to cotton. When a farmer sells to the local merchant, that is one hedge. When the local merchant sells to the big merchant, that is another. It goes on from one to another, one after another, until there are at least six or seven absolutely legitimate hedges on each bale of cotton.

I have stated that the effect of the bill would be to destroy the cotton exchange. What would be the effect of destroying the cotton exchange? If there be one criterion for the future, and only one, it is the fact that the lessons of the past instruct and tell us what is going to happen in the future. If I can show absolutely what happened in the past, then Senators can get from the same set of circumstances a pretty good idea about what will happen in the future.

All of us remember the terrible disastrous effect on cotton when the World War broke out in 1914 and the exchanges of the country were closed and ceased to operate. Cotton actually went down to 6 cents a pound. We had a "buy-a-bale" movement. It was away below the cost of production. The exchanges remained out of business or out of commission for three months. I have a number of clippings of articles from the press showing the solicitude of the people at that time. I shall not read them, but I ask permission to insert them in the RECORD as a part of my remarks.

The PRESIDING OFFICER (Mr. BROUSSARD in the chair). Without objection, it is so ordered.

The newspaper articles are as follows:

[Mobile (Ala.) Register, September 9, 1914]

Referring to the action of the committees at New York in trying to effect a settlement of contracts made before the war, the cotton-market report in the Mobile Register of September 9 says: "If a settlement of these contracts will open the way for the resumption of business by the exchanges it is 'a consummation devoutly to be wished,' as ever since the exchanges closed shippers, brokers, and manufacturers, as well as everyone else in any way interested in cotton, have been all at sea as to what cotton is worth. The lack of a broad, central market has resulted in an irregularity in prices such as the trade has never witnessed." (Reprinted from Pearsalls News Bureau, September 12, 1914.)

[Atlanta Constitution, September 12, 1914]

The chamber of commerce committee on ways and means to meet the cotton situation has taken steps to cut down the 1915 crop and materially improve the market for the present year's output. The committee also adopted a resolution urging the New York, New Orleans, and Liverpool Cotton Exchanges to open so a definite market price may be fixed on spot cotton for the benefit of the immediate market.

[Textile Manufacturers' Journal, September, 1914]

In any event it is only a wild speculation for mills to sell ahead without a cotton-futures market on which to hedge. If spot cotton should go below 7 cents there is no indication of what it would sell at for four months off, and unless mills can buy their full supply of raw cotton, to cover whatever futures business they should take, they might be caught with the cotton market against them later in the year. There is no doubt in the minds of dealers that the various movements that aim toward the holding or wider buying of cotton have shown direct results in the recent advance of 1½ to 2 cents per pound, but everywhere there is doubt cast upon the permanence of the new level. It is not remarkable that buyers doubt it, because they are always bears, but dealers themselves doubt it. Ginnings are far below the normal now, which indicates the holding of a large volume of cotton, but whether the immense pickings of October and November can so be held is another matter. Spinners are, however, learning the economic value of the cotton exchange. When the exchange was being condemned last spring, dealers said: "Let them close the exchanges with their laws and they will soon see how handicapped they are." The experience has been made and spinners realize how valuable is a futures hedge. (Reprinted from Pearsalls News Bureau, September 28, 1914.)

[New York Journal of Commerce, October 5, 1914]

A special London cable to the New York Journal of Commerce this morning says: "The disorganized cotton position is gradually producing a grave position in the Lancashire cotton industry. Hence demands are becoming insistent that there should be a full, unrestricted resumption of business on the Liverpool Cotton Exchange. There is slight evidence thus far that spinners are buying direct from America. The situation apparently is that spinners are loaded up with Liverpool contracts at high prices. They have hedged against these contracts in New York and New Orleans. On paper these hedges protect them fully against their severe losses on their home contracts. But owing to the closing down of business in America and the great financial risks incidental to covering American commitments under existing conditions, cotton manufacturers and traders are not likely to actively cover their commitments on your side until they have some relief from their losses on Liverpool contracts." (Reprinted from Pearsalls News Bureau, October 5, 1914.)

[Boston Transcript, October 6, 1914]

MEMPHIS, *October 6.*

The absence of a contract market for hedge purposes is having a somewhat serious effect on the situation. Many cotton men hold the opinion that conditions will grow worse so long as the exchanges are closed. Bankers do not care to make full loans on cotton when the holder has no means of protecting such cotton by sales of contracts as hedges. One banker says that his institution would not loan a single dollar on cotton until the exchanges resumed and hedging was restored. Buyers are not allowed advances in the way of overdrafts unless they can show that the cotton for which they wish to pay has been sold. The banks want to be sure of immediate reimbursement if they are to put out their money for purchases of cotton.

Cotton can not be sold to the mills for later delivery without hedging facilities. No buyer here is able to secure actual cotton and carry it until December or January, even if he were willing to do so, because of financial conditions and because of the extreme risk involved. If the contract markets were open, however, many buyers would not hesitate to make sales for December or January shipment. Probably the people of the South never so fully realized the advantages of exchanges as at present. Certainly never before were they so anxious for the exchanges to be in operation.

[Governor O'Neal's address, Alabama State Exposition]

In his opening address at the grounds of the Alabama State Exposition at Montgomery Monday afternoon Governor O'Neal, of Alabama, declared, "The greed and avarice of the spinners of New England is directly responsible for the present condition in the cotton-growing States." He charged that the closing of their spindles at this time was merely for the purpose of creating panic prices for cotton in order that they might step into the market at the psychological moment and buy up their supply for this and next year at panic prices.

Governor O'Neal also said: "There is another thing that must be overcome in the minds of the general public. The people believe that cotton exchanges are merely gambling devices and gambling machines. That is not true. Cotton exchanges are absolutely necessary for the salvation of the cotton crops from year to year, and they and their existence are the salvation of the cotton planter. The teaching that cotton exchanges are gambling devices is wrong; we must recognize the vast importance they are to the cotton grower and encourage their reopening throughout the country." (Reproduced from Pearsall's News Bureau, October 15, 1914.)

[Textile Manufacturers' Journal, October 24, 1914]

The opening of the cotton exchange, it is believed, will exert a bullish influence on raw cotton, as there is bound to be a large amount of buying of hedges and for speculation. A futures market will afford mills a basis for contract work and will give advance orders a safer standing.

[New Orleans Times-Picayune, November 14, 1914]

With the cotton exchanges reopened for future trading the speculative public will be able to deal in the commodity and the producer will no longer be at the spinner's mercy. That the crop of 1914 is a very large one—the largest, perhaps, ever known—is a matter of common knowledge. It follows that several million bales must be carried until a short crop or greatly improved trade creates an imperative demand for the present surplus. That either one condition, or both, will arise sooner or later is absolutely certain unless all human experience is delusory. Even if 5,000,000 bales should have to be impounded in this way, the task would not prove difficult with the vast speculative public to help. With cotton readily salable, bankers will not hesitate to lend and the problem which was recently so acute will solve itself. It remains for the farmer to do his part. Speculation might carry the entire crop at a price, but at only a price low enough to bankrupt every son of the soil. The reopening of the exchanges does not necessarily mean that the price will rise, but only that there will henceforth be two possible buyers for each bale. The lesson has been frightfully expensive, to be sure, but lasting wisdom is not acquired "on the cheap."

[Shreveport (La.) Times, November 14, 1914]

One thing is certain, the futures markets will open with the people of this country in general holding a better opinion of their value and their economic worth more than has ever been entertained before. To put it in the mildest terms possible, the carrying on of the cotton trade during the last three months and a half without the aid of the large cotton exchanges and their future rings, and what used to be called "paper" cotton, has not been a satisfactory experience at all to everyone concerned. The attitude of the farmers has undergone such a complete change that at one of the most important of their gatherings they passed resolutions calling upon the exchanges to reopen as soon as possible. In Congress there now appears to be almost a unanimous desire to build up the futures trade rather than destroy it, and to attempt to destroy the cotton futures markets used to be the favorite performance of statesmen and near statesmen when they thought it necessary to play to the galleries. President Wilson even went so far a short time ago as to express his wish that the cotton exchanges should reopen as soon as possible. Futures trading is apparently entering upon a new phase of its existence.

Mr. RANSDELL. Here is just a brief quotation from the great cotton-producing State of Texas, from Cotton and Oil News, Dallas, Tex., September 17, 1914:

[Cotton and Cotton Oil News, Dallas, September 7, 1914]

The closing of the futures market has certainly eliminated the speculator or "gambler," as some are pleased to term the trader in cotton futures.

Some Congressmen and some agitators among southern cotton growers have long demanded that the speculator be eliminated. Well he has been eliminated, boots, breeches, and all. The exchanges have been closed, another demand of said agitators.

According to the claims and promises of these great reformers the southern cotton grower should now be reaping his profits. The mills would be buying direct from the farmers and paying the latter the big margins that erstwhile went to the exchanges and the gamblers, so called. But what do we see?

Even a blind man can see that the closing of the exchanges and the elimination of speculators have closed the cotton markets and have put the cotton grower entirely at the mercy of a few spot buyers for the mills. The cotton grower is forced to accept any price offered him.

The cotton mills are also handicapped since they can not go into the open market and buy cotton for future delivery by putting up a margin of about $5 per bale in cash, one-tenth of the value of cotton. Now that he is required to pay cash this buying power is paralyzed and he only purchases one-tenth the quantity of cotton he was able to buy when the exchanges were open and future trading possible.

Under these conditions there is no wonder that cotton has declined and keeps declining.

Our reformer friends among the farmers have simply been forced to take the physic they have been so long prescribing and it certainly should make them sick of silly and quack nostrums.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. RANSDELL. I yield.

Mr. SIMMONS. I understood the Senator to say that at a certain time the exchanges were out of commission temporarily.

Mr. RANSDELL. On account of the war.

Mr. SIMMONS. And that during that period cotton fell to 6 cents a pound.

Mr. RANSDELL. Yes; it did.

Mr. SIMMONS. Was there anything in the amount of cotton produced in that year or in the amount of cotton goods consumed that year or in the international relations of this country that would have accounted for that tremendous drop?

Mr. RANSDELL. Not altogether. There was a large crop produced that year. As I recall, it was around 14,000,000 bales. The Senator will remember that there was such a dearth of shipping that we could not send our cotton across the sea. A great many of our men, ordinarily engaged in industry, were put into the service or at least we put them in the service in 1917. But I am talking about 1914. We all were on the qui vive. We feared the war would break out, and there were untoward conditions, but the stopping of the cotton exchanges completely closed all speculation in cotton. That is the point I am trying to reach.

Mr. HEFLIN. Mr. President, if the Senator will permit me——

Mr. RANSDELL. Pardon me just a moment and then I shall be glad to yield. They completely stopped everything except the actual demand for the spot cotton. In spite of the war there were many people in this country with large sums of

money who felt that cotton was too low at 6 or 7 or even 8 cents a pound who would have gone into the exchanges and bought cotton, if they could have done so, and who did go in as soon as the exchanges opened, and cotton began to come up immediately.

I now yield to the Senator from Alabama.

Mr. HEFLIN. The Senator will recall that the exchanges were not closed until cotton had reached about 6 cents. The war broke the price, which was 14 cents a pound, and it went down to the bottom like an iron wedge dropped in a well. When it was down there, the exchanges were dubious themselves about whether they could handle the situation. They were not very much opposed to the matter of withdrawing. The exchanges were not opposing very seriously the closing, which was because of World War conditions being so dreadful, and they were very uncertain as to what the future would bring forth. My recollection is that they were not closed until cotton had dropped, while they were still running, from 14 cents to 6 cents, or $40 a bale.

Mr. RANSDELL. I think the Senator is mistaken. The last quotations on the New Orleans Cotton Exchange, July 31, 1914, were as follows: January, 10.65; March, 10.75; May, 10.80; October 10.57; and December, 10.60. The quotations on the New York Cotton Exchange for the same date were as follows: October, 10.50; December, 10.75; January, 10.70; March, 10.79, and May, 11.10.

I have already placed in the RECORD quotations from several papers in which I think the Senator will be interested.

As I said before the Senator from North Carolina [Mr. SIMMONS] returned to the Chamber, there has been agitation for 50 years to destroy these exchanges. I stated that my great predecessor in this Chamber, the late Edward Douglas White, made a wonderfully practical address in 1892, fighting the same kind of legislation as that before us now. I stated there had been argument after argument, debate after debate, effort after effort to destroy the exchanges. I read from the report of the Committee on Agriculture and Forestry of the House of Representatives, which was headed by Mr. Lever, of South Carolina, in collaboration with the Senator from South Carolina [Mr. SMITH], when Mr. Wilson was President, in support of the Smith-Lever Cotton Futures Act, which I designated as a great piece of legislation. It was intended to cure certain bad practices in the exchanges.

No friend of the exchanges has ever said they were perfect. No friend of the exchanges says they are perfect now. The Senator from South Carolina [Mr. SMITH], in a most intelligent and comprehensive manner, has been conducting hearings to ascertain whether there are any troubles at the present time in the exchanges that can be cured by legislation. I have on my desk two bills which have been introduced, one by myself to prevent manipulation in cotton contracts and one by the Senator from South Carolina [Mr. SMITH] to prevent manipulation in cotton contracts. The Congressman from Georgia [Mr. VINSON] has a most comprehensive measure pending in the House to prevent manipulation in cotton contracts. All of those pieces of legislation are intended to correct what is recognized as an existing evil. But, Senators, the authors of none of these bills seek to destroy that great commercial agency which has been in existence in the country for nearly 60 years and which the ablest economists of the land have recognized as very beneficial to the cotton industry. If anyone can point out a better agency, then in heaven's name let him do so, and I for one will say "Thank you," and will push the exchange aside, if I can, by legislation, but not until something better is presented. In the meantime let us try by proper legislation to overcome what may seem to be bad.

Mr. SIMMONS. Mr. President——

Mr. RANSDELL. I yield to the Senator from North Carolina.

Mr. SIMMONS. I infer from the Senator's remarks that he interpreted my interrogation of a few moments ago as having been made in a spirit of hostility.

Mr. RANSDELL. Not at all. I thought the Senator too wise a man to favor such legislation as this is supposed to be. His record is too well established in the Senate for me to suppose any such thing as that.

Mr. SIMMONS. I must confess that I am not familiar with the technique of the subject. I think the Senator from Louisiana is. I think the Senator from South Carolina [Mr. SMITH] is. I am very glad for Senators to have the benefit of the discussion of this question by both of the able and learned Senators to whom I have referred.

I agree with the Senator that legitimate hedging, and that is the only kind of hedging I know anything about, is not speculation. The object of hedging, as I understand it, is to secure a guaranty by a perfectly reliable and solvent person or institution that one's cotton or corn or wheat will be worth so much at a given time.

Mr. RANSDELL. The Senator is right.

Mr. SIMMONS. That is its object.

Mr. RANSDELL. That is correct, to insure it just like one would insure his house against fire.

Mr. SIMMONS. It is an insurance and a guaranty, and nothing else.

Mr. RANSDELL. That is all.

Mr. SIMMONS. It is not speculation, if that is correct.

Mr. RANSDELL. That is my idea. Of course, some people may speculate. Some may go into the exchange who are not actually hedging, but are merely speculating.

Mr. SIMMONS. A policy of insurance against fire is pure speculation on the subject of whether there will be a fire.

Mr. RANSDELL. Absolutely.

Mr. SIMMONS. I do not know of any cotton dealer who does not, when he buys a large lot of cotton, feel that safety and prudence require that he shall hedge against loss. I think nearly all the spinners of the country do the same thing, and I do not think they do it in a spirit of speculation at all. They do it because they want to stabilize the price of their own product, and in that way they can stabilize it by being guaranteed against a certain fluctuation in the price of the raw material out of which they produce it.

Mr. RANSDELL. The Senator is entirely right; they can not stabilize it in any other way.

Mr. SIMMONS. I agree with the Senator thus far, and I say that the number of bales of cotton that are actually produced in excess of the demand of the cotton mills does not measure the extent of the legitimate transactions in cotton. We have got to take in these other transactions that do not contemplate actual delivery, but contemplate a guaranty of a certain price. When those are taken in, I think we shall have taken in a large part—I do not know how much; I have never estimated it; the Senator from Louisiana probably has the proportion; but I think it will be a considerable part, to say the least—of the transactions that take place on the exchanges. That is the only place where we can go to get this guaranty.

Mr. RANSDELL. That is correct.

Mr. SIMMONS. Eliminate that and we should have no place to go to get it, and no person and no institution or corporation to which we might go.

Mr. RANSDELL. Certainly; it is the only cotton insurance association that we have. We can not go to a fire insurance company, for they will not give the guaranty to us; we can not go to a life insurance company, for they will not do so. The cotton exchanges are the price insurance associations, just as Lloyd's in England is the great marine insurance association; they are of the same character.

Mr. SIMMONS. Mr. President, I was very much interested in the statement of the Senator from Louisiana a little while ago about the tremendous drop in the price of cotton that occurred while the operations of the cotton exchanges were suspended. I asked the Senator the question I did because if there was no circumstance connected with the production of cotton in that year, or in the general domestic and foreign uses of cotton, the figures the Senator gave were very convincing. I asked him the question for the purpose of ascertaining those facts. Now, what I am interested in hearing the Senator upon is this: If we shall destroy the cotton exchange, for the same reason we should destroy the wheat exchange; for the same reason we should destroy any speculative organization in stock and bonds; for the same reason we should destroy or discourage, whichever the case may be, by placing upon it a handicap or a burden dealing in livestock on the stock exchanges of the country, especially in Chicago. If all of those exchanges as a result of that burden that we place upon them or propose to place upon them, are destroyed—I do not say they will be, but if they are destroyed—what will be the effect upon the standardization, if I may use that term, of prices?

People produced in the hope of securing a certain price; that is certainly true of certain lines, for instance, in the manufacturing industry, and it ought to be true in the growing of cotton, but circumstances are such that it can not be altogether so. However, if we destroy these exchanges, will we or will we not bring about a state of chaos as to prices in this country? When we want to know the price of hogs, we go to Chicago to find the price. When we want to know the price of cotton, we go to the quotations of the New York market.

Mr. CARAWAY. Mr. President, will the Senator permit me just a moment?

Mr. RANSDELL. I decline to yield. I will yield to the Senators one at a time.

Mr. CARAWAY. I merely want to ask the Senator a question.

Mr. RANSDELL. I decline to yield to any other question until the pending one is disposed of.

Mr. SIMMONS. If these institutions from which we get our quotations of prices shall be destroyed, then what will be the condition with respect to prices generally in this country? Will they not depend almost entirely upon local conditions? Will the price be reflected by world conditions to any particular extent?

Mr. RANSDELL. Is that the Senator's question?

Mr. SIMMONS. That is my question. What I fear is it might bring about a general collapse of stable prices in the products of this country. I am not expressing an opinion definitely one way or the other, but I want to hear the Senator, who, I think, has given a great deal of study to this question.

Mr. RANSDELL. I thank the Senator for his courteous question, and I will endeavor to answer it as well as I can.

Mr. SIMMONS. The Senator from Arkansas [Mr. CARAWAY] tells me privately that there is no future market with reference to hogs and livestock.

Mr. RANSDELL. He is right; but there is a future market with reference to the products of hogs, lard, and so forth.

Mr. SIMMONS. Possibly the Senator from Arkansas is right about that technically.

Mr. RANSDELL. There is no future market in hogs themselves on the foot, but there is in the products of hogs.

Mr. SIMMONS. But it is a fact that the livestock market in Chicago fixes the price upon livestock, whether hogs or cattle.

Mr. RANSDELL. Not on the foot but in the finished product.

Mr. SIMMONS. I thought it was also on the animal itself.

Mr. RANSDELL. I do not so understand, but of course the price of the animal is gauged by the price of the finished product.

Mr. SIMMONS. Probably it is; they fix it by the price of the finished product, and the price which they fix is the price at which that product is now being sold throughout this country.

Mr. RANSDELL. That is right.

Mr. SIMMONS. To illustrate: I know something about the hog business; at one time we started, in certain sections of my State at least, a great movement to raise hogs, but when we had raised them we had no market for them; we found we could not sell them; the local demand would not take the product. Certain local concerns, one located in Richmond, advertised that they would pay for any number of hogs that might be brought to them the Chicago price. That meant the price fixed on the Chicago stock market, I presume.

Mr. RANSDELL. The price as reflected on that exchange.

Mr. SIMMONS. That price, as I have reason to believe, was very much in excess of the local price at which the hogs were selling in my community and in my section of the State.

Mr. RANSDELL. Of course, it would be necessary to add transportation charges.

Mr. SIMMONS. Of course, transportation charges would be added. The result was that, although the movement for the raising of hogs had been halted by the fact that there was no local demand, when the producers found a market in which they could sell their hogs for a fixed price, the industry was revived and became a very extensive one and is to-day a very extensive one in that section of the country. The hogs are brought to a certain distributing point; they are there placed on cars and sent to Richmond, Va., and sold at a staple price. That has been a very great encouragement to the production of livestock in my State.

Mr. RANSDELL. And the Richmond people gave a price based upon the Chicago market.

Mr. SIMMONS. Exactly.

Mr. RANSDELL. Now, I will try to answer the Senator's question applying it to cotton. In the first place, the cotton exchanges do not make the prices but merely reflect them; the transactions between the buyers and sellers of the world are reflected on the exchange; a record is kept of them, and every morning in the State of the Senator from North Carolina those who buy cotton and who deal in cotton, be they mills or cotton merchants, receive quotations from the New York market, the Chicago market—I am speaking about the Chicago cotton market now—and the New Orleans market.

Those markets in turn get quotations from every place in the United States and abroad where cotton is bought and sold. Those cotton exchanges are clearing houses for the whole world, and they reflect the prices at which cotton is dealt in. They are in close touch with European countries which consume our product. They are in close touch with the great Liverpool exchange, with the Bremen exchange, with the Havre exchange, and I believe there is one in Alexandria, Egypt. They are in the closest touch with the cotton-consuming public of all the world. They know from the reports how much cotton is on hand everywhere on earth, and how much cotton is needed for the mills everywhere on earth. They deal with the situation in a broad, comprehensive way.

Suppose we did not have these exchanges. How could the intelligent people of New Bern, N. C.—that is, the Senator's home, I believe—know whether there was a shortage of cotton in Egypt and in India and in Russia and in Africa and in South America? What would they be able to tell about it? It costs a great deal of money and effort, and requires a trained organization to get all these facts, to collate all these facts, to bring them into scientific, intelligent computations and put them before the world. Otherwise they could not tell anything about it. Therefore, a local condition would exist in New Bern, and some of the buyers there might say, "Well, we do not know. There is a mighty small crop here in North Carolina. I believe cotton is going to go up," let us say at the present time, "to 24 cents a pound, and I am going to buy all I possibly can." But there may be conditions somewhere else in the world which would induce the same men to feel that it would be risky to pay any more than to-day's market on that cotton. Or the farmer might say, "There is a very good crop here in North Carolina, and I believe cotton is going to go down." But from the information gathered by the exchanges, which is, of course, available to producers as well as consumers, he learns that there is a shortage of cotton elsewhere in the world, which enables him to avoid sacrificing his crop. In fact, they would not know what to-day's market is without this service of the exchanges.

Mr. SIMMONS. Then I understand the Senator to say that if the cotton exchanges are permitted to exist, the price of cotton will be substantially the same from one end of the United States to the other?

Mr. RANSDELL. Absolutely.

Mr. SIMMONS. But if we destroy them the price of cotton may be one thing in one State and another thing in another State?

Mr. RANSDELL. It actually was during the time when we did not have the exchanges.

The Senator was just about to ask me if such a state of affairs would not have a bad effect on the price of cotton, as I understood his question.

Mr. SIMMONS. I meant to ask this question: The Senator stated that as a result of the cotton exchanges establishing prices, the price of cotton was the same in every part of the United States.

Mr. RANSDELL. Substantially—leaving out of consideration transportation charges, of course.

Mr. SIMMONS. Yes; omitting those from the question altogether, as a matter of course. Now, if the institution which has brought about this condition is destroyed, or is so handicapped by taxation that it can not function, would it not follow that the price of cotton would range differently in different sections of the country, in different States, and possibly in different sections of the same State?

Mr. RANSDELL. It surely would. Another thing, Mr. President, I do not know that the Senator from North Carolina heard the first part of my argument. In the first part of it I tried to show that the speculators, by going into the market, had a steadying and a buoying effect on it.

Suppose cotton is pretty low, as I tried to say, when we did not have the exchanges, in the World War. It went down to 6 cents a pound. There were a great many people in the United States who knew that cotton was intrinsically worth a good deal more than 6 cents. They might have to hold it for a year or two, but they knew it could not be produced at 6 cents. There were no exchanges for three months on which they could buy cotton. They were closed. Of course these speculators who lived in Paris, London, Brussels, Rome, Madrid, Calcutta, Tokyo, or some other place, could not go down into North Carolina and buy the actual spot cotton. They could say, however, "Cotton is too low; I am going to load up"; and they would load up; and as soon as the exchanges began to operate they began to buy cotton and buy cotton and buy cotton; and that immediately steadied the price, and it went up and up and up. It was a wonderfully steadying factor and raised the price materially, to the benefit of the producer.

Mr. President, what makes prices? Demand for the product. There may be a great supply of anything, but if there be no demand you can not get much for that product. In addition to the legitimate hedging which I tried to describe and which, according to Mr. Marsh, former president of the New York Cotton Exchange, constitutes from 80 to 85 per cent of all the

business on the exchange, there is a considerable speculative element; and I do not know that it is wrong to speculate. I have done some speculating in real estate myself at times. I paid only a little money down. I have speculated in various things. I would make a small cash payment and get credit on the balance, hoping that the product would go up and I could sell it at a nice little profit.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. RANSDELL. I yield to the Senator from North Carolina.

Mr. SIMMONS. I have not understood the Senator as antagonizing the elimination, if it were feasible, of purely speculative dealing in cotton or any other agricultural product. I think everybody is agreed that if there is any way by which that can be done without at the same time destroying these exchanges, or placing upon them such a serious handicap as would probably prevent their functioning as they should in the interest of business and in the interest of maintaining and stabilizing and steadying prices in the country, we ought to adopt that legislation, if anybody can present it here in a form that will be accepted as accomplishing that purpose and not going farther than that. I understood, however, that the Senator was making the point that if this heavy burden were placed upon a part of the operations of cotton exchanges, it would probably destroy the exchanges.

Mr. RANSDELL. Not only in my judgment, Mr. President, but in that of a great many others, it would have that result. I understand that as a practical proposition you can not use them for the legitimate insurance business without the possibility of their being used for speculation. It is all so blended that you can not separate it. The exchanges would be destroyed if a tax of this kind, which amounts to $50 a contract, were imposed. It would completely destroy the exchanges, both grain and cotton.

Mr. SIMMONS. I understand that the purpose of the Senator from Arkansas is to prevent, by imposing a tax, these speculative transactions on exchanges. The question to my mind is whether he has not fixed the penalty so high that it might possibly be too serious, and might accomplish more than he has in view.

Mr. RANSDELL. As I understand, in trying to cure the disease he would kill the patient.

Mr. SIMMONS. I do not know whether that would be so or not.

Mr. RANSDELL. That is absolutely so, in my judgment.

Mr. SIMMONS. I understand that to be the contention of the Senator.

Mr. RANSDELL. That is my contention, without a doubt.

Mr. SIMMONS. I think it is a very serious question.

Mr. RANSDELL. And does not the Senator think we ought to go very slowly in destroying or in endangering a great agency of commerce that has existed for nearly 60 years, that is used so extensively by so many people engaged in the agricultural business? Unless we are certain we are right, had we not better go slowly? Had we not better follow the lead of the senior Senator from South Carolina [Mr. SMITH], for instance, in the bill which he has just introduced to-day seeking to correct some possible evils? Had we not better follow the bill which I introduced, seeking to correct similar evils; or the bill which the Congressman from Georgia introduced, seeking to correct some evils instead of destroying the whole thing, instead of pulling down the house on its inmates?

Mr. SIMMONS. I understand that that is the question in difference between the Senator from Arkansas and the Senator from Louisiana. The Senator from Arkansas contends that it will not destroy the exchanges. I do not understand it to be his object and his purpose to destroy the exchanges. The Senator from Louisiana contends that it will. That is where I want enlightenment.

Mr. RANSDELL. If I may just put it in this way, the difference between the Senator from Arkansas and the Senator from Louisiana is this: The Senator from Louisiana stands by the existing institutions, by something that has been used for years and years and years. The Senator from Arkansas wants to destroy them. He wants to put in something else. "He who asserts must prove" is a principle of law with which the great Senator from North Carolina certainly is familiar. I am not seeking to do anything here except to maintain the status quo; that is all. I do not want to do a thing but let these exchanges alone. Is not that a different position from his? I think it is very different.

Now I want to proceed, because I have taken up too much time already. I was trying to place in the RECORD some newspaper statements about the condition in 1914. I will read just one or two very brief ones, and will ask to put the others in the RECORD without quoting them.

I had just read this sentence:

Some Congressmen and some agitators among southern cotton growers have long demanded that the speculator be eliminated. Well, he has been eliminated—boots, breeches, and all. The exchanges have been closed, another demand of said agitators.

According to the claims and promises of these great reformers the southern cotton grower should now be reaping his profits. The mills would be buying direct from the farmers and paying the latter the big margins that erstwhile went to the exchanges and the gamblers, so called. But what do we see?

Mind you, this is a great Texas paper. There are no future exchanges in Texas.

Even a blind man can see that the closing of the exchanges and the elimination of speculators have closed the cotton markets and have put the cotton grower entirely at the mercy of a few spot buyers for the mills.

I hope every Senator who contemplates voting for this amendment will consider that sentence.

Mr. President, without reading, I ask to be permitted to place in the RECORD the statements of two Secretaries of Agriculture in opposition to this identical bill, or a bill so near it that it is just as dangerous—Secretaries Wallace and Jardine—both addressed to the chairman of the Committee on Agriculture and Forestry of the Senate, expressing the utmost opposition to this bill and saying that it would not be right to pass it.

Here is the closing sentence of Mr. Jardine:

In the meantime, it—

That is, his department—

feels that the hedging function of the future exchanges is of real necessity in the present-day developments of our markets for cotton and grain, and that it should not be destroyed until other means of accomplishing the same end are discovered and established.

May I have the privilege of putting these statements in the RECORD?

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, January 25, 1924.

Hon. G. W. NORRIS,
Chairman Committee on Agriculture and Forestry,
United States Senate.

DEAR SENATOR NORRIS: In compliance with the request of the clerk of your committee, I submit herewith the department's comment on S. 626, entitled "A bill to prevent the sale of cotton and grain in future markets."

The general purpose of the bill is to prevent the offering to make, or the making, of any contract for the purchase or sale of cotton or grain for future delivery, without intending that such cotton or grain shall be actually delivered or received, and to impose upon the purchaser of such a contract the obligation to accept delivery. To accomplish this purpose the seller is required, before transmitting any message offering to make or enter into such a contract, to furnish an affidavit stating among other things his intention to deliver such cotton or grain, and the buyer is required to furnish an affidavit that he has the intention to receive and to pay for such cotton or grain. It penalizes with fine or imprisonment any person sending or causing to be sent any message offering to make or enter into a prohibited contract and any person owning or operating any telephone or telegraph line, wireless telegraph, cable, or other means of communication, or any agent of such person, who knowingly uses or allows such property to be used for the transmission of a prohibited message. It also prohibits the use of the mails for carrying any written or printed matter tending to induce or promote the making of a prohibited contract and penalizes any person who knowingly uses the mails for the transmission of such matter, or any person who knowingly takes or causes such matter to be taken from the mails for the purpose of circulating or disposing of it.

The bill is based upon the power of Congress to regulate interstate commerce.

During the past 50 years many bills have been introduced in Congress which would prohibit the sale or purchase of contracts for the future delivery of grain or cotton not providing for the actual delivery thereof. None of these drastic bills passed, because evidently Congress reached the conclusion that such legislation would substantially impair, if it would not actually destroy, the valuable hedging facility which is furnished by the making of the vast number of contracts on and through the exchanges in which deliveries are contemplated rather than actually assured. In rejecting these bills it seems that Congress wisely refused to deprive the producers, the merchants, and the manufacturers of these

farm products of the benefit of this insurance against price fluctuations. However, congressional study of the subject matter led to the passage of laws designed to regulate and supervise future trading in cotton and grain, for the purpose of eliminating excessive speculation, market manipulation, dissemination of false information, and other known injurious practices which attended the operation of exchanges in the conduct of their business in future trading. The legislative thought on this subject crystallized into the cotton futures act and the grain futures act.

Since the passage of the cotton futures act in 1914, its reenactment in 1916, and its amendment in 1919, it may fairly be claimed that the quotations for cotton have more accurately reflected the value of spot cotton than was previously the case. As the future quotations have functioned on the value of spot cotton, the market has offered a better opportunity for the making of hedges than was previously the case, when futures sold at a much larger discount compared with spots. The requirement which the act makes of settlement on ascertained commercial differences, rather than on arbitrary differences which were fixed by the exchange rules, has resulted in settlements of such contracts which are much fairer to the buyer. Since ascertainment of commercial differences and the classification of cotton by the department there has been much less opportunity for unfair manipulation of the future market by powerful traders. Practically all interests directly concerned in future trading in cotton agree that the law has been of great benefit, and many of those which formerly strenuously opposed the enactment of the law have accepted it and are operating under it without complaint.

The grain futures act of September 21, 1922, comprehensively places under the supervision of the Secretary of Agriculture the exchange whereon there is future trading in grain. It prohibits the dissemination by an exchange of any of its members of false, misleading, or inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of commodities, and prohibits manipulation of prices or the cornering of grain by the dealers or operators on the exchanges. This requires the keeping of memoranda and the filing of reports with the Secretary of Agriculture showing the details and terms of all transactions entered into on the board. The Secretary now requires that such reports be made daily. The law has not been in force long enough fully to demonstrate its effect. It is apparent, however, that it has resulted in restraining the dissemination of false or misleading market information, the manipulation of prices, and corners, and has had and is having a stabilizing influence upon the price of grain in that it seems that violent price fluctuations have disappeared. The law has been very helpful, notwithstanding exchange resentment, which has hindered and delayed the full accomplishment of its purpose. While this act permits the buying and selling of contracts for the future delivery of grain under the rules of the exchange which do not provide for actual delivery, nevertheless it has and will restrain the excessive selling or purchasing of such contracts on the part of powerful sinister interests.

Therefore, I am inclined to believe that Congress should give the grain futures act and also the cotton futures act more time to demonstrate their worth before it resorts to far-reaching legislation proposed by S. 626, because I am convinced that the insurance facility is of great value and is largely dependent for its existence upon public speculation in grain and cotton contracts, and this hedging privilege should not be destroyed until these industries find some better way to insure themselves against price fluctuations.

In view of the foregoing considerations, it has not been thought advisable to enter upon a discussion of the legal phases of the bill.

Sincerely yours,

HENRY C. WALLACE, *Secretary.*

DEPARTMENT OF AGRICULTURE,
Washington, January 13, 1926.

Hon. G. W. NORRIS,
Chairman Committee on Agriculture and Forestry,
United States Senate.

DEAR SENATOR NORRIS: In accordance with your letter of December 9, I wish to submit the department comment on S. 454, entitled "A bill to prevent the sale of cotton and grain in future markets."

This bill, which is based upon the power of Congress to regulate interstate commerce, is intended to prevent the sale of cotton or grain for future delivery without intending actual delivery of the product and to impose upon the purchaser the obligation to accept delivery. The seller is required before transmitting any message offering to enter into such a contract to furnish an affidavit stating, among other things, his intention to deliver the product and the buyer is required to furnish an affidavit that he intends to receive and to pay for such cotton or grain. It penalizes any person sending or causing to be sent any message offering to make or enter into a prohibited contract and any person owning or operating any telephone or telegraph line, wireless telegraph, cable, or other means of communication, or any agent of such person, who knowingly uses or allows such property to be used for transmission of prohibited messages. It likewise prohibits the use of the mails for carrying any written or printed matter tending to promote the making of prohibited contracts and penalizes persons who use the mails for the transmission of such matter or any person who knowingly takes or causes such matter to be taken from the mail for the purpose of circulation.

From time to time a great many bills have been introduced to prohibit the purchase and sale of contracts for the future delivery of agricultural products not providing for actual delivery thereof. Congress, however, evidently concluded that such legislation would impair or destroy the hedging facilities which are furnished through trading on the exchanges, and thus far it has refused to deprive the producers, merchants, and manufacturers of these farm products of the benefit of such insurance against price fluctuations.

Study of the subject matter, however, has led to the passage of laws providing for the regulation and supervision of future trading in cotton and grain for the purpose of eliminating undue speculation and other injurious practices which had crept into the business of future trading.

You will recall that the cotton futures act, which was first passed in 1914, was reenacted in 1916 and amended in 1919. It is believed that the cotton futures markets now offer better opportunity for the making of hedges than was previously the case. The requirement which the act makes of settlement on ascertained commercial differences rather than on arbitrary differences which were fixed by the exchange rules has resulted in settlements of such contracts which are much fairer to the buyer. Since ascertainment of commercial differences and the classification of cotton by the department, there has been much less opportunity for manipulation. Practically all interests concerned in future trading in cotton agree that the law has been of great benefit.

The grain futures act regulates to some extent trading in grain futures. It prohibits such transactions unless (a) the seller actually owns or is the grower of the grain or either party to the transaction is the owner or renter of land on which the grain is to be grown or is an association of such owners, growers, or renters, or (b) the contract is made by or through a member of a board of trade which has been designated as "a contract market." One of the conditions precedent to such designation is that the governing board shall make provision against manipulation of prices and the cornering of grain. The act requires the keeping of memoranda and the filing of reports with the Secretary of Agriculture showing the details and terms of all transactions entered into on the contract markets. It prohibits the dissemination by any person of false, misleading, or inaccurate reports concerning crops or market information or conditions that tend to affect the price of grain. While the law has not been in force very long, it is believed that its enforcement has had a wholesome effect.

Some of our best-known economists have pointed out that future trading is a field which, though large and important, has had comparatively little economic exploration. It is my feeling when called upon to consider any question connected with our future markets that intelligent disposition would be much facilitated if there were more sound information available.

In the administration of the two statutes above mentioned, the department is actively studying the available data, with the hope of being able to offer from time to time suggestions of a more constructive nature for the treatment of problems of this kind. In the meantime, it feels that the hedging function of the future exchanges is of real necessity in the present-day developments of our markets for cotton and grain, and that it should not be destroyed until other means of accomplishing the same end are discovered and established.

Sincerely yours,

W. M. JARDINE, *Secretary.*

Mr. RANSDELL. Just a few words more. I have a statement prepared by me in regard to the legality, the unconstitutionality of this provison, that I should like to put in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

The legal advisor of the Department of Agriculture has expressed the opinion that the drastic provisions contained in section 2 of this bill are unconstitutional. It is true that the solicitor was discussing the Candler bill introduced in the Sixty-third Congress (1913–1915) when he wrote that opinion, but I have gone to the trouble of comparing section 2 of the Caraway bill with section 2 of the Candler bill and they are identical, even down to the punctuation, with this exception: In the Caraway bill the words "or grain" are added wherever cotton is referred to, and the penalty is increased from $1,000 to $10,000. Therefore the opinion of the legal advisor of the Department of Agriculture applies to this bill. Here is what he has to say about section 2:

"Under the bill, as drawn, the prohibition in section 2 extends to the sending of messages by telegraph, telephone, wireless telegraph, cable, and other means of communication. It is not clear just what the phrase 'other means of communication' would include. Under the rule of ejusdem generis it would probably be construed as confined to any possible agencies of communication, other than three specifically mentioned, which are based on, or which apply the scientific principles of, the telegraph and telephone. But if the phrase be held to include

such means of communication as railroads and boats, which carry corporeal objects instead of intangible messages, there is, at least, a doubt as to the validity of the proposed legislation when applied to such other means of communication. This doubt arises primarily out of certain statements of the United States Supreme Court in Paul *v.* Virginia (8 Wall. 168) and cases following it.

"It is firmly established that contracts of insurance are not transactions of interstate commerce which are subject to regulation by Congress under the commerce clause of the Constitution. Paul *v.* Virginia (8 Wall. 168); Hooper *v.* California (155 U. S. 548); New York Life Insurance Co. *v.* Cravens (178 U. S. 389). Likewise, contracts for the sale of an article for future delivery are not, in themselves, transactions of interstate commerce if they do not oblige the transportation of anything from one State, Territory, or District to another State, Territory, or District of the United States. (Ware & Leland *v.* Mobile County, 209 U. S. 405.) However, in Paul *v.* Virginia (8 Wall. 183) the court, in the course of its opinion, goes further than to hold that the contracts involved were not in themselves transactions of interstate commerce, and says:

"'These contracts are not articles of commerce in any proper meaning of the word. They are not subjects of trade and barter offered in the market as something having an existence and value independent of the parties to them. They are not commodities to be shipped or forwarded from one State to another and then put up for sale.'

"Because of what has been held in the cases referred to, and particularly because of what was said in the extract just quoted, there is some doubt as to whether the Supreme Court would hold that, under the commerce clause, Congress is empowered to regulate the physical transportation of a written or printed contract or offer to make such contract, which is not itself the subject of interstate commerce."

Nor was the Solicitor of the Department of Agriculture beating a new path in the mazes of law when he took a stand regarding the unconstitutionality of this bill. He was in distinguished company; and perhaps the most eminent of all the jurists who viewed this class of legislation as he did was the late Chief Justice of the United States Supreme Court, Hon. Edward Douglas White. Prior to his elevation to the highest court of the land he had served here as a Senator from my State, and it was while opposing almost identical legislation as this that he made the constitutional argument on the floor of the Senate which attracted the attention of President Cleveland and the bench and bar of the country to his remarkable ability.

That great address has taken its place among the legal classics of America and the words in which he concluded it are as true to-day as when he uttered them. I do not think this committee, in deciding upon the fate of this measure, could do better than to ponder them. Here they are:

"Suppose we do pass the bill and strike the present business methods down, what good is it going to do? Is there not a cotton exchange where futures are dealt in at Liverpool? Are they not on the continent of Europe? Did not just a few days ago a gentleman send me the charter of the organization of a great exchange in the city of Hamburg for the purpose of conducting this business of futures in cotton? Did he not send me a letter from a German merchant saying that they had noticed the intention to strike down the business here, and they hoped it would come to them?

"Is there not a cotton exchange at Alexandria, in Egypt? Does not both the Egyptian and the Indian crop move under the operation of laws of future delivery? Without that system I have shown that the disparity between the American price and English price is large. With the system I have demonstrated that the disparity diminished until there has been an average gain to the producers of this country of over a cent a pound. I am unwilling by my vote here to transfer this vast sum of money out of the pockets of the people of the cotton States into the pockets of the people of Great Britain."

Mr. RANSDELL. Mr. President, without attempting to discuss the matter longer, I hope Senators will bear in mind that this legislation is really to carry into effect the measure which has been pending for a great many years, the bill which is now pending before the Senate and has a preference place on our calendar following the Boulder Dam bill, and it will probably be discussed for days when it comes up; because, when you seek to destroy the existing order, when you do something which will break up and completely put out of business hundreds—I started to say thousands and thousands—of business firms in every part of this country, you should not do that without long and careful consideration.

It would be almost criminal to take such radical action as contemplated by this amendment unless certain of the ground. If it be right, in heaven's name let us do it. If we are going to better the condition of agriculture, which certainly is now to a great extent in the slough of despond, I say in heaven's name let us pass the legislation, regardless of whom it may affect. But until we are certain, I beg of Senators not to vote in favor of this destructive piece of legislation, which offers nothing constructive in lieu thereof.

Mr. CARAWAY. Mr. President, I am conscious of the fact that there is not much gained by bandying opinions as to what the effect of any piece of legislation will be, but I am persuaded that there is one thing that is true. There is a contention on the part of the Senator from Louisiana that future markets can raise prices. He said, when they were destroyed in 1914, the price went down. If they can raise the price, they can lower the price. That is an admission of all we have ever said, that the future markets are not a reflection of world conditions, but permit the gamblers to fix the price of a product that he does not produce. Nobody need argue that the future market can raise the price and then say that it could not lower it, because if it can influence it one way it can influence it both ways.

The Senator from Louisiana admits all we have ever said. The difference, then, between him and me is this: He says the exchange is a good thing because it can raise the price if it wants to. I say that it is a bad thing because it permits people who are gambling in the products of other people's toil to influence the prices of products they have nothing to do with creating. He admits that in his statement.

If anybody who knows enough to find his way to the paying teller's desk should insist that the question of closing the markets in 1914 had anything to do with the deranged conditions of commerce, he would at least do himself some justice if he would go and look into the matter of what at that time destroyed all our foreign commerce. The condition then affected just as much things that were to be sold in Europe, that are not dealt in on the cotton and grain exchanges, as it affects those things that were dealt in on those exchanges. That result followed the closing of the sea, when it was not yet known whether Germany and the Central Powers or Great Britain would control the seas. Therefore any shipment that started out was likely to be seized. Of course, all foreign commerce stopped, and everybody knows that 65 per cent of the cotton grown in America has to find a market in Europe. In the face of these facts, to say that the closing of the stock exchange has a thing to do with the cotton market puts a strain on our credulity.

The Senator from North Carolina and the Senator from Louisiana spoke of fixing the price of hogs on future markets. There is not a future market for hogs. The Senator now can not find out to save his immortal soul what a hog is going to sell for on the Chicago market in the morning. There is no way of finding out. The market opens as the traders open it, and there is no future market anywhere for hogs. The Senator says there is a future market in the products. If there is, it does not control the market of hogs, because they do not undertake to say what the market is to be for hogs to-morrow or the next day or the next. Yet that is about as pat an argument as anything else, an argument dealing with hogs on a future market for cotton.

Mr. President, the only difference on this question is this: Had you rather the people who gamble prosper than the people who produce the cotton prosper? That is all there is in it. Any man with any learning may refine as much as he wants, but he is finally going to vote for one crowd or the other, and he is not going to deceive anybody by his vote. He is going to say, "I would rather the gamblers in Wall Street, in Chicago on the grain exchange, or in New Orleans on the cotton exchange, should prosper, than that the people who produce the bread and meat and clothes we wear should prosper."

I know beyond any cavil, and everybody knows, that speculation to a certain extent influences the prices of products that the people produce. If it did not, here is one thing that is so conclusive that it does not need any argument: You can go to the cotton exchanges to-day and buy a hundred million bales of cotton if you want to do it, American cotton, and every living idiot on earth knows there is not a hundred million bales of American cotton in the world, and will not be, in all human, probability, in the next five years. Yet people will undertake to sell it to you for July or August or September, or whatever the delivery months are.

I know that a man who sells that which he has not to somebody who does not expect to take it, and, more than that, who sells what is not in existence and never will be in existence is one of two things—he is a man who has some means to influence the price when delivery date comes on which he is going to settle, or he is an idiot, and since he has money, and idiocy and money do not dwell long together, we are forced to conclude that he has some way to influence the price on delivery date, and thereby be the beneficiary of a gambler's market.

There would not be anybody rash enough to sell 200,000,000 bales of cotton in a year when there will not be 13,000,000 made,

if he thought there was any way of making him deliver, or suffer for not delivery. He must know how to manipulate.

Gentlemen talk about the exchange being a place where cotton is delivered. The Senator has referred to Mr. Clayton, who I believe is about the keenest gambler in futures I have ever seen. He was so smart that he has brought down the gambling fraternity on his head because he did not play the game according to the rules. He not only skinned all the outsiders, but he went to work with a very keen razor and skinned also the professionals, and Mr. Marsh, who at one time had been the head of the cotton exchange in New York, said the Government ought to indict Mr. Clayton because he was guilty of a dishonorable transaction, that he had manipulated the cotton market, that he squeezed people out of the market, and cost them much money. He sat here with a long array of counsel for weeks to show to the committee—and he convinced every member of it that he was right about it—that you could manipulate the cotton market and ruin people who were not on the inside and engaged in the same manipulation. There was not anybody so full of love for the cotton exchange then when these two were facing each other who undertook to deny that the cotton market could be manipulated.

Mr. Clayton said you could manipulate the New Orleans Cotton Exchange. He said you could manipulate the New York Cotton Exchange. He said they did manipulate the Liverpool Cotton Exchange until it could not be handled as a hedge at all. There was not anybody anywhere—and the Senator from Louisiana was present—who undertook to deny you could do those things.

The statement that the future market gives you the same price for cotton in every place in the United States sounds all right, but if anybody ever grew cotton and sold it at two markets 10 miles apart, he found that that was not true. Some cotton may sell for a cent or 2 cents a pound higher in one town in Texas than in another town in the same county of that State. Everybody has seen that happen. Cotton sells upon the market, unfortunately, as the folks who manipulate the market make it sell. All the witnesses testified before the Smith committee, of which the Senator from Louisiana was a member, that cotton would have sold for a higher price in 1926 if there had not been manipulation. They admitted it, and nobody thought of denying it.

Mr. President, I am astonished that we are told that a legitimate business can not be conducted unless you permit gambling. The Senator from Louisiana says he has speculated in land. He never sold an acre of land to which he did not have title. If he did and it had been found out, he would have had some trouble. You can speculate in land, but you have to have the title to do it. That is all we ask with reference to cotton, that they have the title to the product before they sell it.

Suppose somebody here in the District of Columbia should take a notion he would speculate in city lots and attempted to sell the very ground on which this Capitol stands to somebody who did not know that he did not have a right to do it. He would be in one of two places to-morrow; he would be in jail or in St. Elizabeths. I suspect he would be in St. Elizabeths. Suppose he should undertake to sell the furniture in this Chamber, he would go to one of those institutions. We have asked that the man who sells the thing which the farmer produces shall likewise obtain the right to do it or be penalized for selling that which he does not own.

As the senior Senator from Alabama [Mr. HEFLIN] said yesterday, if you organize a corporation, if the stock of the corporation is capable of being listed, you can list the stock upon the exchanges and have it dealt in, but if you do not want to do that you can not be made to do it. This bill provides only that you can not put the farmer's product on the exchange unless he consents to it. We give him just the same right that is given to every corporation organized in America. You can not sell their stock unless the corporation has listed it, and the right to sell corporation stock goes further than that. If you sell that which does not exist until you produce a corner, they will not let you profit by it. Mr. Clarence Saunders, of Memphis, could give a very learned lecture on that. He bought and bought and bought Piggly Wiggly stock and then made demand for delivery. It was discovered that he had bought more than the outstanding issue and the exchanges would not permit him to force delivery. They broke Mr. Saunders. He took a lot of newspaper space to talk about the exchange turning yellow and "welching" on their game, but they "welched" on it. If it had been a producer of cotton or grain, they would not have protected the people on the other side. They could sell and sell and sell as long as they wanted to, and settle on their commercial differences. We are asking that they apply the same rule to the farmer that they apply to the stocks of the railroads and other commercial institutions whose stock is dealt in on the exchange—that the man who sells must have the right and the power to deliver. When that is a fact we are satisfied.

Mr. KING. Mr. President, the Senator from Arkansas [Mr. CARAWAY] has presented an amendment which deserves most careful consideration. That it relates to a matter of prime importance all concede. There will be differences of opinion as to whether the evils of which the Senator complains can be reached and, if so, whether the amendment which he has offered effectively deals with the same. There will be some undoubtedly who are in favor of checking the evils resulting from dealing in futures upon produce exchanges, who will feel disinclined to support the amendment, being apprehensive that it goes too far and may restrict legitimate transactions. Others may feel that the entire question should be dealt with in a separate bill and not incorporated within a revenue measure.

I concede that the importance of the matter calls for a searching inquiry and that it would be better to deal with it in a special bill. However, the question is before us, and the amendment requires our attention, and we will be called upon to approve or disapprove of the same. It should be stated, however, that the subject has received the attention of committees of Congress during the present session and that the evils of which the Senator speaks were clearly pointed out by witnesses appearing before congressional hearings.

That gambling in agricultural products occurs upon produce exchanges has been established beyond a peradventure of a doubt. That the producers of cotton and wheat have suffered enormous losses through these gambling transactions is a matter patent to everyone.

When these gambling transactions and the evidences of speculations which result in losses to the farmers are pointed out and attempts are made to prevent a continuation of practices so harmful to agriculturists, it is urged that the measures proposed are not satisfactory and will fail to eradicate the evils complained of and the injustices which can not be denied. And there are those who contend that cotton exchanges and produce exchanges are necessary; that though they are tainted with gambling practices they accomplish considerable good.

Mr. President, when exchanges deal in futures and buy and sell commodities which do not exist and which the dealers and brokers do not own and never expect to acquire, injustices are bound to result and farmers are certain to be injured. The violent fluctuations upon these produce exchanges are evidences of gambling practices which can not prove other than harmful to agriculturists and demoralizing to the public. Gambling is not tolerated and many forms of gambling are denounced as crimes. The "corners" which frequently are attempted, and sometimes successfully, in commodities essential to life not only interfere with the ordinary and natural processes of trade and commerce but they work irreparable injury and prove financially harmful to the producers. We hear of stock brokers and produce brokers making millions in their stock-exchange transactions. Perhaps they made not the slightest contribution to the wealth of the country. That stock exchanges and produce exchanges may serve a useful purpose must be admitted, and it is to be regretted that these agencies which may be of value to the people are so often employed illegitimately and in a manner harmful to the public. The amendment under consideration does not interfere with legitimate and proper transactions; it strikes only at those that are improper, fraudulent, and harmful to the producers and to the public.

A few years ago I had occasion to investigate the activities of the New York Stock Exchange, as well as other exchanges in the United States which dealt in stocks and bonds. My recollection is that the data which I obtained showed that an overwhelming majority of the purchases upon the New York Stock Exchange were not actual and bona fide; that is to say, the overwhelming majority of the transactions did not involve the purchase and delivery of stocks. They were "margin" transactions, and the broker did not have possession of the stock and made no deliveries of the stock. My recollection also is that in a great majority of the marginal purchases the purchasers lost what they put up at the time of the purchase. In many cases additional margins were called for and the losses of the buyers were thus increased. With fluctuating markets, thousands of purchasers lose their marginal payments and the brokers reaped large profits. I reached the conclusion from the investigation made that many of the transactions conducted upon stock exchanges were mere gambling transactions.

The data which I obtained also demonstrated that banks belonging to the Federal reserve system, as well as State banks, were supplying hundreds of millions of dollars which were employed in these speculative and gambling transactions. The evidence was so overwhelming that I believed Congress should deal with the subject. I offered a bill which denied the use of

the mails in certain of these stock transactions and forbade banks belonging to the Federal reserve system making loans for stock-speculating purposes and particularly for marginal transactions. I learned during the investigation which I made of the enormous losses sustained by thousands and tens of thousands of individuals who had dealings with the brokers and stock exchanges.

I made inquiries concerning the activities of stock exchanges and bucket shops in various parts of the United States and learned of the havoc wrought and tragedies which often resulted. Thousands of persons buy, knowing that deliveries would never be made and that the brokers did not possess the stocks which they pretended to sell. The markets were watched with feverish anxiety and with the changing figures of the tickers ruin and disaster were brought to a large number of individuals. Upon produce exchanges the same evils existed and the same disastrous consequences followed.

Mr. President, Congress has the constitutional power to deal with these interstate transactions, and it also has the power to tax these exchanges and the brokers who deal upon the same. I would be glad to support a measure that comprehensively dealt with these speculative and stock-gambling transactions and imposed such penalties as would reduce to a minimum the manifold evils resulting from the existing practices upon exchanges. While not satisfied with the amendment offered by the Senator, and recognizing that it will not prove as effective as desired, nevertheless, I shall vote for it. It will be an admonition to those dealing in futures and who convert exchanges into gambling marts that they shall change their ways. It will be a warning to some who deal upon produce exchanges that the agriculturists must not be despoiled and that the results of their toil shall not be utilized to increase the wealth of gamblers.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on agreeing to the amendment of the Senator from Arkansas [Mr. CARAWAY] to the amendment of the committee.

Mr. SMOOT. I call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a general pair with the Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the Senator from Oregon [Mr. STEIWER] and vote "nay."

The roll call was concluded.

Mr. JONES. I desire to announce that the Senator from Oregon [Mr. STEIWER] is necessarily absent on official business.

I also desire to announce that the Senator from South Dakota [Mr. MCMASTER] is absent on official business. He has a general pair with the Senator from New Jersey [Mr. EDWARDS].

I also desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Indiana [Mr. ROBINSON] with the Senator from New Mexico [Mr. BRATTON];

The Senator from Kentucky [Mr. SACKETT] with his colleague the junior Senator from Kentucky [Mr. BARKLEY];

The Senator from Ohio [Mr. FESS] with the Senator from Tennessee [Mr. MCKELLAR];

The Senator from California [Mr. SHORTRIDGE] with the Senator from Mississippi [Mr. STEPHENS]; and

The Senator from New Jersey [Mr. EDGE] with the Senator from Montana [Mr. WHEELER].

Mr. GERRY. I desire to announce that the Senator from Kentucky [Mr. BARKLEY] and the Senator from New Mexico [Mr. BRATTON] are necessarily absent on official business, attending a hearing before the committee investigating presidential campaign expenditures.

Mr. MCLEAN (after having voted in the negative). Has the junior Senator from Virginia [Mr. GLASS] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. MCLEAN. I have a general pair with that Senator and therefore withdraw my vote.

Mr. SACKETT (after having voted in the negative). I have a general pair with my colleague the junior Senator from Kentucy [Mr. BARKLEY]. Not knowing how he would vote, I withdraw my vote.

Mr. ASHURST. I desire to announce that the junior Senator from Arizona [Mr. HAYDEN] is detained from the Chamber on important business. If present, he would vote "nay."

Mr. GERRY. I desire to announce that the Senator from Nevada [Mr. PITTMAN], the Senator from Virginia [Mr. GLASS], and the Senator from Mississippi [Mr. STEPHENS] are detained from the Senate on official business.

The result was announced—yeas 24, nays 47, as follows:

YEAS—24

Bayard	Caraway	Harris	Neely
Black	Couzens	Heflin	Norbeck
Blaine	Dill	Howell	Norris
Blease	Fletcher	King	Nye
Borah	Frazier	La Follette	Sheppard
Brookhart	George	Mayfield	Shipstead

NAYS—47

Ashurst	Gould	Moses	Swanson
Bingham	Greene	Oddie	Thomas
Broussard	Hale	Overman	Tydings
Bruce	Harrison	Phipps	Tyson
Copeland	Hawes	Pine	Vandenberg
Curtis	Johnson	Ransdell	Wagner
Cutting	Jones	Reed, Pa.	Walsh, Mass.
Dale	Kendrick	Schall	Walsh, Mont.
Deneen	Keyes	Simmons	Warren
Gerry	Locher	Smith	Waterman
Gillett	McNary	Smoot	Watson
Gooding	Metcalf	Steck	

NOT VOTING—23

Barkley	Fess	McMaster	Shortridge
Bratton	Glass	Pittman	Steiwer
Capper	Goff	Reed, Mo.	Stephens
du Pont	Hayden	Robinson, Ark.	Trammell
Edge	McKellar	Robinson, Ind.	Wheeler
Edwards	McLean	Sackett	

So Mr. CARAWAY's amendment to the amendment of the committee was rejected.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

SHOOTING OF JACOB D. HANSEN

Mr. COPELAND. Mr. President, I have here a letter from the National Bank of Niagara & Trust Co., of Niagara Falls, N. Y., inclosing copy of a resolution adopted yesterday by the directors of that bank. I ask that the resolution may be read at the desk.

The VICE PRESIDENT. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

Whereas one Jacob D. Hansen, secretary of Lodge No. 346, Benevolent and Protective Order of Elks, a reputable, law-abiding, and respected citizen of the city of Niagara Falls, was, on the morning of May 6 last the victim of an unjustifiable and murderous assault committed upon his person by two members of the United States Coast Guard Service stationed at or near Youngstown, N. Y., while he, the said Jacob D. Hansen, was lawfully and peacefully driving his automobile upon a public highway known as the Lewiston Road in the county of Niagara; and

Whereas our said citizen, Jacob D. Hansen, now lies at the point of death as the result of said assault with a bullet through his temple; and

Whereas warrants for the arrest of the perpetrators of said assault have been issued by the proper authorities of the State of New York; and

Whereas the commander of the unit of the said United States Coast Guard Service at Youngstown, N. Y., refuses to allow said warrants to be executed: Now therefore be it

Resolved, That we, the board of directors of National Bank of Niagara & Trust Co. of Niagara Falls, N. Y., hereby indignantly protest against the reckless use of firearms against the persons and automobiles of law-abiding citizens of this community by apparently irresponsible persons of the United States Coast Guard Service, or any other service; and we hereby resolve that every effort should be made to bring said members of the United States Coast Guard to answer in the courts for their assault upon said Jacob D. Hansen to the fullest extent of the law; that copies of this resolution, duly certified, be sent to the Secretary of the Treasury of the United States, Senators COPELAND and WAGNER, and Congressman S. WALLACE DEMPSEY at Washington, and to the district attorney of Niagara County.

Mr. COPELAND. Mr. President, this morning I discussed this unfortunate affair with Admiral Billard, who has charge of the Coast Guard, also with Assistant Secretary Lowman, and at the Attorney General's office. Of course, everybody is very regretful of the terrible incident, but I am satisfied that it is a matter which must receive the very serious attention of the authorities. This morning the Commerce Committee gave consideration to the request I made yesterday. It has been determined that next week there will be a meeting of the committee and that Admiral Billard will be heard, in order that the committee may determine what are the rules and regulations and under what conditions a private citizen may be shot. I think for the time being perhaps there is nothing more that can be done, but certainly there must be a reformation in the methods employed in the attempted enforcement of certain laws.

Here was a citizen who was engaged in a perfectly lawful pursuit. He was going from the home of a friend in the country to his own home in Niagara Falls and while in the outskirts of the town was shot and will probably die. If he lives, he will probably be blind as the result of this assault made upon him by

members of the Coast Guard, who were not out in boats patrolling the border, but were upon the public highway.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. TYDINGS. I am in thorough sympathy with the movement which the Senator has initiated, but I should like, nevertheless, to say that I think the Senator must be an optimist. There have been three men killed in my own State under similar circumstances. One had nothing to do with a still, but happened to be driving some cows in the vicinity of it; the prohibition agents mistook him for one of the men who was operating a still, and he was shot down. We have done everything we could to bring these men to proper trial. The Federal Government stepped in and took them out of our State courts and insisted upon them being tried in the United States court, where the United States district attorney acted as the defendant's counsel. Under the circumstances, while I hope this move will meet with some success, certainly similar moves have not met with any success in Maryland. Apparently, it is deemed all right by the Christian prohibitionists to take a man's life because he may have a pint of liquor on his person.

Mr. COPELAND. Mr. President, I am optimistic to this *extent*: I believe when the people of this country are thoroughly informed as to what is going on that there will be such resentment that these violent methods will cease. In this case this man did not have any liquor on his person. He was in his automobile on a peaceful errand and in the middle of the highway. A man came out, a man clothed, according to the story that is told me, in overalls and a sheepskin jacket, with a revolver in one hand and a dark lantern in the other. He waved those instruments in front of the automobile, and the driver of the automobile did what any Senator would have done—he put his foot on the gas and tried to get away from this man whom he thought to be a highwayman.

A hundred yards farther on he met another man clothed in the same way. The second man started firing at the automobile; five or six shots were fired, and one of them entered the brain of the driver of the automobile, an innocent bystander, so to speak, a citizen who had absolutely nothing to do either with the enforcement or the violation of any law.

I am optimist enough to believe, I may say to the Senator from Maryland, that when the officials of this country, and when the Members of the Senate, and when the people at large realize what violent deeds are being committed in attempts to enforce what appears to many to be an unenforceable law, there will be an uprising and a determination that this thing must cease.

For my part I intend to go forward attempting in every honorable way to make it impossible for such a wicked performance to be repeated.

Mr. HEFLIN. Mr. President, I sympathize with this man and his family. If these officers have shot this man under the circumstances related here they ought to be discharged from the service and prosecuted for an assault with intent to murder or for murder if the victim shall die. It is a very serious thing for a citizen driving along the highway to be attacked by officers who are claiming that they are seeking to enforce a particular law. If I had been in an automobile driving along the road and some one had stepped in front of my car with a lantern and a pistol in his hand I would have driven fast to get away if it were possible; I would not have stopped, and I do not think anybody else would. The man had a right to try to get away. He perhaps thought, as the Senator says, that a highwayman was holding him up. He did not know for what purpose—perhaps to rob or to kill him. The case ought to be looked into by the Government, and looked into speedily; there ought to be no dallying with a case like this. There ought to be action to-day, and we ought to know of that action to-morrow. There is no use wasting time to ascertain what are the rules and regulations concerning the Coast Guard. The responsible officials ought to bring these men to the bar of justice, so far as they can, immediately and determine what course they are going to take with them; and if they are not going to take any, then turn them over to the local authorities where this crime was committed.

We ought to be careful whom we put in charge of the law. The chief law enforcement officers ought not to put reckless men in the service. Of course, I know how utterly impossible it is in the selection of hundreds of thousands of officers to select men who are discreet and very careful about what they do.

Some reckless men are bound to get into the service. We ought to weed out the reckless ones and we ought to punish them, and they have been punished in my State. They have been convicted where they have done reckless and outrageous things against peaceful, law-abiding citizens.

I called the attention of the Senate the other day to some outlaws in Kentucky who gathered around the home of a woman with three or four children, whose sister was also living with her. She had reported a distillery. She had walked 14 miles into the town to give this information, so that they could remove this monstrosity near her home that would entice her boys, she thought, and the neighbors' children. She wanted to get rid of that thing. She had a right to do it. She was in the lawful discharge of her duty. She was a patriot, a good citizen, in doing that. These outlaws took the law into their hands. They surrounded her house at midnight. They barricaded the doors from the outside, so that the occupants could not get out, and put the torch to that home, and burned the house. When the house was filled with smoke, and the people living there saw the light of the flames flaring up around, they sought to escape, and found they could not open the doors and get out. One of the boys took an ax, broke open the door, and fled through the flame and smoke; and these outlaws, these men who buck the Government, these men who have sworn that they will not permit the eighteenth amendment, and the Volstead Act, to be enforced, taking the law into their own hands, at the dead hour of night, marching up on the humble home of a good woman, a Christian American mother, and burning her house down on her head, when her boy fled through the flame and smoke, shot him to death. She followed suit, and they killed her in the yard, and shot her other children, and shot her sister.

Senators, we must enforce the law. We must enforce it against such outrageous criminals as those, and enforce it against these men to whom the Senator from New York has called attention. The law ought to be above all alike. There ought not to be any partiality shown. We ought to let these officers who disgrace their positions be punished before the country, and driven in disgrace from the service of the Coast Guard.

That is what I favor. I am not in favor of permitting these law-enforcement officers to impose upon innocent citizens. I am not in favor of allowing them to fire into people's automobiles along the highways. I am against it. They ought to proceed under the law, and they ought to do it decently, and they ought to let every person they approach know that they are only friends in the name of the law trying to carry out the law, and that they are not seeking to shoot people and have them running down the road to escape with their lives.

Senators, we ought all to stand together on those things. We all ought to stand together, and tell the Federal authorities to go after those bandits in Kentucky and offer a reward for their capture. I would vote for a reward of a hundred thousand dollars to catch them, because it would be an outrage to permit these criminals who hide away in the mountain fastnesses of that State or any other to proceed with guns upon the home of a humble American mother in the nighttime and to kill her because she has dared to disclose the fact that the law is being violated in her community, and that she wants to remove temptation from her two boys. We ought to offer a reward for the apprehension of these men that will cause the best detectives in the country to go over that part of the country with a fine-tooth comb and gather them up speedily and punish them, and let others know what will happen to them if they dare to kill people who are good citizens and want the law enforced. Turn out these Coast Guards; punish them for assault with intent to murder; and, if this man dies, send them all to the penitentiary or hang them for that crime.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 750. An act to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes;

S. 757. An act to extend the benefits of certain acts of Congress to the Territory of Hawaii;

S. 2004. An act authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz.;

S. 2910. An act granting to the State of South Dakota for park purposes the public lands within the Custer State Park, S. Dak.;

S. 3571. An act granting the consent of Congress to the County Court of Roane County, Tenn., to construct a bridge across the Emery River at Suddaths Ferry, in Roane County, Tenn.; and

S. J. Res. 135. Joint resolution making an emergency appropriation for flood protection on White River, Ark.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

The VICE PRESIDENT. The question is on the amendment of the committee.

The amendment was agreed to.

Mr. SMOOT. Mr. President, the next amendment is on page 205, the tax on sales or transfers of capital stock. The present law imposes a tax of 2 cents for every $100 of value on transfers or sales of capital stock. The House struck out the provision of existing law and reduced the tax from 2 cents to 1 cent. The majority of the committee decided to retain the existing law of 2 cents instead of 1.

That is about all there is in the matter, with the exception that it makes a difference of $8,800,000 in the revenue. I can not see why the Treasury should not have that $8,800,000. Therefore, the majority members of the committee decided to amend the House provision by striking out "one" and inserting "two," which is the existing law. That, I hope, the Senate will do.

Mr. HARRISON. Mr. President, some of us thought that these war taxes should be, as far as possible, removed. Acting on that theory, we voted in the committee to retain the House provision that sought to reduce this stock-transfer tax.

Mr. SMITH. Mr. President, I am sorry that while the amendment proposed by the Senator from Arkansas [Mr. CARAWAY] was under discussion I was engaged in conference on a measure of considerable interest to this body, and to the country at large, and perhaps to some of those who desire to serve their country in a higher capacity, known as the McNary-Haugen bill. I had hoped to get back to the Chamber before the discussion was over and the vote was taken. I voted against the proposition because the method of our marketing is a matter of very vital interest to the producers of cotton.

From the time cotton has been produced there has grown up a system which, unless one makes a very close and critical study of it, is so technical that a layman, one who does not know about it, can not understand the paradoxes that occur in it.

To illustrate the point I am making, one not familiar with cotton can not understand how the man who buys cotton is called the "bull," or the friend of the producer, when the producer per se is a seller. He can not understand how a man who goes into the market and buys cotton is a friend of the producer who produces it for sale. That is one of the peculiar features that have grown up, and it is for this reason:

When one buys cotton in the future market at a given price he then becomes for the time being, as long as he is in possession of the contract for the cotton, one who expects to get his profit from a rise in the market. Therefore, the more buyers you have, the more they are interested in the rise of cotton. The man who sells his cotton, strangely enough, is the man who is called the "bear," for the reason that if he sells his cotton for future delivery at its price to-day, and the market goes down, when he comes to buy the cotton to fulfill his contract he may buy it at less than he sold it at, and therefore get a profit; so that the lower it goes the greater his profit, while in the case of the man that buys, the higher it goes the greater his profit. That system has grown up, and therefore there is very often a misunderstanding amongst the trade as to why the buyer should be considered the friend of the producer.

There is another feature of this matter that I think will be interesting to those who read the RECORD. I want to make it plain to them that between the 1st of September and the 1st of January the bulk of the crop has passed from the hands of the producer into the channels of trade. That is necessary. The conditions under which the average cotton producer produces his cotton are such that he must market it as soon as it is ready for market, for the reason that the obligation he incurs in the production of it falls due in the month in which it is to be gathered and put in proper marketable form. Therefore we have this condition existing in the Cotton Belt of this country:

There is a 12 months' supply coming on the market within 90 days. The cotton that is put upon the primary market, entering the channels of trade, is a supply that it takes the mills of the world, both European and American, to consume in the succeeding 12 months. Somebody must be prepared to take that cotton and carry it. If we were restricted to the mills—highly organized; few in number, with large resources—the inevitable would happen, that they would be the masters of the situation and would buy only at such times as their immediate needs might justify them in buying.

Under the present system, a cotton merchant may go out and purchase cotton, or he may hedge his purchase—that is, buy a contract—and then, after he has bought his contract at a given price he can fill that contract by filing it or hypothecating it with a bank as an insurance against his purchase of the cotton. He can go out on the market and buy that cotton with an absolute assurance that he will be guaranteed the price prevailing that day; and the same thing is true on the selling side. The seller can go out and sell a contract against a purchase of actual cotton and secure himself absolutely.

I shall not take the time of the Senate to explain—it is very simple to those who really understand it—how a hedge absolutely protects either the one who has sold against a spot purchase or the one who has bought against a spot sale. It is a guaranty. It is a hedge.

It has been claimed, and I think very truthfully, that under our present system, in view of the absolute necessity of the producer to sell his crop, the hedging process provides a system by which those not engaged in manufacturing may enable the producer to finance his crop by paying him the current price and not restricting him to the mills alone.

The contention has been made that four or five times, or perhaps a hundred times, more cotton is sold than is produced. In a way, perhaps, that is true; but one familiar with the market must understand that a contract even representing actual existing cotton may be registered three, four, or five times during a season, or may be registered four or five times during a day. One buying a contract may sell it during the marketing period of that day, and in turn another may buy; but we must not lose sight of the fact that for every seller there is a purchaser. No matter if they sell five times the crop, somebody buys five times the crop, and one is a balance against the other, because the man who buys is looking for a profit and the man who sells is looking for a profit, and it is a question of which one has the most resources or which has the greater power; and it is our duty to see that advantage shall not be taken of the market place for the purpose of creating a temporary monopoly that would artificially control the market, because, no matter how much speculation there may be in this commodity, ultimately the price will be controlled within a degree by the law of supply and demand.

It is my opinion that the market places are absolutely essential. We ought not to attempt to destroy the market places, but we ought to attempt to drive out those who prostitute the market places. It surely is within our power so to regulate, so to control the dealings in any of our commodities that we can prevent corners, squeezes, monopolies, and manipulations from taking place and yet allow the degree of speculation that is always present in all kinds of business.

The fact is, Mr. President, and everybody will agree, that the market that is alive, the market that is rising, is the speculative market. I do not believe in gambling, I do not believe, as has been done in the cotton market, that we ought to allow certain individuals to come in and sell or to buy without regard to the law of supply and demand, but the speculative element upon which we have to depend in the present condition of the farmer is the element that is willing to come into the market and make a bid on the prospect.

What did we have in the year 1927? There were in New York 200,000 bales of spot cotton. Everybody knew and everybody knows that New York is clear out of line with the ordinary channels of the cotton business, and it being disadvantageous to handle cotton there, the presence of cotton in that market has a tendency to depress the market. On the other hand, the absence of cotton and the selling of contracts has a tendency unduly to raise the price. Last year there were held in New York 200,000 bales of cotton that was known as "line" cotton, known as "shy" cotton, just the kind that would clear the loss in reference to tenderable grades—staple. But the presence of the weevil in the South, reduction of acreage, and a bad season cut out of the crop approximately 6,000,000 bales. As soon as the trade understood that the crop was going to be short, at first 3,000,000, which was about the estimate of the department, the price began to rise, and it rose steadily from the point of depression that had occurred in 1926 on account of the excessive production, 18,000,000 bales; it rose gradually from February, and as the prospect for still further decrease in production became apparent it rose more rapidly, until about the 1st of August, when it was beyond a doubt that the crop would be from four to five million bales short. It rose rapidly from the low point in February of about 16 cents until August, when it reached 25 cents.

There was a difference between the low and the high of $45 a bale. In spite of the presence of what was ordinarily a depressing presence of speculative cotton held in New York, the market continued to rise under the absolute pressure of the law of supply and demand, and possibly cotton would have gone to 30 cents a pound, in spite of all the artificial or speculative obstructions that could have been thrown in its way. It would

doubtless have gone to 30 cents a pound had not the Bureau of Economics announced on the 15th day of September that the price would likely decline. Of course, that created a psychology the world over which no speculator and no cotton man could possibly resist. Those who were inclined to buy cotton and to deal in cotton became frightened off at the position of the Government, quit the market, and cotton broke, until it went back to 17 cents a pound, meaning a loss of $40 a bale. I cite that for the reason that I want to show that as long as there is real, genuine, bona fide trading in cotton, and no outside artificial influence is interfering with it, the law of supply and demand will control the price within reasonable bounds.

On the other hand, we discovered in the investigation that there were forces which could, with an accumulation of actual cotton, something like more than a million bales, afford to dump such quantity on the market as to break the price when contracts had been sold against the purchase. Those contracts going down would more than repay what they had sold a large portion of their stocks for.

A bill has been introduced which gives a board of control the power absolutely to limit the amount of actual cotton, speculative cotton, buying and trading in any degree, to bring it within a certain limit as to any one month or any one market, so as not to artificially interfere with the market. It also provides that there shall not be a straddle, selling one market against another market. That can easily come within the provision of the law and still leave a market there for this legitimate use. There is a provision that cotton once offered can not be retendered against the same month for the purpose of depressing the market. That is clearly within our power, and I would prefer to see that done rather than embarrass or destroy a market place, when it is wholly within our power so to regulate the forces of purchase and sale as to make them of extreme benefit to the producers, and I was not willing to see those contracts which were of a legitimate nature embarrassed by the necessity of those contracting having to make affidavits or having to go through a formality before they would be able to use the market, for the reason that it is done largely now by telegraph. The thing has to be done quickly, and in dealing with foreign countries, 50 per cent of our cotton being consumed by foreign countries, it is essential that the machinery shall function as easily and as quickly as possible.

It is clearly within our power so to regulate the procedure as not to destroy the elements that have built up our cotton trade, and still leave them to function in the interest of those who produce.

Mr. CARAWAY. Mr. President, the lectures on the cotton market that we have from time to time are very enlightening. If I had a boy 5 years old and he did not understand how they sold cotton, I would send him to a school for the feeble-minded, because he could not learn anywhere else. We have but one issue here, and that is this: If one wants a gambler to fix the price, he votes "nay," and if he does not, he votes "yea." There is no need of refinement of our judgments on these things. We all knew what we were doing.

We know absolutely that the cotton market is manipulated, or everybody who has ever dealt on it is not to be believed. There is no trouble about understanding that. It does not take any refinement of our reason to know what we are doing. I know, and everyone else knows, that if the people who go into the cotton market as gamblers did not find it profitable, they would stay out. If they find it profitable, somebody has to lose the money they win. That is just as true as if it were a poker game or a crap game. There is no difference in the law of gambling. It does not make any difference what kind of a game you run, if you win, somebody loses. Anybody who does not understand that, does not understand anything, and so there is no difference between us on that. We know that when somebody goes into the gambling marts and beats down the price of an article, somebody loses, and the man who produces and has to sell always loses.

I am not willing to be stultified in my judgment and have it go out that I do not know what I am doing. There is no mistake about these things. Anybody knows what they are. Anybody understands that if somebody sells, somebody must buy. What is the use of telling us that? Everbody knows that if somebody wins, somebody loses. We all know that. We know that if you can raise the price of a product by having a gambling market, you have the ability to manipulate.

The farmer gets more sympathetic talk on his side, he has more reasons offered why certain things should be done and fewer things done for him than any class I know of. But he does not expect anything else. He has had much experience along that line. He has more tears shed for him and then more injustices heaped upon him than any other class. If he were not a great humorist he would get out of patience, and, really, I expect sometimes he will. He knows what we are doing.

In all my experience here I have never had a letter from a man who was a farmer and nothing else who condoned the system now in existence. I have not yet received a letter from anyone whose principal interest was not running a gambling game who was not against doing these things. People are always coming down here in the interest of a farmers' market, but, strange to say, they never let the farmer have anything to say about what kind of market they are going to give him. Anybody had just as much right to vote against that amendment as I had to vote for it, and I am not falling out with anyone about how he voted. I contend that no one can put a reason in my mouth, and no one can make it appear that I did something that I was not aware of its consequences, because I do know what I was trying to do. No one in the Senate can make himself believe that he did not know what he was doing when he voted against the farmer and for the gambler a while ago, nor can he convince anyone else. There are two sides to this, just as there are to any gambling game, as there is to any other proposition, and every man takes his choice. Everybody knows what he is doing. There is no refinement about this cotton futures market that anybody does not understand. If we did not know what we were doing, we would have to have a guardian appointed for us to draw our salaries. The Government would not be safe in paying us, because we would squander them before we got home.

Let us not lecture each other, because all of us know what we are doing. Everybody knows what is happening. Nobody is mistaken about it; it is perfectly clear.

There are two classes of people in this country and you can not serve both of them. God bless your soul, you have to serve the one you love best, and most of us try to do it, and I think all of us do it.

Mr. ODDIE. Mr. President, I desire to call attention to a statement which I inserted in the RECORD last night with reference to the pending amendment, appearing on pages 8531 and 8532 of the RECORD. I believe it would be better for large numbers of smaller mining companies if the amendment were not agreed to.

Mr. GEORGE. Mr. President, as I understand, the House struck out this tax on capital-stock transfers.

Mr. SMOOT. Not entirely. It cut it in two.

Mr. GEORGE. What is the committee amendment?

Mr. SMOOT. The committee amendment restores the present law.

Mr. GEORGE. That is, 2 cents on each hundred dollars of value?

Mr. SMOOT. Yes.

Mr. GEORGE. Or, on stock having no par value, 2 cents nevertheless?

Mr. SMOOT. Whatever the value may be.

Mr. GEORGE. But if it is nonpar value?

Mr. SMOOT. On nonpar value stock it is based on whatever the market price may be.

Mr. GEORGE. The committee amendment is to restore it as it stood in the prior revenue act?

Mr. SMOOT. Yes; in the 1926 act.

Mr. SIMMONS. Mr. President, this is a case in which the House of Representatives has been attempting to carry out what has been understood as the policy of the administration and of the two Houses of Congress, as I have understood it, to get rid, as quickly as possible, of the little stamp taxes which have been properly designated by the Treasury Department as nuisance taxes. They are small amounts paid upon transactions of legitimate business. The House reduced the tax one-half. I suppose the House would have repealed it entirely but for the urgency of the administration that the reduction be kept within certain prescribed limits.

I myself can see no reason why the tax should not be repealed. I do not believe the loss of the entire amount raised from this source would seriously embarrass the Treasury, even though the other propositions for large reductions proposed by the majority were adopted.

It is a tax upon every transfer of stock. It is a tax upon every transfer of corporation bonds. If that is not a tax upon business, I can not understand what sort of a tax it is. If it were confined only to stock transfers upon stock exchanges, if it were confined to stock transfers only nominally, as would be the case of dealings upon the basis of margins, it would be a different thing; but there has to be an actual transfer of the stocks or the bonds of a corporation. It does not make any difference whether it is a corporation which has issued $100,000 in stock or a corporation which has issued millions of dollars of stock, it can not be transferred without the payment

of this tax. If owned by the original owner, he can not sell it or transfer it without paying a tax. If he holds one of its bonds, he can not sell it without paying a tax in the shape of a stamp. It applies to every sale of stock or bonds of every corporation in the United States, whether small or great, and burdens with the same tax every share of stock and every bond, regardless of differences in par or actual values, operating therefore very equitably. What justification is there for this tax? When the Treasury from year to year, for the last six or eight years, has been every year collecting out of the people of the country large sums of money in excess of what is needed for the legitimate expenditures of the Government, what is the reason or pretext for the retention of this little war tax, this pestiferous little nuisance tax, which requires a stockholder in a little corporation that has issued only $10,000 worth of stock, when he wants to transfer a share or two, to pay a tax by the exaspering method of having to buy a stamp and attach it to the certificate?

In my State a great many small corporations are being formed upon the cooperative plan of cooperation between the owners and the wage earners employed by the corporation. Under this plan of cooperation the stock is issued to the corporation and then transferred, as I understand it, from the corporation to the laborers as they may become entitled to it under the plan in effect. After a certain service in the employment of the corporation by the employee, he becomes entitled to a certain amount of stock. That stock has to be transferred to him. But the transfer can not be made without paying a tax upon it. The holder can not transfer it to his neighbor without paying the tax upon it. He can not transfer it to a trust fund without paying a tax upon it. He can not transfer it to a widow without paying a tax upon it.

It is a tax that is not now needed, but which was levied in the great emergency when we had to go out and gather in the little as well as the big sources of income in order that the Government might meet the enormous, gigantic expenditures incident to the Great War. That emergency has passed. We are trying to get back to a normal basis. There are certain of these war taxes which are going to become permanent. Certain of them are going to remain relatively high until our domestic debt is paid off. Those are the income taxes on corporations and individuals, the tobacco tax, and all those taxes that yield such enormous amounts of revenue to the Government. But where one of these little vexatious, annoying nuisance taxes is involved, such as requires a man every time he sells a share of stock or a bond in a little corporation to attach a 2-cent stamp to it, ought to be gotten rid of. It is a matter of common public policy and fair dealing with the citizens that such little nuisance taxes ought not to be retained after the circumstances and conditions which made them necessary have disappeared.

Mr. SMOOT. Mr. President, if it were only the transfers referred to by the Senator that were involved, this would be quite a different proposition. But when we remember that there are 5,000,000 shares of stock transferred in one day and 4,000,000 shares of stock transferred the next day in one city alone, it seems to me there should be no objection whatever to compelling each of those transfers to pay 2 cents per $100. That is what the committee is asking in the amendment. I can not for the life of me see why there should be any objection. As long as there is an income tax, I know of no source from which we could raise the amount of money and do less harm or impose less hardship on anyone than by the terms of this amendment.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. Certainly.

Mr. HARRISON. Is the Senator in favor of these stamp taxes on stock transfers and on capital-stock issues and bond issues as a permanent policy of the Government?

Mr. SMOOT. This would be one of the last that I would want to have retired.

Mr. HARRISON. This is one of the last.

Mr. SMOOT. Oh, no; there are plenty of others.

Mr. HARRISON. What are the others?

Mr. SMOOT. First and above all of them, I would like to see the corporation tax reduced more than it has been, and next I would like to see a reduction in the surtaxes.

Mr. HARRISON. What other stamp taxes are there besides the tax on admissions, prize fights, and so forth, the tax on capital-stock issues, and capital-stock transfers, and bond transfers? What other stamp taxes are there? That is about all, as I remember it. I ask the Senator if he believes that we ought to retain those taxes as a permanent policy.

Mr. SMOOT. There is a tax on passage tickets.

Mr. HARRISON. Does the Senator refer to the surtax on Pullman-car tickets?

Mr. SMOOT. No. I will read it to the Senator.

Mr. HARRISON. I think the Senator is wrong.

Mr. SMOOT. But the Senator is not wrong. Section 5 of the existing law, which is not repealed in the bill, under Schedule A, stamp taxes, provides as follows:

5. Passage ticket, one way or round trip, for each passenger, sold or issued in the United States for passage by any vessel to a port or place not in the United States, Canada, or Mexico, if costing not exceeding $30, $1; costing more than $30 and not exceeding $60, $3; costing more than $60, $5. This subdivision shall not apply to passage tickets costing $10 or less.

Mr. HARRISON. Does the Senator believe that the tax on passage tickets out of the country ought to be retained as a permanent policy?

Mr. SMOOT. Not when we can afford to tax it off, and the tax on corporations and the surtax on individuals are reduced.

Mr. HARRISON. But the Senator, in 1924, was increasing the corporation tax, while he is reducing the corporation tax now.

Mr. SMOOT. The Senator keeps saying, and it is reiterated throughout the United States, that we have increased the corporation tax. We did take off of corporations the tax that was imposed upon capital stock. The corporations themselves asked for it, saying they would prefer to have a 13½ per cent tax than to have 12½ per cent and a capital-stock tax.

Mr. HARRISON. Before the Senator gets away from that let me ask him about it. He has brought that question up.

Mr. SMOOT. Oh, no; the Senator from Mississippi brought it up.

Mr. HARRISON. We increase the corporation tax from 12½ to 13½ per cent and take off the capital-stock tax.

Mr. SMOOT. That is right.

Mr. HARRISON. I will ask the Senator if the figures do not show that when we took off the capital-stock tax there was a reduction of $93,000,000, and that if the tax had remained on corporations at 12½ per cent as it was then, we would have raised $120,000,000 more than we did the year before, and by raising it from 12½ per cent to 13½ per cent, as we did under the Senator's amendment, we increased it over $200,000,000 from the corporation tax alone?

Mr. SMOOT. The Senator——

Mr. HARRISON. I think the Senator before he makes his statement should refresh his memory.

Mr. SMOOT. The Senator is asking a question that has no reference whatever to the statement I made. The statement I made was that the corporation tax was 12½ per cent in 1924 and in 1926 it was raised to 13½ per cent because the capital-stock tax affecting corporations was repealed, and that was done on the earnest solicitation of the corporations of the country.

Mr. HARRISON. The Senator did not understand my question.

Mr. SMOOT. Yes; I understood it.

Mr. HARRISON. Let me ask it again, because I do not think we differ about it. When we took the capital-stock tax off we lost $93,000,000 to the Government. Is not that true?

Mr. SMOOT. Approximately, yes.

Mr. HARRISON. There was a loss to the Government of approximately $93,000,000?

Mr. SMOOT. That is true.

Mr. HARRISON. When we raised the corporation tax from 12½ per cent to 13½ per cent by virtue of that increase, we raised from corporation taxes alone over $200,000,000.

Mr. REED of Pennsylvania. Mr. President, at the time——

Mr. HARRISON. Will not the Senator from Pennsylvania allow the Senator from Utah to answer that question?

Mr. REED of Pennsylvania. It happens that I remember the figures.

Mr. HARRISON. I also have the figures.

Mr. REED of Pennsylvania. At the time we raised the corporation income tax that tax was running approximately $900,000,000 a year. The increase of 1 per cent, we figured, would supply almost exactly the amount that was necessary to make up the loss on account of the repeal of the capital-stock tax, and the two figures almost exactly matched.

Mr. HARRISON. Let me ask the Senator a question. He remembers very well that upon the estimate of the actuary, Mr. McCoy, upon whom we all rely, it was stated that for that year when we made the change if the tax on corporations had remained at 12½ per cent, as formerly, we would have received $120,000,000 more from corporation taxes than we received the year previous.

Mr. REED of Pennsylvania. That is what he now says.

Mr. HARRISON. I know.

Mr. REED of Pennsylvania. But neither he nor anybody else knew that there was going to be such an increase.

Mr. HARRISON. But the following year and last year, by virtue of the increase from 12½ per cent to 13½ per cent, we received in corporation taxes an increase of more than $200,000,000 as compared with the previous year.

Mr. SMOOT. Yes; and we lost the amount of the capital stock tax.

Mr. HARRISON. That was $93,000,000, showing a net increase of approximately $100,000,000.

Mr. SMOOT. Of course, if the predictions of the Senator from Mississippi had been correct that business was not going to increase and we would not be prosperous under the Republican administration, we would not have collected the $93,000,000.

Mr. HARRISON. It was not my prediction, but the actuary's figures and the estimates which have proved correct, and yet, notwithstanding that, the Senator refuses to decrease the corporation tax.

Mr. SMOOT. There has been no such refusal. The committee reports a decrease of 1 per cent, which will amount to $82,000,000.

Mr. HARRISON. Does the Senator now state that it ought to be the permanent policy of the Government to retain the stamp tax on capital-stock issues and bond issues and capital-stock transfers.

Mr. SMOOT. Yes; so long as it is necessary for the Government to collect the amount of money that it is now collecting.

Mr. HARRISON. Very well.

Mr. SIMMONS and Mr. CARAWAY addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Arkansas?

Mr. CARAWAY. I did not know the Senator from North Carolina had the floor. He did not want to yield to me a while ago, and I do not want to take him off the floor.

Mr. SIMMONS. I wanted to say to the Senator from Utah that if I understood him correctly—and I think I did—he spoke of the enormous amount of transactions in stocks and bonds in New York.

Mr. SMOOT. I did.

Mr. SIMMONS. The Senator knows that this tax is not imposed upon any bond or stock transaction if the transaction is upon the basis of margin only. It does not apply unless there is an actual sale and delivery of the stock.

Mr. SMOOT. Mr. President, it applies to every certificate, no matter whether it is bought on margin, if a transfer is made.

Mr. SIMMONS. If there is an actual transfer, not a marginal transaction, or a purely speculative transaction, that is true; but the Senator's statement a little while ago was calculated to convey the impression to the Senate that in the case of a purely speculative transaction on the stock market of New York, where so many shares of stock are sold to-day with no purpose whatsoever to deliver but the whole transaction is to be settled upon the basis of margin, then they would pay the tax.

Mr. SMOOT. Of course, where a person sells on the market there is no transfer of stock until the time comes when he has got to sell if he can not put up money to meet a further demand. Then the stock is sold, and he loses all that he put up. That applies if a person sells short.

Mr. SIMMONS. If he actually has to deliver the stock, then this tax is paid.

Mr. SMOOT. Yes.

Mr. SIMMONS. I will ask the Senator if the great volume and bulk of transactions of this character that take place upon the stock exchanges of the big cities, New York, for example, are not merely paper transactions based upon and finally settled and wiped out of existence by the payment of margins; that is to say, by the payment of the difference between the price that obtained when the transaction was inaugurated and the price at which the stock was finally disposed of?

Mr. SMOOT. Mr. President, there are some sales made such as those to which the Senator has referred, but wherever a dividend-paying stock is involved—and most of the stocks upon the stock exchange are dividend paying, although some of them are not—they are transferred so that the man holding the certificate may receive the dividend. It makes no difference if they are not dividend-paying stocks, because then there need be no transfer of stock and no tax paid.

Mr. CARAWAY. May I ask a question there?

Mr. SMOOT. Yes.

Mr. CARAWAY. I wish to be thoroughly informed about this situation. Does this hamper gambling on the stock exchanges?

Mr. SMOOT. It makes them pay the tax.

Mr. CARAWAY. Does it put a burden on gambling?

Mr. SMOOT. Absolutely.

Mr. CARAWAY. The Senator does not expect it to be adopted in the Senate, does he?

Mr. SMOOT. I am going to try to have it adopted.

Mr. CARAWAY. Does the Senator remember the vote taken a while ago? If so, he is full of temerity if he thinks the Senate is going to do anything to the gamblers.

Mr. SMOOT. It is not temerity I have, but hope.

Mr. SIMMONS. Mr. President, I do not propose to go into that. I was simply asking the Senator a question. He undoubtedly had conveyed the impression on my mind, and I presume on the minds of other Senators, that this tax would apply to every one of the great volume of transactions that take place in stocks upon the exchanges of the country.

Mr. SMOOT. The Senator from Utah had no such thought in his mind.

Mr. SIMMONS. Then, it is all right; I merely wanted to correct the Senator if he had such thought as that.

Mr. SMOOT. I had no such thought.

Mr. SIMMONS. Because I know, as a matter of fact, that a large part of the enormous transactions that the Senator spoke of upon the stock market never pay this tax because they are not actual transactions; they are fictitious in the sense that they are purely speculative and paper transactions.

Mr. SMOOT. There is never a purchase of stock made upon the stock exchange, unless it be a short sale, but what the stock certificate is either held by the banker as collateral or held by the firm that sold the stock.

Mr. CARAWAY. Mr. President——

Mr. SIMMONS. If the Senator from Arkansas will permit me, I should like to say to him that this tax does not apply unless there is an actual transaction and an actual delivery of the stock.

Mr. CARAWAY. The Senator a while ago heard the claim made that all these transactions were legitimate and necessary for business.

Mr. SIMMONS. This is entirely a different proposition.

Mr. CARAWAY. That is the very thing we were talking about then.

Mr. SIMMONS. Oh, no.

I wish to correct the Senator when he says I did not yield to him while the Senator from Mississippi was speaking. It was the Senator from Mississippi who did not yield to him.

Mr. CARAWAY. All right; it is not worth arguing about.

Mr. SIMMONS. I try to be courteous to the Senator and always shall try to be courteous to him, because I have a great admiration for him, but I do not like him to charge me with any discourtesy, because I mean none toward him.

Mr. CARAWAY. Mr. President, I am particularly anxious to know how those who a while ago voted against the farmer and for the gamblers on the exchanges are now going to vote. I am curious to know whether they will switch in favor of the corporations and against the gamblers. I want to find out whether the corporations have more friends in the Senate than have the farmers, because the farmers lost a while ago overwhelmingly when they wanted some protection against gamblers. Now the corporations want to be permitted to have this remedy, and we want to know just how much stronger, how much more influential, the corporations are than are the farmers. The gamblers beat the farmers two to one a while ago. Now, I want to find out whether the corporations can beat the gamblers or the gamblers can beat the corporations. Or whether their interest are joint. This is going to be an informative afternoon, Mr. President. Some of us may understand where the real influence of the Senate lies. We are going to settle some things to-day whether we settle them right or not. I think we are going to settle them wrong. As I have said, the gamblers beat the farmers a while ago two to one, and I am inclined to imagine now it is going to be a close shave as to whether the corporations are going to beat the gamblers or the gamblers are to beat the corporations. If you want to free, from all kinds of restrictions, the gambling interests of this country, God bless your soul, let us take off this tax, too. Let us say to them, that where their interests clash everybody else must yield. The farmers lost; everybody knew they would; and yet some talked as if they did not understand what we were doing. We knew what we were doing then, and everybody here knows what we are doing now, and if the farmers can not beat the gamblers now

we will sit back and see the corporations and the gamblers "take a shy" at one another.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee.

Mr. COUZENS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BRUCE. I ask what the amendment is? I happened to be out of the Chamber at the time it was stated.

The PRESIDENT pro tempore. The question before the Senate is the committee amendment, on page 205, beginning in line 15. The clerk will call the roll.

Mr. SMOOT. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SMOOT. One or two Senators have asked me as to just what the question is on which we are about to vote.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee, the amendment being on page 205, beginning in line 15. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I transfer my pair with the Senator from Arkansas [Mr. ROBINSON] to the Senator from Oregon [Mr. STEIWER] and will vote. I vote "yea."

Mr. GLASS (after having voted in the negative). I am paired with the senior Senator from Connecticut [Mr. MCLEAN], who happens not to be in his seat. Therefore I withdraw my vote.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Indiana [Mr. ROBINSON] with the Senator from New Mexico [Mr. BRATTON];

The Senator from South Dakota [Mr. MCMASTER] with the Senator from New Jersey [Mr. EDWARDS];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Montana [Mr. WHEELER]; and

The Senator from Ohio [Mr. FESS] with the Senator from Tennessee [Mr. MCKELLAR].

I also desire to announce that the Senator from Oregon [Mr. STEIWER], the Senator from South Dakota [Mr. MCMASTER], the Senator from New Mexico [Mr. BRATTON], and the Senator from Kentucky [Mr. BARKLEY] are necessarily absent on business of the Senate.

The result was announced—yeas 48, nays 30, as follows:

YEAS—48

Bayard	Edge	Jones	Pine
Bingham	Frazier	Kendrick	Reed, Pa.
Blaine	George	Keyes	Sackett
Borah	Gerry	La Follette	Sheppard
Brookhart	Goff	McNary	Shipstead
Capper	Gooding	Mayfield	Shortridge
Caraway	Gould	Metcalf	Smoot
Couzens	Greene	Neely	Vandenberg
Curtis	Hale	Norbeck	Walsh, Mont.
Cutting	Harris	Norris	Warren
Deneen	Howell	Nye	Waterman
Dill	Johnson	Phipps	Watson

NAYS—30

Ashurst	Harrison	Overman	Swanson
Black	Hawes	Ransdell	Thomas
Blease	Hayden	Reed, Mo.	Tydings
Broussard	Heflin	Schall	Tyson
Bruce	King	Simmons	Wagner
Copeland	Locher	Smith	Walsh, Mass.
Dale	Moses	Steck	
Fletcher	Oddie	Stephens	

NOT VOTING—16

Barkley	Fess	McLean	Robinson, Ind.
Bratton	Gillett	McMaster	Steiwer
du Pont	Glass	Pittman	Trammell
Edwards	McKellar	Robinson, Ark.	Wheeler

So the amendment of the committee was agreed to.

Mr. SMOOT. Mr. President, there is one other amendment to be offered by the Senator from North Carolina [Mr. SIMMONS]. It is not a committee amendment. In order that it may be offered now, I ask unanimous consent that that amendment offered by the Senator on capital-stock issues be taken up at this time.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. SIMMONS. Mr. President, I send forward an amendment. I offer only the part not stricken out—just the first few lines of the amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 206, after line 2, it is proposed to insert a new section, as follows:

SEC. —. TAX ON ISSUE OF CAPITAL STOCK.

Subdivision 2 of Schedule A of Title VIII of the revenue act of 1926 is repealed, to take effect on the expiration of 30 days after the enactment of this act.

Mr. HARRISON. Mr. President, this particular provision of the law was not changed by the House at all.

Mr. SMOOT. Nor by the Senate committee.

Mr. HARRISON. I do not know why. I can not imagine why it was not.

In the Senate in 1926, when the last revenue bill was up, upon a motion that was made to strike out the capital-stock issues tax, the vote was 31 to 32. It was defeated at that time by one vote; and I notice in the roll call that at that time many Senators even on the other side of the aisle voted to repeal this tax.

In reading through the list, I notice that Mr. Cameron (not now with us), Mr. FRAZIER, Mr. LA FOLLETTE, Mr. LENROOT, Mr. MCMASTER, Mr. MOSES, Mr. NORBECK, Mr. NORRIS, Mr. NYE, Mr. ODDIE, and Mr. SHIPSTEAD at that time voted to repeal the tax on capital-stock issues.

Mr. President, this was a war tax. It now raises $10,000,000 annually. Whenever any corporation is organized, no matter how small or how large, when the stock is issued stamps have to be placed on it. Great confusion ensues in making the necessary reports. Many instances come to us where penalties are sought to be imposed against those people because of the negligence in not putting on the stamps evidencing the payment of this small tax. It is not large; and it does seem to the minority members of the committee that this capital-stock issues tax should be taken off and repealed.

Mr. SMOOT. Mr. President, what the Senator from Mississippi says is absolutely correct; but a majority of the committee feel that there is no need of losing the $10,000,000 that is collected by means of this tax of 5 cents on each $100 valuation of certificates of stock originally issued.

I hope the amendment of the Senator from North Carolina will be rejected.

Mr. DILL. Mr. President, how much revenue does this tax bring in now?

Mr. SMOOT. Ten million dollars.

Mr. DILL. And the amendment will abolish that?

Mr. SMOOT. It will.

Mr. SIMMONS. Mr. President, I shall take only a very few minutes upon this amendment.

The House did not act upon this tax this time, but the Senate has acted upon it in recent years. It is a tax upon the original issues of stocks and bonds of a corporation.

A corporation issues stock certificates, and most corporations find it expedient and necessary to issue bonds. It is, therefore, a necessary expense in the organization of a corporation, the necessary legal formation of a corporation, stock certificates, at least, have to be issued; and often in order to get the money necessary to finance its operations and development bonds are issued.

If there is any tax in this bill that is a tax upon business, that is that tax, for the simple reason that the business can not be inaugurated without the issuance of the stock certificates, which I say ought not to be taxed.

That is the only instance I know of where we have a direct tax upon what is necessary to be done by an institution that proposes to enter into business. We know that nearly all the large business of the United States is done through the corporate form, and we all know that they have to conform to the laws of the States in which they are incorporated, and the laws of the States provide for the creation of corporations and the issuance of stock. It is, therefore, a tax imposed upon the entrance into business of these great concerns that are now conducting more than half the business of the American people. It is a burden upon business, pure and simple.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. SIMMONS].

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). Making the same announcement of my pair and its transfer as on the former vote, I vote "nay."

Mr. SACKETT (when his name was called). I have a pair on this vote with my colleague [Mr. BARKLEY], who is absent. Therefore I withhold my vote. If permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. JONES. I desire to announce the following pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Montana [Mr. WHEELER];

The Senator from South Dakota [Mr. MCMASTER] with the Senator from New Jersey [Mr. EDWARDS]; and

The Senator from Indiana [Mr. ROBINSON] with the Senator from New Mexico [Mr. BRATTON].

Mr. GERRY. I wish to announce that the Senator from New Mexico [Mr. BRATTON] and the Senator from Kentucky [Mr. BARKLEY] are necessarily detained upon the committee investigating campaign expenditures.

I wish also to announce that the Senator from Utah [Mr. KING] is necessarily absent, and if present he would vote "yea."

Mr. FESS. I am paired with the senior Senator from Tennessee [Mr. MCKELLAR]. In his absence, I withhold my vote. I understand that if present he would vote "yea," and if I were permitted to vote I would vote "nay."

The result was announced—yeas 34, nays 42, as follows:

YEAS—34

Ashurst	Glass	Overman	Swanson
Bayard	Harris	Pittman	Thomas
Black	Harrison	Ransdell	Tydings
Blease	Hawes	Sheppard	Tyson
Broussard	Heyden	Shipstead	Wagner
Copeland	Heflin	Simmons	Walsh, Mass.
Fletcher	Locher	Smith	Walsh, Mont.
George	Mayfield	Steck	
Gerry	Neely	Stephens	

NAYS—42

Bingham	Dill	Keyes	Pine
Blaine	Edge	La Follette	Reed, Pa.
Borah	Frazier	McLean	Schall
Brookhart	Goff	McNary	Shortridge
Bruce	Gooding	Metcalf	Smoot
Capper	Gould	Moses	Vandenberg
Couzens	Greene	Norbeck	Warren
Curtis	Hale	Norris	Waterman
Cutting	Johnson	Nye	Watson
Dale	Jones	Oddie	
Deneen	Kendrick	Phipps	

NOT VOTING—18

Barkley	Fess	McMaster	Steiwer
Bratton	Gillett	Reed, Mo.	Trammell
Caraway	Howell	Robinson, Ark.	Wheeler
du Pont	King	Robinson, Ind.	
Edwards	McKellar	Sackett	

So Mr. SIMMONS's amendment was rejected.

Mr. SMOOT. Mr. President, there is one other amendment I wish to offer this evening, and I do not think it will lead to any discussion at all. I think every member of the committee, both the minority and majority, have agreed to it.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 202, in lieu of the matter proposed by the committee to be inserted in lines 19 to 21, insert the following:

(a) No refund shall be made of any amount paid by or collected from any manufacturer, producer, or importer in respect of the tax imposed by subdivision (3) of section 600 of the revenue act of 1924, or subdivision (3) of section 900 of the revenue act of 1921 or of the revenue act of 1918, unless either—

(1) Pursuant to a judgment of a court in an action duly begun prior to February 28, 1928; or

(2) It is established to the satisfaction of the commissioner that such amount was not added separately on the invoice to the purchaser, or, if so added, has been returned to the purchaser; or

(3) The commissioner certifies to the proper disbursing officer that such manufacturer, producer, or importer has filed with the commissioner, under regulations prescribed by the commissioner with the approval of the Secretary, a bond in such sum and with such sureties as the commissioner deems necessary, conditioned upon the immediate payment to the United States of such portion of the amount refunded as is not distributed by such manufacturer, producer, or importer within six months after the date of the payment of the refund to the purchasers of the articles in respect of which the refund is made, as evidenced by the affidavits (in such form and containing such statements as the commissioner may prescribe) of such purchasers, and that such bond, in the case of a claim allowed after February 28, 1927, was filed before the allowance of the claim by the commissioner.

(b) The second proviso under the heading "Internal Revenue" in section 1 of the first deficiency act, fiscal year 1928, and the second proviso of the fourth paragraph under the heading "Internal Revenue Service," in section 1 of the Treasury and Post Office appropriation act for the fiscal year 1929, are repealed.

The amendment was agreed to.

PROTECTION OF MIGRATORY BIRDS

Mr. NORBECK. Mr. President, I ask unanimous consent to have printed in the RECORD a newspaper article entitled "America declares sympathy with migratory-bird needs."

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICA DECLARES SYMPATHY WITH MIGRATORY-BIRD NEEDS

Interest in the welfare of migratory birds is shown by the public in the chorus of approval that comes from the country following the passage by the Senate of the Norbeck bill providing for Federal sanctuaries. Although the issue of the rights of individual States has been raised, the general reply is that this is a national obligation, and, so far as Canada is concerned, an international matter.

"The bill sponsored by the South Dakota Senator may have its faults," says the Charleston Evening Post, "especially since it speaks of shooting grounds within the refuges in some cases and sizable squads of game wardens also, but its purpose is a lofty one. In some States, to be sure, the question of bird havens is going ahead speedily, and this is commendable, but not so general nor so promising as to preclude those who make the laws from agreeing on a sensible course of action by the Government."

"If the principle of Federal control over migratory birds is sound—and the United States Supreme Court holds that it is sound—the Government owes the birds all due protection," declares the St. Louis Post-Dispatch, while the Manchester Union states: "Bird protection is an international problem of great importance. Many birds journey vast distances in migration, and they thus impose upon the various countries they traverse a joint responsibility for their welfare. It is useless to give migratory birds protection in one country if they are doomed to indiscriminate slaughter in an adjoining land. A good beginning toward the preservation of migratory birds in North America was made by the migratory-bird treaty between the United States and Great Britain."

"Conceding the sanctuaries are vital to the perpetuation of our birds—and there are few who dispute it," says the Newark Evening News, "we are not doing our share, nor playing fair with our treaty partner, unless we provide them within our borders. And the longer the delay the more serious will be the effect on one of the Nation's most valuable natural resources." The Springfield Daily News states: "Individual States may protect birds within their boundaries. But birds are interstate animals. The State which protects migratory game birds has accomplished nothing for itself with birds, if the birds are killed while crossing some other State to reach the protected territory. Local self-government does not accomplish the needed result, and so the Federal Government must step in."

"It is the measure that many conflicting interests and conservationists from every part of the country agreed on," according to the Milwaukee Journal, which offers the further comment, in reply to certain criticism: "Many will agree that Federal game sanctuaries should not be killing grounds for anybody's benefit. They will insist that they shall not be opened to public shooting. They will object also to locating private hunting grounds just outside these preserves. Yet any State in which a Federal game preserve is made could close the immediate surrounding territory to hunting. Should birds get no resting grounds or sanctuaries because people may gather around their edges to shoot? * * * We can not leave migratory-bird protection to the States. They never have acted, and perhaps never will, under any plan that really will give protection to creatures that cross the country twice a year."

"This measure," in the opinion of the Oklahoma City Times, "provides a protection that can be supplied in no other way. There should be refuges for all these feathered wanderers, but it is particularly important that the migratory wild fowl be thus shielded on the long journey from Canada to the Gulf. Lakes and marshes where the birds can rest and feed unmolested mean much more than bag limits and closed seasons. Canada, which under the provisions of an international trqeaty helps the United States in this program of protection, has 91 such refuges, and America but 1. Yet this Nation has more hunters than the Dominion, and more of the long route leads through our land. This measure of protection has been too long delayed."

"It has been uphill work," observes the New York Times, "to get our 48 States to cooperate. The Norbeck bill does not interfere with the operation of game laws in the States which apply to migratory birds 'in so far as they do not permit what is forbidden by Federal law.'" Referring to the dispute as to whether the cost of the system should be defrayed by a tax on hunters or by appropriation, the Times holds that "only by yielding to the argument that money ought to be voted out of the Treasury was Mr. NORBECK able to save his bill."

Recalling that "repeated efforts to bring about cooperation between our individual States and Canada have resulted in but little success," the Kalamazoo Gazette remarks that "it is hardly reasonable to condemn, as another example of paternalistic bureaucracy, a constructive program which can be performed only by direct Federal action." The Gazette presents as its view of the whole situation: "It so happens that Federal legislation is about the only promising course to adopt in the treatment of the problem. That problem, like the problem of aviation and radio control, is national in its scope."

The Albany Evening News considers the disputed provisions of the Senate bill "of comparatively little importance," as the "main thing is

that these sanctuaries should be provided." The Evening News emphasizes the point that "without birds life would be not only dreary but almost impossible, for birds fight insect pests and contribute in no small measure to the welfare of man."

The Santa Barbara Daily News says of the California situation: "If we would save the remnants of this wild life, we must take new measures and provide game refuges, and in addition check, if we can, the destruction of the birds. Some progress has been made along this line, but the real work lies in front of us."

FARMERS' MARKET

Mr. TYDINGS. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Washington Times of May 3, 1928.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SERIOUS BUNGLING OVER A NEW FARMERS' MARKET

In no other city in the United States would it have been possible for a situation so serious as that confronting Washington over the establishment of a farmers' market, which has heretofore supplied the bulk of country produce for this city.

What the effect of this deplorable situation is going to be in food distribution and in food prices until a permanent and satisfactory solution is found nobody can foresee. District authorities may be able to meet the exigencies in a way to lessen the chances of economic losses, but nothing they can do will give the encouragement that is vitally necessary for an increased production of vegetables, fruits, etc., near Washington.

That encouragement will come only with a well-equipped farmers' market, where near-by farmers can put their goods on exhibition for purchasers and where easy contact can be arranged between sellers and purchasers.

The sheds of the old farmers' market were taken down more than two months ago under rush orders from Federal officials, who stated that they expected to begin at once the erection of the new Internal Revenue Building there. The farmers who occupied places in the sheds were told they would be provided for in the streets along the south sidewalks of B Street from Seventh to Fourteenth Streets.

The Federal Government, to which District authorities have yielded from the beginning, has not started the new building. Instead of the farmers still having the space they formerly occupied, the Federal authorities have rented the vacant places to parking-space promoters, who are charging farmers for parking long enough to dispose of supplies.

Most farmers are now being squatted along B Street. In two more months home-grown produce will be ready in large quantities and hundreds of farmers, with their trucks, will seek places to sell their goods. How they will all be accommodated in the streets no official now knows.

In the meantime, Congress haggles over bills for a new location for a market, and the outlook is that there will be no legislation. One Senator proposes a commission to study the matter. At the best, a new market can not be made ready for two years.

The District Commissioners are inactive. They have put the matter up to Congress, before committees of which there has been interminable strife and division. Public welfare has been entirely overlooked.

The sufferers from this unnecessary condition of affairs will be the farmers and the consumers. The beneficiaries will be commission merchants and hucksters.

The great majority of truck farmers around Washington desire to market their vegetables and other supplies in direct manner. They want to save the commissions they must pay middlemen. With a farmers' market in operation there is sharp competition between farmers and commission merchants. The consumers of Washington benefit by this competition.

Eliminate the farmers from direct contact with consumers and merchants and there looms up a dangerous monopoly on the food supplies of Washington. Discourage the farmers, lessen production, and there are higher prices for Washington people.

The situation calls for wise and prompt action by Congress or the District Commissioners.

EXECUTIVE SESSION

Mr. BORAH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate, under the order previously entered, took a recess until 8 o'clock p. m.

ARBITRATION WITH ITALY

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

THE WHITE HOUSE,
May 1, 1928.

The Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a treaty of arbitration concluded between the United States and Italy at Washington on April 18, 1928.

Respectfully submitted.

CALVIN COOLIDGE.

DEPARTMENT OF STATE,
Washington, April 30, 1928.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Italy, concluded at Washington on April 18, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

The President of the United States of America and His Majesty the King of Italy

Determined to prevent so far as in their power lies any interruption in the peaceful relations that happily have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention signed at Washington on March 28, 1908, which expired by limitation on January 22, 1924, and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America, Frank B. Kellogg, Secretary of State of the United States, and

His Majesty the King of Italy, Nobile Giacomo de Martino, Ambassador Extraordinary and Plenipotentiary to the United States,

who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I.

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to the Permanent International Commission constituted pursuant to the treaty signed at Washington May 5, 1914, between Italy and the United States and still in force, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of the Kingdom of Italy in accordance with the constitutional laws of that Kingdom.

ARTICLE II.

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Italy in accordance with the Covenant of the League of Nations.

ARTICLE III.

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by the Kingdom of Italy in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith thereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Italian languages, both texts having equal force, and hereunto affix their seals.

Done at Washington the nineteenth day of April in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG. [SEAL.]
GIACOMO DE MARTINO. [SEAL.]

ARBITRATION WITH GERMANY

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

THE WHITE HOUSE, *May 7, 1928.*

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a treaty of arbitration between the United States and Germany, signed at Washington on May 5, 1928.

CALVIN COOLIDGE.

DEPARTMENT OF STATE,
Washington, May 7, 1928.

The PRESIDENT:

With a view to its transmission to the Senate to receive the advice and consent of the Senate to ratification, if the President approve thereof, the undersigned, the Secretary of State, has the honor to submit herewith a treaty of arbitration between the United States and Germany, signed at Washington on May 5, 1928.

FRANK B. KELLOGG.

The President of the United States of America and the President of the German Reich

Determined to prevent so far as in their power lies any interruption in the peaceful relations now happily existing between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America, Frank B. Kellogg, Secretary of State of the United States, and

The President of the German Reich, Herr Friedrich von Prittwitz und Gaffron, German Ambassador to the United States of America:

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Germany in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Germany in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by the President of the German Reich in accordance with German constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and German languages, both texts having equal force, and hereunto affix their seals.

Done at Washington the fifth day of May in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG. [SEAL.]
F. VON PRITTWITZ. [SEAL.]

CONCILIATION WITH GERMANY

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

THE WHITE HOUSE, *May 7, 1928.*

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a treaty of conciliation between the United States and Germany, signed at Washington on May 5, 1928.

CALVIN COOLIDGE.

DEPARTMENT OF STATE,
Washington, May 7, 1928.

The PRESIDENT:

With a view to its transmission to the Senate to receive the advice and consent of the Senate to ratification, if the President approve thereof, the undersigned, the Secretary of State, has the honor to submit herewith a treaty of conciliation between the United States and Germany, signed at Washington on May 5, 1928.

FRANK B. KELLOGG.

The President of the United States of America and the President of the German Reich, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States of America, Frank B. Kellogg, Secretary of State of the United States of America; and

The President of the German Reich, Herr Friedrich von Prittwitz und Gaffron, German Ambassador to the United States of America.

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

ARTICLE I.

Any disputes arising between the Government of the United States of America and the Government of Germany, of whatever nature they may be, shall, when ordinary diplomatic pro-

ceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; the High Contracting Parties agree not to declare war or begin hostilities during such investigation and before the report is submitted.

ARTICLE II.

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III.

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall shorten or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV.

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by the President of the German Reich in accordance with German constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and German languages, both texts having equal force, and hereunto affix their seals.

Done at Washington the fifth day of May in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG. [SEAL.]
F. VON PRITTWITZ. [SEAL.]

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

ORDER FOR RECESS

Mr. CURTIS. Mr. President, I ask unanimous consent that when the Senate concludes its work to-night it shall take a recess until 12 o'clock noon to-morrow.

The VICE PRESIDENT. Without objection, it is so ordered.

THE CALENDAR

Mr. CURTIS. I now ask unanimous consent that we proceed to the call of the calendar for unobjected bills beginning at Order of Business No. 1013, Senate bill 4273, where we left off on Tuesday evening, and that after the call of the calendar is completed we then return to carry out the previous unanimous-consent agreement.

The VICE PRESIDENT. Is there objection?

Mr. HEFLIN. Mr. President, if I can get my bill, S. 3845, passed now, which I have undertaken to have passed a number of times in the Senate, I have no objection to that arrangement. I shall be glad to assist in every way that I can, but unless that is done I do not believe we are going to do very much business to-night.

Mr. CURTIS. Why can not the Senator consent to the proposal I have made? We will have accomplished something then if we get the unobjected bills off the calendar. It will not take more than half an hour probably.

Mr. HEFLIN. The other night when I could not attend the session, because I was worn and tired from the work of the day, the Senator from California [Mr. SHORTRIDGE] objected to this bill of mine after saying on the floor that he would probably support it.

Mr. CURTIS. Mr. President, I withdraw my request.

Mr. MOSES. Mr. President, the Senator from California [Mr. SHORTRIDGE] is not present in the Chamber. He will probably be here later. It will take a very short time to complete the call of the calendar for unobjected bills.

Mr. HEFLIN. But under the proposal made by the Senator from Kansas the call would begin just beyond my bill. We would have to go through the remainder of the calendar and then go back to the beginning and we would not reach my bill to-night.

Mr. FLETCHER. Let us begin at the Senator's bill.

Mr. HEFLIN. Yes; let us begin at my number now.

Mr. MOSES. In the absence of the Senator from California [Mr. SHORTRIDGE] some one will certainly protect him by making objection, so the Senator from Alabama is not advancing his bill; he is merely impeding the bills of everybody else.

Mr. HEFLIN. Mr. President, I shall proceed. I do not propose to be treated in this fashion by a few people who are representing the cotton gamblers of the United States, who are trying to keep this system in effect, to continue this robbery scheme. If the Senator from New Hampshire [Mr. MOSES] wants to take up the cudgel, I bid him welcome to the fray. He has cotton mills running in his State.

Mr. MOSES. No; they are not running, I am sorry to say.

Mr. HEFLIN. Yes; there are a few mills there.

Mr. MOSES. They are there, but they are not running, I regret to state.

Mr. HEFLIN. If the Senator wants now in the closing hours of this session to try to prevent the passage of my bill, I am going to undertake to organize the Senators from the cotton-growing States. I give them notice now to join with me to prevent the final adjournment of Congress by the 1st of June or July, and until this measure is passed. We are not going into another cotton-selling season with this system open and unprotected. I am fighting for the farmer.

I have never displayed any mean spirit toward any Senator in this body. I have never gotten up here and made objection to their meritorious measures and then when I was away requested another Senator representing the same interests to get up and object because I was not here. That is not the way to legislate. This is a meritorious measure, and I hope the Senator——

Mr. MOSES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. MOSES. Under what unanimous-consent order are we now operating?

The VICE PRESIDENT. The Senate is operating under the unanimous-consent agreement that it shall proceed to the consideration of bills on the calendar, under Rule VIII.

Mr. DILL. Why do we not proceed under that rule, then?

Mr. MOSES. I call for the regular order.

Mr. HEFLIN. Then I move——

Mr. CURTIS. The Senator can not do that.

Mr. HEFLIN. Yes; I can, unless somebody makes a point of order, and if I have to speak until half-past 10 o'clock I might as well get started early.

Mr. BRUCE. Mr. President, will the Senator from Alabama yield to me for a brief statement?

Mr. HEFLIN. I yield.

Mr. BRUCE. My attention has been called to the fact that there are two bills of a similar nature on the calendar. I was unaware that there were two bills apparently relating to similar subject matter. One of the bills is S. 1093 and the penalties provided in that bill are very different from the penalties provided in Senate bill 3845, to which the Senator is referring.

Mr. HEFLIN. That is true.

Mr. BRUCE. The bill first mentioned relates only to cotton predictions, and the second bill related originally not only to cotton price predictions but corn and wheat and rye and barley.

Mr. HEFLIN. Those items have been stricken out, except cotton. What we are seeking to do is to increase the penalty. There ought to be a stiff penalty of $10,000 fine applicable to the man who will violate the law and make predictions anyhow. The Senator from Texas [Mr. MAYFIELD] got a bill through——

SEVERAL SENATORS. Regular order.

The VICE PRESIDENT. The clerk will call the first bill on the calendar.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. The clerk will call the first bill on the calendar.

Mr. HEFLIN. Mr. President, I make the point of no quorum.

Mr. HARRISON. Mr. President, will the Senator withhold that demand for a moment?

Mr. HEFLIN. No; I will not withhold it for anybody. Unless objection is withdrawn, we are not going to transact any business here to-night.

Mr. BRUCE. Mr. President, I would like to ask the Senator from Alabama just another question, continuing along the same line.

Mr. HEFLIN. The Senator can not do it unless and until we get a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Cutting	Johnson	Reed, Pa.
Barkley	Dale	Jones	Sackett
Bayard	Deneen	Keyes	Sheppard
Bingham	Dill	King	Shortridge
Black	Edge	La Follette	Steiwer
Blaine	Fess	McMaster	Stephens
Blease	Fletcher	McNary	Swanson
Borah	Frazier	Mayfield	Thomas
Bratton	George	Moses	Tyson
Brookhart	Gillett	Neely	Vandenberg
Broussard	Glass	Norbeck	Wagner
Bruce	Hale	Norris	Walsh, Mont.
Capper	Harris	Nye	Warren
Caraway	Harrison	Oddie	Waterman
Copeland	Heflin	Phipps	Watson
Curtis	Howell	Pittman	Wheeler

The VICE PRESIDENT. Sixty-four Senators having answered to their names, a quorum is present. The clerk will call the first bill on the calendar.

COTTON PRICE PREDICTIONS

Mr. HEFLIN. Mr. President, I am willing to make this proposition. The Senator from Georgia [Mr. GEORGE] has just expressed to me the opinion that he did not think the Senator from California [Mr. SHORTRIDGE] intended to object any further. In fact, last night I understood him to tell me across the Chamber that he would not object to-day. The Senator from New Hampshire [Mr. MOSES], I think, probably put the Senator from California in that light by suggesting that he was absent and that he would have to object for him until he got here. I understood the Senator from California to tell me across the Chamber yesterday afternoon that he would not object to-day.

Mr. SHORTRIDGE. Mr. President, a suggestion has just been made to me to the effect that we take up the Senator's bill in the morning at 12 o'clock. I do not think it will take long for its consideration and possibly its passage. I have heretofore objected for reasons which I did not have an opportunity to present. I wish to make a few observations upon the bill when it is under consideration. It has just been suggested to me that by unanimous consent we take up the bill to-morrow at 12 o'clock and limit the discussion, it might be, to 15 or 20 minutes, so that we may proceed to-night to dispose of matters which many Senators consider of prime importance.

It may well be that in the end I shall not object to the bill. I do not wish to be at all personal by direct words or by inference or by innuendo, but I merely say now to the Senator from Alabama that if he had been patient enough to listen to me the other evening, when at about 6 o'clock he asked for consideration of this bill, we would have had no controversy over the measure.

Therefore I am suggesting now to the Senator and to others who listen that we agree by unanimous consent to take up the bill to-morrow upon convening at 12 o'clock. I now feel that I shall consume only a very few moments in the discussion.

Mr. HEFLIN. Then I ask unanimous consent that when the Senate meets to-morrow at 12 o'clock we take up for consideration Calendar No. 866, the bill (S. 3845) to prohibit predictions with respect to cotton prices, and that we vote on it at not later than 12.30 o'clock p. m. I shall want only a very brief time. I think the Senator from California will not have any objection when I can state another reason why the bill ought to pass.

Mr. CURTIS. Let us make it at not later than 12.20.

Mr. HEFLIN. To take up the bill at 12.20?

Mr. CURTIS. No; to take it up at 12 o'clock and vote not later than 12.20.

Mr. HEFLIN. I want to speak about five minutes.

Mr. SHORTRIDGE. That is entirely agreeable to me.

Mr. HEFLIN. I will speak about five minutes on the bill at that time.

Mr. JOHNSON. Mr. President, I ask whether or not a unanimous-consent agreement of that sort will interfere with the existing order?

Mr. CURTIS. It will not.

Mr. HEFLIN. No; I would not want to do that.

Mr. JOHNSON. So long as that is thoroughly understood, I, of course, have no objection.

The VICE PRESIDENT. The rule requires a quorum to be called when a time is sought to be set for a final vote.

Mr. HEFLIN. This is only a temporary matter.

The VICE PRESIDENT. Inasmuch, however, as a quorum has just been called and obtained, if there be no objection, the agreement is entered into.

Mr. JOHNSON. Pardon me; as I understand the ruling of the Chair, the agreement will not interfere with the existing order?

The VICE PRESIDENT. No.

Mr. JOHNSON. Or with the unfinished business?

The VICE PRESIDENT. No.

Mr. HEFLIN. I want it understood that if the point of no quorum should be made—and it should take up time, I would not want a vote on it. I want five minutes as the author of the bill, and as a member of the Agricultural Committee, to explain it.

Mr. CURTIS. If the Senator from Alabama and the Senator from California will be here at 12 o'clock, there will be no question of a quorum raised, so far as I am concerned, and I hope no other Senator will raise the point until after the conclusion of the matter.

Mr. SHORTRIDGE. I shall be here, Deo volente.

Mr. CURTIS. I renew my request for unanimous consent.

The VICE PRESIDENT. Without objection, it is so ordered.

OVERSEA HIGHWAY BRIDGES FROM KEY WEST TO MAINLAND

Mr. FLETCHER. I ask unanimous consent to submit a report from the Committee on Commerce. It is a purely local matter, and I feel authorized to ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Florida to submit the report which he indicates? The Chair hears none.

Mr. FLETCHER. From the Committee on Commerce I report back favorably without amendment the joint resolution (H. J. Res. 256) authorizing the United States Bureau of Public Roads to make a survey of the uncompleted bridges of the Oversea Highway from Key West to the mainland, in the State of Florida, with a view of obtaining the cost of the construction of said bridges, and report their findings to Congress, and I submit a report (No. 1090) thereon. I ask unanimous consent for the immediate consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Whereas Munroe County, in the State of Florida, has bonded for large sums for the purpose of constructing an oversea highway from Key West to the mainland; and

Whereas the State of Florida, out of the road fund, has spent large sums of money assisting Munroe County in the construction of said road; and

Whereas Dade County has completed her part of the road, which is the main highway from Canada to Key West, known as United States Highway No. 1; and

Whereas this road is now completed except the construction of several bridges: Therefore be it

Resolved, etc., That the United States Bureau of Public Roads is hereby authorized and directed to make a survey with a view of ascertaining the cost of the construction of said bridges and report the findings to the Congress at the earliest possible moment.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

The VICE PRESIDENT. The clerk will state the first bill in order on the calendar under the unanimous-consent agreement.

CLAIMS OF INDIAN TRIBES AND BANDS IN WASHINGTON

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4273) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington to present their claims to the Court of Claims, which was read, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred on the Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, as in other cases, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims of the Okanogan, Methow, San Poells (or San Poil), Nespelem, Colville, and Lake Indian tribes or bands of the State of Washington, or any of

said tribes or bands, against the United States arising under or growing out of the original Indian title, claim, or rights of the said Indian tribes and bands, or any of said tribes or bands (with whom no treaty has been made), in, to, or upon the whole or any part of the lands and their appurtenances in the State of Washington embraced within the following general descriptions, to wit: Commencing at the intersection of the west bank of the Okanogan River with the international boundary line between the Province of British Columbia, Canada, and the State of Washington, thence west along said line to its intersection with the summit of the main ridge of the Cascade Mountains; thence in a southerly direction along the summit of said main ridge of the Cascade Mountains to a point where the northern tributaries of Lake Chelan and the southern tributaries of the Methow River have their rise; thence southeasterly on the divide between the waters of Lake Chelan and the Methow River to the Columbia River; thence, crossing the Columbia River in a true-line course east, to a point whose longitude is 119° 10′; thence in a true south course to the Government survey township line between townships 24 and 25 north; thence east along said township line to Hawk Creek, in Lincoln County, Wash.; thence down said Hawk Creek to its intersection with the Columbia River; thence westwardly along the south bank of the Columbia River to a point opposite the mouth of the Okanogan River; thence north across the Columbia River and up the west bank of the Okanogan River to the place of beginning; also, commencing on the north bank of the Spokane River at its junction with the Columbia River, thence in a northeasterly direction along the summit of the ridge separating the drainage basin of the Spokane River from that of the Columbia River and its tributary, the Colville River, to the main ridge of the Calispell Mountains; thence in a northerly direction along the summit of the main ridge of said Calispell Mountains, extended, to the international boundary line between said Province of British Columbia, Canada, and the State of Washington; thence west along said line to the east bank of the Columbia River; thence in a general southerly direction along said east bank of the Columbia River to the said mouth of the Spokane River; also, commencing at a point on the west bank of the Columbia River opposite the mouth of the Spokane River; thence in a general northerly direction to and along the summit of the main ridge dividing the waters of the San Poil River from those of the Columbia and Kettle Rivers, and along the summit of said ridge extended northerly to the said international boundary line between the Province of British Columbia and the State of Washington; thence west along said international boundary line to the summit of the main ridge separating the waters of the Okanogan River from those of the upper Kettle River; thence in a general southerly direction to and along the summit of the divide between the waters of said Okanogan River and those of Nespelem Creek to the north bank of the Columbia River; thence in a general easterly direction along the north bank of the Columbia River to a point opposite the mouth of the Spokane River, the place of beginning; which said lands or rights therein or thereto are claimed to have been taken away from said Indian tribes and bands, or some of them, by the United States, recovery therefor in no event to exceed $1.25 per acre; together with all other claims of said tribes or bands of Indians, or any of said tribes or bands, arising under or growing out of fishing rights and privileges held and enjoyed by said tribes and bands, or any of them, in the waters of the Columbia River and its tributaries; or arising or growing out of hunting rights and privileges held and enjoyed by said tribes and bands, or any of them, in common with other Indians in the "common hunting grounds" east of the Rocky Mountains as reserved by and described in the treaty with Blackfoot Indians, October 17, 1855 (11 Stat. L. 657 to 662), and which are claimed to have been taken away from said tribes and bands, or any of them, by the United States without any treaty or agreement with such Indian claimants therefor and without compensation to them.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit or suits be instituted or petition, subject to amendment, be filed as herein provided in the Court of Claims within five years from the date of the approval of this act, and such suit or suits shall make the said Okanogan, Methow, San Poells (or San Poil), Nespelem, Colville, and Lake Indian tribes or bands of Washington, or any of said tribes or bands, party or parties, plaintiff, and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Indians approved in accordance with existing law; and said contract shall be executed in their behalf by a committee or committees selected by said Indians as provided by existing law. Official letters, papers, documents and records, maps, or certified copies thereof may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indians to such treaties, papers, maps, correspondence, or reports as they may require in the prosecution of any suit or suits instituted under this act.

SEC. 3. In said suit or suits the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against the said Indian tribes and bands, or any of them, but any payment or payments which have been made by the United States upon any such claim or claims shall not operate as an estoppel, but may be pleaded as an offset in such suit or suits, as may gratuities, if any, paid to or expended for such Indian tribes and bands, or any of them.

SEC. 4. Any other tribes or bands of Indians the court may deem necessary to a final determination of any suit or suits brought hereunder may be joined therein as the court may order: *Provided*, That upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, by any one of said tribes or bands, and in no event to exceed the sum of $25,000 for any one of said tribes or bands of Indians, together with all necessary and proper expenses incurred in the preparation and prosecution of such suit or suits to be paid to the attorney or attorneys employed as herein provided by the said tribes or bands of Indians, or any of said tribes or bands, and the same shall be included in the decree, and shall be paid out of any sum or sums adjudged to be due said tribes or bands, or any of them, and the balance of such sum or sums shall be placed in the Treasury of the United States, where it shall draw interest at the rate of 4 per cent per annum.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNEXATION OF ISLANDS OF THE SAMOAN GROUP

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 110) to provide for annexing certain islands of the Samoan group to the United States, which had been reported from the Committee on Territories and Insular Possessions with amendments, on page 1, line 3, after the word "said," to strike out the words "cession is" and to insert "cessions are"; and on page 2, line 1, after the word "confirmed," to strike out "and that the said islands of eastern Samoa be, and they are hereby, annexed as a part of the territory of the United States, and are subject to the sovereign dominion of" and to insert "as of April 10, 1900, and July 16, 1904, respectively," so as to make the joint resolution read:

Whereas certain chiefs of the islands of Tutuila and Manua and certain other islands of the Samoan group lying between the thirteenth and fifteenth degrees of latitude south of the Equator and between the one hundred and sixty-seventh and one hundred and seventy-first degrees of longitude west of Greenwich, herein referred to as the islands of eastern Samoa, having in due form agreed to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over these islands of the Samoan group by their acts dated April 10, 1900, and July 16, 1904: Therefore be it

Resolved, etc., That (a) said cessions are accepted, ratified, and confirmed as of April 10, 1900, and July 16, 1904, respectively.

(b) The existing laws of the United States relative to public lands shall not apply to such lands in the said islands of eastern Samoa; but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the said islands of eastern Samoa for educational and other public purposes.

(c) Until Congress shall provide for the government of such islands, all civil, judicial, and military powers shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

(d) The President shall appoint six commissioners, two of whom shall be Members of the Senate, two of whom shall be Members of the House of Representatives, and two of whom shall be chiefs of the said islands of eastern Samoa, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the islands of eastern Samoa as they shall deem necessary or proper.

(e) The sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and to be immediately available, to be expended at the discretion of the President of the United States of America, for the purpose of carrying this joint resolution into effect.

Mr. KING. I desire to ask the Senator from Connecticut [Mr. BINGHAM] whether or not this joint resolution is unanimously reported by the committee.

Mr. BINGHAM. In its present form it is unanimously reported by the committee and is also favored by the Navy Department, which objected to the joint resolution in its original form.

Mr. LA FOLLETTE. Mr. President, will the Senator from Connecticut briefly explain the joint resolution?

Mr. BINGHAM. Briefly, I will state that these islands were ceded to the United States by certain Samoan chiefs, some in 1900 and others in 1904. Congress has never done the chiefs the courtesy of accepting the cessions, although by an Executive

order the Navy has taken charge of the islands for all these years. The chiefs feel that in courtesy to them and to their cessions the cessions should be ratified, and the joint resolution merely puts the approval of Congress on the existing order. It also creates a commission, which the President is to appoint, consisting of two Senators, two Representatives, and two Samoan chiefs, to study the situation and to recommend legislation.

Mr. LA FOLLETTE. Mr. President, does the bill provide any amelioration of the harsh naval government now in existence in the islands?

Mr. BINGHAM. That will follow the official study by the commission to be appointed.

The VICE PRESIDENT. The question is on agreeing to the amendments reported by the committee.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes."

MARKING OF PLATINUM

The bill (S. 1251) to regulate the marking of platinum imported into the United States or transported in interstate commerce, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That this act may be cited as the "National platinum marking act, 1927."

SEC. 2. In this act, unless the context otherwise requires—

(1) The term "article" means any article of merchandise, and includes any portion of such article, whether a distinct part thereof or not (including every part thereof whether or not separable and also including material for manufacture).

(2) The terms "platinum," "iridium," "palladium," "ruthenium," "rhodium," and/or "osmium" include any alloy or alloys of any one or more of said metals.

(3) The term "mark" means any mark, sign, device, imprint, stamp, or brand applied to any article, or to any tag, card, paper, label, box, carton, container, holder, package, cover, or wrapping attached to, used in conjunction with, or inclosing such article, or any bill, bill of sale, invoice, statement, letter, circular, advertisement, notice, memorandum, or other writing or printing.

(4) The terms "apply" and "applied" include any method or means of application or attachment to, or of use on, or in connection with, or in relation to, an article, whether such application, attachment, or use is to, on, by, in, or with—

(A) The article itself; or

(B) Anything attached to the article; or

(C) Anything to which the article is attached; or

(D) Anything in or on which the article is; or

(E) Anything so used or placed as to lead to a reasonable belief that the mark on that thing is meant to be taken as a mark on the article itself.

(5) The term "quality mark" means any mark as herein defined indicating, describing, identifying or referring to or appearing or seeming or purporting to indicate, describe, identify, or refer to the partial or total presence or existence of, or the quality of, or the percentage of, or the purity of, or the number of parts of platinum, iridium, palladium, ruthenium, rhodium, and/or osmium in any article.

SEC. 3. (a) When an article is composed of mechanism, works, or movements and of a case or cover containing the mechanism, works, or movements, a quality mark applied to the article shall be deemed not to be, nor to be intended to be applied to the mechanism, works, or movements.

(b) The quality mark applied to the article shall be deemed not to apply to springs, winding bars, sleeves, crown cores, mechanical joints, pins, screws, rivets, dust bands, detachable movement rims, hat-pin stems, bracelet and necklace snap tongues. In addition, in the event that an article is marked under paragraph (5) of section 6, the quality mark applied to the article shall be demed not to apply to pin tongues, joints, catches, lapel button backs and the posts to which they are attached, scarf-pin stems, hat-pin sockets, shirt-stud backs, vest-button backs, and ear-screw backs: *Provided*, That such parts are made of the same quality of gold as is used in the balance of the article.

SEC. 4. If there is any quality mark printed, stamped, or branded on the article itself, there must also be printed, stamped, or branded on the said article itself the following mark, to wit: A trade-mark duly applied for or registered under the laws of the United States of the manufacturer of such article; except that if such manufacturer has sold or contracted to sell such article to a jobber, wholesaler, or retail dealer regularly engaged in the business of buying and selling similar articles, this provision shall be deemed to be complied with if there is so marked on the said article the trade-mark duly registered under the laws of the United States of such jobber, wholesaler, or retail dealer, respectively; and in such event there may also be marked on the said article itself numerals intended to identify the article, design, or pattern: *Provided, however*, That such numerals do not appear or purport to be a part of the quality mark: *Provided further*, That they are not calculated to mislead or deceive anyone into believing that they are partly of the quality mark.

SEC. 5. All quality marks applied to any article shall be equal in size and equally visible, legible, clear, and distinct and no quality mark which is false, deceptive, or misleading shall be applied to any article or to any descriptive device therefor. No more than one quality mark shall be applied to any article and such quality mark shall be applied to such article in only one place thereon except as elsewhere in this law specifically permitted.

(b) Wherever in this act provision is made for marking the number of parts or percentage of metals such number or percentage shall refer to weight and not to volume, thickness, or any other basis.

SEC. 6. There shall not be applied to any article any quality mark nor any colorable imitation thereof, nor any contraction thereof, nor any addition thereto, nor any words or letters, nor any mark purporting to be or resembling a quality mark, except as follows:

(1) An article consisting of at least nine hundred and eighty-five one-thousandths parts of platinum, iridium, palladium, ruthenium, rhodium, and/or osmium, where solder is not used and at least nine hundred and fifty one-thousandths parts of said same metal or metals where solder is used, may be marked "platinum": *Provided*, That the total of the aforementioned metals other than pure platinum shall amount to no more than fifty one-thousandths parts of the contents of the entire article.

(2) An article consisting of at least nine hundred and eighty-five one-thousandths parts platinum, iridium, palladium, ruthenium, rhodium, and/or osmium, where solder is not used and at least nine hundred and fifty one-thousandths parts of the said same metal or metals where solder is used: *Provided*, That at least seven hundred and fifty one-thousandths parts of said article are pure platinum, may be marked "platinum": *Provided further*, That immediately preceding the mark "platinum" there is marked the name or abbreviation as hereinafter provided, of either iridium, palladium, ruthenium, rhodium, and/or osmium, whichever of said metals predominates: *And provided further*, That such predominating other metal must be more than fifty one-thousandths parts of the entire article.

(3) An article consisting of at least nine hundred and eighty-five one-thousandths parts of platinum, iridium, palladium, ruthenium, rhodium, and/or osmium, where solder is not used and at least nine hundred and fifty one-thousandths parts of said same metals where solder is used: *Provided*, That more than five hundred one-thousandths parts of said article consists of pure platinum, may be marked with the word "platinum": *Provided further*, That said word is immediately preceded by a decimal fraction in one-thousandths showing the platinum content in proportion to the content of the entire article: *And provided further*, That said mark "platinum" be followed by the name or abbreviation as herein allowed, of such one or more of the following metals, to wit: Iridium, palladium, ruthenium, rhodium, and/or osmium, that may be present in the article in quantity of more than fifty one-thousandths parts of the entire article. The name of such other metal or metals other than platinum, however, shall each be immediately preceded by a decimal fraction in one-thousandths showing the content of such other metal or metals in proportion to the entire article—as, for example, 600 Plat., 350 Pall., or 500 Plat., 200 Pall., 150 Ruth., 100 Rhod.

(4) An article consisting of nine hundred and fifty one-thousandths parts of the following metals: Platinum, iridium, palladium, ruthenium, rhodium, and/or osmium, with less than five hundred one-thousandths parts of the entire article consisting of pure platinum, may be marked with the name iridium, palladium, ruthenium, rhodium, and/or osmium, whichever predominates in the said article, but in no event with the mark "platinum": *Provided, however*, That the quantity of such metal other than platinum so marked must be marked in decimal thousandths: *And provided further*, That the name of such metal other than platinum so used must be spelled out in full, irrespective of any other provisions of this act to the contrary.

(5) An article composed of platinum and gold which resembles, appears, or purports to be platinum may be marked with a karat mark and the platinum mark provided—

(A) The platinum in such article shall be at least nine hundred and eighty-five one-thousandths parts pure platinum; and

(B) The fineness of the gold in such article shall be correctly described by the karat mark of said gold; and

(C) The percentage of platinum in such article shall be no less than 5 per cent in weight of the total weight of the article; and

(D) The mark shall be so applied that the karat mark shall immediately precede the platinum mark, as, for example, "14 K & Plat.," "18 K & Plat.," as the case may be, it being expressly provided that in case the percentage of platinum exceeds the 5 per cent provided herein

the quality mark may also include a declaration of the percentage of platinum, as, for example, "18 K & 1/10th Plat." or "14 K & 1/8th Plat.," or as the case may be.

(6) An article composed of platinum and any other material or metal not resembling, appearing, or purporting to be platinum may be marked with the quality mark platinum: *Provided*, That all parts or portions of such article resembling or appearing or purporting to be platinum or reasonably purporting to be described as platinum by said quality mark shall be at least nine hundred and eighty-five one-thousandths parts pure platinum.

SEC. 7. Whenever provided for in this act, except as specifically excepted in paragraph 4 of section 6 hereof, the word "platinum" may be applied by spelling it out in full or by the abbreviation "Plat."; the word "iridium" may be applied by spelling it out in full or by the abbreviation "Irid."; the word "palladium" may be applied by spelling it out in full or by the abbreviation "Pall."; the word "ruthenium" may be applied by spelling it out in full or by the abbreviation "Ruth."; the word "rhodium" may be applied by spelling it out in full or by the abbreviation "Rhod."; and the word "osmium" may be applied by spelling it out in full or by the abbreviation "Osmi."

SEC. 8. Any person, partnership, corporation, or association, or any officer, director, employee, or agent thereof who shall import or cause to be imported into the United States, or deposit or cause to be deposited in the United States mails, or transport or cause to be transported from one State, Territory, or possession of the United States, or from the District of Columbia into any other State, Territory, or possession of the United States, or into the District of Columbia, or deliver or cause to be delivered to any carrier to be so transported, or sell or offer or expose for sale in any Territory or possession of the United States or in the District of Columbia, any article to which is applied any quality mark which does not conform to all the provisions of this act, or from which is omitted any mark required by the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court: *Provided, however*, That it shall be a defense to any prosecution under this chapter for the defendant to prove that the said article was manufactured and marked with the intention of and for purposes of exportation from the United States, and that the said article was either actually exported from the United States to a foreign country within six months after date of manufacture thereof with the bona fide intention of being sold in the said country and of not being reimported or that it was delivered within six months after date of manufacture thereof to a person, firm, or corporation whose exclusive customary business is the exportation of such articles from the United States.

SEC. 9. In any action relating to the enforcement of any provision of this act a certificate duly issued by an assay office of the Treasury Department of the United States certifying the weight of any article, or any part thereof, or of the kind, weight, quality, fineness, or quantity of any ingredient thereof, shall be receivable in evidence as constituting prima facie proof of the matter or matters so certified.

SEC. 10. In any action relating to the enforcement of any provision of this act proof that an article has been marked in violation of the provisions of this act shall be deemed to be prima facie proof that such article was manufactured after this act became effective.

SEC. 11. This act shall become effective six months after its passage, and shall not apply to any article manufactured prior thereto.

SEC. 12. If any part of this act, or the application thereof to any particular situation, is held by any court of competent jurisdiction to be invalid on account of unconstitutionality, such adjudication shall not affect the remainder of this act or the application of such first-mentioned part of this act to any other situation.

Mr. KING. Mr. President, I should like an explanation of that bill. It is apparently very important.

Mr. WATSON. Mr. President, this is a bill which was reported from the Committee on Interstate Commerce by the Senator from New York [Mr. WAGNER]. He was to have been present and to have explained it, but I have just learned that he is unavoidably detained from the Senate. The report of the committee, I will say to the Senator, describes accurately the situation with respect to the metal platinum in connection with its use in jewelry.

The purpose of the pending bill is to provide restrictions regarding the use of the platinum so as to prevent fraud. It is in keeping with the gold and silver legislation enacted by Congress in 1906, which legislation has created very high standards throughout the country in connection with the marking of jewelry.

In 1906 the Federal Government passed an act to protect the marking of gold and silver and creating adequate standards therefor. This is a bill to provide for the correct marking of platinum so as to bring it to the same high standard. The bill is indorsed by the retail jewelers' associations in practically all the States of the Union, as the Senator will see if he will read the report. I do not care to go into the whole question.

Mr. KING. Mr. President, if the Senator will pardon me, there is one question that occurs to me and that is this: Of course, if fraudulent representations were made with respect to the character of the platinum—that is to say, if it was an alloy instead of being pure platinum—the person making such false representations would come under the denouncement of local statutes. The question in my mind is whether the Federal Government ought to prescribe the standard for platinum any more than it should prescribe the standard for lead or antimony, or any other metal. Of course, as to gold and silver, which are used as money, there is a different obligation resting upon the Government.

Mr. WATSON. Yes; but gold and silver have been standardized by governmental action for use in jewelry, and platinum is now used very generally in the manufacture of jewelry in connection with gold, as the Senator understands. The quality of the material makes very great difference in the jewelry that is manufactured, and while the average person can not detect the lack of purity in the platinum, yet if the platinum is pure it lasts a long time and is durable, and, on the other hand, if it is not pure it is not durable. That is my understanding of the situation.

Mr. COPELAND rose.

Mr. WATSON. Perhaps the Senator from New York knows more about it than I do.

Mr. COPELAND. Mr. President, I wish to say that white gold and platinum look exactly alike, but the jewelers' associations of almost every State in the Union and all the local associations of high standing representing the highest-grade jewelers feel that this is a very necessary measure in order to protect the public against the imposition of fraudulent imitations.

Mr. KING. If the Senator will pardon me, the point I am making is that, if Congress begins to prescribe the standard of purity of every article that goes into trade and commerce, pretty soon we will be asked to take over the control of all of the commodities that are carried in interstate commerce and Congress may have imposed upon it a burden the magnitude of which it is impossible now to comprehend. I shall not object to the bill but it does seem to me that it is very unwise legislation. We will be asked pretty soon to fix a standard of purity for everything, and the State statutes punishing for fraudulent representations will become nugatory and will cease to be enforced.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

E. A. CLATTERBUCK

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4619) for the relief of E. A. Clatterbuck, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, to E. A. Clatterbuck, of Warrenton, Va., the sum of $24.65, being the amount due him for housing in the post-office building at Warrenton, Va., 49.3 tons of coal.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NOTES OF THE PANAMA RAILROAD CO.

The bill (H. R. 11245) to cancel certain notes of the Panama Railroad Co. held by the Treasurer of the United States was announced as next in order.

Mr. BLAINE. In the absence of the chairman of the committee, who reported the bill, I suggest it go over.

Mr. REED of Pennsylvania. Mr. President, the United States Government owns every share of stock of the Panama Railroad Co. This bill is merely to provide for the cancellation of a debt which the United States owes to itself.

Mr. WALSH of Montana. The situation is not even so grave as that suggested by the Senator from Pennsylvania. The obligation has been extinguished for many years; there has been made provision for the cancellation of the notes, and this is intended simply as a bookkeeping proposition.

Mr. BLAINE. In view of the explanation which has been made, I withdraw the objection.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill, which was read, as follows

Be it enacted, etc., That the Treasurer of the United States is authorized and directed to cancel and surrender to the Panama Railroad Co. the notes given by such company to the United States prior

to March 4, 1911, with respect to which payment of interest and principal was discontinued by section 2 of the act approved March 4, 1911 (U. S. C., title 48, sec. 1333).

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CODIFICATION OF CANAL ZONE LAWS

The bill (H. R. 11475) to revise and codify the laws of the Canal Zone was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to have all of the laws now in force in the Canal Zone revised and codified, and when such revision and codification has been completed to report the same to Congress for its approval.

SEC. 2. In order to carry out the purpose of this act as early as practicable, the President is authorized to employ such persons skilled in the codification of laws as he may deem necessary and to fix their compensation; he may call upon the judge of the District Court of the Canal Zone and the district attorney thereof for such assistance as they can render, and the said judge and district attorney are hereby authorized to render such assistance as they can in the performance of such duties. The President is also further authorized to employ such members of the district bar of the Canal Zone and such clerks, stenographers, and other assistants as he may deem necessary for the proper and early completion of such work and to fix their compensation.

SEC. 3. As soon as a proper code of all the laws now in force in the Canal Zone shall have been prepared, the President is authorized to report the same to Congress with his recommendation; and the President is further authorized to report with such code such changes in the laws now in force in the Canal Zone as he deems necessary or wise for the proper administration of justice therein and the proper maintenance and operation of the Panama Canal.

SEC. 4. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of not more than $25,000 to be used by the President for the payment of salaries of persons employed, for necessary travel and other expenses of such employees, going to and from the Canal Zone, and while in the Canal Zone, engaged in the performance of such duties, and for necessary printing, books, stationery, and other expenditures incidental to the performance of such work.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELECTORS OF PRESIDENT AND VICE PRESIDENT

The bill (H. R. 7373) providing for the meeting of electors of President and Vice President and for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes, was announced as next in order.

Mr. FESS. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

AUGUSTA CORNOG

The bill (S. 3931) for the relief of Augusta Cornog was considered as in Committee of the Whole. It authorizes the United States Employees' Compensation Commission to extend to Augusta Cornog, a former employee of the United States Public Health Service, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation to commence from and after the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL CONSTRUCTION

The bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

CREDIT FOR MILITARY SERVICE OF POSTAL EMPLOYEES

The bill (S. 860) allowing credit to postal and substitute postal employees for time served in the Army, Navy, or Marine Corps of the United States, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That postal employees and substitute postal employees, in all branches of the Postal Service, who have served in the Army, Navy, or Marine Corps of the United States during any war, expedition, or occupation by the armed forces of the United States shall receive credit for all time served in the Army, Navy, or Marine Crops during such war, expedition, or occupation, on the basis of one day's credit of eight hours in the Postal Service for each served in the military, marine, or naval service, and be promoted to the grade, and seniority within grade, as such day-for-day credit will entitle such postal employee or substitute postal employee to progress.

SEC. 2. This act shall apply to such postal employees and substitute postal employees who are in the Postal Service at the date of the passage of this act. No employee in the Postal Service shall be reduced in grade or salary as a result of the provisions of this act.

SEC. 3. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DIPLOMATIC FRANKING PRIVILEGE

The bill (S. 3800) to carry out provisions of the Pan American Postal Convention concerning franking privileges for diplomatic officers in Pan American countries and the United States, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That under such regulations as the Postmaster General shall prescribe correspondence of the members of the Diplomatic Corps of the countries of the Pan American Postal Union stationed in the United States may be reciprocally transmitted in the domestic mails free of postage and be entitled to free registration, but without any right to indemnity in case of loss. The same privilege shall be accorded consuls of such countries stationed in the United States, and vice consuls when they are discharging the functions of such consuls, for the exchange of official correspondence among themselves and for that which they direct to the Government of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE AIR MAIL

The bill (H. R. 8337) to amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 3 of the air mail act of February 2, 1925 (U. S. C., title 39, sec. 463), as amended by the act of June 3, 1926, is hereby amended to read as follows:

"SEC. 3. That the rates of postage on air mail shall not be less than 5 cents for each ounce or fraction thereof."

SEC. 2. That after section 5 of said act (U. S. C., title 39, section 465) a new section shall be added as follows:

"SEC. 6. That the Postmaster General may by negotiation with an air-mail contractor who has satisfactorily operated under the authority of this act for a period of two years or more, arrange, with the consent of the surety for the contractor and the continuation of the obligation of the surety during the existence or life of the certificate provided for hereinafter, for the surrender of the contract and the substitution therefor of an air-mail route certificate, which shall be issued by the Postmaster General in the name of such air-mail contractor, and which shall provide that the holder shall have the right of carriage of air mail over the route set out in the certificate so long as he complies with such rules, regulations, and orders as shall from time to time be issued by the Postmaster General for meeting the needs of the Postal Service and adjusting air-mail operations to the advances in the art of flying: *Provided*, That such certificate shall be for a period not exceeding 10 years from the beginning of carrying mail under the contract. Said certificate may be canceled at any time for willful neglect on the part of the holder to carry out such rules, regulations, or orders; notice of such intended cancellation to be given in writing by the Postmaster General and 60 days provided to the holder in which to answer such written notice of the Postmaster General. The rate of compensation to the holder of such an air-mail route certificate shall be determined by periodical negotiation between the certificate holder and the Postmaster General, but shall never exceed the rate of compensation provided for in the original contract of the air-mail route certificate holder."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLOWANCES TO FOURTH-CLASS POSTMASTERS

The bill (H. R. 7900) granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That after July 1, 1928, postmasters of the fourth class shall be paid as allowances for rent, fuel, light, and equipment an amount equal to 15 per cent of the compensation earned in each quarter, such allowances to be paid at the end of each quarter at the same time and in the same manner as their regular compensation.

The bill was reported to the the Senate without amendment, ordered to a third reading, read the third time, and passed.

SICK LEAVE TO POSTAL EMPLOYEES

The bill (H. R. 12383) to amend section 11 of an act approved February 28, 1925 (43 Stat. 1064, U. S. C., title 39), granting sick leave to employees in the Postal Service, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the first paragraph of section 11 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925 (43 Stat. 1064, U. S. C., title 39, sec. 823), is amended to read as follows:

"Employees in the Postal Service shall be granted 15 days' leave of absence with pay exclusive of Sundays and holidays, each fiscal year, and sick leave with pay at the rate of 10 days a year, exclusive of Sundays and holidays, to be cumulative, but no sick leave with pay in excess of six months shall be granted during any one fiscal year. Sick leave shall be granted only upon satisfactory evidence of illness in accordance with the regulations to be prescribed by the Postmaster General."

SEC. 2. This act shall become effective July 1, 1928.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DIFFERENTIAL PAY FOR NIGHT WORK IN POSTAL SERVICE

The bill (H. R. 5681) to provide a differential in pay for night work in the Postal Service was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That after July 1, 1928, supervisory employees, special clerks, clerks, substitute clerks, watchmen, messengers, laborers, and employees of the motor-vehicle service in first and second class post offices; carriers and substitute carriers in the City Delivery Service; and railway postal clerks, substitute railway postal clerks, and laborers in the Railway Mail Service, who are required to perform night work, shall be paid extra for such work at the rate of 10 per cent of their hourly pay per hour: *Provided*, That night work is defined as any work done between the hours of 6 o'clock postmeridian and 6 o'clock antemeridian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GUSTAVE HOFFMAN

The bill (S. 3912) for the relief of Gustave Hoffman, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Gustave Hoffman, formerly a letter carrier in the Postal Service at St. Paul, Minn., the sum of $5,300, representing pay at the rate of $100 a month from May 2, 1917, the date he was discharged from the Postal Service on charges of disloyalty to the United States, to October 2, 1921, the date of his exoneration from such charges.

Mr. REED of Pennsylvania. Mr. President, we are going pretty fast. I notice that the bill is unaccompanied by any report. May we not have an explanation of it?

Mr. MOSES. I had supposed that the Senator from Minnesota [Mr. SHIPSTEAD], who introduced the bill and who is much interested in it, would be present this evening, but I can state exactly to the Senate what this measure means, although I think the language of the bill sets forth its purpose.

The beneficiary of the bill was in the Postal Service and had been in the Postal Service for almost a sufficiently long period to entitle him to retire and secure the benefits of the retirement law. During the World War, however, because of his name more than anything else, he was accused of having made disloyal statements in spite of the fact that his only son was then serving in the Army and was killed in action. Later the man was dismissed from the service without any hearing whatever. Some friends of his persisted in pressing his case, however, and a full investigation was made by the inspectors of the Post Office Department and also by the Department of Justice. The man was completely exonerated of the charges that had been made against him. By that time, however, he was too old to be reinstated in the service under the law affecting the Postal Service, and nothing has been done for his relief from that injustice.

The Senator from Minnesota offered a very detailed statement of the case before the Committee on Post Offices and Post Roads, and the Post Office Department itself in a communication to the chairman of the committee expressed its entire acquiescence in the statement of facts which I have just made and expressed its entire willingness that this bill should become a law, and that in view of the fact, Mr. President, that the Post Office Department is probably the most rigorous of all the departments of the Government in resisting legislation of this character.

Mr. NORBECK. Mr. President, I desire to say, on behalf of the Senator from Minnesota [Mr. SHIPSTEAD], that he would have been here to-night if we had not had an agreement to take up other bills instead of this. That accounts for his absence.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SHORTER WORKDAY ON SATURDAY FOR POSTAL EMPLOYEES

The bill (S. 3281) to provide a shorter workday on Saturday for postal employees was considered as in the Committee of the Whole, and was read, as follows:

Be it enacted, etc., That hereafter when the needs of the service require supervisory employees, special clerks, clerks, and laborers in first and second class post offices, and employees of the motor-vehicle service, and carriers in the City Delivery Service and in the village delivery service, and employees of the Railway Mail Service to perform service in excess of four hours on Saturdays they shall be allowed compensatory time for such service on one day within five working-days next succeeding the Saturday on which the excess service was performed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NONMAILABLE MATTER

The bill (S. 3127) to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, be amended to read as follows:

"All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable materials, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or material, of whatever kind, which may kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or station thereof, nor by any letter carrier; but the Postmaster General may permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property: *Provided*, That the transmission in the mails of poisonous drugs and medicines may be limited by the Postmaster General to shipments of such articles from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, and veterinarians, under such rules and regulations as he shall prescribe: *Provided further*, That all spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind are hereby declared to be nonmailable and shall not be deposited in or carried through the mails. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the Postmaster General, shall be fined not more than $1,000 or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, whether transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster General or not, with the design, intent, or purpose to kill or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than $10,000 or imprisoned not more than 20 years, or both."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MOSES subsequently said: Mr. President, in connection with the vote just taken for the passage of Senate Bill 3127, my attention has been called by a colleague upon the floor to what is either a misprint in the bill or a palpable error in the language intended to carry out the purpose expressed in the

bill. Inasmuch as it is not possible hastily now to formulate an amendment to take care of the error, I ask unanimous consent that we may reconsider the vote by which the bill was passed, and that it be restored to its place on the Calendar.

The VICE PRESIDENT. Without objection, it is so ordered.

QUALIFICATIONS OF ACTING POSTMASTERS

The bill (S. 3328) to amend title 39, the Postal Service, Chapter II, section 32, the Code of Laws of the United States of America in force December 6, 1926 (vol. 44, Pt. I, U. S. Stat. L.), was considered as in Committee of the Whole.

Mr. JONES. Mr. President, in what way does this bill amend the postal laws?

Mr. BLEASE. Mr. President, I have an amendment that I wish to offer to this bill. It simply makes a change requiring acting postmasters to have the same qualifications as the regular postmasters. The Postmaster General, in his report, says there are a great many places where there are post offices in lumber camps, at coal mines or oil fields, and other similar business places, where it would undoubtedly be necessary to continue post offices, and he says under those circumstances he can not indorse the bill. This amendment covers the objections stated by the Postmaster General.

I send the amendment to the desk, and ask to have it stated.

The VICE PRESIDENT. The amendment will be stated.

The Chief Clerk read the amendment, which was, on page 2, line 11, to add the following:

Provided, That this act shall not apply to post offices in lumber camps, at coal mines, or oil fields, and other similar business places.

So as to make the bill read:

Be it enacted, etc., That title 39, the Postal Service, Chapter II, section 32, the Code of Laws of the United States of America in force December 6, 1926 (vol. 44, Pt. I, U. S. Stat. L.), be, and the same is hereby, amended by inserting between the words "postmaster" and "shall," on line 1 thereof, the following: "and acting postmaster or acting postmaster"; and that the said section be, and the same is hereby, further amended by adding at the end, on line 3 thereof, the following: "and shall have so resided for a period of not less than one year and shall be a qualified voter of the State in which he is appointed," so that said section when so amended shall read as follows:

"Every postmaster and acting postmaster or acting postmaster shall reside within the delivery of the office to which he is appointed or within the town or city where the same is situated, and shall have so resided for a period of not less than one year, and shall be a qualified voter of the State in which he is appointed: *Provided,* That this act shall not apply to post offices in lumber camps, at coal mines or oil fields, and other similar business places."

Mr. JONES. Mr. President, I want to suggest to the Senator that at or near coal mines there might be cities of ten or twelve or fifteen thousand people.

Mr. BLEASE. That would be in the discretion of the Postmaster General, Mr. President. Of course, we have to leave some things to the discretion of the department.

Mr. JONES. Is that in the discretion of the Postmaster General? I should like to hear the amendment read again.

Mr. BLEASE. If the Senator will look at the Postmaster General's letter he will see that I used his exact words in the amendment.

The VICE PRESIDENT. The amendment will be restated.

The CHIEF CLERK. On page 2, line 11, it is proposed to insert the following proviso:

Provided, That this act shall not apply to post offices in lumber camps, at coal mines or oil fields, and other similar places.

Mr. JONES. There is no discretion there in the Postmaster General.

Mr. BLEASE. It says "and other similar places."

Mr. JONES. It says "*Provided,* That this act shall not apply," and so forth. The Postmaster General can not waive it if there is a town of 5,000 people near a coal mine.

Mr. HEFLIN. But it says "at the coal mine."

Mr. JONES. That would be at the coal mine.

Mr. HEFLIN. I do not think so.

Mr. JONES. You can find towns at coal mines up here in Pennsylvania that have a population of 10,000.

Mr. SWANSON. Mr. President, if the Senator will permit me, as I understand, this simply makes the requirements for an acting postmaster the same as those for a postmaster. That changes the law. Places of this kind and character are excluded from that.

Mr. JONES. What is meant by requiring the qualifications of an acting postmaster to be the same as those of a postmaster?

Mr. SWANSON. Frequently a man is appointed to act as postmaster who is not a resident. Sometimes he is taken from one State and brought to another. I have heard that complaint made, that a man is sent from outside the State to be acting postmaster until they can name a postmaster. This bill simply requires, as I understand from hearing it read, that an acting postmaster must have the qualifications of a postmaster, except at these temporary places.

Mr. JONES. What are the qualifications of a postmaster that are required?

Mr. NEELY. That he shall vote the straight Republican ticket of the district.

Mr. JONES. That is a mighty good requirement. I am glad to know that.

Mr. NORRIS. Why do you waive that in the proximity of a mine?

Mr. JONES. I think this bill had better go over until we have an opportunity to examine it.

The VICE PRESIDENT. The bill will be passed over.

Mr. BLEASE. Mr. President, I will state that the Post Office Committee reported this bill favorably. They looked into it very carefully, and I should like to have it passed. If it is not passed—I am not making any threats—but to-morrow morning I shall say why I introduced it, and I shall say some things that will not be very complimentary to some Republicans.

Mr. PHIPPS. Mr. President, if the Senator will yield, I should like to say, as one member of the Post Office Committee, that I took occasion to call attention to the fact that there are cases where it is practicaly impossible to find some one to act as postmaster temporarily who does reside within the delivery of that particular office.

Mr. BLEASE. I excepted those.

Mr. PHIPPS. I shall be very glad if the Senator will join me in considering that situation, and see if we can prepare an amendment that would, I believe, improve his bill. On principle I am in favor of it; but I can conceive of exceptional cases where it would be a disadvantage to have such a law on the statute books.

Mr. BLEASE. I know the reason why this bill is being objected to, Mr. President; and I know, furthermore, that the Postmaster General transported a man from Georgia to South Carolina to make him an acting postmaster, and they are trying to uphold his hands. To-morrow morning, in a proper way, I shall explain this situation to the Senate.

Mr. PHIPPS. Mr. President, may I ask the Senator not to be too precipitate? I should like to take up the matter with him, and I happen to have an important conference on to-morrow morning. Within the next day or two, before the end of the week, I shall be able to take up the subject with the Senator.

Mr. BLEASE. I assure the Senator from Colorado that I am not going to say a word about him.

Mr. PHIPPS. I am not thinking about that. The Senator can say anything he chooses.

Mr. NEELY. Mr. President, I insist that the Senator from South Carolina tell his story, whatever it may be. The fact that he has aroused so much apprehension on the other side of the aisle makes me particularly anxious to know about it. If there is a worse condition existing in the post office régime than the Senator from South Carolina indicated here a few days ago, when he said that post offices or postmasterships were being sold wholesale in South Carolina, and that he could prove it, and that he had informed the Postmaster General and the Attorney General of the fact—if he knows anything worse than that, and I am led to believe that he does, I want him to tell it.

Mr. BLEASE. Mr. President, I received a letter to-day stating the actual amount that was paid for a post office in South Carolina, and an affidavit along with it.

Mr. BLEASE subsequently said: Mr. President, I ask to recur to Senate bill 3328. I have added an amendment suggested by the Senator from Washington [Mr. JONES], which I think will be satisfactory to all parties.

The VICE PRESIDENT. Without objection, the Senate will recur to Senate bill 3328. Does the Senator withdraw his other amendment?

Mr. BLEASE. No; I have just added a few words to it which were suggested by the Senator from Washington.

The VICE PRESIDENT. The amendment, as modified, will be stated.

The CHIEF CLERK. It is proposed to add, at the end of the bill, the following proviso:

Provided, That this act shall not apply to post offices of the fourth class in lumber camps, at coal mines, or oil fields, and other similar business places.

The amendment, as modified, was agreed to.

Mr. JONES. Mr. President, that is entirely agreeable to me; but I hope that the acceptance of this amendment and the passage of the measure will not lead the Senator from South

Carolina to withhold the disclosures that he has promised to make, because I want to say that I am in sympathy with a good many of his views with reference to the conditions in the South that he has pointed out.

Mr. BLEASE. I shall be glad to do it, and ask for an investigation.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONDEMNATION OF LAND IN THE DISTRICT OF COLUMBIA

The bill (S. 4124) to provide for notice to owners of land assessed for benefits by the verdict of condemnation juries in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, on page 2, line 12, after the word "Columbia," to strike out the period and "unless the person or persons whose land is assessed for benefits as aforesaid shall file objections to the verdict of the jury within 30 days after the date of the publication herein provided for, the court shall ratify and confirm the verdict of the jury," and insert "showing the amount assessed against each such piece or parcel of land and stating the time within which interested parties may file with the court any objections or exceptions they may have to the verdict," so as to make the bill read:

Be it enacted, etc., That where in any condemnation proceedings instituted by the Commissioners of the District of Columbia in accordance with the provisions of subchapter 1 of chapter 15, or in accordance with the provisions of chapter 55 of the Code of Law for the District of Columbia, the jury of condemnation shall assess benefits against any land or parcel of land no part of which was taken by the condemnation proceedings, and the owner of the land or parcel of land so assessed for benefits was not served with notice of the condemnation proceedings, notice of such assessment for benefits shall be given by the Commissioners of the District of Columbia by registered letter, mailed to the last known address of the person listed on the records of the assessor of the District of Columbia as the owner of the land or parcel of land so assessed, and, in addition thereto, the court shall give public notice of the land or parcels of land assessed for benefits, no part of which was taken by the condemnation proceedings, by advertisement once in each of three daily newspapers published in the District of Columbia, showing the amount assessed against each such piece or parcel of land and stating the time within which interested parties may file with the court any objections or exceptions they may have to the verdict. The mailing by registered letter and the notice by publication herein provided for shall be sufficient notice to the owner of any land or parcel of land assessed for benefits as aforesaid. Nothing herein contained shall be considered to abrogate or nullify the option conferred upon the Commissioners of the District of Columbia by the act of Congress approved May 28, 1926, entitled "An act to provide for the condemnation of land for the opening, extension, widening, or straightening of streets, avenues, roads, or highways in accordance with the plan of the permanent system of highways for the District of Columbia, and for other purposes."

The amendment was agreed to.

Mr. BLEASE. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

USE OF MAILS FOR CARRYING LOTTERY PARAPHERNALIA, ETC.

The bill (S. 2751) to amend section 213, act of March 4, 1909 (Criminal Code, title 18, sec. 336, U. S. C.), affixing penalties for use of mails in connection with fraudulent devices and lottery paraphernalia, was considered as in Committee of the Whole.

Mr. MOSES. Mr. President, it so happens that by reason of a confusion in the preparation of the copy for the printer for this measure, it comes to the Senate in a printed form which is very far from the purpose of the committee and very far from carrying out the purposes of the measure itself.

I think the Senator from Texas [Mr. SHEPPARD] who was the author of the original bill, which was reported with amendments, has the correct copy with him; and if he will offer that as an amendment, striking out all after the enacting clause and substituting the corrected copy which he has in his hands, I think we can then deal with it.

Mr. SHEPPARD. Mr. President, I have here the revised copy prepared by the department. The bill itself was recommended by the department. It merely adds language strengthening and making more effective the enforcement of the statute relating to the use of the mails for lottery paraphernalia and fraudulent devices.

Mr. MOSES. And, further, in the printed report which accompanies the bill I think a full explanation of its purpose will be found.

The VICE PRESIDENT. The amendment, in the nature of a substitute, will be stated.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause, and to insert the following:

That section 213, act of March 4, 1909 (Criminal Code, title 18, sec. 336, U. S. C.), be amended so as to read as follows:

"SEC. 213. No letter, package, postal card, or circular concerning any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or concerning any article, device, or thing so constructed as to have for its principal and primary use the risk of money or property by lot or chance, or concerning any unfair, dishonest, or cheating gambling article, device, or thing; and no lottery ticket or part thereof, or paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance; and no article, device, or thing so constructed as to have for its principal and primary use the risk of money or property by lot or chance, or matter relating thereto; and no unfair, dishonest, or cheating gambling article, device, or thing; and no check, draft, bill, money, postal note, or money order for the purchase of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, or scheme; and no newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes, or containing any advertisement of any article, device, or thing so constructed as to have for its principal and primary use the risk of money or property by lot or chance, or containing any advertisement of any unfair, dishonest, or cheating gambling article, device, or thing, shall be deposited in or carried by the mails of the United States or be delivered by any postmaster or letter carrier. Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than $1,000 or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed."

Mr. WALSH of Montana. Mr. President, I desire to say a word with respect to the substitute bill that has just been read.

This bill deals with a subject that has had the very serious consideration of the Committee on the Judiciary. Protracted hearings were held. The matter was under consideration in at least two or three sessions, and the committee finally worked out an act which was passed by the Congress which we thought met the situation.

I have not had an opportunity to look at the substitute that has been offered; but the bill that is before me has in it the infirmities which we sought, at least, to overcome by the bill which had the approval of the Judiciary Committee. The late chairman of the committee, Senator Cummins, was very deeply interested in this matter, and he and I spent some tiresome hours over the problem presented by it. Under these circumstances I think we ought not hurriedly to pass this substitute measure.

Mr. MOSES. Mr. President, I am entirely willing that the matter shall go over for the present, in order that the Senator from Montana may examine the substitute which has just been offered by the Senator from Texas.

I am fully aware that the bill which the Senator from Montana has before him is replete with errors, and ought not to be considered here for a minute, due wholly to printer's errors, in which a current of responsibility is to be found, and I will not attempt to fix it anywhere. Then, if I may suggest to the Senator from Montana that at some time presently he and the Senator from Texas and I may have an opportunity to talk about the substitute measure as presented, I am entirely willing that it shall go over for the minute.

Mr. WALSH of Montana. If the matter may go over, I shall be very glad to join with the Senator.

Mr. SHEPPARD. That is entirely satisfactory to me, Mr. President.

Mr. FLETCHER. Mr. President, that raises a question in my mind as to whether these bills ought to go to the Judiciary Committee. Order of Business 1031, Senate bill 3127, refers to an act to codify, revise, and amend the penal laws of the United States. That does not belong in the Committee on Post Offices and Post Roads at all.

Mr. MOSES. Mr. President, these measures, of course, deal with matters which are exclusively in the hands of the Post Office Department, and I suppose for that reason they were referred to the Committee on Post Offices and Post Roads. I want to assure the Senator from Florida that neither the chairman nor any member of the Committee on Post Offices and Post Roads seeks to have legislation referred to that committee, because there is enough of it there automatically.

Mr. FLETCHER. I realize that; but the case that was brought up by the Senator from Montana shows that there ought to be some uniformity about it, because they have had the same measure before the Judiciary Committee.

A. M. THOMAS

The bill (S. 3525) for the relief of A. M. Thomas was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to A. M. Thomas, out of any money in the Treasury not otherwise appropriated, the sum of $302.40, representing the amount paid by him as surety on the forfeited bail bond of Louis Ship-she, who was subsequently rearrested and produced in court through the efforts of A. M. Thomas.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

D. GEORGE SHORTEN

The bill (H. R. 11960) for the relief of D. George Shorten was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3902) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia was announced as next in order.

Mr. PHIPPS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

MILITARY AND NAVAL PAY AND ALLOWANCES

The bill (S. 3692) to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended, was considered as in Committee of the Whole.

Mr. WARREN. Mr. President, I suggest to the Senator from California [Mr. SHORTRIDGE], the author of the bill, that we either have the bill read or that he explain it. It seems to be a very comprehensive measure.

Mr. SHORTRIDGE. Mr. President, I think I can in a very few words explain this bill. First I observe that it is in the interest of the chief gunners, the chief boatswains, chief machinists, chief carpenters, chief pharmacists, and chief pay clerks in the Navy. The bill was drafted, indeed, by the Navy Department. It has the unqualified approval of the Secretary of the Navy, and I am happy to add it has the unanimous approval of the Committee on Naval Affairs.

The bill affects these enlisted men. Under the law they enlist, and if they serve faithfully for 10 years they become what is termed, in the nomenclature of the Navy, warrant officers. If they continue to serve 6 years faithfully and efficiently, and pass an examination, they become what are termed commissioned warrant officers.

These men, I repeat, are volunteers. They are men who come up from the ranks. They have not had the advantages of our Naval Academy, but they become experts in their several lines of duty aboard naval vessels. Without them no Sampson, or Schley, or Sims, or any other admiral, could successfully navigate one of our naval vessels. Upon them rests victory or defeat, successful voyage or disaster. I would love to take the time to pay just tribute to this type of our loyal servants in the Navy, but if Senators are interested, and will turn to the hearings, they will there read the eloquent and the true tribute paid to them by Admiral Sims.

What is the scope or purpose of this bill? It is this, to put it briefly, of course, necessarily. By the act of 1916 this class of our loyal and efficient servants were put on a parity of salary with ensigns, junior lieutenants, and lieutenants of the same length of service—that is to say, after 10 years—followed by examination, they were then to be put on a parity of salary with the graduates from our academy, in the respective ranks of ensigns, junior lieutenants, and lieutenants. But inadvertently by the act of 1922 this parity designed by the act of 1916 was destroyed, so that the salaries of these men remain stationary, and do not increase correspondingly or concurrently with the increases of salaries of ensigns, junior lieutenants, and lieutenants.

Mr. WATSON. What is the difference in salary?

Mr. SHORTRIDGE. Specifically, the salaries of the different grades, I do not carry them in my mind; but the bill in its total sum amounts to something over $200,000 a year.

Mr. WARREN. From its title, the bill seems also to apply to the Army, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service. Perhaps the Senator who has so eloquently portrayed the character of the service of the men in the Navy will explain as to the other services also.

Mr. SHORTRIDGE. The bill amends the act approved June 10, 1922, as amended; but it relates to and affects those I have named, not those in other lines of service.

Mr. JONES. Mr. President, I am very sorry to ask that the bill shall go over, but I have an amendment which I desire to offer dealing with the Director of the Coast and Geodetic Survey. I did not know this bill was on the calendar until it was called. I will have the amendment in shape so that when the bill is reached again it may be offered.

Mr. SHORTRIDGE. May I ask the Senators who have listened that before the matter comes up again they will acquaint themselves with the real purpose of this bill, so that it may pass. I know of no other bill which appeals more strongly to me than this one.

The VICE PRESIDENT. The Senator's five minutes have expired.

Mr. WARREN. I have not undertaken to find fault with the measure, but it seems to me that there should be such an explanation in regard to the Army and these other branches as has been given in regard to the Navy, as to an effort to arrange as to compensation, rank, and so forth.

Mr. SHORTRIDGE. I intended to proceed to explain the full scope of the bill, but, of course——

The VICE PRESIDENT. The Senator's time has expired, and the bill will go over.

Mr. REED of Pennsylvania. Mr. President, in my time, will the Senator explain to us how this can inure to the benefit of warrant officers of the Army?

Mr. SHORTRIDGE. The bill goes over, and there is no use to multiply words now.

Mr. REED of Pennsylvania. Very good. I am going to find that out, or this bill is not going to pass.

Mr. SHORTRIDGE. I assure the Senator he will find it out, and if I am a true prophet the bill will pass.

Mr. REED of Pennsylvania. Then, the bill will pass carrying similar benefits for warrant officers of the Army.

Mr. SHORTRIDGE. I have no objection.

CONDEMNATION JURIES IN THE DISTRICT OF COLUMBIA

Mr. BLAINE. Mr. President, I ask unanimous consent to recur to Calendar 1033, Senate bill 4124, to provide for notice to owners of land assessed for benefits by the verdict of condemnation juries in the District of Columbia, and for other purposes. I understand that the Senator from South Carolina withdraws his objection. I trust that we may act upon this bill now.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wisconsin?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, which was read, as follows:

Be it enacted, etc., That where in any condemnation proceedings instituted by the Commissioners of the District of Columbia in accordance with the provisions of subchaper 1 of chapter 15, or in accordance with the provisions of chapter 55 of the Code of Law for the District of Columbia, the jury of condemnation shall assess benefits against any land or parcel of land no part of which was taken by the condemnation proceedings, and the owner of the land or parcel of land so assessed for benefits was not served with notice of the condemnation proceedings, notice of such assessment for benefits shall be given by the Commissioners of the District of Columbia by registered letter, mailed to the last known address of the person listed on the records of the assessor of the District of Columbia as the owner of the land or parcel of land so assessed, and, in addition thereto, the court shall give public notice of the land or parcels of land assessed for benefits, no part of which was taken by the condemnation proceedings, by advertisement once in each of three daily newspapers published in the District of Columbia, showing the amount assessed against each such piece or parcel of land and stating the time within which interested

parties may file with the court any objections or exceptions they may have to the verdict. The mailing by registered letter and the notice by publication herein provided for shall be sufficient notice to the owner of any land or parcel of land assessed for benefits as aforesaid. Nothing herein contained shall be considered to abrogate or nullify the option conferred upon the Commissioners of the District of Columbia by the act of Congress approved May 28, 1926, entitled "An act to provide for the condemnation of land for the opening, extension, widening, or straightening of streets, avenues, roads, or highways in accordance with the plan of the permanent system of highways for the District of Columbia, and for other purposes."

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

TRANSCONTINENTAL POST ROAD

The bill (S. 1900) to provide for the construction of a post road and military highway from a point on or near the Atlantic coast to a point on or near the Pacific coast, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, this is a very important measure, offered by the Senator from New Hampshire [Mr. MOSES] at the request of our dear friend the junior Senator from Delaware [Mr. DU PONT], who unfortunately is detained from the Senate on account of illness. The bill has very great merit, but there are a number of amendments which have been suggested to me by Senators, and if it meets with the approval of the Senator from New Hampshire, I ask that it may go over until we may have further time to discuss it.

Mr. MOSES. The Senator from Utah is quite correct that I introduced the bill in behalf of the Senator from Delaware. May I ask the Senator from Utah if it will be possible within a reasonable time, and certainly prior to the expiration of this session of Congress, for him to formulate the amendments so that I can discuss them with him?

Mr. KING. I shall be very glad to prepare them immediately. Some have been suggested, and I shall prepare them at once.

The VICE PRESIDENT. The bill will go over temporarily.

BILL PASSED OVER

The bill (S. 3890) to amend section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes," was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

ENGINEER FIELD CLERKS, AMERICAN EXPEDITIONARY FORCES

The bill (S. 3210) providing for the men who served with the American Expeditionary Forces in Europe as engineer field clerks the status of Army field clerk and field clerks, Quartermaster Corps of the United States Army, when honorably discharged, was announced as next in order, having been reported adversely from the Committee on Military Affairs.

Mr. KING. I move that the bill be indefinitely postponed.

The motion was agreed to.

BILL INDEFINITELY POSTPONED

The bill (H. R. 8778) for the relief of William W. Woodruff was announced as next in order, having been reported from the Committee on Military Affairs adversely.

Mr. KING. I move that the bill be indefinitely postponed.

The motion was agreed to.

GILES GORDON

The bill (H. R. 3467) for the relief of Giles Gordon was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ACQUISITION OF LAND IN THE DISTRICT OF COLUMBIA

The bill (S. 4126) authorizing the National Capital Park and Planning Commission to acquire rights in land, and to lease land or existing buildings for limited periods in certain instances, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments, on page 2, line 3, after the word "grantor," to insert the words "*Provided*, That such reservation of rights shall not continue beyond the life or lives of the grantor or grantors of the fee: *Provided further*, That"; on page 2, line 11, to strike out the word "limited"; on page 2 to strike out lines 23 to line 3, page 3, as follows:

SEC. 2. Said commission may authorize the Director of Public Buildings and Public Parks of the National Capital to lease, for limited periods pending need for their immediate use in other ways by the public, and on such terms as it shall determine, land or any existing building or structure on land acquired for park purposes.

And on page 3 to add a new section, as follows:

SEC. 2. The Director of Public Buildings and Public Parks of the National Capital is authorized, subject to the approval of the National Capital Park and Planning Commission, to lease, for a term not exceeding five years, and to renew such lease for an additional term not exceeding five years, pending need for their immediate use in other ways by the public, and on such terms as the director shall determine, land or any existing building or structure on land acquired for park, parkway, or playground purposes.

So as to read:

Be it enacted, etc., That the authority of the National Capital Park and Planning Commission, established by the act approved April 30, 1926 (Stat. L., vol. 44, p. 374), is hereby enlarged as follows:

Said commission is hereby authorized to acquire, for and in behalf of the United States of America, by gift, devise, purchase, or condemnation, in accordance with the provisions of the act of June 6, 1924 (Stat. L., vol. 43, p. 463), as amended by the act of April 30, 1926 (Stat. L., vol. 44, p. 374), (1) fee title to land subject to limited rights reserved to the grantor: *Provided*, That such reservation of rights shall not continue beyond the life or lives of the grantor or grantors of the fee: *Provided further*, That in the opinion of said commission the permanent public park purposes for which control over said land is needed are not essentially impaired by said reserved rights and that there is a substantial saving in cost by acquiring said land subject to said limited rights as compared with the cost of acquiring unencumbered title thereto; (2) permanent rights in land adjoining park property sufficient to prevent the use of said land in certain specified ways which would essentially impair the value of the park property for its purposes: *Provided*, That in the opinion of said commission the protection and maintenance of the essential public values of said park can thus be secured more economically than by acquiring said land in fee or by other available means: *Provided further*, That all contracts for acquisition of land subject to such limited rights reserved to the grantor and for acquisition of such limited permanent rights in land shall be subject to the approval of the President of the United States.

SEC. 2. The Director of Public Buildings and Public Parks of the National Capital is authorized, subject to the approval of the National Capital Park and Planning Commission, to lease, for a term not exceeding five years, and to renew such lease for an additional term not exceeding five years, pending need for their immediate use in other ways by the public, and on such terms as the director shall determine, land or any existing building or structure on land acquired for park, parkway, or playground purposes.

The amendments were agreed to.

Mr. BLAINE. Mr. President, I did not want to object to the consideration of the amendments or their adoption, but I would like to have the bill go over, because I desire to present amendments to it.

The VICE PRESIDENT. The bill will be passed over.

CAPT. GEORGE R. ARMSTRONG

The bill (H. R. 4664) for the relief of Capt. George R. Armstrong, United States Army, retired, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs, with amendments, on page 1, line 3, after the word "that," to insert the words "in recognition of the active service of Capt. George R. Armstrong, United States Army, retired, for more than 10 years after his retirement, and of his extraordinary service and gallantry in protection of the United States mint in the San Francisco fire of 1906"; and on line 8, after the word "appoint," to insert the word "said"; and on the same line, to strike out the words "captain, United States Army, retired," so as to make the bill read:

Be it enacted, etc., That, in recognition of the active service of Capt. George R. Armstrong, United States Army, retired, for more than 10 years after his retirement, and of his extraordinary service and gallantry in protection of the United States mint in the San Francisco fire of 1906, the President be authorized to appoint said George R. Armstrong a lieutenant colonel on the retired list of the United States Army, effective from the date of the approval of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ENGINEER FIELD CLERKS, AMERICAN EXPEDITIONARY FORCES

Mr. BRUCE. Mr. President, Senate bill 3210 was indefinitely postponed, but I would like to have that action reconsidered, and that the bill be allowed to remain on the calendar.

The VICE PRESIDENT. Without objection, the bill will be reinstated on the calendar.

CHARLIE R. PATE

The bill (H. R. 4652) for the relief of Charlie R. Pate, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALARY INCREASES FOR TEACHERS

The bill (S. 3827) to exempt employees of the public-school system of the District of Columbia from the $2,000 salary limitation provision of the legislative, executive, and judicial appropriation act, approved May 10, 1916, as amended, was announced as next in order.

Mr. PHIPPS. Let the bill go over.

Mr. DILL. Mr. President, was objection made?

Mr. PHIPPS. I desire to get a little information about the bill. I have not had time to study it. I will be very glad to have an explanation, if it is not too lengthy.

Mr. DILL. Mr. President, I notice that the bill proposes to raise the salary limitation for teachers who get $2,000 a year. I have no objection to that. I want to take this opportunity, however, to say a few words and make some observations regarding the pending salary bill now before the Civil Service Committee. That bill proposes to increase the salaries of those who are getting high salaries already, much more than it will increase the salaries of the low-paid employees. The bill was originally introduced in the House of Representatives to give the poorly paid employees of the Government a decent living wage. It has been manipulated until to-day it is primarily for the purpose of increasing the salaries of those who already get good salaries.

I want to say now that if that bill comes into the Senate in the form in which it passed the House it will have a long, hard struggle getting through, unless it is amended to take care of the people whom it was introduced to take care of, namely, those getting less than $1,200 a year. The bill was introduced in the Senate providing for a new grade at $9,000 a year, and virtually proposes to leave those who are getting $900 and $1,000 a year at salaries of less than $100 a month. Under the guise of trying to help the poorly paid employees, that bill is being turned into a bill to increase primarily the salaries of those already receiving good wages. If that bill continues in that form, I do not see any reason why it should pass at all.

Mr. KING. I agree with the Senator.

Mr. DALE. Mr. President, I would like to say to the Senator from Washington that I had to forego the great pleasure of going to New York to-day to confer with Governor Smith because the Civil Service Committee has under consideration the bill to which he refers. We gave the greater part of the day to it, and we are going to give the greater part of a couple of more days to it, and possibly when the Senator sees the bill the next time he will not recognize it.

Mr. DILL. I hope I shall not recognize it for the reason that the bill will give decent increases to the poorly paid employees.

Mr. PHIPPS. Mr. President, I made objection to the consideration of Senate bill 3827 merely because I had not had time to read the report. Since I objected I have read the report, and I now recognize the bill and its purposes, with which I am familiar, and I desire to withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the provisions of section 6 of the legislative, executive, and judicial appropriation act approved May 10, 1916, as amended, shall not apply to employees of the night schools, vacation schools, and Americanization schools of the public-school system of the District of Columbia conducted under and within appropriations made by Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BUFFALO PASTURE IN SOUTH DAKOTA

The bill (S. 4022) authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., to Henry A. O'Neil for a buffalo pasture, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from entry and to lease to Henry A. O'Neil, of Fort Pierre, S. Dak., for a period of 10 years, at an annual rental of not less than $75, under rules and regulations to be by him prescribed, the following described public lands in the county of Stanley and State of South Dakota: Sections 26 and 27, the north half southeast quarter, and the north half section 34, the north half northeast quarter, the north half northwest quarter, and the north half southwest quarter of section 35, and lot 4, and the south half northwest quarter and the west half southwest quarter of section 25, all in township 6 north, range 30 east, Black Hills meridian; said lands to be used exclusively for the pasturing of native buffalo, and for no other purpose: *Provided*, That the Secretary of the Interior may at any time cancel any lease which may hereafter be made under the provisions hereof and restore said land to the public domain: *Provided further*, That the lease authorized hereunder may be assigned with the approval of the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALLIE E. M'QUEEN AND JANIE M'QUEEN PARKER

The bill (H. R. 9789) for the relief of Sallie E. McQueen and Janie McQueen Parker, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to issue a patent to Sallie E. McQueen and Janie McQueen Parker for the west 80 acres of fractional section 1, township 18 north, range 18 east, St. Stephens meridian, lying south of the Coosa River in Elmore County, Ala., upon payment therefor at the rate of $1.25 per acre.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF LANDS IN CLARKE COUNTY, MISS.

The bill (H. R. 12049) to authorize the Secretary of the Interior to sell to W. H. Walker, Ruth T. Walker, and Queen E. Walker, upon the payment of $1.25 per acre, the southeast one-fourth section 34, township 2 north, range 14 east, Choctaw meridian, Clarke County, Miss., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to sell the lands described as the southeast quarter section 34, township 2 north, range 14 east, Choctaw meridian, Clarke County, Miss., to W. H. Walker, Ruth T. Walker, and Queen E. Walker, upon the payment of $1.25 per acre therefor.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOMESTEAD ENTRY OF ENGLEHARD SPERSTAD

The bill (H. R. 332) validating the homestead entry of Englehard Sperstad for certain public land in Alaska was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the entry hereinafter described be, and the same is hereby, validated and the Secretary of the Interior is authorized to issue patent thereon upon the submission of satisfactory proof of compliance with the provisions of the act of June 6, 1912 (37 Stat. 123): Homestead entry, Anchorage, Alaska, No. 06094, made by Englehard Sperstad on January 28, 1924, for the southeast quarter of section 36, township 13 north, range 4 west of the Seward meridian, and in lieu of that tract the Territory of Alaska shall have the right to select equal area of public land of the character subject to selection under its school-land grant.

The bill was reported to Senate without amendment, ordered to a third reading, read the third time, and passed.

ETHEL L. SAUNDERS

The bill (H. R. 11716) authorizing and directing the Secretary of the Interior to issue patents to Ethel L. Saunders, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to issue a patent to Ethel L. Saunders, of St. Cloud, Fla., for lot 3 of section 10, and lot 3 of section 11, township 26 south, range 31 east, Tallahassee meridian, a part of the lands embraced in homestead application (Gainesville 017626), filed June 18, 1924. The Secretary of the Interior is also authorized and directed, upon payment of $1.25 per acre, to issue a patent to said Ethel L. Saunders for lot 5 of section 11, township 26 south, range 31 east, also claimed by said Ethel L. Saunders under a settlement antedating the survey of the lands.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRANT OF LAND TO NEW MEXICO

The bill (S. 2572) granting certain land in the town of Hot Springs, N. Mex., to the State of New Mexico was announced as next in order.

Mr. BRATTON. Mr. President, my colleague and I have conferred upon the measure and for the time being ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

ROSWELL LAND DISTRICT, NEW MEXICO

The bill (S. 3136) creating the Roswell land district, establishing a land office at Roswell, N. Mex., and for other purposes, was announced as next in order.

Mr. PHIPPS. Over.

The VICE PRESIDENT. The bill will be passed over.

Mr. BRATTON. Mr. President, on Tuesday evening, when we were considering the calendar, I proposed Senate bill 3136 as an amendment to a bill of the senior Senator from Montana [Mr. WALSH], Senate bill 1794. The amendment was proposed on behalf of my colleague and myself. In connection with it I made an error in a statement of fact, which I desire to correct. I stated at that time that the Department of the Interior favored that amendment.

I gained my impression from a conversation I had with my colleague. It develops that the field representative made a favorable report, but the department itself made an unfavorable report, on the substance of the amendment. I simply want to correct my misstatement of fact, since it has been called to my attention.

LEASING OF PUBLIC LANDS FOR AVIATION

The bill (H. R. 11990) to authorize the leasing of public lands for aviation, and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands and Surveys with an amendment to strike out all after the enacting clause and to insert the following:

Be it enacted, etc., That the Secretary of the Interior is authorized, in his discretion and under such regulations as he may prescribe, to lease for use as a public airport any contiguous public lands, unreserved and unappropriated, not to exceed 640 acres in area, subject to valid rights in such lands under the public land laws.

SEC. 2. Any lease under this act shall be for a period not to exceed 20 years, subject to renewal for like periods upon agreement of the Secretary of the Interior and the lessee. Any such lease shall be subject to the following conditions:

(a) That an annual rental of such sum as the Secretary of the Interior may fix for the use of the lands shall be paid to the United States.

(b) That the lessee shall maintain the lands in such condition, and provide for the furnishing of such facilities, service, fuel, and other supplies, as are necessary to make the lands available for public use as an airport of a rating which may be prescribed by the Secretary of Commerce.

(c) That the lessee shall make reasonable regulations to govern the use of the airport, but such regulations shall take effect only upon approval by the Secretary of Commerce.

(d) That all departments and agencies of the United States operating aircraft (1) shall have free and unrestricted use of the airport, and (2) with the approval of the Secretary of the Interior, shall have the right to erect and install therein such structures and improvements as the heads of such departments and agencies deem advisable, including facilities for maintaining supplies of fuel, oil, and other materials for operating aircraft.

(e) That whenever the President may deem it necessary for military purposes, the Secretary of War may assume full control of the airport.

SEC. 3. With the consent of the lessee, the Secretary of the Interior is authorized to cancel any lease of public lands for use as public aviation fields or airports, made under law in force upon the date of the approval of this act, and to lease such lands to the lessee upon the conditions prescribed by this act.

SEC. 4. The Secretary of the Interior is hereby authorized, in his discretion and under such rules as he may prescribe, to grant permission for the establishment of beacon lights and other air-navigation facilities, except terminal airports, upon tracts of unreserved and unappropriated public lands of the United States of appropriate size, and may withdraw the lands for such purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read "An act to authorize the leasing of public lands for use as public aviation fields."

ABSAROKA AND GALLATIN NATIONAL FORESTS

The bill (H. R. 15) authorizing an appropriation to enable the Secretary of the Interior to carry out the provisions of the act of May 26, 1926 (44 Stat. L. 655), to make additions to the Absaroka and Gallatin National Forests, and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $150,000, which sum shall continue available until expended, to enable the Secretary of the Interior to carry out the provisions of the act of May 26, 1926 (44 Stats. L. 655), entitled "An act to make additions to the Absaroka and Gallatin National Forests and the Yellowstone National Park, and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes": *Provided*, That the total expenditures from this appropriation shall not exceed the combined total of the sums contributed by private or other agencies under the provisions of clause (a) of section 1 of said act, and the appraised values of land donated or bequeathed under the provisions of clause (b) of section 1 of said act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL MILITARY PARKS AND NATIONAL MONUMENTS

The bill (S. 4173) to transfer jurisdiction over certain national military parks and national monuments from the War Department to the Department of the Interior, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the administrative jurisdiction and control over the Chickamauga and Chattanooga National Military Park, Shiloh National Military Park, Gettysburg National Military Park, Vicksburg National Military Park, Guilford Courthouse National Military Park, Moores Creek National Military Park, the national park and memorial at Fort McHenry, Md., Antietam Battle Field, Big Hole Battle Field National Monument, Fort Pulaski National Monument, Fort Marion National Monument, Fort Matanzas National Monument, White Plains Battle Field Monument, Chalmette Monument, the Meriwether Lewis National Monument, the Fredericksburg and Spotsylvania County Battle Fields Memorial National Military Park as authorized in act of Congress approved February 14, 1927, the Petersburg National Military Park as authorized in act of Congress approved July 3, 1926, the Stones River National Military Park as authorized in act of Congress approved March 3, 1927, and Lincoln Farm, together with the approach roads thereto, be, and the same are hereby, transferred from the War Department to the Department of the Interior.

SEC. 2. That such civilian employees of the War Department as may be engaged in work relating solely to the parks, monuments, and other areas enumerated in section 1 shall be transferred without change in classification or compensation from the War Department to the Department of the Interior, when the transfer of jurisdiction is effected.

SEC. 3. That the unexpended balance of appropriations, or allotments therefrom, available to the War Department for the administration and protection of these parks, monuments, and other areas, including the appropriations for the salaries of civilian personnel involved, shall be transferred when the transfer of jurisdiction is effected, in such amounts as may be agreed upon by the Secretary of the Interior and the Secretary of War, to the Interior Department, and shall become available for expenditure under the supervision of the said Secretary of the Interior.

SEC. 4. That after this act becomes effective the parks, monuments, and other areas transferred herein to the jurisdiction of the Interior Department shall be administered under the direction of the Secretary of the Interior by the National Park Service, and such of these parks, monuments, and other areas as shall be so designated by the Secretary of the Interior shall be known as "national historical parks."

SEC. 5. That all duties, powers, and functions imposed and conferred by law upon the War Department, or the Secretary thereof, or commissions or other bodies under his jurisdiction, in relation to the parks, monuments, and other areas hereby transferred, including the duty of completing the establishment of the same in all cases where such establishment has not already been completed, shall immediately when said transfer becomes effective, be fully imposed and conferred upon and vested in the Department of the Interior, or the Secretary thereof, as the case may be: *Provided*, That the members of the several commissions in charge of national military parks appointed prior to August 24, 1912, shall continue to hold the offices now held by them, as contemplated in the act of Congress approved August 24, 1912 (37 Stat. 417, 442).

SEC. 6. The duties imposed by the act of Congress approved June 11, 1926, entitled "An act to provide for the study and investigation of battle fields in the United States for commemorative purposes" (47 Stat., pt. 2, p. 726), on the Secretary of War shall, after the passage of this act, be performed by the Secretary of the Interior: *Provided*, That the Secretary of the Interior is hereby authorized to call upon the Secretary of War for such historical studies and investigations with reference to battle fields within the continental limits of the United States, whereon troops of the United States or of the 13 original Colo-

nies have been engaged against the common enemy, as may be necessary in performing the duties imposed on him by this act: *Provided further*, That the Secretary of the Interior and the Secretary of War shall include annually in the appropriations estimates for their respective departments the estimated cost for the fiscal year in question of the work required to be performed by their respective departments hereunder.

SEC. 7. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NORMAN P. IVES, JR.

The bill (H. R. 9612) authorizing and directing the Secretary of the Interior to allow Norman P. Ives, jr., credit on other lands for compliances made in homestead entry, Gainesville, 021032, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to allow Norman P. Ives, jr., in connection with any homestead entry he may hereafter make upon lands subject to such entry, but not exceeding 40 acres in area, in one or more tracts or parcels of land, credit for such compliance as he may have made with the material requirements of the homestead law in connection with canceled homestead entry Gainesville 021032 for the northeast quarter of the southwest quarter of section 5, township 4 south, range 17 east, Florida.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF NORBERT BOUDOUSQUIE

The bill (S. 3954) to quiet title in the heirs of Norbert Boudousquie to certain lands in Louisiana was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands and Surveys with an amendment, to strike out all after the enacting clause and insert the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause a patent to be issued to the heirs of Norbert Boudousquie, under cash certificate No. 994, dated December 13, 1849, at New Orleans, La., conveying section 64, township 11 south, range 7 east, and section 64, township 11 south, range 8 east, St. Helena meridian, in the former southeastern land district of Louisiana, notwithstanding any excess in area over the front tract on which the right of entry was based.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SETTLERS' CLAIMS, LAKE COUNTY, FLA.

The bill (H. R. 5695) authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, and in sections 7, 8, 17, 18, 19, 30, 31, township 19 south, range 27 east, Tallahassee meridian, Lake County, in the State of Florida, was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands and Surveys, with an amendment on page 3, line 23, to strike out the words "but any applicant may elect to proceed under section 1 of this act," and insert in lieu thereof the following:

Provided, That, subject to adverse rights, any person entitled to a preference right to purchase under the provisions of this act may secure under this section lands in his actual possession, whether in a single tract or in surveyed lots, of a maximum area of 84,000 square feet, upon payment therefor at a rate not exceeding $10 for 4,200 square feet, but any applicant may elect to proceed under section 1 of this act: *Provided further*, That all the provisions hereof applicable to the town of Tavares shall be extended to any other established town within the area affected by this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to equitably adjust disputes and claims of settlers, entrymen, selectors, grantees, and patentees of the United States, their heirs or assigns, against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, and in sections 7, 8, 17, 18, 19, 30, 31, township 19 south, range 27 east, Tallahassee meridian, Lake County, in the State of Florida, and to issue directly or in trust as may be found necessary or advisable patent to such settlers, entrymen, selectors, grantees, and patentees, their heirs or assigns, for land claimed through settlement, occupation, purchase, or otherwise in said described area, preserving, as far as he may deem equitable, to those claimants now in possession of public land the right to have patented to them the areas so occupied: *Provided*, That a charge of not less than the appraised value of the land, exclusive of any improvements placed thereon, be made for each acre or fraction thereof of Government land patented under the provisions of this act, except that adjustment may be effected by exchange of lands patented for lands substantially equal in area, in which event payment shall be required of the difference in appraised values where the value of the land owned by the Government exceeds that of the land offered in exchange: *Provided further*, That rights acquired subsequent to the withdrawal of December 23, 1925, shall not be recognized or be subject to adjustment hereunder.

SEC. 2. That the Secretary of the Interior is authorized to accept any and all conveyances of land and to cause all necessary surveys to be made, to effect the purposes of this act. All adjustments hereunder shall conform to the approved plats of such survey or resurvey, and no other survey will be recognized.

SEC. 3. That in fixing the appraised price of such lands the Secretary of the Interior shall consider and give effect to the good faith and equities of the occupants of any of the areas found to be public land; and if the whole or any part of such land be within the corporate limits of the town of Tavares, the survey of the lots, blocks, streets, and alleys shall be considered as executed under the provisions of section 2384, Revised Statutes, but as far as practicable shall conform to the existing surveys and plats of the lots in such town: *Provided*, That the Secretary may, in his discretion issue a patent to Lake County, Fla., to not exceeding 1 acre upon which the county courthouse is located, such patent to provide that the land shall revert to the Government of the United States if the county sells any part thereof or devotes it to any use other than as a site for a courthouse and grounds.

SEC. 4. That the provisions of section 2382, Revised Statutes, as modified by sections 2384 and 2385, Revised Statutes, shall extend to all areas surveyed as within and a part of the town of Tavares: *Provided*, That subject to adverse rights any person entitled to a preference right to purchase under the provisions of this act may secure under this section lands in his actual possession, whether in a single tract or in surveyed lots, of a maximum area of 84,000 square feet, upon payment therefor at a rate not exceeding $10 for 4,200 square feet, but any applicant may elect to proceed under section 1 of this act: *Provided further*, That all the provisions hereof applicable to the town of Tavares shall be extended to any other established town within the area affected by this act.

Mr. KING. Mr. President, I would like to ask the chairman of the committee whether this meets with the approval of the persons whose title is in dispute or in litigation?

Mr. NYE. I understand the appeal was made to the department by those who had disputes.

Mr. FLETCHER. Mr. President, I will say to the Senator that I am thoroughly familiar with the situation. It is in accordance with the recommendation of the department and is satisfactory to the localities concerned.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE W. ABBERGER

The bill (S. 3452) for the relief of George W. Abberger was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George W. Abberger out of any money in the Treasury, not otherwise appropriated, the sum of $175, for the loss of a suitcase and contents which was checked on January 28, 1919, with the United States Railroad Administration at Wilmington, Del., to be delivered at Norfolk, Va., and upon which an excess-baggage charge was paid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELMER J. NEAD

The bill (H. R. 8474) for the relief of Elmer J. Nead was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $277.35 to Elmer J. Nead, in full compensation against the Government for damages sustained as the result of an accident caused by a naval ambulance.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LARRY M. TEMPLE

The bill (S. 443) for the relief of Larry M. Temple was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$1,113.88" and to insert in lieu thereof "$1,174.66," so as to read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Larry M. Temple, out of any money in the Treasury not otherwise appropriated, the sum of $1,174.66, as reimbursement in full for hospital and other expenses incurred on account of injuries sustained June 11, 1926, at Miami Beach, Fla., by reason of being struck by a bullet fired from a Coast Guard vessel which was at the time pursuing an alleged violator of the prohibition laws of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS SWEENEY

The bill (H. R. 4927) for the relief of Francis Sweeney was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Francis Sweeney, formerly an employee in the Bureau of Lighthouses, Department of Commerce, to wit, a seaman on the U. S. lightship *No. 58*, the sum of $80, the same being in full payment for losses suffered by the said Francis Sweeney by loss of personal property used and reasonably necessary in connection with his official duty on said lightship, which was sunk on December 11, 1905.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEEL CARS IN THE RAILWAY POST-OFFICE SERVICE

The bill (S. 2107) to provide for steel cars in the railway post-office service was announced as next in order.

Mr. PHIPPS. Over.

Mr. DALE. Mr. President, did some one object?

Mr. PHIPPS. I made objection to the consideration of the bill.

Mr. DALE. I do not want to undertake to argue with the Senator from Colorado.

Mr. PHIPPS. I was not sure that the amendment now in the bill met with the full approval of the committee. If that is the fact, I have no objection.

Mr. DALE. The amendment has been approved, and is on the clerk's desk and reported with the bill.

Mr. PHIPPS. I find upon reading the report that that is correct, but I think we are going rather rapidly. We really have not had time properly to look up amendments and other items in the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Post Offices and Post Roads with amendments.

The amendments were, on page 1, line 3, to strike out "January" and insert "March,"; and on page 3, line 4, after the word "*Provided*," to strike out the following: "That after January, 1930, no apartment railway post-office car of other than steel or steel underframe construction may be operated by any independent short-line railroad in trains in which any other steel or steel underframe equipment is operated" and insert in lieu thereof the following: "That the provisions of this act shall not apply to trains operated upon branch lines, or to trains operated upon independent short-line railroads, or to trains operated upon narrow-gauge railroads, or to trains operated upon electric railroads.", so as to make the bill read:

Be it enacted, etc., That after March, 1930, all cars or parts of cars, except as hereinafter provided, used for railway post-office service shall be of steel construction and of such style, length, and character, and furnished in such manner as shall be required by the Postmaster General, and shall be constructed, fitted up, maintained, heated, lighted, and cleaned by and at the expense of the railroad companies. No railroad company shall be permitted to operate any railway post-office car which is not equipped with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned. Railroad companies shall place railway post-office cars in stations for use in advance distribution before the departure of trains at such time as may be ordered by the Postmaster General: *Provided*, That the provisions of this act shall not apply to trains operated upon branch lines, or to trains operated upon independent short-line railroads, or to trains operated upon narrow-gauge railroads, or to trains operated upon electric railroads.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

AMENDMENT OF CHAPTER 137, THIRTY-NINTH UNITED STATES STATUTES AT LARGE

The bill (H. R. 158) to amend chapter 137 of volume 39 of the United States Statutes at Large, Sixty-fourth Congress, first session, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the sentence in lines 17 to 20, page 220 of volume 39, United States Statutes at Large, chapter 137, Sixty-fourth Congress, first session, reading as follows: "The timber thus purchased may be cut and removed by the purchaser, his heirs or assigns, within such period as may be fixed by the Secretary of the Interior, which period shall be designated in the patent," be amended to read as follows: "The timber thus purchased may be cut and removed by the purchaser, his heirs or assigns, within such period and under such rules, regulations, and conditions as may be prescribed by the Secretary of the Interior, which period and conditions shall be designated in the patent."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF TIMBER, OREGON & CALIFORNIA RAILROAD, ETC.

The bill (H. R. 8307) amending section 5 of the act approved June 9, 1916 (39 Stat. L. 218), so as to authorize the sale of timber on class 3 of the Oregon & California Railroad and Coos Bay wagon-road grant lands was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 5 of the act of June 9, 1916 (39 Stat. L. 218), and as amended and extended by section 3 of the act of February 26, 1919 (40 Stat. L. 1179), be, and the same is hereby, amended by adding thereto the following paragraph:

"*And provided further*, That the Secretary of the Interior may, in his discretion and in the manner now provided for the sale of timber on lands of class 2, sell the timber on any of the lands of class 3 which at the time application to purchase the timber is filed have been subject to entry for a period of at least two years and are not embraced in an application or entry, such sale of the timber not to preclude the disposal of the land under laws applicable thereto, subject to the right of the purchaser of the timber to cut and remove the same."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PURCHASE OF LAND IN LOUISIANA

The bill (H. R. 9568) to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to allow the persons or corporation, in possession and having the bona fide equitable ownership thereof, to purchase at private sale, at the rate of $1.25 per acre, section 58 in township 12 south of range 14 east, Louisiana meridian, Louisiana, containing 39.80 acres.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

YELLOWSTONE FOREST RESERVE

The bill (H. R. 7946) to repeal an act entitled "An act to extend the provisions of the homestead laws to certain lands in the Yellowstone forest reserve, approved March 15, 1906, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the act entitled "An act to extend the provisions of the homestead laws to certain lands in the Yellowstone forest reserve," approved March 15, 1906, Thirty-fourth United States Statutes at Large, page 62, be, and the same is hereby, repealed: *Provided*, That the passage of this act shall in nowise affect valid existing rights.

Mr. KING. Mr. President, I have had a letter making objection to the bill. I know nothing about it. The information was to the effect that it was an invasion or might prove to be an invasion of lands set apart for Yellowstone Park and might interfere with the development of the park and making objection to it.

Mr. WALSH of Montana. Mr. President, the bill does not refer to Yellowstone Park. It has reference to the Yellowstone forest reserve and not to the park at all.

Mr. KING. Then I have no objection to its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEPORTATION OF CERTAIN ALIEN SEAMEN

The bill (S. 717) to provide for the deportation of certain alien seamen, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That this act may be cited as the "Alien seamen act of 1926."

SEC. 2. Every alien employed on board of any vessel arriving in the United States from any place outside thereof shall be examined by an immigration inspector to determine whether or not he (1) is a bona fide seaman, and (2) is an alien of the class described in section 7 of this act; and by a surgeon of the United States Public Health Service to determine (3) whether or not he is suffering with any of the disabilities or diseases specified in section 35 of the immigration act of 1917.

SEC. 3. Unless such alien was shipped in a port in continental United States prior to the passage of this act, then if it is found that such alien is not a bona fide seaman, he shall be regarded as an immigrant and immediately be ordered removed from the vessel to an immigration station; and the various provisions of this act and of the immigration laws applicable to immigrants shall be enforced in his case. From a decision holding such alien not to be a bona fide seaman the alien shall be entitled to appeal to the Secretary of Labor, and on the question of his admissibility as an immigrant he shall be entitled to appeal to said Secretary, except where exclusion is based upon grounds nonappealable under the immigration laws. If found inadmissible, such alien shall be deported, as a passenger, on a vessel other than that by which brought, at the expense of the vessel by which brought, and the vessel by which brought shall not be granted clearance until such expenses are paid or their payment satisfactorily guaranteed.

SEC. 4. If it is found that such alien is subject to exclusion under section 7 of this act, the inspector shall give immediately order to the master to remove such alien together with his effects and wages, if any, to an immigration station, and such alien shall then be deported in accordance with the provisions of said section 7.

SEC. 5. If it is found that, although a bona fide seaman, such alien is afflicted with any of the disabilities or diseases specified in section 35 of the immigration act of 1917, disposition shall be made of his case in accordance with the provisions of the act approved December 26, 1920, entitled "An act to provide for the treatment in hospital of diseased alien seamen."

SEC. 6. All vessels entering ports of the United States manned with crews the majority of which, exclusive of licensed officers, have been engaged and taken on at foreign ports shall, when departing from the United States ports, carry a crew of at least equal number, and any such vessel which fails to comply with this requirement shall be refused clearance: *Provided, however,* That such vessel shall not be required when departing to carry in the crew any person to fill the place made vacant by the death or hospitalization of any member of the incoming crew.

SEC. 7. No vessel shall, unless such vessel is in distress, bring into a port of the United States as a member of her crew any alien who if he were applying for admission to the United States as an immigrant would be subject to exclusion under subdivision (c) of section 13 of the immigration act of 1924, except that any ship of the merchant marine of any one of the countries, islands, dependencies, or colonies immigrants coming from which are excluded by the said provisions of law, shall be permited to enter ports of the United States having on board in their crews aliens of said description who are natives of the particular country, island, dependency, or colony to the merchant marine of which such vessel belongs. Any alien seaman brought into a port of the United States in violation of this provision shall be excluded from admission or temporary landing and shall be deported either to the place of shipment or to the country of his nativity, as a passenger, on a vessel other than that on which brought, at the expense of the vessel by which brought, and the vessel by which brought shall not be granted clearance until such expenses are paid or their payment satisfactorily guaranteed.

SEC. 8. This act shall take effect on July 1, 1928.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BINGHAM subsequently said: Mr. President, I ask unanimous consent that the vote by which the bill (S. 717) to provide for the deportation of certain alien seamen, and for other purposes, was passed be reconsidered and that the bill take its place on the calendar.

Mr. KING. Does the Senator insist on having that action taken?

Mr. BINGHAM. I have received several letters in opposition to the bill which I have not had time to study. I shall be very glad to go over them with the Senator.

The VICE PRESIDENT. Without objection, the vote by which the bill was ordered to a third reading and passed are reconsidered, and the bill will take its place on the calendar.

BILL PASSED OVER

The bill (S. 584) for the relief of Frederick D. Swank was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

Mr. JONES. Was objection made to the consideration of the bill?

The VICE PRESIDENT. Objection was made, and the bill went over.

Mr. HOWELL. Over.

Mr. JONES. Mr. President, will the Senator withhold his objection for a moment?

Mr. HOWELL. I am willing to do so.

Mr. JONES. The Senator is chairman of the Claims Committee. I do not know whether he bases his objection on what was presented to his committee. If so, I may not be able to change the Senator's mind to-night.

Mr. HOWELL. I think it will not be practicable to dispose of the bill to-night.

Mr. JONES. The Senator thinks from what he learned of the bill in his committee that it ought to go over?

Mr. HOWELL. Yes.

The VICE PRESIDENT. The bill will be passed over.

SMITH TABLET CO.

The bill (H. R. 4303) for the relief of the Smith Tablet Co., of Holyoke, Mass., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $150 to the Smith Tablet Co., of Holyoke, Mass., as reimbursement for the cost of remaking an appraisal and appraisal book necessitated by the loss of the original appraisal book by the Bureau of Internal Revenue, Treasury Department, during the examination of the accounts of the said company for income-tax purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

M'ATEER SHIPBUILDING CO. (INC.)

The bill (H. R. 5935) for the relief of the McAteer Shipbuilding Co. (Inc.) was considered as in Committee of the Whole, and was read, as follows.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $50,000 in full settlement of all claims of the McAteer Shipbuilding Co. (Inc.), against the United States for losses and damages growing out of and suffered under a contract dated June 30, 1917, for the construction of the steamer *El Aquario.*

Mr. KING. Mr. President, I would like to inquire why this claim was not referred to the Court of Claims?

Mr. JONES. Mr. President, I think probably the report of the committee will indicate to the Senator. Suit was brought in the Court of Claims to recover $254,000 occasioned by the alleged breach of contract. On May 14, 1927, the Attorney General submitted for the consideration of the Secretary of War an offer by the attorney for the plaintiff to settle the claim against the Government by payment of $50,000, which proposal the Attorney General was advised the War Department was willing to accept as in the best interest of the Government, provided, of course, he concur therein. Subsequently the Attorney General advised the department that after careful review of the facts the Department of Justice was of the opinion that such settlement was in the interest of the Government. Both the Department of Justice and the War Department believe such a disposal of the matter would adequately meet the equities involved in the claim and would result in a material saving to the Government, including considerable expense from litigation. Upon that recommendation the House passed the bill and the Committee on Claims has made the report.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

R. S. HOWARD CO.

The bill (S. 3743) for the relief of C. N. Markle was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$81,376.43" and insert in lieu thereof "$20,827.51," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to R. S. Howard Co., of New York, N. Y., out of any money in the Treasury not otherwise appropriated, the sum of $20,827.51 in full satisfaction of all claims against the United States for damages and loss resulting from compliance with United States Navy commandeer order No. N–3255, dated June 18, 1918.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

C. N. MARKLE

The bill (S. 3743) for the relief of C. N. Markle, was considered as in Committee of the Whole, and was read, as follows:

Whereas the steamship *Mosella* sailed from London, England, on or about July 21, 1922, bearing a shipment of shotgun cartridges consigned to the said C. N. Markle; and

Whereas the said steamship *Mosella* was due to arrive in the port of New Orleans, La., on or about the 1st day of August, 1922, but failed to arrive in said port till the 23d day of September, 1922, owing to orders issued by the United States Shipping Board; and

Whereas the rate of duty on said shotgun cartridges under the tariff act of 1913 was 15 per cent ad valorem, but was increased by the tariff act of September 22, 1922, to 30 per cent, and duty was taken on said shipment under the provisions of said tariff act of September, 1922: Now, therefore,

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to determine the amount taken in duty on a certain shipment of shotgun cartridges shipped from London, England, to C. N. Markle, at Houston, Tex., and entered in the port of New Orleans, La., in excess of the amount which should have been taken if the said shipment had arrived prior to September 22, 1922, and had been assessed for duty under the provisions of the tariff act of 1913 at 15 per cent ad valorem.

SEC. 2. That when said amount has been determined, refund thereof to said C. N. Markle, of Houston, Tex., shall be made, and the appropriation of an amount sufficient to make said refund is hereby authorized out of any moneys in the Treasury of the United States not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

NATIONAL FOREST LANDS IN MONTANA

The bill (S. 1511) for the exchange of lands adjacent to National Forests in Montana was considered as in the Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the provisions of the act of March 20, 1922 (42 Stat. L. 465), entitled "An act to consolidate national forest lands," are hereby extended to include any suitable lands in the State of Montana situated within 6 miles of a national forest boundary. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the national forest nearest to which they are situated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BOISE NATIONAL FOREST, IDAHO

The bill (S. 1577) to add certain lands to the Boise National Forest, Idaho, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That any lands within the following described areas found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow, may with the approval of the Secretary of the Interior, be included within and made a part of the Boise National Forest by proclamation of the President, subject to all valid existing claims, and the said lands shall hereafter be subject to all laws affecting the national forests:

The west half of section 2; all of sections 3, 4, 5, 6, 7, 8, 9, 10; the west half of section 11; all of sections 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, in township 4 south, range 2 west, of the Boise meridian, State of Idaho. All of township 4 south, range 3 west, of the Boise meridian, State of Idaho. All of what will be when surveyed of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, in township 4 south, range 4 west, Boise meridian, State of Idaho. All of sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 5 south, range 4 west, Boise meridian, State of Idaho. All of sections 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 5 south, range 3 west, Boise meridian, State of Idaho. All of sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, township 5 south, range 2 west, Boise meridian, State of Idaho. All of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, in township 6 south, range 2 west, Boise meridian, State of Idaho. All of township 6 south, range 3 west, Boise meridian, State of Idaho. All of township 6 south, range 4 west, Boise meridian, State of Idaho.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IDAHO NATIONAL FOREST, IDAHO

The bill (S. 1578) to add certain lands to the Idaho National Forest, Idaho, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the following-described areas be, and the same are hereby, included in and made a part of the Idaho National Forest, subject to all prior adverse rights; and that said lands shall hereafter be subject to all laws affecting national forests: All township 23 north, ranges 2 and 3 east, and that part of the west half of township 24 north, range 4 east, which is not already included in the Nez Perce National Forest; all Boise meridian.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 5894) for the relief of the State Bank & Trust Co. of Fayetteville, Tenn., was announced as next in order.

Mr. HOWELL. Over.

The VICE PRESIDENT. The bill will be passed over.

JOSEPH F. THORPE

The bill (S. 382) for the relief of Joseph F. Thorpe was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,300 to reimburse Joseph F. Thorpe, formerly clerk at the American Legation at Athens, for expenditures incurred in accompanying Garrett Droppers, formerly United States minister to Greece, then under physical disability, to the United States, pursuant to instructions of the State Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL OFFICIALS AND EMPLOYEES, ALASKA

The bill (S. 4257) to authorize the payment of certain salaries or compensation to Federal officials and employees by the treasurer of the Territory of Alaska was considered as in Committee of the Whole.

Mr. BINGHAM. Mr. President, I have received from the Secretary of the Interior a copy of a telegram from the Governor of Alaska, who asks a slight amendment to the bill, which I send to the desk and ask to have read.

The VICE PRESIDENT. The clerk will read the proposed amendment.

The CHIEF CLERK. On page 2, line 4, after the word "purposes" to strike out the period and insert a comma, and after the quotation mark to insert "and amendments thereto" and a period, so as to make the bill read:

Be it enacted, etc., That any salaries to United States officials or employees of the United States Government in Alaska, appropriated by the Alaska Territorial Legislature, session of 1927, may be paid to such United States officials or employees of the United States by the treasurer of Alaska up to and including the date of March 31, 1929, any Federal law to the contrary notwithstanding: *Provided*, That subsequent to March 31, 1929, all appropriations by the Alaska Territorial Legislature shall be in conformity with the provisions of the act of Congress approved August 24, 1912, entitled "An act to create a legislative assembly in the Territory of Alaska, to confer legislative powers thereon, and for other purposes," and amendments thereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BINGHAM. I ask that the letter from the Secretary of the Interior may be printed in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, May 8, 1928.

Hon. HIRAM BINGHAM,
Chairman Committee on Territories and Insular Possessions,
United States Senate.

MY DEAR SENATOR BINGHAM: Your letter of May 1, 1928, has been received, inclosing with request for expression of views thereon Senate bill 4257 entitled "A bill to authorize the payment of certain salaries or compensation to Federal officials and employees by the treasurer of the Territory of Alaska."

The bill in question was referred for consideration to Hon. George A. Parks, Governor of Alaska, who, under date of May 5, 1928, telegraphed as follows:

"Your wire 4th. Proposed bill will meet situation and enable Territory pay salaries as has been done since first session of legislature. Suggest following be added: 'and amendments thereto.' See amendment approved August 29, 1914. Urge favorable report, as proposed bill will meet objections raised and enable next legislature to make provisions to meet future situations."

In accordance with the governor's suggestion, I have to recommend that after the word "purposes," line 4, page 2, the words "and amendments thereto" be added, and, as so amended, the bill be given favorable consideration.

The facts necessitating the legislation contemplated in the bill are fully set forth in House Report No. 390, Seventieth Congress, first session, being a report on a somewhat similar bill, a copy of which is herewith transmitted.

Very truly yours,

HUBERT WORK.

GRANT OF LANDS AT BATON ROUGE, LA.

The bill (S. 3537) providing for the confirmation of grant of lands formerly the United States barracks at Baton Rouge, La., to the board of supervisors of the Louisiana State University and Agricultural and Mechanical College, was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands and Surveys with an amendment on page 2, line 17, after the word "College" to insert the word "and," and in line 18, after the word "college" to insert the following: "excepting from the force and effect of this act the parcel of ground containing about 2.45 acres granted to the Roman Catholic congregation of St. Joseph's Church of the city of Baton Rouge, by act of Congress approved September 30, 1890 (26 Stats. 503); and further excepting that portion of land that lies westward of a line 100 feet east of the center of the railroad tract of the Louisville, New Orleans & Texas Railroad Co.: *Provided*, That if the said railroad company shall cease to use and occupy such land it shall thereupon become subject to all the provisions of this act." so as to make the bill read:

Be it enacted, etc., That the patent issued by the United States General Land Office to the board of supervisors of the Louisiana State University and Agricultural and Mechanical College in trust for the Louisiana State University and Agricultural and Mechanical College under date of February 20, 1903, by virtue of the authority conferred by an act of Congress approved April 28, 1902, entitled "An act providing for the transfer of the title to the military reservation at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College," which conveyed full and complete title to the buildings and grounds of the United States barracks at Baton Rouge, La., for the purpose of said university and college, being sections 44 and 71 of township 7 south, range 1 west, St. Helena meridian, State of Louisiana, containing 211.56 acres, be, and the same is hereby, approved and confirmed, and the right of the board of supervisors of the Louisiana State University and Agricultural and Mechanical College to sell or lease any of the said grounds or buildings in its development of said university is fully recognized, the proceeds to form part of the funds of the said Louisiana State University and Agricultural and Mechanical College and to be used for the purposes of said university and college, excepting from the force and effect of this act the parcel of ground containing about 2.45 acres granted to the Roman Catholic congregation of St. Joseph's Church of the city of Baton Rouge, by act of Congress approved September 30, 1890 (26 Stat. 503); and further excepting that portion of land that lies westward of a line 100 feet east of the center of the railroad tract of the Louisville, New Orleans & Texas Railroad Co.: *Provided*, That if the said railroad company shall cease to use and occupy such land it shall thereupon become subject to all the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ST. JOSEPH'S ROMAN CATHOLIC CHURCH, BATON ROUGE, LA.

The bill (S. 3620) granting certain land to the Roman Catholic congregation of St. Joseph's Roman Catholic Church of the city of Baton Rouge, La., was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands and Surveys with amendments on page 1, line 3, after the word "the," to strike out the words "Roman Catholic congregation" and insert the word "congregation"; in line 5, to strike out the words "city of" and insert the words "parish of East"; in line 10, to strike out the words "Roman Catholic congregation" and insert the word "congregation"; on page 2, line 5, to strike out the name "Hansey" and insert the name "Hausey"; on page 6, strike out the name "Hansey" and insert the name "Hausey"; in line 13, after the word "Baton," strike out the word "Rogue" and insert the word "Rouge"; in line 14, after the numerals "1890," strike out the words "and the Secretary of the Interior is authorized and directed to execute a quitclaim deed to said land in accordance with the provisions of this act," and insert in lieu thereof the following: "and the Secretary of the Interior, after such survey as he may deem necessary, shall, as a further evidence of title, direct the issuance of a patent in accordance with the provisions of this act," so as to make section 1 read:

Be it enacted, etc., That there is hereby granted to the congregation of St. Joseph's Roman Catholic Church in the Parish of East Baton Rouge, La., all the proprietary right, title, and interest of the United States to and in that certain tract of land in the United States reservation or garrison grounds in the city of Baton Rouge, La., formerly used as a graveyard or burial ground by the congregation of St. Joseph's Church of said city in the parish of East Baton Rouge, which is not included in any of the lots or streets of said city, but lies on North Street and between Uncle Sam Street and the lot of the private property of H. E. Hausey, measuring 214.5 American measure, on line of said Hausey, running north by a depth of 497 feet, more or less, running east to the west line of Uncle Sam Street between parallel lines, and containing approximately 2.45 acres, as described in the act entitled "An act to provide for the disposal of a portion of the United States military reservation at Baton Rouge, La.," approved September 30, 1890, and the Secretary of the Interior, after such survey as he may deem necessary, shall, as a further evidence of title, direct the issuance of a patent in accordance with the provisions of this act.

The amendment was agreed to.

The next amendment of the Committee on Public Lands and Surveys was, on page 2, line 21, strike out section 2 and insert in lieu thereof the following:

SEC. 2. That the provision "unless hereafter required by the Secretary of War for the use of the United States for military purposes" be, and it is hereby, stricken from the act of September 30, 1890 (26 Stat. 503), and any implied conditions of reversion of title to the Government of the United States contained in said act be, and the same are hereby, repealed, it being the purpose and intent of this act to grant to the congregation of St. Joseph's Roman Catholic Church, of Baton Rouge, La., free from restriction, reservation, or condition, full and complete title in and to the lands described in section 1 hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting certain land to the congregation of St. Joseph's Roman Catholic Church in the parish of East Baton Rouge, La."

WITHDRAWAL OF LANDS IN MONTANA

The bill (H. R. 8110) withdrawing from entry the northwest quarter section 12, township 30 north, range 19 east, Montana meridian, was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands and Surveys with an amendment on page 2, after line 2, to insert the following:

SEC. 3. That the lands hereby withdrawn from entry shall be designated and known as the Chief Joseph Battle Ground of the Bear's Paw.

So as to make the bill read:

Be it enacted, etc., That the northwest quarter section 12, township 30 north, range 19 east, Montana meridian, is hereby withdrawn from all forms of entry under the public land laws of the United States, for the purpose of preserving the site of the battle between Nez Perces Indians under Chief Joseph and the command of Nelson A. Miles.

SEC. 2. That the Secretary of the Interior is hereby authorized to enter into an agreement with the State of Montana, or Blaine County, Mont., or citizens of Montana, or either or any of them, for the care and upkeep of the herein-described lands.

SEC. 3. That the lands hereby withdrawn from entry shall be designated and known as the Chief Joseph Battle Ground of the Bear's Paw.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

USE OF LAND FOR STREET PURPOSES IN DISTRICT OF COLUMBIA

The bill (S. 4087) authorizing the use of certain land owned by the United States in the District of Columbia for street purposes was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to use for street purposes 1,651 square feet of a tract of land known as parcel 17/93, 708 square feet of a tract of land known as parcel 18/52, and 380 square feet of a tract of land known as parcel 18/23, all for the widening of Reservoir Road, and to use for street purposes 23,779.63 square feet of a tract of land known as parcel 28/12 for the widening of Reservoir Road and Forty-fourth Street; and to use for street purposes a strip of land 60 feet wide containing 258,750 square feet, more or less, lying immediately northeasterly of the southwesterly boundary of a tract of land known as parcel 173/23 for the widening of South Dakota Avenue; and to use for street purposes 9,000 square feet, more or less, of a tract of land known as parcel 243/15 for the extension of Trenton Street and for the widening of Fourth Street SE.; and to use for street purposes 1,521.28 square feet of lot 802, square 1932, and 3,669.88 square feet of lot 837, square 1300, for the widening of Wisconsin Avenue, all as shown on maps designated as Street Extension Maps 1150 and 1154, and Surveyor's Office Maps 1314 and 1373, on file in the office of the surveyor of the District of Columbia, all the above-described property herein authorized to be used for street purposes being owned by the United States of America.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SHELDON R. PURDY

The bill (S. 2526) for the relief of Sheldon R. Purdy was considered as in Committee of the Whole. The bill had been reported from the Committee on Post Offices and Post Roads with an amendment, on page 1, line 5, to strike out "$10,000" and insert "$5,000," so as to read:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and paid to Sheldon R. Purdy, the sum of $5,000 in recognition of, and compensation for, valuable service rendered to the Post Office Department in the procedure for handling dead-letter mail and in the establishment of beneficial regulations and procedure with reference to improperly addressed mail, and in originating and procuring the cooperation of the public in the proper addressing of mail and the discontinuance of directory service in the delivery of mail, prior to January 1, 1924.

Mr. KING. Mr. President, I would like to ask the Senator from Colorado if he does not regard this as a somewhat dangerous precedent? I make the inquiry for the reason that a number of persons have spoken to me who have been in the public service, contending that they made suggestions which were of benefit to the Government. They never deemed it proper that they should apply for compensation in the shape of retirement or increased pay. If it established a precedent I do not know where we will end.

Mr. PHIPPS. Mr. President, had I not felt that this was an exceptional case I should not have gone to the trouble I did to get some recognition for this man. He applied himself assiduously to his labors. He was in the department for a number of years and it was through his persistency that the department finally recommended and put into effect the discontinuance of directory service in the post offices free of charge. That was one thing. The other thing brought to my attention was that of collecting due postage on letters returned from the dead letter office to the original writer where the writer could be located. It has brought in revenues amounting to hundreds of thousands of dollars to the Government. Had it not been for this man working on the matter and calling it to our attention we would not have had that revenue. If the Senator will read the report he will see the enormous amount of money that has flowed into the Federal Treasury and the Post Office Department through that means alone. The directory service is in effect in Chicago and some other places, but it was never until after the insistence of this man was brought to its attention that the Post Office Department issued a general order which made it universal in other large cities. It saved hundreds of thousands of dollars to the Government. I think the remuneration is a very small reward to an official who will do that sort of thing. Aside from that, the moral effect on other employees is very good indeed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Mr. SACKETT. Mr. President, I ask unanimous consent to return to Calendar No. 1044, the bill (S. 4126) authorizing the National Capital Park and Planning Commission to acquire rights in land, and to lease land or existing buildings for limited periods in certain instances. Consideration of the bill was objected to by the Senator from Wisconsin [Mr. BLAINE]. He now withdraws his objection.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill had been reported from the Committee on the District of Columbia with amendments, on page 2, line 3, after the word "grantor," to insert, "*Provided*, That such reservation of rights shall not continue beyond the life or lives of the grantor or grantors of the fee: *Provided further*, That"; and on the same page, to strike out lines 23 to 25, and on page 3, to strike out lines 1, 2, and 3, being section 2, and to insert a new section 2, so as to make the bill read:

Be it enacted, etc., That the authority of the National Capital Park and Planning Commission, established by the act approved April 30, 1926 (Stat. L. vol. 44, p. 374), is hereby enlarged as follows:

Said commission is hereby authorized to acquire, for and in behalf of the United States of America, by gift, devise, purchase, or condemnation, in accordance with the provisions of the act of June 6, 1924 (Stat. L., vol. 43, p. 463), as amended by the act of April 30, 1926 (Stat. L., vol. 44, p. 374), (1) fee title to land subject to limited rights reserved to the grantor: *Provided*, That such reservation of rights shall not continue beyond the life or lives of the grantor or grantors of the fee: *Provided further*, That in the opinion of said commission the permanent public park purposes for which control over said land is needed are not essentially impaired by said reserved rights and that there is a substantial saving in cost by acquiring said land subject to said limited rights as compared with the cost of acquiring unencumbered title thereto; (2) permanent rights in land adjoining park property sufficient to prevent the use of said land in certain specified ways which would essentially impair the value of the park property for its purposes: *Provided*, That in the opinion of said commission the protection and maintenance of the essential public values of said park can thus be secured more economically than by acquiring said land in fee or by other available means: *Provided further*, That all contracts for acquisition of land subject to such limited rights reserved to the grantor and for acquisition of such limited permanent rights in land shall be subject to the approval of the President of the United States.

SEC. 2. The Director of Public Buildings and Public Parks of the National Capital is authorized, subject to the approval of the National Capital Park and Planning Commission, to lease, for a term not exceeding five years, and to renew such lease for an additional term not exceeding five years, pending need for their immediate use in other ways by the public, and on such terms as the director shall determine, land or any existing building or structure on land acquired for park, parkway, or playground purposes.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited rights reserved, and limited rights in land, and authorizing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances."

SUIT ON BEHALF OF INDIANS OF CALIFORNIA

A bill (S. 727) authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California was announced as next in order.

Mr. LA FOLLETTE. Mr. President, there is a House bill similar to this which was reported favorably without amendment to-day from the Committee on Indian Affairs. I ask that the House bill may be substitued for the bill the title of which has just been stated.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. LA FOLLETTE. I ask unanimous consent for the present consideration of the bill (H. R. 491) authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That for the purposes of this act the Indians of California shall be defined to be all Indians who were residing in the State of California on June 1, 1852, and their descendants now living in said State.

SEC. 2. All claims of whatsoever nature the Indians of California as defined in section 1 of this act may have against the United States by reason of lands taken from them in the State of California by the United States without compensation, or for the failure or refusal of the United States to compensate them for their interest in lands in said States which the United States appropriated to its own purposes without the consent of said Indians, may be submitted to the Court of Claims by the attorney general of the State of California acting for and on behalf of said Indians for determination of the equitable amount due said Indians from the United States; and jurisdiction is hereby conferred upon the Court of Claims of the United States, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all such equitable claims of said Indians against the United States and to render final decree thereon.

It is hereby declared that the loss to the said Indians on account of their failure to secure the lands and compensation provided for in the 18 unratified treaties is sufficient ground for equitable relief.

SEC. 3. If any claim or claims be submitted to said courts, they shall settle the equitable rights therein, notwithstanding lapse of time or statutes of limitation or the fact that the said claim or claims have not been presented to any other tribunal, including the commission created by the act of March 3, 1851 (9 Stat. L., p. 631): *Provided*, That any decree for said Indians shall be for an amount equal to the just value of the compensation provided or proposed for the Indians in those certain 18 unratified treaties executed by the chiefs and headmen of the several tribes and bands of Indians of California and submitted to the Senate of the United States by the President of the United States for ratification on the 1st day of June, 1852, including the lands described therein at $1.25 per acre. Any payment which may have been made by the United States or moneys heretofore or hereafter expended to date of award for the benefit of the Indians of California, made under specific appropriations for the support, education, health, and civilization of Indians in California, including purchases of land, shall not be pleaded as an estoppel but may be pleaded by way of set-off.

SEC. 4. The claims of the Indians of California under the provisions of this act shall be presented by petition, which shall be filed within three years after the passage of this act. Said petition shall be subject to amendment. The petition shall be signed and verified by the attorney general of the State of California. Verification may be upon information and belief as to the facts alleged. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give the said attorney access to such papers, correspondence, or furnish such certified copies of records as may be necessary in the premises free of cost.

SEC. 5. In the event that the court renders judgment against the United States under the provisions of this act, it shall decree such amount as it finds reasonable to be paid to the State of California to reimburse the State for all necessary costs and expenses incurred by said State other than attorney fees: *Provided*, That no reimbursement shall be made to the State of California for the services rendered by its attorney general.

SEC. 6. The amount of any judgment shall be placed in the Treasury of the United States to the credit of the Indians of California, and shall draw interest at the rate of 4 per cent per annum and shall be thereafter subject to appropriation by Congress for educational, health, industrial, and other purposes for the benefit of said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians: *Provided*, That the Secretary of the Treasury is authorized and directed to pay to the State of California out of the proceeds of the judgment when appropriated the amount decreed by the court to be due said State, as provided in section 5 of this act.

SEC. 7. For the purpose of determining who are entitled to be enrolled as Indians of California, as provided in section 1 hereof, the Secretary of the Interior, under such rules and regulations as he may prescribe, shall cause a roll to be made of persons entitled to enrollment. Any person claiming to be entitled to enrollment may within two years after the approval of this act make an application in writing to the Secretary of the Interior for enrollment. At any time within three years of the approval of this act the Secretary shall have the right to alter and revise the roll, at the expiration of which time said roll shall be closed for all purposes and thereafter no additional names shall be added thereto: *Provided*, That the Secretary of the Interior, under such rules and regulations as he may prescribe, shall also cause to be made, within the time specified herein a roll of all Indians in California other than Indians that come within the provisions of section 1 of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. LA FOLLETTE. I now ask that Senate bill 727 be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

CONSIDERATION OF BRIDGE BILLS

Mr. DALE. Mr. President, I ask that the next six bills on the calendar, from Order of Business 1096 to Order of Business 1101, inclusive, may be considered together. Some of the bills have been reported with amendments which make them all conform to the approved standard.

The VICE PRESIDENT. Is there objection? The Chair hears none.

CUMBERLAND RIVER BRIDGE AT MOUTH OF INDIAN CREEK, KY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4295) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near the mouth of Indian Creek, in Russell County, Ky., which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State highway commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River, at a point suitable to the interests of navigation, at or near the mouth of Indian Creek, Russell County, Ky., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUMBERLAND RIVER BRIDGE AT NEELYS FERRY, KY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4289) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky., which had been reported from the Committee on Commerce with an amendment, on page 1, line 7, after the words "Neelys Ferry," to insert "Cumberland County," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State highway commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River, at a point suitable to the interests of navigation, at or near Neelys Ferry, Cumberland County, Ky., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An

accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CUMBERLAND RIVER BRIDGE AT BURKESVILLE, KY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4290) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky., which had been reported from the Committee on Commerce with an amendment, on page 1, line 7, after the word "near," to strike out the words "the town of," and after the word "Burkesville," in line 7, to insert "Cumberland County," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State highway commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River, at a point suitable to the interests of navigation, at or near Burkesville, Cumberland County, Ky., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CUMBERLAND RIVER BRIDGE AT ARAT, KY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4291) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Arat, Cumberland County, Ky., which had been reported from the Committee on Commerce with an amendment on page 1, line 7, after the word "near," to strike out the words "the town of" and after the word "Arat," in the same line, to insert the words "Cumberland County," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State highway commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River, at a point suitable to the interests of navigation, at or near Arat, Cumberland County, Ky., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CUMBERLAND RIVER BRIDGE AT BLACKS FERRY, KY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4292) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at Blacks Ferry near Center Point in Monroe County, Ky., which had been reported from the Committee on Commerce with an amendment on page 1, line 7, after the word "near" to strike out the words "the town of"; and on page 2, line 1, after the name "Center Point," to insert the words "Monroe County," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State highway commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River, at a point suitable to the interests of navigation, at or near Center Point, Monroe County, Ky., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky."

CUMBERLAND RIVER BRIDGE AT CREELSBORO, KY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4293) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky., which had been reported from the Committee on Commerce with an amendment in line 7, after the word "near," to strike out the words "the town of"; and in line 8, after the name "Creelsboro," to insert the words "Russell County," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State highway commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River, at a point suitable to the interests of navigation, at or near Creelsboro, Russell County, Ky., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible

under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CUMBERLAND RIVER BRIDGES AT BURNSIDE, KY.

Mr. SACKETT. Mr. President, there are two other bills of the same character as those which have just been passed, which have been favorably reported to-day, being Senate bill 4288 and Senate bill 4294, and I ask unanimous consent that those bills may now be considered.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

The bill (S. 4288) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the South Fork of the Cumberland River at Burnside, Pulaski County, Ky., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments on page 1, line 6, before the name "Cumberland" to insert "South Fork of the"; in line 7, after the word "near," to strike out "the town of"; and at the end of the same line, after the name "Burnside" and the comma, to insert "Pulaski County," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State highway commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River, at a point suitable to the interests of navigation, at or near Burnside, Pulaski County, Ky., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the South Fork of Cumberland River at or near Burnside, Pulaski County, Ky."

The bill (S. 4294) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the North Fork of the Cumberland River at Burnside, Pulaski County, Ky., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments on page 1, line 7, after the word "near," to strike out "the town of"; and in the same line, after the name "Burnside" and the comma, to insert "Pulaski County," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State highway commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River, at a point suitable to the interests of navigation, at or near Burnside, Pulaski County, Ky., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky."

BRIDGE LEADING TO ZILLAH STATE PARK, WASH.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3039) making an appropriation for the construction of a bridge and approach road leading to the Zillah State Park, Wash., which had been reported from the Committee on Irrigation and Reclamation with amendments. The first amendment was, on page 1, line 3, after the word "hereby," to insert "authorized to be," and in line 6, after the words "sum of," to strike out "$4,500" and to insert "$3,000," so as to make the section read:

That there is hereby authorized to be appropriated, out of the special fund in the Treasury created by the act of June 17, 1902, and therein designated the "reclamation fund," the sum of $3,000, or so much thereof as may be necessary, for the construction of a bridge, with an approach road, over the wasteway operated by the Bureau of Reclamation of the Department of the Interior in connection with the Sunnyside Irrigation Canal, to replace the bridge and approach road leading to the Zillah State Park in the State of Washington which were washed out by the increased volume of water turned into such wasteway during a cloudburst on June 14, 1926. Such bridge and road shall be constructed by the State of Washington or any duly authorized agency or political subdivision thereof, under the supervision of the Commissioner of the Bureau of Reclamation, who may authorize the relocation of such bridge and road.

The amendment was agreed to.

The next amendment was, on page 2, section 2, line 8, after the word "herein," to insert the words "authorized to be," so as to make the section read:

SEC. 2. The sum herein authorized to be appropriated shall be paid by the Secretary of the Treasury to the proper authorities of the State of Washington, as the construction progresses, upon vouchers submitted by such authorities and approved by the Commissioner of the Bureau of Reclamation. Such sum shall not be charged to the operation and maintenance expense of the Sunnyside division of the Yakima irrigation project.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing an appropriation for the construction of a bridge and approach road leading to the Zilla State Park, Washington."

OWNERS OF THE BARGE "MARY M."

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 460) for the relief of the owners of the barge *Mary M*, which was read, as follows:

Be it enacted, etc., That the claim of the estate of Mary Malley, deceased, owner of the barge *Mary M*, against the United States for damages alleged to have been sustained by reason of a collision between said barge and the U. S. S. *Melville*, or by reason of the operation of the said steamship *Melville*, under the control of the Navy Department, on April 15, 1919, at the south end of Governors Island, New York Harbor, may be sued for by said owners of the barge *Mary M* in the United States District Court for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of said owners of the barge *Mary M*, or against said owners of the barge *Mary M* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by the order of said court, and that it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF MOSES M. BANE

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3056) for the relief of the estate of Moses M. Bane, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of Moses M. Bane, deceased, who was receiver of public money for the Territory of Utah, and paid office rent at Salt Lake City for the years 1877 and 1878 and for the first quarter of 1879, the sum of $1,080, out of any money in the Treasury not otherwise appropriated, the said sum for office rent having been advanced by the officer out of his private means.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JESSE R. SHIVERS

The Senate, as Committee of the Whole, proceeded to consider the bill (H. R. 4396) for the relief of Jesse R. Shivers, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, to Jesse R. Shivers, North Wildwood, N. J., the sum of $796.95, for damages sustained to motor boat *L–659*, in collision with U. S. Coast Guard patrol boat *CG–119*, February 9, 1926.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OWNER OF STEAMSHIP "CITY OF BEAUMONT"

The bill (H. R. 8001) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *City of Beaumont* against the United States, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the claim of the City of Beaumont Ship Corporation, a corporation existing under the laws of the State of Delaware, owner of the American auxiliary barkentine *City of Beaumont*, against the United States of America for damages alleged to have been caused by collision between the said vessel and the U. S. S. *Westland*, on the 19th day of December, 1918, may be sued for by the said owners of the *City of Beaumont* in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the City of Beaumont Ship Corporation, or against the said corporation in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal, except that no interest shall be allowed on any claim: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by orders of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. NIGHTINGALE

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8810) for the relief of John L. Nightingale, which was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of John L. Nightingale, postmaster at Fort Collins, Colo., in the sum of $34,934.90, the value of funds and stamps lost in the burglary of the post office at Fort Collins, Colo., July 24, 1927.

Mr. KING. I ask for an explanation of the bill.

Mr. PHIPPS. Mr. President, I desire to say that this is the case of the robbery of a post office. The usual procedure has been followed in the case of this postmaster, who was in no wise responsible for theft from his office. The report was very conclusive, and I think the Senator will be satisfied with it.

Mr. KING. Was the postmaster warranted in retaining so large an amount of stamps and money in the place where he kept it?

Mr. PHIPPS. The vaults were practically blown up. He did not have the valuables in an ordinary safe that anyone could open, but he had them in a place which was authorized for the safekeeping of the stamp. Practically the bulk of the amount was in postage stamps, and it was stolen.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALABAMA NATIONAL FOREST

The Senate as in Committee of the Whole proceeded to consider the joint resolution (S. J. Res. 130) suspending certain provisions of law in connection with the acquisition of lands within the Alabama National Forest. The joint resolution was read, as follows:

Whereas section 7 of the act of March 1, 1911 (36 Stat. 961), provides "That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams"; and

Whereas the State of Alabama by an act approved November 30, 1907, consented to such acquisitions; and

Whereas the State of Alabama by an act approved September 28, 1923, repealed the aforesaid act of November 30, 1907; and

Whereas the Secretary of Agriculture was not informed of said repeal and continued to contract for the purchase of certain lands within the present exterior boundaries of the Alabama National Forest, located in Winston, Lawrence, and Franklin Counties, in the said State of Alabama; and

Whereas the forestry officials of the said State of Alabama approved the policy of consolidation of lands within the present exterior boundaries of the aforesaid Alabama National Forest: Now, therefore, be it

Resolved, etc., That the provisions of section 7 requiring the consent of the said State legislature for the acquisition of such lands be, and the same are hereby, suspended as to any unacquired lands within the present exterior boundaries of the said Alabama National Forest until and including December 31, 1930.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

WOOL STANDARDS

The bill (H. R. 7459) to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated for expenditure by the Secretary of Agriculture, for the purposes hereinafter stated, all funds heretofore or hereafter collected by suit, or otherwise, pursuant to appropriations for the completion of the work of the domestic-wool section of the War Industries Board, and for enforcing Government regulations for handling the wool clip of 1918 as established by the wool division of said board, pursuant to the Executive order dated December 31, 1918, transferring such work to the Bureau of Markets, now a part of the Bureau of Agricultural Economics of the Department of Agriculture, and for continuing as far as practicable the distribution among the growers of the wool clip of 1918 of all sums heretofore or hereafter collected or recovered with or without suit by the Government from all persons, firms, or corporations which handled any part of the wool clip of 1918, which he finds it impracticable to distribute among said growers, provided that not to exceed $50,000 may be expended in any fiscal year.

SEC. 2. Said funds may be used for the purpose of acquiring and diffusing among the people of the United States useful information relative to the standardization, grading, preparation for market, marketing, utilization, transportation, handling, and distribution of wool, and

of approved methods and practices relative thereto, including the demonstration and promotion of the use of grades for wool in accordance with standards therefor which the Secretary of Agriculture is hereby authorized to establish. Said funds may be used for the grading of wool, and for such grading or other service rendered hereunder reasonable fees may be charged, and provided further that hereafter reasonable charges may be made for practical forms of grades for wool.

SEC. 3. The Secretary of Agriculture may make such rules and regulations as he deems advisable for carrying out any of the provisions of this act. All receipts hereunder shall be deposited in the Treasury to the credit of miscellaneous receipts.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROTECTION OF FOREST LANDS, ETC.

The bill (S. 1344) to amend an act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 4, 1924, was considered as in Committee of the Whole. The bill had been reported from the Committee on Agriculture and Forestry with amendments, on page 2, line 3, after the words "distribution of," to strike out "forest tree"; in line 4, after the word "plants," to insert "of forest trees, shrubs, and other beneficial forms of vegetation"; in line 6, after the word "belts," to insert "forests"; in line 7, after the word "lands," to strike out "and" and insert "or"; in line 8, after the word "forests," to insert "or other beneficial vegetative cover"; in line 9, after word "lands," to strike out "owned by any," and insert "in"; in the same line, after the word "county," to strike out "or municipality" and insert "municipal"; in line 10, after the word "or," to strike out "upon privately owned land" and insert "private ownership"; in line 14, after the word "that," to strike out "forest tree" and insert "such"; in line 17, after the word "timber," to strike out "thereon," and insert "or establishing a vegetative cover beneficial to water conservation thereon"; and in line 18, after the word "that," to insert "from any sums appropriated for carrying out the provisions of this section"; so as to make the bill read:

Be it enacted, etc., That section 4 of an act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 4, 1924, be amended to read as follows:

"SEC. 4. That the Secretary of Agriculture is hereby authorized and directed to cooperate with the various States in the procurement, production, and distribution of seeds and plants of forest trees, shrubs, and other beneficial forms of vegetation for the purpose of establishing windbreaks, shelter belts, forests, and farm wood lots upon denuded or nonforested lands, or for the purpose of establishing forests or other beneficial vegetative cover upon lands in State, county, municipal, or private ownership situated on watersheds from which water is secured for domestic, irrigation, or industrial use within such cooperating States, under such conditions and requirements as he may prescribe, to the end that such seeds or plants so procured, produced, or distributed shall be used effectively for planting denuded or nonforested lands in the cooperating States and growing timber or establishing a vegetative cover beneficial to water conservation thereon: *Provided*, That from any sums appropriated for carrying out the provisions of this section, the amount expended by the Federal Government in cooperation with any State during any fiscal year for such purposes shall not exceed the amount expended by the State for the same purposes during the same fiscal year. There is hereby authorized to be appropriated annually, out of money in the Treasury not otherwise appropriated, not more than $100,000 to enable the Secretary of Agriculture to carry out the provisions of this section."

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BEAL NURSERY AT EAST TAWAS, MICH.

The bill (H. R. 10374) for the acquisition of lands for an addition to the Beal Nursery at East Tawas, Mich., was considered as in the Committee of the Whole. The bill had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and insert:

That the Secretary of Agriculture is hereby authorized to expend, from the appropriation for planting trees on national forests during the fiscal year ending June 30, 1929, and/or from the appropriation for cooperation with States during the same fiscal year under the provisions of section 4 of the act of June 7, 1924 (43 Stats., 653), as amended, such amounts, but not to exceed a total of $25,000, as may be necessary to acquire by purchase or condemnation lands or water rights necessary, in his judgment, for forest-tree nurseries or for additions to existing forest-tree nurseries, and any lands obtained under the authority of this act shall, upon acquisition, become parts of the nearest national forests.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill authorizing the acquisition of land and water rights for forest tree nurseries."

THE FOREIGN SERVICE

The bill (S. 4382) to amend the act (Public, No. 135, 68th Cong.), approved May 24, 1924, entitled "An act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes," was announced as next in order.

Mr. FESS. That is a very important bill and is quite lengthy. I do not think it ought to be passed under the five-minute rule when we are considering unobjected bills on the calendar.

The VICE PRESIDENT. Objection being made, the bill will go over.

Mr. MOSES. Mr. President, wait a moment, please. I can say to the Senator from Ohio that this bill represents the work of a subcommittee of the Committee on Foreign Relations which has diligently pursued the subject since the time of the introduction of a resolution by the Senator from Mississippi [Mr. HARRISON] in December. It has probably had a more extended hearing than almost any measure that has been before the Senate at this session. The subcommittee was unanimous in its report to the full committee, unanimous in making the draft of the bill as reported to the full committee, and the full committee, after going over the bill, section by section, was unanimous in reporting it; and I can assure the Senator from Ohio, whose presence we did not have immediately on the Committee on Foreign Relations, that there have been no injustices done by this bill but that the bill makes a great step in advance toward remedying many conditions which are intolerable under the administration of the act of May 24, 1924. I implore the Senator to withdraw his objection.

Mr. WARREN. I hope the Senator may be allowed to give some little explanation of the bill.

Mr. MOSES. Briefly, the so-called Rogers Act, which was designed to provide in the entire Foreign Service a single list of officers, with promotion by seniority and merit, provoked in its operation a great deal of opposition and a great deal of complaint and a very great deterioration of the morale of the Foreign Service, to such an extent that when the operations of the act were crowned by the appointment on one day of four men as chiefs of mission, three of whom served on the personnel board, it became evident that something ought to be done to correct conditions which exist.

Mr. FESS. Mr. President, if the Senator will permit me, the Rogers Act did not pass for over three years. It had been pending before both bodies for a long time, and I do not like to allow a bill of 27 sections amending that act to be passed without even any discussion.

Mr. MOSES. I can say to the Senator that, while the bill has 27 sections, it is an amendment of the Rogers Act and adopts the language of that act and does nothing to it except to make certain changes, which I can speedily explain to the Senator from Ohio.

The principal change is to take the subject matter of promotions in the Foreign Service out of the hands of men who are themselves in the Foreign Service and who may benefit by their action by setting up a bureau of personnel in the Department of State, to be in charge of an additional Secretary of State, who shall not be a Foreign Service officer nor have been a Foreign Service officer within two years of the time of his appointment; so that nobody concerned in promotion in the Foreign Service, following the passage of the bill now under consideration, can himself possibly benefit by any action which may be taken. We have found that of the nine men who from time to time have made up the personnel board under the Executive order issued pursuant to the enactment of the so-called Rogers Act, every man who has ever served for any time with that group has had promotions for himself, some of them three or four times, and, I think, the great majority of them at least twice.

Mr. FESS. Does this bill have the approval of the State Department?

Mr. MOSES. This bill has the approval of those officers of the State Department who have most to do with promotions. There is opposition to the bill in some quarters in the State Department.

Mr. SACKETT. Has it the approval of the Secretary of State?

Mr. MOSES. I am not sure. The principle of the bill, keeping promotions out of the hands of the board as it now exists, certainly has his approval. Whether the details of the bill have his approval or not I do not know. But, Mr. President, I have taken the position with reference to the bill that if we have general approval of the executives of the State Department who have had most to do with the matter of the personnel of the Foreign Service, that was sufficient, inasmuch as they are the permanent officers of the department who have been administering the Rogers law and who will have to act under the existing statutes. At any rate, Mr. President, I do not deem it to be of prime importance that we should have, for a new measure, the approval of those who have maladministered a previous measure.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. MOSES. Oh, yes, indeed.

Mr. KING. Does this bill provide for the demotion of what some have said was a clique which it is alleged have controlled promotions in the State Department, and also promoted themselves? The Senator knows against whom charges have been made. There are, it is alleged, five or six men, a sort of Harvard association, who, some think, have tried to run the State Department.

Mr. MOSES. In behalf of my colleague [Mr. KEYES], who is a graduate of Harvard College, I shall have to take exception to some of the language used by the Senator from Utah. I am not sure that this bill will provide for the demotion of any of the individuals under criticism by the Senator from Utah, and who have been under criticism before the subcommittee which drafted this measure; but it certainly will put an end to some of the practices in the State Department to which the Senator from Utah has reference.

Mr. FESS. Mr. President, there has been enough said about that so that I do not want to see the bill passed without discussion.

Mr. MOSES. We can have discussion about it to-night, if the Senator from Ohio is willing.

Mr. FESS. The statements that have been made back and forth as to cliques in the State Department I think are pretty serious, and we do not want to pass a bill without any consideration of it under the unopposed rule.

Mr. HARRISON. Mr. President, I hope the Senator will not object to the consideration of this bill. The bill was drafted and considered by the full committee after the subcommittee had gone into the matter fully after weeks of investigation. I do not think it is obnoxious to the State Department. We know that certain men high up in the State Department approve it. It will help the morale of the whole Consular Service, and this seems to be a very good opportunity to pass it.

Mr. FESS. Not very, to-night.

Mr. HARRISON. The bill was unanimously reported from the Foreign Relations Committee after full consideration. In answer to the question propounded by the Senator from Utah as to whether it demotes the clique, I will state that it abolishes the clique that once controlled the Consular Service. We think it will work wonders.

Mr. KING. The Diplomatic Service rather than the Consular Service.

Mr. HARRISON. Well, the Consular and Diplomatic Service.

Mr. PITTMAN. Mr. President, I do not know whether the Senator from Ohio is suspicious of the subcommittee or not, but the other members of the Foreign Relations Committee will indorse the action of the subcommittee in this particular matter, if that is the cause of his objection.

Mr. WALSH of Montana. Mr. President, I feel like saying, in support of the statement made by the Senator from New Hampshire, that after this bill was presented to the full committee by the subcommittee it had the very careful consideration of the full committee, which went over the bill word by word, and made some alterations in it. It was very carefully considered, and was reported unanimously; and we all felt that it would go far to remove serious criticisms that have been directed against the personnel of the State Department.

Mr. HARRISON. Mr. President, may I say further to the Senator from Ohio that in the consideration of this matter we did not permit politics to be injected into it. We brought these people here from various parts of the country to appear before the subcommittee. There has been no criticism of the State Department before the subcommittee that conducted the investigation nor before the full committee. There is not now. We have merely tried to help the morale of the Consular and Diplomatic Services, and I believe we will do it. I dare say there is not a man in the Consular Service to-day who would not indorse this bill, and who does not believe that it will do what we think it will do.

Mr. REED of Pennsylvania. Mr. President, the bill accomplishes one thing that the Consular Service has very properly criticized in the old plan of the Foreign Service. In the past there has been very little opportunity for those officers who went into the Diplomatic Service to learn anything about the Consular Service. Now, for the first time, by statute we require that every officer who takes a position in the Diplomatic Service shall have had at least five years' service in the consular branch of the service. It will go very far toward removing what has seemed to many people to be a snobbish distinction between the consuls and the diplomatic officers in the Foreign Service.

Another hardship which the bill corrects, which, I think, has been called to the attention of most Senators, is that it permits these Foreign Service officers, particularly of the lower classes, who are on far-distant stations, and who can not possibly, out of their salaries, afford to return to the United States for the brief vacation period allowed them each year, to consolidate those leaves over a period of as much as four years. You can readily imagine how a consul in some town in China is quite unable to afford the trip home for a 30-day holiday in the home country; but by allowing him to accumulate his leave for the four years it is worth while for him to save up and make the trip.

That is a hardship that I think has been called to the attention of many Senators in the past.

Mr. FESS. Mr. President, my objection to the bill is because it is a voluminous statute. It in a sense is attacking, as I thought, the State Department. I did not like to have a measure of this sort go through without discussion. I have confidence, of course, in the judgment of these men who have thus expressed themselves on the necessity and the wisdom of the legislation; and I am amenable to reason. My only point was not to let it go through without discussion. I assume that these Senators would not make statements that are not supported by the facts. For that reason I am going to withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with amendments.

The amendments were, on page 2, line 19, after the word "follows," to strike out "(the following is new)"; on page 3, line 10, after the word "may," to strike out "have accrued," and insert "accrue"; on page 4, to strike out lines 3 to 16, both inclusive; on page 11, line 10, to strike out "class 1" and insert "Class I"; on page 20, line 19, after the word "appointed," to insert "annually"; in the same line, after the word "State," to strike out "who shall be members of the board for one, two, and three years, respectively"; in line 22, after the words "It shall be the," to strike out "sole and exclusive"; on page 21, line 4, after "Sec. 24," to strike out "That it shall be the function of" and insert "The Bureau of"; in line 5, before the word "Personnel," to strike out "The Bureau of"; in the same line, after the word "Personnel," to strike out "Bureau shall be solely responsible for the accuracy other," and insert "shall assemble and be the custodian of all"; in line 10, after the words "shall be," to strike out "soley" and insert "solely"; in line 12, after the word "Such," to strike out "record" and insert "records"; in line 13, after the word "additions," to strike out "in them"; on page 22, line 20, after the word "the," to strike out "Personnel"; on page 23, line 11, after the word "Except," to strike out "for" and insert "under"; on the same page, line 19, after the word "officer," to insert "without regard to age or length of service"; in line 21, after the word "State," to strike out "without regard to age or length of service"; on page 24, line 6, after the word "paragraphs," to strike out "I" and insert "(i)"; in line 11, before the word "Bureau," to strike out "Personnel," and after the word "Bureau" to insert "of Personnel"; on page 25, to strike out lines 4 to 6, inclusive; and in line 7, to change the number of the section from 28 to 27; so as to make the bill read:

Be it enacted, etc., That the act (Public, No. 135, 68th Cong.), approved May 24, 1924, entitled "An act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes," be, and the same is hereby, amended to read as follows:

"SECTION 1. That hereafter the Diplomatic and Consular Service of the United States shall be known as the Foreign Service of the United States.

"SEC. 2. That the official designation 'Foreign Service officer,' as employed throughout this act, shall be deemed to denote permanent officers in the Foreign Service below the grade of minister, all of whom are subject to promotion on merit and who may be appointed to either diplomatic or consular positions or assigned to serve in the Department of State subject to section 14 of this act, at the discretion of the President.

"SEC. 3. That the officers in the Foreign Service shall hereafter be graded and classified as follows with the salaries of each class herein affixed thereto, but not exceeding in number for each class a proportion of the total number of officers in the service represented in the following percentage limitations:

"Ambassadors and ministers as now or hereafter provided; Foreign Service officers as follows: Class I (13 per cent), $8,000 to $9,000; Class II (17 per cent), $7,000 to $8,000; Class III (24 per cent), $5,000 to $7,000; Class IV, $4,000 to $5,000; unclassified, $2,500 to $4,000: *Provided, however,* That as many Foreign Service officers above Class III as may be required for the purpose of inspection may be detailed by the Secretary of State for that purpose.

"On the date this act takes effect officers shall be reclassified as follows:

"Officers in Classes I and II, as officers in Class I; officers in Classes III and IV, as officers in Class II; officers in Classes V and VI, as officers in Class III; officers in Classes VII and VIII, as officers in Class IV; and officers in Class IX, as unclassified officers; but no officer shall receive less salary through such classification than he is now receiving nor shall he receive any increase of salary through such classification except such periodic increase as may accrue to him under section 18 of this act.

"SEC. 4. That Foreign Service officers may be commissioned as diplomatic or consular officers or both: *Provided,* That any officer who entered the Foreign Service subsequent to July 1, 1924, shall serve five years as a consular officer before promotion to Class I except that he may be excused from not more than two years of such service if, in the opinion of the Secretary of State on the recommendation of the Assistant Secretary in charge of the Foreign Service, the completion of such term of five years as consul will not be in the interest of the Government: *Provided further,* That all such appointments shall be made by and with the advice and consent of the Senate: *And provided further,* That all official acts of such officers while serving under diplomatic or consular commissions in the Foreign Service shall be performed under their respective commissions as secretaries or as consular officers.

"SEC. 5. That hereafter appointments to the position of Foreign Service officer shall be made after examination and a suitable period of probation or after five years of continuous service in the Department of State, by transfer therefrom under such rules and regulations as the President may prescribe, or after 10 years of satisfactory service as clerk in a mission or consulate: *Provided,* That no candidate shall be eligible for examination for Foreign Service officer who is not an American citizen and who shall not have been such at least 15 years: *Provided further,* That reinstatement of Foreign Service officers separated from the classified service by reason of appointment to some other position in the Government service may be made by Executive order of the President under such rules and regulations as he may prescribe.

"All appointments of Foreign Service officers shall be by commission to a class and not by commission to a particular post, and such officers shall be assigned to posts and may be transferred from one post to another by order of the President as the interests of the service may require: *Provided,* That the classification of secretaries in the Diplomatic Service and of consular officers is hereby abolished without, however, in anywise impairing the validity of the present commissions of secretaries and consular officers.

"SEC. 6. That section 5 of the act of February 5, 1915 (Public No. 242), is hereby repealed.

"SEC. 7. That the Secretary of State is directed to report from time to time to the President, along with his recommendations, the names of those Foreign Service officers who by reason of efficient service have demonstrated special capacity for promotion to the grade of minister and the names of those Foreign Service officers and employees and officers and employees in the Department of State and clerks at missions and consulates who by reason of efficient service, an accurate record of which shall be kept in the Department of State, have demonstrated special efficiency, and also the names of persons found upon taking the prescribed examination to have fitness for appointment to the service.

"That the grade of consular assistant is hereby abolished.

"SEC. 8. That sections 1697 and 1698 of the Revised Statutes are hereby repealed.

"SEC. 9. Every secretary, consul general, consul, vice consul of career, or Foreign Service officer, before he receives his commission or enters upon the duties of his office, shall give to the United States a bond, in such form as the President shall prescribe, with such sureties, who shall be permanent residents of the United States, as the Secretary of State shall approve, in a penal sum not less than the annual compensation allowed to such officer, conditioned for the true and faithful accounting for, paying over, and delivering up of all fees, moneys, goods, effects, books, records, papers, and other property which shall come to his hands or to the hands of any other person to his use as such officer under any law now or hereafter enacted, and for the true and faithful performance of all other duties now or hereafter lawfully imposed upon him as such officer: *Provided,* That the operation of no existing bond shall in anywise be impaired by the provisions of this act: *Provided further,* That such bond shall cover by its stipulations all official acts of such officer, whether commissioned as diplomatic or consular officer. The bonds herein mentioned shall be deposited with the Secretary of the Treasury.

"SEC. 10. That the provisions of section 4 of the act of April 5, 1906, relative to the powers, duties, and prerogatives of consuls general at large are hereby made applicable to the Foreign Service officers detailed for the purpose of inspection, who shall, under the direction of the Secretary of State, inspect in a substantially uniform manner the work of diplomatic and consular offices.

"SEC. 11. That the provisions of sections 8 and 10 of the act of April 5, 1906, relative to official fees and the method of accounting therefor shall apply to diplomatic officers below the grade of minister, and consular officers.

"SEC. 12. That the President is hereby authorized to grant to diplomatic and consular officers representation allowances and rent or post allowances wherever the cost of living may be proportionately so high that, in the opinion of the Secretary of State, such allowances are necessary to enable such diplomatic or consular officers to carry on their work efficiently, out of any money which may be appropriated for such purpose from time to time by Congress, the expenditure of such representation allowances or rent allowances to be accounted for in detail to the Department of State quarterly under such rules and regulations as the President may prescribe, and by the Secretary to be reported annually to Congress.

"SEC. 13. Appropriations are authorized for the salary of a private secretary to each ambassador who shall be appointed by the ambassador and hold office at his pleasure.

"SEC. 14. That any Foreign Service officer may be assigned for duty in the Department of State without loss of class or salary, such assignment to be for a period of not more than three years, unless the public interests demand further service, when such assignment may be extended for a period not to exceed one year. Any Foreign Service officer of whatever class detailed for special duty not at his post or in the Department of State shall be paid his actual and necessary expenses for travel and not exceeding an average of $8 per day for subsistence during such special detail: *Provided,* That such special duty shall not continue for more than 60 days, unless in the case of trade conferences or international gatherings, congresses, or conferences, when such subsistence expenses shall run only during the period thereof and the necessary period of transit to and from the place of gathering: *Provided further,* That the Secretary of State is authorized to prescribe a per diem allowance not exceeding $6, in lieu of subsistence for Foreign Service officers on special duty or Foreign Service inspectors.

"SEC. 15. That the Secretary of State is authorized, whenever he deems it to be in the public interest, to order to the United States on his statutory leave of absence any Foreign Service officer or vice consul of career who has performed three years or more of continuous service abroad: *Provided,* That the expenses of transportation and subsistence of such officers and their immediate families, in traveling from their posts to their homes in the United States and return, shall be paid under the same rules and regulations applicable in the case of officers going to and returning from their posts under orders of the Secretary of State when not on leave: *And provided further,* That while in the United States the services of such officers shall be available for trade conference work or for such duties in the Department of State as the Secretary of State may prescribe, but the time of such work or duties shall not be counted as leave.

"Leave with pay shall be of two kinds: (1) Leave as granted together with an additional allowance of a reasonable transit time between the officer's post and his residence in the United States, and (2) simple leave without such allowance.

"Simple leave with pay may be taken annually, if no other leave is taken in that year, for not more than 30 days in any one year, except, in the discretion of the President, in the case of illness of an officer or of a member of his immediate family or other exceptional circumstances.

"Simple leave not taken when due may be accumulated and taken not to exceed 60 days in any one year, but leave with transit time allowance may not be accumulated with simple leave and the whole taken as simple leave.

"Leave with pay with a transit time allowance may be taken biennially, if no other leave is taken in that year, for not more than 60 days in any one year, except, in the discretion of the Secretary of State, in the case of (1) officers at remote posts, and (2) illness of an officer or of a member of his immediate family, or other exceptional circumstances.

"Leave with transit time allowance not taken when due may be accumulated separately, when it may be taken not to exceed 120 days in the fourth calendar year, or it may be accumulated, together with simple leave, and the two taken together as leave with transit time allowance not to exceed 120 days in the third calendar year, after two years without any leave of either sort, or not to exceed 180 days in the fourth calendar year, after three years without any leave of either sort.

"No Foreign Service officer shall be absent from his post with pay for more than 48 hours without permission, except as provided herein.

"All rules and regulations governing the leaves of Foreign Service officers shall be uniform.

"Section 1742 of the Revised Statutes is hereby repealed.

"SEC. 16. That the part of the act of July 1, 1916 (Public, No. 131), which authorizes the President to designate and assign any secretary of Class I as counselor of embassy or legation, is hereby amended to read as follows:

"'*Provided,* That the President may, whenever he considers it advisable so to do, designate and assign any Foreign Service officer as counselor of embassy or legation.'

"SEC. 17. That within the discretion of the President, any Foreign Service officer may be assigned to act as commissioner, chargé d'affaires, minister resident, or diplomatic agent for such period as the public interests may require without loss of grade, class, or salary: *Provided, however,* That no such officer shall receive more than one salary.

"SEC. 18. That for such time as any Foreign Service officer shall be lawfully authorized to act as chargé d'affaires ad interim or to assume charge of a consulate general or consulate during the absence of the principal officer at the post to which he shall have been assigned, he shall, if his salary is less than one-half that of such principal officer, receive in addition to his salary as Foreign Service officer compensation equal to the difference between such salary and one-half of the salary provided by law for the ambassador, minister, or principal consular officer, as the case may be.

"SEC. 19. The President is authorized to prescribe rules and regulations for the establishment of a Foreign Service retirement and disability system to be administered under the direction of the Secretary of State and in accordance with the following principles, to wit:

"(a) The Secretary of State shall submit annually a comparative report showing all receipts and disbursements on account of refunds, allowances, and annuities, together with the total number of persons receiving annuities and the amounts paid them, and shall submit annually estimates of appropriations necessary to continue this section in full force and such appropriations are hereby authorized: *Provided,* That in no event shall the aggregate total appropriations exceed the aggregate total of the contributions of the Foreign Service officers theretofore made, and accumulated interest thereon.

"(b) There is hereby created a special fund to be known as the Foreign Service retirement and disability fund.

"(c) Five per cent of the basic salary of all Foreign Service officers eligible to retirement shall be contributed to the Foreign Service retirement and disability fund, and the Secretary of the Treasury is directed on the date on which this act takes effect to cause such deductions to be made and the sums transferred on the books of the Treasury Department to the credit of the Foreign Service retirement and disability fund for the payment of annuities, refunds, and allowances: *Provided,* That all basic salaries in excess of $9,000 per annum shall be treated as $9,000.

"(d) When any Foreign Service officer has reached the age of 65 years and rendered at least 15 years of service he shall be retired: *Provided,* That the President may, in his discretion, retain any such officer on active duty for such period, not exceeding 5 years, as he may deem for the interests of the United States: *Provided further,* That if any such officer shall have served 30 years he may be retired at his own request.

"(e) Annuities shall be paid to retired Foreign Service officers under the following classification, based upon length of service and at the following percentages of the average annual basic salary for the 10 years next preceding the date of retirement: Class A, 30 years or more, 60 per cent; class B, from 27 to 30 years, 54 per cent; class C, from 24 to 27 years, 48 per cent; class D, from 21 to 24 years, 42 per cent; class E, from 18 to 21 years, 36 per cent; class F, from 15 to 18 years, 30 per cent.

"(f) Those officers who retire before having contributed for each year of service shall have withheld from their annuities to the credit of the Foreign Service retirement and disability fund such proportion of 5 per cent as the number of years in which they did not contribute bears to the total length of service.

"(g) The Secretary of the Treasury is directed to invest from time to time in interest-bearing securities of the United States such portions of the Foreign Service retirement and disability fund as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances, and the income derived from such investments shall constitute a part of said fund.

"(h) None of the moneys mentioned in this section shall be assignable, either in law or equity, or be subject to execution, levy, attachment, garnishment, or other legal process.

"(i) In case an annuitant dies without having received in annuities an amount equal to the total amount of his contributions from salary with interest thereon at 4 per cent per annum, compounded annually up to the time of his death, the excess of said accumulated contributions over the said annuity payments shall be paid to his or her legal representatives; and in case a Foreign Service officer shall die without having reached the retirement age the total amount of his contribution with accrued interest shall be paid to his legal representatives.

"(j) That any Foreign Service officer who before reaching the age of retirement becomes totally disabled for useful and efficient service by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on his part, shall, upon his own application or upon order of the President, be retired on an annuity under paragraph (e) of this section: *Provided, however,* That in each case such disability shall be determined by the report of a duly qualified physician or surgeon designated by the Secretary of State to conduct the examination: *Provided, further,* That unless the disability be permanent, a like examination shall be made annually in order to determine the degree of disability, and the payment of annuity shall cease from the date of the medical examination showing recovery.

"Fees for examinations under this provision, together with reasonable traveling and other expenses incurred in order to submit to examination, shall be paid out of the Foreign Service retirement and disability fund.

"When the annuity is discontinued under this provision, before the annuitant has received a sum equal to the total amount of his contributions with accrued interest, the difference shall be paid to him or to his legal representatives.

"(k) The President is authorized from time to time to establish, by Executive order, a list of places which by reason of climatic or other extreme conditions are to be classed as unhealthful posts, and each year of duty subsequent to January 1, 1900, at such posts, while so classed, inclusive of regular leaves of absence, shall be counted as one year and a half, and so on in like proportion in reckoning the length of service for the purpose of retirement.

"(l) Whenever a Foreign Service officer becomes separated from the service except for disability before reaching the age of retirement the total amount of contribution from his salary with interest shall be returned to him.

"(m) The Secretary of State is authorized to expend from surplus money to the credit of the Foreign Service retirement and disability fund an amount not exceeding $5,000 for the expenses necessary in carrying out the provisions of this section, including actuarial advice.

"(n) Any diplomatic secretary or consular officer who has been or any Foreign Service officer who may hereafter be promoted from the classified service to the grade of ambassador or minister, or appointed to a position in the Department of State, shall be entitled to all the benefits of this section in the same manner and under the same conditions as Foreign Service officers.

"(o) For the purposes of this act the period of service shall be computed from the date of original oath of office as diplomatic secretary, consul general, consul, vice consul, deputy consul, consular assistant, consular agent, commercial agent, interpreter, or student interpreter, and shall include periods of service at different times as either a diplomatic or consular officer, or while on assignment to the Department of State, or on special duty, or service in another department or establishment of the Government, but all periods of separation from the service and so much of any period of leave of absence without pay as may exceed six months shall be excluded: *Provided,* That service in the Department of State or as clerk in a mission or consulate prior to appointment as a Foreign Service officer may be included in the period of service, in which case the officer shall pay into the Foreign Service retirement and disability fund a special contribution equal to 5 per cent of his annual salary for each year of such employment, with interest thereon to date of payment compounded annually at 4 per cent.

"SEC. 20. In the event of public emergency any retired Foregin Service officer may be recalled temporarily to active service by the President, and while so serving he shall be entitled in lieu of his retirement allowance to the full pay of the class in which he is temporarily serving.

"SEC. 21. That all provisions of law heretofore enacted relating to diplomatic secretaries and to consular officers, which are not inconsistent with the provisions of this act, are hereby made applicable to Foreign Service officers when they are designated for service as diplomatic or consular officers, and that all acts or parts of acts inconsistent with this act are hereby repealed.

"SEC. 22. That the appropriations contained in Title I of the act entitled 'An act making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1929, and for other purposes,' for such compensation and expenses as are affected by the provisions of this act are made available and may be applied toward the payment of the compensation and expenses herein provided for, except that no part of such appropriations shall be available for the payment of annuities to retired Foreign Service officers: *Provided,* That thereafter all estimates and requests for appropriations for the

Foreign Service and appropriations therefor shall be made for Foreign Service establishments in countries or geographical or political areas, but upon necessity therefor arising sums appropriated may be transferred from establishment to establishment within the country or geographical or political area for which appropriated.

"SEC. 23. That there is hereby established in the Department of State a bureau of personnel to be under the supervision of an additional Assistant Secretary of State, to be appointed by the President by and with the advice and consent of the Senate, who shall not be when appointed or for two years prior thereto a Foreign Service officer. Such Assistant Secretary of State shall have no other duties assigned to him. The salary of such Assistant Secretary of State, as well as that of the Undersecretary of State, the four Assistant Secretaries of State, and the legal adviser of the Department of State, shall be at the rate of $10,000 per annum.

"SEC. 24. (a) That the Secretary of State is authorized (1) in accordance with the civil service laws to appoint, and, in accordance with the classification act of 1923, and later amendments thereto, to fix the compensation of, such officers and employees in the bureau of personnel as may be necessary for the administration of this act, or (2) to assign to the bureau of personnel from other bureaus or divisions in the Department of State such officers and employees as he deems advisable: *Provided*, That no person in an executive position in the bureau shall be of lower classification than grade 5—senior profession of grade 12—chief administrative, or in corresponding grades of later acts or amendments. No officer in the Foreign Service of the United States shall be appointed or assigned to the bureau of personnel nor shall any person be appointed or assigned thereto within two years following service as a Foreign Service officer, nor shall service in the bureau of personnel be accounted service in the Department of State for the purposes of appointment to the position of Foreign Service officer, or as service in some other position in the Government for reinstatement in the Foreign Service, as provided in section 5 of this act.

"(b) The Secretary of State is authorized to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, and for law books, books of reference, and periodicals) as may be necessary for the administration of this act.

"(c) There shall be a board of selection for Foreign Service officers composed of the Assistant Secretary, who shall be chairman, one member of the personnel office, who shall be secretary, and three other competent persons to be appointed annually by the Secretary of State, not more than one of whom may be a Foreign Service officer. It shall be the duty of the board of selection to recommend promotions in the Foreign Service and to furnish to the Secretary of State a list of Foreign Service officers of class I who have demonstrated special capacity for promotion to the grade of minister. To perform the duties hereinbefore set forth the board of selection shall be convened not later than December 1 of each year."

"SEC. 24. The bureau of personnel shall assemble and be the custodian of all information in regard to the character, ability, efficiency, experience, and general availability of Foreign Service officers. The Assistant Secretary of State supervising the personnel bureau shall be solely responsible for the accuracy and impartiality of the efficiency records of Foreign Service officers. Such records shall be kept so that no alterations, erasures, withdrawals, or additions can be made without being apparent and every Foreign Service officer shall be entitled to see his own record upon request by him. No unfavorable entry shall be made on an officer's record except together with the officer's reply thereto and the conclusion thereon of the Assistant Secretary supervising the personnel bureau. Not later than November 1 of each year the personnel office shall, under the supervision of the Assistant Secretary of State, prepare a list in which all Foreign Service officers shall be graded in accordance with their relative efficiency and value to the service. In this list officers shall be graded as excellent, high average, average or poor, with such further subclassification as the Assistant Secretary shall find necessary: *Provided*, That this list shall not become effective in so far as it effects promotion until it has been considered by and has the approval of the board of selection hereinbefore provided for: *Provided further*, That this list shall not be changed within a year after it has been prepared in so far as it effects promotion except for unusual cause. From this list of all Foreign Service officers, in the order of their ascertained merit within classes, recommendations for promotion shall be made. Recommendations shall also be made, in order of merit, for the unclassified grade as vice consuls, candidates who have successfully passed the examinations. All such recommendations shall be submitted to the Secretary of State, who shall transmit them to the President for submission to the Senate, if he see fit.

"The correspondence and records of the bureau of personnel shall be confidential except to the President, Secretary of State, the Assistant Secretary of State supervising the bureau, such of its employees as may be assigned to work on such correspondence and records, and the individual Foreign Service officers concerned, and except to proper administrative officers of the Department of State, concerning the abilities and capacities of officers for special work or specific posts.

"SEC. 25. That notwithstanding the provisions of section 3 of this act all Foreign Service officers shall, at the expiration of each year of service in any class after this act takes effect, receive an increase of salary of $100, except that no officer shall receive a salary above the maximum of his class. Foreign Service officers on the date this act takes effect shall receive an increase in salary of $100 for each full year served continuously in any class, effective on the date this act takes effect, except that no officer shall receive a salary greater than the maximum salary for his class. Except under extraordinary circumstances which shall be reported to the President by the Secretary of State, no Foreign Service officer shall be promoted from one class to another until he shall have served four years in the class to which he was admitted.

"If after 10 years of continuous service in the unclassified grade or 8 years' continuous service in any other class below Class I any officer is not recommended for promotion to the next higher class, such officer, without regard to age or length of service, shall be retired from the service, after a hearing by the Secretary of State, upon an annuity equal to 25 per cent of his salary at the time of retirement, in the case of officers over 45 years of age or in the case of officers under 45 years of age with a bonus of 1 year's salary at the time of his retirement, either annuity or 1 year's salary to be payable out of the Foreign Service officers' retirement and disability fund and except as herein provided, subject to the same provisions and limitations as other annuities payable out of such fund; but no return of contributions shall be made under paragraph (i) or L of section 19 of this act in the case of any Foreign Service officer retired under the provisions of this act. Whenever it is determined by the Assistant Secretary supervising the bureau of personnel that the efficiency rating of an officer is poor, thereby meaning below the standard required for the service, and such determination has been confirmed by the Secretary of State, the officer shall be notified thereof, and if, after a reasonable period of not less than one year, the rating of such officer continues to be found poor by the Assistant Secretary and such finding is confirmed by the Secretary of State after a hearing accorded the officer, such officer shall be separated from the service with the annuity or bonus provided in this section, but no officer so separated from the service shall receive the said annuity or bonus unless at the time of separation he shall have served at least 15 years. He shall, however, have returned to him the full sum of his contribution to the annuity fund, with interest thereon at 4 per cent.

"SEC. 26. That nothing in this act shall be construed to reduce the salary of any Foreign Service officer upon promotion to a higher class.

"SEC. 27. That this act shall take effect July 1, 1928."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARION BANTA

The bill (H. R. 10067) for the relief of Marion Banta was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

R. E. HANSEN

The bill (S. 3794) for the relief of R. E. Hansen was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and to insert:

That the sum of $2,480.65 is hereby authorized to be appropriated out of funds received from the sale of stored water in the Blackfoot Reservoir, Fort Hall irrigation project, Idaho, to the North Side Canal Co., to be expended under the direction of the Secretary of the Interior, to pay R. E. Hansen, Blackfoot, Idaho, for damages incurred in the destruction of his crop of hay and oats by the overflow of his land on account of the operation of said irrigation project.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COWLITZ TRIBE OF INDIANS

The bill (H. R. 167) to amend the act of February 12, 1925 (Public, No. 402, 68th Cong.), so as to permit the Cowlitz Tribe of Indians to file suit in the Court of Claims under said act was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARCH L. GREGG

The bill (S. 3595) for the relief of Arch L. Gregg was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, at the end of section 1 to insert a new section, as follows:

SEC. 2. That no part of the amount appropriated in this bill in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney, or attorneys on account of services rendered or advances made in connection with said claim. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding $1,000.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Arch L. Gregg, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 as compensation for disability resulting from an injury received in the performance of his duties while assuming to act as a special deputy United States marshal on November 20, 1917, when he was shot by a person whom he was endeavoring to arrest upon a charge of evading the selective draft act.

SEC. 2. That no part of the amount appropriated in this bill in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered or advances made in connection with said claim. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DETAIL OF ENGINEERS OF BUREAU OF PUBLIC ROADS

Mr. PHIPPS. Mr. President, I was unable to attend the session on Tuesday evening, and in my absence Order of Business 825, Senate bill 1718, was called. It is entitled "A bill to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin-American Republics in highway matters." One Senator, through a misapprehension, stated that I was opposed to the consideration of the measure, and asked that it go over. I now ask unanimous consent to take up that bill for consideration and to make a brief statement in regard to it.

The PRESIDENT pro tempore. Is there objection?

Mr. BRUCE. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. BRUCE. I object because the promise was made to us that when the unobjected bills were completed we would go back to the beginning of the calendar.

The PRESIDENT pro tempore. That is the unanimous-consent agreement under which we are operating.

HOWARD SEABURY

Mr. JONES. Mr. President, I should like to report from the Committee on Commerce a bill that I am satisfied will lead to no discussion, and ask for its passage, if the Senator will not object.

The PRESIDENT pro tempore. Is there objection?

Mr. KING. Let it be stated.

Mr. JONES. From the Committee on Commerce I report back favorably, without amendment, House bill 12379, and I ask unanimous consent for its immediate consideration. It is a bill granting the consent of Congress to Howard Seabury to construct, maintain, and operate a dam to retain tidal waters in an unnamed cove which is situated and extends from Cases Inlet into section 28, township 21 north, range 1 west, Willamette meridian, in Pierce County, State of Washington.

Mr. BRUCE. If there will be no discussion, I shall not object.

Mr. JONES. No; I trust there will not be. It is a House bill.

There being no objection, the Senate, as in Committe of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Under the unanimous-consent agreement, the Secretary will now return to the beginning of the calendar.

FIRST NATIONAL BANK OF NEWTON, MASS.

The bill (S. 2447) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

Mr. KING. An objection will enable a motion to be made, I presume.

Mr. GILLETT. Mr. President, I shall not move to consider this bill, because, while I think it is exceedingly meritorious, I understand that even if the motion prevailed there would be protracted debate; and at this time of night the motion would avail nothing to the bill, but would prevent other measures from passing. So, after consultation with other friends of the bill, I have decided not to waste time by making a motion for its consideration.

GRANT OF LANDS AT BATON ROUGE, LA.

Mr. NYE. Mr. President, I ask that we may return to Order of Business No. 1090, which has just had favorable action of the Senate here to-night. It is Senate bill 3537. An identical bill, House bill 11852, which is not yet upon the Senate calendar, has passed the House. I ask that the House bill may be substituted for the Senate bill, and the Senate bill indefinitely postponed.

The PRESIDENT pro tempore. Without objection, that order will be entered.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11852) providing for the confirmation of grant of lands formerly the United States barracks at Baton Rouge, La., to the board of supervisors of the Louisiana State University and Agricultural and Mechanical College.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 3537 will be indefinitely postponed.

LOUISE A. WOOD

The bill (S. 61) granting an increase of pension to Louise A. Wood was announced as next in order.

Mr. KING. Let that go over.

Mr. BRUCE. I move that the bill be taken up for consideration notwithstanding the objection.

The PRESIDENT pro tempore. The question is on agreeing to the motion proposed by the Senator from Maryland.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise A. Wood, widow of Leonard Wood, late a major general in the United States Army, and pay her a pension at the rate of $5,000 a year in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS

The bill (S. 1939) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, does the Senator from South Dakota intend to press this bill to-night?

Mr. NORBECK. Mr. President, I am not going to move to take up this bill; but I do ask unanimous consent to take up instead the other bill, Order of Business 857, the Civil War widows' pension bill, to give them $40 per month.

The PRESIDENT pro tempore. Is there objection?

Mr. KING. I spoke to the Senator——

Mr. NORBECK. The amendments that the Senator and I agreed upon were adopted.

Mr. KING. Those were adopted?

Mr. NORBECK. Yes; they were adopted the other night.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10159) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes.

The PRESIDENT pro tempore. This bill has been heretofore considered, and the amendments agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS, ETC., PASSED OVER

The bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

Mr. BINGHAM. Mr. President, this bill will lead to protracted debate. I therefore ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war was announced as next in order.

The PRESIDENT pro tempore. This joint resolution is reported adversely.

Mr. BRUCE. Let it go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 2149) authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance was announced as next in order.

Mr. McNARY. I ask that that go over without prejudice.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

Mr. COPELAND. Mr. President, I have an understanding with the Senator from Texas [Mr. MAYFIELD] about this bill, and ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

CLASSIFICATION OF SERVICE POSTMASTERS

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

Mr. BLEASE. Let that go over.

Mr. BRUCE. Mr. President, I move that the bill be taken up for consideration, notwithstanding the objection.

Mr. KING. There will be some debate.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Maryland. [Putting the question.] By the sound, the ayes seem to have it.

Mr. LA FOLLETTE. I call for a division.

Mr. REED of Pennsylvania. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a pair with the junior Senator from Indiana [Mr. ROBINSON]. During his absence, and not knowing how he would vote, I withhold my vote.

Mr. CURTIS (when his name was called). I have a general pair with the Senator from Arkansas [Mr. ROBINSON], who is absent. I do not know how he would vote, and therefore withhold my vote.

Mr. FESS (when his name was called). I have a pair with the senior Senator from Tennessee [Mr. MCKELLAR]. Not knowing how he would vote, I withhold my vote.

Mr. ASHURST (when Mr. HAYDEN's name was called). My colleague the junior Senator from Arizona [Mr. HAYDEN] is absent on important official business. If he were present, he would vote "nay."

Mr. WARREN (when his name was called). I have a pair with the junior Senator from North Carolina [Mr. OVERMAN], who is absent. I therefore withhold my vote.

Mr. WATSON (when his name was called). I have a pair with the senior Senator from South Carolina [Mr. SMITH]. In his absence I withhold my vote. If voting, I should vote "nay."

The roll call was concluded.

Mr. COPELAND. I have a general pair with the Senator from Rhode Island [Mr. METCALF], but I understand that on this question he would vote the same way I shall vote, so I will vote. I vote "nay."

Mr. JONES. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from West Virginia [Mr. GOFF] with the Senator from Rhode Island [Mr. GERRY];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Virginia [Mr. GLASS]; and

The Senator from Oregon [Mr. STEIWER] with the Senator from North Carolina [Mr. SIMMONS].

Mr. BRATTON. I transfer my pair with the junior Senator from Indiana [Mr. ROBINSON] to the junior Senator from New Jersey [Mr. EDWARDS], and vote "yea."

The result was announced—yeas 24, nays 30, as follows:

YEAS—24

Blaine	Cutting	Hale	Norris
Borah	Dale	Howell	Nye
Bratton	Deneen	Johnson	Oddie
Brookhart	Edge	Jones	Sackett
Bruce	Frazier	Keyes	Vandenberg
Capper	Gillett	La Follette	Wheeler

NAYS—30

Ashurst	Dill	Mayfield	Stephens
Barkley	Fletcher	Moses	Swanson
Bayard	George	Norbeck	Thomas
Bingham	Harris	Phipps	Wagner
Black	Harrison	Pittman	Walsh, Mont.
Blease	Heflin	Reed, Pa.	Waterman
Broussard	King	Sheppard	
Copeland	McNary	Shortridge	

NOT VOTING—40

Caraway	Gould	Neely	Smith
Couzens	Greene	Overman	Smoot
Curtis	Hawes	Pine	Steck
du Pont	Hayden	Ransdell	Steiwer
Edwards	Kendrick	Reed, Mo.	Trammell
Fess	Locher	Robinson, Ark.	Tydings
Gerry	McKellar	Robinson, Ind.	Tyson
Glass	McLean	Schall	Walsh, Mass.
Goff	McMaster	Shipstead	Warren
Gooding	Metcalf	Simmons	Watson

So the Senate refused to proceed to the consideration of the bill.

CONVICT-MADE GOODS

The bill (S. 1940) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, was announced as next in order.

Mr. McNARY. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

COLUMBIA BASIN RECLAMATION PROJECT

The bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

Mr. DILL. Mr. President, I wish the Senator would let us take this bill up and consider it briefly. We have offered an amendment to the bill which takes out all of the appropriation for construction, and simply provides for the appropriation necessary to continue the studies and surveys of the project. I think with that amendment, taking out the provision of the bill for the large appropriation, there will not be serious objection to it. I wish the Senator would let us take the bill up. It is very important.

Mr. KING. Let me inquire if the amendment which it is proposed to offer does not commit the Government to the policy, and is not an authorization of it, regardless of the survey.

Mr. DILL. The proposed amendment simply commits the Government to the policy of investigating this project as a Federal project. It does not authorize the building of the project in any way. We took out the provision that did authorize that by this amendment. I do not think there can be serious objection to the bill, as it only authorizes a continuation of the studies.

Mr. KING. Will not the Senator move to take the matter up so that it can be debated without the limitation of five minutes on the length of speeches?

Mr. DILL. I am willing to, but I hope the Senator will permit the bill to be taken up without objection.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The Senator from Utah is correct. If the bill is taken up without objection, speeches will be limited to five minutes, whereas if it is taken up on motion, debate will be unlimited.

Mr. DILL. I move that the bill be taken up.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

Mr. ASHURST. Mr. President, I am very glad at this juncture to give my support to this bill. I happen to be a humble member of the committee that reported it.

The PRESIDING OFFICER. The motion is not debatable.

Mr. BORAH. Mr. President, under what rule is it that the motion is not debatable?

The PRESIDING OFFICER. Under Rule VIII, under which the Senate is now operating.

Mr. BORAH. This is after 2 o'clock, is it not?

The PRESIDING OFFICER. Under previous decisions of the Chair, when the Senate indulges in a night session and proceeds under Rule VIII, it is assumed that 2 o'clock is somewhere in the future and not in the past.

Mr. BORAH. But it is after 2 o'clock to-day. There is no logic in that ruling.

The PRESIDING OFFICER. Under previous decisions of the Chair debate is not allowed on a motion to take up a bill at a night session when the Senate is operating under Rule VIII.

Mr. KING. Mr. President, if we vote in the affirmative to take the bill up, it means that it may be debated under Rule VIII without any limitation as to the length of speeches?

The PRESIDING OFFICER. The Senator from Utah is correct.

The question is on agreeing to the motion of the Senator from Washington.

On a division, the motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Florida [Mr. FLETCHER], on page 1, line 7.

Mr. BORAH. Mr. President, I would like to have the bill read before we start with the amendments.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the lands in the eastern part of the State of Washington embraced in what is commonly known as the Columbia Basin project, or all the lands that may be embraced within the boundaries of such project, as may be finally determined by the Secretary of the Interior, be, and the same are hereby, adopted as a reclamation project to be known as the Columbia Basin reclamation project, and the appropriation of the necessary funds to determine and carry on such project is hereby authorized from funds in the Treasury of the United States not otherwise appropriated. This project shall be carried on, developed, and dealt with in every respect and pursuant to the terms and conditions of the United States reclamation act and amendments thereto, except for the appropriation provision herein made.

Mr. FLETCHER. Mr. President, I understand the junior Senator from Washington [Mr. DILL] has an amendment which, to a large extent, meets my ideas, and I beg to withdraw the amendment which I offered, and will let the Senator offer his amendment.

The PRESIDING OFFICER. The Senator from Florida withdraws his amendment.

Mr. DILL. Mr. President, I offer an amendment, which previously was offered by my colleague for him and myself, beginning on page 1, line 9, to strike out the remainder of the bill which carries the appropriation; on page 1, line 9, after the word "project," to strike out the balance of the line, all of line 10, and on page 2, all of lines 1 to 6, inclusive, and to insert the following:

and the appropriation of funds to make such surveys, investigations, and studies as may be necessary to enable the Secretary of the Interior to determine the economic feasibility of this project, and the best method for prosecuting the same, is hereby authorized from funds in the Treasury of the United States not otherwise appropriated.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DILL. Mr. President, the bill as it would read with this amendment simply provides for the appropriation of the necessary funds to make the studies and surveys to determine the economic feasibility of this project, and no longer authorizes the appropriation for the building of the project, as it previously did. The amendment does not affect, however, the amendments already adopted regarding the States of Idaho and Montana. It refers only to that part of the bill which carries the authorization of the appropriation for construction.

We are anxious to have the appropriation in order that the work may go forward over a period of years and be done with a view to the actual construction of the project rather than by piecemeal appropriation. The Secretary of the Interior has said in his report that he approves the appropriation of funds for the studies and surveys, but he did object to the bill as it was written because of the large appropriation and it being an indeterminate amount at this time.

I shall be glad now to answer any questions.

Mr. PHIPPS. Mr. President, may I ask the Senator from Washington if the amendment now proposed by him, inserted at the point designated in the bill, would not still leave in the bill the language from lines 6 to 9, inclusive, "to be finally determined by the Secretary of the Interior, be, and the same are hereby, adopted as a reclamation project, to be known as the Columbia Basin reclamation project"?

Mr. DILL. That is true.

Mr. PHIPPS. The adoption of the project, it seems to me, should take place after and not before the investigation to determine the feasibility. I think the amendment as suggested by the Senator from Florida was in proper form. If the Senator from Washington prefers the language of his own amendment, I would not have any objection to that, but I do not think that the Congress at this time is ready to declare and adopt this property or this land as a reclamation project. I think the investigation should first be had.

As I said before on the floor of the Senate, I am in favor of having the necessary appropriations to determine that fact authorized and made, but I feel that if the Congress goes on record as having adopted this as a reclamation project it is perhaps setting up false hopes in the minds of settlers, who will come into that district saying, "We are going to move into a Government reclamation project." I think it would very likely result in a land boom that would not be justified at this time.

Mr. DILL. Settlers will not go into and live on the project with knowledge that the economic feasibility will not be determined for some years to come. There is no way for them to make a living unless they make it by pumping water or carrying water on the land.

Mr. PHIPPS. Then what is the purpose of insisting upon having it adopted as a reclamation project? Why not be satisfied with the authority to expend all the money necessary to determine whether or not it is a feasible reclamation project?

Mr. DILL. If we simply continue to appropriate money in small amounts, as we have been doing, we will continue to get piecemeal investigations and piecemeal reports. If the project is adopted as a project, it means that $250,000 or $300,000 or $400,000, which will be spent over the period of the next five or six years, will be spent consecutively with a view to determining the development of the project as a whole, and one final report will be made, and we will not be having a report on every $50,000 we appropriate.

Under the present law there is no possibility of building a reclamation project until it has been determined economically feasible.

The use of the word "adoption" does not commit the Government to building the project, but it will commit the Reclamation Bureau to investigation on the theory that it is to be built as a whole if it is to be built at all. As long as this is done we will have to spend the money as we have been in the past, and we will not be able to get a study of the project on the theory of the entire project, spending three or four hundred thousand dollars, because we will only appropriate $50,000 or $100,000 at most at a time, and we will get a piecemeal investigation.

Mr. PHIPPS. An authorization is not necessarily an appropriation. While it is true that the appropriation would be made annually in moderate amounts as the necessary work progresses, I see no objection to making the authorization if such amount as is estimated will be sufficient to determine definitely and finally whether or not it is feasible.

I am absolutely opposed to the Congress going on record as having adopted this project before it knows whether or not it is feasible. I think it is misleading to the public, misleading to the people who would interest themselves in it, and it is absolutely unnecessary to go to that expense.

I think the Senators from Washington should be satisfied to have the authorization for the money that may be necessary, no matter whether it is $100,000 or $500,000, authorized to be appropriated in the judgment of the Congress from time to time on reports from the Department of the Interior. But to say that this is adopted as a reclamation project to my mind is a very bad policy, and I hope the bill will not be supported in that form. At the proper time I shall move to strike out the necessary language to eliminate its adoption as a project.

Mr. DILL. Mr. President, I want to answer the Senator from Colorado. The Senator from Colorado speaks as though there had been no report on the feasibility of the project. There have been reports on the feasibility of the project and they are on file as Senate documents. The project has been declared feasible, but before any project can be constructed there must be a study of the economic conditions by which the Secretary of the Interior is enabled to say it is economically feasible. The Congress has appropriated in the past funds for this investigation and the reports on file now are that the project is a feasible project. But it is such an immense project, there is so much soil involved, the carrying of the water is the biggest thing ever attempted by the Government, that consequently a great deal of study ought to be carried on and a great deal of work should be done before an actual declaration of its economic feasibility should be made.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. DILL. Certainly.

Mr. WATSON. Does the Senator himself understand and intend that this measure, as he now has it formulated, does not commit the Government of the United States to the construction of this project?

Mr. DILL. It certainly does not commit the Government to the construction. That will be determined only after a report has been had from the Secretary of the Interior as to whether it is economically feasible.

Mr. PHIPPS. Then why put the cart before the horse and adopt it now? Why adopt it in advance? The Senator is well aware of the moneys that have been expended on the project.

Large amounts have been expended, not only by the Federal Government, but by the States and by individuals. I voted for the Federal appropriation. As I said, I am willing to vote for more. I am willing to authorize now any amount that may be determined upon as necessary to determine definitely and finally whether or not the project is economically feasible and practicable and desirable.

Mr. President, I feel that in approving the bill as rewritten by the Senator from Washington we are committing a blunder and incurring a moral obligation on the part of the Government of the United States to proceed with the project.

Mr. DILL. The Senator knows we have adopted other projects which were not ready to build, but which we meant to build. The adoption of the project in this language means that the studies from now on will be made with a view to the economic feasibility of the entire project and not piecemeal reports such as have been made in the past.

Mr. PHIPPS. The manner in which the investigation should be conducted would not vary one iota on either basis. It would be identically the same. The reports and recommendations would have to come to the bureau, be passed on by the department, and the department in turn recommend to Congress that appropriations be made, and the appropriations would then be made. There is not one bit of difference whatever involved in the manner of handling the appropriations. The authorization is one thing and the appropriation is another, but there is a vast difference between authorizing an investigation and providing the appropriations for it, and the adoption of a project. I hope the Senate will not agree to the passage of the bill in its present form.

Mr. NORBECK. Mr. President, I have no desire to delay a vote on the matter. I think the Senators from Washington are entitled to have a vote on it. I have no objection to one more investigation of the matter. I know absolutely nothing about the project except from the literature furnished by the boosters. I have never heard a knock on it anywhere along the whole line. The proponents of the bill claim for it that it has a six-months growing season, that it will raise staple farm products, and that it can be put in for $157 an acre. Am I correct?

Mr. DILL. About that amount.

Mr. NORBECK. Our experience, where we have to agree on these reclamation projects, has been that they have cost from two to three times what the engineers have estimated them to cost. But, assuming that the figures are right, that the booster literature which has gone out is correct, it will cost more to put water on that land than we can buy Iowa land for. It will raise the same crops, because it is in a higher altitude than other sections where other projects are located. Washington is fortunate in many respects. All other reclamation projects are not so fortunate. I think they have a remarkable record, but so far as I know they are all at a lower altitude and all produce other kinds of crops than this land is intended to produce.

Mr. JONES. The Senator is mistaken with reference to the altitude of these lands. Generally these are much lower than any other reclamation projects.

Mr. NORBECK. I am speaking of the reclamation projects in the State of Washington. This altitude is given at about 1,550 feet.

Mr. JONES. No; the altitude is about 350 or 400 feet up to 1,750 feet.

Mr. NORBECK. What is the altitude at Yakima? These are higher than any other projects in the State of Washington, are they not?

Mr. JONES. Oh, no. The Yakima project ranges from about 350 to 900 feet.

Mr. NORBECK. And this runs to about 1,500?

Mr. JONES. This runs from about 350 feet to about 1,500.

Mr. NORBECK. But a large part of it lies in the higher altitude.

Mr. JONES. No; the Senator is mistaken. The greater part is in the lower altitude.

Mr. NORBECK. I only have the booster pamphlets for it.

Mr. JONES. The Senator has not read them quite right, then.

Mr. NORBECK. I have no objection to getting a vote on the proposition providing for further investigation. I want to vote for it with my eyes open, but I do share the fear of some that it will lead to agricultural overproduction. It will take a long time to get the project under water.

Mr. HARRIS. Mr. President, I have voted for many reclamation projects in the West. I have voted for them without any hesitation. The Senators from the West were recently telling us that they must have an appropriation of $100,000,000 to take care of surplus crops. The Government has lost $25,000,000 on these reclamation projects already.

Lands in the United States, in the Middle West, the West, South, and North can be bought for less than it takes to put water on these lands. It seems to me the Senators ought to be satisfied to amend the bill so as to provide merely for a survey.

Congress has appropriated $3,000,000 or more for a survey of all the rivers in the United States, and the Columbia River is one of them. I am sure that the senior Senator from Washington [Mr. JONES], chairman of the Committee on Commerce, will see that that river gets attention, and he will have the assistance of the able junior Senator from Washington [Mr. DILL]. I hope the Senator will amend the bill, and not, as the Senator from Colorado [Mr. PHIPPS] suggested, put the cart before the horse. I want to do anything I can to help him in any matter in which he is interested, but he is asking a thing that he ought not to call upon the Congress to do.

Mr. DILL. Mr. President, I want to say with reference to the Senator's suggestion that we are asking Congress to authorize an appropriation for the building of this project contemplating more than it would ever pay back, that we believe the effective way to have the investigation of this great project is to have it done as a project, adopted by the Government. That does not commit the Government to building the project, but it does commit the Reclamation Bureau to the study of the project as a whole.

The Senator from Georgia mentioned the fact that the West has received much money for reclamation, and it is true that it has. The South has just received great consideration at the hands of Congress, and I am glad that it has.

Mr. HARRIS. But not in the same proportion. Senators from the West can ask for $10,000,000 and get it more easily than we can get $100,000 down in my section of the country. I do not say that in any unkind spirit, but the facts will prove it.

Mr. DILL. I do not want to get into an argument, but I must remind the Senator that the flood control bill carried $325,000,000, none of which will ever be repaid. I do not say that in any spirit of criticism. I am glad it was appropriated for the purpose. We are asking only $300,000 or $400,000 at most to build this project that some day the country will badly need. Twenty-five or thirty years from now this land will be badly needed. I can say to those who have any fear of over-agricultural production that it will be many years before there is any production on this land, because it is such an immense project that there is no possibility of it being done within a reasonable time.

Mr. PHIPPS. Mr. President, I think I can shorten proceedings, if the Senator will allow me. May I ask if the amendment proposed by the Senator from Washington is the amendment before the Senate?

The PRESIDENT pro tempore. The question before the Senate is the amendment proposed by the Senator from Washington.

Mr. PHIPPS. Is it now in order for me to offer a substitute for the amendment?

The PRESIDENT pro tempore. It is.

Mr. PHIPPS. I send to the desk an amendment in the form of a substitute, which I ask to have stated.

The PRESIDENT pro tempore. The Senator from Colorado offers an amendment to the amendment proposed by the Senator from Washington, in the form of a substitute, which will be stated.

The LEGISLATIVE CLERK. On page 1, line 7, after the word "be," it is proposed to strike out down to and including the word "made," in line 6, page 2, and to insert in lieu thereof the following:

investigated as to feasibility and cost, including the extent of the irrigable land, with a classification of soils of that area, measurements and sources of the water supply and determination of the cost of works for storage and distribution, working out plans for settlement and farm development, and there is hereby authorized to be appropriated such sums as may be necessary to enable the Secretary of the Interior to determine the economic feasibility of this project.

Mr. NORRIS. Mr. President——

Mr. DILL. I yield the floor.

The PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. NORRIS. Mr. President, it seems to me that we are presented with a question here that ought to be seriously considered by Senators coming from localities in the country where it is necessary, either in whole or in part, to irrigate land and which have had the benefits of the Reclamation Service. I would not want to block anything that the Senators from Washington desire; I would be willing to resolve the doubt in their favor; but I want to speak particularly to Senators who come from localities where the Reclamation Service operates.

We can not afford to ask Congress to do something involving an expenditure of the public money of the United States or of the reclamation fund that will afterwards bring discredit upon the Reclamation Service. It seems to me, Mr. President, that there is such doubt about this proposed project that before we legally adopt it as a reclamation project we ought fully to investigate it and be fully advised as to it. It is already stated that it is conceded by the engineers that it is going to cost from $150 to $157 an acre to put water on this land. That ought to make us pause and consider. It may be that it will be found on investigation that that estimate is proper and that the work should be done, but that is going, in my judgment, about the limit. It is a question of whether land in that locality will be able to pay itself out if we have to expend $157 an acre to put water on it, besides the annual cost of keeping up the project, which will amount to something in addition to that.

I should not have any objection to an investigation to see whether we should adopt this as a project, but I can not for the life of me understand why it is necessary to put in the statute the direct language that "it is hereby adopted as a reclamation project," when all concede that there is some doubt as to whether it is going to be practicable or impracticable. We go far enough, it seems to me, if we authorize an appropriation to make the necessary investigation. I believe that Senators from reclamation States ought to be careful that they do not overstep the bounds and have Congress do something out of favor to us that we may regret in the future. I myself can not understand why everything that could be expected would not be accomplished if we should withhold any action as to the formal adoption of this as a project until the necessary investigation shall have been made.

As I understand, even the Senators from the State of Washington are unable to say now that there is going to be a favorable report when a full investigation shall have been made. Why not make the full investigation?

Mr. DILL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield.

Mr. DILL. The Senator from Nebraska says that we are unable to say whether there is going to be a favorable report on this project. Of course, we can not forecast the report, but we can say that every report up to this time has been favorable. As to the analysis of soil, as to the details of the report as to the economic feasibility of the project, as required by the Department of the Interior, of course, nobody can forecast that, but we have every reason to believe that the report will be favorable, and if it shall not be favorable, then, of course, the project never will be constructed. I remind the Senator, however, that projects are adopted regularly by the Government which can not be built until further investigation and the department shall declare them economically feasible.

Mr. NORRIS. That may be; I may be wrong about it; but I want to ask the Senator why can not everything be accomplished that he wants to accomplish if he will amend the bill so that we shall not formally adopt the project, but shall authorize a sufficient appropriation to make the investigation? I think I was warranted from the Senator's own language in stating that he can not now tell until all these investigations shall have been made whether the project will be feasible. I hear it said that it is going to be a very expensive proposition.

Mr. DILL. There is this point, which I tried to explain a moment ago, that if the investigations are made under an adoption clause they will be made with a view to a final report; but if they be made by a piecemeal appropriation we shall only get a report at the end of each session of Congress.

Mr. NORRIS. But we can easily arrange that, it seems to me, by the language of the proposed statute. Let the bill provide, if the Senator desires, that the entire proposition shall be investigated and a complete report submitted on it, but do not bind us by law to accept this as a reclamation project until then. How would the project be injured should the bill be amended in that way? What would be the difference according to the Senator's own viewpoint? Where would the Senator begin if we did that?

Mr. DILL. The project would then be looked upon as a project as to which it was not yet determined whether it would be a Federal project or not. If this project is ever built at all, it must be built as a Federal project.

Mr. NORRIS. I am perfectly willing, as far as I am concerned, to have the Government make that full investigation, but it is conceded we are not qualified now to invite settlers up there.

Mr. DILL. We can not invite settlers onto any project until it has been declared economically feasible, even though the Government has recognized it as a Federal project.

Mr. NORRIS. What is the difference, according to the Senator's idea, whether we formally say this is a Federal project, or whether we say we will investigate now before we make that declaration? It does not hurt it any to leave it that way. If it can be determined that it is easily feasible, an investigation will bring that out. We have to have that, any way.

Mr. DILL. I suggest to the Senator that the department engineers have already declared it a feasible project, but no action has ever been taken to recognize it as such, and if we refuse to recognize this project at all until it is recognized as economically feasible, we will be taking a different course from any we have taken with other Federal projects.

Mr. NORRIS. I understand the Senator himself to say that he does not know whether it is economically feasible or not.

Mr. DILL. No; nor do we know that of some other Federal projects which have already been adopted.

Mr. NORRIS. I have not looked into all of them, but it may be that we have committed errors in the past. As much as I am in favor of irrigation—I am not afraid of irrigating any piece of land where the project is decided to be a feasible one, and will vote for it almost without limit—I do not want, for the sake of the Reclamation Service itself, to take a step that may get us into disrepute not only with the country, but with Congress. I am afraid we might lose some of the respect of the country if we should ask the Government of the United States to declare this as a feasible project, and it might be determined in the end that it is not. If there were anything to be lost, if there were any possibility of losing anything, there might be some argument in putting this in, but I have not heard one word from anybody that, to my mind, gives any excuse for making this declaration now.

Mr. PHIPPS. Mr. President, will the Senator yield to me for the purpose of reading an extract from the report of the Secretary of the Interior on this project?

Mr. NORRIS. I am through.

Mr. PHIPPS. I do not want to take the Senator off the floor.

Mr. NORRIS. I can get the floor again if I want it.

Mr. PHIPPS. I want the Senator to hear this. This is from a copy of a letter addressed to me as chairman of the Committee on Irrigation and Reclamation; and at this point I want to say that, as chairman of that committee, I feel I would be assuming an undue responsibility if I allowed this measure in its present form to become a law. In this letter the Secretary said:

> I have your request for report on S. 1462, "A bill for the adoption of the Columbia Basin reclamation project, and for other purposes," for which the bill proposes to authorize the necessary funds from the General Treasury.
>
> The importance of this project to the Nation would make advisable a complete investigation of feasibility and cost extending over several years. This should include the extent of the irrigable area with a classification of soils of that area, measurements of the water supply and determination of the cost of works for storage and distribution, working out plans for settlement and farm development. All this information would be necessary in order to make a final and safe determination of feasibility as a prerequisite to recommending authorization of the project.
>
> I am, therefore, unable to recommend favorable consideration of the bill in its present form, but would recommend a reasonable appropriation to further and complete our investigations to determine feasibility.

With that information comes this:

> The last report made by a board of engineers gives the following information regarding cost, area, and engineering feasibility, which, of course, would be subject to correction as a result of more complete and recent investigations, if the department should be authorized by Congress to make a further survey:

Total area of Columbia Basin project	acres	1,224,000
Probable total cost		$197,895,595
Probable per acre cost of construction		$157

Mr. President, I do not think any member of the committee is a stronger friend of this project than I am, but I am not convinced that the time has arrived when Congress can properly adopt it as a reclamation project. I feel that the amendment I have submitted as a substitute would meet all the requirements, fill every condition that should reasonably be expected, and would enable the people to go ahead so that this work could be carried to a conclusion, to the point, at least, where the Government could determine whether or not it was feasible.

RECESS

The PRESIDENT pro tempore. The hour of 10.30 o'clock having arrived, under the unanimous-consent agreement previously entered into, the Senate will stand in recess until to-morrow at 12 o'clock.

Thereupon, at 10.30 o'clock p. m., the Senate took a recess until to-morrow, Friday, May 11, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 10 (legislative day of May 3), 1928

UNITED STATES COAST GUARD

The following-named cadets in the Coast Guard of the United States, to rank as such from May 15, 1928:

To be ensigns

Watson A. Burton.
Walter C. Capron.
Dale T. Carroll.
Samuel F. Gray.
Wilbur C. Hogan.
Kenneth P. Maley.
Leon H. Morine.
Carl B. Olsen.
Earl K. Rhodes.
Thomas M. Rommel.

These young men will have satisfactorily completed the course of instruction for cadets at the Coast Guard Academy, have passed the prescribed physical examination, and have served as cadets the time required by law.

JUDGE OF THE MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA

Robert E. Mattingly, of the District of Columbia, to be judge of the municipal court, District of Columbia. (A reappointment, his term having expired.)

UNITED STATES ATTORNEY

Lewis L. Drill, of Minnesota, to be United States attorney, district of Minnesota, vice Lafayette French, jr., resigned.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

FINANCE DEPARTMENT

First Lieut. William Thomas Johnson, Infantry (detailed in Finance Department), with rank from July 1, 1920.

First Lieut. Earle Everette Cox, Cavalry (detailed in Finance Department), with rank from January 1, 1925.

INFANTRY

Maj. Irving Joseph Phillipson, Adjutant General's Department, with rank from July 1, 1920.

AIR CORPS

Second Lieut. Joe L. Loutzenheiser, Cavalry (detailed in Air Corps), with rank from June 12, 1924.

PROMOTIONS IN THE REGULAR ARMY

To be lieutenant colonel

Maj. Joseph Warren Stilwell, Infantry, from May 6, 1928.

To be major

Capt. Jay Drake Billings Lattin, Signal Corps, from May 6, 1928.

To be captain

First Lieut. Allen Ferdinand Grum, Ordnance Department, from May 6, 1928.

To be first lieutenant

Second Lieut. Bernard Aye Tormey, Field Artillery, from May 6, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 10 (legislative date of May 3), 1928

PROMOTIONS IN THE NAVY

To be lieutenant commander

Benjamin F. Staud.

To be lieutenant

Carl H. Reynolds, jr.

To be chaplains

William H. Rafferty.
John E. Johnson.
Joseph E. McNanamy.
Homer G. Glunt.
Edward J. Robbins.
Charles A. Dittmar.
Emerson G. Hangen.

To be chief boatswain

George P. Childs.

To be chief pay clerks

Andrew E. King.
Rufus Hendon.
Fred Robinson.
Chester W. Utterback.
Wilburn Bates.

To be ensigns

Thomas A. Ahroon.
Alfred M. Aichel.
John C. Alderman.
Stephen H. Ambruster.
Paul R. Anderson.
Robert J. Archer.
Carl R. Armbrust.
Theodore F. Ascherfeld.
Thomas Ashcraft.
Michael P. Bagdanovich.
Alan B. Banister.
Richard N. Belden.
Irwin F. Beyerly.
Lex L. Black.
John A. Bole, jr.
John T. Bowers, jr.
Clarence M. Bowley.
John M. Boyd.
James H. Brett, jr.
Chesford Brown.
Cuthbert J. Bruen.
John E. Burke.
Albert C. Burrows.
Raymond O. Burzynski.
Harlow J. Carpenter.
Eugene C. Carusi.
Max L. Catterton.
William A. Cockell.
Victor B. Cole.
George W. Collins.
John L. Collis.
Gordon V. Conway.
Albert B. Corby.
Neale R. Curtin.
Roger M. Daisley.
Edwin B. Dexter.
Thomas A. Donovan.
George P. Enright.
Augustus W. Estey.
Edward T. Eves.
Albert J. Fay.
Evan E. Fickling.
Joseph Finnegan.
Eugene W. Fitzmaurice.
Michael F. D. Flaherty.
Leonard F. Freiburghouse.
George Fritschmann.
Allan G. Gaden.
Philip D. Gallery.
Norman F. Garton.
Marcel R. Gerin.
Donald S. Gordon.
Walter N. Gray.
Robert S. Hall, jr.
Weldon L. Hamilton.
Edward A. Hannegan.
Claude M. Harris.
Wilfred J. Hastings.
Earle C. Hawk.
Lindell H. Hewett.
Allen S. Hicks.
William E. Howard, jr.
Charles P. Huff, jr.
George K. Huff.
William H. Jacobsen.
Ralph K. James.
Milton G. Johnson.
Horace B. Jones.
Thomas W. Jones.
Francois C. B. Jordan.
Robert T. S. Keith.
Charles H. Kendall.
William D. Kennedy.
Paul E. Kerst.
George E. King.
Rodney B. Lair.
James R. Lee.
Julian H. Leggett.
Carl A. R. Lindgren.
Donald A. Lovelace.
Edward E. Lull.
Elwood C. Madsen.
Edward J. Martin.
Harold A. McCormick.
John K. McCue.
David L. McDonald.
Maurice M. Merson.
William J. Millican.
George H. Moffett.
Albert O. Momm.
Idris B. Monahan.
Frederick E. Moore.
Robert L. Morris.
Baron J. Mullaney.
John F. Mullen, jr.
Nic Nash, jr.
John F. Nelson.
Frank McD. Nichols.
Hugh R. Nieman, jr.
Rollo N. Norgaard.
Oscar L. Otterson.
William S. Parsons.
Robert C. Peden.
John R. Pierce.
Robert A. Pierce.
Earl H. Pope.
William S. Pye, jr.
Joseph F. Quilter.
John Quinn.
William F. Raborn, jr.
Matthew Radom.
Howard F. Ransford.
Jack C. Renard.
Harry W. Richardson.
J. Clark Riggs, jr.
Basil N. Rittenhouse, jr.
Lewis W. Sayers, jr.
William A. Schoech.
James B. Schuber, jr.
John A. Scott.
William M. Searles.
Harry E. Sears.
William W. Shea.
Vincent Shinkle, 3d.
Thomas H. Simmonds.
Charles R. Smith.
Thurmond A. Smith.
Phillip G. Stokes.
Robert O. Strange.
Guy W. Stringer.
Stephen N. Tackney.
Henry B. Taliaferro.
Donald A. Taylor.
William A. Taylor.
William D. Thomas.
Wells Thompson.
David W. Todd, jr.
Jesse J. Underhill.
John G. Urquhart, jr.
Robert E. Van Meter.
Daniel J. Wagner.
Phillip F. Wakeman.
Albert J. Walden.
William M. Walsh.
Charles R. Watts.
John T. White.
Harry B. Whittington.
John A. Williams.
Robert W. Wood.
Joe E. Wyatt.
Edwin J. S. Young.
John Zabilsky.
Hurley McC. Zook.

To be assistant paymasters

James S. Bierer.
Edward H. Koepel.

POSTMASTERS

NORTH CAROLINA

Ocie O. Freeman, Gates.
Lucile L. White, Salemburg.

OHIO

Melroy C. Johns, Caldwell.
Hosea A. Spaulding, Delaware.
Ralph Dunfee, Dresden.
Fred M. Hopkins, Fostoria.
Olive G. Randall, Hubbard.
Ray Phillips, Leavittsburg.
Robert E. Friel, Lore City.
Don B. Stanley, Lowell.
John W. Kramer, Maumee.
Harry E. Griffith, Mount Gilead.
Charles R. Finnical, Newton Falls.
Ben J. Filkins, Wakeman.

OKLAHOMA

Stephen M. Gold, Indianola.
Isaac W. Linton, Jones.

PENNSYLVANIA

Albert A. Campbell, Zelienople.
Robert H. Wilson, Littlestown.

SOUTH DAKOTA

Floyd Twamley, Alexandria.
Ralph L. Hazen, Canistota.
Christopher J. Johnson, Centerville.
Lottie M. Johnson, De Smet.
Philip S. Feldmeyer, Garden City.
Hellen S. Angus, Humboldt.
Linville Miles, Langford.
Della Reue, Leola.
Charles J. Moriarty, Marion.
Clyde C. Asche, Olivet.
Clarence Mork, Pierpont.
Fred S. Williams, Pierre.
Mae George, Ravinia.
Hugh H. Gardner, Ree Heights.
John W. Rydell, Rosholt.
Charles Furois, St. Onge.
Cyrus J. Dickson, Scotland.
Ola S. Opheim, Sisseton.
Pius Boehm, Stephan.
Carl O. Steen, Veblen.
John A. Hawkins, Waubay.
Edward A. Wearne, Webster.
Charles G. Kuentzel, White Rock.

WEST VIRGINIA

Lawrence Barrackman, Barrackville.
Aileen J. Calfee, Eckman.
Alphonse Leuthardt, Grafton.
Gertrude Smith, Oak Hill.
Norvell H. Burruss, Spring Hill.

HOUSE OF REPRESENTATIVES

THURSDAY, *May 10, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art all in all, Thou art such a merciful Father, for height nor depth, nor any other creature shall be able to separate us from the love of God. O give us an outburst of faith with the assurance that nothing can defeat divine care and divine compassion; we shall wonder then at the richness of life that shall come to us. Chasten all desire and graciously help us to know ourselves and Thy purpose concerning us. Give us wise views of the needs of our country and renew our strength and hope in all good things. Continue, blessed Lord, to establish us in all those virtues and in the love of that truth as taught by the Teacher of Nazareth. In His blessed name. Amen.

The Journal of the proceedings of yesterday was read and approved.

IMMIGRATION

Mr. CARLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CARLEY. Mr. Speaker, under the permission granted me, I want to call the attention of the House to the very meritorious provisions of H. R. 12816, entitled:

A bill relating to immigration of certain relatives of United States citizens and aliens lawfully admitted to the United States.

This bill has been favorably reported from the Committee on Immigration and Naturalization, and is now on the House Calendar. Its purpose is to remove some of the hardships now imposed under the present immigration quota law, which in its strict application has practically severed many family ties.

The population of the eighth congressional district of New York, which I have the honor to represent, is composed to a very large extent of foreign-born citizens, their American-born children, and resident aliens.

Since being elected by the people of the eighth congressional district of Brooklyn, N. Y., to represent them in Washington there have been called to my attention many pitiful and deserving cases.

Hardships and family separations caused by the strict enforcement of the immigration law are so frequently found and called to my attention that I am in favor of amending the present law and humanely modifying many of its provisions.

I heartily agree with the report of the committee and favor the early passage of the bill.

This bill would permit the entry, outside of quota limitations, of the wives of United States citizens, the husbands of United States citizens, and the children, under 21 years of age, of United States citizens.

The present law does not give a nonquota status to the husbands of citizens or the children between the ages of 18 and 21 years of citizens.

This bill also gives a certain preference status, within the quota allowances, to the unmarried children under 21 years of age, the wives, and the husbands of aliens already lawfully admitted to the United States and permanently resident here.

I would urge greater leniency than would be accorded under the terms of this bill. I would not set any age limit upon the children of United States citizens, for so long as either parent was a citizen I would admit their unmarried children irrespective of age. In fact, I would even go further; I would give a nonquota status to those minor children living abroad of aliens who have been legally admitted to the United States and who have filed their declarations of intention to become American citizens.

In many instances immigrants legally in the United States, some of them having filed their declarations of intention to become citizens, have appealed to me to assist in bringing their minor children here to join the family group in their established home. The only answer I could give those people was that their children would have to make application in the regular way at the American consulates abroad and come under the quota allowance, which, in most instances, on account of the small quota allowance, meant a wait of long and weary years.

I would be in favor of further amending the immigration laws so as to give the Secretary of Labor, or some officer designated by him, certain discretionary powers to meet unusual emergencies which can not otherwise be properly met on account of the strict interpretation of immigration law.

I have particularly in mind two pathetic cases in which discretion, if it were authorized, would have relieved a very distressing situation.

The first which came to my notice when I assumed office was the case of an alien widow who, with her infant child, came to this country on a visit to near relatives. While here on a visitor's visa this alien mother was taken ill and died. Under the technical interpretation of the quota immigration law the motherless infant could not remain here with its blood relatives but was compelled to return to its native land, the same as an adult alien.

Within the past few days an appeal was made to me by a young woman, a naturalized citizen, to procure permission to bring her infant sister to live with her, the widowed mother having died, leaving this little sister alone. Under the present law there was no provision whereby this child could be admitted to the United States, even temporarily, as she was under the age that she might be admitted for educational purposes.

I can not believe that anyone, not even the strongest advocate of total restriction of immigration, in circumstances as in the cases cited, would or could object to a provision in the immigration law that would give to the proper officials some discretionary powers to take care of such an emergency.

The adoption of the amendments suggested would not seriously affect the quota provisions of the present law; it would be merely granting to our own adopted citizens the benefit of humane provisions and common-sense interpretation of the quota law.

In conclusion, I sincerely hope that before adjournment of the Seventieth Congress some remedial and humane legislatiou

will be enacted so that the many hardships now imposed under the quota immigration law will be partially, at least, eliminated.

MUSCLE SHOALS

Mr. SCHNEIDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of Muscle Shoals legislation and to include certain figures with reference to the cost of electricity.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD on the subject of Muscle Shoals legislation and to include certain figures in regard to the cost of electricity. Is there objection?

There was no objection.

Mr. SCHNEIDER. Mr. Speaker, after almost a decade of strife and controversy, during which resources worth millions have been permitted to lie idle, it seems that the Muscle Shoals question is about to be settled. Begun originally as a war measure under the national defense act of June 3, 1916, completion of the great project has been delayed by at least 10 years while selfish, profit-seeking private interests have sought to obtain possession of the work already completed so that they might amass new fortunes at the expense of the consumer, and through their tactics have obstructed the passage of requisite legislation. I refer to the Power Trust and the fertilizer interests, who have been responsible for withholding undoubted benefits of great magnitude from the public these many years.

If the measure becomes a law as approved by both Houses there will be three chief ways in which the Nation will benefit. First, through the production and sale of power at a rate much cheaper than that extorted from the consumer by the electric-power interests; second, by the efficient and therefore much less costly production of fertilizer and fertilizer ingredients on an experimental basis; and third, by the opening of more than 400 miles of the Tennessee River to navigation and the control of its waters in time of danger from flood.

Originally this immense project was planned for the production of nitrates to be used in the manufacture of explosives needed in unprecedented quantities for the carrying on of the World War. An idea of the growing need of nitrates for this purpose may be gained from the fact that more explosives are used in one demonstration of modern bombing practice than were expended by both armies in the Battle of Gettysburg. Before entering the World War we were absolutely dependent upon foreign countries for our supply of nitrates, and Chile, our chief source, was uncertain at best. If this source had been cut off there is no telling what disastrous effect might have been the result.

As it is, millions of dollars are spent annually for nitrates in this country, both for fertilizer and for explosives. At the time of its erection the Muscle Shoals plant was modern in every respect and one of the best of its kind in the world. Since that time, however, great strides have been made in the cheaper and more efficient production of nitrates, and the new methods that have been developed necessitate improvements in the plant as it now stands. To the original cost of the work already carried out—approximately $150,000,000—we must now add $37,000,000 for the construction of another dam at Cove Creek and about $33,000,000 for altering and modernizing the present plant. The erection of a dam at Cove Creek will serve the double purpose of flood control and will increase the output of power from the combined sources 300 per cent, so that the power development will be in the neighborhood of 300,000 horsepower.

While the primary purpose of the development was the production of nitrates, the immense masses of water held in leash by the great dams at Muscle Shoals are capable of generating a considerable surplus of power over and above that needed to run the nitrate plants. What use shall be made of this power? Is it to be allowed to fall into the hands of private interests who would use it to mulct the people out of every possible dollar, or shall it be developed and distributed by a Government corporation at a fair price?

Volumes of propaganda have been spread over the country forecasting ruin to private interests if the Government should take over Muscle Shoals and thereby enter into competition with the power and fertilizer interests. According to these tales, want and deprivation will be the share of thousands of owners of power stocks if power prices are lowered through Government operation of the plants in question. Senator NORRIS, the champion of the present Muscle Shoals legislation, has very ably portrayed the results of Government control by graphic illustrations from Ontario, Canada, where power is furnished at cost by a publicly owned corporation.

One of the cases cited is that of the wife of a laboring man, a Mrs. Cullom, of Toronto, living in a modest home of eight rooms. Notwithstanding the small size of her household, this woman used 334 kilowatt-hours of electricity in one month, an amount startling to every American citizen. The average consumption in an eight-room home in the United States is less than one-fifth of that amount. Now let us compare the bill Mrs. Cullom received for that month with that of a consumer in our own country, as shown by Senator NORRIS. Her light and power bill for the 334 kilowatt-hours she had used was $3.55. Had she lived in Washington, her bill for the same amount would have been $23.18; in Birmingham, Ala., she would have had to pay more than $32; and if she had lived in some of the towns in Florida, her bill would have been more than $60.

During the past year, Senator NORRIS says in his address, domestic consumers of electricity in the United States paid an average of 7½ cents per kilowatt-hour, while Ontarians were paying 1.85 cents. Profiting by the low rate, Mrs. Cullom is able to use nearly every electrical appliance known to science to lighten her labors. Electric sweepers, irons, kitchen ranges, heaters, washing machines, and twice as many lights as are customary with people of like circumstances in this country are within the means of almost everyone in Ontario, but who can afford such conveniences with the exorbitant power rates in force here?

Another instance of the benefits of cheap power is presented by Mr. NORRIS in the case of an Ontario farmer. I quote from the address of the honorable Senator from Nebraska:

> I have before me a photograph of the farm home of Mr. B. L. Siple, a Canadian citizen who lives in Ontario. He has 79 acres in his farm, and at the time I visited him he was milking 17 cows by electricity. He filled his silo by electricity. He ground his feed by electricity. He pumped the water by electricity. Every cow in her stall had a bucket of water within her reach. When she drank the water in the bucket it was automatically refilled. Mr. Siple's barn could be lighted throughout by the pushing of a button. The house was a beautiful modern cottage, the equal of any in our cities in America. There was running water in the kitchen and in the bathroom. Mrs. Siple cooked the year around on an electric stove. She had an electric fan in the kitchen. She washed her dishes in water that she heated by electricity. The bathroom was supplied with water heated by electricity. In fact, she had practically all of the modern electrical conveniences known to science to-day.
>
> The installation on this farm of electricity had practically saved Mr. Siple the expense of one hired man and it saved his wife the expense of a hired girl. He paid for the entire facilities for the year in which I visited him $115.49. Like the city man, he paid an amortization fee, and also included in this bill an item which in 30 years will pay off the entire capital stock, including the construction of the transmission lines.

To quote Senator NORRIS still further:

> And it must be remembered that in all the Canadian rates I have given there is included an amortization fee. That is, there is included in the prices a fee which in 30 years will pay off the entire invested capital. So that the rates are not only paying interest on the money invested in the development, not only paying for the expense of operation and depreciation, but they are likewise paying a fee that in 30 years will leave them with nothing to pay except the expense of maintenance and operation.

In view of these facts does it look as though the American Power Trust were operating on a philanthropic basis and due to suffer greater losses if their rates were forced down by Government competition? Are not the American people entitled to profit by resources owned by themselves as well as are the people of Ontario?

And, without a doubt, Government operation of the power plants at Muscle Shoals will have a far-reaching effect in reducing power rates. The power emanating from this plant will be placed, first, at the disposal of the States, counties, and municipalities, and any surplus that remains will be sold to distributors who desire it. It will be the part of the Government corporation to see that the power is resold at a fair rate, and the rates thus set will serve as a basis throughout the country in the near future, it is to be hoped.

The power problem is but a single aspect of the Muscle Shoals question. The plants there will assure the country of a permanent nitrate supply within its own borders, and in case of war will result in immense savings. In times of peace these nitrates will be available for the manufacture of fertilizer at much lower prices than the imported product. Fertilizer interests have opposed Government operation on grounds similar to those presented by the Power Trust, claiming that they would have to shut down their plants if the Government were to go into the business. As a matter of fact, their arguments are contradictory. They claimed, on the one hand, that the Government could not distribute fertilizer at a profit beyond a very restricted radius, due to the high transportation cost, and, on

the other, that they could not hope to compete with Government prices. As it is provided in the present bill that fertilizer shall be produced on an experimental basis only, the fertilizer interests themselves will derive great advantage.

If the Muscle Shoals bill becomes a law, the Government corporation will have at its disposal any documents in the United States Patent Bureau, and thus will be able to carry on experiments looking toward the cheapest and most efficient production of fertilizer, a procedure admittedly far beyond the means of most private manufacturers. The results of these experiments would be passed on to the private manufacturers and naturally would be of great benefit to them. Furthermore, the nitrates produced at Muscle Shoals will be sold to the manufacturers, who now have immense freight bills to pay on the waste matter that comprises more than 80 per cent of the product imported from abroad. The nitrate content of the product mined in Chile, it has been pointed out, is seldom more than 16 per cent, the remainder being filler. Thus the production of cheaper nitrates and experimentation in fertilizer manufacture will be of untold benefit both to the private manufacturer and to the farmer. The importance of commercial fertilizer in agriculture is constantly growing. This fact may be better appreciated when it is understood that its production has been the study of scientists for the past 25 years, during which period great strides have been made.

As to the standpoint of navigation and flood control on the Tennessee River, more than 400 miles of water navigation will be thrown open by completion of the Muscle Shoals project and the construction of the dam at Cove Creek. The great dams would serve to eliminate most of the danger of floods in the Mississippi Basin and thus would be directly in line with recent flood-control legislation.

WILLIAM LADD AND THE AMERICAN PEACE SOCIETY

Mr. NELSON of Maine. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Maine asks unanimous consent to address the House for 10 minutes. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, and I very much dislike to object, we have agreed on to-day for the consideration of the emergency officers' bill and there are to be five hours of general debate, so I dislike to let in extraneous matters. I wish the gentleman would wait until Saturday.

Mr. NELSON of Maine. I will say to the gentleman that I am a man of few words.

Mr. SNELL. I appreciate that, and this is a very embarrassing position for me to take.

Mr. NELSON of Maine. The matter I intend to speak about concerns this day, and if I wait until a later day the occasion will have passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. NELSON of Maine. Mr. Speaker and Members of the House: The thoughts of lovers of peace the world over are turned this morning to the city of Cleveland, Ohio, where there is now in session a World Conference on International Justice, attended by some of the outstanding world statesmen of the present day, and promising much for the promotion of a better understanding among nations. This conference has been arranged as a part of the contennial anniversary celebration of the American Peace Society, founded on May 8, 1828, by William Ladd, of Minot, Me. This peace society, the first of its kind in the United States—patriotic in the truest sense, standing always for adequate national defense, yet seeking always world peace through reason and justice—has been now for 100 years one of the world's greatest forces for right thinking along international lines, and to it humanity owes a very generous debt of gratitude.

The president of this society to-day is our distinguished colleague, the Hon. THEODORE E. BURTON, of Ohio, whose eloquent utterances on the floor of this House in behalf of world tolerance, world understanding, world sympathy and justice, have repeatedly won our love, challenged our admiration, and compelled our respect. [Applause.] May God spare this man of magnanimity and vision to many years of useful service. [Applause.] We need such men as he in this House; for long ago it was written, "Where there is no vision the people perish."

This day commemorates not only the hundredth anniversary of the founding of the American Peace Society, but it commemorates also the birth, 150 years ago today, of William Ladd, the founder of that society. And because this man spent the greater part of his useful life on one of the thousand beautiful hillsides of my native State, in the little village of Minot, because he also was a man of vision, and there dreamed the golden dream of world peace, and there wrought the labors that won for him the title which still graces his name, "The apostle of peace"; because the people of my State honor his memory, as it is honored by the world in Cleveland to-day; and because the problem that he sought to solve is the greatest problem that now challenges the effort of the Christian world, I crave your brief indulgences this morning, that I may say just a word as to the life and labors of this man.

William Ladd was a simple toiler on a Maine farm, yet he was a great man. He was great because he contributed largely to the ideals of mankind and because he gave to the service of those ideals all that he had. I may not review here the story of his earlier life. Suffice to say that he was 41 years of age when he received from the Rev. Jesse Appleton, president of Bowdoin College, then on his deathbed, the inspiration and urge to world-peace work. The remainder of his life, some 33 years, were devoted unceasingly to this cause. In it he spared neither his health nor his fortune. Ten years later he gathered together the various peace societies of the United States into one great organization, the American Peace Society, the hundredth anniversary of which is now being celebrated.

In thought William Ladd was far in advance of his time. As early as 1831 he conceived the idea of an international congress and a high court of nations. In his writings and in his speeches he simply sought to extend the principles of the American Constitution and our Supreme Court so that they might apply to nations as well as to States. His entire physical strength was spent in advancing these ideas, in the press and from the lecture platform and the pulpit. In the last years of his life, health failing him, unable to stand, he often addressed large audiences from his knees. On his return home from one of these speaking trips, exhausted, he died, and on his tomb are inscribed these words:

> Blessed are the peacemakers, for they shall be called the children of God.

It was one hundred years ago that this man lived and worked and gave his life in the service of a great ideal, inspired by the vision of a better world, in which reason and justice should be substituted for violence in the affairs of nations. His was a voice crying in the wilderness. To the then world at large Ladd was simply a dreamer of pious dreams, a visionary, an idealist seeking Utopia. William Ladd may have been a dreamer, but he was more than a dreamer. His was a vision that pierced the future, a faith founded on the teachings of the Man of Galilee, and his a courage and a determination that enabled him to play a man's part in making his vision a thing of reality and substance.

> He who has a vision
> Sees more than you and I;
> He who dreams the golden dream
> Lives fourfold thereby;
> Time may laugh, worlds may scoff,
> And hosts assail his thought,
> But the visionary came, ere the builder wrought.
> Ere the tower bestrode the dome,
> Ere the dome the arch,
> He, the dreamer of the dream,
> Saw the vision march.

The vision that William Ladd saw a century ago is slowly but surely coming to fulfillment. The idea which he gave to the world still lives, and grows greater and more sublime, as men of the present day seek peace under his benign and simple doctrine. Outlawry of war may no longer be classed as the pathetic fancy of the impractical idealist. War is being outlawed to-day, and the area of its banishment is continually widening. Year by year the specter of war is passing more and more into the background, and the day draws near when the great conflicts of the world shall be not those of nation against nation but those of all the peoples of the earth combined against ignorance, poverty, disease, and crime, the four great enemies of mankind. The task to which William Ladd set his hand a century ago is ours to-day, and no longer impossible of accomplishment.

Thomas Nelson Page, who has the power at times to clothe truth in the garments of imagination, once said:

> God, with His mighty wind, has shaken his hand over the river, and men are beginning to go dry-shod on the places where once there was no passage.

Nineteen centuries failed to give us an international Christianity, an international desire and effort for world peace. We would not listen to the still, small voice of conscience, so God spoke to us out of the whirlwind of war. Out of that war, refined by its fires, has come a new world conscience, a world desire for peace, a world consecration to the obligations of our present-day civilization. God has, indeed, shaken His hand

over the river, and we may if we will, if we have the faith and the vision and the courage, walk dry-shod on the places where once there was no passage. [Prolonged applause.]

EXTENSION OF REMARKS

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to insert in the RECORD a short editorial from the Chicago Tribune and one letter relative to the Tyson-Fitzgerald bill, which we will soon take up for consideration.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD by printing an editorial and letter with regard to the Tyson-Fitzgerald bill. Is there objection?

Mr. UNDERHILL. I shall have to object, Mr. Speaker.

THE ROMANCE OF PUBLIC HEALTH

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on public health and sanitation.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SUMMERS of Washington. Mr. Speaker, it is refreshing to note that the Congress of the United States within the past few weeks has paused in its consideration of routine legislation and has given thought to the health of the Nation and the world.

Two bills recently passed by the House and Senate dealing with important matters relating to scientific studies and the public health serve to remind us of the striking advances that have been made in the sanitary sciences within the past few decades.

The development of modern science has been a triumphant march. It is a matter of great pride that medicine has kept abreast of the advancement made in all other branches of science. Gratifying progress has been made in internal medicine, surgery, pathology; in fact, in all branches of medicine. It is of interest to note that preventive medicine, hygiene, and public health laws have also kept apace with the growth of knowledge.

H. R. 8128, a bill to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory in Panama, which has been passed by the House, is one of the important bills to which I refer. This laboratory is intended to be a permanent memorial to Dr. William Crawford Gorgas, former Surgeon General of the United States Army.

It is fitting that such a memorial be established in Panama, where General Gorgas demonstrated the most striking application of the principles of modern sanitation that has been made within recent years.

The Panama Canal could not have been constructed, and the American efforts would have failed had it not been for the success of General Gorgas in conducting the sanitary and health work of the Isthmus.

The field of tropical and medical research is large, and the needs involved are great. The present research facilities are limited, and it appears that there is no likelihood of the completion of this work for a great many years to come. The studies in tropical diseases have scarcely been touched in comparison with what is needed.

SANITATION AN ANCIENT SCIENCE

Such great strides have been made in public health, preventive medicine, and hygiene within the past few decades that many persons regard sanitary science as of modern origin. This is not the case. In the history of early peoples we almost invariably find that the health of the population was a subject of serious consideration and legislation.

The Egyptians filtered the muddy water of the Nile at an early date. They gave special attention to their food and to child welfare. They recognized the danger of floods to health and resorted to preventive measures. Joseph's Well, near Gizeh, was excavated through 300 feet of solid rock and was an object lesson in obtaining pure water. Reservoirs were common in ancient times. The Chinese for thousands of years have used alum in the clarification of muddy waters.

The Bible reveals that Moses proposed and enforced many excellent sanitary measures. The Mosaic laws contain specific directions for personal cleanliness, the purification of dwellings and camps, the selection of healthful and the avoidance of unhealthful food, the isolation of persons with contagious diseases and various other points bearing on the welfare of the race. The inhabitants of old India also gave attention to their food, habitations, games, exercises, and the isolation of children in the case of infectious diseases.

The wonderful physical development of the ancient Greeks is well known. The Romans were among the first peoples to recognize the value of ventilation and to provide for a good supply of fresh air. They brought fresh water from the mountains and provided underground drains for the disposal of sewage. Amongst their military operations the Romans found time to construct the Cloaca Maxima, some 2,400 years ago, which not only served for the removal of refuse, but also helped to drain bogs and marshes. It constitutes the principal sewer of modern Rome. Aqueducts were constructed to cover miles of the surrounding plains. Their remains, many of which have been restored, are now used for their original purpose. At one time there were 14 large and 20 small aqueducts bringing water to Rome, some of which carried the water from a distance of more than 50 miles. During the reign of Tiberius and Nero, the per capita supply of water was over 1,400 liters a day. It is a matter of historical record that between 400 B. C. and 180 A. D., about 800 public baths were installed among the "thermæ carcallæ," which accommodated 3,000 bathers at one time. These things evidence the munificence and abundance with which the first of sanitary requisites were supplied to Rome.

CHOLERA WIDESPREAD

In the thirties, forties, fifties, and sixties of the last century cholera was by no means unusual in many places in the United States. Congress passed special legislation relative to outbreaks of cholera in 1832 and in 1866.

More than 50,000 persons died of cholera in 1831–32 in 18 cities of Europe. In Hungary during this same epidemic, 1 person out of every 46 died of this disease. In Montreal the rate was given as 1 person out of every 20; in New York, 1 person out of every 100; and in Albany, 1 out of 77. As late as 1873 cholera was epidemic in several of our States.

Prior to the Civil War yellow fever was so common throughout the South, particularly in New Orleans, Galveston, Mobile, Key West, Pensacola, and Charleston, S. C., that some writers spoke of these places as endemic centers. Philadelphia, Baltimore, New York, and other cities suffered epidemics of yellow fever. In fact, no less than 90 epidemics of yellow fever have made their appearance in the United States at different times.

DISCOVERIES OF PASTEUR

Modern public health may be said to date from the discoveries of Louis Pasteur, a great French scientist. His work was largely in the field of bacteriology and was carried on from about 1857 to 1885. Pasteur's work successfully disproved the belief, which was almost universal at that time, that putrefaction, fermentation, and similar processes were the result of what was spoken of as the "spontaneous generation" of lower forms of life; that is, that such forms could originate de novo from inanimate matter. The work done by Pasteur included the discovery that certain diseases in both man and some of the lower animals were due to the growth and multiplication of microscopic disease-producing plants, which are ordinarily spoken of as bacteria.

It was not until the late eighties of the past century, however, that the leaders of medical science either in Europe or in America generally accepted the demonstrations and existence and the pathologic significance in health or disease of the bacteriological discoveries of Pasteur.

DOCTOR JENNER AND THE MILKMAID

It should be recalled that the demonstration of the value of vaccination against smallpox by Edward Jenner about the year 1798, was the first notable victory of modern times over disease and pestilence. Until that time smallpox reaped a large harvest of lives every year, and was as common as measles is at the present time. Jenner's demonstration antedated the work of Pasteur by about three-quarters of a century.

In order to appreciate the importance of the discovery and use of vaccination against smallpox it is of interest to know something of the historical development of this important contribution to the prevention of disease.

At one time smallpox was the most common and the most dreaded disease in the world. Before the days of vaccination only 5 or 10 people out of every 100 escaped smallpox, and of those who contracted the disease about one person out of every four died. Many of those who recovered were scarred, maimed, or even blinded for life. The disease was so feared, and people were so sure that they would get it, that many of them had themselves inoculated with smallpox so as to have it and get through with it. Many of those who were thus voluntarily inoculated with smallpox died, but the death rate among the inoculated was much less than among those who contracted the disease in other ways.

While a medical student Edward Jenner learned from a milkmaid that persons who had been inoculated with cowpox were not subject to smallpox. This fact impressed Jenner, and when

he finished his medical course he began to seek out people who had been inoculated with cowpox and persuaded them to allow him to inoculate them with smallpox. After he had inoculated 10 persons with smallpox and found that in no case did the disease develop, he decided to persuade some one who had never had either cowpox or smallpox to submit himself to inoculation, first with cowpox and later with smallpox.

This he did for the purpose of further determining the value of cowpox as a protection against smallpox. This experiment was made on May 14, 1796, when Jenner inoculated a young lad named James Phipps from an eruption due to cowpox—the virus, as it was called, being taken from a vesicle or sore from the hand of Sarah Nelms, a young girl who had contracted cowpox from milking an infected cow. In describing the experiment, Jenner says:

> In order to ascertain whether the boy, after securing so slight an affection of the system from cowpox virus was secure from the contagion of smallpox, he was inoculated with variolous matter immediately taken from a smallpox pustule after slight punctures and incisions were made in both arms, and the smallpox matter was carefully inserted, but no disease followed.

Jenner's experiment was repeated many times in England, and the practice of vaccination from arm to arm was soon begun.

Vaccination was first practiced in the United States by Dr. Benjamin Waterhouse, of Harvard Medical School. At the instance of President Jefferson, an act was passed by Congress in 1813 to encourage vaccination. This act provided, among other things, for the free transmission of vaccine virus through the mails, and the appointment of vaccine agents. This act was repealed in 1822. The reasons advanced for the repeal of the 1813 law relating to vaccination, as disclosed by the record of the proceedings in Congress, were that the subject was one properly within the province of the several States, locally, and that the law constituted a monopoly and discouraged medical men from exerting themselves in promoting vaccination.

MODERN SANITATION

One of the important developments of recent years is the awakening of a sanitary conscience. To some men it is a new thought that the care of the body and cleanliness of surroundings are very important factors in the comfort, safety, and even the life and health of their fellow man. Preventitive medicine of the present day teaches that we must not only safeguard our own body against infection and keep our own body clean for our own sakes, but quite as much for our neighbors' sake. It teaches the lesson of unselfishness, of community and public interest. One man alone can not fight successfully against the common foe, disease; it takes the combined and intelligent cooperation of the community.

The new public health developed within the past half century has given to us an entirely different conception of many of the factors that enter into the preservation of health and protection against disease. Many an old theory has been disproven. The old theory of the spread of disease through fomites or inanimate things, has been shown to be of far less importance than was at one time supposed. It is known that, in fact, this occasionally happens, especially with diseases spread through discharges from the mouth, nose, and throat. Instead of suspecting letters, books, umbrellas, walls, furniture, and other unlikely objects, which were formerly disinfected or destroyed, we now think of things recently moistened with saliva, such as drinking utensils, towels, toys, furniture, food, fingers, and flies. Many of our sanitary procedures of 50 years ago now require considerable modification in the light of present-day science.

Our conception of public health has been broadened so that modern public health is concerned not only with stamping out communicable disease, but with a much broader aspect of public health. There are many preventable defects which can be reached especially in the school child and industrial worker. Present-day preventive medicine must concern itself with problems of heredity and eugenics. The questions of immunity from disease, health hazards of occupation, the food supply, including milk and water, must be given consideration.

Within recent times there has come to exist a broadened public vision as to the duty of governments to individuals and to groups of individuals. This has led to progress which, generally speaking, has been initiated by far-seeing volunteers and directed along practical channels by official bodies, which is the proper sequence for progress among self-governing people. Thus in our own time there has been a marked development of public-health activities and an increased appreciation of the obligations of governments and of the public, especially to those who need help because of mental or physical infirmities, as well as to those engaged in vocations either intrinsically detrimental to health or else productive of pecuniary returns so small as to render well nigh impossible home environments and living conditions conducive to health.

In the States this sentiment has been evidenced by the broadened powers and increased efficiency of their health departments, the passage of laws regulating child labor and fixing hours of labor for women as well as for those engaged in hazardous occupations, lessening of occupational hazards, better provision for the care of tuberculosis and mental diseases, and by intelligent efforts to eradicate typhoid fever, malaria, and other diseases having a bearing on the public health. Very significant, too, has been the recognition of the economic value of preventive medicine by great industrial organizations and life-insurance companies.

All conditions which tend to decrease the mental and physical fitness and efficiency not only of the present, but also the future generations, come within the sphere of interest of the ideal public-health servant who must keep step with the epidemiologist, the psychiatrist, the pediatrist, the syphilographer, the great industrial enterprises, and the sanitary engineer, as well as with the hospital and with the general practitioners. He can least of all afford to lose touch and sympathy with the individual sufferer.

VOLUNTEER HEALTH AGENCIES

The interest of the public is shown by the efforts of numerous volunteer organizations in the initiation and development of health movements throughout the several States. These are encouraging signs of a splendid future.

There is a field of usefulness for the volunteer health organizations when wisely directed. They must form the connecting link between many of the public and governmental agencies. Official health organizations and volunteer organizations must work together in close harmony.

It has been said that public health is purchasable, but the people are entitled to have skilled purchasing agents, whether the money comes from them in taxes or in voluntary offerings. It can not be had merely with sums of money, however large, nor with untrained, irresponsible personnel.

It is evident, therefore, that the foundation for that ideal condition for which we hope when the conquest of preventable diseases shall at length be accomplished, is being laid by an aroused public sentiment over widening areas of our country, and by increasing efficiency of Federal, State, and local health officers.

The very cornerstone of an effective national public health organization is the local health officer. The office must be one of sufficient dignity by adequate remuneration and certainty of tenure as to attract the right type of young men, and facilities which now exist in only two or three schools should be given in every medical school to educate men for these positions.

The State departments of health are making notable progress, but, with few exceptions, they are hampered in their usefulness by totally inadequate compensation to attract men fitted for the broader problems of modern preventive medicine.

UNITED STATES PUBLIC HEALTH SERVICE

No other country approaches the United States in efficiency of national health work. Our problem is peculiar to our form of government. The United States Public Health Service has been builded upon sure foundations. It is the result of evolution and gradual development, and its adaptability to changing conditions has been shown in the past few years.

The history of the United States Public Health Service dates back more than a century and a quarter. It had its origin in the old Marine Hospital Service, which was first authorized by act of Congress approved July 16, 1798.

The evolution of public health functions from such a service was along natural lines. The medical officers, in providing care for the American merchant marine, were often the first physicians to diagnose such diseases as cholera, yellow fever, smallpox, and the like, which were being imported into the United States. This was especially the case in the southern ports as regards yellow fever, and during epidemics when called upon by State and local health authorities the President authorized the Marine Hospital Service to aid the health authorities in giving relief in the control of these diseases.

In 1878 Congress authorized the use of the Marine Hospital Service in an extensive way as the Federal health service. The act approved April 29, 1878, gave very broad powers to the service to cooperate with State and local health authorities in the control of diseases, especially yellow fever. The above mentioned act was, for the most part, a quarantine law to prevent the introduction of contagious and infectious diseases into the United States. In 1890 Congress passed an act

which utilized the Marine Hospital Service as the Federal health agency for the prevention of interstate spread of disease.

FEDERAL, STATE, AND LOCAL COOPERATION

The act of February 15, 1893, extended the powers of the Marine Hospital Service to cover the control of all infectious and contagious diseases in cooperation with State and local health agencies.

After the act of 1893, which recognized the Marine Hospital Service as the Federal health service, Congress continued to impose additional health functions upon the service, and on July 1, 1902, passed the act which changed its name to the Public Health and Marine Hospital Service and made it a health service in name as well as in functions. The larger part of its functions up to this time had been the combating of epidemics, especially of those of yellow fever, which from time to time swept over the country.

While the public-health functions of the service had their inception in the prevention of the introduction and spread of quarantinable diseases, their development in logical sequence was brought about by growing public opinion. In addition to the quarantine and hospital functions the activities of the service include research and educational work. The investigative functions began with the study of such diseases as yellow fever and cholera in the early years of the existence of the service, but it was not until July 1, 1902, that Congress authorized the establishment of the Hygienic Laboratory for that purpose. Since this legal authorization, the Hygienic Laboratory has grown very rapidly, until it now stands as one of the foremost research institutions in the world.

From the control of epidemics the Public Health and Marine Hospital Service began to study control measures for the more common contagious and infectious diseases, such as typhoid fever, diphtheria, scarlet fever. The history of the remarkable control of typhoid fever which has taken place in the United States within the past 20 years is a part of the history of the Public Health Service, in cooperation with State and local health agencies, and now typhoid fever, which formerly took a total of more than 50,000 lives annually of the population of the United States, is responsible for the death of something less than 10,000.

The development of the health functions of the Public Health and Marine Hospital Service continued until finally Congress by the act approved August 14, 1912, changed the name again to its present one, the United States Public Health Service, and at the same time gave it very broad powers to investigate the diseases of man and the pollution of navigable streams and lakes of the United States.

There is not so much duplication, either in human endeavor or financial output, in the Federal medical and health activities as is supposed, but there is a lack of unification and coordination which all are interested in correcting.

The legitimate functions of the Federal Government in public-health matters in the United States appear to be—

First. The supervision and control of essentially national and international health matters, such as the protection of the country from the introduction of disease from without and the control of the interstate spread of disease.

Second. Research and investigation of public-health problems.

Third. Cooperation with State and local health authorities in matters when necessary and desired by them.

Fourth. The formulation of minimum health standards.

Fifth. The dissemination of information with regard to health matters for the education of the general public.

Sixth. Furnishing leadership and stimulation in the solution of health problems.

Seventh. Medical examinations of arriving aliens or aliens destined to enter the United States.

Eighth. The furnishing of medical care and treatment to certain beneficiaries specified by law.

Ninth. The supervision and control of biologic products sold in interstate commerce.

The United States Public Health Service now possesses all the authority which can be granted to it under the present Constitution. The problem, therefore, is to develop the Public Health Service and supply it with adequate funds and trained personnel.

NEW LEGISLATION

The House of Representatives passed on March 7, 1928, H. R. 11026, which is designed to render more efficient the Federal health activities. This bill provides for the coordination of Federal health activities, and gives to the Public Health Service the facilities necessary for it to function more efficiently as the central health agency of the Government. This bill was drafted by the health agencies of the country represented in the National Health Council, after a study of Federal health problems in cooperation with the Bureau of Governmental Research. It is approved by national medical, dental, health, and engineering associations. The principles of the bill likewise have been indorsed by the United States Chamber of Commerce and by the American Federation of Labor.

Although the coordination of Federal health activities has been agitated for years, never before has such unanimous indorsement been given to any specific measure by the public-health agencies of the country.

Through successive acts the Congress has provided broad authority for Federal public-health activities. For the most part the discharge of these activities has been imposed upon the United States Public Health Service. Accordingly that service has been developed as the essential health agency of the Government. Although the policy long has been established and reaffirmed by Congress that there should be thorough cooperation of the Public Health Service with State and local health authorities, no such general provision has been made for similar cooperation with other governmental establishments. In consequence public-health work has been undertaken by various Government departments independent of, and uncorrelated with, the activities carried on under the basic health laws mentioned.

In special instances these health functions of other departments have been recognized as requiring cooperative effort, and this has been provided for by law. In this class may be mentioned the medical examination of immigrants, measures in foreign ports for the sanitary protection of American commerce, the sanitation of mines, the sanitary protection of shellfish areas, and the oversight of therapeutic agents. Officers of the Public Health Service have been detailed, therefore, under specific provisions in aid of these matters, to the Immigration Service, the Consular Service, the Bureau of Mines, the Bureau of Chemistry, and in the case of the Bureau of Fisheries the work is correlated.

It is highly important, from the health standpoint, for this policy to be extended so as to apply to all agencies of Government not specifically provided with medical and sanitary services. The need to strengthen the health activities of the Government and to bring about their proper correlation has long been recognized. In order to insure the orderly development of Federal health work and to prevent waste, authority to this end should be established. As stated by Dr. William H. Welch, of Johns Hopkins University, at hearings before the congressional committee:

> The growth of the Public Health Service to-day has placed it in the front rank among corresponding agencies of government in other countries. The service contains in increasing numbers leading experts in the field of preventive medicine and public health in this country * * * who can express authoritatively the best knowledge which we have as regards the promotion of health and the prevention of disease.

SCIENTIFIC RESEARCH FIRST

Scientific research is the most important public-health function of the Federal Government. By means of a proper system of correlation, duplication and useless effort would be avoided and greater progress would be assured in the solution of important health problems which influence adversely the national welfare.

DIPHTHERIA

Diphtheria is one of the communicable diseases of which we know the cause and mode of transmission, and for which we now possess a specific preventive and curative agent of great potency. We also have now a reliable test, called the Schick test, which indicates whether or not a given individual is susceptible to the disease. The introduction of the toxin-antitoxin mixture, which provides permanent immunity against diphtheria, places in the hands of health authorities a most valuable weapon for further combatting this disease. The death rate from diphtheria has responded quickly to the medical discoveries of the past half century. The first aid to the control of this disease was Von Behring's discovery of diphtheria antitoxin. In the period immediately following the general introduction of this antitoxin in the treatment of diphtheria (1894–1905) the death rate in 23 American cities declined at the rate of 10.2 per cent per year.

In 28 American cities for which the rates have been computed the decline has been from about 116 per 100,000 in 1890 to 8 per 100,000 in 1925. This extraordinary achievement in public health will probably stimulate campaigns for the better control of other communicable diseases.

THE PASSING OF YELLOW FEVER

Probably no brighter spot illuminates the highway of scientific knowledge and no more interesting chapter exists in history than that which marks the passing of yellow fever. To those who recall the appalling epidemics of only a generation or two

ago, and the panics which they produced, this achievement seems little short of miraculous. Yellow fever has not been been epidemic in the United States since 1905, and it has been out of reckoning in the United States for several years past except for the important work of safeguarding our ports and frontiers. Within recent years the attack on yellow fever has been extended to Mexico and Central and South America. It is the hope of sanitarians that the Western Hemisphere will eventually be rid of one of its worst plagues. Dr. Carlos Finlay discovered the part played by the mosquito *Aedes egypti* in causing yellow fever in 1881, but the announcement received no credit until about 1900. Early in 1900 Dr. H. R. Carter, of the United States Public Health Service, showed that a lapse of 12 to 15 days is necessary before a case of yellow fever becomes dangerous to others. Following this came the epoch-making work of Dr. Walter Reed and his coworkers, showing that yellow fever is produced by a mosquito bite by infection of blood and by injection of filtered blood serum. thus proving the existence of a filtered virus. These observations were confirmed by Rosenau, of the Public Health Service, in 1903.

MALARIA

The parasite which causes malaria was discovered in 1880. However, it was not until about 1897 that Sir Ronald Ross made the important discovery of how the malaria parasite gets into the blood of man. It was through his studies that it was shown that the Anopheles mosquito was the means whereby the malaria parasite was spread from person to person. The development of methods of attack on malaria soon followed the discovery of the rôle the mosquito played in transmitting malaria. The application of this knowledge relating to malaria by public-health authorities has been successful in ridding large areas of malaria infection.

TUBERCULOSIS RETREATS

Half a century ago tuberculosis caused more than 320 deaths annually in every 100,000 of the population of Massachusetts. Probably this rate is not higher than the rate for other States for which records are not available. To-day tuberculosis causes less than one-third of this number of deaths per 100,000. While the reduction of the death rate from tuberculosis has undoubtedly been due, in part, to natural causes, it is probable very much more has been the result of public-health activities. Among the specific measures that have contributed to this result are improved and more accurate methods of diagnosis, the pasteurization of milk, the abolition of the common drinking cup and other utensils used in common, the inspection of meat products, and improved housing.

MILK AND PUBLIC HEALTH

The relationship of milk supplies to the public health has long been recognized as of great importance. Through the medium of milk many diseases are spread, among which may be mentioned diphtheria, scarlet fever, tuberculosis, typhoid fever, cholera, dysentery, and septic sore throat. Diseases spread by infected milk have also been the cause of high mortality rates among children. Louis Pasteur, of France, found that milk would not rapidly ferment or sour if raised to a certain temperature, and kept that temperature for a given period of time. This is what is now generally known as the process of Pasteurization, so named from the man who first developed this method of destroying disease-producing germs in milk.

The sound principles of the effective sanitary control of milk have been established to the satisfaction of the scientific world. These principles are sufficiently well understood to form the basis of effective milk legislation and milk regulation. It only remains to bring to the attention of the general public the complete realization of the food value of milk, and of the great principles of sanitary control of milk, in order to produce a satisfactory solution of the milk problem in every community.

PURE FOOD LAWS

The first attempts at food control were made by local communities, generally by cities, where the residents were removed from actual contact with the producers of food. The laws which were first enacted usually related to specific productions, few embraced foods in general. One of the earliest laws regarding foods in general was enacted by the State of Illinois in 1874. In 1906 the Federal law relating to food and drugs was enacted. Within two years after the passage of this act, at least 30 States amended or enacted food laws. Many of these followed the general lines of the Federal law, but many differences remain and the ideal uniformity has not yet been reached. The pure food and drugs act of 1906 has been of great value in protecting foods sold to the public against adulteration. Improved methods of canning, preserving, and refrigeration of foods have also been introduced during the past 50 years.

SCARLET-FEVER CONTROL

Recent studies have developed a serum which is believed to be of considerable value in the treatment of scarlet fever. Drs. George F. Dick and Gladys H. Dick, of Chicago, have described a test which is useful in determining whether given individuals are susceptible to scarlet fever. It is believed by public-health officials that this test will be of material value in the control of scarlet fever. In the early development of preventive medicine the suggestion was made that preventive medicine and curative medicine must proceed along divergent paths. In this connection it is interesting to note that modern theory and practice have brought about a result entirely different, and at the present time it is frequently difficult to say where one branch begins and the other ends. Curative medicine in its methods has become largely preventive and now deals with immunization and prevention as a part of its work. The development of the Schick test for diphtheria and Dick test for scarlet fever are an example of this, while in matters of tuberculosis and venereal disease it is frequently difficult to note any line of demarcation between cure and prevention.

PELLAGRA PREVENTED

Pellagra has long been included among the diseases associated with food for the evidence has indicated that it is caused by a deficient diet. This disease was first recognized in the United States in 1864, after which it was more or less overlooked until 1906 when cases were reported from the Alabama Insane Asylum. In subsequent years many cases were reported in various parts of the country, particularly in the South. This disease has been made the subject of special study by the United States Public Health Service. Dr. Joseph Goldberger and other officers working with him have shown that by diet alone the disease has been produced in subjects, and by the same means they have prevented and cured it if not too far advanced. It is believed that the case is reasonably proven and the work done by these investigators within the past few years stands as a very important achievement in preventive medicine. Studies in connection with pellagra have indicated the value of brewer's yeast in furnishing a well-balanced diet. Acting on this knowledge, extensive use has been recently made of brewer's yeast in the flooded area along the Mississippi River in the prevention and cure of this disease.

SPOTTED FEVER

Rocky Mountain spotted fever is a disease prevalent in certain sections of the western part of the United States. In the area where this disease exists a number of cases occur annually, particularly in persons engaged in outdoor pursuits. For more than 25 years the Public Health Service has been conducting studies relating to this disease. As a result of these studies there has been developed by Drs. R. R. Spencer and R. R. Parker, a vaccine which the evidence at hand tends to show is of great value in preventing the disease and in lessening the severity of cases that develop. The discovery of this vaccine is considered to be one of the important advances in preventive medicine of recent years. With the preparation of this vaccine new principles relating to the production of vaccines have been developed.

RABBIT FEVER WIDESPREAD

In 1910 officers of the Public Health Service, while engaged in plague-control measures in San Francisco, Calif., observed a plaguelike disease in rodents. This disease, although resembling bubonic plague, was found not to be plague. It was not until 1921 that this disease was identified as rabbit fever, or tularæmia. Studies by Dr. Edward Francis, of the Public Health Service, have shown its importance and wide prevalence. The presence of this disease in almost all of the States in the Union has been reported. It has also been identified in Japan. The studies leading up to the recognition and description of this disease are an important landmark in the recent progress of preventive medicine.

VENEREAL DISEASES

Fifty years ago but little thought was given to the public-health aspects of venereal diseases. With the development of salvarsan, the perfection of the Wassermann reaction, and other bacteriological advances in this field, important weapons have been placed in the hands of public-health authorities for the control and eradication of these diseases. There has been a general awakening on the part of the public to the importance of campaigns directed against these diseases, and as a result, many State and local boards of health are now conducting vigorous antivenereal-disease campaigns.

HOOKWORM ERADICATION

In 1902 Dr. Charles W. Stiles, of the United States Public Health Service, demonstrated that the widespread anæmia present among the population of the Southern States was due

to hookworm disease. This discovery is one of the most important public-health advances of the century, and through the campaign for the eradication of hookworm disease which followed this discovery, a great impetus has been given to public-health work generally throughout the Southern States as well as the entire country.

WATER

The history of water purification is closely associated with the general progress in sanitation and public health within recent years and with the rise of the modern science of preventive medicine. Judged by our present-day standards the water supplies of the United States of a few years ago were low. The germ theory of the transmission of disease by means of polluted water was not generally accepted until less than 50 years ago, and water purification was practically an unknown art. Water analyses were confined to mineral constituents. A study of the records of those times shows many notable typhoid epidemics. To-day typhoid fever is a vanishing disease, except in communities that are negligent in applying the well-known principles of modern sanitary science. From the standpoint of preventive medicine an outbreak of typhoid fever is a reproach to the sanitation and civilization of a community. In 1877 the death rate from typhoid fever in the United States was about 45 per 100,000. In 1910 it was 23.5, and in 1926 it was 6.5.

BIRTH, DEATH, AND DISEASE STATISTICS

The collection of statistics relating to births, deaths, and the prevalence of disease has made rapid development throughout the civilized world during the past 50 years, particularly the collection of information relating to deaths and the prevalence of disease. In the United States the development of a death registration area and a birth registration area have been brought about. A city or State is admitted to the death registration area only if it can be shown that 90 per cent of the actual deaths are being reported. A similar requirement is made for admission to the birth-registration area.

In 1877 there was no registration area in the United States. In 1880 a registration area was established comprising 17 per cent of the population. In 1900 the collection of annual statistics of deaths was begun, 40.5 per cent of the population being included in the area. In 1928, 93.5 per cent of the population was included in the registration area. Figures for the United States or for considerable sections of the country earlier than 1900 are approximate only, as only a few States and cities have reliable data earlier than that year.

Although the United States was collecting and publishing current information relating to the prevalence of disease before 1912, the data were from scattering sections of the country and incomplete. In 1912 a standard form for reporting notifiable diseases was agreed upon at a conference of State and Territorial health authorities with the United States Public Health Service. In the same year reports for annual prevalence of disease for cities was begun, including only a few cities. Cities having a combined population of approximately 50,000,000 were included in the compilation for 1926. The data for States were first published in 1913. These reports were incomplete and included only about 17 States. In 1926 reports were received from 47 States and also the District of Columbia, Territory of Hawaii, and Porto Rico.

In preventing and controlling the spread of disease, prompt information is necessary in regard to the locality of occurrence and conditions under which it is occurring. Modern means of transportation and the increase in the rate and amount of travel by rail, by automobile, and by airplane, greatly facilitate the rapid dissemination of communicable diseases and greatly emphasize the need for such information.

But few States required the reporting of communicable diseases a few years ago. At the present time every State in the Union has laws or regulations requiring the reporting of certain diseases to officials whose duty it is to record and act on the information.

BOARDS OF HEALTH

In 1869 only three States, Massachusetts, California, and Virginia, had established boards of health. The health department of the District of Columbia was established in 1870. By 1876 only 12 States had developed boards of health. In 1891, 36 States had health departments. Every State in the Union now has a health department.

It is said that a board of health was established at Petersburg, Va., in 1780; one was certainly established in Philadelphia in 1794, and one in New York in 1796. By 1873, 32 cities had established boards of health. Every city of any magnitude in the United States now has an organized health department.

YAKIMA COUNTY LEADS

A county in my district has the distinction of having the first whole-time county health department to be established in the United States. I refer to Yakima County, Wash., where the first whole-time county health department was established in 1911. In 1928, 414 counties in the United States are provided with local health service under whole-time health officers. During the past 12 years the Public Health Service has undertaken a program of cooperative demonstrations in rural health work from which have come many sanitary and economic benefits to the communities, and stimulation for the development of whole-time county health service.

At the present time there is in every State some regular provision for local health organization.

INTERNATIONAL SANITATION

With the great progress of the public health movement throughout the world during the past half century, advances have been made in international sanitation also. The necessity of international sanitary agreements and standards were first emphasized by the cholera epidemics which occurred in Europe during the early eighties and nineties. The first international sanitary conference was held in Rome in 1885. The United States was not represented at this meeting. Other international conferences in which the United States was represented were held in different European cities at varying intervals. The international sanitary convention of Paris was signed ad referendum December 3, 1903. The United States Senate, by its resolution of March 1, 1905, ratified this convention. The exchange of ratifications between the representatives of the participating nations took place in Paris, April 6, 1907. This agreement, which modified the measures necessary to guard against the invasion of bubonic plague and cholera, emphasized the responsibility of the different governments to each other in matters pertaining to public health.

Following another international sanitary convention held in Rome in December, 1907, the International Bureau of Public Hygiene of Paris was organized with the object of facilitating the collection of facts concerning the public health, especially those relating to the importance of recognizing the various stages of infectious diseases and the measures to combat them. The organic statutes organizing an International Bureau of Public Hygiene authorized direct communication with the principal health authorities of the participating governments. The foundations of the International Office of Public Hygiene were laid as for an institution that is to be permanent. In organization it resembles the Permanent International Postal Bureau.

The latest revision of the International Sanitary Convention was signed in Paris June 21, 1926. The United States Senate on March 22, 1928, ratified this revision of the sanitary convention.

The Pan American Sanitary Bureau of American Republics was founded by the International Conference of American States held in the City of Mexico in 1901. The object of this organization is to discuss freely all matters relating to the public health, particularly those which affect the American republics, and to encourage the execution of the resolution of agreements decided upon by the conventions. The Pan American Sanitary Bureau of American Republics holds meetings at intervals of two or three years.

As a result of the Pan American Sanitary Conference held in Habana, November, 1924, there was adopted the present Pan American Sanitary Code which is believed to be one of the most comprehensive instruments of this kind that has ever been adopted.

TYPHOID FEVER WALKS THE PLANK

The bacillus which causes typhoid fever was discovered in 1880. Subsequent studies showed that this organism may be spread to persons through food, fingers, and flies. In 1896 Widal announced the agglutination test for the diagnosis of typhoid fever. Although protective inoculation by means of vaccine, against typhoid fever, was practiced as early as 1895, it was not until several years later that inoculation for the prevention of typhoid was practiced on an extensive scale.

This was made effective on a large scale in the United States Army in 1909, where its use was shown to be highly satisfactory. Formerly it was an axiom that typhoid fever was a scourge of all armies. In the Spanish-American War 1 man out of every 6 contracted typhoid fever in an army of 107,973, and this disease caused 1,580 deaths in the same Army. During the World War 1 man out of every 3,756 in an army of approximately 4,000,000 contracted typhoid fever, and there were only 213 deaths from this disease. This remarkable record is due, in large measure, to the protective inoculation against typhoid fever given every person entering the Army.

In 1900, typhoid fever was excessively prevalent in the country as a whole. Approximately 35.9 persons out of every 100,000 died of the disease in that year. Estimating 10 cases for each death, there were, on an average, 359 cases per annum out of every 100,000 of the population. This was in striking contrast

to the low mortality rates of the older countries in northwestern Europe.

Preventive medicine has developed to such an extent that we are sometimes prone to have a false sense of security and neglect important fundamentals of sanitation. It has been stated that a large epidemic of typhoid fever is impossible in a city with present modern sanitary conditions. It was said that a city provided with thoroughly safeguarded water supplies and adequate control of milk and foodstuffs need not fear the epidemic prevalence of typhoid fever. However, if any of these essentials of sanitation are neglected, even for a short time, a disastrous epidemic may occur. As an example of this, it may be stated that during 1927 there occurred in the city of Montreal, Canada, an outbreak of typhoid fever in which more than 5,000 cases occurred and approximately 524 deaths were recorded. This tragic instance serves to impress the necessity of adequate public-health protection and demonstrates that eternal vigilance is the price of sanitation.

FILTERED WATER

A most interesting and important phase of development in public-health work has been the improvement of the quality of public water supplies by filtration plants and other purification processes. In 1890 only about 1.5 per cent of the urban population of the United States was supplied with filtered water. By 1900 the proportion had reached 6.3 per cent. Since that date the development has been very rapid, and it is estimated that now more than 50 per cent of the urban population of the United States is supplied with filtered water.

BUBONIC PLAGUE

Bubonic plague is an ancient disease, and it is difficult, if not impossible, to even estimate the number of deaths for which it is responsible. The plague bacillus was discovered in 1895 by Yersin. Later studies showed the rôle of the flea as the transmitting agent of plague from rat to rat or from rat to man. The work of the Indian Plague Commission, appointed by the British Government, stands as an important milestone in the progress of the knowledge of plague.

Plague first appeared in the United States in 1900 at San Francisco. It was recognized in 1907 in Seattle, in 1914 at New Orleans, and again in 1920. Later, in 1920, it was recognized in Beaumont and Galveston, Tex., and in Pensacola, Fla.

In 1904 it was suspected, in 1908 it was demonstrated that bubonic-plague infection had spread from the rat to the ground squirrel of California. It has been present among these rodents ever since. In spite of outbreaks of plague that have occurred, through broad and vigorous campaigns conducted by the United States Public Health Service in cooperation with the State and local health authorities so far any extended epidemic of the disease has been prevented. Without any knowledge of the mode of spread or method of control of this disease it is not unreasonable to believe that the scourge might have swept the country.

In 1924 plague made its appearance in Los Angeles, Calif., and after an active campaign it was brought under control. Two months later the infection was noted in New Orleans, La., and Oakland, Calif. However, measures for its control were promptly put into effect. These campaigns for the control of plague have been successfully concluded.

MENTAL HYGIENE

Decided advances in mental hygiene and a fuller recognition of the tremendous importance of this now well-defined branch of medical science have been made within recent years. Facilities for the care and treatment of persons afflicted with various forms of mental diseases have been enlarged and improved. Methods of prevention and treatment have been modified to correspond to the present-day conception of the cause and correction of such conditions. Institutions and colonies for the care of those mentally sick, epileptics, and the feeble-minded have become a necessary part of the public facilities provided by the States and the Federal Government.

The scope of mental hygiene is so great that it is difficult to enumerate its many ramifications. The enormous problem involved in the proper care of the mentally sick and the feeble-minded comes under this category. It is futile to attempt to solve the problem of mental hygiene by building more institutions and increasing the facilities for custodial care. The proper approach to the scientific prevention of both diseases and defects of the mind is the use of every source of medicine and biology. Utilization of any one of the several fields that must be explored—pathology, chemistry, and psychology—will doubtless offer valuable aid in the further study of mental hygiene.

It has been stated that there are in the United States more persons who are mentally sick than those that are physically ill. The admission rate to the mental hospitals in the United States is now about 90,000 new patients annually.

The recognition of mental hygiene as an important field of preventive medicine and public health is one of the great advances of recent years.

Public health education is a phase of activity in the field of preventive medicine which has developed with the advance of scientific knowledge. During the past few decades very rapid progress has been made in public health and sanitary research. There has been added to our knowledge of diseases and their prevention, much more knowledge than is being used. The problem, therefore, arises as to how to present to every individual in a community the important facts he should know about the prevention of diseases and the public health.

To give information on any subject to everyone in a community is a tremendous task and one that can never be finished. It has no end because new facts are being constantly developed through research and new people are being added to each community through new arrivals and the growth of children to the teachable age. The promotion of the public health through health education, therefore, is a task of imparting an increasing mass of information to an ever-changing population. The magnitude of such a task, instead of being a cause for pessimism, should be a challenge to develop a plan whereby each community may feel a sense of responsibility in the very important task of health education.

The facts needed for health education are developed by the laboratory workers, those engaged in scientific research of all kinds, field workers in epidemiology, vital statisticians, and clinicians who are close observers of their patients.

Failure to eliminate certain diseases is frequently not due to want of knowledge of the cause, but to inability to get this knowledge to those who require it most.

Death rates for the United States as a whole have been reduced from 17.6 per 1,000 in 1900 to 12.2 in 1926.

The infant mortality rate has been reduced from approximately 167 per 1,000 births in 1890, to 72 in 1926. The death rate from tuberculosis has been reduced from 201.9 per 100,000 in 1900 to 87.1 in 1926. Similar results are noteworthy in the reduction of other communicable diseases, and some of the American cities have attained even greater reductions.

At the close of the nineteenth century the average length of human life was between 45 and 50 years. To-day it varies from about 24 years in India to 60 years in New Zealand. The expectation of life in the United States for 1926 was 57.74 years. The best available figures show that the span of life in the United States has been lengthened 15 years since 1870.

Much has been accomplished in preventive medicine and hygiene—much more remains to be done. There is yet too much preventable disease. Many problems are still unsolved. Figures at hand indicate that deaths from diseases of the heart, blood vessels, and kidneys, apoplexy, insanity, and cancer have increased during the past 40 years. Unfortunately the exact cause of many of these and other chronic degenerative diseases is still obscure.

The triumphs of modern preventive medicine and sanitation have been great. The problems for solution are still greater. The true aim of all scientific investigation and public-health endeavor is the prevention of disease and the promotion of public health.

THE AGRICULTURAL SURPLUS CONTROL BILL

Mr. LOZIER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the farm problem.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. LOZIER. Mr. Speaker, by a decisive vote in the House and Senate, Congress has again passed the McNary-Haugen bill. By this action Congress once more recognized that the demands of agriculture are just and should be granted. From the day this legislation was first proposed in Congress it has gradually grown in favor. It has outlived the taunts, jokes, and contemptuous sneers that were directed against it by the beneficiaries of special privilege, the buccaneers of big business, and those short-sighted statesmen who, without a careful study or understanding of the bill, arrogantly denounced it. It has had the experience that all great measures encounter. When they are first proposed they are ridiculed and denounced. Then they are declared economically unsound; and in the final stages they are challenged as unconstitutional. But after all, if a measure is sound and just and intended to remedy social injustice, it will survive and become a law. And this farm-relief legislation has had to travel this rough and rocky road. But the soundness of the principle and the justice of the plan is now conceded by the best-informed students of agricultural conditions and a very substantial majority of the House and

Senate, and the measure will soon be sent to the White House for the President's approval.

I do not know whether the President will approve or veto this measure. I am convinced that he should give it his approval. I am sure he would do this if it were not for the crowd of ultrareactionaries who surround him and use their baneful influence to defeat all legislation that is designed to break the power of big business and give the masses a square deal. But if the President should again veto the measure his veto will not mark the end of the McNary-Haugen bill. A veto will serve to strengthen the demand for this legislation, and the next Congress will favor this bill by an increased majority which will insure its enactment even over a third presidential veto.

The arguments against the enactment of this legislation have crumbled one by one because they could not stand the acid test of intelligent analysis and thoughtful consideration. By high tariff laws the Federal Government has stabilized the manufacturing industry which has insured higher prices for manufactured commodities than could be obtained without these tariff laws. By the transportation act and the law creating the Interstate Commerce Commission, the Federal Government has stabilized the transportation industry and enabled the railroads to secure higher rates and larger net profits than were possible without this legislation. By the Federal reserve act the Federal Government has stabilized banking and finance, regulated interest rates, controlled loans and credits, and made the banking and financial pursuits safe and profitable. By numerous acts of Congress the Federal Government has stabilized big business and commerce and tremendously increased the profits of those who engage in these vocations. By orders of utility boards and public-service commissions the Federal Government and States have stabilized the business of street-railway companies, electric-light companies, water companies, telephone companies, and other lines of business, increasing their profits at the expense of the general public. By the Adamson law and numerous other acts the Federal Government has stabilized labor and enabled the organized wageworkers to secure higher wages and more satisfactory working conditions.

In short, the Federal Government and State governments have by class legislation and special privilege laws stabilized and increased the profits of every great industry except agriculture. According to the Coolidge-Mellon-Hoover-Jardine theory every great basic industry except agriculture should be nursed, petted, babied, and favored by the Government, but when agriculture asks for a little of the same kind of medicine that the Government has been granting unstintingly to these other vocational groups, the door of the White House is slammed in the faces of the American farmers. If Congress and the President would only try half as hard to find a remedy for the farmers' ills as they have worked to aid the manufacturing, transportation, banking, and business interests, a satisfactory solution of the farm problem would have been found long ago.

But the industrial East is in the saddle, riding booted and spurred, roughshod over the agricultural classes. Big business gets all the legislation it wants, but the agricultural classes are given scant consideration by the Coolidge-Mellon-Hoover-Jardine oligarchy. How long will the American farmer be deluded by the false philosophy of the industrial East? How long will the western farmer continue to carry hay and water to the eastern industrial elephant? How long will the 30,000,000 American people who depend either directly or indirectly on agriculture for a livelihood be satisfied with the few crumbs that fall from the table laden with bounties and legislative favors for the special-privilege classes? And how long, O how ong, will the western Republicans submit to the party lash in the hands of a few eastern Republicans who worship at the altar of special privilege, use the party of Lincoln, Grant, Garfield, and Blaine to accomplish their sinister and selfish purpose and feather their own nests, and whose sordid and shortsighted leadership and opposition to farm-relief legislation have driven agriculture dangerously close to the abyss of bankruptcy?

In this connection I want to express my appreciation of the very valuable service rendered by my colleague from Missouri [Mr. RUBEY]. From the beginning of the fight for farm relief he has been on the firing line, working in season and out of season to secure the enactment of legislation that would relieve the American farmer of the unjust handicap under which he has so long labored. He has never faltered in his devotion to the interests of agricultural classes.

As a member of the Committee on Agriculture that framed the McNary-Haugen bill, Mr. RUBEY rendered the people of his district and the farmers of the Nation a very valuable service. He was faithful in attending the meetings of this important committee. He patiently and industriously aided in framing this legislation. His understanding of the farm problem, his sympathy for the farming classes, his ripe experience as a legislator, his sound judgment and admirable qualities of mind and heart enabled him to render a service to agriculture the value of which can not be easily computed. Many times when the fate of this bill hung trembling in the balance the vote of the gentleman from Missouri [Mr. RUBEY] turned the tide and gave the friends of farm relief a majority in the committee, and I understand at times the committee was so evenly divided that this bill probably would not have been reported out in its present form had it not been for the vote and influence of Mr. RUBEY. I am indeed glad to bear testimony of the great value of the service Mr. RUBEY has rendered to his district and the country at large, and I indulge the hope, which I am sure is concurred in by all the Members of this body, that he may be reelected and that the people of his district may continue to have the benefit of his valuable services.

Nor can I forego the opportunity to commend the splendid services of my colleague from Missouri [Mr. CANNON] in this fight for equality of agriculture. Ever since I came to Congress his office has been close to mine, and I have been intimately associated with him in legislative matters. Times without number I have consulted him with reference to pending legislation.

I soon found that his judgment was sound, that he was well informed on economic problems, that he was an expert parliamentarian and thoroughly familiar with the legislative machinery, and that his heart was on the right side of every issue, especially the agricultural question. In the five-year battle to pass the McNary-Haugen bill it has been my privilege and pleasure to fight side by side with him, and in this long struggle he has never faltered. From the first he realized the nation-wide distress of agriculture and the absolute necessity for the enactment of legislation that would place agriculture on a parity with other industries; and having put his hand to the plow he never looked back, never compromised on any essential provision of the measure, and never surrendered. When the outlook was most discouraging he never lost confidence in the cause and never doubted that ultimately a worth-while farm relief bill would be enacted based on the McNary-Haugen formula. In the recent contest he rendered the agricultural classes of the Nation a service the value of which can not be measured in dollars and cents.

I am proud of the record made by my Democratic colleagues of Missouri on farm legislation. Every Democratic Member from rural Missouri voted for and loyally supported the McNary-Haugen bill, thereby demonstrating their interest in the welfare of their constituents and their capacity to render their districts and the Nation efficient service.

From what I have said about my colleagues Mr. RUBY and Mr. CANNON having had an active part in securing the enactment of the McNary-Haugen bill it must not be assumed that my other Democratic colleagues from Missouri were any less active in support of farm-relief legislation. As I have said, every one of my Democratic colleagues from rural Missouri gave their votes and aggressive support to this legislation. But in the fight to put over the legislative program of the American farmers I have been very closely associated with Mr. RUBY, a member of the Committee on Agriculture, and with Mr. CANNON, each of whom have given special attention to the farm problem, while my other Democratic colleagues from Missouri being on other committees, though not neglecting farm-relief legislation, were nevertheless compelled to give much of their time to the important problems coming before their committees for consideration. In other words, every Democratic Representative from rural Missouri has kept the faith and have a 100 per cent record on farm-relief legislation.

Mr. BLACK of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the control of farm surplus.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLACK of Texas. Mr. Speaker, the agricultural surplus control bill, commonly referred to as the McNary-Haugen bill, passed the House of Representatives May 3 by a vote of 204 to 121. I voted in favor of the bill because I believe it makes a serious and well-directed effort to deal with what I regard as our greatest economic problem, to wit: The marketing of the surplus of our farm products in a way so as to prevent such surplus from bankrupting the growers who produce it. When, as a Member of Congress, I have voted upon measures affecting agriculture, I have supported every measure which I thought would be helpful to the farming industry. In doing so, I have

not felt that I was supporting class legislation, but legislation for the benefit of the whole community.

Mr. Speaker, there are many problems of farm production, but I shall not discuss them to-day because, notwithstanding the many difficulties attending production, the fact remains that our farmers manage to produce as much of the basic farm commodities as the world needs, and in some years more than the world will use, at a fair and living price to the grower under present marketing conditions.

The big economic problem which confronts us, for example, in the cotton industry, and one that is worthy of the efforts of our best minds to solve, is to market it at a price which will yield a fair profit to the grower and will not bankrupt him when it happens that a surplus is produced.

The present glaring defect in our marketing system is illustrated by the fact that in 1925 we produced a crop of 16,000,000 bales and sold it for $500,000,000 more than a crop of around 18,000,000 bales produced in 1926. And in 1927 we produced a crop of 12,700,000 bales and sold it for as much as we sold our 18,000,000 crop in 1926.

Thus we have the unsound situation of rewarding the producer for producing less and penalizing him to the point of bankruptcy for producing more. Surely some way must be found by which that situation will be corrected. What we need to do is to develop a better marketing system, so that the price of our product will not be stagnated by a temporary surplus. Control the surplus and manipulation of the market will be impossible. Leave the surplus uncontrolled and it will be very difficult to work out any marketing system which will save the farmers from heavy losses.

So the remedy lies in the control of the surplus by some adequate surplus-control agency. What do we mean by a surplus? I would define it to mean that part of the crop which if marketed during the usual 12 months of consumption depresses the price of the whole crop to a point where it is unprofitable to the grower. Farm surpluses are in part within the control of the producer and in part they are beyond his control.

To state it another way, farm surpluses are due in part to acreage and the use of fertilizer, both of which are, of course, under the control of the farmer and in part to the seasons and insect damage, over which he has but little control. None, of course, as to seasons, and not very much as to insect damage. Therefore if surpluses are reasonably controlled so as to put farming upon a more profitable and stable basis, two agencies must work together to accomplish that end.

First, I am convinced after the best study I can give to the problem the Government must set up some kind of machinery along the lines of that provided in the McNary-Haugen bill for the control of the surpluses when they occur; and second, the farmers must cooperate by diversifying their crops and not planting too much acreage in any one particular commodity. Any plan of Government control of the surplus will fail unless it receives a reasonable amount of cooperation from the farmers themselves. Can we get that cooperation from the farmer? I think so.

I see no reason why the farm board such as would be set up by the McNary-Haugen bill could not secure cooperation with the farmers to an equal degree as the Federal reserve board is able to secure cooperation with the Federal reserve banks and their member banks. Of course, the cooperation which the Federal reserve system receives from its member banks and the cooperation which the member banks in turn receive from the Federal reserve system is very far from being perfect, but I do not want to abolish the Federal reserve system because it does not work perfectly. Because we think it would be impossible to frame a law which would cure all the defects in our present marketing system, is no reason why we should oppose doing anything at all.

There are some people who oppose any legislation to aid the farmer in the control of his surplus by Government help because they say it would be too paternalistic. Now, if the protective tariff is not the essence of paternalistic legislation, then I do not know the meaning of the word "paternalistic." Does the North and East propose to release any of the protection which they enjoy under the paternalistic Fordney-McCumber tariff law? Oh, no; they do not. Entrenched behind a tariff wall as high as any ever enacted by an American Congress and which I voted against, they propose to hold on to all the protection they have and to set up a cry of "Too paternalistic" every time it is proposed to give the farmers of the West and South a degree of protection comparable to that which they enjoy.

So let it be clearly understood that I believe that something can be done by the Government such as is provided in the McNary-Haugen bill to stop the radical and demoralizing fluctuations in the prices of basic farm products, fluctuations which ranged, for example, from around a low figure of 10 cents a pound for cotton in December of 1926 to a figure around 25 cents in the early part of September, 1927, and then back to 18 cents a pound by December, 1927, a fluctuation of $75 a bale over a period of less than 12 months. No business in the world can enjoy any degree of stable prosperity under such wide fluctuations of prices. Something must be done to correct it.

I think the operation of the McNary-Haugen bill would do much to correct these evils. The McNary-Haugen bill does not provide any compulsory control of acreage. I would not have supported it if it had done so. Social cooperation must be voluntary if it succeeds. It crumbles under compulsion. And that is especially true of the Anglo-Saxon race. It is in our blood to want to be free.

So the McNary-Haugen bill contains no provisions whatever which would give the Federal farm board established under its provisions any compulsory control over acreage. The farmer would still be free to plant whatever he wants to plant and whenever he wants to plant it. But I do not doubt that the great majority of American farmers would be willing to give the board a sufficient amount of cooperation to make the plan of surplus control a success. Not perfection, of course. Any new law of this importance must necessarily pass through its experimental stages. But a start must be made somewhere if we are ever to solve this great problem of surplus control of farm products. The McNary-Haugen bill would make the start, and for that reason I was glad to give it my support.

Let us develop the resources of our land, call forth its powers. Promote all its great interests to see whether we also in our day and generation may not perform something worth while to be remembered.

Thus spoke Daniel Webster nearly a century ago, and his stirring call to service in this great basic industry should still strike a responsive chord in the heart of every citizen who is interested in the happiness and welfare of the American people.

AGRICULTURAL SURPLUS CONTROL BILL

Mr. BOWMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the McNary-Haugen bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOWMAN. Mr. Speaker, the recent consideration of the McNary-Haugen farm relief bill in the United States Senate was responsible for the introduction of two amendments to the bill affecting the fruit growers of the United States. One amendment was introduced by Senator Neely, of West Virginia, and the other one was presented by Senator COPELAND, of New York. These amendments are designated as the Neely and the Copeland amendments.

The Neely amendment sought to relieve the fruit growers from the operation of the equalization fee without destroying the loan and credit features of the bill. The adoption of this amendment would have made available to the fruit growers of the United States every needed facility for storing and marketing their products. Because of the perishable character and nature of fruits, the equalization fee was not favored by the growers; but, for exactly the same reason, the credit and loan provisions of the said bill were most desirable.

The effect of the Copeland amendment, which was adopted in the Senate, is most disastrous to the fruit growers. It eliminates fruits from every provision of the McNary-Haugen bill. In other words, fruit, as a commodity, is an outcast. This amendment denies to the fruit growers of the country the rights and advantages guaranteed to the producers of other agricultural commodities and places their fate in the hands of the commission merchants. It denies credit and loan facilities of the United States Government to the producers of fruit, and reaffirms and reestablishes the present policy of securing loans and credits from commission merchants, who arbitrarily fix a low market price for the producer and a proportionately high price to the consumer. It leaves the fruit grower at the mercy of the commission merchants, and neither the grower nor the public is benefited. This is the aim and objective of the Copeland amendment.

The adoption of the Copeland amendment was most significant. It was a decided victory for the commission merchants and all allied associations and the organizations in the business of buying and selling fruits. It was particularly gratifying to those organizations which have constantly opposed and contended against all cooperative movements to assist and aid the farmers.

In the April 14, 1928, issue of The New York Packer, a trade publication devoted to the interest of commercial growers, packers, shippers, and receivers of fruit, vegetables, melons, and so forth, with offices in Kansas City, New York, Cincinnati, Chicago, and Los Angeles, almost a column is devoted to the most gratifying success of the Copeland amendment under the glaring headlines:

Fruits and vegetables eliminated from McNary-Haugen bill. Trade associations have been active in support of the amendment and the pressure of a flood of telegrams pouring into Washington from members of the trade throughout the country was a factor in winning the battle.

This is a bold confession. We can now begin to understand. The adopted amendment is the result of legislative propaganda.

Under a Chicago date line of April 13 the same article continues:

The force of the fruit and vegetable trade organizations was felt in Washington this week when telegrams from members of the various trade associations throughout the country poured into the offices of Senators. The joint council representing members of the Western Fruit Jobbers' Association, International Apple Shippers' Association, and the National League of Commission Merchants has been active in its support of the Copeland amendment, excluding fruits and vegetables from the bill.

William Garfitt, secretary of the Western Fruit Jobbers' Association said yesterday that members of his organization had been flooding Washington with telegrams in support of the Copeland amendment.

Under a Detroit date line of April 13 the following is published as a part of the said article:

The Detroit branch of the National League of Commission Merchants sent the following telegram to United States Senator JAMES COUZENS: "We, the undersigned members of the Detroit National League of Commission Merchants, hereby request that you use your influence and support to the Copeland amendment in final action by the Senate pending, which would exclude fruits and vegetables from the operation of the McNary-Haugen relief bill (3555), as the original bill as drafted would prove very harmful to the entire fruit and vegetable business of the United States."

The article gives another report, under a New York date line of April 13, as follows:

The legislative committee of the New York Mercantile Exchange held a meeting Monday to consider the McNary-Haugen bill, which is attracting the attention of not only the members of the produce trade of the country but also that of the merchants in all other lines of business. President Droste issued a letter later to the trade calling attention to the circular which was issued by W. F. Jensen, president of the Federated Agricultural Trade of America, condemning the measure. Mr. Droste urged immediate action against the measure. He also included a list of the United States Senators and all the Members of the House of Representatives of the State of New York and urged the trade to take up the matter immediately with their Representatives, protesting against the passage of the bill.

The above press dispatches are quoted to show the extent of the propaganda released by various organizations opposed to any system of cooperation and credit for the American farmer. Anyone who is familiar with the character and nature of said organizations and associations will know the truth of my statement. The dispatches also prove that the McNary-Haugen bill as amended in the Senate is most satisfactory to the middleman.

During the discussion and consideration of said bill in the House of Representatives every effort was made to adopt amendments similar to the Copeland amendment. The House rejected these amendments, and the bill was finally passed without any amendments similar to the Neely or Copeland amendments. The House bill still keeps the fruit growers under the provisions of the equalization bill, which is very objectionable to the growers. This objection should be removed in conference.

The Senate and House bills are now in conference, and it is hoped that an amendment removing fruit growers from the equalization fee and at the same time permit them to enjoy the privileges of the credit and loan provisions will result. This is what the fruit growers desire. In doing this the McNary-Haugen bill will, in fact, be a relief measure for the fruit growers of the United States instead of an enabling act to assist the commission men.

CHIPPEWA INDIANS OF MINNESOTA

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10360) to confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926, and agree to the Senate amendments.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table the bill (H. R. 10360) and agree to the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill and the Senate amendments.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Senate amendments were agreed to.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I call up the conference report on the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes, and ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 4, 5, 6, 14, 24, 41, 42, 44, 47, 48, 60, 62, 63, 64, 66, 74, 77, 83, 88, and 94.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 30, 31, 32, 33, 34, 35, 37, 38, 43, 45, 46, 49, 50, 51, 52, 53, 54, 55, 58, 68, 71, 72, 73, 75, 78, 79, 81, 82, 89, 90, 91, 95, 96, 97, and 101, and agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$515,200"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$105,650"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$277,140"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,945,135"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,147,895"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$775,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$245,000"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$210,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,870,105"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,145,105"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$52,743, of which sum $10,000 shall be immediately available"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,293,613"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,966,658"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$725,000"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,228,060"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,568,280"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 56, 59, 80, 84, 85, 86, 98, 99, 100, and 102.

L. J. DICKINSON,
E. H. WASON,
JOHN W. SUMMERS,
J. P. BUCHANAN,
JOHN N. SANDLIN,
Managers on the part of the House.

CHAS. L. MCNARY,
W. L. JONES,
HENRY W. KEYES,
LEE S. OVERMAN,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and embodied in the accompanying conference report as to each of such amendments, namely:

OFFICE OF THE SECRETARY

On No. 1: Removes the inhibition inserted by the Senate against the issuance of price forecasts with respect to wheat.

On No. 2: Removes the inhibition inserted by the Senate against ascertaining, collating, or publishing any data or information which it is the duty of another department or bureau to ascertain, collate, or publish.

On No. 3: Inserts a title.

On Nos. 4, 5, and 6: Strikes out the appropriation of $15,000 inserted by the Senate for the publication of a handbook on fruit and vegetable diseases.

On No. 7: Corrects a title.

On No. 8: Inserts a title.

On No. 9: Inserts a comma.

On No. 10: Inserts a total.

On No. 11: Inserts the word "for" instead of the word "or."

On Nos. 12 and 13: Corrects a title.

On No. 14: Corrects a total.

WEATHER BUREAU

On No. 15: Provides $7,000 for expenses and improvement of a meteorological station at Greensboro, N. C.

On No. 16: Provides an additional $48,500 to complete program of maintenance of 13 stations for supplying weather information to Air Service of the Army.

On Nos. 17 and 18: Corrects a total and adjusts the amount available for personal services in the District of Columbia.

BUREAU OF ANIMAL INDUSTRY

On No. 19: Provides an additional $2,300 for increases in salaries of veterinarians.

On No. 20: Strikes out the words "not to exceed" in connection with an amount reappropriated to conform to certain requirements of the Comptroller General.

On No. 21: Provides an additional $8,400 for increases in salaries of veterinarians.

On No. 22: Strike out the words "not to exceed" in connection with an amount reappropriated, to conform to certain requirements of the Comptroller General.

On No. 23: Corrects the amount of an allocation for administrative and operating expenses.

On No. 24: Strikes out the provision inserted by the Senate forbidding the payment of indemnities for the destruction of tuberculous cattle if the indemnity value is fixed by any arbitrary maximum.

On No. 25: Provides an additional $1,200 for increases in salaries of veterinarians.

On No. 26: Strikes out the words "not to exceed" in connection with an amount reappropriated, to conform to certain requirements of the Comptroller General.

On No. 27: Provides $5,000, as appropriated by the Senate, for increased facilities for a poultry experiment station at Glendale, Ariz.; and strikes out $10,000 which had been appropriated by the Senate for nutrition researches.

On No. 28: Corrects the amount allocated for experiments in poultry feeding and breeding.

On No. 29: Provides $20,000 for scientific investigations relative to the outbreak of the disease known as anaplasmosis; strikes out $10,000 provided by the Senate for cattle-grub investigations; strikes out $10,000 provided by the Senate for research work concerning the disease of contagious abortion of animals; and strikes out $50,000 provided by the Senate for poultry investigations.

On No. 30: Strikes out the words "not to exceed" in connection with an amount reappropriated, to conform to certain requirements of the Comptroller General.

On No. 31: Provides an additional $1,600 for increases in salaries of veterinarians.

On No. 32: Strikes out the words "not to exceed" in connection with an amount reappropriated, to conform to certain requirements of the Comptroller General.

On No. 33: Corrects the amount to be allocated for expenditure in regulating the preparation, sale, shipment, etc., of hog cholera serum.

On Nos. 34 and 35: Strikes out the words "not to exceed" in connection with amounts reappropriated, to conform to certain requirements of the Comptroller General.

On No. 36: Corrects a total.

On No. 37: Provides an additional $26,260 for increases in salaries of veterinarians.

On No. 38: Strikes out the words "not to exceed" in connection with an amount reappropriated, to conform to certain requirements of the Comptroller General.

On Nos. 39 and 40: Corrects a total and the amount allocated for salaries in the District of Columbia.

BUREAU OF DAIRY INDUSTRY

On Nos. 41 and 42: Strikes out the additional $13,000 appropriated by the Senate for dairy industry investigations.

On No. 43: Inserts a title.

On No. 44: Corrects a total.

BUREAU OF PLANT INDUSTRY

On No. 45: Provides an additional $10,000 for the study of the phony disease of peach trees.

On No. 46: Provides an additional $5,000 for citrus canker eradication in cooperation with the State of Florida.

On Nos. 47 and 48: Strikes out $44,200 appropriated by the Senate; $25,000 for rubber research, and $19,200 for varietal studies of cotton.

On No. 49: Restores the House cut of $4,000, to administer the coloring provision of the Federal seed act and enforce the provision against interstate shipment of misbranded seeds.

On No. 50: Provides $5,000 for investigations concerning wheat smut.

On Nos. 51 and 52: Strikes out the words "not to exceed" in connection with amounts reappropriated, to conform to certain requirements of the Comptroller General.

On No. 53: Provides $2,500 for the study of diseases of the wild blueberry in Florida.

On Nos. 54 and 55: Provide $10,000 for field station at Umatilla, Oreg., under "Dry-land agriculture."

On No. 57: Provides $5,000 additional for apple washing to remove effects of arsenical spray, and strikes out the amount of $15,000 appropriated by the Senate for additional studies relative to the precooling of fruits before shipment.

On No. 58: Restores the House cut of $22,500 under the appropriation for forage crops.

FOREST SERVICE

On No. 60: Strikes out the Senate increase of $14,425 under "Range investigations" for an experiment station in the Arizona and New Mexico region.

On No. 61: Increases the appropriation for "Planting national forests" in the sum of $10,000, instead of $20,000 as proposed by the Senate, to increase the capacity of the nursery at Monument, Colo.

On No. 62: Strikes out $20,000 provided by the Senate for silvical and other experiments at the Lake States Experiment Station.

On Nos. 63 and 64: Strikes out $30,000 provided by the Senate as an additional amount for the construction and maintenance of roads, trails, etc., in the national forests.

On No. 65. Corrects a total.

On No. 66: Strikes out the provision inserted by the Senate allocating $10,000 of the appropriations for the Forest Service for acquirement of additional lands for forest-tree nurseries.

On No. 67: Corrects a total.

BUREAU OF CHEMISTRY AND SOILS

On No. 68: Restores the House cut of $13,000 under the appropriation for "Agricultural chemistry," for investigations relative to spoilage of canned goods, metallic poisons, etc.

On No. 69: Provides an increase of $10,000, instead of an increase of $15,000 as contained in the Senate amendment, for prevention of farm fires, etc.

On No. 70: Corrects a total.

BUREAU OF ENTOMOLOGY

On No. 71: Provides an additional $5,000 for investigations relative to substitutes for arsenical sprays.

On No. 72: Restores the House cut of $4,410 for investigations of the European earwig.

On No. 73: Provides an additional $5,000 under "Insects affecting cereal and forage crops," for investigation of the feasibility of shipment of alfalfa meal the entire year.

On No. 74: Strikes out the Senate increase of $15,000 for investigations relative to the cattle grub.

On No. 75: Strikes out the words "not to exceed" in connection with an amount reappropriated, to conform to certain requirements of the Comptroller General.

On Nos. 76 and 77: Corrects a total and the amount allocated for salaries in the District of Columbia.

BUREAU OF BIOLOGICAL SURVEY

On No. 78: Restores the House cut of $1,480 for a new clerk in the Washington office.

On No. 79: Provides $30,000, as appropriated by the Senate, for construction of a dam at Cold Springs Creek, on the Montana National Bison Range.

On No. 81: Strikes out the words "not to exceed" in connection with an amount reappropriated, to conform to certain requirements of the Comptroller General.

On No. 82: Retains the Senate increase of $5,000 for elk and buffalo investigations.

On No. 83: Strikes out $12,000 provided by the Senate for investigations relative to the woodcock.

BUREAU OF AGRICULTURAL ECONOMICS

On Nos. 87 and 88: Retains the Senate increase of $10,000 for investigations relative to the uses of cotton, and strikes out the Senate increase of $50,000 for grading and marking of meats.

On No. 89: Insert the word "stocks" in lieu of the word "stock."

On Nos. 90 and 91: Provides $10,000 for Shanghai office.

On Nos. 92, 93, and 94: Corrects the totals and the amount allocated for salaries in the District of Columbia.

PASSENGER-CARRYING VEHICLES

On No. 95: Authorizes $175,000 as provided by the Senate, instead of $165,000 as proposed by the House, for purchase, maintenance, etc., of passenger-carrying vehicles.

FOREST ROADS AND TRAILS

On Nos. 96 and 97: Appropriates $7,500,000 as provided by the Senate, instead of $6,500,000 as proposed by the House, for construction of forest roads and trails.

EIGHTH INTERNATIONAL DAIRY CONGRESS

On No. 101: Provides $10,000, as proposed by the Senate, for expenses in connection with the Eighth International Dairy Congress.

The committee of conference have not agreed to the following Senate amendments:

On Nos. 56 and 59: Providing $100,000, as appropriated by the Senate, for a horticultural experiment station at Cheyenne, Wyo.

On Nos. 80, 84, 85, and 86: Providing $54,500 for work relative to predatory animals and rodents, $7,500 for investigations concerning fur-bearing animals, and correcting the totals and the amount allocated for salaries in the District of Columbia as they may be affected by action on the two amounts contained in the Senate amendment.

On No. 98: Striking out the word "may" and inserting in lieu thereof the word "shall," making it mandatory instead of discretionary for the Secretary of Agriculture to incur obligations in the full sum of $7,500,000 authorized to be appropriated for the fiscal year ending June 30, 1929.

On Nos. 99 and 100: Appropriating for restoration of roads destroyed by the floods of 1927 as follows: $2,654,000 in Vermont, $653,300 in New Hampshire, and $1,889,994 in Kentucky.

On No. 102: The total of the bill, which will be affected by action taken on the other amendments in disagreement.

L. J. DICKINSON,
E. H. WASON,
JOHN W. SUMMERS,
J. P. BUCHANAN,
JOHN N. SANDLIN,
Managers on the part of the House.

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the conference report be agreed to.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 56: Page 33 of the bill, line 16, insert:

"Horticultural experiment station, Cheyenne, Wyo.: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled 'An act providing for horticultural experiment and demonstration work in the semiarid or dry-land regions of the United States,' approved March 19, 1928, including the erection of buildings and fences, the construction of irrigation facilities, the employment of persons, and for other necessary expenses, to be immediately available, $100,000."

Mr. DICKINSON of Iowa. Mr. Speaker, I move to recede and concur with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Iowa moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment No. 56: Moved by Mr. DICKINSON of Iowa: That the House recede from its disagreement to the amendment of the Senate No. 56, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: "Horticultural experiment station, Cheyenne, Wyo.: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled 'An act providing for horticultural experiment and demonstration work in the semiarid or dry-land regions of the United States,' approved March 19, 1928, including the erection of buildings and fences, the construction of irrigation facilities, the employment of persons, and for other necessary expenses, to be immediately available, $100,000: *Provided*, That the limitations in this act as to the cost of buildings shall not apply to this paragraph."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 59: Page 36, line 11, strike out "$4,216,436" and insert "$4,439,636."

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER. The gentleman from Iowa moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment No. 59: Moved by Mr. DICKINSON of Iowa: That the House recede from its disagreement to the amendment of the Senate No. 59, and agree to the same with amendment, as follows: In lieu of the sum inserted by said amendment, insert "$4,380,436."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 80: Page 53 of the bill, line 6, strike out "$595,500" and insert "$657,500."

Mr. DICKINSON of Iowa. Mr. Speaker, I move to recede and concur with an amendment which I send to the desk.

The SPEAKER. The gentleman from Iowa moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment No. 80: Moved by Mr. DICKINSON of Iowa: That the House recede from its disagreement to the amendment of the Senate No. 80, and agree to the same with an amendment, as follows: In lieu of the sum inserted by said amendment insert "$650,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Page 54, line 11, strike out "$1,034,520" and insert "$1,145,000."

Mr. DICKINSON of Iowa. Mr. Speaker, I move to recede and concur with an amendment.

The Clerk read as follows:

Moved by Mr. DICKINSON of Iowa: That the House recede from its disagreement to the amendment of the Senate No. 84, and agree to the same with an amendment, as follows: In lieu of the sum inserted by said amendment insert the following: "$1,125,500: *Provided*, That the Secretary of Agriculture shall investigate and report to the next regular session of Congress as to the feasibility of a five-year cooperative program, or a program extending over such term of years as to him shall seem most advisable for the purposes in view, for the eradication, suppression, or bringing under control of predatory animals within the United States, and the estimated cost thereof as compared to the present method."

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 85: Page 55, line 7, strike out "$1,074,520" and insert "$1,185,000."

Mr. DICKINSON of Iowa. Mr. Speaker, I move to recede and concur with the following amendment.

The Clerk read as follows:

Mr. DICKINSON of Iowa moves that the House recede from its disagreement to the amendment of the Senate No. 85, and agree to the same with an amendment, as follows: In lieu of the sum inserted by said amendment insert "$1,165,000."

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 86: Page 55, line 8, strike out the figures "$209,520" and insert "$217,000."

Mr. DICKINSON of Iowa. Mr. Speaker, I move to recede and concur with an amendment.

The Clerk read as follows:

Moved by Mr. DICKINSON of Iowa: That the House recede from its disagreement to the amendment of the Senate No. 86, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$211,000."

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 98: Page 80, line 3, strike out the word "may" and insert the word "shall."

Mr. SNELL. Mr. Speaker, I would like to ask the gentleman from Iowa about these increases in amendments 96, 97, and 98, what they are and what they do?

Mr. DICKINSON of Iowa. That is an additional $1,000,000 for roads and trails. The authorization in the law was for $7,500,000. In the last bill the committee cut that down to $6,500,000. It does not correspond with the authorization under the law with the result that they absorbed their balance, and at the end of this year they need the whole authorization. While the Budget was only for $6,500,000 the House allowed the Budget estimate, and the Senate allowed the authorization of $7,500,000.

Mr. SNELL. That is all there is to it?

Mr. DICKINSON of Iowa. Yes.

Mr. SHREVE. Is this authorization continued from year to year?

Mr. DICKINSON of Iowa. It is. Mr. Speaker, I move to recede and concur in amendment No. 98.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 99: Page 81, after line 16, insert the following:

"FLOOD RELIEF, VERMONT AND NEW HAMPSHIRE

"For the relief of the State of Vermont, $2,654,000, and for the relief of the State of New Hampshire, $653,300, in the matter of roads and bridges damaged or destroyed by the flood of 1927: *Provided*, That any sums appropriated under this authorization shall be expended in accordance with the provisions of the Federal highway act, except that the provision limiting Federal payments to not exceed $15,000 per mile shall not apply and the provision restricting the expenditure of Federal funds upon roads on the system of Federal-aid highways shall not apply to the extent that such expenditure is hereby authorized on roads and bridges not on but which are extensions of said system within municipalities having a population of 2,500 or more, as shown by the last available census."

Mr. DICKINSON of Iowa. Mr. Speaker, I move to recede and concur with an amendment.

The Clerk read as follows:

Mr. DICKINSON of Iowa moves that the House recede from its disagreement to the amendment of the Senate No. 99, and agree to the same with an amendment as follows:

"FLOOD RELIEF, VERMONT, NEW HAMPSHIRE, AND KENTUCKY

"For the relief of the following States as a contribution in aid from the United States, induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to such States through the damage to or destruction of roads and bridges by the floods of 1927, imposing a public charge against the property of said States beyond their reasonable capacity to bear, and without acknowledgment of any liability on the part of the United States in connection with the restoration of such local improvements, namely: Vermont, $2,654,000; New Hampshire, $653,300; Kentucky, $1,889,994; in all, $5,197,294, to be immediately available and to remain available until expended: *Provided*, That the sums hereby appropriated shall be expended by the State highway departments of the respective States, with the approval of the Secretary of Agriculture, for the restoration, including relocation, of roads and bridges so damaged or destroyed, in such manner as to give the largest measure of permanent relief, under rules and regulations to be prescribed by the Secretary of Agriculture: *Provided further*, That the amount herein appropriated for each State shall be available when such State shall have or make available a like sum from State funds for the purposes contained herein."

Mr. DICKINSON of Iowa. Mr. Speaker, I think the House ought to have an explanation of this amendment. Because of the damage by floods in Vermont, New Hampshire, and also in the State of Kentucky, two amendments were added on the floor of the Senate, the first one, No. 99, being based on a Budget estimate. No. 100 was not based on a Budget estimate, but a Budget estimate has later been sent to the House covering it. The amendments of the Senate provided originally for the damage on primary roads, so far as Vermont and New Hampshire were concerned. Our committee thought that under no circumstances should the Government of the United States ever assume any obligations for either the rebuilding or the repairing of a primary-road system on which Federal funds had been used for building, the reason for that being that if we ever became committed to the policy of repairing primary roads there would be a continuous demand on the Congress every time any primary roads were destroyed to appropriate out of the Federal Treasury for their repair and rebuilding.

The result was that after going over these items very carefully we cut out all reference to primary roads. We do not want to assume any obligations for their repair. We have included Kentucky in the amendment which we have offered to the Senate amendment, and if this amendment be agreed to I shall move to further insist upon the disagreement to the Kentucky amendment, because Kentucky is cared for in the amendment that I have offered as amendment to No. 99. We have made these appropriations entirely a gratuity, based on the emergency, the emergency being that these people suffered a loss that is very extreme, and that the demand on them now is beyond the taxing ability of these various localities to bear. We have gotten away from the responsibility of the Government so far as the repair or rebuilding of the primary roads are concerned. We do not limit the use of the appropriation to primary roads, but make it applicable to roads and bridges, because in the State of Kentucky, as I understand it, a great many of their roads that were destroyed and a great many of their bridges that were destroyed were not on the primary system, but were on the school-road system or the rural routes.

Mr. WARREN. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. WARREN. Do I understand the gentleman to say that in case of a great disaster to the Federal-aid roads in the Nation, Congress ought not to be committed to replacing those roads?

Mr. DICKINSON of Iowa. Absolutely ought not to be.

Mr. WARREN. I might inform the gentleman that a bill has been pending during this entire session having that in view, which has the indorsement of the department and the indorsement of 36 highway commissions in the country.

Mr. LAGUARDIA. It naturally would.

Mr. DICKINSON of Iowa. Committing Congress to the rebuilding of roads when they are destroyed?

Mr. WARREN. By some great disaster, such as floods.

Mr. DICKINSON of Iowa. That is a matter entirely for the legislative committee. I do not want to approve it in this way.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. LAGUARDIA. While it is true that the gentleman has avoided assuming responsibility, nevertheless these amendments establish the precedent of a gratuity under similar circumstances.

Mr. DICKINSON of Iowa. That is absolutely true.

Mr. LAGUARDIA. And unfortunately.

Mr. DICKINSON of Iowa. That is the danger of this amendment. I regret that these amendments were put on an appropriation bill, but they are here, and we have to deal with them. This is an emergency, and the people think they ought to have relief. There is no place where they can go other than to the Federal Treasury to obtain that aid. We have handled the matter in what we think is the safest, sanest way, without fixing a policy that will plague us hereafter.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. SNELL. I think the wording of the amendment proposed by the gentleman is a very great improvement over the Senate amendment. I am glad the gentleman has put it as a straight, square contribution, on account of a great disaster, and then there can be no precedent except under exactly same conditions. I am opposed to the practice of adding these large matters to appropriation bills. The custom has grown up of late that every time some one has something before a committee, or which has been reported out from a committee but which has not been passed, he runs over and gets it attached to an appropriation bill in the Senate. That is absolutely unfair and against the principles of our legislative policy. I do not think the House ought to continually stand for it. I appreciate that this is a serious proposition confronting these people at this time. I shall not oppose this amendment, but as a general policy we ought to insist that these appropriations not come to the House in this way. I know the gentleman agrees with me in that policy.

Mr. DICKINSON of Iowa. I absolutely agree with the gentleman.

Mr. ALMON. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. ALMON. The Committee on Roads gave very careful consideration and hearings to the Kentucky and Vermont cases and reported bills favorably by a unanimous vote. Under those bills the money of the Federal Government was to be expended under the directions of the Director of Public Roads.

Mr. DICKINSON of Iowa. That is the case in this amendment, under rules and regulations to be prescribed by the Secretary of Agriculture. But we have gone further than that. We have required that the States shall also match dollar for dollar out of the State funds, not township or county funds, every dollar that we are appropriating here, so that they will have a constructive road-building policy out of these funds rather than patchwork which might occur if we permitted them to use county or township funds.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. RAMSEYER. How did the committee arrive at these sums to be contributed to these three different States?

Mr. DICKINSON of Iowa. They are set forth in the Budget estimates. It is my understanding that the Budget estimates are based on reports of the State engineers, approved by the Bureau of Roads in the Department of Agriculture, as to what the damages were.

Mr. RAMSEYER. Did the Budget Bureau approve all three of these items?

Mr. DICKINSON of Iowa. Yes; it approved all three of them.

Mr. RAMSEYER. And figured it out to the dollar what each State shall get?

Mr. DICKINSON of Iowa. I do not say the Budget Bureau figured it out to the dollar; but I do say that the road departments in the various States made estimates of these damages and certified them to the Department of Agriculture.

Mr. RAMSEYER. Does the amount given to each State represent one-half of the damage they have sustained? How did you arrive at the amount?

Mr. DICKINSON of Iowa. I will yield to the gentleman from Kentucky to speak with respect to that State.

Mr. ROBSION of Kentucky. The State of Vermont, I understand, figured the damage out at something over $7,000,000.

Mr. RAMSEYER. Who figured that out?

Mr. ROBSION of Kentucky. I understand the bureau of roads of Vermont and the Bureau of Roads in the Department of Agriculture. Their claim here is limited to $2,654,000. And that is the ratio in the State of New Hampshire. In Kentucky the Federal Bureau of Roads and the State highway commission took the matter up, and Mr. MacDonald, Director of the Bureau of Roads, says the loss there is about 30 per cent of the entire loss. The amount claimed in the Vermont bill and in the Kentucky bill is figured at about 30 per cent of the actual loss to bridges and roads.

Mr. CHAPMAN. Mr. Speaker, will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. CHAPMAN. Is it not true that the Kentucky Legislature has already authorized an equal amount to that provided in the amendment?

Mr. ROBSION of Kentucky. Yes.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. DOWELL. There were extensive hearings held on these propositions before the Committee on Roads. All of these facts were brought before the legislative committee, and it received the approval of the committee. It is much less than the actual damages, as the evidence before the committee shows.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. SNELL. What changed the mind of the Bureau of Roads as to the last two propositions, if I may ask? Originally they were not fit for it.

Mr. DOWELL. I do not know what changed the mind of the Bureau of Roads as to the last two propositions.

I want to say that the gentleman from New York [Mr. SNELL] has expressed my views also on the method of making these appropriations. But in this instance there has been a thorough investigation by the House committee, and the facts have been presented in the regular way.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield further?

Mr. DICKINSON of Iowa. Yes.

Mr. ROBSION of Kentucky. This consideration, ladies and gentlemen of the House, enters into this matter: Great territories in Vermont and New Hampshire and Kentucky were devastated. Their roads and bridges have been destroyed. The people are hopeless and helpless, and if they are ever going to receive this relief they need it now, and they must have it now. They are not responsible for the items being put on in the Senate. We would have been very glad to have had them considered here. But the Committee on Roads considered the matter carefully, and it was the unanimous report of the members of the committee that these claims were all right.

Mr. HALE. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes; I yield to the gentleman from New Hampshire.

Mr. HALE. So far as New Hampshire is concerned, Mr. Speaker, the total damage, as estimated by the Federal Bureau of Public Roads, was $2,710,000. The amount of money given in this appropriation to New Hampshire is $653,300, or about 25 per cent of our total damage on our road system. That amount is fixed by the Federal Department of Public Roads as the amount of damage accruing solely and strictly on the Federal highway system. It does not take into account the damage on other roads, and it takes no account of the damage done to life and property elsewhere throughout the State.

Mr. DICKINSON of Iowa. Mr. Speaker, I yield to the gentleman from Vermont.

Mr. GIBSON. Mr. Speaker, the gentleman from Iowa [Mr. RAMSEYER] inquired as to how the amounts carried in the amendment were arrived at. The amount, so far as Vermont is concerned, was arrived at through a survey made by the engineers of the Public Roads Bureau of the Department of Agriculture. This survey showed a total road and bridge damage of $7,377,469, or a damage of $21 plus for every man, woman, and child in the State.

Now, the Vermont item carried in this amendment represents just the damage to the Federal-aided roads as determined by this survey, $2,654,000.

Mr. DICKINSON of Iowa. I yield to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Speaker, for the information of the House this great cloudburst in the mountains of Kentucky occurred just at the time of the Mississippi flood, and the papers did not carry much about it, but the fact is that 99 lives were lost and $57,000,000 worth of property was destroyed, not counting much personal property. Four hundred and one bridges were swept away and 2,500 miles of highways destroyed or greatly damaged. That gives you some idea of the damage and havoc wrought.

Mr. THATCHER. Is it not a fact that all of these affected counties have already been bonded to the constitutional limit, their money expended on roads that have been swept away, and that they are utterly helpless to raise any more funds?

Mr. ROBSION of Kentucky. That is true. Let me give you one sentence from Mr. MacDonald's (Director Federal Bureau of Roads) report on this matter:

> The greatest and most serious of public and private losses were in the mountain counties. Most of these counties have a low assessed valuation, and those for which we have reports show a decrease of assessed valuation. These counties had issued bonds up to the legal limit of indebtedness to build roads and bridges; the storm came; the roads and bridges are gone, the debts remain, and the people are hopeless and helpless.

This is from Mr. MacDonald's report.

Mr. KETCHAM. Will the gentleman from Iowa permit me to ask a question of the gentleman from Vermont?

Mr. DICKINSON of Iowa. Yes.

Mr. KETCHAM. Will the gentleman from Vermont please tell the House what the total damage to property of other kinds than that represented in roads was in the State of Vermont?

Mr. GIBSON. The total direct property loss in the State of Vermont, as shown by this survey, was $30,435,000, an amount equal to one-tenth of the value of all property assessed for taxation in the State.

Mr. VINSON of Kentucky. And if the gentleman will permit, in that connection the property loss in Kentucky aggregated $56,000,000.

Mr. ROBSION of Kentucky. Fifty-seven million dollars.

Mr. GIBSON. I will say to the gentleman from Michigan that I did not take into consideration the indirect losses or business losses, which are estimated at about $100,000,000.

Mr. DICKINSON of Iowa. Mr. Speaker, I yield to the gentlewoman from Kentucky [Mrs. LANGLEY].

Mrs. LANGLEY. Mr. Speaker and colleagues, I want to bring this point to you. While I am a devout believer in and simple follower of the faith and precept that we owe our first allegiance to the constituency that sent us here, and of necessity must conceive it our highest duty to serve their best interests first, yet there is another duty of equal importance—to deal with all problems as if they were our very own. That, to my mind, is the corner stone of representative government. I trust that in dealing with the terrific devastation to post roads and bridges wrought in Kentucky by the May cloudburst of last year, with the grave havoc and death toll which followed in its wake, you, my colleagues, will feel that for the time being the mountains of Kentucky belong to you.

To-day we are confronted with the tragic aftermath of this flood, and in the interest of and love for Kentucky may I not briefly sketch for you a picture of the situation which we find ourselves facing?

To go back to the early pioneer history of eastern Kentucky more than a hundred and forty years ago, the Virginians trekked across the Cumberlands and settled in the valleys along the Big and Little Sandy River and North Fork of the Kentucky. There they built their simple homes and although cut off from the outside world, because of the inaccessibility, lived a God-fearing and law-abiding people, in whose veins flows the purest Anglo-Saxon blood in all the world.

Suddenly, without warning, on the 29th of last May in the middle of the night, following two days of heavy rain, the creeks and rivers began to rise, and by midnight the tide of the Kentucky River was 75 feet high and came rushing down the valley carrying in its wake railroad tracks, bridges, fences, telephone and telegraph wires, houses, débris of all kinds, the most tragic shock being the toll of human lives—60 in four of my counties.

With never a murmur nor complaint, but with calm dignity and brave fortitude, as everlasting as life itself, our people in the stricken area began to carry on; and with the cooperation of thousands of sufferers, each aiding the other, we have gradually returned somewhat to normalcy. I want to mention here the magnificent work done by the American Red Cross and the unparalleled service rendered by the public health department of our State under the personal supervision of Dr. A. T. McCormack and his able assistants. Never in the history of any disaster, I venture to say, has there been given such splendid aid to a stricken community.

But there is one problem in which we must have aid if we are again to go forward in the onward march of civilization. I refer to the rebuilding of post roads and bridges.

I do not lose sight of the fact that under our Federal Constitution there are certain limitations beyond which Congress can not go and beyond which the burden must inevitably fall upon the locality. But with the present heavy bonded indebtedness of our counties we can not meet the damage to our post roads and bridges, and if aid is not given us we are put back at least 50 years. The very lifeblood is taken from us with our means of transportation and intercommunication crippled.

Not only is this a national problem from the standpoint of justice but it is the only practicable way it can be effectively and promptly handled.

You will recall that there was practically no publicity for our mountain flood last year outside of Kentucky, due to the overwhelming newspaper space demanded by the Mississippi flood. The visit of Secretary Hoover, accompanied by Mr. Fieser, of the American Red Cross, attracted quite a good deal of attention to it, however.

While I realize that it is unprecedented for the Federal Congress to build roads and bridges following any kind of a devastation, I feel that this grave national disaster justifies the passage of this amendment.

My people's confidence in the existing governmental instrumentality for handling this matter is not diminished, and I hope it will never be. The stricken counties have reached the end of their tether; they are staggering under a bonded indebtedness. To attempt to make them contribute would not only add a grievous burden to the people already sadly impoverished, but would cripple and render ineffective the progress already made earnestly, hopefully, staunchly, and prayerfully by the beloved and true people of the mountains.

The kind of spirit which has developed this land will carry it on, but if the Federal Government refuses to help them they will feel that the richest nation on earth is unwilling to help her own people, the Government for whom many of them have fought, bled, and died, and they will say: "This is our compensation. When our country needs help, we are eager to go forward and proffer it valiantly, but when we need help they refuse it. We not only gave of our wealth, our time, but of our lives, and our children and our children's children. Does not this fact alone warrant our being assisted when this need is imminent?"

The passage of this token of love given to her stricken children will be a sublime message of devotion and will inspire the hearts of all America with the realization that when grave disaster comes upon us America helps America's own. [Applause.]

> Deep in every loyal heart there burns a tiny flame,
> That glows with added brilliance at the mention of a name;
> Its tiny beams make light the path of weary feet that roam
> And brightens up the winding lane that leads to home, sweet home.

To live lives we leave behind us is not to die.

I earnestly plead, in behalf of Kentucky, Vermont, and New Hampshire, for the adoption of this amendment. [Applause.]

Mr. HASTINGS. Will the gentleman yield to me?

Mr. DICKINSON of Iowa. Yes.

Mr. HASTINGS. Mr. Chairman, I only want to detain the House a moment. I am not against this amendment. I have no doubt but what there is a very great emergency in Vermont, New Hampshire, and Kentucky; and I have no doubt but what this amendment was thoroughly justified before the Senate Committee and before the conferees. I rise to congratulate the Representatives of Vermont, New Hampshire, and Kentucky upon their good fortune and upon their very great diligence both in the House and over in the Senate in securing favorable action upon this amendment and getting these appropriations to repair their roads.

I want to take occasion now, my fellow members, to say that while emergencies existed in these three States, we must not forget that emergencies in varying degrees existed in a number of other States of the Union and that instead of appropriations for caring for emergencies in three States there ought to have been a comprehensive bill reported to the House to take care of all emergencies in all the States because of the disastrous floods of 1927.

I had a similar bill for Oklahoma, H. R. 10800, providing a much smaller amount—to be exact, $230,000. I had an itemized statement that was prepared by the State Highway Engineer of Oklahoma showing in detail the exact damage done on every

road in Oklahoma, which thoroughly justified, in my judgment, favorable action upon the bill which I had introduced to take care of the emergency in my State.

Mr. MACGREGOR. Will the gentleman yield?

Mr. HASTINGS. In a moment. I made every effort I possibly could to secure a hearing before the Committee on Roads. Unfortunately, along about this time the chairman was ill, and I am therefore not complaining about it, but anyway, we did not get a hearing; we did not get favorable action, and the bill was not favorably reported out. I am not complaining particularly about that, but I do say that there were emergencies in other surrounding States like Arkansas and Missouri, as well as Oklahoma and some of the other States, and what we should have done and what we should have up now for consideration is a comprehensive bill that would take care of all emergencies where there was road and bridge damage as a result of the disastrous floods of 1927.

I did not want to permit this opportunity to pass without expressing my disappointment, I might say, not that these emergencies are cared for, because I am not complaining about that, but because all emergencies were not taken care of in a comprehensive bill.

Mr. MACGREGOR. Will the gentleman yield?

Mr. HASTINGS. I now yield to the gentleman.

Mr. MACGREGOR. The gentleman does not admit, of course, that the great State of Oklahoma, with its millions of wealth, could not pay for this small item of expense in the State of Oklahoma. Kentucky and Vermont are entirely different. There a great load was on a people who could not stand it. Down in Kentucky the people could not afford to build any more roads because all of their wealth had been exhausted.

Mr. HASTINGS. Oh, if the gentleman would permit the Representatives to come in here now and over in the Senate and picture the distress and the poverty of their respective districts we would be shedding tears all over the House, and of course they would justify appropriations for these States; but I venture the assertion that if you went back to the great State of Kentucky or the imperial Commonwealths of Vermont or New Hampshire and then pictured the poverty of those great States, their splendid citizenship would resent it and they would all boast that their respective States are the greatest and the most prosperous States in all this Union. This appeal made here is for an appropriation from the Federal Treasury and has proved successful.

Mr. MACGREGOR. Oklahoma has some of the richest people in the world in it.

Mr. HASTINGS. We admit it. We have a great, resourceful State with a citizenship unexcelled. That argument is beside the question. What I am trying to point out, all similar emergencies should have been cared for and not just the three States of Vermont, New Hampshire, and Kentucky.

Mr. DICKINSON of Iowa. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. WARREN].

Mr. WARREN. Mr. Speaker, I do not wish to delay any further the consideration of this measure, because I know the temper of the House. I know the House is in favor of the proposition.

I was a member of the committee that heard these measures, and they were given careful consideration and attention. I disagree with the gentleman from Iowa [Mr. DICKINSON] in his assumption that the Committee on Roads reported this on the ground of a gratuity.

Mr. DICKINSON of Iowa. I did not make that statement at all. We are reporting it now on the ground of a gratuity.

Mr. VINSON of Kentucky. If the gentleman will permit, so far as Kentucky is concerned I will say that our bill at all times has been bottomed upon the idea that it is a gratuity following a great national catastrophe which the local communities were unable to wholly care for.

Mr. DICKINSON of Iowa. And I may say that the matter would not be here now being discussed on the floor if we had not accepted it as a gratuity.

Mr. VINSON of Kentucky. Mr. Speaker, the conference report accompanying H. R. 11577 (agriculture appropriation bill) contains the information that the committee of conference had not agreed to amendments 99 and 100 therein. The first amendment appropriated moneys for the relief of Vermont and New Hampshire in the restoration of certain portions of her road system damaged and destroyed by the floods of 1927. Amendment 100 relates to appropriation for Kentucky in the sum of $1,889,994 for the same purpose.

In virtue of the rules governing this body neither of these amendments could be agreed to in conference, but it is necessary to have the amendments submitted to the House for their action. This parliamentary condition obtains for the good reason that items added to an appropriation bill in the Senate which has not authority of law, to which a point of order in the House could have been successfully maintained, if the amendment had originated therein, must be reported back to the House and acted upon by it. This procedure has been followed and subsequent to the reading of the amendments in question, the gentleman from Iowa [Mr. DICKINSON] moves that the House recede and concur in the Senate amendment with the following amendment:

For the relief of the following States as a contribution in aid from the United States, induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to such States through the damage to or destruction of roads and bridges by the floods of 1927, imposing a public charge against the property of said States far beyond its reasonable capacity to bear, and without acknowledgment of any liability on the part of the United States in connection with the restoration of such local improvements, namely: Vermont, $2,654,000; New Hampshire, $653,300; Kentucky, $1,889,994; in all, $5,197,294, to be immediately available and to remain available until expended: *Provided*, That the sums hereby appropriated shall be expended by the State highway departments of the respective States, with the approval of the Secretary of Agriculture, for the restoration, including relocation, of roads and bridges so damaged or destroyed in such manner as to give the largest measure of permanent relief, under rules and regulations to be prescribed by the Secretary of Agriculture: *Provided further*, That the amount herein appropriated for each State shall be available when such State shall have or make available a like sum from State funds for the purposes contained herein.

In order that there may be a logical statement of the facts preceding this action of the House, I take the trouble to record chronologically the steps which have been followed in the enactment of this legislation:

THE HOUSE BILL

On February 6, 1928, my colleague, Mr. ROBSION of Kentucky, introduced H. R. 10565. Thereupon a hearing was held before the Committee on Roads, to which the bill had been referred on February 9, 1928, at which appeared the former Governor of Kentucky, W. J. Fields, Dr. A. T. McCormack, secretary of the State board of health of Kentucky, Judge Noah Bentley, county judge of Letcher County, and the various members of the Kentucky delegation. The bill was given a unanimous report by the committee on March 14, after having amended the bill in some particulars. The bill as amended and reported to the House reads as follows:

A bill to authorize an appropriation for the relief of the State of Kentucky on account of roads and bridges damaged or destroyed by the recent floods

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,889,994 for the relief of the State of Kentucky, to restore and recondition the roads and bridges damaged or destroyed by the floods in said State in the year of 1927: *Provided*, That any sums appropriated under this authorization shall be expended under the supervision and direction of the Department of Agriculture and Bureau of Public Roads in cooperation with the State highway department of the State of Kentucky: *Provided further*, That the amount herein authorized to be appropriated shall be available when the State of Kentucky shall make available a like sum, which shall be expended to restore and recondition said roads and bridges: *Provided further*, That not more than $3,000 per mile on any road and not more than $15,000 on any bridge shall be expended out of any funds appropriated under this act: *Provided further*, That no part of any sums appropriated under this act shall be expended for rights of way, or damages of any kind or character, or for engineering fees incurred by the State of Kentucky, or any subdivision thereof: *And provided further*, That no part of any sum appropriated under this act shall be expended for the restoration of any road, street, or highway within any incorporated town or city.

REPORT OF COMMITTEE ON ROADS

The unanimous report of the committee which was made by Mr. ROBSION of Kentucky, excluding the special reference to the amendments and the draft of the bill as amended, reads as follows:

This bill as amended provides an authorization of $1,889,994 for the relief of the State of Kentucky to assist in the restoration and reconditioning of the roads and bridges damaged or destroyed by unprecedented floods in said State in the year 1927.

It is provided that any sums appropriated under this authorization shall be spent under supervision and direction of the Department of Agriculture and Bureau of Public Roads in cooperation with the Kentucky State highway department; and further that the sums appropriated hereunder shall not be available unless and until the State of Kentucky shall make available a like sum to be expended in cooperation with the Federal Government.

The bill further provides, in accordance with the Federal road act, that not more than $3,000 per mile on any road and not more than

$15,000 on any bridge shall be expended out of the Federal funds; and that no portion of the Federal appropriation shall be expended for rights of way, damage of any kind or character, or for engineering fees incurred by the State of Kentucky, or any subdivision thereof; with the further provision that none of the moneys authorized under this act shall be used in the restoration of any road, street, or highway within any incorporated town or city.

Thus it appears that the provisions of the bill follow the language of the Federal road act in respect of the expenditures of the money, excepting that none of the moneys authorized herein may be used within an incorporated town or city.

The flood disaster which hit Kentucky in 1927 did not receive the prominence and publicity which otherwise might have been its lot had it not occurred during the great Mississippi flood. It was the greatest catastrophe of any character that ever visited the State of Kentucky. The cloudburst in the mountains of Kentucky came without warning, in the night. The record shows an appalling situation. The Kentucky River, within a few hours, rose 75 feet above its normal level. Nothing could withstand its onslaught. Hundreds of houses were thrown from their foundations and relentlessly swept on with the flood. Homes, farm buildings, fencing, tillable soil on the hillsides, with the more fertile soil of the narrow bottoms, were swept away. Miles of railroad were destroyed, all other lines of communication totally wiped out, until it was four days subsequent to the catastrophe that its magnitude was given to the outside world.

Ninety-nine persons lost their lives, 401 bridges were swept away entirely or materially damaged. The minimum estimate made by Red Cross representatives for the road and bridge damage is some $3,000,000. Practically 2,500 miles of road were destroyed or materially damaged. Property damage, excluding a great amount of personal property, was $56,790,000. The bridges across the mountain streams having been washed away, hundreds of school children are unable to attend the school of their locality, and accessibility to their churches is likewise hindered. The mail service is tremendously impaired. The engineer from the State highway commission, together with a Federal engineer, have placed their approval upon the estimates submitted as the basis of this authorization. In many instances the estimates are based upon the cost of the roads and bridges in the first instance, whereas the cost of replacement will be materially greater. An emergency is shown to exist which justifies this legislation.

ACTION IN SENATE

It appeared that there would be some difficulty in securing a rule for the consideration of this legislation and the bill, having been objected to on the Consent Calendar, the junior Senator from Kentucky [Mr. BARKLEY] on March 29 was successful in adding the House bill, in the language of an appropriation, to the agricultural appropriation bill, and that bill, with this item included, passed the Senate upon that day.

EXECUTIVE APPROVAL

At the time of its inclusion in the appropriation bill in the Senate the Kentucky item did not have the sanction of the Bureau of the Budget or of the Bureau of Roads. It had been thought by some that, being a legislative policy, it was not necessary to secure this indorsement. I had not subscribed to this suggestion, and after its passage in the Senate the Director of the Budget and the Chief of the Bureau of Roads were presented with the facts surrounding the disaster sought to be relieved in part and their approval secured.

CONFERENCE

In conference the amendment offered from the floor by the gentleman from Iowa [Mr. DICKINSON] was agreed to as the proper language that the amendment should contain, and the conference report was filed May 5.

STATEMENT BEFORE COMMITTEE

Under the leave granted me I include herewith a statement which I made before the Committee on Roads at the hearing on the bill:

STATEMENT OF HON. FRED M. VINSON, REPRESENTATIVE FROM THE STATE OF KENTUCKY

Mr. VINSON. I represent the ninth district of Kentucky, in eight counties of which the devastating flood of May 29–30, 1927, visited. As graphic and as eloquent as are the statements to which you have listened this morning, the story has never been told. Unless you are acquainted with our mountain country you can not get the picture.

Here it should be stated that in the floods to which reference has been made there were loss of life of 99 persons, bridges badly damaged or totally destroyed to a total of 401, roads badly damaged or totally destroyed aggregating 2,480 miles, a total damage to roads and bridges of more than $2,600,000, with the estimated property damage the stupendous sum of $56,790,000.

The eight counties of my district comprise about one-third of the flooded area; in it is one-third of the total bridges destroyed, one-third of the road mileage involved, and approximately one-third of the loss in life. In my district 24 persons were drowned, 111 bridges were badly damaged or totally washed away, 788 miles of road were likewise damaged or destroyed. The damage of roads and bridges was vastly in excess of $430,650, the amount presented in the estimates of the county officials under the O. K. of the State highway commission.

I repeat that unless one is acquainted with this section of country you can not visualize the damage wrought by this catastrophe. It came without warning in the stealth of the night. Nothing in that section ever approached this flood in its devastating effects upon life and property. Twenty-seven counties of Kentucky were involved in the flood calamity—6 counties in the first congressional district, 2 counties in the second, 2 counties in the seventh, 8 counties in the ninth, 8 counties in the tenth, and 1 county in the eleventh.

Last night a member of the Kentucky delegation not living in the flood area inquired about the damage to the completed roads wrought by the flood. He did not know that in the whole of the flood area in eastern Kentucky at the time of the flood surfaced roads did not exceed 6 miles. South of the Midland Trail, Federal Road No. 60, which runs across Kentucky between Ashland and Louisville, there are but 6 miles of surfaced road in the areas visited by the flood.

I was born in the mountains of Kentucky. I was reared in that hill country. I live there now as a matter of choice. I know something about the conditions that obtain there resultant from the flood and I know something about the characteristics of our people. Every word spoken relative to the inability to reach the school or the church of their locality because of the lack of bridges which were washed out in the flood is true. Further, I state to you that the estimates submitted to this committee from the mountain counties do not state the minimum damage. It is not fair to call their estimate a minimum, because it is below the minimum flood damage.

For illustration, the estimate from one county in my district—Morgan—submitted to me by my good friend C. P. Henry, county judge, shows that 56 bridges were badly damaged or totally destroyed and 323 miles of road likewise damaged. The total estimate to repair this damage is some $37,860—$30,000 for repairing the roads and $7,860 for repairing the bridges; and then appended to the report is a statement that this estimate is based upon free labor to do the job.

Mr. ROBSION. Do you mean that 56 bridges were destroyed?

Mr. VINSON. Fifty-six bridges badly damaged or destroyed and 323 miles of road thus affected.

I say to you that the hill people are a conscientious folk, and have not formed the habit of coming to the Federal father for aid and succor, and in that connection I say to you that there is no spot in the land where the people respect the Federal Government and love the flag more than those who reside among the Kentucky hills.

With your permission, I will discuss the fiscal affairs of the counties in my district within the flood area in connection with the damage sustained. I want to prove conclusively to you that these counties, because of certain legal limitations in our State constitutions, can not perform the task of reconstruction. I would show you the legal status of the State in respect to its inability to do this job.

ELLIOTT COUNTY

Take Elliott County as an illustration. Eight persons were drowned. They lost 5 large bridges, running from 70 to 200 feet in length, and reported 24 miles of road badly damaged or destroyed. Their estimate of loss for the bridges is $102,500; for the roads, $49,000—a total of $151,500. The loss to the bridges is below the minimum cost of replacing them. The Laurel Bridge, 200 feet in length, was washed away. The estimate to replace it is $50,000. The engineers from the State highway commission who are here now state that it would easily cost $75,000.

Relative to the roads, there are 2 miles of a road leading from their county seat which was totally destroyed. When I say totally destroyed I mean that every vestige of the road had disappeared. Ten miles of this road they report as badly damaged. It was in that section that Governor Fields in visiting the region was compelled to dismount from his horse and lead it along the precipices. We would call such a condition destroyed.

Elliott County had in 1920 a population of 8,887 people scattered over an area of 263 square miles. Its total assessed valuation for the year 1927 (as of July 1, 1926) was $1,473,494. The flood damage to property is reflected in the first recapitulation for 1928 (as of July 1, 1927), which gives the total assessed valuation at $1,315,796.

The total income from all sources for the year 1927 was $12,500. This total included a check of some $3,600 which the county received as its portion of the State truck fund. The amount of their road fund, exclusive of the truck check, is $5,500. The statement submitted to the committee shows that the total road indebtedness is $95,000, of which $41,000 is represented by bonds voted by its people. My information is—and if I am incorrect Governor Fields will point it out—a bond issue of $50,000 was voted in Elliott County.

Governor FIELDS. Yes, sir.

Mr. VINSON. When it came to selling these bonds the total assessed valuation would not permit the sale of all of them. In other words, the people voted more than they could legally issue. I believe I am safe in saying that this condition in respect to bond issues obtains in almost every county in the flood area.

MENIFEE COUNTY

I know that it obtains in Menifee County. There a bond issue for $50,000 was voted. Their total revenue is $8,400.40. In that county eight bridges were destroyed or badly damaged and 15 miles of road destroyed. The estimate of their damage is $15,350. This county has a population (1920 census) of 5,779, with an area of 203 square miles. The assessed valuation for 1927 was $1,173,920, with the first recapitulation for 1928, $1,076,587.

MORGAN COUNTY

There were 12 persons drowned in this county, 56 bridges badly damaged or destroyed, 323 miles of road damaged. It is a county having a population (1920) of 16,518, with an area of 365 square miles. The assessed valuation for 1927, $3,955,920, with the first recapitulation for 1928, $3,193,539. The total income from all sources, $23,000. The road fund, $3,500 per year. A road-bond issue of $200,000 was voted, but only $170,000 could be issued as valid securities, they having in addition a floating debt of $90,000. The estimate from this county called for $37,860, but in this amount it is shown that they contemplated the use of free labor in this work of rehabilitation.

Mr. MANLOVE. You say that those estimates come from the counties themselves?

Mr. VINSON. The county officials submitted the estimates. The State highway commission made a survey to see that these estimates were not in excess of the actual need. As I understand it, the State highway commission does not approve these estimates as being sufficient to do the job. Is that correct, Major Helburn?

Major HELBURN. Yes, sir.

Mr. MANLOVE. But that undoubtedly is not in excess of the amount required.

Mr. VINSON. No; it is considerably less than the amount required. Referring again to the road bonds issued by this county, I submit that this expression at the polls in which bonds in excess of the constitutional amount permitted is voted is indicative of the road spirit which prevails in this section.

Mr. MANLOVE. You are in that section of the State which they call the lowlands?

Mr. VINSON. No; I am in the mountains. My home is in Lawrence County, which is situated in the northern part of the mountain section.

Mr. BRAND. You have to have just about as many roads in the poorer counties as in the rich?

Mr. VINSON. Yes, sir; and we need bridges more than in the lower levels of the State.

If you will visualize a deep chasm sometimes 50 feet in depth spanned by a bridge, the church and the school on the one side serves the community on the other. Then have the bridge washed off. You can not jump the creek or the river. Ofttimes you can not get to the creek in any conveyance. It is necessary to go around. Ofttimes it is necessary to go miles to reach the spot where you could have gone in just a few minutes if the bridge remained. Ofttimes it is a fast-moving stream; flood waters will come, and in such condition a passage is not possible, except attended with grave danger.

Mr. ALMON. You can not use ferries on streams like that?

Mr. VINSON. No; they are mountain streams, and you could not use ferries on them.

Major HELBURN. A short time ago a statement was made relative to the cost of roads in the mountain section. Let me say that in Perry County some of the through roads cost two or three times as much as they do in the lower levels.

Mr. VINSON. It is unquestionably more than it would be in the counties in the central portion of the State. If you have good roads, over which the road material may be transported, the cost is very much less, but when you have to haul road material 20 miles over a mountain trail to build a bridge that cost in itself mounts high.

BREATHITT COUNTY

Breathitt County gave up four persons in death as a result of this flood. There were six bridges and 80 miles of road damaged and destroyed. These bridges range in length from 100 to 250 feet, and the estimate submitted for the bridges is $92,000; the estimate for the roads, $80,000, making a total of $172,000.

This county in 1920 had a population of 20,614; its area composed of 483 square miles. The assessed valuation of its property for 1927, $4,160,668. The first recapitulation for 1928 was $3,464,830. I do not have the exact amount of its annual income and its indebtedness, but I do not hesitate to say that it has voted road bonds up to the full amount permitted by law.

ROWAN COUNTY

Rowan County had a population in 1920 of 9,467 persons, with an area of 272 square miles. The estimate submitted in the report is the sum of $20,400 to replace one bridge at Clearfield and 30 miles of road. Seventeen miles of road was totally destroyed and 5 miles practically destroyed. The total income of this county was $18,800 for 1927, of which amount it allocated $4,000 to the road fund, which included a State truck check of around $3,000. Its floating indebtedness is only $10,000, which was created to expend on the roads and bridges damaged by the flood. The assessed valuation for Rowan County for 1927, $3,115,499, with practically the same amount for 1928. Road bonds voted in this county total $150,000. This county has a bond issue, which is only limited by the constitutional prohibition as to amount.

WOLFE COUNTY

This estimate submitted in the sum of $7,000, of which amount $2,000 was to replace two bridges, and the remainder, $5,000, was to repair and replace 25 miles of road. In this county they have a bond issue which is only limited by the constitutional prohibition as to amount. The assessed valuation for 1927 for this county, $1,819,481; the first recapitulation for 1928, $1,419,658. Wolfe County had (1920 census) population of 8,783 with an area of 230 square miles.

CARTER COUNTY

Officials from this county submit an estimate of $35,000 to replace or repair 100 miles of road at the rate of $300 per mile, together with 25 small bridges at an average cost of $200 each. The assessed valuation of Carter County for 1927 was $6,847,569. The first recapitulation for 1928, $5,987,545. Its population (1920 census) was 22,474; its area, 413 square miles. Many years ago they voted a road bond issue, and in recent years, as I recall it, they have voted two additional bond issues for use in the construction of roads. They are up to the constitutional limit.

LAWRENCE COUNTY

The officials in this county submitted an estimate of $13,500 to take care of 6 bridges and 25 miles of road. The total revenue from all sources in this county is $110,000 per year, with a road and bridge fund of $20,000, floating debt of $37,000, and road bonds in the amount of $250,000. The assessed valuation of Lawrence County in 1927 was $7,022,635; first recapitulation, 1928, $6,055,721. Population in 1920 was 17,643, and it covers an area of 422 square miles.

You have heard Major Helburn, of the State highway commission, say that the State will expend $10,000,000 in this flood area within the next few years. The question has been asked here, why can't the State bear this entire burden. In the past eight years there has been a road-building campaign carried on in Kentucky. This is evidenced by the fact that more than 90 counties in Kentucky have voted a bond issue in order to contribute the proceeds thereof to the State for road-building purposes. In practically all these counties the State has either spent three times as much money as the county voted or has promised to expend State funds upon a 3–1 basis, and the funds of the State under these pledges have been allocated for the next several years.

Then there is the constitutional limitation of the State indebtedness. This prohibits the issual of State bonds to meet this emergency. Many of these roads are not on the State highway system, which precludes the expenditure of State funds upon them. I take it that the legislature now in session will look to that end as well as the other legislation necessary to permit the State to do the things required under this bill ere Federal contribution can be had.

My friends, I want to close my remarks by reading an editorial from the Jackson Times, published in Jackson, Ky. Breathitt County is in my district; it possesses a fine type of manhood and womanhood. This editorial, I state to you, is typical of the spirit which prevailed in that section of the country when the friends from the lowlands extended a neighborly hand to their friends of the highlands. This editorial is typical of the minds and the hearts of the Kentucky people.

It is dated June 10, following closely after the flood.

Doctor MCCORMACK. Eight days later.

Mr. VINSON. It is headed, "We thank you." The body of the editorial reads as follows:

"WE THANK YOU

"We Kentuckians in the mountains are grateful to you Kentuckians of the lowlands. You heard our cries of distress and sorrow after our beloved Kentucky River had changed from a limpid, sullen stream and transformed into a raging torrent of might and destruction almost in the twinkling of an eye. The hundred cries of frightened children, the pathetic moans of frantic women, the apprehensive words of anxious men, reached your ears almost as soon as the murky waters receded and left a filthy offering of mud and slime.

"We did not ask for help and you gave it; you gave it. You soothed our sorrows with your sympathy; you matched our every tear with a dollar; you forever dispelled the idea of a Kentucky of four parts with a spontaneous balm of helpfulness and sympathetic interest.

"We are a grateful people and we do not forget; we may be down now but we will pull out. We will stay on our road of progress, however difficult and tortuous the way may seem for a little while.

"We are bearing our burdens as only Kentuckians can. You are making our burdens lighter as only Kentuckians can. We are offering our thanks in that same spirit and know that you will accept and understand."

This is a condition that confronts us. In the language of this editorial, emanating from the heart of the Kentucky mountains, we say to

this committee, and we will say to the Congress of the United States, when you heed our cry and answer our call, "We thank you." [Applause.]

AN ACT OF GRACE

Some question has been raised relative to this legislation being bottomed upon a legal basis. I have never attempted to deceive anyone, let alone myself, as to the basis of this appropriation. It is a gratuity, an act of grace. An unprecedented calamity befell a portion of this country and, as ever, the Federal Government responded to the call for help. I submit that it is not a precedent on the part of the Federal Government in the contribution of public moneys to relieve the distressed condition of its people. This is a precedent only in respect to the manner in which the money is to be expended.

It is a precedent for Kentucky—99 lives lost, 401 bridges destroyed, 2,481 miles of road destroyed, $56,000,000 worth of property destroyed; a large section of the State unable to replace the bridges constructed over a period of 50 years; it is the first time that Kentucky has called for help. In so doing her Representatives do not feel that it is charity. An area of 9,000 square miles felt the destroying touch of this unprecedented catastrophe; a half million people live within that area, with homes destroyed, with farms washed away, with the children unable to attend church or school when it be situate on the other side of the mountain stream. As a Representative of nine counties in the flooded area I feel no shame in asking your consideration of this plea for help. The State Legislature of Kentucky has appropriated funds to match dollar for dollar the Federal appropriation. The appropriation is without legislative authority except in so far as your action authorizes it, but it is not a charity. It is justice to a deserving people.

The quality of mercy is not strained;
It droppeth as the gentle rain from heaven.

Mr. WARREN. I assume the States involved will accept it in any way they get it, but my reason for voting to report the bill favorably from the committee was that it is a duty of the Federal Government to replace these roads that have been destroyed by disasters.

Now, commenting on the remarks made by the gentleman from Oklahoma [Mr. HASTINGS], I wish to say that at the very beginning of this session a general bill was introduced to take care of this situation and to set up an emergency fund of $10,000,000 always to be available to replace Federal-aid roads and bridges that might be destroyed by a disaster in any State. This bill has been indorsed by the bureau and by the State highway commissions of 36 States. A hearing at one time was ordered on it and then suddenly called off, and the only conclusion that I could arrive at as to why it was called off was that it was becoming too popular and they did not want a member of the minority to have a bill of this kind reported out that would be adopted by the House if it ever came to a vote.

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 100: Page 82, after line 7, insert the following:

"FLOOD RELIEF, KENTUCKY

"For the relief of the State of Kentucky, to restore and recondition the roads and bridges damaged or destroyed by the floods in said State in the year of 1927, the sum of $1,889,994: *Provided*, That any sums hereby appropriated shall be expended under the supervision and direction of the Department of Agriculture and Bureau of Public Roads in cooperation with the State Highway Department of the State of Kentucky: *Provided further*, That the amount herein appropriated shall be available when the State of Kentucky shall make available a like sum, which shall be expended to restore and recondition said roads and bridges: *Provided further*, That not more than $3,000 per mile on any road and not more than $15,000 on any bridge shall be expended out of the funds hereby appropriated: *Provided further*, That no part of the sum herein appropriated shall be expended for rights of way, or damages of any kind or character, or for engineering fees incurred by the State of Kentucky, or any division thereof, or for the restoration of any road, street, or highway within any incorporated town or city."

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House further insist on its disagreement.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 102: Page 83, line 15, strike out $132,488,849.88 and insert "$139,469,738.88."

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House recede and concur with an amendment as follows:

The Clerk read as follows:

Mr. DICKINSON of Iowa moves that the House recede from its disagreement to the amendment of the Senate No. 102, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$139,138,793.88."

Mr. DICKINSON of Iowa. Mr. Speaker, there seems to be some misunderstanding as to the House insisting on its disagreement to amendment 100. I want to say that that is the Kentucky item, and it is included in amendment 99, which also provides for Vermont and New Hampshire. The Senate will recede from the Kentucky amendment and accept ours.

Mr. KINCHELOE. Amendment No. 99 has still to be adopted by the Senate?

Mr. DICKINSON of Iowa. Yes; it has to be agreed to by the Senate.

Mr. KINCHELOE. It will not have to be further agreed to by the Senate conferees?

Mr. DICKINSON of Iowa. No.

The SPEAKER. The question is on the motion of the gentleman from Iowa to recede and concur with an amendment.

The motion was agreed to.

Mr. DICKINSON of Iowa. Mr. Speaker, I ask unanimous consent to extend my remarks by including a statement with reference to the various items in this bill, giving complete data as to the different items in the bill.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The matter referred to is as follows:

AGRICULTURAL APPROPRIATION BILL

Statement of Senate amendments involving appropriations, showing amounts appropriated by the House and Senate, respectively, the amount finally agreed upon, together with the increases over the House figure or the reductions under the Senate figure

Amendment No.	Subject	Appropriated by House	Appropriated by Senate	Amount agreed upon	Increase, agreed amount, above House figure	Decrease, agreed amount, under Senate figure
4, 5	Handbook on fruit and vegetable diseases		$15,000			$15,000
15	Meteorological station, Greensboro, N. C		7,000	$7,000	$7,000	
16	Additional maintenance weather stations for service to Air Service of Army		48,500	48,500	48,500	
19	For increase over Budget for veterinarians	$2,300	4,600	4,600	2,300	
21	do	7,700	16,100	16,100	8,400	
25	do	1,200	2,400	2,400	1,200	
27	For poultry experiment station, Glendale, Ariz		5,000	5,000	5,000	
	Nutrition researches		10,000			10,000
29	Investigations of anaplasmosis		20,000	20,000	20,000	
	Cattle-grub investigations, additional to amount appropriated by House		10,000			10,000
	Investigations, contagious abortion of animals		10,000			10,000
	Poultry investigations		50,000			50,000
31	For increase over Budget for veterinarians	1,600	3,200	3,200	1,600	
37	do	26,260	52,520	52,520	26,260	
41	Dairy industry investigations		13,000			13,000
45	Investigations of phony disease of peach trees		10,000	10,000	10,000	
46	Citrus-canker eradication in cooperation with Florida		5,000	5,000	5,000	
47	Rubber-growing investigations		25,000			25,000
	Varietal studies of cotton		19,200			19,200
49	Increase for enforcement of seed act	5,462	9,462	9,462	4,000	
50	Wheat-smut investigations		5,000	5,000	5,000	

AGRICULTURAL APPROPRIATION BILL—continued

Statement of Senate amendments involving appropriations, showing amounts appropriated by the House and Senate, respectively, the amount finally agreed upon, together with the increases over the House figure or the reductions under the Senate figure

Amendment No.	Subject	Appropriated by House	Appropriated by Senate	Amount agreed upon	Increase, agreed amount, above House figure	Decrease, agreed amount, under Senate figure
53	Study of diseases of wild blueberries, Florida		$2,500	$2,500	$2,500	
54, 55	Field experiment station, dry-land agriculture, Umatilla, Oreg		10,000	10,000	10,000	
56	Horticultural experiment station, Cheyenne, Wyo		100,000	100,000	100,000	
57	For increase over Budget for experiments in apple washing to remove spray residues		5,000	5,000	5,000	
	For studies of precooling of fruit intended for shipment as applied to citrus fruits of southwestern States		15,000			$15,000
58	For increase for studies of forage crops	$22,000	44,500	44,500	22,500	
60	Forest Service experiment station in New Mexico-Arizona region		14,245			14,245
61	To increase capacity of tree nursery at Monument, Colo		20,000	10,000	10,000	10,000
62	For silvical investigations, Lake States Experiment Station		20,000			20,000
63, 64	Additional for range improvements		30,000			30,000
68	Agricultural chemistry:					
	Food research	5,000	10,000	10,000	5,000	
	Oil, fat, and wax investigations		3,000	3,000	3,000	
	Sweet-potato utilization studies	5,000	10,000	10,000	5,000	
69	Farm fire investigations, increase for		15,000	10,000	10,000	5,000
71	Spray residue investigations	5,000	10,000	10,000	5,000	
72	European earwig investigations	7,000	11,410	11,410	4,410	
73	Year-round alfalfa-meal shipments, investigation of possibility of		5,000	5,000	5,000	
74	Additional for cattle-grub investigations	25,000	40,000	25,000		15,000
78	Additional clerk, Washington office, Biological Survey		1,480	1,480	1,480	
79	Construction of dam across Cold Springs Creek, Montana National Bison Range		30,000	30,000	30,000	
80	Eradication of predatory animals, increase for		54,500	54,500	54,500	
	Increase for studies of fur-bearing animals	2,500	10,000	2,500		7,500
82	Elk and buffalo investigations		5,000	5,000	5,000	
83	Investigations relating to woodcock		12,000			12,000
87	Investigations relative to uses of cotton, additional		10,000	10,000	10,000	
	Grading and marking of meats		50,000			50,000
90	Shanghai office		10,000	10,000	10,000	
96	Forest roads and trails	6,500,000	7,500,000	7,500,000	1,000,000	
99, 100	Restoration of roads destroyed by floods in Vermont, New Hampshire, and Kentucky		5,197,294	5,197,294	5,197,294	
101	Eighth International Dairy Congress		10,000	10,000	10,000	
	Total	6,616,022	13,596,911	13,265,966	6,649,944	330,945

CHRISTINE BRENZINGER

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5297, for the relief of Christine Brenzinger, with a Senate amendment, and agree to the Senate amendment.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table the bill H. R. 5297 and agree to the Senate amendment.

The Senate amendment was read and agreed to.

SHOSHONE INDIANS

Mr. LEAVITT. Mr. Speaker, I present a conference report on the bill S. 710 for printing in the RECORD under the rule.

POST OFFICE AT PHILIPPI, W. VA.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10799) for the lease of land and the erection of a post office at Philippi, W. Va., and for other purposes, with Senate amendments, and agree to the same.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill (H. R. 10799) and agree to the Senate amendment. Is there objection?

There was no objection.

The Senate amendment was read.

The Senate amendment was agreed to.

LEGISLATIVE APPROPRIATION BILL

Mr. MURPHY. Mr. Speaker, I call up the conference report on the bill H. R. 12875, the legislative appropriation bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Ohio calls up the conference report on the legislative appropriation bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 39 and 45.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, and 44, and agree to the same.

The committee of conference have not agreed on amendments numbered 42, 43, and 46.

FRANK MURPHY,
GEO. A. WELSH,
WM. P. HOLADAY,
JOHN N. SANDLIN,
EDWARD T. TAYLOR,
Managers on the part of the House.

F. E. WARREN,
REED SMOOT,
CHARLES CURTIS,
E. S. BROUSSARD,
ROYAL S. COPELAND,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report, as to each of such amendments, namely:

On amendments Nos. 1 to 33, inclusive: Inserts figures, as proposed by the Senate, making salary increases for certain employees in the Senate in the offices of the Vice President, Secretary, certain committee clerks, post office, and the folding room.

On Nos. 34 to 38, inclusive: Inserts figures, as proposed by the Senate, allowing increases in certain Senate contingent expense items.

On No. 39: Strikes out the language, as proposed by the Senate, allowing reimbursement for expenses of travel of certain clerks.

On Nos. 40 and 41: Inserts figures, as proposed by the Senate, allowing a salary increase for the Architect of the Capitol.

On No. 44: Inserts figures, as proposed by the Senate, allowing an increase of $2,000 in the fund for maintenance, Senate Office Building, for the purpose of repairing the roof.

On No. 45: Strikes out the language, as proposed by the Senate, relative to the compensation rates for employees on leave in the Government Printing Office.

The committee of conference have not agreed to the following amendments:

On No. 42: Transferring an amendment, as proposed by the Senate, with reference to the submission of bids to the Architect of the Capitol in connection with the appropriation for improving the ventilating system of the Senate Chamber and the Hall of the House of Representatives to the appropriation as inserted by the Senate for rearranging and reconstructing the Senate wing of the Capitol.

On No. 43: Inserting language, as provided by the Senate, obviating sections 3709 and 3744 of the Revised Statutes, having to do with the submission and acceptance of bids with reference to the appropriation for improving the ventilating system of the Senate Chamber and the Hall of the House of Representatives.

On No. 46: Inserting language, as proposed by the Senate, making applicable to the Government Printing Office section 91, chapter 5, title 20, of the Code of Laws of the United States, permitting the employment of individuals for scientific purposes.

FRANK MURPHY,
GEO. A. WELSH,
WM. P. HOLADAY,
JOHN N. SANDLIN,
EDWARD T. TAYLOR,
Managers on the part of the House.

Mr. MURPHY. Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 42: Page 25, line 1, insert: "Senate wing reconstruction: To rearrange and reconstruct the Senate wing of the Capitol in accordance with the report of the Architect of the Capitol contained in Senate Document No. 161, Sixty-eighth Congress, second session, with such alterations as the Senate Committee on Rules may from time to time approve, to be immediately available, and to remain available until June 30, 1930, $500,000, to be expended by the Architect of the Capitol, under the direction and supervision of the said Committee on Rules."

Mr. MURPHY. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. MURPHY moves that the House recede from its disagreement to the amendment of Senate No. 42, and agree to the same with an amendment, as follows: After the word "'Rules," on page 25, line 9, insert the following: ", without compliance with sections 3709 and 3744 of the Revised Statutes of the United States: *Provided*, That the Architect of the Capitol is authorized, within the appropriation herein made, to enter into such contracts in the market, to make such expenditures (including expenditures for furniture, material, supplies, equipment, accessories, advertising, travel, and subsistence), and to employ such professional and other assistants without regard to the provisions of section 35 of the public buildings omnibus act, approved June 25, 1910, as amended, as may be approved by such committee."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Ohio.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 43: Page 25, line 24, after the word "Capitol," insert: "Without compliance with sections 3709 and 3744 of the Revised Statutes of the United States: *Provided*, That in carrying out the reconstruction and ventilation of the Senate Chamber and House of Representatives, the Architect of the Capitol is authorized, within the appropriation herein made, to enter into such contracts in the open market, to make such expenditures (including expenditures for furniture, material, supplies, equipment, accessories, advertising, travel, and subsistence), and to employ such professional and other assistants without regard to the provisions of section 35 of the public buildings omnibus act, approved June 25, 1910, as amended, as may be approved by such committee."

Mr. MURPHY. Mr. Speaker, I move to recede and concur in the Senate amendment with the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. MURPHY moves that the House recede from its disagreement to the amendment of the Senate No. 43 and agree to the same with an amendment, as follows: In lieu of the language as proposed by the Senate insert the following: "Without compliance with sections 3709 and 3744 of the Revised Statutes of the United States."

Mr. MACGREGOR. Mr. Speaker, will the gentleman yield?

Mr. MURPHY. Yes.

Mr. MACGREGOR. Mr. Speaker, it seems to me that the adoption of this amendment leaves the situation somewhat inconsistent. If the Senate is going to move their Chamber out to the wall, will we not have to do it on this side of the Capitol in the same way? [Applause.] There is an item in the bill of $300,000 for putting more air in here, I suppose also to take out some of the hot air, but this expenditure of $500,000 on the part of the Senate in moving its Chamber to the wall, it seems to me will destroy the architectural effect of the Capitol.

Mr. LAGUARDIA. But it can not be seen on the outside.

Mr. CLARKE. The gentleman will admit that there is a difference in the air in the Senate Chamber and the air in this Chamber?

Mr. MACGREGOR. Yes; I admit that the air here is somewhat better.

Mr. MURPHY. Mr. Speaker, the remarks made by the gentleman from New York [Mr. MACGREGOR] do not need any reply. He is voicing an opinion, which he has a perfect right to give. I have no explanation to make further than to say that if the Members of the Senate seek to improve conditions and by improving those conditions hope to prolong the life of those who are now Members of that body, it would certainly be very bad taste upon the part of the Members of the House not to allow them to do so.

Mr. NEWTON. Does the gentleman think that this amendment will improve conditions at the other end of the Capitol?

Mr. MURPHY. It is hoped so, Mr. Speaker.

Mr. SNELL. By better air or better what?

Mr. MURPHY. Better everything.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Ohio.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 46: Page 39, after line 14, insert: "Section 91, chapter 5, title 20, of the Code of Laws of the United States is hereby amended so as to include and apply to the Government Printing Office."

Mr. MURPHY. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

COORDINATION OF PUBLIC-HEALTH ACTIVITIES

Mr. MAPES. Mr. Speaker, I call up the conference report upon the bill (H. R. 11026) to provide for the coordination of the public-health activities of the Government, and for other purposes, and ask unanimous consent that the statements be read in lieu of the report.

The SPEAKER. The gentleman from Michigan calls up a conference report and asks unanimous consent that the statement be read in lieu of the report.

Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the statement.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11026) to provide for the coordination of the public-health activities of the Government, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 14.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, and 21, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "*Provided*, That the term of service of the Surgeon General of the Public Health Service shall be for four years: *And provided further*, That no person who has served for a period of eight years either before or after the passage of this

act shall be eligible for reappointment as Surgeon General"; and the Senate agree to the same.

JAMES S. PARKER,
CARL E. MAPES,
CLARENCE F. LEA,
Managers on the part of the House.
W. L. JONES,
CHAS L. MCNARY,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 11026) to provide for the coordination of the public-health activities, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and embodied in the accompanying conference report as to each of such amendments, namely:

On amendments of the Senate Nos. 1 to 13 and Nos. 16 to 21, inclusive, are either formal or clarifying amendments or amendments limiting or making more specific some of the provisions of the House bill. They do not affect the general purpose of the legislation and for the most part are in accord with it, some of them being already covered by the regulations of the Public Health Service.

On amendment No. 14, from which the Senate recedes, struck out the provision of the House bill permitting the appointment of the Surgeon General of the Public Health Service from outside of the service in the discretion of the President. The conferees are of the opinion that the President should not be confined to the service in making his selection for this important position but should be permitted, in his discretion, to select anyone specially qualified for the position.

On amendment No. 15: The House recedes from its disagreement to Senate amendment No. 15 and agrees to the same with an amendment. The conferees agree to the amendment fixing the term of the Surgeon General to four years and providing that no person shall be eligible for reappointment who has served as Surgeon General for a period of eight years. This will not affect the present term of the present Surgeon General but will apply hereafter. The conferees struck out the language in the amendment which seemed to contemplate that the Surgeon General might be relieved before the completion of the term for which he might be appointed.

JAMES S. PARKER,
CARL E. MAPES,
CLARENCE F. LEA,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

RETIREMENT OF EMERGENCY OFFICERS

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 188

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 777, an act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War. That after general debate, which shall be confined to the bill and shall continue not to exceed five hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, this resolution makes provisions for the consideration of the Tyson-Fitzgerald bill for the retirement of emergency officers of the late war. I do not think the bill needs any introduction by me to the Members of this House or to the American people. The bill is controversial. For that reason the rule provides for five hours of general debate. Some of those who have been most interested in advancing legislation for the soldiers of the late war are opposed to this bill. They desire to have full discussion of it. On account of the long time for general debate, I do not intend to take any more time at present in the discussion of the rule, but yield 10 minutes to the gentleman from North Carolina [Mr. POU].

Mr. RANKIN. Mr. Speaker, I think the membership of the House ought to be here to hear this argument on the rule. I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 76]

Aldrich	Cooper, Ohio	Langley	Tatgenhorst
Anthony	Cramton	Larsen	Taylor, Tenn.
Auf der Heide	Curry	Linthicum	Thompson
Beck, Pa.	Davenport	Lozier	Tillman
Begg	Davey	Lyon	Treadway
Bell	Dempsey	Morin	Tucker
Black, Tex.	Drane	Nelson, Me.	Underhill
Blanton	Faust	O'Connor, N. Y.	Underwood
Bloom	Fisher	Oldfield	Updike
Boies	Gardner, Ind.	Oliver, N. Y.	Vestal
Bowling	Gifford	Palmer	Vinson, Ga.
Brand, Ga.	Golder	Parker	Watson
Brigham	Greenwood	Pratt	Weller
Britten	Hale	Purnell	Welsh, Pa.
Bulwinkle	Hogg	Quayle	White, Kans.
Burdick	Hudspeth	Ramseyer	White, Me.
Burton	Igoe	Reed, N. Y.	Williams, Ill.
Busby	Johnson, Wash.	Sears, Fla.	Williams, Tex.
Butler	Jones	Sinclair	Williamson
Canfield	Kemp	Sinnott	Woodrum
Carley	Kendall	Stalker	Wright
Carter	Kent	Stobbs	Wurzbach
Casey	Kerr	Strong, Kans.	Yates
Collins	Korell	Strother	Yon
Connally, Tex.	Kunz	Sullivan	

The SPEAKER. Three hundred and twenty-nine Members are present, a quorum.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from New York moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

Mr. SNELL. Mr. Speaker, I yield 10 minutes to the gentleman from North Carolina [Mr. POU].

The SPEAKER. The gentleman from North Carolina is recognized for 10 minutes.

Mr. POU. Mr. Speaker, I am so earnestly in favor of the Tyson-Fitzgerald bill that I do not feel like consuming the time of the House, and I shall only do so for a very few moments.

In the first place, we should bear in mind that we are dealing with wounded officers, about 3,000 in number. The bill concerns not, of course, all of the men who were drafted into the service, but it provides for the retirement only of the wounded emergency officers of the World War.

Objection is made because the bill does not provide equal treatment for all who were drafted from civil life. This objection could be made to the pay these men received during the war. Some were officers, others could not be officers. The salary of the officers always has been and probably always will be larger than the pay of the enlisted men.

I believe the enlisted man wishes his officer from civil life—that is, the wounded officer—treated exactly as the officer of the same grade from the Regular Army is treated. I do not admit that there is any precedent which ought now to govern America in dealing with the men who saved the civilization of the world. [Applause.] The World War has no precedent or parallel in the history of mankind, and, for my part, I shall not be governed by precedent in dealing with the men who were drafted into the service. It will be difficult for America to discharge the debt of gratitude she owes to these men, no matter what she does. I have been told that amendments would be offered to this bill for the purpose of killing it. I believe an overwhelming majority of this House favors this legislation. For one, as a friend of the bill, I shall vote against all such amendments. [Applause.]

Mr. Speaker, I think no mistake will be made in putting the wounded officers from civil life on an equality with the wounded officers of the Regular Army. It is easily conceivable how the officer from civil life may have made even greater sacrifice for his country than the officer of the Regular Army. This bill treats them all equally. There should be no partiality shown to either class.

Of course, all who saw service offered their all for their country; but it is also true that the officers and soldiers of

the Regular Army were pursuing their life work. The casualties among the junior officers particularly were very, very large.

A friend of mine, Mr. Sterling J. Joyner, now in this city, had a conversation last summer in a club in Paris with three of the French generals, outstanding generals in the French Army—General Petain, General Neville, and General Foch. In discussing the American soldiers this gentleman asked General Neville, "Just what do you think of the American soldiers and the part they took in the World War? How were they as soldiers?" He paused a moment, and then said, "I tell you, never in the history of the world have finer soldiers stood in the ranks of war. The only criticism I would make of them is that they were too careless of danger." [Applause.]

And that is the reason—that is one reason—why we are here to-day dealing with a measure which concerns so many wounded officers of the World War. They were not men who said, "Go." They were men who said, "Follow me." And for that reason the casualties among them were very large.

Mr. Speaker, I shall not take up more time of the House. I believe the House desires the opportunity to vote on this measure. It has passed the Senate time and time again. Consideration has been put off, lo, these many years. The American Legion has indorsed it time and time again. I believe the people of America are behind this bill, and I believe the House will do itself credit by passing the Tyson-Fitzgerald bill. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield 20 minutes to the gentleman from Tennessee [Mr. GARRETT].

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for 20 minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, it has been my pleasure to support every item of legislation which has been brought before the House of Representatives in behalf of the disabled service men of the World War, except the rider placed on the appropriation bill by the Senate in 1920 which discriminated between officers and privates in the naval service and Marine Corps. Upon this, as I shall later show, there was no opportunity for an independent vote.

I have friends, political and personal, who have most earnestly and persistently urged me to support the pending bill. I do not recall ever having had more pressure brought upon me in behalf of any measure than has been for this one. Letters and telegrams have flooded my desk, not only from my State but from the entire country, and in numerous personal contacts I have been urged to vote for it.

I should be less than frank did I fail to admit the embarrassment which these requests and—I may say in some instances—demands have caused me. But I have been unable to reconcile myself to the support of the principle involved in the bill, and I wish briefly to state the reasons for my position.

First, let us see just what the bill is. It is designated in common parlance as the World War emergency officers' retirement bill. I think, however, that no frank advocate of the measure who really understands it will claim that it is anything other than a proposal to establish a system whereby disabled men of the World War who were officers will receive compensation—which up to the World War was called "pension"—according to rank. It is a pension bill based upon rank.

Under the terms of the bill emergency officers with a 30 per cent disability will receive compensation for life as follows:

Brigadier general	$375.00
Colonel	250.00
Lieutenant colonel	218.75
Major	187.50
Captain	150.00
First lieutenant	125.00
Second lieutenant	93.75

The ordinary enlisted man with a 30 per cent disability will continue to receive just $30 per month.

It is needless to say to those familiar with the pension laws of the past and present that this proposal is one which will completely change the traditional national policy of preserving equality in the volunteer and emergency armies, so far as pension or compensation is concerned.

No one can tell what the cost will be with any fair degree of accuracy, but I am not now worrying about the matter of cost. The principle involved causes the question of cost to pale into insignificance.

Let me first direct attention to the discrimination which the bill makes among the officers themselves.

The changed compensation will apply only to those officers who have a permanent disability of at least 30 per cent. Those officers who have less than 30 per cent will continue to draw on an exact equality with the private. Why should this be if we are to change the national policy and grant pension based upon rank?

We understand perfectly well what it will eventuate in. At next Congress the officers who are less than 30 per cent disabled will demand that this discrimination be removed and that their compensation be also based upon rank. If I were a supporter of this bill I can think of no legitimate reason why, should I be a Member of that Congress, I could refuse to support such a demand.

I learn from the minority report that this bill will favor 3,297 emergency officers whose disability is 30 per cent and above and will leave 6,972 emergency officers whose disability is less than 30 per cent upon the same basis of compensation as the enlisted man. It is further stated therein that there are 69,386 enlisted men who are disabled to the same degree as the 3,297 emergency officers who are to benefit and 173,842 whose disabilities are rated at less than 30 per cent permanent.

Second, let us look to the situation as regards the dependents of those officers who were killed or died in the service and since the war. This bill makes no provision to change their situation. The dependents of those dead officers will continue to draw compensation upon equality with the dependents of privates.

If we are to change the national policy and base compensation upon rank, should we not think of the dependents of the dead as well as the votes of the living? [Applause.]

These two glaring discriminations as between the emergency officers themselves seem to me to condemn the bill.

But it is urged that Congress is only being asked to place the emergency officers upon the same basis as officers of the Regular Army, and it must be said that this has doubtless been the most appealing argument or plea which has been advanced to the enlisted men to secure their indorsement of this measure. They have been asked at their Legion meetings, "Do you not feel that your officer who went out as you did from civil life should be treated as well as the Regular Army officer?" and it was the most natural thing in the world for the enlisted man to answer "Yes." In nine cases out of ten, I dare say, the enlisted man never gave consideration to the great question of national policy involved. He compared his emergency officer, whom he may have loved, with the Regular Army officer, whom he may not have loved so much, and compared them as officers. He did not, for the moment, think to compare the emergency officer with himself on the basis of citizenship. The enlisted man will come to think of this bye and bye, and just what, I wonder, is he going to say to us when he does? I believe I know. He is going to say, "Those emergency officers and I went out from civil life together. We sacrified our businesses alike; we took the same hazard; we suffered the same tortures; we returned together to civil life and became equal again in the great mass of American democracy, equal in rights before the law, though for a time that man was an officer and I a private in the ranks." And when the enlisted men have worked this out in their minds they are going to cry out in bitterness, "Our Congress has done an undemocratic thing; they have overturned the traditions of our national life lasting down through a century and a half; they have discriminated between citizens, civilians now, if you please; they have engrafted a new principle upon the practice of the Republic; they have for the first time exalted rank!" [Applause.]

But let us see, for a moment, about the retirement of the officers of the Regular Army.

That system was instituted long before any Member of this Congress sat upon this floor. But we sitting here now can at least comprehend the reason which prompted our long ago predecessors to adopt it as a governmental policy, although it may not be popular as a campaign shibboleth.

We can imagine the early proponents of the system arguing in about the following language: "Ours is not a military Nation. God forbid that it shall ever become so. We maintain but a small standing Army, but we have to have officers for this Army and good ones. Those who become officers in the Regular Army, whether by way of West Point, as most of them do, or from the ranks, as sometimes happens, are men who make this their life work, their profession. They have no other avocation. Rare indeed does the opportunity present itself for one of them to accumulate financial means. We have to have them and, in order to have them competent and efficient, their life must be devoted to the profession. Naturally provision must be made for them when their period of usefulness has passed. The private in the Regular Army enlists for a brief period and at its end is at liberty to return again to civil life, and become again of its democracy."

As to whether the logic of the argument was entirely sound there may yet be some difference of opinion, but be that as it may, the system then adopted has come down to us through many, many years, without serious effort on the part of any

Congress, so far as I am aware, to abolish or materially change it.

So much for the Regular Army comparison. I submit the practice furnishes no precedent for this proposed bill.

But the insistence is made that a precedent is to be found in the treatment which has been accorded disabled officers of the Navy and Marine Corps. Let us see exactly what has been done in that regard, and how it was done.

When the naval appropriation bill of 1920, as it had passed the House, was under consideration in the Senate, an amendment was adopted by that body which carried legislation upon this subject.

It will be recalled that at the time the Budget system had not been adopted, nor had the present rule of the House been applicable to legislation upon appropriation bills. It therefore frequently happened in those days that the Senate would put legislative riders upon the supply bills, and it was within the power of the House conferees to accept such riders and make them an integral part of the conference report without returning to the House for a separate vote upon them as is now required.

That happened in this instance, and the conference report, which was a very long one covering many matters, carried this provision:

That all officers of the Naval Reserve Force and temporary officers of the Navy who have heretofore incurred or may hereafter incur physical disability in line of duty shall be eligible for retirement under the same conditions as now provided by law for officers of the regular Navy who have incurred physical disability in line of duty. (CONGRESSIONAL RECORD, 66th Cong., 2d sess., vol. 59, pt. 8, p. 8092.)

In the Sixty-seventh Congress—act of July 12, 1921—there was a repeal of this law in the following manner:

The Senate again attached a legislative rider to the appropriation bill dealing with this subject, and as agreed to by the conferees the language was the same as above quoted, but at the end there was added the following:

Provided, however, That application for such retirement shall be filed with the Secretary of the Navy not later than October 1, 1921.

There has been no further general legislation upon the subject.

It will be seen, therefore, that the law permitting this discrimination between the naval and marine emergency officers and the enlisted men of those organizations was in effect for just 15 months.

It will further be seen that this legislation was never considered by the House, or so far as the records show, by any committee of the House, as an independent piece of legislation. Both times it was placed upon the naval appropriation bill by the Senate as a rider, and came in the conference report, which under the rules had to be voted upon as a whole and without amendment.

The proviso inserted in the 1921 act acted as a repeal of the law of 1920, as of date October 1, 1921, and is the last expression of Congress upon the subject.

I am indebted to the gentleman from Nebraska [Mr. SIMMONS], one of the distinguished ex-service men of the House who is opposing this legislation, for the information that during the 15 months the law was in operation there were retired under its provisions 228 naval officers and 56 marine officers, and he further informs me of the significant fact that each and every one of these 284 men was in the service at the time he was retired.

The emergency Army officers whom it is proposed to favor by this bill were discharged long ago and are now in civil life. The naval and marine officers who benefited by the legislation quoted were retired from the service itself.

I doubt if this fact has been known to any considerable number of the emergency Army officers and their friends who have so earnestly appealed for this discriminatory legislation. They have honestly thought that a precedent had been set, when, as a matter of fact, Congress actually repealed the law by limiting its tenure to October 1, 1921. And so whatever of precedent there was has been wiped out, and we are at liberty to consider the legislation upon its merits alone.

I may say in passing that it is proposed in this bill to restore the naval and marine officers to the status they had for the 15-month period, and that is quite logical from the standpoint of those who favor discrimination between officers and enlisted men.

I return now to the principle underlying the proposed legislation. Ours is a democratic government founded upon a constitution designed to insure equality before the law. True to the fundamental spirit of such a Nation we have never maintained a large standing Army. When we have had to defend ourselves with arms we have drawn our soldiers from civil life. It was their own country they were asked to defend—theirs in possession and their children's in heritage. They have never failed to respond and lift the sword of America to the heavens as it shimmered with glory in the sunlight—the fine sharp sword of democracy. [Applause.] Some became officers, most remained privates. At the end of each emergency those who survived returned to civil life and the every-day duties of the work-a-day world, and officer and man, released from the necessary rigors of military discipline and relations, became again equal as citizens.

Two young men went forth from the same town, the same business house, the same law office, the same farm. One became an officer, the other a private. They suffered alike; they were wounded upon the same battle field or contracted the same dread malady in the service. They were discharged together. Together they went back to the same business house or law office or farm, and to the extent that their physical condition admitted reengaged in the work of life. Do you tell me that I can by any process of reasoning justify voting to give one of them $150 per month and the other only $30 as compensation for the disability each suffered? I have been unable to find the justification.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. MICHENER. I yield to the gentleman two minutes more.

Mr. GARRETT of Tennessee. I know, Mr. Speaker, it is now and then hinted privately that there must have been some sort of mental superiority in those who became officers. This is never publicly urged, but privately it will be said many of them made greater sacrifices of business, and so forth, than did the privates. There may be instances in which this was true, but after all, sir, each sacrificed his all, each offered his all, each dared his all. I submit that Congress can not search among the 4,000,000 men called to the colors and reach any just conclusion as to relative sacrifices and sufferings.

Remember this principle of retirement was not adopted for emergency officers of the Spanish War, the Civil War, the Mexican War, the War of 1812, or the Revolutionary War. It has remained to be demanded for the first time now. Are we ceasing to be a democratic Republic?

I trust no one will for a moment entertain the thought that I speak with any feeling toward the emergency officers save one of profoundest respect and gratitude. I should be most happy to support the bill did I not feel the principle involved to be inconsistent with the very fundamentals of our democratic Nation. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. STEVENSON]. [Applause.]

Mr. STEVENSON. Mr. Speaker, I will start exactly where my distinguished friend left off. He referred to two young men going out from the same town, suffering the same hardships, coming back, and one being discriminated against in favor of the other. That is exactly what inspired me to introduce the first bill looking to this relief, the first one that was ever conceived or ever introduced into this Congress.

Two young men in business in the same block in a neighboring town, but not in my district, went to a training camp together; they were trained together; they were graduated as second lieutenants together, and they went to France together; but one took his commission as a provisional lieutenant in the Regular Army, and the other took his commission in the National Army. In the course of that terrible conflict the man who took his commission in the National Army, on the 8th of November, just before the armistice, in leading his men to the front, as he had been doing ever since the push began, lost his right arm and was disabled in such a way that he could not follow his occupation in life. The young man who took his commission as a provisional lieutenant in the Regular Army was assigned, I believe, to the Quartermaster's Department, and he had the misfortune to fall off a truck and injure his knee, and he came home with a stiff knee. I was called on by friends of the young man who had lost his arm and who was at Walter Reed Hospital to go out to see him, and, being a friend of his people and of himself, I went out to see him, and then I found they were both there. But what was the situation? The young man with the right arm gone, the young man who had been facing German bullets while the other was in the Quartermaster's Department, was receiving compensation at the rate of $15 a month for the loss of his right arm, while the other was eligible for retirement, and did retire, at $125 a month for a stiff knee.

Now, when you talk about equality you must look at both ends of the proposition. [Applause.] Gentlemen, you can not require absolute and rigid equality when you come to deal with human rights, human passions, and human suffering.

You have got to remember that there is humanity in us and in the people of this country. I came back here and introduced the bill H. R. 6688, in the Sixty-sixth Congress, providing:

That any officer who has served in the military forces of the United States during the war with Germany and who does not belong to the Regular Army shall have the right, provided they have incurred disabilities while in the service during the said war, to be retired on the same terms and on the same compensation as like officers of the Regular Army.

I asked for equality between that young man with his right arm gone and the young fellow with a stiff knee.

What did I meet? They said, "It will never do to retire such men; the retired list is a sacred list, in which are written only the immortals who belonged to the Regular Army, and we can not have that." I said, "All right, give us the same compensation," and I introduced H. R. 10835, which provided:

That any officer who has served in the military forces of the United States during the war with Germany and who does not belong to the Regular Army and who incurred disabilities while in the service during the said war, shall be entitled to the same compensation as like officers of the Regular Army receive on being retired for an equal disability.

In other words, I did not put them on the retired list, but I gave them a square deal, and that is all I asked.

In the next Congress I introduced the bill again, got a favorable report, and got a rule for its consideration, which Hon. Philip P. Campbell, then of Kansas, kept in his pocket until Congress adjourned. This is what was known as a pocket veto. The bill was numbered 15804 and the report was No. 1284, Sixty-sixth Congress, third session. Then the Veterans' Committee was appointed and I surrendered the field to it, but have never lost interest in the subject and take great pleasure in its prospective passage.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. MICHENER. Mr. Speaker, I yield 10 minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, I might well say, as the gentleman from South Carolina said when taking the floor, that he would begin where the gentleman from Tennessee left off, that I also might well begin where the gentleman from South Carolina left off. The gentleman from South Carolina described very feelingly how he found on two cots in the Walter Reed Hospital a Regular Army officer and an emergency officer. I should like to pass on with him to the next cot where we should probably find a private soldier who had left home at the same time as the other two, who had endured the same service, and who had incurred the same disability. Then I should like to make the same comparison between the emergency officer and the enlisted man that the gentleman from Tennessee so eloquently and so convincingly made as he emphasized the discriminatory features of this bill in its present form.

I am very glad to take the time that I shall use in speaking on this bill on the adoption of the rule, because one suggestion I shall make bears directly upon the proper procedure in the consideration of the bill. Rather than vote the bill up or vote it down I think the best course to pursue now is to recommit the bill to the Committee on World War Veterans' Legislation for a very thorough and drastic revision, eliminating its most glaringly discriminatory features. It is a most unpleasant duty for any of us to be forced to vote against a bill providing compensation for disabled soldiers. We have not been in the habit of doing that in this House, but on the contrary where the disabled soldier is affected we have all vied with each other in making a generous response to his needs. I say that it is a very disagreeable duty, if it should become such, for anybody to vote against reasonable compensation for disabled soldiers, and so we have voted with gladness and satisfaction for such compensation when the occasion has been presented to us.

In this instance, however, as this bill now reads, in order to vote for compensation, justifiable in some instances, we must vote for compensation which is not justified for others if measured by the same standards.

As the gentleman from Tennessee [Mr. GARRETT] so thoroughly demonstrated, this is not in any sense a retirement proposition. Retired from what? These former officers are not now in the service, and most of them have not been for about nine years. They are all in civil life again, most of them back at their old vocations. By no legitimate stretch of the imagination can this bill be called a retirement bill. It is purely and simply a disability service pension. But on what is it based? Purely on rank and nothing else. It is certainly not based on the degree of the disability suffered. Under this bill the second lieutenant suffering from a disability of 30 per cent receives $93.75 per month, as I am informed. The second lieutenant with a total disability receives no more, just $93.75. Is this fair? A colonel having incurred a 30 per cent disability will be placed on the compensation roll for life at $250 per month. He may recover his health completely, but there is no way provided in this bill for ever getting his name off the pay roll. And what about another colonel? I have one now in mind. One of the finest and most unselfish men that ever breathed, whose health was completely destroyed in the Great War, a case of total disability. Does he receive more? No; he receives just the same as the other. Can anyone justify deliberately creating such inequality? I can not.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. BLACK of Texas. I just want to say that the gentleman is correct in his statement that this is a compensation bill instead of a retirement bill. I received a letter from a doctor in Texas urging me to support the bill. I looked up the minority report which has been filed on this bill, and he is listed as now drawing $16.50 per month, and will immediately draw $187.50, according to the report that has been filed.

Mr. TILSON. Fellow Members, we can never justify this bill at the bar of equity, justice, or square dealing, and I predict now that any who vote for it out of a sincere desire to adequately compensate worthy men for disabilities incurred will have difficulty in making answer in the years to come when one of the millions of enlisted men who gave themselves just as freely to the service of their country as did their officers, who endured the same hardships and suffered the same degree of disability, comes to one of us and says, "For a disability equal in degree to my own you have given an officer $150 or $187.50 or $250 per month, or perchance, if he were lucky enough to wear the star of a general, $375 per month for life; what are we to expect in the way of compensation?" What can we say?

Mr. CONNERY. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. CONNERY. While the distinguished gentleman from Tennessee [Mr. GARRETT] and the distinguished gentleman from Connecticut are worrying about the enlisted man, why do they not bring the enlisted man up to where all of these officers are?

Mr. TILSON. A general officer, I believe, is to receive, under this bill, $375 per month. Does the gentleman from Massachusetts undertake to say that we should place every man who served in the military or naval forces of the United States during the war and incurred a 30 per cent disability, or who hereafter may be declared to have a 30 per cent disability, on the compensation rolls for the rest of his life at $375 per month? It would be necessary to do this if there is to be equality.

Mr. CONNERY. No; but I say that $150 a month would be a little fairer than $30 a month.

Mr. TILSON. There might be some difference of opinion as to what it would be practicable to do for so large a number of men, but I am willing to go with the gentleman as far as is practicable and reasonable if for equal disability we give equal compensation regardless of rank.

In the early days of this Republic, borrowed from older countries, it was the rule to make a difference between the pensions allowed to officers and to enlisted men. As our great Republic grew and we developed a policy of our own we abandoned the principle of discriminating in pensions according to rank, and after the Civil War it was entirely abandoned—and who were instrumental in its abandonment? The very officers who, having served in the Army, came to this House and served here in very great numbers. Their sense of fairness to the enlisted men who served with them and under them caused them to be in large measure responsible for giving up forever, I hope, the idea of pensions based on rank.

Mr. CONNERY. I would like to ask the gentleman another question. I was an enlisted man. I was not an officer, but an enlisted man——

Mr. TILSON. The gentleman was a good and valiant soldier whichever he happened to be.

Mr. CONNERY. I thank the gentleman.

Mr. TILSON. But in my judgment he ought not to be entitled, in case of disability, to any greater compensation if he had been a major general than what he should be entitled to as an enlisted man. This is my view of it. [Applause.]

Mr. CONNERY. Does not the gentleman believe that these emergency officers who, as everybody knows, fought the war in the trenches, should get equal justice with a man who perhaps stood on the deck of a battleship or who fought a tough war out in Kansas City and is now getting retired pay?

Mr. TILSON. The gentleman has reference, I suppose, to a few Navy and Marine officers who were retired under a rider

carried on a Navy appropriation bill which was in effect for only 15 months and was then repealed.

Mr. CONNERY. I am referring to the Regular Army and not to the emergency officers.

Mr. TILSON. The gentleman from Tennessee [Mr. GARRETT] so thoroughly explained the difference between the status of the Regular Army and the emergency officers that it needs no further explanation.

In an emergency every able-bodied man of proper age who is needed should be a soldier, every one should do his bit. It is his duty as a citizen. The Regular Army is entirely different. There is no analogy whatever between the Regular Army and the emergency officers. The conditions are entirely different and we should not confuse matters by attempting to put the Regular Army and the emergency officer on the same basis. The condition of actual war changes the situation completely, and no man, in my judgment, should have retirement privileges for having served in an emergency.

Mr. CONNERY. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. CONNERY. I have heard it said it is going to be a difficult thing to have to explain to the enlisted man why we voted for an emergency officers' bill. I think we would have a harder time explaining to the enlisted man why we give retirement to a man in the Regular Army who stayed back at Chaumont and fell off his horse and hurt his knee and deny this to a man who fought in the front-line trenches and was disabled in line of duty.

Mr. TILSON. Retirement in the Regular Army is a story that goes back into our history of maintaining an Army in time of peace. It has been found necessary, or at least those who have gone before us as legislators have thought it necessary, to have a system of retirement in order to get and keep good officers, but it should not serve as a precedent and ought not be considered even as analogous to the service of an emergency officer in time of war. [Applause.]

The SPEAKER. The time of the gentleman from Connecticut has expired.

Mr. MICHENER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

RETIREMENT OF OFFICERS AND FORMER OFFICERS OF THE WORLD WAR

Mr. ROY G. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 777, and pending that I ask unanimous consent that the time for general debate be equally divided between the gentleman from Mississippi [Mr. RANKIN] and myself.

The SPEAKER. The gentleman from Ohio moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 777, and pending that asks unanimous consent that the time for general debate be equally divided, one-half to be controlled by himself and one-half by the gentleman from Mississippi [Mr. RANKIN]. Is there objection?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LAGUARDIA in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

S. 777, 70th Cong., 1st sess.

An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War

Be it enacted, etc., That all persons who have served as officers of the Army, Navy, or Marine Corps of the United States during the World War, other than as officers of the Regular Army, Navy, or Marine Corps, who during such service have incurred physical disability in line of duty, and who have been, or may hereafter, within one year, be, rated in accordance with law at not less than 30 per cent permanent disability by the United States Veterans' Bureau for disability resulting directly from such war service, shall, from date of receipt of application by the Director of the United States Veterans' Bureau, be placed upon, and thereafter continued on, separate retired lists, hereby created as part of the Army, Navy, and Marine Corps of the United States, to be known as the emergency officers' retired list of the Army, Navy, or Marine Corps of the United States, respectively, with the rank held by them when discharged from their commissioned service, and shall be entitled to the same privileges as are now or may hereafter be provided for by law or regulations for officers of the Regular Army, Navy, or Marine Corps who have been retired for physical disability incurred in line of duty, and shall be entitled to all hospitalization privileges and medical treatment as are now or may hereafter be authorized by the United States Veterans' Bureau, and shall receive from date of receipt of their application retired pay at the rate of 75 per cent of the pay to which they were entitled at the time of their discharge from their commissioned service, except pay under the act of May 18, 1920: *Provided,* That all pay and allowances to which such persons or officers may be entitled under the provisions of this law shall be paid solely out of the military and naval compensation appropriation fund of the United States Veterans' Bureau, and shall be in lieu of all disability compensation benefits to such officers or persons provided in the World War veterans' act, 1924, and amendments thereto, except as otherwise authorized herein, and except as provided by the act of December 18, 1922: *Provided further,* That all persons who have served as officers of the Army, Navy, or Marine Corps of the United States during the World War, other than as officers of the Regular Army, Navy, or Marine Corps, who during such service have incurred physical disability in line of duty, and who have heretofore or may hereafter be rated less than 30 per cent and more than 10 per cent permanent disability by the United States Veterans' Bureau for disability resulting directly from such war service, shall, from date of receipt of application by the Director of the United States Veterans' Bureau, be placed upon, and thereafter continued on, the appropriate emergency officers' retired list, created by this act, with the rank held by them when discharged from their commissioned service, but without retired pay, and shall be entitled only to such compensation and other benefits as are now or may hereafter be provided by law or regulations of the United States Veterans' Bureau, together with all privileges as are now or may hereafter be provided by law or regulations for officers of the Regular Army, Navy, or Marine Corps who have been retired for physical disability incurred in line of duty: *And provided further,* That the retired list created by this act of officers of the Army shall be published annually in the Army Register, and said retired lists of officers of the Navy and Marine Corps, respectively, shall be published annually in the Navy Register.

SEC. 2. No person shall be entitled to benefits under the provisions of this act except he make application as hereinbefore provided and his application is received in the United States Veterans' Bureau within 12 months after the passage of this act: *Provided,* That the said director shall establish a register, and applications made hereunder shall be entered therein as of the actual date of receipt, in the order of receipt in the Veterans' Bureau, and such register shall be conclusive as to date of receipt of any application filed under this act. The term "World War," as used herein, is defined as including the period from April 6, 1917, to July 2, 1921.

Mr. ROY G. FITZGERALD. Mr. Chairman and gentlemen of the House, nine years of energetic action have elapsed on the part of the American Legion, composed of 90 per cent of enlisted men, to right a wrong. What is the wrong? Why, the United States Government and Congress, realizing in 1917 that this country had an emergency to meet, passed an act and invited into the Army men of mature years, men of responsibility, men who had acquired positions in life and experience which would fit them to become officers of a great emergency army. Preference was given by law in selecting officers to those who were 31 years of age and over.

EQUALITY PROMISED

Equality for all officers and enlisted men was promised in the selective service act of May, 1917. This equality has been granted to all classes of enlisted men and to eight of the nine classes of officers. The disabled emergency Army officers alone have been denied the fulfillment of this promise, made by the Congress 11 years ago.

Section 10 of the selective service act of May, 1917, provided as follows:

That all officers and enlisted men of the forces herein provided for, other than the Regular Army, shall be in all respects upon the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades and length of service in the Regular Army.

How that has been evaded is a matter of public scandal, which the American Legion with its overwhelming personnel of enlisted men is seeking to set right. It is not a matter of discrimination between officers and enlisted men, but a discrimination between officers where enlisted men are not concerned. All enlisted men have been treated the same.

Retirement for officers was provided originally by the act of Congress of August 3, 1861. Why? To eliminate superan-

nuated and inefficient officers in the time of the Civil War. The gentleman from Tennessee [Mr. GARRETT] has shown that he is unacquainted with and actually opposed to the settled policy of our democratic but noncommunistic country, from the Revolutionary War times down. It gives an opportunity to set this Congress right. The Republican floor leader evidently knew that the gentleman from Tennessee was in error when the latter stated on the floor of the House that it was against the policy of this country to discriminate between officers and enlisted men. This is the first open communistic and socialistic utterance that I have heard for many a long day on this floor.

Mr. DAVIS. Will the gentleman yield?

Mr. ROY G. FITZGERALD. I will.

Mr. DAVIS. Did I understand the gentleman from Ohio made reference to the gentleman from Tennessee [Mr. GARRETT]?

Mr. ROY G. FITZGERALD. To the statement he made.

Mr. DAVIS. I challenge that statement as being unjustified and unwarranted.

Mr. ROY G. FITZGERALD. I am glad to meet that challenge, and I will show how it is easily justified and absolutely warranted. The United States Army was composed of officers and enlisted men. It is necessary that the officers be chosen because of riper years, greater experience, and training. The officers are paid more. There is always a necessary discrimination. Officers have ever been chosen for responsibility because they had responsibilities; the enlisted personnel was chosen under the draft act because of their lack of responsibilities. In the World War the officers average 12 to 15 years older than the enlisted men.

Men were taken for officers who had wives and children, who had made a success in life, and who had positions of responsibility, who had already demonstrated their fitness for command.

	Number who applied for admission	Number admitted	Number commissioned
First camp, May 15, 1917	200,000	43,000	27,341
Second camp, Aug. 29, 1917	200,000	23,000	17,247
Third camp, December, 1917	----------	18,437	11,657
Total	400,000	84,437	56,245

The personnel of the third camp was made up exclusively of enlisted men already in the service.

SELECTION OF OFFICERS

Here are some extracts from a War Department memorandum of June 4, 1917, which instructed officers of the regular service on the methods they were to follow in selecting candidates for the officers' training camps. These show the emphasis placed upon age, experience, and character:

GENERAL PLAN

To provide officers for * * * the National Army the War Department has adopted the policy of commissioning all new officers of the line (Infantry, Cavalry, Field and Coast Artillery) purely on the basis of demonstrated ability after three months' observation and training in the officers' training camps. Thus the appointment of officers of the new armies will be made entirely on merit and free from all personal or other influences.

* * * Also, in connection with these camps, it is to be noted that mature and experienced men are needed to fill the higher grades (first lieutenant, captain, major, and a few lieutenant colonels).

QUALIFICATIONS

* * * In order to obtain the experienced class of men desired preference will be given to men over 31 years of age, other things being equal. Because of the anticipated large number of applications, it will probably be difficult for men under that age to qualify except in instances where the applicant has preeminent qualifications or unusual military experience.

CHARACTER OF MEN DESIRED

Since the special object of these camps is to train a body of men fitted to fill the more responsible positions of command in the new armies, every effort will be made to select men of exceptional character and proved ability in their various occupations. While it is desired to give full opportunity for all eligible citizens to apply, no man need make application whose record is not in all respects above reproach and who does not possess the fundamental characteristics necessary to inspire respect and confidence.

While on the other hand those who were called for service under the draft act to serve in the enlisted personnel of the Army were those with least responsibilities. Those were exempt who had responsibilities, and only those were taken who were footloose, who had no reasonable ground for exemption. Of the 400,000 who applied for training to be made officers in the two first training camps, only 44,588 were commissioned, less than one-eighth, while of those summoned under the draft act an enormous majority were rejected because of family ties and responsibilities.

ENLISTED SITUATION DIFFERENT

The World War enlisted men were chosen for their lack of responsibility. Out of each 350 men who passed the required physical examination for service, 250 men received exemption because they had dependents, and 100 men were accepted for service through their lack of dependents. It was the desire of the Congress that the enlisted personnel be men without family obligations, and that the spirit of this desire was fulfilled is shown by the foregoing exemptions granted to those who had passed the physical examination.

EXEMPTIONS

The final report of the provost marshal general of the Army to the Secretary of War, dated July 15, 1919, shows in Table 4, page 24, that 2,780,576 men were actually inducted into the service during the World War, as compared to Table 2, page 20, of the same book, which shows that 6,964,229 men received exemption from their local boards because of dependency.

This means that for every 100 men actually inducted into the service 250 men were exempted because of dependency.

This action was in line with that portion of the selective service act which authorized the President to exempt among others the following:

Those in a status with responsibilities to persons dependent upon them for support which renders their exclusion or discharge advisable.

It is apparent from this act that Congress desired its fighting forces to be made up of men without family responsibilities. The figures quoted show that this wish was followed by the local boards.

One of the chief reasons for the difference in pay of officers and enlisted men of all armies and for all wars has been because of the difference in their ages and responsibilities. These same responsibilities continued after the emergency officers were disabled and crippled. If this difference in pay was proper when the emergency officer was well and sound, how much more necessary to continue it after he has been permanently disabled and thus prevented from earning a livelihood for the family which was dependent upon him prior to his war disability.

A FALLACY EXPOSED

Occasionally opponents state they can not see the justice in a disabled officer receiving a higher rate of compensation for his disability than a disabled enlisted man. They cite as an example of this two brothers of approximately the same age, just out of college, one attending an officers' training camp and obtaining a commission, the other enlisting and serving in the ranks. Both become equally disabled in the service. Why should one receive a higher rate of compensation for his disability than the other? This is the stock argument advanced by opponents.

There would be justice in this argument provided it were typical of the situation. It is not typical. The fundamental merits of the legislation are due to the fact that this illustration is very far from the true situation.

The officers were older than the enlisted men by an average of 12 to 15 years. They were in midcareer in civil life. A large proportion of them were married and had families dependent upon them. Many of these officers could not have accepted commissions but for the pay which they received as officers; otherwise they would not have been able to support those dependent upon them while they were in the service.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. GREEN. I know that one place in the bill we are about to work a hardship on some officers.

Mr. ROY G. FITZGERALD. That is another mistake.

Mr. GREEN. In other words, some of them get $100 a month now, and under this new retirement they will get only $93.75 a month. I would like to see that corrected.

Mr. ROY G. FITZGERALD. The gentleman from Connecticut [Mr. TILSON] made a mistake. In the first place, no one need come under this bill unless he chooses.

Mr. GREEN. He can remain at the hundred dollars under the other, if he desires?

Mr. ROY G. FITZGERALD. Yes; but a second lieutenant under this retirement bill will not get merely $100. He will get $106 and something, because he will be retired under the pay act which was in force at the time that he was injured and disabled.

Mr. GREEN. Then he can retain his hundred dollars and get that instead of having to take $93.75?

Mr. ROY G. FITZGERALD. And get all of the benefits of this act, and he will get more than $106 instead of $93.75, as suggested by the gentleman from Connecticut. It has been suggested that the idea that we must treat officers and enlisted men alike is communistic. When we go into court on a claim for personal injury, suppose the plaintiff be a workman in a factory or a man employed on the street, and he has been injured, do we treat them all alike? Why no. The very first thing that is inquired into when the damages are to be determined is what was the plaintiff's earning power at the time of the injury. It is the earning power of the individual in this great democracy of ours that has not yet been degraded into a communism.

We say that we will compensate the man in proportion to his loss, and we promised by the law of this country that we would treat these emergency officers as we treated the officers of the Regular Army. It has been the accepted policy of this country from the beginning to accept the rank of the officer in the Army as a guide as to what should be paid him for compensation in the case of a pension.

Mr. ABERNETHY. And how many of these emergency officers are there?

Mr. ROY G. FITZGERALD. About 3,397.

Mr. ABERNETHY. And what will be the cost to the Government?

Mr. ROY G. FITZGERALD. Two million two hundred and ninety-four thousand dollars a year, rapidly diminishing because of the high death rate; 122 died last year.

Mr. ABERNETHY. And that is all that is involved?

Mr. ROY G. FITZGERALD. Yes. We are not taking a cent from any enlisted man. There is no discrimination. I would like to have some of those who are so interested in the enlisted man try to do something for the enlisted man here in this House. There is plenty of opportunity for them to do something constructive.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. NEWTON. In reference to this question of cost, the gentlemen's estimate, I believe, is based on those emergency officers who now are on the rolls at 30 per cent permanent disability, but the bill provides for those who have that rating within one year after the passage of the act. Has the gentleman made any estimate as to those who have approximately 30 per cent disability, who may come within the provisions of the act?

Mr. ROY G. FITZGERALD. No; except that I know that 122 of them died last year waiting justice and the fulfillment of the obligation of the law by this House. There is very little likelihood that those who are temporarily disabled 30 per cent or more who will be put on permanent rating, and I think they would be entitled to it if they are, within the next year will equal the number that will die before we get this law under operation.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. CROWTHER. The gentleman said that he wished some of the Members who are so concerned about the enlisted men would try to do something for these men.

Mr. ROY G. FITZGERALD. Yes.

Mr. CROWTHER. I think the gentleman from Ohio has had the same experience that I have had, and that every other Member of the House has had, in respect to the tremendous difficulties we face in trying to do something for the men who are really deserving of something in the line of compensation, by reason of the hard-boiled decisions of the medical board and the board of appeals and the various other organizations connected with the Veterans' Bureau, and the difficulty of proving the illness is of service origin. The fact is that many of our boys came home from service determined to show some degree of courage, and did not want to ask Uncle Sam for any support, did not consult a doctor when they were really in bad shape. When they finally were compelled to make their applications for compensation when they were finally forced to demand something the board then said, "There is no record of medical attendance upon the applicant between the date of his discharge and the date of filing his application." We all would like to do something for some of these enlisted men. I shall probably vote for this bill, but I say to you I think it is extremely unfair in some of its provisions. I know of an officer, a professional man, who suffered a shrapnel wound in his shoulder blade. It does not hinder his earning capacity so far as his profession is concerned. He is now getting $30 a month. Under this bill he will get $125 a month for life. Right around the corner is a little fellow who was so crippled in the service that he can hardly perform manual labor of any description. All he gets is $35 a month compensation, and that is all that he will get so long as he lives under the present law.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. SCHAFER. Does not the gentleman think that the gentleman from New York [Mr. CROWTHER] is rather severe in his indictment of the Veterans' Bureau boards requiring evidence, when it is because of the laws that Congress has passed that certain evidence is required before the Veterans' Bureau can make a favorable adjudication? When Congress has failed to liberalize those laws, and the specific provisions of the law require certain evidence before compensation can be paid, I do not believe that any Member of Congress should come on the floor and hurl a general indictment at the medical boards of the Veterans' Bureau.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. ROY G. FITZGERALD. No. I shall answer the gentleman. The gentleman from Wisconsin [Mr. SCHAFER] has had too much experience with the Veterans' Bureau not to know that he has had to devote hours and hours and days and nights and weeks of his time in getting justice for the boys from Wisconsin. He knows what I have done, and he knows how difficult it sometimes is to enlist sympathy from these men in the Veterans' Bureau. The bureau is inclined to construe the laws strictly and perhaps they feel that they must.

Mr. SCHAFER. And the gentleman from Wisconsin knows that each case presents great and involved problems, and that the boards can not allow compensation in a great many worthy cases because of limitations written into the law by Congress. When Congress enacts specific laws requiring certain medical evidence before compensation can be paid, no one, particularly Members of Congress, should condemn the bureau boards for requiring such evidence before compensation is paid.

Mr. KEARNS. Mr. Chairman, will the gentleman yield for one short question?

Mr. ROY G. FITZGERALD. Certainly.

Mr. KEARNS. I have often thought about it and wondered why we do not put into this bill the emergency Spanish-American War officers.

Mr. ROY G. FITZGERALD. One reason is because our World War Veterans' Committee here has no jurisdiction over that. I would be glad to do it otherwise, if it is desired by the veteran officers of the Spanish War. Another reason is that the United Spanish-American War matters are handled by their own association, and their representative in Washington is ex-Senator Means. I understand that he is opposed to having them included, not regarding it as beneficial.

Mr. KEARNS. Is he opposed to your bill?

Mr. ROY G. FITZGERALD. No. Every patriotic organization in the United States is in favor of this bill. We have 11,000 posts of the American Legion, or 13,000 with the auxiliary, and we have, as I said, the support of the Disabled Veterans of the World War. Ninety per cent of them are enlisted men.

Mr. KEARNS. Do you tell me that the committee, if it wanted to, could not include the wounded emergency officers of the Spanish-American War; that they would like to, but could not do it?

Mr. ROY G. FITZGERALD. It could not do it under our committee's jurisdiction. If you will introduce a bill for the Spanish-American War veterans, I will back you in every constructive measure you may introduce in their behalf. I would like to back you in any measure you would favor in their behalf.

Mr. KEARNS. I am opposed to all of them, but if this becomes a law I can not see why the Spanish-American wounded veterans should not be included.

Mr. ROY G. FITZGERALD. I am trying to induce this House to fulfill its legal obligations to these men who relied upon the promise made to them that they were to be treated without discrimination.

Mr. KEARNS. I would not introduce a bill of that kind, because I am opposed to all of them.

Mr. ROY G. FITZGERALD. We are trying to destroy the discrimination now existing between the officers of the Regular Establishment and the emergency officers who were promised the same treatment in this regard. There are only five West Point officers who have been retired for battle casualties of the hundreds and hundreds of officers retired since the war. There are 123 emergency officer battle casualties to 1 of the West Point officers.

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. CRISP. I understand this same recognition has been conferred upon disabled emergency officers of the Navy and Marine Corps.

Mr. ROY G. FITZGERALD. Yes; and they had 15 months to come in under it; and we are now opening the door to let them come in for another year.

Mr. CRISP. The gentleman says there is discrimination between the Navy and Marine Corps on the one hand and the emergency Army officers on the other?

Mr. ROY G. FITZGERALD. Yes. There is discrimination. These disabled emergency Army officers constitute 93 per cent of our officer battle deaths during the war. These emergency officers furnished 90 per cent of our combat officers during the war.

Mr. CHALMERS. Mr. Chairman, will the gentleman yield there?

Mr. ROY G. FITZGERALD. Yes.

Mr. CHALMERS. I wanted to remark, Mr. Chairman, concerning this controversy between the gentleman from Ohio and the gentleman from New York [Mr. CROWTHER] that if you can bring into the House a measure that will liberalize the medical administration of the Veterans' Bureau I would like to support such a measure. [Applause.]

Mr. RANKIN. Mr. Chairman, I yield 45 minutes to the gentleman from Nebraska [Mr. SIMMONS.]

The CHAIRMAN. The gentleman from Nebraska is recognized for 45 minutes.

Mr. SIMMONS. Mr. Chairman, I have prepared a statement on this bill which will take to read at least a large part of the time that has been granted to me in the debate, and I therefore request that I be not asked to yield until I have finished that which I have prepared; and then, if any time remains after that, I shall be glad to answer any questions that Members of the House may wish to ask.

The so-called disabled emergency officers bill has been before Congress in some form every session since the war. During the six years that I have been a member of this body it has been pending before the World War Veterans' Legislation Committee. It is proper that we review its lack of progress during those six years.

In the Sixty-eighth Congress I was a member of the Veterans' Committee. Before coming to Congress I had been adjutant of my home American Legion post and later was department commander of the American Legion for Nebraska. I know the organization. I believe firmly in the high ideals on which it is founded. I believed that the American Legion would sponsor no legislation that violated those ideals. I had read the propaganda that had been sent out from Washington about this bill. I believed, without more investigation, that the facts stated about the bill were true, that the bill did what its sponsors said it did and I believed the statements and arguments made in its favor. None had been made against it. I was a member of a subcommittee of four that reported favorably to the World War Veterans' Committee on this bill. I then started out to see if we could not secure its passage. I found first that there was not a unanimous opinion in favor of the bill, although the committee seemed to be for it. I asked the reasons for the opposition.

I studied the bill, its history, the history of other bills, and finally reached the conclusion that the bill was wrong in principle, that its proponents among the service men had been misled by erroneous statements of fact, that it created a series of unjustified discriminations, that the emergency officers themselves had been misinformed as to its effects, and as to the status of fellow officers, and finally that the bill should be defeated. Having reached that conclusion, I advised the American Legion men of my State, and on April 6, 1926, addressed the House in opposition to this bill. Of the four men who signed the subcommittee report in the Sixty-eighth Congress for this bill, two are on the floor now working and will be voting against it. I refer to Mr. MILLIGAN of Missouri and myself.

What has happened in that committee during these years? The bill was reported to the Sixty-eighth Congress without a minority report. In the Sixty-ninth Congress four World War veterans signed a minority report against it. The bill is before Congress to-day by a vote of 8 to 7 from that committee, and the chairman of that committee, Mr. ROYAL JOHNSON, of South Dakota, himself a distinguished World War emergency officer, refusing to sponsor it in its present form and favoring many amendments.

I stated two years ago, and now repeat that—

> The men who organized the Legion with far-sighted purpose declared that the Legion would be all-inclusive, representing the officer and enlisted man; the disabled and the overseas veterans stood side by side with a buddy whose duty kept him in the United States—all were comrades—binding themselves in an organization all for one, one for all, in the continued service of God and country. The American Legion fought the battles of the service men in the organization of the Veterans' Bureau, the establishment of hospitals, the passage of liberal compensation laws, based on service-connected disability, the passage of the adjusted compensation act, and much other beneficial legislation. Throughout it all the Legion made no distinction and asked that none be made between the service men of America. The Legion kept its determination that there would be no distinction or discrimination on account of rank among the veterans.
>
> This bill is the only legislation that the Legion has advocated contrary to that policy; it is the only legislation that Congress has repeatedly refused to approve.

Many Members of Congress, relying on statements made by veterans' organizations, and without further investigation, have promised to vote for this bill. It becomes important then to consider the arguments advanced for the bill. If they are shown to be erroneous and untrue, then Members who have promised to support, in reliance upon those statements, should consider themselves free to vote their convictions on this legislation.

Let us consider, then, the arguments advanced by the committee's report for the bill.

The committee in charge of this bill over the objections of 7 out of 15 members refused to hold hearings on it. It is before the House, then, without testimony or printed hearings.

No departmental report is available on it. Those of us who wanted to know facts about it have been compelled to do our own investigating and secure our own information. What we have been able to secure we believe to be accurate and true. If it is not, the fault lies with the committee that refused to investigate the bill fully and refused to furnish the Congress with full information on it.

One of the reasons given for the passage of this bill is that—I quote from the report of the World War Veterans' Committee on H. R. 500 filed March 29, 1928:

> There were nine classes of officers who fought in the World War. These were the regular officers of the Army, Navy, and Marine Corps; the provisional officers of the Army, Navy, and Marine Corps; and the emergency officers of the Army, Navy, and Marine Corps. Eight of these nine classes have been heretofore retired by the Congress for wounds and disabilities incurred in line of duty. The only officers for whom the Congress has failed to provide retirement are the disabled emergency Army officers.

Again:

> Retirement should be extended to the disabled emergency Army officers of the World War, as these officers, out of the nine classes, are the only ones which the Congress has discriminated against.

Those statements are not true. The proponents of this measure hope by constant reiteration to make them true. And they were succeeding fairly well until the Senate passed S. 777 which included 201 disabled emergency officers of the Navy and Marine Corps. Then the same committee comes back and blandly "points out that the Senate act—S. 777—includes those disabled emergency officers of the Navy and Marine Corps, 201 in number, who did not obtain retirement under the act of June 4, 1920."

Then, without blushing, they go ahead and incorporate their report on H. R. 500, which again states that only the Army officer has not been retired. What are the facts? In the naval appropriation act of 1920 authority was given to retire the emergency officers then in the service the same as regular officers were retired. In the next bill for 1921 that act was amended so that only those applying up to October 1, 1921, should be benefited by it. During that year 284 men were retired. With the exception of those men who were then in the service, Congress has not retired the emergency officer of the Navy and Marine Corps. The Veterans' Committee admits it now by accepting Senate amendments that do retire them. There were on September 30, 1927, 565 emergency naval officers and 77 emergency marine officers drawing compensation from the Veterans' Bureau for war disabilities who were not retired, and of that number more than one-half of them will continue to draw compensation the same as enlisted men, even should this bill become a law. So it is now admitted by the Senate and by the committee handling this bill in the House that the statement that only the emergency officers of the Army have not been retired is not true. May I point out to you further this very important distinction between the Navy and marine officer who has been retired and the emergency Army officer?

The Navy and marine men who were retired under the act of June 4, 1920, were men in the service at the time of their retirement. I quote Secretary of the Navy Wilbur:

All temporary and reserve officers retired under the general laws affecting those classes were either in the service at the time of retirement or retirement proceedings had been instituted prior to their separation from the service. With reference to the reserve force several officers were retired who had been relieved from active service but whose enrollment in the reserve had not terminated.

So that this fact now is clear—only those emergency officers in the Navy and Marine Corps when the act of June 4, 1920, was passed have been retired. Emergency officers of the Army, Navy, and Marine Corps who were discharged from the service have not been retired, and have not been given greater compensation than their comrades in the service. The emergency Army officer for whom this bill was drawn, for whom the propaganda has been sent out that they were the only emergency officers out of nine groups not retired, were discharged from the service. Those Navy and marine officers who were discharged from the service draw now, and have been drawing exactly the same compensation that the discharged emergency Army officer draws. All three classes of discharged emergency officers, to wit, Army, Navy, and Marine Corps have been treated exactly alike.

The statement, then, that only the emergency officer of the Army has not been given retirement is disproved by the record, by the statement of the Secretary of the Navy, and by the bill now under consideration, which specifically covers all three classes—the report showing that it covers 201 naval and marine officers. That argument then fails when the facts are known.

Again reference is made to General Orders, No. 75, of the War Department, August 17, 1918. The quotation made in the report is from General Order No. 73, dated August 7, 1918, but that is as accurate as are many statements in the report.

The report sets out the first two paragraphs of the order. There are six paragraphs of the order, and I am at a loss to know why the entire order was not set out, unless the reason is that to have done so would have shown that the intent and purpose of that order was entirely different from that which the proponents of this measure would have you infer from the part that is quoted.

The entire order is as follows:

(General Orders, No. 73)

WAR DEPARTMENT,
Washington, August 7, 1918.

1. This country has but one Army—the United States Army. It includes all the land forces in the service of the United States. Those forces, however raised, lose their identity in that of the United States Army. Distinctive appellations, such as the Regular Army, Reserve Corps, National Guard, and National Army, heretofore employed in administration and command, will be discontinued, and the single term, the United States Army, will be exclusively used.

2. Orders having reference to the United States Army as divided into separate and component forces of distinct origin, or assuming or contemplating such a division, are to that extent revoked.

3. The insignia now prescribed for the Regular Army shall hereafter be worn by the United States Army.

4. All effective commissions purporting to be, and described therein as, commissions in the Regular Army, National Guard, National Army, or the Reserve Corps, shall hereafter be held to be, and regarded as, commissions in the United States Army—permanent, provisional, or temporary, as fixed by the conditions of their issue; and all such commissions are hereby amended accordingly. Hereafter during the period of the existing emergency all commissions of officers shall be in the United States Army and in Staff Corps, departments, and arms of the service thereof, and shall, as the law may provide, be permanent for a term, or for the period of the emergency. And hereafter during the period of the existing emergency provisional and temporary appointments in the grade of second lieutenant and temporary promotions in the Regular Army and appointments in the Reserve Corps will be discontinued.

5. While the number of commissions in each grade and in each staff corps, department, and arm of the service shall be kept within the limits fixed by law, officers shall be assigned without reference to the term of their commissions solely in the interest of the service; and officers and enlisted men will be transferred from one organization to another as the interests of the service may require.

6. Except as otherwise provided by law, promotion in the United States Army shall be by selection. Permanent promotions in the Regular Army will continue to be made as prescribed by law.

By order of the Secretary of War:

PEYTON C. MARCH,
General, Chief of Staff.

Official:

H. P. MCCAIN,
The Adjutant General.

It will be noted that the purpose of the order was to wipe out the "distinctive appellations" of "Regular Army, Reserve Corps, National Guard, and National Army" and to substitute in lieu thereof the term "the United States Army."

Orders referring to the "origin" of "component forces" were revoked. The insignia of the Regular Army was to be worn by all.

The inference of the report is that the distinction between the Regular and emergency officers was abolished by this order, paragraph 4, which is not copied in the report, but which I set out herein shows that it was the different forces that were merged and that commissions in the Regular Army, National Guard, National Army, and Reserve Corps were to be regarded as commissions in the—

United States Army—permanent, provisional, or temporary as fixed by the conditions of their issue.

Note, then, that this General Order 73 not only did not wipe out the distinction between the Regular and emergency officer, but it distinctly pointed out and restated those distinctions. Again paragraph 4 provides that—

commissions of officers * * * shall as the law may provide, be permanent for a term or for the period of the emergency.

Paragraph 5 shows that the purpose of the order was to make the administration and the movement of troops easier.

Paragraph 6 states that—

Permanent promotions in the Regular Army will continue to be made as prescribed by law.

Why did not the proponents of this measure who drafted the report set out the order in full? The answer is obvious. To have done so would have been to have disproved the thing they wanted to prove.

The "amplification" of the selective service act to which the report refers by this order shows that the War Department considered and maintained the distinction between the regular and emergency officer, and sought by that order only to wipe out the different "component forces" for administrative reasons only.

The analysis I have made of this general order is sustained by the War Department. I wrote the Secretary of War asking the reasons for the issuance of the order. He has replied that:

This order was issued during the existence of a great national emergency and with the apparent underlying idea of the simplification of administrative details, particularly those relative to the classification, assignment, and promotion of personnel.

I am sure that you must realize the vast amount of detail incident to the administration of an army of several million men and how greatly this work was increased by the necessity for segregating the records of the several distinct categories of personnel.

The records of the War Department indicate that the results attained by the order, from an efficiency standpoint, fully justify its issuance.

So the argument that the War Department recognized the basis of this bill and favored it by that order fails when the full facts are shown.

Again the claim is made in the report that the war Congress intended to do this thing for the emergency officer, but was unable to express itself clearly, and therefore failed. That statement is coupled with the statement that—

Retirement based upon earning capacity is the only fair standard of recompense. It is the measure of damage in the courts of law and it is the standard by which injured workmen are recompensed in civil life.

Fortunately we are able to determine from the RECORD just what Congress intended to do. An examination of the CONGRESSIONAL RECORD shows that the war Congress not only did not intend to give these benefits to the emergency officer but also specifically refused to apply the principle of compensation based on earning capacity to the soldiers who came to their country's service.

Reference is made to the CONGRESSIONAL RECORD, volume 55, part 7, first session, Sixty-fifth Congress. The date is September, 1917. The matter under consideration was the war risk insurance act. The administration had had a bill prepared. It was reported by the Committee on Interstate and Foreign Commerce. The bill as reported provided for compensation for death or disability of the commissioned officer and enlisted man. It provided—page 6751—that in the event of death of a soldier, commissioned or enlisted, that the widow should receive compensation based on a percentage of the soldier's pay, but not less than certain amounts. It further provided that in the event of disability of the soldier, commissioned or enlisted, the compensation should be based on a percentage of his pay. The bill became the subject of debate for days. It was pointed out that the bill discriminated against the enlisted men and in favor of the officers and their widows and dependents. The gentleman from

Alabama [Mr. HUDDLESTON] and the gentleman from Texas [Mr. BLACK] discussed the matter at length.

On page 7061 is the amendment offered by Mr. BLACK, now a Member of this body, who may and will correct me if I am in error. The amendment placed all widows' allowances on an equality. He pointed out—page 7073—that the purpose of his amendments was to—

remove distinction and discrimination from the benefits conferred by the bill.

He illustrated repeatedly that officers and their dependents would receive more than enlisted men and their dependents under the bill as drafted by the committee. Members of this House should read his speech at that time.

On page 7075 Mr. Alexander stated that the bill was—

framed on the theory of compensation for services and is based on the pay received by the commissioned officers and enlisted men.

Mr. McKenzie, whom many now in the House will remember, then spoke—page 7076—and stated, among other things, that—

It is true that these officers should get more pay when in the service, but when this war is over the thousands of them that we are now making officers of and giving commissions to will go back home and become private citizens again. * * * The wife and children of an officer have no more rights than the wife and children of the private. This provision in this proposed law is in contravention of the very principles for which these boys are going forth to fight.

If you want to destroy the morale of this great American Army that we are building, if you want to bring dissatisfaction into millions of homes in this country, stand by the committee report. But if you want to be true Americans, if you want to stand by that equality upon which our country was founded * * * vote for the amendment offered by the gentleman from Texas. Let us serve notice on all the world that this is a democracy, where we treat our citizens alike.

[Applause.]

The question was there put, and Mr. BLACK'S amendment, wiping out all distinctions between widows and children of officers and men, was carried on a division by a vote of 139 to 3. [Applause.]

The next section dealt with disability compensation as this bill we are now considering does. It proposed compensation based on pay and gave an officer greater disability compensation than the enlisted men could receive. Mr. BLACK offered an amendment—page 7077—striking out the percentage of pay provisions and making all pay the same for the same disability to all soldiers—officers and enlisted. He stated—

the amendment I have offered cuts out percentages paid to the men so that there will be no distinctions and discriminations in the benefits paid to the officers and privates for the same class of injuries.

Mr. Campbell, of Kansas, spoke in approval of the amendment.

The amendment was carried without a division.

Mr. Edward Keating, then a Member from Colorado, was active in the debate. He extended his remarks on this bill, and among other things stated—

the House, by what was practically a unanimous vote, decided that, so far as pensions are concerned, officers and privates, or their dependents, should be placed on an exact equality. Ours is an army of democracy, and at the very threshold of the great struggle we should do what we can to wipe out class distinctions.

These speeches clearly show what the war Congress intended.

Congressman Edward C. Little, of Kansas, a distinguished soldier in the war with Spain, charged that—

the bill was drawn by men in touch with officers, and with officers only.

He vigorously attacked the insurance features of the bill, as did many others, because of the fear that it would give officers more insurance than enlisted men.

In the Senate Senator SMOOT, speaking on these provisions, stated—

we ought to see that the provisions of the bill are such that there will be no discriminations between soldiers and officers.

All ought to stand on the same footing. (CONGRESSIONAL RECORD, p. 7738, October 4, 1917.)

The RECORD then clearly shows that the war Congress not only did not intend to give the disabled emergency officer more compensation than the enlisted man but that it specifically and almost unanimously refused to do so and rejected the basis of this bill that compensation should be based on the salary of the soldier.

Millions of men served America under those provisions. Those disabled have since been compensated under that law. Why now depart from it for the benefit of a few of the many who served?

Secretary of War Weeks, when discussing this very proposition, said:

It should also be remembered that the law relating to compensation for emergency personnel, which was enacted before the emergency officers accepted their commissions, makes no distinction between commissioned officers and enlisted men of the emergency forces as to disability compensation. The commissioned officers understood these conditions when they accepted their commissions, and as a matter of fact they were apparently glad to accept them under these conditions. Most of them, especially the junior officers, were subject to the draft and many of them would have been drafted as enlisted men had they not volunteered and qualified as commissioned officers. It is, then, a question about which I have in my mind a great deal of doubt as to whether any distinction should be made in regard to benefits that should be given to the temporary commissioned officers from that which is given to the temporary enlisted men. Certainly, it was perfectly clear in the minds of Congress when it enacted the laws that there should be no distinction.

The report says—

thus by the terms of the selective draft act the contractual rights of the emergency officers were based upon those of the Regular Army officers.

Those of us who have opposed this bill have not relied upon the contractual basis for our opposition. Its proponents have seen fit to argue that the Government is under a contract to pay this increased compensation to these men. Both the law and the facts disprove their claim. Congress very plainly intended that there should be no distinction between the emergency officer and the emergency enlisted man so far as compensation for death or disability was concerned.

It has not been my desire to place this on a contract basis, but since the proponents of this measure have charged that the Government has and is violating its contract, no one should criticize us for determining the facts. The contract between the United States and the emergency officer was that the emergency officer should receive disability compensation on the same basis as the enlisted men. The "officers understood those conditions when they accepted their commissions" and accepted subject to that condition. The United States has not only fully complied with its part of that agreement but has from time to time increased the benefits payable to the emergency officers.

The proponents of this measure now demand that the contract be broken on the part of the emergency officer and at the same time make the baseless charge that the Government is breaking its contract.

Again the report states—

the congressional policy of retiring our disabled officers is therefore well established.

The Adjutant General of the Army states that many bills have been introduced in both Houses of Congress at different times authorizing the appointment on the retired list of the Army of those officers who served in the volunteer army in the Civil War, but none of them has ever been enacted into law. Likewise, he advises me that no legislation of this character has ever been passed for the benefit of the emergency officers who fought during the war with Spain.

Admittedly no such legislation has passed for the emergency officers of the World War, save the naval riders to which I have referred, under which less than 300 men were retired, men not on the same status as those referred to in this bill. Why, then, this difference between the committee's report and The Adjutant General? The reason is that this bill is called a retirement bill in order that something like a parallel case might be set up to that of the Regular officer who is retired and in order that the prejudice which the proponents of this bill try to create against the Regular officer might be exploited to the benefit of the emergency officer.

The proponents of the measure have taken all the advantages that can be taken of that argument, and now, in order to find a precedent for this bill, cite not retirement acts but service pension acts. The service pension acts, to which reference is made, have long since been superseded by Congress through the enactment of pension legislation, giving equal pension to all, and to-day the men of the Civil and Spanish-American Wars are all pensioned on the same basis as the men of the emergency establishment are all compensated on the same basis—that of their disability, and not on the basis of rank.

The retirement of an officer means his withdrawal from active service. You can not retire the men that this bill seeks to benefit, for they have already been discharged—their connection with the service ended. The bill then is not a retirement bill, but a compensation bill, whose sole purpose is to compensate a small group of officers not on the basis of their disability, but

their rank—and as such creates the bitterest kind of discrimination.

The report states that the bill benefits 3,251 emergency officers. There were on March 31, 1928, 10,269 emergency officers drawing disability compensation, some of them with a far more serious disability than those whom this bill benefits. Why discriminate between these officers?

There are 243,028 enlisted men drawing disability compensation, of whom 69,386 are permanently disabled 30 per cent or more. Why discriminate against them? Did they not also serve?

The bill holds out hope of additional compensation to 7,000 disabled emergency officers. It holds out no hope to disabled enlisted men.

To sum up, it brings benefits to 3,297 out of the 253,297 now receiving compensation from the Veterans' Bureau.

Members have been told that this bill is of minor importance. The precedent sought to be established here is of great moment.

Disability pension bills are pending before Congress. Within a few years the first of them will be pressing for consideration, and then will come the general pension bill. When that time comes, are they to be based, as pension laws now are, on an equality, or will they be based on rank?

The Congress in this bill, if it passes, will set the precedent for pensions based on rank. If the Congress can not resist this measure, what hope is there that pension laws based on rank will not pass? There were 243,981 emergency officers in the three services during the World War. This bill, if it becomes a law, will bind the Congress to pensions based on rank—and that is the basic issue involved. So that when you vote for this bill you are voting to commit the Congress to a pension policy based on rank, and as such are dealing with a quarter of a million officers.

Again the statement is made in the report that—

> The Congress has continued its established policy of retiring emergency officers of the Navy and Marine Corps by enacting in 1922, 1923, 1924, and 1925 private laws providing retirement for naval and Marine Corps officers who had not availed themselves of the benefits of the act of June 4, 1920.

The plain inference of that statement is that the Congress since 1921 has continued to grant retirement privileges to all naval and marine officers needing retirement. What are the facts?

In addition to the men retired as above stated under the act of June 4, 1920—

> one temporary officer and four reserve officers of the Navy have been retired by special act of Congress.

The quotation is from a letter of the Secretary of the Navy dated May 3, 1928.

Why should not those who reported this bill tell the truth about it? The answer is that they have not investigated it and so do not know the facts. The bill should be sent back to the committee for hearings, full and complete hearings.

The bill provides that all persons who can meet the following four conditions shall come within its provisions:

First. They must have served as officers of the Army, Navy, or Marine Corps during the war.

Second. During such service they must have incurred physical disability in line of duty.

Third. Either now have or within one year have been rated at 30 per cent permanently disabled.

Fourth. Apply for the benefits of the act within one year.

These are the conditions; any emergency officer who can meet those conditions will be entitled to the benefits of the bill. What does it mean?

I pointed out to the Rules Committee and again on the floor of the House on March 30, 1928, that this bill in its present form did not exempt dishonorably discharged officers from its benefits, and that there was little doubt that in the absence of that inhibition that dishonorably discharged officers would be entitled to its benefits.

That opinion is supported by a brief which I have here for inspection by Members who care to see it. I am not going to insert it in the RECORD.

Section 23 of the World War veterans' act provides that—

> The discharge or dismissal of any person from the military or naval forces on the ground that he was guilty of mutiny, treason, spying, or any offense involving moral turpitude, or willful and persistent misconduct, of which he was found guilty by a court-martial, or that he was an alien, conscientious objector who refused to perform military duty or refused to wear the uniform, or a deserter, shall bar all rights to any compensation under Title II, or any training, or any maintenance and support allowance under Title IV.

There is no such limitation in this bill. There should be such a limitation. Certainly the officer who is guilty of these offenses should not be compensated. If it were necessary to make that exception for all service men, then it is common sense to make it for these officers. And yet after it has been called to the attention of the proponents of this measure, word has gone out from Washington that Congressmen must be urged to pass this bill "without amendment." Many Members have received such letters.

Why are you urged to do that? The men and women at home do not approve of the dishonorably discharged officers receiving these benefits. They have been told to send in these letters.

Will the veterans' organizations approve their Representatives here urging them to ask for this legislation which by any chance could benefit those who have dishonored the service? I do not believe they will; neither do I believe that the service men at home, when they know the facts, will censure Members for voting to perfect this bill. My judgment is that when the service men at home do know the truth about this bill they will approve those who favor changes in and defeat of it.

This bill benefits only the emergency officer who is living, his wife, and children. But what of the officer dead, his widow and orphan? There are 2,151 widows and 2,257 children of emergency officers drawing compensation by reason of the death of the husband and father. Congress has said that they should receive the same compensation as the widow and orphan of an enlisted man, just as Congress has said that the emergency officer should receive the same compensation as an enlisted man. The widow and orphan of an officer killed in battle are left by this bill in their present status; they have lost not only the comfort and care of the husband and father but his earnings and support as well. They have given absolutely everything and get nothing by this bill. Those still living and still able to earn demand for themselves a great increase of pay, leaving the widow and orphan of a brother officer killed in battle without increased benefits. Is the officer living so much better than the officer dead that the Congress must aid the one and not the other?

This is the worst discrimination of all the unjustified discriminations in this bill. It has been called to the attention of the proponents of the measure. Their answer is given in the report that—

> the existing law which cares for these dependents is in no wise changed by this act.

In other words, they say to the widow and orphan, "We are not interested in you and yours; your husband and father is dead; he is no longer here to fight for you nor to care for you. You take what the Government promised him it would give you. We are not willing to do that. We are going to get more than that for ourselves and can't be bothered with you."

This sentiment will be denied; but the cold, naked truth remains that that is just what this bill does and does not do for the emergency officer who served and came back and lives, and the emergency officer who served and did not come back and does not live.

The reason for the retirement of the Regular officer is well set out in the minority report. I quote, as they do, Secretary of War Lindley M. Garrison:

> The privileges of the retired list of the Regular Army constitute a consideration granted by the Government for the consecration of lives to its military service and the volunteering for life for such service in any exigencies that may arise, whether in peace or war. The military relation requires the officer to give up ambitions which are the rightful portion of every man in the great world outside, and for a measure of compensation which does not exceed what is barely sufficient to maintain himself and family in the status which the military service demands; and the law has said that when he serves a prescribed period of time, or has reached a certain age, or is disabled by injury or disease incident to the service, he must withdraw from active service and give way to a younger man better fitted for the rigors of military life. As the officer has not been trained for a business career or for any career in civil life he finds himself at the end of his service, certainly in the vast majority of cases, not only without a profession but without a competency.
>
> Congress has thus far restricted the privilege of retirement to members of the permanent Military Establishment; that is, to those only who have consecrated their lives to the military service. This is true not alone of the officers but of the enlisted man, who may retire only when he has served a sufficient time to indicate that he has adopted the military service as a life career. To those who have thus pledged their services for life to the Nation, in peace or in war, Congress, as a matter of keeping faith with them, has provided by law that they shall be secure in their calling throughout their lives, and when they have performed what is deemed a life service shall be relieved of some

of the active duties of service and be permitted a living pay for the remainder of their lives.

The statement has been made by proponents of this bill that its purpose is to give to the emergency officer the same rights and privileges as are had by the Regular officer. But this bill discriminates against the Regular officer and gives the emergency officer decided advantages not now had by the Regular officer in at least two material ways.

First. The Regular Army officer retired for disability during the World War was retired at the permanent lower rank and not at the higher emergency rank to which he had been temporarily promoted during the war. The emergency officer, on the other hand, having only an emergency rank, will be under this bill retired at his emergency rank, thus giving a decided advantage to the emergency officer over the Regular officer.

Second. The retired Regular officer is still in the service; he is subject to military discipline and court-martial; he may be recalled to duty with his consent in time of peace, or at the discretion of the President in time of war. It is a well-known fact that hundreds of retired officers were placed on active duty during the World War. The Regular officer who is retired is then subject to a very binding military obligation. The emergency officer, whom this bill benefits, is out of the service, and while receiving more benefits under this law than the Regular officer is not subject to any military obligations.

Under this bill emergency officers once placed on this list are there for life, receiving all the benefits and subject to none of the obligations of retirement. They may entirely recover and still continue to draw this pension.

And may I point out here that that in itself creates one of the rankest discriminations that this bill sets up. At the present time a soldier may have a rating in the Veterans' Bureau of permanent and total disability, but that rating may be changed and entirely taken away from him if the facts justify. But under this bill the officer who squeezes out a rating of 30 per cent permanent and gets on this list is there for life, without regard to what his health later on may be. He may entirely recover but his compensation will go on. On the last figures there were 10,269 disabled emergency officers; this bill benefits but 3,297 of them. It gives the right of retirement only to that emergency officer whose disability is 30 per cent or more permanent. The officer whose disability is but 29 per cent permanent receives no benefit. The emergency officer whose disability is 100 per cent temporary receives no benefit. So that the bill creates at once a discrimination between the emergency officers themselves. If this bill were to become a law, a brigadier general with a 30 per cent disability would receive $4,500 a year; a colonel, $3,000; lieutenant colonel, $2,625 a year; a major, $2,250 a year; captain, $1,800 a year; first lieutenant, $1,500 a year; second lieutenant, $1,125 a year; and the enlisted man from sergeant major to buck private would receive $360 a year. A study of these figures will indicate the very evident injustice of the bill.

This bill benefits 3,297 emergency officers; it gives no benefits to 7,000 additional emergency officers, many of whom are disabled more than those benefited. This bill benefits 3,297 emergency officers; it gives no additional benefits to the 69,386 emergency enlisted men who are rated 30 per cent or more permanent—the same rating as had by the officers whom it seeks to benefit.

This bill holds out the possibility of additional benefits to 7,000 emergency officers, who, if given ratings of 30 per cent or more permanent, can come within its provisions. It holds out no hope of additional compensation to approximately 243,000 disabled emergency enlisted men.

To sum up, it brings immediate benefits to less than 3,300 disabled service men out of 254,000 now on the rolls.

One of the reasons advanced by some in favor of this legislation is that the officers were generally older, better educated, and accustomed to more of the material things of life, and therefore his pay from the Government should be greater. That, I submit, is a dangerous theory for this Nation to accept. The necessities of life cost just as much for the family of a disabled enlisted man as for those of an officer. The dollar compensation paid the officer and the enlisted man have the same purchasing power. But assuming their reasons to be correct, the educated emergency officer is far better able to overcome his disability than is the emergency soldier or officer who must supplement his compensation by physical labor. For example, the lawyer who has lost a leg can continue to practice law; the farmer who has lost a leg can follow a plow, but his handicap is far greater.

The statement is made in the report that the passage of this bill has been persistently urged by both the American Legion and the Disabled American Veterans, but from that it does not follow that the rank and file of the membership of those great veterans' organizations either know of its provisions or approve of its passage.

I know something of the American Legion and its membership. It has honored me highly in the past; it has been my great privilege to serve its membership both before I came to this body and since. I hope to continue to serve its membership. I respect the American Legion and its wishes. It is not easy to go against its declared policies. The American Legion Monthly is sent from national headquarters to every member. It carries Legion news, outlines Legion policies, and builds Legion sentiment. Yet never once during the years that this bill has been before Congress has the American Legion Monthly told the full truth about this bill. The views of those who honestly oppose this legislation have never been stated. The membership of the Legion has not been told that this bill discriminates against 70 per cent of the disabled emergency officers of the Army. They have not been told that it discriminates against the widow and orphans of the officer dead. They have not been told that it discriminates against all of the disabled emergency enlisted men.

The American Legion's representatives have made no effort to tell the service men all the facts about this bill. Their effort has been entirely to use the prestige and good name of that great organization in an attempt to force this legislation through this body without regard to its merits, its discriminations, or the policies that it overthrows.

Since I have been a Member of this body Congress has passed pension legislation for the men of the Civil War, the Indian wars, the Spanish-American War, and for their widows and orphans. Every one of those men and their organizations asked that Congress treat them all exactly alike without distinction as to rank, and Congress has so legislated.

Congress, since the World War, has passed considerable legislation for the benefit of the veterans of the World War. We have granted compensation to those men whose disabilities were traceable to their service. We have presumed service connection in cases of disease such as tuberculosis and many other cases and awarded compensation. Congress has granted increased compensation to the widow and the orphan of the service men who gave their lives to the Nation. The doors of the hospitals of the Veterans' Bureau have been opened to the service men, and treatment and care is provided at the expense of the Government. All of this freely and gratefully given—but, mark you again, all of it has been without discrimination one from the other as to rank.

Four years ago Congress passed over the veto of the President the adjusted compensation bill. It was supported by public opinion, urged by veterans' organizations, and passed as an act of justice. But its benefits applied alike to enlisted men and commissioned officers up to and including the rank of captain. Beyond that no benefits were conferred. Why, then, should we change now the fixed policy of the Government that has been uniformly followed for these many years in the treatment of the citizen soldiers of the Civil, Spanish-American, and World Wars?

I am not going to take the time of the House to discuss a great number of cases. Some days ago I briefly discussed this bill and called the attention of the House to a list of beneficiaries inserted in the Senate debate by Senator BINGHAM, and since that time incorporated in the minority report on this bill, stating at the time I called attention to the list "in order that Members may study the list, as it shows the men in the States who are beneficiaries of" the bill and in order that they might "know definitely" what they were voting for.

The American Legion's representatives in Washington have sent out a bulletin in which they charge that what I did that day was "unjust and misleading." Is it "unjust and misleading" to call the attention of the House to the benefits they are asked to confer on individuals and to ask that they know what they are doing before they do it? A statement had been made in one of the House committees and reiterated by several Members that the "golf champion of South Dakota" was a beneficiary of the bill. I determined the name of the man to whom they referred. He has a 35 per cent disability and would, if the bill becomes a law, draw $218.75 a month according to the Veterans' Bureau report. His name is William A. Hazle, of Aberdeen, S. Dak. I wired a friend in Omaha, Nebr., to get me Mr. Hazle's golf championship record. He wired Aberdeen and received a reply, which was sent to me, that Mr. Hazle "holds nearly all amateur championship titles north part of the State." That, of course, confirmed the statement that had previously been made here about him, and accordingly I made that statement in discussing this bill.

The following day I received a telegram from one E. B. Harkin of Aberdeen, S. Dak., stating in denial of the tele-

gram that had been sent the previous day and upon which my statement was based that Mr. Hazle is not a golf champion and that "I am sorry that you were misled and that you in turn misled your auditors." Colonel Hazle has also denied that he is a golf champion. There is no denial that he plays golf. Neither is there any denial, and there is an admission, of the other facts as stated by me. Inquiry at the War Department discloses "that he was discharged June 16, 1919, at which time no physical defects were reported." He holds at this time a commission as a colonel in the Adjutant General's Department Reserve, and is presumed to be fit for duty. I am also advised that he is at the present time adjutant general of South Dakota. And yet by this bill it is proposed to increase his compensation from $35 a month to $218.75 a month.

Members can go through the list. There is a general now drawing $60 a month, who, if this bill becomes a law, will receive $375 a month for life.

There is the New York judge now on a salary of $12,000 a year who is to be "retired for disability" if this becomes a law, but will continue as judge.

There is an employee of the Veterans' Bureau drawing a salary of $3,000 a year with a 31 per cent disability who will receive $3,000 a year additional by way of compensation. The list of beneficiaries has been furnished you. Take it for your State. Compare the officer, partially disabled, who receives these great benefits with the enlisted man, totally disabled, who receives $100 a month—or the man with his eyes gone who gets $150 per month. Compare these men in that great list of beneficiaries with those men sick in body and soul for whom you have tried to get compensation these years and failed. Study the list of beneficiaries, with all of its glaring injustices and discriminations, and decide if you want with your vote to approve what it does.

Again, the same American Legion Bulletin, still referring to me, says:

> A true friend of the officers who fought the World War could cite the instance of hundreds of them still on their backs as a result of their war service, and whose children have been brought up in comparative poverty because of the sacrifices made by their father.

I am trying to be a "true friend" not only of the officers, but also of the enlisted men who fought in the World War. I can cite the "instance of hundreds of them still on their backs as a result of their war service." To be exact, on September 30, 1927, there were 573 emergency officers with a rating of temporary total disability, emergency officers for whom this bill does absolutely nothing, to whom it gives no increase of compensation, outcasts in the opinion of the backers of this bill, and yet "they also served."

I remember visiting with some of them at Oteen Hospital three years ago. Bedfast for four years, but with a temporary rating, and therefore not among the elect that this bill benefits. I can "cite the instance" not of "hundreds," but of over 7,000 emergency officers now drawing compensation from the Veterans' Bureau whom this bill does not aid because they have temporary or less than 30 per cent permanent ratings.

And yet those of us who oppose this bill and ask for equal treatment to all of America's men who became disabled during the emergency are charged with not being "true friends" of those who served.

And again, these men who assume to speak for the American Legion and its membership refer to those officers "whose children have been brought up in comparative poverty because of the sacrifices made by their father."

Is the pinch of "poverty" more severe on the child of an officer than on the child of an enlisted man?

Is the pinch of "poverty" more severe on the child of an officer who is living than it is on the child of an officer who is dead?

Is the obligation of the Government to the one greater than to the other?

Have those who thus assume to speak for America's service men so soon forgotten the appeal they made for $5,000,000 to endow a fund to aid the orphan of their buddy who has "gone west"? Obviously so, for the child of the officer and enlisted man dead, for whom they then appealed, is entirely overlooked by this bill.

They have forgotten that enlisted men have children, that temporarily disabled officers have children, and they have forgotten the children of the officer dead, for whom there should be the greatest solicitude.

Will the American Legion approve this discrimination, this forgetting—I take it not.

In an American Legion bulletin of April 21, 1928, the statement is made that those of us who are opposed to this bill have—

> neglected to state that 3 of these badly crippled officers wear the congressional medal of honor, while 82 were awarded the distinguished-service cross for gallantry in action beyond the call of duty.

All honor and credit to those officers. There is not a person on this floor who would detract one iota from the glory that is theirs. But here, again, the question comes of a discrimination between two groups within one class.

There are 90 medal of honor men in the United States, identified survivors of the World War. Are the 3 who were emergency officers entitled to greater consideration than the 87 remaining who likewise hold the coveted medal of honor?

There were 6,042 distinguished-service cross awards made for World War gallantry beyond the call of duty. And in addition 115 oak leaf clusters were awarded to those already holding the distinguished-service cross, or a total of 6,157 awards. Again, may I ask are the 82 disabled emergency officers whose great service has been recognized by that award entitled to more consideration than the 6,075 who rendered the same distinguished service and received the same award?

Is the Congress going to pick out of that small group of honored men a still smaller group to whom increased compensation shall be given?

I do not believe that those men—honored as they have been and now are for their exceptional service—would ask that they be treated differently than the greater group of those who hold similar awards, the large majority of whom were enlisted men.

What argument is there left for the bill? Just one—several of the great veteran organizations have indorsed it. But they have not known the facts; the committee handling this bill this Congress refused to hold hearings on it, refused to allow opponents and inquiring Members to investigate it—and now it is before you by a committee vote of 8 to 7—without a word of testimony for you to consider, no hearings, nothing on which to act. And yet you have received letters, telegrams, telephone calls, and personal calls from your constituents demanding that you pass this bill without amendment, "without the dotting of an i or the crossing of a t," demands that the membership of this body ignore their duty to consider legislation, that they surrender their rights as Members of this body, and blindly obey orders of whom? You are receiving these communications from your home people, but they do not originate there. They originate here in Washington.

I have here some of the bulletins on this matter sent out by the national legislation committee of the American Legion. I shall read quotations from some of them. Members may examine the bulletins. I now quote:

> This is a session of Congress when nearly everything that they do * * * can be used against them.
>
> You ought to see to it that these Congressmen are pledged * * * to support this legislation, because once they are elected then comes the "lame-duck" session of Congress and they can break their promises.
>
> I have received a lot of letters from different men * * * assuring me our "Senators and Congressmen are with you." That does not mean a thing. What we have got to have is the individual Congressman by name and the individual Senator by name that is for our particular legislation, and then we can put them down in the "yes" column.
>
> When we send out the word to send telegrams to Congressmen and Senators, come down just as fast and hard as you can make them come down.
>
> I have said before, and it is just as true as can be, these fellows listen to the voice of the folks back home.
>
> I am going to ask you, as you get our bulletins which we send out each week * * * lay out definite plans * * * so that you can put pressure on the different Senators and Congressmen.
>
> From time to time it is the intention of the legislative committee to call upon the various departments and members of the Legion for assistance in developing public sentiment. There are two principal methods by which this support can be evidenced in such a way as to have a compelling influence upon Members of Congress:
>
> First, mass meetings * * * in the district of those members who are in opposition to our program. The second method is by way of letters to the various Members of Congress.
>
> Form letters to Members of Congress are not to be encouraged. The members of the post, when requested to write letters should develop their own letter. It is far better to have a hundred letters, * * * expressing an interest in certain legislation and a desire for its enactment, than to have a thousand form letters received which are usually discounted as having all come from the same interested source.

Here is the weekly bulletin for January 12, 1928, of the national legislative committee of the American Legion. I quote from it:

The enactment of legislation is accomplished more by constructive education * * *. This is especially true during a "presidential session" when legislators are more keenly alert concerning their constituents' wishes than at other times. * * *

Education now is, therefore, more productive of results than normally. Legion officials should therefore keep in mind this imperative matter of education.

January 21, 1928, this bulletin was sent out regarding this bill:

Legionnaires must keep in mind, that although the opponents of this measure are few in number they have unusual ability * * *. Legion officials should watch the progress of this legislation closely and keep in constant communication with their Senators and Congressmen so that your legislators may not be allowed to forget the intense interest which the World War veterans have in this legislation.

On March 22, 1928, a "special retirement bulletin" was issued, stating:

The friends of the bill in the committee considerably outnumber its opponents.

The report states the committee vote was 8 to 7.

The bill must be reported favorably on Monday—and without amendment.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. SIMMONS. I regret I can not yield.

Mr. CROWTHER. I would like to know who signs those.

Mr. SIMMONS. John Thomas Taylor.

Mr. CROWTHER. You say John Thomas Taylor?

Mr. SIMMONS. Yes. That was on the 22d of March.

They were after the World War Veterans' Committee in this bulletin.

The members of the committee are overwhelmingly loyal to the cause of the disabled; but some of them are misled by the whisperings of opponents. Let them know that you are not misled and want them to push on straight ahead to victory.

Then follows a list of the committee by name and State, with instructions to "write and wire the ones from your State."

March 24, 1928, two days later, another bulletin went out, stating:

Committee members are already hearing from legion officials * * *. The showdown will come Monday morning, March 26, at 10 o'clock, when the committee votes whether or not the Tyson bill shall be immediately reported without amendment.

I am not prepared to say how much the committee was influenced by these bulletins, but on March 26 the committee refused to hold hearings on the bill, and by a vote of 8 to 7 ordered the bill reported without amendment.

Mr. RANKIN. The committee was called together to give hearings on the bill, but for some unknown reason they came to the conclusion to report the bill out.

Mr. SIMMONS. On March 31, another bulletin was issued. I quote:

Write your Senators and Congressmen immediately. Explain the Legion's program in detail. Show them the justice of our measures.

April 14, another bulletin about this bill stated:

"No amendments from the floor" must be the Legion's watchword on this measure. See to it that your Congressman understands this thoroughly.

Insist that your Congressman resist all amendments proposed from the floor so that after its passage by the House it will go straight to the President for approval.

Again in the bulletin on April 21, 1928, this appears:

The friends of the bill will resist every amendment proposed from the floor. Let your Congressman know this. * * *

Victory will come through pressing on toward our objective with an unamended bill. So insist that your Congressman vote against all amendments offered from the floor.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. RANKIN. Mr. Chairman, I yield to the gentleman 10 minutes more.

The CHAIRMAN. The gentleman from Nebraska is recognized for 10 minutes more.

Mr. SIMMONS. After all this carefully planned propaganda on the part of the national legislative committee of the American Legion, after all these instructions have gone out to American Legion officials "to see to it that Congressmen are pledged"; that when "we send out word to send telegrams to Congressmen and Senators" to "come down just as fast and hard as you can," to "put pressure" on Congressmen; "to have a compelling influence" on Congressmen; "to write letters" but not "form letters" to Congressmen; that "education" of Congressmen "is imperative"; instructions not to allow Congressmen "to forget the intense interest" which the World War veterans have in the bill; instructions to "see to it" that Congressmen "understand" that there shall be no amendments, to "insist" on that. After all that has been going out for weeks from Washington in the name of the national legislative committee of the American Legion, and as a result Congress has been flooded with propaganda for this bill; after all of that there is issued this bulletin of April 28, 1928, sent out over the signature of the vice chairman of that committee, stating—

evidences of organized propaganda against the disabled officers' measure heretofore carried on under cover are coming more and more to light—

That—

inspired letters are being received from other sources, showing that our opponents are working at top speed.

These men who have fostered and organized and conducted for years a propaganda for this bill now set up a straw man and then condemn the very practice that they themselves have developed and followed.

Then they charge that we who oppose this bill are "striving to defeat the American Legion and to weaken its influence at the Nation's Capital" and that we are fighting the "disabled officers and the Legion." Those statements are not true. This fight is not a fight against the disabled officers. It is a fight for equal justice to all disabled men of the World War—officer and enlisted. It is not a fight against the American Legion. This bill is not the American Legion, neither is the American Legion this bill, and the fight is against this bill. Neither is the person who issues these bulletins the American Legion. The American Legion is bigger and finer, cleaner and stronger than any man or set of men. [Applause.]

No one opposed to this bill wants to weaken the "influence" of the American Legion in "the National Capital." For six years I have fought here for the American Legion, its ideals, and the bills carrying out its declared principles. I am fighting this bill because it is entirely out of harmony with every ideal of the American Legion. If there is anything that will weaken the influence of that great organization in Congress it will be not only the support of bills of this character but, more than that, the methods that have been used by those who temporarily serve the American Legion here in the support of this bill.

But why this sudden shift? Heretofore the proponents of this measure have allowed the bill to stand on its own merits—but now the proponents of the bill attempt to push the bill to one side and put the American Legion in its stead. The bill has failed to withstand attack. Now they attempt to change the issue from one against the bill to one against the Legion. The only purpose of the charge that we are fighting the American Legion is to try and bring about a situation where the issue when we vote on this bill will not be "Shall the bill pass?" but will be "Are you for the American Legion?" That move also will fail, the fight will continue to be against the bill; it will not be, is not, and never has been against the American Legion, and every Member of this House knows it.

The bulletin further states:

The Legion should meet the propagandists and whisperers with a clean, vigorous, honorable fight * * *.

I agree that the Legion should, but will it? The propagandists and whisperers are those who claim to speak here in Washington for the American Legion. The House has been deluged with the result of their efforts. Those of us who have opposed this bill have done so in the open, speaking against it on the floor of the House, in the committees, in committee reports. Personally, I have spoken against this in American Legion conventions. Why then charge us with being "whisperers and progagandists"? The Legion should, and in my judgment would, if it knew the facts, meet "propagandists and whisperers with a clean, vigorous, honorable fight." When it does there will be a change in personnel in the national legislative committee, and a change of procedure of the American Legion's representatives in Washington. When that is done there will be no more misrepresentation of the American Legion in the Nation's Capital, and the prestige and influence of that great organization will be strengthened thereby.

The man who issued these bulletins sits in the gallery smiling, watching. The letters that he asked for have been written. He watches to find out whether or not the membership of this House will obey his instructions to pass this bill without amendment. We shall see as the bill progresses to what extent

Members have surrendered their right to consider, to weigh, and pass on legislation to the dominance of these few men who claim to speak for America's veterans.

I realize that there are Members of the House who have pledged to vote for disabled emergency officers' legislation. But surely no Member has pledged to vote for any bill that may be offered, surely no Member is pledged to vote for this particular legislation "without amendment," and surely no Member has pledged to surrender entirely his duty to consider, weigh, and act on amendments to this bill with the same full consideration that is accorded all legislation in this House. Personally I do not believe that the membership of this House will refuse to consider amendments to this bill.

President Lincoln closed his second inaugural with these words, which are particularly applicable here:

> Let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan.

Lincoln's policy of one for all, all for one, with no distinction as to rank, has been the American policy from that day to this—this Congress should not depart from it. [Continued applause.]

Mr. ROY G. FITZGERALD. Mr. Chairman, I yield 10 minutes to the gentlewoman from New Jersey [Mrs. NORTON]. [Applause.]

Mrs. NORTON. Mr. Chairman and members of the committee, it has rarely happened in my brief service in Congress that I have found myself in disagreement with my colleague from Tennessee, a man for whom I have not only a great respect, but an unbounded admiration; but in this case, much as I regret it, I can not agree with the distinguished gentleman. So much opposition seems to have recently developed regarding this bill that I am forced to believe the reason must be that it does not carry a sufficient amount of money. I believe if it carried many hundreds of millions of dollars instead of less than $3,000,000, and had a rich lobby supporting it, it would be passed without a record vote, and yet no legislation before this Congress is more important than this bill providing for the relief of disabled emergency officers of the World War.

I feel quite sure that it never has been the intention of Congress, or the American people, to discriminate against any officer who suffered for his country in that world conflict. We know most of these men gave up responsible positions at great personal sacrifice to answer the call and fight for the safety of America.

This measure is important, not only to the men directly interested in it, but to the country as a whole; for the Nation owes a debt of honor to these men, a debt which Congress so far has neglected to recognize.

This bill would allow the disabled emergency Army officers, who served in the United States Army during the World War, the same rate of retirement for their wounds that has been allowed the other eight classes of American officers who fought in the war.

I refer to the regular, provisional, and emergency Navy officers, the regular, provisional, and emergency Marine officers, and Regular and provisional Army officers—all who have retirement—but please note that the emergency Army officers are omitted from this list. Why discriminate against these brave men?

The selective service act of May, 1917, put all officers and men not of the Regular Army on the same footing as regards pay, allowances, and pensions with officers and men of the Regular Army. Yet for almost eight years there has been a discrimination against the emergency officers.

I am speaking on the moral side of this question, leaving the financial end of it to Mr. FITZGERALD, who has fully explained it to the satisfaction of all—but the obstructionists. It is time for them to step aside.

This story has been told many times before in the last few years, but it will bear repeating; in fact, it must be kept in the public mind until the present unjust discrimination against the disabled emergency officers has come to an end.

I am informed that efforts have been made in every session of Congress since 1920 to right this wrong. Twice bills have passed the Senate by large majorities, only to be sidetracked in the House, without even permitting it to come to a vote.

As a member of the Veterans' Committee, I have voted to report this bill out in the Sixty-ninth Congress and again in the present Congress. It seems unthinkable that Congress will fail again in so plain a duty.

It is not true, as asserted by the obstructionists, that the enlisted men are opposed to this bill. Ninety per cent of the American Legion served in the ranks, and ten times the Legion has approved the principle of the proposed legislation.

Seven times the Disabled American Veterans have recorded their commendation. Personally, I have had representatives from several other organizations call upon me, urging me to use my influence (little as it may be) to bring this measure to a vote in the House. I am glad the bill has finally arrived here after being caged in the Rules Committee for so long. Organizations, such as the Veterans of Foreign Wars, the United States Blind Veterans' Association, the Military Order of the World War, the National Guard Association, the Women's Patriotic Conference on National Defense, composed of 33 national patriotic women's organizations, indorsed it at their conference last year; which conference I had the honor to address. The General Federation of Women's Clubs, speaking for 7,000,000 women, indorsed it at their national convention. These are only a few of the splendid organizations which have voiced their approval of this worthy bill.

Who are the opponents of this bill? Who is leading the opposition to this bill and prevented it from coming to the floor of the House for so long a time? Why does not the opposition show itself?

Some of the feeble opponents of this bill—for they seem afraid to voice their opposition or be recorded against it—whisper that it is "class legislation." If this is class legislation, so are the eight other grade of officers already cared for, class legislation. Why discriminate against the last class, the volunteers?

These men were not professional soldiers. They had not been singled out, educated, and provided with economic security for life by the Nation. They went in from patriotic motives and for the war period, and they suffered disability in proportion to their number.

It is said that 93 per cent of the Army officers killed in action were emergency officers. It is further stated that the Government is now paying out in annual compensation to these disabled officers the sum of $2,841,960 through the Veterans' Bureau. Deducting that amount from the actual estimated expense to the Government of this bill, if enacted into law, which would be $4,985,100 annually, would leave the sum of $2,143,100 annual increased cost of retirement. This covers all officers found to be 30 per cent permanently disabled, including the Army, Navy, and Marine Corps. I believe 3,251 officers in all.

These men are asking you for simple justice. They were volunteers in the great service and as important a part of the Army of the World War as were the regular officers. Our work will not be complete until these noble volunteers are recognized and receive the same benefits as the other officers.

I recall that the Secretary of War, Mr. Davis, gave his sanction to the bill in a letter to the chairman of the Senate Military Affairs Committee. Mr. Davis, however, wrote that the Director of the Budget had advised him that "the proposed legislation" was "in conflict with the financial program of the President."

Surely, arguments of economy do not hold in this instance, for there are only a small number of men involved, and a correspondingly small amount of money.

Other bills, involving hundreds of millions, have been passed by this Congress, some without even taking time for a record vote; but they were sponsored by big business and sustained by powerful lobbies, representing the great financial interests of the country, while the emergency officers of the Great War, who brought a new freedom and prosperity to America, control only a lobby of grateful men and women who remember their sacrifices, their sufferings, and their renunciation of everything that life held dear and sacred.

I am sure, gentlemen—appreciating that I do not need to appeal to the gentlewomen—that you will heed the concentrated voice of this human lobby, for many of you sitting here to-day voted to send these men to war. It was a solemn moment, but not more solemn than the moment to-day—when, by your vote, on this bill, you shall or shall not justify that other vote.

I can not believe that President Coolidge would veto this bill, if it finally passes the House, in spite of the obstructionists. The country does not want money saved at the expense of those noble men of the World War.

Let us pass this bill as our small tribute to their great courage and loyalty to America and to the flag that has never known defeat. [Applause.]

Mr. ROY G. FITZGERALD. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. COMBS].

Mr. COMBS. Mr. Chairman and gentlemen of the committee, I have listened with very deep interest to the closely reasoned arguments of both the gentlemen from Tennessee [Mr. GARRETT] and the gentleman from Nebraska [Mr. SIMMONS], but I can not resist the belief that both of them have missed the genuine issue involved in this controversy.

At the time the United States entered the World War the selective service act was adopted by the Congress of the United States and the bill which is before us to-day is nothing more than the redemption of a valid and binding pledge made by the Congress of the United States at that time. If you will permit me to read the wording of section 10 of the selective service act of May, 1917, you, perhaps, can follow more closely the argument I should like briefly to make upon it:

SEC. 10. That all officers and enlisted men of the forces herein provided for other than the Regular Army shall be in all respects on the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades and length of service in the Regular Army.

Whatever distinction there may have been between the officers of the Regular Army and those who were designated as emergency officers was abolished by the express phraseology of the selective service act of 1917.

The gentlewoman from New Jersey [Mrs. NORTON] told you a moment ago that there were three classes of officers affected. Briefly, the disposition that has been made of the retirement problems of these classes is as follows:

The provisional officers of the Army were given absolute equality with, and the same retirement privileges enjoyed by, the Regular Army officer, by the act passed in the summer of 1918. The second class composed of the officers, provisional, regular, and emergency, of the Navy were expressly cared for by the act of 1920. In this connection I would call your attention to the fact that this bill was sponsored by the Navy Department and was championed throughout its legislative course by the Secretary of the Navy in the year 1920, showing that there was a clear understanding on the part of the Navy that all of its officers should be recognized as on a complete parity and equality with those who were of its regular officer personnel. Now, the last class comes before you asking recognition. If we are to discharge the obligation expressly assumed by this Nation in the terms of the act of 1917, there is no other course we can pursue but to grant this relief.

The American Legion, my colleagues, I believe, needs no apologist. It is thoroughly representative of the service men throughout this country. Its representatives have fully as much right to petition this Congress as have the representatives of any industrial or business group. [Applause.] They have come here asking the membership of the House to fulfill a definite obligation which this Government owes to a single class of officers for which provision has not yet been made.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ROY G. FITZGERALD. Mr. Chairman, I yield the gentleman one additional minute.

Mr. COMBS. In conclusion, let me say that the bill has been here in various forms for six or seven years. If there is any discrimination in it, it at least has never aroused the animosity of the rank and file of the service men of this country. I was an enlisted man myself. I held no commission during the war, and I think I can speak without partiality or prejudice. The enlisted men, represented by the American Legion, have heartily indorsed this bill because they believe it to be equitable and fair in its provisions. [Applause.] If there had been any discrimination in the bill which these men believed reflected unfairly upon them and their services to their country it would certainly have come to a head within the seven years' time that this bill has been pending here. The fact that it has not is eloquent proof that the rank and file of the Legion and of the ex-service men of this country are solidly behind this measure. [Applause.]

Mr. RANKIN. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. JAMES].

Mr. JAMES. Mr. Chairman, the gentleman from Missouri [Mr. COMBS] quoted part of section 9 of the selective draft law of 1917 and then stated that on account of this language these men should be pensioned.

This is practically the same language we had in 1812 and is the same language practically that we had for the Mexican War, the Civil War, and the war of 1898, word for word, and nobody will contend that the volunteer officers in the War of 1812 were entitled to pensions or increased compensation above the enlisted men.

Mr. ROY G. FITZGERALD. Will the gentleman yield?

Mr. JAMES. Yes.

Mr. ROY G. FITZGERALD. Does not the gentleman know that they did receive exactly what was promised them? There was not any retirement until the Civil War.

Mr. JAMES. Let me read the language.

Mr. ROY G. FITZGERALD. But Congress fulfilled its obligation, and they got it.

Mr. JAMES. Let me first read the language with respect to 1812:

And be it further enacted, That the President be, and he is hereby, authorized to form the corps of Volunteers into battalions, squadrons, brigades, and divisions, and to appoint thereto, by and with the consent of the Senate, general, field, and staff officers, conformably with the Military Establishments of the United States, and who shall be entitled to the pay and emoluments of a similar grade in the Army of the United States.

For the Mexican War there was the following provision:

SEC. 9. *And be it further enacted,* That whenever the Militia or Volunteers are called and received into the service of the United States under the provisions of this act, they shall have the same organizations of the Army of the United States, and shall have the same pay and allowances.

Now, what happened in 1898 when the gentleman from Alabama [Mr. HUDDLESTON] and others enlisted? What did that law provide? It was as follows:

SEC. 12. That all officers and enlisted men of the Volunteer Army, and of the militia of the States when in the service of the United States, shall be in all respects on the same footing as to pay, allowances, and pensions as that of officers and enlisted men of corresponding grades in the Regular Army.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. JAMES. I yield.

Mr. HUDDLESTON. And no officer of the Spanish War has ever even asked for this, not to speak of claiming it as a matter of right.

Mr. JAMES. That is quite true.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. JAMES. Yes.

Mr. BLACK of Texas. Let us put the emphasis upon what is the fact, that the very language that has been quoted to sustain this argument, negatives it. If it was intended that these emergency officers should be admitted to retirement privileges, why, of course, the act would have said so because we had a retirement act as to Regular Army officers, and there is nothing at all said in the language quoted as to retirement. It is perfectly true that the pay and allowances of emergency officers was to be exactly the same as the pay and allowance of officers of the Regular Army, but I have seen nothing in the law providing for the retirement of emergency officers, especially for a disability no greater than 30 per cent. I have always supported equality of compensation between officers and enlisted men. It is a Democratic principle.

Mr. JAMES. Here is the language with respect to service on the Mexican border:

Officers and enlisted men in the service of the United States under the terms of this section shall have the same pay and allowance as officers and enlisted men of the Regular Army of the same grades and the same prior service.

The provision with respect to the war of 1861 reads as follows:

SEC. 5. And be it further enacted, that the officers, noncommissioned officers, and privates, organized as above set forth, shall in all respects be placed on the footing, as to pay and allowances, of similar corps of the Regular Army.

Do these provisions mean that in 1898 when men were enlisted as privates and others enlisted at the same time as officers, that when they came out of the service and went back into civil life, as we all did, that the officers were to go on the pension list under a different grade from those of us who went in from civil life as enlisted men, leaving good positions? Why, not at all.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. JAMES. Yes.

Mr. COOPER of Wisconsin. Will the gentleman please read what the gentleman from Missouri [Mr. COMBS] just read?

Mr. JAMES. Yes.

Mr. COOPER of Wisconsin. The law under which these officers enlisted.

Mr. JAMES. It is section 9 of the selective service law and is as follows:

SEC. 9. That all officers and enlisted men of the forces herein provided for, other than the Regular Army, shall be in all respects on the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades and length of service in the Regular Army.

In other words, in 1812, 1846, 1861, 1898, and during the Mexican border expedition and during the World War the language has been practically the same, word for word. There

has never been any provision under which the volunteer officers were to be treated any differently from the volunteer enlisted men, and they ought not to be now. I yield back the balance of my time, Mr. Chairman.

Mr. ROY G. FITZGERALD. Mr. Chairman, I yield three minutes to the gentleman from North Carolina [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman and gentlemen, I can not say much in three minutes. I was not in the war, I did not have the privilege of getting into it, I was too old to get into it; but I want to say now that whenever a person who did go into it and went across the sea and was wounded and comes to this Congress and wants relief, I for one am not going to get behind some specious argument to try to keep him from getting that relief, when at the same time we are giving it to the Regular Army officers.

The real folks who are opposed to this bill are the General Staff and we might as well call a spade a spade and a shovel a shovel. The men who are in the Regular Army are the ones who have defeated this legislation for seven or eight years and for one I do not think it is fair, because it is only a mere pittance that they are asking.

There are two men in my town who would be beneficiaries under this legislation, one who is a Republican postmaster and the other is a Democrat. The man who is a Democrat was shot all to pieces and is now wearing an ear taken from a dead German. [Laughter.] You can laugh at that, and, of course, it may seem a funny thing to some of you, and that is the manner in which some of you are approaching this legislation. There is nothing too good for this man. Under this bill he gets only $125 a month, and he is shot all to pieces. He is a man who was 41 years old when he went into the Army. I refer to that brave officer, Lieut. Tom C. Daniels.

Mr. SMITH. How much compensation does he draw now?

Mr. ABERNETHY. He draws about $85 a month and under this bill he would get $125 a month.

There are only five men in my district who are interested in this legislation. Is that any reason why I should be against it?

The American Legion post of my city passed on this very matter a few weeks ago. Out of 84 members present 7 were officers and 77 enlisted men. There was but 1 vote against this legislation.

I voted for your flood relief bill $325,000,000. We voted out a million and more dollars for a monument out in Indiana for one George Rogers Clark, who went out through the Northwest in the early part of our history. Now, there is the gentleman from Alabama, Major JEFFERS, as brave an officer as ever went to war—ask him how he feels about this legislation. Then there is another officer, Major REECE. Ask him how he feels about it. I tell you it is nothing but exact justice for these men, and I can not figure out how we will get by the proposition without granting them this relief, and you who are opposing it will have more to explain than I will for I am for the legislation. [Applause.]

Mr. ROY G. FITZGERALD. Mr. Chairman, I yield 15 minutes to my colleague from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Chairman and ladies and gentlemen of the House, as I stated in my questions to the gentleman from Connecticut [Mr. TILSON] I was an enlisted man during the war. I enlisted as a private in Company A, One hundred and first Infantry, what was formerly known as the Fighting Irish Ninth Massachusetts Regiment, and later I became a color sergeant of that regiment.

It seems to me, as my distinguished colleague and buddy from Missouri [Mr. COMBS] said, we have been missing the crux of this matter. I like to listen to the distinguished gentleman from Tennessee [Mr. GARRETT] and I like to hear from the distinguished gentleman from Connecticut [Mr. TILSON] when they stand up here and give us wonderful talks about the Constitution of the United States and why we should not pass legislation that is going to tear up the foundations of the Republic. I have listened to that kind of talk for five years, and to use a common expression, it is a lot of bunk. [Laughter and applause.]

I say that advisedly, because some men who have talked here to-day tell us they would like to do something for the disabled men and for the enlisted men, but these are the same men who were responsible for making the Veterans' Committee cut $20,000,000 off the bill which General Hines said would take $39,000,000 to take care of the disabled men.

Mr. O'CONNELL. What did General Lord say?

Mr. CONNERY. General Lord never agrees with the Veterans' Committee on anything. I was an enlisted man. I had the honor and privilege—one of those glorious privileges [sarcastically] they talk about—of standing in the front-line trenches and fighting the cooties and the rats, and the glorious privilege [sarcastically] we had on the front of fighting the Germans, and I saw these disabled emergency officers that legislators are telling us should not be discriminated in favor of—I saw many of the 93 per cent of the emergency officers of the World War who went into the trenches and over the top with the enlisted men, wounded and shot down, while only 7 per cent of the officers of the Regular Army were casualties in battle. Ninety-three per cent of the officer casualties were emergency officers. I did not see the Regular Army officers at Chaumont because we could not get that far back, those men that the late Hon. James Gallivan called the "highly tailored staff"—they were at Chaumont, way back of the front line. And note they come under the retirement act. If they had fallen off a horse, they could get retirement pay; but men like Lieut. Arnold Brewer and our beloved Lieutenant Harriman, who had a wife and little daughter—who went over the top—was shot six times whilst saving his men from a flank attack in a trench at Humbert Plantation in France, would not be entitled to retirement pay because it would be a discrimination [sarcastically].

Now, my colleagues, do not get it into your heads that the enlisted men do not want their buddies, these disabled emergency officers, taken care of. I have the highest respect for the gentleman from Nebraska [Mr. SIMMONS], my colleague, my brother service man. I believe he is sincere. I believe all the rest of the service men who are talking against this are sincere. They think it is a discrimination against the enlisted men, but it is not. I was looking over the minority report, and discovered something that I have never known before. I find out that every man from my district—that is, every one of these disabled officers—is permanently and totally disabled under the Veterans' Bureau. Under that they are entitled to $100 a month, and under this bill they will be entitled to $125 a month. I claim that I am speaking for as many service men as is the distinguished gentleman from Nebraska, and the opponents of this bill. I was in a division that saw some fighting in France, the Twenty-sixth Division, the division that President Wilson had Christmas dinner with, because that division had served longer at the front in France in the front lines than any other division. So we saw some fighting. I knew those men. I saw these emergency officers in battle. They had courage and leadership to the *n*th degree. Their men would follow them anywhere and into any danger. They were heroes of the highest order. They went into battle leading their men. They were wounded. They are disabled. Every officer in the Marine Corps, every officer in the United States Regular Army and in the Navy has this retirement feature except the men who, to my mind, fought the war, the men who fought the war alongside of their buddies. You can not find an enlisted man who was in the Forty-second Division, that wonderful Rainbow Division, or in the Twenty-seventh Division, that great New York division, or a man who was in the First or Second Division, or in the marines, or in the Third Division, the Fourth Division, or the Seventy-ninth Division, or the Thirtieth Division, or in any of those fighting divisions that went up to the front—you can not find any enlisted man in any of those divisions who would tell you to vote against this bill. They know better than that.

They know that their officers, their second lieutenants, had a harder time to live on the pay that they got than the sergeants. They had to buy their own uniforms. They had many incidental expenses in their mess, and in respect to their food, that the sergeants did not have. In the Army we sergeants used to say that we were much better off financially than the second lieutenant. These men shared all the hardships of the enlisted men and we believe they are entitled to this retirement pay now.

We have heard a lot about friendship for the enlisted man to-day. The distinguished gentleman from New York [Mr. CROWTHER] said that he would like to see something done for the disabled men by correcting conditions in the Veterans' Bureau. The service men have no better friend than Mr. CROWTHER. He was the man, a Republican who was game enough, on the Ways and Means Committee, to vote against his party for a cash bonus for the soldier, or to give him his choice between cash and that undertaker's bonus we got—and an undertaker's bonus is what it is, something with which a man's widow can pay the undertaker after he has gone. The gentleman from New York [Mr. CROWTHER] is a friend of the service men, and a real friend, because it takes courage to go against your party. He said that he would like to see something done for the men who are up against the Veterans' Bureau at the present time, and the gentleman from Wisconsin [Mr. SCHAFER] said it was a matter of legislation. I think both gentlemen are partly right and partly wrong. The trouble lies in both directions. We need legislation to take care of the dis-

abled men, and we need humanity in the Veterans' Bureau, because we have some of these horse doctors, as I have called them before, down there, who declare a man has active tuberculosis to-day and to-morrow say that he has bronchitis.

We need to get rid of those men and get real doctors in there—and remember I do not say that all the doctors in the bureau are horse doctors. Some are A1 doctors and are doing great work for the disabled men—and, on the other hand, we need to get some legislation out of the veterans' committee which will take care of cancer and diabetes and put diseases under the presumption clause which are not under that clause now. In conjunction with the gentleman from Tennessee [Mr. BROWNING] I have been fighting for that for five years. We have been trying hard to get that through. The distinguished lady from Massachusetts [Mrs. ROGERS] and the distinguished lady from New Jersey [Mrs. NORTON] and other members of that committee, have tried to get such legislation put in the statutes.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. RANKIN. Does the gentleman notice the salaries of these men in the Veterans' Bureau he is talking about, and what they will draw under this bill?

Mr. CONNERY. If a man who was disabled 30 per cent were getting $10,000 a year, I would say to give him this retirement. He has earned it. Look at the men who scratched the desks in Washington with their spurs during the war. Some of them are getting $20,000 a year. To use the doughboy vernacular, "They fought a 'tough' war."

Mr. RANKIN. I will excuse the gentleman with that statement.

Mr. CONNERY. I would be willing to give the disabled emergency officers anything that the Regular Army officers get or that the Navy officers get, or the officers in the Marine Corps.

Mr. O'CONNELL. Or the enlisted man.

Mr. SCHAFER. Does not this bill take care of certain disabled emergency officers who had their spurs on the desks in Washington?

Mr. CONNERY. Oh, no; this has got to be connected with service, to be wounded in battle——

SEVERAL MEMBERS. Oh, no; oh, no.

Mr. CONNERY. It says connected with the service. Perhaps you did not have to get it in battle, but practically all of the disabled emergency Army officers were disabled in battle; but so far as the Regular Army man is concerned it would not make any difference. If he stubs his toe, he gets it.

Mrs. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Certainly. With pleasure I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS. The Members of the House ought to know what an extremely gallant record the gentleman from Massachusetts [Mr. CONNERY] had in France. The men of his division, the Yankee Division, have told me of his great bravery, of his unfailing cheer, and of his fighting. We all know in the House how he can fight for a cause. The Yankee Division men have told me of his unselfishness. They have told me that three times he refused to become an officer because he felt he could be of more assistance if he stayed in the trenches with the men. He was the color sergeant of the One hundred and First Infantry of the Yankee Division, which was formerly known as the "Fighting Irish Ninth Massachusetts." When his colonel, Edward L. Logan, on three separate occasions asked him to go to the officers' school, he said that he preferred to remain a color sergeant as he could stay in the trenches and help keep up the courage of his buddies. Before the war Mr. CONNERY had been on the stage for two years, and every one who has heard his stories knows what an actor he was and always will be. He can make every one laugh and forget for a time. Hundreds of men in his division have told me that BILLY CONNERY, as they affectionately called him, did more to keep up their morale in those days of horror and dread waiting than anyone else could possibly have done. We have every reason to be extremely proud of our colleague. If you could hear his comrades cheer him, you would know how deeply they love him and respect his sacrifice.

He served in every battle and in every engagement from the time they went into the trenches on February 6, 1918, until he was sent to the hospital in October, 1918. The One hundred and first Infantry fought in the Chemier des Dames sector, the Toul sector, at Chateau-Thierry, at St. Mihiel, and in the Argonne Forest. Larry Connery, our color-sergeant colleague's brother, who was top sergeant of A Company of the same regiment, in conjunction with three privates, captured 39 German prisoners in the St. Mihiel drive. They were the first prisoners captured by the Twenty-sixth Division in that drive.

As Larry Connery and BILLY CONNERY are the only two boys in the family, Mr. and Mrs. William P. Connery, of Lynn, Mass., gave to the World War 100 per cent. Both boys' records were 100 per cent. And both these enlisted boys want this bill enacted 100 per cent.

I know the gentleman would not discriminate against the emergency officers who had to remain in this country, who had the flu, and were disabled as a result of that, and who had tuberculosis, and who were injured and sick in this country, and who were never able to go to France. They are included in this bill, and the gentleman would include them I know. While they did not have service in France, they also served.

Mr. CONNERY. Yes; many officers and men who tried hard to go to France were refused that opportunity; I honor and respect them, and I say that one of my ideas in trying to get this bill through is that the Congress of the United States will eventually see the justice of bringing the enlisted disabled service men up to a higher point of compensation and not discriminate against the disabled emergency officer of the Army.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ROY G. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Certainly. Then I will yield to our able Democratic leader, the gentleman from Tennessee.

Mr. ROY G. FITZGERALD. Does the gentleman realize that in the over 28,000 employees of the Veterans' Bureau there are 49 of those men who may be prospective beneficiaries of this act who are forced to continue their employment in order to keep a roof over their heads, and that with this money which they would receive they would be able to pay the interest on the mortgage that is held on their homes?

Mr. CONNERY. Yes; I can realize that; and there are many just like them in other walks of life. Now I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Is it the purpose to bring the enlisted men up in compensation to this same level?

Mr. CONNERY. I will say to the gentleman from Tennessee that from my knowledge of the workings of Congress since I have been a Member here, I will take everything I can get for the soldier when I get a chance, because you know the soldier gets little enough at best; and if this is something that will help the disabled and wounded officers it may serve also to help my disabled buddies in the enlisted ranks by giving them a higher rate of compensation. [Applause.]

Mr. GARRETT of Tennessee. That is fine. The gentleman has been a great advocate of this bill, and a very intelligent advocate of it.

Mr. CONNERY. I thank the gentleman.

Mr. GARRETT of Tennessee. But it means that this is the wedge under which eventually he expects to bring the enlisted man up to the level of the officer?

Mr. CONNERY. I hope so.

Mr. GARRETT of Tennessee. That is what the gentleman says?

Mr. CONNERY. Yes. I hope to see my buddy, who served in the ranks with me in the Army, brought up where he belongs, and not continue to get only $30 a month for 30 per cent disability.

Mr. GARRETT of Tennessee. I wonder if the gentleman now would be willing to accept an amendment to do that?

Mr. CONNERY. I will say that, knowing the workings of Congress, as I said before, I do not want to see anything put on that will kill the bill, because I have seen bills killed before in the House, and I have seen bills killed also in committee.

Mr. GARRETT of Tennessee. I am not trying to kill the bill. I am against the bill, of course, but I do not seek through any parliamentary maneuver whatever, to destroy the bill. I wish that Members who have inadvertently committed themselves to the proposition may have the opportunity of carrying out their promises.

Mr. CONNERY. When I say that I hope that this bill will prove to be a wedge to bring justice to the enlisted personnel of the Army and Navy and Marine Corps, I mean that I would like to see this bill pass, and, as a result of its passing, get results.

Mr. GARRETT of Tennessee. This involves a change of policy in the law that will probably exist for 10 or 15 years. There have been few measures pending within the House during the gentleman's service, and in my time, that involved so great a change of policy as this.

Mr. CONNERY. Well, if it is a change of policy, I think it is a change of policy in the right direction, because when we get a change of policy in this Congress that will give the soldier his just deserts, then we will be on the right track. I hope that kind of policy will be adhered to.

Mr. GARRETT of Tennessee. When the gentleman says "soldier," does he mean a soldier or an officer?

Mr. CONNERY. I mean both; because a good officer, I believe, is a good soldier, and a good soldier would be a good officer if he had the opportunity. [Applause.]

Mr. RANKIN. Mr. Chairman, I suggest that the gentleman from Ohio use some more of his time.

Mr. ROY G. FITZGERALD. Mr. Chairman, I will take five minutes for myself.

I am glad to take this opportunity, Mr. Chairman and gentlemen of the committee, to call the attention of the House to a decision of the Judge Advocate General's office, which determines the status under retirement and by which we may interpret the law and the obligation which the Congress and the country entered into with those men when it promised them that they would be treated absolutely as officers of the Regular Establishment were treated. But some one suggests that they did not use the word "retirement." Retirement pay is a form of pension just as surely as compensation paid by the Veterans' Bureau is a form of pension. The decision of the Judge Advocate General we find on page 13 of the hearings before the Committee on Military Affairs in the Congress of 1920, and the opinion is from House Document No. 545, page 494. I read:

Retired officers as such do not hold public offices. They are, in fact, pensioners. The position and pay given them constitute a form of pension.

It is a pension. Compensation is a form of pension, although we may use a different term to distinguish it from pensions that we have heretofore provided under different acts to be paid through the Pension Bureau of the Interior Department.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield there?

Mr. ROY G. FITZGERALD. Yes; I will be very glad to yield.

Mr. GARRETT of Tennessee. In the final analysis, is not this a bill to grant pensions based upon rank?

Mr. ROY G. FITZGERALD. I would think it might be so construed. I do not want to be committed beyond that.

Mr. GARRETT of Tennessee. I would like to ask the gentleman what is his own construction?

Mr. ROY G. FITZGERALD. In my construction this is the fulfilling of the obligation which the United States entered into with these officers when it passed the selective service act, and it is a form of pension, as all retirement pay and all compensation under our Veterans' Bureau are, properly classified under the generic term of "pension."

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. RANKIN. Did not the gentleman state before the Committee on Rules that it was a distinction based on rank, and did not the gentleman from Nebraska follow him and repeat that statement?

Mr. ROY G. FITZGERALD. No; he put that construction on it, and I do not believe he was beyond bounds when he did so. Now, the gentleman from Tennessee has talked about the settled policy of the United States. The settled policy of this Government from the beginning down to date, including the Spanish-American War, has been to compensate those injured in the service in accordance with their rank; to compensate them for disabilities incurred in service by pensions based upon rank, and based upon the settled policy of this democratic and not communistic country from the beginning.

I want to call particular attention to these laws, beginning with the Revolutionary War.

DISABILITY PENDING RATES FOR OFFICERS AND ENLISTED MEN

(NOTE.—Page numbers given refer to "laws of the United States governing the granting of Army and Navy pensions" in effect March 5, 1925, published by the Government Printing Office, and compiled under the direction of the Commissioner of Pensions and published in accordance with the provisions of section 4748, Revised Statutes.)

REVOLUTIONARY WAR

Page 9: Rate of pensions for known wounds incurred during the Revolutionary War are as follows under the act of April 10, 1806:

"Commissioned officers: One-half of the monthly pay legally allowed at the time of incurring said disability, but no pension shall be calculated at a higher rate than one-half pay of a lieutenant colonel.

"Enlisted men: $5 a month."

CAMPAIGN ON WABASH

Page 10: Act of April 10, 1812, the same provisions as the foregoing Revolutionary pensions are made applicable to the campaign on the Wabash.

WAR OF 1812

Page 10: Act of April 24, 1816, the persons on the pension rolls on April 24, 1816, had their pensions increased for all ranks of first lieutenant and under, as follows:

First lieutenant	$17
Second lieutenant	15
Third lieutenant	14
Ensign	13
Noncommissioned officers, musicians, and privates	8

This act of April 24, 1816, further provides that all laws and regulations relating to pensions of officers and soldiers of the Regular Army shall relate equally to the officers and soldiers of the militia while in the service of the United States.

BLACK HAWK WAR

Page 10: Act of June 15, 1832, officers, noncommissioned officers, and privates raised for the protection of the frontier, in case of disability by wounds or otherwise incurred in the service, shall be entitled to like compensation as allowed to officers, noncommissioned officers, and privates in the Military Establishment of the United States.

INDIAN DEPREDATIONS IN FLORIDA

Page 11: Act of March 19, 1836—that the volunteers or militia shall be entitled to all the benefits conferred on persons wounded or otherwise disabled in the service of the United States.

CREEK WAR

Page 11: Act of May 23, 1836—the volunteers shall be entitled to all the benefits which may be conferred on persons wounded in the service of the United States.

MEXICAN WAR

Page 12: Section 4730, Revised Statutes: Officers and enlisted men whether of the Regular Army or volunteers, for total disability by reason of injury received or disease contracted, while in line of duty in service in the war with Mexico, shall receive half of the pay of their rank at the date on which the wound was received or the disease contracted, not exceeding half of the pay of a lieutenant colonel.

CIVIL WAR

Page 30: The act of July 14, 1862, states that the beneficiaries for disability shall be officers of the Army, including regulars, volunteers, and militia, marine, and enlisted men, however employed in the military or naval service [in the Civil War].

Page 31: Section 4695 gives the rate of pensions for total disability for the persons mentioned in the preceding paragraph:

	Per month
Lieutenant colonel and officers of higher rank	$30
Major	25
Captain	20
First lieutenant	17
Second lieutenant	15
Certain other officers and warrant officers	10
All enlisted men	8

Page 175: Subsequent enactments as given below increased the pay of the disabled enlisted men through the medium of general-service pensions, but these enactments did not reduce the pay of the disabled officers, and the rate of pay of the disabled officers was not reached by the enlisted men through the enactment of service pensions until the act of May 11, 1912, which gave a general-service pension of $30 a month to all officers and enlisted men of the Civil War who had reached the age of 75 years, and served two years or more.

SPANISH-AMERICAN WAR

The officers and enlisted men who incurred disability in the Spanish-American War, whether volunteer or regular, received pensions under the general pension law of July 14, 1862, which set the maximum for an officer at $30 a month, and the enlisted personnel at $8 a month for total disability.

The disabled emergency officer of the Spanish-American War continued to receive more than the disabled emergency enlisted men of this war until the act of June 5, 1920, when the enlisted men were granted a service pension with maximum payments of $30 a month, a sum equal to the pay being received by the disabled officers with the rank of lieutenant colonel and above.

The laws to which I have referred show the settled policy of this country from the beginning, as fixed by our fathers. It has been the policy of this Government to fulfill its promises and its obligations to its people. It has been the standard of our courts of justice to pay compensation for injuries not based upon rank but upon that which measures the loss and the damage, and rank is the arbitrary rule we have in the Army which conveniently measures the earning capacity.

Mr. NEWTON. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. NEWTON. In reference to the question of pensions: One of the propositions which has bothered me has been this provision in the selective draft act where the words "pay, allowances, and pensions" are used. That is, that emergency officers shall have the same pay, allowances, and pensions as officers of corresponding grades in the Regular Army. A few minutes ago the gentleman from Michigan cited the Spanish War provision of 1898, where identically the same language was used in reference to the volunteer officers in that war. The volunteer Spanish War Army officers——

Mr. ROY G. FITZGERALD. Let me interrupt the gentleman right there. Every officer in the Spanish War was a volunteer officer.

Mr. NEWTON. Not the Regulars.

Mr. ROY G. FITZGERALD. Every one of them. They were all discharged and reenlisted over again.

Mr. NEWTON. Not those who were in the Regular Army.

Mr. ROY G. FITZGERALD. They were all volunteer officers.

Mr. NEWTON. The gentleman is wrong.

Mr. ROY G. FITZGERALD. Well, we differ about that.

Mr. MICHENER. If the gentleman will permit, that is true to this extent, that all of the men enlisting in the Regular Army volunteered. There was no draft law at that time, and that is the distinction.

Mr. NEWTON. But a West Pointer who was in the Army——

Mr. MICHENER (interposing). Was a volunteer.

Mr. NEWTON. He was a volunteer in the sense that he volunteered to go to West Point, but he was what we all know as a Regular.

Mr. ROY G. FITZGERALD. But all of the Regulars were discharged and enlisted over again.

Mr. NEWTON. Oh, no.

Mr. ROY G. FITZGERALD. Well, we differ on that.

Mr. NEWTON. The Spanish-American War volunteer officers were never considered to be eligible for retirement, although the provision relating to "pay, allowances, and pensions" is practically identical with the provision in the World War selective service act, which the committee cites. It seems to me to raise a distinction as to whether or not pensions are really retirement pay.

Mr. ROY G. FITZGERALD. Well, we have here the only legal decisions that I know of on the subject which say it is true, but the gentleman's suggestion is not a logical deduction. Because the Spanish war soldiers or officers were promised the right of retirement and did not get it, that therefore this promise should not be kept in this case, if a promise was made.

I may say to you that the one who represents the United Spanish War Veterans in legislative matters to-day is ex-Senator Means. He is thoroughly conversant with the matter, and he has stated, I am informed, that it is not to the advantage of the Spanish war officers to have retirement.

Mr. NEWTON. But the purpose of the question was to ascertain whether the gentleman had any other authority as to the construction of the word "pensions," because of the different way in which the Spanish war volunteer officers have been treated under the same provision.

Mr. WAINWRIGHT. If the gentleman will yield to me to put a question to the gentleman from Minnesota, is it not so that in considering and discussing retirement or pension matters generally that compensation by way of retirement has come to be considered as equivalent to compensation by way of pension? In other words, retirement compensation and pension compensation are practically synonymous.

Mr. NEWTON. I do not disagree with that; but the purpose of my rising and asking the question was to try to obtain some information in reference to the meaning of the word "pensions," and as to whether there was in effect a contract by reason of the provisions of section 10 of the selective service act.

Mr. WAINWRIGHT. My purpose in putting the question was to see whether the difficulty had not been removed on account of the word "retirement" not being mentioned in the selective draft act. If compensation by way of retirement and compensation by way of compensation are synonymous, what difference does it make?

Mr. STEVENSON. The Judge Advocate General decided that very question.

Mr. ROY G. FITZGERALD. I must call attention to two erroneous suggestions made in his earnest address by the gentleman from Nebraska [Mr. SIMMONS].

First. By accepting retirement under this act the widow and children would be thereafter deprived of their rights and benefits under the Veterans' Bureau act. This is not true, for all their rights are preserved. None is surrendered. No one can be worse off by reason of the passage of this bill.

Second. Dishonorably discharged officers might get the benefits of this act. This also is untrue. No officer can be retired under this act unless he "be rated in accordance with law at not less than 30 per cent permanent disability by the Veterans' Bureau for disability resulting directly from such war service" (see section 1 of the bill), and no one may be so rated "in accordance with law" by the Veterans' Bureau unless he have an honorable discharge. No compensation may be paid to any veteran who lacks an honorable discharge.

Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LAGUARDIA, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill S. 777, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CRAMTON (at the request of Mr. MAPES), indefinitely, on account of illness.

MINORITY VIEWS ON THE BILL H. R. 13509

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent to submit a supplementary statement to the minority views expressed by me on Report No. 1574, accompanying the bill H. R. 13509.

Mr. LAGUARDIA. What bill is that?

Mr. WAINWRIGHT. The promotion and retirement bill.

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object, does the gentleman desire the statement printed along with the minority views?

Mr. WAINWRIGHT. It is for that purpose I am offering it.

The SPEAKER. Is there objection?

There was no objection.

MINORITY VIEWS ON THE ED HINES HOSPITAL BILL

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that we may have five legislative days in which to file minority views on what is known as the Ed Hines hospital bill, reported from the Committee on World War Veterans' Legislation.

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object, this will be without reference to its condition on the calendar?

Mr. RANKIN. I do not suppose it would have any effect on it.

Mr. CHINDBLOM. I have no objection if it will not affect the reporting of the bill or its place on the calendar.

Mr. RANKIN. I do not suppose it would be subject to consideration until we got our report in.

Mr. CHINDBLOM. That is never so. The filing of minority views never affects the prospect for consideration of a bill.

Mr. RANKIN. I would not want to interfere with the legislation.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

EXTENSION OF REMARKS

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent that all those who have spoken or may speak on the bill (S. 777) may have the right to revise and extend their remarks in the RECORD.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I think the gentleman, if he is going to make the request, might just as well make it for everybody to have a certain number of days to extend their remarks, but I presume the gentleman can do that to-morrow as well as to-day.

Mr. ROY G. FITZGERALD. I am perfectly willing to enlarge the request.

Mr. RANKIN. If the gentleman will permit, I am not sure it is a wise policy to throw this open for the extension of remarks generally. I am willing for the gentleman's request to go through at the present time, but I would not like to open up the other proposition until a later day.

Mr. O'CONNELL. What disposition is the gentleman going to make with respect to the Members who do not get an opportunity to talk on the bill?

Mr. RANKIN. We will try to give them an opportunity to discuss the bill. If there is any Member who wants the privilege of extending his remarks he can come in and make the request, and I will perhaps not object to it.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. ROY G. FITZGERALD].

Mr. TILSON. It is the understanding the request is with respect to any Member who has spoken or may speak on this bill.

The SPEAKER. Yes. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had concurred in concurrent resolutions of the House of the following titles:

H. Con. Res. 30. House concurrent resolution to provide for the printing of additional copies of the hearings held before the Committee on the District of Columbia of the House of Repre-

sentatives on bills relative to capital punishment in the District of Columbia.

H. Con. Res. 33. House concurrent resolution to print and bind the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall of the statue of President Andrew Jackson presented by the State of Tennessee.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills, joint resolutions, and a concurrent resolution of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 363. An act for the relief of Louise M. Cambouri; to the Committee on Claims.

S. 456. An act to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased; to the Committee on War Claims.

S. 513. An act for the relief of the Hottum-Kennedy Dry Dock Co., of Memphis, Tenn.; to the Committee on Claims.

S. 652. An act for the relief of Edgar Travis, sr.; to the Committee on Military Affairs.

S. 1182. An act to provide for the naming of certain highways through State and Federal cooperation, and for other purposes; to the Committee on Roads.

S. 1433. An act for the relief of J. C. Peixotto; to the Committee on Claims.

S. 1643. An act for the relief of Joseph J. Baylin; to the Committee on Claims.

S. 2304. An act for the relief of M. Seller & Co.; to the Committee on Ways and Means.

S. 2738. An act for the relief of C. R. Olberg; to the Committee on Indian Affairs.

S. 2802. An act to provide for the appointment of midshipmen at large by the Vice President of the United States; to the Committee on Naval Affairs.

S. 2894. An act for the relief of Robert O. Edwards; to the Committee on Military Affairs.

S. 3779. An act to authorize the construction of a telephone line from Flagstaff to Kayenta on the Western Navajo Indian Reservation, Ariz.; to the Committee on Indian Affairs.

S. 3828. An act to amend public law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve individual members of the board of education of personal liability for acts of the board; to the Committee on the District of Columbia.

S. 4035. An act authorizing conveyance to the city of Hartford, Conn., of title to site and building of the present Federal building in that city; to the Committee on Public Buildings and Grounds.

S. 4135. An act to conserve the water resources and to encourage reforestation of the watersheds of Los Angeles County by the withdrawal of certain public lands included within the Angeles National Forest from location and entry under the mining laws; to the Committee on the Public Lands.

S. 4183. An act authorizing the filling of a vacancy occurring in the office of district judge for the northern district of Illinois created by the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922; to the Committee on the Judiciary.

S. 4235. An act to amend section 12 of the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926; to the Committee on Military Affairs.

S. 4338. An act to authorize the President to award in the name of Congress gold medals of appropriate design to Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes; to the Committee on Naval Affairs.

S. J. Res. 92. Joint resolution to provide for a monument to Maj. Gen. William Crawford Gorgas, late surgeon general of the United States Army; to the Committee on the Library.

S. J. Res. 114. Joint resolution authorizing assessments by levee, drainage, and road districts upon unreserved public lands in the St. Francis Levee district, State of Arkansas; to the Committee on Public Lands.

S. Con. Res. 18. Senate concurrent resolution to provide for the printing of the report of the Federal Trade Commission on Cooperative Marketing of Farm Products; to the Committee on Printing.

SENATE BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 750. An act to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes;

S. 757. An act to extend the benefits of certain acts of Congress to the Territory of Hawaii;

S. 2004. An act authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz.;

S. 2910. An act granting to the State of South Dakota for park purposes the public lands within the Custer State Park, S. Dak.

S. 3571. An act granting the consent of Congress to the county court of Roane County, Tenn., to construct a bridge across the Emery River at Suddaths Ferry, in Roane County, Tenn.;

S. 3740. An act for the control of floods on the Mississippi River and its tributaries, and for other purposes; and

S. J. Res. 135. Joint resolution making an emergency appropriation for flood protection on White River, Ark.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 21. An act to provide for date of precedence of certain officers of the staff corps of the Navy;

H. R. 239. An act to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes;

H. R. 244. An act to enable members of the Reserve Officers' Training Corps, who have interrupted the course of training prescribed in the act of June 4, 1920, to resume such training, and amended accordingly section 47c of that act;

H. R. 441. An act to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif.;

H. R. 1529. An act for the relief of the heirs of John Eimer;

H. R. 1537. An act for the relief of William R. Connolly;

H. R. 2658. An act for the relief of Finch R. Archer;

H. R. 3029. An act for the relief of Verne E. Townsend;

H. R. 3372. An act for the relief of George M. Browder and F. N. Browder;

H. R. 3442. An act for the relief of Clifford J. Sanghove;

H. R. 3936. An act for the relief of M. M. Edwards;

H. R. 4229. An act for the relief of Jennie Wyant and others;

H. R. 4588. An act authorizing an appropriation for the repair and resurfacing of roads on the Fort Baker Military Reservation, Calif.;

H. R. 4925. An act for the relief of John M. Savery;

H. R. 4993. An act for the relief of William Thurman Enoch;

H. R. 5398. An act for the relief of the heirs of the late Dr. Thomas C. Longino;

H. R. 5465. An act to amend section 1571 of the Revised Statutes to permit officers of the Navy to count duty on airships as sea duty;

H. R. 5531. An act to amend the provision contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers;

H. R. 5746. An act to authorize the appraisal of certain Government property, and for other purposes;

H. R. 5789. An act to provide for the gratuitous issue of service medals and similar devices, for the replacement of the same, and for other purposes;

H. R. 5806. An act to authorize the purchase of real estate by the War Department;

H. R. 5968. An act for the relief of Byron Brown Ralston;

H. R. 5981. An act for the relief of Clarence Cleghorn;

H. R. 6436. An act for the relief of Mary E. O'Connor;

H. R. 6652. An act to fix the pay and allowances of the chaplain at the United States Military Academy;

H. R. 6844. An act concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto;

H. R. 6856. An act relating to the payment or delivery by banks, or other persons, or institutions in the District of Columbia of deposits of moneys and property held in the names of two or more persons, and for other purposes;

H. R. 7061. An act for the relief of William V. Tynes;

H. R. 7227. An act for the relief of William H. Dotson;

H. R. 7752. An act to limit the issue of reserve supplies or equipment held by the War Department;

H. R. 7937. An act to authorize mapping agencies of the Government to assist in preparation of military maps;

H. R. 8808. An act for the relief of Charles R. Wareham;

H. R. 9043. An act to authorize the payment of an indemnity to the Government of France on account of losses sustained by the owners of the French steamship *Madeleine* as the result of a collision between it and the U. S. S. *Kerwood;*

H. R. 9148. An act for the relief of Ensign Jacob E. DeGarmo, United States Navy;

H. R. 9363. An act to provide for the completion and repair of customs buildings in Porto Rico;

H. R. 10139. An act for the relief of Edmund F. Hubbard;

H. R. 10192. An act for the relief of Lois Wilson;

H. R. 10276. An act providing for sundry matters affecting the naval service;

H. R. 10544. An act to abolish the office of administrative assistant and disbursing officer in the Library of Congress and to reassign the duties thereof;

H. R. 10643. An act authorizing the Gulf Coast Properties (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain, at or near Rouses Point, N. Y.;

H. R. 11692. An act authorizing the Gulf Coast Properties (Inc.), a Florida corporation, of Jacksonville, Duval County, Fla., its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near East Alburg, Vt.;

H. R. 11741. An act for the relief of Thomas Edwin Huffman;

H. R. 11797. An act granting the consent of Congress to Columbus County, State of North Carolina, to construct, maintain, and operate a free highway bridge across the Waccamaw River at or near Reeves Ferry, Columbus County, N. C.;

H. R. 11808. An act authorizing an appropriation for the purchase of land at Selfridge Field, Mich.;

H. R. 11809. An act to authorize an appropriation to complete the purchase of real estate in Hawaii;

H. R. 11992. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Biggers, Ark.;

H. R. 12899. An act authorizing the erection for the sole use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C.;

H. R. 13171. An act authorizing the Secretary of the Treasury to accept a franchise from the government of the city of New York to change the routing of the pneumatic-tube service between the customhouse and the present appraisers' stores building, and for other purposes; and

H. J. Res. 200. Joint resolution to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924.

ADJOURNMENT

Mr. ROY G. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 59 minutes p. m.) the House adjourned until to-morrow, Friday, May 11, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, May 11, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the United States grain standards act by inserting a new section providing for licensing and establishing laboratories for making determinations of protein in wheat and oil in flax (H. R. 106).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

Providing for the reclassification of watchmen, messengers, and laborers in the Postal and Railway Mail Services of the United States in three grades, with increase in salary (H. R. 390).

To amend an act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates, to provide for such readjustment, and for other purposes," approved February 28, 1925 (H. R. 9955).

To provide a shorter workday on Saturday for postal employees (H. R. 9058 and H. R. 6505).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend section 5219 of the Revised Statutes, as amended (H. R. 8727).

COMMITTEE ON RIVERS AND HARBORS

(10 a. m.)

To consider a report from the Chief of the Army Engineers on the proposal to deepen the Great Lakes channel.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize the Secretary of the Navy to proceed with the construction of certain public works (H. R. 13319).

COMMITTEE ON THE PUBLIC LANDS

(10.30 a. m.)

To promote the better protection and highest public use of the lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, the development and extension of recreational uses, the preservation of wild life, and other purposes not inconsistent therewith; and to protect more effectively the streams and lakes dedicated to public use under the terms and spirit of clause 2 of the Webster-Ashburton treaty of 1842 between Great Britain and the United States; and looking toward the joint development of indispensable international recreational and economic assets (H. R. 12780).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

493. A communication from the President of the United States, transmitting paragraph of legislation affecting existing appropriations for the Capitol power plant under the legislative establishment, office of the Architect of the Capitol (H. Doc. No. 270); to the Committee on Appropriations and ordered to be printed.

494. A communication from the President of the United States, transmitting for the consideration of Congress estimate of appropriations submitted by the several executive departments and establishments to pay claims for damages to privately owned property and damages by collision with naval and river and harbor vessels, in the sum of $53,109.95. (H. Doc. No. 271); to the Committee on Appropriations and ordered to be printed.

495. A communication from the President of the United States, transmitting supplemental and deficiency estimates of appropriations for the District of Columbia for 1927 and prior fiscal years, $50,455.67; for the fiscal year 1928, $363,865.86; and for the fiscal year 1929, $8,300; amounting in all to $422,621.53, together with drafts of approved legislation affecting existing appropriations (H. Doc. No. 272); to the Committee on Appropriations and ordered to be printed.

496. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Treasury Department for the fiscal year 1929, $1,500 (H. Doc. No. 273); to the Committee on Appropriations and ordered to be printed.

497. A communication from the President of the United States, transmitting estimate of appropriation for the Post Office Department for the fiscal year 1925, $657.83 (H. Doc. No. 274); to the Committee on Appropriations and ordered to be printed.

498. A communication from the President of the United States, transmitting supplemental estimate of appropriation amounting to $35,000 for the Department of Agriculture for the fiscal year 1928, to remain available to June 30, 1929 (H. Doc. No. 275); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEHLBACH: Committee on the Civil Service. S. 1727. An act to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended; with amendment (Rept. No. 1580). Referred to the Committee of the Whole House on the state of the Union.

Mr. McFADDEN: Committee on Banking and Currency. S. 1989. An act to amend the third paragraph of section 13 of the Federal reserve act; with amendment (Rept. No. 1581). Referred to the House Calendar.

Mr. FURLOW: Committee on Military Affairs. H. R. 7939. A bill to authorize settlement of damages to persons and property by Army aircraft; without amendment (Rept. No. 1582). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 11071. A bill providing for the purchase of 1,124 acres of land, more or less, in the vicinity of Camp Bullis, Tex., and authorizing an appropriation therefor; with amendment (Rept. 1583). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 12106. A bill to create a national military park at Cowpens battle ground; with amendment (Rept. No. 1584). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on Irrigation and Reclamation. H. R. 11471. A bill extending the time of construction payments on the Rio Grande Federal irrigation project, New Mexico-Texas; with amendment (Rept. No. 1589). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FURLOW: Committee on Military Affairs. H. R. 10093. A bill for the relief of Ferdinand Young, alias James Williams; with amendment (Rept. No. 1585). Referred to the Committee of the Whole House.

Mr. HOWARD of Oklahoma: Committee on Indian Affairs. H. R. 12604. A bill authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to one of the attorneys for the Creek Nation, and for other purposes; with amendment (Rept. No. 1586). Referred to the Committee of the Whole House.

Mr. CARTWRIGHT: Committee on Indian Affairs. H. J. Res. 260. A joint resolution for the relief of Eloise Childers, Creek Indian, minor, roll No. 354; with amendment (Rept. No. 1587). Referred to the Committee of the Whole House.

Mr. WELCH of California: Committee on Pensions. H. R. 13302. A bill granting a pension to the survivors of the Jeanette relief expedition; with amendment (Rept. No. 1588). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ELLIOTT: A bill (H. R. 13665) to provide a building for the Supreme Court of the United States; to the Committee on Public Buildings and Grounds.

By Mr. MORIN: A bill (H. R. 13666) to amend section 14 of the national defense act; to the Committee on Military Affairs.

By Mr. PEAVEY: A bill (H. R. 13667) providing for pensions for Indians in old age; to the Committee on Indian Affairs.

By Mr. HAWLEY: A bill (H. R. 13668) authorizing the adjustment of the boundaries of the Siuslaw National Forest in the State of Oregon, and for other purposes; to the Committee on the Public Lands.

By Mr. MORROW: A bill (H. R. 13669) to amend the tariff act of 1922 in order to provide for a tariff on hides of cattle; to the Committee on Ways and Means.

By Mr. LEHLBACH: Resolution (H. Res. 190) providing for the consideration of S. 1727, an act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, approved July 3, 1926; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GILBERT: A bill (H. R. 13670) granting a pension to Violet Ann Williams; to the Committee on Invalid Pensions.

By Mr. HALL of North Dakota: A bill (H. R. 13671) granting a pension to George Benjamin Corbin; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 13672) granting a pension to Caroline Ryder; to the Committee on Pensions.

By Mr. KURTZ: A bill (H. R. 13673) for the relief of John Burket; to the Committee on Military Affairs.

By Mr. LONGWORTH: A bill (H. R. 13674) granting an increase of pension to Lenora C. Yoast; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13675) granting an increase of pension to Mary L. Emrie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13676) granting an increase of pension to Martha M. Turner; to the Committee on Invalid Pensions.

By Mr. McLEOD: A bill (H. R. 13677) for the relief of Charles C. Kellogg; to the Committee on Claims.

By Mr. McSWAIN: A bill (H. R. 13678) for the relief of Mrs. William G. Sirrine; to the Committee on Claims.

By Mr. RUBEY: A bill (H. R. 13679) granting an increase of pension to Mary A. McMican; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 13680) granting an increase of pension to Eliza Goodell; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 13681) granting a pension to Mary Peterson; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7543. Petition of New York City Federation of Women's Clubs, urging more adequate enforcement of the prohibition law; to the Committee on the Judiciary.

7544. By Mr. BECK of Pennsylvania: Petition of Philadelphia (Pa.) Board of Trade, opposing House bill 7759, entitled "A bill to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes"; to the Committee on the Judiciary.

7545. By Mr. BOYLAN: Brief submitted on behalf of the American Medical Association against the proposed increase in the tax imposed on physicians under the Harrison narcotic act, as amended; to the Committee on Ways and Means.

7546. Also, resolution adopted at meeting of the executive committee of the New York State Bar Association, opposing Senate bill 3151; to the Committee on the Judiciary.

7547. By Mr. CRAIL: Petition of post-office employees at San Pedro, Calif., favoring passage of Senate bill 1727; to the Committee on the Civil Service.

7548. By Mr. CULLEN: Resolution of New York Bar Association, in re Senate bill 3151; to the Committee on the Judiciary.

7549. By Mr. DOYLE: Memorial of the city council of Chicago, Ill., to amend subdivision (d) of section 116 of the proposed revenue bill, now pending; to the Committee on Ways and Means.

7550. By Mr. HILL of Washington: Petition of A. M. Birchell, of Spokane, Wash., and 630 others, protesting against House bill 78 and all other proposed compulsory Sunday-observance legislation; to the Committee on the District of Columbia.

7551. By Mr. HUDSON: Petition of citizens of Oxford, Mich., urging the enactment of legislation for the benefit of the veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7552. By Mr. JOHNSON of Texas: Petition of N. B. Allen, of Bryan, Tex., opposing House bill 13246, affecting Army promotions; to the Committee on Rules.

7553. Also, petition of Tom S. Henderson, jr.; J. K. Freeman; Giles L. Avriett; W. G. Gillis; Frank S. Lesovsky; Judge Jeff T. Kemp, county judge; W. M. Cobb, editor of Cameron Enterprise; Mrs. W. T. Hefley, postmaster; and Judge John Watson, district judge, expressing opposition to the McSwain amendment to the Wainwright bill affecting Army promotions; to the Committee on Rules.

7554. By Mr. KOPP: Petition of Sara J. Schofield and 30 other residents of Morning Sun, Iowa, and vicinity, favoring increased pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7555. By Mr. LINDSAY: Petition of the American Legion, Washington, D. C., desiring that the Tyson-Fitzgerald bill be passed, without amendment; to the Committee on World War Veterans' Legislation.

7556. Also, petition of Lieut. A. Nemser, New York City, urging passage of the Tyson-Fitzgerald bill without amendment; to the Committee on World War Veterans' Legislation.

7557. Also, petition of New York Cotton Exchange, urging suspension of vote on Vinson bill (H. R. 11017) entitled "Cotton futures trading act," until an opportunity has been given by this concern to submit additional facts; to the Committee on Agriculture.

7558. By Mr. MEAD: Petition of executive committee of the New York State Bar Association, in opposition to Senate bill 3151; to the Committee on the Judiciary.

7559. By Mr. O'CONNELL: Petition of the New York State Bar Association, opposing the passage of Senate bill 3151 amending

section 24 of the Judicial Code of the United States with respect to the jurisdiction of the United States courts; to the Committee on the Judiciary.

7560. Also, petition of the American Legion, national legislative committee, favoring the passage of the Tyson-Fitzgerald bill (S. 777), without amendment; to the Committee on World War Veterans' Legislation.

7561. Also, petition of Gardiner H. Miller, vice president New York Cotton Exchange, opposing the passage of the Vinson bill (H. R. 11017), entitled "Cotton futures trading act," with amendments; to the Committee on Agriculture.

7562. Also, petition of Lieut. A. Nemser, Brooklyn, N. Y., favoring the passage of the Tyson-Fitzgerald bill (S. 777) without amendment; to the Committee on World War Veterans' Legislation.

7563. Also, petition of the American Medical Association, opposing the proposed increase in the tax imposed on physicians under the Harrison narcotic act; to the Committee on Ways and Means.

7564. By Mr. O'CONNOR of New York: Resolution adopted by the executive committee of the New York State Bar Association, opposing the enactment of Senate bill 3151; to the Committee on the Judiciary.

7565. By Mr. SEGER: Petitions of the Passaic (N. J.) Board of Commissioners and the Passaic Industrial Relations Committee, calling attention to conditions in the hand machine embroidery industry in New Jersey and urging the United States Tariff Commission to expedite the investigation now under way; to the Committee on Ways and Means.

7566. By Mr. WASON: Petition of J. W. Peirce and 130 other residents of Claremont, N. H., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

SENATE

FRIDAY, *May 11, 1928*

(Legislative day of Thursday, May 3, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes; that the House had receded from its disagreement to the amendment of the Senate No. 98 to the said bill and concurred therein; that the House had receded from its disagreement to the amendments of the Senate Nos. 56, 59, 80, 84, 85, 86, 99, and 102, and agreed thereto severally with an amendment, in which it requested the concurrence of the Senate; and that the House further insisted on its disagreement to the amendment of the Senate No. 100.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes; that the House had receded from its disagreement to the amendment of the Senate No. 46 to the said bill and concurred therein; and that the House had receded from its disagreement to the amendments of the Senate Nos. 42 and 43, and agreed thereto each with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4664) for the relief of Capt. George R. Armstrong, United States Army, retired.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3598. An act authorizing Dupo Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a combined highway and railroad bridge across the Mississippi River at or near Carondelet, Mo.; and

H. R. 11026. An act to provide for the coordination of the public-health activities of the Government, and for other purposes.

COTTON-PRICE PREDICTIONS

The VICE PRESIDENT. Under the unanimous-consent agreement entered into last evening the Chair lays before the Senate Calendar No. 866, the bill (S. 3845) to prohibit predictions with respect to cotton prices in any report, bulletin, or other publication issued by any department or other establishment in the executive branch of the Government.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 1, line 8, after the word "cotton," to strike out the words "corn (maize), wheat, rye, oats, barley, flaxseed, or other grain, or" and to insert the word "or," so as to make the bill read:

Be it enacted, etc., That it shall be unlawful for any officer or employee of any department or other establishment in the executive branch of the Government to include, or cause to be included, in any report, bulletin, or other publication issued by such department or establishment any prediction with respect to prices of cotton, or to cause to be published any such report, bulletin, or other publication containing any such prediction, or to authorize the publication of any statement or interview containing any such prediction which is based upon information received from official sources. Any such officer or employee who violates the provisions of this act shall, upon conviction thereof, be fined not less than $10,000 or imprisoned for not more than five years, or both.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. HEFLIN. Mr. President, I have just been reminded that at 3 o'clock this afternoon the Senate will engage in memorial services for the late Senator Willis, of Ohio. I do not desire to make a speech, therefore, at this time. I am willing to have a vote on the bill.

Mr. SHORTRIDGE. Mr. President, I promise the Senate I shall detain it but a few moments to make a brief statement in regard to the bill now pending.

First, I wish to invite attention to the fact that on March 29 last the chairman of the Committee on Agriculture and Forestry, the very able and broad-minded Senator from Oregon [Mr. McNARY], called up for further consideration House bill 11577, the Agricultural Department appropriation bill. After full consideration of that important appropriation bill the committee, through its chairman, had reported it, with certain amendments.

The first amendment proposed by the Committee on Appropriations was, under the heading "Office of Secretary, salaries," on page 3, line 14, before the word "cotton," to insert "wheat and," so as to "make the further proviso read."

The proviso as amended by including "wheat," which many deemed wise, took on this form and passed the Senate in this form, namely:

Provided further, That no part of the funds appropriated by this act shall be used for the payment of any officer or employee of the Department of Agriculture who, as such officer or employee, or on behalf of the department or any division, commission, or bureau thereof, issues or causes to be issued, any prediction, oral or written, or forecast with respect to future prices of wheat and cotton or the trend of same.

The Senate, presumably made up of thoughtful men who think of more things than one, deemed it wise to add to the House bill the words "wheat and," so that those predictions in respect of prices, considered harmful, should not be made in respect of either of those two great agricultural products—wheat and cotton. In that form the bill passed the Senate and went into conference, and not until this morning have we received the report of our committee on conference. I was advised but a moment ago that for reasons which I do not now understand the conference committee has eliminated the words "wheat and," so that the Agricultural Department appropriation bill, in so far as the proviso which we have under consideration is concerned, remains as it came to us from the House and applies only to the prediction of prices in respect of cotton. I am not quarreling and I never have quarreled over this proposition, but in order that the RECORD may stand for anyone who hereafter may be interested in looking it over, I have sought an opportunity to state what I have said and now proceed to say.

The appropriation bill passed the House about March 3. Coming to the Senate it passed the Senate, as I have stated, on March 29, containing the proviso as an amendment by this body. The Senator from Alabama, feeling—I must assume and I do assume—that he was rendering a public service, a few days

later, on March 30, introduced the bill which is immediately before us, Senate bill 3845—I have been told, and the Senator has so stated, and if he had not so stated I might have logically inferred—that he introduced this bill in order further to safeguard and prevent the doing of that which the proviso said might not be done. The proviso was to the effect that no money appropriated by the bill should be devoted to the payment of the salary of anyone who should do this inhibited thing. That may not have been a sufficient safeguard against a violation of the law, though I take pride in saying that I am not one who assumes that men violate the law or that sworn officers will trample upon the law when it is plainly written in the statute.

However, I do not complain of further safeguarding where it is deemed wise to prevent the doing of a given inhibited act. So the Senator from Alabama introduced Senate bill 3845, which provides:

That it shall be unlawful for any officer or employee of any department or other establishment in the executive branch of the Government to include, or cause to be included, in any report, bulletin, or other publication issued by such department or establishment any prediction with respect to prices of cotton, corn (maize), wheat, rye, oats, barley, flaxseed, or other grain, or to cause to be published any such report, bulletin—

And so forth. Then it provides a penalty for the violation of this contemplated statute.

When this matter was brought up a few days ago, I was curious to know why, if it be wise economically to prohibit by penal statute the putting forth of predictions as to future prices of cotton, it was not equally economically wise to prohibit by penal statute the putting forth of like predictions in respect of future prices of wheat or other agricultural products mentioned in the Senator's bill as by him introduced. I was made curious because the Senate had three days before amended the House appropriation bill, upon the theory, I must assume, that the Senate thought it equally harmful and economically unwise to make predictions in respect to wheat as in the case of cotton.

Mr. HEFLIN. Mr. President, will the Senator from California yield to me?

Mr. SHORTRIDGE. When the bill came before us——

Mr. HEFLIN. I want to remind the Senator that there are only a few more minutes left, and I should like to have one of those.

Mr. SHORTRIDGE. I understood the Senator to say that he did not desire to make any remarks, but I imagine that a few more minutes will be allowed us to consider and dispose of this matter. I have taken very little time on this or any other matter and I am about through.

Mr. FESS. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. I yield.

Mr. FESS. I wish to ask the Senator a question, in view of the fact that I have not gone into this question very fully. I am in doubt as to why there should not be an absolute prohibition as to the prediction of prices. I think we ought to have all the facts connected with production, but I do not see why there should be any prediction of prices in any case. I am in doubt about it myself.

Mr. SHORTRIDGE. Mr. President, the appropriation bill which is now awaiting the signature of the President inhibits price predictions only as to cotton, for I observe by the conference report that the provision as to wheat has been stricken out.

Mr. HEFLIN. I can tell the Senator the reason why that was done. The Senators from the grain-growing States preferred not to go into this question at this time. They wanted an opportunity to look into it and draw a bill to suit the situation as to grain. I will join with them and vote for such a bill at any time they may bring it before us.

Mr. SHORTRIDGE. To make an end and not to violate or to ask to have a violation of the consent agreement, for reasons which the Senator has not been given an opportunity to state he eliminated from his bill all farm products except cotton; and I say to him now that my purpose the other day in objecting "for the moment," as the RECORD shows I said, was that we might develop this question to ascertain why the Senator apparently had consented to eliminate from his bill all farm products except cotton.

Mr. EDGE. Mr. President, will the Senator permit one short question?

Mr. SHORTRIDGE. Yes; certainly.

Mr. EDGE. I understand the Senator to take the position that the provision in the bill under consideration is already contained in the appropriation bill now awaiting the President's signature?

Mr. SHORTRIDGE. In the agricultural appropriation bill as it passed the Senate the provision was that no part of the moneys appropriated should be paid to anyone who issued or caused to be issued such predictions as to wheat or cotton. The bill introduced by the Senator from Alabama goes further and imposes a penalty, a money fine and a prison sentence, for a violation of the statute.

Mr. EDGE. Then the difference is simply as to the penalty; is that it?

Mr. SHORTRIDGE. Yes; the appropriation bill withholds the salary, and the bill under consideration punishes by fine or imprisonment, or both, of anyone making prediction as to cotton prices. But what I have desired to make clear is that the appropriation bill as it passed the Senate prohibited prediction of prices of wheat or cotton, and that Senate bill 3845 as introduced prohibited like predictions as to "cotton, corn (maize), wheat, rye, oats, barley, flaxseed, or other grain." The conference report just now read strikes out the words "wheat and," and Senate bill 3845 has been amended in the manner I have stated, so that both bills prohibit and make unlawful preductions as to prices of cotton.

Mr. NORRIS. Mr. President, I think the Senator, on reflection, will have to correct his answer to the Senator from New Jersey. The provision contained in the appropriation bill is purely a limitation and applies only to the fiscal year for which the appropriation is made, while the bill of the Senator from Alabama becomes permanent law.

Mr. BORAH. Mr. President, I should like to ask what is the penalty provided for in the pending bill?

Mr. HEFLIN. In my bill the penalty is a $10,000 fine and five years' imprisonment, either or both.

Mr. BORAH. I am informed that the bill provides a penalty of not less than a fine of $10,000, in addition to imprisonment. Is that the case?

Mr. JOHNSON. That is the language of the bill.

Mr. HEFLIN. Personally, I should favor a fine of $100,000, because the cotton price prediction they made last year in the Agricultural Department cost the cotton producers between $250,000,000 and $400,000,000. If a Government official shall be permitted to make price predictions as to grain or cotton and can be considered as having that authority, he could make $25,000,000 a year by selling out. I can not escape the conviction that the prediction last September was brought about by corrupt influences. It looks bad. My bill contains a provision which will prevent the repetition of that crime. The penalty for such a crime should be severe.

Mr. BORAH. I think the penalty provided for the Senator's bill is a little drastic; that is all. I am inclined to view the principle for which he is contending favorably, but I should hesitate to vote for a fine of "not less than" $10,000.

Mr. HEFLIN. The bill provides as a penalty a fine of not less than $10,000 or imprisonment for not more than five years or both. I hope that Senators will not object to that. This is a very important matter so far as the cotton producers are concerned.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. NORRIS. If the bill provides a penalty of not less than $10,000 the court might assess a penalty of $100,000, might it not?

Mr. HEFLIN. Well, what we want to do is to make it absolutely impossible for such a thing ever to happen again.

Mr. NORRIS. I realize that, but it does seem to me that the penalty provided in the bill ought to be a little more definite.

Mr. HEFLIN. Here is the point, if the Senator will permit me: The bill is designed to prevent outside interests approaching any Government official or employee and undertaking to get him to do this wicked thing as was done in a somewhat similar matter in the case of Hyde and Holmes, employees of the Agricultural Department in 1904, they were paid $40,000 for their crime. One of them fled the country and is now in Europe. If we make the penalty severe a man will hesitate before he will go into this sort of corrupt deal, particularly if he knows that he is liable to be fined not less than $10,000 and imprisoned for five years. Under those circumstances he will not betray the great producing classes in this country engaged in the cotton business. I want the penalty severe. I do not think we ought to make it easy or in any way shield those who would do such a corrupt and criminal thing. I think we ought to punish them to the limit; that is the way I feel about it. That price prediction in September, 1927, was an awful blow to the cotton growers of the South and also to the merchants and bankers, and there ought to be something done to stop this thing immediately.

Mr. SHORTRIDGE. Mr. President——

Mr. HEFLIN. I yield to the Senator from California.

Mr. SHORTRIDGE. I wish to propound a question. If the Senator desires now to answer, well and good; if not, he may answer later. I was curious to know, if it is wise and right to prevent by a penal statute these predictions in respect of cotton, why the Senator does not stand firm for the bill as introduced and presented as to other agricultural products?

Mr. HEFLIN. I am in favor of that. I put them in; but when the grain growers wanted a chance to investigate the matter regarding grain and to prepare a separate bill for grain and other western products themselves I agreed to it and struck out that provision at their request. Very frequently the Senators from the cotton-growing South vote with the Senators from the grain-growing West on measures that affect the grain grower, and they usually vote with us on questions affecting cotton, and so forth. I struck it out at their suggestion, and I am ready for a vote.

Mr. BRUCE. Mr. President, if the Senator will allow me, I should like to offer an amendment to the bill.

The VICE PRESIDENT. The committee amendment is in order first. The question is on agreeing to the committee amendment on page 1, line 8.

Mr. NORRIS. Let it be stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 8, the committee proposes to strike out "corn (maize), wheat, rye, oats, barley, flaxseed, or other grain, or" and to insert "or," so that, if amended, it will read:

> Any prediction with respect to prices of cotton or to cause to be published any such report—

And so forth.

The amendment was agreed to.

The VICE PRESIDENT. The amendment offered by the Senator from Maryland will be stated.

The CHIEF CLERK. The Senator from Maryland proposes, on page 2, line 6, to strike out "$10,000" and insert in lieu thereof "$2,500"; and in the same line to strike out "five years" and insert "two years."

Mr. NORRIS. That will not make any difference. If it is "not less than $2,500," why could it not still be a million dollars?

Mr. BRUCE. I simply propose to change the figure "$10,000" to "$2,500" and the word "five" in connection with the number of years to "two"; that is all.

Mr. NORRIS. Yes; but the language is "not less than $2,500." It seems to me we ought to have a maximum limit. I do not know what it ought to be; but we ought to fix it, anyway.

Mr. BRUCE. Yes; that is true. I thank the Senator for calling my attention to that. I did not observe it. I move, then, to substitute the words "not more than" for "not less than" in each place in connection with the years and in connection with the amount of pecuniary penalty.

Mr. HEFLIN. Mr. President, I hope the amendment will be rejected. If we are going to pass a bill here to protect and encourage this sort of conduct in the Government service, very well; but the idea of not wanting to impose a penalty of $10,000 on a Government employee whose strange and reprehensible conduct has cost the cotton producers $400,000,000 on one crop and which has caused them physical discomfort, financial embarrassment, and many of them the loss of their homes and farms is something I can not understand. Every witness before the Agricultural Committee except the Government employees has sworn that this cotton-price prediction broke the price of cotton and caused this loss. I am willing to submit the matter for a vote.

The VICE PRESIDENT. The hour of 12.30 o'clock p. m. having arrived, the question is on the amendment of the Senator from Maryland, which will be stated.

The CHIEF CLERK. On page 2, line 5, it is proposed to strike out "less" and insert "more"; on line 6 to strike out "$10,000" and insert "$2,500"; and, on the same line, to strike out "five" and insert "two," so that if amended it will read:

> Any such officer or employee who violates the provisions of this act shall upon conviction thereof be fined not more than $2,500 or imprisoned for not more than two years, or both.

Mr. HEFLIN. Mr. President, I offer an amendment in the form of a substitute for the amendment of the Senator from Maryland providing that the fine shall be not more than $15,000, and the imprisonment not more than five years.

The VICE PRESIDENT. The question is on the substitute amendment offered by the Senator from Alabama. [Putting the question.] The Chair is in doubt.

Mr. SMOOT. I call for a division.

On a division, Mr. HEFLIN's substitute amendment was agreed to.

Mr. TYDINGS. Mr. President, do I understand that the amendment just adopted makes the penalty not less than $15,000?

Mr. HEFLIN. No; not more.

Mr. TYDINGS. Not more than $15,000 and not more than five years' imprisonment? Then I suppose, under that, a man could be fined $1,000 and given six months' imprisonment?

Mr. HEFLIN. It could be done by the court but I do not think it would be.

The VICE PRESIDENT. The question is not debatable.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. REED of Pennsylvania and Mr. HEFLIN called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a general pair with the Senator from Arkansas [Mr. ROBINSON]. In his absence, and not knowing how he would vote, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. FESS (when his name was called). I have a pair with the senior Senator from Tennessee [Mr. MCKELLAR]. Not knowing how he would vote on this measure, I shall have to withhold my vote. If at liberty to vote, I should vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. CURTIS. I transfer my pair with the Senator from Arkansas [Mr. ROBINSON] to the Senator from Colorado [Mr. PHIPPS] and will vote. I vote "yea."

Mr. COPELAND. I have a pair on this matter with the Senator from Rhode Island [Mr. METCALF]. Not knowing how he would vote, I withhold my vote.

Mr. BRUCE (after having voted in the negative). I desire to change my vote from "nay" to "yea." I have favored this bill from the beginning. I simply thought the penalty was too high. I tried to reduce it and failed.

Mr. ASHURST. The junior Senator from Arizona [Mr. HAYDEN] is unavoidably detained on an important matter. If he were present, he would vote "yea."

Mr. BRATTON. I have a pair with the junior Senator from Indiana [Mr. ROBINSON]. I transfer that pair to the senior Senator from Missouri [Mr. REED] and will vote. I vote "yea."

Mr. WALSH of Montana. I rise to announce that the Senator from Arkansas [Mr. ROBINSON] is necessarily and unavoidably absent. If present, he would vote "yea."

Mr. JONES. I desire to announce that the Senator from Delaware [Mr. DU PONT] has a general pair with the Senator from Florida [Mr. TRAMMELL].

The result was announced—yeas 65, nays 9, as follows:

YEAS—65

Ashurst	Fletcher	King	Shipstead
Barkley	Frazier	La Follette	Shortridge
Bayard	George	Locher	Simmons
Black	Gerry	McMaster	Smoot
Blaine	Glass	McNary	Steck
Blease	Goff	Mayfield	Thomas
Borah	Gould	Neely	Tydings
Bratton	Hale	Norris	Tyson
Brookhart	Harris	Nye	Vandenberg
Broussard	Harrison	Oddie	Wagner
Bruce	Hawes	Overman	Walsh, Mass.
Capper	Heflin	Pine	Walsh, Mont.
Caraway	Howell	Pittman	Warren
Couzens	Johson	Ransdell	Wheeler
Curtis	Jones	Sackett	
Cutting	Kendrick	Schall	
Dill	Keyes	Sheppard	

NAYS—9

Bingham	Gillett	Moses	Stelwer
Dale	Greene	Reed, Pa.	Waterman
Edwards			

NOT VOTING—20

Copeland	Gooding	Norbeck	Smith
Deneen	Hayden	Phipps	Stephens
du Pont	McKellar	Reed, Mo.	Swanson
Edge	McLean	Robinson, Ark.	Trammell
Fess	Metcalf	Robinson, Ind.	Watson

So the bill was passed.

The title was amended so as to read: "A bill to prohibit predictions with respect to cotton prices in any report, bulletin,

or other publication issued by any department or other establishment in the executive branch of the Government."

LEGISLATIVE ESTABLISHMENT APPROPRIATIONS

Mr. WARREN. I ask that the Chair lay before the Senate the action of the House of Representatives on certain amendments of the Senate to the legislative appropriation bill.

The VICE PRESIDENT laid before the Senate the action of the House, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
May 10, 1928.

Resolved, That the House recede from its disagreement to the amendment of the Senate No. 46 to the bill (H. R. 12875) entitled "An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes," and concur therein.

That the House recede from its disagreement to the amendment of the Senate No. 42, and agree to the same with an amendment as follows:

After the word "Rules," on page 25, line 9, insert the following: "without compliance with sections 3709 and 3744 of the Revised Statutes of the United States: *Provided*, That the Architect of the Capitol is authorized, within the appropriation herein made, to enter into such contracts in the market, to make such expenditures (including expenditures for furniture, material, supplies, equipment, accessories, advertising, travel, and subsistence), and to employ such professional and other assistants without regard to the provisions of section 35 of the public buildings omnibus act, approved June 25, 1910, as amended, as may be approved by such committee."

That the House recede from its disagreement to the amendment of the Senate No. 43, and agree to the same with an amendment as follows:

In lieu of the language as proposed by the Senate insert the following: "without compliance with sections 3709 and 3744 of the Revised Statutes of the United States."

Mr. DILL. Mr. President, what is this new power which is given the Architect of the Capitol?

Mr. WARREN. It is the perfection of an amendment that was adopted in the last hours of the consideration of the bill, to expend $500,000 in remodeling the Senate Chamber. On the floor, under unanimous consent, another amendment was added. Upon the matter going to the House, they felt that it was imperfect. They have perfected it, and we propose to concur in their action.

Mr. DILL. It does not change the effect of the amendment?

Mr. WARREN. It makes it better; that is all.

I move that the Senate concur in the amendments of the House to the amendments of the Senate Nos. 42 and 43.

The motion was agreed to.

PROPAGANDA IN FAVOR OF PUBLIC UTILITIES

Mr. WALSH of Montana. Mr. President, I have on more than one occasion had incorporated in the RECORD summaries of testimony given before the Federal Trade Commission of the investigation now being conducted by it under a resolution of the Senate concerning public utilities. I invited special attention to the fact that books, pamphlets, and other literature, prepared by paid agents of the utilities companies, had been introduced in the schools for the purpose of poisoning the minds of our youth.

I have learned that considerable indignation has been aroused over these revelations in the State of Connecticut, so much so that a pamphlet referred to as a "public-utility catechism" has been banned from the schools of a number of cities of Connecticut and particularly from the Bridgeport schools. The Bridgeport Times-Star of Monday, May 7, 1928, had a ringing editorial upon this menace, which I ask may be read from the desk.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read the editorial, as follows:

[From the Bridgeport Times-Star, Monday, May 7, 1928]

NEVER TOO LATE TO MEND

The teaching body of Bridgeport must be practically of one mind concerning the action of their superintendent, Carrol R. Reed, in banning the Willard public-utility catechism from the curriculum of our public schools. The time-honored phrase, so universally quoted throughout American life, that "eternal vigilance is the price of liberty" never more truly applies than in such instances as these.

Our school officials should set themselves against such traps, because the woods are full of wily, cunning schemers, who are well paid by private plutocratic agencies, to play up their particular brand of propaganda.

Our children are entitled to know the facts of life and the lessons which may fairly be drawn therefrom. It is not fair to fill them with half truths or permit the teaching to them of deductions drawn by those who have special interests to serve. There ought to be no chicanery practiced in this department of life. Our prospering and dividend-enriching public utilities, most of which, by the way, enjoy a monopoly of their service in their own field, do not need to resort to such practices. They are entitled to have their view of what they conceive to be the evils of municipal or public ownership of utilities publicly paraded, but they err if they assume they are entitled to an exclusive hearing. The opponents of their views have an equal right to be heard. Our public schools are not intended to be used as a feeding ground for such exploitation. These are problems for the more adult. Hitherto they have been fought out in legislative halls or in the forum of the press and in public addresses.

Wealth, power, and privilege organized are forces in American life which can not be denied. But none of these nor all combined are now or ever will be powerful enough to destroy the fundamental principle underlying free and popular education.

Know the truth that the truth may make you free, stands to-day as it has since the inception of our Republic. We submit that teaching such as it was sought to convey in these partisanly prepared pamphlets is against the ethics of this cherished principle.

In banning this propaganda from our schools Superintendent Reed will be upheld by all fair-minded people. It is to his credit that when apprised of what was going on here, he acted with firmness and promptness.

Mr. WALSH of Montana. I offer for the RECORD, without reading, another editorial from the same paper.

The VICE PRESIDENT. Without objection, the editorial will be printed in the RECORD.

The editorial is as follows:

[From the Bridgeport Times-Star, Thursday, May 3, 1928]

EDUCATING THE PUBLIC

Clarence G. Willard, of New Haven, contributed some illuminating information to the Federal Trade Commission before which body he was called on Wednesday to tell of his activities as a publicity agent for various public utilities of Connecticut. Mr. Willard is the author of the Connecticut Public Utility Catechism, which, he said, is in use in some 70 high schools of the State.

Such public utility corporations as the New Haven road, the telephone company, the Connecticut Co., and the Connecticut Light & Power Co. furnish most of the financial sustenance for the employment of Mr. Willard, who is the secretary of the Connecticut committee on public utilities.

Connecticut newspapers, according to Mr. Willard, have used his "boiler plate" and clip-sheet stuff without disclosing its source.

These oracles of public opinion will find it a bit awkward to give three cheers for the sentiment expressed by Mr. Willard in a letter which he wrote to a fellow public utility press agent in a larger field. This letter was identified by Mr. Willard as one he wrote. In it he said:

"Connecticut has a good public opinion of utilities and is not bothered by public or political opposition on the whole.

"We can show exceptional newspaper cooperation and exceptional high-school cooperation, and in taking good care of both of these matters we apparently are more than satisfying our company membership."

We hasten to congratulate Mr. Willard upon his success as an evangelizer.

We do not know whether the success he has achieved in soft-pedaling opposition to the priceless charter privileges which this State has conferred, without remuneration, to numerous groups abiding without its confines is due to the efficacy of his school catechism or to his boiler plate and clip sheet.

Either one of these two fountains of embellished intelligence is in line for congratulations. Which shall it be? Perhaps the boiler-plate and clip-sheet users may inform us.

Mr. WALSH of Montana. More recent testimony discloses that similar literature has been introduced into the schools of Ohio, Georgia, and Florida. An article in the Washington Herald of May 10, by Mr. Clapp, tells about the revelations concerning the introduction of this matter into the schools of Ohio. I offer that for the RECORD, without reading, and I do so particularly because it discloses that a book, gotten out by the paid agents of the utilities company, has been circulated under the pretended authority of the Smithsonian Institution.

Mr. NORRIS. Mr. President, the Senator refers to Mr. Wyer?

Mr. WALSH of Montana. Yes.

Mr. NORRIS. I am going to offer, later in the day, a letter from Mr. Wyer.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

EVIDENCE GIVEN OF PROPAGANDA PUT OUT UNDER FEDERAL FRANK—PAMPHLET ATTACKING CANADIAN PLANT SHOWN ISSUED AS A SMITHSONIAN PUBLICATION—$3,000 PAID TO DOCTOR WYER—190,000 TEXTBOOKS ATTACKING PUBLIC OWNESHIP ISSUED TO PUBLIC SCHOOLS IN STATE

By Edwin J. Clapp

Ohio Day was celebrated yesterday at the big fair being held in the hearing room of the Federal Trade Commission investigating the operations of the organized power interests in getting control of schools, press, and legislature.

The Ohio gang disclosed themselves as being fully as capable as their brothers in Pennsylvania and Connecticut, who testified last week.

SMITHSONIAN USED

The central figure in to-day's testimony was Dr. Samuel S. Wyer, who in 1924 "agreed to accept" from the National Electric Light Association $3,000 and expenses for writing a pamphlet attacking Government ownership in general and the Ontario hydroelectric power commission in particular. Wyer succeeded in getting the pamphlet put out as a publication of the Smithsonian Institution, to the great subsequent embarrassment of that institution.

Publicity Director George F. Oxley, of the National Electric Light Association, testified he had no doubt Wyer received the money as agreed. Managing Director Aylesworth, of the National Electric Light Association in 1925, stoutly denied his association had paid a cent for writing the pamphlet. It was hastily put out in January, 1925, and sent through the country under Government frank, just at the time the Muscle Shoals bill was up for vote.

RESENTED BY CANADA

An international incident was made of the matter when Sir Adam Beck, head of the public-owned Ontario hydroelectric bitterly attacked Wyer's statements and arraigned the Smithsonian for sponsoring an allegedly mendacious attack upon the chief public enterprise of a friendly nation.

Wyer was disclosed yesterday as the paid author of the latest anti-Boulder Dam pamphlet, which he was hired to write by the Ohio State Chamber of Commerce, this organization for some reason interesting itself in broadcasting the pamphlet throughout the country. The official anti-Boulder Dam publication of the power lobby, the joint committee of National Utility Associations, was produced by Dr. Frank Bohn, formerly coauthor of communistic literature with William D. ("Big Bill") Haywood. Bohn got $800 for his effort. Wyer's pay from the Ohio State chamber was not disclosed.

WYER ASSAILED BY LEWIS

It was learned in Washington yesterday that in January of this year John L. Lewis, president of the United Mine Workers of America, denounced Wyer for a pamphlet he wrote for the coal operators. The Ohio State Chamber of Commerce, which has been the center of anti-Boulder Dam agitation and resolutions in State chambers throughout the country, yesterday had in the commission's record a recommendation of its public utilities committee, dated March 29, 1928, against the Colorado River project. It was revealed that this approved the Wyer pamphlet in the face of protests from Commissioner of Reclamation Elwood Mead; Charles L. Childers, general counsel for the Imperial Irrigation District of California; and T. A. Panter, Los Angeles electric engineer.

The committee attacked Secretary Work's recommendation that the dam be built with the following passage in its resolution:

"Here is another Federal bureau eagerly grasping for power and jealously defending one of its projects. It is another example of the tendency toward consolidation of power in the Federal Government."

An elaborate organization of women's committees and women speakers was disclosed when the commission admitted into the record the minutes of a meeting of the women's committee, public relations national section, National Electric Light Association, at the Edgewater Beach Hotel, Chicago, August 22–23, 1927.

PROPAGANDA OUTLINED

Quotations follow:

"Study of private and political ownership of industry will be the important topic of this year's study program. A list of suitable material will be prepared and offered to the membership. The joint committee of Utility Associations is now sending its weekly bulletin to all members of the national committee.

"Training of women who have shown an aptitude for speaking in public should be continued. Addresses for schools are urged particularly. The audiences of young people represent families not always reached through women's or commercial clubs.

"Invitations to club women to attend regular women's committee meetings result in better acquaintance and frequently in opportunities to utility people to appear before clubs, etc.

"The study of the economics of utilities should be one of the important subjects in every committee meeting. Some of the material suitable for such study is Dean Heilman's lectures, which are recommended in all committee programs."

One of Dean Ralph E. Heilman's lectures, reprinted and circulated by the national women's committee, asserts that reduction of rates by a public-service commission is a confiscation of property forbidden by the United States Constitution.

Ira L. Grimshaw, assistant to the director of the power lobby in New York, yesterday testified that Ernest C. Greenwood, former member of the Board of Education in Washington, was not only paid $5,000 for writing a propaganda book, "Aladdin U. S. A.," but also received an unnamed sum for making an "editorial survey" of newspapers with respect to their views of public ownership, delivered to Greenwood's employers last July.

CHILDREN TAUGHT

Cross-questioned by Judge Robert E. Healy, commission chief counsel, F. L. Bollmeyer, director of the Ohio committee on public utility information, testified children in 650 Ohio high schools, in 300 cities and towns, are taught about power and utilities from a textbook compiled by Bollmeyer's committee, entitled "Aladdins of Industry: A textbook compiled especially for use in the schools and colleges of Ohio, comprising a survey of several major public services. Fifth edition." According to its preface, the textbook is to be used as follows:

"Compiled for use of students in English, current topics, science and social science classes, and for reference in preparing debates. It is suggested that the questions on the text at the end of each chapter be used by class leader or by the instructor in a 10-minute quiz."

"Aladdins of Industry" teaches, among other things, that the troubles of street railway companies, "experts say," have been due to the survival of the 5-cent fare through the war period. The view is set forth that the failure of companies held down to a low fare has "worked a great hardship upon all other business and upon the public."

DISTRIBUTION REVEALED

Judge Healy questioned Bollmeyer as follows:

"Q. How many of these 'Aladdins of Industry' were distributed for a period of two years?—A. I should say around 190,000.

"Q. One hundred and ninety thousand? Where were they sent?—A. To high schools and, in a few instances, to some colleges.

"Q. Will you tell us as nearly as you can how many were distributed in the high schools of Cleveland?—A. Well, I should say there have been distributed in its high schools between 10,000 and 15,000, maybe a few more.

"Q. Approximately how much did it cost to print the first edition?—A. Approximately 5 cents apiece."

Dean C. O. Ruggles, of Ohio State University School of Commerce, came into the picture again yesterday when D. L. Gaskill, secretary-treasurer of the east central division of the National Electric Light Association, testified Ruggles was part author of a questionnaire sent out to utility executives of Ohio asking for information regarding the tie-ups they were effecting with educational institutions. Typical questions were:

"Has anyone from your organization given any lectures, talks, or participated in any discussions in any college or university on subjects dealing directly or indirectly with public utilities? If so, in what institutions, approximate dates of such participation, names of participants, and subjects discussed?

SUGGESTIONS INVITED

"Can you suggest some research studies in your territory which have been completed or which might be undertaken, the results of which would probably be valuable in university teaching?

"(a) Of an engineering nature?

"(b) In the field of economics, such as taxation, valuation, and rate problems, future demand, etc.?

"(c) Public utility legislation and court decisions?"

Ruggles is now conducting a nation-wide "educational survey" for the National Electric Light Association. Light association checks put into the commission's record indicate his pay for this work is $1,250 a month and expenses.

Judge Healy expressed interest in the large amount of free publicity, in news columns and editorials, obtained through the medium of news bulletins broadcast by Bollmeyer's committee. The examination proceeded:

"Q. It is not necessary to read it into the record, but I would like to have you tell me if the statement there that 10,500 column-inches of the committee's news material has been reprinted by newspapers is correct.—A. I imagine it is.

"Q. And that more than 200 editorials based upon your material has been printed by Ohio newspapers?—A. I believe it is.

300 PAMPHLETS ISSUED

"Q. And was it true that the committee sent out 300 pamphlets and reprints in its efforts to build better public relations?—A. Yes; I imagine that is true. I imagine that covers the period of a year, although there is no date on it."

The financial responsibility of the National Electric Light Association for the Wyer Smithsonian pamphlet was fairly well established by Judge Healy, questioning the association's publicity director:

"Q. Is that the pamphlet which was printed with the Smithsonian Institution imprint on the cover?—A. There is no question. It was printed by and at the order of the Smithsonian Institution.

"Q. Now, is there any question that Mr. Wyer, while he was getting that material and writing that pamphlet, was working under this arrangement by which he was to receive $3,000 from the National Electric Light Association?—A. I don't think there was any question about it. Whether or not he received the $3,000 I can not tell you.

"Q. You have no doubt about it?—A. I have not."

The record has already disclosed the manner in which George B. Chandler, secretary of the Ohio Chamber of Commerce, set out to line up the other State chambers of commerce by circulation of the Wyer report and personal appeals. He began to work on the Connecticut State Chamber of Commerce, of which he was formerly secretary, on January 30, 1928, the same day Wyer's report was issued bearing the imprint of the Ohio chamber and entitled "A Study of the Boulder Dam Project." Chandler wrote a letter seeking to alarm the Connecticut business men by representing the Swing-Johnson Boulder Dam bill as "opening the door to a program of Government ownership." Of Wyer's report, Chandler wrote:

"We believe the inclosed folder to be sound in its engineering conclusions and accurate in its statement of facts."

As Connecticut did not act, Chandler grew impatient, and on February 13 wrote Clark Belden, executive vice president of the Connecticut chamber, according to a copy of his letter in the commission's record:

"I am sending you a Macedonian call for help. We seem to be fighting single handed against this Boulder Dam holdup. It seems to me the State of Connecticut ought to be lined up on this. Can't you get some action?"

Mr. WALSH of Montana. I now offer an article for the RECORD, being a summary of the proceedings of yesterday by Mr. Clapp that tells particularly about the introduction of this kind of matter in the schools of Georgia and Florida, accompanied with the information that the educational association responsible for this kind of effort to poison the minds of the youth, following the example that some political organizations have found advisable, burned up its records.

The VICE PRESIDENT. Without objection, the summary will be printed in the RECORD.

The summary is as follows:

SEARCHLIGHT REVEALS HOW FAVORS WERE WON IN SOUTH—GEORGIA UTILITIES PROPAGANDIST TELLS HOW HE BURNED RECORDS TO KILL TRACE OF ACTIVITIES—PROBE OF SCHOOLS BEGUN—EASTERN CITY FIRST TO CAST OUT TEXTBOOKS USED BY STUDENTS AND PREPARED BY CORPORATION

By Edwin J. Clapp

The searchlight of the Federal Trade Commission's investigation of the power lobby and the so-called Power Trust yesterday swept southward and shed its radiance over darkest Georgia and Florida, specifically, the records of the public utilities information bureau of Florida and utilities information committee of Georgia.

The hearing added another chapter to the story of the united utility interests exercising control over the press, filling the schools with their propaganda and using strong-arm methods to defeat public ownership measures in the State legislatures.

PROBE BRINGS ACTION

Meanwhile, from North, South, and West came evidence of action being taken by school authorities and citizens in response to the disclosures of the influence which the power companies have obtained over the educational institutions of the country.

A nation-wide survey to determine the extent and character of the interference with school textbooks on the part of the utility interests was instituted yesterday by J. W. Crabtree, secretary of the National Education Association, in Washington. Crabtree wrote superintendents of schools in all States and secretaries of all State educational associations, asking them to investigate and report.

The "public utilities catechism," of which over 10,000 copies were testified to be in use in Connecticut, has been barred from the schools of Bridgeport, Conn., by Superintendent of Schools Carroll R. Reed, according to information received by Federal Trade Commission officials.

THE FIRST ACTION

This is the first official action reported against textbooks prepared by the power interests and used in high schools and grade schools in Connecticut, Pennsylvania, New Jersey, Ohio, Kentucky, Washington, and other States.

A telegram has been sent to the commission by Homer T. Bone, of Tacoma, charging the Puget Sound Power & Light Co. with placing textbooks in schools in the State of Washington with the paid assistance of Josephine Corliss Preston, State superintendent of public instruction.

Bone demands that the commission summon A. W. Leonard, president, and Norwood Brockett, public relations director of the Puget Sound Power & Light Co.; Mrs. Josephine Corliss Preston and Clare Ketchum Tripp, author of the textbook.

RECORDS VANISH

Great interest was expressed by Judge Robert E. Healy, chief counsel of the commission, in the disappearance of all but the most recent record of the utility organizations in the Southeast. H. E. Simpson, of Miami, acting treasurer of the Florida public utilities information bureau, testified that he could produce no records back of October 1, 1927. He likewise testified that there are no books or papers available concerning the income or expenditures of the Southeastern division of the National Electric Light Association prior to July, 1927.

Willard Cope, of Atlanta, executive secretary of the utilities information committee of Georgia, told Judge Healy that he was unable to produce a "pen mark or record of any sort" concerning the receipts and disbursements of his office prior to January 1, 1928. Judge Healy examined him as follows:

"Q. Are you familiar with the records and books of this committee?—A. Yes; I am fairly familiar.

"Q. Have you got the books here?—A. I have the current files.

"Q. Where are your books beginning with the organization of this committee in 1921?—A. They have been destroyed.

"Q. When were they destroyed?—A. Different times. At the close of a year's business there is an annual meeting in January. There is a flock of these voucher checks that I wrap up in a package. They kick around the office for a while and eventually are thrown out.

"Q. What is the earliest record or book on finances in the possession of your bureau?—A. January 1, 1928.

"Q. That is, there is not a pen mark or record of any sort in any book or paper in your office that shows the receipts and disbursements of any money back of that time?—A. No, sir.

"Q. And your bureau spends annually, on the average, how many thousand dollars a year since you have been connected with it?—A. About $30,000 a year."

Judge Healy took in his hand the slender cash book in which are being entered the 1928 accounts. He continued the examination:

"Q. Is this like the other books that cluttered the office up so that you had to throw them out to make room?—A. Yes. That is just the kind of book.

"Q. The accumulation of vouchers, in your opinion, is what necessitates the destruction of a book of this size that I hold in my hand?—A. It is.

"Q. Did it occur to anybody in your office that it would be possible to destroy the vouchers without destroying the books?—A. No, sir.

"Q. No one thought of that?—A. No one thought of that.

"Q. These annual account books have been destroyed at the end of each year since you have been connected with the bureau?—A. Yes, sir. It may be that two or three years have accumulated at times. I destroyed some in the middle of January of this year.

"Q. How long was that after the resolution under which we are operating here was put through the Senate?—A. I have no information. It was not in any way related to that resolution."

HERBERT HOOVER

Mr. NORBECK. Mr. President, W. C. Lusk, president of the South Dakota Chamber of Commerce, who is also the publisher of the Press and Dakotan, at Yankton, S. Dak., wired Hon. S. X. Way, publisher of the Public Opinion, at Watertown, S. Dak., who is one of the delegates to the Kansas City convention, as follows:

Statements being made in New York and Washington that Hoover can not carry South Dakota against Al Smith. This paper believes State Republican, with Hoover, Lowden, Dawes, or other Republicans of equal worth as standard bearer. Please wire us your opinion fully day press rate for publication in symposium.

Mr. Way replied as follows, under same date, May 9, 1928:

There is no sentiment among our farmers for Hoover, either as Republican nominee or as candidate for President. Opinion prevails very strongly if agriculture is to gain its just demands at hands of President after having twice been granted them by Congress, traditional party allegiance must be abandoned in favor of intelligent self-interest. Republicanism in South Dakota is not so strongly intrenched it can defy this farmer view. Party's margin lacks much of its old-time size. Farmers have no confidence in Hoover's professed sympathetic leaning. They feel they know Lowden is for them. They believe they know Hoover is against them. It is unlikely Hoover could carry the State against any man regardless of party label who is believed to be willing to join Congress in passage of McNary-Haugen bill or similar legislation. Al Smith, although handicapped in many ways, has succeeded in creating belief he will not hold up farmer program. All of which indicates he would beat Hoover in this State in November.

INCOME-TAX DECISION

Mr. COUZENS. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Pontiac Daily Press of Tuesday, May 8, 1928, entitled "What of fundamental rights?"

The VICE PRESIDENT. Without objection, it is so ordered. The editorial is as follows:

WHAT OF FUNDAMENTAL RIGHTS?

Income-tax payers in the United States would need to study no other case than that involving Senator COUZENS in order to conclude that the present system is riddled with opportunities for injustice. The decision of the United States Board of Tax Appeals in the matter of the value of Ford stock brings out into the open certain facts which ought to result in substantial changes in the law.

When Senator COUZENS decided to sell his holdings in the Ford corporation he took up with the Government the problems incident to his capital gains, in order that he might feel satisfied in his own mind that the amounts settled upon were fair and accurate and would meet the requirements of the Treasury Department. In spite of that precaution Senator COUZENS was the object of a determined effort to compel him to pay $10,000,000 more than the amount of tax originally approved by Government agents. It is stated that 31 departments of the Government ultimately handed down 63 separate decisions all confirming the original basis of computation and approving the settlement.

Still Senator COUZENS was in for the most offensive form of additional hounding, additional publicity, additional harassment, additional questioning, and espionage.

Is tax collecting degenerating in America into an inquisition in which a man's constitutional privileges are being wrested from him as if he were a serf required to dance to the tune of an autocratic overlordship?

If this description is extreme how shall it be explained that after being hectored and pestered about his Ford capital gains, Senator COUZENS finally confronted a decision that overturned all the other rulings? Of course, by mere coincidence, but interesting and illuminating in passing, it so happened that this new decision was rendered within a short time—some reports say within eight hours—of the time the Senator launched his attack on conditions in the Internal Revenue Department. Officials in the department say this was a mere fortuitous happenstance, and we shall take them at their word. There is plenty of thunder in the rest of the facts to show the impractical character of the income tax law as it is drafted, interpreted, and administered.

Taxpayers now face a system of taxation so complicated, so complex, and so involved that no two lawyers offer the same opinion in respect to a given state of facts. Here we have 63 decisions seemingly carefully considered and arrived at by impartial and conscientious study overturned by authorities higher up.

Taxpayers confront on March 15 of each year a legal complexity so interwoven with abstruse rulings and decisions so conflicting and perplexing that straightforward procedure is out of the question. Taxpayers do not know what to do. Field agents do not know what to do. The best tax experts frequently are in doubt. The highest talent in the legal profession declines to pass opinions with assurance that they carry with them any note of finality.

We are not inclined to put the burden on the Treasury Department for much of the present confusion and uncertainty. Back of these chaotic conditions, these ambiguous instructions, these capricious interpretations, these indefinite assessments exists a law that is defective from the ground up. It subjects honest men to contingencies that no republic has a right to continue.

Senator COUZENS has shown up the present act in all its crudities and his case emphasizes its potential opportunities for impermanence and wanton impudent annoyance. It is time taxpayers were no longer treated as if they were an unscrupulous horde of rascals, and the only way it can be done is to start all over again with a new and simplified law.

Senator COUZENS better than any man in America is placed where he can bring this about. If he will devote his exceptional talents for organization to this task, he would be sure to be given cordial cooperation in Congress. It is time to wipe out laws which make 63 and more decisions necessary to decide what constitutes a just tax. There is no use discussing relief under the present law. It is 100 per cent wrong in construction.

To a blundering base have been added a mass of rules and regulations that form a barbed-wire network of legal question marks. The income tax law as drafted and administered requires limitless arbitrary authority and a prying and spying that have no place in the American scheme of Government. The system has grown little by little from a seemingly harmless start to become a giant of authority that overrides fundamental rights in the most offensive forms. Privacy has been scattered to the winds, and a sense of security has been upset and destroyed by reversals, revisals, and fresh starts.

Here is a problem for Senator COUZENS. He has the experience, the ingenuity, and the initiative to bring order out of chaos.

To it, Senator!

MEMORIAL OF GRAND COUNCIL FIRE OF AMERICAN INDIANS

Mr. FRAZIER. Mr. President, I ask unanimous consent to have printed in the RECORD a leaflet entitled "Memorial and recommendations of the grand council fire of American Indians," presented to the Hon. William Hale Thompson, mayor of Chicago.

The VICE PRESIDENT. Without objection it is so ordered. The leaflet is as follows:

Memorial and recommendations of the Grand Council Fire of American Indians presented to the Hon. William Hale Thompson, mayor of Chicago, December 1, 1927

To the MAYOR OF CHICAGO:

You tell all white men "America first." We believe in that. We are the first Americans. We are the only ones, truly, that are 100 per cent. We, therefore, ask you while you are teaching school children about America first, teach them truth about the first Americans.

We do not know if school histories are pro-British, but we do know that they are unjust to the life of our people—the American Indian.

They call all white victories, battles, and all Indian victories, massacres. The battle with Custer has been taught to school children as a fearful massacre on our part. We ask that this, as well as other incidents, be told fairly. If the Custer battle was a massacre, what was Wounded Knee?

History books teach that Indians were murderers—is it murder to fight in self-defense? Indians killed white men because white men took their lands, ruined their hunting grounds, burned their forests, destroyed their buffalo. White men penned our people on reservations, then took away the reservations. White men who rise to protect their property are called patriots—Indians who do the same are called murderers.

White men call Indians treacherous—but no mention is made of broken treaties on the part of the white man.

White men say that Indians were always fighting. It was only our lack of skill in white man's warfare that led to our defeat. An Indian mother prayed that her boy be a great medicine man rather than a great warrior. It is true that we had our own small battles, but in the main we were peace loving and home loving.

White men called Indians thieves—and yet we lived in frail skin lodges and needed no locks or iron bars.

White men call Indians savages. What is civilization? Its marks are a noble religion and philosophy, original arts, stirring music, rich story and legend. We had these. Then we were not savages, but a civilized race.

We made blankets that were beautiful and that the white man with all his machinery has never been able to duplicate. We made baskets that were beautiful. We wove in beads and colored quills, designs that were not just decorative motifs, but were the outward expression of our very thoughts. We made pottery—pottery that was useful and beautiful as well. Why not make school children acquainted with the beautiful handicrafts in which we were skilled? Put in every school Indian blankets, baskets, pottery.

We sang songs that carried in their melodies all the sounds of nature—the running of waters, the sighing winds, and the calls of the animals. Teach these to your children that they may come to love nature as we love it.

We had our statesmen—and their oratory has never been equaled. Teach the children some of these speeches of our people, remarkable for their brilliant oratory.

We played games—games that brought good health and sound bodies. Why not put these in your schools?

We told stories. Why not teach school children more of the wholesome proverbs and legends of our people? Tell them how we loved all that was beautiful. That we killed game only for food, not for fun. Indians think white men who kill for fun are murderers.

Tell your children of the friendly acts of Indians to the white people who first settled here. Tell them of our leaders and heroes and their deeds. Tell them of Indians such as Black Partridge, Shabbona, and others, who many times saved the people of Chicago at great danger to themselves.

Put in your history books the Indian's part in the World War. Tell how the Indian fought for a country of which he was not a citizen, for a flag to which he had no claim, and for a people that have treated him unjustly.

The Indian has long been hurt by these unfair books. We ask only that our story be told in fairness. We do not ask you to overlook what we did, but we do ask you to understand it. A true program of

America first will give a generous place to the culture and history of the American Indian.

We ask this, Chief, to keep sacred the memory of our people.

GRAND COUNCIL FIRE OF AMERICAN INDIANS,
By SCOTT H. PETERS, *President.*

Delegates: George Peake (Little Moose), Chippewa; Albert Lowe (White Eagle), Winnebago; Donald St. Cyr (Flaming Arrow), Winnebago; A. Warren Cash (Spotted Elk), Sioux; A. Roi (Clearwater), Ottawa; Babe Begay, Navaho; Maimie Wiggins (O-me-me), Chippewa.

HISTORY BOOKS DO NOT TELL

That tobacco, potatoes, corn, squash, pumpkins, melons, and beans were raised by the Indians, who showed the colonists how to cultivate them.

That the Indians gave food to the suffering Virginia colonists, and then were forced by Capt. John Smith, who marched upon their village with armed forces, to give up more food.

That the Indians who attacked the Virginia colonists did so because they were so anxious to establish huge plantations that they took more and more land from the Indians without paying for it or asking permission.

That the Indians helped the Pilgrims in many ways during their first winter.

That Squanto, an Indian, who was lured, with four others, upon a trading vessel and carried off to England, upon his return was a true friend to the Pilgrims, and showed them how to live in their new home, and brought about friendly relations between them and the neighboring tribes.

That King Philip tried his best to remain at peace with the Pilgrims, and it was only after many acts of injustice that he took up arms.

That King Philip's tribe was completely exterminated, and his wife and child sold as slaves in the Bermuda Islands, while he was quartered, and his head carried about on a pike.

That until 1637 scalping was unknown among the New England Indians. The Puritans began by offering cash for the heads of their enemies, and later accepting scalps if both ears were attached. The French were the first to offer bounties for the scalps of white people, with the English quickly following suit, and such vast sums were expended that scores of white men took up the lucrative business of hunting scalps.

That the Indian was first of all a hunter, instead of a warrior, as history books state, for upon his ability in this direction depended his living, and his early training and games were all designed to teach him skill in hunting.

That the Indian was skilled in arts, song, story telling, and oratory.

That Pontiac fought because the English laid claim to all the land belonging to his people without regard or consideration for them.

That during the Revolutionary War the Oneidas steadfastly refused to side with the British or join with the other Indians who were fighting for the English, but many times helped and protected the colonists, although they were attacked by both British and Indian forces for doing this.

That during the Revolutionary War many so-called Indian massacres were committed by English soldiers dressed as Indians.

That the true reason for Tecumseh's uprising was that he protested against the unjust act (together with other injustices) of General Harrison, who called a council of a few tribes and by way of treaty got from them 3,000,000 acres of land which they did not own, but which belonged to Tecumseh's tribe. Tecumseh's speech in reply to General Harrison presents his case clearly and fairly and should be taught to the children.

That the Fort Dearborn massacre was a fair fight, and brought about because of broken promises on the part of the whites.

That Black Partridge demonstrated his friendship for the whites many times, and during the actual battle saved several of their lives—one in particular, Mrs. Helm.

That Shabbona, through sheer oratory alone, prevented his tribe, the Pottawatomies, from joining the Winnebagoes in their war, and also from helping Black Hawk, endangering his own life by his work.

That Shabbona in 1832 rode throughout the State of Illinois warning settlers of the approach of Black Hawk and thus saving thousands of lives.

That the Black Hawk War was brought about because of the forcible removal of Black Hawk and his people from their lands and of the attack upon him and a small party by white soldiers when they were going peacefully to their homes.

That the direct cause of the Sioux outbreak in the Dakotas, with the resultant Custer battle, was the broken treaties on the part of the United States Government.

That the Custer battle was a fair fight, with Custer marching upon the Indians, surprising them in their village, and striking the first blow.

That at Wounded Knee Indian men, women, and children were lined up, all weapons removed from them, and then slain by white soldiers—even fleeing mothers with their babies were pursued and bayoneted to death.

That the war with Chief Joseph was brought about because he refused to sell the lands that he and his tribe had owned for centuries and that had been given to him by treaty with the United States Government. Upon his refusal to sell, he was set upon and was to be forcibly removed.

That Chief Joseph led his band of 300 warriors, together with women and children, sick and aged, on a remarkable retreat that lasted 75 days and that covered 1,300 miles—through Rocky Mountain country, and with fighting all the way, attacked in turn by Generals Howard, Gibbon, and Sturgis, and finally General Miles.

That Joseph's people took no scalps in this memorable fight and waged no war on the white soldiers whom they encountered. His speeches made upon various occasions are some of the most remarkable ever made and should be read in every public school. When the Government violated its promise to Joseph to return him to his own country when he had ceased fighting, he then made his impassioned plea for justice, which through its sheer oratory earned for him the victory—it aroused the American people, and Joseph and his tribe were returned to their homes. Joseph is pronounced by military authorities to be one of the finest natural military leaders America has ever produced.

That Osceola arose against the whites because of the impending removal of his tribes from their home in Florida simply because the whites desired the land.

That Sacajawea, the young Shoshone girl, with her baby on her back, guided the Lewis and Clark expedition through wild and mountainous country and among enemy tribes, acting as interpreter, and everywhere establishing friendly relations between the whites and hostile Indians. Without her aid undoubtedly the exploring of this vast territory would have been held back many years.

That many Indians, such as Sitting Bull, Logan, Red Cloud, Geronimo, Crazy Horse, Gall, and others, who have always been presented as treacherous and warlike men, if their true stories were told were patriots and fully justified in their actions.

That many Indians, such as Hole-in-the-Day, Seattle, Pushmataha, Spotted Tail, Quanah Parker, and others, were always friends to the whites and helped them many times. Could not one chapter be devoted to mentioning the names of those who were friends to the palefaces?

MARION E. GRIDLEY, *Secretary,*
6618 Woodlawn Avenue, Chicago, Ill.

ORDER FOR RECESS

Mr. CURTIS. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

APPROVAL OF JOURNAL

Mr. CURTIS. Mr. President, I ask unanimous consent for the approval of the Journal for the calendar days from Thursday, May 3, up to and including Thursday, May 10.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PETITION

Mr. WARREN presented a resolution adopted by the Rotary Club of Casper, Wyo., favoring the passage of legislation providing for aided and directed settlement of Federal reclamation projects, which was referred to the Committee on Irrigation and Reclamation.

REPORTS OF COMMITTEES

Mr. BROUSSARD, from the Committee on Naval Affairs, to which was referred the bill (H. R. 5826) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver bell in use on the cruiser *New Orleans*, reported it without amendment and submitted a report (No. 1091) thereon.

He also, from the same committee, to which was referred the bill (S. 3427) authorizing the Secretary of the Navy to make a readjustment of pay to Gunner W. H. Anthony, jr., United States Navy (retired), reported it with an amendment and submitted a report (No. 1092) thereon.

Mr. BROOKHART, from the Committee on Military Affairs, to which was referred the bill (H. R. 4687) to correct the military record of Albert Campbell, reported it without amendment and submitted a report (No. 1093) thereon.

Mr. BAYARD, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 8559) to amend section 58 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," reported it without amendment and submitted a report (No. 1094) thereon.

Mr. TYDINGS, from the Committee on Territories and Insular Possessions, to which was referred the joint resolution (S. J. Res. 9) to establish a joint commission on insular reor-

ganization, reported it with amendments and submitted a report (No. 1095) thereon.

Mr. PINE, from the Committee on Indian Affairs, to which was referred the bill (S. 3867) to extend certain existing leases upon the coal and asphalt deposits in the Choctaw and Chickasaw Nations to September 25, 1932, and permit extension of time to complete payments on coal purchases, reported it with an amendment and submitted a report (No. 1097) thereon.

He also, from the same committee, to which was referred the bill (S. 3868) authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to one of the attorneys for the Creek Nation, and for other purposes, reported it with an amendment to the title and submitted a report (No. 1098) thereon.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (H. R. 12814) to increase the efficiency of the Air Corps, reported it with amendments and submitted a report (No. 1099) thereon.

THOMAS JEFFERSON SHROPSHIRE

Mr. REED of Pennsylvania. Mr. President, from the Committee on Military Affairs, to which was referred the bill (H. R. 6185) for the relief of Thomas Jefferson Shropshire, I report the bill adversely and move its indefinite postponement.

Mr. BLACK. Mr. President, I do not desire to enter an objection to this action if the Senator from Iowa [Mr. BROOKHART] knows about it. I do not care to object myself, but he is personally interested in the bill.

Mr. HEFLIN. Let it go over, Mr. President.

Mr. BLACK. I want the Senator from Iowa to know about it.

Mr. REED of Pennsylvania. I moved the indefinite postponement of the bill, and in two sentences I can explain the situation.

Mr. HEFLIN. Mr. President, I would like to have the Senator from Iowa heard, and I may want to be heard myself.

Mr. BROOKHART. What is the proposition?

The VICE PRESIDENT. To indefinitely postpone House bill 6185, for the relief of Thomas Jefferson Shropshire, which was reported adversely.

Mr. REED of Pennsylvania. Mr. President, if the Senator will permit me, I will explain in a word, and then I will ask him for any explanation he may want to make.

This man enlisted in September, 1862, went absent without leave in October, deserted in January, his total military service being something less than two months. He stayed absent in desertion until the latter part of 1864, when he enlisted for 100 days in the Colorado Volunteers under an assumed name. He was wounded in action with the Indians, not with the Confederates, and drew a pension for some time under the assumed name. When his desertion was learned about, his pension was stopped, and this bill is an effort to give him a pension under his real name. The committee by vote this morning instructed me to report the bill adversely, and to move its indefinite postponement.

Mr. BROOKHART. Mr. President, the committee vote was a tie. While there is a record of the desertion of this man, yet afterwards he enlisted, shed his blood for the country, and has suffered from his wounds ever since. This is a meritorious case, and the bill ought to be passed. I object to its indefinite postponement without a hearing by the Senate.

The VICE PRESIDENT. Under objection, the report of the committee will have to lie over one day, and the bill will be placed on the calendar.

SANTA ROSA ISLAND, FLA.

Mr. FLETCHER. From the Committee on Military Affairs I report back favorably without amendment the bill (S. 3991) declaring certain designated purposes with respect to certain parts of Santa Rosa Island in Florida to be "public purposes" within the meaning of the proviso in section 7 of the act approved March 12, 1926, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," and I submit a report (No. 1096) thereon. I ask for the present consideration of the bill. It will lead to no debate. It is purely a local matter.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the words "public purposes" in the proviso in section 7 of the act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926, shall be so construed as to include and permit any lands being a part of Santa Rosa Island in the State of Florida, acquired by said State or by a county or municipality thereof under the provisions of that act to be used for recreational, amusement, and bathing purposes by said State, county, or municipality, or by any person or corporation or their assigns with its authority under such regulations and restrictions and at such rates of charge to the public as such State, county, or municipality shall prescribe, provided no charge for admission to the grounds shall ever be made.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 750. An act to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes;

S. 757. An act to extend the benefits of certain acts of Congress to the Territory of Hawaii;

S. 2004. An act authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz.;

S. 2910. An act granting to the State of South Dakota for park purposes the public lands within the Custer State Park, S. Dak.;

S. 3571. An act granting the consent of Congress to the county court of Roane County, Tenn., to construct a bridge across the Emery River at Suddaths Ferry, in Roane County, Tenn.;

S. 3598. An act authorizing Dupo Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a combined highway and railroad bridge across the Mississippi River at or near Carondelet, Mo.; and

S. J. Res. 135. Joint resolution making an emergency appropriation for flood protection on White River, Ark.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORBECK:

A bill (S. 4429) to provide that transferors for collection of negotiable instruments shall be preferred creditors of national banks in certain cases; to the Committee on Banking and Currency.

By Mr. FESS:

A bill (S. 4430) granting an increase of pension to Fidelia Potts; to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 4431) granting an increase of pension to Etta F. Bryan (with accompanying papers); to the Committee on Pensions.

By Mr. TYSON:

A bill (S. 4432) to change the name of Cove Creek Dam site to Coal Creek Dam site, and for other purposes; to the Committee on Military Affairs.

By Mr. ASHURST:

A bill (S. 4433) for the relief of Jeremiah C. Baisley; to the Committee on Military Affairs.

By Mr. MOSES:

A bill (S. 4434) granting an increase of pension to Lois J. Stevens (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 4435) for the relief of Martin G. Schenck, alias Martin G. Schanck; to the Committee on Military Affairs.

By Mr. DENEEN:

A bill (S. 4436) relating to the Virgil Michael Brand collection of coins; to the Committee on the Library.

By Mr. STEPHENS:

A bill (S. 4437) for the relief of Alonzo Durward Allen; to the Committee on Claims.

By Mr. OVERMAN:

A joint resolution (S. J. Res. 151) to adopt an official flag code of the United States; to the Committee on Military Affairs.

LISTS OF DEATHS IN MILITARY AND NAVAL FORCES

Mr. ASHURST. I introduce a joint resolution and ask that it be read at length.

The joint resolution (S. J. Res. 152) to provide for the printing of the names of and other information relating to members of the military and naval forces who died during the World War was read the first time by its title, the second time at length, and referred to the Committee on Printing, as follows:

Resolved, etc., That the Secretary of War and the Secretary of the Navy are authorized and directed to compile lists of the names of the officers, men, and women in their respective departments who were

members of the military and naval forces of the United States, including the Marine Corps, and who died between April 6, 1917, and July 2, 1921, both dates inclusive, together with the home address, rank, military or naval organization, place of death, and address of the nearest relative, to each such person listed.

SEC. 2. Fifty thousand copies of such lists shall be printed and bound together as may be directed by the Joint Committee on Printing, and of this number 35,000 shall be for the use of the House of Representatives and 15,000 shall be for the use of the Senate.

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this resolution.

THE STRANGE CASE OF FLORIDA *v.* MELLON (S. DOC. NO. 102)

Mr. BRUCE. Mr. President, I should like to have printed as a Senate document a very masterly essay on the subject of the Federal estate tax entitled "The Strange Case of Florida *v.* Mellon," published in the Cornell Law Quarterly and written by Arthur W. Machen, jr., of the city of Baltimore, one of the most distinguished lawyers of our city.

The VICE PRESIDENT. Is there objection to the request of the Senator from Maryland?

Mr. KING. It has already been published in the RECORD, but I have no objection to printing it as a document.

Mr. BRUCE. I assure my friend that it should be printed as a document. It is truly an able and masterly paper.

Mr. KING. I am not objecting.

The VICE PRESIDENT. Without objection, it is so ordered.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. SMOOT. Mr. President, I was going to ask the Senate this morning to take up the individual surtax provision of the revenue bill, but the senior Senator from North Carolina [Mr. SIMMONS] has just been called to a conference, and therefore I shall ask that we take up the corporation tax amendment, on page 15, line 19, for discussion.

CORRUPTION IN PRIMARY AND GENERAL ELECTIONS

Mr. CUTTING. Mr. President, in one of the most important political speeches delivered this year the senior Senator from Idaho [Mr. BORAH] said:

> The improper use of money in politics presents a problem as broad and deep and vital as representative democracy itself, and the people know it. Partisan fencing will not satisfy them. Purity of the ballot and integrity of officials are the beginning and the end of popular government.

The distinguished Senator from Idaho went on to say that the scandals in the public history of the United States during the last few years were really too fundamental to be used for purposes of irresponsible partisanship. The Vare and Smith cases, Teapot Dome and Elk Hills, the Continental Trading Co. and the Hays deficits, Queens County sewers and public-utility lobbies are, after all, only surface symptoms of a deep-seated disease in our national life. All of us naturally grow indignant over the revelations which have been made, but it is important that our indignation should not evaporate in denouncing corruption, when it may be possible for us to take constructive action to strike at the roots of corruption.

A disease of this kind can not be cured or remedied by purely legislative action, but we, as the legislative body of the United States, would be recreant in our duty if we did not take what steps we could take to do our share in remedying the condition which exists.

The present Federal corrupt practices act was passed in 1925. I do not wish to make any criticism of it. It was, on the whole, a substantial advance on previous legislation of the kind. But in the last three years our eyes have been opened to a great many matters which were not apparent to us in 1925.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON in the chair). Does the Senator yield to the Senator from Minnesota?

Mr. CUTTING. I yield.

Mr. SHIPSTEAD. The corrupt practices act of 1925 was an amendment of the corrupt practices act of 1910, and specifically exempted primary elections from the provisions of the corrupt practices act, and practically gave free hand to these people, public-service corporations, and other corporations, who buy the Government by buying seats in the Senate, to go the limit. Congress itself has not made any provision for closing the door to corruption in primary elections. Under that act they said it was all right to buy the Government in primary elections, which in 42 States are the actual elections. In the general election Congress said they must be more circumspect.

Mr. CUTTING. Mr. President, that is very much the point I intend to take up, and I thank the Senator from Minnesota for his very clear remarks.

As I see it, the chief defects of the present Federal corrupt practices act are, first, as the Senator from Minnesota so ably stated, that it fails to include primaries or nominations by conventions.

Second, that the responsibility under the present act is laid entirely on the treasurer of a political committee and not on the candidate, where it properly belongs.

Third, that while it purports to limit campaign expenditures, as a matter of fact it allows so many exemptions that it is impossible for any poor man to compete on a basis of equality with a rich one.

Fourth, that it allows contributions to be made through non-official agencies.

Fifth, that it provides no method for dealing with the all-important subject of postcampaign deficits.

Sixth, that it creates no effective or continuing machinery to enforce its provisions.

Mr. President, the matter of legislation of this sort is an enormously complicated one. I know it has engaged the attention of some of the ablest Members of this body for a great many years. I would not want anyone to think that I am suggesting that after a few months' labor I have offered any program which is adequate to deal with the situation as a whole. But at least I have spent a good deal of time in working out the measures which I introduced yesterday. They are not fully satisfactory to me. I am sure they will not be satisfactory to the Judiciary Committee without many amendments. Nevertheless, I feel that they represent a substantial advance from the present situation, and I should like to take the time of the Senate for a few minutes to explain the principles which I am trying to embody in the proposed legislation.

I have introduced five measures. The first is a constitutional amendment giving Congress authority to legislate concerning the nomination as well as the election of candidates for Congress. That measure is perhaps the least important of the five, because I feel personally that Congress already has that authority. The Senate will recall the decision of the Supreme Court of the United States in the Newberry case. Four members of the court decided that Congress had not authority to enact legislation dealing with primaries. Four members of the court believed that the law in existence at that time, the law of 1911, was constitutional. The ninth member of the court, Justice McKenna, declared the law unconstitutional because it had been enacted prior to the passage of the constitutional amendment dealing with the election of United States Senators. I feel, therefore, that if the case were presented to the Supreme Court again the chances are that they would declare constitutional a measure dealing with primaries; but that is a great chance to take, and I have therefore proposed a constitutional amendment in order to make the matter absolutely sure.

Secondly, I have introduced an amendment to section 5, Article I, of the Constitution which would make that article read:

> Each House shall be the judge of the election, returns, and qualifications of its own Members, but no candidate who, in his campaign for nomination or election, shall have violated any of the laws regulating such nomination or election shall be eligible for membership in either House.

I introduced that in the form of a constitutional amendment because the best legal advice I could obtain was to the effect that such legislation would be unconstitutional unless embodied in an amendment. The object of the proposal, of course, is to insure that no one may be elected to a Federal public office or to legislate as a Federal official who himself may have been guilty of violation of any Federal statute in obtaining his nomination or election.

If such an amendment were adopted, of course the Senate and the House would still remain judges of the qualifications of their membership. They would be the judges of the facts dealing with any particular case. But I did want to establish the particular penalty of ineligibility and to place a direct responsibility on the candidate, which, so far as I can see, does not exist under present statutes or present constitutional provisions.

Third, I have proposed an act to create a commission on elections. I suggest such a commission not as an independent governing body or a separate bureau, because I dislike bureaucracy as much as any Member of this body, but simply as an agency of Congress. It would be a continuing body. It would be an auditing body. It would audit reports, investigate credentials, and handle contest cases. It would report facts to the Congress for their action. It would have no authority on

its own initiative. The idea of a legislative or congressional commission on elections is one that has been adopted in the constitutions of most of the new nations founded since the war.

I especially invite attention to the new German constitution, which provides for an electoral commission selected partly by the legislative body and partly by the supreme court of Germany.

Under our Constitution I do not think that particular method would be proper. I have suggested the method of election by the two Houses of Congress in joint session assembled, to select from names on nomination of the Civil Service Commission. I am not entirely satisfied with that suggestion, but I offer it for want of anything better. If we had direct election by the Members of Congress, it seems to me we might easily fall into the danger of having a bipartisan commission, which would practically mean that the representatives of each political party on the commission might be selected on the ground of their partisan loyalty to their respective parties. I feel that we ought to have nominations sent in by some outside body, and one of the qualifications which I have suggested in the bill for the selection of nominees is a "lack of partisan prejudice."

It seems to me that such a commission is absolutely necessary in order to vitalize and enforce the provisions of any corrupt practices act. Since I have been in the Senate a large part of the time of three Senators has been taken up by the investigation of one single contest case. I refer to the committee of which the Senator from Colorado [Mr. WATERMAN] is chairman.

In the last few days we have had the beginning of a series of investigations by a very able senatorial committee of the campaign expenditures of candidates for the Presidency. I know that that committee is doing everything in its power to carry out the purposes of the resolution which created it, but I do not see how, under the present law, such a committee can do anything except make a very superficial survey of a situation which ought to be investigated thoroughly and effectively.

A permanent commission of this sort would be absolutely essential in order to provide information not only as to some spectacular contest case, such as the one which comes to us from Pennsylvania, but with reference to the accounts and credentials of every candidate for a Federal office.

One provision of the bill authorizes the commission to investigate the possible advantages of a system of voting by mail and of a system under which all campaign expenses should be borne by the public. I do not want to argue those points now because both suggestions are so important that it would take entirely too much time. They are matters which I believe should be thoroughly investigated by some continuing body.

In the fourth place, I have introduced a corrupt practices bill dealing with the nomination and election of Senators and Representatives. This measure makes several important changes in the present act. It retains the specific limitations of the present statute. I do not know whether those limitations are the best possible ones or not. They vary, as Senators know, from $10,000 to $25,000, varying with the size of the States. It may be that some better figures could be devised. My attention was called a short while ago to the English system by which more money may be expended in the rural districts than in the great cities. There may be something to be said for that plan. It is obvious that it costs more to reach 30,000 electors in the State of Nevada than it would to reach 30,000 electors massed in one ward of a great city. I am more interested in the principle than I am in the exact figures, and I have left the figures as they are in the present corrupt practices act.

The feature in which I am most interested in my proposal is that it does away with the exemptions provided in the present act. Senators are, of course, aware that at present moneys expended for postage, writing, printing, and all forms of publicity are exempted. As a practical result, of course, this means that a candidate may spend millions of dollars for publicity purposes and not be held responsible in any way for his accounts.

I think that is a dangerous principle. The bill which I have introduced specifies exactly what are legitimate campaign expenditures. They are confined to expenditures for the purpose of presenting information, arguments, and advice to electors as to the issues of the campaign. A candidate or his duly authorized agent or committee may lawfully present information, arguments, or advice to the electors by use of the mails, telephone, telegraph, advertisement in newspapers, or by posters or on billboards, the radio, personal solicitation, and public meetings. I believe that covers about all which ought to be allowed as legitimate expenditures. The bill does exempt State assessments and fees and personal traveling and subsistence expenses of the candidate, but makes no other exemptions whatever.

Under the proposed bill every candidate must either personally receive contributions and make expenditures or appoint an agent or committee to act for him in receiving and expending money. No one else may spend any money whatever except by authorization from the candidate or his agent. The entire responsibility is on the candidate. Every contribution or expenditure must be entered on the candidate's accounts within 24 hours from its receipt or disbursement, and the accounts are to be open at all times to public inspection. Each candidate has to file his report with the commission on elections on the 30th and 10th days before the date of election or nomination, and also on the 15th day thereafter. The primary elections and nominations by convention, in such States as do not have primaries, are also included in the legislation.

The same financial limitations are placed on the primary campaign as have hitherto been applied to the general campaign.

The last bill which I have introduced deals with campaign expenditures by candidates for President and Vice President. The provisions as to the responsibility of candidates as to the publicity of accounts, reports, and so forth, are identical with the provisions of the bill applying to candidates for Congress. The first section provides a limitation of expenditures for the nomination of candidates for President and Vice President and for the election of such candidates.

Mr. DILL. Mr. President, will the Senator yield?

Mr. CUTTING. I yield.

Mr. DILL. Do I understand the Senator has a bill to limit or control candidates for President?

Mr. CUTTING. Yes.

Mr. DILL. Does the Senator think that the Congress of the United States has any right to enact legislation regarding candidates for President? There is no recognition of candidates for President in the Constitution of the United States. The present system of having candidates for President of the United States has grown up as a custom. The Constitution provides that the Electoral College shall select the President.

Mr. CUTTING. I understand the difficulty suggested by the Senator from Washington. I should like to call his attention to the fact that under the amendment to the Constitution which I am proposing the Congress shall have power to legislate concerning the nomination and the election of any candidates for office, including Senator, Representative in Congress, President, and Vice President of the United States.

Mr. DILL. Then the Senator does not intend to press his bill until after the amendment to which he has referred shall have been adopted?

Mr. CUTTING. Mr. President, that is a constitutional question which it is very difficult for me to pass on. I think that as a practical proposition the law should apply to all candidates under our present form of government, including actual candidates for the Presidency and Vice Presidency.

Mr. DILL. But that is not so legally.

Mr. CUTTING. If it is not so legally, then it is up to the Senate of the United States and the House of Representatives to enact legislation which will insure the legality of such measures. I do not believe the Electoral College ought to be retained as a permanent institution, Mr. President.

Mr. DILL. I thoroughly agree with the Senator. I am not criticizing him, but I want to get the Senator's view as to that question because of the fact that no candidates for President are recognized in the Constitution; I do not see how we have a right to legislate regarding them until we have amended the Constitution so that they may be recognized.

Mr. CUTTING. That is what I propose to do. It seems to me that no candidates for any office are specifically recognized by the Constitution. We have reached a stage, however, where candidacies are a vital factor in our political system; and if the bills which I have suggested do not take care of that situation—and very possibly they do not—then they ought to be amended and this whole question should be gone into with great care.

Mr. DILL. I did not wish to interrupt the Senator's discourse, but I wanted to get his view.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Maryland?

Mr. CUTTING. I do.

Mr. BRUCE. I should like very much, indeed, to know in just what respect our present laws on the subject, especially the corrupt practices act, State and Federal, fall short of securing the purity of elections. As the Senator knows, in some States—it is certainly true in my State—when a man becomes a candidate for the United States Senate, as I am now, he has

two bodies of law to deal with—the State law and the Federal law. I have had occasion recently, as I have often had occasion heretofore, to weigh every line of legislation relating to the candidacy of one for the office of United States Senator, and I am at a loss to see how laws can be made more drastic, more searching, than the corrupt practices acts of the State of Maryland and of the Federal Government. As the Senator knows, the corrupt practices act of the Federal Government refers to the State corrupt practices acts, and I must say that certainly there is no lack of interest in my State, at least, so far as the Federal and State corrupt practices acts are concerned. It seems to me they are wisely framed, considering the object they have in view.

So I do not see just the occasion for any further reform. I have never in my life spent a dollar unlawfully in any election contest, and, so help me God, I never expect to do so so long as I live. Accordingly, from that point of view, I am not the least concerned about any legislation the Congress may pass; but, at the same time, why multiply corrupt practices acts, seeing that the ground is already properly covered by State and Federal legislation?

The Federal corrupt practices act, as the Senator knows, provides just how much may be expended in an election and exactly for what purposes any money can be spent at an election. I am speaking now more particularly of candidates for the United States Senate. The corrupt practices act of the State of Maryland also covers the same ground. Our corrupt practices act is very detailed and very exhaustive, and seems to have been very wisely conceived to accomplish the purpose in view. That is likewise true of the Federal corrupt practices act, which was introduced some years ago by the Senator from Massachusetts [Mr. WALSH], and which I have had occasion to study recently a little more closely than I had occasion to do in the first instance.

So the Senator, if I am not trespassing too much on his time, would oblige me very much by stating specifically in what respect the State and Federal corrupt practices acts at the present time fall short of the prime object of securing freedom and purity of elections.

Mr. CUTTING. Mr. President, I do not know whether the Senator was present when I began my remarks.

Mr. BRUCE. I did not happen to be present.

Mr. CUTTING. I tried to make the point plain at that time, but I shall try to answer the Senator when I get through with my exposition.

Mr. BRUCE. I will read the Senator's remarks in the RECORD; I will not trouble the Senator to answer the question at this time.

Mr. CUTTING. I should like to get through with the exposition I am making, and then I will yield to any questions.

Mr. BRUCE. I repeat, I will read the remarks of the Senator in the RECORD. I do not wish to take up his time.

Mr. CUTTING. The bill which I am proposing, as I have said, contains the same provisions as to responsibility of candidates and as to publicity of accounts, reports, and so on, as I have mentioned in regard to the congressional corrupt practices act.

In the first section expenditures for the nomination on the part of a candidate for President or Vice President are limited to $10,000 in any one State and to $480,000 in the Nation as a whole. Of course, the idea of that is that in most of the States, or in a large number of States, at any rate, there will be no necessity for spending anything like as much as $10,000; and that the money saved in that way may be devoted to the general expenses of the campaign, such as maintaining national headquarters, and so on. After nomination the limitation of expenditures is made three times that amount; that is, $30,000 in any one State or $1,440,000 in the Nation as a whole.

I am not sure that those are the best possible figures, but I am more interested in the general principle of the bill than in the particular figures. Those figures may be too high, and I am inclined to think perhaps they are, though they are very much lower than the amounts which have been spent in any of the presidential campaigns in the last few years. At any rate, that is a minor problem which may be taken up by the committee.

Mr. DILL. Who does the Senator propose to have enforce this provision of law in regard to candidates for the Presidency?

Mr. CUTTING. The Congress of the United States.

Mr. DILL. What control has the Congress of the United States over candidates? The Electoral College passes on the candidates for President.

Mr. CUTTING. That brings up the same point I discussed with the Senator a few moments ago; namely, my proposed constitutional amendment.

Mr. DILL. I do not understand the appropriateness of such legislation from the constitutional standpoint.

Mr. CUTTING. If the Senator has no objection, I should like to explain the proposed legislation, and then go into these matters of detail.

This morning I noticed that the first section of this bill is so framed as to suggest that perhaps the candidate for President and the candidate for Vice President may each incur campaign expenses to the amount indicated. The wording is perhaps a little ambiguous in that respect. Of course, the intention was that since the President and the Vice President are making a joint campaign, or, rather, since the electors pledged to them are making a joint campaign, there would be only one source of expenditure. It is not intended to duplicate the expenditures on behalf of each candidate.

No limit is placed on individual contributions up to 30 days before the election, but in the last month contributions are limited to $10,000, and in the last 15 days to $5,000.

The further one goes into the question of legislation dealing with elections the more illogical the whole system of privately financed campaigns appears to be. Yet, so long as we have such a system it seems unreasonable to limit the amount of money that any individual may contribute. It seems to me that under the present system the best we can do is to insure full publicity for all such expenditures. That is why large contributions should be forbidden within the last few weeks before the election, when possibly they can not be made public to the people as a whole.

No contribution can be made in any name except that of the individual who provides the money.

A novel feature, and I think a very important one, is that dealing with postcampaign deficits. I do not believe that the Senate of the United States require any suggestions as to the danger which that problem brings up, in view of the revelations which we have had made to us during the last few months. The difference between a contribution to a deficit and a contribution toward campaign expenditures before the election is very definite.

Take the case, for instance, of Mr. Sinclair. Mr. Sinclair stated before the Public Lands Committee that he did not know whether he was Republican or Democrat, but he had been interested in the Republican campaign at one time and had contributed to it. The important point to notice is the exact time when Mr. Sinclair become interested in the campaign. We have no evidence that he contributed to the Republican campaign fund at any time before the election. Possibly he did; perhaps he contributed to the campaigns of both parties, for aught we know. A contribution made to a preelection fund would have been in the nature of a gamble, but a contribution made to a deficit and particularly to a deficit of the party which had been successful in the election was simply putting his money over the counter and getting a return for his investment. That is a danger which is not dealt with under our present statutes at all.

I have tried to deal with this problem, first, by providing that any deficit is illegal which, added to the campaign expenditures, exceeds the total amount allowed by the law, and, secondly, that individual contributions to a deficit are limited to $1,000.

Mr. President, I am sorry to have taken so much of the time of the Senate. I hope especially that the very distinguished chairman of the Judiciary Committee will not think that my remarks imply in any way that the proposed legislation which I have suggested will adequately solve any problem which he and other very able Members of the Senate have spent years in investigating. I do feel that they represent an advance on present legislation. I certainly have no pride of authorship in these measures. I should be glad to have the Judiciary Committee take them and tear them to pieces and substitute something else which might be more adequate to meet the purposes in view.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. CUTTING. I yield.

Mr. NORRIS. Of course, the Senator knows, from his study of this question, that it is a very difficult one to solve correctly, even to one's own satisfaction. The Senator realizes, too, that the Judiciary Committee, with the work they have on hand, probably will not be able to take up the question that he has submitted at this session. They have had such a bill, and have reported a bill; but I do want to say to the Senator that I have been very much interested in what he has said. I am very much interested in the plan he has outlined.

It is a new one. I was informed of it, as the Senator probably knows, before he introduced his bill and before he made his speech; and I have been thinking about it a great deal. I am not sure but that he has taken a step in advance of any that has yet been taken, and one that may be of very great practical benefit.

I know that the Members of the Senate, and particularly the members of the committee, are deeply interested in the subject. I hope, however, the Senator will realize that at the present time the committee is closing up its affairs for the session, and Congress is about to adjourn, and that we perhaps can not expect action at this session. Moreover, part of the program will necessitate an amendment to the Constitution, which the Senator has provided in part of his plan. Its difficulties ought not to prevent us from taking it up, however; and I assure the Senator that I shall be very glad indeed to cooperate with him in doing whatever I can, in my weak way, to help bring about proper legislation.

Mr. CUTTING. I want to thank the chairman of the Judiciary Committee for his remarks. I realize that his committee is one of the most hard-working of all the committees, and I realize that the chairman himself is one of the most hard-working Members of the United States Senate. I had hoped to be able to get these measures in shape to present them a long time ago; but, as the Senator will realize, there are so many obstacles at every step one takes in such legislation that it has taken me a good many months to get as far as I have. I believe, of course, that the committee could substantially improve on the legislation as it is presented.

The only reason why I suggest to the Senator that it might be possible to get at least a start on this form of legislation is on account of its exceptional importance, going, as the Senator from Idaho has pointed out, to the very fundamentals of representative government. Our Government can not endure under conditions as they have existed in the last few years.

It is for that reason alone that I should like most respectfully to suggest to the chairman of the Judiciary Committee that if there is any way in which they can get started on this legislation, even in the short space of time that remains, it might substantially help the Nation in the very important crisis which it is going through at this time.

I do not desire to say anything more on this subject, Mr. President, except to request that the text of these measures be made a part of my remarks in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The joint resolutions and bills referred to are as follows:

Senate Joint Resolution 149, Seventieth Congress, first session

Joint resolution proposing an amendment to the Constitution of the United States, relative to the nomination or election of Members of Congress, President, and Vice President of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"The Congress shall have power to legislate concerning the nomination or election of any candidate for the office of Senator, Representative in the Congress, President, and Vice President of the United States, and to prevent fraud and corrupt practices in the nomination and election of Senators, Representatives, President, and Vice President."

Senate Joint Resolution 150, Seventieth Congress, first session

Joint resolution proposing an amendment to the Constitution of the United States, relating to eligibility of Members of Congress

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, in lieu of the first paragraph of section 5 of Article I thereof, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"Each House shall be the judge of the elections, returns, and qualifications of its own Members; but no candidate who, in his campaign for nomination or election, shall have violated any of the laws regulating such nomination or election shall be eligible for membership in either House. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent Members in such manner and under such penalties as each House may provide."

S. 4422, Seventieth Congress, first session

A bill to create a commission on elections, to define its duties, and for other purposes

Be it enacted, etc., That there is hereby created a commission to be known as the commission on elections (hereinafter referred to as the commission) to be composed of five commissioners elected as hereinafter provided.

SEC. 2. (a) The five commissioners first elected shall be elected at a joint session of the Senate and the House of Representatives from a list to be submitted by the Civil Service Commission, of the names, in alphabetical order, of 25 citizens of the United States selected on the basis of fitness by reason of experience, character, temperament, and lack of partisan prejudice. One of such commissioners shall be elected for the term of 2 years, and one for 4 years, one for 6 years, one for 8 years, and one for 10 years. The terms of office of all successors to such commissioners shall expire 10 years after the expiration of the terms for which their predecessors were elected; except that a commissioner elected to fill a vacancy occurring prior to the expiration of the term for which his predecessor was elected shall be elected only for the unexpired term of his predecessor. Ninety days before the expiration of the term of any such commissioner, the Civil Service Commission shall nominate four citizens having the above qualifications and submit their names to the Congress in alphabetical order, from these four nominees and the commissioner whose term is expiring the Congress shall in joint session elect a successor. Upon the occurrence of a vacancy otherwise than by the expiration of the term of office, a commissioner shall be elected from a list of five citizens so nominated and submitted. At all joint sessions for the election of commissioners each Member of the House of Representatives shall have one vote and each Senator four and one-half votes. Any commissioner may be removed at any time by concurrent resolution of the two Houses.

(b) Each commissioner shall receive a salary of $15,000 a year, together with actual and necessary traveling and subsistence expenses while away from the principal office of the commission in the performance of duties vested in the commission by this act or, if assigned to any other office established by the commission, then while away from such office in the performance of such duties.

(c) The commissioner so elected for the two-year term shall during that term be the chairman of the commission, and during each succeeding two-year period the commissioner whose term expires therewith shall be the chairman.

SEC. 3. Vacancies in the commission shall not impair its powers, and a majority of the commissioners in office shall constitute a quorum for the transaction of the business of the commission.

SEC. 4. The commission—

(a) Shall maintain its principal office in the District of Columbia and such other offices as it deems necessary.

(b) Shall have an official seal which shall be judicially noticed.

(c) Shall make such regulations as are necessary to execute the functions vested in it by this act.

(d) May (1) appoint and fix the salaries of such experts and a secretary and other officers and employees, and (2) make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the functions vested in the commission and as may be appropriated for by the Congress from time to time. No salary in excess of $10,000 shall be paid to any officer or employee of the commission. All expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman out of money which may be appropriated for that purpose.

(e) May hold such hearings, require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, administer such oaths, and take such testimony as it deems necessary for the execution of its functions.

SEC. 5. (a) Any commissioner or duly authorized agent of the commission may sign subpœnas, administer oaths, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States, at any designated place of hearing. In case of disobedience to a subpœna the commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

(b) Any district court of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any person, issue an order requiring such person to appear before the commission or to produce documentary evidence if so ordered or to give evidence touching the matter in question, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(c) No person shall be excused from testifying or deposing, or from producing documentary or other evidence in obedience to a subpœna, before the commission, on the ground that the testimony or evidence may tend to incriminate him or subject him to a penalty or forfeiture;

but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which he may so testify under oath or depose or in obedience to a subpœna to produce evidence; except that no person shall be exempt from prosecution or punishment for perjury committed in so testifying or producing evidence.

SEC. 6. (a) The commission shall receive and have custody of all reports and statements required by law to be filed with it by candidates for nomination or election to any office.

(b) The commission shall audit all such reports and statements and shall make such further investigations as it may deem necessary to determine whether or not there have been violations of any laws relating to the nomination or election of Federal officials.

(c) The commission shall report (1) to the Senate if the nomination or election of a Senator is involved, (2) to the House of Representatives if the nomination or election of a Member thereof or a Delegate or Resident Commissioner thereto is involved, or (3) to both Houses if the nomination or election of any other officer is involved—

(A) The results of its audit of all such reports and statements; and

(B) Its findings of fact concerning any alleged violations of such laws.

(d) The commission shall (1) receive and investigate the credentials of all Senators elect and all Members elect of, or Delegates elect and Resident Commissioners elect to, the House of Representatives, and (2) report to the proper House its findings of fact relative to the validity and integrity of such credentials.

(e) The commission shall investigate all contested-election cases referred to it by either House, and report to the proper House its findings of fact in any such case.

SEC. 7. All records and reports of the commission shall be open to inspection by any person.

SEC. 8. The commission shall, as soon as practicable, make a complete and comprehensive investigation and report to the Congress its findings of fact and recommendations for necessary legislation, with respect to—

(a) The methods, machinery, conditions, costs, results, and other aspects of the existing system of balloting for the nomination and election of Federal officers and the advantages and disadvantages of voting by mail.

(b) The methods, machinery, conditions, costs, results, and other aspects of the existing system of party politics, and the advantages of other systems, especially one whereby all political agencies would be brought under governmental supervision and the legitimate and necessary costs of campaigns would be paid out of public funds.

SEC. 9. This act may be cited as the "Elections commission act."

S. 4423, Seventieth Congress, first session

A bill to prevent fraud and corrupt practices in the nomination and election of Senators and Representatives in Congress, to provide publicity of campaign accounts, and for other purposes

Be it enacted, etc., That in a campaign for nomination or election to the office of Senator or Representative in the Congress of the United States it shall be unlawful to make expenditures except for the purpose of presenting information, arguments, and advice to the electors as to the issues of the campaign and the qualifications of candidates. A candidate or his duly authorized agent or committee may lawfully present information, arguments, or advice to the electors by the use of (a) the mails, (b) the telephone, (c) the telegraph, (d) adveristements in newspapers or by posters or on bill boards, (e) the radio, (f) personal solicitation, and (g) public meetings. The cost of maintaining headquarters and of employing persons to conduct the campaign may be lawfully paid out of the campaign fund by the candidate or his duly authorized agent or committee.

SEC. 2. (a) A candidate shall not make or authorize campaign expenditures, personally or through the authorized agent or committee provided for in section 4, in excess of the amount he may lawfully make under the laws of the State in which he is a candidate, or in excess of the amount he may lawfully make under the provisions of this act.

(b) Unless the law of his State prescribes a less amount as the limitation of campaign expenditures, the maximum amount which a candidate may lawfully expend in his campaign for nomination and the maximum amount a candidate may lawfully expend in his campaign for election, shall be—

(1) The sum of $10,000, if a candidate for Senator, or the sum of $5,000 if a candidate for Representative; or

(2) An amount equal to the amount obtained by multiplying 3 cents by the total number of votes cast at the last general election for all the candidates for the office which the candidate seeks, but in no event exceeding $25,000 if a candidate for Senator or $10,000 if a candidate for Representative; except that in States where Representatives are elected from the State at large each candidate for Representative at large may make or authorize campaign expenditures to the same amount permitted a candidate for Senator in the same State.

(c) Money expended by a candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or expended for his necessary personal traveling and subsistence expenses, shall not be included in determining whether his campaign expenditures have exceeded the sum fixed by this section as the limit of his campaign expenses.

SEC. 3. It shall be unlawful for any person other than a candidate or his duly authorized agent or committee, unless authorized in writing by the candidate or his agent or committee, to make any campaign expenditure in behalf of the candidate, except contributions to the candidate or his duly authorized agent or committee.

SEC. 4. Every candidate shall either—

(a) Personally receive all contributions for the furtherance of the campaign and make or authorize all campaign expenditures and keep accounts thereof as provided in section 5; or (b) appoint an agent or a committee which shall be charged with sole responsibility for receiving all such contributions, making or authorizing all campaign expenditures, and keeping accounts thereof as provided in section 5.

SEC. 5. (a) Every candidate, or his duly authorized agent or committee, shall keep a correct and itemized account of—

(1) Each contribution received from any source for the furtherance of the campaign, together with the name and address of the person who has made the contribution and the date thereof; and

(2) Each campaign expenditure which the candidate or his agent or committee has made or authorized to be made, together with the name and address of the person to whom the expenditure was made, the date, and the purpose of such expenditure.

(b) Each contribution or expenditure shall be entered on such accounts within 24 hours from its receipt, or authorization or payment, respectively.

(c) Such accounts shall be preserved for the period of two years after the date of the election.

SEC. 6. It shall be unlawful for any person willfully to falsify in any way any account required to be kept by this act.

SEC. 7. All such accounts shall, throughout the time they are required to be kept and preserved, be open to inspection by any person.

SEC. 8 (a) Each candidate shall—

(1) On the thirtieth day before the date on which a nomination is made; (2) on the tenth day before the date on which a nomination is made; and (3) on or before the fifteenth day after the date on which a nomination is made, file with the commission on elections a detailed report showing all contributions received and all expenditures made in his campaign for nomination.

(b) Each candidate who seeks election after the date of the nomination shall (1) on the thirtieth day before the date of the election; (2) on the tenth day before the date of the election; and (3) on or before the fifteenth day after the date of the election file with the Commission on Elections a detailed report showing all contributions received and all expenditures made in his campaign for election.

(c) Each such report shall be complete as of the day preceding the date of its filing and shall be accompanied by a balance sheet. The reports required by this section to be filed shall be cumulative, but when there has been no change in an item previously reported only the amount need be carried forward.

(d) Each such report (1) shall be verified by the oath or affirmation of the person filing such statement, before any officer authorized to administer oaths; (2) shall be deemed properly filed when deposited in an established post office on the prescribed day, duly stamped, registered, and directed to the commission at its principal office, but in the event it is not received a duplicate shall be promptly filed upon notes by the commission of its nonreceipt; (3) shall be preserved by the commission for a period of two years from the date of its filing and shall constitute a part of its public records.

SEC. 9. It shall be unlawful for any candidate directly or indirectly to promise or to pledge the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment, for the purpose of procuring support in his candidacy.

SEC. 10. It shall be unlawful for any person to make or offer to make an expenditure, or to cause an expenditure to be made or offered, to any person, either to vote or withold his vote, or to vote for or against any candidate; and it shall be unlawful for any person to solicit, accept, or receive any such expenditure in consideration of his vote or the withholding of his vote.

SEC. 11. It shall be unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution in behalf of any campaign for nomination or election to any political office, or for any corporation whatever to make a contribution in behalf of any campaign for nomination or election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress is to be voted for, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation which makes any contribution in violation of this section shall be fined not more than $10,000; and every officer or director of any cor-

poration who consents to any contribution by the corporation in violation of this section shall be fined not more than $5,000 or imprisoned not more than five years, or both.

SEC. 12. Any person violating any of the provisions of this act, except section 11, shall, upon conviction thereof, be fined not more than $5,000 or imprisoned not more than five years, or both.

SEC. 13. This act shall not limit or affect the right of any person to make expenditures for proper legal expenses in contesting the results of a nomination or election.

SEC. 14. This act shall not be construed to annul the laws of any State relating to the nomination or election of candidates, unless directly inconsistent with the provisions of this act, or to exempt any candidate from complying with such State laws.

SEC. 15. If any provision of this act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 16. The Federal corrupt practices act, 1925, approved February 28, 1925 (except section 312 thereof), is hereby repealed.

SEC. 17. As used in this act—

(a) The term "campaign expenditures" includes all expenditures made for the purpose of obtaining nomination, regardless of the method of nomination, and for the purpose of obtaining election after nomination, made or authorized by the candidate between the date of the election and the date of the last previous election for the same office.

(b) The term "candidate" means an individual who is presented for nomination or election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is nominated or elected.

(c) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(d) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(e) The term "person" includes an individual, partnership, committee, association, corporation, or any other organization or group of persons.

SEC. 18. This act may be cited as the "Federal corrupt practices act of 1928."

SEC. 19. This act shall take effect on the date of its enactment.

S. 4424, Seventieth Congress, first session

A bill to regulate campaign expenditures of candidates for President and Vice President, and for other purposes

Be it enacted, etc., That it shall be unlawful for a candidate for President or Vice President, personally or through a duly authorized agent or committee, (a) to make or authorize expenditures, for the purpose of obtaining his nomination, in an amount in excess of $480,000, or in an amount in excess of $10,000 in any one State; or (b) in the event of his nomination, to make or authorize expenditures, for the purpose of obtaining his election, in an amount in excess of $1,440,000, or in an amount in excess of $30,000 in any one State; except that expenditures for headquarters and other general expenses of a campaign shall not be counted against the limitation of expenditures in each State.

SEC. 2. (a) Any individual who is a qualified elector may, in his own name and not otherwise, make a contribution in any amount to the campaign fund of any candidate for the office of President or Vice President if such contribution is made not later than 30 days before the date of the election. During the period from the thirtieth to the sixteenth day, inclusive, before the election, it shall be unlawful for any individual to make a contribution to such fund in excess of $10,000, and during the period of 15 days next preceding the election it shall be unlawful for any such individual to make any such contribution in excess of $5,000. After the election it shall be unlawful for any such individual to make any such contribution in excess of $1,000 for the purpose of paying a deficit in such fund.

(b) It shall be unlawful for any candidate, or his agent or committee, to receive from any person, during any period specified in subdivision (a) of this section, any contribution in excess of the amount allowed to be contributed during such period under the provisions of such subdivision.

SEC. 3. It shall be unlawful for any person other than a candidate or his duly authorized agent or committee, unless authorized in writing by the candidate or his agent or committee, to make any campaign expenditures in behalf of the candidate, except contributions to the candidate or his duly authorized agent or committee.

SEC. 4. It shall be unlawful for a candidate, or his duly authorized agent or committee, to incur any deficit, which, when added to the contributions actually received, would make a total in excess of the amount provided in section 1 as the limitation of expenditures in a campaign for either nomination or election.

SEC. 5. Every candidate shall either (1) personally receive all contributions for the furtherance of the campaign and make or authorize all campaign expenditures and keep accounts thereof as provided in section 6; or (2) appoint an agent or a committee which shall be charged with sole responsibility for receiving all such contributions, making or authorizing all campaign expenditures, and keeping accounts thereof as provided in section 6.

SEC. 6. (a) Every candidate, or his duly authorized agent or committee, shall keep a correct and itemized account of (1) each contribution received from any source for the furtherance of the campaign, together with the name and address of the person who has made the contribution and the date thereof; and (2) each campaign expenditure which the candidate or his agent or committee has made or authorized to be made, together with the name and address of the person to whom the expenditure was made, the date, and the purpose of such expenditure.

(b) Each contribution or expenditure shall be entered on such accounts within 24 hours from its receipt, or authorization or payment, respectively.

(c) Such accounts shall be preserved for the period of two years after the date of the election and shall, during such period, be open to inspection by any person.

SEC. 7. It shall be unlawful for any person willfully to falsify in any way any account required to be kept by this act.

SEC. 8. (a) Each candidate, or his agent or committee, shall file with the Commission on Elections, on the fifteenth day before the date of the national convention at which such candidate seeks to obtain the nomination, a detailed report showing all contributions received and all expenditures made or authorized to be made by the candidate, or his agent or committee, prior to the time of the submission of such report. Within a period of 10 days after the adjournment of such convention each such candidate, or his agent or committee, shall file with the commission a final and detailed report of all contributions received and all expenditures made or authorized to be made on behalf of such candidate during the period between the date of the last previous presidential election and the date of such adjournment.

(b) On the thirtieth day and on the fifteenth day next preceding the date of the election the treasurer of each national campaign committee shall file with the commission a detailed report, attested by the chairman and secretary of such committee, of all contributions received and all expenditures made or authorized to be made on behalf of all candidates since the date of the last previous presidential election. Within a period of 10 days following the election the treasurer of each such committee shall file with the commission a final and detailed report, attested by the chairman and secretary of such committee, of all contributions received and all expenditures made or authorized to be made on behalf of all candidates during the period between the date of the last previous presidential election and the date of such report.

(c) In addition to the reports provided for in subdivision (b) of this section, the treasurer of each national campaign committee shall file with the commission, on such dates as the commission may fix, not less than four reports in any calendar year of the contributions received and expenditures made or authorized to be made by such committee for political purposes. The reports required by this subdivision shall be cumulative during the calendar year to which they relate.

(d) Each report required by this section (1) shall be verified by the oath or affirmation of the person filing such report before any officer authorized to administer oaths; (2) shall be deemed properly filed when deposited in an established post office on the prescribed day, duly stamped, registered, and directed to the commission at its principal office, but, in the event that it is not received, a duplicate shall be promptly filed upon notice by the commission of its nonreceipt; and (3) shall be preserved by the commission for the period of two years from the date of its filing and shall constitute a part of its public records.

SEC. 9. It shall be unlawful for any candidate to directly or indirectly promise or pledge the appointment or the use of his influence or support for the appointment of any person to any public or private position or employment for the purpose of procuring support in his candidacy.

SEC. 10. It shall be unlawful for any person to make or offer to make an expenditure, or to cause an expenditure to be made or offered, to any person either to vote or withhold his vote or to vote for or against any candidate, and it shall be unlawful for any person to solicit, accept, or receive any such expenditure in consideration of his vote or the withholding of his vote.

SEC. 11. Any person who violates any of the provisions of this act shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than 10 years, or both.

SEC. 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 13. As used in this act—

(a) The term "campaign expenditures" includes all expenditures made for the purposes of obtaining nomination, regardless of the method of nomination, and for the purpose of obtaining election after nomination, made or authorized by the candidate between the date of the election and the date of the last previous national election.

(b) The term "candidate" means an individual who is presented for nomination or election as President or Vice President, whether or not such individual is nominated or elected.

(c) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(d) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(e) The term "person" includes an individual, partnership, committee, association, corporation, or any other organization or group of persons.

SEC. 14. This act may be cited as the "national campaign expenditures act of 1928."

SEC. 15. This act shall take effect on the date of its enactment.

Mr. SHIPSTEAD. Mr. President, I think the Senator from New Mexico [Mr. CUTTING] has rendered a distinct public service. It is a strange paradox that while the Senate has spent a great deal of its time and a great deal of money in investigating corrupt practices in elections, and I think some very good work has been done—I want to congratulate the members of the various committees that have had that work to do upon the manner in which they have done it—still, except for the unseating of Smith and VARE, the Congress has done nothing to stop these practices in the future.

It is a good deal like the fact that so many people all over the world are talking against war and for peace. Even governments indulge in that pastime, but no major government on the face of the earth that I am aware of, and no powerful nation of people, has ceased the economic practices that lead to war.

We talk about corruption, the buying of seats in the Senate, the selling of the Government on the auction block to the highest bidder, but we have done nothing to stop the practice.

Mr. President, I have waited for some of the learned constitutional lawyers of the Senate who are so much better equipped than I to study this question and propose a remedy. I am glad that the Senator from New Mexico has opened the discussion of the subject. Some time ago, in my humble way, I spent considerable time in studying this question, and introduced three bills that I hoped would at least be a partial remedy. I do not claim that these bills carry an adequate or complete remedy; but I had hoped that the Committee on Privileges and Elections, before which these bills are now pending, would at least give some consideration and hearing to them. In view of the fact that this matter has been brought up this morning, I want to call the attention of the Senate to these bills.

As a matter of fact, I think we have done the State of Illinois and the State of Pennsylvania a grave injustice in this: The country has been led to believe that only in Illinois and Pennsylvania is there wholesale corruption of the electorate. I make the charge that if the committee of the Senate or any other reliable, responsible body in the United States will investigate the political machinery of many other States of the Union it will find political machines as corrupt as the political machine of Pennsylvania or of Illinois. I venture to say that it will be found that in very many States of the Union the political machinery is as corrupt and spends as much money in proportion to the wealth and population of the States as in Pennsylvania or in Illinois.

It is a well-known fact that for years delegates to conventions from the South, made up of office holders, have been sold on the auction block to the highest bidder, to the presidential candidate whose representatives will pay the greatest sum of money. It is also a well-known fact that they do not stay bought. The man who gets to them last with the money gets the delegates and gets the votes in a national convention.

It is a subject of such grave importance to the life of the Republic that I think the Congress has been very derelict in its duty in not paying more attention to it, in order to find a remedy.

In the opening remarks of the Senator from New Mexico [Mr. CUTTING] he called attention to the corrupt practices act of 1925. That act specifically excluded from its operation primaries for the selection of candidates for United States Senator. I take it that it was not done with malice aforethought. I take it that it was done with the Newberry decision in mind.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. I yield.

Mr. WALSH of Massachusetts. Having been long interested in that problem I will say to the Senator that the reason why primaries were excluded was because of the decision of the Supreme Court of the United States in the Newberry case.

Mr. SHIPSTEAD. I want to call the attention of the Senator from Massachusetts, however, to this fact—and I am sure he did it in good faith. I do not call this to the Senator's attention in criticism of whoever inserted that provision in the corrupt practices act——

Mr. WALSH of Massachusetts. I understood the Senator.

Mr. SHIPSTEAD. But I want to discuss that provision for a moment.

Mr. WALSH of Massachusetts. May I suggest to the Senator that in the course of his discussion of this subject he consider whether it is possible, by constitutional amendment or otherwise, to limit the abuse of the use of money in elections without forbidding the use of money of any amount by all political parties and all candidates?

I have come to the conclusion, from a good many years of study of the question, that the only way to do away with these election abuses is for the Government to assume all the legitimate expenses of elections. What are the legitimate expenses of a candidate? Chiefly distribution of literature, holding public meetings, and carrying voters to the polls and employing workers on election day.

Carrying voters to the polls on election day can be taken care of very simply by providing that the communities where elections are held pay for the transportation of invalids and a penalty for repeated failures, with good reason, to vote. The distribution of literature can be taken care of by the Government issuing a pamphlet giving the same proportion of space to every candidate and every party, and mailing it to every voter. The matter of public meetings can be taken care of by public halls being given over for one or two or three nights to each candidate or party in each locality. If that can be done, will the Senator tell me where and how there is need of the legitimate expenditure of money for the election of any candidate?

Mr. MAYFIELD. Mr. President, will the Senator from Massachusetts yield there?

Mr. WALSH of Massachusetts. The Senator from Minnesota has the floor. I should like to add, however, that if we depart from the principle of no expenditures, we immediately begin to permit all kinds of excuses for the expenditure of money in unlimited amounts.

I am very strongly of the opinion that we should seek to conduct our elections like the elections of a high-class business corporation that wants to elect responsible officers or directors. A man who would go about spending large amounts of money to be elected to the board of directors of a high-class financial institution would not be considered worthy of the office. If those directors want to know something about an applicant they make inquiries, they make investigations, and they pay out of the resources of the company for those inquiries and those investigations.

I repeat, I am very strongly of the opinion—and I should like to have the Senator's view on this subject—that the way to ultimately solve this problem is to forbid the use of money altogether. That will prevent those who have great wealth having any advantage over those that have no money. It will prevent the political party that can gather the largest sum of money having any great advantage over the political party that can get only a few thousand dollars, and will do more than anything else to restore the principle of equality of opportunity, which is a cardinal American principle. Equality does not exist in the right to hold public office if one man can use millions of dollars to be elected, and another man can not use it because he can not command the money or declines to be subservient to the influences that give money for elections.

Mr. CUTTING. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Minnesota yield to the Senator from New Mexico?

Mr. SHIPSTEAD. I do.

Mr. CUTTING. I should like to express my complete agreement with the remarks just made by the Senator from Massachusetts. I believe that within the next 10 years it will be possible to adopt some such system. I am not sure that the public is ready for it at the present time. If it is, I shall certainly be glad to vote for such a system.

Mr. WALSH of Massachusetts. I am pleased to hear that observation.

Mr. CUTTING. My legislation is being suggested just for the present emergency, until we are ready to take the full step suggested by the Senator.

Mr. WALSH of Massachusetts. I agree with the views of the Senator and hope we can make progress toward removing the evil influences of large expenditures of money in our elections.

Mr. SHIPSTEAD. Mr. President, on account of the lateness of the hour I shall ask, very respectfully, that I be not interrupted.

I want to say to the Senator from Massachusetts that I do not see any reason why the law should not provide that the only money a man should spend in an election of any kind is his necessary traveling expenses. Let all candidates pay their necessary traveling expenses, and present their messages to the people of their district or their State on a basis of equality.

I want to say, in qualification of a statement I made about the buying of delegates from the South, that I do not want to be misunderstood as having reference to the great mass of the people of the South. I had particular reference to officeholders under a Republican administration, appointees who, under the peculiar circumstances of the conditions in the South, have a notorious reputation for being venal. I think, in a lesser degree, the same criticism applies to delegates from all over the United States.

I desire now to discuss the particular provisions of the corrupt practices act of 1925 exempting primaries from the provisions of that act.

Mr. WALSH of Massachusetts. Mr. President, I want to remind the Senator about that. Referring to the act of 1925, the able Senator from Idaho [Mr. BORAH] and several other Members of this body who made a special study of this subject were very much interested in that act; and at that time it was thought that we went as far as possible under existing constitutional provisions.

Mr. SHIPSTEAD. I want to be understood as saying that I do not question the ability as constitutional students of the Senator from Idaho and the Senator from Massachusetts. It may be presumptuous of me to discuss the subject, not being a lawyer, but I have read the decision, and I propose to make just a few remarks upon that decision as it affects the corrupt practices act as it was enacted in 1925.

The original Federal corrupt practices act of 1910, of which the present 1925 act is an amendment, covered both primary and general elections. This was before the adoption of the seventeenth amendment, providing for direct election of Senators by the people.

The Supreme Court in the Newberry case held that the 1910 act, being passed prior to the seventeenth amendment, could not be validated by the later amendment. The syllabus of the Supreme Court decision in Truman H. Newberry et al., plaintiffs in error, *v.* United States of America (254 U. S.) reads plainly on this point:

1. The only source of power which Congress (prior to the seventeenth amendment) possessed over elections for Senators and Representatives was United States Constitution, Article I, section 4, which empowers Congress to regulate the manner of holding such elections.

2. Under the constitutional grant of power to regulate "the manner of holding elections" of Senators and Representatives, Congress could not fix, as it attempted in the act of June 25, 1910, section 8, as amended by the act of August 19, 1911, the maximum sum which a candidate may spend, or advise or cause to be contributed and spent by others, to procure his nomination at a primary election or convention.

3. The validity of the Federal corrupt practices act, antedating the seventeenth amendment, must be tested by powers possessed by Congress at the time of its enactment. An after-acquired power can not, ex propria vigore, validate a statute void when enacted.

Thus the Supreme Court plainly intimates that Congress under the seventeenth amendment has an "after-acquired power" additional to that granted in Article I, section 4, and that under this "after-acquired power" Congress has authority to regulate both primary and general elections as provided in the original 1910 Federal corrupt practices act, under which the Government attempted to prosecute Senator Newberry, of Michigan.

Congress has not yet assumed this "later-acquired power" under the seventeenth amendment, the power which the Supreme Court has pointed out to us. The short bill which I have introduced provides for doing so. It provides that the title of the corrupt practices act of 1925 shall be changed so as to include the words "primary elections." The bill provides simply that the term "elections" in the Federal corrupt practices act includes primary, general, and special elections.

Before the ratification of the seventeenth amendment United States Senators were elected by State legislatures. The election of a Senator had nothing to do with the popular-election system—neither with registration, primaries, nor general elections. After the adoption of the seventeenth amendment the election of Senators fell within all provisions of election by the people—registration, primary, and general elections—and thereby came squarely under Article I, section 4, of the Constitution, granting power to Congress to regulate "the manner of holding elections" of Senators and Representatives. And "the manner of holding elections," elections by the people in this country, includes the whole elective process—registration, primary, and general elections.

PRIMARY ELECTIONS OF SENATORS AND REPRESENTATIVES

Of 96 Senators in this Chamber, 82 come to it through the primary election.

Of 434 Members of the House of Representatives, 420 come to Congress through the primary election.

There are 41 States having state-wide primary elections of Senators, and 42 States having congressional district primary elections of United States Representatives.

If a Federal corrupt practices act is needed in any elections at all, it would seem to be necessary in the 41 States where in a majority of cases the primary election is the main contest in the election of United States Senator, and in the 42 States where the primary election determines in the majority of cases the contest for Representative.

We have only to glance at the election returns of the last election, 1926, to note how large a number of the election contests of this country in the election of Senators and Representatives are settled in the primary election. In over half the States and congressional districts the main contest is in the primary.

Take the Southern States. With the possible exception of one congressional district in Texas, the entire election of southern Senators and Representatives is settled in the Democratic primary elections. Compare the primary-election vote in these States with the general-election vote.

In Alabama, 1926, the Democratic primary vote for Senator was 207,316, and the total general-election vote was 113,513.

In Arkansas the Democratic primary vote was 220,816, and the fall vote of all parties only 33,214.

The Florida primary vote was 107,129, and the November vote 65,568.

Georgia's primary vote for Senator was 190,090; November total, 47,366.

Louisiana primary contest polled 164,603, and general election 54,180.

South Carolina polled 160,262 in the Democratic primary; only 14,560 in the November general election of Senator.

The primary election is the main contest in a good share of the Northern and Western States. In Illinois, 1926, the Republican primary polled 1,146,798 votes against 842,273 Republican votes for Senator in the November general election. The Illinois Republican primary contest polled a larger vote by 300,000.

In Pennsylvania 1,415,577 Republican voters contested for Senator in the May primary, against 822,187 at the same polls in November. The Pennsylvania primary contest brought a larger Republican poll than the general election by 629,000, or 75 per cent.

There was no corrupt practices act to regulate the main contests in Illinois and Pennsylvania, the primary elections in the spring. Had the Federal corrupt practices act been extended to primary elections, as the Supreme Court so plainly intimates it could be, does anyone in this Chamber imagine for a moment that the conditions in the primary contests of these two States would have been what the investigations of the Senate have disclosed? The expenditure of thousands of dollars and consumption of months of time over two prolonged election contests in the Senate—with the disclosure of conditions that are a national disgrace—are logically traceable to the neglect of Congress to apply the Federal corrupt practices act to the primary elections that constituted the main election contests.

Let us consider the increasing part which primary elections play in the political contests of some of our Western States.

The North Dakota primary election of Senator, 1926, brought out 161,958 Republican votes, against 107,921 Republican votes in November.

The Republican primary vote in Iowa for Senator was 422,327, against a Republican vote of 323,409 in November.

The California Republican primary contest polled 707,326, against 670,128 Republican votes in November.

The Oregon Republican primary polled 125,077, against 89,007 Republican votes in November.

Washington's Republican primary vote was 215,642, against a November Republican vote of 164,130.

In Wisconsin, 1926, 466,637 Republican votes were cast in the primary contest, which was 267,000 more than the Republican vote in November.

In all of these States the main election contest was in the primary election. In 26 having state-wide primary elections in 1926—a substantial majority of the whole—a summary of the total cast in primary contests, as compared with the general election total, makes the following instructive comparison:

Primary total vote of these 26 States	11,294,020
General election total for same States	10,073,955

CAMPAIGN MILLIONS UNLOOSED BY NINE WORDS IN 1925 STATUTE

The original Federal corrupt practices act of 1910 was not expressly amended so as to withdraw all Federal restrictions upon corrupt practices in the primary election of Senators and Representatives until the statute of February 28, 1925, limited the jurisdiction of the act as follows:

SEC. 302. (a) The term "election" includes a general or special election * * * but does not include a primary election or convention of a political party.

For 15 years—from the original act of June 25, 1910, to the statutory amendment of February 28, 1925—the Federal corrupt practices act applied in express terms to primary elections of Senators and Representatives.

The Newberry decision of 1921 was not conclusive of the powers of Congress to punish corrupt practices. The Federal corrupt practices act of 1910 was an extensive act of 19 sections covering many phases of election corruption. It prohibited campaign contributions by corporations and corporate officials. It governed the solicitation of campaign funds. It penalized the sale and purchase of votes. It provided for the filing of campaign contributions and expenditures. The Newberry decision expressly covered only that phase of the corrupt practices act set up in the indictment and found that Congress had not the power in 1910 to set a limit to the campaign expenditures of Newberry in his primary election.

Four members of the Supreme Court held that Congress, even before the seventeenth amendment, had the power to regulate all elections of Senators and Representatives, both primary and general elections. Chief Justice White, dissenting, held—page 269:

I can see no reason for now denying the power of Congress to regulate a subject which from its very nature inheres in and is concerned with the election of Senators of the United States as provided by the Constitution.

Justice Pitney—page 275—with whom Justices Brandeis and Clarke agreed, declared:

There is no constitutional infirmity in the act of Congress that underlies the indictment.

But he found—

there was an error in the submission of the case to the jury that calls for a new trial.

Justice McKenna, the fifth justice in the case and the one whose opinion governed the verdict, reserved his opinion except on the one point, that the act of 1910 antedated the seventeenth amendment and thereby lacked authority to limit the Newberry expenditures.

That the moral effect of the 1910 act did not cease with the decision of a divided court is proven by the resignation of Newberry and his retirement from the Senate. He knew, as the country knew, that politically he was dead. Any day there might be a change of court opinion by death or resignation, or by the introduction of a new legal angle into an election case, that would bring disaster to any candidate, or boss, or campaign contributor violating the Federal corrupt practices act of 1910. So the case stood until 1925.

But when on February 28, 1925, with 30 Senators and 420 Representatives facing primary elections in 1926, it was expressly declared by Congress that the Federal corrupt practices act as applied to elections "does not include a primary election or convention," then the gates were thrown open.

Section 313, prohibiting corporation contributions to primary campaign funds, a subject not discussed in the Newberry case, was repealed as to all primary contests. This language of the law was stricken out as to primary elections, to wit:

Every corporation which makes any contribution in violation of this section shall be fined not more than $5,000, and every officer or director of any corporation who consents to any contribution by the corporation in violation of this section shall be fined not more than $1,000, or imprisoned not more than one year, or both.

This provision had stood as a deterring force in all primary contests for 15 years up to February 28, 1925. Congress in 1925 said, in effect, to the corporations of the country and to the political bosses and machines: "Gentlemen, primary elections are now open to all the contributions you care to make and to all the corrupt practices you can invent. Go to it! You are herewith granted complete immunity from the Federal corrupt practices act so far, mind you, as concerns primary elections and conventions. See that you restrict your criminal work to primary elections and conventions; that is all; go ahead; make hay while the sun shines."

The 1926 primary-election contests show that the bosses, machines, and corporate affiliations took Congress at its word. The results we have seen. The immunity bath for corrupt practices was such a stimulus in Illinois primaries that the State primary election of Senator, which usually brought to the polls 800,000 to 1,000,000 votes, swelled the 1926 vote to 1,443,163—and the vote at the Republican primaries was 300,000 larger than at the general election following. Corporate contributions, or the contributions of corporate officials, ran into figures never before known in political history.

In years prior to this 1925 immunity bath the Pennsylvania vote in senatorial primary elections had stood—534,000 in 1920, 1,117,000 in 1922, and only 816,000 in 1924. But the immunity grant of 1925 swelled the Pennsylvania primary vote to 1,616,704—an increase of nearly 100 per cent. The Republican primaries of 1926 in Pennsylvania polled 1,451,577, which was 629,390 more than the Republican vote in November. So Pennsylvania bosses and corporations obeyed the injunction of Congress to the letter and heaped all their corrupt practices on the primary. They appreciated the courtesy of Congress in giving them their first chance in years to be as corrupt as they pleased.

Further illustrations of the logical effect of the 1925 repeal can be read in the primary election results of numerous States—wherever moneyed interests were concerned in political control. But it is not necessary to extend the grewsome detail. A large percentage of the Senators in this Chamber are familiar with enough cases of the use of unlimited campaign barrels in recent primary contests in their own States to know that the 1925 provision—the nine words exempting the operations of the Federal corrupt practices act from primary elections—was a vital blunder which endangers government by the people in this country.

The illustrations I have used thus far relate to the primary election of Senators. Perhaps a word should be added in regard to the part which primary elections play in the election of Members of the House of Representatives. I have intimated that in a majority of the 434 congressional districts in the United States the main contest is in the primaries. Let us examine the basis for that contention.

If you turn to the statistical pages of the Congressional Directory, pages 182–188, where Clerk of the House Tyler Page compiles the election returns for Members of the House, you will be struck with the following facts:

In about 90 congressional districts the Congressman elect has no opposition in November, the only election being that at the primary.

In over 150 congressional districts the Congressman elect polled more than double the vote of his defeated opponent. It will be admitted that in such a district the main contest was at the primary, the primary election being the equivalent of election.

Thus, in 240 congressional districts out of the total 434—or 26 more than a majority—the main election contest is the primary.

To restrict the operation of the Federal corrupt practices act to the minority of congressional districts and deny its operation to the majority, I submit, is to make that act a farcical gesture devoid of logic or statesmanship. If Congress is in earnest and sincerely desires results from the enforcement of the Federal corrupt practices act, if it honestly proposes to stem the trend of commercial control of seats in these two Houses, its duty is plain. Extend the act to primary elections, as the Supreme Court plainly indicates we have the power to do. Apply the act to that class of elections which to-day determine the will of the people in a majority of the States and their congressional districts.

Mr. President, if that be done I think it will tend to allay the fear that is prevalent throughout the country to-day from the revelations that as a matter of fact the very Government of the United States itself is being sold on the auction block to the highest bidder and being used by those who buy it to have legislation enacted, not only in the two Houses of Congress but in the very administration of the law itself in the executive

departments, and that those people are using the Government for the purpose of milking the pockets of the American people for their own profits.

Mr. President, because of the lateness of the hour I shall not take any more of the time of the Senate. I had not expected to address the Senate to-day at all. At some later time I shall attempt to go into the subject more specifically.

CAMPAIGN EXPENSES OF GOV. ALFRED E. SMITH

Mr. HEFLIN. Mr. President, the Washington Herald this morning carried a statement to the effect that Mayor William A. Gunter, of Montgomery, Ala., had been elected a delegate at large from the State, and that this was "a repudiation of Senator HEFLIN." It will be recalled that Mr. Gunter is the man who sent a telegram to the senior Senator from Arkansas [Mr. ROBINSON] criticizing me when I discussed the Roman Catholic-Mexican-Hearst scandal in the Senate in January.

The opposition to Governor Smith in Alabama had 10 candidates for delegates from the State at large and we could only elect 4. The opposition to our delegates, those who were said to favor Smith, had only 4 candidates in the field, while we had 10. All 10 of our candidates received a good vote. So our forces were naturally divided. But in spite of that, we swept the field entirely, elected the entire delegation of 24, all against Smith, and the lowest delegate selected on our ticket of 4 from the State at large, defeated Mayor Gunter by between 15,000 and 16,000 votes.

A friend informs me that while some clever citizens and good Democrats voted for Gunter for various reasons, that his main vote came from the Roman Catholics.

That particular vote really represents the real opposition to me in the State because of the fight I have made and am making and will continue to make for the protection and preservation of free institutions in America.

Mr. Gunter has been rejected. He would not admit that he was for Governor Smith—so he must have obtained some votes on that score. He made speeches over the State and they say he had active workers in various sections of the State. It is believed in the State, and I believe it, that funds were furnished by Governor Smith's secretive and artistic campaign managers. If the Washington Herald thinks or thought, when it thought that Gunter had been elected, that I was repudiated, I wonder now what it thinks about it since he has been overwhelmingly defeated? I will not take the time to comment on that.

Mr. President, I hold in my hand the forerunner—the outside cover or advertisement of a book that is to appear soon, written by Mr. Hapgood and somebody else, entitled "Alfred E. Smith," a biographical study in Democratic politics, and so forth, illustrated by photographs, cartoons, original drawings, for sale at $2.50 a volume. Governor Smith has evidently approved this. It must have been submitted to him before it was submitted to the public. It carries this statement, quoting from the Nation:

> No newspaper editor or politician who desires all the facts can be without this volume, and likewise no citizen who wishes to know truths about the man who will either be the next presidential nominee of his party or be the cause, by reason of his defeat, of his party again going on the rocks.

I want Democrats to take note of that statement. That is being carried in his biography. No doubt he is paying for it or some of his close friends are. They are already spreading the idea over the country, before the convention meets, that this man will be the nominee or his defeat will be the means of driving the party on the rocks.

I have shown heretofore that Governor Smith's friends, the Roman Catholic newspapers, have threatened to defeat the party if they did not nominate Smith. I have shown that their leaders in various States have said that. But here it comes, with the sanction of Governor Smith himself, it appears, that if he is not nominated they are going to bring about the defeat of the Democratic Party.

Mr. President, in addition to that I want this to go in the RECORD to-day. Yesterday Governor Smith was interrogated briefly in New York. He said to the Senate committee investigating campaign funds that he knew nothing about his campaign, that he had authorized nobody to accept money or to spend money. He knew nothing about anything except about New York, and yet he is running to be President of a Union of 48 States. He admits by that he is not acquainted with the problems that affect the Nation at large; he knows nothing except about New York.

Mr. President, he reminds me of the images of the three little monkeys which the Japanese have made well known. One has his hands over his mouth, another has his hands over his ears, and another has his hands over his eyes—"see no evil, speak no evil, hear no evil." So Governor Smith sees nothing, hears nothing, tells nothing. That is the situation he is in before the Senate committee. Senators, is it possible that this man is going to let that statement stand—running for President of the United States and yet swearing before a committee of the Senate that he knows nothing about his campaign; that he has authorized nobody to make any preparations to run it; that he knows nothing about his campaign expenditures? Is he to let that statement stand before this Senate committee and the country?

Let me suggest to the committee how to get at some of the facts. Call Mr. Norman Hapgood before the committee—I suggest it in the open Senate—and ask him who furnished the money for the printing of the stories he has written day after day in the Washington News. Call Mr. Hoover's man in and ask him to tell the committee who paid him; and call in the manager of the Washington News and ask who paid for those many pages that appeared day after day for a month, or perhaps more. That cost money. I know, because I myself have been held up a few times by certain daily papers. I remember that a daily newspaper in my State printed a speech of mine and a cut; it filled a whole page; and they charged me only $300 for it in one issue.

How much did the articles to which I refer cost, appearing 30 or 40 days, page after page? They cost somebody several thousand dollars. I now suggest to the committee that they call the News in, and call Norman Hapgood and this other man, who seems to have picked out these two candidates for us, one for the Republicans and one for the Democrats, and interrogate them, ask them who paid them this money and how much.

Let me say to the Senate that it was disclosed in the testimony yesterday that one contractor in New York—just one out of the hundreds and thousands in New York City—had given to Governor Smith's campaign fund $20,000 and had loaned $50,000 more to his committee. Just one contractor in New York had contributed $70,000 to Governor Smith's campaign fund, a contractor who is under obligations to Governor Smith and Mayor Walker for getting these jobs in the city of New York, where Tammany holds sway and feeds and fattens on graft. That is worth looking into.

It has been suggested by a newspaper—and I will discuss the matter more at length later—that there is a graft fund of $60,000,000 being raised in New York for Governor Smith; that it has been collected out of contracts let in New York City for various purposes. The suggestion is made in that newspaper that Mayor Walker ought to resign or that he ought to be impeached. I hope our committee has not finished with New York. I trust that it will go back again or call the witnesses here.

Let me remind Senators that Governor Smith is following somebody's example. Newberry tried similar tactics on the Senate committee. He said, "I do not know anything about it." The vouchers came in and in spite of the destruction of checks, we traced about $200,000. "But what about this?" he was asked. "I do not know." "Well, but these people say they got the money." "Well, my brother John must have attended to that. I knew nothing about it." I wonder if Gov. Alfred Smith of New York has a friend or brother who imposed upon and mistreated him, or who kindly took the responsibility—all off of him. He said, "I do not know"; and that he had authorized nobody—he has just drifted and drifted and drifted on the edge of the sea of politics; he does not know the way out to the open sea. He said so; he knows nothing except New York; and yet it is alleged they knew how to grab up this $60,000,000 presidential campaign fund in New York, so this newspaper charges, which I shall later discuss here.

Let the committee go back to New York, call every contractor they can find, and ask him how much he has contributed to Governor Smith's campaign fund. This should be done at once. Let the Senator from Indiana [Mr. WATSON] tell what he knows about Hoover's large expenditures in Indiana. Let some of the friends of the late Senator Willis, the great Senator from Ohio, who died not long ago, tell of the large Hoover expenditures there. They made a terrific campaign against him and spent tremendous sums of money. Senator Willis talked about it frequently with some of the Senators here. Let them ask his friends to tell them whom to call here.

Senators, we owe it to our country to interrogate every Republican and Democrat who is engaged in this sort of corrupt and infamous business. Both parties ought to join sincerely in the effort to crush out the candidates who are trying to put the Presidency upon the auction block for sale and traffic to the highest bidder. It ought to be stopped; it has got to be stopped; and we are going to stop it.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. HEFLIN. I do, very gladly.

Mr. SIMMONS. I should like to ask the Senator from Alabama if, after the disclosures in the Smith and Vare investigations, any friend of a candidate who desired to use large sums of money would be likely to send that money to the candidate or even to the candidate's manager? Would he not, in other words, be disposed to put that money into somebody's hands who was not connected with the organization, and so arrange it that the candidate would know nothing about the expenditures?

Mr. HEFLIN. Certainly; and that is what I think has happened. The Newberry case disclosed that checks had been given, money had been delivered and receipts taken, and vouchers were shown. Candidates have learned from that to cover up their tracks, and not to give any checks, not to take any receipts and to have no record which will show the facts—except their own private records locked up in a safe.

Somebody admitted yesterday for Governor Smith that $41,500 was sent to the one State of California. Suppose they are sending $40,000 or $50,000 to each State. That would be a very large sum. But the governor, so he says, does not know anything about it. Strange indeed!

So, Mr. President, I call on my party, in the name of millions of clean and incorruptible Democrats, not to permit this man's nomination. I wish to assert again—and then I am going to yield the floor—that Governor Smith is not going to be nominated by the Democrats. The true and tried Jeffersonian democracy will hold the line against him. Indiana has gone for Woollen. We will see how strong the people of that State are for their home candidate. They are seeking to make him appear as a stalking horse for Smith—Governor Donahey will hold Ohio; REED has 100 and more delegates; Smith claims delegates that belong to REED. Keep your eye on Judge HULL of Tennessee; the solid South will be there standing like the rock of Gibraltar; and Governor Smith is not going to get enough votes to nominate him. I also think that the defeat of Hoover in Indiana by WATSON has "fixed his clock." I think the Republicans are going to hold him, as some of them would like to do, and relieve the country of having to pick between these two. It is to be hoped that that will be done.

PATENT MONOPOLIES

Mr. DILL. Mr. President, a few weeks ago I introduced a bill, being Senate bill 2783, for the purpose of providing that the owners of patents who use them to form corporations and monopolies in violation of the Sherman law or the Clayton Antitrust Act, should forfeit their patent rights. Hearings were held on that bill before the Committee on Patents, and it was argued that the provisions of the bill were too stringent; that the punishment was too drastic because of the indefinite provisions of the law, and the fact that the courts have not always made clear exactly what constitutes a violation of the law. For that reason I have introduced a substitute for that bill, which I ask may be printed in the RECORD at this point in my remarks, without being read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The proposed substitute is as follows:

Amendment intended to be proposed by Mr. DILL as a substitute for S. 2783, to provide for the forfeiture of patent rights in case of conviction under laws prohibiting monopoly, viz: Strike out all after the enacting clause and insert the following:

"That it shall be a complete defense in any suit for infringement of a patent to prove that the complainant in such suit is a party to any combination (in the form of trust or otherwise), agreement, understanding, license, or cross license, with any other patentee or other person owning or controlling patent rights, the effect of which is substantially to lessen competition or to tend to operate a monopoly in any line of commerce.

"SEC. 2. It shall be a complete defense in any action for infringement of a patent to prove that the complainant in such infringement suit is violating any law of the United States relating to unlawful restraints and monopolies or relating to combinations, contracts, agreements, or understandings in restraint of trade, or is engaged in any practice declared to be unlawful by the Clayton Act or the Federal Trade Commission act."

Mr. DILL. Mr. President, the substitute which I have offered provides that in any infringement suit brought by the owner or holder of a patent it shall be a complete defense to show that that patent is being used in combination with other patents in violation of the Sherman Act or the Clayton antitrust law. I believe that the greatest monopolies in America to-day are built around the illegal use of patents, and I believe that some legislation is necessary in order to protect the public against such illegal use.

The Constitution gives Congress the right to grant patents for the purpose of encouraging the arts and sciences, but not for the purpose of enabling a few holders of patents to establish monopolies, to pick the pockets of the people in a manner that would not be possible did they not hold such patents. The bill which I offer as a substitute does not destroy the patent rights so long as the patents are used legally, and anyone who is using patents illegally can regain the right to sue for infringements by ceasing to violate the law.

The most striking illustration of the kind of violation which I have mentioned is found in the radio combination that has grown up in this country, generally known as the Radio Trust. This giant monopoly represents a pool of patents of the American Telephone & Telegraph Co., the General Electric Co., the Westinghouse Electric & Manufacturing Co., the United Fruit Corporation, and the Radio Corporation of America. This combination has undertaken to monopolize radio communication, radio broadcasting, and radio manufacturing, and does this all under the pretense of protection by patents. It has done more than that. It has attempted to apportion this monopoly among the constituent members by a series of cross-licensing agreements which violate both the Clayton Act and the Sherman antitrust law. These agreements should be read by everyone who wants to know of these violations, and I therefore ask unanimous consent that they may be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The agreements referred to are as follows:

LICENSE AGREEMENT—GENERAL ELECTRIC CO. AND RADIO CORPORATION OF AMERICA

Agreement made this 20th day of November, 1919, between General Electric Co., a New York corporation, hereinafter called the General Co., and Radio Corporation of America, a Delaware corporation, hereafter referred to as the Radio Corporation

RECITALS

A. The General Co. has developed various inventions relating to, or applicable to, radio work and other communication work.

B. The General Co. is under obligation to certain foreign companies to give them for their territory, respectively, exclusive rights to its various inventions and discoveries and to the business of selling General Electric products. Some of these companies are substantially controlled by the International General Electric Co., a New York corporation, hereinafter referred to as the International Co.

C. The Radio Corporation proposes to establish, maintain, and operate radio stations, and cable and wire lines and stations, and to deal in, lease, and maintain radio devices, and desires to utilize in such work the various inventions now controlled by the General Co., and which may hereafter be controlled by it.

Article I. Definitions

1. Radio purposes is defined as the transmission or reception of communications, telegraphic, telephonic, or other, by what are known as electromagnetic waves, but not by wire.

2. Radio devices are defined as comprising:

(a) Devices useful only in radio purposes.

(b) Devices especially adapted to radio purposes, but capable of other uses, such, for example, as the Alexanderson alternator with accessories or the pliotron, except where the same are sold licensed only for uses other than radio uses, in which case the same are not to be regarded as radio devices hereunder.

3. The expression "devices" shall include apparatus, devices, systems, connections, and methods.

Article II. Licenses

1. Reserving to itself and its controlled companies, present and future, respectively, personal licenses, transferable only to the successors to their business or part thereof, and divisible only as their business is divided, to use for their own communication or other purposes for convenience or to save expense, but not for profit, the General Co. hereby grants to the Radio Corporation an exclusive, divisible license to use and sell as well as a nonexclusive indivisible license to make only when, and to the extent that the General Co. is not in a position to supply the desired device with reasonable business promptness (the right to use and sell being limited to the use and sale of apparatus purchased from the General Co. or with its written consent, so far as the General Co. is from time to time in condition to supply the same with reasonable business promptness) for radio purposes under all patents, applications for patents, inventions and rights, or licenses under or in connection with patents which the General Co. now owns or controls, or which it may acquire during the term hereof, except those acquired by purchase and referred to below.

2. The General Co. also grants to the Radio Corporation a nonexclusive nontransferable license to use, but not to make or sell (with the same limitations) for wire communication purposes under all patents, applications, inventions, rights, and licenses which it now owns or controls or which it may acquire during the term hereof by inventions of its employees.

3. For the purposes hereof the inventions, patents, and rights of the General Co. are taken as including those of the International Co. as well as following corporations, namely:

Australian General Electric Co.
China General Edison Co. (Inc.).
Compania General Electric do Brazil.
South African General Electric Co. (Ltd.).
Cia. General Electric Sudamericana (Inc.).
Mexican General Electric Co.

4. The Radio Corporation grants to the General Co. the exclusive, divisible right to make and to sell radio devices to the Radio Corporation only as well as the exclusive, divisible right to make, use, and sell devices other than radio devices, under all its patents and applications for patents, inventions, and rights, or licenses under or in connection with patents which the Radio Corporation now owns or controls, or which it may acquire during the term hereof, except as far as is provided below in the case of certain such acquired by purchase. The Radio Corporation grants the General Co. and its controlled companies, present and future, nonexclusive licenses transferable only to successors to their business or parts thereof, divisible only as their business is divided, to use for their own communication or other purposes for convenience or to save expense, but not for profit under all the patents which the Radio Corporation now owns or controls or which it may acquire during the term hereof from the General Co. or by inventions of its own employees or through contracts which it now has.

5. The said licenses are all to run for the terms for which the patents are or may be granted, reissued, or extended, and are subject to royalty only in so far as such royalties are payable to others by virtue of the contracts by which the party granting the licenses acquired or shall acquire the right to grant the same, and only at a rate not greater than that paid by such party.

6. Where in any case a party does not own or control a patent but has lawful power to grant rights or licenses thereunder to the other for part or all of its field of territory it shall do so subject to the condtions hereof.

7. In case the General Co. shall acquire by purchase from others patents, patent applications, or rights or licenses under or in connection with patents, useful for or applicable to radio purposes or wire communication, and in case the Radio Corporation similarly acquires such patents, patent applications, or rights or licenses, the party making the acquisition will offer to the other to bring the same within the scope of this contract on payment of a fair proportion of the price actually paid or to be paid therefor. This shall not apply in the case of any patent, patent application, right, or license secured by the Radio Corporation from or through the Marconi Wireless Telegraph Co. of America, Marconi's Wireless Telegraph Co. (Ltd.), Compagnie Generale de Telegraphie sans Fils, or others with whom the Radio Corporation may have relations similar to its actual or proposed relations with any of said companies; all such are to be treated as though they were not acquired by purchase.

8. The General Co. has sold its inventions for certain countries to companies other than those mentioned in section 3 of this article. All covenants of the General Co. with respect to such countries are subject to the present rights of the companies holding such inventions. As such rights revert to the General Co. they shall pass under the operation of this contract without further consideration.

9. Each company agrees to continue the present practice of the General Co. of requiring those employees considered likely to make inventions along this line of work to assign inventions to it; it being understood that each company shall use its best efforts to carry out this provision, but if due care and diligence are exercised neither company shall be liable to damages for failure to carry it out.

10. As soon as is reasonably possible after the filing by or on behalf of a party hereto of a United States patent application, rights to or under which should pass to the other party, the party filing the application shall transmit a copy thereof to the other party with a statement of its filing date and shall notify the other party of the counries foreign to the United States in which it has decided to file and will file applications to cover the invention of such application. The other party may then suggest that applications should be filed in additional foreign countries in which the first party has the right to file. If and so far as the first party does not within 30 days after such suggestion agree to file in such other foreign countries the other party may file proper applications for protecting such invention in such other foreign countries, and take patents thereon in its own name at its own expense. Before either party intentionally drops an application or patent of any country, rights to or under which should pass to the other hereunder, it shall notify the other party, in which case such other party may continue the prosecution of the application or continue the life of the patent in question at its own expense, being entitled in such case to an assignment thereof.

11. In case a right, application, or patent is transferred by one party to the other in accordance with the provisions of section 10 of this article, the party with which such right, application, or patent originated shall be entitled to its full rights thereunder as though such patent had originated with and had been taken out by the other party subject to any royalty or other payment required to be made to an outsider in accordance with this agreement.

12. The admission of validity implied in the acceptance of licenses and assignments hereunder is limited to the field and terms for which such licenses exist.

13. The General Co. empowers the Radio Corporation to release the United States Government from any and all claims arising from past infringement by the Government of any radio patents which the General Co. now owns or under which it has power to grant such release, provided that this can be done in a contract otherwise satisfactory to the General Co.

Article III. Restrictions on sales of apparatus

1. The General Co. agrees that it will not sell or dispose of any radio devices whatever covered by patents, rights under which are granted or agreed to be granted herein, for use in the United States except to fill orders now on hand, and except to the United States Government in cases where the Government insists on purchasing directly from the General Co. (in which case the profits from such sales over the price of such devices to the Radio Corporation hereunder shall be paid to the Radio Corporation). The General Co. further agrees that it will not sell or dispose of for use outside the United States any radio devices whatever covered by patents, rights under which are granted or agreed to be granted herein, except as it may be required to do so by existing contracts with others than the companies specifically named in section 3 of article 2 hereof, and except for its own use or for the use of the Radio Corporation. This reservation is not intended to enlarge the scope of the licenses granted in article 2 hereof.

Article IV. Sale of apparatus

1. The Radio Corporation agrees to purchase from the General Co. all radio devices covered by patents, rights under which are granted or agreed to be granted herein, which the General Co. is from time to time in a position to supply with reasonable business promptness for use in, or which are used in, the business and operation of the Radio Corporation and its licenses and customers.

2. The General Co. agrees to produce or cause to be produced such patented devices of good quality, workmanship, and material with reasonable business promptness on the written order of the Radio Corporation.

3. The basis for determining the price charged by the General Co. to the Radio Corporation shall be cost plus 20 per cent, except that for all articles complete in themselves which are purchased by the General Co. from outside manufacturers and which form a necessary part of the complete device supplied by the General Co., the price charged by the General Co. to the Radio Corporation shall be cost plus 10 per cent for handling charges.

4. The basis for determining cost shall be in accordance with the "Standard accounting and cost system for the electrical manufacturing industry," as approved by the Federal Trade Commission January 27, 1917.

5. Terms of payment shall conform to the standard terms of the General Co. current at the time of placing the order.

6. If the Radio Corporation in any particular instance wishes the General Co. to make a definite and firm price for such radio devices, and the General Co. consents to make such firm price, such firm price upon acceptance by the Radio Corporation shall be substituted in such instance or instances for the cost plus 20 per cent arrangement above mentioned.

7. All prices mentioned above shall be f. o. b. factory.

8. Standard material not specially designed for radio purposes is to be sold to the Radio Corporation at standard prices and on standard terms of payment, but at the lowest price at which such standard material is sold in like quantities to any other customer of the General Co. for use in the United States of America; and if at any time material, apparatus, or supplies especially designed for radio purposes shall be sold by the General Co. to its other customers for other uses than radio purposes in an amount greater than that taken by the Radio Corporation, the price at which such material, apparatus, or supplies shall be sold to the Radio Corporation shall be the lowest price at which such material, apparatus, or supplies are sold in like quantities to any other customer of the General Co. for use in the United States of America. In determining such lowest price under this section 8 no account shall be taken of sales:

(1) To those corporations in which the General Co. may own a substantial amount of stock.

(2) Where the General Co. sells material on a schedule, such material is to be billed to the Radio Corporation according to such schedule.

(3) Where the General Co. has a lawful contract not to sell material below a certain price, such material is not to be billed to the Radio Corporation for a less price.

(4) To the United States Government or any of its departments.

9. It is agreed that the Radio Corporation shall not resell patented articles except as a part of the radio system.

10. The Radio Corporation agrees not to lease, sell, or dispose of devices bought of the General Co. where the General Co. or one of the companies mentioned in section 3 of article 2 hereof would not be free to sell such devices. It being understood that the rights of the Radio Corporation are only for radio purposes as above defined, the Radio Corporation agrees to use care not to enter with any patented device, process, or system into the field of the General Co. or to encourage or aid others to do so, and specifically that in selling radio devices it will use such precautions, by contract of sale, restricted-license notices, etc., as may be necessary or advisable to prevent its customers from acquiring (by purchase from it of devices or otherwise) licenses to use the same for purposes of which the Radio Corporation has no right to grant such licenses. The General Co. agrees to observe similar precautions in selling apparatus and devices especially adapted to radio work but capable of other uses.

11. The General Co. agrees to sell the Radio Corporation such patented communication devices as it may be in position to supply, other than radio devices, on the same terms, but only for the use of the Radio Corporation, and not for resale or lease or other disposal and not exclusively.

Article V. Alexanderson alternator

1. The Radio Corporation agrees to purchase from the General Co. and the General Co. agrees to sell and deliver f. o. b. factory to it, as fast as they can reasonably be constructed, and prior to January 1, 1922, 12 Alexanderson alternators, complete with accessories, in accordance with specifications attached hereto and marked "Exhibit B," at the special price of $127,000 apiece. Spare alternators or other incomplete spare equipments may be substituted at prices to be agreed upon, provided that the total purchases hereunder aggregate in price the price of the 12 Alexanderson alternators with their accessories. In consideration for such agreement on the part of the General Co., the Radio Corporation agrees to issue and deliver to the General Co. 304,800 shares of its preferred stock, but subject to the provisions of article 6 hereof.

Article VI. Sale of materials

1. The Radio Corporation proposes to purchase from the Marconi Wireless Telegraph Co. of America, hereinafter referred to as the Marconi Co., all of its property used or useful in connection with its manufacturing business, except the factory at Aldene, N. J. In case this purchase is made, the Radio Corporation agrees forthwith to sell and does sell the property so purchased to the General Co., such sale to take effect immediately on the purchase of the same by the Radio Corporation, including all drawings, blue prints, and material for manufacture and unfinished parts on hand or on order as of the date of the Radio Corporation's acquisition of the same, and any factory plants, tools, machinery, and dies which it may acquire from the Marconi Co., but not including the publishing plant of the Wireless Press (Inc.) nor the building and real estate at Seattle, Wash., which latter will no longer be used for factory purposes. The accounts receivable are to be collected and the accounts payable are to be paid by the Radio Corporation.

2. The General Co. agrees to pay for the property thus transferred by paying for the unfinished parts, work in progress, and material on hand to be manufactured at actual cost of the same plus 20 per cent, which amount is to be ascertained by two appraisers, one appointed by the General Co. and one appointed by Mr. Edward J. Nally. In case they disagree, the matter shall be referred to Mr. S. Roger Mitchell, or other public accountant satisfactory to both parties, whose decision shall be final.

3. In case the Radio Corporation shall acquire, prior to January 1, 1922, the factory plants, lands, etc., of the Marconi Co. at Aldene, N. J., as set forth in Exhibit C hereto attached, it agrees forthwith to sell the same to the General Co., and the General Co. agrees to buy the same for $500,000.

4. The payments by the General Co. to the Radio Corporation under this article and deliveries of preferred stock to the General Co. in payment for Alexanderson alternators and their accessories in accordance with article 5 hereof are to proceed as follows: At the time of taking over the unfinished parts, work in progress, and material on hand, a special account is to be set up between the General Co. and the Radio Corporation, in which account is to be charged against the General Co. the value of such unfinished parts, work in progress, and material on hand, ascertained as above; if and when, prior to January 1, 1922, the Radio Corporation acquires the Aldene factory and transfers it to the General Co., its price, $500,000, is to be charged in the same account against the General Co. As and when the Alexanderson alternators and their accessories sold at the special price referred to above are shipped to the Radio Corporation, the price thereof is to be credited to the General Co. on such account until such credits aggregate $1,524,000. At any time when such account shows a balance in favor of the General Co. the General Co. may demand and shall then receive preferred stock of the Radio Corporation at par to any amount demanded, not exceeding such credit balance, the par value of such stock to be charged to it in such special account; and if at any time the balance of said account is in favor of the Radio Corporation, the General Co. shall liquidate such balance by surrender to the Radio Corporation of preferred stock of the Radio Corporation of a par value equal to the amount of such balance. Such special account shall be entirely independent of all other accounts between the parties.

5. The Radio Corporation agrees to place forthwith with the General Co. orders which will exhaust and consume said unfinished parts, work in progress, and material; unfinished parts, work in progress, and material not covered by such orders may be regarded by the appraisers as scrap in case the General Co. shall find itself unable profitably to utilize the same.

6. The General Co. agrees to fill the orders so to be placed on it and to bill the same to the Radio Corporation; in making up price of the articles so billed in accordance with article 4 hereof the price of the unfinished parts, work in progress, and material taken over and inventories shall be taken as the price actually paid for the same by the General Co. as above set forth, the additional work and material being charged on the basis of article 4 hereof.

Article VII. Expert advice and technical information

1. The General Co. agrees that it will from time to time permit the Radio Corporation to have and will assist it in obtaining full information concerning inventions, patents, and the patent situation of the General Co. in the radio field. The Radio Corporation engages reciprocally to do the same for the General Co.

2. The General Co. agrees upon request to furnish the Radio Corporation suitable plans for buildings, layout of machinery, antennæ, etc., for use by the Radio Corporation hereunder, and if desired a man or men to supervise the construction and erection of such buildings, and the erection and installation of such machinery, etc., and also such other engineers and experienced men as the General Co. can reasonably spare and the Radio Corporation may reasonably require in the organization, management, and development of the business of the Radio Corporation, and to give the Radio Corporation and those whom the Radio Corporation may designate from time to time all information in regard to technical and engineering but not manufacturing matters which it may possess from time to time and which the Radio Corporation may reasonably require for the conduct of its radio business hereunder, and further agrees to assist the Radio Corporation in every reasonable way to the end that the Radio Corporation shall have, whenever needed, in its operations hereunder, the benefits of the widespread experience of the General Co. The Radio Corporation agrees to pay in each case the reasonable cost of furnishing such information and service, but not any part of the cost of acquiring the information except as the same may properly be charged as part of the development cost of apparatus which the General Co. sells to the Radio Corporation.

3. Each party agrees to give the other at cost of supplying the same information and advice in connection with patent matters in its field.

4. The Radio Corporation agrees to give full information to the General Co. on the same terms, and further agrees to afford the engineering representatives of the General Co. the fullest possible facilities, consistent with the reasonable operation of the Radio Corporation, for experimenting and for developing and testing new apparatus, devices, and inventions.

Article VIII. Term and termination

1. This agreement shall continue until January 1, 1945, at which date it shall expire. As soon as is reasonably practicable after that licenses shall be granted as provided above under all patents to issue on patent applications which are then or may hereafter be filed in any country on inventions made or conceived by employees of either company up to the date of termination.

2. The Radio Corporation shall after January 1, 1945, be licensed under all patents referred to in this agreement so far as the General Co. now has or may hereafter acquire the right to grant such license to the extent necessary to enable it to manufacture for its own use hereunder, but not for lease, resale, or other disposal, radio devices which it is unable to purchase of the General Co. in accordance with the terms of article 4 hereof.

Article IX. Further assurances

1. The parties agree to execute such further instruments as may reasonably be necessary for carrying out the purposes hereof.

Article X. Controlled companies

1. This agreement shall be binding upon and inure to the benefit of the parties hereto and their successors and their controlled companies, present and future. The British Thomson-Houston Co. (Ltd.) and the Tokyo Electric Co. (Ltd.) shall not for the purposes hereof be regarded as controlled companies of the General Co.

Article XI

1. Inasmuch as the General Co. is not willing to turn over its patents, patent rights, and licenses for any definite sum of money, but is willing to transfer such patents, patent rights, and licenses only for a considerable interest in the profits to be derived from the use by the Radio Corporation of such patents, patent rights, and licenses, it is

therefore understood and agreed that in the event of the taking over of the Radio Corporation by any superior authority all right, title, and interest of the Radio Corporation in any patent, patent right, or license herein granted or agreed to be granted by the General Co. to the Radio Corporation shall cease and shall be reassigned and shall revert to the General Co. as of the date of such taking over except to the extent provided below. If instead of taking over the Radio Corporation the Government takes over its radio stations in any field and/or territory, except in and for time of war or public danger, the same result shall follow so far as concerns that field and/or territory. But this action shall in no way affect the rights of Marconi's Wireless Telegraph Co. (Ltd.), or of Shielton (Ltd.) as set forth in the "Radio Corporation and British Marconi Co. principal agreement"; such rights shall be reserved from any such reassignment by the Radio Corporation for the benefit of Marconi's Wireless Telegraph Co. (Ltd.).

In testimony whereof the parties hereto have caused these presents to be executed and their corporate seals to be hereunto affixed by their proper officers thereunto duly authorized at New York City the day and year first above written.

GENERAL ELECTRIC CO.,
By E. W. RICE, Jr., *President.*

Attest:

J. W. ELWOOD, *Assistant Secretary.*
RADIO CORPORATION OF AMERICA,
By FREDERICK C. BATES, *President.*

Attest:

CHARLES H. WHEELER, *Secretary.*

LICENSE AGREEMENT—GENERAL ELECTRIC CO. AND AMERICAN TELEPHONE & TELEGRAPH CO.

Agreement made this 1st day of July, 1920, between the General Electric Co., a New York corporation (herein called the General Co.), and the American Telephone & Telegraph Co., a New York corporation, herein called the Telephone Co.

Whereas the General Co. is engaged in the manufacture and sale in the United States of apparatus and systems for the generation, distribution, and utilization of electricity for light, heat, power, traction, and associated purposes, and in the manufacture and sale of a general line of electrical and power apparatus, machines, and appliances, and, directly and through affiliated companies, is engaged in the purchase of apparatus and devices of various kinds from others and in the sale thereof; and is also engaged in the manufacture and sale of wireless apparatus and appliances; and

Whereas the telephone company and its associated companies are engaged in the operation of telephone and telegraph systems; and

Whereas each party is in possession of information, patents and inventions applicable to, and has research organizations engaged in investigations bearing upon, not only its own business but also the business of the other party; and

Whereas various patents or applications for patents of the parties are involved in interference with each other in the United States Patent Office; and

Whereas the restrictions upon each party imposed by the patent rights of the other and the uncertainties arising out of interferences have tended to, and if permitted to continue will, hamper and delay progress in the development and production of wire and wireless telephone and telegraph apparatus and systems; and

Whereas the effective and prompt development of the arts in question can be secured only by the free and frank cooperation and exchange of information between the parties, which can not well take place if improvements and knowledge resulting from one party's cooperation with the other party may without its consent be made available in its field to the use of others;

Now, in consideration of the premises and the mutual agreements herein contained, it is agreed as follows:

Article I. Definitions

For the purposes of this agreement the following terms are defined as follows:

"Wire telephony" is the art of communicating or reproducing sound waves (created, directly or indirectly, by the voice or by musical instruments) by means of electricity, magnetism, or electromagnetic waves, variations or impulses conveyed or guided by wires, and includes all generating, measuring, switching, signaling, and other means or methods incidental to or involved in such communication.

"Wireless telephony" is to be taken as meaning the same as the above, except that the waves, variations, or impulses are radiated through space.

"Wire telegraphy" is the art of communicating messages by code signals (such as the Morse code, for example) by means of electricity, magnetism, or electromagnetic waves, variations or impulses conveyed or guided by wires, and includes all generating, measuring, switching, signaling, and other means or methods incidental to or involved in such communication, but does not include such devices as annunciators, elevator signals, engine-room telegraphs, etc.

"Wireless telegraphy" is to be taken as meaning the same as "wire telegraphy," except that the waves, variations, or impulses are radiated through space.

"Power purposes" are defined as including all prime movers and their accessories and all generation, use, measurement, control, and application of electricity for light, heat, and power, but does not include any communication purposes.

"Household devices" are electric or electrically operated devices designed primarily for domestic use, but do not include devices for communication purposes.

"Transoceanic" communication shall be understood to include all communication between two continents, or between a continent and an island more than 100 miles from its shores; islands within 100 miles of the shores of a continent being considered parts thereof. North America, including the Panama Canal Zone and all of Central America north thereof, is to be considered as one continent, and South America and all of Central America south of the Panama Canal Zone as another. This definition does not include communication between ships, or between ships and shore.

"The United States Government" shall be understood to include not only the Federal Government but also the governments of the Philippines, Porto Rico, and other Federal possessions, present or future, but shall not include any municipal, county, or State government.

"Train dispatching" is telegraphic or telephonic conveyance of train orders or operating information between the office of a train dispatcher or similar official and way stations, or other points along the line of way, or railway vehicles (with or without incidental provision for operating at will in an emergency and not automatically, signals, brakes, stops, and switches) for controlling the movements of trains or other automotive vehicles.

"Railway signaling" is the operation of signals, switches, brakes, stops, etc., controlling the movements of trains or other automotive vehicles controlled by or in accordance with train or vehicle movements or track conditions, including block signaling, cab signals, and train stops. It does not include train dispatching as above defined.

Any question arising as to the meaning or application of the foregoing definitions shall be settled by arbitration, as hereinafter provided.

Article II. The patents included in this agreement

The licenses provided for herein are granted and agreed to be granted under all patents and rights to or under patents of the United States now or hereafter during the term of this agreement owned or controlled by the parties hereto, and under all such patents hereafter issued upon inventions now or hereafter during said term so owned or controlled, and to the extent to which the parties have or may have the right to grant licenses, excepting as otherwise specified in connection with the several grants hereinafter contained, and excepting such patents and inventions as may be excluded from the operation of this agreement in the following manner:

A list of all United States patents under which it now holds transferable rights shall be furnished by each party to the other within 60 days from the date of this agreement. Such lists shall separately identify those patents and shall also include those applications as to which rights, if granted hereunder, would be restricted in scope or would involve continuing obligations not implied by law. Copies of all contracts creating such restrictions or obligations shall, upon request, be furnished by each party to the other. Thereupon, and within six months after the receipt of the lists to be furnished as aforesaid, each party may, in writing, advise the other as to the patents and applications described in such list, furnished by the other, which (or the patents to issue on which) it desires to exclude from this agreement; and no licenses are granted by this agreement under any patents so excluded. Each party shall thereafter, at such periods as may be agreed upon, or whenever requested by the other party, furnish to such other party like lists of subsequent patents and applications, and upon request therefor like copies of contracts; and each party may, within six months after the receipt of any such list, advise the other, in writing, as to the patents and applications described in such list which (or the patents to issue on which) it desires to exclude from this agreement, and no licenses are granted by this agreement under any patents so excluded.

Article III. Scope of licenses

All of the licenses herein granted are, unless otherwise expressed in connection with the several grants, licenses to use methods and processes, and to make, use, lease, sell, or otherwise dispose of apparatus, machines, devices, appliances, and systems embodying the inventions of the several patents in the fields in which the licenses are granted.

But no rights are granted to either party to manufacture, or to have manufactured, under patents under which it receives licenses hereunder, apparatus of the character at the time manufactured by the other party, except in factories owned or operated by one or the other of the parties hereto, or by their controlled companies, without the written consent of the party granting such licenses.

Article IV. Reservations and exceptions to which the licenses are subject

1. Each party reserves a nonexclusive right, under its own patents, to manufacture for and sell to the United States Government wireless devices, apparatus, and systems and to grant to that Government nonexclusive licenses to make or have made for it any wireless devices, apparatus, and systems; but such devices, apparatus, and systems are licensed to be sold to the Government only for governmental and not for commercial uses or for toll, and not for resale, and the nonexclusive licenses which may be granted to the Government shall similarly be limited.

2. Each party reserves, under its own patents, rights in the fields and for the uses with reference to which it receives licenses under patents of the other party.

3. No licenses are granted by either party with reference to the manufacture and sale of wire or cable for the transmission of electric power or telephone or telegraph currents.

4. No licenses are granted to the Telephone Co. for electric lamps or other lighting devices (except nonexclusive licenses with reference to telephone and telegraph switchboard signal lamps and ballast lamps), nor for the working of tungsten. But the Telephone Co. is licensed to use, in the fields for which it receives licenses hereunder, tungsten purchased from the General Co., or from others having the right to make and sell tungsten, and to make, use, sell, or lease (for such fields only), devices embodying such tungsten. The General Co. agrees to sell and deliver such tungsten for such purposes, in wire or other practical form to be specified by the purchaser from time to time, on the terms specified in Article X hereof.

The Telephone Co. agrees that on all sales of telephone and telegraph switchboard lamps or ballast lamps hereunder, to others than the associated companies of the Bell system, it will pay to the General Co. a royalty of 2 per cent on the net sales price thereof.

5. The licenses hereinafter granted to the Telephone Co., in so far as they cover rights to sell or lease "carrier current," wireless or vacuum tube devices for use on electric railroads, are limited to the sales or leases of said devices to the railroads; all sales of such devices to be installed on electric cars or electric locomotives, as a part of the original construction and equipment thereof, shall be through the General Co. only.

Article V. Licenses granted

Subject to the foregoing reservations, each party grants and agrees to grant to the other the following licenses in the following fields of use:

1. Government uses: Each party grants to the other the nonexclusive licenses to which all exclusive licenses herein granted are subject, to make any and all wireless apparatus and systems for and to sell the same to the United States Government, but only for governmental and not for commercial or toll uses and not for resale.

2. Wireless telegraphy: (a) The General Co. grants to the Telephone Co. nonexclusive licenses in the field of wireless telegraphy for its own communication or for purposes of convenience or to save expense in connection with its commercial operation of wire telegraph and wire and wireless telephone systems, but not for profit or for transmission of messages for the public.

(b) Subject to the foregoing, the Telephone Co. grants to the General Co. exclusive licenses in the field of wireless telegraphy.

3. Wire telegraphy: (a) The Telephone Co. grants to the General Co. nonexclusive licenses to make for its own operation and to operate wire telegraph systems, other than transoceanic; but no licenses are granted with reference to operation on lines leased to others than parties hereto or their subsidiary companies to which rights hereunder may be extended in accordance with subdivision (b) of section 3 of Article VI; and no licenses are granted with reference to transoceanic wire telegraphy.

(b) Subject to the foregoing, the General Co. grants to the Telephone Co. exclusive licenses in the field of wire telegraphy on land, and over ocean cables not more than 100 miles in length, and between the main body of the United States and Cuba; but no licenses are granted with reference to other transoceanic wire telegraphy.

4. Wireless telephony: (a) The Telephone Co. grants to the General Co. nonexclusive licenses in the field of wireless telephony for its own communication or for purposes of convenience, or to save expense in connection with its commercial operation of wireless telegraph systems, but not for profit or for transmission of messages for the public.

(b) The Telephone Co. grants to the General Co. licenses (exclusive, except that the Telephone Co. reserves exclusive rights for the uses and to the extent specified in subdivision c of this section 4) in the field of transoceanic wireless telephony, such licenses being limited, so far as concerns service on this continent for the public or for others than the General Co., to rendering such service through only the Telephone Co.'s wire or wireless telephone systems, such limitation to exist so long as the Telephone Co. remains in a position to and does supply that service. The General Co. is, however, licensed to bring transoceanic wireless telephone messages by wire telephony to, and transmit them from, a central or transfer point at a distance from its wireless stations (one such point for each pair of transoceanic stations) and the Telephone Co. agrees that at such point it will establish communication with its system, but the Telephone Co. shall not be required to accept any such point more than 5 miles from the nearest telephone central exchange of the Bell system. All service for the public shall be through the Telephone Co.'s system, and shall be advertised as service of the Telephone Co. through stations of the General Co. when and so long as the General Co. maintains facilities for the transoceanic wireless telephone service.

Joint through rates and the division of rates shall be agreed upon, it being agreed in principle that the General Co. is entitled to its reasonable tolls between the central or transfer point and the distant country (including the amount, if any, paid to the foreign company with which communication is had), and that the Telephone Co. is entitled to its reasonable tolls between the central or transfer point and the destination or sending point in the United States.

(c) The General Co. grants to the Telephone Co. licenses (exclusive, except that the General Co. reserves exclusive rights for the uses and to the extent specified in foregoing subdivision b) in the field of transoceanic wireless telephony, such licenses being limited, so far as concerns service for the public or for others than the Telephone Co., to rendering such service through only the General Co.'s systems for transoceanic communication. But if and so long as the General Co. is not prepared to and does not remain in a position to and does not supply such service, the Telephone Co. may establish wireless stations for rendering such service, after giving the General Co. reasonable notice and opportunity to do so, and shall have the right to continue to render such service through all such stations established by it except in so far as the General Co. shall elect to cooperate in rendering such service, or any portion thereof, in which event the General Co. shall take over those stations, or such of them as it shall elect, at the then cost of reproduction less depreciation. While the transoceanic service is being rendered through the General Co.'s stations, the advertising and the division of rates shall be as provided in foregoing subdivision b of this section 4.

(d) The Telephone Co. grants to the General Co.: (1) Exclusive licenses to make, use, lease, and sell wireless telephone apparatus and systems for communication by and between airplanes, airships, ships, and other automotive devices, except railways, vehicles. The General Co. is granted nonexclusive licenses to establish transmitting and receiving stations for communication with the foregoing, but is given no right to connect with any public-service telephone system. The Telephone Co. is licensed, but is under no obligation to establish or maintain means by which such wireless telephone communication may be had with and through the Telephone Co.'s telephone system, and the Telephone Co. is under no obligation to permit such communication. If, however, the Telephone Co. shall establish, maintain, or permit such wireless telephone communication through stations of third parties, other than the United States Government, it shall do the same with respect to the General Co.'s stations on at least as favorable terms, including distribution of tolls, and engineering requirements. In case at any time the General Co. has established such a station as is referred to in this paragraph, and the Telephone Co. shall elect to cooperate or render such wireless service in any substantial part of the same territory, it shall purchase the said station of the General Co. at the then cost of reproduction less depreciation.

(2) Nonexclusive licenses to establish and maintain transmitting stations for transmitting or broadcasting news, music, and entertainment from a transmitting station to outlying points, and licenses to make, use, sell, and lease wireless-telephone receiving apparatus for the reception of such news, music, and entertainment so broadcast. For the protection of the General Co. under the license which it receives in this paragraph, it is agreed that the Telephone Co. has no license under this agreement to make, lease, or sell wireless-telephone receiving apparatus except as part of or for direct use in connection with transmitting apparatus made by it; and for the protection of the Telephone Co. under the licenses hereinbelow granted to it, it is agreed that the General Co. has no license to equip wireless-telephone receiving apparatus sold under this paragraph with transmitting apparatus, or to sell, lease, or otherwise dispose of transmitting apparatus for use in connection with receiving apparatus sold under this paragraph.

(3) Exclusive license to make, use, lease, and sell all wireless-telephone apparatus for amateur purposes.

(4) Exclusive licenses to make, use, lease, and sell all wireless-telephone apparatus (but not for public service) where the business use thereof is incidental (as, for example, for farmers), or where at least one of the stations is portable and is intended to be moved from place to place (as, for example, in lumbering operations), or where such wireless apparatus brings communication to new points not at the time served by the Telephone Co.

(5) Reserving to itself an exclusive license to make, use, sell, and lease all wireless-telephone apparatus to electric light, electric power, and electric traction companies for connection with wire or wireless public-service telephone communication systems and receiving from the General Co. a similar exclusive license of the same scope under the General Co.'s patents, the Telephone Co. grants to the General Co. exclusive licenses to make, use, sell, and lease all wireless-telephone apparatus

for electric light, electric power, and electric traction companies, but only for the use of such companies and not for the use of the public, nor for toll, nor for the operation of a selective train-dispatching system, and not for connection with any public-service telephone system.

(e) The General Co. grants to the Telephone Co., (1) subject only to subdivisions (a), (b), and (c) and paragraph (1) of subdivision (d) of this section, exclusive licenses in the field of wireless telephony to make, use, lease, and sell all wireless-telephone apparatus connected to or operated as a part of a public-service telephone communication system, whether wire or wireless.

(2) Subject to all of the foregoing, exclusive licenses in the field of wireless telephony to make, use, and sell for all business, public service, and commercial uses of such character as might be served by leased wires, as, for example, brokers' offices, business houses, manufacturing plants, gas and water companies, mining companies, etc.

(f) It is further agreed that in the fields of the exclusive licenses granted by paragraphs (3), (4), and (5) of section (d) above and in paragraph (2) of section (e) above, and for any wireless-telephone uses not specified herein, each party will on application of the other party grant a license to the other party on reasonable terms for each specific installation for which such other party desires to manufacture and dispose of such wireless-telephone apparatus; the license fee to be fixed with due regard to the benefits derived by the licensee and the disadvantages suffered by the licensor in the granting of such license.

5. Wire telephony: (a) The Telephone Co. grants to the General Co. licenses (exclusive, except that the Telephone Co. reserves nonexclusive rights) to make and sell (but not to lease) to electric light, electric power, and electric traction companies apparatus for so-called carrier-current telephone communication over wires, or partly over wires and partly across wireless gaps, but in each instance only for the use of such companies and not for the use of public, nor for toll, nor for operation of a selective train-dispatching system, and not for connection with any public-service telephone system.

(b) Subject to the foregoing, the General Co. grants to the Telephone Co. exclusive licenses in the field of wire telephony on land, and over cables not more than 100 miles in length, and between the main body of the United States and Cuba; licenses are granted by each party to the other with reference to other transoceanic wire telephony, such licenses being of the character and subject to the limitations and provisions expressed in foregoing subdivisions (b) and (c) of section 4 with reference to transoceanic wireless telephony.

6. Power purposes and household devices: The Telephone Co. grants to the General Co. exclusive licenses in the fields of power purposes, household devices, and distance actuation and control by wireless for other than communicable purposes. This grant is made with a reservation in so far as concerns patents for inventions relating to business of the general character which any controlled company of the Telephone Co. now conducts as jobber, and any extensions of that business along similar lines. With reference to such patents (except those covering articles of the general character which such company now purchases from the General Co., or its affiliated companies, or sells as agent for the same), the Telephone Co. reserves under its own patents (but is granted no license under the patents of the General Co.) the nonexclusive right for such controlled companies to make apparatus and devices embodying the inventions of said patents, or have them made for them, and to sell them in the said jobbing business.

7. Railroad signaling, X-ray devices, radio goniometry: The Telephone Co. grants to the General Co. exclusive licenses in the fields of railroad signaling (other than train dispatching), X-ray devices and appliances associated therewith, and radio goniometry.

8. Train dispatching: Subject to the foregoing, the General Co grants to the Telephone Co. exclusive licenses in the field of train dispatching.

9. Submarine signaling, scientific and therapeutic apparatus, shop expedients, and other applications: Each party grants to the other nonexclusive licenses in the following fields:

Submarine signaling.

Scientific apparatus for use of laboratories, colleges, and scientific societies, as distinguished from commercial use.

Wireless apparatus for use of professional investigators (as distinguished from amateurs) for experimental purpose only.

Therapeutic apparatus other than X-ray devices and appliances.

Shop tools, appliances, and processes, but only for the production of apparatus and devices embodying inventions which the grantee is licensed to make and use hereunder.

All applications not herein otherwise specified, of inventions pertaining or applicable to or to the use of vacuum tubes, and to generating (directly or from other currents), modifying, amplifying, transmitting, or receiving electromagnetic waves, variations, or impulses for other than power purposes, including instruments and their records for producing music and other sounds for amusement or artistic purposes, with the right to transmit the sound by wire telephony throughout a building.

Article VI. Provisions with reference to foregoing licenses

1. Whenever licenses granted under the terms of this agreement are based upon rights requiring the payment of royalties or other deferred payments, measured by the use made of the invention, the party accepting such licenses shall make payments measured by its use of the invention at the same rate and upon the same terms as those agreed to be made by the party originally acquiring the rights.

2. The foregoing licenses shall continue, respectively, for the terms of the several patents issued or to be issued under which they are granted and agreed to be granted, and shall not be limited by the term of this agreement.

3. (a) The Telephone Co. may grant sublicenses under its standard form of license contract (a copy of which is now delivered to the General Co.) to such operating companies as are now or may from time to time be operating under such form of contract. The provisions of this subdivision (a) shall apply to any changed form of license contract provided that, as changed, it grants rights in the fields of the General Co. no broader than those granted by the present form.

(b) Subject to the foregoing subdivision (a), each party hereto may assign or grant sublicenses under any of the rights granted hereunder, provided that in each instance the assent of the other party is first obtained.

(c) No disposition by either party of rights hereunder acquired by it shall relieve such party of any of its obligations under this agreement or restrict the rights of the parties hereto in operating under or modifying this agreement.

4. Each party agrees that, so far as it is enabled so to do, it will, in disposing of devices embodying inventions pertaining or applicable to vacuum tubes or to generating, modifying, amplifying, transmitting, or receiving electromagnetic waves, or other devices or material, the unrestricted sale of which would deprive the other party of rights to which it is entitled hereunder, use such precautions by contracts, restricted licenses, or otherwise as may be necessary or advisable in order to prevent its customers or others from acquiring (by acquisition of devices from it or otherwise) licenses to use the same which the party disposing thereof has no right to grant.

5. The admission of validity implied in the acceptance of licenses hereunder is limited to the field for which such licenses exist.

6. One or the other of the parties hereto having already parted with rights under its inventions, present and future, in most of the foreign countries, it is agreed that the parties will cooperate with each other and with their foreign affiliated companies who may desire licenses under the inventions of the other party, to the end that exchanges of licenses may be effected in such countries. No licenses under foreign patents are now granted or are to be implied; but the licenses herein granted under United States patents include the right to manufacture and sell for uses abroad. Each party agrees not to export to any country in which the other party has an affiliated company, apparatus purchased from such other party which such other party could not itself so export, in view of existing contract obligations, after notice of such obligations and without first securing a written waiver thereof.

7. Each party represents that in its best judgment it has no outstanding obligations which would prevent it from entering into the agreements and from granting the licenses herein expressed. If, however, it is found that there are such conflicting obligations, the present agreement is made subject to the right to fulfill those obligations.

Article VII. Interferences

The parties agree to use reasonable endeavors to settle, without litigation, interferences now pending or which may arise involving inventions within the scope of this agreement.

Article VIII. Acquisition of patent rights

Neither party shall acquire from others rights to or under United States patents or inventions, or rights to use secret processes, applicable to the fields of the other party, of such limited character that the other party does not, by the operation of this agreement, receive licenses thereunder of the scope and within the respective fields herein set forth, unless the party proposing to acquire such rights shall first have given the other party an opportunity to be represented in the negotiations and thereby to acquire rights for its field.

Article IX. Cooperation and exchange of information

1. Each party agrees that it will, from time to time during the term of this agreement, freely permit the other to have all information in its possession which it may have a right to disclose with reference to devices, apparatus, systems, or methods applicable to the uses of the other party as herein defined, it being agreed that any secret process so disclosed shall be maintained in secrecy by the party to whom it is disclosed. Blue prints, etc., shall be furnished at the cost of preparing the same. Each party shall at all reasonable times have access (through a reasonably limited number of accredited representatives who are regular employees under obligation to assign inventions to their employer), to the laboratories, factories, and wireless stations of the other, to the end that development work may be expedited and rendered the more effective.

Each party shall, with reference to inventions owned or controlled by it and under which the other party is entitled to rights hereunder, endeavor to obtain or permit and aid the other to obtain proper patents thereon.

2. Publicity with reference to transoceanic telephony shall be joint, and shall recognize that the parties hereto, or their associates, have contributed equally to such work.

Engineering representatives shall be assigned by each of the parties to cooperate in the carrying out of the further work necessary for the development of transoceanic wireless telephony. In case transoceanic telephone service is given from the plant of the Telephone Co. through the stations of the General Co., these engineering representatives shall cooperate in the design of the apparatus and systems for this service, it being recognized that such systems and apparatus must be so designed as properly to fit in with the systems of the General and Telephone Cos., respectively.

Each party shall afford the engineering representatives of the other the fullest possible facilities consistent with the reasonable operation of the other for experimenting and for developing and testing apparatus and systems for use in transoceanic telephony, and each shall at all times be given such an opportunity to make such tests, experiments, and observations in the transoceanic stations of the other as do not conflict with the service then being rendered by such stations, and each party shall afford to the other such facilities for test, experimentation, and observation on ships as it may be able to extend.

3. In the operation of wireless and "carrier-current" communication, the parties shall cooperate to the end that interference with the operations of either party, due to the operations of the other, shall be minimized, it being recognized that the available wave lengths are limited.

Article X. Purchases as between parties

It is recognized that each party has and will normally continue to have facilities for manufacturing certain apparatus or parts thereof which may be required by the other party under its licenses hereunder, and that a duplication of such facilities may be wasteful and uneconomical. Each party agrees that it will upon request manufacture for and sell and deliver to the other, with reasonable business promptness, on receipt of orders from time to time, and at favorable prices not to exceed those charged to others (except controlled companies) purchasing in like quantities for use in the United States, such apparatus and parts as the former is engaged in manufacturing from time to time and as the latter may desire for use under the licenses granted by this agreement.

Article XI. Litigation

Each party shall have the exclusive right to bring suits for infringement in the fields in which its licenses are herein expressed as exclusive (and the General Co. may bring suits for infringement in the field of transoceanic wire and wireless telephony) joining in any such suit the patent owner or the party which has acquired from the patent owner the right to sue thereunder.

Neither party shall bring suit for infringement of patents against the other party, or against the distributors and jobbing houses owned by or affiliated with either party, because of sales by such party, or by its (or its controlled companies') distributors or jobbing houses, or devices made, in the United States of America, by others than the parties hereto, it being agreed that the remedy in case of any such infringement shall be only by suit against the manufacturer of those devices.

Article XII. Releases

Each party reserves to itself the right to deal with the United States Government with reference to settlement for past use of its inventions in telephone and telegraph systems and apparatus. Subject to the foregoing, each party releases the other and the vendees and users of apparatus or systems made by it, from all claims growing out of past infringement of patents, by reason of the manufacture, use, and sale of such apparatus and systems by the other party, and its resale or use by such vendees and users.

Article XIII. Arbitration

In case of any differences under this agreement (except in respect of interferences or priority of rights to inventions or patents) shall arise which the parties are unable to adjust between themselves, either party may, by notice in writing served on the other, designate one arbitrator and call upon the other to designate a second arbitrator within 30 days after the receipt of such notice; and the party receiving such notice agrees so to designate an arbitrator. The two arbitrators so designated shall promptly select a third arbitrator. The matter in dispute shall be submitted to the three arbitrators so selected, and the parties agree that the concurring decision of any two of the above-mentioned three arbitrators shall be final and binding upon them. Each party shall pay its own expenses, including the fees of its arbitrator, and the fees and expenses of the third arbitrator shall be paid one-half by each party.

Article XIV. Termination of agreement

(a) This agreement may, at any time, be terminated by mutual consent of the parties, in which event all licenses granted herein up to the date of such termination shall become nonexclusive and shall continue to the ends of the terms of the patents.

(b) Unless previously terminated, as above provided, the duration of this agreement shall be 10 years from the date hereof, but shall automatically continue in force thereafter until canceled on three years' written notice given, after the expiration of said 10 years' period, by one party to the other party.

(c) Upon any termination of this agreement (except under the provisions of subdivision (a) of this article 14) all licenses, expressed herein as exclusive, shall remain exclusive during the life of the several patents.

Article XV. Further assurances

The parties agree to execute and deliver such further instruments as may reasonably be necessary for carrying out the provisions and purposes of this agreement.

Article XVI. Successors

This agreement is binding upon and shall inure to the benefit of each of the parties hereto and their several successors in business, except that either party may transfer or dispose of any part or parts of its business, not involving the grant of any licenses under this agreement, and in such case this agreement shall not be binding upon or inure to the benefit of the successor to that part of the business so transferred.

In witness whereof, the parties hereto have caused this instrument to be executed on the day and year first above written, by their proper officers thereunto duly authorized.

[SEAL.] GENERAL ELECTRIC CO.,
By E. W. RICE, Jr., *President.*

Attest:
J. W. ELWOOD, *Assistant Secretary.*

[SEAL.] AMERICAN TELEPHONE & TELEGRAPH CO.,
By H. B. THAYER, *President.*

Attest:
A. A. MARSTERS, *Secretary.*

Reprinted April 7, 1922.

EXHIBIT H.—LICENSE AGREEMENT—RADIO CORPORATION OF AMERICA AND UNITED FRUIT CO.

Agreement made this 7th day of March, 1921, by and between Radio Corporation of America, a corporation of the State of Delaware (hereinafter called the Radio Corporation), and United Fruit Co., a corporation of the State of New Jersey (hereinafter called the Fruit Co.)

Witnesseth that—

Whereas the Fruit Co., either itself or through its subsidiary companies, one of which is the Tropical Radio Telegraph Co., now owns and operates certain stations for the transmission and receipt of wireless telegraphic communication, including among others a station at Santa Marta, Colombia, a station at Swan Island, stations in Costa Rica, Panama, Nicaragua, and Honduras, a dismantled station in Cuba, and stations at New Orleans and Burrwood, La., and at Boston, Mass., certain of the apparatus and equipment for said stations at Santa Marta, Swan Island, and New Orleans having been furnished by Marconi Wireless Telegraph Co. of America, under a contract between said Marconi Wireless Telegraph Co. of America and the Fruit Co., dated May 7, 1912, as amended by a contract between the same parties dated February 11, 1915, which contracts were assigned by said Marconi Wireless Telegraph Co. of America to the Radio Corporation; and

Whereas the Radio Corporation, or certain companies in which the Radio Corporation is a stockholder, to wit: The Pan-American Wireless Telegraph & Telephone Co., a corporation of Delaware, and the South American Radio Corporation, a corporation of Delaware, are, or may be, engaged in the business of wireless communication in South America and the United States, and elsewhere; and

Whereas the Radio Corporation owns, or may own, certain patents and patent rights in Colombia, Costa Rica, Panama, Nicaragua, Honduras, Guatemala, Cuba, and the United States, having to do with wireless communication and apparatus or devices for use therein; and

Whereas the Fruit Co. or its subsidiaries desires to improve and enlarge said stations controlled and operated by them, and may desire to build a station at or near Miami, Fla., and may desire to build additional stations in the territory comprising Costa Rica, Panama (except the Canal Zone), Nicaragua, Honduras (not including British Honduras), Guatemala, and Swan Island, which territory is hereinafter referred to as the "Fruit Co. territory," as well as in Colombia, Cuba, and the Panama Canal Zone, and may desire to purchase from the Radio Corporation wireless apparatus for use in said stations and on ships, and desires to be licensed under said patent and patent rights;

Now, therefore, in consideration of $1 and other valuable considerations by each party to the other in hand paid, the receipt whereof is hereby acknowledged, and in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. The Radio Corporation hereby grants to the Fruit Co. a license to use the inventions covered by any and all patents of the United States, and of any and all countries included within said Fruit Co. territory, and of Colombia and Cuba, which it now owns or controls, or may in future own or control, or under which it now has or may in future have

the right to grant a license, having to do with wireless communication, or with apparatus or devices for use in connection therewith, this license being, however, limited to include only uses of the patented inventions for the following purposes, namely:

(a) Wireless telegraphic communication from station to station within and between the Fruit Co. territory, Colombia, Cuba, and the Panama Canal Zone;

(b) Wireless telegraphic communication between stations in the Fruit Co. territory, Colombia, Cuba, or the Panama Canal Zone, and said stations in the United States at New Orleans and Burrwood, La., at Miami, Fla., or vicinity, and Boston, Mass.; provided, however, that no license is granted for the transmission or receipt of commercial communications between Cuba and said stations in the United States, the rights hereby granted for communication between Cuba and said stations in the United States being limited to communications having to do with the business of the Fruit Co., or its subsidiaries; and provided further, that said station at Boston shall be used only for coastal communications or for receiving messages having to do with the business of the Fruit Co., or of its subsidiaries, and not commercial messages; and provided further, that messages destined to points in the United States may be transmitted to destination from said stations in the United States only through the facilities of the Radio Corporation or by wire, and that messages from points in the United States may be transmitted to said stations in the United States only through the facilities of the Radio Corporation or by wire, it being agreed that the Fruit Co. will not enter into any joint traffic arrangements with any other company than the Radio Corporation for forwarding such messages between said stations in the United States and other points in the United States, without consent of the Radio Corporation;

(c) Wireless telegraphic communication between said stations in the United States for messages having to do only with the business of the Fruit Co., or its subsidiaries, and not for commercial business, said station at Boston being licensed, as before noted, only to receive and not to transmit such messages;

(d) Shore to ship and ship to shore wireless telegraphic communication between stations in the Fruit Co. territory, Colombia, Cuba, or Panama Canal Zone, and ships;

(e) Shore to ship and ship to shore wireless telegraphic communication between said stations at New Orleans, Miami or vicinity, Boston or Burrwood, and ships;

(f) Wireless telegraphic communication (but only for messages originating in or destined to points in the Fruit Co. territory, Colombia, Cuba, or the Panama Canal Zone) between stations in the Fruit Co. territory, Colombia, Cuba, or the Panama Canal Zone, and stations of other parties located on islands adjoining the Caribbean Sea, or in any country in Central America (including Mexico), or South America, in which country or island service is not at the time being provided by stations of the Radio Corporation, the Pan-American Wireless Telegraph & Telephone Co., or the South American Radio Corporation or their subsidiaries or associated companies; no license, however, being hereby granted to such stations of other parties. Until further notice by the Radio Corporation the Fruit Co. may use said stations at New Orleans, Burrwood, and Miami, or vicinity, for the purpose of relaying the communications provided for in this clause;

(g) Wireless telegraphic communication between stations in the Fruit Co. territory, Colombia, Cuba, or the Panama Canal Zone, and any stations outside said Fruit Co. territory, Colombia, Cuba, and the Panama Canal Zone, which may be now or hereafter operated by the Radio Corporation, the Pan-American Wireless Telegraph & Telephone Co., or the South American Radio Corporation, or their subsidiaries, under traffic arrangements to be agreed upon with said companies;

(h) Wireless telegraphic communication between any station which the Fruit Co. is above authorized to establish and (1) government stations of the United States or any foreign country on government business; (2) stations of the Fruit Co. or its subsidiaries in parts of the world not covered by this license, such communications to be, however, only for messages having to do with the business of the Fruit Co. or its subsidiaries, and not commercial business, and no license being hereby granted to the Fruit Co. or its subsidiaries for such stations in other parts of the world; or (3) any other stations which the Radio Corporation, the Pan-American Wireless Telegraph & Telephone Co., or the South American Radio Corporation may from time to time allow the Fruit Co. stations to communicate with;

(i) Wireless telephonic communication for the same purposes, in the same territory, and subject to the same limitations as the wireless telegraphic communications above licensed; provided, however, that no license is granted for wireless telephonic communication in the United States or its possessions;

(j) Wireless telegraphic or telephonic installations on ships of United States registry belonging to the Fruit Co. or its subsidiaries;

The license hereby granted is exclusive for all wireless communication purposes within the Fruit Co. territory as above defined, except that the Radio Corporation reserves the right to build and operate stations in the Fruit Co. territory for relaying messages between points outside that territory; and that, further, if in the carrying out of its general program the Radio Corporation desires that any station of any size or nature be built and operated in the Fruit Co. territory, and if the Fruit Co. does not build and operate such station within a reasonable time after request by the Radio Corporation, the Radio Corporation reserves the right itself to build and operate such station.

Except as aforesaid, the license herein granted to the Fruit Co. is nonexclusive.

2. The Fruit Co. grants to the Radio Corporation a license to make or have made, to use and sell, for wireless or wire communication, under any patents of any country, having to do with wireless or wire communication or with apparatus or devices for use in connection therewith, which it may now or hereafter own or control or under which it may now or hereafter have the right to grant a license. This license is exclusive, except that the Fruit Co. reserves the right to license the Wireless Specialty Apparatus Co. to make, use, and sell under such patents, and reserves for itself and its subsidiaries rights thereunder corresponding in all respects to the rights which it hereby acquires under the patents of the Radio Corporation, and also the right to manufacture and use under such patents in any part of the world for communications having to do with the business of the Fruit Co. and its subsidiaries, as well as the right to make and sell to the Government of the United States of America for Government uses. The Fruit Co. agrees to obtain for the Radio Corporation a license under the patents of the Tropical Radio Telegraph Co. and of any subsidiary company to which it may extend any of the rights which it acquires hereunder, for all uses and purposes having to do with wireless or wire communication or with devices or apparatus for use in connection therewith, similar in scope to the license which the Fruit Co. hereby grants to the Radio Corporation and subject to similar reservations.

3. The Fruit Co. agrees:

(a) That it will not establish nor operate stations for wireless communication, outside of the Fruit Co. territory, Colombia, Cuba, and the Panama Canal Zone, except said stations at New Orleans, Boston, Burrwood, and Miami or vicinity;

(b) That it will not receive or transmit wireless communications except as provided in article 1 hereof, and that it will not engage in wireless communication, whether by the use of patented apparatus, devices, or methods, or of apparatus, devices, or methods not covered by patents, except in the territory and for the purposes and subject to the limitations set forth in article 1: *Provided, however,* That nothing in this contract contained shall prevent the Fruit Co. or its subsidiaries from establishing or operating in any part of the world outside of the United States stations for wireless communications having to do only with the business of the Fruit Co. and its subsidiaries, and not for the transaction of commercial business, the Fruit Co. agreeing not to use any such stations outside the territory in which it is licensed to operate hereunder for commercial business.

(c) That in transmitting messages destined to parts of the world outside of the territory in which it is licensed to operate, it will, wherever practicable, use, for transmission of such messages outside of such territory, the facilities of the Radio Corporation, the Pan American Wireless Telegraph & Telephone Co., or the South American Radio Corporation or their subsidiaries or associated companies: *And provided further,* That the Fruit Co. shall be free to accept messages for delivery to the territory in which it is licensed to operate as above set forth, whenever presented by third parties at its various stations or offices; but the Fruit Co. shall not make joint traffic arrangements with any other company than the Radio Corporation, the Pan American Wireless Telegraph & Telephone Co., or the South American Radio Corporation or their subsidiaries or associated companies regarding messages to or from territory in which said companies maintain a service that is practicably available to the stations of the Fruit Co. and its subsidiaries: *And provided further,* That the Fruit Co. shall not without the consent of the Radio Corporation handle messages between points in South America (outside of Colombia) and the United States of America (or routed through the United States of America) where the Radio Corporation or its subsidiary or associated companies can offer such service through other routes.

(d) That it will use its influence and power of control, so far as it is lawful and proper, to prevent any of its subsidiary or affiliated companies from doing what it is not itself free to do hereunder.

4. The Radio Corporation agrees—

(a) That it will not establish or operate stations in the Fruit Co. territory for wireless communication except for the purpose of relaying messages between points outside that territory, nor aid others in so doing, nor sell patented radio apparatus for use in such territory except through the Fruit Co. or with its consent: *Provided, however,* That if, in carrying out of its general program, the Radio Corporation desires that any station of any size or nature be built in the Fruit Co. territory and operated in conjunction with the Radio Corporation system, and the Fruit Co. does not build that station within a reasonable time after a request by the Radio Corporation, the Radio Corporation may build and operate such station:

(b) That except in the case specified in the last preceding paragraph, it will deliver messages received by it, destined to points in the Fruit Co. territory, only to the Fruit Co. or its subsidiaries for transmission to destination.

(c) That it will use its influence and power of control so far as lawful and proper to prevent any of its subsidiary or affiliated companies (other than the South American Radio Corporation and the Pan American Wireless Telegraph & Telephone Co., which are in contract relations with the Fruit Co.) from doing what it itself is not free to do hereunder.

5. Each party agrees to receive from the other and to retransmit to destination all messages delivered to it by the other party, destined for points in the territory served by it, in accordance with joint traffic arrangements to be agreed upon to provide for an equitable distribution of tolls. In the event that the parties shall be unable to agree upon such joint traffic arrangements the terms thereof shall be settled by a board of three arbitrators, one to be named by each of the parties and the third to be selected by said two arbitrators, and the parties agree to abide by the decision of a majority of such arbitrators. It is understood that neither party shall be responsible for the transmission of messages by connecting carriers to whom it delivers such messages.

6. The Fruit Co. is now under contract obligation to relay messages between British Government stations in British Honduras and Jamaica, using Swan Island as their lay point. The Fruit Co. will cancel said contract as soon as it may legally do so, if and when the Radio Corporation so requests.

7. The Radio Corporation agrees that it or the South American Radio Corporation, one or both, will sell to the Fruit Co. and its subsidiaries, so far as they have the right to do so, any and all apparatus or devices, of types which may be from time to time manufactured by or for, and used by, or leased or sold to other by the Radio Corporation, for wireless telegraphic or telephonic communication, and which may be ordered by the Fruit Co. or its subsidiaries, but only for use in accordance with the terms of this agreement at prices equal to the manufacturing cost thereof to or price paid therefor by the Radio Corporation or South American Radio Corporation plus a profit of 20 per cent except in the case of apparatus for use either as new equipment or as repair or spare parts, at said stations at Santa Marta, Swan Island, and New Orleans, in which case the profit shall be 10 per cent. And the Radio Corporation agrees that any such apparatus or devices which it may supply to the South American Radio Corporation for sale to the Fruit Co. and subsidiaries hereunder shall be sold by it at cost, so that the Fruit Co. shall not have to pay profit thereon to both companies. And the Fruit Co. and its subsidiaries shall have the right, at their option, to lease from the Radio Corporation any such apparatus or devices for use in accordance with the terms of this agreement on the same terms offered to others by the Radio Corporation; and the Radio Corporation agrees to make delivery of all such apparatus or devices as may be ordered by the Fruit Co. or its subsidaries for the said purposes, with reasonable promptness. The Fruit Co. agrees to procure apparatus and devices embodying, or for use in radio apparatus embodying, the inventions of patents under which it is licensed by the Radio Corporation hereunder, or any of them, from the Radio Corporation only, so long as the Radio Corporation is ready and able to supply the same with reasonable promptness; except that it shall have the right at its option to purchase wave meters, radio compasses, goniometers, and similar special devices and accessories, ship sets and receiving sets, as well as transmitting sets up to 5-kilowatt power input, and parts and accessories for the above (but not "valves"), from the Wireless Specialty Apparatus Co. The Radio Corporation will give to the Fruit Co. or its subsidiaries purchasing apparatus from the Radio Corporation under this contract a patent guarantee with all sales of apparatus hereunder, but only with respect to United States patents, in the following form, to wit:

"The Radio Corporation agrees that it will at its own expense defend all suits or proceedings instituted against the purchaser and pay any award of damages assessed against the purchaser in such suits or proceedings, in so far as the same are based on any claim that the said apparatus or any part thereof constitutes an infringement of any patent of the United States, provided the purchaser gives to the company immediate notice in writing of the institution of the suit or proceedings and permits the company through its counsel to defend the same and gives the company all needed information, assistance, and authority to enable the company so to do. In case such apparatus is in such suit held to constitute infringement and its use is enjoined, the company, if unable within a reasonable time to secure for the purchaser the right to continue using said apparatus by suspension of the injunction, by procuring for the purchaser a license, or otherwise, will, at its own expense, either replace such apparatus with noninfringing apparatus or modify it so that it becomes noninfringing, or remove the said enjoined apparatus and refund the sum paid therefor."

8. The Fruit Co. agrees, for itself and its subsidiaries, that so far as it may sell or lease to others than its subsidiaries hereunder radio apparatus in or for use in the Fruit Co. territory as above defined, whether such apparatus be purchased from the Wireless Specialty Apparatus Co. or from the Radio Corporation, it will pay on all such apparatus covered by patents of the United States of America or of the country in question, under which it is licensed hereunder by the Radio Corporation, a royalty of 20 per cent of the net selling price of such apparatus (or such lower royalty as may be agreed upon in special cases before the sale is made), and further agrees to report such sales to the Radio Corporation in writing and pay the royalties due with respect thereto within one month after the expiration of the quarter in which such sale is made.

9. The Fruit Co. agrees to pay forthwith to the Radio Corporation $36,910.53 in settlement of unpaid portions of the purchase price for said stations at Santa Marta, Swan Island, and New Orleans, under said contracts of May 7, 1912, and February 11, 1915, and discharges the Radio Corporation from any further obligation under said contracts, except under clause 9 of said contract of May 7, 1912, relating to indemnity against patent litigation, and the Radio Corporation agrees to accept said sum in full settlement of all liability on the part of the Fruit Co. under said contracts and to discharge the Fruit Co. from any further liability thereunder. It is expressly understood, however, that the license to use said stations and apparatus heretofore conferred by said contracts with the Marconi Co. of America is in no way abrogated or annulled, in so far as it relates to communications for the purposes and subject to the limitations provided in articles 1 and 3 of this agreement.

10. Each party will give the other the benefit, for the purposes of this agreement, not only of any and all new inventions pertaining to wireless communication or apparatus or devices therefor which it may acquire as aforesaid, but also of any and all engineering information and experience available to it, pertaining thereto, and will through its engineers aid and advise the other at any time, upon request of the other, as to apparatus, methods of communication, the construction and equipment of stations, and any other matters of value to the other in connection with its operations hereunder, to the end that each party's methods and apparatus may be at all times maintained in accordance with the highest standards known to the other party. Each party will reimburse the other for the cost of any engineering services rendered hereunder at its request, including salaries.

11. This agreement shall continue until January 1, 1945, at which date it shall expire, except that the licenses granted hereunder shall continue in effect, so far as any patents issued or applied for up to that date are concerned, until the expiration of such patents, respectively.

12. Each party hereby releases the other party from any claim or liability on account of past infringement of any patents or patent rights owned by it, except claims arising out of the manufacture and sale of apparatus sold to the United States Government, which claims are not hereby released or discharged, and the Fruit Co. agrees that the Tropical Radio Telegraph Co. will execute a similar mutual release with the Radio Corporation, which release the Radio Corporation agrees to execute.

13. Sublicenses hereunder may be granted by the Fruit Co. to any subsidiary company controlled by it, which shall agree to be bound by the terms hereof, any rights granted to such subsidiary company to continue, however, only so long as it continues to be controlled by the Fruit Co., but not otherwise, unless by mutual consent; and the Radio Corporation may grant licenses under the patents referred to in article 2 hereof, to the same extent as if said patents belonged to the Radio Corporation, subject, however, to the rights reserved hereunder; provided, also, that this contract may be assigned by either party to a successor to its entire business, provided such successor agrees to be bound thereby.

14. It is understood that the rights granted by each party to the other hereunder are only such rights as the party granting them now has, or shall in future have, the right to grant. Nothing herein contained shall require either party to do any act contrary to law or contrary to its franchises, or to omit to do any act required by law.

The Fruit Co. has received a copy of a contract between General Electric Co. and American Telephone & Telegraph Co., dated July 1, 1920, and a copy of the extension agreement between said companies, the Radio Corporation and the Western Electric Co., also dated July 1, 1920, and takes notice of the contents thereof.

In witness whereof Radio Corporation of America has caused its name to be signed and its corporate seal to be hereto affixed by E. J. Nally, its president, thereto duly authorized, and United Fruit Co. has caused its name to be signed and its corporate seal to be hereto affixed by Andrew W. Preston, its president, thereto duly authorized, on the date first above written, at New York City, N. Y.

RADIO CORPORATION OF AMERICA,
By E. J. NALLY, *President.*

Attest:

C. J. ROSS, *Secretary.*

UNITED FRUIT CO.,
By ANDREW W. PRESTON, *President.*

Attest:

ARTHUR E. NICHOLSON, *Assistant Secretary.*

The General Electric Co. hereby assents to the foregoing agreement so far as it is affected thereby.

GENERAL ELECTRIC CO.,
By ALBERT G. DAVIS, *Vice President.*

Attest:

J. W. ELWOOD, *Assistant Secretary.*

LICENSE AGREEMENT—GENERAL ELECTRIC CO. AND WESTINGHOUSE ELECTRIC & MANUFACTURING CO.

Agreement made this 30th day of June, 1921, between the General Electric Co., a New York corporation (herein called the General Co.) and the Westinghouse Electric & Manufacturing Co., a Pennsylvania corporation (herein called the Westinghouse Co.)

Witnesseth:

Whereas the General Co. is the owner of or has the right to grant and extend the licenses hereinafter agreed to be granted and extended under certain letters patent of the United States and various applications therefor, all of which relate to radio devices as herein defined, or to the manufacture thereof; and

Whereas the Westinghouse Co. is the owner of or has the right to grant and extend the licenses hereinafter agreed to be granted and extended under certain letters patent of the United States and various applications therefor, all of which relate to radio devices as hereinafter defined, or to the manufacture thereof; and

Whereas by a certain agreement, as evidenced by Exhibit A hereto attached, the General Co. has granted to the Radio Corporation of America, a Delaware corporation (herein called the Radio Corporation), certain rights to use and sell under all its patents, which agreement is not intended to be affected by this present agreement; and

Whereas by a certain agreement, evidenced by Exhibit D hereto attached, the Westinghouse Co. has granted to the International Radio Telegraph Co., a Delaware corporation (herein called the International Co.), certain of the rights to use and sell under all of its patents, and by certain agreements the Radio Corporation has secured from the International Co. the rights so granted to the International Co., which agreements are not intended to be affected by this present agreement; and

Whereas the parties hereto have in the past by other agreements granted to each other licenses and contracted in regard to patents, and it is not intended that such other agreements shall be affected by this agreement, or that any further patent agreements made between the parties shall be affected by this agreement, unless such later agreement shall expressly so state; and

Whereas the General Co. entered into certain agreements, dated July 1, 1920, with the American Telephone & Telegraph Co., a New York corporation (herein called the Telephone Co.), the Western Electric Co. (Inc.), a New York corporation (herein called the Western Co.), and the Radio Corporation whereby the General Co. secured from the Telephone and Western Cos. certain licenses which may be extended and whereby also it granted certain licenses to the Telephone and Western Cos., copies of which agreements are attached hereto as Exhibits B and C; and

Whereas by an agreement of even date herewith, as evidenced by Exhibits H and I hereto attached, the Telephone and Western Cos. have assented to the extension of licenses under its patents to the Westinghouse Co., and the Westinghouse Co. has granted certain licenses to the Telephone and Western Cos.; and

Whereas each of the parties hereto is desirous of acquiring from the other licenses under the said letters patent, and the patents to issue on said applications, and under other patents on radio devices to be acquired by the other as hereinafter specified.

Now, therefore, the parties hereto have agreed as follows:

Article I. Definitions

1. Radio purposes is defined as the transmission or reception of communications, telegraphic, telephonic, or other, by what are known as electromagnetic waves, but not by wire.

2. Radio devices are defined as comprising:

(a) Devices useful only in radio purposes.

(b) Devices especially adapted to radio purposes but capable of other uses such, for example, as the Alexanderson alternator with accessories or the pliotron, except where the same are sold licensed only for uses other than radio uses, in which case the same are not to be regarded as radio devices hereunder.

3. The expression "devices" shall include apparatus, devices, systems, connections, and methods.

4. X-ray purposes are defined as the generation, control, and application of X rays.

5. X-ray devices are defined as comprising all apparatus, devices, systems, connections, and methods in so far as they are used for X-ray purposes.

X-ray devices comprise:

(a) Devices used only for X-ray purposes.

(b) Devices especially adapted for X-ray purposes, but capable of other uses except when the same are licensed only for purposes other than X-ray purposes, in which case the same are not to be regarded as X-ray devices hereunder.

6. "Wire telephony" is the art of communicating or reproducing sound waves (created, directly or indirectly, by the voice or by musical instruments) by means of electricity, magnetism, or electromagnetic waves, variations, or impulses conveyed or guided by wires, and includes all generating, measuring, switching, signaling, and other means or methods incidental to or involved in such communication.

7. "Wireless telephony" is to be taken as meaning the same as the above, except that the waves, variations, or impulses are radiated through space.

8. "Wire telegraphy" is the art of communicating messages by code signals (such as the Morse code, for example) by means of electricity, magnetism, or electromagnetic waves, variations, or impulses conveyed or guided by wires, and includes all generating, measuring, switching, signaling, and other means or methods incidental to or involved in such communication, but does not include such devices as annunciators, elevator signals, engine-room telegraphs, etc.

9. "Wireless telegraphy" is to be taken as meaning the same as "wire telegraphy" except that the waves, variations, or impulses are radiated through space.

10. "Power purposes" are defined as including all prime movers and their accessories, and all generation, use, measurement, control, and application of electricity for light, heat, and power, but does not include any communication purposes.

11. "Household devices" are electric or electrically operated devices designated primarily for domestic use, but do not include devices for communication purposes.

12. "The United States Government" shall be understood to include not only the Federal Government but also the governments of the Philippines, Porto Rico, and other Federal possessions, present or future; but shall not include any municipal, county, or State government.

13. "Transoceanic" communication shall be understood to include all communication between two continents, or between a continent and an island more than 100 miles from its shores, islands within 100 miles of the shores of a continent being considered parts thereof, North America, including the Panama Canal Zone and all of Central America north thereof, is to be considered as one continent, and South America and all of Central America south of the Panama Canal as another. This definition does not include communication between ships or between ships and shore.

14. "Train dispatching" is telegraphic or telephonic conveyance of train orders or operating information between the office of a train dispatcher or similar official and way stations, or other points along the line of way, or railway vehicles (with or without incidental provision for operation at will in an emergency, and not automatically, signals, brakes, stops, and switches) for controlling the movements of trains or other automotive vehicles.

15. "Railway signaling" is the operation of signals, switches, brakes, stops, etc., controlling the movements of trains or other automotive vehicles, controlled by or in accordance with train or vehicle movements or track conditions, including block signaling, cab signals, and train stops. It does not include train dispatching as above defined.

16. "Submarine signaling" is the art of sending or receiving mechanical vibrations transmitted through water.

17. The terms "General Co." and "Westinghouse Co." as used herein relate to and include, respectively, for the General Co. and the Westinghouse Co., all controlled companies, branches, factories, and departments engaged in the manufacture or sale of radio devices, and the terms and conditions hereof shall apply to any individuals or corporations who may succeed to the business of either of them.

Article II. Exceptions

1. The following are excluded from the operations of this agreement:

(a) Devices with respect to which exclusive licenses have been granted to others by the parties hereto as evidenced by Exhibits A, B, C, and D, and the following (some of which are included in the licenses granted evidenced by said exhibits):

(b) Radio devices.

(c) X-ray devices.

(d) Submarine signaling.

(e) Wire telephony.

(f) Wire telegraphy.

(g) Train dispatching.

(h) Transoceanic communication.

(i) All applications (for purposes other than power purposes, railway signaling, household devices as defined, distance actuation and control by wireless for other than communication purposes, scientific, experimental, and therapeutic apparatus and shop tools, shop appliances, and shop processes) of inventions pertaining or applicable to or to the use of vacuum tubes and to generating (directly or from other currents), modifying, amplifying, transmitting, or receiving electromagnetic waves, variations, or impulses, including instruments and their records for producing music and other sounds for amusement or artistic purposes, with the right to transmit the sound by wire telephony throughout a building.

(j) And in so far as the parties are now operating or may in the future operate under licenses granted or to be granted to one by the other, which licenses make no reference to this present agreement, the field of such license is excluded from the present agreement so long as such other license remains in force.

2. The right to make and sell (but not to lease) to electric light, electric power, and electric traction companies apparatus for so-called

"carrier current" telephone communication over wires, or partly over wires and partly across wireless gaps, but in each instance only for the use of such companies and not for the use of the public, nor for toll, nor for the operation of a selective train-dispatching system, nor in connection with any public service telephone system, being a General Electric right under paragraph (a) of section 5 of Article V of agreement B, is not, as between the General and Westinghouse Cos., included in the general language of any of the above exceptions.

Article III. Licenses to be granted

1. If at any time any radio devices covered by patents of the General Co. come to have a commercial use in a field outside the exclusions specified in article 2 hereof, the General Co. will grant and extend to the Westinghouse Co., at its request, a license in such field under the General Co.'s United States patents then existing and all patents to be issued to the General Co. on patent applications filed in the United States on inventions made or conceived by its employees up to January 1, 1945, and all United States patents which it now has or which it shall acquire or with respect to which it has or shall have the right to grant or extend licenses up to January 1, 1945 (except those acquired by purchase and referred to in article 9 of a contract of even date herewith known as agreement E) in so far as such patents are applied to the use of radio devices in such field. The licenses for such use are to be without royalty and on such terms as will permit the Westinghouse Co. to deal with its customers with respect to such devices for such use on equal terms with the General Co.; but the General Co. shall not be bound to license the Westinghouse Co. to do more than 40 per cent of the gross business of the two companies in dollars in any calendar year under any such license so granted in any such field except on payment of a royalty to be fixed by the General Co. The licenses herein provided for shall contain the usual provisions regarding exchange of technical and manufacturing information with respect to standard devices which at the time when the information is asked for are being manufactured commercially by the General Co., as distinguished from devices under development and devices designed for special order (said exchange to be without compensation except the actual cost of furnishing the information).

2. If at any time any radio devices covered by patents of the Westinghouse Co. come to have a commercial use in a field outside the exclusions specified in article 2 hereof, the Westinghouse Co. will grant and extend to the General Co., at its request, a license in such field under the Westinghouse Co.'s United States patents then existing and all patents to be issued to the Westinghouse Co. on patent applications filed in the United States on inventions made or conceived by its employees up to January 1, 1945, and all United States patents which it now has or which it shall acquire or with respect to which it has or shall have the right to grant or extend licenses up to January 1, 1945 (except those acquired by purchase and referred to in contract of even date herewith known as agreement E), in so far as such patents are applied to the use of radio devices in such field. The licenses for such uses are to be without royalty and on such terms as will permit the General Co. to deal with its customers with respect to such devices for such use on equal terms with the Westinghouse Co.; but the Westinghouse Co. shall not be bound to license the General Co. to do more than 60 per cent of the gross business of the two companies in dollars in any calendar year under any such license so granted, except on payment of a royalty to be fixed by the Westinghouse Co. The licenses herein provided for shall contain the usual provisions regarding exchange of technical and manufacturing information with respect to standard devices which at the time when the information is asked for are being manufactured commercially by the Westinghouse Co., as distinguished from devices under development and devices designed for special order (said exchange to be without compensation except the actual cost of furnishing the information).

3. If either party shall have other licensees under its patents in any such field outside the exclusions specified in article 2 hereof, the business of such other licensees in such field under such licenses shall, for the purposes of the foregoing sections, be included as a part of the business in that field of the party granting such licenses. This shall not apply to the existing licenses granted under the Armstrong patents referred to in an agreement of even date herewith known as agreement K.

4. The licenses hereunder agreed to be granted shall be under the patents of the United States only. They shall authorize the manufacture, use, and sale in this country and the manufacture and sale in this country for export, but shall not imply nor shall any act performed under this agreement or said licenses imply any right or license to use or sell under any patent of a country foreign to the United States.

Article IV.—Arbitration

If any controversy shall arise between the parties as to the performance of any obligation under this agreement, or as to the meaning of any definition, the matter in controversy shall be submitted, at the option of either party, to three arbitrators, who shall have the power to decide the matter in controversy, and whose decision shall be binding upon the parties hereto. Upon such contingency each party shall designate one arbitrator, and these two shall appoint a third arbitrator. In the event that one party appoints an arbitrator and the other party fails within 30 days, after receipt of written notice, to appoint a second, the decision of the first arbitrator shall be binding upon the parties hereto.

Article V.—Term and termination

This present agreement shall continue until January 1, 1945, at which date it shall expire. The licenses to be granted hereunder shall continue until January 1, 1945, and thereafter to the date of expiration of the last patent owned by either party to which each such license, respectively, applies.

In witness whereof the parties hereto have caused these presents to be executed and their corporate seals to be hereunto affixed by their proper officers thereunto duly authorized at New York on the day and year first above written.

GENERAL ELECTRIC CO.,
(Signed) By ANSON W. BURCHARD, *Vice President.*
Attest:
[SEAL.] (Signed) J. W. ELWOOD, *Assistant Secretary.*

WESTINGHOUSE ELECTRIC & MANUFACTURING CO.,
(Signed) By GUY E. TRIPP, *Chairman.*
(Signed) JAMES C. BENNETT, *Secretary.*
[SEAL.]

LICENSE AGREEMENT—RADIO CORPORATION OF AMERICA, GENERAL ELECTRIC CO., AND WESTINGHOUSE ELECTRIC & MANUFACTURING CO.

Agreement made this 30th day of June, 1921, between the Radio Corporation of America, a Delaware corporation (hereinafter referred to as the Radio Corporation), the General Electric Co., a New York corporation (hereinafter referred to as the General Co.), and the Westinghouse Electric & Manufacturing Co., a Pennsylvania corporation (hereinafter referred to as the Westinghouse Co.), the said General and Westinghouse companies being hereinafter collectively referred to as the manufacturing companies

By an agreement of November 20, 1919, between the General Co. and the Radio Corporation the General Co. granted certain patent licenses to the Radio Corporation and agreed to manufacture for it, and the Radio Corporation agreed to purchase exclusively from the General Co., all radio devices covered by patents, rights under which were granted or agreed to be granted in such agreement, which the General Co. should be from time to time in a position to supply with reasonable business promptness for use in, or which were used in, the business and operation of the Radio Corporation and its licensees and customers; and

An agreement of June 29, 1921, was entered into between the Westinghouse Co. and the International Radio Telegraph Co., a Delaware corporation, hereinafter referred to as the International Co., which agreement contained provisions similar to those in the General Electric-Radio agreement above referred to (copies of the said General Electric-Radio agreement and of the said Westinghouse-International Co. agreement being attached hereto as Exhibit A and Exhibit D, respectively, and hereinafter so referred to).

Subsequent to the execution of these two agreements the Radio Corporation has (by an agreement of even date herewith which is attached hereto as Exhibit J and hereinafter so referred to) acquired certain of the assets of the International Co.

It is not practicable for the Radio Corporation to continue to carry out the terms of both agreements A and D in the form which they now stand; and this is particularly clear since radio devices which the Radio Corporation desires to use combine patented inventions of both the General and Westinghouse companies, and it is only by the use of the complementary patented devices of both companies in single instruments and sets of instruments that efficient radio communication can be secured.

Now, therefore, to settle the conflict created by such acquisition and to further define the rights of the parties with respect to the manufacture of radio devices and to enable the Westinghouse Co. to manufacture radio devices for the Radio Corporation under the patents of the General Co. and to enable the General Co. to manufacture radio devices for the Radio Corporation under the patents of the Westinghouse Co., the parties have agreed as follows:

Article I

As modified by this and other agreements of even date herewith, the parties agree that the Radio Corporation assumes all of the obligations (subject to the exceptions noted in the last sentence of paragraph 2 of this article) assumed by the International Radio Telegraph Co. in agreement D above mentioned, and becomes entitled to all of the benefits thereof as though it had been a party thereto in place of the International Radio Telegraph Co.

Except as provided hereinafter, the General Co. shall acquire no rights under the patents of the International Co. or the Westinghouse Co. by reason of the provisions of agreement A. Except as provided hereinafter, the Westinghouse Co. shall acquire no rights under the patents of the Radio Corporation or the General Co. by reason of the provisions of agreement D.

It is agreed that the grants made by the Westinghouse Co. to International Co. and Radio Corporation and by General Electric Co. to Radio Corporation, evidenced by agreements A and D, are made subject to grants heretofore made by such grantors to others.

Article II

Section 1 of article 4 of agreement A and section 1 of article 4 of agreement D are hereby canceled and the provisions and obligations of this Article II are substituted in place thereof.

1. It was the purpose and intent of the General Co. in entering into agreement A to retain the exclusive manufacturing rights under its patents for radio purposes and to acquire similar exclusive manufacturing rights under the patents of the Radio Corporation. This purpose was accomplished by granting to the Radio Corporation (except in case of failure of the General Co. to supply) no manufacturing rights whatever, but merely the exclusive rights for sale and use, as specified, of devices purchased of the General Co., and by acquiring from the Radio Corporation the exclusive manufacturing rights specified under its patents.

The Westinghouse Co., in its dealings with the International Co., evidenced by agreement D, was actuated by a similar motive and acted in a similar manner.

The present situation is such that the Radio Corporation thus finds itself obliged to purchase of the General Co. everything which is made under the patents of the General Co. or of the Radio Corporation, and of the Westinghouse Co. everything which is made under the patents of the Westinghouse Co. and of the International Co. It develops that if the Radio Corporation is to give the efficient service which it desires to give, important devices which the Radio Corporation desires to purchase must be manufactured under the patents of the two groups.

In the situation thus created the manufacturing companies have agreed that the licenses are extended as hereinafter specified to enable the Westinghouse Co. to manufacture for the Radio Corporation under patents of the General Co. and of the Radio Corporation, and to enable the General Co. to manufacture for the Radio Corporation under the patents of the Westinghouse Co. and of the International Co., to such an extent that the Radio Corporation in the manner and to the extent herein provided may purchase from time to time from the General Co. 60 per cent and from the Westinghouse Co. 40 per cent of all radio devices covered by patents, rights under which are granted or agreed to be granted in either agreement A or agreement D (provided however that the right of the Radio Corporation to use or dispose of said devices arises from the grants of agreements A and/or D) which either the General Co. or the Westinghouse Co. is from time to time in a position to supply with reasonable business promptness for use in, or which are or shall be used in, the business and operation of the Radio Corporation and its future licensees and customers and its existing licensees. To this end the Radio Corporation agrees that of the orders which it shall place with the two manufacturing companies during the portion of the calendar year 1921 following the date of execution of this agreement and in each calendar year thereafter for the life of said agreements A and D, it will in placing orders with the manufacturing companies for such patented apparatus as it is licensed to purchase only from the manufacturing companies order 60 per cent in selling price to the Radio Corporation in each said period of the General Co., and 40 per cent in such selling price in each said period of the Westinghouse Co. Where an order is canceled by agreement of the parties concerned, the amount of the cancellation is to be allowed for by proper adjustment of the orders in the period in which the cancellation becomes effective. Any unavoidable excess of orders placed with one company in any such period is to be adjusted by giving to the other company more orders in the next period, except in so far as such excess is due to the failure of the other manufacturing company to supply devices of good quality and with reasonable business promptness.

2. Any obligation to place orders with either manufacturing company is subject to the obligation of such company to produce the devices ordered of good quality, workmanship, and material with reasonable business promptness.

3. As one of the considerations to the manufacturing companies in entering into this agreement and into agreements A and D has been and is the information and experience which their engineering and manufacturing departments will acquire by designing and producing devices hereunder, it is agreed that the obligation of the Radio Corporation to place its orders in the ratio of 60 per cent and 40 per cent shall extend to each of the devices (which devices it is licensed to purchase only from the manufacturing companies covered by patents rights under which are granted or agreed to be granted under agreements A and D) of the classes A, B, C, etc., of Schedule X attached hereto and to foreign and domestic business in each of said classes separately, but the manufacturing companies may by arrangement between themselves modify the division of the business or its allocation in classes, either temporarily or permanently, by notice signed by the two manufacturing companies and served on the Radio Corporation.

4. The grants of licenses in agreements A and D to the Radio Corporation itself to manufacture when it is not able to obtain radio devices with reasonable promptness from the respective manufacturing companies are so modified that they shall not be operative except when both manufacturing companies have refused or failed to supply the devices with reasonable promptness as specified.

Article III

The licenses heretofore granted and agreed to be granted by the General Co. to the Radio Corporation and the licenses heretofore granted and agreed to be granted by the Westinghouse Co. to the International Co. and transferred or to be transferred to the Radio Corporation and licenses under the patents of the Radio Corporation, the General Electric Co. and the Westinghouse Co. are hereby extended to such extent as may be necessary to permit the General Co. and the Westinghouse Co. to manufacture for and sell radio devices to the Radio Corporation as above provided and to manufacture for their own use to the extent that such use is permitted by Article V hereof.

Article IV

An arrangement may be made by the Radio Corporation with the two manufacturing companies whereby such companies may on equal terms as agents of the Radio Corporation sell for use in the United States of America radio devices purchased by the Radio Corporation as herein provided, or may otherwise acquire such selling rights as may be mutually agreed upon by the three parties hereto.

Article V

The Radio Corporation grants to the Westinghouse Co. and to the General Co., and each manufacturing company grants to the other manufacturing company (so far as it has the right to do so), the following licenses under all patents, applications for patents, inventions, and rights of licenses under or in connection with patents which the Radio Corporation and manufacturing companies, respectively, now own or control, or which they may acquire during the term hereof, or under which they have or may have the right to grant such licenses, except those acquired by purchase and referred to below.

a. Nonexclusive licenses in the fields of wire and wireless telegraphy for its own communication, or for the purpose of convenience, or to save expense, but not for profit for transmission of messages for the public.

b. Nonexclusive licenses in the field of wireless telephony for its own communication but not for profit or for transmission of messages for the public, nor for toll, nor for the operation of a selective train dispatching system, and not for connection with any public service telephone system.

c. Nonexclusive licenses to establish, maintain, and operate, but not for pay and not to sell or lease, broadcasting wireless transmitting stations.

The grants of this article apply to the companies so controlled by the Westinghouse or General Co. as to subject them to the liabilities of the present agreement.

Article VI

It is agreed that each of the manufacturing companies shall have the right as against the other to enforce the obligations of section 10 (renumbered as section 9 per article 11 hereof) of article 4 of each of said agreements A and D.

Article VII

On the termination of the said agreements A and D the Radio Corporation shall be licensed under all patents of the manufacturing companies under which it was licensed in either of such agreements A and D so far as the manufacturing companies have or may hereafter acquire the right to grant such licenses, to the extent necessary to enable it to manufacture for its own use in accordance with the provisions of said agreements, but not for lease, resale, or other disposal, radio devices which it is unable to purchase of either of the manufacturing companies in accordance with the terms of article 4 of each of said agreements A and D, but only so long as it shall place its orders for devices covered by such patents in so far as they remain unexpired with the two manufacturing companies in general accordance with the provisions of article 2 hereof.

Each of the manufacturing companies is licensed under such patents to manufacture for and sell to the Radio Corporation radio devices in accordance with this article. The grants of article 5 hereof shall extend with respect to all patents, licenses under which are granted or agreed to be granted under agreements A and D. Except to this extent this agreement shall expire with the expiration of agreement A.

Article VIII

The terms "General Co." and "Westinghouse Co." as used herein relate to and include, respectively, for the General Co. and the Westinghouse Co. all controlled companies, branches, factories, and departments engaged in the manufacture or sale of radio devices, and the terms and conditions hereof shall apply to any individuals or corporations who may succeed to the business of either of them. The term "Radio Corporation" includes all of its controlled companies.

Article IX

Paragraph 7, Article II of agreement A, and paragraph 7, Article II of agreement D, are hereby canceled, and the following is substituted therefor:

In case the Radio Corporation shall acquire by purchase from others patents, patent applications, or rights or licenses under or in connection with patents, which have uses or applications outside of radio purposes, it shall disclose that fact to each of the manufacturing companies and shall offer to bring the same within the scope of this contract on payment by the manufacturing companies jointly of a fair proportion of the price actually paid or to be paid therefor, in which case the payment by the manufacturing companies (except as to any subsequent payments depending on the use of the invention) shall be made in the proportion of 60 per cent by the General Co. and 40 per cent by the Westinghouse Co. (with due allowance for any payments made by others and for such rights as do not pass from one company to the other). In case either the General Co. or the Westinghouse Co. shall decline the offer, the other manufacturing company may, nevertheless, acquire for itself (but not for the other manufacturing company) the same rights which it would acquire if the patents or rights in question were brought within the scope of this agreement, by paying to the Radio Corporation the same amount which in the first case would have been paid by the two manufacturing companies jointly.

In case either of the manufacturing companies shall acquire by purchase from others, patents, patent applications or rights or licenses under or in connection with patents useful for or applicable to radio purposes, it shall disclose that fact to the Radio Corporation and to the other manufacturing company. It shall offer to bring the same within the scope of this agreement on payment by the Radio Corporation to it of a fair proportion of the price actually paid or to be paid therefor, and shall also offer to the other manufacturing company to bring the same within the scope of a certain agreement of even date herewith, between the two manufacturing companies, known as agreement F, on payment by the other manufacturing company of its fair proportion of the purchase price unpaid by the Radio Corporation, it being agreed as between the two manufacturing companies that the proper proportion, unless otherwise agreed in any particular case (except as to any subsequent payments depending on the use of the invention), is 60 per cent for the General Co. and 40 per cent for the Westinghouse Co. (with due allowance for any payments made by others and for such rights as do not pass from one company to the other).

In case the other manufacturing company shall refuse to join, the patents or rights in question shall not be within the scope of the said agreement F but shall be specifically excepted therefrom. In case the Radio Corporation refuses to join and the other manufacturing company does join, the manufacturing company so joining shall have equal rights for radio purposes with the company making the purchase. But this, while releasing the manufacturing companies from all obligations not to sell so far as such particular patents or rights are concerned, shall in no way license or empower either manufacturing company to sell for radio purposes under any patents or radio rights which are owned by the Radio Corporation.

The expression "bring the same within the scope of this agreement" wherever used in this present Article IX shall for the purposes of this article be taken to include, among other things, that the Radio Corporation grants to the manufacturing companies licenses for purposes other than radio purposes which are exclusive to the two manufacturing companies jointly, so far as it is free under its existing contracts to grant such rights (except that they are not exclusive with respect to the reserved rights of the Radio Corporation for wire purposes), and in case where one manufacturing company refuses to join, said license shall be exclusive to the manufacturing company which makes the purchase or which joins in a purchase made by the Radio Corporation. Whether or not either or both of the manufacturing companies participate in a purchase made in accordance with this agreement offered to them by the Radio Corporation, the obligations of the Radio Corporation to purchase radio apparatus thereunder from the manufacturing companies as provided hereunder shall not be modified, and the two manufacturing companies are licensed exclusively to manufacture radio devices under patents so purchased to the same extent as though such patent were owned by the Radio Corporation at the date hereof.

Article X

The sentence beginning "But this action" in Article XI of agreement A is canceled.

If at any time in accordance with Article XI of agreement A, or in accordance with Article IX of agreement D above referred to, the Radio Corporation is taken over by any superior authority or its stations are taken over, as provided in such articles, the agreement that the rights of the Radio Corporation shall cease, be reassigned and revert shall not apply to any patents or rights of countries foreign to the United States which shall at that time have been assigned or agreed to be assigned to Marconi's Wireless Telegraph Co. (Ltd.), or Shielton (Ltd.), or the South American Radio Corporation, or the United Fruit Co., or any other stranger to these agreements.

Article XI

Section 9 of Article IV of agreements A and D are canceled, and sections 10 and 11 of each of such articles are renumbered as sections 9 and 10, respectively. At the end of section 10 of each of such articles (now renumbered as section 9) the following sentence is added:

"The agreements contained in this section are conditions and limitations of the licenses heretofore granted and agreed to be granted."

Article XII

The admission of validity implied in the acceptance of licenses and assignments under and in accordance with this agreement and under and in accordance with the agreements known as F, G, and K is limited to the territory and field of use for which such licenses respectively are and may be granted and to the periods thereof respectively.

Article XIII

It is agreed that the Radio Corporation and the General Co. may extend to the United Fruit Co. and to the Wireless Specialty Apparatus Co. rights under the patents of the Westinghouse Co. and of the International Co. for radio purposes to the same extent that they have agreed to extend rights under their own patents.

Either manufacturing company may, however, from time to time authorized the Wireless Specialty Apparatus Co. to manufacture radio devices for the Radio Corporation. Any such devices so manufactured shall be regarded for all purposes under this agreement as manufactured by such manufacturing company, unless the other manufacturing company shall agree that the devices so manufactured shall not be regarded in computing the 60 per cent and 40 per cent under the provisions of Article II hereof.

Article XIV

If any controversy shall arise between any two of the parties as to the performance of any obligation under Article IX hereof or as to the amount of the proportions to be respectively paid under said article, or as to the performance of any obligation under this agreement, or as to the meaning of any definition, the matter in controversy shall be submitted, at the option of either such party, to three arbitrators who shall have the power to decide the matter in controversy, and whose decision shall be binding upon the parties so arbitrating. Upon such contingency each such party shall designate one arbitrator, and these two shall appoint a third arbitrator. In the event that one such party appoints an arbitrator and the other party fails, within 30 days after receipt or written notice, to appoint a second, the decision of the first arbitrator shall be binding upon such parties.

Article XV

No licenses are granted or extended hereby under patents of Canada, the United Kingdom of Great Britain and Ireland and Japan.

Article XVI

If at any time prior to January 1, 1923, the Radio Corporation and one of the manufacturing companies request, both manufacturing companies will grant to the Radio Corporation the manufacturing rights under their German patents for radio purposes to the extent that and for the term that they have agreed to transfer to the Radio Corporation the selling and using rights.

In testimony whereof the parties have caused these presents to be executed and their corporate seals to be hereunto affixed by their proper officers thereunto duly authorized, at New York City, the day and year first above written.

RADIO CORPORATION OF AMERICA,
(Signed) By EDWARD J. NALLY, *President.*
Attest:
[SEAL.] (Signed) LEWIS MACCONNACH, *Assistant Secretary.*

GENERAL ELECTRIC CO.,
(Signed) By ANSON W. BURCHARD, *Vice President.*
Attest:
[SEAL.] (Signed) J. W. ELWOOD, *Assistant Secretary.*

WESTINGHOUSE ELECTRIC & MANUFACTURING CO.,
(Signed) By GUY E. TRIPP, *Chairman.*
Attest:
[SEAL.] (Signed) JAMES C. BENNETT, *Secretary.*

For good and valuable consideration the receipt of which is hereby acknowledged, the International Radio Telegraph Co. consents to, ratifies, and confirms the above agreement and the transfer to the Radio Corporation of America of all of its rights under said agreement D.

THE INTERNATIONAL RADIO TELEGRAPH CO.,
(Signed) By CALVERT TOWNLEY, *Vice President.*
Attest:
[SEAL.] (Signed) WARREN H. JONES, *Assistant Secretary.*

SCHEDULE X

TRANSMITTING EQUIPMENT

A. Spark sets complete with accessories.
B. Arc sets complete with accessories.
C. Alternator sets complete with accessories, but not including standard power transformers or generating apparatus of standard types.

D. Tube sets complete with accessories—5 kilowatt output and above.
E. Tube sets complete with accessories—below 5 kilowatt output.
F. Tubes only above 1 kilowatt rated output.
G. Tubes only 1 kilowatt rated output or less.
H. Transmitting apparatus not otherwise specified.

RECEIVING EQUIPMENT

I. Crystal detector sets.
J. Tube sets complete with accessories.
K. Tubes only.
L. Receiving apparatus not otherwise specified.

MISCELLANEOUS EQUIPMENT

M. Direction finders, wave meters, and similar auxiliary apparatus.
N. Miscellaneous radio devices not otherwise specified.
O. Standard power and lighting devices other than those included in class C.

LICENSE AGREEMENT—WESTINGHOUSE ELECTRIC & MANUFACTURING CO., AMERICAN TELEPHONE & TELEGRAPH CO., AND WESTERN ELECTRIC CO.

Agreement made this 30th day of June, 1921, between the American Telephone & Telegraph Co., a corporation of New York (hereinafter called the Telephone Co.), the Western Electric Co. (Inc.), a corporation of New York (hereinafter called the Western Co.), and the Westinghouse Electric & Manufacturing Co., a corporation of Pennsylvania (hereinafter called the Westinghouse Co.)

Witnesseth that—

Whereas an agreement dated July 1, 1920, has been entered into between the General Electric Co., a New York corporation (hereinafter called the General Co.), and the Telephone Co., under which licenses were exchanged between the two companies under their respective patents for operation in the respective fields of business of said companies; a copy of which agreement is attached hereto and marked "Exhibit B"; and

Whereas by virtue of an extension agreement dated July 1, 1920, a copy of which is hereto attached marked "Exhibit C," the General Co. has also received, under the patents and inventions of the Western Co., rights corresponding to those it received under the agreement "Exhibit B"; and

Whereas, pursuant to the provisions of article 6, section 3, subdivision (b), of said agreement, "Exhibit B," the General Co. desires to extend to the Westinghouse Co., at its request, certain of the rights under the patents and inventions of the Telephone and Western Cos. received by the General Co. under the said agreements, and, at the request of the General Co., the Telephone Co., and the Western Co. have assented thereto, as shown by the assent attached hereto and marked "Exhibit H"; and

Whereas the Telephone Co., the Western Co., and the Westinghouse Co. are desirous of extending to each other certain additional rights, privileges, information, and assistance pertaining to the existing business of the respective companies;

Now, therefore, in consideration of the premises and the mutual covenants herein contained, it is agreed as follows:

1. The Westinghouse Co. hereby grants and agrees to grant to the Telephone Co., and to the Western Co., under the present and future patents of the Westinghouse Co. and rights to and under patents, in so far as it has or may have the right to do so, rights of the same character and scope, and for the same fields of operation, and subject to the same limitations and conditions, as the rights granted by the General Co. to the Telephone Co. in and by the said agreement of July 1, 1920: *Provided, however,* That all rights, granted and agreed to be granted under this paragraph, are subject to rights which the Westinghouse Co. hereby reserves for itself, for the General Co., and for the Radio Co., and their several successors in business, and which are of the same character and scope, and for the same fields, and subject to the same limitations and conditions, as the rights reserved by the General Co. in and by said agreement of July 1, 1920: *Provided further,* That no rights are granted by the Westinghouse Co. to the Telephone Co. or the Western Co. pertaining to the fields covered in the first and the last items of section 9, article 5, of the agreement, "Exhibit B." The admission of validity implied in the acceptance of licenses hereunder is limited to the fields for which such licenses exist.

2. The Telephone Co. agrees, in addition to giving its assent to the extension of rights, under its patents, to the Westinghouse Co., as aforesaid, and to the granting of the other rights and privileges herein conferred, to pay to the Westinghouse Co. one-third of the sums paid and payable by the Westinghouse Co. to the inventors under a certain agreement known as the "Armstrong and Pupin agreement," dated October 5, 1920, under which the Westinghouse Co. acquired certain patents and applications of said inventors. One-third of the payments made by the Westinghouse Co. to date under said agreement shall be paid by the Telephone Co. hereunder upon the execution of this agreement, and one-third of future payments as they are due and paid by the Westinghouse Co. under the terms of said agreement: *Provided, however,* That in case the Westinghouse Co. does not prior to July 10, 1922, acquire the rights relating to "wired, wireless, or so-called multiplex telephony and telegraphy" covered by the "Russell agreements" referred to in paragraph 13 of said "Armstrong and Pupin agreement," and the Westinghouse Co. is not then in position to grant to the Telephone Co. rights thereunder corresponding to those granted in paragraph 1 hereof, then the Westinghouse Co. will, upon demand of the Telephone Co., pay to the Telephone Co. a sum equal to all sums received by the Westinghouse Co. under said "Armstrong and Pupin agreements" for the rights disposed of under the Russell agreements.

3. The Westinghouse Co. agrees that it will not terminate its rights to and under the Armstrong and Pupin patents, under the provisions of paragraph 11 of the aforesaid "Armstrong and Pupin agreement," without first making such arrangements between the parties then interested in said patents that the Telephone Co. shall continue to enjoy the rights herein granted under said patents without the payment of any consideration other than that herein provided.

4. The provisions of articles 6, 7, sections 1 and 3 of article 9, articles 10, 11, 12, 13, 15, and 16 of Exhibit B contract, relating to the licenses granted, the settlement of interferences, cooperation, and exchange of information, purchases between the parties, litigation, releases, arbitration, further assurances, and rights of successors, shall apply to and govern the relations between the parties hereto, the same as if copied in full herein, with the following exceptions:

(a) As to article 6, any extension of rights by the Westinghouse Co. under section 3, subdivision (b), can be made only upon the consent of the General Electric Co., through whom the Westinghouse Co. derives its rights.

The first sentence of section 6, of article 6, is excepted from this agreement, and notwithstanding the remaining provisions of said section 6, it is understood and agreed that the Westinghouse Co. hereby grants to the Telephone Co. nonexclusive licenses and the right to grant nonexclusive licenses to the foreign associated and allied companies of the Telephone Co. and Western Co., under all foreign patents which the Westinghouse Co. acquires under the "Armstrong and Pupin agreement" of October 5, 1920, so far as the Westinghouse Co. has or may have the right to make such grants.

(b) As to article 9, the parties hereto shall be under the obligation to furnish information and permit access to their respective laboratories only with respect to devices, apparatus, systems, and methods as to which the development work is substantially completed.

5. Unless previously terminated by mutual consent, this agreement shall continue in force until July 1, 1930, and automatically thereafter until canceled on three years' written notice given after July 1, 1930, by either party to the other: *Provided, however,* That it shall not be thus canceled by the Westinghouse Co. during the continuance of agreements Exhibits B and C and its enjoyment thereunder of rights under the patents of the Telephone Co. and Western Co. In the event that agreements, Exhibits B and C, or either of them, are terminated prior to the termination of this agreement, as above specified, the parties hereto shall continue, during the continuance of this agreement, to enjoy rights under each other's patents, and rights to and under patents, the same as prior to the termination of such agreements. If this agreement is terminated by three years' written notice, as above specified, the then existing licenses of both parties shall continue during the lives of the several patents. For the purposes of this paragraph, the Telephone Co. and the Western Co. shall be regarded as one party and the Westinghouse Co. as the other party.

In witness whereof the parties hereto have caused this instrument to be executed in three originals, and their corporate seals to be thereunto affixed, the day and year first above written, by their proper officers thereunto duly authorized.

AMERICAN TELEPHONE & TELEGRAPH CO.,
(Signed) By W. S. GIFFORD, *Vice President.*
Attest:
[SEAL.] (Signed) A. A. MARSTERS, *Secretary.*

WESTERN ELECTRIC CO. (INC.),
(Signed) By H. A. HALLIGAN, *Vice President.*
Attest:
[SEAL.] (Signed) GEO. C. PRATT, *Secretary.*

WESTINGHOUSE ELECTRIC & MANUFACTURING CO.,
(Signed) By GUY E. TRIPP, *Chairman.*
Attest:
[SEAL.] (Signed) JAMES C. BENNETT, *Secretary.*

Mr. DILL. Mr. President, there has also been much discussion of the terms of the patent license agreements granted by this Radio Trust to 25 so-called independent competitors to manufacture tuned radio-frequency receiving sets under a royalty of 7½ per cent on their turnover, with a minimum of $100,000 a year from each of these companies. Therefore I also ask to have printed in the RECORD the text of the patent license agreement by which the Radio Corporation is illegally attempting to control the sale of tubes, an agreement which has been declared illegal by the district court of the State of New Jersey.

The PRESIDING OFFICER. Without objection, it is so ordered.

The agreement referred to is as follows:

TEXT OF RADIO TRUST PATENT LICENSE AGREEMENT

LICENSE AGREEMENT

License agreement as of ———, 1927, by and between Radio Corporation of America, hereinafter termed Radio Corporation, General Electric Co., and Westinghouse Electric & Manufacturing Co., hereinafter termed licensors, and ———, a corporation of the State of ———, having an office at ———, hereinafter termed licensee.

Witnesseth: That—

Whereas the licensors represent that they severally own and/or have the right to grant licenses under various United States letters patent useful in tuned radio-frequency receivers as hereinafter defined; and

Whereas the licensee desires to make lawful use of some or all of the inventions covered by said letters patent of the United States, and to that end desires to acquire the licenses herein expressed;

Now, therefore, in consideration of the premises, the licenses granted herein by the licensors to the licensee, and the covenants herein contained, it is agreed that:

1. Each of the licensors hereby grants under all of the United States letters patent useful in tuned radio-frequency receivers, as hereinafter defined in paragraph (d) of article 2, owned by it and/or with respect to which it has the right to grant licenses, during the term of this agreement or until it is sooner terminated as hereinafter provided for, and upon the terms and conditions hereinafter set forth, and solely and only to the extent and for the uses hereinafter specified and defined, a personal, indivisible, nontransferable, and nonexclusive license to the licensee to manufacture at its factory, located at ———, in the State of ———, and not elsewhere without previous written permission obtained from the Radio Corporation, and to sell only for radio amateur reception, radio experimental reception, and radio broadcast reception throughout the United States and its Territories or dependencies tuned radio-frequency receivers, as hereinafter defined in paragraph (d) of article 2, so manufactured by the licensee, except that no license is granted in this agreement under any letters patent with respect to which a licensor can grant licenses only upon the payment of royalties.

It is specifically understood and agreed that no license is herein or hereby granted or is to be granted, and that nothing herein contained shall be construed as extending or conveying a license, to manufacture, sell, or use so-called superheterodyne or superregenerative receivers or parts therefor.

Nothing herein contained shall be regarded as conferring upon the licensee, either expressly or by estoppel, implication, or otherwise, a license to manufacture or sell apparatus except such as may be manufactured and sold by the licensee in accordance with the express provisions of this agreement. Nothing herein contained shall be construed as conveying any license expressly or by implication, estoppel, or otherwise under any patents of countries foreign to the United States.

2. (a) That the term "amateur reception," for the purpose of this agreement, means reception by one not a professional investigator who is more than a mere broadcast listener, and who evidences his interest in the art of wireless telephony by study, investigation, or experiment in the art.

(b) That the term "experimental reception," for the purpose of this agreement, means the use in a laboratory, college, school, or scientific society, or in professional investigations, but not in any case reception of messages, directly or indirectly for business purposes.

(c) That the term "broadcast reception," for the purpose of this agreement, is defined as follows: The reception from radio telephone broadcast stations of news, music, speeches, sermons, advertising, and entertainments, educational, and similar matter, or any of them, or combinations of any of them, for the purpose of exhibition, entertainment, or instruction.

(d) That the term "tuned radio frequency receiver," for the purposes of this agreement, is defined as follows: A complete radio receiver advertised as such and salable to the using public as such, which may include a cabinet, head set, loud speaker, battery eliminator, etc., and adapted to receive a modulated carrier wave embodying one or more input circuits, tuned or capable of being tuned to substantial resonance with the radio frequency of the carrier wave of the signal to be received, or coupled to a circuit or circuits so tuned or capable of being so tuned; one or more devices for relaying or for amplifying such signals at the said radio frequency; one or more output circuits, tuned or capable of being tuned to substantial resonance with the radio frequency of the signal to be received, or coupled to a circuit or circuits so tuned or capable of being so tuned; a single detecting device for directly converting the signals, so received and so relayed or amplified, from said radio frequency into audio frequency signal currents; and, if employed, one or more devices with their associated circuits, for amplifying such audio frequency currents. In any event, the term "tuned radio frequency receiver" shall not, for the purpose of this agreement, include the so-called superheterodyne or superregenerative receiver or parts therefor.

3. The licensee hereby agrees to pay to the Radio Corporation a royalty of 7½ per cent on the licensee's net selling price of the apparatus licensed under this agreement and sold by it during the continuance of this agreement, except that no royalty shall be paid on and no reports are required with reference to sales of apparatus purchased from or through the Radio Corporation. That for the purpose of this agreement all apparatus shall be considered as "sold" when the apparatus has been billed out, or if not billed out, when it has been delivered, shipped, or mailed.

4. The licensee further agrees to pay to the Radio Corporation during the time that this agreement shall remain in force a minimum royalty at the rate of $100,000 per annum. In case this agreement shall terminate at other than the end of a calendar year, the minimum royalty for such year shall be prorated to cover such part of such year as shall have elapsed when this agreement terminates.

5. The licensee within 30 days after and as of the 1st days of January, April, July, and October in each year, respectively (hereinafter referred to as "quarter days"), shall furnish the Radio Corporation with written statements, under oath, specifying exactly the total number of apparatus sold under this agreement by the licensee during the preceding quarter. Said statements shall show the licensee's net selling price with respect to all such apparatus, the date when each was sold, and the trade or brand name. The first of such statements shall be rendered not later than the fifteenth day after the quarter day next following the date of this agreement, as of such quarter day, and shall cover the period from the date of this agreement to said quarter day. The royalty prescribed herein shall be due and payable on the 30th days of January, April, July, and October of each year upon all such apparatus sold by the licensee during the preceding quarter, or, in the case of the first statement, the period covered thereby. Any amount required to bring the aggregate royalty payments made for any calendar year up to the amount of the minimum royalty payable for such year, as above provided, shall be due and payable on the 30th day of January of the next succeeding year. The licensee shall keep true, accurate, and separate books of account containing all the information required to be given in the statements provided for in the preceding clause, and shall permit the Radio Corporation or its duly authorized agents or attorneys at any time during usual business hours to inspect the same.

6. The licensee shall affix to all apparatus manufactured and sold by the licensee under the terms of this agreement a license plate, reading: "Licensed only for radio amateur, experimental, and broadcast reception" and the word "patented," and giving the dates of the patents which are in the opinion of the Radio Corporation used in such apparatus. The licensee further agrees that any and all catalogues, circulars, or price lists, or general advertising of the licensee shall contain a statement to the effect that the apparatus so manufactured and sold by the licensee is "Licensed only for radio amateur, experimental, and broadcast reception."

7. In the event of the failure by the licensee at any time during the continuance in force of this agreement to render any of the statements called for herein upon any of the prescribed dates, or to pay all the royalties required hereunder when due, or to comply with any of the other obligations of this agreement, it is understood and agreed that should the licensee refuse or neglect so to do for 30 days after notification from the Radio Corporation by registered mail to the last-known place of business of the licensee, of the licensee's failure in any of these respects, this agreement shall cease and terminate, at the option of the licensor, 30 days after notice in writing by registered mail to that effect has been forwarded to the licensee, but no such cancellation shall release the licensee from any of the liabilities accruing to the licensor hereunder prior to the time such cancellation becomes effective. No failure on the part of the Radio Corporation to exercise its right of cancellation hereunder for any one or more defaults or breaches of covenant shall be construed to prejudice its right of cancellation for any subsequent default or breach of covenant. Bankruptcy of the licensee shall terminate this agreement, and the Radio Corporation shall also have the right to terminate it upon the insolvency of the licensee or the appointment of a receiver for its property.

8. Neither this agreement or any of its benefits shall be directly or indirectly assigned, transferred, divided, or shared by the licensee with any person, firm, or corporation whatsoever without the written consent of the Radio Corporation, but this agreement shall inure to the benefit of the successor or assigns of the several licensors, but shall not inure to the benefit of the successors, assigns, or any legal representative of the licensee without the consent of the Radio Corporation in writing having first been obtained.

9. Nothing herein contained shall be construed as conveying any licenses, expressly or by implication, estoppel, or otherwise, to manufacture, use, or sell vacuum tubes, except to use and sell the vacuum tubes purchased from the Radio Corporation as provided herein. The Radio Corporation hereby agrees to sell to the licensee and the licensee hereby agrees to purchase from the Radio Corporation the number, and only the number, of vacuum tubes to be used as parts of the circuits licensed hereunder and required to make initially operative the apparatus

licensed under this agreement, such tubes to be sold by the Radio Corporation to the licensee at the terms and at the prices at which they are then being sold by the Radio Corporation to other manufacturers of radio sets buying in like quantities for the same purposes. But the sale of such tubes by the Radio Corporation to the licensee shall not be construed as granting any licenses except the right to sell such tubes for use in and to use them in the apparatus made and sold hereunder.

10. The licensors, or any of them, or the American Telephone & Telegraph Co., shall have the right to acquire for itself or for any corporation or corporations controlled by any of them through stock ownership of more than 50 per cent of its issued stock one or more nonexclusive license or licenses on reasonable terms under any United States letters patent owned by the licensee or under which it may have the right to grant a license or licenses. The terms of such license or licenses shall not be less favorable to the licensed party or parties than any other similar license from the licensee, and such license or licenses shall remain in full force and effect during the continuance of this agreement. If the terms of such license or licenses can not be agreed upon, then such terms shall be settled by arbitration pursuant to the arbitration law of the State of New York. The licensee may terminate such right with respect to any licensor and/or its controlled corporations as above defined and with respect to any specified letters patent by serving written notice upon any licensor that unless said licensor shall advise the licensee in writing within six months of its intention to exercise said right with respect to letters patent specified in said notice such right shall terminate at the end of such six months' period.

11. The licensee agrees to pay and the Radio Corporation agrees to accept, as and for the damages which the licensors have sustained and the profits which the licensee has made by reason of the licensee's past manufacture, use, or sale of tuned radio frequency receivers, as herein defined, of any of the letters patent licensed hereunder, the sum of ——— as liquidated damages therefor.

It is further agreed that such sum is now due and payable to the licensors of which ——— is in hand paid, receipt of which is acknowledged by the licensors. The licensors, however, hereby agree that, so long as the licensee complies with all of the terms and provisions of this agreement, they will—except as hereinafter provided—postpone collection of the remainder of such liquidated damages until the 15th day of January, 1931. It is hereby agreed, however, that, in the meantime, the licensors shall credit to the remainder of the payment of such liquidated damages an amount equal to one-third of each payment of royalty made by the licensee to the licensors on or prior to said 15th day of January, 1931, until said damages are fully paid.

It is further agreed that the obligation of the licensors to postpone collection of the remainder of such liquidated damages shall cease and terminate on said 15th day of January, 1931; and that, in the event of any default hereunder or of any breach of covenant by the licensee, or in the event of the bankruptcy or insolvency of the licensee or of the appointment of a receiver for its property, the obligation of the licensors to postpone collection of such part of the liquidated damages as shall then be unpaid shall immediately cease and terminate, whether or not this agreement shall have then been canceled or terminated by the licensors, as provided for in this agreement; and, in any such event, the obligation of the licensors to credit to the payment of such liquidated damages any portion of royalty payments then, or subsequently to become, due shall also immediately cease and terminate.

It is further agreed that the licensee shall not be required to pay interest upon such liquidated damages unless and until the obligation of the licensors to postpone collection thereof shall cease and terminate as above provided.

12. That the term of this agreement shall be four and one-half years from February 1, 1927, unless sooner terminated, as hereinbefore provided. The termination of this agreement, either four and one-half years from date or sooner, shall not release the licensee from any of its liabilities accruing prior to such termination.

In witness whereof the parties hereto have caused these presents to be executed by their proper officers thereunto duly authorized, and their corporate seals to be hereunto affixed, the day and year first above written.

RADIO CORPORATION OF AMERICA,
By ——— ———, *President.*

Attest:

——— ———, *Secretary.*

GENERAL ELECTRIC CO.,
By ——— ———, *President.*

Attest:

——— ———, *Secretary.*

WESTINGHOUSE ELECTRIC & MANUFACTURING CO.,
By ——— ———, *President.*

Attest:

——— ———, *Secretary.*

By ——— ———, *President.*

Attest:

——— ———, *Secretary.*

In consideration of the obligations contained in paragraph 10 of the foregoing agreement, the American Telephone & Telegraph Co. joins in and assents to the grant of the licenses hereinbefore granted by the licensors.

AMERICAN TELEPHONE & TELEGRAPH CO.,
By ——— ———, *President.*

Attest:

——— ———, *Secretary.*

JURY SYSTEM—ENFORCEMENT OF PROHIBITION

Mr. TYDINGS. Mr. President, I ask unanimous consent to have inserted in the RECORD two articles from the Baltimore Evening Sun of yesterday, one referring to the jury system and the other to the subject of prohibition.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Without objection, the articles will be printed in the RECORD.

The matter referred to is as follows:

PEERS

By Gerald W. Johnson

Some of the jurors in the Sinclair case have admitted that they became so utterly confused before the thing was over that they hardly knew what it was all about. This is not surprising, since the case was one of a certain complexity, and to be understood had to be studied with a concentration of which not everyone is capable.

In New York the other day Mrs. Knapp, admitting many of the facts as charged, nevertheless argued so cleverly that what she had done was not criminal that she succeeded in hanging the jury. There was no great complexity about this case, but a powerful personality impinging upon weaker ones swayed them irresistibly.

In Chicago a few weeks ago a juryman voted stubbornly against a verdict for first-degree murder against bandits who killed a man when he interrupted them in the job of robbing his safe. This juryman stated his belief that a man has the right to stage a hold-up if he can, and that when the intruder refused to put up his hands and made as if to molest the burglar, shooting him became an act of self-defense. This juryman, regardless of his intelligence quotient, is evidently a moral imbecile who is incapable of grasping an ethical point which is as plain as a pikestaff to the normal man.

Well, what of it? Is the system of trial by jury becoming hopeless? These three cases certainly reveal defects in it, and they seem to be very serious defects indeed. It is conceivable that here is evidence that it is rotten to the core.

But is our American system, after all, the old system of the English common law? That provides for the trial of the accused by a jury of his peers. Perhaps the Chicago juryman is actually the peer of the bandits; but it is preposterous to argue that the Sinclair jurors were the peers of the accused intellectually, whatever their relative moral rank may be. It is not likely, either, that the jurors in the Knapp case were the peers of Mrs. Knapp, who is a politician—which is to say a practical psychologist—of exceptional attainments.

In the Sinclair case, indeed, we have an unusual proof of this inadequacy of the jury. Shortly before his acquittal on the criminal charge, Sinclair had been tried on essentially the same set of facts before jurors who were at least his equals intellectually and morally, to wit, the justices of the Supreme Court of the United States. They were not in doubt as to their understanding of the case, and their verdict was not that of the petit jury.

The fact is that a man's peers are likely to be rougher on him than are his superiors. This is well understood by veteran criminals. In Maryland, where the accused may elect to be tried by the court without the assistance of a jury, it is exceptional for a man who has been in court on many petty charges to demand a jury. He knows that he has a better chance with the judge, who is socially and financially, as well as morally, his superior.

In England, once, a nobleman, charged with an offense for which an ordinary court would have given him a fine and possibly a short prison term made the mistake of demanding a jury of his peers; that is to say, of members of the House of Lords. He got it, but he wished he hadn't asked for it, for the lords gave him 20 years.

There is much complaint that it is become practically impossible in America to do anything with rich, prominent, and able scoundrels. Perhaps one way of remedying the situation would be to have them tried by juries who are really their peers. If Sinclair had been acquitted by a jury of first-rate business men, men who have made national reputations for their astuteness, his reputation now would be better. Such a verdict would not have been open to the suspicion that it was reached by men fumbling through mental obscurity, and therefore just as likely to return an unjust as a just verdict.

Money enables a man on trial to employ better counsel than ordinarily represents the State, and astute counsel are able to secure endless delays, and when they do go to trial to obscure the issue and obfuscate the jury. But even without this advantage, if the prisoner is obviously an able and successful man, he possesses an advantage over a jury likely to include a large proportion of conscious failures.

Envy of the rich may influence some verdicts, but respect for and fear of a forceful man probably influences a great many more.

But aside from these debatable factors it is perfectly clear that there are certain cases which should be submitted only to specially selected panels. Consider the Sinclair case, for example; it was a criminal prosecution, to be sure, but it necessitated the consideration by the jury of some highly complicated business operations, difficult for well-trained business men to understand and quite beyond the comprehension of a jury drawn off the street. It is really no wonder certain members of that jury are now admitting that the whole thing was incomprehensible to them.

Similarly in the Knapp case the offense with which the defendant was charged lay in the obscure borderland between official discretion and outright embezzlement. To decide on which side of the line it lies requires a nicety of judgment which the jury admittedly did not possess and it never reached a verdict.

So a jury which is to reach a true verdict must be adequate, not only to the defendant but also to the intricacies of the case. Every man above the level of the Chicago juryman already mentioned is aware that murder, theft, and arson are crimes, and in such cases it is simply a matter of proving the responsibility of the accused for the offense which has occurred. Such matters are usually within the comprehension of the first 12 men one meets, and as a jury they are able to return a verdict which is likely to be just.

Even so, a battery of high-priced criminal lawyers and a powerful personality in the accused may defeat justice; but justice has at least a fighting chance. Add to such handicaps a case so intricate that it is altogether beyond the comprehension of the jury, and the cause of justice is lost at the start. It is a gamble then, with natural human sympathy stacking the cards in favor of the accused.

What, then, is to be done about it? Obviously, nothing unless and until we revise our notion that all men are equal before the law. All men are not equal anywhere, and money alone does not constitute the difference. A forceful, successful man has an initial advantage over any jury not composed of men at least as forceful and successful as he is.

But one proof of a man's forcefulness and success in life is his ability to avoid jury duty. In this he is powerfully aided by the bar, for the lawyer who has any doubts about his case usually prefers to try it before a jury whose minds he can mold. Therefore he eagerly assists strong men to avoid serving. He doesn't want them.

The recent failures of the jury system are simply another phase of the protean question with which democracy wrestles incessantly—namely, how the great mass of mediocre men is to control strong and unscrupulous individuals.

FANATICS BARRED WAY TO A REALLY DRY AMERICA

(The Rev. C. W. Tinsley, pastor of West View M. E. Church, writing in the Pittsburgh Press)

For years before 1920 the evils of drink in the United States were lessening, the per capita consumption was decreasing, drunkenness was more and more frowned upon as an inexcusable vice, and social custom was banishing the use of intoxicants from reputable circles. Even extreme prohibitionists concede all this. The situation was not desperate, the patient was convalescent and did not require this violent form of surgery. The people were finding ways to lessen the drink evil, alcohol was being banished from medical practice as useless, and a really "dry" America was on the way, and no doubt would have arrived in time under more local and popular "methods," even if Volsteadism had never been imposed upon the Nation.

It was not because there was no other or better way, but because an intense, intolerant, impatient minority sought a short cut to reform that this assault upon our Federal Constitution was made. Even granting that a majority did it—that does not make it either right or wise. Majorities have no right to impose upon the rest of the people their notions of social conduct when the thing prohibited does not "necessarily" infringe upon the rights of others. American "citizens" should never be made "subjects" in matters of social habit and custom. Before 1920 we supposed that our Federal Constitution was full protection against such tyranny.

To-day "force" has fascinated the minds of many church leaders—a sinister sign of the decadence of faith in spiritual forces. The spirit of the Ku-Klux Klan has invaded certain groups of the Protestant Church. They act as if might could make things right. They would compel men to conform to their notions respecting temperance, the Sabbath, etc.

That "state of mind" is chiefly an inheritance from Calvinism, which held to the ideal of a Biblically controlled society.

They say "God's Word" can make the world right; so write His name in the Constitution, for this is a "Christian Nation." It's the same narrow spirit that caused the burning of the witch and the whipping of the Quaker. Christians should not give it any sanction.

It is high time that all good citizens call a halt to the efforts of these sincere but utterly mistaken people in their attempts to "regulate" everybody.

This is not a "Christian Nation" and never was. Genuine Americanism forbids any such false claim. If it were really "Christian" it would not try to compel total abstinence through "force."

Churches should not attempt to "dragoon the body, but to convince the soul," to use President Coolidge's apt phrase.

AGRICULTURAL DEPARTMENT APPROPRIATIONS

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair) laid before the Senate the action of the House of Representatives receding from its disagreement to the amendment of the Senate No. 98 to House bill 11577, the Agricultural Department appropriation bill, and concurring therein; receding from its disagreement to certain amendments of the Senate to the said bill and agreeing thereto severally with an amendment, and also insisting upon its disagreement to the amendment of the Senate No. 100, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
May 10, 1928.

Resolved, That the House recede from its disagreement to the amendment of the Senate No. 98 to the bill (H. R. 11577) entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes," and concur therein.

That the House recede from its disagreement to the amendment of the Senate No. 56, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: "Horticultural experiment station, Cheyenne, Wyo.: to enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act providing for horticultural experiment and demonstration work in the semiarid or dry-land regions of the United States," approved March 19, 1928, including the erection of buildings and fences, the construction of irrigation facilities, the employment of persons, and for other necessary expenses, to be immediately available, $100,000: *Provided*, That the limitations in this act as to the cost of buildings shall not apply to this paragraph."

That the House recede from its disagreement to the amendment of the Senate No. 59, and agree to the same with an amendment as follows:

In lieu of the sum inserted by said amendment insert "$4,380,436."

That the House recede from its disagreement to the amendment of the Senate No. 80, and agree to the same with an amendment as follows:

In lieu of the sum inserted by said amendment insert "$650,000."

That the House recede from its disagreement to the amendment of the Senate No. 84, and agree to the same with an amendment as follows:

In lieu of the sum inserted by said amendment insert the following: "$1,125,500: *Provided*, That the Secretary of Agriculture shall investigate and report to the next regular session of Congress as to the feasibility of a five-year cooperative program, or a program extending over such term of years as to him shall seem most advisable for the purposes in view, for the eradication, suppression, or bringing under control of predatory animals within the United States, and the estimated cost thereof as compared to the present method."

That the House recede from its disagreement to the amendment of the Senate No. 85, and agree to the same with an amendment as follows:

In lieu of the sum inserted by said amendment insert "$1,165,000."

That the House recede from its disagreement to the amendment of the Senate No. 86, and agree to the same with an amendment as follows:

In lieu of the sum inserted by said amendment insert "$211,000."

That the House recede from its disagreement to the amendment of the Senate No. 99, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

"FLOOD RELIEF, VERMONT, NEW HAMPSHIRE, AND KENTUCKY

"For the relief of the following States as a contribution in aid from the United States, induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to such States through the damage to or destruction of roads and bridges by the floods of 1927, imposing a public charge against the property of said States beyond their reasonable capacity to bear, and without acknowledgment of any liability on the part of the United States in connection with the restoration of such local improvements, namely: Vermont, $2,654,000; New Hampshire, $653,300; Kentucky, $1,889,994; in all, $5,197,294, to be immediately available and to remain available until expended: *Provided*, That the sums hereby appropriated shall be expended by the State highway departments of the respective States with the approval of the Secretary of Agriculture for the restoration, including relocation, of roads and bridges so damaged or destroyed, in such manner as to give the largest measure of permanent relief, under rules and regulations to be prescribed by the Secretary of Agriculture: *Provided further*, That the amount herein appropriated for each State

shall be available when such State shall have or make available a like sum from State funds for the purposes contained herein."

That the House recede from its disagreement to the amendment of the Senate No. 102, and agree to the same with an amendment as follows:

In lieu of the sum inserted by said amendment insert "$139,138,793.88."

That the House further insist on its disagreement to the amendment of the Senate No. 100.

Mr. McNARY. I move that the Senate agree to the amendments of the House to the amendments of the Senate numbered 56, 59, 80, 84, 85, 86, 99, and 102, and that the Senate recede from its amendment numbered 100.

The motion was agreed to.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

The PRESIDING OFFICER. The question is on the committee amendment on page 15.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	La Follette	Sheppard
Barkley	Fletcher	Locher	Shipstead
Bayard	George	McLean	Shortridge
Bingham	Gerry	McMaster	Simmons
Black	Gillett	McNary	Smoot
Blaine	Glass	Mayfield	Steiwer
Blease	Goff	Metcalf	Stephens
Borah	Gooding	Moses	Swanson
Bratton	Gould	Neely	Thomas
Brookhart	Greene	Norbeck	Tydings
Broussard	Hale	Norris	Tyson
Bruce	Harris	Nye	Vandenberg
Capper	Harrison	Oddie	Wagner
Caraway	Hawes	Overman	Walsh, Mass.
Copeland	Hayden	Phipps	Walsh, Mont.
Couzens	Heflin	Pine	Warren
Curtis	Howell	Pittman	Waterman
Cutting	Johnson	Ransdell	Watson
Dale	Jones	Reed, Pa.	Wheeler
Deneen	Kendricks	Robinson, Ind.	
Dill	Keyes	Sackett	
Edwards	King	Schall	

The PRESIDING OFFICER. Eighty-five Senators having responded to their names, a quorum is present.

MOTHERS' DAY

Mr. SHEPPARD. Mr. President, I ask unanimous consent that to-morrow, at the beginning of the session, the senior Senator from West Virginia [Mr. NEELY] be permitted to address the Senate on the subject of Mothers' Day.

The PRESIDING OFFICER (Mr. LOCHER in the chair). Without objection, it is so ordered.

WATER POWER AND ELECTRIC TRUSTS

Mr. NORRIS. Mr. President, recently there was held in the city of Washington the annual meeting of the Chamber of Commerce of the United States. At that meeting a remarkable address was delivered by Mr. Edwin B. Parker, chairman of the board of the Chamber of Commerce of the United States. The address is quite lengthy and I hardly feel justified in having it printed in the CONGRESSIONAL RECORD in its entirety, but I can not permit the occasion to pass without calling the attention of the Senate and of the country to at least some very important extracts from that eloquent and logical address.

If the doctrines proclaimed in that address by Mr. Parker were lived up to by the business men of the United States, a large portion of whom, as far as money is concerned, he was addressing when he delivered his speech, many of the difficulties that confront society would disappear.

He said, for instance:

> The times demand straight thinking and frank speaking. They demand that we consider the disturbing evidences of a business atavism, of a throwback to a day of unrestrained individualism, a day of "the public be damned," when men of great business ability, with an eye single to their own selfish interest and immediate returns, and without regard to the future, ruthlessly pursued their predatory lusts in a spirit of "after me the deluge!"
>
> The recent conspicuous examples of individuals, prominent in big business, becoming intoxicated with power and involved in transactions tainted with fraud and corruption, violating every principle of sound business conduct, holding themselves above the law, are not peculiar to this day nor to the profession of business. Every generation, every profession has its unfaithful members. But business, which has lately been defined as "the oldest of the arts and the newest of the professions," must, in order to maintain its professional status and reap the unquestioned advantages of group action, scrupulously discharge its group responsibilities.
>
> Among these responsibilities is to see to it that the profession of business is purged of those pirates whose acts stigmatize and bring business generally into disrepute. Such individuals, unmindful of their duties to the public, inevitably bring upon themselves and the entire institution of business the thunderbolts of public wrath in terms of legislative and governmental regulation that hamper a legitimate freedom of initiative. Ruthless and selfish initiative must be curbed in the public interest and in the interest of legitimate business.

Mr. President, in the few minutes that I have before 3 o'clock it will be impossible for me to read as much of that fine address as I should like to. I ask, therefore, to include in my remarks at this point the marked passages in the address, which I send to the clerk's desk.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

> Business does not exist unto itself alone. Business exists only by reason of what it does for others. It finds its opportunities to continue and to develop only in advancing the welfare and the happiness of all those from whom it buys, those to whom it sells, and those whom it employs. In the final analysis business deals with human welfare and human happiness. Its function is to find ways of promoting human welfare and of adding to the opportunities for human happiness. Without teamwork that function can not be successfully performed.
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> * * * * * * *
>
> Just as nations will decline to recognize, as a member of the family of nations, a government committed to destroying the foundations of our civilization; just as the legal profession has taken measures for disciplining and disbarring the "shyster"; just as the medical profession purges itself of the unethical practitioner, so business will decline to recognize as a member of the profession of business, and trade associations will decline to receive into their ranks, or will expel, an individual or an organization that willfully violates the fundamental principles upon which sound business rests, or that persists in ignoring the decencies of business intercourse, and besmatters all business with the slime of corruption or with the muck of unclean practices.
>
> Shall the business community as a whole lose the ground that it has painstakingly and deservedly gained in order that a few—a very few in relation to the vast host engaged in American business—a few who hold themselves above the law, may crash through and demolish the canons of sound business practices? Those canons have been set up by organized business for its self-government not only for its own protection but as an assurance to the public that business may be trusted to formulate and enforce its own rules of fair play—its rules of good sportsmanship—and to do and do thoroughly its own housecleaning. If organized business is content to sit supinely by and permit the ruthless few to undermine the sound foundation on which it rests, then, indeed, does business richly deserve that swift manifestations of public indignation that will surely be visited upon it.
>
> Much has been said and written of late of the betrayal of public trusts by those in high places. All such must be dealt with by the courts and by the voters to whom they are accountable. I have neither the time nor the disposition to deal with them here. The present concern of business is to cast the beam out of its own eye; to purge itself of those corrupters of public servants whose moral turpitude in making possible the betrayal of a public trust is even greater than that of those whom they would debauch; and to put the ban of outlawry upon those who have a contempt for the public interest, those who have a contempt for the Government that affords protection to them and to their property, and those who have a contempt for our institutions of justice. Organized business will have the courage and the sound judgment to cast out these defilers of the institution of business, both in its own interest and in the interest of the public, which in turn will be quick to brand the offenders with the contempt which they richly deserve.
>
> Leaving all public agents entirely out of the picture, and dealing solely with the shortcomings of its own members, business is here concerned with purging its profession not only of the principal offenders but of those accessories, either before or after the fact, who, unmindful of the public interest involved and of their duties to the public, are guilty of a suppression of the truth which the public has a right to know.
>
> It is the function of government to deal with crime. But there is a twilight zone between acts which are illegal and criminal on the one hand and acts which are simply unmoral on the other. Those whose conduct falls within this zone, whose acts, while within the law, are repugnant to the public interest, must be branded as social outlaws.
>
> We are here concerned in awakening the seemingly dormant business consciences of many of the stockholders of corporations who, through nonaction, impliedly place the seal of their approval on the acts of

their offending agents. All such owe it to themselves, to the profession of business, and to the Government publicly to repudiate those who misrepresent them. They can not accept the profits flowing from corruption and escape the moral stigma which inheres in such profits. Neither can they permit those who act for them to profit personally through corrupt corporate transactions or shield others who do.

* * * * * * *

This chamber is committed to the principle that government should not enter the realm of business to undertake that which can be successfully performed in the public interest by private enterprise. This principle is politically and economically sound. We are here concerned in pointing out to business men everywhere that this principle is in far less danger from the propaganda of radical agitators than from the members of the business profession who are faithless to their obligations, who break down public confidence, and who provoke Government regulation!

Congressional investigations of particular business activities are sometimes bitterly denounced. Many congressional investigations are of the highest value to the public, including business. The demoralization to legitimate business that sometimes follows in their wake can be largely avoided by organized business doing its own investigating, and frankly and fully laying all pertinent facts pertaining to any business affected with a public interest before the tribunal of public opinion. A business which can not stand this acid test is not entitled to prosper. The public, which is entitled to know the facts, will be satisfied with nothing less. Organized business should itself perform this task in its own and in the public interest. Failing to do so, Congress should and will act.

* * * * * * *

"Slacking" did not end with the war. Every member of the profession of business who fails to observe the canons of decency and fair play and good sportsmanship, or everyone who, living up to those canons himself, lacks the courage to speak out in condemnation against that minority which brings business into disrepute, is "slacking" in his duty—in his duty to himself, in his duty to business, and in his duty to the public. And organized business, if it is to continue to deserve public confidence, must brand such "slackers" business outlaws.

* * * * * * *

The machinery is at hand. Let us use it to the full.

Will not this chamber at this its sixteenth annual meeting repudiate those whose ruthless methods tend to discredit all business, and reaffirm its allegiance to those sound principles of conduct which beget confidence, upon which to endure all business must rest?

As members of this American federation of business, shall we not pledge ourselves to team play with every element of the community of which we are a part, and with our neighbors of other lands, to achieve an all-embracing prosperity, inclusive of all groups and all classes?

Shall we not dedicate anew our best efforts to the diligent pursuit of the greatest of all vocations—the business of right living—preclaiming to the world that he who would be great among us must become the servant of all?

Mr. NORRIS. I repeat, if the doctrines that should control business as advocated by this able man had been in force, and the business world had adhered to the principles that he has laid down, we would have had no Sinclair case; we would have had no Teapot Dome steal; we would have had no stealing of the public lands at Elk Hills, in California, by Mr. Doheny; it would have been unnecessary to have such a thing as a Daugherty investigation, or a Daugherty trial in New York City. Forbes and Fall and Miller would have been unable to sell the power that they had by virtue of holding public office, because there would have been no dishonest business men to buy them.

But while this speech was being made, an investigation of big business was going on before the Federal Trade Commission, and some wonderful disclosures were taking place there. I read a letter printed in the Washington Herald on May 9, written to J. J. Davidson, president of the National Electric Light Association, by Mr. Charles Penrose, a brother of the late Senator Penrose.

I will omit the formal part of the letter, which I ask may be printed, but will read from the main part.

DEAR MR. DAVIDSON: I greatly appreciate your sending me, received this morning, the editorial from Omaha Bee of January 2. It is fine and very much to the point in the present situation. I shall see that copies get to fruitful spots in Pennsylvania.

Then he goes on to thank this man to whom he is writing for this editorial in the Omaha Bee, which he uses in the State of Pennsylvania, where they are trying to overthrow the advocates of public ownership of public utilities, particularly Governor Pinchot.

I ask that the balance of the letter, together with the comment under it made by the editor of the Herald, be printed at this point as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

LOBBY PICKS "FRUITFUL SPOTS"

(Personal)

PHILADELPHIA, *January 4, 1926.*

J. E. DAVIDSON, Esq.,
President National Electric Light Association,
Care Nebraska Power Co., Omaha, Nebr.

DEAR MR. DAVIDSON: I greatly appreciate your sending me, received this morning, the editorial from Omaha Bee of January 2. It is fine and very much to the point in the present situation. I shall see that copies get to fruitful spots in Pennsylvania.

The deeper we go into it the greater appears the realization outside of Pennsylvania of the menace nationally of Pinchotism. In this morning's mail is a letter from Mr. Layman, president of Wagner Electric Corporation at St. Louis, from which I quote in his reference to the giant power situation:

"Some of us outside the State of Pennsylvania have come to look upon Governor Pinchot as a very great menace in public life. Political ambition seems to be his guiding motive, and it is certainly leading him to dangerous lengths."

In the same mail is a longhand letter written on New Year's Day from the president of Mississippi Power Co., Mr. Eaton. I am having it copied in order to attach hereto, as expressing the same thought.

Unmistakable approval of what we are attempting to do to combat Pinchotism is expressed in another letter, dated December 31, from one of the vice presidents of Bankers Trust Co., of New York. Literally, I could cite scores of letters.

I know all of this will be of interest to you at this time.

With warm regards,

Sincerely yours,

CHARLES PENROSE.

Cc. to Maj. J. S. S. Richardson, 1410 Widener Building, Philadelphia, Pa.

Here is Exhibit 1260 in the Federal Trade Commission's current investigation of the power lobby and the so-called Power Trust.

It is a letter from Charles Penrose, brother of the late Boies Penrose, Republican "boss" of Pennsylvania. Charles Penrose is thanking the president of the National Electric Light Association for sending him an Omaha editorial attacking Governor Pinchot's water-power plans.

Mr. Penrose will see that this editorial "gets to fruitful spots in Pennsylvania"; that is, he will see that it is published in Pennsylvania newspapers.

Penrose sends a copy of his letter to Maj. J. S. S. Richardson, who until June of this year was director of the Pennsylvania Public Service Information Committee, the Pennsylvania State propaganda organization. From this job he was last June promoted to be publicity director of the national power lobby.

Very likely Richardson helped Penrose get the anti-Pinchot editorial "to fruitful spots." The present Trade Commission investigation has revealed a letter written to Richardson by the president of the New Jersey Gas Association, and reproduced in facsimile in this newspaper yesterday morning, giving the names of New Jersey newspapers to which Richardson was to send "some of the editorials which are furnished by your bureau."

Another letter to Richardson, disclosed by the Federal Trade Commission, is one complimenting him on the publication of anti-Pinchot editorial material on the editorial page of the Philadelphia Public Ledger. C. R. Stull, of the investment department, American Gas Co., wrote Richardson in August, 1925:

"I want to compliment you on getting this material together as you did, and further for your ability in have it appear in the Ledger in the form which this issue carried it."

Before holding the jobs with the Pennsylvania and national power lobbies, Major Richardson was city editor of the Philadelphia Public Ledger.

Mr. NORRIS. There was offered in evidence before the Federal Trade Commission a vast amount of correspondence. It would be interesting, if we had the time, to read all of the correspondence that has been taking place between the officials of the great Water Power and Electric Trusts. But here is a letter dated January 22, 1925, offered in evidence, written on the letterhead of the Philadelphia Co., Pittsburgh, Pa. The letter is as follows:

[Exhibit No. 1192]

PHILADELPHIA CO.,
Pittsburgh, Pa., January 22, 1925.

Mr. J. S. S. RICHARDSON,
Director Pennsylvania Public Service Information Committee,
930 City Center Building, Philadelphia, Pa.

DEAR MR. RICHARDSON: At the meeting to-day of the western Pennsylvania executive committee of the Pennsylvania Public Service Informa-

tion Committee we discussed the résumé of analysis made by the Illinois Committee on Public Utility Information of the accredited textbooks used in the regular courses of the Illinois public schools relative to their treatment of public utility problems. We were astonished at some of the statements to be found in these textbooks. No doubt the books in our own State are much the same.

Mr. Shearer, of Altoona, advised us that the Electric Association had this matter in hand and was making an investigation of Pennsylvania textbooks, and that he would send us a list of the books. Everyone was very much interested. It would seem that here is something that our committee might take a real interest in and see where we could help.

The thought occurs to me that the reason why so many educators are more or less hostile to big business is in many cases due to the fact that they themselves are not successful in a business way. There ought to be some way in which educators could be better paid. It would certainly help to cure at least some of their mental bias.

The same thought has come to me in regard to ministers, who are generally unfairly critical of corporations, including public-service companies. However, this is going pretty far afield, but nevertheless I believe that leaders in our business life could well consider the advisability of giving some real attention to the economic welfare of educators and others who are largely responsible for training the minds of our children.

As I write, the final thought comes to me in regard to the textbook matter—would it not be possible for some of our men to approach the large publishers of textbooks and produce some quick results in clearing up the situation?

We were very sorry to miss you, and hope to see you at the next meeting.

Very truly yours,

A. W. ROBERTSON.

That letter was answered on January 24. The answer reads as follows:

JANUARY 24, 1925.

Mr. A. W. ROBERTSON,
Vice President and General Attorney Philadelphia Co.,
Pittsburgh, Pa.

MY DEAR MR. ROBERTSON: Apparently I had overlooked informing you that for the past three months this bureau has been engaged in making an analysis of textbooks used in the schools of Pennsylvania. The survey is nearly three-quarters complete, and should be finished very soon.

We have encountered obstacles in this State which, I am informed, do not exist in other States. For instance, each district superintendent in Pennsylvania appears to have carte blanche in selecting such textbooks as he deems proper. Consequently we have had to cover much ground. The returns show that several unwholesome textbooks are being used.

I was very glad to note your expressions relating to the underpayment of teachers. If the utility companies, in a discreet way, could foster a movement for adequate remuneration of teaching personnel in our public schools, I am convinced good results could come. The reason some of those superintendents approve the use of so-called Government and municipal ownership propaganda in textbooks is the usual reason for indorsing such stuff. They are sour. Their outlook is distorted and their judgment warped through personal disappointment.

That is true also of some denominational ministers, though not to the same extent.

I regret my inability to attend your meeting, and assure you I shall make strident efforts next month.

Very truly yours,

J. S. S. RICHARDSON.

Here is a letter that was offered in evidence, dated January 21, 1925, directed to Mr. Aylesworth, managing director of the National Electric Light Association:

[Exhibit No. 954]

JANUARY 21, 1925.

Mr. H. H. AYLESWORTH,
Managing Director National Electric Light Association,
29 West Thirty-ninth Street, New York City.

MY DEAR MR. AYLESWORTH: I have not replied to your wire relating to the Chicago meeting of the 28th and 29th, as Mr. Oxley assured me personally he would list me among the starters.

By the way, do you desire an itemized bill of my expenses incurred in preparing the article on the Smithsonian Institution Niagara monograph and unloading it in Washington?

With sincere personal regards,

Yours very truly,

J. S. S. RICHARDSON, *Director.*

Here is a letter signed by Samuel S. Wyer, who is probably the man who was the author of this article referred to in the leter I have just read. This is written to Mr. Richardson, and reads:

[Exhibit No. 958]

MUSCLE SHOALS, *June 4, 1925.*

Mr. J. S. S. RICHARDSON,
Director Pennsylvania Public Service Information Committee,
930 City Center Building, Philadelphia, Pa.

DEAR SIR: I assume you have received the newspaper story on my Muscle Shoals paper to be released June 7, which Mr. Oxley has arranged to send out.

I understand that Mr. Oxley has also arranged to send a copy of the reprint direct to each Member of the incoming Congress in addition to all of the daily newspapers in the United States. It has occurred to me that some live newspaper man could write a most interesting Muscle Shoals symposium by getting in touch with leading Members of Congress and get an expression from them regarding the Muscle Shoals situation after they have read the report. Furthermore, I believe that such a program would be of very great service in securing a wider diffusion of this information—

He is talking about his own pamphlet, which he sent out—

The electric industry to-day is very much under fire primarily because of the misinformation on Muscle Shoals, and one of the most effective ways of righting public opinions will be to show the insignificance of Muscle Shoals and, therefore, the needless fears from the fictitious Power Trust.

If this suggestion appeals to you and you can do anything with it, then merely act along the lines indicated by your own judgment.

I am inclosing four reprints that you might want to use with local newspapers.

Yours truly,

SAMUEL S. WYER.

Samuel S. Wyer is the same man who has figured in other exhibits offered in evidence. He is the same man who several years ago this trust sent over to Canada. He went over there and with many false pretenses he secured information and gave out misinformation to the people of the United States, all in the name of the Smithsonian Institution in the United States, and under the theory that he was acting for it. I exposed that fraud in the Senate shortly after it occurred and put into the RECORD at that time, two or three years ago, the letter of reply written by Sir Adam Beck. It seemed to me then, it still seems to me, that those in charge of the Smithsonian Institution were conniving with this Water Power Trust through the instrumentality of this Wyer to put out misinformation to the people of the United States under the guise that it was scientific information coming from the Smithsonian Institution. I said then that the head of such an institution who would permit anyone in the name of the institution to participate, even though he might believe he was on the right side, in an activity of that kind, misrepresenting a friendly nation, ought to have been removed from the institution. This bears out that I was right at that time. He ought to have been removed for thus bringing the name of a great institution into disrepute in behalf of the Power Trust in a disreputable way, without letting the people of the country know that this man was paid by the Power Trust for the efforts he was making. This letter shows what a willing tool this man was of the Power Trust.

I have only a few minutes left, and I think I will be justified in reading a letter from my own State that was offered in evidence before the Federal Trade Commission. This letter is dated January 28, 1926. It is written on the letterhead of the Nebraska Power Co., which is a concern affiliated with the trust. It was written to Mr. R. V. Prather, secretary-treasurer Great Lakes division, National Electric Light Association, 205 Illinois Mine Workers' Building, Springfield, Ill. It is as follows:

[Exhibit No. 343]

NEBRASKA POWER CO.,
Omaha, Nebr., June 28, 1926.

Mr. R. V. PRATHER, *Secretary-Treasurer,*
Great Lakes Division, National Electric Light Association,
205 Illinois Mine Workers Building, Springfield, Ill.

DEAR MR. PRATHER: I wish to thank you for your letter of June 22 for the proceedings of your last meeting, which are both very interesting, indeed. You have a great division and are doing splendid work.

As you say, you are fortunate in having several large companies who can spare men to do the work. We are in rather sparsely settled territory and find it hard to get anything of real value done.

You very kindly requested me to ask any questions which came to my mind. At this time I am particularly interested in public-utility information work. In Nebraska we have a newspaper man in charge of this work, but about all we are doing is putting out a weekly bulletin to all the newspapers in the State. We find that a certain proportion of this material is used by the country papers, although not as large a proportion as we would like.

So they are sending to every newspaper in the State their bulletins, their side of the controversy, and I presume the readers of those papers, if they read the articles, have no information that they are coming from the Water Power Trust.

It would appear from your proceedings as if you are doing considerable work among the schools in your area. We receive reports from your public-speaking activities and know that they are very extensive.

I would be pleased to know if there are any other activities engaged in by the utility-information committee, and would also be glad to know what you do with regard to school work.

They are trying to get ready to go after the school children of Nebraska.

Any pamphlets you have which have been distributed among the schools of your district would be appreciated.

We feel that here in Nebraska there is a fertile field for work in the State which produces a HOWELL and a NORRIS. We feel that this work in the past has not been done, and we are particularly anxious to get any information we can about what a public-utility information committee could do in addition to sending out the weekly bulletins.

I call the attention of my colleague to the fact that—

They have him on the list,
And they're sure he won't be missed.

Thanking you for your courtesy in supplying the information already given and trusting that we are not troubling you too much in asking for this further information, we are

Yours very truly,

MACKIMON.

So, Mr. President, if we would follow the evidence, we would find there is no locality in the United States that is being missed by this great corporation, and everywhere it is developing, so far as anything in that line has developed at all, that they are starting with the children in the schools, they are putting the poison into the minds of the growing children, they are doing it under a deceptive practice, they are doing it without letting the children or the parents of the children know that they are getting information from men whose reputations may be established in the communities, but they are secretly drawing pay from this great trust.

Mr. HOWELL. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. HOWELL. I would like to ask my colleague if there is any evidence indicating that Mr. Wyer was paid by the electrical interests of this country for the pamphlet that was issued under the auspices of the Smithsonian Institution.

Mr. NORRIS. Oh, yes; it was paid for by the National Electric Light Association. I do not think that is disputed. He was paid, as some other evidence has already developed, for other work he did in Ohio, either directly by the Electric Light Association or some one of the corporations connected with that organization.

MEMORIAL ADDRESSES ON THE LATE SENATOR WILLIS

The VICE PRESIDENT. The hour of 3 o'clock having arrived, the clerk will read the special order.

The Chief Clerk read as follows:

Ordered, That Friday, May 11, at 3 o'clock p. m., be set aside for memorial addresses on the life, character, and public services of Hon. FRANK B. WILLIS, late a Senator from the State of Ohio.

Mr. FESS. Mr. President, I ask that the resolutions which I send to the desk be read and adopted.

The VICE PRESIDENT. The resolutions will be read.

The resolutions (S. Res. 231) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. FRANK B. WILLIS, late a Senator from the State of Ohio.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay tribute to his high character and distinguished public service.

Resolved, That as a further mark of respect to his memory the Senate at the conclusion of these exercises shall stand in recess.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. FESS. Mr. President, on such sad occasions as will mark this hour it is very difficult for one who has been very closely associated with our departed friend to utter what is in his heart, and I do not intend to speak at any length whatever.

I knew Senator WILLIS probably as intimately as anyone outside of his own family would know him. I learned to love him when he first came to the university in which I was at that time a teacher. He was not only in my classes, but he studied his Latin under Mrs. Fess, who was also a teacher in the university. That brought him into close intimate relationship with our family. He frequently came to the home, and later on, with two other students who were quite favorites of ours, was a frequent visitor not only at the home but at the table. I learned to know him very intimately and grew into a very high appreciation of his qualities.

When we analyze characters of his sort, quite naturally we look into what he received from his ancestry and also from his associations with books and friends. From that source of judgment, Senator WILLIS was rich in promise. We find that the Willis family dates back in America as far as 1630, only 10 years after the landing of the Pilgrim Fathers. I also note that one of his ancestry owned the property which has been so distinguished by the literature of a great poet in which he christened Wayside Inn. One of the Willis ancestry owned all the property surrounding this particular locality. An ancestor of the Senator built the famous Wayside Inn. The grandmother of the Senator lived there and was married in that famous hostelry. In the famous inn to-day has been placed the furniture by a brother of the Senator, who had collected it in other days and later returned it where it now is.

Senator WILLIS came from an unusually patriotic stock. The father and mother, caught up in the excitement of the movement west, and especially in that stimulating era of 1849, started west and got as far as Kansas in 1850, and, because of illness, they in time returned and took up their permanent residence in Ohio. While in the West the Senator's father fell under the influence of the leadership of Abraham Lincoln when he attended some of the famous debates between Lincoln and Douglas, and became later one of the ardent advocates of the war President. I am of opinion that this background will largely explain a certain type of thought that dominated Senator WILLIS throughout his public life.

I recognized, as soon as an opportunity was given to test him as a pupil, that he was one of the brightest that has come to the university. The one subject which appealed to him most was history. Later on he specialized in that subject together with the kindred subject of political science. He was all eyes and ears for anything of a political nature. The literary societies of the college gave him a forum for his talent, that of oratory. Senator WILLIS was a very clear-headed thinker, and I sometimes think in his frequent addresses that he spoke often without the preparation that he was so capable of giving any subject which he might attack.

Senator WILLIS became one of the most popular men of the college, and on the day of his graduation was made a member of the faculty. I was very closely associated with him in that when I left the university he became my successor, taking up the work that I left. Soon after I had gone he entered the political field. He had been elected to the State legislature, where he added to his record laws that reflected credit upon a constructive mind. He was later promoted to membership in the lower House of Congress. When I came to Congress in 1913 I found my former pupil there to greet me. When I walked down the aisle to take the oath of office I was honored by being accompanied by him to the dais of the Chamber.

After two terms in the House, where he had been very active upon many lines of legislation, he was promoted to the governorship of our State in 1914. Later on he was elected to this body. When I was elected in 1922 I was greeted at the door here by my former pupil, Senator WILLIS, and was accompanied down the aisle by him. He said to me, "The one thing that I wish could happen would be that our old friend, Doctor Lehr," the president of the college which opened its doors to him and thousands of others, "could be alive and see his two boys walk down the aisle of the United States Senate together."

I know very few men who have the lofty ambition to achieve in public life, as did Senator WILLIS. He had so completely devoted himself to public service that at times he was criticized because, it was said, he was doing nothing except serving the public. I recognized that his ambition from the beginning was to be a public servant, and it was perfectly natural, with the background this man had, with the possibilities of the future in a Republic like ours, that he should have an ambition, if the way were opened, to pass from this body to even a higher promotion.

Senator WILLIS was known in his day as one of the best political speakers we ever had in our political history. I need not mention incidents which are historic that would indicate his power. Two or three stand out and will stand alone in the political history of our country. Suffice it to say that he was a very ready speaker, having received the training in his college career. He was a keen thinker, spoke often extemporaneously, and was unusually versatile and fluent. He had a wonderful speaking voice that would immediately command attention either in or out of doors, no matter what size the audience.

Those of us who knew Senator WILLIS best knew his fine personality. I do not think that he had any real enemy anywhere. Those who might differ from him, either in principle or in method, always recognized that he was one of the most lovable characters we ever had in public life. In that way he gripped the public. He probably knew more people whom he could call by name in our State than anybody living to-day, and I doubt whether there was anybody in the past who was his superior in that respect. When he would meet a friend and slap him on the shoulder, sometimes it would provoke a criticism, but it was not the basis for criticism, because that was the heart of FRANK B. WILLIS. It was the sincere expression of his attitude toward friends. To meet him was to like him. To know him was to love him. That can be attested by every person who was associated with him here in public life. He was a genuinely good man.

Mr. President, it seems difficult to explain that one so young, so full of promise, with such conditions of health, with such laudable ambitions, should pass on as did our lamented friend. But if we could choose the way that we were to go, I do not know anything finer than to die with the harness on, in the midst of one's friends who had gathered about to express their great love and gratitude and aspiration for his possibilities, as was the case of our lamented friend. To know him was to love him and the time will never come when we will forget the pleasing personality and the charming individuality of the much-beloved FRANK B. WILLIS, of Ohio.

Mr. SHEPPARD. Mr. President, the State of Ohio has furnished this body with many leaders in legislative science and in political philosophy. Among them we find Jeremiah Morrow, prominent in the affairs of Ohio and the Nation, governor and Congressman; William Allen Trimble, military commander, wounded and decorated at Fort Erie; Ethan Allen Brown, law student under Alexander Hamilton, member of the State supreme court, head of the State government; William Henry Harrison, hero of Tippecanoe, diplomat, President of the United States; Thomas Ewing, Secretary of the Treasury under President William Henry Harrison, Secretary of the Interior under President Taylor, delegate to the peace congress which endeavored to avert the Civil War, tendered the Secretaryship of War by President Johnson, refused confirmation by the Senate; Thomas Corwin, master of humor and of eloquence, notable for utterances that have become a part of our permanent literature; Salmon P. Chase, one of the great figures of the Civil War era, author with Giddings of what has been termed the first proclamation of Republican Party doctrine, writer of a standard edition of the annotated laws of Ohio, drafter of the Liberty platform of 1843, the Liberty address of 1845, and of the declaration of principles of the Free Soil Party, celebrated lawyer, Secretary of the Treasury in Lincoln's war Cabinet and father of the national banking system, Chief Justice of the United States, rendering landmark opinions, in one of which he described the Nation as an indestructible union of indestructible States; John Sherman, 30 years a Senator, Secretary of the Treasury and Secretary of State, influential in party councils, molder of the Government's financial policies in war and reconstruction, one of the principal framers of the Sherman Antitrust Act of 1890; Allen G. Thurman, distinguished for half a century in both law and politics, associate and chief justice of the State's highest legal tribunal, important aspirant for the Presidency; Stanley Matthews, noted jurist, potent in political management and legal disputations of four decades, Associate Justice of the Supreme Court of the United States; George Hunt Pendleton, Democrat in the National House of Representatives during the Civil War, scholar, practitioner of the law, railroad president, originator of the initial civil service act, the Pendleton Act of 1883; Warren Harding, the only man in our history elected President while a Member of the Senate.

FRANK B. WILLIS was qualified by nature, training, and experience for a conspicuous place in this succession. Equipped with a university education, member of a university faculty, member of the bar, twice a member of the Ohio General Assembly, Representative in the National House for two terms, Governor of Ohio for two years, he came into the Senate already trained for its multifold demands, with a national standing already his. Also he was already recognized as one of the most powerful advocates of prohibition in the United States.

In committees and on the floor his activities were intense and varied. In fact, they attained such character and volume as to become a peril to his health, vigorous as he usually was. His addresses and discussions in the Senate related to hundreds of subjects, covering almost the entire range of national jurisdiction and concern. He was skilled in the presentation of measures and in conducting them through parliamentary channels. He was especially active in securing substantial additions to the Volstead Act, among them the measures known popularly as the Willis antibeer bill.

His first assignment to committees included Commerce and Territories, and these he held throughout his service, becoming chairman of the latter. In connection with the former he took a deep interest in the Shipping Board, the merchant marine, the improvement of rivers and harbors, the promotion of the foreign commerce service. His work on the Committee on Territories made him familiar with the needs and aspirations of their peoples. He sponsored a number of measures for their advancement. From the Senate and House of Representatives of Porto Rico came official expressions of grief over his death, the house resolution referring to him as Porto Rico's kind and distinguished friend.

Soon after his entry here he became a member of the Committee on Immigration and was one of the chief developers and advocates of legislation regarding entrants from abroad which set up new safeguards for the standards and traditions of our country. Later he reached that aristocrat of committees, Foreign Relations, and became one of the most diligent students, one of the most earnest defenders, of the foreign policies of his party. He spoke with characteristic aggressiveness and thoroughness on the Colombian treaty, naval disarmament, the treaty of peace with Germany, our relations with Haiti and San Domingo, the Isle of Pines, the Near East, the foreign-debt settlements, the World Court, Central American affairs, Nicaragua, and Mexico.

Among other subjects on which he spoke and labored were prohibition, welfare of ex-service men, Federal reserve system, farm relief, national resources, particularly forestation, the tariff, internal tax revision, Muscle Shoals, good roads, postal rates and salaries, commercial and military aviation, cooperative marketing, radio control, railway-labor disputes, the Oldroyd collection of Lincoln relics, compensation for quarantine losses, oil pollution of navigable waters, seasonal coal rates, agricultural diversification, and industrial conditions.

Such is a meager outline of the amazing labors he crowded into the brief space of his seven years and two months in the United States Senate. Impressive in stature, attractive in personality, tireless in research, able, courageous, resourceful; combining with these attributes a boldness, a directness, and a resonance of expression, it is not strange that he loomed large in the Nation's life as orator and statesman. On the lecture platform and as a speaker for patriotic and historic occasions he was in constant demand outside the Senate. Naturally his time and strength were taxed to the breaking point. When to all this was added the strain of his candidacy for President, a distinction that came to him as the logical outgrowth of his career, the burden was too colossal even for his unusual strength. With the plaudits of the people of his home city ringing about him and as he was about to speak before them of his claims to the loftiest position in our political system dissolution suddenly came.

Viewing his life as a whole, we may well conclude that numerous as were the subjects with which he dealt, diversified as were the interests he touched, honorable and exalted as were his public capacities, the dominant feature was his devotion to prohibition. For his work in behalf of prohibition he will be best remembered and most loved. With that momentous cause, that magnificent reform, he was most intimately associated in the public estimation and will be most signally identified in history. From the early contests on local option to the struggles in the States and in the Nation, he was ever at the front for prohibition, a favorite among its hosts, a terror to its adversaries. How admirable such an existence! How glorious to be so catalogued! I would rather be FRANK WILLIS and take to the assizes of eternity the record of a life whose best efforts had been expended against the traffic in intoxicating liquor than to be the monarch of the earth with all its treasure, its glitter, and its pomp at my command.

Mr. GOFF. Mr. President, to-day our thoughts turn to resignation and reverence as we meet to honor FRANK B. WILLIS with the tribute of our praise. In recollection of when he was here moving among us, beautiful unpainted pictures appear in the mind of how much sweeter life is that he lived. He was a friend, a friend worthy of the name in the best sense of the word, and I would be false to my deepest emotions if I failed to bring the love of my heart and embalm it in his memory to-day.

The warm, red blood of the Anglo-Saxon flowing and commingling with the life currents of other peoples has in all history produced men to stir with quickening speech, to thrill with ecstatic song, to die with superb daring, to live in truth for their loves and in faith for their friends, and with it all

to wear a sun smile in their souls that carries warmth and cheer wherever it beams. This was the blood from which FRANK B. WILLIS sprung, and eminently did he illustrate its noblest traits. He had excellent common sense. He was definite in his purposes. He believed in what was just. He never descended to vindictiveness, so often the weapon of the prejudiced and the insincere. He was not a man of expediency, substituting tact for courage; nor did his affection for his friends find its origin in dependence. It was the impulse rather of a heart as tender as it was fearless and true, and his gracious manner and winning smile gained for him the confidence and the esteem of all who knew him. It is not the length of an association that gives it value but the lifelong impression it makes and the good that comes from it.

Death always preaches an impressive sermon and warningly teaches us what shadows we are and what shadows we pursue. We understand death for the first time when it lays its immortal hand upon those we love. We know little of each other, even under conditions of the greatest intimacy. We mingle with men who can never know us and whom we can never know. Our real world is within ourselves, secret chambers to which *no one* carries a key. Across its portals none may ever step except to catch the imperfect reflections of another soul—the twilight that faintly heralds the glow of the approaching dawn.

FRANK B. WILLIS was typically human—so true and so real. He was untaught to feign. He was wedded to the principles and the practices of self-trust and strong and great in all that should become a man. He saw things straight as a ray of light. He, too, had heard the lions roar, but he knew no fear except the fear of doing wrong. In his real world he wore the breastplate of untainted candor. He believed that the essential element in all life is conduct and that conduct springs from what we are taught, what we cling to, what we yearn for in faith and resolution. He lived the truth that it is not life that matters but the valor we bring to it, the spirit that enables us to do the best we can just when and where we are.

Every environment produces its type, every age its men. In America birth has neither given the rank nor determined the station. Every path leading to a goal has been free to every foot. Our great and worthy men have risen by their innate qualities and powers. Our departed friend demonstrated that it is the thoughts that come from the brain and the heart that move us to action. And as he came and went among us he always sought the contests of struggle and toil, because he realized that all man can do is to turn and face the battle, just as we now know that in the hour of pain and sorrow—

> Memory is the only friend
> That grief can call her own.

Turning to where man meets man in the absorbing activities of life, where can we go or to whom can we point as a truer example of American manhood than Senator WILLIS? No storm of passion ever unbalanced him; and we who knew him realized that he possessed a standard of truth which no ambition could ever cause him to violate. He lived the best of all lives, because he lost self in the service of others. He knew that no man ever makes a friend who has never made a foe. I can never forget him, Mr. President; he was such a sturdy, kindly, rugged man—divine with all the divinities.

After all is said and all is done, when the play is over and the player gone, the spirit of duty remains; not success for its own sake, but the doing justice between man and man, our brother and the stranger within our gates.

There is nothing heroic in the discharge of duty. The incentive is often lacking, and at times it will cost us the admiration and the respect we crave; but if we are content with our part and our share in common hope, and responsive to the highest promptings, then we will the best express, as FRANK WILLIS always did, the ideals of the race and the Nation. He lived a friend of man in that mystic house by the side of the road where all the world is kin. No truer eulogy can be paid his name and his fame than is contained in the words "death" and "duty."

> Dead at the post of duty.
> What finer eulogy—
> All the boast of pomp and glory seem but idle breath
> Beside the calm, quiet dignity of death,
> Where death and duty meet,
> Is found solution most complete
> Of all life's problems; 'tis enough—
> Dead at the post.

Death always leaves in its train the thought that he who was taken was fitted for a higher destiny and for grander achievements. Such occasions always seem like admonitions. To-day our brother sleeps. It is we who speak. To-morrow our lips may be silent and other voices speak as we are doing now. The dread moments are sure to come, when the happiness of a lifetime melts away in one sad moment. Yes; when the pale messenger lays his hand upon an accomplished life, a life which has rounded out the years allotted to human endeavor; when those years have been occupied and filled with usefulness, rewarded by success, and crowned with love and gratitude; yes; when a good man, having performed the trusts and discharged the duties of life, lies down calmly and peacefully to his final repose we may grieve, but we can not complain. The tears of deep affection can not be kept back, but the voice of reason is hushed.

To complain at the close of such a life as FRANK B. WILLIS lived is to complain that the ripened fruit drops from the overloaded bough and that the golden harvest waits for the sickle. To complain under such circumstances is to reprove the Creator because He did not make man immortal on the earth. We can not understand, and here we shall never know.

It is the temporal conception of life that so profoundly disturbs mankind. Three thousand years of profound thought, grave contemplation, philosophy, and religion, and we have advanced no nearer the solution of the problem. We must not despair. This is a world in the making. We must find hope in growth, faith in conscience, courage in knowledge, and inspiration in the listening planets and the sentinel stars. We can do this only as FRANK B. WILLIS did it, by keeping our hearts and our hands clean.

What a comfort it is to have had him with us, and to have heard, as we hear now, the echo of his thrilling and convincing voice! What a consolation it is that where he was known, respected, and loved, undaunted and unafraid, he gladdened the everlasting God by lying down to his dreamless sleep in the unmolested hope of a glorious immortality!

> How wonderful is death!
> Death and his brother sleep.

But he is not dead. He lives in his example and his influence. He lives in the splendor of his deeds. He lives in the hearts he left behind. He will live in the traditions that pass from generation to generation and from age to age. He has just wandered over the boundary, there to illuminate and irradiate the pathway of mankind. His sunset has come, but we believe it was a sunrise that will never again set.

We have gratitude, honor, pride, and affection, but no blinding tears for such a man as he. We should save our tears for those who have failed, for those who have fainted by the wayside; not for those who have finished the journey without a spot or a blemish on their escutcheon.

This we know, that in the death of Senator FRANK B. WILLIS, whose career and whose services we commemorate to-day, an earnest, active intellect is stilled; that just as he harkened to the call of duty, God's finger touched him, and he slept; beckoned him away from all the splendid, majestic achievements and beauties of life, from love and care and sorrow, to awaken in eternity free from grief and pain. He is safe without panegyric. No; he is not dead. The living are the only dead.

The dead live never more to die; and as we bid him a gracious, a sorrowful, yes, a lingering good-by, let us think of him as John o' the Mountains:

> John o' the Mountains, wonderful John,
> Is past the summit and traveling on;
> The turn of the trail on the mountain side,
> A smile and "Hail" where the glaciers slide.
> A streak of red where the condors ride,
> And John is over the Great Divide.
>
> John o' the Mountains camps to-day
> On a level spot by the Milky Way;
> And God is telling him how he rolled
> The smoking earth from the iron mold,
> And hammered the mountains till they were cold,
> And planted the redwood trees of old.
>
> And John o' the Mountains says: "I know.
> And I wanted to grapple the hand o' you;
> And now we're sure to be friends and chums,
> And camp together till chaos comes."

Mr. ROBINSON of Indiana. Mr. President, school days come back to me this afternoon. I find my feelings strangely stirred. The old university rises up before me. Back there was my dear friend, the Senator from Ohio [Mr. FESS], who is with us to-day. There also was dear old "Prexy" Lehr, the president of the university. There, too, was this great, big, fine, wholesome young man who had recently become a member of the faculty and whose memory we honor to-day.

How loyal he remained to the old university throughout the years, ever ready to assist in all its worthy undertakings!

For more than a quarter of a century I enjoyed the intimate friendship of FRANK B. WILLIS, and what a loyal friend he was!

Throughout his distinguished career, I have followed him with the greatest admiration and the most profound respect.

To-day, on this solemn occasion, I go back in memory to the first time I ever saw him. It was in 1901. He was a teacher at Ohio Northern University in Ada, Ohio, and I was a student. Big in body and mind, popular with faculty and student body alike, wholesome, magnanimous, he could only be an inspiration to all who came in contact with him.

In those days, as throughout his life, he was universally admired, and with infinite patience he gave of his talent and his genius to the youth of the land. From every State in the Union and from most countries of the earth they came there for light, and none left the university without having been influenced tremendously, and for good, by the nobility of character of FRANK B. WILLIS.

Small wonder that in the years which followed those who had known him in college days rallied unanimously to his support!

His entire life was given to the public service. He was the most industrious man I have ever known. "Toiling upward in the night," he fitted himself for the law, and in 1906 was admitted to the bar in Ohio, where he continued to be an honored member to the day of his death.

We who loved him watched his rapid rise in public life. It seemed his people delighted to do him honor. As their representative he served with distinction in the seventy-fourth and seventy-fifth general assemblies of his native State. Here, indeed, his service was so outstanding that he was promoted to the National House of Representatives, where he was an honored Member during the Sixty-second and Sixty-third Congresses.

That his untiring efforts in behalf of the people of Ohio and the Nation were fully appreciated by the folks at home is attested by the fact that he was triumphantly elected to the office of governor while in the House, and resigned his seat there in January, 1915, to become the chief executive of the State of Ohio.

Throughout these years we who had known him in college days looked on with admiration and applauded.

As Governor of Ohio his courage and force of character were splendidly tested, and the people found him in the forefront and on the right side of every great moral issue.

From this high office to the Senate of the United States was but a logical step and none was surprised to see him overwhelmingly triumphant in both nomination and election.

Coming to the Senate in January, 1921, when his friend and neighbor, Warren G. Harding, became President of the United States, he served with great distinction until the day of his tragic death.

What a wholesome influence he wielded in this body! Genial, companionable, helpful, and withal tremendously able, he was a powerful moral force in the Government of the United States.

Senator WILLIS was a righteous man. He had moral stamina and his counsel was good. He was an ideal public servant who could never be stampeded from what he conceived to be his line of duty.

And now, in the prime of life, he is stricken down. The ways of the Infinite are inscrutable, but we know that He doeth all things well.

The living are the only dead, the dead live never more to die.

FRANK B. WILLIS, in the flesh, has departed this life but his gentle spirit and his great influence for good go on forever. He has passed on, out into the silence and has taken on the robes of immortality.

In the fact that all men speak well of him, that he was a Christian gentleman who rendered outstanding patriotic service to his country and his people throughout his life, he has left a priceless heritage to his loved ones.

America was proud of him and every State in the Union shares the grief of Ohio in the loss of her distinguished son.

Mr. GEORGE. Mr. President, I wish that I might pay suitable tribute to the memory of the late Senator FRANK B. WILLIS, of Ohio. Words do not enable me to do so. A certain physical disability makes it necessary for me to speak but briefly.

Senator WILLIS was a strong man physically. He had all the elements of physical strength which make death all the more difficult to realize. We have always admired strength, even physical strength, since the earlier days, when the crude cave man stood at the doorway of his cave and, with stone-pointed weapons, defended the woman whom his savage heart loved, the children she had borne him. We have always admired fine physical strength and courage.

Our race is no exception. We have admired physical strength, the thing that we call physical courage, and that quality which we call courage which consists of a commingling of both the mind and the heart with the physical strength of the body to endure. As a nation we have admired strength and courage throughout our history, from that hour when Betsey Ross first pieced together the colors in our flag, to the last battle in the last war in which our sons were engaged.

Senator WILLIS was a man of superb physical strength. He was a man of fine mental strength. He was a man of great vigor of intellect. He was a man of infinite good nature and infinite good will.

He spoke often in this body. He spoke upon many occasions and upon many public questions. It would be most difficult to recall a single sentence from his lips which impugned or questioned the motive of any man.

He did not agree with the opinions of men, he differed from their views, he was willing to take his side upon issues, and not one of his colleagues can recall when he failed to take his position upon any question of moment or of importance, whether we agreed or disagreed with the position taken by him.

He fell in the very prime of his life. In action he passed away. It is most difficult for all of us, for any of us, to realize that he has gone. It seems strange that a man of such strong physique, such robust mental vigor, such intense activity, such infinite good will and good faith, should pass away in action in the prime of life. We do not yet realize it. His going serves to remind us again and again that in the midst of life we are in death.

It is difficult to appraise men here, Mr. President. It is difficult to estimate them at their true value. Suffice it to say that whatever may be our judgments in this body, engaged as we are in the consideration of public questions of great moment, it is hardly probable that any one of us comes here who does not possess in some marked degree the elements of human greatness and strength.

In this body the man who does not possess some element of strength, some virtue of mind or soul, some willingness and capacity to work and to labor will scarcely attract the attention of his neighbors about him. Senator WILLIS had a zeal for his work. I think that no one of his colleagues would question that statement. He was always industrious, he was always alert, he was always active, and he seemed to have a zeal for public service. It therefore is not strange when we read that he was a representative in his State legislature, a Member of the other House of Congress, a governor of his State, and a United States Senator from his State.

Certainly there was no abatement of his energy in the study of public questions; certainly there was no slackening of the pace in his prosecution of his duties as a Senator from his State. Back in his State at the time of his death he was engaged in an ardent campaign. He was still carrying forward with that same physical strength and mental vigor so characteristic of him in this body.

It would be untrue to say, and no occasion, it seems, would demand a statement inconsistent with the facts, that Senator WILLIS never made mistakes upon public questions. That we can always occupy the right position upon great questions which disturb the thought of the people is scarcely to be hoped. But whether he was right or wrong his colleagues here knew his position. He stated his position with force and with energy. He was prepared to maintain his position and did maintain it upon every important question to which he gave his thought and attention.

He served his State well in this body. He was alert in the interest of his immediate constituents. But his interest and his sympathy and his efforts were not confined to Ohio. He linked his name with the great causes which have inspired men of this generation in America. He took his side upon a great question, and there was never any doubt about his loyalty and devotion to the side on which he cast his affections. He was a man of loftiest patriotism. He possessed the virtues common to all men of greatness. He possessed a certain fine strength, a certain strong and charming personality, a certain mental and moral vigor that distinguished him even in this body in a day of men of great strength and vigor.

On occasions like this, Mr. President, we regret that we have not the words to pay suitable tribute, but those of us who were privileged to associate with the figures that have left their impress upon this body and upon the history of this time may pay genuine and sincere tribute to one such, who in due season, has been called away.

Mr. LOCHER. Mr. President, as the successor of him whom we honor to-day, I rise to add, in my humble way, an expression of deep admiration for one of Ohio's best loved sons.

Senator FRANK B. WILLIS was a man of the people. He was their leader, and it was their pleasure to confide in him, to trust him, and to honor him. I honor his memory both as a brother Ohioan and as a Member of this body, where his ability as a statesman is fully recognized.

Since the sudden and tragic passing of Senator WILLIS, I more clearly understand the words of Seneca, who said, "All that lies between the cradle and the grave is uncertain." Who in this assemblage to-day believed for one moment that when the departed colleague went forth to seek the highest honor within the gift of his party he would not return again, victorious, perhaps, but in any event he would return the robust, confident, and energetic personality that he was? His was a tragedy of premature death. But if God, in His wisdom, saw fit to beckon Senator WILLIS from the strife and toil of things earthly to a greater, fuller reward, how fitting it was that his last hours should be spent with those whom he loved and who loved him.

Mr. President, I have said that FRANK WILLIS was a man of the people. His early life in Delaware County, where he was born December 28, 1871, was not unlike the childhood days of other illustrious sons of Ohio. After obtaining an elementary education in the common schools of the county, he sought the wealth and satisfaction of a higher education at Ohio Northern University. His alma mater utilized his learning and for several years after graduation he served her as a teacher. During this period he frequently lectured before teacher's gatherings throughout Ohio, and his departure leaves a vacancy in the hearts of many who had received hope and inspiration from him. He was their friend and they were his friends.

Later he was admitted to the bar and set forth to win renown at the polls. After serving two terms in the General Assembly of Ohio, he was twice elected to the National House of Representatives, resigning his seat to become governor of his State, and on January 13, 1921, he became a Member of the United States Senate.

The still recent and still mourned loss of Senator WILLIS presents an opportunity for brief comment on his career. He had an abiding conviction that the application of his time, energy, and talent would produce fairly proportionate results. Conviction and zeal served him as a sustaining force. Politics were never irksome to him. His victories in this realm furnish abundant proof of his popularity, of his affability, of his capacity to make friends easily, and to bind them to him in many ways.

Senator WILLIS was a child of his epoch. It is timely, perhaps, to say a word on the felicitous way in which FRANK WILLIS and Warren Harding complemented and supplemented each other. Each served his native State in the United States Senate. Senator WILLIS, who succeeded Senator Harding, when the latter became President, was energetic, dynamic; President Harding, earnest and devoted. Each was loyal to the other; each was loyal to his friends; each contributed to the other's success; each had a multitude of friends in Ohio who cherish the friendship which only death could sever.

Mr. President, it is unavailing for his friends to speak of what might have been had FRANK WILLIS lived. Verily he had his reward in the hearts of his friends. He fought out well nigh all his battles. His personal character is easily analyzed. Everyone who has intelligently read his life and studied his deeds can not avoid recognizing two outstanding qualities—determination and rectitude. It is needless to eulogize his absolute integrity. To say that he never used his office to betray a trust imposed; that he was never silent when he believed he ought to speak; that suspicion never smirched his name, is to tell his colleagues and his friends that which they already know. The beauty of his pure life overshadows all. If I interpret the psychology of FRANK WILLIS aright, if I apprehend his philosophy of life, I make bold to assert that he would prefer this eulogy:

> His life was devoted to an unending effort to serve those who loved and honored him.

As his successor in this honorable body, which universally mourns his sudden and untimely passing, I say with the poet:

> Early didst thou leave the world, with powers
> Fresh, undiverted to the world without,
> Firm to their mark, not spent in other things,
> Free from the sick fatigue, the languid doubt.

Mr. DILL. Mr. President, I had not intended to make any remarks on this occasion, but as I have listened to other Senators I have felt impelled to give expression to some of the thoughts that have crowded through my mind.

I was born, reared, and educated in the State of Ohio. I have always kept in closer touch with that State than with any other than my adopted State. I know something of its people and its history. I had heard of Senator WILLIS when I was a boy, long before he had become so noted as he became in later years. I heard of him as a young professor in the normal school at Ada, who had a great future as yet undetermined.

After I had gone to the Northwest I learned of his rise to Congress, and then when I came to the House he became governor of his State, and when I came to the Senate I met him here. I knew him best in my associations with him here, and his robust, earnest personality often made me think of the saying of the Greeks, "Those whom the people love, they place in charge of their city."

There is one of his characteristics I want to mention which impressed me most, namely, his genial nature. I believe that you can best gauge and test the character of a man when you see him in a fight. Then pretense is put aside and the real character stands forth. I have never seen a man fight on this floor with a smile as effectively as did FRANK WILLIS. I have seen him attacked, sometimes abused here, and always he would meet it first with a smile, and then with arguments, plain, direct, and effective, but never personal nor bitter. I have always felt that his hearty handclasp and his broad smile, his friendly voice, and his wholesome attitude on every question were expressive of his great soul and his big heart.

I regretted to see him enter the race for the Presidency, not because I felt he was unworthy of it at all, but because that road is such a broad and steep but dangerous pathway over which so many men pass to political misery or to world fame. And yet it was but natural, coming from the great State of Ohio, that he should turn toward the White House. It is worth recalling again that, just as the great State of Virginia was the pivotal State in the early history of the country which supplied more Presidents than any other State, so the State of Ohio has been the pivotal State of the Union since the Civil War.

Every Republican President who has entered the White House by the votes of the people since the Civil War has come directly from Ohio or been born in Ohio. The only other two Presidents of the Republican Party who entered the White House have entered by way of the Vice Presidency. So I say it was but natural he should turn his attention toward the Presidency; and from the standpoint of integrity, of character, and of ability he was fully fitted to occupy that or any other office.

I have often wondered why the State of Ohio has produced so many notable men in so many different walks of life during the last 75 years, and I was impressed recently in talking with the governor of that State when he said that one of the explanations might be found in the fact that there were more soldiers of the Revolution buried in the State of Ohio than in any other State in the Union; in other words, it was the aggressive, active men of the Revolutionary period who crossed the Allegheny Mountains and settled in the then great Northwest Territory, largely as the result of grants of land that were given them, that caused the population of Ohio to be descended from the best blood of the Colonies. It is but natural, therefore, that such a remarkable galaxy of men and women in every walk of life should come from that great State.

We shall miss FRANK WILLIS. We shall miss him not only here in the Senate and about the Capitol, but we shall miss him in Ohio, and we shall miss him in the public life of the country, because he was a man who had not merely opinions on public questions but he had convictions. Having convictions, he stood for them, he fought for them. He was not concerned so much about the temporary victory or defeat that might come in a contest as he was that he should do his part and make his record clear, so that all who run might read. His life and his work should be an inspiration to the young men of the country and to public men everywhere.

Mr. HEFLIN. Mr. President, this is a sad occasion to me. A fine and great American Senator has gone from this august and historic place. I recall his service in the House of Representatives. We served together in that body, and as the Senator from Washington [Mr. DILL] has said, he resigned his place there to become Governor of Ohio. I remember how happy and cheerful FRANK WILLIS looked when we were telling him good bye as he went away to fill that lofty place in the great Commonwealth of Ohio. He served with distinction as governor, and then came to this body. He merited every political position that he ever held. He filled every one of them

with credit to himself and credit to his country. He was a brave fighter, and he always fought in the open. There was nothing hidden about FRANK WILLIS. He was absolutely fearless in the positions which he took, and he never took a position until he felt that he was right, and then well and ably and powerfully did he defend that position.

As the Senator from Georgia [Mr. GEORGE] has said, in the heat of debate in this body Senators frequently indulge in sharp and caustic language born of the deep and intense interest Senators on opposing sides had in the cause being discussed. The fine and genial smile of FRANK WILLIS, which has been spoken of, was a wonderful weapon in debate, but following that smile he had a magnificient ability to argue his cause and he presented it in powerful fashion.

He was a man of deep convictions and high ideals. He was a clean man; his life was without spot or blemish so far as I know, and that is what those who knew him best and loved him best say of him. Senators, a name like that is a noble heritage to leave behind by a man who has been in lofty station, as FRANK WILLIS has been. He died fighting for the things that he had fought for so effectively in the Senate. Duty had called him into a larger field where friends delighted to support him for the highest office within the gift of the American people. He fought against overwhelming odds; he was fighting against forces that spent a vast sum of money to defeat him. I talked with him about these things and he talked to the Senator from Utah [Mr. KING]. He knew what a difficult undertaking it was. Some people advised him not to go into the race for President; his great admirers and friends in Ohio and elsewhere urged him to run. They said "it is your duty." He told me that he felt that it was his duty to carry forward the great principles that he and his friends had fought for, and that he would do so at any cost to him politically or otherwise.

He viewed with alarm the bold declaration that the old barroom forces were coming back into control in the United States. He was an ardent prohibitionist. He was not a crank on the subject, but he was thoroughly convinced that the whisky traffic and the return to the United States of the open barrooms, with all their attendant evils, would do more than anything else to drag down the young manhood of the country and to crush out the hopes and ambitions of bright boys who, if free from that awful influence, would become good and useful citizens. The petitions of the good women of the country who have suffered most from that terrible monster, the open saloon, appealed strongly to and touched deeply the heart of FRANK WILLIS; and when his Republican friends looked with fear and trembling upon the bold announcement that the enemy would bring those evils back and said, "Senator, it is your duty to get out in front and lead this fight for us," he bared his breast to the enemy and led the fight. He did not ask any quarter, but waged an open, effective, and aggressive war; and if he had lived there is no question under the sun about his carrying Ohio, his home State, to the Republican National Convention. The truth is he almost carried it after death had silenced his eloquent tongue.

He was a splendid public servant and a fine and wonderful man. He spread sunshine and good cheer wherever he went. He was outspoken, as I have said. It was not necessary to take a search warrant to find out where FRANK WILLIS stood on public questions, and if the question was one between good morals and bad morals you knew without asking that he was on the side of good morals.

Shakespeare has nobly said:

> Let all the ends thou aim'st at be thy country's,
> Thy God's, and truth's.

FRANK WILLIS was on the side of his country; he was on the side of truth; he was on the side of his God. He fought a good fight; he kept the faith; he died as die the brave—in the forefront of the fight; he never lowered his banner or surrendered his convictions. He did not flee from the enemy.

Immense sums of money and corrupt practices were in evidence in the Ohio campaign against him for the Presidency, but that did not intimidate or deter him for a moment. He was making a triumphant march toward the convention, with his State delegation solidly behind him, when mysterious death came and touched its dreamless slumber to his eyelids, and he fell asleep.

Mr. President, before I sit down I must say a word about her who through all the years of his useful and eventful life was his good angel. Tender, affectionate, and loving, she walked by his side, aiding, comforting, and cheering him to the day of his death. She was with him in his home State when he was at various places in Ohio, when he died amongst those whom he had served and whom he loved so well, and amongst those who loved and honored him. It was a beautiful life that they lived. We resided at the same hotel for years. I admired and esteemed them both greatly. They were devoted, congenial, and happy in their daily life. Senator WILLIS could say truly that she was his good angel.

We have lost a dear friend and a great American statesman has gone. Every man in this body respected and admired FRANK WILLIS. Every Senator here who knew FRANK WILLIS well loved him. The Senate and the country mourn the untimely taking off of this fine American citizen, this devoted public servant, and this splendid Christian statesman.

Mr. FESS. Mr. President, I ask unanimous consent to insert in the RECORD, as a part of these proceedings, the prayer of the Chaplain of the Senate delivered on April 2, at the first meeting of the Senate after an adjournment upon the news of the death of our departed friend.

The PRESIDING OFFICER (Mr. LOCHER in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

"One sweetly solemn thought
Comes to me o'er and o'er;
I am nearer home to-day
Than I've ever been before.

Nearer my Father's house,
Where the many mansions be;
Nearer the great white throne,
Nearer the crystal sea.

Nearer the bound of life,
Where we lay our burdens down;
Nearer leaving the cross,
Nearer gaining the crown.

But lying darkly between,
Winding adown through the night,
Is the silent unknown stream
That leads at last to the light.

Father, be near when my feet
Are slipping over the brink;
For it may be I am nearer home,
Nearer now than I think."

Let us pray. O Almighty God, who art found of those who seek Thee in loneliness, and whose portion is sufficient for the sorrowing souls of Thy children, remember in tender mercy the family and loved ones of him who has now fallen on sleep in the full strength of his glorious manhood. Thou only canst keep our feet from falling and our eyes from tears. Make us, therefore, ever mindful of the time when we shall lie down in the dust; and grant us grace always to live in such a state that we may never be afraid to die; so that, living and dying, we may be Thine, through the merits and satisfaction of Thy Son Christ Jesus, in whose name we offer up this our imperfect prayer. Amen.

Mr. FESS. Mr. President, I hold in my hand a brief character sketch of Senator WILLIS by the one who was more closely associated with him officially than any other person, Charles A. Jones, his secretary for seven years. I ask unanimous consent to have it inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

SENATOR FRANK B. WILLIS AS HIS OFFICE ASSOCIATES SAW HIM—TRIBUTE PAID AT THE FUNERAL SERVICES IN GRAY CHAPEL, AT DELAWARE, OHIO, TUESDAY, APRIL 3, 1928

By Charles A. Jones, for 7 years private secretary to the Senator and his associate in political campaigns for 14 years

If I can control the emotions that overwhelm me to-day, there are just a few things I want to say relative to this chief of ours who has gone. I want to speak not only for myself but also for the two Marthas who have typed tens of thousands of his messages to the people of Ohio; to speak for Mr. Tipton, who was his secretary when he was governor, and for Mr. Dodds, who was his secretary when he was in Congress; to speak for that little group who have had the great privilege of living intimately with this man who lies here now at the close of a strenuous life of 30 years, leaving as was so fittingly stated by the Cleveland Plain Dealer in its editorial "A record that calls for no excuses."

The public in general, many men who have been acquainted with him from time to time, know, of course, a great deal about Senator WILLIS. I am not going to try this afternoon to say anything about his public career. All I want to do is to say a few things of a personal nature that I know, that we know, about this man.

You know when men live in an office with a man, when they see him in the early morning hours and in the nighttime, when they see him in the hours of victory and in the hours of defeat, when they see him when the shadows have fallen upon him and when there is triumph in his voice, they know what the public sometimes does not know.

This morning, as the birds began to sing I wondered what I might say to best sum up his life. Leafing through this same little New Testament that I have seen him read hundreds of times, and which I took from his body after he had gone away over here on Friday night, I found these words, and I do not believe that there are anywhere words that sum up more clearly what this man tried to be than these words, which are the only ones of the Beatitudes that are underscored: "Blessed are the pure in heart." That was what Senator WILLIS wanted to be.

I want to say first of all that this man who served supremely never had a servant. There was never anybody in his office who felt that this man wanted him to be a servant.

When I first went to his office in 1921, he called me in one day and said to me substantially this: "Jones, you are new to Washington. Before you have been here very long you will see many people who have become mere clerks, who because they are in a sense employees feel that they can not express to the man with whom they work their real thoughts. I want you to understand that what I ask of you is service and not subservience. Because I am a Senator and you are my secretary does not mean that I shall always be right. I shall sometimes be wrong. When you think I am wrong, I want you to counsel with me. And when the time comes that you can not tell me exactly what you think about things that are important to me, then, I do not want you with me at all." That was the spirit in which Senator WILLIS always carried on.

He himself gave service, but no man or woman ever found him subservient. I saw Senator WILLIS angry very few times. Most of the times when I did see him angry was when somebody came to him and said, "Senator WILLIS, I have 10,000 votes in my pocket. If you do not vote for a certain bill, these 10,000 votes will be cast against you." On an average, a man never got that sentence completed. Senator WILLIS let him know immediately that he would vote for the bill if he thought it was the right bill; but if he thought it was not the right bill, he would not vote for it, votes or no votes.

The Senator, of course, recognized the dignity of his high office. He understood the distinctions of life. He recognized them. But there was no division line when it came to the friendship which he showed to us and which we tried to show to him.

I never saw anything in Senator WILLIS's life any place, any time, that will contradict the statement I am now about to make, that Senator WILLIS played square in all the relationships of his life. He did not believe in, he did not practice, and he did not permit those who were with him to put into execution the petty tactics of politics that are so often permitted.

I never knew him to make a decision on an important question on any other basis than that which, as he saw it, was for the best interests of the people.

The thing he was most criticized for in all of his service in the Senate was his vote for the adjusted compensation bill. I think that the morning that he voted for the passage of that bill over the President's veto was to him one of the most trying mornings in his entire life. I took in and put on his desk 1,457 telegrams that said, "You must not vote for this bill," and 53 that asked him to vote for it. And I said to him, "Senator WILLIS, most of those 1,457 telegrams are from the most prominent men in Ohio. I do not know from these other 53 whether the soldiers are much interested in this bonus or not."

We discussed the whole question, the two of us alone there in the office. Finally I said to the Senator, "If you vote to override the President's veto to-day, you may be voting yourself out of public life." He looked at me about a half a minute, then he turned around and looked at the picture of his soldier father, to which he always gave the place of prominence in his office. Then he turned back and looked again at those 1,457 telegrams. And he said to me this: "Jones, you were not reared in the home of a soldier. You did not fight the battles of the Civil War at the breakfast table and at the luncheon table and at night. I promised these soldier boys I would vote for this bill. They know I will. They know it is not necessary to send me these telegrams. So far as voting myself out of public life is concerned, that is much less to me than believing myself a coward every time I look at my face in the mirror the rest of my life. I am going to vote for that bill this afternoon because I think it is the right thing to do. The effect of my vote upon my future political career must take care of itself."

I could tell a similar story about the way in which he drafted the famous Newberry resolution. This man always faced questions, whether they were great or small, faced them in his office where none of us knew and the world did not need to know, on the same basis that he always advocated outside.

Moreover, Senator WILLIS never forgot and he never betrayed a friend. When he was thinking about what he would do for a man, he never asked what that man would do for him. Time after time he did things for men who had done things against him, and then when they did new things against him, he did new things for them, because he thought he ought to do them.

I never knew this man but once to say that any other man had deliberately falsified to him. He said it once in all the seven years that I was with him. He was far more lenient in his judgment of men than sometimes I thought they were lenient of him while he lived.

It is my firm judgment to-day that the faults which Senator WILLIS had, and every man has certain faults, were faults more harmful to himself than to others. He never knew when to stop work. So long as there was something to do for his people he did it. He was happy when he was doing something to help somebody in Ohio, or in the Nation, and lonesome when there was nothing of that kind to do. I believe the highest tribute I cay pay to him to-day is this, and I have paid him this tribute before: That in all the years of my association with him, I never knew him to do a thing that, from the viewpoint of broad manhood, from the viewpoint of truthful and courageous relations with his fellowmen, could be called a 'little thing.' He was a Christian gentleman everywhere.

Not very long ago I related to him in full detail evidence that he was very loath to believe of a mean, little trick that a man whom he had befriended far beyond his deserts had done to him. There was a way in which he could have returned the meanness in kind, but when the story had been finished he looked across the desk and said, "Jones, I am not going to degrade myself because somebody else degraded himself." He stood on that principle.

I said on this platform just after he had gone away Friday night that Senator WILLIS had come home to go home, or substantially that. I also said that if he had been choosing—and I know he did not choose to go now, because he fully expected that there would be many, many years of life and activity ahead of him—but if he had known and he had been choosing, this was the place, among the friends who knew him all his life, who knew more about him than anybody else, this was the place where he would have liked to have gone. And I think he went the way he would have liked to have gone, in the full vigor of manhood, without any sickness, without any impairment of his powers. Oh, I think he would have liked to have had long enough to have said good-bye to his loved ones. I know he would have liked to have had that. But if he could not have that, he would have preferred death the way it came. He would have preferred to have gone home here at home among his friends.

Doctor Smith has said a great deal about the friendships of this man. I never got over being amazed at the number of friends he had. Glancing over the thousands of telegrams and the thousands of letters that have come in since he went away, the one outstanding note is his friendship. And I do not know how many hundreds of men have grasped my hand to-day and yesterday simply to say this, "Mr. Jones, Senator WILLIS was my friend." They have said that more than anything else. And he was their friend.

Oh, how he liked to sit down and talk to a humble citizen of this country about the interests and the joys and tragedies of life, and how he tried to help them. I presume we have larger files in the Senator's office in Washington relative to compensation for the soldier boys, relative to pensions for the comrades of his father, than has any other office in the whole Senate Building—thousands and thousands of cases. No case was too humble, no case involved too much time and trouble for Senator WILLIS to give it attention. Whether the man could write English or could not, it was all the same. One of the touching things that has come since he went away was a little tribute from one of these soldier boys who could not write either the Senator's name or his own legibly upon the envelope which he addressed.

He was a man who loved his country and loved to serve his country. He gave to his country everything that he had to give. Often he talked to me about the fact that so many people wanted to get from their country, rather than give to their country, and he often wondered what the future of a country was to be, in which almost everybody wanted something from it, not to give to it. He gave a full measure of patriotism and devotion; all that he had and more.

I could speak about his love for his family. He thought a great deal of McKinley. All of you know that McKinley has been the family ideal of the American people. I never knew, I never saw, Mr. McKinley. He was gone when I was a boy. But all I need to say to-day, I think, is this: Whatever was true in his life, in his purity of family relationship, was true also of Senator WILLIS.

From his pocket on Friday night, after he had gone, I took this book of poems, which he long sought for and which, after he had obtained, he carried with him many, many times. In it I found that he had cut out this poem. Because it represents him to me, as I believe he wanted to be represented, I am going to read it. It is not an uncommon poem at all:

"There are loyal hearts, there are spirits brave,
There are souls that are brave and true;
Then give to the world the best you have,
And the best will come back to you.

"Give love, and love to your heart will flow,
A strength in your utmost need;
Have faith, and a score of hearts will show
Their faith in your word and deed.

"Give truth, and your gift will be paid in kind,
And honor will honor meet;
And a smile that is sweet will surely find
A smile that is just as sweet.

"Give pity and sorrow to those who mourn,
You will gather in flowers again
The scattered seeds from your thoughts outborne,
Though the sowing seemed in vain.

"For life is the mirror of king and slave,
'Tis just what you are and do;
Then give to the world the best you have
And the best will come back to you."

Looking back over the inexpressibly beautiful associations of these seven years now brought to a close, associations that I scarcely expect shall again be duplicated in life, I say on my own part and on the part of the others of us who were so intimately in touch with him, he has fought a good fight, and in all things he has kept the faith.

Mr. FESS. Mr. President, I also ask unanimous consent to insert in the RECORD the funeral oration of the Hon. Ralph D. Cole, who was a colleague of the Senator's in the university, and was his predecessor in the House of Representatives. Mr. Cole would have presented the name of Senator WILLIS at the Kansas City convention had the Senator lived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

ADDRESS OF HON. RALPH D. COLE

We have lost our leader; our noble friend is gone; our chief has fallen in battle. In the hour of his supreme triumph his spirit took its flight to Him who gave it. On the 30th day of March, in the city of Delaware, Ohio, Senator FRANK B. WILLIS, forty-fifth Governor of Ohio, responded to the final call of the Great Commander.

He was at home, in his native city, decorated in the emblem of the Republic, the colors of the flag that he loved; all her streets, thronged with a mighty host of his fellow countrymen, who loved him; proudly proclaiming him worthy of highest honors; in this very hall, consecrated to the exalted purposes that inspired his life, all hearts united in harmony to the sweet strains of "When we come to the end of a perfect day," the final summons came and he waved a last farewell.

Fortunate city! You did not wait until to-day to pay your tribute. He saw your faith, he heard your praise, he felt your love and loyalty; you filled his heart with joy as his ship sailed out to sea.

He died in the afternoon of life, in the fullness of fame, rich in honors, royal in friendships, with all his great faculties and powers mantled about him, and before time had levied its relentless toll upon a life of unceasing action.

The career of FRANK B. WILLIS is the grand epic of American nobility. Observe the familiar steps so many of the inspiring leaders of a great enlightened people have trod in their march to the heights of immortality. Born on a farm, nurtured in a Christian home, educated in the public schools, taught school, attended college, a professor in law, admitted to the bar, member of the State legislature, United States Congressman, Governor of Ohio, and United States Senator. Study the lives of American immortals, compare their career with his, and behold how perfect the climax—the Presidency of the United States.

In the analysis of his character we find body, mind, and heart perfectly balanced. He was marked from boyhood in the image of his Maker. His commanding presence was but counterpart to his high intellectual and moral endowments. The dominant characteristic of Senator WILLIS was his humanness.

He was thoroughly human. He loved his fellow men and sought to serve them. He was natural, not artificial. He despised hypocrisy. He possessed intellectual as well as moral integrity. He was dignified; not the sham pretense of selfish exclusion, but a noble simplicity, the unfailing work of genuine greatness; not a puppet of conventions, but the natural conduct of a man endowed with a wealth of human sympathy and understanding. He was loyal—to betray a trust was not in his power. He was loyal to his home, his State and Nation. He was an ardent patriot. He was loyal to his friends. A host of witnesses will rise and give proof. Duplicity he despised. Disloyalty he abhorred. Honest criticism he coveted, for that dispels all clouds of doubt and lets in the sunlight of truth. Magnanimous, generous, appreciative, and always grateful.

Love of country was kindled in his heart at the fireside of his father, a Union soldier. He was an American. He was willing and anxious to extend a helping hand to all nations, but entertained an unchangeable conviction that America's primal duty is to America. The greatness of FRANK B. WILLIS is America's greatness, truly typical of this continent; God's eternal gifts of freedom and opportunity, embraced by an honest boy and transmuted by the alchemy of toil into the gold of exalted manhood.

The home life of Senator and Mrs. FRANK B. WILLIS was a gem of domestic felicity, an inspiration to the various circles in which they moved and the communities in which they lived.

They were childhood playmates at Galena, Ohio. From the date of their marriage, through the changing years and all of life's vicissitudes, they were almost inseparable. Notwithstanding almost continuous public activities, Mrs. Willis was always at her distinguished husband's side.

She was with him at the home-coming meeting where his life came to its tragic but glorious close.

Their home life was shared by a daughter, Helen, who now is a teacher in the university where the Senator received his education and in which he always maintained a keen and active interest.

The constant devotion of the members of this family to one another should prove a lesson to others and a source of treasured memory to them.

The public life of Senator WILLIS covered a period of 30 years, during which time I knew him intimately. I know the motives that determined his course in relation to questions of public welfare. He did what he thought was right as God gave him to see the light. On all questions involving a moral principle he was adamant. Immovably centered in his high purposes, he defied all danger and battled every adversary. He threw his shining lance full and fair in the face of public wrong, and so fighting fell on the field of conflict. As a soldier falls in battle, so fell he in action.

On questions of public policy and administration he was guided by principles fundamental to the public weal. He had faith in free institutions and in the capacity of the people for self-government enlightened by the truth. The people of Ohio reciprocated that trust and had faith in him, as he held the greatest and most loyal personal following of any Ohio leader since William McKinley.

He believed that a democracy could best be preserved and its administration most efficiently served through the agency of political parties. He therefore fought fearlessly for his political faith. He advocated principles as the foundation of political parties and not personalities. In his last public address, with what now appears as prophetic vision, with most impressive solemnity, he declared, "Men pass on, but principles endure." He was not an opportunist, never "embraced doctrines fashioned to the varying hour." He determined his course on the high seas of public service by the fixed stars of fundamental principle. It can be said of Senator WILLIS, as was said of Fabricius, the great Roman consul. "It would be as difficult to turn the sun from its course as to turn Fabricius from the path of honor."

Senator WILLIS was a man of God; as Lincoln was in deep devotion true to God, so WILLIS had faith in a Divine Providence that determines the destinies of nations and guides in the affairs of men; that faith in God that marked his long career radiating from his life brought him through the storms and tempests of the voyage with a reputation stainless as a star, a character rugged and invincible as truth.

Better than all wealth, better than all power, better than all position, to have the character, courage, and manhood of FRANK B. WILLIS.

Farewell to you, my noble friend! Farewell to you! "Men pass on. Principles endure."

Mr FESS. Mr. President, I also hold in my hand two editorials, one from the Cleveland Plain Dealer—an independent paper with Democratic leanings, which makes a very splendid statement on the character of the Senator—and one from the Cleveland News. These are very significant utterances. I ask unanimous consent to have them inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Cleveland Plain Dealer of April 8, 1928]

SENATOR WILLIS

FRANK BARTLETTE WILLIS died as one might wish to die—painlessly, at the peak of a notable career, in the midst of friends gathered to do him honor, in the town which had proudly sponsored him through many years of public service. Political history affords few incidents so dramatic as this passing of Ohio's senior Senator.

Tongues that yesterday were denouncing WILLIS as a contender for the favor of his State as a presidential aspirant will to-day speak the Senator's praises. For both as a man and as a public servant there

was much in WILLIS that merits praise. He embodied many of the traits that has made America a nation powerful and respected. The bitterness of a primary campaign is hushed in the presence of death.

Mr. WILLIS expected to be an educator, but politics captured him young. As a member of the legislature and then of Congress, as a governor, and as a United States Senator he continued to advance in the esteem of his party in Ohio. Whatever else be said of his desire to be nominated for President in June, the ambition was natural and logical and none now will ever know what chance he might have had in the convention.

In politics WILLIS played the game hard and square. The fact that in his long career he never lost a primary battle indicates a hold on his party in this State that had given his opponents in the present campaign more than one moment of concern. Even when defeated for re-election to the governorship in 1916 he ran many thousands of votes ahead of his ticket.

During the years when Ohio was slowly emerging from the wet column to join the dry States, WILLIS made himself a leader of this reform movement; with the advent of State and national prohibition he continued its spokesman at home and in Washington. No man was quicker to accept the challenge of the wets on the floor of the Senate than this school-teacher from Ohio. No one could rattle him, bluff him, or scare him. Prohibition was almost a part of his religion and he defended it with militant sincerity.

In elections the Senator was always stronger than his party. By long service he had built up in the minds of thousands of Ohioans the conviction that FRANK WILLIS was honest, that he saw problems from the viewpoint of average people, and could be trusted to do the square thing always. The rough politics of his early years taught him the art of mixing with folks. The high hat was no part of his equipment. No man had a heartier handshake or a more cordial manner of greeting his friends.

Mr. WILLIS falls in the hardest battle of his life. It was fairly characteristic of him that when his political dominance in his own State was assailed he lost no time in buckling on the armor worn through so many fights and made straight for the scene of conflict. He had never learned to dodge a blow, but stood to take and return it. It was the same old WILLIS of a decade or more ago who swung into the primary fight in Ohio at the challenge of Hoover—the WILLIS who asked no quarter but knew that the outcome of this primary battle would determine the most momentous issue of his political life.

Death scores against a man whom no party opponent had ever been able to down. * * *

Friend and political foe alike may well pause in homage to one who served his State diligently and creditably, and who leaves at death a record that calls for no excuse.

[Editorial from the Cleveland News of April 1, 1928]

NATION MOURNS HIM

Ohio has lost a loyal son, an honest, able, and courageous man, in the untimely passing of Senator FRANK B. WILLIS. The Nation, too, has suffered the loss of a loyal servant, a worker at all times intensely devoted to the welfare and happiness of the people.

It is doubtful that Ohio has ever produced in its long list of illustrious sons a man more lovable and beloved in both his public and private life than was Senator WILLIS. Not only was he esteemed for his works as a lawmaker and executive but he was ardently loved for his personal deeds and his affection for his fellow men. He was personally known to tens of thousands of men, women, and children throughout the great State he was so proud to own as his birthplace. Each of these thousands had for him the warmest of affection, and in his or her turn was proud to acknowledge the friendship of FRANK B. WILLIS.

Possessed of indomitable courage and determination, he was a persistent and unrelenting fighter for any cause he believed to be just. He never compromised on an issue or with his political foes, nor did he ever give up a fight for an ideal until he had won the victory. He never dodged meeting an issue face to face, nor could he ever bring himself to avoid conflict because of any political expediency. His political enemies were among his warmest personal friends, for no one could do other than admire his sincerity and unflagging courage.

His whole life was one of contest, of battling for the things he believed to be right. Often abandoned by his party leaders in the midst of a strenuous campaign or given half-hearted support, Senator WILLIS never complained nor became bitter. He went on with his fight, determined to carry on to the last, along the lines he had mapped out for himself. By force of habit and character he became to a large extent an individualist. He sought help in his campaigns from those he believed should be allied with his cause. If this help was not forthcoming, he went ahead on his own. Like all men of his determination, he was bound to suffer many defeats along the way. But defeat no more shook his courage than did victory cause him to cease struggling. His characteristic determination was shown when he told those who led the campaign of Secretary Hoover against him that he would not compromise with them on the naming of the Ohio presidential primary candidates. He told them that even if defeat for him in the primary campaign meant the end of his political career he would not waver in his plans to carry on the fight to a finish. He would put his fate to the test, regardless of the outcome and regardless of the fact that an easy way out of the problem could be effected by acceptance of a compromise plan.

No man can but admire such courage. His ardent devotion to prohibition cost him many friends, yet he never permitted criticism or certain loss of votes to influence his open campaigning for the cause he espoused. Nor did he ever stay away from the enemy's strongholds in his campaigns. He loved to carry the fight into hostile towns and cities; fear had no part in his make-up. Warned often by friends that he would be making a mistake to talk prohibition in a locality known to be opposed to that proposition, he still would insist on carrying on his campaign in that place, and with added vigor and intensity.

In this characteristic, at least, he was Rooseveltian in his make-up. As a teacher, Congressman, governor, Senator, and candidate for the greatest office open to any American, Senator WILLIS was ever an able, courageous, honest, and sincere man. He loved to fight for the right as he saw it. And he died as he doubtless would have wished to have passed, had he his choice. Death came to him in the midst of the greatest fight of his life. A tragedy, it is true, that has shocked and saddened Ohio and the Nation. But he went down fighting to the last, a glorious death for such a man as he.

The Nation's estimate of Senator WILLIS is well expressed in the message sent to Mrs. Willis by President Coolidge. It follows:

"News of the sudden passing of your husband has been a great shock to me. He rendered distinguished service in his State assembly, later as Governor of Ohio, and also in the National House and Senate. He was an earnest and effective advocate of causes which he considered just, and a man of upright character. His going will be a distinct loss to our public life. Mrs. Coolidge joins me in deep sympathy for you and your daughter and his other relatives and friends."

A fitting epitaph, indeed, for any man!

Mr. FESS. Mr. President, as a further mark of respect to the memory of our deceased colleague, I move that the Senate stand in recess until 12 o'clock to-morrow.

The motion was unanimously agreed to; and (at 4 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Saturday, May 12, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

FRIDAY, *May 11, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy, true, and merciful Lord, Thou dost always keep in remembrance Thy gracious promise, namely, "I will never leave nor forsake thee." O God of our fathers, withhold not Thy presence from our beloved land. Come Thou to all the children of men and put a new face on this weary old earth, and the power of intellect and the skill of genius shall be superseded by the holy Babe of Bethlehem. Oh, that all men would be lovers, diligent and faithful, patient and hopeful, justifying their presence in the world. It is our mission and our glory. O teach us that blessed is the man who is guided along this way. In the blessed name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 15. An act authorizing an appropriation to enable the Secretary of the Interior to carry out the provisions of the act of May 26, 1926 (44 Stat. L. 655), to make additions to the Absaroka and Gallatin National Forests, and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land;

H. R. 158. An act to amend chapter 137 of volume 39 of the United States Statutes at Large, Sixty-fourth Congress, first session;

H. R. 167. An act to amend the act of February 12, 1925 (Public, No. 402, 68th Cong.), so as to permit the Cowlitz Tribe of Indians to file suit in the Court of Claims under said act;

H. R. 332. An act validating homestead entry of Englehard Sperstad for certain public land in Alaska;

H. R. 491. An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California;

H. R. 3467. An act for the relief of Giles Gordon;

H. R. 4303. An act for the relief of the Smith Tablet Co., of Holyoke, Mass.;
H. R. 4396. An act for the relief of Jesse R. Shivers;
H. R. 4619. An act for the relief of E. A. Clatterbuck;
H. R. 4927. An act for the relief of Francis Sweeney;
H. R. 5681. An act to provide a differential in pay for night work in the Postal Service;
H. R. 5935. An act for the relief of the McAteer Shipbuilding Co. (Inc.);
H. R. 7459. An act to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes;
H. R. 7900. An act granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes;
H. R. 7946. An act to repeal an act entitled "An act to extend the provisions of the homestead laws to certain lands in the Yellowstone forest reserve," approved March 15, 1906;
H. R. 8001. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *City of Beaumont* against the United States, and for other purposes;
H. R. 8307. An act amending section 5 of the act approved June 9, 1916 (39 Stat. L. 218), so as to authorize the sale of timber on class 3 of the Oregon & California Railroad and Coos Bay wagon-road grant lands;
H. R. 8337. An act to amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926;
H. R. 8474. An act for the relief of Elmer J. Nead;
H. R. 8810. An act for the relief of John L. Nightingale;
H. R. 9568. An act to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes;
H. R. 9612. An act authorizing and directing the Secretary of the Interior to allow Norman P. Ives, jr., credit on other lands for compliances made in homestead entry, Gainesville, 021032;
H. R. 9789. An act for the relief of Sallie E. McQueen and Janie McQueen Parker;
H. R. 10067. An act for the relief of Marion Banta;
H. R. 11245. An act to cancel certain notes of the Panama Railroad Co. held by the Treasurer of the United States;
H. R. 11475. An act to revise and codify the laws of the Canal Zone;
H. R. 11716. An act authorizing and directing the Secretary of the Interior to issue patents to Ethel L. Saunders, and for other purposes;
H. R. 11852. An act providing for the confirmation of grant of lands formerly the United States barracks at Baton Rouge, La., to the board of supervisors of the Louisiana State University and Agricultural and Mechanical College;
H. R. 11960. An act for the relief of D. George Shorten;
H. R. 12049. An act to authorize the Secretary of the Interior to sell to W. H. Walker, Ruth T. Walker, and Queen E. Walker, upon the payment of $1.25 per acre, the southeast quarter section 34, township 2 north, range 14 east, Choctaw meridian, Clarke County, Miss.;
H. R. 12379. An act granting the consent of Congress to Howard Seabury to construct, maintain, and operate a dam to retain tidal waters in an unnamed cove which is situated and extends from Cases Inlet into section 28, township 21 north, range 1 west, Willamette meridian, in Pierce County, State of Washington;
H. R. 12383. An act to amend section 11 of an act approved February 28, 1925 (43 Stat. 1064, U. S. C., title 39), granting sick leave to employees in the Postal Service, and for other purposes; and
H. J. Res. 256. House joint resolution authorizing the United States Bureau of Public Roads to make a survey of the uncompleted bridges of the Oversea Highway from Key West to the mainland, in the State of Florida, with a view of obtaining the cost of the construction of said bridges, and report their findings to Congress.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House of Representatives was requested, bills of the House of the following titles:

H. R. 4664. An act for the relief of Capt. George R. Armstrong, United States Army, retired;
H. R. 5695. An act authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, and in sections 7, 8, 17, 18, 19, 30, 31, township 19 south, range 27 east, Tallahassee meridian, Lake County, in the State of Florida;
H. R. 8110. An act withdrawing from entry the northwest quarter section 12, township 30 north, range 19 east, Montana meridian;
H. R. 10159. An act granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes;
H. R. 10374. An act for the acquisition of lands for an addition to the Beal Nursery at East Tawas, Mich.; and
H. R. 11990. An act to authorize the leasing of public lands for use as public aviation fields.

The message further announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House was requested:

S. 61. An act granting an increase of pension to Louise A. Wood;
S. 116. An act for the relief of R. S. Howard Co.;
S. 382. An act for the relief of Joseph F. Thorpe;
S. 443. An act for the relief of Larry M. Temple;
S. 460. An act for the relief of the owners of the barge *Mary M;*
S. 860. An act allowing credit to postal and substitute postal employees for time served in the Army, Navy, or Marine Corps of the United States;
S. 1251. An act to regulate the marking of platinum imported into the United States or transported in interstate commerce, and for other purposes;
S. 1344. An act to amend an act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, and for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 4, 1924;
S. 1511. An act for the exchange of lands adjacent to national forests in Montana;
S. 1577. An act to add certain lands to the Boise National Forest, Idaho;
S. 1578. An act to add certain lands to the Idaho National Forest, Idaho;
S. 2107. An act to provide for steel cars in the railway post-office service;
S. 2289. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Veterans of Foreign Wars of the United States, Department of Minnesota, the bell formerly on the old cruiser *Minneapolis;*
S. 2526. An act for the relief of Sheldon R. Purdy;
S. 3039. An act authorizing an appropriation for the construction of a bridge and approach road leading to the Zillah State Park, Wash.;
S. 3056. An act for the relief of the estate of Moses M. Bane;
S. 3281. An act to provide a shorter workday on Saturday for postal employees;
S. 3328. An act to amend title 39, the Postal Service, chapter 2, section 32, the Code of Laws of the United States of America in force December 6, 1926 (vol. 44, Pt. I, U. S. Stat. L.);
S. 3452. An act for the relief of George W. Abberger;
S. 3525. An act for the relief of A. M. Thomas;
S. 3595. An act for the relief of Arch L. Gregg;
S. 3620. An act granting certain land to the Roman Catholic congregation of St. Joseph's Roman Catholic Church in the parish of East Baton Rouge, La.;
S. 3743. An act for the relief of C. N. Markle;
S. 3794. An act for the relief of R. E. Hansen;
S. 3800. An act to carry out provisions of the Pan American Postal Convention concerning franking privileges for diplomatic officers in Pan American countries and the United States;
S. 3827. An act to exempt employees of the public-school system of the District of Columbia from the $2,000 salary limitation provision of the legislative, executive, and judicial appropriation act, approved May 10, 1916, as amended.
S. 3912. An act for the relief of Gustave Hoffman;
S. 3931. An act for the relief of Augusta Cornog;
S. 3954. An act to quiet title in the heirs of Norbert Boudousquie to certain lands in Louisiana;
S. 4022. An act authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., to Henry A. O'Neil for a buffalo pasture;
S. 4087. An act authorizing the use of certain land owned by the United States in the District of Columbia for street purposes;
S. 4124. An act to provide for notice to owners of land assessed for benefits by the verdict of condemnation juries in the District of Columbia, and for other purposes;
S. 4126. An act authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited

rights reserved, and limited rights in land, and authorizing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances;

S. 4173. An act to transfer jurisdiction over certain national military parks and national monuments from the War Department to the Department of the Interior, and for other purposes;

S. 4257. An act to authorize the payment of certain salaries or compensation to Federal officials and employees by the treasurer of the Territory of Alaska;

S. 4273. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington to present their claims to the Court of Claims;

S. 4288. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the South Fork of the Cumberland River at Burnside, Pulaski County, Ky.;

S. 4289. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Neelys Ferry in Cumberland County, Ky.;

S. 4290. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.;

S. 4291. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.;

S. 4292. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.;

S. 4293. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.;

S. 4294. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.;

S. 4295. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near the mouth of Indian Creek, in Russell County, Ky.;

S. 4302. An act to authorize the Secretary of Commerce to convey the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., as a memorial to commemorate the Battle of Fort Fisher;

S. 4382. An act to amend the act (Public, No. 135, 68th Cong.), approved May 24, 1924, entitled "An act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes";

S. J. Res. 130. Senate joint resolution suspending certain provisions of law in connection with the acquisition of lands within the Alabama National Forest; and

S. J. Res. 110. Senate joint resolution to provide for annexing certain islands of the Samoan group to the United States, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House of Representatives to the bill (S. 3674) entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes."

The message further announced that the Senate agrees to the amendments of the House of Representatives to the amendments of the Senate numbered 56, 59, 80, 84, 85, 86, 99, and 102 to the bill (H. R. 11577) entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes," and recedes from its amendment numbered 100 to said bill.

The message also announced that the Senate agrees to the amendments of the House of Representatives to the amendments of the Senate numbered 42 and 43 to the bill (H. R. 12875) entitled "An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes.

HISTORICAL MUSEUM IN DEFIANCE, OHIO

Mr. LUCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the resolution (S. J. Res. 82) providing for the erection of a public historical musuem on the site of Fort Defiance, Defiance, Ohio, and consider the same in the House as in Committee of the Whole. If consent is granted, I shall move to amend by certain amendments which were embodied in the report from the House Committee on the Library in a similar bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table Senate Joint Resolution 82, and consider the same in the House as in Committee of the Whole. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Senate joint resolution (S. J. Res. 82) providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio

Whereas on the 9th day of August, 1794, Gen. Anthony Wayne, a gallant and distinguished soldier of the Revolutionary and Indian Wars, erected a fort at the confluence of the Maumee and Auglaize Rivers, known as Fort Defiance; and

Whereas the original site of old Fort Defiance is now preserved as a public park of 3 acres, wherein the State of Ohio has expended $26,000 to construct a concrete retaining wall, and a further appropriation by the State of Ohio is available for landscaping and beautification of site; and

Whereas the site is one of national as well as local significance: Therefore be it

Resolved, etc., That the Secretary of War is authorized and directed (1) with the approval of the proper official of the State of Ohio, to select a site in the public park maintained by the State of Ohio on the site of Fort Defiance, at Defiance, Ohio, and (2) to construct thereon, as a memorial to Gen. Anthony Wayne, a public museum suitable for housing a collection of historical relics which is already available; but such museum shall not be constructed until the State of Ohio has made adequate provision for its care and maintenance, and the Secretary of War may, in his discretion, suspend all construction under this act until the State of Ohio has made available a sum equal to that hereinafter authorized to be appropriated, to be used in the construction of such museum.

SEC. 2. The plans for such museum shall be subject to the approval of the National Commission of Fine Arts.

SEC. 3. There is hereby authorized to be appropriated the sum of $50,000, or so much thereof as may be necessary, to carry out the provisions of this act.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read the bill for amendment.

Mr. LUCE offered the following amendments: Line 1, page 2 of the Senate bill, strike out the words "with the approval of the" and insert the words "to cooperate with the."

Line 2, strike out the words "to select" and insert the words "and the proper official of the county of Defiance, Ohio, in selecting."

Line 11, page 2, strike out the words "a sum equal to that hereinafter authorized to be appropriated" and insert "the sum of $50,000, and the county of Defiance, Ohio, the sum of $25,000."

The amendments were agreed to.

Mr. LUCE. Mr. Speaker, I move to strike out the preamble.

The motion was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The motion of Mr. LUCE to reconsider the vote was laid on the table.

A similar House bill was laid on the table.

NATIONAL SAFETY LESSON CONTEST

Mr. SINCLAIR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the "Winning Lesson," by Miss Anna M. Keedy, of North Dakota, in the national safety contest conducted by the highway education board under the auspices of the National Automobile Chamber of Commerce.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. SINCLAIR. Mr. Speaker, under the leave granted to me to extend my remarks, I desire to insert in the RECORD the winning lesson in the 1926–27 National Safety Lesson Contest. This was submitted by Miss Anna M. Keedy, a teacher in the Minot (N. Dak.) public schools, and won for her first national honors in the sixth of a series of similar contests, conducted each year by the highway education board among the elementary-school teachers of the Nation.

By process of elimination, Miss Keedy's lesson was chosen successively as the best from her school, the best from North Dakota, and eventually, over more than 80,000 other lessons,

as the best from the United States. The committee that awarded her first honors for North Dakota was named by the State superintendent of public instruction, while the national judges were Dr. M. L. Duggan, State superintendent of schools, Atlanta, Ga.; Mr. Bruce Wilson, national director, American Red Cross, Washington, D. C.; and Mr. A. H. Hinkle, highway engineer, State Highway Commission, Indianapolis, Ind. By the decision of the committee Miss Keedy has won a trip to Washington from her home in North Dakota, with all expenses paid, and a check for $500. Her awards are the gifts of the National Automobile Chamber of Commerce, donor of approximately $6,500 in prizes for pupils and teachers who participate in the essay and lesson contests. Miss Keedy is in Washington this week, and on the 9th was received by President Coolidge. By him she was presented with a certificate of award for meritorious achievement in street and highway safety education.

The question of safety on our streets and highways is becoming more and more one of national importance. These contests serve a most useful purpose in educating the youth of the land and in molding public opinion. As the Representative of the district in which Minot is located, I take this opportunity of saying that all North Dakotans are proud of the merited honor which Miss Keedy has brought to our State.

The matter referred to is as follows:

WINNING LESSON IN THE 1926–27 NATIONAL SAFETY-LESSON CONTEST—STREET AND HIGHWAY SAFETY COORDINATED WITH ORAL AND WRITTEN COMPOSITION

Keeping in mind characteristics always found in the average child of the eighth grade, a project was planned for the boys and girls, with an endeavor to stimulate interest along chosen lines. It was carried out by means of pupil activity under teacher guidance.

The grade is composed of five divisions, averaging 42 pupils in a division.

Project: Teaching street and highway safety.

Teacher's aim:

1. To help my pupils to realize that education in safety on streets and highways is necessary.
2. To create in each pupil a desire to prevent accidents on streets and highways.
3. To aid them in the formation of habits of safety.
4. To assist them in their desire to help others, especially younger children.

Early in October I had told my pupils to keep their eyes open for anything dealing with safety on streets and highways. Now that the time for the safety campaign had arrived, they brought to school great quantities of material—magazine and newspaper clippings, pictures, street and crossroad diagrams, etc. The following are some of the facts gleaned from this material:

1. Travel and transportation in the United States have greatly increased in the last 20 years.
2. Means of travel and transportation have changed in recent years.
3. Transportation and travel are much more rapid.
4. Population has greatly increased.
5. The number of motor conveyances has increased. In 1912 there were 1,000,000 automobiles in the United States; in 1926, 22,000,000 motor vehicles. (North Dakota has 1 automobile to every 4.5 persons.)
6. There has been a resulting increase in traffic fatalities. (In 1926, 7,000 children under 15 years of age were killed in or died as a result of traffic accidents. There was an annual average of 25,000 deaths and 100,000 injuries because of accidents on streets and highways.)

A brief discussion of the foregoing facts at once led to the statement, "Something must be done to meet this new condition."

It was decided that each pupil find out all he could about what had been done and bring in at least one new suggestion.

The recitation next day showed that many things had been done—highways graded, embankments fenced, streets widened, curves posted, etc. One boy said he really believed the sign, "Caution—School," placed about a half block from our school grounds helped, and that people in general respected these signboards.

All this had been done, but accidents continued to increase. What more could be done?

The most interesting part was what the pupils thought they could do. Their suggestions were:

1. We can write a code of safety laws and live up to them.
2. We can help each other in obeying these laws.
3. We can make posters and put them up in public places and in other schools.
4. We can write plays and put on a safety program.
5. We can make speeches, and we might have a debate.

In order to facilitate the writing of the safety code each division was further separated into eight groups. (Five pupils constitute a good working unit.) Each group wrote a code of 10 laws. These eight sets of rules were submitted to a committee made up of one representative from each group. This committee sifted and revised the eight codes, making a new one. This was then placed on the blackboard, discussed, revised, and adopted by the class. Each of the five divisions made its own set of laws. The following set of laws was adopted by one division:

1. I will not play on streets and highways.
2. I will always stop, look, and listen before crossing the street.
3. I will cross streets at crossings and always at right angles.
4. I will not compare my rate of speed with that of an approaching vehicle and take a chance.
5. I will hold my umbrella upright when crossing the street.
6. I will avoid running behind and in front of cars.
7. I will not hook rides on automobiles, trucks, and other moving vehicles.
8. When riding in an automobile I will not attract the driver's attention.
9. I will always try to help elderly people and little children when crossing the street.
10. I will try to make these laws a habit.

In order to assist the children in living up to their "safety code," and in so doing form habits of safety, a "roll of honor" was devised. Each pupil who for one week lived up to the code accepted by his division was to have his name placed on the "roll of honor." This was very successful, the children keeping check on each other. Additional interest was aroused by this recognition of satisfactory results.

One day was poster and slogan day. Another day was safety verse and song day. Two days were spent on oral composition work. At this time we had try-outs to choose the members of the flying squadron, composed of girls, and the minute men, composed of boys. These pupils gave talks on safety on streets and highways to the children in the fourth, fifth, and sixth grades and carried safety posters, which they explained to the first, second, and third grades. These talks were very helpful. The older children felt that they had a responsibility. They must not only tell the younger children but must set them a good example.

One day the pupils put on a safety assembly program. Original poems and codes of laws were read. Safety songs were sung, and talks on safety were given. The following playlet and song, written during our 1924 safety campaign, were again presented:

SAFETY DIALOGUE FOR EIGHT PUPILS

CHARACTERS

Uncle Sam, an eighth-grade boy, dressed as Uncle Sam, seated at desk, reading statistics and looking very much worried and perplexed.

Traffic, large boy, carrying box of shredded wheat, box of coffee, sack of salt, etc.

Carelessness, girl dressed in keeping with her name.

Selfishness, small eighth-grade boy.

Law Enforcement, boy dressed as traffic officer.

Education, girl wearing college cap and gown.

Courtesy, girl wearing crown marked "courtesy," in gold letters.

Obedience, boy wearing scarf marked "obedience" in blue letters, carrying the pledge of carefulness.

UNCLE SAM (slowly leafing over papers and talking slowly): Twenty thousand killed or died as a result of traffic accidents in 1926. An annual average of 25,000 deaths and 100,000 persons injured because of accidents on streets and highways. Something must be done. Something—must—be—done.

(As Uncle Sam is meditating, Traffic enters and salutes.)

UNCLE SAM: Traffic, I am glad to see you. I have a problem on hand just now. It is one in which you, too, are interested and will be likely to give valuable assistance.

TRAFFIC: Oh, certainly, I will be glad to help you in any way I can; wondrous busy, though. Not a ton of coal is mined or a bale of cotton grown but I carry it to its destination. The West wants what the East produces, and the East wants what the West yields. I am kept ever increasingly busy, to the great enrichment of our people.

UNCLE SAM. That is very true; and if that were all, we might well rejoice. I read here, however, of the great loss of life by accident. It makes me think of widows, orphans, childless homes, and of untold suffering.

TRAFFIC. Yes; I am responsible for some of that; but I'm not always to blame. People are so thoughtless and selfish, and some are ignorant. They rush headlong into my way, and I can not stop for them. Commerce demands that I hurry.

UNCLE SAM. I wish you would remember that human life is a sacred thing, and the lives of my people are dear to me. It pays to be careful.

TRAFFIC. Your wish is law to me.

(While Traffic is leaving the platform, Carelessness enters.)

CARELESSNESS. Oh, I am so worried and so sorry! Can't you help me?

UNCLE SAM. And what is the trouble now?

CARELESSNESS. My brother, Jay Walker, has had both his legs cut off right above the knees. He was just running across the street from the Globe Gazette to the Benno Drug, when Traffic came along and ran right over him.

UNCLE SAM. Was not Traffic doing his duty?

CARELESSNESS. Oh, maybe he was. Of course, the street is slippery there, and he says his brakes did not work quickly. He knows Jay Walker and should have been on the lookout for him. Poor Jay just wanted to see what the boys were looking at in the shop window. He always said he was not going to walk his legs off by going to the crossings.

UNCLE SAM. The person who crosses the street in the middle of a block invites an extra hazard, for statistics show that half the traffic accidents occur in that way. Does Jay Walker not know the laws of proper conduct on streets and highways?

CARELESSNESS. Oh, yes; Mother Love and Education both have taught him; but when Jay Walker was a little fellow he chummed with Disobedience, and he likes to have his own way.

UNCLE SAM. I am sorry, but lawbreakers must take the consequences of their own acts, and it is much the same with those who violate traffic rules.

(As Carelessness leaves, Selfishness enters.)

SELFISHNESS. There, now, that car of ours was just smashed all to pieces just because that truck load of grain was in my way.

UNCLE SAM. And where did all this happen?

SELFISHNESS. Right out of town on the Burlington Road. It wasn't my fault, either. I know all about the traffic laws and can manage a car perfectly. Never get a bit nervous. It was just a new car, too, and I was trying it out to see what I could do. We were coming down the hill at a great rate when right around the curve we struck that truck. Its driver should have heard us coming and have pulled out to the side.

UNCLE SAM. Seems to me you are hardly old enough to drive a car.

SELFISHNESS. Well, I'm not, according to the law, but sometimes I take Dad's. He'll not like it when he finds this out. I'd have gotten along all right if I could have had the whole road.

UNCLE SAM. Selfishness, I do not like your manner, and scarcely believe the public would be willing to maintain roads solely for you. But here comes my good friend and helper Law Enforcement.

(Law Enforcement enters and salutes; Selfishness leaves.)

UNCLE SAM. Glad to see you. How are things coming now?

LAW ENFORCEMENT. Accidents are not a necessary evil. The number can be greatly reduced. Education can do more than all other agencies, but her work must be continuous and systematic. The public must be educated in traffic regulations, safety-first measures, and the duty of the pedestrian as well as that of the driver.

UNCLE SAM. I am told Education is already at work. I will call her.

(Education enters as Law Enforcement leaves.)

EDUCATION. I will help solve this great problem. Was it not I who taught the children the harmful effects of alcoholic liquors? I have the power to mold the lives of the youth of this great land, and I will teach childhood the lesson of safety. I am already at work, but the accomplishment of so great a task will take time.

UNCLE SAM. I am interested to know some of your plans.

EDUCATION. I intend, of course, to continue the instruction of the public in the general laws of safety first and in all traffic regulations, but my real effort is to be with the children. Some school systems have already adopted a course of safety lessons as a part of the curriculum. Safety subjects are used in various phases of classroom work, where the constructive side of safety is emphasized. Children of all ages are interested in learning ways and means of saving life. The Highway Education Board is rendering valuable assistance by its annual campaign with essay and lesson contests.

UNCLE SAM. Education, I like your plan of work. You have accomplished great things, and I believe you can do even greater. What you tell me sounds encouraging, and I hope you will go right ahead. There is need of more education as to individual responsibility.

EDUCATION. I hasten, that no time may be lost.

(Education leaves as Courtesy enters.)

COURTESY (bowing). I beg your pardon for this intrusion, but I have heard of the great problem that confronts this Nation of ours, and I am come to offer my assistance. I would teach youth to respect the rights of others, to be quiet and thoughtful on streets and highways, to help the aged and little children, and always to remember "safety first."

UNCLE SAM. Courtesy, you were ever an obedient daughter, and will be a worthy helper of your elder sister, Education.

COURTESY. Thank you. Good-by.

(Enter Obedience, Traffic, Carelessness, Selfishness, and Education.)

UNCLE SAM. Obedience, what news to-day?

OBEDIENCE. I carry here the pledge of carefulness (reads the pledge):

"PLEDGE OF CAREFULNESS

"Realizing my responsibility as an American citizen to secure the safety of others by careful conduct on the streets;

"Realizing that the accident and death toll of my Nation, State, and city can best be reduced by thoughtfulness and carefulness;

"I pledge myself to be considerate of the rights of others while on the streets and highways; to learn and observe traffic rules and regulations to the best of my ability; to cooperate in a campaign of carefulness, either as a pedestrian or as a driver of a vehicle; and I will, by precept and example, endeavor to assist others in making streets and highways safe."

These are the signatures of the children.

TRAFFIC. I, too, would sign the pledge.

CARELESSNESS. Education has made me ashamed of my old habits. I now wish to sign the pledge. My brother is working hard to earn a new name, and desires to sign the pledge.

SELFISHNESS. I, too, am ashamed of my old self, and have turned a new leaf.

EDUCATION. I will sign, for it points in wisdom's way.

COURTESY. I pledge to be considerate of the rights of others.

OBEDIENCE (handing pledge to Uncle Sam). That safety and happiness may dwell in our land.

SONG

(Tune: "Marching Through Georgia")

Come we now with joyful hearts
To sing our safety lays;
Sing them with a fervor we'll
Remember all our days.
Sing them now and always sing,
In gladsome happy lays—
Three cheers for Safety,
Grand old Safety.

Then hurrah! hurrah! for the safety laws we know;
Hurrah! hurrah! these laws to all we'll show;
So let us shout their glories, be we far or be we near,
Three cheers for Safety—grand old Safety.

Safety first and safety last
And safety all the way;
Safety now for you and me
And safety every day;
Safety first for young and old
Means more to us than gold.
Three cheers for Safety,
Grand old Safety.

When to this slogan all give heed,
What joy will here be found,
What pleasure then to be abroad
On highway or in town.
So let us wave her banner, wave
It higher than before;
Three cheers for Safety,
Grand old Safety.

Exhibiting the gold medal, State prize, won by one of our boys in the 1926 safety campaign, essay writing was motivated; all the awards offered by the highway education board and the prizes offered by the State were explained. Every member in the eighth grade then wrote an essay on safety on streets and highways.

The lessons in safety were carried into the homes, the older pupils acting as teachers. The pupils seem to realize that they have an active part in the life of their community and are in a great measure responsible not only for their own conduct but for that of their companions.

The street and highway safety campaign has been an annual event in our school for the past five years and is now a recognized part of our junior high-school work.

PENSIONS

Mr. W. T. FITZGERALD. Mr. Speaker, I call up the bill (H. R. 13511) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk reported the title of the bill, as follows:

A bill (H. R. 13511) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

This bill is a substitute for the following House bills referred to said committee:

H. R. 503. Hattie White.
H. R. 505. Homer W. Lane.
H. R. 506. Nettie J. Atkinson.
H. R. 511. Hannah Engler.
H. R. 516. Elizabeth Smith.
H. R. 522. Martha W. Welch.
H. R. 523. Cynthia A. Bondy.
H. R. 526. Henrietta E. Davis.
H. R. 527. Nancy J. Johnston.
H. R. 528. Mary E. Muldrew.
H. R. 529. Mahala C. Lydick.
H. R. 531. Sarah M. Pelley.
H. R. 532. Margaretta Lock.
H. R. 534. Ruhama Wood.
H. R. 535. Margaret D. Archey.
H. R. 536. Sebina L. Hill.
H. R. 539. Mary V. Heston.
H. R. 542. Melissa Kimberland.
H. R. 544. Mary E. Chambers.
H. R. 547. Margret A. Henry.
H. R. 556. Caroline Sauer.
H. R. 570. Malvina Wilson.
H. R. 572. Sarah C. Riley.
H. R. 585. Anna M. Painter.
H. R. 743. Albert L. Robinson.
H. R. 755. Sarah Ferguson.
H. R. 772. Abbie J. Bennett.
H. R. 801. Laura A. Martin.
H. R. 803. Catherine J. Yates.
H. R. 807. Sarah Hall.
H. R. 809. Sarah F. Davis.
H. R. 818. Mary E. Miller.
H. R. 823. Mary J. Lawson.
H. R. 824. Emily R. Askren.

H. R. 825. Martha Moorman.
H. R. 826. Annie M. Shipley.
H. R. 827. Jennie Thornburg.
H. R. 830. Mahala Hargis.
H. R. 833. Mary E. Jellison.
H. R. 841. Sarah J. Orange.
H. R. 843. Fannie J. Carpenter.
H. R. 844. Geaean J. Bennett.
H. R. 848. Thirza St. Clair Gandy.
H. R. 849. Emma N. Evey.
H. R. 857. Selma H. Cheney.
H. R. 858. Isabel Light Green.
H. R. 949. Martha Chadwick.
H. R. 950. Susan A. Fuller.
H. R. 953. Almira A. Mitchell.
H. R. 954. Sarah Morrison.
H. R. 956. Elizabeth Cochran.
H. R. 958. Mary Elizabeth Doner.
H. R. 959. Catherine Brandt.
H. R. 960. Hester Pritchett.
H. R. 988. Caroline B. Spainhower.
H. R. 989. Sabina Chaney.
H. R. 992. Martha E. Richeson.
H. R. 993. Elizabeth White.
H. R. 1019. Victoire Morey.
H. R. 1040. Jennie H. Lockard.
H. R. 1042. Agnes M. Hobbs.
H. R. 1095. Eveline Adams.
H. R. 1104. Alice L. Briggs.
H. R. 1105. Emma M. Carpenter.
H. R. 1106. Ella V. Cazeau.
H. R. 1110. Alberta V. Coughnet.
H. R. 1116. Frances Decker.
H. R. 1118. Mary Denno.
H. R. 1119. Maria J. Dodge.
H. R. 1122. Catherine Forest.
H. R. 1123. Della E. Fowler.
H. R. 1126. Mary Gleason.
H. R. 1128. Margaret A. Hayt.
H. R. 1133. Mary E. Hunting.
H. R. 1135. Jane Joslin.
H. R. 1136. Anna Kennedy.
H. R. 1137. Nancy Kimble.
H. R. 1138. Catharine Klein.
H. R. 1147. Mary A. Murphy.
H. R. 1148. Margreat Neef.
H. R. 1155. Mary Putnam.
H. R. 1157. Mary Rauber.
H. R. 1160. Elizabeth Sauer.
H. R. 1162. Mary Seiford.
H. R. 1177. Catharine Whittleton.
H. R. 1209. Ellen C. Angel.
H. R. 1219. Rena Hardy.
H. R. 1221. Sarah A. Higgins.
H. R. 1222. Luceta Icenhower.
H. R. 1224. Hannah King.
H. R. 1225. Rachel A. Lewis.
H. R. 1226. Sarah A. Male.
H. R. 1227. Drusilla Newman.
H. R. 1229. Victoria Pemberton.
H. R. 1230. Adaline J. Phillips.
H. R. 1242. Elizabeth Sullivan.
H. R. 1243. Mary A. Swisher.
H. R. 1245. Sarah A. Wild.
H. R. 1257. Jeannie Manwell.
H. R. 1262. Elizabeth Murphy.
H. R. 1265. Martha A. Charles.
H. R. 1268. Dully A. Chain.
H. R. 1270. Mary E. Davis.
H. R. 1271. Eliza Sheppard.
H. R. 1273. Nannie J. Knox.
H. R. 1277. Mary Johnson.
H. R. 1278. Mary E. Apgear.
H. R. 1279. Janet Hiett.
H. R. 1280. Phoebe A. Myers.
H. R. 1283. Martha A. McIntire.
H. R. 1284. Effie Nelson.
H. R. 1287. Nancy Shiveley.
H. R. 1288. Elizabeth South.
H. R. 1321. Therasa Rhoades.
H. R. 1334. Mary E. Daniels.
H. R. 1337. Mary C. Fleming.
H. R. 1339. Elizabeth B. Fogle.
H. R. 1350. Annette J. Shipley.
H. R. 1369. Emma J. Mandigo.
H. R. 1384. Mary Meade.
H. R. 1394. Hannah J. Marchant.
H. R. 1412. Addie L. Bailey.
H. R. 1413. Edla P. Watson.
H. R. 1419. Susan M. Snowden.
H. R. 1420. Mary A. Simpson.
H. R. 1422. Jane Riley.
H. R. 1424. Mary E. Nordyke.
H. R. 1425. Annie E. McCombs.
H. R. 1426. Elizabeth A. Mills.
H. R. 1427. Hannah V. Medlin.
H. R. 1430. Nancy E. Lemon.
H. R. 1432. Mary E. Hubler.
H. R. 1438. Louisa Fleetwood.
H. R. 1448. Mary E. Brann.
H. R. 1449. Nancy A. Cary.
H. R. 1452. Mary A. Smart.
H. R. 1456. Maud M. Jones.
H. R. 1459. Mary Cox.
H. R. 1541. Ada E. Wainscott.
H. R. 1575. Carrie L. Douck.
H. R. 1576. Charlotte L. Elliott.
H. R. 1580. Mary J. Richards.
H. R. 1583. Martha J. Taylor.
H. R. 1669. Mary E. Lincoln.
H. R. 1679. Clara Canham.
H. R. 1681. Mary Cypher.
H. R. 1683. Mary Catherine Staley.
H. R. 1694. Amanda E. Coughanour.
H. R. 1703. Hannah J. Leffingwell.
H. R. 1816. Mary M. Lovelace.
H. R. 1817. Rachel Rappleyea.
H. R. 1818. Melvina D. Ritch.
H. R. 1822. Mary Sullivan.
H. R. 1883. Helen Kellsy.
H. R. 1885. Emma Kingman.
H. R. 1886. Mary H. Lamper.
H. R. 1887. Mary P. Lewis.
H. R. 1888. Huldah E. Lewis.
H. R. 1892. Mary J. Miller.
H. R. 1893. Laura Nutt.
H. R. 1894. Lovina Roberts.
H. R. 1895. Sarah M. Rockwood.
H. R. 1897. Elizabeth Sickenger.
H. R. 1899. Harriet Smith.
H. R. 1903. Mary S. Steval.
H. R. 1905. Emily Roxanna Swart.
H. R. 1910. Mary A. Williams.
H. R. 1911. Martha Allen.
H. R. 1919. Marcia E. Garey.
H. R. 1921. Martha I. Crane.
H. R. 1924. Elizabeth Kennedy.
H. R. 1927. Emily C. Stevens.
H. R. 1929. Elizabeth J. Burd.
H. R. 1932. Rosette Hamilton.
H. R. 1933. Emma L. Hemenger.
H. R. 1942. Mae Washburn.
H. R. 1949. Carrie C. Hall.
H. R. 1950. Mary E. Hadley.
H. R. 1960. General M. Brown.
H. R. 2005. Morilla T. Alwens.
H. R. 2013. Margaret White.
H. R. 2016. Agnes Badger.
H. R. 2017. Marie A. Bertrand.
H. R. 2019. Sarah M. Bloss.
H. R. 2023. Esther A. Capell.
H. R. 2026. Achsa C. Donaldson.
H. R. 2029. Mary L. Flack.
H. R. 2031. Fannie P. Foster.
H. R. 2035. Myra B. Hall.
H. R. 2039. Zeruah F. Hyde.
H. R. 2041. Mary M. Johnson.
H. R. 2042. Louisa La Bounty.
H. R. 2043. Mary J. Langlois.
H. R. 2044. Eliza J. Martin.
H. R. 2045. Rosilla Mathews.
H. R. 2046. Adeline Murkin.
H. R. 2056. Mary Rock.
H. R. 2057. Mary J. Rounds.
H. R. 2058. Mary M. Sabre.
H. R. 2059. Ellen Selleck.
H. R. 2061. Olive Surrell.
H. R. 2062. Catherine Tebo.
H. R. 2063. Janet Tenney.
H. R. 2065. Isabelle D. Vrooman.
H. R. 2067. Harriet Walcott.
H. R. 2068. Mary Wright.
H. R. 2107. Sarah E. Waters.
H. R. 2108. Elizabeth H. Cranston.
H. R. 2111. Mary J. Kelley.
H. R. 2114. Louise D. Henley.
H. R. 2115. Almena C. Carrier.
H. R. 2116. Jennie C. O'Neil.
H. R. 2119. Emma Griswold.
H. R. 2120. Emma J. Van Brocklin.
H. R. 2122. Vina B. Acker.
H. R. 2123. Adelaide E. Baker.
H. R. 2126. Rosa A. Milligan.
H. R. 2127. Rhoda C. Reed.
H. R. 2158. Sallie A. Puthuff.
H. R. 2197. Hattie E. Jones.
H. R. 2200. Eliza Stanley.
H. R. 2203. Amelia J. Craig.
H. R. 2204. Hester A. Delp.
H. R. 2206. Lydia A. Fisher.
H. R. 2207. Ann E. Wood.
H. R. 2210. Tamer Ann Holloway.
H. R. 2215. Martha E. Stephens.
H. R. 2234. Margaret Skean.
H. R. 2235. Emily H. Harrington.
H. R. 2236. Iminild I. Colburn.
H. R. 2237. Catherine F. Heffelfinger.
H. R. 2241. Ella M. Simons.
H. R. 2242. Elizabeth S. Johnson.
H. R. 2312. Ellen K. Horton.
H. R. 2319. Susann Thomas.
H. R. 2321. Lucinda Bandy.
H. R. 2326. Eliza J. Harbison.
H. R. 2340. Ada L. Harper.
H. R. 2342. Margaret D. Price.
H. R. 2344. Jennie Kann.
H. R. 2345. Mary E. Landis.
H. R. 2347. Matilda V. Miller.
H. R. 2348. Sarah E. Murray.
H. R. 2349. Rachel Roth.
H. R. 2350. Charlotte Swartz.
H. R. 2352. Catharine A. Yingling.
H. R. 2355. Elmira B. Adams.
H. R. 2356. Evaline Andrew.
H. R. 2358. Ellen S. Dalby.
H. R. 2359. Isabella Daughenbaugh.
H. R. 2360. Margie C. Easter.
H. R. 2361. Louisa Fike.
H. R. 2367. Mary L. Little.
H. R. 2369. Susan E. McMahan.
H. R. 2372. Catharine Roush.
H. R. 2374. Mary E. Stewart.
H. R. 2375. Hannah Walker.
H. R. 2376. Rebecca E. Wallace.
H. R. 2377. Belle C. Williams.
H. R. 2379. Sophia M. Jones.
H. R. 2381. Louisa Mark.
H. R. 2391. Charlotte A. Horner.
H. R. 2392. Laura B. Anderson.
H. R. 2393. Mary J. Acton.
H. R. 2394. Emma L. Allen.
H. R. 2395. Mary E. Stratton.
H. R. 2541. Emeline B. Green.
H. R. 2544. Caroline Kinsey.
H. R. 2545. Ella G. Himes.
H. R. 2558. Helen E. Morse.
H. R. 2561. Amy Green.
H. R. 2566. M. Melissa Canfield.
H. R. 2567. Maria C. Nichols.
H. R. 2589. Julia A. Wright.
H. R. 2592. Mary E. Tullis.
H. R. 2606. Grace Andrews.
H. R. 2618. Clark Wells.
H. R. 2635. Catharine H. Mills.
H. R. 2692. Sarah J. Kocher.
H. R. 2813. Anna Leach.
H. R. 2828. Mary Rackiyeft.
H. R. 2870. Maggie Mitchell.
H. R. 2872. Harriet Mealy.
H. R. 2874. Anna McCaffrey.
H. R. 2877. Catherine Giffen.
H. R. 2888. Susan E. Smith.
H. R. 2931. Sarah L. Bean.
H. R. 2964. Nancy E. Hazlewood.
H. R. 2968. Frances E. Arie.
H. R. 2971. Almira Lentner.
H. R. 2973. Almira Robbins.
H. R. 3015. Matilda G. Blain.
H. R. 3039. Jessie M. Monroe.
H. R. 3050. Laura W. Adams.
H. R. 3062. Cynthia E. Van Giesen.
H. R. 3080. Christina M. Bunz.
H. R. 3081. Mary Latta.
H. R. 3089. Hannah Maffit.
H. R. 3091. Mary E. Sherrard.
H. R. 3092. Anna M. Sale.
H. R. 3095. Catherine Crawford.
H. R. 3096. Laura P. Walter.
H. R. 3097. Eliza A. Slatzer.
H. R. 3098. Laura A. McCormick.
H. R. 3101. Matilda Baumaster.
H. R. 3102. Lydia Bock.
H. R. 3105. Catharine Wilkins.
H. R. 3106. Lucy Nibiser.
H. R. 3107. Martha F. Brown.
H. R. 3108. Martha J. Mundell.
H. R. 3112. Mary A. Morris.
H. R. 3113. Josephine Woodrum.
H. R. 3117. Amelia Moritz.
H. R. 3122. Eunice Tishue.
H. R. 3123. Tina L. Allen.
H. R. 3134. Emily Saint.
H. R. 3136. Mary E. Whipple.
H. R. 3146. Maria Monroe.
H. R. 3147. Lydia J. Peck.
H. R. 3149. Catherine Phalen.
H. R. 3156. Margret Foley.
H. R. 3157. Mary C. Billings.
H. R. 3159. Etta M. McNeil.
H. R. 3160. Ella R. Graham.
H. R. 3175. Edith B. Burchfield.
H. R. 3179. Julia A. W. Pollyard.
H. R. 3180. Mary C. Klinger.
H. R. 3183. Jennie E. Lauth.
H. R. 3184. Mary Arnold.
H. R. 3187. Martha A. Rockwell.
H. R. 3188. Dianna C. Alters.
H. R. 3220. Nellie McIntosh.
H. R. 3226. Ewin E. Thompson.
H. R. 3290. Nancy A. Hailey.
H. R. 3292. Nancy Hays.
H. R. 3318. Jennett Reed.
H. R. 3324. Jane S. Mehuron.
H. R. 3327. Ida M. Brigham.
H. R. 3328. Mary E. Bates.
H. R. 3331. Mary Ann Evans.
H. R. 3336. Sarah M. Allen.
H. R. 3357. Louisa Brumfiel.
H. R. 3374. Mary A. Tweed.
H. R. 3375. Mary A. Rees.
H. R. 3376. Elvira Cunning.
H. R. 3377. Lucy A. Hemphill.
H. R. 3380. Kathrine Howerton.
H. R. 3406. Jane Eaton.
H. R. 3413. Anne J. Greene.
H. R. 3421. Sellie Baker
H. R. 3423. Elizabeth L. Cook.
H. R. 3424. Mary Josephine Searles.
H. R. 3426. Satilla Cox.
H. R. 3428. Julia L. Darling.
H. R. 3429. Hariet E. Bubb.
H. R. 3430. Elizabeth Gilbert.
H. R. 3447. Mary E. Stahl.
H. R. 3449. Bertha W. Weego.
H. R. 3457. Flora Garrison.
H. R. 3496. Catherine Berry.
H. R. 3500. Sarah E. Farley.
H. R. 3505. Mary J. Lewis.
H. R. 3507. Annie R. Ramsey.
H. R. 3512. Anna C. Vogan.
H. R. 3513. Homer Sheeley.
H. R. 3516. Sarah Linton.
H. R. 3517. Mary E. B. Stevens.
H. R. 3518. Harriet L. Faulk.
H. R. 3519. Jennie Boyd.
H. R. 3521. Sarah R. Bailey.
H. R. 3524. Jane B. Faithful.
H. R. 3525. Victoria L. Haverty.
H. R. 3527. Sarah C. Mitchell.
H. R. 3552. Christina Flint.
H. R. 3553. Elizabeth Thompson.
H. R. 3554. John Watkins.
H. R. 3555. John W. Duckworth.
H. R. 3567. James Rumble.
H. R. 3569. Anna J. Wandel.
H. R. 3634. Kerilla Hedgspeth.
H. R. 3639. Sarah M. Hedden.
H. R. 3643. Amelia Gehlhausen.
H. R. 3644. Phillis Gilchrist.
H. R. 3648. Mary E. Fortune.
H. R. 3654. Lydia C. Clark.
H. R. 3655. Sarrah E. Carrigan.
H. R. 3659. Charlotte Bredenkamp.
H. R. 3661. Mary M. Archer.
H. R. 3670. Anna P. Curtis.
H. R. 3684. Sarah A. Pickett.
H. R. 3685. Mary E. Daniels.
H. R. 3705. Della V. Kelsey.
H. R. 3709. Julia E. Winslow.
H. R. 3710. Angeline Williamson.
H. R. 3712. Harriet C. Stryker.
H. R. 3714. Emma A. Sackett.
H. R. 3716. Alice A. Parker.
H. R. 3719. Emily P. Squires.
H. R. 3720. Laura Liming.
H. R. 3742. Catharine Campbell.
H. R. 3744. Mary C. Needham.
H. R. 3745. Susan B. Harrington.
H. R. 3749. Sarah Tolbert.
H. R. 3750. Mary C. F. Adams.
H. R. 3751. Leander J. Stone.
H. R. 3767. Lydia A. Campbell.
H. R. 3773. Mary A. Buttermore.
H. R. 3775. Lydia I. Beck.
H. R. 3778. Eleonora B. Beatty.
H. R. 3781. Fannie Akins.
H. R. 3782. Christena Adams.
H. R. 3786. Martha B. Wallace.
H. R. 3787. Charlotte Wirsing.
H. R. 3789. Evaline Wiant.
H. R. 3790. Sarah Agnes Wirsing.
H. R. 3794. Margaret Stine.
H. R. 3795. Settia I. Steiner.
H. R. 3797. Mary E. Smith.
H. R. 3798. Emma Stehler.
H. R. 3804. Dollie Shaner.
H. R. 3806. Mary E. Stimel.
H. R. 3811. Margaret Reed.
H. R. 3813. Kate Piper.
H. R. 3814. Bertha Otte.
H. R. 3816. Lucinda Nedrow.
H. R. 3826. Lydia E. Lewis.
H. R. 3830. Katharine Kittell.
H. R. 3839. Mary J. France.
H. R. 3840. Stattira Y. Eicher.
H. R. 3886. Harriet J. McCray.
H. R. 3898. Harriet Miller.
H. R. 3901. Louisa Courtright.
H. R. 3910. Sarah M. Henry.
H. R. 3912. Caroline Pease.
H. R. 3914. Elizabeth Simon.
H. R. 3915. Mattie L. Breckenridge.
H. R. 3920. Euphemia A. Feasel.
H. R. 3924. Marie E. Hackett.
H. R. 3925. Annie E. Lutz.
H. R. 3950. Elizabeth Campbell.
H. R. 3951. Anna Maria Luth.
H. R. 3953. Mary A. Lewis.
H. R. 3981. Mary Glasgow.
H. R. 3988. Sarah J. Clark.
H. R. 3989. Alvina A. Adams.
H. R. 3990. Annie E. Curtis.
H. R. 3991. Elizabeth Powell.
H. R. 3992. Lizzie W. Smith.
H. R. 3995. Mary Cavanah.
H. R. 4002. Louise Steffan.
H. R. 4010. Carrie L. Daniels.
H. R. 4032. Sarah L. Bowman.
H. R. 4060. Sarah E. Watson.
H. R. 4082. Mary L. Miller.
H. R. 4121. Mertie Elery.
H. R. 4132. Anna E. Hann.
H. R. 4134. Sarah L. Blauvelt.
H. R. 4142. Charlotte Sizemore.
H. R. 4149. Josephene A. Green.
H. R. 4150. Olive E. Hinds.
H. R. 4151. Sarah E. Chase.
H. R. 4152. Amelia M. Butler.
H. R. 4153. Elsie Woodin.
H. R. 4156. Martha J. Moore.
H. R. 4157. Mary Elizabeth McMahan.
H. R. 4159. Elizabeth Rockefeller.
H. R. 4160. Lucinda Fitzwater.
H. R. 4161. Lydia A. Ayres.
H. R. 4163. Jane R. Brooks.
H. R. 4164. Emma C. Waldron.
H. R. 4165. Alice J. Fletcher.
H. R. 4180. Quintilla Rice.
H. R. 4198. Sarah J. Riley.
H. R. 4199. Annie B. McCandless.
H. R. 4200. Lucy Machesney.
H. R. 4201. Margaret J. Kepple.
H. R. 4217. Lottie A. Rice.
H. R. 4221. Sarah Zeppernick.
H. R. 4228. Sarah M. Parrill.
H. R. 4245. Margaret Frasier.
H. R. 4247. Julia H. Quinnell.
H. R. 4269. Sarah A. B. Callahan.
H. R. 4270. Eliza Dibert.
H. R. 4271. Minnie E. Harris.
H. R. 4293. Mary E. Davis.
H. R. 4295. Catharine E Donnelly.
H. R. 4298. Anna M. E. Spotts.

H. R. 4305. Ida F. Grant.
H. R. 4307. Ellen R. Stebbins.
H. R. 4308. Cornelia M. Jandro.
H. R. 4310. Elizabeth Connor.
H. R. 4312. Johanna Patterson.
H. R. 4315. Mary E. Tredo.
H. R. 4325. Jean Duckworth.
H. R. 4336. Isabelle Chalfant.
H. R. 4340. Lizzie Rankin.
H. R. 4342. Sarah A. Gee.
H. R. 4344. Martha McCormick.
H. R. 4346. Perry Anne Waldeck.
H. R. 4355. Manda McFarland.
H. R. 4364. Elizabeth A. Mahan.
H. R. 4384. Mary A. Kretschmar.
H. R. 4385. Ellen N. West.
H. R. 4398. Rebecca Mauger.
H. R. 4410. Elizabeth J. Hall.
H. R. 4415. Huldah Marshall.
H. R. 4434. Mary A. Brick.
H. R. 4500. Mary A. Shrider.
H. R. 4501. Maria McKinney.
H. R. 4503. Mary Ann Jones.
H. R. 4513. Mary P. Ripley.
H. R. 4522. Annie Light.
H. R. 4524. Lizzie Cooper.
H. R. 4525. Annie Buckius.
H. R. 4532. Sarah Hurlburt.
H. R. 4543. Margaret Roush.
H. R. 4545. Mary J. Wilson.
H. R. 4580. Mary E. Thomas.
H. R. 4644. Mary E. Neff.
H. R. 4677. Margaret A. Banks.
H. R. 4709. Rebecca J. Green.
H. R. 4713. Levarah A. Jenkins.
H. R. 4721. Jennie P. Alexander.
H. R. 4722. Josephine Kelley.
H. R. 4723. Sarah E. Howard.
H. R. 4726. Minnie R. Goldsberry.
H. R. 4727. Lizzie Bowen.
H. R. 4734. Mary E. Bradeen.
H. R. 4738. Mary F. Robinson.
H. R. 4750. Salena J. Martin.
H. R. 4751. Catharine Grubbs.
H. R. 4753. Harriet Griswold.
H. R. 4754. Laura Haynes.
H. R. 4758. Eliza Loving.
H. R. 4759. Sarah E. Niuffer.
H. R. 4761. Margaret L. Huffman.
H. R. 4768. Johanna Smith.
H. R. 4478. Caroline Clark.
H. R. 4782. Elizabeth Orff.
H. R. 4795. Edwina B. Vaughan.
H. R. 4797. Louise E. Ort.
H. R. 4816. Maria Aherns.
H. R. 4817. Mary Gregg.
H. R. 4828. William A. Alexander.
H. R. 4831. Susan Beaty.
H. R. 4832. Martha E. Smith.
H. R. 4834. Jennie Scholes Archer.
H. R. 4851. Fannie M. Allsheskey.
H. R. 4855. Kate Sloane.
H. R. 4858. Sarah J. Gibson.
H. R. 4861. Mary S. Walter.
H. R. 4873. Matilda M. Long.
H. R. 4874. Emma E. Stevenson.
H. R. 4875. Bethenia A. Johnson.
H. R. 4876. Anna Sparks.
H. R. 4877. Rachel Graham.
H. R. 4878. Mary G. Benn.
H. R. 4881. Eliza J. Haines.
H. R. 4883. Mary Schreel.
H. R. 4884. Nancy E. Meeks.
H. R. 4885. Margaret Boggs.
H. R. 4886. Josie Ranes.
H. R. 4950. Elizabeth Hedrick.
H. R. 4957. Mary J. Murray.
H. R. 4959. Eliza Evans.
H. R. 4998. Jennie Sheets.
H. R. 5009. Jane N. Geer.
H. R. 5020. Sarah A. Sloan.
H. R. 5029. Margaret Powell.
H. R. 5035. Minnie P. Hawley.
H. R. 5041. Sarah A. Cheesman.
H. R. 5049. Joanna Crabtree.
H. R. 5081. Sarah B. Metcalf.
H. R. 5082. Abbie E. Fisher.
H. R. 5086. Clarina Hammons.
H. R. 5089. Emma J. Blackburn.
H. R. 5090. Susan Ziegler.
H. R. 5091. Sarah A. Zeigler.
H. R. 5092. Elizabeth Ann Wilkinson.
H. R. 5094. Annie Wagner.
H. R. 5104. Harriett E. Snyder.
H. R. 5105. Henrietta Stine.
H. R. 5152. Susan C. Englebert.
H. R. 5155. Carrie Good.
H. R. 5234. Emma B. Chenoweth.
H. R. 5268. Anna M. Schlaudecker.
H. R. 5271. Ellen Green.
H. R. 5274. Julia Ann Smallwood.
H. R. 5277. Mary J. Beatty.
H. R. 5305. Catherine Patton.
H. R. 5339. Frances A. Tower.
H. R. 5433. Mary E. Sanders.
H. R. 5436. William R. Lewis, alias William W. Lewis.
H. R. 5437. Mary E. Matheney.
H. R. 5440. Annie E. Fawver.
H. R. 5441. Jane F. Smith.
H. R. 5451. Harriet A. Reed.
H. R. 5906. Ellen L. Russell.
H. R. 5907. Eliza J. Alton.
H. R. 5912. Elizabeth A. Blazer.
H. R. 5921. Lucy C. Ratliff.
H. R. 5937. Harriet Ollom.
H. R. 5938. Catherine Burlingame.
H. R. 5940. Delilah Root.
H. R. 5942. Mary A. Helmenstine.
H. R. 5956. Catherine Sage.
H. R. 6003. Ellen Taylor.
H. R. 6109. Emily A. Kelley.
H. R. 6115. Frances J. Robinson.
H. R. 6132. Emma D. Phelps.
H. R. 6189. Catherine T. Pickett.
H. R. 6198. Esther H. Kendall.
H. R. 6211. Rebecca E. Claflin.
H. R. 6212. Catherine Woessner.
H. R. 6214. Harriett E. Mereness.
H. R. 6223. Henrietta Sinclair.
H. R. 6224. Eva A. Lee.
H. R. 6255. Annie E. Hastings.
H. R. 6265. Sarah B. Yarnell.
H. R. 6290. Manerva J. Merrill.
H. R. 6294. Margaret J. Lawrence.
H. R. 6296. Sarah A. Lane.
H. R. 6297. Caroline Hoagland.
H. R. 6300. Amelia Hartupee.
H. R. 6301. Laura E. Hancock.
H. R. 6304. Mary A. Dewitt.
H. R. 6307. Mary A. Clements.
H. R. 6311. Margaret R. Batch.
H. R. 6312. Martha Barrick.
H. R. 6313. Sarah M. Barrett.
H. R. 6318. Permelia E. Williams.
H. R. 6320. Eliza J. White.
H. R. 6323. Mary E. Swick.
H. R. 6326. Eliza Schoonover.
H. R. 6330. Sarah J. Prame.
H. R. 6331. Mary J. Mahurg.
H. R. 6335. Helena Farmer.
H. R. 6336. Sarah Rutter.
H. R. 6338. Mollie Yocum.
H. R. 6344. Isabella F. Barton.
H. R. 6346. Lydia Lefferts.
H. R. 6401. Mahala Ford.
H. R. 6449. Rebecca J. Bitner.
H. R. 6452. Mary Clem.
H. R. 6455. Lydia Jones.
H. R. 6456. Ellen Shannon.
H. R. 6458. Sarah Writenour.
H. R. 6537. Mary I. Converse.
H. R. 6541. Martha J. Harris.
H. R. 6542. Carrie C. Stilwell.
H. R. 6571. Emma Short.
H. R. 6617. Cathrine Moore.
H. R. 6629. Mary E. Sheets.
H. R. 6631. Nancy J. Payne.
H. R. 6695. Mary E. Cline.
H. R. 6710. Mary J. Smith.
H. R. 6713. Gertrude Palmer.
H. R. 6746. Nina Hart.
H. R. 6770. Sarah E. Alexander.
H. R. 6779. Sarah Gaston.
H. R. 6791. E. Adelia Dann.
H. R. 6792. Rachel U. Vansice.
H. R. 6794. Julia A. Foltz.
H. R. 6795. Susie C. Bales.
H. R. 6797. Mary E. McCord.
H. R. 6807. Joseph Mielke.
H. R. 6813. Mary E. Hall.
H. R. 6838. Cyrene Younkin.
H. R. 6895. Mariette Hawley.
H. R. 6910. Rebecca Weaks.
H. R. 6920. Martha J. Turpin.
H. R. 6947. Adelbert E. Bigelow.
H. R. 7042. Alice T. Rawlings.
H. R. 7049. Celia B. Se Cheverell.
H. R. 7052. Maryett C. Snyder.
H. R. 7057. Lida B. Elkins.
H. R. 7071. Fannie King.
H. R. 7086. Ellen M. Willey.
H. R. 7103. John H. Sarrett.
H. R. 7106. Catherine Burkhart.
H. R. 7132. Sallie E. Masmar.
H. R. 7172. Bell Doll.
H. R. 7260. Sarah J. Lowe.
H. R. 7261. Mary E. Hambright.
H. R. 7262. Louise K. Helle.
H. R. 7275. Flora A. Slenker.
H. R. 7285. Myra A. Murphy.
H. R. 7313. Lydia I. Chrisman.
H. R. 7326. Amanda J. Foster.
H. R. 7379. Anna M. Rowe.
H. R. 7388. Mary E. Carey.
H. R. 7395. Hannah B. Mead.
H. R. 7408. Sarah E. Mitchell.
H. R. 7416. Jennie E. Powell.
H. R. 7426. Bridget M. Brashna.
H. R. 7430. Anna Cox.
H. R. 7431. Catherine Leonard.
H. R. 7435. Evaline Harris.
H. R. 7481. Honora Taylor.
H. R. 7488. Mary J. Jones.
H. R. 7493. Eliza Williams.
H. R. 7509. Sallie H. Murphy.
H. R. 7514. Mary A. Donston.
H. R. 7529. Amanda Pierson.
H. R. 7547. Elizabeth Davis.
H. R. 7699. Margaret S. Butler.
H. R. 7710. Elizabeth Mulford.
H. R. 7766. Mary P. Dudrow.
H. R. 7767. Lucinda A. Fortney.
H. R. 7769. Nancy Baker.
H. R. 7778. Kit Dougherty, alias Kit (Christopher) Dougherty.
H. R. 7785. Melissa Gill.
H. R. 7787. Sarah Rice.
H. R. 7789. Hannah B. Troup.
H. R. 7794. Lydia A. Ingerson.
H. R. 7813. Sarah C. Brown.
H. R. 7817. Rebecca Berry.
H. R. 7830. Nannie F. Flenner.
H. R. 7859. Katharine Lochbaum.
H. R. 7860. Maria E. Hall.
H. R. 7869. Caroline F. Snyder.
H. R. 7874. Hannah J. Wright.
H. R. 7884. Lavina C. Hicks.
H. R. 7885. Addie Hursey.
H. R. 7993. Mary A. Hubbard.
H. R. 8011. Minnie Starmer.
H. R. 8014. Vashti Rogers.
H. R. 8020. Jane C. Bishop.
H. R. 8036. Hannah Bryant.
H. R. 8064. Caroline Hetzel.
H. R. 8102. Amanda Kelley.
H. R. 8163. Sallie Coleman.
H. R. 8210. Annie Evans.
H. R. 8214. Mary W. D. Perkins.
H. R. 8242. Sarah Henderson.
H. R. 8245. Mary J. Irvin.
H. R. 8264. Sarah M. Gross.
H. R. 8266. Virginia E. Gates.
H. R. 8345. Manervia Ann McClain.
H. R. 8347. Josephine L. Pierce.
H. R. 8351. Alice A. Wing.
H. R. 8353. Mary Trower.
H. R. 8356. Catharine A. Campbell.
H. R. 8378. America Hamilton.
H. R. 8409. Christina Hildinger.
H. R. 8410. Jane L. Crysler.
H. R. 8411. Ellen Treadwell.
H. R. 8412. Rose Lapier.
H. R. 8425. Elizabeth Johnson.
H. R. 8432. Nola F. Frank.
H. R. 8434. Sarah E. LeValley.
H. R. 8459. Jane Cattrell.
H. R. 8460. Grant Cowen.
H. R. 8461. Margaret A. Schofield.
H. R. 8466. Tillie Conrad.
H. R. 8467. Mary M. Freeston.
H. R. 8478. Mollie Rambo.
H. R. 8489. Lucinda Baker.
H. R. 8493. Louise J. Covel.
H. R. 8496. Clara J. Crozier.
H. R. 8497. Mary F. McCombs.
H. R. 8502. Mary Flanigan.
H. R. 8510. Anna K. Vibert.
H. R. 8570. Esther L. Sweet.
H. R. 8576. Angeline Stanley.
H. R. 8580. Angeline R. Davis.
H. R. 8591. Ellen Lawler.
H. R. 8600. Jennie Stutzman.
H. R. 8622. Sarah D. Brownell.
H. R. 8631. Phoebe J. Hickman.
H. R. 8632. Elizabeth A. Smith.
H. R. 8636. Esther Van Buskirk.
H. R. 8654. Thomas Ward.
H. R. 8660. Addie Decker.
H. R. 8662. Frances A. Hill.
H. R. 8663. Hannah Breen.
H. R. 8668. Elizabeth Roche.
H. R. 8692. Hettie C. Graves.
H. R. 8699. Margaret Gillfillan.
H. R. 8700. Susannah M. Scott.
H. R. 8702. Elizabeth Adams.
H. R. 8708. Mary J. Brown.
H. R. 8754. Betsey Crandall.
H. R. 8763. Addeline Stewart.
H. R. 8773. Sarah B. Platt.
H. R. 8774. Carrie Stepp.
H. R. 8802. Elizabeth Riley.
H. R. 8840. Mary E. Gilbert.
H. R. 8843. Rosanna J. Peters.
H. R. 8850. Pauline Snyder.
H. R. 8853. Sarah E. Phillips.
H. R. 8873. Harrison Ogle.
H. R. 8933. Maxey A. Dow.
H. R. 8935. Margarette E. G. Atkinson.
H. R. 8936. Lavina Prentice.
H. R. 8939. Pricilla Hillegas.
H. R. 8948. Mary Jarrell.
H. R. 8960. Maggie E. Rose.
H. R. 8969. Mary V. Pierce.
H. R. 8971. Anna Hicks.
H. R. 8995. Ollie Painter.
H. R. 8996. Elizabeth Day.
H. R. 8998. Margaret A. Davis.
H. R. 9013. Clara B. Holbrook.
H. R. 9066. Ruth Nelson.
H. R. 9089. Maggie Shaw.
H. R. 9101. Elizabeth Kagan.
H. R. 9109. Sarah E. Harrison.
H. R. 9111. Cahterine Rarick.
H. R. 9120. Elizabeth Hamacher.
H. R. 9164. Sarah Green.
H. R. 9212. Lucinda M. Melson.
H. R. 9223. Polly A. Smith.
H. R. 9235. Cynthia C. Eaton.
H. R. 9243. Dillie Shuman.
H. R. 9245. Mary A. Moore.
H. R. 9261. Alice F. McMullan.
H. R. 9262. Hulda E. Lamott.
H. R. 9265. Clara L. Stanbrook.
H. R. 9274. Falinda Austin.
H. R. 9275. Lida O. Craig.
H. R. 9299. Emma Willits.
H. R. 9304. Ella C. Baker.
H. R. 9308. Amanda C. Long.
H. R. 9311. Ella E. Clark.
H. R. 9312. Mary Ann Zebley.
H. R. 9314. Millie I. Croco.
H. R. 9375. Margaret A. Walters.
H. R. 9378. Fannie A. Davis.
H. R. 9384. Elizabeth Rose.
H. R. 9407. Ellen R. Phillips.
H. R. 9435. Jane Walker.
H. R. 9438. Rachel Masker.
H. R. 9440. Christina Nauman.
H. R. 9441. Elizabeth Brady.
H. R. 9442. Susie T. Coleman.
H. R. 9443. Martha Bogert.
H. R. 9446. Elizabeth Clark.
H. R. 9454. Susan Rettinger.
H. R. 9458. Lucinda J. Mayes.
H. R. 9459. Isabell Kennedy.
H. R. 9462. Mary E. Collins.
H. R. 9468. Catharine Hall.
H. R. 9518. Julia Van B. Parsons.
H. R. 9534. Mary A. Rogers.
H. R. 9538. Sarah E. Prior.
H. R. 9542. Elizabeth B. Huffman.
H. R. 9627. Amanda S. Fano.
H. R. 9708. Elizabeth Grigory.
H. R. 9726. Anna M. Shoop.
H. R. 9731. Mourning Sisemore.
H. R. 9733. Stella C. Cole.
H. R. 9741. Martha M. Searles.
H. R. 9745. Lydia M. Rice.
H. R. 9746. Mary Armentrout.
H. R. 9788. Louisa A. Parker.
H. R. 9792. Clarinda Mason Smith.
H. R. 9794. Rosa Matheney.
H. R. 9797. Susie O'Neal.
H. R. 9798. Amanda J. Gilliland.
H. R. 9799. Manerva Hedges.
H. R. 9805. Catherine Donald.
H. R. 9818. Emma J. Bull.
H. R. 9888. Mary E. Sharp.
H. R. 9894. Maggie Barr.
H. R. 9895. Anceline D. Lazenby.
H. R. 9896. Mary E. Taylor.
H. R. 9900. Martha Murrell.
H. R. 9910. Mary E. Haverfield.
H. R. 9941. Lydia Waggoner.
H. R. 9990. Emily B. Renshaw.
H. R. 9991. Kate Searer.
H. R. 10006. Helen M. Freeman.
H. R. 10012. Anna M. Bircher.
H. R. 10040. Harriet R. Yule.
H. R. 10046. Lovicy A. Lee.
H. R. 10054. Rachel Jane Oyster.
H. R. 10060. Nancy Collett.
H. R. 10096. Henrietta H. Gordon.
H. R. 10105. Elizabeth S. Havens.
H. R. 10110. Julia A. Queen.
H. R. 10113. Margery Trimmer.
H. R. 10184. Lillian V. Mauger.
H. R. 10189. Christena F. Bennett.
H. R. 10201. Anna A. Enos.
H. R. 10209. Hannah Morgan.
H. R. 10214. Martha E. Acton.
H. R. 10233. Sophrona Hotchkiss.
H. R. 10235. Elizabeth Couch.
H. R. 10240. Charlotte Hartsell.
H. R. 10252. Nellie Shout.
H. R. 10259. Mary A. Denning.
H. R. 10260. Mary A. Steck.
H. R. 10278. Mary A. E. Clark.
H. R. 10311. Emma W. Smith.
H. R. 10314. Delia M. Yeager.
H. R. 10320. Julia L. Sparks.
H. R. 10329. Chester R. Stroud.
H. R. 10339. Sereny C. B. Babb.
H. R. 10341. Lucy A. Stubbs.
H. R. 10356. Sarah R. McGinnis.
H. R. 10357. Clara J. Horner.
H. R. 10384. Majoria E. Wilburn.
H. R. 10385. Mary S. Waugh.
H. R. 10394. Melissa A. Delawter.
H. R. 10407. Mary A. Simpson.
H. R. 10414. Cynthia Kelley.
H. R. 10455. Carrie Hemingway.
H. R. 10499. Clara A. Cobb.
H. R. 10500. Mary S. Walker.
H. R. 10513. Agnes Folger.
H. R. 10532. Sarah E. Barr.
H. R. 10533. Florence Witt.
H. R. 10538. Alice A. Ferguson.
H. R. 10577. Margaret Mead.
H. R. 10582. Ida K. Lauderback.
H. R. 10600. Sarah Fuchs.
H. R. 10618. Mira P. Brown.
H. R. 10626. Anna E. Allen.
H. R. 10627. Amanda Lightfoot.
H. R. 10633. Anna Liza Manring.
H. R. 10661. Herbert M. Pierce.
H. R. 10662. Emma Smith.
H. R. 10684. Mary C. Conley.
H. R. 10688. Laura E. Bullock.
H. R. 10690. Sarah McGinnis.
H. R. 10727. Ann P. Brown.
H. R. 10748. Jennie E. Forsyth.
H. R. 10749. Harriet E. Granger.
H. R. 10769. Anna Hilbert.
H. R. 10782. Zippora B. Sowards.
H. R. 10794. Rebecca B. McConnaughy.
H. R. 10796. Anna Cupp.
H. R. 10825. Lenora V. Ruley.
H. R. 10826. Ruth A. Sharer.

H. R. 10827. Susan A. Riffle.
H. R. 10837. Catharine Grace.
H. R. 10845. Harriet I. Inman.
H. R. 10856. Jennie Hollern.
H. R. 10889. Sarah E. Woodall.
H. R. 10896. Susan F. Pierceall.
H. R. 10899. Rebecca L. Huff.
H. R. 10904. Bertha C. Harper.
H. R. 10915. Melvie A. Reed.
H. R. 10922. William I. Jones.
H. R. 10925. Isabelle Teel.
H. R. 10945. Mary A. Ashcraft.
H. R. 10946. Elizabeth Heironimus.
H. R. 10984. Sarah H. Day.
H. R. 10985. Susie E. Brown.
H. R. 10986. Missouri Bunch.
H. R. 10987. Christena Figgemeier.
H. R. 10997. Alice R. Husted.
H. R. 11002. Louesa F. Wagaman.
H. R. 11011. Martha E. Twaddle.
H. R. 11012. Rosanah H. Bradley.
H. R. 11016. Judith F. Whiteford.
H. R. 11029. Katharine Grannis.
H. R. 11051. Nancy King.
H. R. 11052. Rosa M. Able.
H. R. 11062. Ellen E. Whitmer.
H. R. 11065. Robert G. Rhea.
H. R. 11095. Minerva J. Buck.
H. R. 11098. Margaret E. Newcomb.
H. R. 11099. Bell Ward.
H. R. 11118. Mary Constine.
H. R. 11160. Eliza Hagenbach.
H. R. 11218. Maggie Stewart.
H. R. 11219. Amanda J. Marshall.
H. R. 11220. Mary E. Louck.
H. R. 11228. Lucy L. Heritage.
H. R. 11233. Phoebe Pierce.
H. R. 11234. Jane Martin.
H. R. 11235. Lovina A. Cunningham.
H. R. 11237. Amanda J. Rapp.
H. R. 11242. Olive Held.
H. R. 11246. Hannah C. Hunter.
H. R. 11253. Alvira J. Conner.
H. R. 11292. Mary A. Grubb.
H. R. 11308. Amanda E. Bailey.
H. R. 11367. Mary A. Ackley.
H. R. 11396. Kate Mathews.
H. R. 11424. Catharine Shirk.
H. R. 11425. Amanda H. Lindstrom.
H. R. 11440. Margaret M. Noonan.
H. R. 11441. Angie Konkoskia.
H. R. 11449. Louisa Mitchell.
H. R. 11450. Jennie Lea Lawson.
H. R. 11454. Sarah C. Lacy.
H. R. 11455. Rose Bullard.
H. R. 11496. Elizabeth Swank.
H. R. 11517. Cordelia Keech.
H. R. 11518. Anna Gilroy.
H. R. 11524. Amy I. Davis.
H. R. 11556. Ellen J. Perkins.
H. R. 11561. Anna M. Venus.
H. R. 11564. Sarah E. Petty.
H. R. 11569. Mary E. Allen.
H. R. 11602. Clay F. Pack.
H. R. 11610. Sarah J. McCauley.
H. R. 11612. Eliza E. Patton.
H. R. 11641. Emmerrancy J. Hayford.
H. R. 11642. Julia Pleffert.
H. R. 11661. Clara L. Ross.
H. R. 11662. Charles T. Smith.
H. R. 11664. Isabell Critchfield.
H. R. 11675. Ellen Higley.
H. R. 11676. Anna M. Orcutt.
H. R. 11702. Minnie C. Holland.
H. R. 11711. Harriette J. Cochran.
H. R. 11718. Sarah Gallagher.
H. R. 11730. Charlotte C. Brandau.
H. R. 11733. Emma P. Tracy.
H. R. 11740. Tildy J. Hamilton.
H. R. 11742. Gondelia Randall.
H. R. 11743. Ida F. Moore.
H. R. 11744. Plymouth Weeks.
H. R. 11747. Mary L. Goodman.
H. R. 11769. Ella B. Craft.
H. R. 11770. Libbie Jump.
H. R. 11771. Hannah Geibig.
H. R. 11777. Ella D. Wilkinson.
H. R. 11811. Jessie M. Williams.
H. R. 11814. Nannie Lindsey.
H. R. 11816. Malissa E. Tibbetts.
H. R. 11840. Martha B. Johnson.
H. R. 11842. Louisa Roach.
H. R. 11843. Lucinda J. Foltz.
H. R. 11845. Mary L. Kirlin.
H. R. 11856. Margaret W. Creamer.
H. R. 11880. Mary T. Fitzgerald.
H. R. 11883. Mary F. Leavitt.
H. R. 11900. Ballard P. Pettry, alias B. P. Petrey.
H. R. 11901. Ada Lee Ritter.
H. R. 11906. Mary Kitchen.
H. R. 11911. Caroline D. Owens.
H. R. 11912. Ethel V. Sweetser.
H. R. 11927. Melissa Bemis.
H. R. 11937. Mary E. Massey.
H. R. 11939. Emma Bellew.
H. R. 11962. Flora Young.
H. R. 11972. Fanny G. Pomeroy.
H. R. 12006. Mary Ann Brought.
H. R. 12011. Mary E. Fry.
H. R. 12013. Edith A. Fuller.
H. R. 12025. Halana Schlick.
H. R. 12026. Alice Morgan.
H. R. 12028. Jennie A. Pyle.
H. R. 12052. Carrie I. Crane.
H. R. 12054. Levary E. Powell.
H. R. 12061. Elizabeth Scott.
H. R. 12071. Eleanor I. Jordan.
H. R. 12073. Mary E. Fisher.
H. R. 12078. Elinor A. Taylor.
H. R. 12081. Elizabeth Nall.
H. R. 12089. Lucy M. Ford.
H. R. 12096. Margaret Holcomb.
H. R. 12121. Mary L. Riggs.
H. R. 12122. Naomi S. Brinegar.
H. R. 12123. Martha A. Wykle.
H. R. 12127. Emma C. Pardee.
H. R. 12128. Marion F. Wilber.
H. R. 12129. Fanny A. Frank.
H. R. 12142. Ellen T. Richey.
H. R. 12153. John H. Blackburn.
H. R. 12193. Moses Dashnow, alias Dashman.
H. R. 12215. Calista Ferris.
H. R. 12219. William Bailey.
H. R. 12252. Helen L. Huff.
H. R. 12269. Margaret J. Humbert.
H. R. 12281. Mary Mauller.
H. R. 12282. George C. Adcock.
H. R. 12299. James A. Ray.
H. R. 12303. Mary Ellen McGuire.
H. R. 12308. Annie E. James.
H. R. 12314. Frances H. Fowler.
H. R. 12328. Mary M. Wilson.
H. R. 12338. Ann Crow.
H. R. 12341. Anna C. Tway.
H. R. 12344. Minnie Leeper.
H. R. 12345. Susan Maynard.
H. R. 12346. Annie L. Thomas.
H. R. 12357. Gertrude R. Hammill.
H. R. 12358. Caroline M. Loomer.
H. R. 12360. Myrta M. Clements.
H. R. 12373. Mary E. Lowther.
H. R. 12377. Ellenora Stump.
H. R. 12426. Amy D. Lampman.
H. R. 12429. Hanorah Barry.
H. R. 12436. Louisa Debuke.
H. R. 12465. Ida Hazlett.
H. R. 12476. Elizabeth E. Fisher.
H. R. 12477. Nancy Mayes.
H. R. 12488. Nimshi Nuzum.
H. R. 12490. Ada P. Thompson.
H. R. 12503. Mary A. Worden.
H. R. 12505. Julia A. Woodruff.
H. R. 12511. Olive Pitcher.
H. R. 12514. Melissa Bailey.
H. R. 12515. Ernest H. Lewis.
H. R. 12543. Sada N. Willson.
H. R. 12544. Margaret E. Sanders.
H. R. 12545. Martha Metz.
H. R. 12547. Aurora C. B. Kinney.
H. R. 12552. Mary O. Putnam.
H. R. 12562. Lulu Gay.
H. R. 12580. Mercy A. Wilson.
H. R. 12586. Sarah A. Lansing.
H. R. 12588. Amy C. Kolb.
H. R. 12590. Jennie G. Murphy.
H. R. 12591. Nora Cathcart.
H. R. 12614. Sarah M. Brady.
H. R. 12635. Delia B. Crafts.
H. R. 12636. Mary Ruckle.
H. R. 12645. Abby Fordyce.
H. R. 12647. Louisa S. Pease.
H. R. 12673. Lorena Bartle.
H. R. 12698. Nancy Ellis.
H. R. 12709. Mary W. Plank.
H. R. 12717. Elzabeth McCuen.
H. R. 12718. Helen M. Barnes.
H. R. 12720. Nora Porter.
H. R. 12729. Susan Lewis.
H. R. 12742. Lana Titus.
H. R. 12752. Martha L. McSurley.
H. R. 12756. Martha J. Lambier.
H. R. 12757. Susan H. Mann.
H. R. 12784. Alice Brookman.
H. R. 12795. Martha J. Simmons.
H. R. 12796. Magnolia A. Simmons.
H. R. 12797. Lilly O. Weaver.
H. R. 12804. Susan Lewis.
H. R. 12833. Frances A. Dodsworth.
H. R. 12842. Jesse M. Mansfield.
H. R. 12843. Matilda J. Price.
H. R. 12846. Sarah A. Elliott.
H. R. 12850. Martha J. Gallop.
H. R. 12858. Sarah E. Campbell.
H. R. 12860. Ellen Ellison.
H. R. 12866. David Marple.
H. R. 12872. Sarah P. Richardson.
H. R. 12873. Mary J. Wood.
H. R. 12880. Susanna Hallman.
H. R. 12923. Sarah J. Draper.
H. R. 12928. Homer Dye.
H. R. 12929. Mary Shotwell.
H. R. 12935. Margaret McCarty.
H. R. 12945. Mariah Detherage.
H. R. 12964. Sarah A. Carlin.
H. R. 12977. Matilda T. Plotts.
H. R. 12978. Caroline Brown.
H. R. 12980. Martha Baggs.
H. R. 12981. Julia Wittich.
H. R. 12994. Ella J. Wilson.
H. R. 13000. Kate C. Kingston.
H. R. 13025. Alma McGuire.
H. R. 13029. Martha E. Waterman.
H. R. 13042. Nancy E. Dietz.
H. R. 13046. Emma M. Paxson.
H. R. 13054. Louisa Ackley.
H. R. 13056. Pearl Massay.
H. R. 13058. Polly McIntosh.
H. R. 13072. Pearl S. Brown.
H. R. 13076. Lydia L. Reid.
H. R. 13077. Eliza A. Praul.
H. R. 13078. Louisa McIntyre.
H. R. 13083. Rebecca J. Sawyer.
H. R. 13098. Annie E. Springer.
H. R. 13138. Mary M. Edmonds.
H. R. 13160. Willis Castle.
H. R. 13184. Mary E. Gnau.
H. R. 13193. Joseph Miller.
H. R. 13196. Susan R. Holmes.
H. R. 13219. Mary Ker.
H. R. 13257. Kate Neal.
H. R. 13351. Nancy E. Rose.
H. R. 13358. Kate B. Frederick.
H. R. 13364. James W. Chapman.
H. R. 13438. Catherine D. Jones.

Mr. W. T. FITZGERALD. Mr. Speaker, I offer the following amendments:

The Clerk read as follows:

Page 33, strike out lines 4 to 9, inclusive.

H. R. 1942 (Rept. p. 61). Mae Washburn. The beneficiary in this case is deceased.

Page 60, line 26, after the word "of," strike out the numerals "$50" and insert in lieu thereof the numerals "$30." And on the same line, after the word "month," strike out the words "in lieu of that she is now receiving."

H. R. 3188 (Rept. p. 105). Dianna C. Alters. The claimant in this case is not now receiving a pension, and the committee recommends $30 a month which is the usual rate in this class of claims.

Page 74, strike out lines 5 to 9, inclusive.

H. R. 3778 (Rept. p. 128). Eleonora B. Beatty. The beneficiary in this case is deceased.

Page 77, strike out lines 20 to 23, inclusive.

H. R. 3840 (Rept. p. 134). Stattira Y. Eicher. The beneficiary in this case is deceased.

Page 150, strike out lines 15 to 18, inclusive.

H. R. 9407 (Rept. p. 258). Ellen R. Phillips. The beneficiary in this case is deceased.

Page 169, line 9, after the first word "of," strike out the numerals "$50" and insert in lieu thereof the numerals "$70."

H. R. 10782 (Rept. p. 290). Zippora B. Sowards. The beneficiary is now receiving pension at the rate of $50 a month under the act of July 3, 1926, she having been the wife of the late soldier during his service in the Civil War, and the committee recommends her pension be increased to $70 a month, to include $20 a month to the helpless and dependent son, Charles M. Sowards, subject to the usual provisions and limitations of the pension laws.

Mr. HASTINGS. Mr. Speaker, I rise in opposition to the amendment for the purpose of making an inquiry of the chairman of the committee in charge of the bill. I want to know for my information and the information of the country what is the rule of the committee with reference to the allowance of $50 a month for widows? I want particularly to direct attention to the inquiry as to the date of marriage. Are there a number of special pensions for widows of the Civil War veterans included in this bill where the marriage has been subsequent to June 27, 1905?

Mr. ELLIOTT. In answer to the gentleman's question I will say that the present law provides that widows who were married to soldiers prior to June 27, 1905, are eligible for pensions under the existing law provided the husband had 90 days' service in the war and was honorably discharged. We have been granting pensions to widows who were married between June 27, 1905, and June 27, 1915, where it was shown that they were in destitute circumstances or where they were very much in need on account of the lack of money or were not in good health.

Mr. HASTINGS. I want to ask if you have allowed pensions to any widows where the marriage took place after June 27, 1915? I thought I noticed in the last report a case or two of that kind.

Mr. ELLIOTT. I do not remember of any case of that kind.

Mr. HASTINGS. I am making the inquiry not on account of any opposition to such legislation, but I have to write to my constituents on the policy of the committee, and I therefore make the inquiry so that I may inform them correctly about it. As I understand it, it is the policy where they are shown to be in destitute circumstances to allow some increase where the marriage took place after June 27, 1905, and not later than June 27, 1915.

Mr. ELLIOTT. As I understand it, the gentleman from Oklahoma has one case in this bill—I can not recall the name of it at this time—where the widow was married some time between June 27, 1905, and June 27, 1915.

Mr. HASTINGS. I want to know whether or not a pension in any case so far has been granted where the marriage took place after June 27, 1915.

Mr. ELLIOTT. I do not know of any case of that kind. It is the policy and the rule of the committee that they must be married prior to June 27, 1915, in order to get a pension by special act. The gentleman asked another question in regard to

the increase of the widow's pension, where the widow is now on the rolls at $30 per month. Here is the rule of the committee in regard to that:

(b) No bill proposing to increase the pension of a Civil War widow now receiving the maximum rate provided by existing law will be favorably considered unless it is clearly established by competent testimony that the applicant for such increase is old and helpless and dependent; and where any such widow is the owner of a comfortable home or possessed of a substantial income aside from her pension, no recommendation will be made by the committee to increase such widow's pension over the rate allowed by existing law to the thousands of other widows of veterans who may be less favorably situated.

Mr. HASTINGS. The reason I ask now is that I do not want to be writing erroneously to the people whom I represent in my district. I want to know whether that is a fixed rule of the committee.

Mr. ELLIOTT. I suggest to the gentleman that there are printed rules of the committee which he can procure at the committee rooms, and he can send them out to people who make inquiries, if he desires.

Mr. HASTINGS. And also I want to know whether the rules are adhered to.

Mr. ELLIOTT. They are.

Mr. BANKHEAD. Mr. Speaker, I move to strike out the last word. Just a few days ago I had an inquiry from a widow of a Union veteran, and I made inquiry at the Pension Office to find out if she was eligible for a pension. She married the veteran in 1907. The Pension Office replied that under the law she would not be eligible to a pension. They did not tell me that she might come within the provisions of the rules of the committee and be eligible under a private bill. The gentleman said that if it could be shown that the widow is in destitute circumstances, that the committee would go beyond the law and grant a special pension if the marriage occurred prior to 1915. Is that true?

Mr. ELLIOTT. Yes.

Mr. BANKHEAD. In all cases where destitution or poverty is shown?

Mr. ELLIOTT. In all cases where she would have been entitled to a pension under existing law, if she had been married to her soldier prior to June 27, 1915.

Mr. BANKHEAD. What is the character of proof required by the committee on the showing of poverty or destitute circumstances? Does the committee refer that to an inspector?

Mr. ELLIOTT. No; that is proved by affidavit. We have blank affidavits in the committee which the gentleman can procure and send out and get this evidence from the people who know the conditions.

Mr. BANKHEAD. I have very few of these cases. I am not familiar with the law. My inquiry is purely for information.

Mr. ELLIOTT. If the gentleman would go to the clerk of the committee, he could have the matter cleared up.

Mr. HASTINGS. What is the status of the bill that was passed by the House and sent to the Senate increasing the pension of widows in all cases to $40 a month?

Mr. ELLIOTT. The Senate passed that bill last night, and as I understand it as the Senate passed it, it gives a pension of $40 per month to all of the widows who are now entitled to a pension under existing law, provided they have arrived at the age of 72 years.

Mr. HASTINGS. And 75 years was the limit in the House bill. That is the only difference between the House bill and the Senate bill?

Mr. ELLIOTT. I think so.

Mr. HASTINGS. That is a matter of three years.

Mr. ELLIOTT. Yes.

Mr. COCHRAN of Missouri. Can the gentleman tell the House whether the House committee proposes to accept that amendment?

Mr. ELLIOTT. I could not tell the gentleman at this time.

Mr. COCHRAN of Missouri. The sentiment is very strong for that.

Mr. ELLIOTT. That is a matter that we have not had a chance to take up. We will take it up in due time.

Mr. TIMBERLAKE. Under the provisions of the bill which the gentleman said the Senate passed last night, will this increase to $40 to widows now receiving $30 be automatic with the department?

Mr. ELLIOTT. I think that they have to prove their age.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ELLIOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

OKLAHOMA—ITS THIRTY-NINTH ANNIVERSARY

Mr. HOWARD of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the thirty-ninth anniversary of the first opening of public lands of Oklahoma to white settlement.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOWARD of Oklahoma. Mr. Speaker and Members of the House: Thirty-nine years ago, on the 22d day of April, several thousands of sturdy pioneers engaged in a mad race for homes in a most virgin part of this country that was the first opening to white settlement of public lands, and marked the beginning of what is to-day one of the greatest States of the Union. That race for homes was the start of the construction of the great State of Oklahoma. That fertile country which was inhabited in the morning by the occasional cowboy and coyote, at eventide of that same day boasted of cities of thousands and a population running nigh to the hundred thousand mark. Thereafter there was opened to settlement in succession the Cheyenne and Arapaho country; the Sac and Fox Reservation; the Cherokee Strip; the surplus lands of the Pottawatomies and the rich and fertile Kiowa and Comanche domain. After that for about six years Oklahoma was one of the bright young territories of this Nation. Then in 1907 by act of Congress this great domain, comprising what is now the western part of the State of Oklahoma, was merged with that great country, famous for its fertile valleys and prairies, known then as the Indian Territory, and through that merger there came into the Union the forty-sixth State of the Nation, and there was formed what is to-day probably our richest State in agriculture and mineral products. The name of Oklahoma was selected for this great State and very appropriately so, the word Oklahoma being of Indian origin and meaning "Happy Home of the Red Men."

About the first history we have of this great country was from the pen of Washington Irving, who during his celebrated tour of the prairies told the outside world of the wonders of Oklahoma 96 years ago. But the Oklahoma he knew was a land of varied forests, mountains, and plains, populated with wild Indians and the habitat of roaming herds of buffalo.

A short time before his death, in speaking of the great State of Oklahoma, the Hon. Champ Clark said:

Of the many things I have done in my 26 years of service in the House there are many upon which I look back with pride and pleasure. One of these is that for years I did my best to bestow the boon of statehood upon Oklahoma. Two of the most pleasant weeks of my life were spent in that beautiful land hunting and fishing. I drove over it in a spring wagon and viewed the landscape o'er with ever-increasing delight. Anybody could tell that it would some day be a great agricultural State, but the chances are that in that far-away day even the most imaginative and enthusiastic of boomers never dreamed what a rich and mighty Commonwealth she would become within two decades, with fair prospects of becoming one of the greatest and wealthiest States of the Union. Neither Jules Verne nor any other novelist ever wrote a tale so fetching as the history of Oklahoma. Her population is composed of the very cream of the peoples of the older States—the young, the vigorous, the adventurous, the daring.

The story of Oklahoma by these two great men was the story of it before it had an opportunity to respond to the industry of men and the advance of civilization. The story of Oklahoma to which I want to direct your attention is the story of its 39 years of development.

In 1889 Oklahoma was a virgin wilderness, only a few thousand tons of coal being mined each year at McAlester, in the Choctaw Nation. At the beginning of the present century the mineral production of this region amounted in value to less than $4,000,000 a year. To-day it is over $500,000,000, or an increase of 12,500 per cent. Only two States—Texas with four times our area and twice our history, and Pennsylvania with 200 years of civilization and her vast stores of anthracite coal—exceed Oklahoma to-day in new wealth per year from the two great basic industries—agriculture and mining. Yet our resources have scarcely been tapped.

In 1907, when Oklahoma became a State, Louisiana had been a State for 95 years, Missouri for 86 years, Arkansas for 71 years, Texas for 62 years, Iowa for 61 years, Kansas for 46 years, and Nebraska for 40 years.

To-day Oklahoma leads the Nation in the value of diversified crops; is second in the value of minerals produced each year; is second or third each year in the production of cotton, and produces more broomcorn than all of the other States in the Union combined.

One county in Oklahoma, Ottawa, produces more zinc than the rest of the United States.

Mining coal to-day at the rate of 3,000,000 tons a year, at that rate we have a supply of this fuel which will last for 25,000 years.

For 8 of the last 11 years crude oil produced in Oklahoma was worth more at the well than the output of any other State. In 1926 the State of Oklahoma produced more oil than Russia and Mexico combined. This State is first in the Union in wealth derived from petroleum, and its two allied products, natural gas and casing-head gas. There are more than 100,000 producing oil and gas wells in Oklahoma, located in more than 100 separate fields in 40 of the State's 77 counties.

But we should not permit the State's vast mineral production to overshadow the unexampled progress of the Oklahoma farmer.

In three and one-half decades 197,218 farms, averaging 156 acres, have been opened and are operating to-day. This land is valued at $897,334,827; their farm buildings at $169,422,459; livestock on these farms is worth $102,998,393, and the implements, $58,379,199.

Oklahoma has a growing season of 209 days with a soil and climate adaptable to a variety of crops. Significant is the fact that in 1926 this State produced cotton worth $95,550,000 and wheat worth $87,019,000. What other State ranks as high in the production of these two all-important crops?

Yet, that is but a small part of the story. That same year Oklahoma produced 61,178,000 bushels of corn, 38,304,000 bushels of oats, 6,856,000 bushels of peanuts, and tame and wild hay valued at $13,672,000. Oklahoma alfalfa was shipped as far east as South Carolina, and other dairy feeds, such as grain, sorghums, oats, corn, by-products of wheat and cottonseed meal, were shipped to distant points in Scotland, France, Germany, and Denmark.

Each year Oklahoma's dairy products are valued in excess of $18,000,000.

In 1924 at the International Exposition at Chicago, Oklahoma won more championships on lard hogs than all other exhibitors combined. The highest-price brood sow sold in the United States in 1927 was produced in Oklahoma.

The first year Oklahoma entered into national egg-laying competition it ranked third in the United States in the average production per hen, and in the second year the winning pen in the State contest ranked as the highest-producing pen in the United States for that year. The State has a poultry population of 13,023,482, with commercial poultry plants springing up to build up this new industry.

Oklahoma is known as one of the billion-dollar States, deriving that income from three sources—$500,000,000 from agriculture, $500,000,000 from minerals, and $400,000,000 from manufactured articles.

Oklahoma is over 400 miles long from east to west, extending from the foothills of the Rockies in Colorado to the Ozark Mountains of Arkansas. Its elevation slopes from 4,000 to 400 feet. It has many kinds of soils, and the precipitation varies from 55 inches on the eastern border to 20 inches on the west border. It overlaps the grain and livestock regions of the North and the cotton regions of the South. It is the meeting place and overlapping grounds of all crops, all conditions, all peoples. From each region have come pioneer men and women to seek homes in a new and growing country. This mixing of peoples and interchanging of ideas has resulted in a condition that has been very beneficial. Development has been fast and permanent, and conditions are so favorable and the resources of the State so great that there is no question but that development in the future will continue perhaps even more rapidly than in the past.

As a result of legislation passed by this session of Congress there will be placed upon the markets within the next two or three years hundreds of thousands of acres of virgin, fertile, and productive lands to which I have referred. No doubt thousands of citizens from other parts of the Union, seeking new fields and new homes, will take advantage of the opportunity that will be offered. Let me say to them that from the progressive, patriotic, and industrious citizens of Oklahoma they will receive a royal welcome and will find there a people whom they will be delighted to live among.

No spot in all the world has undergone a similar transformation in the last 39 years. Illustrations of this are plentiful, but one will suffice to indicate many others. It is: Twenty-five years ago Tulsa, which is my home city, was a struggling village of a few hundred inhabitants. Neighboring villages laughed at the city of Tulsa for building a 48-room hotel. To-day that same village has grown into a city of 150,000 people. It is known for its progressiveness throughout the civilized world. It is the oil capital of the world, and in contrast to the 48-room hotel of 25 years ago it to-day possesses more rooms and finer hostelries than any city of the great Southwest, regardless of size. Twenty-five years ago its country banks boasted of deposits of a few thousand dollars. To-day the deposits in its banks average daily more than $100,000,000. All other lines of commerce and trade have kept pace, while in its schools and churches few, if any, cities of equal or larger population measure up to the high standards in these matters set by the city of Tulsa.

Mr. Speaker, this is only a brief and hurried outline of the story of the settlement, development, and accomplishments of the great State of Oklahoma. It has taken its place as one of the great States of the Union. Her hills and valleys are dotted with schools and churches where the children of these sturdy pioneers, and those who came after them, are being educated, according to the highest standards, and where we worship God according to the dictates of our own beliefs. Her citizens are comprised of the very best blood from the East, from the West, from the North, and from the South, and to those others who decide to make Oklahoma their home they extend a friendly and welcoming hand. They are not jealous of their blessings and prosperity, and those who journey there will find a wide field before them, for their efforts, if they are industrious, ambitious, and honest, will be crowned with success in Oklahoma, the land of happy homes, if they but persevere.

THE M'NARY-HAUGEN BILL

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of farm relief.

The SPEAKER. Is there objection?

There was no objection.

Mr. EDWARDS. Mr. Speaker, the McNary-Haugen bill has been sent to a certain veto, and by whom? By those claiming to be the only Simon-pure friends of the farmer. They have insisted upon the objectionable and unconstitutional equalization fee being placed upon cotton, tobacco, hogs, cattle, and other farm products. It has deliberately and knowingly been sent to a certain veto, for the President vetoed it before because of this tax, and everybody knew he would veto it again. I voted for the bill with the fee stricken out. I, of course, could not vote for the tax that it proposes to levy on every bale of cotton, each pound of bright-leaf tobacco, every pork and beef, as well as other agricultural products, with its fixed penalties to be exacted in the United States courts if not paid.

VOTED FOR FARM RELIEF BUT AGAINST TAXES

No one can truthfully say I have not voted for farm relief, and if the so-called "friends of the farmer" had been in earnest they would have joined in and helped pass the bill without the fee, and in this way we would have made available $400,000,000 as a revolving fund that would have benefited the farmer, and it would have carried no tax or fee upon his products. Likewise, it can also be truthfully said that I have voted to protect the southern cotton and tobacco farmers against the greatest nuisance and injustice that has ever been proposed in Congress, and that is the levy and collection of the proposed equalization-fee tax on their products.

WHAT SOUTHERN DEMOCRATIC LEADER THINKS

Congressman FINIS J. GARRETT, of Tennessee, the Democratic floor leader in the House, in speaking on this bill on April 30, 1928, said:

> I have never been able to bring myself to the belief that the complicated system which it is proposed to found upon the stabilization fund, which fund is to be created by the levy of a tax, called an equalization fee, will prove workable in fact or beneficial to the farmer. Upon the contrary, it has been and is my firm belief that such a system would subject the agricultural interests to an exploitation exceeding anything that we have ever witnessed, and not only that, but I fear it would lead almost if not quite to revolution.

Thus it will be seen that Mr. GARRETT, a southern Democrat, and one of the most sincere, fearless, and able men in public life, predicts that the levy and attempts to collect the proposed tax on each bale of cotton, each pound of tobacco, each pound of meat, and other products would perhaps lead to revolution. The people would not submit to it. Why try to deceive them when we know what would result if it happened to go into effect?

SOUTH CAROLINA DEMOCRAT AND FARMER AGAINST THE FEE

Congressman STEVENSON, of South Carolina, one of the ablest men in Congress, in discussing this bill on April 30, 1928, in his opening remarks said:

> I happen to be one of the class they are trying to relieve. The only industry I have, outside of being a politician, is being a farmer.

In speaking of the application of the fee to keep up the revolving fund, by putting the tax on cotton, tobacco, and other farm products, Mr. STEVENSON said:

You are not going to have the money to do this unless you take it out of the farmer who is selling his cotton upon the market, and what will be the result? There will be the devil to pay by the time you get through with it. I will tell you that right now, because they are not going to stand for it, and I do not blame them.

I have belonged to cooperatives, and, as I have said, I have no stones to throw at them. They had a difficult problem, but I will tell you now you can not force the American farmer, as I know him, into belonging to a cooperative if he does not want to any more than you can force him to belong to the Catholic Church or to the Ku-Klux Klan. [Laughter and applause.]

Mr. STEVENSON, continuing in the same address, with reference to forcing all the farmers into the cooperatives, said:

I tried the cooperatives. My croppers said that we prefer to sell it on the market, and do you know what my colored men did? I am not saying it disrespectfully, but they beat the cooperatives 3 cents a pound for three years in succession in selling cotton, and when the colored people on my farm can do that I said, "You go to it, boys; I am not in the cooperatives any more," and I told the cooperatives so.

Mr. SCHAFER. The gentleman had better cotton.

Mr. STEVENSON. No; I did not—the cotton went to the gin side by side. The cropper and I got alternate bales. My colored men sold their cotton for 3 cents a pound higher on the average than it brought by putting it into the cooperative.

THE BILL FORCES FARMERS INTO COOPERATIVE ASSOCIATIONS

The bill provides that whatever funds that might flow from the revolving fund, whether it be the fund appropriated by Congress or as built up through the tax on cotton, tobacco, and other farm products, must and shall be through the cooperative associations. In Georgia there are less than 6 per cent of the farmers in the cooperative associations. About 94 per cent of the farmers have not joined. I have nothing to say against the cooperative associations. The general idea of cooperative marketing is good, but for some reason the farmers in Georgia have not seen fit numerously to join the association. While the bill was up under the five-minute rule on May 3, Congressman BRAND of Georgia, a gentleman of long legislative experience and splendid ability, offered an amendment, and I quote from the RECORD, as follows:

The amendment is to that part of the bill which provides for cooperative associations creating corporations to be controlled by them. I add to it this [reading]:

"or corporations created by the laws of any State, members thereof to be composed of bona fide farmers who are not members of any cooperative association or any corporation created by a cooperative association, provided such corporations created by the laws of the State are given no more or other authority than the cooperative associations possess."

In Georgia, for instance, and it is true of almost every cotton-growing State, we have not 30 farmers out of a thousand who belong to a cooperative association. Nine hundred and seventy farmers out of a thousand will not get the benefits of this bill in so far as the loan privileges are concerned unless you adopt an amendment like this or something similar to it, so that they can, under the laws of Georgia, form a corporation and become eligible to receive the full benefits of this bill.

What went with this splendid amendment providing that not a few but all the farmers might get the benefit of whatever relief funds we might appropriate? It was immediately voted down by the Corn and Wheat Belt machine. They are driven by the cooperatives and are determined that the American farmer must join the cooperatives whether he wants to or not. This bill would force them in.

NO DEFINITE ALLOCATION FOR COTTON

As I stated in my address in the House on May 2, 1928, the revolving fund could all be used for wheat and corn to the exclusion of cotton, tobacco, and other southern crops if the board so decided. To correct this, Congressman W. C. WRIGHT, of Georgia, another experienced and able legislator, offered an amendment to allocate or set aside a part of the fund for the use of cotton producers, which was as follows:

Amendment offered by Mr. WRIGHT: On page 57, line 4, after the figures "$400,000,000," strike out the period, add a colon, and insert the following: "*Provided*, That at least $200,000,000 of said revolving fund is hereby made available and shall be used as a stabilization fund for financing the purchase, withholding, or the disposal of agricultural products in the event that a marketing period shall be declared for one or more of such products as hereinbefore authorized, and that said fund shall be allocated ratably to the stabilization funds of the several products according to the values of their respective exportable surpluses."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

This wise, just, and helpful amendment went "up the creek," just as Judge BRAND's amendment went. The Wheat and Corn Belt, from which the South buys flour, meal, and meat, is not keenly interested in doing what will materially help the cotton producers. Those western people want cheap cotton and tobacco, but they want to sell the South their flour, meal, corn, and bacon at as high a price as possible. It is that selfishness that is found in all people, each taking care of his own section and his own products. I cite these two worthy amendments offered by these Georgia statesmen to show the attitude of the Corn and Wheat Belt machine toward the South.

THE TAX IS CERTAIN, UNLIMITED, AND COMPULSORY

If there is any doubt about the tax on cotton, tobacco, and other agricultural crops being unlimited and compulsory, listen to what Leader GARRETT said:

Let it be borne clearly in mind that the proposal of the bill is to clothe a board of 12 men with the power to levy a tax upon every bushel of wheat or corn, upon every bale of cotton, upon every pound of meat—in short, upon some unit of every product of the farm. There is no limit placed upon the board's discretion as to the amount which it may levy, and the fund thus created is to be expended by the very board which levies it.

* * * * * * *

This fee is to be compulsory; it is not a matter of free action on the part of the farmer entering into a contract as he does when he joins a cooperative marketing association or other farm organization. It is to be levied upon him by a board and collected from him by the agencies of law.

Surely no one will deceive himself into the belief that this fee will not come from the farmer himself. It is immaterial at what point in the handling of the product the tax may be imposed, whether at the time of the first sale or when it is transported or when it is processed, it will be paid by the farmer who grows the product.

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If that be true, how is the farmer to be benefited by paying his own losses from his own pocket?

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Vice can not well be made a foundation stone upon which to erect a structure of virtue.

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Is it possible that there are any considerable numbers of people in America who believe that the farmers are ready to have their farms and industry placed in the category of a public-service corporation and made subject to governmental regulation and control?

If so, they will be rapidly undeceived once the effort is made.

No man has yet denied what Mr. GARRETT, the great Democratic leader, said. There is no wiser man in or out of Congress than Congressman GARRETT. The whole country and men of every party respect his opinions and admire his ability as a statesman of the very highest order. It is the general opinion in Washington he is the ablest man in Congress and he ranks as one of the greatest thinkers in the United States.

IS THE TAX ON COTTON AND TOBACCO UNLIMITED?

While the bill was under consideration I interrupted Congressman LANKFORD, who has shown great interest in trying to bring about farm relief, with two questions which, with his answers, convince me the tax on tobacco and cotton, two of Georgia's leading crops, is unlimited. The questions and answers were as follows:

Mr. EDWARDS. Is the equalization fee on tobacco limited or unlimited in the bill?

Mr. LANKFORD. It is unlimited.

Mr. EDWARDS. The same is the case with cotton?

Mr. LANKFORD. Yes. Some people say that it will not be very high. If it is not going to be high, why not put a limit on it? Tobacco, of all farm products, has borne a greater burden of taxes in the past than any other one farm commodity. Ever since the Civil War there has been a tax on tobacco. It has always been borne by this commodity, and under this bill you seek to put a heavier and more direct tax on tobacco than upon any other one commodity. It is not fair, it is not just. I will not vote for the bill if it stays in. [Applause.]

This was in the presence and hearing of Mr. HAUGEN and others advocating the fee on agricultural crops. No one rose then, or at any other time, to deny what Mr. LANKFORD said, and it is true that these taxes are unlimited and compulsory. Do the people of the South want these taxes levied upon them? I think not.

It is a rather significant thing that each time the Haugen bill with the fee in it passes Congress the price of cotton takes a drop. It went off this time nearly 2 cents on the pound. The fee means no increase in the price of cotton or tobacco.

THE POWER TO TAX IS THE POWER TO DESTROY

In his splendid address before the House on May 1, Mr. LANKFORD said:

> The bill gives the board—a big majority of whom would not live in the South and all of whom probably would not be in sympathy with the cotton and tobacco growers—the full authority to assess taxes against the production of cotton, tobacco, and other products grown by my people. "The power to tax is the power to destroy," and I will not knowingly give the power to destroy my folks to those who do not live among my people, who are not in sympathy with them, and who ofttimes hate them.
>
> The older the McNary-Haugen bill gets, the worse it gets. It does not at all improve with age.

He further said:

> * * * You are about to tie the farmer hand and foot and deliver him into the hands of his avowed enemies. * * * There are many other objections to the bill which have been in the bill from the beginning. * * * I have tried to point out wherein the bill is now much worse than ever. The vicious provisions now so far outweigh the meritorious ones until I can not vote for the measure in its present form. * * * All bills have in them the good and the bad. To my mind at present the bad in this bill predominates.

Mr. LANKFORD, an experienced and able legislator, from a cotton and tobacco producing district, who has heretofore supported the Haugen bills, saw grave danger in the present bill, with its unlimited and compulsory taxes on cotton, tobacco, and other products of the State he is from, and he opposed and voted against the fee. He condemned it as vicious and unjust. He, like nearly all the Georgians, voted for the Haugen bill, as I did, with the fee stricken out. This is the way the bill should have passed and it would have no doubt been signed by the President and the farmers would have gotten a revolving fund of $400,000,000, without the taxes. My vote was for the bill with the fee out and then against the tax. There is no fairness in taxing the farmer to keep up the revolving fund. The fund ought to be appropriated directly out of the Treasury and be free from taxes.

The defeat of the Haugen bill can be laid at the door of the Corn and Wheat Belt group who have insisted upon this iniquitous tax on cotton, tobacco, hogs, cattle, and other farm products or nothing. The bill that was up in the House, as I stated in my address of May 2, is quite a different bill to the McNary bill as it passed the Senate. The Senate bill carried the McKellar amendment that practically rendered the fee inoperative.

I VOTED FOR HAUGEN BILL WITHOUT THE TAX

We passed the bill, carrying $400,000,000 as a revolving fund, without the fee or tax, in the Committee of the Whole House, when Congressman ASWELL, of Louisiana, moved the Haugen bill without the tax as a substitute for the one carrying the tax; but the Corn and Wheat Belt machine was too powerful for us, and in the House, after the committee rose, the tax was put back in the bill. They were determined that the fee should be in shape where if the $400,000,000 was used on wheat or some other crop, the revolving fund could be speedily rebuilt out of money exacted from the cotton and tobacco growers, and other farmers, by the levy and collection of the fee. It would be levied upon every bale of cotton, every pound of tobacco, and upon other crops, just as Mr. GARRETT, Mr. ASWELL, and others have said.

WOULD THE TAX ON COTTON EXCEED $10 PER BALE?

Congressman WRIGHT, of Georgia, offered an amendment to limit the fee to $10 per bale on cotton and it was voted down. How high would this tax be levied? Evidently they expect to pop more than $10 per bale on the farmers or they would have been willing to limit it to that amount. Is this good and wise legislation for the Georgia farmer? Let him decide, especially as no one argues it will increase the price of cotton or tobacco. They merely argue it would "stabilize" it, but it might be stabilized at a price below the cost of production by a board that has all authority over the machinery. I can see wherein it would not only possibly bring revolution but absolute ruin to the South. The South now has a monopoly on raising cotton and tobacco. Why should we bind our farmers hand and foot and deliver them and their destinies into the hands of a board that might not be friendly to the South? Only 3 out of 12 members of the board are to come from States primarily interested in cotton and tobacco; 9 out of 12 of the board come from sections that want cheap cotton and cheap tobacco. What would that board likely do in stabilizing the prices of cotton and tobacco? There is too much at stake to take a chance, and I can not conscientiously vote to "hog tie" the farmers of the district I represent and turn them over to a board that will not be from our section and which might not be friendly to the South, nor can I stultify my conscience and vote for taxing the farmers.

They are already too heavily taxed, and if you are as interested in their welfare as many of you profess to be you would be trying to reduce their taxes by cutting down the tariff rates and otherwise making their burdens lighter instead of increasing them with additional fees. I will vote for tax reductions, but not for new taxes or higher taxes. Relief can only come through this course. The people know this, and you are not fooling them with this complicated piece of demagoguery.

I, of course, preferred my own bill, which I introduced early in this session, somewhat similar to the Crisp and Hare bills, which carries $750,000,000 as a revolving fund for the farmers and has no tax or fee in it. It is a straight-out governmental appropriation to make and keep up the revolving fund for the agricultural industry, for the good of the whole country, without further burdening the farmers with fees and additional taxes. It carries nearly twice as much money as any of the relief measures. Along with my bill many other good bills that carried no fee were pushed aside by the Corn and Wheat Belt machine who seemed to be determined to levy the fee tax or let farm relief fail. They have sacrificed the whole thing rather than take it and experiment with it without the tax as many of us tried to get them to do. The blame is not with me and others of my view. It is with those who have insisted upon additional taxes upon the people in the nature of the fee, which the President has held is unconstitutional and which he will almost be obliged again to veto.

WHY IT HELPS WHEAT AND NOT COTTON AND TOBACCO

The question arises, If the fee helps wheat, why will it not help cotton and tobacco? The answer is simple and conclusive. Cotton and tobacco are exportable crops. The tariff is not effective on these raw products, but it is effective on wheat and corn, and the fee would be a boost in conjunction with the tariff. There being no tariff that can give a boost to raw cotton and tobacco, then there can be no boost in the price thereof from the fee. The fee might become a help to the Wheat and Corn Belt but would prove to be a decided detriment to the Cotton and Tobacco Belt.

It would increase the price of flour that the poor man has to buy in the South by $2 per barrel, and it would increase the price of meal and western meats, but would not nor could not increase the price of cotton and tobacco, the principal money crops of the South. That is exactly what the Corn and Wheat Belt group want. They want the price of flour, meal, and western bacon, which their section produces, increased in the price the South and the rest of the country pays, but likewise these same shrewd but rather selfish gentlemen from the West are also interested in seeing their people in the West get cheap cotton goods and cheap tobacco without regard to the results to the South that produces cotton and tobacco.

OUGHT TO BE INDEPENDENT OF THE WEST

The southern farmer ought to become independent of the West. Wheat, corn, cattle, and bacon can and should be raised in the South. It can be successfully done. The South is a golden empire in opportunities. Nearly anything and everything will grow there, and we have the best climate in the world. The South's great son—the statesman and orator who "died literally loving a nation into peace"—the sweet-spirited and nationally beloved Georgian, Henry W. Grady, had this vision when he said:

> When every home-owning farmer in our Southland shall eat bread from his own fields, meat from his own pastures, disturbed by no creditor and enslaved by no debt, shall sit amid his teeming gardens, fields, orchards, vineyards, dairies, herds, and barnyards, with his money crop a surplus crop, selling at his own time, getting cash and not a receipted mortgage—then will be the breaking fullness of day.

These words were spoken by this great American years ago, but time has demonstrated clearly that he was right in his conception of diversified farming as a means to prosperity in agriculture. In Mississippi, where the farmers have turned from cotton to dairying, many large milk-condensing plants and cheese factories have been located and are meeting with great success. The people who have diversified in Mississippi and elsewhere are prosperous and happy.

I wish the good people whom I represent might give more attention to diversified farming and to dairying, for I think they would be more prosperous and consequently more happy than

they are. God knows, I hope and work for all that I believe will bring better things to our section that has suffered so much. Because of my interest in farming and the interest I have in the people who have intrusted me here to speak and vote for them, I can not vote for anything that I believe hurts more than it will help them. God being my judge, I believe the proposition to tax cotton, tobacco, and other crops is unjust and wrong in principle. I have acted and voted at all times as I conscientiously believed to be in the interest of the good people who sent me here as their Representative. If I have made errors they have been of the head and not of the heart, for I yield to no man in my devotion to the people and the section I have the honor to represent. I have tried to see the good others claim to see in the equalization fee, I have worried and prayed over it, but my conscience has ever pointed an accusing finger at this proposed tax and has condemned it as unfair and unjust. While I have voted for everything that promised relief for the farmers, even for the Haugen bill itself with the fee eliminated, I have felt it a duty to protect, as far as possible, the cotton and tobacco farmers of the South against this Corn and Wheat Belt idea of an unlimited and compulsory tax on every bale of cotton, every pound of tobacco, and other farm products. This tax is wrong and nothing but trouble, annoyance, and additional burdens can possibly come to the South from the scheme. I have been honest in my convictions and have discharged my duty in the light that has come to me on it. In it I trust I may have the approval of the people of the first Georgia district, one of the greatest agricultural districts in Georgia, in whose interest I have voted for the bill without the tax and in whose interest I have voted against the tax, believing that they do not wish to be burdened and annoyed with additional taxes and believing it is wrong, unfair, and unjust to put this tax upon the men who toil in the sun, who work early and late, on the farms of the Southland. [Applause.]

NATIONAL SAFETY ESSAY CONTEST

Mr. ARNOLD. Mr. Speaker, recently a contest was held throughout the Nation participated in by the intermediate school children on the subject of street and highway safety. The contest was participated in by something like 400,000 school children. The winner of the contest, Miss Chloe Hawkins, is a resident of my district, living in Centralia, Ill. I ask unanimous consent to extend my remarks in the RECORD by having printed the essay which she wrote on this subject. It is not over 500 words in length. It may serve as something of a caution to people in respect to streets and highways.

The SPEAKER. Is there objection?

There was no objection.

Mr. ARNOLD. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following essay by Miss Chloe Hawkins, of Centralia, Ill., in my district, who was the winner of a contest participated in by the school children throughout the Nation for the best essay on the subject of street and highway safety:

WHY I SHOULD BE TAUGHT STREET AND HIGHWAY SAFETY AT HOME AND AT SCHOOL

By Cole Hawkins, Central School, Centralia, Ill.

One of the problems of the present day is traffic on our streets and highways. Each year there is an increase in the number of motor cars, and with the increase of traffic there is an increase in accidents and fatalities.

Last year there were approximately 24,000 deaths, and many more were injured in the United States by motor cars. This is approximately one-third the number which America lost on the battle fields of the World War. Of all the causes of accidental deaths, the motor car heads the list.

It can reasonably be expected that traffic over the country will increase, and as it increases the traffic will become more complicated. There seems to be but one way to cope satisfactorily with this problem, and that is to educate the public as to street and highway safety.

Laws and traffic rules are no protection to a public ignorant of them.

Safety councils of States and "safety-first campaigns" can not reach the masses as they should.

Everybody should be taught to feel a personal responsibility in trying to lessen traffic accidents, and this can be done only when traffic rules are taught systematically at home and at school.

It would appear that there are but few subjects, if any, taught in our public schools worth more than a thorough knowledge of street and highway safety. Is not the law of self-preservation one of the fundamental laws of life? An education is incomplete if it does not include knowledge that will enable us to survive the best possible. Our environment is changing all the time and nowhere is this seen more than on our streets and highways.

Twenty-five years ago traffic was slow and rarely congested, and there were but few fatalities; it was therefore unnecessary to know much about traffic rules; now traffic is fast, congestion is a big problem, and the traffic fatalities are so great as to claim approximately 100,000 victims every four years.

What we learn becomes a part of us, or, as some would term it, "second nature"; so must street and highway safety laws and rules become second nature to us and a real part of us. This can be done by repetition and systematic teaching, beginning when we are small children. To accomplish this best the mind of youth is best adapted for the training. Street and highway safety should be taught in the home as well as in the school because the first six years of one's life is before school age, and all children are in danger of traffic accidents.

True mothers should not depend altogether on the school to form the habits and dispositions of their children which go to make up personality and character; nor should they depend altogether upon the school to teach their children street and highway safety, so necessary for the protection of their lives and well-being.

ARTICLE BY MR. WHEELER W. MOORE, OF ILLINOIS

Mr. KING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. KING. Mr. Speaker, Mr. Wheeler W. Moore is a resident of Buena Vista Township, Schuyler County, in my district. His business is that of a farmer, and he runs and owns his own farm. He is a student of agriculture from personal study of actual conditions, in other words, "a dirt farmer." He is also a student, and the time on his farm has not succeeded in a failure to cultivate his mind, with the result that his studies in his library on the farm, coupled with the exploratory trips, have led him to the firm conviction that the geologists are in error as to the real formation of the glaciers. This confronts us with a very important and startling suggestion, one that might well attract the attention of Congress and the general public when it is announced. So full of startling information is his development that I think it wise to give his theory to the world's greatest publication, the CONGRESSIONAL RECORD. The following is the theory of Mr. W. W. Moore, set out verbatim as he has sent it to me:

INTRODUCTION

With a spirit of respect to the pioneers of America who made our land one of the free and peaceful nations of all the earth, and with full confidence in believing the Congress of the United States will ever retain its good will and confidence by fair and impartial dealing with its own native inhabitants and with the world at large, I thus submit a subject of the deepest import, suggestive to the removal of a clouded title now shadowing every interest existing under man's observation.

The rising and passing of a clouded title shadowing a public school or free institute or the world's business enterprise at large is nothing more than a budding and growth of another new truth, which, in the march of events, continues to displace theories and establish facts in harmony with the Divine Providence who created all; but why delay and grope in darkness and the shadow of ignorance while an endless world of undiscovered treasures resolved under a master mind, yet remains to compensate a worthy deserver?

It seems from the tide and trend of things our vision of fame and honor is being misdirected, inasmuch as it confirms too much to the massing of great wealth and fortunes, which, while being of a noble and worthy purpose when rightly used, yet there seems to be an urgent and more demanding need for intellectual thinking and physical exertions in the open field of undiscovered realities.

Civilization, while owing much to its wealth saved from its country's earnings, its educational system and moral obligations, depend largely upon scientific discoveries and a true vision of realities. The truth along these lines is the source of peace and freedom; every new discovery is educational and intensifies an optimistic vision of the immeasurable wealth and opportunities of our land.

As proof of my convictions I will follow these pages with a few inclosures disclosing only a few of the shallow mysteries of nature now existing under our everyday observation. With a foundation based upon the truth, the phenomenon of every object will correlate with every other object and with such measurable reactions as to withstand every test and give cause for every effect.

In the very heart of our civilization we stand aghast and amazed at our own ignorance as we refresh our minds with these simple problems of vital importance. We are not responsible for what we perceive in nature or our deduction and view drawn therefrom. We ask no one for enlightenment; we accept no one's conclusions except as they conform to the laws of ethics and the geographical engraving on the trestle board.

The whole phenomenon of both land and sea is a self-explanatory history of the works of the wise Creator; every object on the map, both animate and inanimate, is observed with utiring interest and under-

standing as it is surveyed and marvelously measured by the power of the mind.

There is no insane wondering in the field of natural science; our mighty rivers, our expanded lakes, our snow-capped mountains, the canyon, the cataract, the high and low plains are all explanatory subjects with such measurable relations as to carry us far into the deeper mysteries of nature, which likewise surrenders their secrets.

Novel as it all seems and the endless pleasure it affords, it carries with it a spirit of the truth which enriches us with useful and valuable knowledge concerning our lands, their soil, and the importance of their conservation. Every object, animate and inanimate, only functions as an effect; the cause is that of a higher power; thus science and religion are inseparable associates, harmonizing with every spirited truth in the Bible.

A revelation of the truth is the source of inspiration by which we are guided. We are not laboring under a false illusion or confronted with perturbing question which can not be understood, answered, and substantiated; neither is it possible to doubt the existence of an intelligent creator from a true knowledge of science.

Close the great open book of all the ages and cancel all its records; shadow the calendar of the whole world's activities, and from afar off into the background of chaos, try and feature the unfolding of all the marvelous wonders of creation as they now appear without a divine Creator and it can not be done.

From every angle and point of view consider the lightning and its trackless path as it flashes before our eyes and from a vision of our own we behold a helpless collection of electrons driven into seclucion and commanded to action by that same Master Mind that brought forth the beast of the fields, the fowls of the air and all the creeping things of the earth, and of which our own observing mind is a part.

Consider the ninety some odd elements of nature with their billions of infinitesimal electrons, timed, proportioned, and locked in secrecy and subject to release and made available under advancing conditions in the formation of countless living organism, and all is a ceaseless tide of evolution acting under the command of a Master Mind.

Why all this fuss and prejudice toward evolution? Is it because Darwin and his theories on the subject were not in full accord with the divine truth? It may best be understood from a standpoint of knowledge of that of my own experience.

My view of Darwin and his prescribed theories up to the time I was past 21, was transitory and of a skeptical and prejudiced nature, acquired in my home, the school, church, and from public opinion, and many of whom, like myself, no doubt, had no personal knowledge of what his work consisted other than that of hearsay.

In following the regular prescribed course of study in the latter part of my school days, some 38 years ago, I found it necessary to take up the study of zoology and as a matter of consequence, I frequently referred to the preface of the book (the fourth edition by A. S. Parker) in which it referred to the works of Darwin for collateral reading.

I believed him an atheist and that his work in support of his belief and to prove that man was a descendant of a monkey and the monkey from something lower and so on down the line; I thought seriously over the matter and wondered why a religious institution such as I was attending should allow a book in the school that would refer the student to an infidel's work as that of the Origin of Species, by Darwin.

However, deciding to carry out the instructions of the author and decide for myself as to the harmful atheist's influence that I expected to find in the work, I thus secured a book from a friend and with some fear and wonder I secretly and promiscuously scanned its pages from cover to cover, but to my surprise and astonishment I could only feature the strenuous effort of an honest man in search of the truth.

From my own point of view, his object of purpose was to prove by test the theories of evolution. He actually saw a varying difference between the species—a missing link and a whole chain gone—and set out to find it through propagation and breeding. But his method of practice was not in full accord with the Divine creation of things and his work stands in proof of his application.

Every species of the land is a relative compound made up of a certain number of distinct elements, united and commanded to action by a compelling force that demands a division and the missing link was a purpose of God.

Darwin went to the extreme limit of his ability with his tests and most of his answers were minus and negligible. Many times he detached himself from his regular course of procedure and studied his problem from a standpoint of geology. In this field he found it unexplored, misinterpreted, and a mystery, and with an open mind announced there was something wrong with geology.

But his work was not a failure; it stands as one of the greatest educational works in the support of a Divine creation and a Christian religion that ever was published; not that it is based upon the facts and conforms to the truth in all of its phases, but it reveals the lack of a divine inspiration which, as a matter of consequence, he could not vision the functioning of nature in a true science for an explanation.

Thus Darwin, honest, sincere, and an earnest student of the material things of life, should not be stubbornly condemned for his untiring efforts in proving to the world that no method of practice will ever enlighten or civilize humanity only as it conforms to the spirit and letter of a Divine Power.

The question of evolution covers a broad field and as a matter of judgment, in keeping the reader within the bounds of reason and understanding, I refrain from giving all my views to the full depth of my vision at this time.

It has now been some 10 or more years since I made these simple discoveries which I herewith disclose as only a part of the work. The whole scene was flashed before me in a moment of time as I approached a narrow gorge extending eastward of a lonely valley of which I had just passed through.

God, science, and all the wonders of the world, previous to this time to me, were bewildering and a tangled net of unrealities. I halted with astonishment and for a few moments stood motionless, silent, and alone in solemn meditation and thought. I was not confronted with a stupendous flight of imagination in the field of endeavors. The curtains were lifted and some of the world's greatest tragedy stood before me in reality. I featured the land of promise from "Dan to Beersheba," and staged the last grand drama as played by the ten tribes of Israel, and with new thoughts, new aspirations, and with a spirit of delight I proceeded on up through the narrow gorge of which I had previously traveled in ignorance, mystery, and wonder as to its formation.

The World War was on at that time and my first thought was something for peace and America first; but all my efforts to make a thing worth while proved futile, and instead of finding a place in our modern school curriculum it became a secret functioning barometer in a field of conflict and the author an innocent victim of circumstance.

As an American citizen functioning off the stage of action with a matter of such import as to interest every nation of the earth, I ask that every honorable Member of our Congress detach himself from his public duties at a convenient time and study this matter from an educational point of view. My composition and ways of explanation are faulty and hard to understand. Our thoughts are the only things worth while. We are all geniuses in this field if we will only think for ourselves.

If, from the meaning of the eighth clause of section 8 of article 1 of our Constitution, I should secretly withhold scientific discoveries or permit them, first, to go beyond the confines of our own borderland, then I stand as a selfish and unworthy citizen of the United States, disloyal to my family, and ungrateful to my God for a gift of intelligence.

The suppression of these facts, in so far as they have not added to my comfort or welfare or become known to the general public, they had just as well be sleeping in the silent tomb of some Egyptian king, and the world at large moving in ignorance and worshipping idols.

This long-protracted siege of silence concerning matters of such deep import and concern as to interest every nation of the world seems to be out of all reason and an insult to the intelligent acts of our early statesman, who, by an expression of their wisdom, granted certain powers to Congress as means of promoting the progress of science and useful acts by securing for limited times, to authors and inventors, the exclusive right to their writings and discoveries.

It is not so much of a question of time, energy, and expense involved in the accumulation of the required data from research and study in awakening the world to thought as it is to overcome the disqualifying effect that keeps a living truth off in the background.

However, the truth can not be suppressed only as it arises again, and without praise to myself or prejudice or gratitude to any particular party, creed, or race, I submit a minor part of my conclusion in evidence of my convictions.

In all of my physical industrial functioning and mental exertions in the acquirement of a purpose worth while, it seems to have proven futile and without success. I go back over the field and from a standpoint of my own implication I try to adjust my affairs to a more scientific and economical method of practice and every new effort seems to tide me still farther away from the things that make for success.

Where is the trouble? We try to play the game of life on the square. Is success, after all, an act of dishonesty? We are not different from that of other people except that our own immediate industry is carried on wholly within the confines of our own native land, while that of many others are national and international in scope, where we find from experience their operations are intricate and delicate—where a disorganized world seems to be making its last grand play for the natural resources of the land.

Scientific men are no different than other people, only that they stand aghast and amazed at the indifference of the jazzy, on-rushing crowd with silent tongue and thoughtless minds in the face of the facts and revelation of the Divine truth. Science sees God in all nature and to ignore the truth is to deny Him, which, as a matter of consequence, he bows and becomes a worshiper of idols in which there is no future, no fame, and no honor.

The world's evil seems to be the results of illiteracy, ignorance concerning the laws of nature. Science demands forethought, exactness, and a knowledge of the truth in every honest effort of purpose if peace and prosperity is to reign and rule in our land and in the world at large.

Science seems to have been ignored, despised, and suppressed throughout all the ages of time. Isaiah away back 712 B. C., as we read in the book, was ignored and despised. In the twenty-fourth chapter and seventeenth verse we read: "Fear, and the pit, and the snare, are upon thee, O inhabitants of the earth," and in reading the remaining verses of the chapter and we find his thoughts were based upon fact and was in evidence of the truth concerning the previous dangers of the ten tribes of Israel and other inhabitants in similar ones throughout the region.

With a definite understanding of Isaiah's ideals, as found in his prophecies, might have enabled the Congress of the United States in 1922 to have conformed to a more definite and peaceful and practical measure relative to their active part taken in the Illinois and Michigan canal without a comeback of just grievance by a certain cooperative group of inhabitants from the peaceful valley of the Illinois River now after more than a century of time. Congress sanctioned the act and should pay for their blunders.

Isaiah's prophecies were in a manner correct, and if he had had the support of the leaders of organized societies during his time he would have walked the streets with a spirit of dignity and honor and well dressed, and the 10 tribes would have been saved from one of the most tragic deaths in the history of the world.

Illiteracy and the suppression of the truth and the loss of the multitudes throughout the land is what drove Isaiah to appear as a crank or bore, and walked the streets in an old slave coat and finally condemned to death. Every public enterprise constructed and carried on in ignorance and disrespect to science and the laws of nature will function out of harmony and destroy the cooperative spirit between city, State, and Nation.

As a native-born inhabitant of the Middle West, and reared and schooled on the border of the Mississippi River, my chief prayer is that the Seventieth Congress of the United States may study, analyze, and know for themselves all the details of this age-old Indian corpse, and with skill and the aid of science control the tidewater rushing through the bowels to the good and satisfaction of the inhabitants living therein.

My school days up to the time I was 21 years of age were limited and my studies consisted only of the three R's, and from practical experience since that time I have added another R to the common curriculum, and it is only through the kind consideration of men of thought and understanding and honor that I confront with these simple interesting problems at this time.

Our aim of purpose and activities seems to be misunderstood and objectionable to the swiftly moving crowd who apparently have detached themselves from their duty and obligation and gone afar off on an exploration tour of the world, leaving us isolated, alone, and tangled in our own net, with an impression that fortune only knocks but once at a man's door in a lifetime.

But with all of our trials, discouragements, and adversities we are not without hope, promise, or opportunity. The world's geographical area at large is our vineyard. The harvest is ripe and the reapers are plentiful. Our Government officials are America's gardeners—servants of the people's choice for world service.

As an overreaching ambitious individual, delinquent in the field of conservatives, I ask our worthy captains of the vineyard to pause for a moment of time for thought, study, and consideration of this amateurish, paradoxial introduction. I urge that they detach themselves from their earthly duties at a convenient time and follow me afar off into the jungles of time, where I have frequently ventured in quest of health, wealth, and wisdom, and a remedy for the inveterate ills of a certain class of agriculturists.

As a special introduction to my observance and as a further guide into my foregone conclusions, I herewith rehearse the scenes with a new spirit of hope, confidence, and independence.

RETROSPECTION

Reviewing the scene of the past as it appeals to our imagination and vision of thought from the totality of things, and there is a reverential and awe-inspiring significance which leads us to believe the works of nature to be an act of purpose at the command of a Divine Providence.

From the sequence of events every river system of the land was once a living organ, created, dominated, and controlled by a master mind in a manner susceptible to our knowledge and understanding and explanation.

They all lived in reality, and after years of growth and preparation each gave birth to a certain type of creature, all specific in kind and nature and endowed with a faculty of defense and an instinct to act in behalf of their own common good and in the propagation of their offspring. Thus they all march in separate and distinct cooperative classes from their humble beginnings throughout the entire period of time with man and mind in the lead of the procession.

Deviating from a summary of our retrospective views to a more minute and rational point of view, we thus compile our deductions and views as it conforms to the interpretation of life from its earliest somnolent awakening on the paradisiacal isles of peace through a period of disaster, isolated confinement, solitudes, wars, and on up to our present era.

RIVER SYSTEMS

Research and study of the Mississippi River system throughout its breadth and length and all, reveal time perspective in which various changes are recorded, portraying the spectacular stage of action in which animal and vegetable life were brought forth and conditions made possible for a continuance of their existence, with man and mind in lead of the procession.

From every angle and point of view we conceive the entire Mississippi River system as once a molecular eroded excavation extending out from beneath the Gulf of Mexico to the extreme end of all tributaries—an act of creation at a period of time in which the entire region was submerged from below sea level.

Upon the receding of the water from the highlands as the consequence of the lowering of the sea floor at the Gulf, the highest land elevation throughout the region was that of the upland plains extending out over the broad reaches of the valley lands and the groups of mounds on the invisible bluff connected therewith.

For a long period of time these upland plains remained a paradise for the peaceful abode of all the species existing thereon and created therein, but, like that of the Garden of Eden, the water level fell below a point of support and the broad plains, with their flourishing growth of vegetation, were broken down and countless living creatures were lost, including many of its tribes.

PARADISIACAL ISLAND

The history of the species from its beginning throughout the period of time in which they inhabited these upland-valley plains was one of peace and tranquility. The region abounded with a prolific growth of vegetable life, which being most suitable in kind and quality to satisfy the cravings of the beast of the field, they thus remained peaceful and harmless throughout the period.

Tree, vine, and shrub of a fruitful kind and of many desirable varieties were scattered throughout the plains and offered their wasting quantities to the full requirement and desire of man, fowl, and the creeping things thereon; and they, too, remained in peace and satisfied until the plains became submerged and broken down and all surviving the catastrophe were forced to retreat to the bordering hills where they took on a new aspect of life and fought for supremacy, food, and control.

SURVIVAL OF THE FITTEST

The surviving multitude, after a division of the lands, took refuge in caves and on high hills and on isolated structures over the tributaries, which being too limited in scope in many regions for the occupancy of its number, man, beast, and varmint all fought, suffered, and died unitedly in their struggle for existence.

In other less populated regions of greater dimensions and food in sufficient quantity for their existence, many of the species multiplied and as the water receded from the land they emigrated and replenished the earth.

LAST GEOLOGICAL ERA

The last geological era represents that period of time in which the igneous and stratified rock were polished and conditioned by nature as implements of defense for the use of man and scattered throughout the land in various assortments, which, upon the settings of the stone age, man found flint the most acceptable to his use and skill.

FIRST GEOGRAPHICAL SETTING

The first geographical era of our earth covers that period of time in which the upland plains of all our river systems existed as a suitable structure for the propagation and abode of their own created species, with a special and distinct type of man and mind, created in the image of God, in their midst. This period ended at the time their plains were broken down and the inhabitants were forced to the hills, where history, archæology, and geology were dawning as a feature of understanding.

SECOND GEOGRAPHICAL SETTING

The second geographical setting began at the dawn of the old stone age and extended throughout that period of time in which the water was receding from the river systems and the way made passable for the multiplying inhabitants to roam the country at large. This period ended preparatory to the uniting and intermingling of the distinct species and tribes of the various river systems of the different continents.

MORAINE HILLS

The Champaign moraine and the Shelbysville moraine and all moraine hills extending throughout the Mississippi River system, like that of all river systems of the land, are natural conditions contributed to the actions of a portion of the invisible atmospheric ele-

ments while confined within a subterrane channel preparatory to the receding of the water from high lands.

We vision the entire load of these terminal moraines, preparatory to the receding of the water, as an active swiftly shifting débris, slowly advancing to a higher elevation under the influence of the molecular confined forces and terminated under a diminishing pressure. The scene as it lays before us suggests itself as an unfinished product of our basic soil.

Singling out and speculating upon the altered and relative features of the moraine's rocky débris and all is a self-explanatory history from which we record our conclusion. If the débris consists principally of unworn limestone fragment, we know they were carried but a short distance and suggest that the soil extending out from the region from whence they were removed should be rich in lime. If the débris consists principally of particles of coal, slate, shale, and sandstone, likewise we know it was removed from stratas of like proportion but a short distance from below, and suggest a soil extending out therefrom as of a less value.

Every questionable feature of the whole phenomena is a revelation and acts as its own interpreter. Some moraines were released abruptly, while others were released under a slow declining pressure, suggesting a condition in which many of the great bowlders throughout the land were suspended while in a balanced condition and in conspicuous places.

Propounding for a while upon the many interesting and suggestive features of the moraines, we divide our time and from the valley below make a research of relative condition as proof of our conclusions. From observation we measure the width of the valley and from their sides speculate as to the amount and kind of material detracted therefrom, and from a topographical feature of the surrounding country contiguous thereto determine with some degree of accuracy the kind of soil and the value of the land.

In conclusion, every terminal moraine is the result of advancing gases and the receding of the water under which the load was advanced, and each in their turn were consecutively suspended, beginning at the highest elevation and extending back each at a lower level.

CANYONS

All rivers of the land were eroded at the same period of time while the land surface yet remained submerged and it was during this closing period that all canyons were eroded. Canyons were eroded by the same molecular forces that eroded the river systems and under the same condition. These turbulent forces by which a canyon was created circulated their many tons of bowlders and rock fragments into a sand and soil producing material beginning at the bottom of the canyon and continuing upward until the great mass was removed and crushed in a manner beyond description, except, as may be suggested by the action of the silent whirlwind which in its trackless path we observe its captured débris circulating hither and thither cushioned under the canopy of a serene, calm atmosphere which, in all its aspects, rehearses a scene of antiquity which made man an active intelligent possibility.

As all rocks and other stratified material were laid down and consolidated in water with the greatest contraction, it is evident the concentrated energies of heat accompanying the molecular forces in their subterranean advancement was the principal agent in releasing by expansion and reducing by friction and force the detracted material in the most rapid and terrific manner.

The canyon, while it exists as an endless feature of beauty and grandeur, is not without its aspects of fear and displeasures, all of which interwoven on the mind of man presents a vague conception of realities susceptible to a revelation of the divine truth.

The questionable bowlder alone, scattered throughout the valleys and many suspended high upon the bordering cliffs of the canyons and apparently of but little interest to the observer, yet they present a text of the deepest thought and study; its size, shape, color, position, composition are all associated acquirement with measurable relations to that of every other material object under our observation.

The bowlders of the canyon and the creeks and the tributaries throughout were implements of nature in the erosion of the rivers and in part were extended from beneath the gulfs of their rivers in which they were extended therefrom.

There is a sublime significance on the mind of every man as he looks down into the abyss of the canyons and rivers within which his own soul once united in simplicity and bliss as its architect, sculptor, and artist, and with equal dexterity and skill subjected the detracted material as elements of affinity and endowed them with life and mind as an intelligent observer and interpreter, bringing to our minds the words of St. John when he said, "In the beginning was the Word, and the Word was with God, and the Word was God."

Our minds and explanations are not limited or contented with a short version of the material aspects of the canyon alone, which, in a sense, the scene is only a prototype or design portraying the spectacular stage of action within which the activities of reality was an acquirement of necessity.

The alluring broad bands of opulent colors and varying tints extending from the tops of the canyon to their lowest depth are all explanatory features as to the dramatic actions of the material elements while perpetuating in strict obedience to the God commanding spiritual forces.

There is a reverential and awe-inspiring significance on the mind of every human being as he gazes upon the immensity of the canyons whereby we may know the elementary principles constituting our bodies were detracted participating parts of our river systems and made available as an acquirement of an ethical law which abides with us throughout all life and is the soul after death.

PERSONALITIES

From this geographical field of exploration we come out into the open and stand before the bar of human judgment, realizing that no one lives unto himself alone; consequently, our action and behavior must function within the bounds of justice and fair play. These thoughts bring us into the open field of personalities, where we all stand on an equality to judge and be judged. Each has his own definite and distinct qualifications, known best to himself only, and it is only through an impartial trial and inquiry that we are correctly rated and classified as an acceptance in our choice of duty.

Our thoughts as compiled by the pen are in evidence as the worst that is in use, for there is a deduction to be made from much of our radical aggression, which in all is not a part of our own. I have written much, perhaps too much, but it is original—it is the outburst of a smoldering fire started and known to certain Congressmen more than 10 years ago.

From the nature and importance of these questions and my long enduring patience, I feel I am acting quite within my rights without being condemned or classified as a weakling, a crank, a bewildered hybrid acting without forethought or an object of purpose or without an ethical or ethnological anchorage.

I am not in the field as a fraud or an impostor or a shiftless nonproducing entity to beg and subject myself to the grievance of my fellow men while I continue with a normal mind and a will and physical ability to put into design and carry on a desired purpose of a worthwhile effort.

Neither is it my desire to spend the remaining days of my life fighting an army of disguised atheists or other selfish aspirants seeking whom they may devour through a silent intolerant attitude of dogmatism and illiteracy, thus forcing one to appear as a subject of sympathy and an object of pity. We may be censured, condemned, and burned at the stake or run through the saw, but we will never retract or deny what we know to be the works of God.

While my object of purpose was to confine my thoughts wholly to geographical conclusions, I find myself continually diverging from the subject into the field of personalities where conduct and behavior is a demonstrating feature now on trial through the entire world—where personalities are tried, condemned, and booked as an artificial barometer and a "Fox" in the field of honest endeavors. Thus as a matter of consequence we reason and compile our thoughts from far-reaching conclusions quite apart from the subject of the text.

But inasmuch as all of the material constituting the earth's stratas were reversed upon deposition our thoughts are not entirely out of harmony with nature when we diverge from the subject and write the first as last and the last as first. Thus we continue on with our lines crossed in this unfashionable way in order to obtain the right focus for a correct understanding and a revelation of the divine truth.

CREATION

The creation of the world and that of the universe was a preconceived plan of a master mind as a place of abode to the awakening activities of all prevailing life and the soul of man as a predominating feature in control of the entire kingdom.

As the beginning of time and the extension of space is not within our scope of vision or computation, we can only interest and concern ourselves from the beginning of the earth and that of the planetary system of our universe which carries us back into a period of time when all material matter was an ever acting composition resolved under a mind-commanding force which we call God.

In all of our computation relative to the myriads of living species and their diverging difference of composition which, continuing on in the same definite proportions under normal conditions, we thus have a perfect right to feature the human family, who with a creative mind of his own, as a specific creature akin to God and created in His image.

Owing to perplexing problems of a personal nature and of a serious lingering consequence, it is only recently that I have gone over my former preface with an object of making some deductions and molding it into a short introduction suitable to the work, but as an amateur in the field of composition the finis of the subject seemed to be an acquirement of an additional thought rather than that of subtraction; thus, as a matter of consequence, I made a few revisions and continued on with the discourse in the way of least resistance and now, without further apology or comment, this concludes my text.

WHEELER W. MOORE,
Rushville, Ill.

PERMISSION TO ADDRESS THE HOUSE

Mr. MEAD. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

NO QUORUM—CALL OF THE HOUSE

Mr. RANKIN. Mr. Speaker, I think we ought to have a full membership of the House here, and anyway I am going to make a point of order. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Mississippi makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 77]

Andrew	Davenport	Johnson, Wash.	Sirovich
Anthony	Davey	Kendall	Smith
Arentz	Dempsey	Kerr	Stalker
Beck, Pa.	Dickstein	Kiess	Stedman
Beedy	Douglas, Ariz.	Knutson	Strother
Berger	Douglass, Mass.	Kunz	Sullivan
Black, Tex.	Drane	Larsen	Tillman
Blanton	Eaton	Leatherwood	Tucker
Bloom	Englebright	Letts	Underwood
Boies	Fish	Lyon	Updike
Bowling	Fisher	McFadden	Vestal
Brigham	Free	Menges	Vinson, Ga.
Britten	French	Michaelson	Weller
Bulwinkle	Frothingham	Monast	Welsh, Pa.
Burdick	Gambrill	Nelson, Wis.	White, Colo.
Burton	Garrett, Tenn.	Newton	White, Kans.
Bushong	Gasque	Oldfield	Whitehead
Butler	Gifford	Oliver, N. Y.	Williamson
Campbell	Golder	Palmer	Wingo
Canfield	Goldsborough	Porter	Winter
Carley	Graham	Purnell	Wood
Carss	Greenwood	Romjue	Woodrum
Casey	Haugen	Sabath	Wurzbach
Connally, Tex.	Hogg	Sears, Fla.	Yon
Cramton	Hudspeth	Sears, Nebr.	
Curry	Igoe	Sinnott	

The SPEAKER pro tempore. Three hundred and twenty-eight Members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move that further proceedings be dispensed with.

The motion was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. ALMON. Mr. Speaker, I ask unanimous consent to speak for 15 minutes to-morrow morning after the reading of the Journal and the disposal of routine business on the Speaker's table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. CLARKE. Reserving the right to object, Mr. Speaker, on what subject?

Mr. ALMON. It is on a very important piece of legislation pending before this Congress, of very great national interest.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

THE SHOOTING OF JACOB H. HANSON

The SPEAKER pro tempore. Under the unanimous-consent agreement the gentleman from New York [Mr. MEAD] is recognized for five minutes.

Mr. MEAD. Mr. Speaker, it is my desire to announce to the House that on Sunday morning last the secretary of the Niagara Falls Elks Lodge, Jacob H. Hanson, while returning to his home from a fraternal mission, was held up on the public highway, his automobile riddled with bullets and himself shot through the right temple, blinding both of his eyes, fracturing his skull, the bullet lodging in the back of his head, by members of the United States Coast Guard, disguised in the garb of bandits and highwaymen. These men waited for him on a hill which has sharp curves where it is difficult to make speed. When this splendid citizen of Niagara Falls came along, driving alone in his automobile, these men pounced upon him and shot him, perhaps, fatally. To-day he is lying between life and death in St. Mary's Hospital in Niagara Falls an innocent victim of the agents of the Government of his country.

I tell you, my friends, that local feeling in the Niagara district runs high. Mass meetings are now being held, and while the citizens on the Niagara frontier are as patriotic and as law-abiding as are the citizens of any other part of the country, these Federal officers, unless they are demobilized, unless they are prohibited from the promiscuous use of guns and gun play, it will be difficult for them to enforce the law. Respect for their calling is at a very low ebb, and some prompt and definite action must be taken on the part of our Federal officials, and at once.

It is my purpose to introduce a resolution in the House at once calling for immediate congressional action. I am going to insist that those in charge of the Coast Guard of this country, in keeping with the time-honored traditions of that splendid branch of the Federal service, drive from its personnel these thugs and gunmen who go about the country disguised in the uniform of Federal officials unnecessarily molesting our people. We are all in favor of the enforcement of the law and of the Constitution, but we desire to voice our strenuous protest against the tactics pursued by these men; tactics which permit them to cover the real object of their calling with the uniform of the Coast Guard, hidden, in the darkness of night and acting like gunmen and bandits shooting our citizens down on the highway.

This almost fatal accident did not occur on the International Bridge or on the ferry leading into the United States from the Dominion of Canada; it occurred on an inland road in America, where every citizen should be protected by both Federal and local officers, rather than to be shot down in the murderous way in which this splendid officer of a lodge of this great fraternal order was cut down while returning from his mission of mercy.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. MEAD. Of course, I yield to my colleague.

Mr. O'CONNOR of New York. Is it not a fact that, rather than putting those men out of the Federal service, their superiors protect them and lend no aid to the prosecuting officer, but circumvent justice in every way possible? Is not that the situation.

Mr. MEAD. That is exactly the situation in this case, I will say to my friend. The local authorities took immediate action, but the Federal officials rushed forward men to take and seclude them from the local authorities. My friends, such occurrences are doing more to bring law into disrepute and contempt than any other force that I recall in this country. These alleged enforcement officers are lower and have more evil in their hearts than the very bootleggers whom they are supposed to be seeking.

Mr. O'CONNELL. Mr. Speaker, will the gentleman yield?

Mr. MEAD. Yes. I gladly yield to my colleague.

Mr. O'CONNELL. This speech of my colleague from New York is a most damning indictment. It is a repetition of what we are hearing from all sections of the country. In the effort to enforce an unpopular law those whose duty it is to see that the law is enforced have, as my friend so aptly said, engaged the services of men who have no regard for the rights, or even the lives, of our citizens or their property. I ask the gentleman from New York, whose speech has electrified the membership of the House, if it is not a fact that, judging from these ruthless murders all over our country, the men who are expected to protect our citizens are in many cases persons of questionable character who should never be associated with positions of such responsibility and authority?

Mr. MEAD. Yes, sir. The gentleman states the exact fact, and I thank him for the interruption. This is not a party question. It is a human question, and in the name of humanity I come to you, my colleagues, for immediate action. [Applause.]

Mr. RAINEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York may have two additional minutes in order that I may ask him a question.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the gentleman from New York may proceed for two additional minutes. Is there objection?

There was no objection.

Mr. RAINEY. I simply want to ask the gentleman from New York whether he is familiar with the case of Perle S. Thomas, of Florida, who a few months ago was murdered on a public road under exactly the same circumstances? When the officers were indicted for murder they were defended by attorneys sent by the Attorney General of the United States and they also employed a local attorney at a high fee to defend them. The jury found the officers guilty of murder and one was sentenced to death, and now the Federal Government is still further defending those murderers by appealing the case to the upper court.

Mr. MEAD. I am indebted to the gentleman for suggesting a parallel case.

Mr. WYANT. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman.

Mr. WYANT. Do I understand that these two men were Coast Guard men dressed in overalls?

Mr. MEAD. That is correct.

Mr. WYANT. I am advised that this occurred at 3 o'clock in the morning and that the car was full of liquor—is that correct?

Mr. MEAD. It certainly is not correct. There was absolutely no liquor in the car. There was a meeting of the lodge of Elks at Tonawanda and this officer of the lodge in Niagara Falls attended that meeting. It was a large meeting and in order to accommodate several friends he took them from Tonawanda to Lewiston, quite a distance from his own home, and he was returning to Niagara Falls when this brutal attack upon him occurred, but there was no liquor whatever in the car. [Applause.]

The SPEAKER pro tempore (Mr. TILSON). The time of the gentleman from New York has again expired.

Mr. MEAD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. MEAD. Under permission to extend my remarks I herewith print a statement furnished to me by Hon. HENRY T. RAINEY, Member of Congress, Illinois, as to the murder of Perle S. Thomas, of Fort Pierce, Fla.:

MURDER OF PERLE S. THOMAS

Perle S. Thomas, of Fort Pierce, Fla., was a traveling salesman for the Loose-Wiles Biscuit Co. He was a peaceful, inoffensive citizen, living with his wife and children and supporting them out of the wages he received as a traveling salesman. On the night of the 4th of February, 1927, he was driving home in his car to spend the following day, Sunday, with his family in Fort Pierce. About 4 miles south of Fort Pierce, in a lonely spot on the road, he was commanded to halt. A short time prior to that, while traveling over this same road and returning to his family at the end of his week's work he was stopped at about this same point on the road and assaulted by two drunken men. When the order came to him to halt he speeded up his car, thinking that he was again to be assaulted. The men who commanded him to halt were United States immigration officers, employed by the Bureau of Immigration at Washington. When he failed to stop, the officers got in a high-powered car, which they had parked by the roadside, and quickly overtook him and passed him. They stopped the car ahead of him, blocking the road, and he was compelled to stop. Without any explanation to him as to the reasons for their attempt to stop him, they fired into his car and killed him. Soon afterwards these officials, six of them in number, were indicted by the grand jury of that county in Florida and were tried. Two of them were convicted of the crime of murder in the second degree and were sentenced to the penitentiary in the State of Florida for life. One of them was found guilty of murder in the first degree and was sentenced to death by electrocution. The case was dismissed as to two of them, and the case against the remaining officer has not yet been finally disposed of. The Department of Justice, under the direction of the Attorney General of the United States, without any examination into the merits of the case, sent an Assistant Attorney General to Florida to defend the murderers. Under the direction of the Attorney General of the United States, a local attorney was employed, for a very large fee, to defend the murderers. Arrangements have now been made by the Department of Justice to appeal the case to the Supreme Court of Florida, and attorneys have been employed to exhaust every resource of the Federal Government to overturn the verdict of the jury and to secure the acquittal of these murderers.

The estate of Perle S. Thomas has been appraised, and the entire value of his estate is appraised at $200. Mob violence in Florida in this case has been prevented only by transferring the murderers to a jail in another county. The relatives of Perle S. Thomas, of whom I am one, are contributing to a fund for the purpose of employing attorneys to see that justice is done in this case and that proper punishment upon these murderers is inflicted. We have opposed to us all the resources of the Department of Justice of the United States.

It occurs to me that when murders are committed by officers of the United States it ought not to be within the province of the Department of Justice to defend the murderers. I have not the slightest doubt but that the entire resources of the Federal Department of Justice will be exhausted in an attempt to save from proper punishment these Federal officials in New York who have been guilty of a similar crime. In such cases as the case of Perle Thomas, if there is any interference at all on the part of the Department of Justice, I submit that it ought to be in the direction of seeing that justice is done and that murderers are properly punished under the laws of the States where the murder is committed.

HENRY T. RAINEY.

CAPT. GEORGE R. ARMSTRONG

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 4664, an act for the relief of Capt. George R. Armstrong, United States Army, retired, and agree to the Senate amendments.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table H. R. 4664, and agree to the Senate amendments. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill.

The Senate amendments were read.

The Senate amendments were agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that after the reading of the Journal on Tuesday next I be permitted to address the House for 10 minutes.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that after the reading of the Journal and the disposition of other matters on the Speaker's table on next Tuesday he be permitted to address the House for 10 minutes. Is there objection?

Mr. KETCHAM. Upon what subject?

Mr. CELLER. Upon the subject of letting Army contracts.

Mr. KETCHAM. The gentleman's remarks will have nothing to do with the question now under consideration?

Mr. CELLER. No.

The SPEAKER pro tempore. Is there objection?

There was no objection.

THE SEPARATION OF JURIES IN THE TRIAL OF FELONY CASE IN THE DISTRICT OF COLUMBIA

Mr. BRAND of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on H. R. 12350, to regulate the separation of juries in felony cases in the District of Columbia.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD on the subject indicated by him. Is there objection?

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker, under unanimous consent granted me, I call the attention of the House to the bill I introduced, known as H. R. 12350, entitled "To regulate the separation of juries in the trial of felony cases in the District of Columbia," which was unanimously reported by the Committee on the District of Columbia with a recommendation that it do pass without amendment. And likewise to the report submitted on the bill by Judge GILBERT, a member of this committe, which is as follows:

The Committee on the District of Columbia, to whom was referred H. R. 12350, a bill to regulate the separation of juries in felony cases in the District of Columbia, having considered the same, report thereon with a recommendation that it do pass without amendment.

First amendment prohibits separation of juries during the trial of capital cases, except the jury may be permitted to separate temporarily in cases of absolute necessity.

Second amendment prohibits separation of juries in the trial of felony cases less than capital unless counsel for the Government and the defendant consent for the jury to separate.

Information has come to the committee that it has been the practice in the criminal courts of the District of Columbia, probably always in the trial of felony cases less than capital, and for several years in capital cases, to allow juries to separate during the trial of such cases.

The object of this bill is to put an end to such practice and to keep the jury together when trying a capital case, except the jury may be permitted to separate temporarily in cases of absolute necessity.

And likewise to keep the jury together when trying a felony case less than capital, though the bill provides the jury may be permitted to separate during the trial of such case if the attorney for the defendant and the Government consent.

The common law which is in force in this district is mandatory on the part of trial judges not to permit the jury in the trial of a capital case to separate.

Under the common law the trial judge trying a felony case less than capital may, in his discretion, permit the separation of the jury, notwithstanding objections may be urged against separation by the Government's counsel or counsel for the defendant.

The judges of the District of Columbia have in the majority of instances in the exercise of such discretion permitted juries in the trial of important felony cases to separate during the trial of the case. Authority to do this under this bill is still retained by the judge,

provided counsel for the Government and the defendant consent thereto, and not otherwise.

A correct interpretation of the common law uniformly recognized in respect of the separation of a jury in the trial of a capital case is thus stated:

"In capital cases, the jurors may be kept together by an officer and not allowed to separate from the time they are impaneled and sworn. It is not permissible to allow a separation even by the consent of, or at the request of, the defendant. This rule does not apply, however, to a temporary separation in cases of absolute necessity."

The rule of the common law in regard to felony cases not capital is thus interpreted:

"In felonies not capital, it is within the discretion of the trial court to determine whether or not the jurors may separate; but, where they are permitted to separate, the judge should admonish them not to hold conversations among themselves or with other persons, or allow other persons to talk with them concerning the case on trial."

There are no court records in any of the States, so far as can be ascertained, which show the practice of the judges of the States in the trial of important felony cases as to locking up or permitting the jury to separate, though it is generally understood that the practice is, and the committee thinks it is the proper practice, to keep the jury together during the trial of such cases, unless counsel for the Government and the defendant consent for the jury to separate.

In the judgment of the committee, the rule in the trial of capital cases, which requires the jury to be kept together except in cases of pressing or absolute necessity, should never be relaxed; and that in the trial of important felony cases less than capital the jury should be kept together, unless counsel consent for them to separate.

The right of trial by jury has always in England and in this country been considered of such vital importance to the security of the life, liberty, and property of the citizen that great care has been and should be taken to preserve it unimpaired. That the person accused may have the full benefit of a judgment by his peers, it is absolutely necessary that the minds of the jurors should not have prejudged his case; that no impression should be made to operate on them, except what is derived from the testimony given in court, and that they should continue impartial and unbiased.

In the opinion of the court, Chief Justice Gibson presiding, in the case of Pieffer *v.* The Commonwealth of Pennsylvania, being a murder case, decided in 1851, this excerpt appears:

"Even the forms and usages of the law conduce to justice; but the common law, which forbids the separation of a jury in a capital case before they have been discharged, touches not matter of form but matter of substance. It is not too much to say that if it were abolished few influential culprits would be convicted and that few friendless ones, pursued by powerful prosecutors, would escape conviction. Jurors are as open to prejudice from persuasion as other men, and neither convenience nor economy ought to be consulted in order to guard them against it. Let them have every comfort compatible with their duties; but let them not be exposed to the converse of those who might pervert their judgment.

"A juror is charged with a prisoner as soon as he has looked upon him and taken the oath. The trial has commenced, and the prisoner stands before him as one of his judges. In this case the jury were allowed to separate after they were empaneled and sworn. True, that took place with the prisoner's consent; but there is right reason and sound sense in Chief Justice Abbott's remark in Rex *v.* Wolfe that he ought not to be asked to consent. Who dare refuse to consent when the accommodation of those in whose hands are the issues of his life or death are involved in the question? He would have to calculate the chances of irritation from being annoyed on one hand or of tampering on the other."

The practice in the trial of capital cases in the different States of the Union in respect of separation of juries pending trial of the case may be divided into three groups:

First, those States where the judges don't permit separation, except temporarily in cases of absolute necessity.

Second, those States where the judges do permit separation by consent of counsel for the defendant and the prosecution.

Third, those States where the lawmaking bodies thereof have vested in the trial judges discretionary authority to keep the juries together or to separate, which discretionary power is usually exercised against separation of a jury, particularly when requested to do so by counsel for State or defendant.

The practice in the trial of felony cases less than capital in the different States of the Union in respect of separation of juries pending trial of the case may likewise be divided into three groups:

First, those States where the judges don't allow separation in important felony cases, except temporarily in cases of absolute necessity.

Second, those States where by common or statutory law it is discretionary with the judges to allow the jury to separate or be kept together.

Third, those States where the judges do permit separation in important felony cases by consent of counsel for the defendant and the prosecution.

It appears that in approximately 60 per cent of the felony cases tried in the States and Territories the trial judge does not permit separation of the jury except in emergency cases and then only temporarily; that in about 20 per cent of the cases in the States and Territories where trial judges have discretionary power in respect of the subject matter the trial judge permits separation upon his own initiative; and that in the remaining 20 per cent of the cases in the States and Territories where trial judges have such discretionary power, if objection is submitted by attorney for the defendant or prosecution, the trial judge does not permit separation.

It is no reply on the part of any judge, attorney, or juror to say if a jury has been tampered with, the person doing so is guilty of and could be prosecuted for embracery, this offense being an attempt, whether successful or not, to influence a jury corruptly to one side by promises, persuasions, entreaties, money, entertainments, and the like. This offense is very difficult to prove. However, the committee can not believe that any trial judge of this District will entertain any objection to this bill for the reason that it relieves him of the embarrassment of keeping a jury together, and of the great responsibility of allowing a jury to separate.

Due to the fact that juries have been allowed to separate in the trial of important felony cases in the District of Columbia, the conviction has been formed in the minds of many citizens that while it is an easy matter to convict defendants who are poor, unknown, and leading obscure lives, it is a very difficult matter, even when the evidence demands a verdict of guilty, to convict men of great wealth and political influence, and especially is this true if the juries trying this class of persons are allowed to mix and mingle with the multitude and come in elbow touch with the lawless and criminally minded element, including the briber and the jury fixer.

OPIUM AND DRUG ADDICTION IN THE UNITED STATES

Mr. KINDRED. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on drug addicts and drug addiction, a subject which is attracting very great attention in the country at this time.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated by him. Is there objection?

There was no objection.

Mr. KINDRED. Mr. Speaker, under special leave granted the following is a statement made by me before the Judiciary Committee of the House of Representatives, April 26, 1928, at the request of Hon. STEPHEN G. PORTER, who with myself has long been interested in the solution of the problem of opium and drug addiction in the United States:

STATEMENT OF HON. JOHN JOSEPH KINDRED, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. KINDRED. Mr. Chairman and gentlemen of the committee, as a physician and legislator I am naturally interested in this very important question, more particularly because I have, as a specialist in mental and nervous diseases, in hospital and private practice, in the city of New York for 40 years past had direct and personal contact with the care and treatment of drug addicts.

Drug addicts, as a class, have certain characteristics, generally speaking, that are very outstanding. In the first place, from the medical point of view, they are of what we call a psychopathic make-up, not meaning by that term, speaking of this phase as an alienist, that they are definitely insane or have an overt specific form of insanity. But they are in that class of human beings who belong to what we physicians know very definitely as a class who have psychopathic and neuropsychopathic tendencies.

Mr. SUMNERS of Texas. Do you mean that people of that sort are more susceptible of becoming addicted, or made that by reason of becoming addicts?

Mr. KINDRED. I mean that they are very susceptible because of this make-up. They are more susceptible, and therefore they are easily the prey of the environmental influences by which they may be surrounded. If I may illustrate it, just as a child born of parents who are both tubercular has a strong tendency toward tuberculosis, and which will develop in an unfavorable environment, so neuropathic persons are prone to develop drug addiction, especially in an unfavorable environment.

There are various other physical characteristics of this class to which I am not going to refer in greater detail, because there are so many large phases of this large question which should be presented to the committee and to the public as a matter of education.

The treatment of this class can be summed up in a few words which would be indicated to me by the symptoms, which, however, would be the minor part of the treatment. Fundamentally the treatment must be founded not only on the environment, not only on the essential features of environment, but there must be the power to detain the addict while he or she is being treated. That brings up the discussion of the various laws, and the defective laws in the various States and the defective Federal laws, too, in this respect. They will invariably

break away during treatment, although they may commit themselves voluntarily, as they can in the States of Connecticut and New York, by simply signing a slip of paper, and they can under certain conditions be committed by the courts of record in the State of New York; but the greatest need in the treatment of nearly all narcotics in this country is a uniform law which would legally detain them while under treatment and provide a proper environment during and after treatment.

Now, as to the important matter of the period of treatment and the result of treatment. We treat patients in private institutions, and, of course, I have naturally seen a great deal of that class of patients treated in private institutions, because I own two such institutions which treat them, and also in the public institutions, and agreeable results can be obtained, both physically and mentally, in restoring stamina and will power all within four weeks, but the fundamental point about this is that while I have seen a celebrated actress gain 30 pounds in 30 days, a hopeless addict to narcotics—and I knew another very interesting case of a druggist under my treatment in a private institution who took daily 240 grains of sulphate of morphine and 60 grains of the alkaloid cocaine over a period of years, and while they both were pictures of despair physically, mentally, and morally—they fully recovered, showing the extent to which narcotic addicts can go toward being wrecks and still be restored. This brings me to the important question as to how long the restoration or cure will last. Such treatment is from a medical standpoint seemingly successful, the patient is "cured," his bodily health is restored, his mental condition has been restored, but the will and moral fiber is not restored. But there have been "vicious circles" established in the cerebrospinal system—that is the best explanation we have, and, perhaps, it is no explanation at all, and all drug addicts are apt to relapse.

The modern theory is that there develops in the body of the narcotic who has been addicted to drugs for some time abnormal or chemical or other substances as the result of their addiction. I think there is little or no scientific proof to bear that out.

I wish here to refer to Lawrence Kolb, who has for many years been a surgeon in the United States Public Health Service, and to introduce into the record an article by him, "A clinical contribution to drug addiction."

I had a conference with Doctor Kolb yesterday at my office, and I wish to introduce into the record his and other nonsensational, definite, and reliable findings on this whole subject, particularly by the Public Health Service and by other reliable State and Federal agencies, because there has been, as there is in regard to any disease which has proven the opprobrium of medicine, so much fallacy, so much quackery, and so much misunderstanding, so much cruel defrauding of the victims who have already victimized themselves in the field of the treatment of drug addiction.

Doctor Kolb's contribution will be found at the end of my statement.

Even reputable or so-called reputable physicians have used, in my opinion, disreputable methods in the treatment and the so-called cure of this unfortunate class, because they misunderstood the cause and nature of the disease, drug addiction, or because they were commercial.

Now, as to the period of treatment which will restore. I believe the result of observation, not only in the private hospitals but with the opportunity of observing during the period of Mayor John Purroy Mitchel's administration, in the penitentiary and workhouse of the city of New York—I found as a matter of fact from personal experience and observation bearing on the question, which the chief of police of the city of Pittsburgh has brought out—that while some few of them will commit felonies, the most of them are misdemeanors, and will require for successful treatment a period of from one to two years.

Mr. DYER. I regret that the committee will have to discontinue the hearing at the present time.

Mr. KINDRED. May I place in the record such matters as I think fit?

Mr. DYER. You may.

[The matter referred to is here inserted in the record in full as follows:]

I wish to emphasize, however, that while drug addicts, even the most chronic and unfavorable cases addicted to the use daily, for many years, of large quantities of habit-forming drugs, can, in a comparatively few weeks, have the drug completely withdrawn with comparatively little discomfort or suffering (and are apparently restored to their normal condition, mentally, physically, and morally), they are not "cured" in the sense of having their stability restored as against the temptations of again taking habit-forming drugs and having a relapse. To reestablish even the partly normal stabilization of such addicts requires, in most cases, medical and environmental treatment over a period from one, two, to even three years, meaning that they should be under actual legal detention, if necessary, during such period of time. This particularly applies to the large class of addicts now under treatment in custodial institutions. This large class, because of inherent psychopathic make-up, already referred to, who have been committed by the courts either for medical treatment or in connection with criminal charges, constitute, at present, a very large percentage of all the drug addicts in the United States. Many of this class belong to the so-called underworld and include a large number of chronic addicts who have undergone treatment and relapsed one or many times. In their number are included those who have been convicted one or many times of misdemeanors and in some cases of felonies. This class also includes, particularly among young male addicts, some of the most dangerous criminals who at times commit revolting and dangerous murders and holdups and similar crimes.

It is not to be concluded, however, that all this group of drug addicts are utterly degenerate and lacking in a desire to be restored from a condition of mental and physical suffering. About 20 per cent of them apply voluntarily for treatment and are very much in earnest in their desire to be restored, and a certain small percentage of them can be restored.

As stated, uniform laws, similar to those existing in Connecticut and New York State, should be enacted in every State of the Union and by the United States to permit the legal detention of this whole group of addicts. The constitutions of the several States would not permit addicts from these States to be legally detained outside of these States or in a Federal institution.

As a result of the enactment of the Harrison antinarcotic law, chronic drug addicts seen in private medical practice have unquestionably steadily diminished, not only as a result of a fairly efficient enforcement of this law but also as a result of the educational propaganda which has been incident to the publicity given to the enforcement of the law and to the subject of the dangers of drug addiction. The psychological or mental make-up of this smaller group of addicts is different from the average psychopathic make-up of the larger group usually sentenced by courts of record to penal or charitable institutions, either for the purpose of medical treatment or because of criminal offenses committed by them.

It should be clearly understood that while the cases of drug addiction among the so-called better and noncriminal classes of our population constitute a small per cent of this whole group, yet serious cases of drug addiction are found in all classes of society—the poor, the rich, the old, the young, the chaste and good, as well as among the underworld—and while allowing for the different effects of a different environment in which these may live, the characteristics of all classes of drug addicts, both physical, mental, and moral, are somewhat similar, though some cases exist among the so-called better classes, who do not belong to the psychopathic make-up, and many of these should receive proper medical treatment, if possible, outside of public institutions, and without the publicity of legal commitment, provided such legal detention is not absolutely necessary.

EARLY ORIGIN OF DRUG ADDICTION

Opium addiction, as will be pointed out in the following references, is of somewhat ancient origin and has been very extensive in India and some of the oriental countries, but the addiction to morphine and other drugs, in English-speaking countries at least, did not exist to any great extent until the perfection by Magendie of the hypodermic syringe and a solution of morphine known by this physician's name, and some of the first cases reported of hypodermic injection of morphine, which has proven to be the most injurious form of drug addiction, was reported in this country in 1864. Drug addiction increased somewhat rapidly during the first few decades after this date, and rapidly grew to such proportions as to attract much attention and the evil was recognized as alarmingly extensive until the enactment by the Federal Congress of the Harrison narcotic law in 1914.

While this alarming situation existed for some years after the enactment of that law, reaching a number in the United States variously estimated at from 110,000 to 1,000,000 at its peak, the evil has rapidly diminished since that period until now it is estimated that there are approximately between 110,000 and 150,000 drug addicts in the United States, according to the United States Public Health Service reports.

NATURE AND CAUSES OF DRUG ADDICTION

The nature of drug addiction and the characteristics of drug addicts are well set forth in the preceding excellent contribution of Dr. Lawrence Kolb, assistant surgeon in the United States Public Health Service, already referred to.

HABIT

Habit in the use of a drug is a result, primarily, of the psychoneurotic make-up in nearly all cases, and also a result of toxic diathesis produced by a more or less prolonged use of the drug. The repeated use of a habit-forming drug, even over a period of days or weeks, will result inevitably in the demand for a continued and constant use of the drug, and even the most stable person and finest of physiques will ultimately succumb to a continued administration of narcotic drugs for a more or less prolonged period, according to the temperament of the person taking the drug.

Habit in the use of a drug is a symptom; the prolonged use of the drug causes a definite disease and habit is a result and accompaniment of disease.

HABIT-FORMING DRUGS

Narcotic drugs really mean any of the several habit-forming drugs—particularly the types known as the chief alkaloids derived from

opium, morphine, cocaine, and heroin—and also the alkaloids from the *Erythroxylum coca*, known as cocaine; and also chloral and hasheesh, and even, in a broader sense, alcoholic drinks, the caffeine in coffee, theine in tea, and nicotine in tobacco smoked in any form. But morphine, cocaine, heroin, and other derivatives of opium—laudanum, paregoric, etc.—and cocaine are usually referred to as habit-forming drugs.

Certainly strong alcoholic drinks and certain synthetic drugs and coal-tar derivatives, and even tobacco, and coffee, and tea are habit-forming drugs if taken to any great excess; but the effect of these, while often causing functional and other diseases requiring medical treatment, are not included in our consideration of addiction to narcotic drugs here discussed.

In order to more fully appreciate the several elements involved in the modern medical treatment and management of drug addicts, we must take into consideration the nature of drug addiction with respect to its constituting both a habit and disease.

About 75 per cent of persons met with in private practice addicted to the drug habit have unfortunately contracted the habit as a result of taking drugs through the careless administration of narcotic drugs by physicians for various painful conditions.

PATHOLOGY OR ABNORMAL FINDINGS

The morbid histology (anatomical changes) in cases of drug addiction—excepting, possibly, those far-advanced chronic cases who have reached the point of gross mental changes—are not to be found either by the microscope or clinical laboratory.. The only structural changes that have been demonstrated under these conditions are possibly some changes in the blood, and these do not differ from those in other ænemic conditions. There is little basis for the foundation of the theory that a morbid chemical or other morbid material is formed in the blood as a result of even the prolonged addiction of opium or other habit-forming drugs. The essential pathology of narcotic-drug addiction or disease is, however, a toxemia or a toxemia of drugs, which not only makes a profound impression on the intestinal tract and other bodily functions and organs but also produces an unfavorable autosuggestion on the drug addict.

SYMPTOMS

The symptoms exhibited by drug addicts under the influence of and after the withdrawal of drug addiction are numerous and parthognomonic and should be recognized easily by physicians trained in this specialty, and especially is this true of addiction to the derivatives of opium. The symptoms incident to the withdrawal or the taking away, without scientific or humanitarian treatment of the drug, from drug addicts form one of the most tragic pictures incident to drug addiction. Under such conditions drug addicts suffer unthinkable torture and will commit almost any act to secure the drug of addiction. This suggests one of the most important phases in consideration of drug addiction; that is, scientific and humane treatment.

PROGNOSIS OR PREDICTION AS TO WHETHER DRUG ADDICTS WILL RELAPSE

It is difficult to predict in advance of treatment what percentage of drug addicts will recover permanently and not have a relapse after treatment. The number who will so recover and remain well and stable through the remainder of their lives is estimated from 10 to 20 per cent, and this small percentage is particularly applicable to the greater group who have an unmistakable psychopathic make-up.

TREATMENT

The treatment of drug addiction has been, from an ethical medical standpoint, one of the opprobria of medicine, and at times has been in the hands of unscrupulous and sensational physicians and quacks and commercialists of the worst type. From what has already been stated as to the origin and nature of drug addiction it will be seen that drug addiction is not a mere vice or merely a sensuous indulgence, but that it is a disease and it must be treated as a disease.

It has already been emphasized that environment is one of the most important factors in treatment, and it is believed that the environment proposed to be provided by the bill I introduced in the House of Representatives March 30, 1928, and the Porter bill under consideration, providing for the establishment of narcotic farms by the Federal Government, with ideal hospital and farm and other environment and the removal of all suggestion of prison life and appearance of penal institutions, will provide the factors absolutely necessary in the successful treatment of nearly the whole group of criminal addicts.

Without going into the extensive details of medical treatment and management of each patient, it may be stated that there are certain general lines of medical treatment now accepted by the most experienced physicians in this specialty. The general medical treatment is based on considerations of proper diet, of moderate but not extreme elimination in the initial part of the treatment, and on the administration of the proper drugs. The most successful treatment is the use of hydrobromate of hyoscine over a period of about 72 hours, during which the patient must be constantly watched by a physician and trained nurses to guard against any possible accidents in the use of this drug for this period. There are many physiological and psychological reasons to prove that the use of hyoscine as a substitute for the drug or addiction over the period of time mentioned, particularly as a substitute for morphine and derivatives of opium, is the most successful modern treatment, provided there are no contraindications because of heart, kidney, or other serious defects. It is particularly pointed out that the smallest possible doses of hyoscine to keep the patient under its influence should be used over the period mentioned and that other proper and supporting medication and diet should be employed, and that the patient should have a competent nurse and physician present every moment during the period mentioned. Even very old persons can be cured, painlessly, of the morphine habit by this and other methods now employed by competent trained physicians, but a sharp lookout must be kept for symptoms of possible collapse.

Various other sedative and supporting drugs are employed.

As has been stated, the chief factor in the general treatment of drug addicts is environment. The proper environment is absolutely necessary, and the most unfavorable environment possible is the environment of prisons and charitable institutions in which addicts are at present confined. In order to provide this important factor of environment in treatment, each of the respective States should enact humane and proper laws, already indicated, and provide separate institutions of the farm-hospital type, such as the type provided for in the Kindred and Porter bills for the proper care of drug addicts. There should, of course, be provided all necessary facilities and equipment for the medical and scientific treatment of these definitely diseased persons, which should provide especial hydrotherapy or water cure, approved occupational therapy, as well as proper work on the farm, garden, etc., and such institutions should be under the strict control of physicians and nurses of scientific experience and proven humanitarian character.

AFTER TREATMENT

Just as there is now a universal recognition of the necessity of after treatment for the insane who have recovered, so there should be provided by the Federal Government and by the various States clinics for after treatment of drug addicts who have made a recovery or partial recovery.

Each of the respective States should provide either a separate farm-hospital or an annex to existing hospitals or farms for the special treatment of drug addicts, with the special facilities already referred to.

Clinics should be provided, under the supervision of honest and competent physicians, at convenient points in each State, where proper and sympathetic after treatment could be given to drug addicts who have been treated or who have recovered from their drug-addiction disease. In this connection it is pointed out that an amendment to the Harrison narcotic law should be adopted by Congress which would permit the administration of habit-forming drugs, now prohibited by that law, to certain chronic and hopeless drug addicts who can live in comparative comfort and pursue their occupations at home, but this should be done only under the strictest supervision of Federal and State medical authorities and under honest supervision. There are many chronic addicts who could never be permanently cured who could be made self-supporting and self-respecting and comparatively useful to their families and to the community by such a change in the law.

PREVENTION OF DRUG ADDICTION

As in other unwholesome and vicious habits, tendencies, and certain diseases, education, particularly of the young, in a limited and unsensational way in schools as well as of the adult classes, is the most effective way to prevent the extension of the drug habit. While warning should be given to children and adults, it should not be done in such sensational ways as have been employed by certain lurid methods in recent years by some fanatics and propagandists. The school and text books on physiology and care of mind and body should have proper information and warning in this particular, but should in no sense be so sensational as to attract attention of the susceptible to morbid habits, which otherwise would attract no attention from normal children and adults. Any such propaganda as is now being waged in some quarters is not helpful, but, on the contrary, is distinctly disadvantageous in reducing drug addiction and helping the victims of drug addiction or the public.

The international agreements and arbitration to abandon the production of poppy and Erythroxylum coca and the manufacture of derivatives from these, to be later referred to, except for absolutely medicinal purposes, should be fostered and consummated as early as possible; and to this end the United States Government should lend its great influence in a more persistent and active manner than it has done in the past, both in cooperation with the League of Nations and through any other medium of international agreement and arbitration. It must be recognized as a result of experience and common sense and as a matter of sad history that as long as the sources of habit-forming drugs are not stopped, so long will there be smuggling and illegal distribution and bootlegging sales of habit-forming drugs.

There no doubt exists national and international organizations of bootleggers and "dope peddlers," who constitute the most shameless and cruel criminals, who prey upon the weakness of those hopelessly addicted to drugs, and also vigilantly watch every opportunity to put

temptation into the way of those who have had the drug removed by medical treatment and who desire to keep away from the drug habit.

What Pinel, the celebrated French physician and humanitarian, did for the insane about 100 years ago in removing the shackles of those chained in prisons and asylums and initiating enlightened sympathetic treatment, which has resulted in a new era in the treatment of the unfortunate insane, should be done in the United States and in the world to-day for drug addicts. The fact should be recognized that drug addiction in most cases exists like insanitay because of the psychoneurotic make-up and instability of the victims of drug addiction. Certainly the confirmed drug addict is of neuropathic or psychoneuratic disposition. It is agreed by all authorities that the confirmed drug addict is certainly of neuropathic or psychopathic make-up.

There have been some advanced steps, both in the United States and in the world, in the interest of this unfortunate class. One of the most advanced steps in the attempt to control drug addiction and the sale and distribution of habit-forming drugs in the United States was the Harrison antinarcotic law enacted by the United States Congress in 1914.

Other steps to control the curse of drug addiction in the world at large was initiated in the proposal to stop or limit the production at their source of the opium poppy plant (*Papaver somniferum*), from which all the forms of opium are obtained, and also to stop and limit the production of the *Erythroxylum coca* plant, from which cocaine and other medicinal derivatives are obtained. Some of the steps in this connection are given in an extract from an address I delivered on this subject, as follows:

THE GROWTH OF THE POPPY PLANT AND OPIUM TRADE

"The history of the commercialized trade in the products of the plant called the 'white poppy' is a long and disgraceful one.

"While the growth of the poppy plant, particularly the white poppy, which grows chiefly in Turkey, Persia, India, and China, extends back in the early days, antedating so-called civilization, international traffic in opium and other products of this plant did not assume a really serious international aspect until the period from 1856 to 1907, during which period China was deluged with opium and its people cursed with the opium habit.

"In 1907, however, public opinion of the leading nations, particularly public opinion in the United States, exerted such pressure that China and Great Britain entered into an agreement covering a period of 10 years by which China agreed to reduce the area under poppy cultivation 10 per cent each year. Contrary to general belief both China—drug sodden as she was—and Great Britain faithfully lived up to this agreement until its expiration, April, 1917, when China was again officially free.

"The entering into and carrying out of this agreement by China proved an honest desire on the part of the Chinese to rid themselves of the opium curse, but it did not mean a moral change on the part of the British-India Government, which, while it was by public opinion compelled, for a time at least, to give up the opium trade in China, did not fail to seek other outlets and markets for the dwindling opium trade.

"About the year 1917 the opium business suddenly underwent a change by reason of the greater facility with which morphine, one of the chief alkaloids of opium, could be handled and shipped by methods prohibited in the case of the transportation of the more bulky opium itself.

"Great Britain, through the British-Indian Government, has been responsible for the production and distribution annually, as shown by official reports for 1918–19, of 721 tons of provision opium—the sales taking place at Calcutta monthly at public auction—which is the form of opium sent out of India, to pass into the hands of private firms and corporations to be shipped to Europe, America, or elsewhere and made into morphine, codeine, heroin, or other alkaloids of opium and distributed legally or illegally throughout the world. This enormous quantity of provision opium does not take into consideration the 532 tons of excise opium produced in India for consumption in India, the Straits Settlements, Hong Kong, and the British Crown colonies and dependencies where the opium trade is established by law.

"Official reports of the British-Indian Government show that during the past two years the acreage devoted to the cultivation of the white poppy has increased by 20,000 acres.

"Persia produces hundreds of tons of opium from a white poppy very rich in opium, and China, since the termination of the agreement already referred to with Great Britain in 1917, has in self-defense to protect herself against smuggled opium, greatly increased the acreage under cultivation in the white poppy and is now producing annually many hundreds of tons of opium.

"The Indian Government has a system of selling off to the highest bidder the privilege once a year of establishing as many opium-taking shops and smoking rooms as the traffic will bear, this privilege or monopoly being known as the opium farm.

"Once a month, at public auction at Ghazipier in India, the excise opium, already referred to, is sold at public auction to supply the wants of drug users, where it is purchased as freely as cigarettes. The British-Indian Government also increased opium-smoking rooms where it may be smoked on the premises to the number of 17,000. These, because fees and the excise tax on the public sales of opium and similar excise fees imposed by the British-Indian Government in its control of the production and sale of opium and the control of opium shops, form a considerable part of Indian revenue.

"During the years 1918–19, according to official reports, the receipts of opium—consumed in India and not exported—increased 63 per cent.

"In the Straits Settlements and in British North Borneo and Saranak, and in some of the unfederated Malay States and in Mesopotamia, all under British control, the revenue from such licensing forms from 45 to 50 per cent of the total revenue.

TRAFFIC IN AND SMUGGLING OF OPIUM AND NARCOTIC DRUGS

"The age-long traffic, legal and illegal, in opium and narcotic drugs has been the means of millions of dollars in profits to the traffickers and of untold suffering and misery to millions of people all over the world, who have in many cases, through no fault of their own, been the victims of this traffic.

"During the latter part of the period 1907–1917, covered by the agreement between Great Britain and China, for the reduction and final suppression of the British opium trade with China, when Great Britain's opium trade with China had so dwindled that she needed to find other outlets for her hellish traffic and other markets had to be found—there being no intention to abolish it—and when the official or legal shipment to China had to be stopped, the superior possibilities of morphine and the chief alkaloid or active principle of opium were shipped to China and other oriental countries from Great Britain and also from the United States and from certain South American and other countries, whose wholesale drug firms found it profitable to engage in this nefarious smuggling trade to Japan and other countries who act as go-betweens in this business.

"It is also true that a large quantity of this same morphine finds its way back to the United States. It is claimed on good authority that the enormous quantity of 28 tons of morphine was in this way smuggled into China over the protests and earnest efforts on the part of the governing and responsible Chinese people, who have so long and honestly opposed the opium curse among coolie and other classes of these people. If, as is the fact, China is now cultivating the white poppy and manufacturing it into opium, they are not producing it in competition with the Tientsin treaty terms but in competition with this smuggling.

"The British-India Government, being alive to pocketing every possible penny from the monopoly of the opium trade, has seen the possibility of the manufacture of morphine in a remote country, free from the operation of any law or pressure of healthy public sentiment, and is now making not only provision for opium export, but is also manufacturing morphine, and, according to the Blue Book issued in 1922, the manufacture of morphine and other alkaloids, which was carried on with "skill and enterprise," according to the report mentioned, with the importation of modern ice-making machines into India. However, it is in fairness admitted that since, under orders from the Government of India, all shipments of alkaloids have been stopped and the manufacturers told that it would be necessary to find other markets.

"In 1919–20 the Blue Book (Appendix IX) shows that at the government opium factory at Ghazipur, India, large quantities of morphine and other alkaloids of opium were manufactured and sold, both in and outside of India.

"The gigantic, systematized smuggling has been the means of sending into China and the United States 28 tons of morphine and other habit-forming drugs annually for the past several years. With this spirit of evading that moral law that should constitute the policy of a nation in all matters relating to the health and well-being of its citizens, it would be easy for the morphine manufacturers and traffickers of Great Britain and the United States and the other countries interested in this traffic—even if these countries accepted the laws and treaties now proposed to stop the manufacture and shipments out of these countries—to invest their capital in some remote country for the purpose of manufacturing the alkaloids of opium in a country which refused to be bound by treaties now being negotiated to suppress this traffic as long as the white poppy is grown in any country beyond reasonable medical and scientific needs. An American or British firm could, for instance, establish a morphine factory in Mexico or Brazil, or in some other convenient and complaisant country, and thus carry on the trade, and this will probably happen if necessary to the success of the enormous capital invested in this trade as long as there shall be an enormous output of opium to be disposed of.

"I as a physician and Member of the House of Representatives will earnestly endeavor to cooperate with those who, during the present—Sixty-eighth—Congress, are working to secure the enactment of a law that will more strictly prohibit the bringing of cocaine and opium into the United States for illegal purposes and the manufacturing of the latter into morphine and other alkaloids for reshipment into other countries. But, as stated, even if such a law is enacted, and even if we can secure the more efficient enforcement of the existing Harrison narcotic drug law and other existing Federal and State laws, we can not stop or lessen the activities at the national and international syndi-

cates and monopolies engaged in the illicit manufacture and sale of opium and narcotic drugs, with unbelievable facilities for increasing their output and its distribution at enormous profits through monopolies and smuggling, unless there can be speedily brought about an international cooperation embracing all the leading commercial nations, and particularly all the white-poppy-producing nations—India, Persia, and China—in order to limit the cultivation of the poppy and the consequent production of opium. This suggestion is made here in full realization of the difficulties in the way of the only effectual method to rid the world of the opium curse. It is made, however, with confidence in its practicability and that the proposal, not by any means new, will be finally accepted, especially if the enlightened public opinion of the United States and Great Britain, so sensitive to such great reforms as are here involved, can be sufficiently impressed and stirred.

"This awkward public opinion, however, came from the United States, or at least started here. We are in position now to make our opinions and desires felt more than ever before, as all Europe is looking to us for guidance and help. If that great class of British opinion which always responds to such a cause could only have the facts forced upon their attention, not in a sporadic way but by consistent and active propaganda from this country in a spirit of good will and cooperation, we should certainly promptly get results.

"The British governing classes and certain capitalistic classes interested in the trade constitute the powerful influences which keep up this monopoly traffic, although probably more than 90 per cent of the British citizens are unaware of what their Government is doing in this respect and would instantly oppose the traffic and aid us in a successful crusade, if they and the English newspapers could be stirred to a full sense of their duty in such a world movement. But if certain countries, or practically all the countries, making or receiving opium shipments are not included in this arrangement, or fail to make and carry out adequate laws, the whole plan must fail. If any small South American country, for instance, refused to limit imports and its government falsely certified that it required a hundred more tons "for medical and scientific purposes," this would provide the necessary loophole that would cause failure of the whole plan, as the entire output of India or other opium-producing countries could go to that country to be manufactured into morphine and other alkaloids and smuggled out again into each or all the countries which had accepted the proposed treaty and passed appropriate laws prohibiting or regulating the sale of opium preparations.

"The United States has in the past, and will in the future, most certainly stand in the front ranks of the countries favoring such effective action and control as will, by concerted world action, abolish or limit the drug traffic. Under an agreement proposed, each country will agree to import only so much opium as would meet its own medical requirements, to be disposed of wholly within its own boundaries, and subject to proper legal safeguards. Reshipments, exportation in bond, and other subterfuges that are not now illegal and make possible morphine traffic with China and other countries, chiefly Japan, would by such concert of action be stopped and the demand for the products of the white poppy of India, Persia, and other fields lessened. A large public sentiment in this country and a smaller sentiment in Great Britain and other countries have initiated movements to bring about this proposed abolition or lessening of this widespread evil, as is illustrated in the effects of the opium section of the League of Nations, their efforts being chiefly a reiteration of the principles of The Hague opium convention of 1914, by which most of the great countries of the world agree to restrict the importation, sale, and distribution of narcotic drugs by uniform and comprehensive national and international legislation.

"America advocated and signed The Hague convention of 1914. Even if the opium section of the League of Nations and the different conferences that have been held, both with and without the sanction of the league, and particularly including The Hague conference, those at the more recent conferences at Geneva, and the latter conferences this summer at Lausanne, should lead to a satisfactory agreement, the Crown colonies and dependencies of Great Britain not coming under the jurisdiction of the league could continue, as in the case of India and the Straits Settlements, where the opium trade is legally established, to produce the poppies, opium, and morphine, and with bases like the Straits Settlements and Hong Kong and certain ports in Africa, utilizable either as markets or points of departure for smugglers, thus nullify all international effort and intelligent world opinion. Here again the home Government of Great Britain could easily and absolutely dominate the situation by keeping them outside the league on the ground that the opium question is a domestic one, and she will probably succeed in this effort unless public opinion is strongly and promptly aroused. The most effective way in which this could be brought to bear is for all leaders of public opinion, both in the United States and in Great Britain, who are aware of the situation to commence at once and continue, in season and out of season, to start intelligent propaganda in both these countries and continue our efforts until the responsibility is squarely placed where it belongs—up to the British home Government.

"All these and many other facts bearing on the absolute commercialization of opium to these helpless subjects of the British Empire, who have little voice in the management of themselves or their public affairs, constitute a terrible indictment of Great Britain and its administration of the sacred trusts imposed upon an imperial government. In this connection I quote from Ellen La Motte's excellent article in the Atlantic Monthly for June, 1922:

"'This makes us pause and wonder what is happening in those rather inundated territories in the great German colonies in Africa, acquired by Great Britain since the war. Is the opium trade being established there likewise? It is not a pleasant reflection to think that by our assistance in winning the war we have placed something like 1,000,000 square miles at the disposal of the British Empire, consisting largely of British people, unfit for self-government, yet fit to become customers of the British opium monopoly. Unfortunately, there is nothing in Great Britain's past or present history to make such an assumption unlikely.'

"China, realizing how unspeakably she and her people were injured by it, has for decades protested against this curse of the importation of British opium and fought and lost two wars in an unsuccessful effort to protect herself. After she was defeated in the second war she was compelled to sign the treaty of Tientsin in 1856, by the terms of which she was compelled to purchase as much opium as British traders might wish to bring in.

"It was subsequent to 1856 that China began to raise poppies on a large scale in order to protect herself against Indian opium forced upon her by the British Government, and to prevent her money from thus being drained out of the country.

"Notwithstanding this system of victimizing these helpless peoples for the sake of revenue by the British-Indian Government, for which the British home Government is directly responsible, the home government takes, very successfully, great precautions to prevent the illicit use of opium and narcotic drugs at home. In Great Britain's self-governing Dominions—Canada, Australia, and New Zealand—the opium trade is not only not established by law, but is prohibited effectively.

"In this connection it is interesting to note that the consumption of opium per capita in the United States is 36 grains, as compared with 1 grain in Italy, 2 grains in Germany, and 3 for France.

"Why this enormous consumption of opium and narcotic drugs in the United States? Reasons for this and the medical, legislative, and sociological remedies will be considered later in connection with the discussion of the gigantic systematized national and international bootlegging and smuggling of opium and narcotic drugs into the United States and other countries.

"It is estimated that the full requirements of physicians' prescriptions (medical opium and its preparations) for all legitimate purposes in the United States and all the Americas would not be more than 1 ton of opium. Allowing 1 ton for all Europe and 1 ton for Asia for all legitimate medical purposes, it will be readily seen how enormously out of proportion is the present opium production already referred to, including 741 tons of provisional opium and 532 tons of excise opium produced in British India alone, in addition to large quantities produced in Persia, China, and other countries.

"In other words, it is a conservative statement to say that 1,270 tons of opium are produced in India alone, by consent of the British Government, over and above what is required for medical and scientific purposes, for the sake of commercial gain and human destruction. How widespread this human destruction is because of opium and narcotic drugs has been graphically told during the late years by not only imaginative writers but by the cold, prosaic records in the criminal courts and hospitals and insane asylums of our country, in the North, East, South, and West, as well as in the unwritten tragedies of many private homes of rich and poor alike.

NECESSITY OF AN ORGANIZED FIGHT AGAINST NARCOTICS

"We, as physicians and humanitarians and citizens, are not only deeply concerned as to this big and serious problem as it affects persons in the United States addicted to the use of opium and habit-forming narcotic drugs but we are vitally interested also in stirring up public opinion against the unspeakable crime of the governments responsible for directly encouraging and licensing, for purely commercial purposes, the growth of the white poppy and the sale and distribution of these drugs to the enormous extent mentioned, not only among the Chinese, Hindoos, and other orientals but among our own citizens.

"We should earnestly, in an organized way, give expression to opposition to this traffic at home and in the Orient, where it has been excused on many absurd grounds, such as "the oriental is not hurt by opium." Any trained physician or intelligent layman who has seen the baleful effects of opium and drug addiction among the natives of India and China and the Chinese in New York City, San Francisco, and some other large cities, knows how preposterous and unfounded such an excuse is."

The Senate and House of Representatives passed House Joint Resolution No. 453 during the last session, Sixty-seventh Congress, which joint resolution requested the President to urge upon the governments of

certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly medicinal and scientific purposes. In conformity with this congressional resolution, a commission was appointed by the President to represent the United States in a consultative capacity at a meeting of the advisory committee on traffic in opium of the League of Nations held May 24, 1923, at Geneva, Switzerland.

Hon. Stephen G. Porter, chairman of the Committee on Foreign Affairs of the House of Representatives and a member and spokesman of this commission, stated in part at this meeting as to the attitude of this country:

"The United States trusts that the principles set forth in the foregoing congressional resolution will commend themselves to the powers who are parties to The Hague opium convention.

"The United States suggests, therefore, that the committee adopt the principles set forth and embody them in its report and recommendations as the basis upon which effective international cooperation can be expected.

"As a concrete expression of these principles, so far as concerns opium and its derivatives, the following propositions are submitted to the opium advisory committee in the earnest hope that they will be agreed to and their adoption recommended to the council and assembly of the League of Nations, in order that the doubts, if any, which now exists as to the true intent and meaning of The Hague opium convention shall be permanently removed.

"1. If the purpose of The Hague opium convention is to be achieved according to its spirit and true intent, it must be recognized that the use of opium products for other than medicinal and scientific purposes is an abuse and not legitimate.

"2. In order to prevent the abuse of these products it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for nonmedicinal and nonscientific purposes."

Right Rev. Charles H. Brent, bishop of western New York, another member and able spokesman for this commission, said in part:

"The United States for its own part, and without any attempt at self-justification, that for the period between 1915 and 1921 much was left to be desired in the character and administration of her legislation in restraint of narcotics, especially as touching export. The Harrison Narcotic Act of December 14, 1914, inadequate by itself, was reinforced by the Jones-Miller Act of 1922. To-day our House is in order legislatively, and progressively so administratively."

President Roosevelt on October 14, 1907, called an international commission, which met in Shanghai, China, in 1909, to make a similar investigation of the opium traffic and to suggest means for its prevention or limitation; President Wilson in his message to Congress on April 21, 1913, said that this action on the part of President Roosevelt "initiated the world-wide movement toward" the abolition of the traffic in habit-forming drugs.

President Taft on September 1, 1909, proposed an international conference at The Hague to give international effect and sanction to the resolutions of the Shanghai opium commission, which resulted in the adoption of The Hague opium convention of 1912 by the powers assembled, which is in full force and effect between the nations which have ratified it.

The original convention delegated certain administrative functions to the Netherlands Government (thereby constituting that Government an agent for the execution of the treaty). That Government called two conferences in 1913 and 1914 to consider problems growing out of the execution of the convention.

Certain powers who had participated in these conventions vested in the League of Nations the agency or duty of executing the convention by treaty, dated June 28, 1923, article 23 of which provided as follows:

"That in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the members of the league will intrust the league with the general supervision over the execution of agreements with regard to the traffic in opiums and other dangerous drugs."

Inasmuch as the United States did not enter the League of Nations, it is only by international cooperation that the suppression of the world-wide traffic in habit-forming narcotic drugs can be accomplished and that the United States Government can be bound; and it follows that the United States in its present status with relation to the League of Nations can only participate in the proceedings of the League of Nations in this matter in a consultative capacity.

The United States, of course, is bound by The Hague convention equally with other governments to work toward this end, and therefore accepted an invitation from the committee of the League of Nations charged with limiting the traffic in habit-forming narcotic drugs to cooperate with it in the execution of the proposed treaty between all the nations producing or trafficking in habit-forming narcotic drugs.

In this capacity the United States, through the commission appointed by President Harding, already referred to, agreed that the United States construction of The Hague opium convention was that expressed in Public Resolution No. 96, Sixty-seventh Congress, already referred to, and that any other construction would render the treaty ineffective and of no practical value. In other words, if the purpose of The Hague convention is to be achieved according to its spirit and true intent, it must be recognized that the use of opium products for other than scientific and legitimate purposes is an abuse and not legitimate.

In order to prevent the abuse of these products, it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for nonmedicinal and nonscientific purposes.

It was further decided at the conferences mentioned that two international conferences should be called in the latter part of the year 1924 to agree upon a plan to enforce the proposed treaty in accordance with said construction and interpretation, bearing in mind that the gradual suppression of the traffic in and use of prepared opium is not yet accomplished, particularly because of reservations that have been noted by certain powers—Great Britain, France, Germany, the Netherlands, Japan, British India, and Siam—in regard to prepared opium.

To the end that these further conferences may be held and to meet the expenses incident to the participation of the United States in them, a joint resolution was introduced in the House of Representatives by the Committee on Foreign Affairs February 20, 1924, asking that $40,000 be appropriated and authorized for this purpose.

I append below a bill introduced by me to provide for a modern Federal narcotic hospital and farm to be located in New York State:

H. R. 12575, Seventieth Congress, first session

A bill providing for a Federal and narcotic hospital to be located in the State of New York

Be it enacted, etc., That there be located in the State of New York a Federal and narcotic hospital prison in order to provide for Federal prisoners and to relieve the overcrowded prisons of the State of New York now caring for Federal prisoners; said location to be selected by the department of the United States Government having charge and control of Federal prisoners, and to be administered by them. Plans and location to be approved by the Supervising Architect of the Treasury Department of the United States.

SEC. 2. Said hospital must have accommodations for at least 2,500 prisoners, in addition to quarters for a sufficient number of officials, at a cost of not exceeding $5,000,000. This amount to include the purchase of 200 or more acres of land suitable for occupational farming and gardening by the inmates of said prison, and providing further for all necessary modern prison equipment and hospital and occupational facilities for the modern care and treatment of prisoners addicted to the use of narcotic or habit-forming drugs or substances; and providing further that such facilities for care and treatment shall be made available also to such narcotic habitués who may be committed to such Federal prison or narcotic hospital by any competent court of record of the State of New York, on such terms and conditions as to payment for such care and treatment as may be agreed upon by the proper officials of the United States Government and of the State of New York.

Doctor Kolb's statement is as follows:

CLINICAL CONTRIBUTION TO DRUG ADDICTION—THE STRUGGLE FOR CURE AND THE CONSCIOUS REASONS FOR RELAPSE

(By Lawrence Kolb, M. D., Surgeon United States Public Health Service, Hygienic Laboratory, Washington, D. C.)

The facility with which "cured" addicts relapse is one of the most strikingly observed phenomena about drug addiction, and it is also largely responsible for the low esteem in which addicts in general are held. Prison physicians, police magistrates, judges, and others interested in law enforcement see a procession of healthy-looking addicts return to them time after time, and physicians who treat addicts in hospitals and sanitariums know that most of those who now come to them are repeaters.

Relapse is much more common to-day than formerly. There are two reasons for this: Recently adopted narcotic-control measures have been much more effective in preventing the addiction of stable normal persons than of unstable psychopathic persons, and the coercive features of narcotic laws have already forced the cure of the more hopeful of the curable cases. In other words, it is chiefly those who by nature are more predisposed to relapse who now become addicted, and the more curable of the older cases have in the main been cured, leaving to be treated a class of addicts which is peculiarly liable to relapse. However, the relapse of cured addicts has always been very frequent; but relapse has not been so frequent nor has permanent cure of addicts been so difficult as is commonly supposed. The widely prevalent misconception about the difficulty of permanently curing drug addiction is traceable to two factors: (1) As a rule drug addicts as well as their physicians conceal the addiction as long as it is possible to do so, consequently the addiction of cured cases is seldom heard of before cure is effected, and is never mentioned afterwards; (2) the repeated treatments of so many relapsing cases make a one-sided impression on

the uninformed and unreflective mind. By a study of the subject we have been led to believe that there are thousands of cured addicts in the United States to-day, and if we class as former addicts all of those persons who after several weeks of opiate medication suffered for a few days with mild withdrawal symptoms—such as restlessness, insomnia, and overactivity of certain glandular functions—the number of cured addicts must exceed those who remain uncured.

The conclusions of this paper are based on a study of 210 addicts, embracing all classes of society, from successful professional men to habitual criminals. They had relapsed a variable number of times ranging from 1 to 20. The duration of abstinence from narcotics varied from 3 days to 10 years, but each addict included in this series of cases had abstained at least once for as long as 14 days. Nearly all of them had been off the drug at one time or another for three months or more, and the majority had experienced periods of abstinence for as long as six months. Abstinence was enforced in many instances, due to confinement in prison for violations of narcotic laws, but all except a few of the prison cases had sought treatment and voluntarily abstained either before or after their prison terms. The first voluntary abstinence was likely to last longer than subsequent ones. As a rule the time would shorten with each attempt at cure until finally there would be nothing but fruitless efforts at treatment with no abstinence at all.

The idea is widely held that opiates bring about a state of moral perversity that renders addicts indifferent to cure and therefore liable to relapse, or that in many cases these drugs produce some physical change that makes their continued use necessary and the impulse to return to them irresistible. It seems plain, however, that induced moral perversity has nothing to do with it and that physical dependence upon opium, though important, is, except in rare cases of prolonged addiction, only temporary and is second in importance to psychological factors in bringing about relapse to the drug.

It has long been recognized by students of the subject that the addict is generally abnormal from the nervous standpoint before he acquires the habit, while some, like Block (1), assert that normal persons never become habitués. It is probable that Block does not class as habitués persons who because of certain painful conditions are necessarily addicted in the treatment of them. If his assertion allows for this exception and is limited in application to countries which, like the United States, have laws that protect people from the consequences of their own ignorance, its accuracy is supported by my own findings. Ninety-one per cent of this group and 86 per cent of a group reported elsewhere (2) by me deviated from the normal in their personalities before they became addicted.

The fact that becomes so clear upon the study of cases—that most addicts are in the beginning abnormal—is in the viewpoint of many persons obscured by the more obvious fact that the habitual use of opium creates in any type of persons a temporary physical dependence upon it. This dependence, being the most striking thing, is often erroneously thought to be the most important, if not the only important, cause of addiction and frequent relapse. The passage within recent years of laws making it a penal offense to possess or sell narcotics and the consequent arrest of numerous addicts who for ingrained mental reasons take narcotics but who for social reasons blame the narcotics themselves and complain about the physical discomfort of treatment that is so often forced on them, has served still further to concentrate attention upon the less important factor of physical dependence.

A study of these 210 cases has shown that psychic causes produced their peculiar susceptibility to opiates and cocaine and that the cause for relapse was primarily the same seductive mental influence that was responsible for the original addiction. This primary psychic factor was reinforced later on by memory associations and habit and by the induced physical dependence that gradually developed. The memory associations and habit were in part created by the physical dependence. The primary psychic factor remained fairly stable throughout the entire period of addiction, whereas the other three factors increased in intensity with the passage of time and brought about a gradual change in the relative importance of the various factors. The force of physical dependence increased more rapidly than the other two variable factors. In persons who had been addicted for no more than a year the primary psychic factor was almost solely responsible for relapse in those who had abstained from the drugs for as much as 14 days and the importance of physical dependence was insignificant. In those who had been addicted for 15 years or more the force of physical dependence equaled, if it did not exceed, the primary psychic factor as a cause of the relapses that occurred during the first few months after treatment with complete withdrawal of the drug. The importance of physical dependence as a cause for relapse increased more rapidly in neurotic patients than in those who were considered to be normal. It was so important in some cases of long-standing addiction of nervous persons as to preclude the possibility of recovery by any means except enforced confinement over long periods of time.

ATTITUDE OF ADDICTS TOWARD THEIR ADDICTION AND TOWARD TREATMENT

An understanding of the attitude of addicts toward their addiction and their real motives for seeking cure adds much to our knowledge of why treatment of them so often fails. Some relapsing addicts have always regarded their addiction as beneficial rather than harmful to them. This class is extremely rare. Others, much more numerous, feel that, having progressed to their present state, they would be better off if left alone and no effort were made to cure them. The former accept treatment only under physical restraint and relapse as soon as they regain their liberty. The latter seek treatment only because of the urging of friends, the difficulty of maintaining themselves as addicts or because of their fear of the law. Their efforts are half-hearted and they usually relapse promptly, because the unfavorable state of mind into which they have slumped is further accentuated by the mental depression and physical discomforts incident to the early period of abstinence. The hope for cure in these cases is to keep them away from the drug until they learn that they are not dependent upon it, and until their realization of this, together with their improved social and physical condition, brings about a change in their mental attitude toward the whole situation.

The relapsing addict who has given up the struggle for cure and only attempts it half-heartedly thinks he is very much misunderstood and abused. This is especially true of those who have served prison sentences for possession of narcotics. Some of them frankly say, "If I were left alone and allowed to have drugs I could work," and many of them feel that they would be better citizens than they are if the law and their friends would accept their addiction as final and necessary. Many others who denounce the peddlers who sell them drugs and reproach themselves for buying them and bringing themselves to their present pass plainly show, when their confidence is gained, that their denunciation of the peddlers and themselves is a thinly disguised outlet for the resentment they feel toward the forces that interfere with their normal inclination.

The relatively tolerant attitude that society has toward chronic drunkards, a more troublesome and dangerous type of individual, furnishes the complaining addict with bitter reflections that expose his real feelings about his own habit. The attitude to which they object is reflected even in the air of superiority that some drunkards assume toward them. One of these in a ward with three addicts who were intellectually, morally, and industrially superior to him looked with contempt upon them and said to the writer, "I used to take that stuff but was cured 25 years ago. My doctor said when I stopped I would drink, and I have been doing it ever since." He was a repeater in the alcoholic ward and had been arrested often for drunkenness. The addicts observe that patients like this who are arrested while drinking and disturbing the peace are commonly given small fines or a few days in jail for disorderly conduct, even though they are found in possession of liquor in violation of the law, whereas drug users are liable to be searched for narcotics while going peacefully about their business and given a year or more in the penitentiary if any is found on them. Discrimination such as this causes resentment in those seeking for an excuse to continue their addiction. They consider it to be unjust and pose as martyrs to their weakness or ideals of personal liberty. "We are much better than these drunkards but are not given half the consideration" is an observation that many of them make. They fail to see that justice as administered by law is often an abstract thing, depending upon social customs to which all members of society must conform if they would be acceptable in it.

Most persons who become addicted to opium or its preparations through medical means become alarmed as soon as they become aware of their dependence upon the drug and adopt strenuous methods, if necessary, to throw off the habit. This is easily done in the beginning; those who fail have physical diseases that make the use of the drug desirable or necessary at certain times, or they have psychopathic traits that render them especially susceptible (2) (3). The medical cases that remain uncured belong to one of these classes. They are always ashamed of their addiction, although they often defend it. Shame is a sentiment which affects even the deliberate dissipators; and practically all addicts, except the worst of the criminal psychopaths, would like to be cured. This is true even of those who have given up the struggle and who would spend the rest of their lives without giving a serious thought to another treatment but for the coercive measures that are brought to bear on them.

That this attitude of indifference to treatment is a late development is shown by the fact that of those who were addicted before the passage of the Harrison law, comprising 40 per cent of the total number of addicts in this series of cases, all but three had taken treatment at least once, and some had taken it several times before the law was passed. It is also significant of an earnest desire for cure that 20 per cent of the entire number had at some time during their addiction careers voluntarily abstained from the drug and without assistance from physicians, hospitals, or prisons succeeded in breaking the habit. Many of these simply "lay around home and kicked it out" without telling members of the family the real cause of their discomfort. These successful self-treatments occurred usually during the first two years following the beginning of addiction but they sometimes occurred later, especially in patients who were addicted to cocaine and an opiate at the same time. One of the latter, who had been addicted off and on

for 20 years, got off the drug at home with very little discomfort and without any assistance whatever. One physician, after two years of addiction to morphine, repaired to the woods with a camping outfit and a servant and returned in three weeks cured. He relapsed two years later because of a painful illness and was cured 20 years after this because of the activity of narcotic agents.

Though the sincerity of addicts who seek cure is for the time being beyond question, the motives which prompt many of them are fundamentally inadequate and therefore usually ineffective.

The motive for cure in newly created addicts is the instinctive revolt they feel and the vague fears that arise when they find themselves victims of a habit that they can not control. They discover that they are in a situation that they have been taught to regard with contempt, and this creates the alarm above referred to. If cure is not immediately and permanently effected, the instinctive fears wane and later on are replaced as motives for cure by well-defined fears of the law, by fear of social ostracism, or financial dependence, and to a less extent by fear of the physical harm that the drugs might do to them. The discomfort and physical depletion caused by inability to secure at all times an adequate supply of drugs has furnished an added motive for cure to many of those who repeatedly relapse. These addicts after struggling with the situation for a time seek treatment in disgust. Others, less sincere, seek it in desperation because they have no money whatever to buy the drug they need or because a successful raid by the authorities on peddlers has temporarily cut off their supply. A large proportion of repeaters give as a reason for seeking cure that they have revolted against the idea of giving so much of their money to drug peddlers. An addict who in his motive for seeking cure illustrates the motives that prompt many others came home one winter night keyed up for the usual dose that had been delayed only to find that his wife, in a burst of indignation, had thrown his heroin away. The street cars being tied up because of a snowstorm, he walked to his peddler's, nearly 2 miles, through the snow and returned to find that for $2 he had bought an innocuous drug; another trip brought the same result, and the third one failed to secure even an interview. In disgust he sought and accomplished a cure, but relapsed in a few months. Four years later a shortage of drugs, following a wholesale arrest of peddlers, prompted him to be cured again. He has been drunk three times during the 12 months following this last treatment, but at present writing seems determined not to relapse to narcotics.

REASONS GIVEN FOR RELAPSE

The reasons the addicts gave to account for their relapses often did not furnish more than superficial evidence of the real cause, but there was a tendency to overemphasize the importance of physical symptoms. A large proportion of the psychopaths, who with full knowledge of its danger had dissipated with an opiate until they became addicts, were unable to give any reason for the relapses that occurred during the first three years of their addiction. Many of them frankly said that they just started to take the drug again, and had no excuse to offer other than that they returned to their old environment. This same type of patient would after 8 or 10 years of addiction give weakness or discomfort as an additional reason for their later relapses. Some intelligent psychopaths said they returned to narcotics to get relief from the "blues" that followed certain difficulties. One highly unstable professional man brooded over the failure he had made of life because of narcotics and traced his final relapse to this brooding.

The frankness of the psychopathic characters (2) (4) contrasted markedly with the evasiveness and self-pity of those who had frank neuroses and with the complaining attitude of certain tempermental cases. The physical necessity for narcotics loomed large in the minds of the latter. They seized upon any remembered discomfort as an excuse for relapse; a healed wound, a leg broken 20 years ago, a mild hemorrhoidal tendency, an old cured neuritis, and other conditions from which they received no discomfort while taking an opiate were credited with causing pain when the drug was withdrawn.

Ten per cent of the entire number of addicts in this series of cases got under the influence of liquor and took the first dose of narcotics while their inhibitions and judgment were lowered—but only a few of them blamed alcohol. Alcoholic dissipation was apparently a deliberate first step in their relapse, taken in order to give them courage to throw their good resolutions overboard and return to opium.

The medical cases that were considered to be nervously normal attributed their early relapses to the return of the more or less painful physical conditions for which they first took narcotics, and the later ones to this same cause or to weakness and inability to work when not taking the drug.

PHYSICAL REASONS FOR RELAPSE

Opium, unlike alcohol, does not cause, so far as known, any destruction of tissue or permanent protoplasmic change. It does, however, bring about some very obvious functional changes. These result from the efforts of the body cells to adjust themselves to a drug the normal effect of which is to inhibit cellular and glandular activity, so that when the adjustment is made the cells and organs, though bathed in the drug, perform most of their functions in a degree approximating normality. This functional adjustment becomes strikingly evident when the drug after having been used continuously over a prolonged period is suddenly withdrawn. The inhibiting influence having been removed, there is an increased functional activity of practically all organs and tissues, and the nervous system, being suddenly relieved of a benumbing influence over which it has learned to record impressions with normal intensity, becomes hypersensitive. More numerous and more intense impressions are, therefore, sent by the tissues and organs to a nervous system, which because of its hypersensitiveness record them with magnified intensity. The net result is the withdrawal symptoms, some of which are very distressing. Collapse, which sometimes occurs, is probably due to an excessive relaxation of vasomotor control due to sudden removal of the artificial check under which the system has been functioning.

Nearly every addict in this series of cases discontinued one or more treatments upon which they had ventured before the opiate they had been taking was completely withdrawn or they returned to the drug a few days later. These abortive attempts are not classed as relapses but failures of treatment. Such failures were due mainly to the acute physical symptoms accompanying withdrawal and to the unfavorable mental reaction resulting from them.

The various types of addicts reacted with different degrees of intensity of physical symptoms, the objective evidence of which was similar. Intelligent persons with outstanding temperamental traits complained more than any others, the purely neurotic and the dull neurotic came next, while the psychopaths complained least of all.

The acuteness of the intellect of the temperamental persons and their natural disgust or distaste for disagreeable things caused them to exaggerate the importance of physical symptoms as it caused them to exaggerate the every-day trifles and inconviences of life out of all proportion to their significance. There may be some physical reason in addition to their natural sensitiveness why temperamental and neurotic addicts suffered more than the others. In any event, it was observed that the complaints of normal persons under treatment were adequate to the situation, and the temperamental addicts who showed few objective signs of suffering whined bitterly, while many of the psychopaths who had made up their minds to undergo treatment complained very little, even though they vomited, had dilated pupils, and showed other signs of distress. The temperamental addicts who gave up treatment before complete withdrawal was accomplished did so because of the discomfort which they were unwilling to endure, while the psychopaths merely changed their minds. The depression that resulted from the whole physical situation and the lack of the soothing effect of narcotics on their normal mental unrest gave them a different outlook on the world, and in this state they came to the conclusion that cure was not worth while. Some of them went through with the treatment, however, seemingly to save their faces; they remained in the hospital until the acute physical suffering was over and then left for the purpose of getting narcotics.

Some of all types of addicts sought treatment with the reservation that cure was impossible. They naturally complained a great deal. An addicted dentist, formerly a drunkard, successful in his practice in spite of the time and money lost in taking 18 treatments, had himself committed to a State hospital for 8 of them, but carried in a supply of morphine on each occasion. He nevertheless came dutifully with his wife to me for an opinion as to whether he was curable. The nagging friends brings about this sort of insincere effort.

The acute symptoms that contributed so much toward failures of treatment had very little to do with relapses that occurred two weeks or more after the opiate had been withdrawn. Almost without exception the early cases felt comfortable and began to gain weight before the end of this period, but slight insomnia and mild restlessness often persisted for several weeks longer, and in some there was an indefinite feeling, probably largely physical in nature, that something was missing. Many also experienced a greater fatigability than had been usual with them, but as a rule the early cases said that they had no physical desire or necessity for the drug within two weeks after it was withdrawn. In some instances this attitude was probably an expression of forced optimism. In any event, there was in many of these cases some slight physical reason for relapse for as long as two months. These reasons were not in any way compelling, but they added something to the various factors that impelled the unstable to give up the struggle for cure.

The acute stages of glandular and nervous overfunctioning resulting from the withdrawal of opium are also quickly over in long-standing cases of addiction, but in some of these it requires months of abstinence from the drug before all of the body functions return to normal. For the first few weeks after withdrawal of the drug these addicts, although they begin to gain in weight, may have occasional mild pains in the legs and uncomfortable sensations in the abdomen. They are very sensitive to cold, and the men at first suffer with excessive seminal emissions which they think weakens them. A feeling of languor and loss of "pep" is very common and many of them get discouraged because of it. If discharged from the hospital during this period the difficulties that they encounter on the outside accentuates their weak-

ness and discontent and prompts them to seek relief in drugs again. Yet many of the patients in this series passed through this critical period outside of institutions and relapsed months later for reasons altogether foreign to the withdrawal symptoms. But in some of the long-standing cases, particularly among the more nervous, there remained fatigability, periodic diarrhea, palpitation of the heart, restlessness, and distressing insomnia. Complaints of lack of energy and undue fatigue were very frequent, and some who had been addicted 10 or more years claimed that this condition lasted for from six to nine months after cure and was the chief reason for their relapse. "I never had any 'pep' until I took the drug again," was a common statement. Attempts to justify their relapse doubtless caused some to exaggerate the importance of this symptom, but it was so commonly complained of, and it bears such a close relation to other symptoms that could be explained by loss of vasomotor tone that it may be considered to be present to a certain extent in a large proportion of cases. A feeling that they would "fly to pieces" was experienced by some of the more nervous types who were deprived of the drug after taking it 15 years or more. In a few instances the nervous symptoms were so grave as to make a return to narcotics advisable. This is well illustrated in the two cases cited below:

Case 67: A civil engineer 65 years of age, widower, was given morphine for 10 weeks during an attack of rheumatism 35 years ago. He did not become addicted then, but a short while later there was a recurrence of pain, and a Chinaman showed him how to smoke. From that time to the present he has taken opium in one form or another, using as high as 20 grains of morphine per day. The patient's mother was addicted three years before his birth and remained addicted until her death. She was hysterical. One of her brothers is described as being extremely wild, and the patient is said to resemble him. One of the patient's brothers was a drunkard and was killed in a gambling-house brawl. Other members of the family were normal, highly respected, and successful in a business and professional way. The patient was healthy as a boy, but had several spasms from indigestion. He began to drink at college and drank heavily of a Saturday night up until the time he became addicted to opium, but never neglected his work. He is now living on an income partly derived from an inheritance and partly from the fruits of his own labor.

His emotions have been variable. At times he was extremely pessimistic and fearful of failure. He has always been afraid of lightning and of falling through windows when in high buildings; and, though he has built many railroad bridges, could never cross one until it was fully completed.

Physically he has a large frame, but very small hands like a woman's; otherwise there is normal male development. He is feeble but well nourished, and there are tremors of the hand and tongue, and he only leaves his room to go after opium. During the past 10 years he has had a few fainting spells. His mind is apparently as acute as ever, and he passes his time reading Greek and Latin classics and amuses himself with mathematical problems. More than 40 years ago he studied medicine for a short period, but when examined was still able to name obscure muscles in different parts of the body.

There have been 20 different attempts at treatment and he actually got off the drug for a period of three weeks six different times. The suffering was always intense, and after it was over there was extreme nervousness. Once, after a treatment in Antwerp, he started home immediately and had hysterical spells for two weeks. During the last week of the voyage he calmed himself somewhat by drinking brandy after an abstinence from alcoholics for 19 years.

Following the last treatment taken several years ago he stayed away from the drug for three months, and was hysterical during the entire period; would laugh and cry without adequate cause, was not able to concentrate or talk coherently, could not work mathematical problems, suffered intensely with insomnia as was the case after each cure. He felt as if he would fly to pieces and as if he could break an iron bar in two. All these symptoms subsided immediately after he resumed the use of opium.

Case 84: A physician, 61 years of age, began to take opium for severe periodic headaches. After about two years he became addicted. This was 33 years ago, and in 7 or 8 years he was taking 20 grains of morphine daily.

His maternal grandmother and an uncle were addicts. An aunt was addicted, but cured herself. His father was normal, but his mother and three of her brothers have suffered severely with migraine. One of the patient's sisters has a psychosis. His three brothers were highly successful in the business world, but one of them, now dead, became an addict through having opium prescribed in the course of treatment for sprees. One of the patient's daughters is subject to headaches, but two others seem perfectly normal and have intelligence above the average. His two sons are doing well in business. The addiction of members of his family never led to delinquency or impairment of business ability. The patient himself had a very open make-up, and apparently no nervousness, except that indicated by his periodic headaches. He contracted syphilis in 1900 from an obstetrical case, and now has some bony tertiary nodules and a suggestion of an involvement of the nervous system. He was emaciated and anemic when examined, but had been operated on for appendicitis less than a month previously. He owns a farm and practices medicine, but in recent years has limited his practice largely to office work.

There were eight treatments in this case. Six were successful in that the drug was temporarily withdrawn. Relapses occurred in from one day to two months. The reasons for relapses varied. In one case he left the hospital in such a weakened state that it was necessary to boost himself with opium in order to get home. In all cases he went to work immediately or within two weeks after returning to his home, but being somewhat weak and suffering with insomnia he found it necessary to resort to morphine again in order to keep going.

After a lapse of years the eighth and last treatment was undertaken several years ago, because the narcotic division insisted upon it. Following three weeks in a sanitarium, he returned to his home, but was unable to work, so took a short vacation and then attempted practice. He felt well, but could not sleep, was restless, hyperactive, and busied himself very much. Among other things, he wanted to lecture and tell addicts how glad he felt over being cured. He says he had a spell of religion, and his wife, an intelligent woman, reports that he expressed himself as having just waked up. She says he was entirely changed, and people thought that he had lost his mind. In about a month he resumed the use of morphine, and in a few days calmed down. The entire family, including his wife, who urged him to take treatment, were glad to have him relapse this time. It is evident that this man had a hypomaniac attack due to withdrawal of the drug.

These two cases illustrate what happens to a greater or less degree in every case of a certain type of addict from whom opium is withdrawn. Both of them had a bad heredity and a neurotic constitution. They might have been cured by proper treatment before the drug got such a hold upon them, but because of their original instability and lack of resistance they have insufficient reserve to withstand the removal of the inhibiting influence to which their nervous system had gradually become accustomed.

That the nervous manifestations following the withdrawal of opium are as a rule only temporary, even though the drug has been used for long periods, is shown by the fact that cases are cured after many years of continued addiction. In this series there are some physicians who were cured after 20 years and one after 40 years' indulgence, but there was nothing abnormal in their original make-up. The reason for their previous relapses was the lack of sufficient motive to impel them to neglect their work until the withdrawal symptoms had so far subsided as to enable them to pursue it again. The narcotic division by threatening prosecution provided them with the motive they needed. The 40-year addict was 65 years of age—he was slightly restless at times, but in no way uncomfortable after nine months of abstinence. Another physician not included in this series, because he never relapsed, took 25 grains of morphine daily for most of 18 years. On five different occasions he tried to treat himself at home by gradually reducing the drug, but failed because he would not give up his work in order to do it. Finally he took a cure through the urging of the narcotic inspectors. Insomnia was distressing for about two months and in addition there was for five months some painful bladder condition that he attributed to the medicine given during the course of treatment. He, however, never thought of returning to morphine to relieve this condition and one year after the original treatment he was a perfect specimen of health. These two cases illustrate that for several months after the withdrawal of opium normal addicts do have some symptoms that could be used as an excuse to return to the drugs but that they do not do so when the motive for cure is greater than the motive for relapse.

The motive as well as the desire for cure in many abnormal persons is as great as in normal persons but the motive for relapse is so much greater that the cure motive is less likely to gain a permanent ascendancy over it. The motive for relapse is in some of its phases continuous and is subject to exacerbation. This is why certain unstable persons relapse months after all physical reasons for it have disappeared.

PSYCHIC REASONS GIVEN FOR RELAPSE

It has already been intimated that in most cases the fundamental basis for relapse is to be found in the faulty mental make-up of the individual addicts and that the cause for addiction and the cause for relapse are in their most important phases basically the same.

The unstable individuals who constitute the vast majority of addicts in the United States may be divided into two general classes: Those having an inebriate type of personality and those afflicted with other forms of nervous instability (2). The various types find relief in narcotics. The mechanism by which this is brought about differs in some respects in the different types, but the motive that prompts them to take narcotics is in all cases essentially the same. The neurotic and psychopath receive from narcotics a pleasurable sense of relief from the realities of life that normal persons do not receive, because life is no special burden to them. The first few doses, especially if larger than the average medicinal doses, may cause nausea and other symptoms of discomfort, but in the unstable there is also produced a feeling of peace and calm to which they are not accustomed and which, because of its contrast with their usual restless and dissatisfied state of mind, is interpreted as pleasure. These people have in their normal state

unusual impulses and disturbing mental conflicts because of them. They feel inadequate or inferior, their usual restlessness and antisocial conduct are expressions of compensatory strivings against this, or specific acts may be pathological outlets for impulses not properly directed. The narcotic properties of morphine and heroin are sufficient for the time being to remove all of this. Inferiority is replaced by confidence, restlessness by calm, and discontent by contentment. The degree of contrast with their usual selves is in direct proportion to their degree of deviation from the normal.

The pleasure derived from opium varies from a slight feeling of calm in persons who approximate normal in their nervous constitution to feelings sometimes approaching ecstacy in the extremely psychopathic. The greater susceptibility to addiction of the more abnormal cases is thus explained. The personality survey and clinical study of the 210 cases that form the basis of this paper shows that their nervous abnormality is the most important cause for the frequent relapse of addicts of the present day. In the psychopaths who make up the larger proportion of them the pleasurable effect of opium was dulled by the increased tolerance consequent upon excessive indulgence in it and beclouded by the discomfort and uneasiness of their situation. With benumbing of pleasure and increase of discomfort a point was finally reached where they sought release from the distress of their new situation. By resort to cure they would get rid of the physical discomfort and the inconvenience of addiction and improve physically as well as socially for a time, but with cure and the passing of their newly acquired troubles their former restlessness and discontent returned and sooner or later they sought relief for this by resorting to narcotics again. This cycle of events was repeated time and again in some cases, the final result as to relapse being more certain as the other contributing factors (physical dependence and memory associations) grew in importance with the duration of addiction.

A very large proportion of these addicts deliberately addicted themselves with full knowledge of the difficulties incident to a life of addiction. Many of them had been social problems before they became addicted and the make-up of others was such as to insure that a large proportion would have run contrary to established social customs in some serious way, even if they had not become addicts. By inference, then, it may be assumed that such cases relapse for the same reason that they become addicted. The inference is not so clear in the case of certain socially acceptable persons of normal or superior intellect who become addicts. These are temperamental or very neurotic persons, some of whom are highly useful or gifted citizens. Opium gives them a feeling of relief or contentment far in excess of that experienced by the average normal persons who because of illness are occasionally compelled to take it. The first few doses usually are taken for legitimate purposes, but, as with the psychopaths, the drugs also give such persons a pleasurable sense of calm that impels them to continue the drug—often in ignorance of the danger, sometimes in spite of it—until they become addicted. When such cases finally try to free themselves of the drug the memory of the relief that it gave them from the underlying unrest, of which their peculiar traits or symptoms are an expression, is a serious handicap in their struggle to do without it. As before stated, these people also exaggerate the ordinary difficulties of life more than do average normal persons and they register physical discomfort and pain much more acutely. It thus happens that some very useful and even gifted citizens have tried without success to be cured of drug addiction because of the force of the seductive calm that opiates gave them and because the discomfort of withdrawal seemed to them to be unbearable.

The undoubted sincerity previously referred to of some of the psychopaths who seek treatment is an expression of one phase of their valuable moods, which in a measure explains why they first experimented with narcotics, and why, after becoming addicted, they find it so hard to leave them alone. They quickly, and without reason of judgment, develop a high degree of enthusiasm for things that are new or different, whether the excitement promised is dissipation or reform, but because of their lack of emotional balance and consecutiveness of purpose the trend of their enthusiam is quickly changed by some countercurrent, or when the newness of the experience wears off they slump back into their normal channels of action and start taking drugs again.

The change in direction of enthusiasm is especially characteristic of the open make-up type of psychopathic addict that we have described elsewhere (2). Floating into addiction is easy for them because it furnishes a thrill and is otherwise pleasant, but to get cured requires effort, and having drifted into a difficulty, they find it hard to keep going in the opposite direction long enough to get out of it. The enthusiasm that some of these psychopaths develop for cure and the facility with which its direction is changed to defeat this end is illustrated by an incident that occurred in connection with the handling of three of them. These addicts voluntarily came to the hospital and the drug was rapidly withdrawn. Their sincerity and determination to get well was shown by the uncomplaining way which they suffered. On the fifth day they had passed through the most severe stages of treatment and were still in high spirits over the prospect of recovery. An interne then refused to grant them a simple request and in doing so made a remark that they construed as insulting. The rebuff in no way affected their physical comfort but it changed their entire outlook and caused them to demand a discharge from the hospital. They came in to escape at any cost from the dependence and despised social position that the addiction had brought to them and, reacting to a slight, the result of their addiction, they faced promptly about and returned to it determined now to assert their rights as free-born citizens.

In the discussion of the inebriate type of addict in another paper (2) we have already indicated one of the most important reasons for the relapse of drug addicts. It was shown that a large proportion of addicts have a so-called inebriate or narcotic impulse to an unusual degree, and that these persons have an indefinite nonspecific craving that is appeased by alcohol, opiates, ether, veronal, and other drugs having narcotic or hypnotic properties. Forty-four of the addicts in this group of 210 cases fall very definitely in the inebriate class. The business or professional man who at intervals goes on alcoholic sprees, neglects his work for a week or more and brings discredit upon himself has, in so far as the impelling motive for this conduct is concerned, the exact counterpart in many of the cured addicts who suddenly and without obvious cause begin to take drugs again.

It is appreciated that when we say a man goes on sprees or relapses to drugs because he has a periodic craving or phase of depression which narcotics satisfies or lifts him out of, we have stated only an end result and have left the primary cause of the craving or depression undisclosed.

The love of intoxicants or narcotics is an expression of a deep-seated motive that reaches its greatest intensity in adolescence and may find expression in various ways. It is closely related to various excitements, enthusiasm, cravings, and related feelings. The normal man can regulate and control this motive or impulse when it tends to take an abnormal direction. In the abnormal man with feelings of inferiority and a highly sensitive or poorly organized nervous system the motive is stronger and the appeasement of it more satisfying. He is always striving for an emotional something just out of his normal reach. Alcohol or drugs brings it within his range and gives him the satisfaction that he does not know how to obtain in any other way.

The periodic alcoholic or opiumist who has an impulse to relapse is traveling on a low and unsatisfactory emotional plane. He meets a disappointment or rebuff or encounters some form of mental or physical pain. These depress him still more and by so doing accelerate his impulse to seek relief and emotional satisfaction by the only means he knows. He brings himself under the influence of intoxicants or narcotics and by so doing relieves himself of mental pain and suffering.

A discussion of various theories as to what may be the underlying cause of the narcotic impulse would lead us too far afield to be entered into here. With the suggestions offered we give the end result as to observed fact, this study clearly shows that having once felt the soothing effects of opium, many of the cases become addicted to it in the first place and relapse time after time because of the force of the impulse.

MEMORY ASSOCIATION AND HABIT

In addition to the important etiological factors incident to the type of person who becomes addicted in the first place and the complicating physical symptoms which follow the use of opium over long periods of time, the taking of the drug results in the formation of numerous memory associations which are themselves potent reasons for continuing the drug or bringing about relapse. In this sense, opium addiction is a real habit. It is a common observation that no man lightly gives up anything to which he has accustomed himself. We see this plainly exemplified in the cured tobacco smoker who relapses after a period of abstinence and feels great relief in doing so. A cured smoker who usually does not crave tobacco may feel an intense desire resembling hunger when he gazes upon a box of cigars or sits in the company of friends who are smoking. The genesis of this desire is apparently wholly mental. The craving is due to memory associations and the habit the smoker has acquired of releasing a certain amount of energy by smoking when placed in certain environments. If smoking is indulged in, the aroused but pent-up energy flows smoothly into an accustomed channel, the tension is relieved, and relief is obtained. Habitual indulgence in opium creates memory associations similar to those connected with the use of tobacco and adds some of its own. The craving that some cured addicts experience after the state of physical discomfort is over, and the "hankering" for the drug that they speak of, is due largely to these memory associations. The impelling force of habit and the satisfaction derived from gratifying it is seen in the morphine or heroin addict, who, when deprived of his customary drug, stabs himself with needles or safety pins, so-called "needle addiction."

The addict relieves himself of oncoming discomfort several times each day by taking a hypodermic of morphine or heroin. Due to difficulty in obtaining opiates, he is often in actual pain before securing relief, and he worries a great deal about his source of supply. There is thus formed a strong association between distress, both physical and mental, and taking the drug. After a cure the first disappointment or illness he suffers brings forcibly to his mind the method of relief he has learned so well. The impulse to resort to it is strong and the stock from which addicts are recruited insures that resistance to it will be

weak. We see this cause illustrated in an addict who said, "The winter came on; I was cold all of the time and could not stand it without the drug * * *," and in the one who suffered a mild attack of influenza and gave as his reason for relapse that he was weak and had to boost himself with the drug. It is chiefly memory associations that cause many cured cases to feel discouraged and have the "blues" on a rainy day.

The return of addicts, especially of the unstable type, to their old environment adds greatly to the danger of relapse. Recently cured cases are restless; they as a rule are without employment and they naturally turn for company and diversion to their old companions, among whom there are usually some addicts. Nearly all of those who have abstained from narcotics for several months report that they have no desire for the drugs unless they see some one else take them or unless they associate with other addicts in situations which they formerly enjoyed. By arousing memory associations this unfavorable environment creates a craving that the unstable cured cases seldom resist for any great length of time. The power of memory association is illustrated by the case of a patient who voluntarily stayed two months in the hospital and was off the drug five weeks of that time. He thought daily of certain former associates with whom he had been accustomed to take morphine. He complained that he could not get the subject off his mind and that it kept alive his craving. A small party in which he formerly played poker and took morphine with a few friends was reenacted several times in his dreams. The result was that the intense desire continued after the physical discomfort had passed.

It was noted in other types of cured addicts, as well as the cured inebriates, that any frustrated desire or unsatisfied longing was transformed into a desire for narcotics. Some had a craving for narcotics when they were hungry, and others when they wanted to smoke. The craving would be completely relieved by food or tobacco. In some, certain unsatisfied social impulses were directed into the narcotic channel. The craving produced by social longing is more serious than that which is purely physical in origin because it is not so easily appeased. The longing for companionship, for the good will of others, the desire for a position, the salary from which would insure the ordinary comforts of life and relieve financial worry, would, when frustrated be directed into the channel that experience had shown would resolve all longings by dulling the faculties that gave rise to them. The cured addict is advised to abandon his old associates, but he too often has no others who look upon him with understanding sympathy. When this is the case he inevitably gravitates back to them to relieve the tension of his social impulses. This, in itself, is good for him, but the environment arouses memory associations connected with the use of narcotics and affords opportunity to return to them when his resistance is weakened. Without a social environment that satisfies certain emotional impulses and an occupation that diverts the mind while it absorbs the physical energy that is seeking for an avenue of expression, the continued abstinence from narcotics by a former addict is extremely difficult.

Relapse was precipitated in some cases of this series by emotional disturbances incident to financial difficulties that could only be made worse by the return to narcotics; by the nagging influence of a suspicious wife, who, to protect her husband from relapse, watched every move he made; by a loss of position, by a deserved rebuke, and by other seemingly inadequate causes. One man, abstinent for 10 years, relapsed because of an injury that kept him in bed for a week. Such relapses, of course, occur in unstable persons, who are in constant danger of falling under the depressing influence of some cause that would impel them to seek relief in narcotics. They know that the remedy will in the end increase that difficulty, but for the time being the relief promised overshadows in importance all other considerations.

In addition to the various pathological strivings and impelling memory associations that act independently of the patient's will to bring about a resumption of the use of narcotics, some account has to be taken of the pleasurable physical thrill that large doses of these drugs give to certain addicts. This thrill has been discussed in another paper (3). It is sufficient here to say that striving for a repetition of it causes some psychopaths to inject narcotics directly into their veins, and its intensity may be judged by the fact that a few of them link it with sexual feeling. Some of these cases seem to return to narcotics purely for the physical pleasure the drugs give them aside from a negative feeling of mental relief that is also obtained.

RELAPSES TO COCAINE

What has been said about the causes of relapse to opium applies in a general way to cocaine, but the relative importance of the various factors differ. The force of physical dependence is insignificant as a cause of relapse to this drug. The cocaine addict who has been taking large doses and is suddenly deprived of it goes to sleep and it may be difficult to arouse him at all or to keep him awake for more than a few minutes at a time for the first 48 hours. He then passes through a short period of physical and mental languor, during which there is a "hankering" for the drug but no pain. The ease with which some morphine and heroin addicts are taken off these drugs is explained by the fact that they also had been taking large doses of cocaine. The hypersensitiveness resulting from the withdrawal of the opiate is counteracted in them by the sleep and lethargy that results from withdrawal of the cocaine.

The pleasure arising from the narcotic effects of cocaine is less than that from opiates, but the pleasurable physical thrill is greater and it is a general mental and physical stimulant. It differs from opiates in that it produces pleasure more by the elevation of normal feeling than by the suppression of weakness. It is therefore a more positive form of dissipation.

A number of persons dissipate with cocaine now and then but never become addicts; their indulgence is comparable with week-end drinking. Those who become addicted to the daily use of cocaine almost invariably take up the use of morphine or heroin sooner or later and then decrease the amount of cocaine or abandon its use altogether. There is not one pure cocaine addict in this series of 210 cases, but there were a number of mixed opiate-cocaine addicts among them at the time they were examined, and 35 per cent of the total number had been addicted to cocaine and morphine, or to cocaine and heroin at one time or another. These mixed cases are, on the average, more subject to relapses than those opiate addicts who have never taken cocaine regularly. The difference is not due to anything that cocaine or the mixture of cocaine and opium does to them. It is traceable to the fact observed in the study of these cases and others not reported here that the cocaine addict is more psychopathic in the beginning. He becomes addicted merely through his impulse to dissipation, whereas physical dependence complicates matters for users of opium and causes more stable persons to become addicted to it.

SUMMARY

The relapse of drug addicts is mainly due to the same cause that is responsible for their original addiction, namely, a pathological nervous constitution, with its inferiorities, pathological strivings, etc., from which narcotics give an unusual sense of relief and ease.

The inebriate impulse is one of the most important causes of relapse.

Relapse is more common than formerly because the addiction of more normal and therefore more easily curable persons is less common.

Nearly all addicts make sincere efforts to be cured during the early period of their addiction. Many of the cures taken later on are mere matters of expediency and are insincere in effort.

The hope for cure wanes as time passes and the force of habit, numerous impelling memory associations, and increasing physical dependence upon opiates is added to the original nervous pathology.

Physical dependence upon opiates is unimportant as a cause for relapse during the first two or three years of addiction in those addicts who have been off the drug for two weeks or more.

In some very nervous persons who have been addicted to an opiate for many years withdrawal of the drug may produce hysterical symptoms or hypomania lasting several months.

UNSEEN FORCES THAT HELP CONTROL LEGISLATION IN UNITED STATES CONGRESS

Mr. HARDY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HARDY. Mr. Speaker, in a few brief remarks I desire to comment on some unseen forces that help to control legislation in the United States Congress, telling the story of some of the directing and moving forces in the House of Representatives which are not observed from the galleries and not much played up in the press and naming the personnel of party organizations, and of some of the unadvertised committees.

These forces are more influential than speeches and oratory. They are of more power than unorganized and undirected majorities. Some of the forces of which I speak lead the majority and give it the opportunity of exercising the dominant power it possesses.

RULES COMMITTEE

In the Rules Committee is lodged much power. In former days—in the days of Tom Reed and Uncle Joe Cannon—the Speaker of the House exercised great influence over legislation—could exercise tyrannical power if he felt so disposed. In those days the Speaker appointed committees, named committee chairmen, and was chairman of the Rules Committee, which committee consisted of himself and two others appointed by himself.

Then came the legislative revolution in the House, when a bunch of insurgents joined with the Democrats and changed the rules, taking the Speaker off the Rules Committee and taking from him the power to appoint committees. That was only back in 1910.

To-day committee assignments are made by the House through a committee on committees. The Rules Committee is independent of the Speaker's influence, except as it is exerted diplomatically.

The Rules Committee has the authority to report to the House special rules at any time and they are privileged. That is, these special rules take precedence over anything before the House except conference reports. The committee rule bringing out a bill, limits the hours of debate and can limit the number of, or exclude all amendments to the bill, except one motion to recommit. Backed by the majority the Rules Committee can pretty nearly say what legislation can come up and how it may or may not be amended in the House.

In the early stages of a Congress the Rules Committee does not function often or much. As the Congress draws near a close, with calendar full and few days for consideration of the many bills reported out by regular committees the influence of the Rules Committee is in great demand. Many Members seek special rules for bills they are interested in. The procedure is for the Rules Committee to hold meetings for discussion and sometimes hearings where proponents of bills appear and present their views. Sometimes these hearings are simple and informal and sometimes they are elaborate and extended.

It is not unusual for 12,000 to 16,000 bills to be introduced in a session of Congress. A bill can not be considered in the House unless it is reported out by a committee. But after being reported favorably by a committee a bill may linger long on the calendar without being brought up in the House. Near the end of the session the calendar is full. Days are crowded with business.

Appropriation bills have the right of way. Time will permit the consideration of only a few other measures. Many a Member is anxiously watching out for the fate of his fond legislative baby. Somebody must decide whose baby may be saved—what bills may be brought out in the House for consideration. This is the very thing the Rules Committee will do. It may well be imagined that the Rules Committee will be busy the rest of the session.

Withal the Rules Committee is not all powerful. It can report out rules for the consideration of measures, but it takes a majority of the House to adopt the rule and again to pass the bill. The Rules Committee considers the merits of the bills and the sentiment of the House and the country. It listens to the wishes of the majority as expressed through the Speaker, the majority leader, the steering committee, and perhaps an occasional suggestion from the White House. The committee must pass over and by many measures, but it is pretty certain that the bills it does pick for presentation to the House are on the cards for passage.

The Rules Committee is one of the powerful agencies of the Government which is aiming at economical administration. The cost of a proposed measure is well considered before it gets favorable action by this committee. Just the other day the chairman of the Rules Committee gave to the House a list of bills that are being pressed for action which, if all were passed and became laws, would cost the Government more than a billion dollars and discourage tax reduction for years to come.

The chairman of this all-important committee is Hon. BERTRAND H. SNELL, of New York. He is a hard-working, conscientious, industrious Member of Congress and takes the duties of this important chairmanship seriously. He studies the legislation in question and knows what they are talking about when men bring their bills up for action before his committee. He has nerve and is unafraid, for he must stand between popular clamor and public duty at times. None are so great or powerful in this Government of ours that they may not some day knock at his door to ask for official favor.

Others who have been chairmen of the Rules Committee running back a few years are Philip Campbell, of Kansas; EDWARD W. POU, of North Carolina; Bob Henry, of Texas; and Uncle Joe Cannon, of the United States of America.

Members of this committee in the Seventieth Congress are—

Bertrand H. Snell, chairman, New York; Theodore E. Burton, Ohio; Thomas S. Williams, Illinois; Fred S. Purnell, Indiana; Earl C. Michener, Michigan; Harry C. Ransley, Pennsylvania; C. William Ramseyer, Iowa; Louis A. Frothingham, Massachusetts; Edward W. Pou, North Carolina; Finis J. Garrett, Tennessee; William B. Bankhead, Alabama; John J. O'Connor, New York.

THE STEERING COMMITTEE

Another influential factor in government, one of the invisible type, is the Republican steering committee of the House. It is entirely unofficial, unlisted, and unadvertised. It exerts a powerful influence but makes no effort to exhibit power. It works along diplomatic lines to feel out and consolidate sentiment for administration measures and procedure. It meets occasionally at the call of the chairman. It considers the welfare of the Government from the party point of view. It advises with the White House, the chairmen of important committees, the party leaders, and the Rules Committee. It helps to iron out differences, and to formulate and put across the majority program in the House. The chairman of the steering committee is the Republican floor leader, Hon. JOHN Q. TILSON. When the committee meets the Speaker sometimes and the chairman of the Rules Committee usually are invited in for consultation. Other members of the committee are—

George P. Darrow, Pennsylvania; Edward E. Denison, Illinois; Nicholas J. Sinnott, Oregon; Allen T. Treadway, Massachusetts; Walter H. Newton, Minnesota; Homer Hoch, Kansas; Frederick R. Lehlbach, New Jersey; S. Wallace Dempsey, New York; Royal C. Johnson, South Dakota.

THE FLOOR LEADER

The floor leader, especially the leader of the majority side, has a good deal to do with the legislative program. The majority leader, of course, represents the majority on the floor. What he asks for is usually granted. Motions he makes are usually passed. He endeavors to represent the majority view and the majority follow his leadership and back him up. He is often asked on the floor by the minority leader or by others about the program ahead and he outlines it as well as he can. He leads in debate on administration matters and gives to the House and the country the viewpoint of his party on legislative program.

The leader must keep in touch with proposed legislation, the status of bills of importance, with the steering committee of which he is chairman, and with the attitude of the Rules Committee. He confers with committee chairmen and Members in general. The majority leader often confers with the President and advises with him regarding administrative measures. He takes to the President the sentiment of the party in the House and he brings to the Republicans in the House the sentiment of the President.

The majority leader acts also as chairman of the committee on committees and of the steering committee.

The majority leader at this time is Hon. JOHN Q. TILSON, of Connecticut. He has served in the House of Representatives 18 years. He is efficient, industrious, and popular. Mr. TILSON was born in the mountains of Tennessee, worked his way through college at Yale University, took up the practice of law at New Haven, and served as speaker of the Connecticut House of Representatives before coming to Congress. Many of his friends believe that Mr. TILSON would make a good Vice President of the United States.

Other Republican floor leaders who have preceded Mr. TILSON are NICHOLAS LONGWORTH, Frank Mondell, James R. Mann, Uncle Joe Cannon, Thomas B. Reed, Nelson Dingley, William McKinley, and Sereno Payne.

The minority leader is Hon. FINIS J. GARRETT, Democrat, of Tennessee. Smooth, gracious, gentlemanly, brilliant, and convincing in debate and elsewhere. He never neglects the interest of his party, but at the same time he has been very agreeable and helpful in expediting business in the House. He is a lawyer, a native of Tennessee, and has served in the House of Representatives for 24 years. He is leaving the House at the end of this Congress, to the regret of all, but his friends hope it is to go into the United States Senate, for which he is a candidate. Other notable floor leaders on the Democratic side have been Champ Clark, Claude Kitchen, Oscar Underwood, and Samuel J. Randall.

THE WHIP

The office of whip comes to us from the British Parliament. That is, the name does, and it has been used for some two hundred years. It is probable that every legislative body, as long as there have been such bodies, have had some person who has acted in this capacity.

The whip looks after the membership of his party and endeavors to have them present to vote on important measures. When the vote is apt to be close he checks up, finds out who is out of the city, and advises absentees by wire of the important measure coming up.

There are many hours of long debate when many Members do not feel it necessary to be present and listening and they go along attending to their other business, which in many cases is pressing. The whip keeps posted on the daily program, and if something important comes up where votes will be taken he notifies the membership of his party. Occasionally Members' offices are notified by 'phone from the whip's office that "All Members are desired on the floor immediately." After such notice is phoned around you will see the House gradually fill up with Members.

The Republican whip has also a duty to perform in connection with the White House. The President occasionally seeks information from the whip as to the sentiment of the House on important administration measures, about the prospect of passage of certain bills, and the whip naturally reflects the Pres-

dent's view about many things and is in a position to know the administration's policy.

The Republican whip was formerly appointed by the Speaker, but is now chosen by the party caucus. Hon. ALBERT H. VESTAL, of Indiana, is serving as Republican whip at this time. He has served six terms in Congress. Some others who have rendered distinguished service as Republican whip have been Thomas B. Reed; James Wilson, later Secretary of Agriculture; JAMES W. WATSON, now United States Senator from Indiana; James A. Tawney; and John W. Dwight. On the Democratic side, WILLIAM A. OLDFIELD, of Arkansas is the party whip.

COMMITTEE ON COMMITTEES

In the old days before Uncle Joe Cannon was "shorn of his power," as they say, the Speaker named the chairmen of committees and made all committee assignments. That and the control of the Rules Committee made the Speaker practically the autocrat of the House. He had almost unlimited power in the control of legislation. The Speaker to-day, while holding one of the highest offices in the land, is little more than a presiding officer over the House.

The change that was made back in 1910 when the House took away from the Speaker his great power was merely to take the Speaker off the Rules Committee and to provide that the assignment to committee places and the selection of committee chairmen should be made by the House.

It works out this way: The Republicans have a committee on committees which decides who shall go on which committee and who shall be chairmen of all committees. The Democrats have delegated to Democratic members of the Ways and Means Committee the selection of committee assignments of Democratic Members. At this time with the Republicans in the majority there are no committee chairmanships held by Democrats. These bodies make their selections at the beginning of a Congress, report their recommendations to the House, and the House invariably confirms the recommendation made. Throughout the session of Congress when vacancies occur they are filled in the same manner.

Once placed on a committee, a Member may stay on that committee as long as he stays in Congress, and if he lives long enough and is elected often enough he may hope some day to be chairman. Members often seek other committee assignments, prefering other work, or by long service being entitled to assignment on more important committees.

When the change was first made and the appointment of committee assignments taken away from the Speaker, the selection of Republican committees was given to a committee of 15, selected by the Republican leader. In the beginning of the Sixty-sixth Congress, in 1919, the Republican caucus adopted a new rule, proposed by James R. Mann. The rule then adopted and in operation now provides that the committee on committees shall be composed of one Republican Member from each State which has Republican representation in Congress, and that each member of the committee shall have as many votes in committee deliberations as his State has Republican Members in Congress. So in this Congress Texas has 1 vote and Pennsylvania has 34 votes in the committee on committees.

The members of the Republican committee on committees in the Seventieth Congress are as follows:

	Votes
California: Charles F. Curry	10
Colorado: Charles B. Timberlake	2
Connecticut: John Q. Tilson	5
Delaware: Robert G. Houston	1
Idaho: Burton L. French	2
Illinois: Vacant	19
Indiana: Albert Vestal	10
Iowa: Vacant	10
Kansas: Daniel R. Anthony, jr	7
Kentucky: John M. Robsion	3
Maine: Wallace H. White, jr	4
Maryland: Frederick N. Zihlman	1
Massachusetts: Allen T. Treadway	13
Michigan: Carl E. Mapes	13
Minnesota: Walter H. Newton	8
Missouri: Charles L. Faust	4
Montana: Scott Leavitt	1
Nebraska: Willis G. Sears	2
Nevada: Samuel S. Arentz	1
New Hampshire: Edward H. Wason	2
New Jersey: Isaac Bacharach	9
New York: James S. Parker	17
North Dakota: James H. Sinclair	3
Ohio: James T. Begg	16
Oklahoma: Milton C. Garber	1
Oregon: Willis C. Hawley	3
Pennsylvania: William W. Griest	34
Rhode Island: Clark Burdick	3
South Dakota: Royal C. Johnson	3
Tennessee: J. Will Taylor	2
Texas: Harry M. Wurzbach	1
Utah: Elmer O. Leatherwood	2
Vermont: Ernest W. Gibson	2
Washington: John W. Summers	4
Wisconsin: James A. Frear	10
West Virginia: Carl G. Bachmann	5
Wyoming: Charles E. Winter	1
Total votes	234

THE CAUCUS

In the old days in State legislatures and in the Congress the party caucus was a powerful affair. The members of the party organizations met, considered many things, including legislation. A majority vote was supposed to carry with it the party mandate for all members of the party to abide by the results and be bound by the caucus action. Caucus rule is not so dominant these days anywhere as it used to be. Certainly not in Congress.

In the big flare-up in party affairs back in 1910 and 1912 the Republicans gave up the caucus altogether. They had an occasional meeting of party members under the name of Republican conferences. But they have gone back again to the old name of Republican caucus. It is a denatured affair, however, and has not much kick.

At the beginning of a new Congress each two years a Republican caucus is called together to select a Republican candidate for Speaker. If there are two or more candidates for Speaker, the matter is threshed out here. After the caucus votes all party members will stand by the man who gets a majority vote in the caucus.

The Republican caucus voted in 1919 to give the speakership to FREDERICK H. GILLETT over his opponent, James R. Mann. And again in 1925 to NICHOLAS LONGWORTH over his opponent, Martin B. Madden. In the former case the Republicans were just coming into control of the House. Champ Clark had been Speaker previous to 1919. In the latter case Speaker GILLETT had left the House on being elected to the United States Senate. Once on the job a Speaker usually stays as long as he stays in the House and his party remains in power.

The majority caucus will also name the various important employees of the House, such as Clerk, Sergeant at Arms, Doorkeeper, Postmaster, and others. The caucus will also select the party leader and the whip.

The Republican caucus meets rarely and does little in the way of considering legislation. It tried it a few times a few years ago, but the effort proved a sad failure. Much talk and they got nowhere. No one was bound by the votes taken. For several years the Republican caucus has been called only for the purpose of selecting the party organization or to help the committee on committees to decide a contested point.

The Democrats do have a real caucus which meets only occasionally. Democrats are supposed to be bound by the decision of the Democratic caucus. It requires a two-thirds vote, however, to bind the membership on matters of legislation. A Member may arise and ask to be relieved of caucus instruction in specific cases. Some Democrats who represent protective tariff districts do this. But unless a Democrat has some mighty good reasons to offer for not standing by the caucus decision and is excused, he had better vote with the party or he may be read out of it.

SENIORITY

Another powerful influence in legislative bodies everywhere, and especially in the United States Congress, is seniority. Speaker, committees, nor majorities can rarely overcome or set aside the unwritten law of seniority of service.

The preferred office rooms in the House Office Building are assigned the Member of longest service of those who ask for any certain rooms. Once on, a Member's rank in committee is according to seniority and his place at committee table is in order of length of service from the chairman's end of the table down. The chairman of the committee, while selected by the committee on committees, is almost always the oldest member of his party on the committee. Only rarely has the committee on committees violated the rule of seniority and to do so it must have a mighty strong case. The selection of Martin B. Madden as chairman of the Appropriations Committee was one of these noteworthy exceptions—the only one I recall in recent years. A chairman of a committee has very great influence in the reporting out and progress of bills. He decides the fate of many.

Conferees who meet with the conferees of the Senate to iron out differences on bills where the two Houses have not agreed are usually the oldest members on the committee which has that particular bill in charge. A great deal is at stake in these conferences sometimes. They are the deciding factor often in big issues. The conferees have big responsibilities, and here seniority helps much in molding legislation, appropriating money, and writing tax bills.

Seniority rules at social functions. The women are strong for it. They form in line at a reception according to seniority; they seat their guests at table according to length of service.

Seniority rules advancement for employees of the House, the same as it marks the progress and influence of Members. I recall in the election of a Doorkeeper some years ago a retiring Member of the House who had served only two terms wanted the job. But an humble employee who had served the House for about 30 years got twice as many votes in the Republican caucus. The powerful influence of seniority is hard to overcome.

Too much importance can not be given to the fact that chairmen of committees do have much influence in connection with legislation. Chairmen are selected by seniority.

Here is how it works out in the present Congress: Thirteen Republicans and 16 Democrats have served nine terms—18 years or more.

Of these 13 Republicans, who have served 18 years, 1 is Speaker, 1 Republican floor leader, 7 are chairmen of important committees. These committees are: Appropriations, Ways and Means, Agriculture, Naval Affairs, Post Office and Post Roads, Foreign Affairs, and Subcommittee of Appropriations for the Navy Department.

That accounts for 9 out of 13 in that class. Can you beat that for the influence of seniority?

If you drop down into the next class—those who have served eight terms, 16 years—you will find 15 Republicans. Of these, eight hold committee chairmanships. And that, I think, accounts for most of the committees of much importance.

If a strange and unusual election should occur sometime that would return a majority of Democrats in the House, you can make up a list of the new committee chairmen without waiting for the Congress to meet. You can be pretty well assured that the ranking Democrats on each committee—the one who has served on that committee longest in continuous service—would be immediately advanced to chairmanship. And you can be equally assured that they will be Members of long service in the House.

The committee on committees is made up for the most part of the Members who have served longest from their respective States. As a rule, Members have to serve some years before they are put on the Appropriations or Ways and Means Committees. The Rules Committee is made up of older Members—no Republican having served for less than 10 years. And the same may be said of the steering committee, there is no one on that who has served less than 10 years.

Fifty-seven Members in all out of the total membership of 435 have served 16 years or more. The Speaker, both party leaders, and 15 chairmenships are held in this group. Those who have served 5 terms—10 years or more—number only 182. All the key positions, nearly all the chairmenships, most every Member who is ever a conferee, a large majority of the Ways and Means and Appropriation Committees, all the Rules Committee, all the steering committee, most all of the committee on committees, and Democratic ranking members (future possible chairmen) on practically all committees are included in this group.

Seniority certainly does put Members in the places of power in the House of Representatives, and length of service gives Members an influence in the Congress and in the United States Government everywhere that can not be equaled by unusual brilliancy and ability without it. Districts which have returned their Members to Congress term after term have contributed to the cause of good government and are to-day represented by Members of important standing in the House of Representatives.

RETIREMENT OF OFFICERS AND FORMER OFFICERS OF THE WORLD WAR

Mr. ROY G. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 777) making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LAGUARDIA in the chair.

The Clerk read the title of the bill.

Mr. ROY G. FITZGERALD. Mr. Chairman, I yield five minutes to my colleague the gentleman from Oklahoma [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Chairman, yesterday you listened to highly technical arguments and to misleading statements of fact brought forth in a futile attempt by enemies of the Tyson-Fitzgerald bill to sustain a false and misleading premise.

What is this premise which opponents of this measure have vainly tried to justify?

Their premise is that the World War enlisted man is a dog in the manger.

That is what their premise is, and that is what all these highly technical arguments and misstatements are about.

Having served in France for nearly two years as "buck private," I, for one, want to take this opportunity to defend the World War enlisted man from all the implications of base motives heaped upon him yesterday. I want to deny here and now that the finest soldier the world ever saw—the emergency enlisted man—is a dog in the manger, that he wants to prevent some one else from having a thing which he can not possibly use himself.

Mr. RANKIN. Mr. Chairman, we can not let any such statement as that go unchallenged.

The CHAIRMAN. The gentleman has not yielded to the gentleman from Mississippi for that purpose. The gentleman from Mississippi can not take the gentleman off his feet.

Mr. RANKIN. I make a point of order against the gentleman making any such allegation as that.

Mr. JOHNSON of Oklahoma. I am really at a loss to understand why my distinguished colleague from Mississippi is so disturbed because of the comparison I made a moment ago, but I see no reason for changing or modifying my statement. To my mind, enemies of this bill have placed the enlisted men absolutely in the position of the dog in the manger, and I know that is the wrong inference so far as the enlisted men of my State are concerned. So at the risk of being contradicted, or even scolded, my statement stands.

Mr. CLARKE. Mr. Chairman, I make the point of order that the gentleman from Mississippi is out of order in making his point.

The CHAIRMAN. The gentleman is recognized if he desires to make a point of order. The gentleman will state his point of order.

Mr. RANKIN. The gentleman makes the statement that the opponents of this bill have alleged or intimated that the enlisted man is a dog in the manger. No such intimation and no such statement has been made.

The CHAIRMAN. That is a matter of debate. The gentleman is in order and the gentleman's point of order is overruled. The gentleman will proceed.

Mr. RANKIN. The statement is not correct.

Mr. JOHNSON of Oklahoma. From my viewpoint the statement is correct. Go read the RECORD of yesterday; it speaks for itself. If the burden of the argument of you gentlemen who are so enthusiastically opposing this measure does not, in fact, justify my statement, then I am frank to confess that I am unable to comprehend the English language. My distinguished friend from Mississippi [Mr. RANKIN] is entitled to his views on this bill, but I also submit that I am entitled to mine. Now, I would like to finish what I was about to say.

Mr. BUSBY. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. In a moment I shall be glad to yield to my good friend from Mississippi, but I would prefer to finish my statement now.

Mr. BUSBY. I would simply like to ask if the gentleman would point out who made that statement and call the name of the gentleman.

Mr. JOHNSON of Oklahoma. The gentleman knows I would not think of calling names here. He is simply begging the question. This is not a personal matter, but I again respectfully call the attention of my friend to the RECORD. Read the speeches of yesterday. I don't want to embarrass anyone, but the speeches speak for themselves. The pending measure is entirely too important for men who claim to be fair to quibble over technicalities or attempt to inject personalities into this debate.

Now, what are the real facts? I will tell you.

First. All of the World War dead are on a parity.

Second. All World War widows and orphans are on a parity.

Third. All World War enlisted men are on a parity.

Fourth. Eight of the nine classes of World War officers are on a parity.

That leaves the ninth class of officers—the disabled emergency Army officers—as the only class of World War victims discriminated against in their class. All others—widows, orphans, and enlisted men—have been accorded identical treatment.

The American Legion is 90 per cent enlisted, yet it is solidly behind this measure. Why? Because the enlisted men do not harbor the unworthy motives attributed to them by men on the floor of this House—by men who have vainly attempted to incite the enlisted men against the officers.

Mr. Chairman, I hold in my hand a petition urging the passage of this bill, signed by every patient, I am informed, able to sign his name in the Oklahoma Soldiers' Tubercular Sanatorium at Sulphur, Okla. Practically all of these patients are enlisted men, but merely because they could not profit by the passage of the bill, they would not withhold from the disabled emergency officers that which is rightfully due them.

The sick and disabled war veterans at the United States veterans' hospital at Muskogee, Okla., one of the finest veterans' hospitals in America, have also gone on record, so I am advised, in unanimously favoring the passage of this bill, and a very large per cent of the patients in that great hospital are also enlisted men.

I want to say here and now that the friends of the soldiers will not attempt to divide them.

What happens to the widows and orphans of Regular Army officers who were killed in the war?

They receive compensation from the Veterans' Bureau.

What happens to the widows and orphans of the emergency officers who were killed?

The same identical treatment that the widows and orphans of the Regular Army officers receive.

What happens to the widows and orphans of the Regular Army enlisted men who were killed?

The identical treatment which the widows and orphans of the Regular officers receive.

What happens to the widows and orphans of the emergency enlisted men who were killed?

The same identical treatment that the widows and orphans of the Regular Army officers receive.

What happens to the Regular Army enlisted man, disabled in the World War?

He goes to the Veterans' Bureau.

What happens to the emergency enlisted man?

He goes to the Veterans' Bureau.

What happens to eight out of the nine classes of officers?

Retirement on three-quarters pay.

What happens to the emergency Army officer, the ninth class of officers?

Discrimination. He is set apart from the other officers.

What is the answer to this, gentlemen?

Gentlemen, we shall answer this question here this afternoon, and I certainly hope your answer will be in favor of these officers who, in my opinion, are now discriminated against. [Applause.]

Mr. SCHAFER. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. Certainly I will yield to my colleague from Wisconsin.

Mr. SCHAFER. Does the gentleman believe that this bill, without certain perfecting amendments, properly takes care of the emergency officers of the World War?

Mr. JOHNSON of Oklahoma. I do. I am glad the gentleman has called that to my attention.

Mr. SCHAFER. How about——

Mr. JOHNSON of Oklahoma. Just a moment. I yielded for a question and not for a speech. I say this bill ought to pass and it ought to pass to-day, exactly as it has been written. All of us understand that the most effective way of killing a bill is to amend it to death. It is well known that opponents of this measure will support most any kind of an amendment in the hopes of ultimately defeating it. Let us pass the pending measure to-day without a single amendment. [Applause.]

Mr. RANKIN. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. VINCENT]. [Applause.]

Mr. VINCENT of Michigan. Mr. Chairman, it is with regret I find myself in opposition to this veterans' measure, because I have supported since I have been in Congress every measure reported to this floor for the relief of any veterans until this present occasion. Even now, if I were to take the easy way for me, I would support this bill, because I have many personal friends who will benefit by the passage of this legislation, men whom for years I have had and still have the highest regard, respect, and affection, and men who have sacrificed much for their country.

But, gentlemen, this measure to my mind contains within it so patent, so evident, so drastic a discrimination among the various men who served in the World War that it seems to me it ought to challenge the attention of every thoughtful man before it is written into the books of legislation of the United States.

Let me point out briefly just what this bill does: If a man were an emergency officer in the World War and has been rated by the Veterans' Bureau as permanently disabled to the extent of 30 per cent, then he shall draw compensation according to his rank. If he was a brigadier general when he was discharged, he will draw $375 a month for the rest of his life; if a colonel, $250 a month; if a lieutenant colonel, $218.75 a month; if a major, $187.50 a month; if a captain, $150 a month; if a first lieutenant, $125 a month; and if a second lieutenant, according to the report of the Veterans' Bureau, which will have this legislation in its charge if it is passed, he will draw $93.75 a month. This statement has been challenged here, and the statement is made that it will be something in the neighborhood of $105 or $106 a month for a second lieutenant; but this does not change the principle.

These are pensions according to rank; absolutely that and nothing more nor less than that.

The enlisted man injured and having a permanent rating of 30 per cent will still draw $30 per month after this bill is passed. I want to point out other discriminations besides that which seem to me to make it certain that we can never afford to write them into the legislation of the United States. One of the arguments I have heard constantly made in favor of the bill is this—that the officers who went into the emergency service during the war were older than the enlisted men, were as a class better educated, as a class more established in business, and as a class were in the enjoyment of a greater income than the enlisted men were. And that, therefore, when injury occurred to one of these men it was a greater financial loss to him and his family than it was to the enlisted man.

That is the principle that is taken into consideration in courts of justice, they say, when a man brings a damage suit for injury, and this principle is invoked under the workman's compensation laws, they say. But, gentlemen, let me point out to you that that same principle when invoked in court, either under the compensation law or under the ordinary rules of damage, inure to the benefit of the wife and children of the man who is killed.

What does this bill do? The officer in the emergency service who lost his life in battle on the fields of France or who later, through disabilities, has laid down his life since as his sacrifice for his country—his wife and his child are left in the same category with the wife and child of the enlisted man. If we pass this bill, we will say to the wife of the colonel who has received a 30 per cent disability rated permanent by the bureau, "Your husband has come back home, he sacrificed much for his country, and to the extent of 30 per cent he is disabled, but he is with you now, back in his occupation again, and for that disability which he suffered we will pay him for his benefit and for yourself the sum of $250 a month for the rest of his life."

We will say to the wife of the colonel who was killed over in France: "Your husband gave up his life on the altar of his country; he is dead and gone, and the little white cross decorates his grave. He will never come back to you, but you as his wife will receive from the Federal Government the sum of $30 a month, and if you have a child you will receive $40 a month, and if you have two children you will receive a few more dollars per month." Gentlemen, if that was the only discrimination in the bill it would condemn it in my mind. [Applause.] Whatever may happen to me, so long as I am a Member of this House, I can not vote for a discrimination which I think is so unjust as that. [Applause.]

Mr. BOX. Will the gentleman yield?

Mr. VINCENT of Michigan. Well, yes.

Mr. BOX. Will the gentleman advise the House whether he was an emergency officer?

Mr. VINCENT of Michigan. I was; but I do not think that has any bearing on the argument at all. Now, let me point out some other discriminations which the bill contains. You will remember that the officer, in order to get this rate of compensation, must have a permanent disability. That means that he must have technically been rated as permanent in the Veterans' Bureau. We, on the committee, and all you gentlemen who have had experience with that bureau, know what the word "permanent" means with respect to the administration of the law as it stands to-day. It means that the doctors in the bureau, so long as they can not say conclusively that a man's condition is not going to change, will continue to carry such a man on a temporary rating. The result of that is that, for years, a man may have been flat on his back in a hospital which the Government has built for his care. But if the doctors are unable to say that it might not be true that his condition would recover to a certain extent—so long as that is true, he continues to be carried on a temporary rating. No

matter whether his disability is 100 per cent, it stands as a temporary rating in the bureau.

This being true, these officers are not in the slightest degree taken care of in any way by this provision. They are left with the same compensation as enlisted men.

Now, with respect to tne officers and enlisted men. God save me from ever doing anything such as the gentleman from Oklahoma [Mr. JOHNSON] just charged—to incite any man who gave any service in the war against any other man who went into that service. [Applause.] I have nothing but the profoundest respect and affection for all that great mass of humanity who came up out of the heart of America, took the oath in the Army of the United States, and offered all they had to their Government. [Applause.]

And whether they were enlisted men or officers, that was their offer—all they had, even to their lives. This bill seeks to give to a colonel who comes back with a 30 per cent disability, described to you by the gentleman from New York [Mr. CROWTHER] yesterday, for example, as a condition where a man could not get his arm up as high as he formerly could—$250 a month. What would an enlisted man have to sacrifice in order to get that amount of money from the Government of the United States? If he had both eyes gouged out, and an arm off, and a leg off, he would not get quite what this bill gives to this colonel who could not raise his arm above the level of his shoulder. If we are to make a discrimination among the men who served their country in the World War, are we going to make a distinction so drastic, so deep, and so broad as that? And no man in this House who knows the facts or the law can challenge the accuracy of that comparison.

We are here to-day to decide on a great policy. There were emergency officers, before, who served their country in other wars. What about the officer who led the troops in the Great War between the States? What about the officer who led the troops in the war with Spain? It has been pointed out here that for a short time—and it was passed during the Civil War—there was a pension law which did provide certain discriminations, but nothing like these, however, as between an officer and an enlisted man.

Mr. RANKIN. And, if the gentleman will yield, that was merely that retirement law passed during the Civil War in order to get rid of some old officers who were cumbersome and out of date.

Mr. VINCENT of Michigan. Whatever was its purpose, it did make a slight discrimination between the officers and the enlisted men.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. VINCENT of Michigan. I would like to finish this if I may. Just as soon as the war was over, as history has taught all of us, the tremendous influence of the Union officers came into the Congress of the United States, and through the influence of these Union officers, men and officers were placed on an equality with respect to their pensions. As to the war with Spain, the same equality between men and officers exists. All of you have had experience with respect to pensioners and those who wish to be pensioners as veterans of those wars. Is there any discrimination between a Union officer and a Union enlisted man as to which gets $65 a month or $72 a month or $90 a month? Absolutely, the matter is based on a disability, never on rank.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. RANKIN. Mr. Chairman, I yield the gentleman five minutes more.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. VINCENT of Michigan. Yes.

Mr. CONNERY. The gentleman speaks about discrimination. Is it not a matter of fact that the second lieutenant in the time of war, when neither was disabled, got $137 a month, and the enlisted man $30 a month, and was not that discrimination?

Mr. VINCENT of Michigan. Oh, we can not correct that to-day.

Mr. CONNERY. But we can help those disabled emergency officers.

Mr. VINCENT of Michigan. Those second lieutenants, as a matter of fact, did not get any more than a good sergeant got.

Mr. CONNERY. They did not eventually, but they got $137 a month, and the enlisted man got $30 a month.

Mr. VINCENT of Michigan. And they had to spend it, did they not?

Mr. CONNERY. Yes.

Mr. VINCENT of Michigan. For food and clothing?

Mr. CONNERY. Yes.

Mr. VINCENT of Michigan. As far as I am concerned, there is nothing that we can do to go back and fix that to-day.

Mr. CONNERY. But we can help these men who are discriminated against now.

Mr. VINCENT of Michigan. I am not going to enter into any quarrel with the gentleman, but I am not going to cast my vote—he can do what he wishes with his—for discriminations such as will result from this act.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. VINCENT of Michigan. Yes.

Mr. RANKIN. As a matter of fact the officer had to buy his own clothes and pay for his own subsistence, and it cost him just about the difference between the enlisted man's pay and the officer's pay to do that thing.

Mr. VINCENT of Michigan. Unless he was an officer of considerable rank, I think it did. Mr. Chairman, I spoke a moment ago of that great throng who came up out of our Nation to fight this war. Some had to lead and some had to obey. That is the only way an army can be organized. It has to be a monarchy while it is in action. But when these officers and men come back from the war, citizen soldiers, and go back into the civic body politic of the United States, this democracy of ours, then I say they again become equal—equal as citizens in this Republic, equal before the law, and entitled to the same kind of treatment from their Government in accordance with the disability they suffered. [Applause.] I think no discrimination should ever be shown that violates that principle of American citizenship, and American equality. [Applause.]

Mr. ROY G. FITZGERALD. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman, I favor the enactment of this bill without amendment. The measure has been pending for six or more years, during which time it has been discussed in detail in and out of Congress. The arguments for and against this legislation have been presented over and over again and no useful purpose will be served by our attempting to discuss this bill in detail now. I am ready to vote on this bill and I believe a large majority of the Members of the House are in favor of passing this bill without any further delay. While there are some features in the bill that might be improved by amendment, I am convinced that any effort to amend or rewrite this bill will result in its defeat at this session, because Congress will adjourn at an early date and any amendments made in the House could probably not be considered by the Senate in the short time between now and adjournment. The Senate has passed this bill three times and I believe the public sentiment of the Nation is behind this measure.

Moreover, I consider the terms of the bill reasonable and fair to the disabled emergency Army officers who fought bravely in the World War and who have been discriminated against, although they fought bravely and bear on their mangled bodies mute yet eloquent evidence of their courage and sacrifice. Congress has enacted generous retirement provisions for disabled officers in the Regular Army, Navy, and marines. Liberal retirement acts have been passed to take care of disabled officers in every other branch of the service. Why should we grant disabled officers in one branch of the service liberal retirement privileges and withhold those privileges from disabled officers of the same rank who are known as emergency Army officers? Statistics show that 2,040 emergency Army officers were killed in battle or died of wounds received in action. Ninty-three per cent of the Army officers killed belonged to this class. Eight thousand one hundred and twelve emergency Army officers were wounded in action. Under this bill 3,251 emergency officers whose disabilities now exceed 30 per cent will be given a fair, not a prodigal, retirement allowance.

I respect the officers of the Regular Army. I would not knowingly withhold from them any grant or honor to which they are entitled. The Nation has dealt liberally with them and I do not think they should use their influence to defeat this grant of justice to the group of disabled officers who are designated as emergency Army officers. But it is not denied by anyone familiar with the facts that officers of the Regular Army look with a feeling akin to contempt on all volunteer units and on all officers who forsooth do not have West Point training. They do not have much respect for enlisted men or for a vounteer army, although everyone knows that the volunteer soldiers have won every war in which the United States has engaged. The principal opposition to this bill comes from the line officers of the Regular Army. If this were eliminated there would be practically no opposition to this bill.

Anyone familiar with the military history of the world knows that officers of standing armies have always looked with contempt on volunteer officers. The volunteer soldier and volunteer officer have had to establish their courage, capacity, and efficiency and win their spurs over the jealousy and opposition of Regular Army officers.

Philip of Macedon is credited with having established the first standing army, although that honor is probably due to Epaminondas, the great general with whom the commanding influence of Thebes began and ended. History tells us that Philip in his youth was a hostage held for the observance of a treaty between the Thebans and Thessaly, and while there Philip no doubt learned the art of war from Epaminondas, who first adopted the maneuvers, used with success by Napoleon, in concentrating heavy masses on a given point of the enemy's array.

And since Epaminondas or Philip established standing armies there has been an unending conflict between the professional Army officer and the volunteer soldier or officer raised from the ranks of enlisted men. I think it is time for this petty jealousy to cease. It is beneath the dignity of officers of the Regular Establishment. The enlisted men and officers from the volunteer units have won their laurels on countless battle fields. The volunteer soldier is not only a good soldier in times of war but he is a good citizen after the brazen throats of war have ceased to roar and spit forth their iron indignation. The citizen soldier in times of tranquillity demonstrates that "Peace hath her victories no less renowned than war."

If this bill does not afford full relief to all disabled emergency Army officers, then after the enactment of this bill I favor such legislation as will do full justice to any disabled emergency officer or enlisted man who do not come under the provisions of this act.

In closing, I want to read a message received yesterday by me from Hon. Dan M. Nee, commander of the Missouri Department of the American Legion, as follows:

KANSAS CITY, MO., *May 9, 1928.*

RALPH LOZIER,
Washington, D. C.:

Missouri Department of American Legion urges passage of the Tyson-Fitzgerald bill without amendments.

DAN M. NEE, *Department Commander.*

I believe this expresses the real sentiments of the members of the American Legion in Missouri. I have received many similar communications from officers of the Legion all over the Nation, and I am confident this bill has the support of an overwhelming majority of the members of the American Legion. I believe the bill is just, and I am going to vote for it. [Applause.]

Mr. ROY G. FITZGERALD. If the Chair pleases, the House should know that anyone who speaks on this bill has leave to extend his remarks in the RECORD.

Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. HARRISON].

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes.

Mr. HARRISON. Mr. Chairman and gentlemen, I was a member of the Committee on Military Affairs when the selective draft was made a part of our military system. The committee in this respect was very much divided. It was divided into two camps; one of which favored the draft system, and the other favored the old traditional system of volunteers. I followed the lead of Mr. Kahn, of California, and favored the selective-draft system. I have never regretted it; and I hope when we come to draft the manhood of the country again we will find a way of drafting the wealth also. [Applause.]

Inasmuch as this was a very revolutionary proposition, every feature of this bill was most carefully scrutinized and discussed. I read the section 10 which has so often been quoted here, and I believed then, and I believe now, that there is but one interpretation to be given to that section. I will read it:

That all officers and enlisted men of the forces herein provided for other than the Regular Army shall be in all respects on the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades and lengths of service in the Regular Army.

Now, I can not understand how there can be any possible misinterpretation of that language. Some gentlemen say this is a pension bill. Well, it is covered by the language of the bill, "and pensions." For my part, I consider it simply a matter of pay and allowances attached to the rank of the emergency and Regular officers.

Not only that, but this law was followed by another statute which wiped out all distinction between the several arms of the service. When this law was enacted we had what was known as the Regular Army, and we had also what was known as the National Guard, and we had what was known as the emergency army. But subsequent legislation wiped out all these distinctions, and there was then known in all our laws but one Army, and that was the Army of the United States.

How can it be truthfully said that this in any wise discriminates as against enlisted men? The emergency Army officer received different pay and he received different treatment than the enlisted men in actual service. If there is any discrimination in this bill, there was discrimination then. Each in his own rank had his pay and had his peculiar duties. I consider this bill simply recognizes what was promised to the emergency officer when he was taken into the service.

But not only that, is there anything unjust about this proposition? Is it an equity that when an emergency officer on the field of battle is invested with the duties and responsibilities of his rank, then when he is disabled the Government, which recognized him as an officer at that moment, shall not be allowed to face him with the charge, "No; you are not an officer of the United States. It is true I placed you there with the responsibilities and the duties of an officer of the United States. It is true I made this promise that there should be no discrimination between the officers in the branches of the service; but now that you are disabled in the discharge of your duty you are nothing but an emergency man, and you are not entitled to the rank and compensation of an officer."

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. HARRISON. May I have two minutes more?

Mr. ROY G. FITZGERALD. Mr. Chairman, I yield to the gentleman two minutes more.

Mr. HARRISON. Mr. Chairman, I for my part would never vote for any discrimination between the enlisted man and the officer. I felt my responsibilities when we drafted these men into the service. I never would vote for any law which I would suspect for a moment would make the slightest discrimination between the enlisted man and the officer. We are taking nothing from the enlisted man; we are taking nothing that is given to him. We are simply saying to the officer, "You are entitled to what the law promised you"; and to the enlisted man, "You are entitled to what the law promised you." We are simply voting here to give to the emergency officer that which under the law he has fairly earned; and for my part I rejoice in the opportunity that this day gives me to cast my vote for him. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. ROY G. FITZGERALD. Mr. Chairman, I yield to my colleague [Mr. JOHNSON of South Dakota] 10 minutes.

Mr. RANKIN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and ten Members are present, a quorum.

The gentleman from South Dakota is recognized for 10 minutes.

Mr. JOHNSON of South Dakota. Mr. Chairman, it is rather a unique pleasure to be recognized by the chairman to-day, for the reason that the present occupant of the chair [Mr. LAGUARDIA] happens to be the only present Member of Congress who was a Member in 1917 and who served with me in the American Expeditionary Forces, with the men affected by the measure under discussion.

I have just listened to perhaps the most interesting debate on this measure that has come before the House with reference to any legislation affecting the disabled men since the war. With honesty of purpose and great ability the different Members of the House have expressed their present convictions as to the merits of this measure. It is a proposed law over which there could be honest disagreement.

Its history, as has been said by other Members, begins early after the war, when the gentleman from South Carolina [Mr. STEVENSON] introduced the original measure. That measure, however, differed in form from this one, as shown in the RECORD published this morning. Later I introduced the bill in an entirely different form from the measure presented to the House to-day, affecting not nearly so many men and having very vital differences from the present proposed law.

My reasons for introducing that measure are as clear to-day as they were 10 years ago. Together with a great many other men in the United States now living I happened to serve with some of the men affected, and in a hospital in France, in the fall of 1918, I saw different classes of officers being given entirely different compensation.

Men would go into the service together. One would go in on a certain day and become a member of the Regular service; others would go into training camps; an officer would come to one of the men and say, "Will you take a provisional commission which will take you into the Regular service?" That young man would say he would take that commission and then enter the Regular service. Another man would become an emergency officer. I saw those men with their wounds and they were not receiving the same compensations. There would be two boys,

one a provisional officer and another an emergency officer, with several fingers shot off, and one would be retired at four times the amount the other received, yet their wounds were the same. You would find a Regular Army officer who had lost a few fingers, and in those days, if he were a captain, he would receive on retirement $150 a month; but an emergency officer who had lost both arms, both legs, both eyes, both ears, and totally disabled by disease would receive but $30 a month. That was manifestly unfair, and for that reason I introduced this bill in the House in another form many years ago.

Conditions have changed a very great deal since the time it was my pleasure as a Member of the House to meet in that room in the corner occupied by Uncle Joe Fordney, with former Members of the House and Members who are now in the House. I met there with Samuel Winslow, with the gentleman from Texas [Mr. RAYBURN], and with the gentleman from Wisconsin, Mr. Esch; also with that great commander of the American Legion, Fritz Galbraith, who was killed in Indianapolis, and Hanford McNider, late Assistant Secretary of War.

At that meeting an agreement was made, in that room on this floor, that the Sweet bill would be passed at the following session of Congress and the compensation of these disabled men increased from $30 a month to $80 a month with allowances, if temporarily disabled, and if permanently disabled $100 a month. So the situation has changed to that extent.

The original measure was introduced to take care of what we knew at that time were battle casualties, and they should be taken care of by every country in this world, and particularly by this, the greatest and wealthiest country in the entire world. But conditions have changed again. In this Congress, the House and the Senate, in trying to do what ought to be done for disabled men, we have been very liberal in some other degrees by presuming disabilities. For instance, the law has read, and now reads, that anyone who contracted tuberculosis, mental diseases, sleeping sickness, and some other diseases, whose technical names I shall not use, would be presumed to have secured those diseases in the service in line of duty if contracted prior to January 1, 1925. So the bill as it now reads, Senate bill 777, would take into this retirement list a large number of men that I do not believe any medical testimony in the world would say had received their diseases in line of duty and from the service. I have always thought—though I have not discussed the matter on the floor of the House to any great extent, because we have not had much discussion on this legislation—that probably not over 25 per cent of the men who were presumptively connected under the veterans' act and its amendments to be disabled, secured their disabilities in the service, but that it was better to compensate the other 75 per cent that medical testimony would not say had secured their injuries in line of duty than to allow the 25 per cent that medical testimony said might have secured their injuries or diseases in line of duty to go without compensation. For that reason I have favored the enactment of these presumptive statutes. But as matters now develop I think this proposed law needs amendment, and I am going to offer amendments if no one else does so. I promised immediately after the war that I would vote for a disabled emergency officers' bill to take care of those battle casualties.

The casualties that we knew definitely and conclusively came because we declared war in this Chamber 10 years ago and because almost 10 years ago to the day we voted for the conscription act which put them into battle. I will vote for any defensible bill.

Mr. ABERNETHY. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes; but I have only 10 minutes.

Mr. ABERNETHY. Does not the gentleman think an amendment to the bill would probably kill the legislation?

Mr. JOHNSON of South Dakota. I intended to reach that a little later, but I would just as soon discuss it now. My honest and deliberate judgment is that if this bill is passed without amendment—and I say this without having consulted anyone connected in any way with the White House—it would be vetoed and the veto would be sustained by this body. This is my honest, deliberate judgment. On the other hand, if it were amended to take care of the battle casualties, it would stand a chance of passing and eventually becoming law, and as a practical matter of legislation I favor a bill that can become law and will do justice to battle casualties.

Mr. CONNERY. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield to the gentleman from Massachusetts.

Mr. CONNERY. I merely wish the chairman of the committee would state for the benefit of the House the situation with respect to the statement of the gentleman from Michigan about all these men in the hospital who are not permanently disabled. I wish the chairman would state the provision in the last bill which we passed, called the Johnson bill, passed last week or the week before, that takes care of the situation of a man who is totally disabled but whom they would not declare permanently disabled.

Mr. JOHNSON of South Dakota. You mean allowing them to bring their action in court?

Mr. CONNERY. No; the time limit which was put on the permanent total disability.

Mr. JOHNSON of South Dakota. Yes; the gentleman is entirely right. That is in the bill passed by the House about two weeks ago and now before the Senate, a provision requiring the rating of those temporarily disabled for a year as permanently disabled.

Mr. SCHAFER. Will the gentleman yield right there?

Mr. JOHNSON of South Dakota. I yield.

Mr. SCHAFER. Take an emergency officer that lay in the hospital on his back with tuberculosis, a temporary total disability, for four years, under the provisions of this bill he would not get any benefits under the act because he has never, up to this time, or perhaps for several years, been rated on a permanent basis.

Mr. JOHNSON of South Dakota. He would be rated at his 30 per cent and that is all that is required under the law.

Mr. SCHAFER. Partial disability.

Mr. RANKIN. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes; although I have not much time and must not yield further.

Mr. RANKIN. Did I understand the gentleman to say he would not support the bill unless there is an amendment adopted?

Mr. JOHNSON of South Dakota. I did not express it in that way. I said I was going to offer this amendment which I thought would help to secure the final enactment of the bill and would do justice to this group of battle casualties.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. RANKIN. Mr. Chairman, I yield the gentleman five minutes more.

Will the gentleman yield again?

Mr. JOHNSON of South Dakota. Yes.

Mr. RANKIN. If no amendments are adopted, does not the chairman think it would be better to recommit this bill to the Veterans' Committee to have put in the bill such amendments as he thinks necessary?

Mr. JOHNSON of South Dakota. That is a question for the House to decide and is a question of its policy. I may say to the gentleman I do not think we will have to cross that road, because I think the amendments will be adopted.

Mr. BANKHEAD and Mr. COMBS rose.

Mr. JOHNSON of South Dakota. I will yield to the two gentlemen now on their feet, and then after that I must decline to yield further.

Mr. BANKHEAD. Just exactly what does the gentleman mean by a battle casualty?

Mr. JOHNSON of South Dakota. I mean by a battle casualty one who received his wounds in action.

Mr. BANKHEAD. And not otherwise, and you would not apply the compensation to those who received their disability except in actual battle?

Mr. JOHNSON of South Dakota. I would not go so far as to say that. I may say that the amendment I am going to offer and which I intend to discuss if I have the time, would provide 50 per cent for those who had not received their wounds in battle and 75 per cent for the battle casualties, carrying out the precedents which I think have been established in this country since the time of the Revolutionary War.

Mr. COMBS. May I ask if the beneficiaries of the provisions of the Regular Army retirement service are limited to battle casualties or whether they include the same classifications provided for in this bill?

Mr. JOHNSON of South Dakota. The gentleman knows as well as I do that there is no limit on that.

Mr. COMBS. So far as the Regular Army officer is concerned.

Mr. JOHNSON of South Dakota. And that is based on an entirely different theory.

Mr. GREEN. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I have only one minute and I must serve notice that this is the last time I shall yield. I want to first answer the question of the gentleman from Missouri [Mr. COMBS].

This is an entirely different basis, one man entering the service with the idea of making a life work of it and the other going into the war, as you and I perhaps went into it. The whole question of retirement, pension, and compensation is in-

volved in this statute. I know what we need in the United States to-day—I think I do. We need a committee of this House that would be composed of members of the Military Committee, the Naval Committee, the Civil Service Retirement Committee, the Veterans' Committee, and some other committees that would do what we did with the pay act of 1920—go over the whole question of compensation, pensions, and retirement, and draw a complete comprehensive statute.

We have some very peculiar situations. To-day, if an enlisted man is totally and permanently disabled by reason of juries received at the front, he could secure $100 a month, but if a Government employee working in one of the departments happened to stump his toe and get permanently disabled he could get $107 a month. I could take an hour and point out the inconsistencies in our present law, but the inconsistencies can not be cured for the simple reason that the Committee on World War Veterans' Legislation has one part of the jurisdiction, the Pensions Committees another, and the committee of which the gentleman from New Jersey, Mr. Lehlbach, is chairman, another, and there is no single committee where all these problems can be considered in an effort to secure a law that would at least be reasonably fair to all the different classes of individuals involved, soldiers or civilians.

I now want to discuss some of the concrete cases under this law. It is very easy to talk about a law from an academic viewpoint, and theories sometimes are helpful. Concrete illustrations are the most instructive. There happen to be five men in the second congressional district of South Dakota, and every one of them is my close, personal, intimate friend, who served in the Army with me, and with many of them I served in the National Guard from the time I was 18 years old. They are all affected by this act.

On page 4780 of the RECORD, and I presume this is in the minority report also, you will find a list of these men. One is Col. William Adam Hazle, who lives in my own city, whose office is right across the street from mine. I served under him and with him, and, if war were to start somewhere to-morrow I would want to see him a colonel. If my own two sons were in the service I would like to have them serve with him, because not only does he know military tactics, not only is he a great soldier in that respect, but he would see that the boys had shoes on their feet and food in their stomachs if it was possible to do it, and that they would get an even break in the military game of life. He was a lieutenant colonel. He is the present adjutant general of the State of South Dakota, and I am frank to say I helped him to secure that position because I thought, and I still think, he was the best qualified man in the State for the position.

He is a colonel in the National Guard, and he does his work remarkably well, and all of us who know him respect his service. He would get $218.75 a month for life under this bill regardless of his future disability status.

Right across the street from him is Alfred D. Haugen. I have known him for years. He was a great county attorney. He has a total permanent disability. I can refer to his disability without injury to him. He is frozen into a certain position by arthritis deformans. He can not take a step. He can not get out of bed unless some one lifts him out. He sleeps in a sitting position. He was a great lawyer, he went to Texas, was getting a fine salary, and would have been getting much more if he had retained his health. If he came under the provisions of this bill—which he will not do because he is too smart—it would reduce him from $150 a month to $125 a month in compensation.

I know these cases are not equitable. In the same city lives Lester Kirkpatrick. That man was shot up and lay on the field for two or three days before they could get him from the battle field. He is 40 per cent disabled. It will increase his pension from $40 to $125. He has a real disability.

Another gentleman on this list was presumpted into a service-connected disability under one of the laws that I sponsored, and I do not think any medical testimony in the world would say that this gentleman did necessarily receive his injuries in the service, and yet this law would materially increase his pension.

I favor a law based on the Revolutionary War pension statute. The spread is too great in the proposed law between officers and men. In all the previous wars the rule has been no one should receive more than 50 per cent of his base pay up to the grade of lieutenant colonel. If you do not hold to that rule you are going to make a spread between officers and men that will continually bring the question before the Congress and before the people, and while it may hurry things that ought to be done in the way of general revision of all the retirement statutes, at the same time it will cause class friction in the United States. I do not believe we could justify the law without amending it to cure the objections to which I have referred. [Applause.]

Now, some one else may have amendments that are better phrased than mine. If so I am perfectly willing that they should offer their amendments. If they do not do so, believing it to be my duty, I shall offer the amendments, and I hope they will be adopted, on the theory that we can pass a bill that will take care of the real battle casualties and secure legislation that we can justify in our own minds.

Mr. SPEAKS. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. SPEAKS. In all honor and in all fairness to everybody—to the American Legion and the membership of this House—does not the gentleman believe that up to the beginning of debate upon this bill fully 90 per cent of the Legion and of the membership of the House were almost wholly uninformed as to what results would follow if it should be enacted into law?

Mr. JOHNSON of South Dakota. I will say that 90 per cent of the House do know what is in the bill and I think the great personnel of the Legion know something concerning it, but how much I do not know. I do know that eventually all will know what is in it, and eventually will secure the sort of legislation that we ought to secure along this line. [Applause.]

I shall now give a short synopsis of previous retirement and pension legislation, together with a discussion of the differences between S. 777, under discussion, and my proposed substitute. The substitute will be offered after the reading of the bill.

RETIREMENT

The statutes provide that where any regular officer has become incapable of performing the duties of his office he shall be either retired from active service or wholly retired from the service by the President. In defining the phrase "incapable of performing the duties of his office" the Attorney General (27 Op. Atty. Gen. 14) said:

> An officer of the Army found by a retiring board duly organized and convened to be incapable of performing the duties of his office may be and ought to be retired, without regard to the causes which may have led to such incapacity on his part, but to be incapable the officer must be either no longer responsible for his own actions or subject to infirmities or disabilities which make the reasonable fulfillment of his military duties impossible for him, notwithstanding an honest desire and firm purpose on his part to fully discharge them. Even though such officer display impatience or irritability, imperfect control of his temper, intolerance, indecision, and want of alertness in the performance of his duties to such an extent as to destroy or greatly impair his usefulness as an officer, he does not thereby necessarily become incapable of discharging his duties in such sense as to justify his retirement.

Section 1254 of the Revised Statutes—the act of June 10, 1872, chapter 419—provides that officers hereafter retired from active service shall be retired from the actual rank held by them at the date of retirement. However, the act of March 3, 1875, chapter 178, further provides that all officers of the Army who have been theretofore retired by reason of disability arising from wounds received in action should be considered as retired upon the actual rank held by them whether in the regular or volunteer service at the time when such wound was received, and that they should be borne on the retired list and receive pay after the passage of that act accordingly. The act of April 23, 1904, chapter 1485, provided that any officer of the Army below the grade of brigadier general who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the Civil War prior to April 9, 1865, otherwise then as a cadet, and whose name is borne on the Official Register of the Army, and who has heretofore been or hereafter may be retired on account of wounds or disability incident to service may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Army with the rank and retired pay of one grade above that actually held by him at the time of retirement.

By the act of March 4, 1915, chapter 143, paragraph 1, it was provided that any brigadier general on the retired list who had held the rank and command of major general of volunteers, and who served with credit in the regular or volunteer forces during the Civil War prior to April 9, 1865, could be appointed by the President by and with the advice and consent of the Senate to the grade of major general, placed on the retired list with the pay of brigadier general. This same act further provides that any officer then on the retired list of the Army who served with credit for more than two years as a commissioned officer of volunteers during the Civil War prior to April 9, 1865, and who subsequently served with credit for more than 40 years as a commissioned officer of the Regular Army, including service in command of troops in five Indian

campaigns, the war with Spain, and the Philippine insurrection, and to whom the congressional medal of honor for most distinguished conduct in action has been twice awarded, and who was also brevetted for conspicuous gallantry in action may be placed on the retired list of the Army with the rank and retired pay one grade above that actually held by him at the time of his retirement from active service in the Regular Army.

Various other acts have been passed providing for retirement in one grade higher than that held by the officer at the time of retirement, including brigadier generals and colonels, for meritorious service, particularly service during the wars in which the United States has been engaged.

Section 1275 of the Revised Statutes provides that officers retired from active service shall receive 75 per cent of the pay of the rank upon which they are retired. This same act also provides that officers wholly retired from the service shall be entitled to receive, upon their retirement, one year's pay and allowance of the highest rank held by them whether by staff or regimental commission at the time of their retirement. The law also provides that, except in cases of officers retired on account of wounds received in battle, no officer on the retired list shall be allowed or paid any increase of longevity pay beyond that which had accrued upon the date of their retirement. This act, which was passed March 2, 1903, provides as to officers already retired on and after the date of its passage, no further increase of longevity pay would be allowed.

Regular Army officers are retired by an Army retiring board consisting of not more than nine nor less than five officers, two-fifths of whom are to be selected from the Medical Corps. These boards, as far as possible, are composed of men senior in rank to the officer whose disability is inquired of. The Secretary of War, under the direction of the President, assembles such boards from time to time, the members of the board are sworn in each case to discharge their duties honestly and impartially. The duties of a retirement board are to inquire into and to determine the facts touching the nature and occasion of the disability of any officer who appears to be incapable of performing the duties of his office. Such boards have powers of courts-martial and of courts of inquiry.

Section 1249 of the Revised Statutes provides that when the board finds an officer incapacitated for active service it shall also find and report the cause which, in its judgment, has produced his incapacity, and whether such cause is an incident of service. The proceedings and decisions of the board are transmitted to the Secretary of War and then laid before the President for his approval or disapproval and orders in the case. Where the President approves the findings of a board that an officer is incapacitated for active service and that his incapacity is the result of an incident of service, the officer is retired from active service and placed on the list of retired officers. However, where the President approves the findings of a board to the effect that the officer is incapacitated for active service, but that his incapacity is not the result of any incident of service, the officer is retired from active service or wholly retired from the service in the discretion of the President. The names of officers wholly retired from the service are omitted from the Army Register.

The statutes provide that no officer shall be retired from active service nor wholly retired from the service without a full and fair hearing before an Army retiring board, if upon due summons he demands it. In the case of Miller *v.* United States (19 C. Cls. 338) it was held that when the President approves and acts upon the findings of the retiring board he thereby determines that the officer has had a full and fair hearing. With reference to the finality of the President's decision where he has approved the findings of the board of officers, attention is invited to the case of McBlair *v.* United States (19 C. Cls. 528) wherein it was held that the President has the power, upon the report of the retiring board, to retain the officer in active service, retire him from active service, or wholly retire him. It was also held in the same case, however, that such power was not a continuing one and was performed to the extent of its existence by the one act of the President and, having once determined, he can not review his decision nor correct an error of judgment therein.

Officers on the retired list are entitled to wear the uniform of the rank on which they may be retired. The law also provides that they shall be continued to be borne on the Army Register and shall be subject to the rules and Articles of War and to be tried by court-martial for any breach thereof.

These men may be called to active service or for any other duty that may be specified by the Secretary of War, and while called to such duty they are entitled to receive rank, pay, and allowances of the grade on the active list not above that of major which they would have obtained in the due course of promotion had they remained on the active list.

The Secretary of War is required by law to make a list of all officers of the Army who have been placed on the retired list for disabilities and to call such officers to be examined at intervals, and such officers if found to have recovered from such disabilities are assigned to such duty as the Secretary of War may approve.

PENSIONS

The first Federal law relating to pensions was enacted September 29, 1789, and provided in substance that the military pensions which had been granted and paid by the States, respectively, in pursuance of the acts of the United States in Congress assembled to the invalids who were wounded and disabled during the Revolutionary War should be continued and paid by the United States from the 4th day of March, 1789, and to continue for the space of one year under such regulations as the President might direct. This provision was continued in force from time to time by subsequent statutes.

On March 16, 1802, Congress enacted an act providing that if any officer, noncommissioned officer, musician, or private in the corps composing the peace establishment shall be disabled by wounds or otherwise while in the line of his duty in public service he shall be placed on the list of invalids of the United States at such rate of pay and under such regulations as the President might direct. A proviso was added that the compensation to be allowed for such wounds or disabilities to a commissioned officer should not exceed for the highest rate of disability one-half the monthly pay of such officer at the time of his being disabled or wounded, and that no officer should receive more than the half pay of a lieutenant colonel. This act further provided that the rate of compensation to noncommissioned officers, musicians, and privates should not exceed $5 per month. Inferior disabilities entitled the person so disabled to receive an allowance proportionate to the highest disability.

On April 10, 1806, an act was passed providing that any commissioned officer or noncommissioned officer, musician, soldier, marine, or seaman disabled in the actual service of the United States while in the line of his duty by known wounds received during the Revolutionary War had at any period since then become and continued disabled in such manner as to render him unable to procure a subsistence by manual labor should, upon substantiating his claim, be placed on the pension list of the United States during life or during the continuance of such disability. The rate of pension allowed by this act to a commissioned officer was one-half of the monthly pay legally allowed at the time of incurring his disability. A full pension to a noncommissioned officer, musician, soldier, marine, or seaman was $5 a month. It was further provided that for less than total disability a proportionate amount would be allowed to the extent of the disability, and further, that no pension of a commissioned officer should be calculated at a higher rate than the half pay of a lieutenant colonel.

On April 10, 1812, certain additional persons were included as eligible to pensions under similar provisions to those heretofore mentioned.

On April 24, 1816, an amendment was enacted to the pension statutes to the effect that all persons of the rank specified who had been on the military pension rolls of the United States on the 24th day of April, 1816, should from that date be entitled to and receive for disabilities of the highest degree the following sums in lieu of those to which they were then entitled, to wit:

	Per month
First lieutenant	$17
Second lieutenant	15
Third lieutenant	13
Noncommissioned officer, musician, or private	8

Subsequent to this time and from time to time certain additional classes, such as persons who served in the Black Hawk War, the Creek War, and the Indian depredations in Florida, and so forth, were included as eligible for pensions. Subsequent to the Mexican War section 4730 of the Revised Statutes was enacted, which provided invalid pensions for war with Mexico. Under this act officers, noncommissioned officers, and privates, and so forth, whether of the Regular Army or volunteers, disabled by reason of injury received or disease contracted while in the line of duty in actual service in the war with Mexico or in going to or returning from the same, who received an honorable discharge, were entitled to a pension proportionate to his rank and disability not exceeding for total disability one-half the pay of a lieutenant colonel.

On July 14, 1862, an act was passed (sec. 4692, Rev. Stat.) making eligible for pensions certain classes of persons disabled in consequence of wounds or injury theretofore or thereafter received in line of duty at certain specified rates. The persons specified in these classes were officers of the Army, Navy, or

Marine Corps, including regulars, volunteers, and militia, as well as certain other persons enumerated.

Section 4695 of the Revised Statutes, which specifies pensions for total disability, provides that—

For lieutenant colonel and all officers of higher rank in the military service and in the Marine Corps and for captain and all officers of higher rank in the Navy, $30 per month.

For major in the military service and in the Marine Corps and lieutenant in the naval service, $25 per month.

For captain in the military service and in the Marine Corps and master in the naval service, $20 per month.

For first lieutenant in the military service and in the Marine Corps, $17 per month;

For second lieutenant in the military service and in the Marine Corps and ensign in the naval service, $15 per month.

For midshipmen and noncommissioned officers of the Navy, including warrant officers, $10 per month.

For all other persons not mentioned, $8 per month.

(A master in the naval service then would now be lieutenant, junior grade.)

On March 2, 1895, a minimum pension law was passed providing in effect that no pension should be less than $6 a month.

On April 24, 1906, an amendment was enacted to the pension laws providing that the age of 62 years and over should be considered a permanent and specific disability within the meaning of the pension laws. On March 4, 1907, this definition of permanent and specific disability was extended to cover various acts granting pensions to persons who served in the Civil War and war with Mexico. On May 11, 1912, an act was passed providing for a service pension of $30 per month. A proviso to this act entitled all persons who served in the military or naval forces of the United States during the Civil War and received an honorable discharge, and who were wounded in battle or in line of duty and were unfit for manual labor by reason thereof or who, from disease or other causes incurred in line of duty resulting in disabilities which made them unable to perform manual labor, $30 per month.

By the act of May 1, 1920, pensions for Civil War, war with Mexico, and the War of 1812, were increased to $50 per month and for certain serious cases, such as persons helpless or blind, $72 per month. This act also provided for maimed soldiers of the Civil War who received disability while in the service of the United States in the Army, Navy, or Marine Corps in the line of duty. The rates were as follows:

Loss of one hand or one foot, or being totally disabled in the same, $60 per month.

Loss of arm at or above elbow, or a leg at or above the knee, or being totally disabled in the same, $65 per month.

Loss of arm at the shoulder joint or leg at the hip joint or so near shoulder or hip joint, or where the same is in such condition as to prevent the use of an artificial limb, $72 per month.

Loss of one hand and one foot, or being totally disabled in the same, $90 per month.

Loss of sight of both eyes, $100 per month.

Subsequently, on May 5, 1926, an act was passed increasing the amounts for the disabilities specified in the preceding paragraph to $65, $75, $85, $100, and $125, respectively.

On October 6, 1917, an amendment was enacted to the war risk insurance act providing for compensation for men disabled during the World War at the rate of $30 per month for total disability incurred in line of duty, irrespective of rank, and proportionately less amounts for inferior disability.

On December 24, 1919, an act was passed increasing this amount to $80 per month for temporary total disability and $100 per month for permanent total disability. In connection with the temporary disabilities, certain additional allowances were provided for dependents. This act also provided that if the disabled person was so helpless as to be in constant need of a nurse or attendant, an additional sum not to exceed $20 a month would be payable. These rates of compensation still remain in the law, with the exception that for men incompetent who have been maintained by the Government for a period of six months, and who have no dependents, the rate of compensation has been reduced to $20 per month during the period they are under governmental care, and the rate for an attendant has been increased to not to exceed $50 per month.

On June 7, 1924, the World War veterans' act was passed, which took the place of the war risk insurance act, as amended. This act provided no increase in amount of compensation payable for a disability, but removed the necessity for such disability being incurred in line of duty, the new requirement being that the disability be incurred in the service or aggravated by service and such incurrence or aggravation not be the result of willful misconduct.

It must be remembered in connection with pension legislation that general pension laws have recently been enacted granting pensions at higher rates than the pay of officers during previous wars; at least those preceding the Spanish-American War. To all intents and purposes, because of these general laws, the distinctions in ranks which have theretofore existed in the pension laws have been practically eliminated.

The preceding is not intended as a complete history of the pension laws of the United States, but is merely a brief sketch of the same for the purpose of showing the distinction which has been recognized between battle-incurred disabilities, severe disabilities, and others, and the recognition of difference in rank.

COMPARISON OF PROPOSED DRAFT WITH S. 777 AND THE LAWS RELATING TO PENSIONS AND RETIREMENT

Section 1 of the proposed substitute draft is essentially the same as lines 1 to 12 ending with the word "service" of section 1 of S. 777, except that the restriction to officers who served during the World War and who were disabled in such war has been removed and the act made applicable to officers of any war, and there have been substituted for the words "and who have," on line 7, page 1, down to the words "war service" on line 4, page 2, the words "which at the time of application for retirement under this act incapacitates him for military service." This change was made in order to place the disabled emergency officers as nearly on a parity with the retired officers of the Regular Army as is possible.

Section 2 of the proposed substitute draft is in lieu of page 2, commencing with the word "and," in line 12, and ending with the date "1920," on line 23 of the same page of S. 777. The provisions of the two bills with reference to privileges for emergency officers are the same as the privileges given to Regular officers on the retired list. However, the pay and allowances are changed from 75 per cent of the pay of the officer at the time of his discharge from the commissioned service, except pay under the act of May 18, 1920, as is provided in S. 777, to 50 per cent of the pay of the grade of the officer at time of separation from the active service, computed on the basis of the pay allowed by the act of June 10, 1922, entitled "The pay readjustment act," but in no event more than 50 per cent of the pay of a lieutenant colonel. The new draft also provides that where any person who would be entitled to the 50 per cent provision has suffered the loss of any member or part of the body or the use thereof, as the result of a wound received in battle, or has reached the age of 70 or more, shall be entitled in lieu of the 50 per cent to 75 per cent of the pay of his grade at time of separation from the active service, computed on the basis of the same pay act and in no event to be more than 75 per cent of the pay of a lieutenant colonel.

Section 3 of the proposed substitute draft is essentially the same as section 2, on page 4 of S. 777, with the exception that the definition of the term "World War" has been eliminated. In view of the fact that the proposed draft is to cover officers who served in any war, and the periods of those wars are well known, it was not felt necessary to define any one war unless the period ordinarily accepted as the period of any war was to be changed for the purposes of this act.

Section 4 of the proposed substitute draft is a new section for the purpose of carrying into effect the change in section 1 of S. 777, which has previously been described.

Section 5 is a new provision inserted for administrative reasons and merely specifies that payments under this act shall be made in accordance with awards by the director and determines that such awards are to be effective from the date of application. This provision does not change the method of payment as was contemplated by S. 777, on page 2, lines 19 and 20.

Section 6 is a new provision to the effect that the director shall cause officers on the emergency officers' retired list to be examined from time to time and that when they shall have been found to have recovered from their disability by the director their name shall be removed from such list and their retirement pay discontinued. S. 777 made no provision for the removal of these officers from the retired list or the discontinuance of their retired pay, notwithstanding that they might recover from their disabilities. It was believed that such a provision should be incorporated in the bill. This added section also brings the disabled emergency officers more nearly on a parity with the Regular officers of the Army on the retired list, as it is provided for them that they shall be examined from time to time, and when they recover they are ordered to active duty by the Secretary of War.

Section 7 of the proposed substitute draft is essentially the same as the provisions of S. 777, commencing on line 24, page 2, down to line 7, page 3. It merely provides that payments under this act shall be made out of the appropriation

for military and naval compensation, and that during receipt of such pay and allowances the disabled emergency officer shall not be paid compensation. Attention is invited to the change of language with reference to the bar against payment of compensation. S. 777 would bar the officer entirely from receipt of compensation, whereas section 7 of the proposed substitute draft would merely deny him compensation while in receipt of retired pay.

Section 8 of the proposed substitute draft is a substitute for lines 17 to 19, ending with the word "Bureau," on page 2 of S. 777. Under the provisions of the proposed substitute draft the emergency officer is given the right to hospitalization under section 202, paragraph 10, of the World War veterans' act, which merely entitles him to hospitalization in a Government hospital under certain conditions, whereas the provisions of S. 777 would have entitled the disabled emergency officer to hospitalization at the expense of the Government, either in Government hospitals or, if none such were available, in private hospitals. In view of the fact that Regular officers of the Army who are retired are not entitled to any hospitalization at the present time under the World War veterans' act, and the only suggested amendment to that law has been to grant them hospitalization under section 202, paragraph 10, of the act, it was thought more equitable to endeavor to place these officers on a parity.

Section 9 is a new provision to the effect that where any person entitled under the act is incompetent or for any other reason unable to apply, an application may be made by his duly authorized legal representative. It further provides that where an emergency officer is insane and has been maintained by the Government in an institution for a period of six months and he has neither wife, child, nor dependent father or mother, he shall be entitled to the benefits of this act. It is believed that the first part of the new section is absolutely essential in order that those persons who may be eligible under this act, but who are incompetent, may receive its benefits. Further, it was thought that in view of the fact that Congress has recently reduced the compensation of all men who are insane and who have been maintained by the Government in an institution for six months to $20 per month, it would be inconsistent to provide an additional amount for such men as happen to be disabled emergency officers.

Section 10 of the proposed substitute draft is a new section added for the purpose of placing all disabled emergency officers on the same plane. It merely provides that those men who have been heretofore retired must apply under the new act and shall only be entitled to the new rate of retirement pay.

Section 11 is a new section added merely for the purpose of administration. This section was added in view of the experience of the bureau in connection with the World War adjusted compensation act where no appropriation for the administrative expense of administrating that act was made and it was necessary to resort to various means in order to set up the machinery to carry the act into effect.

There is one additional outstanding change which has not heretofore been mentioned, and that is the requirement under the proposed substitute draft that the applicant, in order to be entitled, shall not have been dishonorably discharged or dismissed from the service. S. 777 is silent with reference to this matter, and it was felt that it was not the intention of the framers of the bill that a man who was dishonorably discharged from the service or separated from the service other than under honorable conditions should be entitled to its benefits.

It will be noted that the pay readjustment act of June 10, 1922, has been used as a basis for computing the pay of retired officers under this act. In view of the fact that the emergency officers of all wars are to be included it was thought that this pay act could be equitably used for all officers. Of course, the committee can very easily change it to any other pay act which it sees fit to use.

The last section of the proposed substitute draft provides for assignment to duty of disabled emergency officers by the Secretary of War. This section is added in order to place the disabled emergency officer in the same status as the Regular retired officer. It may be, however, in view of the lesser pay which the emergency officer will draw, that such a section is not desirable.

Mr. RANKIN. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, I can not answer the question just asked by the gentleman from Ohio [Mr. SPEAKS] but I am prepared to say that fully 90 per cent of the Members of the House who have promised to vote for this bill did not know at the time that they gave the promise just what was involved in it. [Applause.] Although I am not a Member of the American Legion I can say this, that 90 per cent of those I have talked with who belong to the Legion did not know what was in the bill or what its significance is. I can go further and say that 90 per cent of the enlisted veterans who have mentioned the bill to me have been against it.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Excuse me, I have not the time.

I commend the frankness of those of the advocates of this bill who have admitted that it is a pension measure. It is a pension measure. It is wholly obvious that it is a pension measure. Any attempt upon the part of anyone to represent it to be anything else must result in failure. The issue which we have to decide is whether as a pension measure we can defend it. I ask each of the Members of the House, can you defend as a pension measure, a piece of legislation which gives a brigadier general $375 a month with a 30 per cent disability, when you give to an enlisted man only $30 a month for the same disability? I am not one of them but there are those who believe that there should be some difference in behalf of the officers. They feel that the magic wand of military authority having touched the shoulders of a commissioned man, he at once becomes a knight, and is entitled to be held of superior strain during his service in the Army as well as thereafter as long as he may live.

I ask you whether there shall exist between those who have been so knighted and the man who stood in the ranks, who did the sweating and the digging, and who had no opportunity for distinction and none to make him famous, whose only chance was to serve his country and to die in that service—I ask you, can you justify such a difference as that? [Applause.]

There is gross discrimination in this bill, discrimination which can not be justified. There is discrimination not merely between the commissioned officer and the enlisted man, but among the commissioned officers themselves, in their various ranks.

I do not know of anything which illustrates the injustice done better than to look over the list of the beneficiaries of this bill. Naturally, I turn to my own State, and I find an instance which shocks me beyond measure. I find here on page 7 of the list of beneficiaries attached to the minority report the name Frank Murray Dixon, of my home city. He is a fine young man who went into the service and lost his leg and has other disabilities, under all of which he is now rated 100 per cent permanently disabled. He was recently department commander of the Legion for the State of Alabama, and notwithstanding his physical handicaps is now trying to practice law. He is trying to carry on. You meet him on the streets of my city, and a fine look of courage is in his face. He served as a second lieutenant, and under the law as it now stands he receives $100 a month for total and permanent disability. According to the figures made by the minority of the committee, if this bill should pass he would receive $93.75 per month. If he elects to avail himself of the provisions of this bill, Frank M. Dixon will be cut from $100 a month to $93 a month. Some one has said that the amount would be $106. It does not make much difference as far as my point is concerned which figures are correct.

I turn over to the next page of the report and I find the name of my friend and colleague, Congressman LAMAR JEFFERS, a fine soldier, an excellent gentleman. I am delighted that he was disabled no worse than he is. He has a rating of 30 per cent permanent disability. He is now receiving $30 a month, but because he happened to be a major while in the service, if this should become a law, he will receive $187.50 a month.

I ask you gentlemen in all fairness and justice, can you go home to your constituents and say that you voted to give a totally disabled boy $93.75 a month, when he was already getting $100 a month, and voted at the same time to give a Member of Congress, who is drawing a salary of $10,000 a year, and who has only 30 per cent disability, $187.50 a month for as long as he may live?

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. The gentleman will excuse me. That is an instance that comes home to us all. This list is full of such glaring inconsistencies. It is full of instances in which men with large disability receive less than those with small disability. It is a pension system which you are passing, and how can you defend yourselves for not basing the amount of pension upon the extent of disability? Is it sensible, is it honest, is it good public policy to give a man who is totally disabled the same as you would give him if he was only 30 per cent disabled? That is what this bill does. As a pension measure it is illogical, and I say to you that it is indefensible.

It can not be too often pointed out nor overemphasized that Congress has already passed upon the issues involved in this bill and fixed upon a definite policy, and that what is sought now is a complete subversion of the congressional policy, which we previously adopted.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. The gentleman will please excuse me. In 1917, when the war was yet young, Congress dealt with this subject and decided upon the principles which should govern in benefits for disabled soldiers. We created the War Risk Bureau and provided for soldiers' allotments to their dependents and for insurance for those who might lose their lives and for pay to the disabled.

The committee then brought before the House a bill which based its benefits to the disabled upon percentages of the pay which the soldiers were receiving. It provided that an officer if disabled should receive a certain percentage of his pay and that an enlisted man should receive the same percentage of his pay. That bill was framed upon a purely compensatory basis, such as the States have in force applicable to men at work at a sawmill or a coal mine. In that form the measure was brought before the House. After full debate, in which I had the honor to participate, that discriminatory principle in the bill was put under foot and the principle of absolute democracy and equality among its beneficiaries was adopted. All were put on an equality and each man, whether high or low in rank, was to receive the same amount for the same disability.

A part of what I said in the debate on that bill, as is printed in the CONGRESSIONAL RECORD of September 11, 1917, beginning on page 12731, is:

> In this bill we have a different principle recognized. Men who are injured are compensated according to the pay which at the time of the injury they are drawing from the Government as soldiers. Some of them get several hundred dollars per month; others get only a trifling sum. It has remained for the authors of this bill to present the principle to the American Congress that an American soldier serving his country in an emergency such as now exists should be compensated exactly upon the same plane as a workman; that he should be paid for his injuries just exactly as he would be if he were a laborer in a sawmill or a brakeman on a railroad. He is paid in proportion to what he is drawing down in pay when he is injured. It has remained for this measure to put the honorable service of soldiers in defense of our flag upon the mean and sordid basis of commercial gain and the earning capacity of men in civil life.

The reputed authors of this bill are sociologists. They are accustomed to drawing workmen's compensation laws for injuries received in civilian pursuits. They have not comprehended for a moment the light that lies in the path of the man who fights for his country. They have not realized for a moment that every American soldier now in the ranks, with the exception of a few professionals who were in the service before this war came on, is a citizen soldier; that it is an army of men who are equals. Oh, I have heard a lot of talk recently about democracy. I would like to see our Army made safe for democracy. How can you say that you have a democratic Army; how can you say that conscription is democratic, that it is just, when you force some men into the ranks at the low pay of $30 a month when others have rushed off to training camps, having had college educations and social positions good enough to stand the tests, and now are to be further favored as proposed by this bill? How can you afford to discriminate between these equally deserving men, whether officers or men, when they are soldiers in the field; to discriminate between their families at home; to discriminate between them when they come home maimed and bleeding from service in their country's cause; and when they fall upon the battle field to discriminate between their widows and orphans?

I refer now particularly to the discrimination in the compensation for injury. What is the foundation for such discrimination? Those men were equal at home. Many of the officers of the National Guard were just common fellows, of the sort that Regular Army officers sort of look over their left shoulders at. Some of them have even been workingmen. Think of that! [Laughter.] They have worked their way up in the National Guard and perhaps have no large earning capacity. There are plenty of officers in the National Guard and plenty of them in the National Army—officers who were college boys, put into the Army through training camps—plenty of them who are making more money to-day in the Army than they ever made before in their lives. On the other hand, there are thousands of splendid men who have volunteered, and thousands of others just as splendid who have been conscripted, who have left good jobs, where some of them were earning as much money as some of the officers now get, and who are peers to any man who carries a sword at his side. It is a rank discrimination.

We are not dealing with professional soldiers. Your bill is all right if it was designed only for a professional army—the Regular Army, with its professional privates and its professional officers. It is all right for them, because their rank in the Army has a relation to their social position and earning capacity. But it is all wrong when it is applied to the great citizen army, a great army composed of men who are equal, a great army that is taken by force or by volunteering from all the people. There should be no discrimination among these men. Now, Mr. Chairman, I have been a soldier and I know what it is. I know the difference between being an officer and an enlisted man. I know the difference between carrying a sword and carrying a gun. The difference is as great as between the owner of the factory and the humble laborer in it. The difference is just as wide as that between the owner of the sawmill and the man who totes off the slabs. It is just as substantial and means as much.

A lot of people who have had no experience as soldiers think that being a soldier is fighting and running the risk of death. That is the smallest part of being a soldier. Being a soldier is being a drudge, a laborer; it is digging and sweating; it is standing guard. It means being cold when you would like to be warm; it means being wet when you would like to be dry; and it means being hungry when you would like to be fed. And I want to tell you that all these things bear heaviest on the enlisted man. They do not bear much on the officer.

Mr. Chairman, as I was saying, we have taken thousands of young men of college education and good social position into the training camps. They were subject to conscription like the common man's son. They did not want to be private soldiers. I do not blame them. If I were one of them, I would try to be an officer because I should not want to do the sweating and the digging. But many of their brothers or other men just as good as they are have got to go and fight in the ranks, many of them have got to go as private soldiers, and the only pay they get is $30 a month. Many of the young men who went through the training camps had no great earning capacity, but now they are drawing $180, $250, $300 a month, or whatever they get. But we are not content merely to give the officer the best of it in regard to pay. When he is in the field we let him carry a sword, and that is his only weight, while the poor private has to carry a gun and other baggage weighing 30 or 40 pounds. We are not satisfied to let the officer stay in the tent in the shade, while the humble enlisted man digs in the ditches, stands guard, and does other hateful tasks—oh, I had rather fight a thousand battles than do this monotonous drudgery of camp life—we are not content to give the officer the best of it all along the line, we are not content to give him a chance to make something out of himself, to have his name mentioned in the dispatches, and come home as a hero, while the man that is doing the fighting in the trenches is not mentioned at all. Nothing is thought of the humble private; there is no chance of promotion, no distinction nor honorable mention for him. All this is inevitable in military life. Yet we propose to further discriminate between the enlisted man and the officer, to discriminate between them when they come home with equally honorable scars, between their mothers, the mothers who gave birth to them, who nourished them, between their widows and orphans, when officer and man, heroes alike, lie dead upon the battle field. [Applause.]

I had my speech printed in pamphlet and sent a copy to every voter in my district. Many things that I have done and said have been criticized, but for the sentiments expressed in that debate no word of criticism from a constituent has ever come to my ears.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. The gentleman will excuse me; I can not yield.

It was in September, 1917, that action was taken. Under that law millions of young Americans went into the service. Under that action the officers performed their duties. Every man in the whole Army knew that this principle of democracy had been adopted, and necessarily he relied upon it. Every officer who served knew that he would be entitled only to the same compensation that the commonest private in his command would receive, in the event he became disabled.

If there was a trade at all, that was the trade. Talk of promises is ridiculous. There were no promises. There was a definitely established policy of law, and upon that policy so adopted officers and men enlisted and went out to fight for their country.

No man, not even including my friend from Massachusetts [Mr. CONNERY], ever rejected a commission because the compensation was not on the basis he desired. I never heard, before my friend spoke yesterday, of any man rejecting a commission and preferring to fight in the ranks. I have myself been a private soldier, and I know what devolves upon a private soldier in war, and if I did not have great faith in my friend from Massachusetts I should suspect his veracity when he assures me that he declined a commission.

Mr. CONNERY. Mr. Chairman, will the gentleman yield, since he has referred to me?

Mr. HUDDLESTON. No; I regret I can not yield.

I want the Members of the House to feast their eyes on one man [Mr. CONNERY] who refused to accept the honor of a commission, who refused to accept the salary, who refused to accept the social position and the best of everything that the Army had to offer, and instead chose to cast his lot among the lowly and the louse-bitten. [Laughter.]

My heart goes out to any man who serves his country. I have had an extraordinary sympathy with the disabled and all other ex-soldiers, and I have voted for every measure that has been proposed in this House for their benefit. I voted for the increase in pay of those in the service and for all relief measures proposed for those who are disabled. I have always raised my voice on that side.

Let me tell you, moreover, by way of a little bit of "bragging," that I am the man who invented the bonus. On December 7, 1918, on the very first day of the session of Congress after the armistice was signed I introduced the first soldiers' bonus bill that was ever offered in Congress. [Applause.] And on January 9, 1919, before the American Legion had even been organized and before anybody else thought of such a thing, I made a speech in behalf of a bonus for soldiers.

I stand now, as I have always stood, willing to do anything reasonable in behalf of the soldier, so long as it is put upon the basis of equality. But I tell you now that never will I consent to give those who enjoyed the best of everything while they were in the Army, as against those who had the worst of everything while there—never will I vote to give them a superior position in civil life. To me they all look alike. There are no more colonels, no more captains, no more privates; they are just all patriotic men who should stand on a basis of equality. [Applause.]

The idea back of all pensions and other soldiers' benefits is that we give these gratuities in order to insure that the country will not lack for defenders in the future. Let me tell you that the best way to be sure of defenders in the future is to keep America worthy of defense. So long as we hold fast to the principles of democracy there need be no fear that the great masses will fail when you call upon them for service. But when we make distinctions, when we prefer class above class, when we come to countenance privilege, when we discriminate between citizens of equal worthiness—then bring on your conscription laws. We will have need of them because men will not serve willingly. [Applause.]

Mr. ROY G. FITZGERALD. Mr. Chairman, I yield myself five minutes.

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. ROY G. FITZGERALD. Mr. Chairman, I wonder how many of the Members of the House have read a very thought-compelling work by Lothrop Stannard entitled "A Revolt Against Civilization"? If that book had not already been written, I am sure the author would have recognized material for the book in what we have just listened to. Think of it! An officer shot through the face, shot through the head on the battle field, lying out here in Walter Reed Hospital when Congress assembled in 1920, with his face mutilated so hideously that it was horrible to look at. He is patched up and elected to Congress by patriotic people in Alabama. He is abused in this House because he happened to be an officer.

It is popular with cynics to say that the Members of the Congress do not know anything about the legislation that is being considered; and I know it is quite popular with those who do not like the American Legion to accuse it of ignorance and to accuse it of not knowing what it is engaged in with respect to its activities in this House. Yet, I am confident that the American Legion in the State of Mississippi knows what is going on and understands what it advocates. I want to read here just one sample of hundreds of communications that have been received, a resolution of the American Legion post at Corinth, Miss., because it speaks for the enlisted man; and I speak of it because the Legion of the State of Mississippi, which may be dreadfully misinformed and as ignorant as this House and as ignorant as the American Legion is said by the opponents of this bill to be about its policy, has indorsed this bill. I read:

THE PERRY A. JOHNS POST, No. 6,
DEPARTMENT OF MISSISSIPPI,
Corinth, Miss., May 3, 1928.

Whereas the House of Representatives, Congress of the United States, now has before it a measure that has the unanimous support of all veterans' organizations in America and of a vast majority of all veterans of the World War; and

Whereas this measure is the Tyson-Fitzgerald bill, which accords to the disabled emergency officers of the Army that retirement which the disabled emergency officers of the Navy and Marine Corps received some years ago; and

Whereas a small but active minority in the House has been working against this measure and saying that the former noncommissioned officers, privates, and sailors of the Army, Navy, and Marine Corps were opposed to the same and considered it a discrimination against them: Therefore be it

Resolved, That we, the members of the Perry A. Johns Post, No. 6, American Legion, of Corinth, Miss., who served without commissions in the armed forces of the United States, do hereby declare our unqualified approval of the above bill; that we urge our own Congressman and the Representatives of other Mississippi districts to vote for the same; be it further

Resolved, That we send copies of this resolution to every Mississippi Representative in Congress and to the Hon. ROY G. FITZGERALD, M. C., the coauthor of the bill, for publication in the CONGRESSIONAL RECORD.

Done by a unanimous vote of the above-mentioned former members of the armed forces of the United States of American during the World War.

C. W. NORWOOD, *Post Commander.*

That is an example of hundreds of just such indorsements.

Mr. SIMMONS. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Certainly.

Mr. SIMMONS. The gentleman has received what, I think, practically every Member of Congress has received, and that is requests that this bill be passed without amendment. What is going to be the attitude of the gentleman from Ohio, in charge of the bill, on that matter?

Mr. ROY G. FITZGERALD. To resist every amendment.

Mr. SIMMONS. Then those of us who have amendments which we intend to offer will have to understand that so far as the gentleman is concerned—and those who are following him, if he can control them in the House—it will be absolutely useless for us to offer our amendments?

Mr. ROY G. FITZGERALD. Oh, no. I make no pretense of controlling anyone in this House; neither does the American Legion.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ROY G. FITZGERALD. Mr. Chairman, I will take three or four more minutes. I want to say to you that this legislation has been before the House for seven years. It has been three times passed by the Senate, and the greatest fight possible has been made to get it before this House, but I have been assisted by yourself most ably, and others, twice before the Rules Committee, when I have sought until the present session merely to get this bill before this House for consideration, and because of that, I will say to my good friend from Nebraska, I can not jeopardize this bill, and you must not ask me to either make it more liberal or make it less liberal.

Mr. SIMMONS. What I wanted to ascertain was whether it was to be the policy of the gentleman in charge of the bill on the floor to resist amendments.

Mr. ROY G. FITZGERALD. The safety of this bill demands that course.

Mr. BURTNESS. Will the gentleman yield?

Mr. SIMMONS. Yes.

Mr. BURTNESS. Is it the gentleman's position that Members of the House should not offer any amendments?

Mr. ROY G. FITZGERALD. Oh, no, no.

Mr. BURTNESS. Is it the gentleman's position not to permit Members to pass upon the merits of amendments which may be offered, and vote in accordance with their judgment as to the merits of those amendments?

Mr. ROY G. FITZGERALD. Certainly not. I do not ask anybody to follow me.

Mr. BURTNESS. But the gentleman takes the position that regardless of the merits of amendments we should not adopt any amendments?

Mr. ROY G. FITZGERALD. No; I do not take any such position at all, but I say to you that there is not any merit in any amendment proposed to this bill.

Mr. BURTNESS. Does the gentleman know the different amendments that may be proposed?

Mr. ROY G. FITZGERALD. Yes; I know every amendment that can be proposed to this bill. I know them.

Mr. GREEN. The gentleman believes amendments will kill the bill?

Mr. ROY G. FITZGERALD. That is the whole trouble. My good friend from North Dakota, where it is awfully cold at times, I know is a warm-hearted man and he must realize that, after I have had a part in this struggle for several years, a struggle which has been very bitter and has strained friend-

ships, I must insist on the bill as it is. That must be my position after seven years of discussion and after all these matters have been debated and heard again and again. The CONGRESSIONAL RECORD is full of discussions about this bill and all its features, and those discussions have been going on for years. The matter has been so thoroughly discussed that we know in advance all the suggestions which can be made, and I say to my good friend that any amendment which is made to this bill that throws it into conference with the Senate jeopardizes its passage. I believe myself that the principles and the immediate passage of this bill are much greater than the benefit of any particular amendment, which must necessarily delay if not defeat the bill; therefore, I personally am opposed to any amendment. Of course, I do not ask anybody to follow me in this House.

Mr. BURTNESS. I appreciate the gentleman's personal position in that respect, of course, but it does occur to me that if we follow the gentleman's general view there is not very much left of representative government in this country, especially if Members are not privileged to have amendments considered.

Mr. ROY G. FITZGERALD. I resent the idea that this House can be controlled by anybody within it or by anybody outside of it. [Applause.]

Mr. SIMMONS. Do I understand the gentleman to say that he resents the letters, telegrams, and demands we have been getting that we pass this bill without amendment?

Mr. ROY G. FITZGERALD. No; I have a broader conception of the rights of the American people. I know they may not be diplomatic and that they may ask us to do things which we should not do. They have asked me to support this bill, some of them not having any idea, possibly, that I have had anything to do with it and where I stand. One of the Members of the House came to me and said that he resented the telegrams which he had been receiving from a number of his constituents asking him to support the bill when he said, "They ought to know I am for this bill," and it almost turned him against it. But we have heard statements made on this floor that the American Legion does not know what it is about; that the American Legion is not informed; that the American Legion is misrepresented by its officers here in Washington, and that if the rank and file only knew what was in this bill they would be against it. When such statements are made, can you blame the American Legion from all over the country, 46 departments of the American Legion urging passage of this bill, for sending in telegrams to us, from every State in the Union, telling us that they know what this is about and understand what the measure is? That is what they are trying to impress on you, and do you want to resent their attempt to show you that they know what they are doing?

Mr. CONNERY. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. CONNERY. The gentleman from Alabama in his speech said the American Legion did not know what was in this bill, but the gentleman from Iowa knows that the gentleman from Nebraska [Mr. SIMMONS] spoke at length on this bill before the American Legion at Omaha and was voted down. They knew everything that was in this bill, and they voted him down overwhelmingly.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. ROY G. FITZGERALD. Mr. Chairman, I yield myself five additional minutes. Of course, the American Legion has had an opportunity to know the position taken by the gentleman from Nebraska. He has appeared before committees and he has appeared on the floor of the national convention of the American Legion. So Legion members have had every opportunity to learn everything they want to know about this bill, and at nine annual conventions of the American Legion there has been a favorable report but never a minority report with regard to this bill.

Mr. SIMMONS. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. SIMMONS. It is true I did speak at the American Legion convention in 1925 against this bill. I think those who were there will bear me out in saying that the galleries were with me but the delegates on the floor were not. May I say in answer to the gentleman from Massachusetts [Mr. CONNERY] I did not say everything there against the bill, because we did not know then what we know now about this bill. So please do not hold that up against the American Legion.

Mr. CONNERY. The bill was up for five years in exactly this form.

Mr. SIMMONS. And gradually many of us are finding out more things against it.

Mr. GREEN. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. GREEN. Has the gentleman received any resolution of disapproval from any Legion post with respect to this bill?

Mr. ROY G. FITZGERALD. No; but I have heard there are three or four posts out of 13,000 posts of the American Legion and auxiliary which have opposed this bill.

Mr. GREEN. Does the gentleman recall what States they are in?

Mr. ROY G. FITZGERALD. No; one of them was in Pennsylvania and was brought about by one of the Members of the House recently.

Mr. SIMMONS. One was in Toledo, Ohio, was it not?

Mr. ROY G. FITZGERALD. No; I beg your pardon. If the gentleman is referring to a letter received this morning, I want to call the attention of this House to some very dishonest things which have been done. This may not apply to the Toledo matter, but he has not got, and does not state that he has, the action of that post of the American Legion behind him. A man did this out in Arcadia, Calif., and is denounced by the American Legion because he used Legion paper to tell it, and he was sore only because we did not tack on to this bill the Wurzbach bill, which we could not do, and he is denounced by the enlisted men of Arcadia, Calif., because he, the postmaster, did this thing on Legion paper.

Mr. GREEN. May I say to the gentleman I have received a large number of resolutions and telegrams in favor of this measure and not a single one opposing it.

Mr. ABERNETHY and Mr. HUDDLESTON rose.

Mr. ROY G. FITZGERALD. I first yield to the gentleman from North Carolina.

Mr. ABERNETHY. Is it any offense for a wounded soldier to petition Congress through a telegram? Why should anybody be offended at that time?

Mr. ROY G. FITZGERALD. Some of us get irritated. I know that those cold to humanitarian appeals are annoyed.

Mr. HUDDLESTON. Is the gentleman acquainted with Capt. Matt Murphy, of Birmingham, Ala.?

Mr. ROY G. FITZGERALD. No; I am not.

Mr. HUDDLESTON. Captain Murphy was a captain overseas, rendered very splendid service, and just this moment I have been handed a telegram from him. He was one of the organizers of the American Legion and has attended every one of its national conventions. He was a member of its national executive and its national legislative committees. Would the gentleman allow me in his time to read the telegram?

Mr. ROY G. FITZGERALD. Oh, they have plenty of time on the other side.

I do want to clear up one or two matters here, because the officers have been denounced, and it has been suggested that this being a Republic we must treat all soldiers alike. It has been said that during time of war we have a sort of monarchy; that is, we have an orderly arranged machine to perform a certain kind of work; but in order to get this orderly arranged machine this Congress, representing the American people, entered into an obligation which I am here to plead with the Members of this Congress to fulfill.

It was a straightforward obligation—an obligation to treat these emergency officers in regard to pensions and all other allowances just the same as the officers of the Regular Establishment are treated. A gentleman who has recently spoken has suggested that this is a plain pension bill.

Why, gentlemen, the average amount this bill will give to these emergency officers is only $132 a month, an increase over $62 a month.

Suppose it is a pension matter and suppose we have got to do what any honorable body would do, fulfill our obligation to these men to whom the obligation was made. Is that an argument of merit? If we do not pass this bill there are at least 100 more of these men who are going to die every year it is delayed. I can not submit to amendments enlarging this bill to take in those who are less than 30 per cent disabled, no matter how great my sympathy may be, because it means delay of the bill and means that 150 more will die during the year before the bill can be passed. We never can right the wrong to those who are gone. There were 122 of these men who died last year, and we never will be able to right the wrong to those who have died during the seven years this measure has been pending in Congress.

Now, there is another matter that keeps constantly cropping up here. It is suggested that somebody, in some way, is going to be injured by the passage of this bill. My colleagues, there is not a way under heaven for any man, enlisted man or officer, to be injured by this bill. There is no way that can be devised. In the first place, he need not come under its provisions unless he wants to, and if he does come under its provisions, even the second lieutenant will be benefited by it, because the second lieutenant will get $106.25, where the greatest amount he can

get now under the law is $100. I would like to read to you the plea that comes to me from one of these second lieutenants. This is the telegram:

SAN FRANCISCO, CALIF., *May 11, 1928.*

Hon. ROY G. FITZGERALD,

House of Representatives, Washington, D. C.:

Regarding emergency officers' retirement bill, believe my case typical. Voluntary enlisted as private Corps Engineers at beginning of war. Sacrifice $6,000 yearly position as engineer. Have spent 19 months in France, discharged second lieutenant with total permanent disability, service connected. Now receive $100 per month compensation. If retired under your bill on account more than 5 years' service will receive more than $160. Difference will pay interest on mortgage on home with other benefits of retired officers. Surely we are deserving of this consideration.

ROY H. FLAMM.

The reason for the wrong impression that second lieutenants would receive less than $100 was that when the Veterans' Bureau was asked for the table of those who would be benefited by this bill if it became a law, the bureau used the present pay table of Army officers, which gave the impression that a second lieutenant would receive only $93 as three-fourths pay for retirement because of disability. They will be retired on 75 per cent of the pay they received when discharged, which, until after the end of the war, was such as to yield them $106.25 a month retirement pay. Much has been said about colonels and something has been said about generals. There is only one possible general to come under this bill. I regret it exceedingly, gentlemen, that there are 4 colonels in all the United States in the 3,000 officers to be benefited. There are 17 lieutenant colonels, 112 majors, possibly including that individual known as LAMAR JEFFERS, of this House, who lay a physical wreck for months on his bed in the Walter Reed Hospital. Is it not awful that we have in the House such a criminal as would discriminate against the enlisted men? [Laughter.] Yet we have another officer, a Member of this House, who might come under this bill.

I am glad that the gentleman from Alabama [Mr. HUDDLESTON] has expressed himself of thinking meanly of such men, for it gives me an opportunity to say that I am proud to serve in this House with men like LAMAR JEFFERS and CARROLL REECE, men who have been decorated by our country for heroic conduct on the fields of battle in France.

Now, I want to read another telegram from California, from the city of Los Angeles. There is some little rivalry between the two cities, but evidently they are in accord on this bill.

It is as follows:

LOS ANGELES, CALIF., *May 10, 1928.*

Hon. ROY G. FITZGERALD,

House of Representatives, Washington, D. C.:

Officially announced by press to-day Lieut. Gov. Buron Fitts, disabled emergency officer of the World War, loses his 10-year fight with medical science to save his right leg. Amputation will take place tomorrow, May 10, Government hospital, Sawtelle, in an effort to save the life of the State executive. Following 18 major operations and 10 years of intense suffering to check spreading infection, amputation announced imperative.

DISABLED EMERGENCY OFFICERS WORLD WAR.
C. C. BAYLESS.

Oh, gentlemen, is it not to be regretted that among the 28,000 employees of the Veterans' Bureau that they have only been able to find a place for 49 of these men who may be affected by this bill? The money from this bill will be used to keep homes together, to keep the little children in school and give them an education. This man mentioned in this telegram is the Lieutenant Governor of California. He has been struggling for his life all the time. He has been honored by the people of California, and assumed all the duties which his people have asked him to assume. This man can not save his limb, and we ought to pray in this House that his life may be spared long enough to show that this Congress has not repudiated its obligations, but has done the square thing. [Applause.]

Mr. RANKIN. Mr. Chairman, I yield one minute to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, no finer gentleman and no braver officer ever served in the Army than Capt. Matthew Murphy, of my home city. On taking my seat a moment ago the telegraph messenger handed me this telegram from Captain Murphy:

BIRMINGHAM, ALA., *May 11, 1928.*

Hon. GEORGE HUDDLESTON,

Care House of Representatives, Washington, D. C.:

Stay with 'em. Am national charter member of American Legion. Been Alabama State commander twice. Was on national executive and legislative committees. Am with you and glad you are against Tyson-Fitzgerald bill on account of discriminatory features against enlisted men.

MATT MURPHY.

The sentiments which Captain Murphy expresses show his worthiness of my description of the kind of man he is.

Mr. RANKIN. In the beginning, Mr. Chairman, I desire to say that I have never altered my position on this bill. I opposed it from the very day it was first offered, and I oppose it now. I am opposed to it for a great many reasons, but I am going to take the little time I have to answer the arguments made on yesterday by the gentleman from Ohio [Mr. ROY G. FITZGERALD].

You will find in his remarks a reference to the gentleman from Tennessee [Mr. GARRETT], the minority leader on the floor, one of the finest and bravest and most conservative men who ever occupied a seat on this floor—a reference to his sentiments as "communistic," because he opposes this change in our American policy, wherein we pension our soldiers according to disability and not according to rank.

On page 8358 of the CONGRESSIONAL RECORD he makes this astounding statement:

The settled policy of this Government from the beginning down to date, including the Spanish-American War, has been to compensate those injured in the service in accordance with their rank; to compensate them for disabilities incurred in service by pensions based upon rank, and based upon the settled policy of this democratic and not communistic country from the beginning.

In the first place, he brands as "communistic" those of us who do not subscribe to the doctrine that a pension should be based on rank. In the next place, he misrepresents, possibly unwittingly, the policy of this Republic from the earliest days down to the present time.

When the Civil War closed, the greatest conflict up to that time that the world had ever seen, there had been a measure passed to take care of a few superannuated officers, and in a few years there were 30 generals of the Civil War sitting on the two sides of this House.

I am talking to you men mostly on the Republican side of the aisle now. Those men who fought in the Union Army, in whose tracks you may safely follow if you want to preserve the life, the dignity, the strength, and the glory of this Republic, for 60 years turned down and defeated and refused to subscribe to a bill that would pension the soldiers of the Civil War according to their rank.

I speak now to you men of the South and recall to you the soldiers of the Southland in that great struggle, those brave men who faced the battle lines for four long, bloody years, and who went back and redeemed their Southland under conditions from which no other country has ever survived; and yet not in a single Southern State have they ever subscribed to the doctrine that Confederate soldiers should be pensioned according to rank, instead of on disability. They would spurn this bill with contempt if it were brought to them, just as the Federal soldiers spurned it with contempt on this floor and in their meetings.

Oh, but he brands as communists those veterans of the Spanish-American War, who in the dark days of 1898, when it looked as if a world catastrophe was going to be precipitated, not in Europe but upon the burning plains of Cuba, volunteered to face dangers known to the Tropics that were even worse than those of the battle front. They have refused from that day to this to adopt the policy or to recommend a policy of pensioning soldiers according to rank instead of according to disability. Why? Because it is a repudiation of all the democratic policies of our American institutions.

The gentleman goes on and talks about the American Legion. I received a telegram from an American Legion post, composed of men of the best blood of America, at Aberdeen, in my district, men whose ancestors have fought in every war from the Revolution to the present day. Some of them were officers and some enlisted men. Every one of them is just as patriotic and just as intelligent as is the gentleman from Ohio [Mr. ROY G. FITZGERALD].

I sent them a copy of this minority report, which is all that we could get. It took us three or four years to get that. They have refused us hearings before the Veterans' Committee. They granted us hearings by unanimous consent, and then on motion of the gentleman from Ohio [Mr. ROY G. FITZGERALD] shut us out, and we just had to dig this information out. I sent it down. It has not been questioned here. It is in this pamphlet, and was compiled by the various departments here, largely the Veterans' Bureau. I have this telegram:

Daniel W. Byrd Post in regular session at Aberdeen condemns the disability emergency officers' retirement bill. Congratulations on your stand.

The resolution read by the gentleman evidently was not passed by the Mississippi Legislature. If it had been, it seems to me the secretary of state would have sent me a copy. Perhaps it was introduced.

I sent a copy of the minority report to a young man down there who has been in the service, a brilliant young officer, a member of the Legion, and he wrote back that—

If the people generally knew just what this proposed bill was for, there would be a howl of protest the like of which has never been heard before. I am in favor of any kind of a bill for the disabled veterans, and you are, too, but this one—no!

There is a man who served just as honorably as those who have criticized us. Down at Tupelo, my home town, I received one of these inspired telegrams, which stated that the American Legion was for this bill. That is getting close to home. I am a member of that post. I wrote to those boys and said that I wanted to do what they wanted me to do if I knew what that was. I asked them to inform themselves on the subject and to discuss it. All I had was this minority report and the CONGRESSIONAL RECORD, which I sent them. They wrote back that they had had a meeting and indorsed my stand in opposition to this measure, and the adjutant wound up by saying:

I am glad to say that there was not a dissenting vote in that instance.

Here is another one from Denver, Colo. He says:

The press reports you in opposition to the bill to place emergency World War officers on the regular retirement pay. A similar bill was introduced in Congress in 1896 and in 1898 to place the Civil War volunteer officers on the Regular Army retired list, and was opposed by the Civil War officers, and you are properly doing. They defeated it, and the CONGRESSIONAL RECORD will show it.

That is signed by a man named Brasheer, officer, patient, wardee, and he gives the company and command. Let us now go up to Portland, Me. I see my distinguished friend from Maine [Mr. NELSON] here. He made one of the most eloquent speeches yesterday that I have listened to for a long time. I have this from a Portland man:

I have been much interested in the stand that you have taken with regard to retirement for disabled emergency Army officers. Because of the fact that I served throughout the war as a private soldier the cry of "sour grapes" may be raised, but nevertheless I stand my ground. This bill appears to be based on the policy that commissions were granted only to a group of supermen, far superior to the average mortal in every way. It has been my observation that the average emergency officer received during his active service a sum in excess of his ability to earn in civil life. Indeed, his discontent in many cases was due to the false standard of living to which he had been accustomed during the war.

He goes on and says he hopes the bill will be defeated.

Mr. HERSEY. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Not just now.

Mr. HERSEY. It is on the matter of the way the American Legion of Maine stands on this bill. They stand for this bill. I am quoting an organization.

Mr. RANKIN. I know you are quoting from something which is the result of propaganda, just as has been done in Aberdeen and other places.

Now, here is a man from New Bern, N. C., who was in the service, according to his statement. He is a lawyer there. His name is W. B. Rouse. He says:

NEW BERN, N. C., *April 10, 1928.*

Congressman RANKIN,
Member Congress, Washington, D. C.

DEAR CONGRESSMAN: I am taking the liberty to write you my views on Senate bill No. 777, concerning benefits for disabled emergency officers of the Great War, which is now before the House for action.

Taking into consideration the high purpose of our entry into the war, the equal and universal service required of every able-bodied man in the country, it is passing strange why Congress would even undertake to set a premium on the disability of one soldier over that of another. By what process of reasoning or operation of the mind can it be said that a first lieutenant disabled to the extent of 30 per cent shall draw from the United States Treasury $125 a month as compensation for his loss of earning power, while an enlisted man with the same degree of disability shall draw only $30 a month? Further, under the compensation act the disabled man is classified according to his vocation, this to determine the actual handicap of the existing disability, but the proposed bill does not even recognize this feature in measuring the handicap of the officers. An officer may be 30 per cent disabled and engage in a vocation or profession in which his disability is not a handicap, still a first lieutenant would receive $125 in monthly payments.

In this bill Congress is undertaking to enact class legislation which, if carried out, is going to destroy the good comradeship existing between the service men of the Great War, and if passed will furnish the incentive to the enlisted men to make their demand on Congress for their equally just pound of flesh.

Please do not be fooled into believing that the service men of this country are demanding this legislation, because such is not the fact. It is true that the Legion and other organizations have been fooled into indorsing this bill. This bill was brought before these organizations under its caption only. The contents of the bill were never discussed nor disclosed. The service men have never had the opportunity to know the merits or demerits of the bill. They were duped into the indorsement of it.

You will notice that he says the contents of the bill were never disclosed. They were duped into indorsing it.

In conclusion—

Says Mr. Rouse—

the passage of this bill will be a bold, unjust, and indefensible discrimination between equally disabled enlisted men and officers, and an unjust discrimination between officers of different rank. We therefore hope that our Congressman will respect the equal rights of our comrades in arms and vote to pass only such laws as will insure the continuation of this cherished condition.

I have also a telegram here from Mr. Rouse under date of May 9 to the same effect.

Now, let us get down to the State of Alabama. Here is a protest from an ex-service man at Birmingham. We have a good many protests from that section.

They jumped on this man in California. They are denouncing him because of his opposition to this bill. And yet his post of Veterans of Foreign Wars includes this paragraph in one of its resolutions:

As enlisted men and as emergency officers with overseas service during the World War we would give the enlisted man disabled in combat more consideration than the emergency officer who remained safely at home with his family and enjoyed the emoluments of his easily acquired commission.

I venture to say now that the vast majority of these men on this list were never in a battle.

Here are two ex-service men in Alabama calling my attention to it, and saying:

It is useless for us to call your attention to the provisions of the bill, but it is our humble opinion that the bill is iniquitous, discriminatory, unfair, and un-American, and it does not in any manner reflect the sympathy of the great mass of enlisted men who served their country and served it well during the World War period.

Here is a letter from Mr. Julius B. Cooper, of Birmingham, Ala., to the same effect. And here is another one from another ex-service man in Alabama.

Now, let us get down to showing that this "communism," of which the gentleman from Ohio [Mr. ROY G. FITZGERALD] complains, is spreading over the country. It is invading Ohio. This "communism," in accordance with which the gentleman from Ohio says they believe in pensioning a man according to his disability instead of according to his rank. Here is one example:

DEAR MR. RANKIN: Copies of your minority report on the Tyson-Fitzgerald bill were received by me at my office in Toledo.

I have attended a good many State and National conventions of the American Legion, and fully realize how the so-called Legion support for this bill is obtained. Committees, composed in many cases of men who are personally interested in the bill, bring forth a favorable report to the main assemblage, and then it passes unanimously without discussion. Another factor is that delegates to these conventions are made up largely of former officers, or at least they led the governing voices.

Keep up your good fight. If the rank and file of the returned soldiers knew the side of this bill as you have presented it, they would ask that every Congressman vote against it.

I am a salaried employee of the American Legion in Lucas County, Ohio; have been at the same job for six years.

Very truly yours,

HENRY B. HERMAN,
Secretary Lucas County Council, American Legion,
Adams and Erie Streets, Toledo, Ohio.

Here is a resolution that was sent to me from the post at Woodville, Ohio. Let me read it:

Therefore be it resolved by Clarence Nieman Post, No. 455, American Legion, That they protest the enactment into law of the Tyson-Fitz-

gerald bill for being unwarranted, un-American, and tending to embarrass other legislation of superior importance affecting the welfare of disabled men.

Not only that, Mr. Chairman, but we come on down to Cambridge, Ohio. That post of the American Legion urges your opposition to the emergency officers' retirement bill and your support of the universal draft bill.

There is another one coming from Cambridge, Ohio, and if these American Legion men all over the country find out what is behind this bill you will find a stronger protest against the enactment into law of any legislation that has such discriminatory provisions in it.

I have no access to the White House any more than any other Democrat has and I do not know what the President thinks, but if he carries out the policies he has followed in the past, I can not understand how you men on that side of the House can believe he will sanction legislation of this kind. Why? Because it discriminates most violently against the enlisted man who served in the World War in favor of the officers who are claiming this gratuity. It discriminates against the officers and men of the Spanish-American War; it discriminates even against your officers in the Civil War; and last, but not least, Mr. Chairman, it most violently discriminates against the sacred dead who, as Abraham Lincoln said upon the field of Gettysburg, "paid the last full measure of devotion" upon the field of battle, or who have died since the war closed.

The most popular soldier who has ever been in this Capital, in all the years of its existence, sleeps over yonder in an unmarked grave at Arlington—the Unknown Soldier. My picture of the result of this bill is to see a broken-hearted mother, in widow's weeds, standing before that tomb which contains the composite remains of all our sacred dead who paid the "last full measure of devotion," as Lincoln said, in the World War, because she must realize, as we all know, that she is discriminated against by this bill, regardless of who that unknown soldier might have been. If he were an enlisted man, his buddies who were shot down around him and who managed to survive the conflict are discriminated against in favor of other men, a great many of whom never got nearer to the battle front than Dallas, Tex., or Los Angeles, Calif.

We say this is a pension based on rank, but in the name of all the gods at once who ever heard of a decent pension law that ignored the widows and orphans of those who made the supreme sacrifice in their country's cause?

If that unknown soldier happened to be an officer he is discriminated against, because it denies to his widow and his children the same benefits that it gives to the men on this roll who are drawing salaries of $5,000, $6,000, $10,000, and even $12,000 a year.

God forbid that this Congress should ever pass such a piece of legislation or that the President should ever permit it to become a law. [Applause.]

Mr. ROY G. FITZGERALD. Mr. Chairman, I want to take a minute or two because I would like to have my good friend from Mississippi ascertain whether or not this Congress has been deceived. I would like to know if the American Legion after nine years, composed of 90 per cent enlisted men, is incapable and has not the intelligence to know what it is it has been fighting for. I am also curious to know about the State of Mississippi and whether or not what has been handed to me by that American Legion, which has been attacked on the floor alleging lack of intelligence and misrepresentation by its officers, has been deceived. I want to read a memorial of the the State of Mississippi, through its legislature, imploring Congress to pass this bill.

Mr. BUSBY and Mr. RANKIN rose.

Mr. ROY G. FITZGERALD. I will yield just as soon as I read it.

M. BUSBY. I wanted to refer to that resolution and to ask whether the gentleman has a certified copy of the resolution.

Mr. ROY G. FITZGERALD. I have not; and that is the reason I am asking about it.

Mr. BUSBY. I have not heard of it before; and they usually send us certified copies of such matters.

Mr. ROY G. FITZGERALD. That is why I want the gentleman to have full opportunity to investigate the matter.

Mr. BUSBY. I am not alleging it to be true; but am denying it to be true.

Mr. ROY G. FITZGERALD. I do not know either; but I would like to know about it. It would really be valuable to the House to know if the American Legion has been deceived or if the American Legion has deceived me, or if the Representatives from Mississippi have been deceived about their own legislature and their own State. [Reading:]

In the Legislature of Mississippi. House Joint Resolution No. 20.

Memorializing Congress to pass the Tyson and Fitzgerald bills regarding disabled emergency officers

Whereas of the nine classes of officers who served in the World War, eight classes, namely, regular officers of the Army, Navy, and Marine Corps; provisional officers of the Army, Navy, and Marine Corps; and emergency officers of the Navy and Marine Corps, have been granted by Congress the privilege of retirement for disability, when incurred in line of duty, leaving only the disabled emergency officers of the Army without such retirement privileges; and

Whereas there is now pending before the Congress of the United States measures known as the Tyson bill, S. 777, and the Fitzgerald bill, H. R. 500, to correct this apparent injustice to the disabled National Guard and other emergency officers of the World War; and

Whereas such proposed legislation is equitable and seeks to do a long delayed justice to a class of worthy disabled officers of the World War entitled because of their service, their wounds, and disabilities incurred therefrom to the same consideration and privileges as men of their rank who performed like service, but were of the Regular Army; and

Whereas an overwhelming number of the Members of Congress since the armistice have promised to correct this injustice to disabled emergency army officers by the enactment of legislation designed to adjust the unfair condition imposed upon this one remaining class of officers: Be it

Resolved, That the Legislature of Mississippi urge upon its legislators in the National Congress the importance and desirability of speedily passing such legislation; and be it further

Resolved, That copies of this resolution be sent to each Senator and Representative in Congress from the State of Mississippi.

Passed and adopted April 16, 1928.

Mr. RANKIN. Will the gentleman now yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. RANKIN. Has that memorial the signature of the speaker of the house?

Mr. ROY G. FITZGERALD. No; and that is the reason I would like to know about it.

Mr. RANKIN. Does not the gentleman think he is rather presumptuous to be reading resolutions alleged to have been passed by the Legislature of Mississippi when they have not the signature of the speaker of the house?

Mr. ROY G. FITZGERALD. No; because I trust the American Legion, JOHN, and I believe this was sent here, and they have probably got the original, as they furnished me a copy, properly signed, and passed by at least one chamber of your legislature. It may have been passed by both of them, but I have given you the number and I have given you the date so that you may investigate it.

I now yield three minutes to the gentleman from North Carolina [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman and gentlemen of the committee, I did not intend to say anything more about this matter until the distinguished Representative from Mississippi [Mr. RANKIN] read a letter from my home town from a friend of mine, Mr. Rouse, who is opposed to this legislation.

I received the same letter, or a copy of it, and thereupon I wrote to the American Legion Post of my town and asked them their reaction, and this is what the adjutant writes me, and I want the committee to listen to this very carefully. This was on April 12:

Your letter, inclosing a copy that was forwarded to you by Mr. Rouse of a letter he had written to Mr. RANKIN, received, and I note that the date of his letter was the 10th.

Mr. Rouse presented a resolution in opposition to this bill at the meeting of the post on Monday night, the 9th, and spoke forcibly for its adoption. At this meeting of the post there were 82 members present, of whom 5 were officers in the war and 77 enlisted men. His resolution was opposed vigorously by a number of enlisted men and was defeated by a vote of 81 to 1, Mr. Rouse himself being the only member to vote for its adoption.

This is all I desire to say.

Mr. RANKIN. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. MILLIGAN]. [Applause.]

Mr. MILLIGAN. Mr. Chairman and members of the committee, the proponents of this legislation would have this House believe that every ex-service man, both enlisted men and officers, throughout the United States, are clamoring for the immediate enactment of this legislation.

I think it was well stated by the gentleman from Ohio [Mr. SPEAKS] when he stated that he believed that at least 90 per cent of the ex-service men of the United States are not familiar with the provisions of this bill. I think this is quite true.

I have found that even the national organization of the American Legion itself is not unanimous in its position upon

this legislation. I desire to read to you a letter I have received from one of the most active Legion men in the United States. This man is a member of the national executive committee of the American Legion, and his letter is as follows:

I received your letter, also the copy of the emergency officers' retirement bill.

Last night, being meeting night of our post, I thought it advisable to take the bill and your letter to the meeting. I called upon several men who held commissions in the late war and urged them to be present. We had a very good attendance. I read the report of the majority and also the minority report of your committee. Explained to them to the best of my ability the action that had been taken on this by the National Legion Convention and why.

We unanimously approved the action of the minority. I knew that you would be interested in this and thought this action wise.

This man was an officer himself and is now a member of the national executive committee of the American Legion.

I desire to read to you a letter from a constituent of mine, an officer in the late war who was disabled 61 per cent permanent disability. This man to-day is drawing $61, and under this legislation he would draw $150 a month for the rest of his life. Here is what he says about this retirement bill:

DEAR FRIEND: I have read your letter in regard to the Fitzgerald bill. I believe the bill would be a mischievous piece of legislation.

* * * * * * *

I commend your stand upon this bill.

That is a letter from a man who would receive the benefits of this legislation for the rest of his natural life. Knowing the man personally I know of his service, and there was no better soldier ever wore a uniform during the late war. I say, in his behalf, that I believe he is the most unselfish man I have ever known in my lifetime. [Applause.]

Now, I realize the futility of opposing this legislation. There has been for several years misleading propaganda spread throughout the Nation. I know Members of this House have committed themselves to this legislation without realizing the effect of its provisions. You feel obligated to these men to whom you gave the promise several years ago to vote for this legislation.

My colleague from Missouri read this afternoon a telegram from the commander of the Legion of the State of Missouri, and in that telegram he urged that this Member support this bill. I know that two years ago, when this matter was before the Missouri Department of the American Legion in convention, that convention refused to indorse it. I have been informed that at the last session the Missouri Department of the American Legion again refused to indorse this same legislation.

I say the commander of the American Legion of the State of Missouri, if these facts are true as stated, was not speaking for the American Legion of Missouri, but was only speaking personally when he directed that Member to support this legislation.

This bill is discriminatory not only as to the enlisted men that served in the late war—42,000 enlisted men who have a disability of 30 per cent permanent or more—it not only discriminates against these 42,000 men but it discriminates against 5,000 and some odd emergency officers themselves. There are at this time 8,466 disabled emergency officers, and this bill only provides for 3,232 of them, which leaves the other 5,234 on the same basis they are to-day, drawing a compensation as enlisted men are drawing under the present law.

Mr. NEWTON. Does the gentleman mean those who have less than 30 per cent disability?

Mr. MILLIGAN. No; in the first place they set an arbitrary rate of 30 per cent permanent disability to come within the provisions of the bill, but that leaves those who only have from 10 to 29 per cent on the same basis that they are to-day.

By this provision of permanent disability that leaves the man who may have 100 per cent temporary disability drawing the same compensation he is to-day. Eighty per cent of the men who are suffering from tuberculosis and drawing the statutory award for tuberculosis will not come within the provisions of this legislation.

A man with an arrested case of tuberculosis is to-day rated by the Veterans' Bureau from 12½ to 15 per cent. A man who is in the hospital with active tuberculosis will not be included in this bill because he is rated with a temporary disability, and is thereby excluded from the 30 per cent permanent disability. That provision excludes five thousand two hundred and thirty-four and odd of the 8,466 disabled emergency officers. They have a provision in this bill that provides that where the officer to-day has no disability or any rating before the Veterans' Bureau comes within its provisions.

Mr. CROWTHER. Was the gentleman in the recent war?

Mr. MILLIGAN. I was. I have served as a buck private and an officer. [Applause.]

There is a provision on page 1 of the bill that includes officers who to-day have no disability whatever, officers to-day who are drawing no compensation from the Government, who are recognized as having no compensable disability. Yet they are included in this bill. We find that in lines 6, 7, and 8 on page 1 of the bill in the following language:

who during such service have incurred physical disability in line of duty, and who have been or may hereafter within one year be rated in accordance with law at not less than 30 per cent permanent disability by the United States Veterans' Bureau.

The words "who have been" include cases of officers who to-day have no disability but who some time since their discharge have had a rating of 30 per cent permanent disability. You include those men whom the records show have recovered. Yet you exclude the emergency officer who to-day is 100 per cent temporarily disabled.

This is a pension bill. It can not be argued that this is a retirement bill. This can only be treated as a pension bill. I do not believe that we should enter upon a program of pensioning men of this or any other war according to their rank. To do so would leave this situation: You would have a man in a town or community, say, a colonel, who has 30 per cent disability drawing a compensation for the rest of his life of $250 a month, while the enlisted man living next door with exactly the same disability and having the same rating receiving only $30 per month.

Mr. CROSSER. Mr. Chairman, will the gentleman yield?

Mr. MILLIGAN. Yes.

Mr. CROSSER. What was the gentleman's position in the Army? The gentleman says that he was an officer.

Mr. MILLIGAN. I was a captain.

Mr. CROSSER. Of machine gun?

Mr. MILLIGAN. Of Infantry.

Mr. CROSSER. And as I understand it, the gentleman was wounded?

Mr. MILLIGAN. That is beside the point. I have the greatest sympathy for the officer or the enlisted man who was disabled in this late war, but I can not bring myself to vote for a bill of this kind that not only discriminates against the enlisted man but also discriminates against the emergency officers themselves. It is my theory that the health of the enlisted man is just as valuable to him as is the health of the officer, and I believe that the enlisted man is entitled to the same standards of living as the officer. I believe that the children of the enlisted man are entitled to the same social and educational advantages as are the children of the officers under whom he served. [Applause.]

Mr. ROY G. FITZGERALD. Mr. Chairman, I shall take only a couple of minutes, because the gentleman from Missouri [Mr. MILLIGAN] is laboring under a couple of misapprehensions which I hope constitute the reasons why he has changed his stand on this bill. In the first place, if a man has a service disability, and he is rated temporarily 100 per cent, he can be retired if he wants to under the bill. Nothing in the bill can hurt. If he wants to be retired he certainly has his 30 per cent permanent disability to be retired with, and he may apply for retirement or not as he sees fit.

I yield seven minutes to the gentleman from Wisconsin, [Mr. SCHAFER].

Mr. SCHAFER. Mr. Chairman, I shall be happy, indeed, to vote for the emergency officers' retirement legislation. The only fault that I find with the pending bill is that it does not go far enough in extending the retirement benefits. If the parliamentary situation will permit, I shall offer a motion to recommit with specific instructions to report back immediately with amendments which will perfect the bill and extend its benefits. The one-year limitation in line 8 of page 1 should be stricken out, and the 30 per cent permanent disability in line 1 on page 2 changed to 10 per cent, so that all emergency officers who have or may have a permanent disability of 10 per cent or more will be entitled to the retirement benefits of the legislation.

Much has been said on the floor of the House about the American Legion's method of bombarding Congress with letters and telegrams in favor of this legislation. I am always glad to hear from my constituents, especially when they are interested in pending or proposed legislation, but at no time will I pledge myself to a vote against every amendment which may be offered to a bill, as requested by some of the officers of the American Legion.

I do not think any such pledge would square with the fundamental principles of our democracy or with the fundamental principles of the American Legion. [Applause.]

We have heard on the floor of the House a great deal of talk about this bill discriminating in favor of one class and against another class. Our Federal laws to take care of the peace-time workers in the Government service are based on the amount of their salaries, which are based on the class of service rendered and the positions held. The service of an emergency officer compared with that of an enlisted man is similar to the service of an executive head compared with that of a clerk in his department. There is no more ground for holding that there is a discrimination against the enlisted man in this bill than there is to hold that discrimination exists against the clerks under the United States employees' compensation laws.

We listened to the fervid argument a few moments ago, in which it was attempted to show how this bill would discriminate against widows and officers of other wars. That same argument could have been used against all legislation which has been enacted for the relief of veterans, widows, orphans, and dependents, because it gave benefits to some and not to others.

You are not discriminating against any soldier because you are giving one of his buddies additional benefits.

If you look through the history of Congress you will see special pension acts granting to widows of former officers of the American Army who did not die of service disability pensions of $75 and $100 and $150 a month. Those bills passed Congress with the approval of many of the Members who now raise the cry of discrimination against this emergency officers' retirement bill. When you gave the widow of a prominent officer $75 or $100 as a pension by special act, whether or not her husband died of service disability, you could equally apply the same argument of discrimination against the widows and the children of every veteran of any war which this Nation has engaged in. [Applause.] The argument of the opponents of this bill that it will establish a precedent, discriminatory in nature, is utterly unfounded. I hope the bill will pass by an overwhelming majority.

Mr. RANKIN. Mr. Chairman, I yield two minutes to the gentleman from Nebraska [Mr. SIMMONS].

Mr. SIMMONS. Mr. Chairman, in the debate yesterday the gentleman from Massachusetts [Mr. CONNERY] made this statement, in part:

> Only 7 per cent of the officers of the Regular Army were casualties in battle. Ninety-three per cent of the officer casualties were emergency officers.

I agree with the sentiment of his speech, which gave credit for bravery to emergency officers who were wounded in battle. They were brave men, but I think we ought to know the facts. I resent the inference that the Regular Army officers were not just as brave as the emergency officers.

Six thousand three hundred and four Regular and 92,919 emergency Army officers served overseas; 181 Regulars and 2,034 emergency officers were killed in action. That means that 2.87 per cent of the Regulars who served in France were killed in action as against 2.09 per cent of the emergency officers.

We had in the Army 199,307 emergency officers during the war. During that time there were 11,357 Regular officers in the Army. The Regular officers numbered not quite 5½ per cent of the total commissioned personnel of the Army.

The gentleman from Massachusetts says they received 7 per cent of the casualties in battle. From the above figures I take it the records are in favor of and not against the Regular officer. [Applause.]

Mr. ROY G. FITZGERALD. Mr. Chairman, in reply to that I may say I think the statement of the gentleman from Massachusetts [Mr. CONNERY] is correct. The gentleman from Nebraska [Mr. SIMMONS] infers that both statements are not correct. The statement of the gentleman from Massachusetts, as I understand, was that 93 per cent of our officer-battle deaths were of emergency officers and he is correct.

There is no inconsistency between the two statements.

It has been called to my attention by the gentleman from Missouri that this bill is so drawn that there is a chance that a man who has once received a rating of 30 per cent would be entitled to its benefits even though he had recovered. I wish to say that is a fallacy; it is very specious, although my good friend may have justification for placing that construction upon the language of the bill. We use your knowledge of legal phrases and common sense. If a man has been rated permanently disabled, what does that mean? It means rated honestly, fairly, and legally as permanently disabled. If a mistake has been made and has been corrected, the Veterans' Bureau will never grant retirement because of a known mistake since corrected. If a man is not rated now as having a 30 per cent permanent disability, although he had been once so rated erroneously, he would not get retirement, though my good friend so misapprehends it. The change, necessarily a correction, would show that the original rating was not correct.

Mr. MILLIGAN. What is meant by the words in line 7, on page 1, "who have been"?

Mr. ROY G. FITZGERALD. That means those who have been correctly rated, but because a mistake has been made that would not justify them in retiring a man.

Mr. MILLIGAN. Has the gentleman gone to the Veterans' Bureau for an interpretation?

Mr. ROY G. FITZGERALD. No; I have not, but that must be so.

Mr. MILLIGAN. I understand they do not so interpret it.

Mr. ROY G. FITZGERALD. If they have made a mistake and have corrected it, that mistake would not warrant them in putting a man under the provisions of this bill, and no man would be retired because of a mistake.

Mr. MILLIGAN. I will say that these officers have been informed by those who are promulgating this legislation that they are included.

Mr. ROY G. FITZGERALD. I am very sorry if that is so because I am sure that that is a misrepresentation.

Mr. BURTNESS. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. BURTNESS. What about a case which at one time received a permanent rating, as an illustration, of 35 per cent and then it is cut down to 25 per cent permanent? The permanent rating as such remains, but the percentage has been cut from a figure sufficient to come within this bill down to one that would not permit the bill to operate on such an individual. Would he not under this language be included?

Mr. ROY G. FITZGERALD. I fear not, because that is a correction. If a mistake has been made and a correction has been made I am sure he could not be included under this bill. Under this bill, if it becomes a law, and under the language of this bill, retirement would be given only as a result of a correct or final rating of 30 per cent or more of disability.

Mr. BURTNESS. If I understand correctly, it may not necessarily be a mistake.

Mr. ROY G. FITZGERALD. It would necessarily have to be a mistake, because a man may have a 100 per cent temporary disability, and at the same time a 30 per cent permanent disability, but the permanent degree can never change.

Mr. BURTNESS. A person may have a permanent rating and gradually a man's condition is aggravated so that the permanent rating changes, not in its permanency, but in its percentage; and it is increased from time to time. I have secured increases for a great many such individuals myself.

Mr. ROY G. FITZGERALD. But the permanent rating should always be the same. All elements should be considered, including the progressive character of the disability and the permanent rating if correctly made should remain unchanged.

Mr. BURTNESS. Certainly; I agree with the gentleman, but the percentage may vary, depending on the circumstances.

Mr. ROY G. FITZGERALD. Mr. Chairman, I yield five minutes to my colleague from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS. Mr. Chairman and gentleman of the committee, I am not going to give you any figures or any percentages because you have been listening to figures for two meetings of the committee. I am going to talk about the veterans I have known so well since 1917.

I want to correct the impression that the enlisted men will object to the passage of this measure. I have heard that a few Members have had letters from a few men who have said they objected, but I do not believe they understood the measure. I know the unselfishness of the disabled veterans. I have worked with them steadily since 1917, first in France, then in the Walter Reed Hospital all day, day after day, from 1918 until 1922, and I have seen them all over the country since that time—and I love and respect them for their courage which beggars all description.

I find the attitude of the men in the hospitals toward their comrades is always the same from Maine to California. When I visit the hospitals I always go to the sickest ward first. In each ward the men always say, "There is a comrade who is not going to live very long, who needs help or compensation, will not you take his case first?" And perhaps those very men who send me to their sick comrade may know perfectly well that they have only a few days, and some of them only a few hours, to live. I could give you their names, but I will not take the time to do that. We want to vote upon this bill as soon as possible. However, I can prove that men are curiously gentle and tender for the welfare of others—supremely unselfish. They can not get this retirement but they do not begrudge it to the officers.

If you argue against this retirement measure why do you not argue that you should not pay officers any more during a war than you pay enlisted men? Surely their lives are no more valuable to them during the war than they are after it is over. All retirement measures in Government and elsewhere are based on position and salary at the time of retirement. The officers who went into the war were from 12 to 14 years older than the enlisted men; more of them were married, more of them had children, and more of them left lucrative positions and were entrenched in good business positions but many of them have never regained those positions owing to their war-time disability.

You can never compensate the men for what they have lost. You can not compensate a man who has lost his arms and his legs; a man who is blind; a man who is fighting the battle of the mind; or who watches the world go by from a sick bed; a man who has given up the chance for a wife, children, and all that makes life dear. It is not a question of compensation. But you can give these emergency officers little bit more. You gave retirement to the naval officers, you gave it to the Marine Corps officers, why can you not give it to the Army officers? The War Department has withdrawn its objection to the passage of this measure. But I can not honestly see what difference it makes who indorses it or who does not indorse it, if the measure is just.

I think if you analyze the fact, during the war this Government pays the officers more than it does the enlisted men. You will realize that it is perfectly sane, perfectly logical, to pay them a higher rate in retirement.

As I have said before, you can not secure this for the enlisted men. You do not retire the enlisted men of the Regular Army at any time. They are given pensions although smaller pensions just as the enlisted men after the war.

They are all equally brave. I have never seen a man, in all my experience, who was not brave, no matter how terrible his suffering was, and I have watched the men before their operations, during their operations, and I have seen them go to the great beyond. And when people are going to meet their Maker you know how they feel about things. There are no shams then. There are no pretenses, and I know these men do not begrudge their comrades anything, and this is one of the best facts I want to leave with you. I am perfectly sure the enlisted men will not begrudge the emergency officers their retirement pay. Please do not belittle them or misjudge them by believing for one instant they resent the officers being given what they can not have. I am going to vote for this measure because I think it is just, and I believe as time goes, every one of you will believe it is just also. [Applause.]

Mr. RANKIN. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. KEARNS]. [Applause.]

Mr. KEARNS. Mr. Chairman and gentlemen of the committee, there has been a great deal of discussion throughout this debate as to whether or not the World War enlisted man wants this bill passed. There seems to be a diversity of opinion on this subject. It is easy to find out. All that any Member of this House would have to do would be to go over here to Walter Reed Hospital and ask some enlisted man who has been totally disabled for life whether or not he wants some swivel-chair officer who fought in the great battle along the Potomac during the war and fell off a chair and was injured by his spurs, to have more money than he can receive for his wounds. [Laughter and applause.]

I am not belittling the services of the great officers who temporarily went abroad and fought in France, but this bill gives to the men who came down here in hordes when the war was on seeking commissions and remained in Washington the same privileges as the bill gives to officers who saw real service.

I was here during the time of the war, and my office, as well as yours, was crowded all the time with young men within the draft age who had come here for commissions. Some of them were lucky. Some of them had congressional pull and got a commission. Other men with just as strong mentality, other men who had just the same ability to command men, could not get a commission because there were not commissions sufficient to go around.

I have heard men on this floor talk about these officers having ability superior to the enlisted men. In some instances this is true, but in most instances it is not true. I know of college graduates, I know of men who left their law offices, I know of men who left industries as heads of such industries and went out as private soldiers in this war and served under these temporary officers who were lucky enough to get commissions.

In one instance I know where they served under a man who was a police officer. I have no quarrel with the police officer, but I do know that this argument that these officers gave up good positions is no more true than it is to say that the enlisted men gave up good positions. This was a draft army, and in most instances the private was the equal if not the superior of the temporary officer.

I have in mind now two brothers, one of them at the time the war broke out was serving as a secretary to a Member of Congress. The other brother was the superintendent of a public high school. They were reared in the same family, of the same parentage, and were graduated from the same school. The young man who had congressional pull received a commission. The young superintendent of a public school out in Ohio did not have this pull and went in as an enlisted soldier. The brother who had the pull became a captain. The one who enlisted as an enlisted man out there in no man's land one day in France, where shells went screaming and bursting by, was hopelessly crippled and to-day he is a tottering idiot almost, because his mind is entirely gone. To-day that man can draw something like $90 or $100 per month. The captain brother was injured in the knee by a shrapnel that rendered him 30 per cent disabled. To-day he is a lawyer making perhaps $10,000 or $15,000 or $20,000 a year, and yet this captain brother could get $150 a month, while his totally disabled brother would only get the insignificant sum of from $90 to $100 and without any earning capacity. Is this just? Is it American?

I do not know how you may think of this, but I never can bring myself to the conclusion that I am going to desert the policy that has been in existence practically ever since the United States has been a country and make a class distinction in time of peace between the private soldier and the soldier of rank. [Applause.]

Mr. ROY G. FITZGERALD. Mr. Chairman, I will take a few minutes myself. This shows the thoughtlessness of some Members of Congress. After having been told what the policy of the United States is, what it has been, what the principle was during the Revolutionary War, the Black Hawk War, and the Civil War, every war down to the Spanish War, that the policy of this Nation has been for over a hundred years to pay pensions for disabilities based on rank, the gentleman from Ohio [Mr. KEARNS] tells us what he thinks the policy of the United States should be and what he so erroneously thinks it has been. He speaks of two brothers—and the case is not typical, because officers on an average were 12 or 15 years older than the enlisted personnel.

Mr. KEARNS. There was only two years' difference in the ages of these two brothers.

Mr. ROY G. FITZGERALD. It is not a typical case, if there ever was such a case. If the gentleman has any sympathy or love for a soldier in his heart, he may do something for the soldier brother who he thinks is not adequately compensated in this case. I want the soldiers who have given so much—84 men under this bill have been decorated for gallantry on the field of battle—and I want them to receive an increase to show the country that this country, which is constantly increasing in wealth, is constantly increasing in appreciation of the patriotism of these men who sacrificed so much. [Applause.] If the gentleman thinks the brother that he speaks of is not getting enough, I would like to help him get something for that soldier at some time and somewhere. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk, reading the bill, read as follows:

SEC. 2. No person shall be entitled to benefits under the provisions of this act except he make application as hereinbefore provided and his application is received in the United States Veterans' Bureau within 12 months after the passage of this act: *Provided*, That the said director shall establish a register, and applications made hereunder shall be entered therein as of the actual date of receipt, in the order of receipt in the Veterans' Bureau, and such register shall be conclusive as to date of receipt of any application filed under this act. The term "World War," as used herein, is defined as including the period from April 6, 1917, to July 2, 1921.

Mr. McCLINTIC. Mr. Chairman, I would like to offer an amendment to section 1. I ask unanimous consent to return to section 1 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to return to section 1 for the purpose of offering an amendment. Is there objection?

Mr. ROY G. FITZGERALD. I object.

Mr. ARENTZ. Mr. Chairman, the House could not very well hear, there was so much confusion, the reading of the bill. I think the gentleman ought to have a right to offer an amendment to section 1.

The CHAIRMAN. That matter is in the hands of the committee and the gentleman from Ohio has objected.

Mr. BURTNESS. Mr. Chairman and gentleman of the committee, I want to say with all the sincerity I possess that I regret exceedingly that I find myself unable to support this bill. I would like to vote for it for many reasons. First and foremost, is the fact that I have some intimate friends, disabled emergency officers, who would receive practical benefits therefrom. I think naturally all of us would also like to vote in accordance with the wishes as expressed by resolutions, of that great organization that has been referred to so often on the floor, the American Legion. With many of the service men who have spoken on the floor against the bill, I believe that the membership generally of the Legion knows little or nothing about it, and that if it did most of such membership would oppose it. Almost every service man with whom I have discussed the bill in person is opposed thereto. More and more are taking that view almost daily.

Be that as it may you as well as the service men in the district I represent know of my constant interest in their welfare. I have consistently voted and worked for every bill providing larger disability compensation, better hospital facilities, more liberal construction of compensation measures, to say nothing of voting to override the President's veto of the adjusted compensation measure. I would not take a great deal for some of the fine, splendid letters I have received from service men, their dependents, and families for assistance rendered in various matters. As has been so well said this measure is not in reality a retirement bill; it is now admitted by all that it is a compensation bill. So the question arises as to how it will work out in actual practice when it comes to be administered. Are its terms fair and just to the service men themselves? I can not for the life of me see how I would be justified in voting for a bill that would result in doing such a thing as the gentleman from Ohio [Mr. KEARNS] showed by his fair illustration applied to two brothers in his district. In that case two boys were reared in the same family, one through political influence obtained a commission, and the other served as a private.

I do not care whether there was 2 years or 12 years difference in their ages. They had the same possibilities before them; they were used to the same standard of living; they came from the same family; graduated from the same college; they both offered their services to their country; the private is permanently disabled, totally disabled, drawing compensation of $100 per month, unable to earn a dollar, while the captain has only a 30 per cent disability so receives $30 per month compensation, but is a practicing lawyer with a large income. In spite of his relatively low disability, in so far as affecting earning power is concerned, but because he held a commission as a captain, he would under this bill draw $150 a month for the balance of his life; while his brother, much more in need of help, would continue to draw $100 per month. I can not feel that this would be fair. We have not discriminated between officers and privates in pensions for veterans of the Civil War and the Spanish-American War. Would we be justified in setting up these discriminations in the case of World War veterans?

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. I can not yield now. Let me give a few other illustrations. Let us note the difference in the ratings between a chemist and a bacteriologist in the Veterans' Bureau. You all recall the arbitrary test of 30 per cent disability is passed upon by the Veterans' Bureau under present compensation laws—that rating is accepted as the guide for retirement under this bill.

A chemist who has his leg off at the knee is given a rating of 33 per cent, but a bacteriologist in the same predicament, wearing the same kind of an artificial leg, is rated at 29 per cent. That is the finding of the Veterans' Bureau with reference to these two occupations. Apparently they allow $4 more to the chemist, compensating for the fact that possibly in his work he must get up from his stool or his bench a little oftener during the day than the bacteriologist. To-day such a chemist draws $33 per month and the bacteriologist $29, but what do the proponents of this bill say?

They say, in effect, that the difference of $4 a month between a chemist and the bacteriologist is not sufficient, even though they suffered the same disability and may have had the same rank, and so they propose a law under which the chemist, who, we will say, is a major, shall then get $187.50 a month for the balance of his life, while his bacteriologist friend, who may likewise have been a major, must continue to receive $29 a month. Such discriminations can not be justified by anyone, and if this bill is passed the bacteriologist will have a right to complain and will complain.

Let us take the ratings of a bookkeeper, a cashier, a lawyer, a doctor, and a stationary engineer as applied to a specific disability. Let us assume that they have had to have two-thirds of a leg amputated. Under such a condition the bookkeeper receives a rating of 25 per cent, the cashier of 29 per cent, the lawyer receives a rating of 29 per cent, the doctor receives a rating of 39 per cent, and a stationary engineer 44 per cent. This is, of course, so whether they were officers, noncoms, or privates. Assume the case of an emergency colonel in the war who happened to be a physician as compared with an emergency colonel who happened to be a bookkeeper, a cashier, or a lawyer. What is the result? The bookkeeper, the cashier, and the lawyer, whether officer or private, will continue to receive from $25 or $29 per month, while the physician colonel will under this bill receive $250 a month, or about ten times as much for the same physical disability, and a disability which under the solemn findings of the Veterans' Bureau to-day are apparently no greater to the extent of actual disability in earning power than about $10 a month.

I submit that in all fairness we can not vote for that kind of a bill if we want to do justice not only as between the enlisted man and the officer, but as between one set of emergency officers and another set of emergency officers. Privates 100 per cent permanently disabled would draw but little more than half as much as a major only 30 per cent disabled. A first lieutenant 100 per cent disabled would draw $93.50 per month less than a lieutenant colonel 30 per cent disabled. All officers of the same rank would draw the same allowance if disabled to the extent of 30 per cent, regardless of whether one is totally helpless and the other able to carry on a successful business or profession.

I am in thorough accord with the remarks made by the chairman of the Veterans' Committee, the gentleman from South Dakota [Mr. ROYAL JOHNSON] this afternoon, himself a distinguished disabled emergency officer. Personally, I hope the bill may be so amended that we can all support it and do justice to some of the urgent cases which will be covered by legislation of this sort. I am not going to be arbitrary in my demands of amendment before giving support, but I have retained the right as a Representative in this House to vote for each and every amendment as it comes up, and to exercise the best judgment that I have upon the occasion. I can never yield to propaganda, no matter whence it comes, which demands that I take the bill and not amend it, but vote for it just as it is. Whenever we so yield we rock the very foundations of representative government.

Mr. JOHNSON has a proposal which seems fair and which I assume he will explain, limiting the awards largely to those suffering from actual war casualties, or to disability incurred in line of duty providing for increases with age. Mr. SIMMONS has, I understand, suggested that the percentage of disability be figured on the pay received by the officer so that the person 30 per cent disabled receive 30 per cent of such pay, the man 75 per cent disabled that percentage, and so forth. Both of these propositions are worthy of serious consideration. Personally, I should be glad to see the base of $100 per month for total disability raised so that all totally or partially disabled, officer or private, may receive a larger amount proportionately under our compensation laws.

But why grant thousands of dollars per year to the New York judge drawing a salary for life of $12,000 per year? Why pay thousands per year to fairly well paid men now profitably employed in the Veterans' Bureau, some of whom are paid salaries as high as $6,200 annually? Why establish such unjust discriminations which can not help but cause great dissatisfaction? We have many fine, brave service men in this House, several seriously wounded and considerably disabled. Unless we were informed we could not tell whether they had served as privates or as officers. To-day as Congressmen they receive the same salary. Two splendid officers here having disability ratings respectively of 30 per cent and 39 per cent would, under this bill, receive retirement pay for life under this bill, but others of our colleagues who served as privates, corporals, or sergeants, though disabled as much or more, would not benefit thereby.

I repeat, let us proceed in a businesslike way to see if we can not perfect this bill so as to do more exact justice. If so, I will be glad to vote for it. If this is not done I must, under my oath and as I see the facts, vote against it, unpleasant as that duty is.

Mr. McCLINTIC. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 41, after line 18, insert a new section to be known as section 3, as follows:

"That the provision of this act shall not be put into effect until each noncommissioned officer and enlisted man who participated in the World War and has been given a permanent disability rating of not less than 30 per cent based on service origin by the Veterans'

Bureau, shall be granted compensation in an amount of not less than $75 a month."

Mr. ABERNETHY. Mr. Chairman, I make the point of order.

Mr. ROY G. FITZGERALD. Mr. Chairman, I make the point of order.

Mr. McCLINTIC. Mr. Chairman, will the gentleman reserve the point of order?

Mr. ROY G. FITZGERALD. I will reserve it for three minutes.

Mr. McCLINTIC. I do not think the gentleman has a right to limit the time.

Mr. ROY G. FITZGERALD. Then I make the point of order.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard upon the point of order?

Mr. McCLINTIC. I do.

Mr. BANKHEAD. Mr. Chairman, what is the point of order?

Mr. ROY G. FITZGERALD. Mr. Chairman, my point of order is that the amendment is not germane.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Oklahoma on the point of order.

Mr. McCLINTIC. Mr. Chairman and Members of the House, the gentleman from Ohio [Mr. ROY G. FITZGERALD], who is in charge of this legislation, in a speech to-day called the attention of the House to the fact that no discrimination should be made between officers who performed service in the last war. I am in accord with him on this point, but, for the life of me, I can not understand why a discrimination should be made against the noncommissioned officers and the men who really did the fighting in the World War. According to the information given this House, a private with a 30 per cent disability rating gets in the way of compensation only approximately $25 or $30. The average that will be paid to an emergency officer amounts to approximately $100. No one will deny that the privates and the noncommissioned officers suffered the greatest hardships. Consequently I have offered this new section with the hope that this House will adopt the same so that no one can say that the officers performed a greater service than those who fought in the front-line trenches.

Now, as to the point of order—my new section is a qualifying limitation. This House could say that a certain thing should not be done in a month or a year. It could say that the act should not have full force or effect until the President of the United States performed a certain thing. This House could say that the bill should not take effect until the Treasurer performed a certain act, or it could say that until the Veterans' Bureau took certain action the bill would not become a law. I maintain that the proper way to determine what is uppermost in the minds of the Congress is to vote this new section either up or down, and therefore I respectfully say to the Chair that in my opinion this new section should be held as in order, so that it could not later be said that this House was guilty of passing class legislation and by so doing stating to the public that the officers performed a greater service than the enlisted personnel.

The CHAIRMAN. The Chair is ready to rule. The Chair sustains the point of order.

Mr. JOHNSON of South Dakota. Mr. Chairman, I move to strike out everything contained in this bill after the enacting clause and insert the following as an amendment, which I send to the desk.

The Clerk read as follows:

Mr. JOHNSON of South Dakota moves to strike out all after the enacting clause and insert:

"That any person who served as an officer of the Army, Navy, or Marine Corps of the United States other than as an officer of the Regular Army, Navy, or Marine Corps of the United States, who was separated from such service under honorable conditions, and who, during any war in which the United States has been engaged, incurred physical disability by reason of injury received or disease contracted while in the line of duty in actual service, which at the time of application for retirement under this act incapacitates him for military service, shall, upon application as hereinafter provided, be placed on a separate retired list, hereby created, to be known as the emergency officers' retired list, with the rank held by him at the time of separation from the active service, and continued thereon so long as said disability exists.

"SEC. 2. While on the emergency officers' retired list such person shall be entitled to the same privileges as are now or may hereafter be provided by law or regulations for officers of the Regular Army, Navy, or Marine Corps of the United States who have been retired for physical disability incurred in line of duty: *Provided, however,* That the pay of such person shall be 50 per cent of the pay of the grade in which he was serving at time of separation from the active service, computed on the basis of the pay provided by sections 1 to 31, inclusive, title 37 of the United States Code, but in no event shall such person receive more than 50 per cent of the pay of a lieutenant colonel, except that where such person has suffered the loss of any member or part of the body, or of the use thereof, as the result of a wound received in battle, or has reached the age of 70 years or more, he shall be entitled to 75 per cent of the pay of the grade in which he was serving at time of separation from the active service, computed on the basis of the pay provided by sections 1 to 31, inclusive, title 37 of the United States Code, but in no event shall such person receive more than 75 per cent of the pay of a lieutenant colonel.

"SEC. 3. No person shall be entitled to the benefits of this act unless an application therefor be received in the United States Veterans' Bureau within 12 months after the passage of this act. The Director of the United States Veterans' Bureau shall establish a register, and applications made hereunder shall be entered thereon as of the actual date of receipt in the United States Veterans' Bureau, and in the order thereof, and such register shall be conclusive as to date of receipt of any application filed under this act.

"SEC. 4. The Director of the United States Veterans' Bureau is hereby authorized to create necessary boards to determine whether an applicant under this act incurred physical disability by reason of injury received or disease contracted while in the line of duty in actual service and the extent that such disability incapacitates such person at the time of application. The decisions of such boards shall be final when approved by the director.

"SEC. 5. Payments under this act shall be made in accordance with an award by the Director of the United States Veterans' Bureau, and such awards shall be effective as of the date of application.

"SEC. 6. The director shall cause persons on the emergency officers' retired list to be examined at such intervals as, in his discretion, may be deemed advisable, and those persons who shall be found to have recovered from their disabilities shall, from the date of recovery, as determined by the director, be removed from such list and their right to receive retired pay under the provisions of this act shall cease.

"SEC. 7. All pay to which such persons may be entitled under the provisions of this act shall be paid out of the appropriation for military and naval compensation of the United States Veterans' Bureau. While receiving such pay and allowances such persons shall not be paid compensation under title 38 of the United States Code, as amended.

"SEC. 8. Persons on the emergency officers' retired list shall be entitled to the benefits of hospitalization under the provisions of section 484, title 38, of the United States Code as amended.

"SEC. 9. Where any person entitled to the benefits of this act is incompetent or for any other reason is unable to apply, an application may be made by his duly authorized legal representative: *Provided, however,* That where any person otherwise entitled to be placed on the emergency officers' retired list, having neither wife, child, nor dependent parent, shall have been maintained by the Government of the United States for a period or periods amounting to six months in an institution or institutions and shall be deemed by the director to be insane, such person shall not be entitled to the benefits of this act.

"SEC. 10. Any officer of the Army, Navy, or Marine Corps of the United States other than an officer of the Regular Army, Navy, or Marine Corps of the United States who has heretofore been granted retirement under any other act shall from the date of passage of this act be no longer entitled to receive retirement pay unless he shall qualify under this act.

"SEC. 11. There is hereby established in the United States Veterans' Bureau under the direction of the director a separate service to be known as the retirement service. For the purpose of administration the Director of the United States Veterans' Bureau is authorized and directed to perform or cause to be performed any or all acts, and to make such rules and regulations, as may be necessary and proper for the purpose of carrying this act into effect. All officers and employees of the bureau shall perform such duties under this act as may be assigned them by the director. All official acts performed by such officers or employees especially designated therefor by the director shall have the same force and effect as though performed by the director in person. The appropriation for the administrative expenses of the United States Veterans' Bureau shall be available for this purpose.

"SEC. 12. Persons placed on the emergency officers' retired list shall be entitled to wear the uniform of the rank on which they were retired. They shall be subject to assignment to active duty in accordance with the provisions of sections 991 to 999, inclusive, title 10, of the United States Code, and to the rules and Articles of War, and to trial by general court-martial for any breach thereof."

Mr. ABERNETHY. Mr. Chairman, I desire to reserve a point of order on the amendment.

Mr. ROY G. FITZGERALD. Mr. Chairman, I make a point of order against this suggested amendment in a way of substi-

tute, because it comes after this committee has passed over the first section. I insist that it comes too late.

Mr. ABERNETHY. I make the point of order against the amendment on the ground that it is not germane.

The CHAIRMAN. The Chair overrules the point of order made by the gentleman from Ohio and sustains that of the gentleman from North Carolina.

Mr. JOHNSON of South Dakota. Mr. Chairman, I think the gentleman from North Carolina is entirely correct, because this substitute would make this law apply to officers of the Civil War and Spanish-American War. Does the gentleman insist on his point of order?

Mr. ABERNETHY. I do. It is intended to kill the bill.

Mr. JOHNSON of South Dakota. If the gentleman insists upon it, its only effect will be to eliminate from this retirement act those officers of the Civil War who are yet living and those officers of the Spanish-American War who would come under this act, the same as veterans of the World War. If the gentleman makes the point of order on that ground, that it is not germane, the point of order is sound.

The CHAIRMAN. The gentleman from Ohio makes the point of order on section 1. The Chair calls the attention of the gentleman from South Dakota that section 1 and sections 10 and 12 are not germane.

Mr. JOHNSON of South Dakota. Section 10, Mr. Chairman, might possibly be subject to a point of order, for the reason that in 1921 or 1922 special bills passed the House retiring a few naval officers and Marine Corps officers. It would make no difference, however, in the general character of the substitute. Of course, the elimination of section 12, to which the gentleman refers, could make no difference except that it would permit these officers on the retired list to wear the uniform of the rank at which they were retired. I will say to the gentleman from North Carolina that section 12, if he will withdraw his point of order——

Mr. ABERNETHY. I will reserve it, but I will not withdraw it.

Mr. JOHNSON of South Dakota. It provides that persons placed on the emergency officers' retired list shall be entitled to wear the uniform of the rank on which they were retired. They shall be subject to assignment to active duty in accordance with the provisions of sections 991 to 999, inclusive, Title X, of the United States Code, and to the Rules and Articles of War, and to trial by general court-martial for any breach thereof, the same as any Regular Army officer. I do not care to argue the point of order further.

The CHAIRMAN. The Chair is ready to rule.

Mr. GARRETT of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT of Texas. If the Chair should hold that this amendment is in order, and it would come to a vote, what are we people to do who have received information from the posts that the enemies of this bill were going to offer such amendments, and that we should vote against all amendments?

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. ABERNETHY. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The Chair will state that the gentleman from South Dakota kindly furnished the Chair with a copy of his amendment earlier in the afternoon, and therefore the Chair looked up the precedents bearing on the case, and there is no question as to its being subject to a point of order.

Mr. JOHNSON of South Dakota. Mr. Chairman, I offer a modified amendment, with the elimination of sections 10 and 12 and the first section.

Mr. LEHLBACH. Mr. Chairman, I understand that sections 10 and 12 of this substitute are sections which are pertinent in a general way and are relevant to the subject of retirement of officers for physical disability.

Now, the gentleman's amendment is to strike out all after the enacting clause and to substitute new matter on the same general subject as is described in the title, which is all that is left. If that is the case, the rule is that the subject matter so sought to be substituted does not have to be germane to the text of the bill to which it is offered as a substitute but has only got to be germane generally to the subject matter of the legislation, and therefore I think sections 10 and 12 are good.

The CHAIRMAN. The Clerk will read the modified amendment offered by the gentleman from South Dakota.

Mr. RAMSEYER. Mr. Chairman, I understand that is to eliminate sections 10 and 12.

Mr. JOHNSON of South Dakota. And amend section 1.

Mr. RAMSEYER. Why not ask unanimous consent that the bill be considered as read?

Mr. ABERNETHY. Mr. Chairman, I make the point of order that it is not germane. I am insisting on the point of order.

Mr. JOHNSON of South Dakota. I ask unanimous consent that this amendment, which is exactly the same as the previous one, except the first section and the elimination of sections 10 and 12, be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Following is the amendment offered by the gentleman from South Dakota:

That any person who served as an officer of the Army, Navy, or Marine Corps of the United States during the World War other than as an officer of the Regular Army, Navy, or Marine Corps of the United States, who was separated from such service under honorable conditions, and who incurred physical disability by reason of injury received or disease contracted while in the line of duty in actual service, which at the time of application for retirement under this act incapacitates him for military service shall, upon application as hereinafter provided, be placed on a separate retired list, hereby created, to be known as the emergency officers' retired list, with the rank held by him at the time of separation from the active service, and continued thereon so long as said disability exists.

SEC. 2. While on the emergency officers' retired list such person shall be entitled to the same privileges as are now or may hereafter be provided by law or regulations for officers of the Regular Army, Navy, or Marine Corps of the United States who have been retired for physical disability incurred in line of duty: *Provided, however,* That the pay of such person shall be 50 per cent of the pay of the grade in which he was serving at time of separation from the active service, computed on the basis of the pay provided by sections 1 to 31, inclusive, title 37 of the United States Code, but in no event shall such person receive more than 50 per cent of the pay of a lieutenant colonel, except that where such person has suffered the loss of any member or part of the body, or of the use thereof, as the result of a wound received in battle, or has reached the age of 70 years or more, shall be entitled to 75 per cent of the pay of the grade in which he was serving at time of separation from the active service, computed on the basis of the pay provided by sections 1 to 31, inclusive, title 37 of the United States Code, but in no event shall such person receive more than 75 per cent of the pay of a lieutenant colonel.

SEC. 3. No person shall be entitled to the benefits of this act unless an application therefor be received in the United States Veterans' Bureau within 12 months after the passage of this act. The Director of the United States Veterans' Bureau shall establish a register, and applications made hereunder shall be entered thereon as of the actual date of receipt in the United States Veterans' Bureau, and in the order thereof, and such register shall be conclusive as to date of receipt of any application filed under this act.

SEC. 4. The Director of the United States Veterans' Bureau is hereby authorized to create necessary boards to determine whether an applicant under this act incurred physical disability by reason of injury received or disease contracted while in the line of duty in actual service and the extent that such disability incapacitates such person at the time of application. The decisions of such boards shall be final when approved by the director.

SEC. 5. Payments under this act shall be made in accordance with an award by the Director of the United States Veterans' Bureau, and such awards shall be effective as of the date of application.

SEC. 6. The director shall cause persons on the emergency officers' retired list to be examined at such intervals as, in his discretion, may be deemed advisable, and those persons who shall be found to have recovered from their disabilities shall, from the date of recovery, as determined by the director, be removed from such list and their right to receive retired pay under the provisions of this act shall cease.

SEC. 7. All pay to which such persons may be entitled under the provisions of this act shall be paid out of the appropriation for military and naval compensation of the United States Veterans' Bureau. While receiving such pay and allowances such persons shall not be paid compensation under title 38 of the United States Code, as amended.

SEC. 8. Persons on the emergency officers' retired list shall be entitled to the benefits of hospitalization under the provisions of section 484, title 38, of the United States Code, as amended.

SEC. 9. Where any person entitled to the benefits of this act is incompetent or for any other reason is unable to apply, an application may be made by his duly authorized legal representative: *Provided, however,* That where any person otherwise entitled to be placed on the emergency officers' retired list, having neither wife, child, nor dependent parent, shall have been maintained by the Government of the United States for a period or periods amounting to six months in an institution or institutions and shall be deemed by the director to be insane, such person shall not be entitled to the benefits of this act.

* * * * * * *

SEC. 11. There is hereby established in the United States Veterans' Bureau under the direction of the director a separate service to be known as the retirement service. For the purpose of administration

the Director of the United States Veterans' Bureau is authorized and directed to perform or cause to be performed any or all acts, and to make such rules and regulations, as may be necessary and proper for the purpose of carrying this act into effect. All officers and employees of the bureau shall perform such duties under this act as may be assigned them by the director. All official acts performed by such officers or employees especially designated therefor by the director shall have the same force and effect as though performed by the director in person. The appropriation for the administrative expenses of the United States Veterans' Bureau shall be available for this purpose.

Mr. ABERNETHY. Mr. Chairman, I make a point of order that it is not germane.

The CHAIRMAN. Does the gentleman from North Carolina desire to argue the point of order? The Chair is ready to rule.

Mr. ABERNETHY. I will not argue it, but will let the Chair rule.

The CHAIRMAN. The Chair overrules the point of order.

Mr. JOHNSON of South Dakota. Mr. Chairman, I had intended to offer much of the matter contained in the substitute in the form of amendments, but it would have necessitated the offering of eight or ten different amendments and I thought it would be much clearer to the membership of the committee if I offered all of the changes as a substitute.

I have a very limited time and I can therefore discuss it to a very limited extent.

This substitute would affect only those members of the different forces in the World War, the emergency officers, who are disabled to the extent of 50 per cent and in no event would they receive more than 50 per cent of the pay of a lieutenant colonel. This plan is based on all the legislative precedents of the United States Government since the time of the Revolutionary War. I do not intend to go into them at this time, because there would not be time, but I stated the facts with reference to those precedents in the remarks I made this afternoon in general debate.

There is one exception to the 50 per cent that would be received by these officers, however, and that is in cases known as battle casualties and men who have arrived at the age of 72 years. In the case of battle casualties, men who were maimed in actual warfare, and those who arrive at the age of 72, they will receive 75 per cent of their base pay, exactly as is provided in the present bill now before the House.

Mr. NEWTON. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. NEWTON. Is the gentleman's substitute based on the rating of disability at the time made or is the rating based on the disability as it progresses later on in life?

Mr. JOHNSON of South Dakota. As it shall be found by the board created in the Veterans' Bureau within the next year.

Mr. NEWTON. The condition within the next year?

Mr. JOHNSON of South Dakota. Yes. But there is this exception. I provide in this substitute the same as is provided for the Regular Army officer, that these officers will be called before this board to be examined at such times as the Government shall direct; in other words, a man might be very ill to-day and might recover entirely within the next two years. In that event, under section 12, I provided that he be called back to active duty, but that section was stricken out on a point of order, and it is now provided that a man shall be called before this board whenever that may be desired.

Mr. KETCHAM. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. KETCHAM. Do I understand that the basic principle of your bill is the idea of disability rather than rank?

Mr. JOHNSON of South Dakota. It is based on both. It is based on the policy that was initiated after the Revolutionary War, after the Mexican War, and was in force and effect in this country after the Civil War until the time when pensions gave a soldier more money than he would have received by the securing of his pension based on rank.

Mr. WAINWRIGHT. I will ask the gentleman to repeat his reference to battle casualties.

Mr. JOHNSON of South Dakota. That is the man who received his injury in battle; he would receive 75 per cent of his base pay, exactly as it is to-day with regard to Regular Army officers under the general retirement statutes.

Mr. WAINWRIGHT. Is there any difference as to the degree of disability?

Mr. JOHNSON of South Dakota. There is this difference: An emergency officer must be 50 per cent disabled. Another requisite it provides that this bill S. 777 does not provide is that an officer must have been honorably discharged from the service. I am not entirely certain, but I do not think the bill before the committee provides that an officer must be honorably discharged, and I do not agree with the idea that a man should be compensated if he has been court-martialed and dishonorably discharged from the Army.

In the present bill before us no provision is made for an insane officer to make a claim for retirement, because there is no provision in the bill providing that his guardian can ask for retirement. I have provided in this substitute that in the case of officers who are insane the guardians may file the request.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. NEWTON. Mr. Chairman, I ask unanimous consent that the gentleman from South Dakota may proceed for five additional minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the gentleman from South Dakota may proceed for five additional minutes. Is there objection?

Mr. GARRETT of Texas. Mr. Chairman, reserving the right to object, I want the gentleman from South Dakota in these five minutes, which I do not intend to object to, to explain how we are to explain our vote in favor of any amendment that is offered to this bill after the wires we have received from all of our posts. I want him to explain that, and I am not joking about it.

If the gentleman has come in here with a half-baked proposition that nobody knows anything about and is expecting us to vote for it, I would like to know it.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota [Mr. NEWTON]?

There was no objection.

Mr. JOHNSON of South Dakota. I want to answer the gentleman. I may say to the gentleman from Texas that I am very pleased to answer his question. In the first place, this is not any half-baked proposition. Many Members of Congress and some of the best lawyers in the departments have put in a great deal of time trying to work out a fair and equitable law that will give these emergency officers justice and also not violate the precedents of the United States.

Mr. GARRETT of Texas. But the Legion thinks you are doing that in this bill. They do not know about this substitute.

Mr. JOHNSON of South Dakota. That may be. The gentleman also talks about Members of Congress explaining their votes. I came to the point about 10 or 12 years ago, just like the gentleman did, where I do not waste time explaining my votes, and whenever any Member of Congress from Texas, and particularly this gentleman, commences to explain his vote, I will think the world is coming to an end.

Mr. GARRETT of Texas. I thank the gentleman for the compliment.

Mr. NEWTON. Will the gentleman now yield to me?

Mr. JOHNSON of South Dakota. Yes.

Mr. NEWTON. The gentleman in his substitute starts in with a 50 per cent permanent disability as the basis of rerating.

Mr. JOHNSON of South Dakota. That is correct.

Mr. NEWTON. If after the reexamination there should develop a disability less than 50 per cent, then he goes off the list; is that correct?

Mr. JOHNSON of South Dakota. That is correct. He would go off the list.

Mr. NEWTON. But as long as it remained a 50 per cent or more disability he remains on the list and receives this disability compensation under the gentleman's amendment.

Mr. JOHNSON of South Dakota. They receive 50 per cent of it based on the Army pay, but not to exceed 50 per cent of the pay of a lieutenant colonel as provided in the legislation immediately after the Revolutionary War.

Mr. BURTNESS. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. BURTNESS. Does the amendment contain the same option carried in the pending bill? In other words, if the amount would be less, they can continue to receive compensation from the Veterans' Bureau.

Mr. JOHNSON of South Dakota. Oh, certainly; they do not need to come in under the law unless they desire it.

Mr. BURTNESS. If they should have a disability of 50 per cent or more at one time and then later be reduced below 50 per cent, but afterwards their condition should become aggravated, they would be entitled to go back on the roll?

Mr. JOHNSON of South Dakota. Yes; they would be entitled to go back on the roll.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield to the gentleman from Louisiana.

Mr. O'CONNOR of Louisiana. In view of the importance of the substitute measure, why did not the gentleman publish it

a day or two ago in the RECORD so we would have information respecting it?

Mr. JOHNSON of South Dakota. I will say to the gentleman that I have explained the amendment and it has been read here this afternoon. I have voted on more important measures than this without any such publication.

Mr. McSWAIN. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield to the gentleman.

Mr. McSWAIN. I would like to ask the gentleman how long the committee of which the gentleman is chairman has had under consideration the matter contemplated by the bill introduced by the gentleman from Ohio [Mr. FITZGERALD].

Mr. JOHNSON of South Dakota. About as long as the Military Affairs Committee has had under consideration the bill to conscript capital and labor—about six years.

Mr. McSWAIN. Yes; about six years. When did it occur to the gentleman that the provisions contemplated in his present amendment were just and right? When did that occur to the gentleman?

Mr. JOHNSON of South Dakota. That occurred after I read the Senate bill, and after I sat down night after night and day after day with Members of Congress and various men in the departments and tried to work out a fair and just bill and one that the President would sign, and I could conscientiously vote for.

Mr. McSWAIN. Does the gentleman expect gentlemen who can not hear the proposed amendment read, and can not understand its provisions in this short time, to vote for such a substitute for a bill that the committee of which the gentleman is chairman has deliberately brought in here after six years of consideration?

Mr. JOHNSON of South Dakota. I would say that is entirely within the gentleman's own mind and heart. If he can not understand it this afternoon, I am not to blame for that.

Mr. McSWAIN. I can not hear it. I could understand it if I could ever hear it.

Mr. JOHNSON of South Dakota. I ask unanimous consent that the substitute may again be read so that the gentleman from South Carolina can hear and understand it.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that the amendment may again be reported. Is there objection?

SEVERAL MEMBERS. I object.

Mr. ROY G. FITZGERALD. Mr. Chairman and gentlemen of the committee, there is no disposition on the part of the American Legion or myself or anyone in charge of this bill to ask any Member of this House to vote for anything that his conscience does not approve.

This matter has been before Congress for seven years, and if this particular bill has not been reported from the Senate until the last two months to attract the attention of my good friend from South Dakota, other bills almost exactly similar have been before us which should have incited him to give the matter this study.

I realize if we do not pass the bill which the Senate has three times passed and sent to the House, after all our efforts to get a hearing in the House, we can not pass the bill at all. I therefore plead with the members of the committee to be a little patient with the American Legion that has given so much attention to this matter in order to do something for these disabled men.

The bill only raises the average compensation to $132 a month, and I hope you will resist the fascinating attempt to improve the measure at the last minute. I do not say but what the amendment might be a good substitute, but it is practically impossible to attempt to do this now. We have no statements or estimates or any complete study of it.

Mr. KINCHELOE. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. KINCHELOE. Is it the intention of the chairman of the committee to complete the consideration of the bill to-night?

Mr. ROY G. FITZGERALD. I hope so and I would like to.

Mr. KINCHELOE. Does the chairman intend to?

Mr. ROY G. FITZGERALD. I certainly do not want to obstruct anybody or obstruct any effort anybody may make to develop his own opinion.

Mr. KINCHELOE. I am not talking about that, but is it the intention to try to keep a quorum in the Committee of the Whole until we get through?

Mr. ROY G. FITZGERALD. Oh, I would like to do that but I am not going to be ugly about it.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last word. I am glad at last to have an opportunity to yield to the admonition of my friends in the American Legion—for they are my friends—they ought to be my friends, because I have helped them consistently through the whole course of my service in this House.

I am glad to yield to this extent, that I will vote against this amendment of my good friend from South Dakota [Mr. JOHNSON]. I do so with all due deference to him, and only because I think he falls into the same error of judgment as those who prepared this bill. They have tried to do something that is logically inconsistent and impossible, and he in trying to avoid their pitfall trips lightly into a similar mistake.

In other words, this bill aims to retire men who are not in the service. How can that be done? These emergency officers have been out of the service for years, and yet this bill and the Johnson amendment propose to put them on the retired list.

What does "retired" mean? Look in the dictionary. Retirement means withdrawal from the service. How can you retire men who are not in the service?

Briefly this bill provides that men who served in the World War and who happened to be lucky enough to secure commissions as emergency officers shall retroactively be put in the same position as Regular Army officers and be entitled to retirement at three-fourths pay—precisely to the same extent as though they had continued in the service and had not taken their discharges at the close of the World War. The only limitation or requirement being that they shall have suffered a 30 per cent disability. The financial significance of this is shown in the following figures. If this bill becomes a law, emergency officers with disability to the extent of only 30 per cent will receive the following retirement pay or compensation for the rest of their lives:

Brigadier general	$375.00
Colonel	250.00
Lieutenant colonel	218.75
Major	187.50
Captain	150.00
First lieutenant	125.00
Second lieutenant	93.75

Now, what does the ordinary enlisted man receive under our compensation laws? He receives $1 for each per cent of disability, so that an ex-service man with 30 per cent disability can receive only $30 per month. Our World War compensation law is considerably different from the old pension laws applicable to Civil War and Spanish War veterans. It is decidedly more liberal in the amount allowed and in the methods of administration, but it is essentially a pension law, and the fundamental characteristic of a pension law or compensation law is that relief is afforded on the basis of abstract manhood and not on the basis of rank.

After the close of the Civil War an attempt was made to pass a pension law based on rank, but it was ignominiously beaten. Again during the framing of the World War compensation act a provision was at first included providing for allowances based on a percentage of the soldiers' pay; in other words, a pension or compensation based on rank. The proposal raised a storm of objections and was stricken from the bill on the floor of the House. The American Congress was not then ripe to admit the principle that pensions should be granted upon the basis of fortuitous rank, or that the wife and children of an officer were entitled to greater consideration than the wife and children of an enlisted man. In other words, Congress then stood upon the principle; and I hope it will still adhere to it that in this democracy of ours there should be no discrimination in our pension laws between officers and men.

But the argument is made in behalf of this bill that it is a retirement act and not a pension measure. The gentlemen who make that contention are indulging in a little self-deception to ease their consciences. This is not a retirement bill. The emergency officers whom it affects have been out of the service for nine years. They were in civil life before the emergency of the war induced them to take upon themselves the duties of soldiers and they have by this time, after the lapse of nine years, returned to their original vocations.

This is simply a bill to raise the compensation of a few emergency officers. If you want to raise their compensation, introduce a bill that will frankly confront the question and raise the compensation of all alike whether officers or enlisted men. [Applause.] That is the solution of the difficulty.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on the motion offered by the gentleman from South Dakota.

The question was taken, and the amendment was rejected.

Mr. LUCE. Mr. Chairman, I move to strike out the last word. It is not my purpose to debate the merits of this bill. If the opportunity presents itself I intend to move to recommit the bill for the following reasons:

I have been a member of the Committee on World War Veterans' Legislation since its creation four years and more ago. No matter that has come to it has so much perplexed me as this particular proposal. On the whole I have thought that the arguments in favor of the proposal outweighed those against it, and I have voted in past years to report this proposal favorably.

This year an opportunity to hear all the arguments was refused to the minority of the committee. Those who believe that so important and far reaching a change in the policy of the United States ought to have let in upon it the light of argument, were refused hearings, refused an opportunity to listen to the facts in the case, and this bill was reported to the House without one minute of argument on its merits.

If ever a debate illuminated a subject in this body it has been the debate of the last two days. Member after Member has told me that if he had known beforehand of the facts that have been presented in this debate he would never have committed himself to the support of this measure in its present form. Had I known all these facts I never would have committed myself without further study. You may see then that here is an occasion, if there ever was one, that demands the proper functioning of the machinery of the House, set up to meet just such a contingency. The House has a right through its committees, its eyes, its ears, to have a study of the question, and a study of the question has never been given by the full committee on World War Veterans' Legislation. Therefore, not in opposition to the proposal, not in support even of the amendment which has just been presented to you, because I have not read it, and have not been informed about it, and know nothing about its details save what I have just heard—not in support of any position in this matter, but as a plea for the ordinary method of considering important proposals, and in behalf of the machinery set up by the House for its information, I trust this committee when it is resolved into the House will conclude that the wise course is to recommit the bill for further consideration. [Applause.]

Mr. SCHAFER. Mr. Chairman, I rise in opposition to the pro forma amendment. I hope the motion to recommit which the gentleman is going to offer will be defeated by an overwhelming vote. I remember a few weeks ago on the floor of this House, when a committee of which the gentleman from Massachusetts [Mr. LUCE] is a member, reported a bill to retire presidents of the Federal reserve banks, who have been receiving from $20,000 to $50,000 a year salary in their present occupation, and give them retirement pay of $8,000 or $9,000 a year, the gentleman from Massachusetts [Mr. LUCE] made an impassioned speech in behalf of the legislation.

A motion to recommit without instructions is a motion to defeat, and his last-minute attempt to defeat the emergency officers' retirement legislation does not harmonize with his position on legislation to retire bank presidents.

The CHAIRMAN. The pro forma amendment is withdrawn. Under the rule the committee will rise.

Mr. ROY G. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. It is not necessary under the rule.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LAGUARDIA, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 777, the emergency officers' retirement bill, and had directed him to report the same back to the House without amendment, with the recommendation that the bill do pass.

The SPEAKER. Under the rule the previous question is ordered. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading, and was read the third time.

Mr. LUCE. Mr. Speaker, I move that the bill be recommitted to the Committee on World War Veterans' Legislation.

Mr. ROY G. FITZGERALD. Mr. Speaker, on that I demand the previous question.

Mr. KEARNS. Mr. Speaker, a parliamentary inquiry. In the Committee of the Whole this bill was never voted on. Is it not necessary to vote on the bill in committee.

The SPEAKER. The committee recommends the passage of the bill. It does not pass the bill.

Mr. KEARNS. But is not it necessary for the committee to vote on the bill as to whether that committee shall recommend it for passage?

The SPEAKER. The gentleman from Massachusetts moves to recommit the bill, upon which motion the gentleman from Ohio demands the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts to recommit the bill.

The question was taken; and on a division (demanded by Mr. LUCE) there were—ayes 81, noes 145.

Mr. RANKIN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays. Those who favor taking the vote by the yeas and nays will rise and stand until counted. [After counting.] Thirty-seven Members have risen, not a sufficient number, and the yeas and nays are refused.

So the motion to recommit the bill was rejected.

The SPEAKER. The question now is on the passage of the bill.

Mr. ROY G. FITZGERALD. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Ohio demands the yeas and nays. Those in favor of taking the vote by the yeas and nays will rise and stand until counted. [After counting.] Forty-five Members have risen, not a sufficient number. The question is, Shall the bill pass?

The question was taken, and the bill was passed.

On motion of Mr. ROY G. FITZGERALD, a motion to reconsider the vote by which the bill was passed was laid on the table.

THE SO-CALLED BOX IMMIGRATION BILL

Mr. BURTNESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a statement which I made before the House Committee on Immigration on the so-called Box immigration bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. BURTNESS. Mr. Speaker, under unanimous consent granted me I desire to call the attention of the Members to a statement which I made recently before the Immigration Committee of the House upon the so-called Box immigration bill. This bill, if enacted, would place not only Mexico, but also the Dominion of Canada within the quota provisions of the immigration act. The statement to which I refer, including the questions asked by various members of the committee, is as follows:

Mr. BURTNESS. Mr. Chairman and gentlemen of the committee, I appeared before this committee on a similar measure two years ago, so some of you older members of the committee already know my views with reference to it, perhaps; yet the matter is of such importance to the people of our territory that I felt justified in asking for time to appear again. I have been busy in my own committee, so I do not know the nature of the presentation that has been made up to this point.

I am interested in this bill and in its effect from two viewpoints, primarily—or at least, as to its effect in two different respects.

First, in its effect upon immigration that has been coming to the United States, and which some of us expect and hope will continue to come to us, from the Dominion of Canada; and, secondly, with respect to the immigration that comes into this country from Mexico.

Most of you know that I live up close to the Canadian border. The district which I have the honor to represent extends directly to the border. My home town is within 90 miles thereof. The people in our State, the people in Minnesota, the people generally in all of the border States travel back and forth into Canada. Each summer we see over at the Minnesota lakes, for instance—which, by the way, is the finest summer playground in the country anywhere, and we hope many of you people can come there to spend your summer vacation——

Mr. MACGREGOR (interposing). I move that the gentleman be given leave to print. [Laughter.]

Mr. BURTNESS. Seriously, we find literally hundreds upon hundreds of Canadian citizens spending their vacation there, a great many people, for instance, from the city of Winnipeg and from others of the larger towns. This emphasizes the cordial relations now existing between Americans and Canadians.

I was interested in ascertaining the kind of immigration and the quantity of immigration that comes from Canada. I know from personal knowledge, of course, that the farmers that we have living in North Dakota who 20 and 30 and 40 years ago emigrated into the United States from Canada are among the thriftiest, the ablest, the most capable farmers that we can find anywhere in that country. The same is true of the business men. So I was interested, as I say, in determining something about the type of immigration that we are getting now and the quantity of it, and I took those questions up with Mr. Hull, Commissioner General of Immigration, and he sent me an interesting table which gives detailed information, and at an appropriate place I would like to have it inserted in the record.

I find from this table that in the fiscal year ended July 1, 1925, there were admitted into the United States 100,895 immigrants whose permanent residence was in Canada. In 1926 the number was 91,019, and in the fiscal year 1927 the number was 81,506.

I have stated that these were immigrants whose permanent residence was in Canada. You will note the fact that that does not mean that all of them came in outside of the quota, because some of these, though permanent residents of Canada, were born in other countries. Such would be charged under present laws to the quota of the country of their birth. So I asked for information over the telephone as to how many of these that are listed in the table furnished are also Canadian born, and the reply came back a little later that about 83 per cent of them are Canadian born. So there should be a reduction of 17 per cent if you want to ascertain the exact number that are Canadian born, and would then be chargeable to the Canadian quota if a quota were established with reference to Canada similar to the quotas established with reference to European countries.

Mr. BOX. That is because the quota restrictions now apply to those people coming through Canada who were born in European countries.

Mr. BURTNESS. Exactly. So the situation at any rate is that if you pass the Box bill we would be deprived—whether for good or for ill is, of course, the question for determination—we would be deprived of something like 75,000 Canadian-born immigrants each year. There is no good reason to suppose that that immigration is likely to decrease in the future without legislation.

Mr. SCHNEIDER. Do many of those folks come to your State and to your district for farm purposes?

Mr. BURTNESS. Some of them do. Of course, it is difficult to tell just how many come to my State or come to some other State. I have not exact information on that question.

Mr. SCHNEIDER. Just what kind of work do they do?

Mr. BURTNESS. I was going to come to that feature in my statement very shortly, as to the occupations of people that come in, because I have that information here; it is given in the table that I have asked leave to insert. But before I go to that, let me suggest this general observation. Some of these people that will be shut out have had contacts heretofore with the United States within the last 20 or 25 years—yes; also within the last 10 or 15 years—the Canadian Northwest has been greatly developed. Many encouragements were given to settlers by the railroads, by the immigration department of Canada, and the like. With what result? We saw leaving our States, leaving all of our Northwestern States, many of our young men and young women, going up into the Canadian Northwest, American-born citizens of the United States. They went up there, whether they were right or wrong, upon the theory that Canada offered wonderful opportunities to them. A great many of them went as brides and grooms. The young man had gone up and filed on land and came back and got married and they moved up there. They have raised their families in Canada. Some of them have come back. Quite a number of them have come back. From what I am able to learn I find that there are a lot of them still up there, American born, who hope sooner or later to sell out in Canada and come back to the United States. In the meantime they have raised children. The children are Canadian born. The passage of the Box bill would, of course, prevent these Canadian-born children, but whose parents were American born, from coming into the United States, except in such numbers as could come in within the quota that would be permitted by the bill.

The CHAIRMAN. Let us go a step further. The parents, if they took up land in Canada, took out Canadian citizenship, did they not?

Mr. BURTNESS. They have become Canadian citizens, and I was going to ask your committee the question as to whether they could come back if they had become Canadian citizens, if they could come back at all under this bill. I do not know. I am not familiar enough with the technicalities of the immigration laws and of this bill to know how the bill would apply to a person who is American born but who has gone to Canada and become a Canadian citizen and who then desires to come back to the United States. Could he come in outside of the quota or not?

Mr. BOX. The place of birth, I think, now generally controls. Of course, as to what its terms would be after the committee got through with it as to special cases like yours would be a question.

Mr. MACGREGOR. They could not come in at all.

The CHAIRMAN. Canadians returning, American born, naturalized Canadians, returning now have to pay a head tax and visa fees.

Mr. BURTNESS. They would have to come in as immigrants, but I do not know how this bill would be applied as to quota. I could not see anything in it or in the general act, from the examination that I was able to give it, to determine that question, and I decided to ask you what the conclusion would be. At any rate, it is a matter deserving your careful consideration if you determine to report a bill carrying out the general purposes of this one. I am one of those, however, who would insist most strenuously that if any person born in the United States and who had become a citizen elsewhere, as for instance in Canada, and that person who has gone to Canada and lost his citizenship in that way gets to the point where he desires to come back to the country of his birth, he ought not to be barred by reason of any arbitrary quota provision, if he is otherwise proper to be admitted; that is, if he passes the various tests that our general immigration laws provide. If he entertains no notions of government that are wrong, in so far as our policy in the United States is concerned, or anything of that sort, and is generally qualified, I feel that he ought to be admitted.

The CHAIRMAN. Do you carry that out to the people who have gone to Russia and Greece and Italy and other parts of the world?

Mr. BURTNESS. That is not the question before the committee now, because we have our quota provisions with reference to them.

The CHAIRMAN. You made quite a big statement there, that you wanted people born in the United States to have the right to return, and undertook to make it apply just to contiguous territory.

Mr. BURTNESS. If you want my view with reference to it, I will frankly say that if a person born in the United States has gone elsewhere, and if he desires to come back, and if he is a proper person under the general qualification provisions of our immigration act, outside of the quota provisions, I think that he ought to be permitted to come back.

The CHAIRMAN. You would have him throw citizenship off and on, just like taking off a shoe?

Mr. BURTNESS. No; I would not have them do that. I think the very fact that he desires to come back, after trying something else, would indicate that he thinks more of his American citizenship than he does of the citizenship that he has acquired in the meantime. I think the very fact that he is anxious to come back, after trying something else, would probably make him a better American citizen than some one perhaps who had not gone through the experience of trying to live under another flag. I think he would appreciate this country just that much more after he got back here. Of course, if it came down to the question of indeterminately running back and forth, that is another situation, and something so remote that it is not likely to occur.

Mr. MACGREGOR. How about Emma Goldman?

Mr. BURTNESS. Well, that question is very easily answered. I stated my conditions with reference to admission, namely, that the provisions of our general immigration act should be complied with in such cases. As every member of this committee knows, those provisions would bar Emma Goldman from coming back. Furthermore I do not know that Emma Goldman was American born. My impression is she was not.

Mr. MACGREGOR. She repented, though.

Mr. BURTNESS. She repented, but she has probably repented only with reference to where she desires or prefers to live. Now, if she has repented to the extent that she does not longer entertain any views antagonistic to our American principles, then you would have another proposition. Do not get the idea that I urged anything more than what I suggested. My statement was with reference to persons American born and who entertain American views, who desire to come back and who could otherwise qualify under the general provisions of our immigration act.

Coming back to what is especially before the committee now, I believe that Canadians, people born and reared under the laws of Canada, under the ideals of English-speaking people, under the ideals of representative government very similar to our own—I think any of them who want to come here and desire to live in the United States would be a distinct asset to the country, and instead of putting up the bars against them we ought to be willing to welcome them into this country. I think they occupy a considerably different position from anybody else, and that is especially true when we realize that they are living right alongside of us, only an imaginary line separating us, where intercourse between these countries is free and easy, where there are literally tens of thousands of Canadians coming into this country every year for tourist purposes and for business purposes, and in the same way even a larger number of Americans going into Canada for similar purposes. I repeat that they would be distinct assets to our own country. Every Canadian that we have ever gotten here, practically without exception, in the past has been an asset to our country, and anyone we are likely to get in the future is likely to be such.

Mr. SCHNEIDER. Do a larger percentage of them become American citizens than the Norwegians and Swedes?

Mr. BURTNESS. I am not in a position to say with reference to that.

Mr. SCHNEIDER. Do you think they are a greater asset as citizens than Norwegians and Swedes?

Mr. BURTNESS. I am not going to be put into the position before the committee of making a comparison between Canadian-born people and any other specific nationality, and surely not with the people from which I happen to come myself. Referring generally, however, to the northern countries of Europe, I believe that the immigrants that we have received from such countries have been very satisfactory people and have played their part in developing the United States, and I am not here to say that those of us of Norwegian origin are a bit better than those of German origin or Swedish or Irish or Scotch origin, or Canadian origin or anyone else. Nor, from pride of ancestry, do I care to admit that the Canadians are any better than those of us who happen to have Norwegian blood in our veins.

Mr. MACGREGOR. May I ask what you think about the national-origins clause that reduces the number from Scandinavian countries?

Mr. BURTNESS. Believing in a policy of restricted immigration, my opinion has been that the best law that has been reported in recent years, or at any time, from this committee is the bill that was reported by this committee and passed by Congress in 1924, and which is now the law. I think that on the whole the people that have come in under that law are probably as good—the great general average thereof—as

you can get under any more or less arbitrary quota provisions. We all realize, of course, that quota provisions must be arbitrary and that none of them can be perfect.

Mr. MACGREGOR. That included the national-origins proposition. The 1924 act included that.

Mr. BURTNESS. Not as this committee reported it, but as an afterthought, written into the bill by the Senate and later approved in the House, at a time when I would take it no one knew exactly how the national-origins provision act would work out, and I do not know whether anyone now knows exactly how they would work out. I have noticed the comments made with reference to it by the three Cabinet officers a year or so ago. I referred to the bill as now operating under the quota based on the 1890 census figures, which I feel it difficult to improve upon.

Theoretically the national-origins provision sounds all right. Whether they are practical or not in operation I am not in a position to state definitely, but I doubt it very much. But that is not the question before us now.

The CHAIRMAN. The Chair thinks that we will not go into that. That will undoubtedly be a matter to be brought up here a little later, a separate matter.

Mr. BURTNESS. Mr. SCHNEIDER asked something about the class of people that come in. Just to illustrate by reference to the Canadian immigration for 1927, I find that listed as "unskilled" there are 20,703; as farmers, 3,709; as farm laborers, 3,663; as common laborers, 7,655; as servants, 4,809; draymen, hackmen, teamsters, and fishermen, 867; commercial, such as agents, bankers, hotel keepers, manufacturers, merchants, and dealers, 1,905; miscellaneous, 1,896; no occupation, mainly women and children, 35,965; skilled, 17,399; professional, 3,638. That indicates the type of work that they are likely to do when they come in here.

Now, with reference to the racial origin of these Canadian immigrants, the race from which they spring; I asked for that information and I find that in 1927, 1,048 of them were from the Dutch and Flemish, 27,248 from the English, 15,710 from French stock, 3,397 from German stock, 1,268 from Hebrew stock, 13,800 from Irish stock, 2,189 from Scandinavian stock, 13,903 from Scotch stock, and all others amounted to 2,943.

Summarizing, more than four-fifths of the Canadian immigration comes from English, Irish, Scotch, and French ancestry, more than four-fifths of them. So when we consider the question of racial characteristics of the immigration that would be barred from the Dominion of Canada by this bill, I think it must be generally conceded that the people barred do not come from races which by any appreciable number in this country have been regarded as being dangerous to American institutions.

Mr. BOX. You mean as applied to Canada?

Mr. BURTNESS. Certainly, as applied to Canada, of course. I have confined my remarks up to this time strictly to the Canadian immigration. I am trying to point out to you in my feeble way that I think it would be a mistake, from the standpoint of the United States, to bar the type of immigration that we have been getting from the Dominion of Canada. I am trying to point out that the type of immigration that we have been getting from Canada in the past, and are likely to get from Canada in the future, is the type that would be of assistance, generally speaking, in building up this country.

Mr. VINCENT. Let me ask you this question, Mr. BURTNESS, if you please. In addition to that, is it your opinion that such an act on the part of this Government would have a deleterious effect on the cordial relations that have so long existed between this country and the Dominion of Canada as a governmental entity?

Mr. BURTNESS. Very positively so, Mr. VINCENT. After referring to the type of immigration that this bill would bar, I was going to comment upon that feature, and I think that it is not necessary to spend any time with reference to it, for each of you can draw conclusions as to the effect that a bar of that kind would have upon the very fine, cordial relations existing between the United States and Canada just as well as I can. Merely mentioning the fact so as to call it to your attention is ample, or at least is all the time that I care to take in that presentation.

Mr. SCHNEIDER. Right on that point, is it not true that the Canadian Government generally is not so keen about the Canadian nationals coming to the United States, because of the fact that the Canadian Government is spending large sums of money each year in replacing the Canadian nationals who come to the United States; that as fast as they come over here the Canadian Government is replacing them with aliens from European countries, from which they can secure them at large expense?

Mr. BURTNESS. I concede frankly that in the minds of the men whose work is such as to deal specifically with the development of immigration in Canada, that thought is in their minds; that they would rather not see their people come over here, and that those particular individuals perhaps would not object to a bar being put up which would prevent some of their nationals from coming here. But in so far as the people generally are concerned, and in so far as the Government generally is concerned, the question involves something which is dearer to them than simply this question of what might be a practical or feasible plan in keeping their people in their country. There is no prouder people on the face of the earth than the British people. I think it was the pride of the British people which was largely responsible for the fact that the first foreign government that settled its war debt with the United States was Great Britain. They are intensely proud, and their pride would be hurt, in my opinion, by our putting up an immigration bar of the sort proposed, for they could not help but feel that the bar was put up on some theory here in the United States that the people that we were likely to get from Canada are not wanted. And, of course, they would be justified in that belief, for why in the name of common sense would we want to put up the bar against them if we do not want to keep them out? It is the only conclusion that the Canadian people, that the British people, could reach if this country passes that kind of a bill. Now, we might soft-soap it and argue that it was not passed with the idea of reaching Canada or preventing the class of immigration we get from that country, but with the idea of reaching some other nations, or something of that sort, but that kind of an explanation would not be accepted by them, for naturally they would say: "Well, if you wanted to exempt us, that could easily have been accomplished."

Mr. BOX. Of course, you recognize that we do have a quota restriction against the English homeland?

Mr. BURTNESS. Oh, yes; but when we did that we did so with reference to all of Europe. We have placed England on exactly the same basis as we have other countries over there in Europe. Furthermore, Canada is a near neighbor and her situation seems considerably different.

Now, there is some general information contained in the letter which transmitted this table to me, and I would be glad to have both the letter and the table appear in the record.

The papers referred to follow:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington, February 24, 1928.

Hon. OLGER B. BURTNESS, M. C.,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN BURTNESS: In response to your request for statistics covering immigration from Canada under the present quota law, I am sending you herewith a statement which gives the number of immigrant aliens admitted from that country to the United States during each of the last three fiscal years 1925, 1926, and 1927, by occupational groups, with comparative per cents of the total. The statement also shows for these immigrants the number of male and female, as well as the principal races.

It will be noted that while immigration from Canada decreased from 100,895 in the year 1925 to 81,506 in 1927 there was no great change in the proportional distribution by occupations. The largest single group were those listed as no occupation, comprising 42.3 per cent of the total in 1925, 43.2 per cent in 1926, and 44.1 per cent in 1927. The percentage of unskilled workers jumped from 22 per cent in 1926 to 25.4 per cent in 1927, laborers and servants making up the increase. The professional and commercial classes, as well as the skilled wage earners, show about the same proportion for the three years, the professional comprising an average per cent for the period of 4.4, the commercial 2.6, and the skilled 21.9. The bulk of these newcomers are English, French, Irish, and Scotch, over four-fifths of the immigrants from Canada being of these four races.

During the three fiscal years 1922, 1923, and 1924 (under the per cent limit act of 1921) immigrant aliens admitted from Canada and Newfoundland numbered 46,810, 117,011, and 200,690, respectively, about 97 per cent coming from Canada and 3 per cent from Newfoundland. Prior to 1925 these countries were not shown separately in immigration statistics.

Very truly yours,

HARRY E. HULL, *Commissioner General.*

Immigrant aliens admitted to the United States from Canada (last permanent residence), fiscal years ended June 30, 1925, 1926, and 1927, by occupational groups, with comparative per cent, as specified

Occupation	Number admitted, fiscal year—			Per cent of total		
	1925	1926	1027	1925	1926	1927
Total	100,895	91,019	81,506	100.0	100.0	100.0
Professional	4,494	3,789	3,638	4.5	4.2	4.5
Skilled	21,277	21,065	17,399	21.1	23.1	21.4
Unskilled	22,845	20,032	20,703	22.6	22.0	25.4
Farmers	6,461	4,639	3,709	6.4	5.1	4.6
Farm laborers	3,702	3,459	3,663	3.7	3.8	4.5
Common laborers	8,806	7,654	7,655	8.7	8.4	9.4
Servants	2,836	3,473	4,809	2.8	3.8	5.9
Draymen, hackmen, teamsters, and fishermen	1,040	807	867	1.0	.9	1.0
Commercial (agents, bankers, hotel keepers, manufacturers, and merchants and dealers)	2,680	2,425	1,905	2.7	2.7	2.3
Miscellaneous	6,854	4,350	1,896	6.8	4.8	2.3
No occupation (mainly women and children)	42,745	39,358	35,965	42.3	43.2	44.1
Male	59,414	51,672	43,379	58.9	56.8	53.0
Female	41,481	39,347	38,127	41.1	43.2	47.0

Immigrant aliens admitted from Canada during the fiscal years ended June 30, 1925, 1926, and 1927, by principal races

Races	Fiscal year—		
	1925	1926	1927
Total	100,895	91,019	81,506
Dutch and Flemish	1,253	1,095	1,048
English	35,373	31,424	27,248
French	19,861	18,612	15,710
German	4,235	3,782	3,397
Hebrew	2,196	931	1,268
Irish	13,832	15,310	13,800
Scandinavian	3,074	2,420	2,189
Scotch	16,222	14,765	13,903
All others	4,849	2,680	2,943

If there are no further questions on the Canadian aspect of the bill, I want to turn to the second aspect that I stated I wanted to discuss; and I want to be very brief on that, for I take it that it has been considered more in detail before the committee by other witnesses. That is the question with reference to the need or lack of need of Mexican labor up in our part of the country and why so many of our people in comparatively recent years have become interested in Mexican labor and therefore in Mexican immigration.

All of you who are familiar with the proposals of farm relief that have been pending in Congress now for a number of years know something about the situation in the agricultural game. You know that one of the most serious difficulties in so far as the prosperity of agriculture is concerned is the fact that this country has been continuing to raise an exportable surplus of certain crops, resulting in depressing the price of such crops down to the standard of world markets. Now, that surplus is not something new, it is true. It has existed for decades past, but the effect that that exportable surplus has had upon prices seems to have become a more important factor in recent years than heretofore. At least American conditions generally, our general price level, high wages, our standard of living, costs of production, and all such factors have become such that it is much harder for the American farmer to compete with a foreign farmer in the case of these crops or products of which we have an exportable surplus. That situation applies in an aggravated form in all territories which have been regarded as more or less of a one-crop territory raising an export surplus crop. So naturally it applies with added force to what we know, generally speaking, as the great spring-wheat area. And so for the last 20 or 30 years there has been a strong incentive for a program up there of diversified farming. The war came along and set us back in that program tremendously, because of the demand to raise more wheat. But we have again started to advance that program, and are showing wonderful results in so far as diversification is concerned; but, of course, in order to proceed intelligently in diversification when we are trying to get away from the evils of one crop of which we have an exportable surplus we naturally want to exercise some sense and some judgment so that we will not simply go from the frying pan into the fire or just change our system from one crop to another just as bad. Of course, we believe in keeping more dairy cows and having more hogs and raising more beef, including feed and forage for these animals, and things of that sort. And we are doing it. We are making increases by leaps and bounds. My State shows a wonderful advance in that respect.

But what do we find? What is the situation right to-day, for instance, with reference to hogs, with reference to pork? This country has a substantial exportable surplus, especially in the lard end. We have a situation where pork to-day is selling at a much lower price than it has for years, and selling at a price—and I take it Mr. White will agree with me—that it is very doubtful whether the most efficient farmers can raise a hog for the amount that one can get for him now at the packing plants. Surely hog production should not be further increased in the United States as a whole.

We turn to dairy products, and what do we find? We find that we are just about at the danger line. We find that if we are going to increase our dairy products to speak of, if we are going to increase them as much as it would be possible to increase them in just two or three States in the Northwest within the next five years, we would be on an exportable surplus basis with reference also to dairy products. And when that time comes, the tariff of 12 cents on butter, raised from 8 cents to 12 cents a year or so ago; would not be worth a tinker's darn to the producer of dairy products. We are approaching the saturation point for domestic consumption. We are right at the danger line. So we can not turn to dairying alone without running the chance of hurting dairy interests of other States and possibly not get much benefit ourselves.

If we consider the raising of beef cattle, there is some leeway there, perhaps, and a little bit here and there along other general lines, but with reference to almost all of them, a substantial increase in half a dozen States for a period of five years would put them in the class where an exportable surplus would exist bringing prices down to the level of world markets regardless of the tariff.

So we turn to sugar, the raising of sugar beets. You know what the facts are, that have been brought out here time and again. There is no possibility of any exportable surplus in sugar. We raise only about 20 per cent of our needs in this country. And so our interest in the Mexicans, I admit, is somewhat of a selfish interest, in so far as a desire to develop our country so as to place our agriculture on a sound economic basis can be called a selfish interest.

The CHAIRMAN. No; I do not think that should be called a selfish interest.

Mr. BURTNESS. I think a certain amount of selfishness of that kind is entirely justified.

Mr. BOX. Well, it certainly is a legitimate interest, so far as that goes.

Mr. BURTNESS. I think it is justified and legitimate. That is the position I am taking.

We have constructed a beet-sugar mill at East Grand Forks, Minn., directly across the river from my home town, which is taking care of the production of beets in that portion of the Red River Valley. Other sugar factories are contemplated elsewhere in the famous valley of the Red River of the North. If we are going to take some acreage away from wheat, if we are going to take some acreage away from corn, if we are going to take some acreage away from providing the feeds that are used in the production of more hogs than this country needs, then we have to rely upon some such crop as sugar beets; and with reference to the hand labor required in the production of sugar beets, we are absolutely dependent upon Mexican labor. Others doubtless have emphasized this feature of the case, so I will spend no time thereon.

I have two farms in the Red River Valley. On one of those I have raised sugar beets for four years. I have been in fairly close touch, because of that fact, with these Mexicans that have come up to our country. I am not going to stand here and tell you that they are the best people on the face of the earth or that they have made wonderful citizens or that in a few years their sons and daughters will be graduating from our high schools and soon acting as our preachers and lawyers and doctors and as our professors in colleges, or anything of that sort. If they were going to do that, I do not know that we would want them. Surely we wouldn't need them. I sometimes think we have enough law students and doctors and Congressmen and such forms of animal life as it is. [Laughter.] I think it was Mr. Hogan who said that the lowest form of animal life is a Congressman. [Laughter.]

Mr. BOX. I think that ought to be stricken from the record. [Laughter.]

Mr. BURTNESS. I comprehend that the interests of sound public policy might not permit it to stay in. But, seriously, all of you who are familiar with farming conditions in an agricultural country, such as the winter-wheat country, spring-wheat country, or any other section where the farming is not arranged so that there is just as much work to do every month of the year as there is in certain months of the year, know that all of these territories are dependent upon transient labor in rush seasons. We provide in Congress for the United States Employment Service, a wonderful service that starts out in the early summer down in the Southern States, Texas and Oklahoma, and directs that general transient farm labor, tries to direct them as the harvest progress from the Southern States up to the Canadian border. We have always been dependent upon that type of transient labor in the spring-wheat country, and I presume that you have been dependent upon it in the winter-wheat country to a considerable extent, have you not, Mr. WHITE?

Mr. WHITE. To some extent; yes.

Mr. BURTNESS. That labor has not always been the very finest type of American manhood. Their ideals are not always the very highest as they come to us, and they are generally called "hoboes." Of course, we all know that when fall comes, when that transient white labor arrives, much of which is even American born, I regret to say, it seems necessary for every little town to put on some special guards, and that citizens of such towns will often take their turns guarding the streets at night in order to prevent holdups, burglaries, and robberies and crimes of that sort. I regret to note that every year every prosecuting officer, every sheriff, every constable, spends a couple of pretty busy months in trying to protect part of this transient white labor against holdups, robberies, and other crimes by the other part of that labor, as well as to protect the property and the people generally.

Mr. SCHNEIDER. That group has done all of your work heretofore, have they not?

Mr. BURTNESS. They have done this special wheat work; yes. They come up for one sole purpose: They try to get there in time to start harvesting the wheat. If they are there a few days earlier and are absolutely busted, you are able to hire a few of them to go out for a few days' haying.

Mr. SCHNEIDER. Is it not true that they do not come up before that time because there is no work there?

Mr. BURTNESS. Oh, no; with conditions as they are now we have use for some of them during haying time.

Mr. SCHNEIDER. I am really referring to them before harvest time.

Mr. BURTNESS. We have always needed some of them for haying, not as many for haying, of course, as for the harvesting season. They will ordinarily not do any other work than a harvesting job, and as soon as the first threshing machine starts, it is only the exceptions among them who will finish up the shocking jobs on the different farms. They want to thresh, they seem to like the sociability and the glamor of the larger threshing outfits. And when the threshing is done, or whenever they are delayed in threshing because of wet weather or other reason you can not even think of getting the average one of them to spend a few days plowing or hauling sugar beets or anything of that sort, or harvesting sugar beets. It is out of the question. They will not do it. They are there for the wheat harvest. Of course, there are exceptions among them.

Mr. RUTHERFORD. I noticed in the statement you presented that a very large number of Canadians, unskilled Canadians, came over to this country. Can you tell us where they went?

Mr. BURTNESS. I think they scatter all over the country.

Mr. RUTHERFORD. They do not stop in the Dakota beet fields? They are not interested in that work?

Mr. BURTNESS. Some of them stop in Dakota, but not for beet work. We get our share of them. But I do not mean to try to say that most of them stop in the Dakotas. They come in more or less all along the line, and I think you will find them scattered generally along the northern border of the United States. I have never heard of them working in beet fields.

Mr. RUTHERFORD. Do you know anything about the cultivation and growing of cotton?

Mr. BURTNESS. No.

Mr. RUTHERFORD. Well, I never saw sugar beets growing. I have seen the old-fashioned beets grown in my section, not the sugar beet, but there is no crop that we can plant that takes longer hours and a longer season to make than cotton takes. It is hard work for, some say, 13 months in the year. It takes that much to make a crop. We find that white people down our way—working in the harvesting of cotton requires a constant stooping position, they have to pick it stooping over—we have a class of white people in my country who would not work in cotton for a long time because the negro was there. They thought it was a negro job to do this work, and they drifted north. I find that hundreds and hundreds of our white boys and white men and even white women, I am sorry to say, have been forced into the fields and are actually cultivating, working, and gathering these crops.

Mr. BURTNESS. Well, that is very interesting, I am sure.

Mr. RUTHERFORD. And I am just presenting that to show that the work in your beets is not as hard as the growing of cotton in the South, and there are white people doing that.

Mr. BURTNESS. Of course, there is quite a difference, it would seem to me, in the application of the theory that might be in your mind, that eventually the white people would do this work in the beets if we did not get Mexicans. I think there is this big difference: You are talking about the cotton country, where your crop is cotton. That is your main crop. You are not trying to get people switched off into a new crop that involves harder work than the crop they have been raising all the time.

Mr. RUTHERFORD. But I do not think they could be carried into any field of activity that would be any harder work than the production of cotton.

Mr. BURTNESS. But our people are engaged, generally speaking, in ordinary farming, livestock, dairying, the raising of wheat, flax, oats, barley, corn, and crops of that sort. Our farmers and the white-farm labor can find plenty of opportunity to spend up to 12 or 14 hours per day in that work. They have to do it in order to keep their farms going in the ordinary way. They can not on the ordinary farm switch and intensively cultivate 10 acres or 15 acres or any other acreages of beets because if they did that they would have to let much of the rest of their farm stand idle. The acreage of beets, of course, as compared with the total acreage of the farms, is small.

Mr. RUTHERFORD. The reason I presented the little argument I did is I am not convinced that you can not get labor to make your sugar beets, cultivate your sugar beets, if you would give the white American steady employment at good wages. That is the argument.

Mr. BURTNESS. I am satisfied they can not be obtained. You mention the question of good wages. Let us see whether the Mexican is getting good wages in our section. I find, for instance, what the Mexican has received on the farm that I have, each year. One or two years we had just a husband and wife without any children; the last two years we had quite a good-sized family, so that the wife did not do any work in the field whatsoever, but a couple of the older children were able to help the father. They handled 16 acres of sugar beets. For that work they received $400. I presume their work altogether—these beet men could tell you perhaps more definitely than I can—I presume in the doing of that work, thinning, blocking, hoeing, and topping, they worked altogether about three months. The rest of the time they were either idle or were working by the day, doing other work, on our farm and adjoining farms, and the doing of this other work is an asset to the country there, because farm labor is scarce. It is intensely scarce throughout that section and we are dependent upon farm labor. When you have farms which average about 450 acres each, as we have in our State, the husband and the wife and the children, even if they all work, can not perform all the labor upon the farm during the farming season. Hired help is necessary. So these men, these Mexicans, are employed in their spare time. They put up alfalfa, they do considerable shocking of grain, and until they have to top the beets they go out on the threshing outfits and they help thresh. Each Mexican desirous of putting in his time—and most of them do, for most of them are thrifty and willing to work—can earn a couple hundred dollars in addition to what they are paid for the beets. So that means that that Mexican, for instance, on our farm has earned each of these seasons about $600, which is $200 more than the average farm laborer that hires out for the season of eight months with us would have earned in the meantime.

But, of course, the usual farm laborer working during the season for a monthly wage, would in addition to that have his board and his lodging; whereas the Mexicans get their home, provided with stoves and dishes and beds and a little furniture and things of that sort that they need. But they do not get their food. They buy their own food. So the wages are good. Most of them leave in the fall with an automobile.

But I have gotten away from the statement that I wanted to make. I want to say this, and I say it advisedly, and I say it as one who has had 10 years' experience in a prosecuting office: That since the Mexicans came there there has been relatively less trouble with the Mexican labor that comes to us in proportion to the numbers that have come than there has been with the customary white transient labor that has come to us. I am willing at any time to compare the Mexican labor, in so far as creating trouble in the community, in so far as petty thievery or other crimes is concerned—I am willing to compare them any time with the other transient labor that comes up into our section; and I think the comparison will be favorable enough to the Mexicans.

So we are not alarmed of them on that score at all. We are dependent upon transient labor anyway, and we know from the experience that we have had now over a period of several years that there is not any appreciable danger to look for on that score. The other propositions that are involved as to the habits of the Mexicans, what they do, etc., have doubtless been rehashed before you several times, and I do not want to take up any more time on that feature. I do, however, want to emphasize that I feel we would be making a tremendous international mistake if we put up the proposed immigration bars against contiguous, friendly neighboring countries, and especially so if we put up that sort of a bar against our neighbor on the north. Even with the splendid assistance of Colonel Lindbergh our international relations are sufficiently strained now.

Mr. RUTHERFORD. Have you an ample supply of labor in the dairy industry?

Mr. BURTNESS. One of the difficulties in developing the dairy industry on a large scale is that of getting the necessary labor. So our development of the dairy industry, which has been tremendous, has come about by the work that is contributed by the farmer himself and his family.

Mr. RUTHERFORD. And you have about reached the saturation point so far as production is concerned?

Mr. BURTNESS. Yes, sir; that is for domestic needs.

Mr. RUTHERFORD. If these Mexicans are allowed to come in in great numbers, increased numbers, and you begin to employ them in your dairy industry, will not your dairy industry be affected just like wheat and corn are now?

Mr. BURTNESS. I do not think there is any prospect of these Mexicans ever being employed in the dairy industry.

Mr. RUTHERFORD. Why not?

Mr. BURTNESS. Under our system of farming, of course, the development of our dairy industry is going to be largely a family development. It is not going to be a proposition which employs all the year round labor.

Mr. RUTHERFORD. If they are so satisfactory to grow your beets and harvest your beets as unskilled labor, why would they not be good as unskilled labor in the dairy business?

Mr. BURTNESS. I do not take it that labor in the dairy business is unskilled labor, unless you have a tremendously large dairy business so that you can divide your labor up into certain classes. But if you are going to have a man such as would be used on a good-sized farm to take care of a herd of 20 or 30 milk cows and other incidental stock, you do not want an unskilled man for that sort of a job. For that work you need a man that can learn the value of various feeds, know what kind of feeds are to be fed to your dairy animals, the proper amount of protein and other items which must necessarily be fed to cattle in order to get them to produce milk. They have to use their heads a whole lot more than their backs, and one of the difficulties in the evelopment of the dairy industry even among our farmers is the fact that it is difficult to get them to learn the underlying principles that are involved in really first producing a good dairy cow and then in getting the best results from such cow.

Mr. RUTHERFORD. I would draw the conclusion that it does not take any brains to make beets?

Mr. BURTNESS. I think that is pretty nearly true; that when it comes down to the actual work, the hand labor in the field, a great deal of brains is not needed. I think I will agree with you that it needs a strong back rather than a strong head for the purpose. We might as well be perfectly frank about it, for this labor is unskilled and the work seems like drudgery. But that certainly does not apply to the dairy business or to most forms of farming now. And, of course, in the beet industry the brain work, the development of the right kind of fertilizer, the determination of what kind of soil will produce the greatest amount of beets and things of that sort is done by somebody else and not by the individual Mexican who gets down on his knees and thins the beets and blocks them and tops them in the fall. This is supervised by experts and the farmer's equipment and regular help prepares the ground for the beets and does the machine cultivation, lifting the beets when they are harvested, and such work.

The CHAIRMAN. Now, Mr. BURTNESS, you are on one of the big committees of the House engaged in national problems, and your colleague has appeared, Mr. ANDRESEN, and Mr. SELVIG also. They are on very large, important committees handling problems of agriculture. You get national problems, and we have got one here, and it is expressed in a resolution that has just come in by telegraph from Tucson, Ariz.:

"Whereas American laborers leaving Southwest in increasing numbers account of inability to compete with cheap Mexican labor, which is annually flooding this section in increasing numbers; and

"Whereas this migration of labor from our section materially adds to unemployment problem in Eastern and other States; and

"Whereas present immigration laws notoriously inadequate to stem influx of Mexican labor:

"Resolved, That local union of carpenters unanimously favor Box bill.

"F. L. RAMSEY, *President.*
"I. A. MCBEE, *Secretary.*"

Now, you see the situation may not be extremely acute yet, but it is coming, marching along, and the studies of this committee over several years show that tendency. Now, that Mexican labor has extended clear north to the Canadian line, to the district represented by you. That labor drifts into the cities in ever-increasing numbers, makes congestion, creates bread lines.

Mr. BURTNESS. I appreciate the very important question, the national question, the American question that is before this committee, and I personally appreciate the very large amount of study and consideration that this committee has given to these questions in all of these years since the war. I want to assure you that I do not take the position that this is a one-sided proposition, the Box bill or any other question before the Immigration Committee. I entertain fairly definite views, which I have tried to present fairly and frankly.

I do want to say with reference to that telegram, I do not know on what facts it is based, but we all know a little something about how easy it is to get wires sent in, whether it be on one side or on another side of any question. There is a corn sugar bill, so called, pending before our committee—or it was pending before our committee two years ago; it is now before the Agricultural Committee. I believe that every person who has ever raised a bee during the last few years, and every person who hopes to raise a bee in the next few years, has written or wired me as to the terrible things that will happen if that bill is passed. Propaganda of every kind on every conceivable question inspired by some one comes to all of us. I do not know whether this particular wire falls within that category or not, but I for one do not attribute a great deal of importance to them, except when they actually present facts or persuasive arguments, and you get the facts otherwise, ordinarily. I do not pay much more attention to them than I do to petitions asking me to appoint a certain man postmaster in a certain town, when I find that the same individual name is affixed to three different petitions for three different candidates for the same job. I rather doubt whether the carpenters in the Southwest are seriously threatened by the influx of Mexican labor. However, you have means of getting at the facts in that respect, and I know you will.

Mr. Chairman, I have some petitions that were sent me that I would like to file. They are signed by beet growers in the district I represent protesting against the passage of the Box bill.

Before closing let me bring out an interesting sidelight as to the Canadians. There are in Congress only 18 Members who are foreign born—3 Senators and 15 Representatives. Of these, six were born in Canada, speaking well for our immigrants from that country as well as for the fact that Canadian ideals and principles of government are similar to our own. Those of Canadian birth are Senator COUZENS, of Michigan; and Representatives EATON, of New Jersey; SINCLAIR, of North Dakota; CHALMERS, of Ohio; MONAST, of Rhode Island; and HUGHES, of West Virginia. There are doubtless many of the second generation. I feel justified in claiming that these, our colleagues, are exhibits amply justifying the position I have taken before you to-day. I greatly appreciate the marked attention you have given to my remarks.

The CHAIRMAN. We are very much obliged to you, Mr. BURTNESS.

MUSCLE SHOALS

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon three bills pending relating to Muscle Shoals.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I make a similar request.

The SPEAKER. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker it may be interesting and valuable information for the Members of the House and the country at large to have a brief summary of some of the views that have been entertained heretofore by distinguished and prominent and responsible public officials and Members of Congress. It must be constantly borne in mind that we are not now put to the choice between the private operation and public operation of the properties at Muscle Shoals. There is no bill before the Congress that Members have the opportunity to choose and that calls for the private operation of this huge Government project.

It is true that there is one bill before both the House and Senate—known in the House as the Madden bill and known in the Senate as the Willis bill—contemplating the leasing of the Muscle Shoals property to the Air Nitrates Corporation, a thousand-dollar subsidiary of the American Cyanamid Co., which undertakes to guarantee the performance of the proposed contract by its subsidiary. But both the Hon. Frank B. Willis, late Senator from Ohio, and the Hon. Martin B. Madden, late a Representative from the State of Illinois, are now dead. Furthermore, it appears that the Willis bill in the Senate, contemplating the leasing of the Muscle Shoals property to the said Air Nitrates Corporation, was not seriously considered by either the Senate Committee on Agriculture or the Senate itself. It does not appear that the offer of the Air Nitrates Corporation was pressed seriously and energetically before the Senate. The sole question before the Senate seems to have been whether or not to accept the Norris bill or do nothing at all.

In like manner the Madden bill, which was before the Military Affairs Committee of the House, is not now before the House of Representatives. This bill was very earnestly considered by the Committee on Military Affairs. As a member of that committee, I worked hard and long to try to perfect that bill in such a way as to be able to defend it before the House of Representatives. I offered a large number of amendments to that bill, which were finally accepted by the Air Nitrates Corporation and included in its proposal. Some idea of the scope and purport of the amendments offered by me may be obtained by considering the difference between the original bill which was introduced in the Sixty-ninth Congress and the last committee print of the bill introduced in the Seventieth Congress as the two appear side by side, in parallel columns, commencing on page 43 of the committee print of an appendix to Report No. 1095. But on three very vital and important questions the Air Nitrates Corporation did not agree to the views of the committee, and for that reason we were never able to report its bill contemplating private operation. The three points of difference between the Air Nitrates Corporation, commonly called the American Cyanamid Co., and the overwhelming majority of the committee were these:

First. A "recapture clause" whereby the property would be returned to the United States upon the complete and undisputed failure of the Air Nitrates Corporation to carry out the main purpose and intention of the lease, which was and would be the use of the property in question for the manufacture of chemical fertilizers.

Second. Failure to agree upon a clause contemplating adequate auditing and accounting of the books of the lessee corporation relating to the manufacture of fertilizers in order to insure the truth as to the costs of such fertilizers.

Third. Failure to agree with the Air Nitrates Corporation upon a provision in the bill to confer sufficient and ample powers upon a board set up in the bill called the Farmer Board whereby said board could specify the kinds and qualities of fertilizers to be manufactured by the lessee corporation, it being the belief of the committee that such "farmer board" would better know what kinds and qualities of fertilizers the farmers would buy than the corporation itself, and thus prevent the corporation from manufacturing fertilizers and putting the same in storage and holding them in storage, and finally, shutting down the fertilizer plants upon the ground that the farmers would not buy the product, and thus the lessee corporation be excused from continuing to operate the fertilizer plant.

Mr. Speaker, the House is now squarely against the proposition of Government operation by some agency or instrumentality at Muscle Shoals. The Government is in operation of the plant now, producing electric power and selling the same, and thus is in business as truly, though in a different kind of

business, as it would be in manufacturing and selling fertilizers. There would be more excuse and reason for the manufacture of nitrates and the sale of same than there is for the production and sale of electric power. The Government needs nitrates for explosives for its war-making departments, both in peace and in war. But the Government does not need electric power for its own sake and solely as electric power, either in peace or in war. It is justified in producing electric power solely to employ the same in the manufacture of nitrates for war and for the sale of such surplus nitrates as may not be necessary for war purposes. Furthermore, the only three bills before the House now all contemplate Government operation of the properties at Muscle Shoals. The Norris bill is a Government-operation plan, pure and simple, directing the Secretary of Agriculture to manufacture fertilizers, not only at Muscle Shoals but "elsewhere in the United States," in the "largest amounts practicable and at the lowest prices practicable."

The substitute for the Norris bill which is offered by the Committee on Military Affairs of the House, and known as the Morin bill, contemplates operation by a Government-owned corporation, whose directors shall be appointed by the President and confirmed by the Senate.

The three choices of the Members of the House is the Snell bill, recently introduced by the Hon. BERTRAND H. SNELL, of New York, and he has announced his intention to offer his bill as a substitute for the committee amendment which in turn is pending as a substitute for the Norris bill. The Snell bill is Government operation, pure and simple.

Consequently there is no choice as between Government operation and private operation. Private interests have always looked contemptuously and sneeringly at the Muscle Shoals project. Shortly after the war, private interests declared that the properties there should be scrapped. Private interests have not only neglected to cooperate with the Government in settling and disposing of the Muscle Shoals question, but they seem to have consciously and deliberately thrown every obstacle and difficulty in the way of a reasonable and businesslike settlement of the problem.

Consequently the question before the House is this: Which of the three bills—the Norris bill, the Morin bill, or the Snell bill—offers the most practicable, reasonable, and safe business set-up for the economical and efficient management of the Government properties at Muscle Shoals?

VIEWS OF HON. MARTIN B. MADDEN (DECEASED)

I respectfully call your attention to the language employed by the late lamented and highly honored Martin B. Madden, spoken before the Committee on Military Affairs, January 31, 1927, relating to the production of fertilizers at Muscle Shoals for the relief of American agriculture and for the upbuilding of American soils:

There is a fine place in the industrial life of the United States for the power companies. They serve a useful purpose. They are doing a wonderful thing in the development of power and its distribution. They are making for better conditions in many neighborhoods. I have no complaint to make of them. I am not here to denounce them or to say anything against them. But at best, you could not use the power that is created at Muscle Shoals through the power companies except as a local enterprise.

Why do I say that? You can not distribute successfully or profitably power for power purposes that may be created here or anywhere else for more than 300 miles. So that when you limit the scope of an activity to 300 miles you are bound to make it a local institution; whereas the manufacture of fertilizer and the purposes for which it is to be used are just as wide as the Nation.

If we are going to invest Government money in anything less than a national proposition, we ought to know about it. If there were no other use for this power I would hail the entry of the power companies into this proposition.

But, as the servants of the American people, as the public servants of the Nation, we ought to do everything within our power, as far as we can see the right way to do it, for the advancement of the best interests of as many of all the people as possible and not for just a few.

So I stand unalterably committed to the policy of utilization of Muscle Shoals for the national problem of defense in time of war and the national problem of prosperity in time of peace, by the creation of fertilizer and its utilization by the people who are engaged in agriculture, without whose prosperity we all suffer.

The farmers ask fertilizer relief at Muscle Shoals. They are not asking for much. They have a right to ask it; in fact, we have promised it to them, and now let us fulfill our promise by accepting the Cyanamid Co.'s offer.

The farmers are only asking the dedication of this plant to the purposes for which it was originally constructed. They want the faith of the Government kept by the utilization of the agency that has been created by the money of the people, for the purpose for which it was created; that is all.

To tell the farmers that water power at Muscle Shoals should not be used to make fertilizers is to mock, in my judgment, at their needs when more than 3,000,000 horsepower can be developed on the Tennessee River.

Again let me call your attention to the language of Hon. Newton D. Baker, then Secretary of War, spoken before the Committee on Military Affairs on April 19, 1920:

The Germans, prior to the war, had developed the fixation of atmospheric nitrogen by two or three processes, notably the Haber process and the cyanamide process. They were our main sources of reliance. There is a third process which is successful in the production of nitrogen, known as the arc process, where electric power can be obtained at an exceedingly low rate. It is available in countries like Norway and Sweden, where the natural water powers are very easily used, but it is conceded, I think, to be a very expensive process where the item of power is a matter at all of cost. In fact, the importations of Chilean saltpeter into this country prior to the war amounted to about 500,000 tons. Its use was primarily for fertilizer. After we entered the war the question of production of explosives came up, and it was deemed advisable to multiply the powder plants in this country and to increase the sources of fixed nitrogen as far as possible, because it was cheaper to make the powder in this country and send it to France or England than it was to send the ingredients to those countries, all of them relying upon the same source of supply for raw materials. As I recall the figures, it was necessary to ship to France or England 7 pounds of ingredients for each pound of powder manufactured, and as the tonnage situation was critical and always had to be considered, it was deemed wiser to make the powder in this country and ship it as powder instead of shipping the ingredients.

Our program for powder production was a very large program. The powder plants with which this committee is familiar, at Old Hickory and near Charleston, W. Va., were both designed in response to the proposed demands for the importation of Chilean nitrates, and, of course, are completed up to the highest possible point. Ships were taken from many other trades and put into the nitrate trade. Perhaps one of the most acute distresses of the war on our side was the New England coal situation, which was largely caused by the essential necessity of taking ships which otherwise might have carried coal to New England to bring nitrates from Chile. It demonstrated to us that we were entirely dependent or almost dependent upon the importation of nitrates from Chile for supply in an emergency. In the meantime, during the war the agricultural interests of the country were deprived of a very large part of the nitrogen which they had previously been able to get. Congress was called upon to appropriate a very large sum of money and place it at the disposal of the Secretary of Agriculture to secure the importation of nitrogen to relieve the agricultural distress. As the members of the committee will remember, that created a revolving fund, and I think there was some money made by the Secretary of Agriculture in the administration of that fund.

Mr. ANTHONY. Would the plant as you propose to operate it furnish all the nitrates required by our Government during times of peace?

Secretary BAKER. More than to supply the amount that we need currently, as I understand it; I was coming to that in another aspect of the problem, but I will state it now in this way:

The War Department has studied very carefully the need of a nitrate reserve. We have learned that wars break out very suddenly and that the emergency is very great as soon as they do break out. For this reason, and because we have this plant and that we depend so much upon importations from a foreign country, some distance away, which might be very seriously impaired by a very simple thing—everybody knows, it is no secret, that an injury to the Panama Canal would be a very serious obstacle to our access to the nitrates, and with all the safeguards that we throw around the Panama Canal injuries to it are not inconceivable, nor would they be particularly difficult even with all the safeguards that we can throw around it—and realizing the isolation of America from this raw material, on that theory the War Department has determined that it is not safe for it to have a reserve stock of less than 300,000 tons of nitrates. We have now 300,000 tons of nitrates. A study of that problem, however, led the Ordnance Department to believe this, that if Congress would authorize this plant to operate in the manner which we advise, that we could then cut our nitrate reserve safely to 150,000 tons and rely on this plant to make up the residue in the event of an emergency by turning it instantly from an agricultural production into this war-time production.

Mr. MILLER. I do not see why it could not be operated as a governmental enterprise.

Secretary BAKER. Here are some of the reasons. In the first place, there is no difficulty about it being available for the War Department in the event of need. The Panama Railroad, as you may recall, is an independent corporation. The Government, when it bought the Panama Canal rights from the French, deemed it wiser not to con-

solidate the administration for the reason that it was in a competitive business. The Panama Railroad operates steamers to Colon and elsewhere, and it is in competition and in trade relations and transportation relations with railroads and other lines of steamers, and it has to be very flexible in order to meet the changing rates, provide through bills of lading, and respond quickly to claims for loss and damage, demurrage, and all that sort of thing.

Mr. CALDWELL. And to sue and to be sued?

Secretary BAKER. As a commercial enterprise.

This plant when operated for the production of commercial fertilizer will be dealing with persons buying its product and buying raw materials in a competitive market, and as a commercial enterprise it will be easier to deal with that sort of people. If we operate it as a Government plant, unless you change the law, the income will have to go into the miscellaneous receipts of the Treasury and be appropriated for specific objects and be expended on an appropriation basis rather than on a commercial basis; the income and outgo is very much less flexible in dealing with persons.

Again let me call your attention to the language of Representative GREENE, then a member of the Committee on Military Affairs, spoken on April 19, 1920, and now one of the Senators from Vermont:

Mr. GREENE. It does not strike me that it is the business of the Government to go into the fertilizer-making business; but so far as this thing is concerned, we need not stress that at all. If, in providing for its own supply of munitions the Government has a by-product that happens to benefit some other industry of the country, we can not avoid it; but I would not go into it for that purpose.

Again let me call your attention to the language of Gen. C. C. Williams, Chief of Ordnance, spoken on April 19, 1920:

General WILLIAMS. Our first thought was not to operate these plants as Government enterprises but to interest private capital and get them to continue the operation, and we tried for six months, in every way that we could, to interest the manufacturers in taking over this plant, but without success. Now, as I said before, our primary concern being the maintenance of a plant like this in operation for a war insurance, the only way that we saw to accomplish it was by recommending that the Government take this plant and operate it.

Furthermore, I direct special attention to the language extracted from the report of General Pershing filed March 29, 1920:

[Extract from General Pershing's report of March 23 to the Secretary of War]

GENERAL HEADQUARTERS, AMERICAN EXPEDITIONARY FORCES,
March 29, 1920.

* * * * * * *

Muscle Shoals nitrate plant: In the Muscle Shoals nitrate plant the Government has a permanent installation which is of the greatest importance. In another war a plant assuring a domestic supply of nitrogen might well be a decisive factor in maintaining our security. It is understood that this plant can be utilized in peace for the commercial manufacture of nitrogen products and that such use would return a reasonable profit on the investment represented by the plant while maintaining it constantly available for military purposes.

Note the following table of importations of Chilean nitrates into the United States for the years indicated:

Nitrate of soda imports from Chile to the United States

Fiscal year	Quantity	Value at Chilean port	Average value at Chilean port per 100 pounds	Export duty paid to Chilean Government
	Long tons			
1911	546,525	$17,101,140	$1.40	$6,847,958.25
1912	481,739	15,431,892	1.43	6,036,189.67
1913	589,136	20,718,968	1.57	7,381,874.08
1914	564,049	17,950,786	1.42	7,067,533.97
1915	577,122	16,355,701	1.26	7,231,338.66
1916	1,071,728	32,129,397	1.35	13,428,751.84
1917	1,261,659	44,231,240	1.57	15,808,587.27
1918	1,607,020	70,129,026	1.95	20,135,960.60
1919	1,346,679	68,229,548	2.27	16,873,887.87
Total	13,313,674	480,087,148		163,647,680.68

NOTE.—The value given here is based on the value at the port in Chile, and does not include export duty paid to the Chilean Government, ocean freight, insurance, commissions, etc. Before 1914, freight from Chile to the United States was about $7.50 per ton; at the present time it is about $17.50.

In 1879 export duty was put on nitrate shipments from Chile and amounted to about $4.18 per long ton. In 1880 this duty was raised to $12.53 per long ton, and has not been changed since that time.

As to the requirements of nitrogen for military purposes, I call your attention to the following extract from a statement made by Colonel Burns, of the United States Army:

REQUIREMENTS OF NITROGEN FOR STRICTLY MILITARY PURPOSES

With the development of the nitrification of cellulose, toluol, glycerin, etc., and their tremendous consumption in shell, mines, bombs, etc., the demand for suitable fixed-nitrogen compounds for war purposes has very materially increased.

We have already seen how Sweden by its farms was able to produce only some 100 tons of nitrate per year, which would equal about 14 tons of nitrogen.

In the Napoleonic wars, France produced 2,000 tons of nitrate per year, equal to 280 tons of nitrogen, or over twenty times Sweden's consumption. With the man power, armament, and rate of fire in effect at the time of the armistice, one division required for its powder and explosives approximately 3,000 tons of fixed nitrogen per year, or over ten times the amount used by the entire French Army per year during the French revolutionary period.

A study of Mr. Crowell's America's Munitions shows quite conclusively how extremely large has been the increase in the rate of fire of ammunition and in the total consumption thereof. It shows that during one month of 1918—which was the average of the year 1918—the French and British consumed over two and one-half times the number of rounds of artillery ammunition that were consumed by the Union forces during the entire Civil War. This would in general correspond to a ratio of 120 to 1. And due to the increased use of explosives the proportionate consumption of nitrogen is still greater.

During the year 1918 we were consuming inorganic nitrogen in the United States at the rate of some 420,000 tons, and of this over 60 per cent was for strictly military purposes and over 75 per cent was imported in the form of sodium nitrate from far-away Chile.

It is, of course, difficult to forecast what our requirements for nitrogen for strictly military purposes will be, as they will in great measure depend upon the enemy or combinations of enemies that we are called upon to fight. But based upon the experiences of the past there is every reason to believe that future requirements in a major war effort will be materially greater than the already gigantic demand.

In this connection I also insert a letter from the Chief of Ordnance in answer to an inquiry by me as to specific nitrogen consumption in war:

MARCH 29, 1928.

Hon. JOHN J. MCSWAIN,
United States House of Representatives,
Washington, D. C.

MY DEAR MR. MCSWAIN: In reply to your request for information regarding the consumption of powder by the American Army during the various wars in which we have participated, the records which we have available are limited to those covering the Revolutionary, Civil, and World Wars.

For the Revolutionary War the "History of the Explosive Industry in America" gives the total amount of black powder expended as 2,347,455 pounds.

For the Civil War, the report of the Chief of Ordnance for the year 1866 gives the expenditure of black powder for the period from January 1, 1861, to June 30, 1866, as 26,440,054 pounds.

For the World War, data are available showing the number of rounds of artillery ammunition by calibers expended by the American Expeditionary Forces in France. An approximate computation of the weight of propelling charges involved gives a total consumption of 29,569,081 pounds. In a like manner the quantity consumed during the battle of St. Mihiel is found to be 2,318,573 pounds.

The above computations do not include that powder consumed as a component of small-arms ammunition, but for the artillery ammunition are believed to be accurate within 5 per cent.

Sincerely,

C. C. WILLIAMS,
Major General, Chief of Ordnance.

SAVING IN FREIGHT CHARGES

I am informed by the Bureau of Economics that in 1924 the farmers of America paid $230,000,000 for commercial fertilizers. Since the consumption is on the increase constantly, I believe it is conservative to say that now the farmers are using at the rate of $250,000,000 worth per year.

The Interstate Commerce Commission reports that the average freight per ton of fertilizers is about $2.25. Furthermore, that during the year of 1927 the railroads hauled approximately 10,000,000 tons of fertilizers. That means that the sum of $22,500,000 was paid for freight on fertilizers, which means that approximately 10 per cent of the total value of fertilizers consists of freight. If by the shipment of concentrated fertilizers the volume and weight can be reduced by 75 per cent of the present volume and weight, and it is entirely reasonable to think and expect that such reduction may be made, then it is believed that by the use of concentrated fertilizers there may be saved to the farmers of America each year between $17,000,000 and $20,000,000 in freight charges alone.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF AGRICULTURAL ECONOMICS,
Washington, D. C., March 30, 1928.

Hon. JOHN J. MCSWAIN,
House of Representatives.

DEAR MR. MCSWAIN: I herewith submit data confirming yesterday's telephone conversation with reference to fertilizer statistics. Over the telephone you were given the following:

Fertilizer expenditures in 1924 (census)		$230,000,000
Fertilizer tonnage originating on railways, 1926 (Interstate Commerce Commission)	tons	8,000,000
Fertilizer tonnage originating on railways, 1927 (Interstate Commerce Commission)	tons	10,000,000
Estimated freight revenue from fertilizer, 1923 (Interstate Commerce Commission)	per ton	$2.429

You may wish to relate the estimated freight revenue per ton to the 1923 tonnage. Tonnage originating on Class I railways in 1923 amounted to 7,640,000 tons, according to the Interstate Commerce Commission.

Very truly yours,

LLOYD S. TENNY,
Chief of Bureau.

Mr. O'CONNOR of Louisiana. Mr. Speaker and Members of the House, as Madame Roland descended from the tumbrel on her way to the guillotine she exclaimed, as every schoolboy and schoolgirl knows, "O Liberty, how many crimes are committed in thy name!" And if the sincere, though misguided friends of agriculture continue their efforts to bestow privileges that the basic industry is not entitled to and which is denied to all other groups of American citizens, Ceres might well exclaim, "How many offenses are committed in my name!" What agriculture wants is a square deal, not favor. "Equal rights to all and special privilege to none" has been the cry of the tiller of the soil from the beginning of time. He has had to earn his bread by the sweat of his brow from the very dawn of history, and he thoroughly understands that he will have to do so until this earth ceases to be a habitation for man. He knows that all of the other groups are depending upon his industry; that he is an Atlas; that he supports the stupendous structure called cities, with their classes, masses, groups, and divisions. He knows that he will not only not gain anything by being looked upon as a Joseph with a coat of many colors, but that he will be placed at a tremendous disadvantage as a result of the mess of pottage that has not been asked for, but which has been thrust upon him.

The farmer is an American—first, last, and always. He does not want his Government in the business of making power and fertilizers and selling the same to the people through different channels. He knows that there is but one step from that venture to selling shoes, hats, and foodstuffs—which, of course, means "good night" to the Republic, individualism, and freedom. He does not want that under any circumstances; but his honest heart must revolt at the thought that as a necessary step to the Government going into business at Muscle Shoals in the way of making power and fertilizer and selling the same that it must crush out those that are engaged in the manufacture and sale of fertilizers particularly—thereby depriving them in the future of making a living and depreciating their property to such an extent that it might be deemed confiscation. I am surprised, my friends, that my own section of the country, the South, can even tolerate the idea of such a position in view of the historical background that such a pernicious expression of governmental tyranny and oppression must have for a people who were prostrated and their heads bowed in the dust as a result of a confiscatory policy on the part of the Federal Government which even under the war power was revolting to those that exercised it. No one born in the South but understands, believes, and knows that the South should have been compensated when emancipation was declared. Do not misunderstand me, Mr. Speaker. If I were living before the Civil War I would have been an abolitionist. But no man could be so prejudiced that has the slightest claim to intellectuality that does not admit that compensation is an obligation that rests upon everyone, sovereign and subject, when another man's property is taken even for a great public purpose. And yet I am compelled to admit that some of the finest men in the Southern States, men for whom I have an admiration and affection, are flatfootedly for this bill on the ground that the necessity of the occasion demands this action. I am against it—everlastingly and eternally against it—and what I consider the menacing policy which it expresses and which when fully developed means the destruction of the Republic. I am against it for the reasons that follow:

First. It creates the "Muscle Shoals corporation of the United States," providing definitely for 10 years of operation. This is long enough to cripple and largely destroy the present fertilizer industry, without setting up an equally efficient agency in its place.

Second. It turns over to this corporation without any charges whatsoever all of the Muscle Shoals properties which originally cost the taxpayers about $140,000,000. Private enterprise must pay in rentals, bond interest, or otherwise for all property it uses.

Third. It provides $10,000,000 of operating capital from the Public Treasury which shall be interest free during the first five years. The fertilizer industry must hire its moneys in the open market at the going rate of interest.

Fourth. It directs the corporation to manufacture not only nitrogen but complete fertilizers, authorizing purchase of the materials it does not make. This certainly is not in line either with the letter or the spirit of the national defense act of 1916, which provides for the production of nitrates for munitions of war and useful in manufacturing fertilizers and other useful products.

Fifth. It puts the Government in the fertilizer business from start to finish by requiring the corporation to sell at retail for cash, f. o. b. Muscle Shoals. This discriminates against poor and needy farmers in favor of those who can pay cash, and leaves a harvest of credit risks and bad debts for the remnant of private industry that must try to carry on because it has over $300,000,000 invested in the business.

Sixth. It prescribes that sales shall be made: (a) To farmers, farm groups, and farm organizations; (b) to States and State agencies for resale to farmers; and (c) to private manufacturers, mixers, and merchants of fertilizers after the foregoing preferred customers have been supplied. This is a gross discrimination, when fertilizers are only 9 per cent above prewar, and even farm products are 37 per cent above, against an industry that in one year created over $697,000,000 new wealth for an expenditure of $230,000,000.

Seventh. It authorizes the sale of surplus power. If this applied to all power produced it would be sound, because Muscle Shoals is recognized by all experts as primarily a power proposition.

Eighth. It requires sales of fertilizer to be at cost, with the income from sale of power to be subtracted from fertilizer manufacturing costs. This is robbing Peter to pay Paul. How could private enterprise possibly compete against such flagrantly subsidized competition? Is this fair?

Ninth. It authorizes the free distribution of 5 per cent of the total fertilizer production for "experimentation"; under certain conditions 15 per cent of the total production, whether nitrates or complete fertilizer, may be given away. Proper experimentation is desirable, but this provision would revive all the evils of free-seed distribution, only on a more vicious scale.

Tenth. It orders the corporation to build and operate superphosphate—acid phosphate—plants in the face of excess productive capacity now constructed. By the same reasoning it would be logical for the Government to open a huge new coal mine despite overproduction which is now strangling the coal industry.

Eleventh. It orders the immediate use of a nitrogen-fixation process that consumes over three times as much power per ton of nitrogen as modern plants now being constructed and operated in the United States. Instead of helping our infant nitrogen-fixation industry—now producing nitrogen equivalent to 700 tons of nitrate of soda daily—this proposal would confront it with subsidized governmental competition.

Twelfth. It authorizes copying and use of any private patents, thus discouraging further private research.

Thirteenth. It confers the right to condemn private property on a governmental corporation which is to compete with private enterprise.

Fourteenth. It provides that any person who for compensation of any kind enters into agreement of any kind with intent to defeat the purposes of the corporation shall be fined not more than $25,000 or imprisoned not more than 15 years, or both. This is a dire threat against the fertilizer, power, or any other industry that may try to protect itself from the consequences of this incursion of the Government into private business.

Fifteenth. It gives fertilizer at a subsidized rate to farmers within normal shipping distance of Muscle Shoals, thus benefiting some farmers and discriminating against others. By giving fertilizer at subsidized prices to farmers of this area, it gives these farmers further advantage in competition with the southeastern cotton growers particularly would suffer in Virginia, North and South Carolina, and Georgia, where western competition has already been felt very keenly.

Sixteenth. It disrupts an industry that is giving good service to agriculture, with millions of satisfied customers who are get-

ting fertilizer at prices relatively much lower than all other important supplies the farmer buys.

Despite the fact that this complete substitute for the Norris resolution, as passed by the Senate, is a new and distinctly different proposal from any other that has ever been before Congress dealing with Muscle Shoals, it was introduced by the Committee on Military Affairs without holding public hearings thereon.

Remember that Congress as a pure result of its parliamentary developments is a recognitory body. That is that ex necessitate it has to give recognition to committee findings as a general proposition. It is clear from this statement that committee must or should hold hearings which ought to be as full as possible and publish the same so that Members of Congress will know the reasons for the committee's report. This fundamental necessity of parliamentary procedure was not observed by the House committee, which did not hold hearings on the substitute bill which it reported out instead of the McNary bill. Sometimes an advertisement expresses so clearly, concisely, and convincingly a case that it is justifiable and sagacious to use it for its effectiveness.

ERADICATION OF PINK BOLLWORM

Mr. RAMSEYER, from the Committee on Rules, presented the following House resolution for printing in the RECORD:

House Resolution 193

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. J. Res. 129, to provide for eradication of pink bollworm, and authorizing an appropriation therefor. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

PERSONAL PHYSICIAN TO THE PRESIDENT

Mr. RAMSEYER also presented the following resolution for printing in the RECORD:

House Resolution 192

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House as in the Committee of the Whole House on the state of the Union S. 3456, allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President.

At the conclusion of the reading of the bill for amendment the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

SHOOTING OF JACOB D. HANSON

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent to proceed for three minutes out of order, and to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. DEMPSEY. Mr. Speaker, I want to inform the House concerning a most regrettable occurrence at Niagara Falls, in my district. On Saturday night there was a meeting of the Elks in that city, at which Mr. Hanson, one of the officers of the lodge of Elks, was present. After the meeting Mr. Hanson drove a fellow member to Lewiston and then late at night started home. At the foot of Lewiston Hill, in the morning, about 2 o'clock, he was ordered to stop by a man, who, I am told, was not in uniform, and upon his not obeying the order the person who commanded him to stop shot into the car.

The car proceeded up the hill and, apparently, signals were exchanged between the man at the foot of the hill and a man at the top of the hill, and a shot was fired at Mr. Hanson by the latter, inflicting a wound in the temple by which Mr. Hanson was rendered totally blind and from which he is now probably dying.

I understand these men were members of the Coast Guard, stationed at Youngstown, engaged in the prohibition enforcement service, but as I have already said, I am told they were not in uniform or, at any rate, were not wearing such uniform as in the darkness of the night would give notice to a man driving an automobile along the highway at a reasonable rate of speed that the person seeking to stop him was an official.

This incident has developed a very serious condition of affairs. Personally, I may say that about one year ago I had a similar experience and in the same vicinity, except that I was not shot. My wife and I were leaving the city of Niagara Falls for home about 10 o'clock at night and some one came out on the road in a lonely place, with woods at the side of the road, and signaled us to stop. We put on extra speed, and we passed the man who signaled us to stop without any deplorable incident.

But there should be some regulations, some rules, some control of these employees, so that the lives of citizens who are in the discharge of their daily duties and avocations and entitled to the enjoyment of their legal rights to travel the highways secure from assault shall not be subject to such deplorable results as befell Mr. Hanson.

It is not a question of being wet or dry. It is a question of protecting the ordinary citizen in his property and his life as he traverses the highways, which should be open and under protection to all. It is a serious question.

Immediately after this incident at Lewiston I took up the matter with the Assistant Secretary of the Treasury. I said to him that this incident should be investigated thoroughly; that these men, if the facts are as reported, should be punished for such lawless and unjustifiable conduct, with the terrible consequences coming from it. I strongly urged that some rule should at once be put in force and observed which would protect the citizens on the public highway.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. DEMPSEY. May I have one minute more?

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DEMPSEY. At the proper time I shall ask that some action be taken by the House, referring an investigation of this matter to an appropriate committee, to see if Congress itself can not take some action to insure that the citizens on the highway are protected. As the matter is reported in the press, and by those living in the vicinity, there was no necessity or excuse for such a violent act, and under the circumstances and conditions present in this case, the citizen should be protected in his rights.

The case of Mr. Hansen has appealed to everyone living in the vicinity most strongly because he was a man of high character, well known both from his business connections and in his capacity as a popular and successful officer in the Elks Society, who was not in any way transgressing the law by transporting liquor or otherwise. The terrible injuries suffered by him have excited both sympathy and grief. The whole community, in fact, is aroused, and in speaking as I do, I believe that I am voicing their sentiments and feelings.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield there?

Mr. DEMPSEY. Yes.

Mr. O'CONNOR of New York. Does the gentleman know whether or not these men have been turned over to the prosecuting officers as yet?

Mr. DEMPSEY. My understanding is that at first the local officers refused to act, but that now they have acted.

Mr. O'CONNOR of New York. The gentleman means the Coast Guard officers?

Mr. DEMPSEY. Yes. That information, however, is not official.

Mr. O'CONNOR of New York. Does not the gentleman know that that is the usual rule?

The SPEAKER. The time of the gentleman from New York has expired.

Mr. O'CONNOR of New York. I ask unanimous consent that the gentleman may proceed for one minute more. I wish to ask him a question.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'CONNOR of New York. Does not the gentleman know that there have been any number of these instances in New York where a Federal prohibition officer has committed murder, and the entire Department of Justice has put every obstacle in the way of his prosecution and have defended such men in the courts? This is only another instance of it.

Mr. DEMPSEY. I do not know of the incident to which the gentleman refers. I only know of this incident, which occurred in my district. My county is a very large county, and all of our people are very deeply concerned and agitated over what is going to follow, whether the ordinary citizen is to be subjected to these dangers if he goes out on the highway at night.

Mr. BLACK of New York. Mr. Speaker, will the gentleman yield to me?

Mr. DEMPSEY. Yes.

Mr. BLACK of New York. Does the gentleman care to tell the House what the Assistant Secretary of the Treasury says about it?

Mr. DEMPSEY. He said it would be investigated and every effort made to protect the citizens. [Applause.]

RETIREMENT OF EMERGENCY OFFICERS

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. CARTWRIGHT. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following editorial and letter:

[Editorial from Chicago Tribune, Thursday, May 3, 1928]

GENEROSITY FOR ALL VETERANS

The Tyson bill to grant retirement pay to disabled World War emergency officers has passed the Senate and is pending in the House. It has been unopposed except from one quarter. Retired enlisted men point to their own small pensions and ask that the Tyson bill be held up until they are granted increased compensation.

It is natural for the retired enlisted men to feel and to argue as they do. Their attack on the Tyson bill is, as they see it, their only chance to win a hearing.

Congress must decide both the Tyson bill and the claims of the enlisted men, and the way to do it is not to defeat the Tyson bill because the enlisted men are not receiving generous treatment, but to pass the Tyson bill and at the same time accord the enlisted men the recompense they deserve. The disabled emergency Army officer is the only one out of nine officer classes to have been left out. The members of the other eight classes have all been cared for by the Government. The Tyson bill, therefore, aims to right a real injustice.

The enlisted men will not be helped by the defeat of the Tyson bill; it will mean only injury to the emergency officers. Congress's duty is not a negative one—defeat of the Tyson bill—but a doubly positive one; passage of the Tyson bill and legislation in behalf of the retired enlisted man.

THE AMERICAN VETERANS OF ALL WARS,
Muskogee, Okla., May 5, 1928.

Subject: Tyson-Fitzgerald bill (S. 777).

Hon. WILBURN CARTWRIGHT,
House of Representatives, United States,
Washington, D. C.

MY DEAR MR. CARTWRIGHT: I wish to acknowledge with deep gratitude your valued letter of May 2. I have read with deep appreciation your statement, which I have ordered relayed to our whole and entire membership, and particularly to our members in the third congressional district, to wit:

"I went to Congressman FITZGERALD and offered my assistance, as you suggested. He seemed to appreciate it very much."

I am sure that not only has Mr. FITZGERALD appreciated it, but I will see to it that every ex-service man in the third congressional district, both appreciates and reciprocates a friendship and unselfish service of such nature.

Mr. CARTWRIGHT, the Tyson-Fitzgerald bill is a just bill. Those who are against the bill set up two objections to the bill. I fully believe that the opponents to the bill are as honest in their views as we who are fighting heart and soul for the bill are, but their arguments are groundless for the following reasons: It is stated by some that the Tyson-Fitzgerald bill is discriminatory, in that it discriminates in favor of the commissioned officer as against the enlisted man. This argument is without merit for the reason that it deals with a military establishment in a military organization. Rank is a reward for leadership, increased responsibility, and proportionate greater risk.

There is no discrimination against the enlisted man by giving the officer what is due his rank; remember, that from the beginning of time, when man established the safety of his own side, armies rewarded leadership with increased rank, which carried increased command, responsibility, and pay. Napoleon said, "Every soldier carried in his knapsack a field marshal's baton." The enlisted man of the last war may, with his training and experience, be the officer of the next war unless human nature should change and causes for war should cease and end, when there would be no war; hence what you would give to the disabled officer of the past war, you would or rather future Congresses would give to the disabled officer of the next war; where is the discrimination? Every commissioned officer has at all times been for the ex-soldier in all things that could be obtained for him; the Tyson-Fitzgerald bill is dealing with the officer; pass it just as it stands; do not kill it or endanger it by any amendments; pass it as the Senate has passed it; and if you and other Congressmen feel that the enlisted man should get more than he gets now, we are with you; tell us what Congress is willing to do for the enlisted man and we will do all in our power to help, but do not punish the most patriotic body of veterans—the disabled emergency officer—merely because Congress may feel that Congress has not done enough for the enlisted man. God bless you, bless Congress, and bless the enlisted man; he deserves everything that can be done for him, and I am daily doing it; this organization and every veteran organization is constantly doing this; tell us what more can we do, and we are ready, willing, and anxious to help the enlisted man at all times, but where is the discrimination?

Congress has a number of officials and employees; you pay them in different scales; is the fact that an employee with greater responsibilities, more serious duties, is getting more than one who has inferior duties or less influence to prepare himself a discrimination? Hardly. Why, then, raise the issue that an officer who has to prepare himself, take all risk, be responsible for the safety and well-being of his men, should be getting just a little higher pay than an enlisted man?

The opponents of the bill sing the praise of the enlisted man; no one knows him better than I do; thousands of the enlisted men know that I got up many a time from a sick bed, in cold winter nights, to go over the camp to see that my men were sleeping warm; the enlisted man has never done this for his officer; why? Because it was not his responsibility; if it was, God bless him, he would have done it. We had a great war, our Armies covered themselves with honor and glory, the enlisted man was worth in every way, but do not forget, it was an Army led by leaders, who were equal to their task. Why deny the officer what is justly due him? Are the opponents trying to eliminate leadership from our Army? Russian Soviets tried it, and even they gave it up. Why then not give the officer the tardy justice due him, and give him the same retirement rights which Congress has promised in 1917 when it needed the officer, and which Congress was generous enough to give to eight other classes of officers?

There is nothing to the claim that the Tyson-Fitzgerald bill discriminates against the enlisted men, our membership are mostly enlisted men and we are solid for the Tyson-Fitzgerald bill; other veterans organizations are similarly situated and are for the Tyson-Fitzgerald bill.

Again, opponents of the bill do not recollect, that during the war, we had one Army, the officer disabled in the World War, was an officer of the only Army the United States had at that time, and should be given as promised in the selective service act of May, 1917, the same treatment "In all respects upon the same footing as to pay, allowances, and pensions as officers of corresponding grades and length of service in the Regular Army." Bearing in mind, that all distinction of armies was by War Department Order, No. 75, on August 17, 1918, abolished, in which it was stated:

"This country has but one Army, the United States Army, it includes all land forces in the services of the United States. These forces, however raised, lose their identity in that of the United States Army."

Where then is there any moral or sound reason for refusing to give the same treatment to one class of military officers than all other similar officers?

We had Regular officers, provisional officers, and emergency officers of the Army, Navy, and Marine Corps at the beginning of the war. Later, by consolidating all the forces in one army, "the United States Army," all distinction has been abolished, all officers of the same ranks served side by side, carried out just as faithfully. Eight classes of the above officers—namely, the Regular, provisional, and emergency officers of the Navy and Marine Corps—have been given by Congress, and justly so, retirement rights they deserved and God bless Congress for doing so, but in the name of eternal right and justice, why not give the same to all? Congress has gone further, it has done justice to the naval and Marine Corps officer, it has done justice to what is known as the Regular Army officers, it has given retirement rights to the provisional Army officer; but to the man who has sacrificed most, to the man who has disrupted his whole life, and in many instances has never been able to regain the interrupted civilian career—the emergency officer—he, when equally disabled in line of duty, in the service of our beloved country, he (the disabled emergency officer) was neglected. He has been denied the same rights as has been generously and justly granted to the same officer who served side by side with him, except that the other officer had a commission reading provisional. There was no distinction in the right to serve and, if necessary, to die for our country. There should be no distinction in the right of the same type of officers to live for our country.

It has been my pleasure to discuss the Tyson-Fitzgerald bill with men and women of various thoughts, business, and professions. I have discussed it with legislators, merchants, ministers, lawyers, doctors, carpenters, tailors, blacksmiths, automobile mechanics, newspaper editors, and reporters, and all agree to the justice of treating the disabled emergency officer the same way as all other officers of the World War were treated; and I submit to you that 99.9 per cent of all our American people, of all ex-service men, and 100 per cent of all reputable

and worth-while veteran organizations are for the Tyson-Fitzgerald bill.

There has never been a single measure before Congress which met with such universal approval; hence, there must be intrinsic value and merit in the same, and since it is a bill that affects us as taxpayers the fact that the taxpayers are heartily in favor of the Tyson-Fitzgerald bill should be the best argument for a speedy enactment of this bill into law; and in behalf of the disabled emergency officers, in behalf of all the faithful officers who have been disabled in line of duty, we hope and pray that the Tyson-Fitzgerald bill will pass overwhelmingly, and will promptly be approved by our great President, Calvin Coolidge, and will serve both as a just reward for faithful service of the past and as an encouragement for the future—that sacrifices honorably made for our country will not go forever forgotten by our Congress.

I shall appreciate for you to bring this earnest appeal in behalf of this just bill to the attention of all the Members of Congress.

Very cordially,

J. H. STOLPER,
General Counsel and Chairman National Executive Committee,
American Veterans of All Wars.

PRESERVATION OF A BATTLE SITE IN MONTANA

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8110, with a Senate amendment, and agree to the Senate amendment.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table the bill H. R. 8110. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 8110) withdrawing from entry the northwest quarter, section 12, township 30 north, range 19 east, Montana meridian.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

Mr. GARNER of Texas. Reserving the right to object, Mr. Speaker, I remember that the Speaker the other day on a matter similar to this said he did not care to recognize a member of a committee in charge of a bill to take it up and agree to a Senate amendment unless the gentleman should show that he had the authority of the committee for such action. Therefore I want to ask the gentleman whether the committee has acted and authorized him to take this action.

Mr. LEAVITT. I had it up with the chairman of the Public Lands Committee——

Mr. GARNER of Texas. But the chairman is not the Committee on Public Lands. I think the ruling made by the Speaker was a good one, and when gentlemen want the House to agree to a Senate amendment they ought to call the committee together and get its permission to take that action. For the present I must insist that the rule the Speaker laid down, which is a good rule, be followed, and that the gentleman must get an authorization from the committee before asking the House to agree to a Senate amendment. I hope the gentleman will withdraw his request for the present.

Mr. LEAVITT. All this amendment does is to name the area——

Mr. GARNER of Texas. I do not care what it is. If the rule is to apply it must apply to all, however insignificant the amendment may be. I trust the gentleman will withdraw his request.

Mr. LEAVITT. I will be glad to withdraw it, under the circumstances.

RETIREMENT OF OFFICERS AND FORMER OFFICERS OF THE WORLD WAR

Mr. ALMON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill which has just been passed by the House.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ALMON. Mr. Speaker, I have received many communications both for and against this measure. Some from officers and some from enlisted men. Both during and since the World War I have voted for and supported every piece of legislation looking to the relief of the disabled Army officers, the enlisted men, and their dependents, and I would be glad to support any reasonable legislation favorable to the disabled emergency Army officer if I could do so consistently and in justice to the enlisted man.

This bill even discriminates against the officers. It is based upon rank. I see from the minority report that the bill favors 3,297 emergency officers whose disability is 30 per cent and above and will leave 6,972 emergency officers whose disabilities are less than 30 per cent upon the same basis of compensation as the enlisted men. It further appears from this report that there are 69,386 enlisted men who are disabled to the same degree as the 3,297 emergency officers who are to be benefited by this bill, and 173,842 whose disabilities are rated at less than 30 per cent permanent. It will also be noted that the bill makes no provision for the dependents of those officers who were killed, or who died in the service and since the war. These dependents will continue to draw compensation upon equality with the dependents of the privates. If we are to change our policy and base compensation upon rank, then should not the dependents as well as those living be cared for? The discrimination provided for in the bill is between emergency officers themselves and is enough to condemn the bill. Our Government and Constitution upon which it is based is designed to insure equality before the law.

Many of our young men entered the World War, some as privates and some as officers. They suffered the same sacrifices, encountered the same dangers and privations. The one common purpose was to serve their country. When the war ended they returned to civil life and were again placed on equality. Some of the privates were discharged from the service as disabled by reason of their military service. Some of the officers were in the same condition. Take for example two young men, one an officer and the other a private, discharged with the same disability. This bill provides for the payment of $30 for a 30 per cent disability to the private, and as much as $375 to the officer. This would be rank injustice, and for that reason I am opposed to the bill and shall vote against it.

I have a great sympathy for the disabled World War veteran whether he was an officer or a private, but I am unwilling to do more for one than for the other. The rank discrimination provided for in this measure is indefensible and unprecedented.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, to-morrow it is expected to take up two bills the consideration of which is provided for in the two rules that were read from the Clerk's desk a few moments ago.

Mr. CHINDBLOM. What are those bills?

Mr. TILSON. One is the pink bollworm bill—I think this is the short name for it—and the other is to give the pay and allowances of a colonel to a medical officer at the White House who happens to be of lower rank.

Mr. SNELL. It is a bill which applies to the personal physician to the President.

Mr. MICHENER. It applies to the man who now holds the position of physician to the President.

Mr. TILSON. It is general in its terms, I understand.

Mr. O'CONNOR of New York. No; it pertains to the man who is there now. It is a bill which is on the Consent Calendar.

Mr. TILSON. It is on the Union Calendar instead of the Private Calendar.

Mr. BANKHEAD. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. BANKHEAD. I would like to ask the chairman of the Committee on Rules if he thinks it inadvisable to bring up to-morrow the rule which we reported out this morning relating to the Naval Committee bill?

Mr. SNELL. I will say to the gentleman that I am not quite ready to bring that up. I can not get the information necessary to bring that rule in.

Mr. TILSON. It is probable that the two bills first mentioned will take only a part of to-morrow. No general debate is provided for in one of the rules and only one hour of debate in the other rule.

Mr. LAGUARDIA. Does the rule provide for no debate on one bill?

Mr. TILSON. Yes; no general debate.

Mr. LAGUARDIA. That is a most unusual rule.

Mr. TILSON. Mr. Speaker, in view of the fact that we shall probably have a few hours of extra time to-morrow, I ask unanimous consent that the Consent Calendar may be called, beginning at the point where we left off at the last call. The Consent Calendar is very much crowded now and should have consideration. Therefore, after the completion of the two small bills to-morrow, I should like to utilize the time in the consideration of the Consent Calendar.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. O'CONNOR of Louisiana. Are you not giving undue preference to the Consent Calendar over the Private Calendar?

Mr. TILSON. The Consent Calendar has on it public bills, while the Private Calendar deals with private bills, and ordinarily we must give public business the right of way over Private Calendar business.

Mr. LAGUARDIA. Will all the time be used on the second bill so as to give us a chance to be ready on the Consent Calendar?

Mr. TILSON. I understand that the hour allowed will be taken on the one bill. The rule provides for one hour's general debate, and I understand all of it will be used, so that those who are studying bills on the Consent Calendar will have at least an hour after we meet to-morrow to study the bills.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. TAYLOR of Colorado. I would like to ask the gentleman whether he can give us any information as to when we will be given a hearing on the Boulder Canyon bill?

Mr. TILSON. The matter to which the gentleman refers is pending before the Rules Committee, and there has been no decision on the question, I believe. At least there has been no report from that committee.

Mr. HOLADAY. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. HOLADAY. Under this unanimous-consent request we may be assured the Private Calendar will not be taken up to-morrow?

Mr. TILSON. There will be no Private Calendar business to-morrow if the Consent Calendar is taken up in accordance with my request.

I renew my request, Mr. Speaker.

Mr. TAYLOR of Colorado. Can not the gentleman give us some idea whether the Southwestern States can expect action at this session of Congress on the Colorado River matter?

Mr. TILSON. I can not. This is a matter which is pending before one of the committees of this House and I ought not to undertake to answer for a committee until the committee itself acts.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that to-morrow, at the conclusion of the consideration of the two bills mentioned, it may be in order to consider bills on the Consent Calendar, beginning immediately followng the last bill considered on that calendar. Is there objection?

There was no objection.

CLAIMS OF NORTHWESTERN BANDS OF SHOSHONE INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the conference report on the bill (S. 710) conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the Northwestern Bands of Shoshone Indians may have against the United States, and ask unanimous consent that the conference report may be agreed to.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 710) conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, and 4, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: After the words "for the benefit of any" and before the words "of said Indians" insert the words "band or bands," so as to make the amendment read: "Any payment which may have been made by the United States, including gratuities for the benefit of any band or bands of said Indians or for their support and civilization, shall not operate as an estoppel, but may be pleaded as a set-off in said suit"; and the House agree to the same.

SCOTT LEAVITT,
W. H. SPROUL,
JOHN M. EVANS,
Managers on the part of the House.

LYNN J. FRAZIER,
THOS. D. SCHALL,
HENRY F. ASHURST,
Managers on the part of the Senate.

STATEMENT

The Senate has receded from its disagreement to the four amendments of the House with an amendment to the first House amendment by the inclusion of the words "band or bands" after the words "of any," so that the amendment will read: "Any payment which may have been made by the United States, including gratuities for the benefit of any band or bands of said Indians or for their support and civilization, shall not operate as an estoppel, but may be pleaded as a set-off in said suit."

Amendments 2, 3, and 4 are agreed to as they passed the House.

Amendment No. 2 limits the total attorneys' fees to $25,000. Amendment No. 3 makes the per cent of interest paid on proceeds of the suit 4 per cent instead of 5 per cent, this figure being in accordance with the usual practice in such cases. Amendment No. 4 limits the purposes for which the proceeds may be appropriated by Congress to health, education, and industrial advancement of the Indians involved.

SCOTT LEAVITT,
W. H. SPROUL,
JOHN M. EVANS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. BANKHEAD. Mr. Speaker, reserving the right to object——

The SPEAKER. It is not a question of objection. The gentleman has the right to call up the conference report.

Mr. BANKHEAD. But the gentleman asked unanimous consent that it be agreed to.

Mr. TILSON. Mr. Speaker, before the motion is put I desire to make this statement: Conference reports are privileged matters, and therefore can be brought up practically at any time, but I think, in fairness to the Members of the House, Members who have conference reports to be considered should be here at the opening of the session and call up their reports at that time. I hope the chairmen of the several committees will bear this in mind, and if they have conference reports to be considered try to call them up at the time the House convenes, instead of at the time of adjournment.

Mr. LEAVITT. Will the gentleman from Connecticut yield?

Mr. TILSON. Yes.

Mr. LEAVITT. That has been my practice except in this case, where the Senate receded from its amendment and took the House's position, so that there was no controversy with regard to it.

Mr. TILSON. I say this in the interest of the convenience of Members of the House who wish to feel they can go away safely at the end of the afternoon without having as important matters as conference reports called up. I think it the better practice to call them up in accordance with their privileged status of the opening of the day's session.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 116. An act for the relief of R. S. Howard Co.; to the Committee on War Claims.

S. 4203. An act authorizing J. H. Haley, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near a point where Olive Street Road, St. Louis County, Mo., if extended west, would intersect the Missouri River; to the Committee on Interstate and Foreign Commerce.

S. 4382. An act to amend the act (Public, No. 135, 68th Cong.) approved May 24, 1924, entitled "An act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes"; to the Committee on Foreign Affairs.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

H. R. 15. An act authorizing an appropriation to enable the Secretary of the Interior to carry out the provisions of the act of May 26, 1926 (44 Stat. L. 655), to make additions to the Absaroka and Gallatin National Forests, and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land;

H. R. 158. An act to amend chapter 137 of volume 39 of the United States Statutes at Large, Sixty-fourth Congress, first session;

H. R. 167. An act to amend the act of February 12, 1925 (Public, No. 402, 68th Cong.), so as to permit the Cowlitz Tribe of Indians to file suit in the Court of Claims under said act;

H. R. 332. An act validating homestead entry of Englehard Sperstad for certain public land in Alaska;

H. R. 491. An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California;

H. R. 3467. An act for the relief of Giles Gordon;

H. R. 4303. An act for the relief of the Smith Tablet Co., of Holyoke, Mass.;

H. R. 4396. An act for the relief of Jesse R. Shivers;

H. R. 4619. An act for the relief of E. A. Clatterbuck;

H. R. 4927. An act for the relief of Francis Sweeney;

H. R. 5297. An act for the relief of Christine Brenzinger

H. R. 5681. An act to provide a differential in pay for night work in the Postal Service.

H. R. 5935. An act for the relief of the McAteer Shipbuilding Co. (Inc.);

H. R. 7459. An act to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes;

H. R. 7900. An act granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes;

H. R. 7946. An act to repeal an act entitled "An act to extend the provisions of the homestead laws to certain lands in the Yellowstone forest reserve," approved March 15, 1906;

H. R. 8001. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *City of Beaumont* against the United States, and for other purposes;

H. R. 8307. An act amending section 5 of the act approved June 9, 1916 (39 Stat. L. 218), so as to authorize the sale of timber on Class 3 of the Oregon & California Railroad and Coos Bay wagon-road grant lands;

H. R. 8337. An act to amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926;

H. R. 8474. An act for the relief of Elmer J. Nead;

H. R. 8810. An act for the relief of John L. Nightingale;

H. R. 9568. An act to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes;

H. R. 9612. An act authorizing and directing the Secretary of the Interior to allow Norman P. Ives, jr., credit on other lands for compliances made in homestead entry, Gainesville, 021032;

H. R. 9789. An act for the relief of Sallie E. McQueen and Janie McQueen Parker;

H. R. 10067. An act for the relief of Marion Banta;

H. R. 10360. An act to confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926;

H. R. 10799. An act for the lease of land and the erection of a post office at Philippi, W. Va., and for other purposes;

H. R. 11026. An act to provide for the coordination of the public-health activities of the Government, and for other purposes;

H. R. 11245. An act to cancel certain notes of the Panama Railroad Co. held by the Treasurer of the United States;

H. R. 11475. An act to revise and codify the laws of the Canal Zone;

H. R. 11716. An act authorizing and directing the Secretary of the Interior to issue patents to Ethel L. Saunders, and for other purposes;

H. R. 11852. An act providing for the confirmation of grant of lands formerly the United States barracks at Baton Rouge, La., to the board of supervisors of the Louisiana State University and Agricultural and Mechanical College;

H. R. 11960. An act for the relief of D. George Shorten;

H. R. 12049. An act to authorize the Secretary of the Interior to sell to W. H. Walker, Ruth T. Walker, and Queen E. Walker, upon the payment of $1.25 per acre, the southeast quarter section 34, township 2 north, range 14 east, Choctaw meridian, Clarke County, Miss.;

H. R. 12379. An act granting the consent of Congress to Howard Seabury to construct, maintain, and operate a dam to retain tidal waters in an unnamed cove which is situated and extends from Cases Inlet into section 28, township 21 north, range 1 west, Willamette meridian, in Pierce County, State of Washington;

H. R. 12383. An act to amend section 11 of an act approved February 28, 1925 (43 Stat. 1064, U. S. C., title 39), granting sick leave to employees in the Postal Service, and for other purposes; and

H. J. Res. 256. Joint resolution authorizing the United States Bureau of Public Roads to make a survey of the uncompleted bridges of the Oversea Highway from Key West to the mainland, in the State of Florida, with a view of obtaining the cost of the construction of said bridges, and report their findings to Congress;

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3598. An act authorizing the Dupo Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a combined highway and railroad bridge across the Mississippi River at or near Carondelet, Mo.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, a bill of the House of the following title:

H. R. 11026. An act providing for the coordination of the public-health activities of the Government, and for other purposes.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 19 minutes p. m.) the House adjourned until to-morrow, Saturday, May 12, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, May 12, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

Authorizing the Federal Power Commission to issue permits and licenses on Salt River, Ariz. (H. R. 12411).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize the Secretary of the Navy to proceed with the construction of certain public works (H. R. 13319).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

Providing for the reclassification of watchmen, messengers, and laborers in the Postal and Railway Mail Services of the United States in three grades, with increase in salary (H. R. 390).

To amend an act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates, to provide for such readjustment, and for other purposes," approved February 28, 1925 (H. R. 9955).

To provide a shorter workday on Saturday for postal employees (H. R. 9058 and H. R. 6505).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

499. A communication from the President of the United States, transmitting a deficiency estimate of appropriation for the Treasury Department for the fiscal year 1927, $387.53 (H. Doc. No. 276); to the Committee on Appropriations and ordered to be printed.

500. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of Commerce for the fiscal year ending June 30, 1928, amounting to $247,615, and for the fiscal year ending June 30, 1929, amounting to $169,500; in all, $417,115, together with proposed drafts of legislation affecting existing appropriations (H. Doc. No. 277); to the Committee on Appropriations and ordered to be printed.

501. A letter from the Secretary of the Navy, transmitting draft of a proposed bill "To regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes"; to the Committee on Naval Affairs.

502. A letter from the Secretary of the Navy, transmitting draft of a proposed bill "To regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes"; to the Committee on Naval Affairs.

503. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Skipanon Channel, Oreg. (H. Doc. No. 278); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HANCOCK: Committee on Naval Affairs. H. R. 8339. A bill authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Veterans of Foreign Wars, Department of Minnesota, the bell formerly on the old cruiser *Minneapolis;* without amendment (Rept. No. 1598). Referred to the House Calendar.

Mr. HALE: Committee on Naval Affairs. H. R. 12607. A bill authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of Naval Post 110 of the American Legion the bell of the battleship *Connecticut;* without amendment (Rept. No. 1599). Referred to the House Calendar.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 13182. A bill authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of Alabama the silver service presented to the United States for the battleship *Alabama;* without amendment (Rept. No. 1600). Referred to the House Calendar.

Mr. WILLIAMS of Missouri: Committee on Naval Affairs. H. R. 13404. A bill authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver service set in use on the battleship *Louisiana;* without amendment (Rept. No. 1601). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. R. 10431. A bill to amend the act establishing the eastern judicial district of Oklahoma; without amendment (Rept. No. 1604). Referred to the House Calendar.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 12530. A bill to amend Public Law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve individual members of the Board of Education of personal liability for acts of the board; with amendment (Rept. No. 1605). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. H. R. 10958. A bill to amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended; with amendment (Rept. No. 1606). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 12531. A bill to exempt employees of the public-school system of the District of Columbia from the $2,000 salary-limitation provision of the legislative, executive, and judicial appropriation act, approved May 10, 1916, as amended; with amendment (Rept. No. 1607). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 12739. A bill to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia; without amendment (Rept. No. 1608). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 12956. A bill to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes; without amendment (Rept. No. 1609). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. H. R. 11722. A bill to establish a national military park at the battle field of Monocacy, Md.; without amendment (Rept. No. 1610). Referred to the Committee of the Whole House on the state of the Union.

Mr. GLYNN: Committee on Military Affairs. H. R. 12953. A bill to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept the title to the State camp for veterans at Bath, N. Y.; without amendment (Rept. No. 1611). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 13646. A bill for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton-futures exchanges, and for other purposes; without amendment (Rept. No. 1612). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. S. 2030. An act to provide for research into the causes of poultry diseases, for feeding experimentation, and for an educational program to show the best means of preventing disease in poultry; without amendment (Rept. No. 1613). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. S. 3752. An act to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926; without amendment (Rept. No. 1614). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNELL: Committee on Rules. H. Res. 192. A resolution providing for the consideration of S. 3456, an act allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President; without amendment (Rept. No. 1618). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 193. A resolution providing for the consideration of S. J. Res. 129, a joint resolution to provide for eradication of pink bollworm and authorizing an appropriation therefor; without amendment (Rept. No. 1619). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SINCLAIR: Committee on War Claims. H. R. 4387. A bill for the relief of Ida E. Godfrey; with amendment (Rept. No. 1590). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. H. R. 7492. A bill for the relief of Capt. Louis C. Brinton; with amendment (Rept. No. 1591). Referred to the Committee of the Whole House.

Mr. SINCLAIR: Committee on War Claims. H. R. 11239. A bill for the relief of H. W. Dickson and Mary L. Dickson; without amendment (Rept. No. 1592). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. H. R. 11607. A bill for the relief of Capt. Roger H. Young; with amendment (Rept. No. 1593). Referred to the Committee of the Whole House.

Mr. SINCLAIR: Committee on War Claims. H. R. 12793. A bill for the relief of Alonzo Durward Allen; with amendment (Rept. No. 1594). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. S. 1486. An act for the relief of the owners of the schooner *Addison E. Bullard;* with amendment (Rept. No. 1595). Referred to the Committee of the Whole House.

Mr. CRAIL: Committee on World War Veterans' Legislation. H. R. 10974. A bill for the relief of Carl Holm; without amendment (Rept. No. 1596). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 8464. A bill for the relief of Raymond Nelson Hickman; with amendment (Rept. No. 1597). Referred to the Committee of the Whole House.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 1539. A bill for the relief of Edward J. Costello; with amendment (Rept. No. 1602). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 12834. A bill to correct the military record of James W. Smith; without amendment (Rept. No. 1603). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 4264. A bill for the relief of Philip V. Sullivan; with amendment (Rept. No. 1615). Referred to the Committee of the Whole House.

Mr. RANSLEY: Committee on Military Affairs. H. R. 8597. A bill for the relief of Ernest L. Silvers; without amendment (Rept. No. 1616). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 13260. A bill for the relief of Josiah Harden; with amendment (Rept. 1617). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2432) for the adjudication and determination of the claims arising under the extension by the Commissioner of Patents of the patent granted to Frederick G. Ransford and Peter Low, as assignees of Marcus P. Norton, No. 25036, August 9, 1859; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 7959) for the adjudication and determination of the claims arising under the extension by the Commissioner of Patents of the patent granted to Frederick G. Ransford and Peter Low, as assignees of Marcus P. Norton, No. 25036,

August 9, 1859; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 11162) granting a pension to Abel T. Rohbach; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13329) granting a pension to Fannie M. Fisher; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13486) granting an increase of pension to Samantha Coburn; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 13682) to provide ammunition storage facilities for the Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 13683) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. CONNERY: A bill (H. R. 13684) for the construction of a private conduit across Thirty-seventh Street NW., in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DARROW: A bill (H. R. 13685) to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes; to the Committee on Naval Affairs.

By Mr. HUDSON: A bill (H. R. 13686) to protect the motion-picture industry against unfair trade practices and monopoly, to provide just settlement of complaints of unfair dealings, to provide for the manufacture of wholesome motion pictures at the sources of production, to create a Federal motion-picture commission, to define its powers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of Louisiana: A bill (H. R. 13687) authorizing H. M. Wheeler, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Black River at or near Jonesville, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. HILL of Washington: A bill (H. R. 13688) to authorize the Secretary of the Interior to extend the date of payments of accrued obligations under contracts with purchasers of Indian lands within the boundaries of the West Okanogan Valley irrigation district, Washington; to the Committee on Indian Affairs.

By Mr. DRIVER: A bill (H. R. 13689) granting the consent of Congress to the State of Arkansas through its State highway department, to construct, maintain, and operate a toll bridge across White River at or near Augusta, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. O'BRIEN: A bill (H. R. 13690) to widen, straighten, grade, and improve Seventeenth Street NW., extending from Newton Street north, known as Roosevelt entrance to Rock Creek Park; to the Committee on the District of Columbia.

By Mr. BRITTEN: A bill (H. R. 13691) relating to the Virgil Michael Brand collection of coins; to the Committee on the Library.

By Mr. HAWLEY: A bill (H. R. 13692) for the relief of the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. DREWRY: A bill (H. R. 13693) to authorize the Secretary of War to transfer a portion of the Camp Lee Military Reservation to the Petersburg National Military Park; to the Committee on Military Affairs.

By Mr. THATCHER: A bill (H. R. 13694) to authorize the Secretary of the Treasury to prepare and strike a medal, with appropriate emblems, devices, and inscriptions thereon, commemorative of the enactment of the act of Congress, approved by the President on May 25, 1926, providing for the establishment, in the State of Kentucky, of the Mammoth Cave National Park; to the Committee on Coinage, Weights, and Measures.

By Mr. MORIN: Joint resolution (H. J. Res. 300) authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, Jose J. Jimenez, a citizen of Venezuela; to the Committee on Military Affairs.

By Mr. EVANS of California: Joint resolution (H. J. Res. 301) to correct Public Resolution No. 19, Seventieth Congress; to the Committee on Ways and Means.

By Mr. HAUGEN: Resolution (H. Res. 191) for the consideration of H. R. 13646, a bill for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton futures exchanges, and for other purposes; to the Committee on Rules.

By Mr. O'CONNOR of New York: Resolution (H. Res. 194) authorizing the Committee on the Judiciary to investigate the practices of the Interborough Rapid Transit Co., of New York City, N. Y.; to the Committee on Rules.

By Mr. HAWLEY: Resolution (H. Res. 195) to print the manuscript Income Tax in Great Britain, Including a Description of Certain Other Inland Revenue Taxes, as a House Document; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FITZPATRICK: A bill (H. R. 13695) granting a pension to John H. Johnston; to the Committee on Invalid Pensions.

By Mr. FULMER: A bill (H. R. 13696) granting a pension to Jesse H. Hutto; to the Committee on Pensions.

By Mr. HAUGEN: A bill (H. R. 13697) for the relief of Jess T. Fears; to the Committee on Agriculture.

By Mr. HILL of Washington: A bill (H. R. 13698) granting a pension to Elmer E. Hall; to the Committee on Pensions.

Also, a bill (H. R. 13699) for the relief of H. E. Mills; to the Committee on Claims.

By Mr. JENKINS: A bill (H. R. 13700) granting an increase of pension to Elvira J. Ellison; to the Committee on Invalid Pensions.

By Mr. NEWTON: A bill (H. R. 13701) for the relief of Howard A. Jussell; to the Committee on War Claims.

By Mr. SOMERS of New York: A bill (H. R. 13702) for the relief of Edna B. Erskine; to the Committee on Claims.

By Mr. STALKER: A bill (H. R. 13703) granting a pension to Nettie L. Converse; to the Committee on Pensions.

By Mr. TINKHAM: A bill (H. R. 13704) for the relief of Peter Joseph Sliney; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7567. By Mr. GARBER: Petition of Felix Z. Wilson, chairman of the Tennessee Division of the Traveler's Protective Association of Nashville, Tenn. in support of House bill 5588; to the Committee on Interstate and Foreign Commerce.

7568. Also, petition of Osage County Bar Association by the president, Charles R. Gray, and the secretary, William M. Taylor, in opposition to House bill 13407; to the Committee on Naval Affairs.

7569. Also, petition of Bureau of Legal Medicine and Legislation, American Medical Association, Chicago, Ill., in opposition to the passage of section 432 of House bill 1, as reported by the Senate Committee on Finance, May 1, 1928; to the Committee on Ways and Means.

7570. Also, petition of H. P. Randall, of Enid, Okla., treasurer of the Oklahoma Rural Letter Carrier's Association, in regard to House bill 25; to the Committee on the Civil Service.

7571. Also, petition of Mrs. C. E. Herrick, historian, American Legion Auxiliary, Guthrie, Okla., in support of the universal draft bill, and others; to the Committee on Military Affairs.

7572. By Mr. HUDSPETH: Resolution of Hamilton Fish Camp, No. 2, department of Texas, Spanish War Veterans, that House joint resolution, prohibiting sale of arms and munitions of war by our citizens to belligerent nations, should be defeated; to the Committee on Foreign Affairs.

7573. By Mr. JENKINS: Petition signed by 26 voters of Ironton, Ohio, urging that immediate steps be taken to bring to a vote a Civil War pension bill for the relief of veterans and widows of veterans; to the Committee on Invalid Pensions.

7574. By Mr. LUCE: Petition from the New England Chapter, the Quartermaster Association, Boston, Mass., opposing Senate bill 1752; to the Committee on the Post Office and Post Roads.

7575. By Mr. O'BRIEN: Petition of the citizens of Clarksburg, W. Va., protesting against the passage of House bill 78, or any bill enforcing the observance of the Sabbath, or adopt any resolution or bill that will in any way give preference to one religion above another; to the Committee on the District of Columbia.

7576. By Mr. O'CONNELL: Petition of William P. Schohl, New York State commander, the American Legion, favoring the passage of the Tyson-Fitzgerald bill (S. 777) without amendments; to the Committee on World War Veterans' Legislation.

7577. Also, petition of the American Motorists Association, Washington, D. C., favoring the passage of House bill 13323; to the Committee on Roads.

7578. Also, petition of Brooklyn Chapter of Reserve Officers Association, favoring the passage of House bill 11683; to the Committee on Military Affairs.

7579. By Mr. PRATT: Petition of officers and members of the Woman's Christian Temperance Union of Hudson, Columbia County, N. Y., urging favorable action on the Sproul and Jones-Stalker bills; to the Committee on the Judiciary.

7580. By Mr. SWING: Petition of residents of National City, Calif., in behalf of veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

SENATE

SATURDAY, *May 12, 1928*

(Legislative day of Thursday, May 3, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 777) making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 710) conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the Northwestern Bands of Shoshone Indians may have against the United States.

The message further announced that the House had passed the joint resolution (S. J. Res. 82) providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 13511) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 15. An act authorizing an appropriation to enable the Secretary of the Interior to carry out the provisions of the act of May 26, 1926 (44 Stat. L. 655), to make additions to the Absaroka and Gallatin National Forests, and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land;

H. R. 158. An act to amend chapter 137 of volume 39 of the United States Statutes at Large, Sixty-fourth Congress, first session;

H. R. 167. An act to amend the act of February 12, 1925 (Public, No. 402, 68th Cong.), so as to permit the Cowlitz Tribe of Indians to file suit in the Court of Claims under said act;

H. R. 332. An act validating homestead entry of Englehard Sperstad for certain public land in Alaska;

H. R. 491. An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California;

H. R. 3467. An act for the relief of Giles Gordon;

H. R. 4303. An act for the relief of the Smith Tablet Co., of Holyoke, Mass.;

H. R. 4396. An act for the relief of Jesse R. Shivers;

H. R. 4619. An act for the relief of E. A. Clatterbuck;

H. R. 4927. An act for the relief of Francis Sweeney;

H. R. 5297. An act for the relief of Christine Brenzinger;

H. R. 5681. An act to provide a differential in pay for night work in the Postal Service;

H. R. 5935. An act for the relief of the McAteer Shipbuilding Co. (Inc.);

H. R. 7459. An act to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes;

H. R. 7900. An act granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes;

H. R. 7946. An act to repeal an act entitled "An act to extend the provisions of the homestead laws to certain lands in the Yellowstone forest reserve," approved March 15, 1906;

H. R. 8001. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *City of Beaumont* against the United States, and for other purposes;

H. R. 8307. An act amending section 5 of the act approved June 9, 1916 (39 Stat. L. 218), so as to authorize the sale of timber on Class 3 of the Oregon & California Railroad and Coos Bay wagon-road grant lands;

H. R. 8337. An act to amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926;

H. R. 8474. An act for the relief of Elmer J. Nead;

H. R. 8810. An act for the relief of John L. Nightingale;

H. R. 9568. An act to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes;

H. R. 9612. An act authorizing and directing the Secretary of the Interior to allow Norman P. Ives, jr., credit on other lands for compliances made in homestead entry, Gainesville, 021032;

H. R. 9789. An act for the relief of Sallie E. McQueen and Janie McQueen Parker;

H. R. 10067. An act for the relief of Marion Banta;

H. R. 10360. An act to confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926;

H. R. 10799. An act for the lease of land and the erection of a post office at Philippi, W. Va., and for other purposes;

H. R. 11245. An act to cancel certain notes of the Panama Railroad Co. held by the Treasurer of the United States;

H. R. 11475. An act to revise and codify the laws of the Canal Zone;

H. R. 11716. An act authorizing and directing the Secretary of the Interior to issue patents to Ethel L. Saunders, and for other purposes;

H. R. 11852. An act providing for the confirmation of grant of lands formerly the United States barracks at Baton Rouge, La., to the board of supervisors of the Louisiana State University and Agricultural and Mechanical College;

H. R. 11960. An act for the relief of D. George Shorten;

H. R. 12049. An act to authorize the Secretary of the Interior to sell to W. H. Walker, Ruth T. Walker, and Queen E. Walker, upon the payment of $1.25 per acre, the southeast quarter section 34, township 2 north, range 14 east, Choctaw meridian, Clarke County, Miss.;

H. R. 12379. An act granting the consent of Congress to Howard Seabury to construct, maintain, and operate a dam to retain tidal waters in an unnamed cove which is situated and extends from Cases Inlet into section 28, township 21 north, range 1 west, Willamette meridian, in Pierce County, State of Washington;

H. R. 12383. An act to amend section 11 of an act approved February 28, 1925 (43 Stat. 1064, U. S. C., title 39), granting sick leave to employees in the Postal Service, and for other purposes; and

H. J. Res. 256. Joint resolution authorizing the United States Bureau of Public Roads to make a survey of the uncompleted bridges of the Oversea Highway from Key West to the mainland, in the State of Florida, with a view of obtaining the cost of the construction of said bridges, and report their findings to Congress.

CALL OF THE ROLL

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	La Follette	Sheppard
Barkley	Fletcher	Locher	Shipstead
Bayard	Frazier	McLean	Shortridge
Bingham	George	McMaster	Simmons
Black	Gerry	McNary	Smoot
Blaine	Gillett	Mayfield	Steck
Blease	Goff	Moses	Steiwer
Borah	Gould	Neely	Stephens
Bratton	Greene	Norbeck	Swanson
Brookhart	Hale	Norris	Thomas
Broussard	Harris	Nye	Tydings
Bruce	Harrison	Oddie	Vandenberg
Capper	Hawes	Overman	Wagner
Caraway	Hayden	Phipps	Walsh, Mass.
Copeland	Heflin	Pine	Walsh, Mont.
Couzens	Howell	Pittman	Warren
Curtis	Johnson	Ransdell	Waterman
Cutting	Jones	Reed, Mo.	Watson
Dale	Kendrick	Robinson, Ind.	Wheeler
Deneen	Keyes	Sackett	
Dill	King	Schall	

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

BALTIMORE BRANCH, FEDERAL RESERVE BANK OF RICHMOND

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, transmitting, pursuant to law, his report and recommendation concerning the claim of the Baltimore branch of the Federal Reserve Bank of Richmond, Va., which was referred to the Committee on Claims.

MEMORIALS

Mr. ROBINSON of Indiana presented memorials numerously signed by sundry citizens of South Bend and St. Joseph County, Ind., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

DREDGING OF MANHASSET BAY

Mr. COPELAND. Mr. President, I have here some resolutions passed by the town board of the town of North Hempstead, Nassau County, N. Y., relative to the importance of the dredging of Manhasset Bay. I ask unanimous consent that the resolutions may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Resolution of the town board, town of North Hempstead, Nassau County, N. Y.

Whereas the Board of Engineers for Rivers and Harbors, of Washington, D. C., now have under consideration the improvement of Manhasset Bay, in the town of North Hempstead, Nassau County, N. Y.; and

Whereas it is the belief and understanding of the citizens of our township that the members of the Board of Engineers for Rivers and Harbors are not sufficiently acquainted with the detailed facts regarding the importance of Manhasset Bay as a tidal waterway: Now, therefore, be it

Resolved, That the town board of the town of North Hempstead does hereby authorize and direct the supervisors of said town to present the following facts regarding Manhasset Bay to the Board of Engineers for Rivers and Harbors:

1. The headwaters of Manhasset Bay include the exact geographical center of the town of North Hempstead, with an area of 54 square miles and a present population in excess of 50,000 people.

2. The present rate of growth of population in the town of North Hempstead would indicate that by the year 1950 the population will be not less than 300,000 people.

3. The maintenance of life and health of the residents of the town requires the importation of fuel each year in excess of the following amounts:

Fuel	Quantity	Retail value
Anthracite coal.....tons..	100,000	$1,400,000
Fuel and furnace oils.....gallons..	20,000,000	1,600,000
Total.....		3,000,000

4. The gas-engine driven motor vehicles owned and operated within the town number greater than 20,000 vehicles, and if they use an average of 5 gallons of gasoline per vehicle per day the daily consumption of the town is in excess of 100,000 gallons per day and has a retail value in excess of $20,000 per day, or $6,000,000 per year.

5. A study of costs indicates that the importation of anthracite coal and fuel oils by water transportation can be carried out at a saving of more than 5 per cent under the cost of transportation of such fuels by rail.

6. The shipments of large quantities of gasoline into our township by rail or motor truck provides a constant fire hazard to the lives and properties of our citizens, and gasoline and other highly inflammable liquids should be imported into our town by water from the manufacturing plants in the metropolitan territory which are all located on tidewater.

7. The headwaters of Manhasset Bay are the natural point of collection for the drainage of an area of the town exceeding 6 square miles. The reasonable future population of this area is placed at 30,000 people, who will account for a daily discharge of a total of 3,000,000 gallons of sanitary sewage into the headwaters of the bay. Treatment of such an amount of sewage, even in the most modern form of sewage-disposal plants, will not result in clean or potable water, and it is therefore necessary for the lives and health of the citizens of our town that wide and deep channels be maintained at the head of Manhasset Bay, so that the tidal flow of water may properly absorb and dilute the sanitary sewage discharge.

8. Road-building materials required in the construction and maintenance of State, county, town, and village highways are all manufactured on water-shipment points along the eastern seaboard, and are transported to Long Island by water. The present local costs of such materials are excessive, due to the shoal water conditions existing in the harbors of Nassau County, which prevent the entrance of full-barge load lots to the terminals, except at exact periods of high tides. The value of current importation of such materials into our township is in excess of $500,000 per year.

9. Portland cement, brick, terra-cotta tile, plaster, shingles, lumber, and other building materials are manufactured on tidewater points in the New York territory, or are brought to New York by water, and the transportation of same to our town should be by water, as there is a very considerable saving in such method of delivery due to the saving in cost of handling and reloading of such materials from barges and vessels at Brooklyn and Long Island City to railroad cars. The saving effected is practically the cost of the railroad freight from Long Island City or Brooklyn to the villages in our town. The value of building materials imported into our town each year is in excess of $5,000,000, and any reduction in handling costs results in a reduction of costs to our citizens.

10. Due to the fact that truck transportation of building materials from Brooklyn and Long Island City has proven more economical than rail transportation, the highways leading into the county of Nassau are daily congested with heavy-laden trucks, causing great congestion and delays in vehicular traffic and excessive costs of maintenance of highways. Water transportation of such materials will obviate this condition and lessen the necessity for future arterial highways.

11. There are 4 terminals operating at the head of Manhasset Bay, all of which are adequately equipped with unloading cranes and storage space to handle a large volume of fuel, road-building materials, building materials, etc., and there is sufficient water frontage to provide 10 such additional terminals, all of which will be required to handle the business of the future.

12. It is the opinion of this board that the immediate dredging of a ship channel to the present terminals at the head of Manhasset Bay of such length, width, and depth as to provide reasonable access to the said terminals by standard towing and transportation equipment can be done by the Federal forces for an expenditure not to exceed $100,000.

13. It is within the knowledge of this board that the Federal income taxes collected each year from the individual residents and corporations doing business within the town of North Hempstead is in excess of $2,000,000 per year, and its citizens are therefore large contributors to the Treasury of the United States.

14. It is the firm belief of the responsible citizenry of this town that both the present and future water-borne commerce of the town of North Hempstead and the county of Nassau demand that every possible improvement should be made to navigation conditions in Manhasset Bay and in Hempstead Harbor.

15. It is and has always been the policy of the officials of this town to plan and construct public improvements in advance of the acute needs for same by the public, and experience has shown that such a policy has resulted in obtaining public improvements at lower costs with greater convenience and benefit to the citizens of the town.

Acting with the knowledge that both the district engineer and the division engineer of the United States Corps of Army Engineers have made a careful economic survey of navigation conditions in Manhasset Bay and recommended the dredging of a channel through the headwaters of the bay, we hereby petition and request that the Board of Engineers for Rivers and Harbors authorize the following work:

1. Removal of existing sand shoals and mud banks which are a menace to navigation conditions at the head of Manhasset Bay.

2. Construct and maintain a suitable channel to permit of easy access by tugs, scows, barges, schooners, etc., to the terminals at the head of the bay during periods of high and low water.

3. Installation and maintenance of buoys, channel marks, lights, etc.

4. The establishment of official bulkhead lines and issuance of instructions regarding construction of works outside of said bulkhead lines; and be it further

Resolved, That certified copies of this resolution be forwarded to the following:

Board of Army Engineers for Rivers and Harbors, Munitions Building, Washington, D. C.

Board of supervisors, Nassau County, N. Y.

Hon. ROBERT F. WAGNER, United States Senator, State of New York, Senate Office Building, Washington, D. C.

Hon. ROYAL S. COPELAND, United States Senator, State of New York, Senate Office Building, Washington, D. C.

Hon. ROBERT L. BACON, House Office Building, Washington, D. C.

Hon. F. Trubee Davison, office of Secretary of War, War Department Building, Washington, D. C.

The vote on the foregoing was as follows:

Ayes: Supervisor Remsen, Justices Jones, Le Cluse, Westervelt, Hallock, and Town Clerk Schmidt.

Noes: None.

Adopted this 7th day of May, 1928.

CORNELIUS E. REMSEN,
Supervisor, Chairman.

STATE OF NEW YORK,
County of Nassau, town of North Hempstead:

I, Charles E. Schmidt, town clerk of the town of North Hempstead and custodian of the records of said town, do hereby certify that I have compared the foregoing with the original resolution adopted by the town board of the town of North Hempstead at a meeting held Monday, May 7, 1928, and that the same is a true and correct transcript thereof.

In testimony whereof I have hereunto set my hand and seal of said town this 9th day of May, 1928.

[SEAL.] C. E. SCHMIDT, *Town Clerk.*

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 2991) to provide for the paving of the Government road extending from Chattanooga and Chickamauga National Military Park in the State of Georgia to the town of Ringgold, Ga., constituting an approach road to the Chattanooga and Chickamauga National Military Park, reported it with an amendment and submitted a report (No. 1100) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 9965) to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., where, on February 14, 1779, Elijah Clarke, of Georgia, and Colonel Pickens, of South Carolina, overtook the Tories under Colonel Boyd, killing him and many of his followers, thus ending British dominion in Georgia (Rept. No. 1101); and

A bill (S. 3881) to provide for the paving of the Government road known as the Dry Valley Road, commencing where said road leaves the La Fayette Road in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park (Rept. No. 1126).

Mr. HALE, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 5548) to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct (Rept. No. 1102);

A bill (H. R. 5644) to enable an enlisted man in the naval service to make good time lost in excess of one day under certain conditions (Rept. No. 1103);

A bill (H. R. 5718) to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service" (Rept. No. 1104); and

A bill (H. R. 11621) to authorize the Secretary of the Navy to advance public funds to naval personnel under certain conditions (Rept. No. 1105).

Mr. HALE also, from the Committee on Naval Affairs, to which was referred the bill (H. R. 4920) authorizing the Secretary of War to award a Nicaraguan campaign badge to Capt. James P. Williams in recognition of his services to the United States in the Nicaraguan campaign of 1912 and 1913, reported it with amendments and submitted a report (No. 1106) thereon.

Mr. FLETCHER (for Mr. REED of Pennsylvania), from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2947) to provide for the construction or purchase of two motor mine yawls for the War Department (Rept. No. 1107);

A bill (S. 2951) to provide for the construction or purchase of two L boats for the War Department (Rept. No. 1108); and

A bill (S. 2952) to provide for the construction or purchase of one heavy seagoing Air Corps retriever for the War Department (Rept. No. 1109).

Mr. FRAZIER, from the Committee on Indian Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 4346) to authorize an appropriation for the purchase of certain privately owned lands within the Fort Apache Indian Reservation, Ariz. (Rept. No. 1110);

A bill (H. R. 12067) to set aside certain lands for the Chippewa Indians in the State of Minnesota (Rept. No. 1111); and

A bill (H. R. 12446) to approve a deed of conveyance of certain land in the Seneca Oil Spring Reservation, N. Y. (Rept. No. 1112).

Mr. FRAZIER also, from the Committee on Indian Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 2482) for the relief of the White River, Uintah, Uncompahgre, and Southern Ute Tribes or Bands of Ute Indians in Utah, Colorado, and New Mexico (Rept. No. 1113); and

A bill (S. 3676) authorizing the Turtle Mountain Chippewas to submit claims to the Court of Claims (Rept. No. 1114).

Mr. STECK, from the Committee on Military Affairs, to which was referred the bill (H. R. 4660) to correct the military record of Charles E. Lowe, reported it without amendment and submitted a report (No. 1115) thereon.

Mr. BRUCE, from the Committee on the District of Columbia, to which was referred the bill (S. 3440) to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia; and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street, reported it without amendment and submitted a report (No. 1116) thereon.

Mr. NYE, from the Committee on Claims, to which was referred the bill (S. 200) for the relief of Mary L. Roebken, reported it with amendments and submitted a report (No. 1117) thereon.

He also, from the same committee, to which was referred the bill (H. R. 8440) for the relief of F. C. Wallace, reported it without amendment and submitted a report (No. 1118) thereon.

Mr. JONES, from the Committee on Commerce, to which was referred the bill (S. 4309) to authorize the Secretary of Commerce to dispose of a certain lighthouse reservation and to acquire certain land for lighthouse purposes, reported it with amendments and submitted a report (No. 1119) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (H. R. 4926) for the relief of the Pocahontas Fuel Co. (Inc.), reported it without amendment and submitted a report (No. 1120) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 4376) for the relief of Harry M. King, reported it without amendment and submitted a report (No. 1121) thereon.

He also, from the same committee, to which was referred the bill (H. R. 3470) granting relief to Havert S. Sealy and Porteus R. Burke, reported it with an amendment and submitted a report (No. 1122) thereon.

Mr. DENEEN, from the Committee on Claims, to which was referred the bill (H. R. 1616) for the relief of Carl C. Back, reported it without amendment and submitted a report (No. 1123) thereon.

Mr. NORBECK, from the Committee on Banking and Currency, to which was referred the resolution (S. Res. 113) favoring a restriction of loans by Federal reserve banks for speculative purposes, reported it with amendments and submitted a report (No. 1124) thereon.

He also, from the same committee, to which was referred the resolution (S. Res. 159) to investigate the affairs and management of the Federal Land and Intermediate Credit Bank of Columbia, S. C., submitted an adverse report (No. 1125) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (H. R. 13481) granting the consent of Congress to the Alabama State Bridge Corporation to construct, maintain, and operate bridges across the Tennessee, Tombigbee, Warrior, Alabama, and Coosa Rivers, within the State of Alabama, reported it without amendment and submitted a report (No. 1127) thereon.

Mr. McMASTER, from the Committee on Claims, to which was referred the bill (H. R. 6569) for the relief of Frank Hartman, reported it without amendment and submitted a report (No. 1129) thereon.

He also, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2792) reinvesting title to certain lands in the Yankton Sioux Tribe of Indians (Rept. No. 1130); and

A bill (H. R. 9046) to continue the allowance of Sioux benefits (Rept. No. 1131).

Mr. McMASTER also, from the Committee on Indian Affairs, to which was referred the bill (S. 4231) to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota, reported it with an amendment and submitted a report (No. 1132) thereon.

SENATOR FROM PENNSYLVANIA—EXPENSES OF CONTEST

Mr. DENEEN. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably without amendment Senate Resolution 225, submitted by the junior Senator from California [Mr. SHORTRIDGE] on the 5th instant, and I ask for its present consideration.

The Senate by unanimous consent proceeded to consider the resolution, which was read, as follows:

Resolved, That the Committee on Privileges and Elections, authorized by resolution of December 17, 1927, to hear and determine the pending contest between William S. Vare and William B. Wilson involving the right to membership in the United States Senate as a Senator from the State of Pennsylvania, hereby is authorized to expend from the contingent fund of the Senate $25,000 in addition to the amount heretofore authorized for such purpose.

Mr. BLEASE. I should like to ask the chairman of the committee if he can tell us how much money has already been spent in this investigation?

Mr. DENEEN. The sum of $50,000 was appropriated, and nearly all of it has been expended.

Mr. BLEASE. That is, on the Pennsylvania investigation?

Mr. DENEEN. On the Pennsylvania investigation. This resolution calls for $25,000 additional.

The resolution was agreed to.

EVA MAY DUNN

Mr. DENEEN. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably without amendment Senate Resolution 216, submitted by the senior Senator from Idaho [Mr. BORAH] April 30, 1928, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the appropriation for "Miscellaneous items, contingent fund of the Senate, fiscal year 1927," to Eva May Dunn, daughter of Reese R. Dutton, late an employee of the Senate, under supervision of the Sergeant at Arms, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. SMOOT. May I ask the Senator from Illinois what was the length of service of Mr. Dutton?

Mr. DENEEN. He served for over 25 years.

Mr. SMOOT. And 25 years is the limit.

Mr. DENEEN. Twenty-five years is the limit.

The resolution was agreed to.

PERMIT MAILING

Mr. BROOKHART, from the Committee on Post Offices and Post Roads, submitted the views of the minority to accompany the bill (S. 3890) to amend section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes," which was ordered to be printed as part 2 of Report No. 1000.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WATSON:

A bill (S. 4438) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind.; and

A bill (S. 4439) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Evansville, Ind.; to the Committee on Commerce.

A bill (S. 4440) to create a special highway fund from the proceeds of the sale of surplus war material, highway equipment, and supplies to the Government of France; to the Committee on Post Offices and Post Roads.

By Mr. CAPPER:

A bill (S. 4441) to amend the laws relating to assessment and collection of taxes in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. GOFF:

A bill (S. 4442) relating to the construction of a chapel at the Federal Industrial Institution for Women at Alderson, W. Va.; to the Committee on the Judiciary.

By Mr. RANSDELL:

A bill (S. 4443) authorizing the Secretary of Commerce to sell at private sale a portion of the Pointe Aux Herbes Lighthouse Reservation, La.; to the Committee on Commerce.

By Mr. BRATTON:

A bill (S. 4444) granting a pension to Annie L. Haynes; to the Committee on Pensions.

By Mr. SACKETT:

A bill (S. 4445) granting an increase of pension to Sarah E. Marcum (with accompanying papers); to the Committee on Pensions.

By Mr. KING:

A bill (S. 4446) to establish load lines for vessels in the coastwise trade, and for other purposes; to the Committee on Commerce.

By Mr. McMASTER:

A bill (S. 4447) to amend section 67 of the national defense act; to the Committee on Military Affairs.

By Mr. FRAZIER (by request):

A bill (S. 4448) to amend section 4 of the act entitled "An act to extend the period of restrictions in lands of certain members of the Five Civilized Tribes, and for other purposes," approved May 10, 1928; to the Committee on Indian Affairs.

By Mr. PITTMAN:

A bill (S. 4449) for the relief of Philip Jacobs; to the Committee on Finance.

By Mr. THOMAS:

A joint resolution (S. J. Res. 153) for the relief of Effa Cowe, Creek Indian, new born, roll No. 78; and

A joint resolution (S. J. Res. 154) for the relief of Eloise Childers, Creek Indian, minor, roll No. 354; to the Committee on Indian Affairs.

AMENDMENTS TO TAX REDUCTION BILL

Mr. WATSON and Mr. FRAZIER each submitted an amendment intended to be proposed by them to House bill 1, the tax reduction bill, which were separately ordered to lie on the table and to be printed.

COLUMBIA BASIN PROJECT

Mr. PHIPPS submitted an amendment intended to be proposed by him to the bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT OF CIVIL SERVICE CLASSIFICATION ACT

Mr. WHEELER submitted an amendment intended to be proposed by him to the bill (H. R. 6518) to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," which was referred to the Committee on Civil Service and ordered to be printed.

AMENDMENT OF UNITED STATES COTTON FUTURES ACT

Mr. GEORGE and Mr. SWANSON each submitted an amendment intended to be proposed by them to the bill (S. 4411) to amend the United States cotton futures act, approved August 11, 1916, as amended, by providing for the delivery of cotton tendered on futures contracts at certain designated spot-cotton markets, by defining and prohibiting manipulation, by providing for the designation of cotton-futures exchanges, and for other purposes, which were separately referred to the Committee on Agriculture and Forestry and ordered to be printed.

REVISION OF AGRICULTURAL TARIFF

Mr. SHIPSTEAD. Mr. President, I submit a revised amendment as a substitute for the amendment offered by me to the pending bill, which is now lying on the table. This amendment contains the tariff schedules asked for by the legislative committee of the First National Conference of Cooperative Associations on Agricultural Tariffs, convened in Washington May 7 and 8, at the Temple of Agriculture, 1731 I Street NW. I ask that it be printed in the RECORD, and I also present a petition of the legislative committee of the First National Conference on Agricultural Tariffs, signed by the officers of the association, which I also ask may lie on the table and be printed in the RECORD.

There being no objection, Mr. SHIPSTEAD'S revised amendment and the petition presented by him were ordered to lie on the table and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. SHIPSTEAD to the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes, viz: On page 245, after line 16, insert the following:

SEC. 801. AMENDMENTS TO TARIFF ACT OF 1922.

(a) Paragraphs 4, 19, 53, 54, 55, 57, 58, 502, 701, 702, 703, 706, 707, 708, 109, 710, 711, 712, 713, 723, 724, 729, 757, 760, 761, 763, 768, 769, 770, and 777 of the tariff act of 1922 are amended, respectively, as follows:

Strike out all of paragraph 4, and substitute in lieu thereof the following:

"PAR. 4. Alcohol: Amyl, butyl, propyl, and fusel oil, 6 cents per pound; methyl or wood (or menthanol), 12 cents per gallon; and ethyl for nonbeverage purposes only, 25 cents per gallon."

Strike out all of paragraph 19 and substitute in lieu thereof the following:

"PAR. 19. Casein or lactarene, 6 cents per pound, but not less than 50 per cent ad valorem."

Strike out all of paragraph 53 and substitute in lieu thereof the following:

"PAR. 53. Oils, animal: Cod, herring, and menhaden, whale and seal, 23 cents per gallon, but not less than 45 per cent ad valorem; sperm, 10 cents per gallon, and all fish oils, not specially provided for, 30 per cent ad valorem; wool grease, crude, including that known commercially as degras or brown wool grease, one-half of 1 cent per pound; wool grease, not crude, including adeps lanae, hydrous and anhydrous, 1 cent per pound; all other animal oils, fats, and greases, not specially provided for, 30 per cent ad valorem."

Strike out all of paragraph 54 and substitute in lieu thereof the following:

"PAR. 54. Oils, expressed or extracted: Castor oil, 3 cents per pound; hempseed oil, tung-nut oil, palm oil, sesame seed oil, rapeseed oil, perilla oil, 2 cents per pound; linseed or flaxseed oil, raw, boiled or oxidized, 4 cents per pound; olive oil, weighing with immediate container less than 40 pounds, 7½ cents per pound on contents and container; olive oil not specially provided for, 6½ cents per pound; poppyseed oil, raw, boiled, or oxidized, 2 cents per pound: *Provided*, That in the foregoing in no case shall the duty be less than 45 per cent ad valorem; all other expressed and extracted oils not specially provided for 45 per cent ad valorem."

Strike out all of paragraph 55 and substitute in lieu thereof the following:

"PAR. 55. Coconut oil, palm-nut oil, peanut oil, 4 cents per pound, but not less than 45 per cent ad valorem; cottonseed oil and soya-bean oil, 3 cents per pound, but not less than 45 per cent ad valorem."

Strike out all of paragraph 57 and substitute in lieu thereof the following:

"PAR. 57. Hydrogenated or hardened oils and fats, 5 cents per pound, but not less than 45 per cent ad valorem; other oils and fats, the composition and properties of which have been changed by vulcanizing, oxidizing, chlorinating, nitrating, or any other chemical process, and not specially provided for, 20 per cent ad valorem."

Strike out all of paragraph 58 and substitute in lieu thereof the following:

"PAR. 58. Combinations and mixtures of animal, vegetable, or mineral oils, or of any of them (except combinations or mixtures containing essential or distilled oils), with or without other substances, and not specially provided for, 45 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph."

SCHEDULE 5.—SUGAR, MOLASSES, AND MANUFACTURES OF.

Strike out all of paragraph 502, and substitute in lieu thereof the following:

"PAR. 502. Molasses and sugar sirups, not specially provided for, testing not above 48 per cent total sugars, twenty-five one-hundredths of 1 cent per gallon; testing above 48 per cent total sugars, two hundred and seventy-five one-thousandths of 1 cent additional for each per cent of total sugars and fractions of a per cent in proportion; molasses testing not above 52 per cent total sugars not imported to be commercially used for the extraction of sugar, or for human consumption, one-sixth of 1 cent per gallon; testing above 52 and not above 56 per cent total sugars not imported to be commercially used for the extraction of sugar, or for human consumption, one-sixth of 1 cent additional for each per cent of total sugars and fractions of a per cent in proportion; molasses testing not above 52 per cent total sugars imported for or to be used in the manufacture of ethyl alcohol for nonbeverage purposes only, 10 cents per gallon; testing above 52 per cent and not above 56 per cent total sugars imported for or to be used in the manufacture of ethyl alcohol for nonbeverage purposes only, 1 cent additional for each per cent of total sugars and fractions of a per cent in proportion."

SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS.

Strike out all of paragraph 701, and substitute in lieu thereof the following:

"PAR. 701. Cattle, weighing less than 1,050 pounds each, 1½ cents per pound; weighing 1,050 pounds each or more, 2 cents per pound; fresh beef and veal, 8 cents per pound; tallow, oleo oil, and oleo stearin, 1 cent per pound, but not less than 30 per cent ad valorem; hides of cattle, raw or uncured, or dried, salted, or pickled, and all other hides not specially provided for, 25 per cent ad valorem."

Strike out all of paragraph 702 and substitute in lieu thereof the following:

"PAR. 702. Sheep and goats, $2 per head; fresh mutton and goat meat, 5 cents per pound; fresh lamb, 8 cents per pound."

Strike out all of paragraph 703 and substitute in lieu thereof the following:

"PAR. 703. Swine, one-half of 1 cent per pound; bacon, hams, and shoulders, and other pork, prepared or preserved, 5 cents per pound; fresh pork, 3 cents per pound; lard, lard compounds, and lard substitutes, 5 cents per pound, but not less than 45 per cent ad valorem."

Strike out all of paragraph 706 and substitute in lieu thereof the following:

"PAR. 706. Meats, fresh, prepared, or preserved, not specially provided for, 30 per cent ad valorem: *Provided*, That no meats of any kind shall be imported into the United States unless the same is healthful, wholesome, and fit for human food and contains no dye, chemical, preservative, or ingredient which renders the same unhealthful, unwholesome, or unfit for human food, and unless the same also complies with the rules and regulations made by the Secretary of Agriculture, and that, after entry into the United States in compliance with said rules and regulations, said meats shall be deemed and treated as domestic meats within the meaning of and shall be subject to the provisions of the act of June 30, 1906 (34 Stat. L. 674), commonly called the 'meat-inspection amendment,' and the act of June 30, 1906 (34 Stat. L. 768), commonly called the 'food and drugs act,' and that the Secretary of Agriculture be, and hereby is, authorized to make rules and regulations to carry out the purposes of this provision, and that in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all such meats offered for entry and refused admission into the United States unless the same be exported by the consignee within the time fixed therefor in such rules and regulations."

Strike out all of paragraph 707 and substitute in lieu thereof the following:

"PAR. 707. Milk, fresh, 4 cents per gallon; sour milk and buttermilk, 4 cents per gallon; cream 40 cents per gallon: *Provided*, That fresh or sour milk containing more than 7 per cent of butterfat shall be dutiable as cream, and cream containing more than 45 per cent of butterfat shall be dutiable as butter."

Strike out all of paragraph 708 and substitute in lieu thereof the following:

"PAR. 708. Milk, condensed or evaporated: In hermetically sealed containers, unsweetened, 1½ cents per pound; sweetened, 2 cents per pound; all other, 2 cents per pound; whole-milk powder, 7½ cents per pound, but not less than 40 per cent ad valorem; cream powder, 18 cents per pound, and skimmed-milk powder, 3 cents per pound; malted milk and compounds or mixtures of or substitutes for milk or cream, 40 per cent ad valorem."

Strike out all of paragraph 709 and substitute in lieu thereof the following:

"PAR. 709. Butter, 12 cents per pound, but not less than 30 per cent ad valorem; oleomargarine and other butter substitutes, 12 cents per pound, but not less than 30 per cent ad valorem."

Strike out all of paragraph 710 and substitute in lieu thereof the following:

"PAR. 710. Cheese and substitutes therefor, 8 cents per pound, but not less than 40 per cent ad valorem."

Strike out all of paragraph 711 and substitute in lieu thereof the following:

"PAR. 711. Birds, live: Poultry, including geese, ducks, turkeys, chickens, guinea fowl, waterfowl, and game birds, fowl not otherwise specially provided for, when imported for food purposes, 10 cents per pound; all other, $2 each."

Strike out all of paragraph 712 and substitute in lieu thereof the following:

"PAR. 712. Birds, dead: Poultry, dressed or not dressed, drawn or not drawn, including turkeys, chickens, guinea fowl, geese, ducks, and every variety of waterfowl or game birds, and all others not specially provided for, 14 cents per pound; all the foregoing prepared or preserved in any manner and not specially provided for, 45 per cent ad valorem."

Strike out all of paragraph 713 and substitute in lieu thereof the following:

"PAR. 713. Eggs of poultry, in the shell, 12 cents per dozen; whole eggs, egg yolk, and egg albumen, frozen or in liquid form, with or without artificial preservative, 15 cents per pound; all dehydrated egg products, including dried whole eggs, dried egg yolk, and dried egg albumen, dehydrated by any process and designated by any trade name, and all eggs or egg products otherwise prepared or preserved and not specially provided for, 45 cents per pound."

Strike out all of paragraph 723 and substitute in lieu thereof the following:

"PAR. 723. Buckwheat, hulled or unhulled, 40 cents per 100 pounds; buckwheat flour and grits or groats, one-half of 1 cent per pound."

Strike out all of paragraph 724 and substitute in lieu thereof the following:

"PAR. 724. Corn or maize, including cracked corn, 30 cents per bushel of 56 pounds; corn grits, meal, and flour, and similar products, 50 cents per 100 pounds."

Strike out all of paragraph 729 and substitute in lieu thereof the following:

"PAR. 729. Wheat, 42 cents per bushel of 60 pounds; wheat flour, semolina, crushed or cracked wheat, and similar wheat products not specially provided for, $1.04 per 100 pounds."

Strike out all of paragraph 757 and substitute in lieu thereof the following:

"PAR. 757. Peanuts, not shelled, 6 cents per pound; shelled, 8 cents per pound; blanched peanuts, 9 cents per pound."

Strike out all of paragraph 760 and substitute in lieu thereof the following:

"PAR. 760. Oil-bearing seeds and materials: Castor beans, one-half of 1 cent per pound; flaxseed, 75 cents per bushel of 56 pounds; poppy seed, 32 cents per 100 pounds; sunflower seed, 2 cents per pound; apricot and peach kernels, 3 cents per pound; copra and palm-nut kernels, 3 cents per pound, but not less than 40 per cent ad valorem; soy beans, cottonseed, hempseed, palm nuts, tung nuts, rapeseed, perilla and sesame seed, and other oil-bearing seeds and nuts not specially provided for, one-half of 1 cent per pound, but not less than 40 per cent ad valorem."

Strike out all of paragraph 761 and substitute in lieu thereof the following:

"PAR. 761. Grass seeds: Alfalfa, 8 cents per pound; alsike clover, 8 cents per pound; crimson clover, 3 cents per pound; red clover, 8 cents per pound; white clover, 8 cents per pound; clover, not specially provided for, 6 cents per pound; millet, 1 cent per pound; timothy, 2 cents per pound; hairy vetch, 2 cents per pound; spring vetch, 1 cent per pound; all other grass seeds not specially provided for, 2 cents per pound: *Provided*, That no allowance shall be made for dirt or other impurities in seed provided for in this paragraph."

Strike out all of paragraph 763 and substitute in lieu thereof the following:

"PAR. 763. Beans, not specially provided for, green or unripe, one-half of 1 cent per poud; dried, 2 cents per pound, but not less than 35 per cent ad valorem; in brine, prepared or preserved in any manner, 2 cents per pound, but not less than 35 per cent ad valorem."

Strike out all of paragraph 768 and substitute in lieu thereof the following:

"PAR. 768. Onions, 3 cents per pound; garlic, 2 cents per pound."

Strike out all of paragraph 769 and substitute in lieu thereof the following:

"PAR. 769. White or Irish potatoes, 75 cents per 100 pounds; dried, dehydrated, or desiccated potatoes, 3½ cents per pound; potato flour, 3 cents per pound."

Strike out all of paragraph 770 and substitute in lieu thereof the following:

"PAR. 770. Tomatoes in their natural state, 1 cent per pound; tomato paste, 40 per cent ad valorem; all other, prepared or preserved in any manner, 40 per cent ad valorem."

Strike out all of paragraph 777 and substitute in lieu thereof the following:

"PAR. 777. Hay, $6 per ton; straw, $1 per ton.

"(b) Strike out all of paragraphs 1589, 1626, and in paragraph 1632 strike out the words 'palm,' 'palm kernel,' 'perilla,' and 'sesame.'"

OFFICE OF THE LEGISLATIVE COMMITTEE OF THE FIRST NATIONAL CONFERENCE OF COOPERATIVE ASSOCIATIONS ON AGRICULTURAL TARIFFS,
Washington, D. C., May 11, 1928.

To Members of the Congress of the United States:

On May 7 and 8 at the Temple of Agriculture, 1731 I Street NW., in Washington, D. C., delegates from agricultural cooperative associations, representing 981,000 farmers, held their first national conference on agricultural tariff problems. That body created a special legislative committee on tariff, which was instructed to transmit to your honorable body the results of the deliberations of the conference.

The conclusions reached were as follows:

1. That these organized cooperatives indorse the principle of a protective tariff on all commodities coming into either direct or indirect competition with products produced on farms of the United States.

2. That Congress should levy a protective import duty on products from the Philippine Islands that come into either direct or indirect competition with products produced on the farms of the United States.

3. That the tariff act of 1922 needs drastic upward revision with respect to some commodities, a list of which is inclosed, in order to equalize more nearly the present disparity between the smaller share of the national income obtained by farmers and the larger share obtained by other groups within the United States.

4. That the present low economic state of our agriculture makes it a necessity for the Seventieth Congress in this session to pass emergency tariff legislation to aid our people.

To that end we ask you to give not only serious consideration to this form of agricultural relief, but also your assistance by passing this proposed legislation before another harvest season comes on. To do so will give a gleam of hope to farmers in many sections who now are suffering because of relatively low-priced farm products, caused in part by a huge volume of agricultural imports.

Respectfully yours,

THE LEGISLATIVE COMMITTEE OF THE FIRST NATIONAL CONFERENCE ON AGRICULTURAL TARIFFS,
J. T. MONTGOMERY, *Chairman,*
Manager the Central Cooperative (Livestock) Association, South St. Paul, Minn.
CHAS. W. HOLMAN, *Secretary,*
Secretary the National Coopeartive Milk Producers' Federation, Washington, D. C.
J. D. MILLER,
President the National Cooperative Milk Producers' Federation, Susquehanna, Pa.
J. R. WORSHAM,
Representing the Peanut Growers' Association, Norfolk, Va.
J. W. SHORTHILL,
Secretary the Farmers' National Grain Dealers' Association, Omaha, Nebr.
HARRY R. LEWIS,
President the National Poultry Council, East Greenwich, R. I.

HOUSE BILL REFERRED

The bill (H. R. 13511) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was read twice by its title and referred to the Committee on Pensions.

THE MERCHANT MARINE

Mr. JONES. I submit the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes. I ask that the report be printed and lie on the table.

The report was ordered to be printed and lie on the table.

ADDRESS OF HON. JAMES J. DAVIS

Mr. SMOOT. Mr. President, I ask unanimous consent to have printed in the RECORD an address on unemployment delivered on May 8 of this year by Hon. James J. Davis, United States Secretary of Labor.

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

UNEMPLOYMENT

To keep everyone employed is our noblest and most important duty. Unemployment is a grave danger to society. We all lose something when anyone loses a job. The jobless man loses his livelihood and society loses his productive and buying power.

Many of you who are listening in to-night like myself have known the misery of looking for the job that can not be found. As a steel worker I went through the unemployment crisis of 1892 to 1896, the worst period of unemployment this country has ever known. I knew the uneasiness of 1907, and the slack times of 1913 and 1914 just preceding the war. On assuming the office of Secretary of Labor in 1921 I ran into an unemployment crisis. The Senate at that time asked me to report on its extent, and the survey showed a shrinkage in employment, as shown by pay rolls, of 5,735,000 workers. Had we used the same method of computation that some alarmists are using to-day, the total of unemployment then might have been put at 10,000,000.

This year the Senate again asked for the figures on unemployment. It happens that the Bureau of Labor Statistics, which does this work in the Department of Labor, publishes every month the figures on employment, the cost of living, the rate of wages, and the like. But the Senate desired a special count, and a survey was made by the same experts who in 1921 found a shrinkage in pay rolls of 5,735,000. This year they found a shrinkage of 1,874,050.

These figures have been questioned as too conservative. Those who question them insist that shrinkage must run to twice or even four times this total. But the Bureau of Labor Statistics, which made this survey, is a body of experts. Its executive head is Mr. Ethelbert Stewart, a leading economist of the United States, with more than 40 years' experience in this statistical bureau. President Wilson advanced him from chief statistician to his present position, and President Harding and President Coolidge retained him in it. No one has ever questioned his honesty or accuracy. The bureau over which he presides keeps in touch with 10,772 manufacturing plants all over the United States. Its contacts with these key industries give it a broad guide to actual conditions.

In figuring the present state of employment the year 1925 was taken as a standard of comparison because it was a census year for manufacturing industries and this provided definite figures on the average

or normal number at work. It meant a stiff comparison because 1925 was a good year. Labor was well employed. Wages were good. Saving deposits were large. Business as a whole was prosperous. Now as between the average of 1925 and January, 1928, the Bureau of Labor Statistics found a shrinkage of 1,874,050 in employment, and I stand squarely on those estimates. The estimate made by the Bureau of Labor Statistics in 1921 concerning the amount of unemployment was criticized by some as being too high. But that estimate stood the test, and the estimate made this spring by Commissioner Stewart will do likewise.

I believe there is no attempt to discredit the estimate given by the statistical bureau. It is simply a question of how the figures shall be interpreted. In the eyes of one critic, the figures are right if interpreted his way. He thinks they point to a still larger amount of unemployment. Still another critic believes the employment shrinkage is four times the findings of the Bureau of Labor Statistics.

The most extravagant attempt of all has been to link the bureau's findings with the year 1920. That was during a period of high wages and of patriotic appeal to all workers to go into the factories and "produce goods for starving Europe." In 1919 and 1920 women and girls who never had worked before took temporary employment. On the other hand the year 1921 was one of sudden and acute depression, with unemployment. If you took that year as a basis of comparison, it would be possible to show more people at work to-day than ever were before—with but one single exception—1920.

The normal year of 1925 shows what I think is absolutely correct, that we have to-day 1,874,050 fewer people on the pay rolls. After having read the estimate by the Bureau of Labor Statistics, a distinguished critic wanted to know, "Why the extra fifty?" As a matter of fact, if that man will stop talking long enough to find jobs for those 50 workers represented by the number mentioned, we will gladly take it from the sum total.

The fact is, if you take into account what this country has lately been through, the wonder is that we have not had an economic catastrophe. Even under the restrictive immigration law we admit nearly 300,000 immigrant aliens every year. In view of the quota law, many of my hearers may well inquire, "How can this be when the total quota fixed by law is 165,000 annually?" But this quota applies to Europe and does not apply to Canada, Mexico, and the other independent countries of the Western Hemisphere. Anyone who can pass the literacy tests from these countries may enter the United States. As I have repeatedly stated, "We have closed the front door and left open the back door." Since 1925 more than a million immigrants have come to us. Every year one of our southern neighbors sends to us about 70,000 people, most of them common laborers, the hardest of all to fit into jobs. And with improved machinery in our factories and on our farms, it is going to be still harder to find places for the common labor already here. Every year 250,000 people leave the farms to seek work in the cities. Since 1925 nearly three-quarters of a million of these have thus joined the ranks of the job hunters. Every year nearly 2,000,000 boys and girls attain the age of employment. Of course, we must take into account the fact that many of these took the places of those who had passed from life or beyond the age of employment. But there still remains an annual increase of many millions of workers to be absorbed.

Against this increase in the number of workers we have had unusually heavy economic blows since 1925—the floods in the Mississippi Valley and in New England, the Florida tornado, a serious disturbance of more than a year's duration in the soft-coal industry, and the temporary closing of the largest single motor industry for readjustment. And as a consequence we have had a business recession, though comparatively slight and passing.

On top of this, new automatic machinery is steadily displacing hand labor. New scientific management methods and labor-saving devices enable many industries to turn out a greater production than ever, with fewer workers than ever. To cite a single instance, the railroads to-day are handling a record tonnage of freight with vastly fewer men. The same process is going on in every industry. And the jobs thus wiped out are gone forever.

To my mind it is a proof of our wonderful vitality as a Nation that we have been able to meet these rapid and sweeping industrial changes with as little unemployment as we have. In all fairness to the people of this country who want to see business prosper—in all fairness to the workers, skilled and unskilled, who are temporarily unemployed—it seems to me that the tactics of those who exaggerate a present condition that is serious enough, only tend to increase the general uneasiness and slow up the return to better times with reemployment for all. Calamity howling only creates calamity. Sometimes, too, the unwise and unscrupulous employer takes advantage of the situation thus created to reduce wages. Such employers have no thought for the permanent prosperity of our people. They are wholly selfish.

As it is the natural course of events is improving the situation every day. While it seems that because of a backward spring April will not show any great improvement, I am confident that May will show a substantial improvement in practically all lines of industry and agriculture. Seasonal work will pick up in May and will increase the number of workers and the total of pay-roll disbursements. The advancing season will open the farms to the 600,000 workers annually employed in growing and harvesting the crops. Building and other outdoor trades will likewise take on greater activity. States, municipalities, and the National Government all have elaborate building and construction programs that will absorb a large percentage of the unemployed, most of whom are what is called "common labor."

The proposal that Government work be launched in times of depression to aid the situation is not a new one. That has been the recommendation by all "employment conferences." The Bureau of Labor Statistics showed a decline in employment throughout 1927 and the United States Government has recognized it by its approval of a large construction program throughout the country and the District of Columbia.

The Government has appropriated hundreds of millions of dollars to carry on the work. The Treasury Department informs me that everything possible is being done to hasten work on these projects. The one motor industry long suspended for readjustment is returning to normal activity. And before long some plan for flood prevention will add to all these other demands for labor.

Forward-looking business men themselves are beginning to tackle the unemployment problem from their own practical angle. They know that people out of work can buy no products. They know that in order to be fully prosperous the country must keep at work every person in need of a job, all earning wages and provided with purchasing power. They know that the more buyers we have, the greater the demand for products in general. The greater the demand, the greater the demand for workers to keep the market supplied, with greater profits to business in general.

One of the greatest employers of labor in our country has evolved a plan whereby men engaged in continuous operations, who have always worked a seven-day week, are under a new arrangement given a six-day week on seven days' pay. This has made room for additional workers who also work a six-day week on seven days' pay. That one act put 20 per cent more men to work in a single operation. It is one fine way to reduce unemployment. As this particular company's scientific methods are good ones, its competitors already are trying this way of absorbing workers, and the method will spread. It seems to me one of the revolutionary moves in modern industry. It not only relieves temporary unemployment, but strikes at the great ideal of preventing unemployment altogether. Above all, it wipes out the seven-day week, a practice it is time to abolish.

Unemployment is a world problem. Other countries have tried treating the festering sore with surface poultices—government doles and the like. The thing to be done is to get to the roots of unemployment and wipe it out altogether. That is the greatest economic problem of our time. The best brains in government, business, and science will be needed to solve it. But if this richest country of all does not soon apply itself to the problem, our discontented jobless may force us into the same paternalistic experiments now costing other countries so much.

History teaches that unemployment has often led to revolution. Education has taken us out of that danger. But it has brought us face to face with new possibilities. The man or woman out of work and truly desirous of employment need no longer resort to violence. Neither will they steal or starve. Education and the ballot have given them new ways of striking back. They will arouse public opinion and put through special legislation.

If we are to go on firing good employees at 50, and allowing skilled workers to be displaced in thousands by new labor-saving machinery, without practical efforts to reabsorb these people in new pursuits, they will eventually appeal for special legislation to take care of them at public expense. Special legislation has already been passed by Congress, and if such legislation can be passed for one class it can for another.

It would be deplorable if this grave and deeply human problem of unemployment is to be made a political football. We ought to grasp this nettle not as partisans but as Americans and practical economists. Those who would make it a political issue are only playing into the hands of the party and the administration they seek to belittle.

The party to which I belong came into office at the end of a former opposition administration that left behind it nearly 6,000,000 of unemployed. Under the present administration these millions were put back to work. Under the Presidency of Calvin Coolidge this country has further absorbed all but a fraction of the millions who have come into labor's ranks from the farms and through immigration growth. In spite of sweeping advances in business method and labor-saving machinery it has kept at work nearly all of the workers. That feat of construction and reconstruction speaks for itself.

Not only this, but under President Coolidge the United States has become the most prosperous country of to-day and of all time. We Americans do not need to say this ourselves. All the rest of the world says it for us. And as good Americans it seems to me we should give up disturbing this state of affairs and instead do everything

within our power to keep our country prosperous so that everyone who desires to do so may be steadily employed and at good wages. That I know is the ambition of President Coolidge and all who are connected with his administration.

ADDRESS BY EDWIN B. PARKER

Mr. RANSDELL. Mr. President, during the World War Judge Edwin B. Parker, whose home is in Houston, Tex., was a member of the War Industries Board and priorities commissioner. After the signing of the armistice he went to Europe as chairman of the United States Liquidation Commission, of which Vice President Dawes was a member, and which disposed of all American surplus war materials in Europe and settled all claims between the United States and its allies in the short period of 10 months. Subsequently he has been serving as a member and as umpire of several international arbitral tribunals, which tasks he has discharged in a manner to inspire the confidence of nations and promote the cause of international arbitration. He has now entered upon his duties as war-claims arbiter under the settlement of war claims act of 1928, recently passed by Congress.

On the 7th instant Judge Parker, as chairman of the board of directors of the Chamber of Commerce of the United States, delivered a very remarkable and philosophic address, sounding the keynote of the sixteenth annual meeting of that organization. It is one of the finest things of the kind I have ever had the pleasure of reading. I ask that it may be printed at this point in the body of the RECORD, together with a resolution passed by the board.

The VICE PRESIDENT. Without objection, it is so ordered.

The address and resolution are as follows:

TEAMWORK FOR PROSPERITY

THE KEYNOTE

"Business repudiates those whose ruthless methods tend to discredit all business and reaffirms its allegiance to those sound principles of conduct which beget confidence, upon which to endure all business must rest."

"We pledge ourselves to team play with every element of the community of which we are a part to achieve an all-embracing prosperity, inclusive of all groups and all classes."

"We dedicate anew our best efforts to the diligent pursuit of the greatest of all vocations—the business of right living—proclaiming to the world that he who would be great among us must become the servant of all."

(An address by Edwin B. Parker, chairman of the board of the Chamber of Commerce of the United States, at the sixteenth annual meeting, Washington, D. C., May 8, 1928)

TEAMWORK FOR PROSPERITY

For many years and under varying circumstances and conditions, in peace and in war, in prosperity and in adversity, it has been my privilege to have close contacts with those engaged in all classes of business activities, and thus I have acquired an accurate understanding of the problems and the aspirations of the average American business man. The message which I bring to you to-day flows from these sources of information and understanding. It is not, in any proper sense, my message. I am simply the agency to interpret and the mouthpiece to express, with the utmost frankness and earnestness, this composite message of the average business man dealing with some of the fundamentals of prosperity.

This, the sixteenth annual meeting of the federation of American business, has for its underlying theme and will sound as its keynote "Teamwork for prosperity."

Let us at the outset place the emphasis on "teamwork." If it is broad and general, prosperity will follow. Thus conceived, this keynote is a bugle call to duty. It envisions vast vistas of enduring usefulness.

Narrowly conceived, it is paltry and sordid.

We are not here to consider a teamwork between members of a particular group; to promote a prosperity, measured solely in terms of profit to the members of that group, without thought of the interests and the welfare of every individual of every group within our Nation. Such is the miser's conception of prosperity—coldly, selfishly, narrowly calculating; a precarious prosperity because of its very narrowness. Prosperity to endure, prosperity to be worthy of the effort to attain it, prosperity as we here conceive it, is an all-embracing prosperity.

To achieve such a prosperity we invoke a teamwork that is not merely a cohesion of members within a business group, or yet a cohesion of business men with business men. It is rather a broader teamwork; an all-embracing cohesion whose bonds of unity are the tendrils of enlightened self-interest, which is mutual interest and common understanding of common purposes; teamwork between business and labor; teamwork of business and labor with agriculture; teamwork of business and labor and agriculture with Government, the servant of all; a teamwork that translates and gives dynamic effort to the professed conviction of this chamber that whatsoever is not for the public good is not for the good of business. A teamwork, in fine, whose inspiration is the fostering of the general public interest rather than that of one or of a group of special interests.

Teamwork is not new to business. Business has a tradition, through teamwork, for pointing the way to higher concepts of the public interest. The tradition goes back a long way. In the early part of the ninth century Charlemagne recognized the "ancient custom of commerce" as something definite that had been created by the merchants themselves, and something conferring advantages to which other classes had not yet attained. In the general insecurity and lawlessness that prevailed in the early part of the Middle Ages the merchants—the business men of the day—organized for their own protection, and to govern their transactions developed principles which were far in advance of the principles of the laws of their times, and provided their own tribunals, where these principles could be equitably and promptly applied. At a time when legal proceedings were notoriously dilatory and technical and where obligations were enforceable only when embodied in formidable documents of great artificiality business men evolved the law merchant and themselves so administered it that an English judge of the eighteenth century referred to it as "a system of equity founded upon rules of equity and governed in all its parts by plain justice and good faith." What higher tribute could be paid any body of men with respect to their intertrade relations?

Business to-day is profiting by the example set by the merchants of the Middle Ages, and transactions involving billions of dollars annually in our own country occur under conditions of self-government in business prompted by the dictates of "plain justice and good faith." Statutory fiat has never created a single great modern market nor originated the facilities that have made such markets possible.

The growth and development of business and the progress and well-being of society as a whole demand unhampered opportunities for individual effort and initiative, which is rendered increasingly difficult in proportion to the increase in Government regulation of business. On the other hand, methods and practices designed to secure immediate gains, without reference to the effect on the general public or the ultimate effect on business itself, sometimes render restrictive and regulatory legislation in the public interest imperative. Business chafes under such legislation. The remedy lies in its own hands. It can, if it will, be governed and regulated by its own rules and principles of business conduct enforced by the most effective of all sanctions—a wholesome public opinion—created and fostered by business itself.

At its annual meeting held four years ago this chamber, in adopting 15 fundamental principles of business conduct, committed itself to self-regulation by business in these words:

"Business should render restrictive legislation unnecessary through so conducting itself as to deserve and inspire public confidence."

This is not a mere phrase, not a mere grouping of platitudinous words expressing pious protestations intended for public consumption but not for practical application. I am convinced that the great masses of successful business men who have adopted as their own this principle of business conduct have done so in the utmost good faith, with the fixed purpose not to stop at subscribing to it but of living it, realizing that it is fundamental to enduring prosperity in business.

Another principle of business conduct, then adopted by this chamber and subsequently by local chambers, trade associations, firms, and individuals throughout the Nation, runs thus:

"The foundation of business is confidence, which springs from integrity, fair dealing, efficient service, and mutual benefit."

And going a step further this Federation of American Business said:

"The function of business is to provide for the material needs of mankind, and to increase the wealth of the world and the value and happiness of life. In order to perform its function it must offer a sufficient opportunity for gain to compensate individuals who assume its risks, but the motives which lead individuals to engage in business are not to be confused with the function of business itself. When business enterprise is successfully carried on with constant and efficient endeavor to reduce the cost of production and distribution, to improve the quality of its products, and to give fair treatment to customers, capital, management, and labor, it renders public service of the highest value."

In adopting these principles American business professed its belief that "the expressions of principles drawn from these fundamental truths will furnish practical guides for the conduct of business as a whole and for each individual enterprise."

These are high professions of strong, farsighted, earnest men. That they then expressed, and increasingly continue to express the firm convictions of the great body of successful business men of this Nation, there can be no doubt. But when we are considering teamwork it is profitable to recall the fundamental rules of the game, which should govern the team irrespective of the numerous elements in its composition.

Business does not exist unto itself alone. Business exists only by reason of what it does for others. It finds its opportunities to continue and to develop only in advancing the welfare and the happiness of all those from whom it buys, those to whom it sells, and those

whom it employs. In the final analysis business deals with human welfare and human happiness. Its function is to find ways of promoting human welfare and of adding to the opportunities for human happiness. Without teamwork that function can not be successfully performed.

In its true significance teamwork among business men contemplates that each man so pursue the task he has set for himself that he will progress by virtue of his own abilities, of his own skill, of his own diligence rather than through placing impediments in the way of others. This principle of business conduct has been proclaimed by this chamber in these words:

"Unfair competition, embracing all acts characterized by bad faith, deception, fraud, or oppression, including commercial bribery, is wasteful, despicable, and a public wrong. Business will rely for its success on the excellence of its own service."

While this is a simple formula, it is not so simple that it operates automatically. There must be teamwork to insure its observance.

Business performs its function by seeking out new methods to reduce costs, by developing new products of ever-increasing utility in commodities and services, and by evolving new methods to advance the common welfare. It is peering into the future, making forecasts of conditions in months and years to come, and backing its forecasts with all it possesses. It does not pause to philosophize about the future; it gathers all that philosophy can offer, all that science can give, compounds everything it can garner from every source, however humble, with all the hard facts of daily experience; and, basing its conclusions upon the product, it acts. Thinking little of the past, scarcely taking note of the present, it is intent upon the future into which it projects itself. That it may gauge the future correctly, it requires more than the cooperation of the public—it must have the confidence of the public. Any disturbance of that confidence, any detriment suffered by the public which will cause a moment's hesitation in the free bestowal of that confidence, withdraws from business the foundation upon which its future must rest.

The times demand straight thinking and frank speaking. They demand that we consider the disturbing evidences of a business atavism, of a throwback to a day of unrestrained individualism; a day of "the public be damned," when men of great business ability with an eye single to their own selfish interest and immediate returns, and without regard to the future, ruthlessly pursued their predatory lusts in a spirit of "after me the deluge!"

The recent conspicuous examples of individuals, prominent in big business, becoming intoxicated with power and involved in transactions tainted with fraud and corruption, violating every principle of sound business conduct, holding themselves above the law, are not peculiar to this day nor to the profession of business. Every generation, every profession, has its unfaithful members. But business, which has lately been defined as "the oldest of the arts and the newest of the professions," must, in order to maintain its professional status and to reap the unquestioned advantages of group action, scrupulously discharge its group responsibilities.

Among these responsibilities is to see to it that the profession of business is purged of those pirates whose acts stigmatize and bring business generally into disrepute. Such individuals, unmindful of their duties to the public, inevitably bring upon themselves and the entire institution of business the thunderbolts of public wrath in terms of legislative and governmental regulation that hamper a legitimate freedom of initiative. Ruthless and selfish initiative must be curbed in the public interest and in the interest of legitimate business.

Just as nations will decline to recognize, as a member of the family of nations, a government committed to destroying the foundations of our civilization; just as the legal profession has taken measures for disciplining and disbarring the "shyster"; just as the medical profession purges itself of the unethical practitioner, so business will decline to recognize as a member of the profession of business, and trade associations will decline to receive into their ranks, or will expel, an individual or an organization that willfully violates the fundamental principles upon which sound business rests, or that persists in ignoring the decencies of business intercourse, and besmatters all business with the slime of corruption or with the muck of unclean practices.

Shall the business community as a whole lose the ground that it has painstakingly and deservedly gained in order that a few—a very few in relation to the vast host engaged in American business—a few who hold themselves above the law, may crash through and demolish the canons of sound business practices? Those canons have been set up by organized business for its self-government, not only for its own protection, but as an assurance to the public that business may be trusted to formulate and enforce its own rules of fair play—its rules of good sportsmanship—and to do and do thoroughly its own housecleaning. If organized business is content to sit supinely by and permit the ruthless few to undermine the sound foundation on which it rests, then indeed does business richly deserve that swift manifestation of public indignation that will surely be visited upon it.

Much has been said and written of late of the betrayal of public trusts by those in high places. All such must be dealt with by the courts and by the voters to whom they are accountable. I have neither the time nor the disposition to deal with them here. The present concern of business is to cast the beam out of its own eye; to purge itself of those corrupters of public servants whose moral turpitude in making possible the betrayal of a public trust is even greater than that of those whom they would debauch; and to put the ban of outlawry upon those who have a contempt for the public interest, those who have a contempt for the government that affords protection to them and to their property, and those who have a contempt for our institutions of justice. Organized business will have the courage and the sound judgment to cast out these defilers of the institution of business both in its own interest and in the interest of the public, which in turn will be quick to brand the offenders with the contempt which they richly deserve.

Leaving all public agents entirely out of the picture, and dealing solely with the shortcomings of its own members, business is here concerned with purging its profession not only of the principal offenders, but of those accessories, either before or after the fact, who, unmindful of the public interest involved and of their duties to the public, are guilty of a suppression of the truth which the public has a right to know.

It is the function of government to deal with crime. But there is a twilight zone between acts which are illegal and criminal on the one hand and acts which are simply unmoral on the other. Those whose conduct falls within this zone, whose acts, while within the law, are repugnant to the public interest, must be branded as social outlaws.

We are here concerned in awakening the seemingly dormant business consciences of many of the stockholders of corporations who, through nonaction, impliedly place the seal of their approval on the acts of their offending agents. All such owe it to themselves, to the profession of business, and to the Government, publicly to repudiate those who misrepresent them. They can not accept the profits flowing from corruption and escape the moral stigma which inheres in such profits. Neither can they permit those who act for them to profit personally through corrupt corporate transactions or shield others who do.

May I remind you that another one of your principles of business conduct provides that—

"Corporate forms do not absolve from or alter the moral obligations of individuals."

Let me also remind you that an established corporation has a personality all its own. It possesses character and individuality. It is a composite of the individuals, whatever their rank or station, who control, direct, or manage it. The character they stamp upon it, the color and form they give it, the life, the force, the spirit they breathe into it—these constitute its soul. Individual responsibility is not lost through corporate action but, on the contrary, is increased in exactly the ratio that the influence exerted through corporate action exceeds that of independent individual action. An enlightened self-interest will prompt the great body of stockholders to delegate responsibilities only to men who realize that while acting in a representative capacity they owe obligations not only to their stockholders but to others—to employees, to the public which they serve, and even to their competitors—which obligations, neither they nor their stockholders can escape through the creation of the legal fiction of an artificial person.

We are concerned in pointing out to the millions of corporate stockholders throughout the land that it is far more important to the permanent success of the institutions in which they have invested that these institutions be managed and directed by clean, upright, just, and able men than that their profits should be abnormally increased.

This chamber is committed to the principle that Government should not enter the realm of business to undertake that which can be successfully performed in the public interest by private enterprise. This principle is politically and economically sound. We are here concerned in pointing out to business men everywhere that this principle is in far less danger from the propaganda of radical agitators than from the members of the business profession who are faithless to their obligations, who break down public confidence, and who provoke Government regulation.

Congressional investigations of particular business activities are sometimes bitterly denounced. Many congressional investigations are of the highest value to the public, including business. The demoralization to legitimate business that sometimes follows in their wake can be largely avoided by organized business doing its own investigating and frankly and fully laying all pertinent facts pertaining to any business affected with a public interest before the tribunal of public opinion. A business which can not stand this acid test is not entitled to prosper. The public, which is entitled to know the facts, will be satisfied with nothing less. Organized business should itself perform this task in its own and in the public interest. Failing to do so, Congress should and will act.

This chamber—the federation of American business—is vitally interested in promoting sound trade but not directly interested in promoting the fortunes of any trader. With an organization membership of more than 1,500 chambers of commerce and trade associations, and an underlying membership of nearly a million business men, its concern is not with any particular business or group of businesses or with any special interest but with business as a whole. Therefore, it is deeply concerned in preventing any special interest taking an unfair ad-

vantage of or collecting an undue profit from business as a whole. It is deeply concerned in ascertaining to what extent there is danger of pooled capital—in the form of an artificial person, clothed by law with the corporate power to engage in every activity in which an individual could engage, of obtaining a strangle hold on the homes, the workshops, the businesses, the communities, and ultimately on the Government of the Nation.

During the World War we had an ugly but expressive word for those who sought to evade the duty the emergency laid upon every citizen. We called them "slackers." Public opinion was swift and sure in its condemnation of them.

"Slacking" did not end with the war. Every member of the profession of business who fails to observe the canons of decency and fair play and good sportsmanship, or everyone who, living up to those canons himself, lacks the courage to speak out in condemnation against that minority which brings business into disrepute, is "slacking" in his duty—in his duty to himself, in his duty to business, and in his duty to the public. And organized business, if it is to continue to deserve public confidence, must brand such "slackers" business outlaws.

As I have indicated, the only prosperity which will endure is a general and an all-embracing prosperity, and the teamwork to achieve it must be a general and all-embracing teamwork between business and labor.

The application of scientific principles to the technique of production and distribution has enormously increased volume and reduced costs. There is every reason to believe that the use of mechanical labor-saving devices will increase progressively, with a constantly decreasing number of employees per unit of production and distribution. The labor released must find, and to a great extent has been able to find, employment by supplying the ever-increasing demands of the constantly rising standards of living.

But much of this released labor can not in the nature of things create its own employment. This is a task for the business engineer, for the enlightened self-interest of business demands that our population have the opportunity for steady and gainful employment. Business can not stop to contemplate with satisfaction the products of its invention, but must press forward to provide for the victims of its invention. Progress means improvements on systems which were impossible to previous generations, and these improvements, in turn, stand in peril of being wrecked by other improvements. It is the task of the business engineer, while pressing on and occupying higher and higher ground in the economy of business, to see to it that he does not leave behind the mangled bodies of those who have made his ascent possible.

The production by labor to the limit of its ability to produce increases the wealth of the world, correspondingly raises standards of living, and adds to consuming power. To the extent that consumption is increased production and distribution must be enlarged, which in turn contributes to the prosperity of business.

But labor can prosper only through gainful employment—steady employment. Irregularity in employment entails not only individual loss and human suffering but economic waste, which works directly to the disadvantage of business as a whole. Here is a problem which calls for the maximum of teamwork between business and labor. It is a challenge to the resourcefulness of the business engineer that production and distribution which have been considered as seasonal be made continuous throughout the year, so that seasonal unemployment with its inexcusable waste and suffering may be relegated to the past.

Business will continue to grow and to prosper and to endure so long, but only so long, as it mounts on its yesterdays as stepping stones to higher things; not on the backs of labor, staggering under the load, robbed of the opportunity of honest and continuous employment, a victim of that progress which would otherwise glorify our generation. Be it said to the everlasting credit of the business engineer that he has accepted the imperious challenge to correlate and harmonize the conflicting forces in commerce, trade, and industry, and will not stop short of providing steady and gainful employment to all seeking it, including those who have been dislocated by the march of progress. Here is presented an opportunity for teamwork between business and labor calculated to produce the maximum of satisfaction and the most enduring prosperity.

There is a German proverb to the effect that when the farmer is prosperous, prosperity is general. Whether this be economically sound or not, certain it is that when the farmer is not prosperous his curtailed buying power adversely affects every class of business. The idea that there is an irreconcilable conflict between the interests of the farmer and that of organized business has been exploded. Waste-breeding war between these two great forces in our national economy is being superseded by productive cooperation and teamwork, increasing the prosperity of both.

We hear so much of the problems of agriculture. There are many agricultural problems, and they vary just as the soil, the climate, the geographical location, the transportation facilities, and numerous other factors affecting agriculture vary from one locality to another. When collectively these many problems affect adversely large agricultural populations throughout the Nation, we have a national problem.

It is the duty and privilege of business men everywhere methodically, systematically, and whole-heartedly to cooperate with organized and unorganized farmers and to assist in finding sound solutions for their problems. In this undertaking the local chambers of commerce already are playing and will continue to play an ever-increasing part, and the national chamber, with the data and material which it has assembled and other information which it has within its reach, is not only willing but anxious to do its full share toward promoting general prosperity through systematically and sympathetically contributing toward solving the many problems of agriculture.

Reference has heretofore been made to a fundamental principle of this chamber—that government should scrupulously refrain from entering any of the fields of industry, commerce, transportation, or distribution, or any phase of business that can be successfully undertaken in the public interest by private enterprise. Firm in that faith this federation of American business stands to-day. But this principle, sanctioned alike by American political tradition and sound economics, in no whit abridges the right and the duty of government to conserve the larger public interest with respect to those private enterprises that are impressed with a public interest. Indeed, this chamber, which is not an organization of "big business," but is a big organization of all business, is profoundly interested in the proper function of government in the legitimate regulation of those private enterprises impressed with a public interest, for experience demonstrates that wholly unhampered and unchecked private initiative may become destructive of the welfare of business as a whole.

Business believes in wholesome competition, but competition is not primitive strife. Business knows that competition may become not the life of trade but in truth the death of the traders. Piracy masquerading as competition is piracy none the less. Ruthless and unbridled individual initiative must be curbed in the public interest, and such legitimate checks and curbs are a proper exercise of the function of government. But business insists that this function be so exercised as neither to become burdensome as to costs nor to paralyze that constructive initiative which is the mainspring of American business.

In this nice balancing of their respective functions is an opportunty for enlightened teamwork between government and business.

In the progress which business has made through trade association activities and otherwise toward organized self-regulation, government is playing, and will increasingly play, an important part. Business can and is prepared in effect to legislate for itself in eliminating unfair, uneconomic, and wasteful trade practices, including all forms of unfair competition. Chief among these are commercial bribery to secure competitive business, the misrepresentation of wares through misbranding or otherwise, the deformation of credit, enticement of employees, the use of financial strength to drive competitors from the market, or any action of any nature whatsoever opposed to good morals because characterized by bad faith, deception, fraud, or oppression. While business men, out of their intimate knowledge and experience of conditions and practices obtaining in their particular trade, are increasingly demonstrating that they have both the foresight and the courage necessary for self-regulation, nevertheless business lacks both the machinery and the power to enforce, save through moral suasion, those rules of self-restraint which it may promulgate in its own and the public interest and discipline such members of a group as may transgress those rules. When the appropriate Government agency has, after full hearing, approved such rules as in the public interest they can and will be enforced.

But in its own interest business, in its self-regulating activities, must be careful not to lean too heavily on government. When a majority of the real leaders in business are not only willing themselves to eliminate unfair trade practices but insist that all members of their group do the same or be branded as "slackers" not only because it pays but because it is right, the effect of their moral influence will leave comparatively little for Government agencies to do.

Trade and the individual trader can not afford to forget that the giver of commercial bribe, as well as the giver of a political bribe, is more despicable than is the debauched recipient. The plea that competition forces the adoption of this and other unfair trade practices can no longer be sustained in view of the ever-increasing success of the experiment of self-regulation by organized business with the cooperation of government. Here team play between members of a trade in cooperation with government furnishes a clean and effective way out. Moreover, such a plea, quite apart from its moral aspect, is economically unsound; for, while a business adopting unfair methods of competition may temporarily prosper, it can not long endure.

This chamber, as the mouthpiece of organized business, is clothed with the duty of assembling and presenting to legislative and other governmental agencies data and information helpful to the Government in applying the principles enunciated through referenda or resolution by the chamber's members. In so doing, organized business is exer-

cising not only a right and a privilege but is discharging a duty which, in a spirit of teamwork, it owes to the Government.

But it is just as important that business should not undertake to usurp the legislative function as that government should not undertake to invade the realm of private business.

We must be mindful of the fact that the Congress of the United States, and other legislative assemblies, are, for the most part, composed of earnest, public spirited, and able men constituting a fair cross section of the public—including business—represented by them. We must be mindful of the fact that they have been designated to act for all of the people in the discharge of the legislative function, and the attitude of business toward them will be one of helpfulness in presenting facts on which to base sound conclusions. But business will neither seek to usurp the functions of government on the one hand, nor, on the other, sit by and decline to assist Government agencies and then criticize whatever they may do. On the contrary, business will do its full part toward stimulating a spirit of teamwork between government and business in the interest of an all-embracing general prosperity.

Thus far we have dealt with teamwork and with prosperity within our own Nation. But America can not, if she would, and would not if she could, live unto herself alone. She is in, and of, the world, with rights and privileges and correlative duties and responsibilities with respect to the world. Just as, applied to our Nation, a prosperity to endure must be general, embracing all classes, achieved through teamwork participated in by all classes, so an international prosperity can not be achieved without whole-hearted teamwork on the part of the business community of all nations. American business has pledged itself to such teamwork. Through its American section, affiliated with the national chamber, it actively participated in organizing and has whole-heartedly supported the International Chamber of Commerce, through which business of all nations meets on common ground to consider, to analyze, and to solve international business problems. These problems will increasingly engage the attention of American business.

In its intercourse with foreigners American business will scrupulously observe the principles of business conduct which it has adopted for its guidance at home, and jealously guard the reputation of American business as a whole, thus establishing and maintaining internationally that confidence which is the foundation of all business.

Our business in foreign countries can not be extended and put on a firm basis by force. While American business is entitled to the reasonable and proper protection of its Government in foreign fields, it is a mistake to enter such fields if force is constantly required for its adequate protection. Rather should the quality of our product, the excellence of the service to be rendered, and the confidence inspired by fair dealing insure to American business a welcome to every land, not for the purpose of exploiting either its natural resources or its peoples but to assist in its growth and development, and to render a service through the fair exchange for its products of whatever America may have to offer.

America is the great creditor nation of the world, notwithstanding which the balance of trade in its favor is constantly increasing! America has in its vaults 45 per cent of the gold of the world! Her standards of living are the highest in the history of the world!

These and similar statements are heard in our countingrooms, at public gatherings, in hotel lobbies at home and abroad, and constantly appear in our press. Well—what of it? Why this constant proclaiming of facts already too well known to our neighbors of other nations? Would it not become us to have more regard for our neighbors' sensibilities? It is true that industry and prudence have combined with circumstances to bring to our country an unusual degree of prosperity; but can it be that we have not the stamina to stand prosperity? Can it be that prosperity and poise can not walk hand in hand? Must not the constant rehearsal and parading of our prosperity prove offensive to our neighbors? Does it not better become us to dwell on the responsibilities to ourselves and to the rest of the world which this prosperity implies, and cultivate an attitude of humility rather than self-satisfied superiority?

America is on trial before the world. How shall we use the leisure which the growth of mechanical power has provided? How shall we use the power which accumulated wealth has placed in our grasp? Does not the answer turn on the degree of intelligence and self-control developed and used by the Nation or the individual, as the case may be? Will America meet this test and, instead of flaunting her prosperity, seriously and with her accustomed efficiency discharge her responsibilities, dedicating her prosperity to service, to the task of making the life of the peoples of the world fuller and freer and more abundant? Is not this America's place on the world's team?

Every individual within the sound of my voice will indorse this message—your message—to the world. While the voice of the individual is weak, the resounding chorus of organized business will be heard throughout our Nation. We all at times become discouraged with the slow processes of group action. Business men as a rule thrive on direct action. But in such moments of discouragement remember that business as a whole is much more progressive than the average business man. Remember that it is only through teaming with his fellows, working for his industry through his trade association, working for his community through his chamber of commerce—nationally through this organization, internationally through the international chamber—that the aspirations of the individual can be realized.

The machinery is at hand. Let us use it to the full.

Will not this chamber at this its sixteenth annual meeting repudiate those whose ruthless methods tend to discredit all business, and reaffirm its allegiance to those sound principles of conduct which beget confidence, upon which to endure all business must rest?

As members of this American federation of business, shall we not pledge ourselves to team play with every element of the community of which we are a part, and with our neighbors of other lands, to achieve an all-embracing prosperity, inclusive of all groups and all classes?

Shall we not dedicate anew our best efforts to the diligent pursuit of the greatest of all vocations—the business of right living—proclaiming to the world that he who would be great among us must become the servant of all?

Resolution adopted by United States Chamber of Commerce, May 11, 1928

GROUP RESPONSIBILITIES

The Chamber of Commerce of the United States declares its confidence in the general integrity and sound ideals of modern business. These are brought into high relief by recent disclosures of individual violation of established business practices.

American business is jealous of its good name, insists upon protecting its professional status by the maintenance of the highest standards, and intends scrupulously to discharge its group responsibilities.

Chief among such responsibilities is that of purging business of all those who indulge in commercial and political corruption and through resort to unclean practices bring business into disrepute and shock the sensibilities of all decent citizens.

The chamber declares that the moral turpitude of corruptors of public servants is even greater than that of those whom they debauch.

The chamber emphasizes its principle of business conduct which provides that "corporate forms do not absolve from or alter the moral obligations of individuals." It maintains that stockholders of corporations owe it to themselves, to the Government, and to the profession of business publicly to repudiate those who misrepresent them. Such stockholders can not accept the profits flowing from corruption and escape the moral stigma which inheres in such profits. Neither can they permit those who act for them to profit personally through corrupt corporate transactions or shield others who do.

The chamber reaffirms its allegiance to the principles of business conduct adopted at its annual meeting in 1924, and particularly does it reaffirm the principle that "business should render restrictive legislation unnecessary through so conducting itself as to deserve and inspire public confidence."

STREET-CAR FARES IN NEW YORK

Mr. COPELAND. Mr. President, we are very much perturbed in New York City over the transit situation. There is a feeling of resentment that this matter has been referred to the Federal courts. I ask to have printed in the RECORD, in connection with these brief remarks, certain resolutions passed by the Board of Estimate and Apportionment of the City of New York two days ago with reference to that matter.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolutions are as follows:

BOARD OF ESTIMATE AND APPORTIONMENT,
CITY OF NEW YORK.

Whereas the city of New York entered into a certain contract with the Interborough Rapid Transit Co. whereby the city leased its transit properties to be managed and operated by that corporation for a fare not to exceed 5 cents; and

Whereas this contract has been in existence for many years, and since its execution the Interborough Rapid Transit Co., through its officials and counsel, has repeatedly referred to this written instrument as a "contract" at every time and place wherein it was a subject of discussion or litigation; and

Whereas this instrument was intended to be, and by the frequent concession of the Interborough Rapid Transit Co., through its officials and counsel, was conceded to be, and actually is and has been, a "contract" without any reservation as to what that term implies; and

Whereas the Interborough Rapid Transit Co. is a corporation organized and existing under the laws of the State of New York and doing business wholly within the jurisdiction of the State of New York; and

Whereas the city of New York as a political unit also wholly within the territory of the State of New York; and

Whereas for the purpose of what amounts to a violation of the aforesaid contract which has been in effect for many years the Interborough Rapid Transit Co. has now invoked the jurisdiction of the United States Federal court; and

Whereas the said United States Federal court has assumed jurisdiction in this matter and prevented the issues therein being determined in the

State court, and has handed down the unanimous decision which, in effect, permits the Interborough Rapid Transit Co. to violate one of the fundamental terms of the aforesaid contract that has been in force and effect for a long period of time: Now therefore be it

Resolved, That the Board of Estimate and Apportionment of the City of New York, acting on behalf of over 6,000,000 people residing within the boundaries of the said city, memorialize the Congress of the United States, respectfully petitioning that body to enact such amendment or amendments to the law as will prevent the continuance of the practice resorted to by the Interborough Rapid Transit Co., and in particular that section 380 of the Federal Judicial Code be limited so as not to apply to a case where both parties are residents of the same State unless and until it is shown to the Federal court that the parties to the action could not obtain justice by recourse to the State courts; and be it further

Resolved, That the board of estimate and apportionment call upon the people of New York City to communicate with their Representatives in the national legislative body, urging upon them the need of immediately enacting such legislation that will insure the inviolability of contracts.

Indorsed: A true copy of resolution adopted by the board of estimates and apportionment May 10, 1928.

JOSEPH F. HIGGINS,
Assistant Secretary.

WOMEN'S INTERNATIONAL LEAGUE OF PEACE AND FREEDOM

Mr. BLEASE. Mr. President, I ask permission to have inserted in the RECORD an article from the Washington Eagle relating to an article which was, at my request, printed in the RECORD on March 21, 1928, at page 5094.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

[From the Washington Eagle, Friday, May 11, 1928]

RACE REPRESENTATIVE ATTENDS WILLARD HOTEL DINNER

Neval H. Thomas, president of the National Association for the Advancement of Colored People of Washington, and member of the national board of directors, attended the annual banquet of the Women's International League of Peace and Freedom at the New Willard Hotel on Friday evening. This is the same group that fostered the Villard dinner some weeks ago at the Hotel Washington. The colored readers of the Nation were refused admission when these ladies were arranging the contracts for the Nation dinner by the Mayflower, and the organization declined to hold the function there or to make it the headquarters of their national convention here this week. By this high ground that these women are taking the Mayflower lost thousands of dollars.

At the banquet of the national gathering held there on Friday, Jane Addams spoke and presided. Senator DILL, of Washington State; Representative HAMILTON FISH, Jr., and Horace Knowles, former minister to Santo Domingo, spoke on the Caribbean situation. Mr. Knowles, an authority on our relations with South America, paid glowing tribute to the genius of the Haitian Republic, and spoke in eloquent and bitter condemnation of our conquest of Haiti. When he said, "I have associated with the black statesmen of this black Republic. They are trained in the universities of Europe, and are as able and cultured as the best white statesmen in our own country," the vast banquet hall simply roared with prolonged applause.

PRISON-MADE GOODS

Mr. BLEASE. Mr. President, I ask to have printed in the RECORD and to lie on the table a letter addressed to me by W. R. Bradford, of Fort Mill, S. C., a member of the board of directors of the South Carolina Penitentiary; also a letter addressed to me by William H. Jones, president of the Jones School Supply Co., of Columbia, S. C.; a letter addressed to me by E. R. Cass, of New York City, N. Y., president of the American Prison Association; and a letter addressed to me by John L. Moorman, president of the board of trustees of the Indiana State Prison, Michigan City, Ind., relative to the so-called Hawes-Cooper prison labor bill, introduced in the Senate by the junior Senator from Missouri [Mr. HAWES].

There being no objection, the letters were ordered to lie on the table and to be printed in the RECORD, as follows:

THE FORT MILL TIMES,
Fort Mill, S. C., March 9, 1928.

Hon. COLE L. BLEASE,
United States Senate, Washington, D. C.

DEAR SENATOR BLEASE: I am inclosing herewith a letter addressed to you relative to the proposed Hawes law against prison-made goods being sold in certain States. Macaulay tells me that you are opposed to the bill; but it occurred to me that it might help a little if one of the directors of our penitentiary would write you his views with the view of asking you to have the letter inserted in the RECORD. I don't know whether I have written anything worth printing in the RECORD or not. I hope it is no worse than some other matter the RECORD carries. For certain reasons I shall probably print the letter in the Fort Mills Times this week, unless you object, since it is addressed to you. If you can see your way clear to have it printed in the RECORD and will wire me to that effect either Tuesday or Wednesday, I shall be obliged and grateful to you. In the wire I should like to have you say when the letter will be printed in the RECORD. I have seen two or three similar letters in the RECORD concerning the Hawes bill. * * *

If I can serve you in any way I shall be pleased to do so. It may be I will be in Washington next Friday and Saturday, and if I am I shall call at your office to speak to you.

Very respectfully yours,

BRADFORD.

FORT MILL, S. C., *March 9, 1928.*

Hon. COLE L. BLEASE,
United States Senate, Washington, D. C.

DEAR SENATOR BLEASE: As a member of the board of directors of the South Carolina Penitentiary, I am taking the liberty of writing you with reference to the Hawes bill, now pending in the Senate, which provides that prison-made goods shall not be sold in certain States of the Union. I urge that you give this bill your earnest consideration and that, if possible, you use your very great influence to prevent its passage.

The purpose of the Hawes bill, I am informed, is to prevent the sale of goods made in prisons in such States as now have, or may hereafter enact, laws proscribing the sale within their borders of such goods. I believe that the passage of the Hawes bill will ultimately destroy the market for the furniture we manufacture at our penitentiary, as it will ultimately destroy the market for the articles manufactured at the other State prisons of the country.

I was fortunate enough to be able to attend a meeting of the Interstate Commerce Committee of the Senate a few days ago held to give opponents of the bill an opportunity to be heard. At the meeting the statement was made that the principal proponents of the bill were the American Federation of Labor and the Federation of Women's Clubs. The statement should be investigated. The American Federation of Labor, it was claimed, has a membership of 5,000,000 people, all committed to the passage of the bill. The claim may or may not be true. It is probable that it is not true. Likely enough some central body of the American Federation of Labor has gone on record as favoring the passage of the bill. Then the word is put out to influence Members of Congress who have not the time to investigate the accuracy of the claim that the great labor body is solidly behind the bill and, incidentally, will have fault to find with Members who do not support it when the time comes for their reelection. I dare say there are hundreds of local unions affiliated with the American Federation of Labor which are in no wise interested in the passage of the Hawes bill. Indeed, it is not unlikely that many of the local unions never heard of the bill. Nevertheless, we are told that organized labor is a unit for its passage.

A similar claim is set up as to the attitude of the Federation of Women's Clubs toward the bill. A meeting of representatives of the women's clubs is held in Washington City, at which a resolution is passed indorsing the Hawes bill. Then the Interstate Commerce Committee is told that the Federation of Women's Clubs is behind the bill and is demanding its passage. This statement is bunk. By and large, the women's clubs of the country know nothing about the Hawes bill, and care less about it. The women's clubs of South Carolina—and there are hundreds of them here. too many for the good of some homes represented in them—like the women's clubs of the other States, are not interested in this bill and have not gone on record as favoring it. I do not believe that the Hawes bill has ever been considered in a single woman's club in the whole State of South Carolina.

So much for the alleged attitude of organized labor and the women's clubs toward the bill, to say nothing of other interests seeking its passage from the private gain point of view.

Many good reasons can be urged, and ought to be urged, it seems to me, against the passage of the bill. Of course, I am immediately concerned with the effect the bill, if enacted into law, will have on our penitentiary in South Carolina. To-day we have something like 400 prisoners in our penitentiary. Most of these prisoners work in the furniture factory at tasks they are able to perform. None of them are subjected to hardships in connection with their work, and most of them are paid a bonus for good work. All are well fed, well clothed, and humanely treated in every way. The State, in consequence of its considerate treatment of the prisoners, makes a profit on the furniture produced in the factory. The furniture is not sold at cutthroat prices as some claim is the case with all prison-made goods. If we are forced to close our furniture factory under the Hawes bill, what sort of employment shall we find for the prisoners who work in the factory, and what sort of employment shall we find for the 75 other prisoners who work on our cotton farms? If we are prohibited from making furniture to be sold in interstate commerce, we may be expected to stop raising cotton which finds its way into articles now sold outside the State. Certainly it seems reasonable to conclude that we would not be allowed to sell prison-raised cotton in any State coming under the operation of the Hawes law. And if we are not allowed to sell our

furniture or cotton under the Hawes law, who can think of an article our prisoners might manufacture or produce which would not be similarly proscribed? Anything that might be produced by prison labor will come into competition with free labor.

If it is reasonable for Congress to say to South Carolina that South Carolina shall not sell its prison-made goods in other States, why is it not also reasonable for Congress to say to this State that the building of good roads with prison labor must stop in this State because it would be better to build the roads with free labor and because the roads these prisoners build are used in interstate commerce? Which would mean idleness for the 1,500 county prisoners in the State.

We shall be hard pressed to find employment, we fear, for our prisoners if the Hawes bill becomes a law. The people of this State will rebel against paying taxes to provide for the upkeep of idle prisoners, with the effect that it will discourage convictions in our courts.

While Congress is considering the plea of those who are seeking to have the Hawes bill become a law, it ought not to be too much to hope that Congress will also consider the interest of the large number of prisoners in the country and the millions of citizens who do not want such a law. Not one of the 48 States in the Union, so far as I am informed, has appealed to Congress through its governor or through its legislature to pass the Hawes bill.

If Congress is ever to reach a stopping place in encroaching on the rights of the States, it seems to me that the Hawes bill offers a good stopping place.

Very respectfully yours,

W. R. BRADFORD.

COLUMBIA, S. C., *March 24, 1928.*

Hon. COLE L. BLEASE,
United States Senator from South Carolina,
Washington, D. C.

DEAR SIR: This is in reference to Hawes bill S. 1940 relating to prison-made goods. We wish to express ourselves as being opposed to this bill.

This bill seeks to divest prison-made goods of their interstate character. It will ultimately mean the several States going into the manufacture of everything used by institutions within the State, thus competing with outside labor and ultimately destroying enterprises that go to support and make possible the existence of the State itself.

I have made a study of this bill and believe that it will prove harmful to both labor and to industry. I shall greatly appreciate it if you will consider voting against it when it comes up for passage.

Respectfully yours,

WM. H. JONES,
President Jones School Supply Co.

THE AMERICAN PRISON ASSOCIATION,
OFFICE OF THE PRESIDENT,
New York, April 2, 1928.

Hon. COLEMAN L. BLEASE,
United States Senate, Washington, D. C.

MY DEAR SENATOR BLEASE: I note your interest in the prison labor bill introduced by Senator HAWES, of Missouri. Inclosed herewith is a general statement on the prison labor problem, prepared by me, and presented at the time of the National Crime Commission conference in Washington, the early part of November. Since you are interested in the pending legislation, I think you will want to give this your earnest consideration.

The need for providing employment for the inmates of penal and correctional institutions is one of the serious problems confronting the administrators of those institutions. Usually legislation having as its purpose the curtailing of the movement of the products of prison labor does not give any assurance of continuing what little employment now exists in the various institutions throughout the country and does give indication that the deplorable and demoralizing idleness among the inmates in those institutions will increase.

I hope that the inclosed pamphlet will give you a well-rounded picture of the prison-labor problem, and thus aid you in your discussion of Senator HAWES's bill.

If you can use several of the pamphlets we shall be glad to send them to you.

Very truly yours,

E. R. CASS, *President.*

INDIANA STATE PRISON,
Michigan City, Ind., March 30, 1928.

Senator COLE BLEASE,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I notice where you have uttered some protest against the passage of the prison labor bill introduced by Senator HAWES, of Missouri, and Representative COOPER, of Ohio. It was my privilege to appear before the Interstate Commerce Committee of the Senate and the Committee on Labor in the House in opposition to the passage of this measure. Before the Senate committee I made the remarks which you will find printed in the inclosure. This pamphlet gives my ideas on prison-labor problems after long years of practical study in connection with the Indiana State Prison, located at Michigan City.

As Senator HAWES says, this measure has passed the House two or three times, and has been as far along in the Senate as it now is. As an officer of the State prison I have repeatedly appeared before the various committees in Washington in opposition to this measure in some form or another. I have no personal interest in the matter, except as a citizen of the State and as an officer of this institution. It has been my observation for many years past that the proponents of measures of this type profess to represent union labor, manufacturers' associations, and women's organizations. I have never heard them say they represented the prisoners or their dependents or the taxpayers of the various States who are directly concerned financially in the upkeep of the prisons. To me it looks like a selfish proposition, so far as the union labor or manufacturers' organizations are concerned. Women's organizations seize upon the prison problems as a sort of fad, and they allow themselves to be used in support of a cause about which they know nothing for sure.

Union labor and manufacturers make a mountain out of a mole hill, so far as prison labor is concerned as being in opposition to them. Statistics show that goods manufactured within prison walls or by prisoners represent only one-twentieth of 1 per cent of goods produced beyond the walls. Senator HAWES comes from a State which makes many shoes. I presume the shoe industries strongly urge him to support such a measure, and he responds to the call of his constituents. In the State of Ohio union labor caused to be enacted some very drastic prison laws some few years ago, and is doing great damage to the penal institutions of that State. More than half of the prisoners of that State are idle and the prisoners are maintained at a heavy cost to the taxpayers.

Governor Donahey is opposed to this bill, or anything of the kind, yet Mr. COOPER of Ohio advocates the passage of this bill. I presume he, too, is under the sway of union labor.

As a citizen and a taxpayer I can see no earthly excuse for the enactment of this measure. It could gain so very little for union labor or manufacturers, but at the same time it could do very great damage to the taxpayers and to the dependents of prisoners and to prisoners themselves. I appraise this bill as only an enabling act. It would merely serve as a stepping-stone for organizations in various States to force through restrictive legislation. In my solemn judgment inside of 10 years not a prison in the land would be near self-sustaining, but, on the other hand, idleness would be the rule. In the States of the South that produce sugar and cotton with prison help such restrictive legislation as this would be destructive. In my State, where we manufacture chairs, binder twine, clothing, signs, tinware, etc., we would be shut out of the markets in the general fields. Our State could not any way near consume such products as our institution would make along these lines. We would be compelled to diversify our industries at a great expense, and I fear it would be at no profit if we are compelled to sell all our goods within our own State.

In 10 years' time the population of my State has increased almost 200 per cent. We are constantly making room for more prisoners, and the stream flows on toward our doors with ever-increasing volume. If the Government could do something to reduce crime it would be much better than to do something to harrass and distress prison officials who are charged with the ever-increasing colony of criminals.

I was told at Washington recently that both the Senate and the House favored the passage of this bill. Just why they favored it they did not say. To my way of thinking, it is done for the simple and sole purpose of favoring certain organizations with a view to gaining votes in the coming elections. If prisoners or prison officials were as powerful politically as organized labor or manufacturers' organizations or women's associations, I do not believe any Member of Congress would think of introducing such a bill. Prisons are the football of designing politicians, of fad-following women's organizations, and the like can say anything they please about a prison and there is no comeback.

I want you to know, Senator, it is a distressing situation, viewed from the standpoint of men who are charged with the control of these penal institutions. We are expected to conduct them along proper lines and at as small a cost to the State as possible, with very rare encouragement from lawmaking bodies. On the other hand, we are compelled to defend ourselves against these bodies.

Even in my own State bills were introduced at the last session of the legislature which, if enacted into law, would have certainly closed down the industries in this place. I do not know what is coming over the people. A statesman once said, "Laws are not made; they are discovered." Now, if any man can discover a single reason that will stand the light of day for a moment for the enactment of the Hawes-Cooper measure I would be very glad indeed to see it.

When Congress wants to find out something about the tariff question or some other question they call in people who are familiar with the facts and make a thorough investigation. It was not so with the prison-labor question. If some of us had not been on the watch

we would not have known when the hearings were had, especially in the Senate. Why do they not call upon prison wardens and men who are interested in the control of prisons and get their attitudes upon the subject fairly and honestly before they write any new laws?

My dear Senator, I hope I have not bored you by this long letter. I am very full of this subject and have given years of my life in an effort to better prison conditions. I sometimes feel very bitter when I am compelled to listen to the arguments men and women produce in favor of restricting labor within prison walls. I can only hope that you will have splendid success in your opposition to the Hawes-Cooper bill. If I come to Washington any more this season I would like the privilege of calling upon you at your office.

Yours very truly,

JOHN L. MOORMAN,
President Board Trustees, Indiana State Prison.

CIVILIAN ASSISTANTS, OFFICE OF GOVERNOR GENERAL, PHILIPPINE ISLANDS

Mr. BINGHAM. Mr. President, there is on the calendar, and has been for a long time, a bill providing for the employment of civilian assistants in the office of the Governor General of the Philippine Islands and fixing the salaries at certain figures. It is Calendar 396, Senate bill 2292, introduced by the late Senator Willis. A similar bill was introduced in the House by Congressman KIESS. I presume nearly every Senator has received certain communications from Manuel L. Quezon, president of the Philippine Senate, and a letter in regard to the bill in opposition to it. I ask that there may be printed in the RECORD a letter from the Secretary of War inclosing a cablegram recently received from Governor General Stimson in regard to the statement of President Quezon; and also an article from the Mindanao Herald of March 24, 1928, written by Governor General Stimson himself, in which he gives his reasons for asking for the passage of the bill.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter and article are as follows:

WAR DEPARTMENT,
Washington, May 9, 1928.

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

DEAR SENATOR BINGHAM: The following cablegram has been received from Governor General Stimson to-day:

"Reference Quezon statement there is absolutely no evidence in attitude insular press or of people toward me of alleged evil effect of pendency Willis-Kiess bills. My advocacy of bills was well known before my arrival and repeated in formal statement by me 10 days after arrival explaining purpose of bills. This received with friendliness even by portion of press opposed to bills. This friendliness and cooperation with my administration has steadily increased ever since. My opinion cooperation with me will not be jeopardized by passage of bills, but may be seriously jeopardized by their failure, showing lack of support at home. On the other hand, experience shows even more clearly the necessity of nonpolitical inspectors and assistants provided by bill. Charges of malfeasance, oppression, and fraud in some portion insular, provincial, or local governments are matters of almost daily occurrence, and in most cases complainant requests me to make personal or American investigation charging ordinary Filipino official investigating agencies with political bias. While most of such charges unfounded, there are many cases where a thorough nonpolitical investigation absolutely imperative; this need will inevitably increase with development of autonomy, which I propose because the increased powers and responsibilities which I am giving to the department heads requires corresponding ability on my part to check up the exercise of such powers. The Willis bill, thus, instead of being a backward step, is indispensable to progress in self-government. At present have absolutely no such investigators available except so-called military staff and one or two officers Philippine constabulary. Action by Congress and not Philippine Legislature necessary because latter action would necessitate either confirmation such assistants by Philippine Senate or their appointment by the Secretary of War. Passage second bill for governor's non-Christian Provinces equally important, though not so immediately pressing. It is not true that Philippine Senate will readily confirm American governors. Nomination of Governor Early, the most outstanding and successful of such governors, was held up nearly two years and finally confirmed only under emotional reaction caused by General Wood's death."

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

[From the Mindanao Herald, March 24, 1928]

"SUPERVISION AND CONTROL"—GOVERNOR GENERAL STIMSON EXPLAINS HOW KIESS-WILLIS BILL WILL ASSIST IN MORE RAPID EXTENSION OF AUTONOMY

There has been a great deal of misunderstanding in the Philippines regarding the intent and purposes of the proposed Kiess-Willis bill now before Congress for action. Politicians have tried to convince the people that it is a pernicious measure designed to curtail autonomy and set up the Governor General as an absolute czar. Nothing could be further from the truth. The bill merely clarifies the original intent of the Jones law, and empowers the Governor General to exercise that "supervision and control" over the gradual development of autonomy in the government which is essential to success. Colonel Stimson has issued a straightforward statement, giving his reasons for urging the passage of the legislation, which should put a quietus to the bogey-man propaganda. The statement follows:

"A member of my cabinet has suggested that a statement of my views on the Kiess-Willis bill would relieve apprehension and misunderstanding here. It appears that there is fear lest I will create a supercabinet in case the bill is passed or interfere with the development of responsibility and autonomy among the present department heads. No greater mistake could be made.

"The Kiess bill contemplates two classes of appointments by the Governor General: First, technical advisers; and, second, assistants to perform duties of investigation for him. The need for the first is becoming more evident every year. In my inaugural address I alluded to the necessity of stimulating economic development in these islands. During the past 40 years the Philippines have failed to make the progress which their friends have desired in the diversification of their agriculture. In some respects it may even be said that they have been approaching a one-crop development. Forty years ago they lost the cultivation of coffee, which had previously been an important crop, but, unlike Java, which suffered the same loss at the same time, they have never restored that crop.

"To-day there is reason to believe that their monopoly in hemp is threatened, both by disease and by the cultivation of substitutes in other competing countries. While other industries have to some extent been introduced, I think all friends of the islands will agree that the progress and development of a wide and diversified agriculture has not been as rapid or energetic as our needs demand, and to-day we are too much dependent upon the prosperity of our chief crop—sugar.

"It is my intention, if granted the financial resources provided in the Kiess bill, to use a portion of it in the employment of the best possible advisers, both for advice on the kinds and methods of crops and industries needed, and also as to the financial methods necessary for the safe encouragement of such new crops. I feel keenly my need of such advice, and believe that any Governor General in my position would feel his own needs as I do. Such advisers would not be permanent appointees; they would not become a part of a permanent staff; they might not even be appointed on full time.

"They would be sought for in all places and under all conditions where the best men could be found to do a specific work or make a specific report, and would leave when that work was done. It is clear that special provision must be made for such employment, and that it can not be left to the routine of the permanent civil staff of the islands.

"The other class of assistants contemplated by the act are men to perform special investigation for the Governor General in the exercise of his duties of 'supervision and control' under the Jones law. But in this there is no intention of interfering with regular department inspection and supervision. The Department of the Interior has an executive bureau which regularly performs such work, and has done it very well in the past.

"Every department head will be expected to rigidly supervise and inspect his department in the future and will be held responsible for it. But your own law, in section 64 of the administrative code, imposes upon the Governor General the duty of making 'when in his opinion the good of the public service so requires an investigation of any action or the conduct of any person in the Government service.' Past history has abundantly shown the value and necessity of such special investigation, and the department heads upon whom rests the duty of regular and normal inspection would be the first to recognize the importance of these special investigations and to admit that cases frequently arise which can be handled only in that way, and for which routine departmental investigation does not offer a sufficient remedy.

"Indeed, the further we proceed in cultivating autonomy in the departments and imposing upon their heads responsibility of supervision in their own departments, the more important it is that the Governor General should be possessed of the necessary machinery, like his eyes and ears, to keep him informed how that autonomous development is working. The more freedom he allows to his department heads in making their daily decisions the more necessary is it for him to be able to inform himself when occasion arises how that trust has been carried out. Otherwise his responsibility of 'supervision and control' under the Jones law might be entirely defeated by ignorance of the actual workings of the Government.

"There is nothing in the proposition to appoint these two classes of assistants to the Governor General which is at all unusual. Such technical advice is provided for in the laws of most of our American States, including, as I happen to know, my own State of New York.

"It is my purpose, if granted the means by the passage of the Kiess bill, to devote a portion of it to the employment of the most competent

and trustworthy men for the making of such investigations. No other consideration than fitness would enter into those appointments. It would be my aim to employ for that purpose both Filipinos and Americans, wherever men of the requisite fidelity and intelligence can be secured.

"Now, the reason of having this provision made by the Congress of the United States in the form of an amendment to the Jones Act, and not by the Philippine Legislature, is simply this: All of these appointments, as I have pointed out, must be made upon the basis of merit and fitness alone; politics must not enter into their selection. They must be solely responsible to the Governor General, because they are acting as his eyes and ears in performing one of his most sacred duties imposed upon him by the Jones law. Provision can not be made for such appointments by the Philippine Legislature unless they are either subject to confirmation by the Philippine Senate or appointed by the Secretary of War in Washington, as was provided by the recent appropriation vetoed by Governor Gilmore.

"Neither of these methods would meet with entire satisfaction the requisites of these appointments. Confirmation by the Senate would inevitably introduce political consideration. Appointment by the Secretary of War, in Washington, even under the best of circumstances and the most cordial cooperation between the Secretary of War and the Governor General, would diminish the personal responsibility of the Governor General, and might tend to introduce foreign considerations to appointments which should be made solely with reference to the need here in the islands.

"Therefore, while I shall not reject any assistance which might be offered me by the insular legislature and shall regard their willingness to make such appropriation as a fine gesture of good will, in my opinion it would not be as effective for the purpose which I believe we all unite in desiring, as if it were made by an amendment to the organic law by the Congress of the United States.

"It has been my hope that consideration of these facts and circumstances, which seem to me to govern the situation, will gradually lead those who have feared or opposed the new Kiess bill (which, by the way, is an entirely different, and in my opinion much more favorable bill to the islands than the old Kiess bill) to withdraw their opposition and assist in the working out of the common purpose which has for its object solely the benefit of the islands and the development of an efficient and autonomous government."

MOTHERS' DAY

Mr. NEELY. Mr. President, for more than 19 centuries mankind has had three unfailing sources of inspiration to heroic efforts, great accomplishments, and sublime achievements. For more than nineteen hundred years the three words that represent these ever-flowing fountains of inspiration have charmed the ears, brightened the hopes, and thrilled the hearts of all the children of men. They have incited the genius that has produced the most exquisite pictures ever painted, the most beautiful poems ever written, the most melodious songs ever sung—songs, poems, and pictures that have given us sunshine for our shadows, joy for our sorrows, smiles for our tears, and intimated to us the endless bliss of immortality in that "realm where the rainbow never fades," where no one ever grows old, where friends never part and loved ones never, never die.

These three mighty, magic, and inspiring words are "Jesus," "Home," and "Mother."

The first of them impelled Charles Wesley to write:

Jesus, lover of my soul.
Let me to thy bosom fly;
While the nearer waters roll,
While the tempest still is high.

All my trust on Thee is stayed;
All my help from Thee I bring;
Cover my defenseless head
With the shadow of thy wing.

Hide me, O my Saviour, hide,
Till the storm of life is past;
Safe into the haven guide,
O receive my soul at last.

What unspeakable consolation born of boundless faith in the everlasting Father's imperishable love for His erring children is revealed in this beautiful hymn. Its music, "like a sea of glory, has spread from pole to pole."

The second of our magic words prompted John Howard Payne to compose that deathless song that has been sung and played around the world. Millions of weary wanderers on foreign strands have been transported upon the wings of imagination back to the romantic scenes of their childhood, to the picturesque paths which their infancy knew, to the happy days of the long ago by that soothing symphony of sublime sentiment:

'Mid pleasures and palaces though we may roam,
Be it ever so humble, there's no place like home;
A charm from the sky seems to hallow us there,
Which, seek through the world, is ne'er met with elsewhere.

Home! home! sweet, sweet home!
Be it ever so humble, there's no place like home.

And the last of this tranquilizing trinity of wondrous words, with the stirring force of the celestial muse of Isaiah, impelled Elizabeth Akers Allen to write the following pathetic, appealing, and rapturous poem that is destined to live until the everlasting hills, "the vales stretching in pensive quietness between," and "old oceans gray and melancholy waste," shall be no more:

Backward, turn backward, O Time, in your flight,
Make me a child again just for to-night!
Mother, come back from the echoless shore,
Take me again to your heart, as of yore;
Kiss from my forehead the furrows of care,
Smooth the few silver threads out of my hair;
Over my slumber your loving watch keep,
Rock me to sleep, Mother, rock me to sleep.

Backward, flow backward, O tide of the years!
I am so weary of toil and of tears—
Toil without recompense, tears all in vain,
Take them and give me my childhood again!
I have grown weary of dust and decay,
Weary of flinging my soul-wealth away;
Weary of sowing for others to reap;
Rock me to sleep, Mother, rock me to sleep.

Mother, dear mother, the years have been long
Since I last hushed to your lullaby song.
Sing then, and unto my soul it shall seem
Manhood's years have been only a dream.
Clasped to your breast in a loving embrace,
With your light lashes just sweeping my face.
Never hereafter to wake or to weep—
Rock me to sleep, Mother, rock me to sleep.

Kings and potentates and parliaments have proclaimed holidays, thanksgiving days, and emancipation days for observance by the people of various kingdoms and countries and states. But Miss Anna M. Jarvis, a distinguished woman of West Virginia, has established Mothers' Day in the love, in the devotion, and in the throbbing heart of the humanity of all the world.

To-day we venerate the sacred name and memory of mother. We laud the virtue, extol the spirit of self-sacrifice, and eulogize the loving kindness of every mother living; and in imagination, with bowed heads, grateful hearts, and generous hands lay new wreaths of the freshest, the fairest, and the most fragrant flowers upon the graves of all the mothers who have gone from the fitful land of the living into the silent land of the dead. In this hour of sober and serious reflection we realize that everyone who treads the globe owes his birth to the unspeakable agony of a mother. From mother's breast the baby first was fed. In mother's arms the baby first was lulled to sleep. Mother, in the twilight hour of baby's existence, breathed the fervent prayer:

That He who stills the raven's clamorous nest,
And decks the lily fair in flowery pride,
Would, in the way His wisdom sees the best,
For her darling child provide; but chiefly
In her loved one's heart, with grace divine preside.

Then, as the days grew into the months and the months lengthened into the years, mother's life became a continuous round of solicitude, service, and sacrifice for her child.

Mother's hands made the first dress that baby ever wore. Mother's deft fingers made playthings for the little one that filled his eyes with wonder and his heart with joy.

A splinter in baby's finger, a briar in baby's foot, or a bruise on baby's toe became an affliction of such momentous consequence that only mother could heal it; only mother could banish its ache; only mother could exile its pain; only mother could smile away the tears it caused to flow down baby's cheeks.

And a little later mother, like an inexhaustible encyclopedia of universal knowledge, informed her baby about the birds and the beasts and the flowers and the trees. She discussed with him the cause of day and night; of winter's storm and summer's calm; the mysteries of the earth and sea and sky. She

explained as best she could the marvels of the sun and moon and stars and the grandeur of the far-off Milky Way.

And the little one at night upon his knees, at mother's side, with mother's hand upon his head, learned to say in the lisping accents of childhood:

Now I lay me down to sleep,
I pray the Lord my soul to keep,
If I should die before I wake,
I pray the Lord my soul to take.
And this I ask for Jesus' sake.
Amen.

Thus from the day of the birth of her babe, "toiling, sorrowing, rejoicing, onward through life mother goes," generously giving the best of her thought and energy and effort and life to make of her child a successful, useful, and righteous woman or man.

But until—

The stars are old,
And the sun grows cold,
And the leaves of the judgment book unfold—

No one will ever know the full measure of service the mothers of earth have constantly rendered their children.

The following touching story illustrates the fact that the average mother is ever ready to sacrifice as sublimely for her children as the mother pelican is said to sacrifice for her young by feeding them the lifeblood from her breast:

A poverty-stricken Italian woman was by the death of her husband compelled to work hard in a "sweatshop" to support her three little children. A humane organization learned that this unfortunate woman was in the last stage of consumption and endeavored to take her from her task. But she resisted and continued to work until she died of a hemorrhage. During this martyr's last moments some one inquired of her why she had worked so hard and so long. And she gasped, "I had to work to get the grub for the kids."

Greater love than this has no woman shown. She laid down her life for her children.

Just such love as this poor, dying Italian woman had for her children every other mother has for her own.

In token of our appreciation of the great boon of maternal devotion which we all enjoy, or have enjoyed in the days gone by, let us habitually exalt the name, commemorate the memory, and sing the praises of our mothers, and let us devoutly beseech our Heavenly Father to love them and keep them, and shower His richest blessings upon them forever and forever.

O mother, thou wert ever one with nature,
All things fair spoke to my soul of thee;
The azure depths of air,
Sunrise and starbeam, and the moonlight rare,
Splendors of summer, winter's frost and snow,
Autumn's rich glow, bird, river, flower, and tree.

Mother, thou wert in love's first whisper,
And the slow thrill of its dying kiss;
In the strong ebb and flow of the resistless tides of joy and woe;
In life's supremest hour thou hadst a share,
Its stress of prayer, its rapturous trance of bliss.

Mother, leave me not now when the long shadows fall athwart the sunset bars;
Hold thou my soul in thrall till it shall answer to a mightier call,
Remain thou with me till the holy night puts out the light,
And kindles all the stars.

Mr. HEFLIN. Mr. President, I have listened with profound interest and pleasure to the beautiful and magnificent speech just made by the Senator from West Virginia. I would that every person in America could read that speech.

He referred to Miss Annie Jarvis, of Philadelphia. I remember that 16 years ago she came to Congress leading the movement to establish Mothers' Day. She lived in Congressman Hampton Moore's district. He told her to see me and request me to offer a resolution creating Mothers' Day.

We talked over the matter, and I told her that I should be glad to render any assistance I could; and I introduced a resolution naming the second Sunday in May as Mothers' Day. My resolution passed the House. The able and distinguished Senator from Texas [Mr. SHEPPARD]—who has always been on the side of the good mothers of the country and the homes of America, and on the right side of every moral question—took charge of my resolution when it reached the Senate, and it passed this body. President Wilson approved it, and the great commoner, William Jennings Bryan, proclaimed it as Secretary of State.

The second Sunday in May has become a fixed institution in America. On that day, under my resolution, the flag is to be unfurled upon all public buildings of the land, and above the homes of the people in America; and that flag was never used in a more beautiful and sacred cause than when flying above that tender, gentle army, the mothers of America.

A poet has said, beautifully:

The greatest battle that ever was fought—
Shall I tell you where and when?
On the map of the world you will find it not;
It was fought by the mothers of men.

That is true, Mr. President.

Another poet has said:

The world at times has beat me back
In battles I have fought;
Not always has the god Success
Touched tasks in which I wrought.

Full oft has fortune dealt a blow
Instead of bent to bless;
And heartaches followed close upon
The heels of happiness.

And often, when a solemn woe
Of grief my heart intoned,
And often when my spirit writhed
And all my nature groaned.

There stole refrains that softened pain
Not phrased by mortal tongue
But born of memories old and sweet—
The songs my mother sung.

When she took me in her arms
And gently stroked my hair,
And bore me with her down to sleep
In that old bye-bye chair.

And he who, harking back to youth,
Goes forth and nobly tries
To color life to match the light
That shines from mother's eyes—

He'll not pride his faltering feet
Upon the race they've made,
But search his heart, and bless the part
That mother love has played.

He'll walk adown the ways of life,
And in his daily prayer
Thank God that all his best was born
In that old bye-bye chair.

Mr. LOCHER. Mr. President, I ask unanimous consent to have printed in the RECORD the proclamation of the Governor of Ohio designating Sunday, May 13, as Mothers' Day.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

EXECUTIVE DEPARTMENT, STATE OF OHIO,
OFFICE OF THE GOVERNOR,
Columbus.

MOTHERS' DAY PROCLAMATION

The great awakening of nature, the season of spring, with its unfolding of all life from the sleep or shelter of winter, is again rejuvenating the hearts of all mankind. All around us we witness renewed activities in all realms for the advancement of human welfare and happiness.

It is natural that this season should stir us to worship the origin of all—God, the Creator of the universe—and inspire us to reverence for the mothers of the human race. We, in our individual and finite minds, trace our beginning to the heart of a noble being we know as mother.

Through infancy, youth, and maturity it is mother to whom we look for guidance, for understanding, for encouragement. It is she who inspires us to achievements and consoles us in misfortunes. Womanly intuition and insight, more than any other agency, has helped man over the rough and ragged places of life. All others may lose faith, but mothers believe in us with all the yearning of their loving souls to the last flicker of life.

Now, therefore, I, Vic Donahay, by virtue of authority vested in me as Governor of Ohio, and in accordance with established custom, do hereby designate Sunday, May 13, 1928, as Mothers' Day in the State of Ohio and request observance by all citizens in appropriate manner, that every mother may be compensated by tokens of appreciation and love for her sacrifices and services.

In witness whereof I have hereunto set my hand and caused the great seal of the State of Ohio to be affixed in the city of Columbus, this 2d day of May, A. D. 1928.

[SEAL.] VIC DONAHEY, *Governor.*

By the governor:

CLARENCE J. BROWN, *Secretary of State.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 4034. An act authorizing the Calhoun Bridge Co., an Illinois corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Illinois River at or near Grafton, Ill.;

S. 4059. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River;

S. 4060. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky.;

S. 4061. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.;

S. 4062. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near Eggners Ferry, Ky.;

S. 4253. An act authorizing H. L. McKee, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Sabine at or near Port Arthur, Tex.;

S. 4254. An act authorizing the State of Texas and the State of Louisiana to construct, maintain, and operate a free highway bridge across the Sabine River at or near Pendleton's Ferry;

S. 4288. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the South Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.;

S. 4289. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.;

S. 4290. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.;

S. 4291. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.;

S. 4292. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.;

S. 4293. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.;

S. 4294. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the North Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.; and

S. 4295. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near the mouth of Indian Creek, in Russell County, Ky.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8105) to provide for the membership of the Board of Visitors, United States Military Academy, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10159) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. W. T. FITZGERALD, Mr. ELLIOTT, Mr. BEERS, Mr. LOZIER, and Mr. UNDERWOOD were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12381) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KNUTSON, Mr. ROBSION of Kentucky, and Mr. HAMMER were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3674. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; and

H. R. 4664. An act for the relief of Capt. George R. Armstrong, United States Army, retired.

PENSIONS AND INCREASE OF PENSIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10159) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NORBECK. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. NORBECK, Mr. DALE, and Mr. STECK conferees on the part of the Senate.

The VICE PRESIDENT also laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12381) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NORBECK. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. NORBECK, Mr. SHIPSTEAD, and Mr. BRATTON conferees on the part of the Senate.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenues, and for other purposes.

Mr. WALSH of Massachusetts obtained the floor.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SACKETT in the chair). The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	La Follette	Sheppard
Barkley	Fletcher	Locher	Shipstead
Bayard	Frazier	McLean	Shortridge
Bingham	George	McMaster	Simmons
Black	Gerry	McNary	Smoot
Blaine	Gillett	Mayfield	Steck
Blease	Goff	Moses	Steiwer
Borah	Gould	Neely	Stephens
Bratton	Greene	Norbeck	Swanson
Brookhart	Hale	Norris	Thomas
Broussard	Harris	Nye	Tydings
Bruce	Harrison	Oddie	Vandenberg
Capper	Hawes	Overman	Wagner
Caraway	Hayden	Phipps	Walsh, Mass.
Copeland	Heflin	Pine	Walsh, Mont.
Couzens	Howell	Pittman	Warren
Curtis	Johnson	Ransdell	Waterman
Cutting	Jones	Reed, Mo.	Watson
Dale	Kendrick	Robinson, Ind.	Wheeler
Deneen	Keyes	Sackett	
Dill	King	Schall	

The PRESIDING OFFICER. Eighty-two Senators having answered to their names, a quorum is present.

Mr. BLACK. Mr. President, I desire to offer an amendment to the pending revenue bill and to have it read. It is only four or five lines.

The PRESIDING OFFICER. The clerk will read.

The LEGISLATIVE CLERK. On page 48, line 27, insert the following new section:

SEC. 55½. ACCESS TO RETURNS GRANTED STATE OFFICERS.

Subdivision (c) of section 257 of the revenue act of 1926 is amended to read as follows:

"(c) The proper officers of any State may, upon request of the governor thereof, have access to the returns of any taxpayer, or to an

abstract thereof showing the name and income of the taxpayer, at such times and in such manner as the Secretary may prescribe."

The PRESIDING OFFICER. The amendment intended to be proposed by the junior Senator from Alabama will lie on the table and be printed.

Mr. WALSH of Massachusetts. Mr. President, the tax bills enacted during the war were free from partisanship, and special care was given to enact bills which gave full expression to the principle of ability to pay. Upon individuals a normal tax was levied, and then a surtax, so graduated as to make the individual's tax increase with the size of his income. The same principle was applied to corporations. A flat or normal tax was levied upon the net incomes of all corporations, and then a graduated war and excess-profits tax was levied, upon the theory that corporations should be taxed in proportion to their profits; that those corporations which had enjoyed war and excess profits should pay a higher tax than those making a moderate profit.

To my mind there were two defects in the tax bill of 1921.

The first and most glaring defect in this bill was that it reduced the taxes of profit-making corporations and increased the taxes of nonprofit-making corporations. This was done by eliminating the excess-profits tax and increasing the corporation income tax from 10 to 12½ per cent. For instance, in 1919 all corporations were taxed 10 per cent on their net income, and the corporations that earned a profit of over 8 per cent on their invested capital paid a graduated excess-profits tax. The excess-profits tax was eliminated in the act of 1921 and, for the purpose of replenishing the heavy loss to the Treasury, a flat increase from 10 to 12½ per cent was made on the net income of all corporations.

What was the result? The result was that all corporations earning less than 8 per cent on their capital stock after the enactment of that bill had their tax bill increased 25 per cent. It seemed to me at the time a condemnation by the Congress of the stupidity of those corporations who were not able to profiteer during the war, and indicated a desire upon its part to reward by a big tax reduction the ingenuity of many of those corporations that made very large profits during the war, by wiping out all their excess-profits taxes. Big business corporations achieved a great triumph, and struggling, limited profit-making corporations were penalized by that act. That injustice has continued from that day to this. Indeed, the burden of the small corporations has increased, for when we repealed the capital-stock tax in 1926, which exempted small corporations up to $5,000, the rate on incomes of corporations was increased to 13½ per cent.

By increasing in 1921 the tax upon the net incomes of corporations from 10 to 12½ per cent, a substantial increase was made in the income corporation tax where the earnings were approximately between 8 and 12 per cent. All corporations in the class earning more than 12 per cent had their taxes very substantially reduced. By the elimination of the excess-profits tax, the excess profits making corporations, it was estimated, were saved $450,000,000.

Whatever might be said—and very strong arguments were advanced in favor of the elimination of the excess-profits tax—no justification could then or now be found for increasing the tax upon the corporations that were in the class earning profits of less than 8 per cent. Indeed, the active lobby that gathered here in Washington at the time, representing big business, set its heart and soul, regardless of the equities, upon the elimination of the excess-profits tax. The principal argument advanced was that excess-profits taxes were taking the money of the capitalistic class away from productive enterprises.

The result of increasing the normal corporation income tax reduced somewhat the loss of $450,000,000 to the Treasury by the elimination of the excess-profits tax. I have not the exact figures showing how much that loss was reduced, but when it was contemplated to increase the net income corporation tax by 10 to 15 per cent, the claim was made that this increase would produce $267,000,000 to the Treasury. Because the tax was finally increased only 2½ per cent, and not 5 per cent, as recommended, the increase to the Treasury was considerably less than $267,000,000.

Let me put it in another way. The excess-profits making corporations were saved by that law $465,000,000, while the nonexcess-profits making corporations had their taxes increased probably more than $100,000,000.

WHAT ARE THE BUSINESSES OR INDUSTRIES THAT WERE FAVORED IN THE TAX BILL OF 1921?

That bill, I repeat, reduced the taxes of monopolitistic or excess-profits making corporations, and increased the taxes upon the struggling, competitive, and small business corporations. Not a single business concern in the country other than those in the class of excess-profits making corporations has been relieved of taxes since the war. Every class of taxpayer has had their taxes reduced, except the small dividend-making businesses that are incorporated.

Who were these excess profit-making corporations? They were usually corporations engaged in a business which assumed trust proportions. They were corporations which enjoyed some special privilege extended by the Government, such as patent rights.

THE NUMBER OF CORPORATIONS THAT BENEFITED

It is estimated that the number of corporations that paid an excess-profits tax prior to 1921 were about 100,000. About 100,000 other corporations paid a tax outside of the excess-profits class; that is, they showed a net income of less than 8 per cent. One hundred thousand other corporations had no income and paid no tax.

In 1918 the number of corporations which had a net income of less than $10,000 was 148,150 corporations. The number that had a net income of between ten and fifty thousand dollars was 37,053 corporations. The number with a net income of between $50,000 and $1,000,000 was about 15,500 corporations. The number with a net income of over $1,000,000, was 1,026. It was estimated in 1921 that 50,000 corporations had their taxes reduced, and 150,000 corporations had their taxes increased. Is it any wonder that when the tax bill of 1921 was passed, increasing the tax upon corporation incomes, the Manufacturers News, of Chicago, stated the effect of that tax very admirably in these words: "This tax will hit thousands of small manufacturers below the belt."

DIFFERENCES BETWEEN THE MAJORITY REPORT OF THE SENATE FINANCE COMMITTEE, WHICH RECOMMENDS A TAX ON CORPORATION INCOMES OF 12½ PER CENT, AND THE RECOMMENDATIONS OF THE MINORITY MEMBERS OF THE SENATE FINANCE COMMITTEE, RECOMMENDING A GRADUATE TAX ON CORPORATION INCOMES GRADUATED FROM 5 PER CENT TO 11½ PER CENT

The majority report recommends the continuation of the present injustice. While it does provide for a slight reduction in the present corporation income tax paid by all corporations, and increases the exemption from $2,000 to $3,000, it still retains, when we compare its recommendations with the corporation income taxes levied in 1919, an increase in that large class of small corporations which make modest, nonexcess profits.

Indeed, it still makes the tax bill of this class of corporations nearly 25 per cent higher than they were during and following the war and previous to the tax law of 1921. It does benefit by a further reduction of tax, the normal corporation income of those classes of corporations that were described during the war as excess-profits making corporations. In other words, since the war two substantial changes in corporation taxes proposed by the majority have and will result in lowering the tax bills of the excess-profits making class of corporations greatly below the taxes they paid during and following the war. The only corporations that have benefited by the Republican tax reductions are the big dividend-paying corporations. The small dividend-paying corporations have been actually penalized.

GRADUATED TAX ON SMALL CORPORATIONS

The minority proposal is a graduated tax upon corporation incomes with small net incomes paying a rate of 5 per cent upon their net income if the amount is not more than $7,000; 7 per cent if the amount is more than $7,000 and not more than $12,000; 9 per cent if such amount is more than $12,000 and not more than $15,000; and 11½ per cent if such amount is more than $15,000.

As 92.1 per cent of all corporations showed a net income of not over $25,000 in 1925, a very large percentage of all corporations will be affected by the graduated tax proposed.

This is not a new idea. It is now part of the House bill. Indeed, in 1921, I proposed and argued for an amendment proposing a graduated tax upon the incomes of corporations, as follows:

Ten per cent of such excess amount by which the net income does not exceed $100,000; 15 per cent of such excess amount by which the net income exceeds $100,000, and does not exceed $300,000; 20 per cent of such excess amount by which the net income exceeds $300,000: *Provided*, That a corporation which does not make a net taxable income of more than 8 per cent on its invested capital for the taxable year shall not be taxed on its net income more than 10 per cent.

This amendment was defeated in the Senate by only one vote.

A somewhat similar amendment, offered by me to that bill, was as follows:

Provided, That a corporation which did not pay an excess-profits tax upon its income for the calendar year 1920, under the revenue act of 1918, shall not be taxed on its net income more than 10 per cent.

This amendment was also defeated by only one vote.

ADVANTAGES OF, AND ARGUMENTS FOR, A GRADUATED TAX ON CORPORATIONS

The theory of a graduated tax on corporations is that such a method will come nearer placing small corporations on an equality with individuals and partnerships in the matter of Federal taxes; that is to say, that a partnership doing business in competition with a corporation should be taxed as nearly equally as possible. Under the present corporation tax laws there is a grave discrimination against the small corporations compared with the partnerships. The graduated tax on corporation incomes is merely an attempt to equalize the burden of partnerships and small corporations.

Again, the tendency of the country at present seems to be toward consolidations of businesses and industries, and there is some question as to whether Congress should encourage that policy. If the small corporations are given an advantage in the payment of taxes over the consolidated capital, it might tend to promote individual effort.

Another advantage of the graduated tax on corporation incomes is that it in a measure takes some recognition of the principle of ability to pay, just as the surtax does in the case of individuals.

If ability to pay is a sound foundation for taxes on personal incomes, then it is a sound foundation for taxes on corporation incomes. If the individual be forced to pay a graduated income tax, why should not corporations also be forced to pay a graduated tax on their incomes? If one principle is sound, then the other is sound. What are corporations? They are groups of individuals, and I contend that the same principle which we apply in imposing an income tax upon individuals should apply to corporations, and if the groups of individuals are honestly organized and honestly managed the rule and principle of a graduated income tax will work out equitably with corporations as with individuals.

The removal of the profits tax and the substitution of a flat corporation income tax is a direct step away from the principle of ability to pay. It is a move directly beneficial to monopolies and trusts, which alone, of all business institutions, are certain of being able to make excess profits when business revives.

All restraint on the making of profits was abandoned forever under the 1921 bill, because no matter how much profit a corporation may make it is to be taxed the same identical rate as a corporation that makes substantially no profit. Competitive business is penalized under the majority amendment.

The small corporations are more likely to reflect individual and personal effort. This should be rewarded as is stimulated by the graduated-tax principle.

Corporation taxes are paid either by the consumers or by the stockholders. Therefore, it may be argued that a reduction of corporation taxes is of some benefit ultimately to the consumers.

If the corporation income tax is paid by the stockholders, an injustice exists that ought to be removed. There are said to be 2,500,000 individuals who return taxable net incomes, and the average rate of tax on their incomes has been reduced to 3.35 per cent, as compared with 3,000,000 stockholders who are virtually taxed on part of their income at the present rate of 13½ per cent.

There are now less than 9,000 individual income-tax payers whose average tax as returned equals or exceeds 13½ per cent of their taxable income. These 9,000 individuals have a net income in excess of $110,000.

The Treasury Department recognized that it was desirable to reduce the tax on the small, closely held corporations, whose situation is substantially that of a partnership, although they do business in corporate form.

In order to give relief to the owners of these closely held corporations with a small income, the Treasury Department recommended that all corporations with incomes of $25,000 or less, and the number of whose stockholders does not exceed 10, be allowed to file their income-tax returns as if they were partnerships, and be taxed on a partnership basis. This recommendation has not been accepted by either the House or the Finance Committee of the Senate.

Mr. President, it seems to me the arguments are overwhelmingly and conclusively in favor of a graduated corporation income tax. It is the only way I know that will do justice, in part at least, to the small corporations.

EFFECT OF CORPORATION CONSOLIDATIONS

The Treasury Department pointed out, in their recent report, that 7.9 per cent of the total number of corporations made 90.1 per cent of the total net incomes reported by all corporations, which means that about 28,000 corporations out of 430,072 corporations filing returns in 1925 made 90.1 per cent of all the profits earned by all corporations. But some other figures are even more startling. The Treasury Department reports that 196 corporations made one-third of all the profits, or net income, reported by all the corporations. This certainly strongly proves the tremendous trend toward the consolidation of wealth and of financial, industrial, and commercial corporations of this country. One is tempted to inquire, How long will it be before 96, instead of 196 corporations, or 9 instead of 96, will be making not one-third, but two-thirds or even more of all the profits of all our corporations?

CONTRAST BETWEEN LARGE AND SMALL CORPORATIONS

Four hundred thirty thousand and seventy-two corporations filed returns in 1925. Only 35 per cent of all these corporations paid any tax at all.

Twenty-five and two-tenths per cent of these corporations showed a profit of not over $2,000, the amount of the exemption then allowed.

Forty-one and three-tenths per cent reported losses.

Therefore, 66.5 per cent of all corporations in the United States paid no taxes in 1925.

Only 25.6 per cent of all corporations reported a net income of over $2,000 and not over $25,000.

Therefore, 92.1 per cent of all corporations in the United States showed a net income of not over $25,000 in 1925.

It is these corporations that will be greatly aided by the recommendations of the minority in favor of the graduated corporation income tax.

OWNERSHIP OF STOCK IN CORPORATIONS

A study of the dissemination of stock among the public is very impressive.

Some may seek to justify the proposed excessive corporation rate by arguing that the corporations represent the great accumulated wealth of the country and hence the discriminatory spread between the 13½ per cent corporation rate and the 5 per cent individual rate simply operates to apportion the aggregate tax burden according to ability to pay. Or it may be argued that those who receive dividends from corporations are persons of wealth who should pay a proportionately large normal tax. Both of these arguments disregard the fundamental principle that apportionment according to ability to pay finds its proper expression in the surtax brackets and rates and not in the flat normal tax. Nevertheless, they are sufficiently plausible to require answer.

Fifteen or twenty years ago it might be said with some approach to accuracy that, by and large, big business was conducted through corporations, and moderate or small sized businesses through partnerships, proprietorships, or associations. But methods of business have undergone profound changes in the last 15 or 20 years, and one of the most remarkable changes has been the greatly increased use of the corporation. To-day almost every enterprise, large or small, except certain types of brokerage houses and financial concerns, real-estate syndicates or ventures, and some large selling agencies are incorporated. It is a matter of common observation that the small stores, shops, restaurants, garages, and retail dealers generally, as well as moderate-sized businesses, are incorporated. Discrimination against corporations in the matter of taxes, therefore, falls heavily on those with little ability to pay.

Consider, first, the effect of the present 8½ per cent discrimination in the case of large corporations:

The American Telephone & Telegraph Co. publicly advertises the fact that it has more than 400,000 stockholders, and that no one stockholder owns as much as 1 per cent of its stock. On January 13, 1927, according to a statement of its president, the General Motors Co. was owned by 57,000 stockholders. A large railroad system—the Pennsylvania Railroad—numbers the checks for each dividend by the tens of thousands. Illustrations might be multiplied indefinitely. The stock registers of our great industrial enterprises are very much like a city telephone directory. The Liberty loan issues instilled in the people a habit of investing in securities, and this habit has been fostered by the banks, trust companies, brokers, and other financial advisers since that time, until to-day the ownership of the great industrial corporations of the country is diffused among the common people to an extent unheard of in the past. Public utilities have found the policy of customer ownership to be a corner stone of sound financing.

There is hardly a large corporation in America to-day that does not encourage its employees to buy its stock. Some corporations practically finance their capital requirements from the savings of their employees. This very revenue bill in section 165 recognizes and encourages the policy of employee ownership by making specific provisions for trusts created by an employer as part of a stock bonus, pension, or profit-sharing plan for the exclusive benefit of some or all of his employees. Under such a plan, by joint contributions of the employer and employee, large sums are made available for investment in the stock of the company, and the employee becomes a part owner of the business

for which he works. Representative data collected by the Federal Trade Commission in 1926, with the cooperation of the Bureau of Internal Revenue, discloses some remarkable facts with respect to the stock ownership of corporations.

The commission said:

In the present inquiry schedules requesting data on the number and kinds of stockholders were addressed to a list of 10,000 corporations selected by the Bureau of Internal Revenue in such manner as to be representative not only of size but of each of the 43 industrial groups into which the bureau's returns are listed for tabulation. Returns were received by the commission from 4,367 corporations, with a combined capital stock amounting to over $9,000,000,000, or about 12 per cent of the capital stock of all corporations.

For these 4,367 corporations the average holding of common stock per stockholders was $6,969, while the average of preferred stock was $5,211. The average holdings of common stock per stockholder ranged from $3,273 for electric light and power companies to $18,957 for manufacturers of lumber and wood products, while the average holdings of preferred stock ranged from $1,486 for service corporations to $9,883 for coal-mining companies. Nearly one-third of all the stockholders reported were holders of not more than $500 worth of stock (common and preferred) each. This proportion of small holders to total holders ranged, however, from 11.7 per cent for electric-light companies to 53.8 per cent for petroleum-mining companies. * * *

For corporations reporting the information, the stock holdings of officers, directors, and employees were an important part of the holdings of individuals. In the case of many smaller corporations all of the stock was held by officers and directors. Of the total common-stock holdings, officers and directors held about 10 per cent. They held about 6 per cent of the total preferred stock * * *. The employee stockholders comprised 7.5 per cent of the common stockholders reported and 3.5 per cent of the preferred stockholders. * * * (National Wealth and Income, Senate Doc. No. 126, 69th Cong., 1st sess., pp. 6–7.)

This report, as seen, discloses the remarkable fact that on an average the employees of corporations own almost as much stock as do the executives and directors. Most significant of all, in the present connection, however, is the fact that—

nearly one-third of all the stockholders reported were holders of not more than $500 worth of stock each.

These employees, as well as the vast number of investors of moderate means and limited incomes, bear a very large part of the discriminatory burden caused by the excessive corporation rate. On their income from other sources, such as wages, interest, rent, and so forth, they pay a normal tax of 5 per cent or less. On the income from their modest stock holdings they pay a normal tax of 13½ per cent. For the privilege of becoming part owners in these great business ventures, the Government exacts 270 per cent as much tax as it would exact on any other type of investment. The most inexcusable feature of this deplorable situation is that in the case of many of these small stockholders, their incomes are so small that they are not required to pay any direct tax, but nevertheless they must continue to pay indirectly 13½ per cent on every dollar received as dividends regardless of the amount.

There can be no question that the 13½ per cent rate does not apportion the tax according to ability to pay, even in the case of the large corporations. On the contrary, the discrimination falls heavily on hundreds of thousands of persons with small or moderate incomes.

Consider next the case of the small corporation. The Treasury statistics of income for 1925—the last year for which complete data are available—shows on page 13 that 430,072 corporate returns were filed for 1925. Of these returns 177,738 may be eliminated, for they show no taxable income. The remaining 252,334 may be divided into two groups according to corporate income, as follows:

Corporate income	Number of corporations	Per cent of total
$10,000 or less	188,848	75
More than $10,000	63,486	25
Total	252,334	100

Thus, it is seen that three-fourths of the profit-making corporations have small incomes and, it may fairly be presumed, were owned for the most part by individuals with small incomes.

The statistics of income further show that on the average the income of the 189,000 small corporations was less than $2,500. In the aggregate, however, their income amounts to the stupendous sum of approximately $470,000,000, which at 6 per cent represents an investment of $8,000,000,000. Some of these corporations did not have enough income to be subject to the corporation tax. Those who were subject to the tax paid at the rate of 13½ per cent and the burden undoubtedly fell in practically all instances on persons of modest means and very moderate incomes.

It is impossible to accurately compute the extent to which this discriminatory corporation rate falls on the wealthy, and the extent to which it falls on those of limited means and poor people. A rough approximation, however, may be arrived at from the figures in the statistics of income showing the distribution of dividends to stockholders according to income classes. The following table is taken from page 6 of the Statistics of Income for 1925:

Income class of the stockholder:	Dividends reported
Under $1,000	$11,335,943
$1,000 to $2,000	45,905,654
$2,000 to $3,000	86,698,073
$3,000 to $5,000	275,317,122
$5,000 to $10,000	321,289,441
$10,000 to $25,000	731,869,268
Total	1,472,415,501

The total of $1,472,415,501 represents approximately 40 per cent of the dividends received by all income classes. From this it may be properly concluded that something like 40 per cent of the unjust discrimination resulting from the 8½ per cent disparity between the normal rate and the corporation rate falls on persons of moderate and limited incomes.

Table showing number of stockholders in large corporations

	Stockholders
American Telephone & Telegraph Co	400,000
General Motors	57,000
Standard Oil (Indiana)	52,000
Standard Oil (New Jersey)	55,000

COMPARISON OF CORPORATION INCOME TAX AND NORMAL TAX OF INDIVIDUALS

I present a table which shows a comparison of corporation income-tax rate with the normal individual tax rate.

If you assume that the corporation income tax comes out of the stockholder, this table illustrates how much larger a tax is paid by a stockholder of the corporation than an individual pays on his income.

The minority recommendation for graduated corporation income tax helps, in part, to correct this particular situation. The majority report practically leaves the inequalities as they are.

Comparison of corporation tax and normal tax, 1913–1928

Revenue act	Year	Corporation tax	Individual normal tax (maximum)	Discrimination against the incorporated business
		Per cent	*Per cent*	*Per cent*
1913	1913	1	1	
	1914	1	1	
	1915	1	1	
1916	1916	2	2	
1916–17	[1] 1917	6	4	2
1918	[1] 1918	12	12	
	[1] 1919	10	8	2
	[1] 1920	10	8	2
1921	[1] 1921	10	8	2
	1922	12½	8	4½
	[2] 1923	12½	8	4½
1924	1924	12½	6	6½
1926	1925	13	5	8
	1926	13½	5	8½
	1927	13½	5	8½

[1] Profits tax.
[2] The revenue act of 1924 provided for a retroactive 25 per cent reduction of individual taxes for 1923. Profits taxes are excluded to avoid distortion of the comparison. To avoid complicating the table, retroactive reductions are ignored, as not materially affecting the comparisons.

Mr. KING. Mr. President——

Mr. WALSH of Massachusetts. I am very glad to yield to the junior Senator from Utah. I wish to say that no man in this body has given more diligent study and labored more assiduously for the perfection of this bill than has the distinguished junior Senator from Utah; in fact, if any medals were to be given to Members of the Finance Committee for their labors on this measure, I think the two Senators from Utah would easily be the recipients of such recognition, because they certainly have given of their time and labor in a most commendable way. I hope the junior Senator of Utah will not think that I am indulging in flattery. I desire to sincerely express my admiration for his perseverance and the long hours of time he has given to this very important subject. I yield to the Senator from Utah.

Mr. KING. Mr. President, the Senator from Massachusetts is overgenerous in his words of commendation of my service.

I greatly appreciate his compliments, but fear that I do not deserve the same.

May I add that the Senator from Massachusetts during his service in the Senate has given serious attention to the study of our revenue legislation and to fiscal affairs generally; and no Senator has exhibited a broader knowledge of the principles of taxation and their application than the Senator from Massachusetts.

Before he concludes I should be glad to have him refer to the point which was urged against the excess-profits tax upon corporations and show that the provisions of the House bill dealing with graduated taxes upon corporations with a small annual income, are not subject to the criticisms urged against the principle of the excess-profits tax as found in the war revenue bill. The Senator will recall that the principal objection to the corporate excess-profits tax was based upon the difficulties encountered in determining valuation. The Internal Revenue Bureau encountered real obstacles when it attempted to value property for the purpose of applying the excess-profits tax. The amendment, which is now offered by the minority and which slightly modifies the provisions of the House bill dealing with graduated corporate taxes, does not involve the question of valuation and may be applied without difficulty and enforced without any resulting injustices.

Mr. WALSH of Massachusetts. No more than we ask an individual to tell us what the value of his holdings is. I am very glad the Senator made that point, because it shows that we are not trespassing upon the dangerous field, the complicated field, that the Treasury Department complained so much about when we levied the excess-profits tax.

Mr. KING. That is the point I had in mind.

Mr. WALSH of Massachusetts. That principle does not apply here at all. It is not necessary for the Treasury Department to fix a valuation upon the amount of capital invested in any corporation. The tax in the proposed amendment is levied on income without regard to invested capital.

Since the Senator addressed me, he will be interested to know that one of the experts of the Treasury Department has informed me that more individuals in this country pay a tax by reason of being stockholders through this tax levied upon the incomes of corporations than all the individual taxpayers in the country. The number of people who make returns as individuals is not as large as the number of people who have to pay an indirect tax as stockholders because of the tax levied upon corporation incomes.

Mr. KING. I desire to ask the Senator one other question, with his permission.

The volume which I hold in my hand, called "Statistics of Income from Returns of Net Income for 1925," published by the Treasury Department, is a mine of statistical wealth and of value to Congress when it undertakes to frame tax measures, especially where it deals with the revenues to be collected from corporations and the taxes imposed upon individuals.

What I desire to ask the Senator is this: In pursuing his investigations to a later date than indicated in the volume to which I have just referred, has he found an increasing tendency upon the part of corporations to consolidate? And if so, has he discovered that in the consolidations and mergers there is substantially a uniform diffusion of stock and to the same extent as in the corporations theretofore found and which have been in some instances called trusts?

Mr. WALSH of Massachusetts. I think that is true. Is the Senator familiar with the study made by the Federal Trade Commission about the class and number of holders of stock?

Mr. KING. Yes; I am familiar with that. I have the volume before me.

Mr. WALSH of Massachusetts. The Senator, then, will remember that it is stated there—I referred to it in an earlier part of my address—that nearly one-third of all the stockholders reported from a study of a special group of corporations were holders of not more than $500 worth of stock each. That is remarkable. The Federal Trade Commission gathered together the lists of stockholders of a given number of corporations, found out what the holdings of each were, and reached the conclusion that nearly one-third of all the stockholders reported were the holders of not more than $500 worth of stock each. Nothing has surprised me more in my economic studies than the extent to which stock is being held by those in limited financial circumstances in this country, and the extent to which employees of industrial plants are buying and holding stocks.

Mr. KING. I have been interested in the observations of the Senator and the lucid explanation which he has made showing the distribution of stock among a large number of stockholders.

May I add that if those in our country who possess great wealth, who organize corporations and are instrumental in bringing about mergers and great considerations, will pursue a course by which there will be a greater diffusion and distribution of the stock of corporations, and no monopolistic effects will be made, much of the prejudice which has justly existed against corporations will be dissipated. I have feared that some corporations would continue their ruthless course against competitors and seek to destroy the small corporations and the competing business owned and conducted by individuals and concentrate in the hands of a limited number of individuals and corporations the wealth owned by the latter.

I believe that my fears are not without foundation. There are trusts and monopolies in our business and industrial life, and they have wrought evil and in many fields destroyed competition. Such monopolistic aggregations should be dissolved and the antitrust laws should be launched against them and effectively enforced until their grip upon the economic life of the people is destroyed. They are a menace to the peace and prosperity of the people. Monopolies are hateful and dangerous, and when they become regnant they will threaten the political institutions of our country. Economics and industry can not be separated from the political field, and political institutions are more or less dependent upon economic and industrial conditions. Those who attempt to differentiate economics and industry from politics and political institutions will find that their efforts are futile.

Mr. WALSH of Massachusetts. The Senator never uttered sounder views.

Mr. KING. So it is important that in our political studies we shall study our economic conditions. Legislators and politicians and statesmen may not take the flattering unction to their souls that they can solve political questions and properly deal with them, unless and until they understand economic and industrial questions we may possess civil liberty and political liberty, but soon the crown of liberty will depart if we have industrial or economic servitude. I have been afraid that giant corporations, with their massed capital and mass production, would become so powerful in our industrial and political life that they would destroy competition; and with the destruction of competition there would arise an oligarchy of wealth dominating political institutions and controlling all the avenues in which the people walk.

Mr. WALSH of Massachusetts. Apropos of what the Senator has said, my attention has just been called to an article in the Washington Herald of May 11, one of the daily financial articles by Mr. B. C. Forbes, in which he says:

> Again, we are making unprecedented progress in creating a nation of investors. All indications are that the number of individuals of moderate means now interested in stocks is far beyond anything ever before known. Democratization has been at work in this direction. Several millions of employees have been introduced to the idea of stock owning through the action of their employers in making stock available to workers on easy installment payments.

Now, I am going to close, but I want to say just one word to the other side.

If you accept the majority recommendation, you will be reducing the corporation taxes 1 per cent. The chief beneficiaries again will be those corporations that I class, for want of a better name, as the excess-profits-making ones.

Mr. GERRY. Mr. President, will the Senator yield at that point?

Mr. WALSH of Massachusetts. Certainly.

Mr. GERRY. You will be simply reducing the corporation taxes to the point where they were before they were raised in the last revenue bill. Is not that the case?

Mr. WALSH of Massachusetts. That is true; but, of course, the capital-stock tax has been removed. The Senator is correct so far as the normal corporation income tax is concerned.

Mr. President, I want to repeat, however, that the majority bill is not removing the 25 per cent increase made in 1921 in the tax bills of 92 per cent of all the small corporations of the country. The majority are again taking its old position as the protector of big business, the trusts and monopolies most able to pay; and, on the other hand, the small, struggling limited-dividend-earning corporations and their investors of this country are to be penalized further by practically nothing being done to get them back to the tax basis on which they were during the war. At least we should aim to accomplish this end.

I can not see how any Senator or any political party can defend such a policy. Is it any wonder that we sometimes accuse the majority party of not being the real protectors and defenders of business, but of being first and last the champions and protectors of big business?

Mr. President, I am pleading, the minority is pleading, for a square deal to 400,000 competitive corporations that represent the small investments of our people and small industries en-

gaged in the struggle for existence against the great, powerful corporations of this country. We are asking that the small corporations be brought back to a basis where they will enjoy the privileges of the corporation laws, and not have to pay a tax in excess of that paid by individuals and partners.

This is the position we take. I believe the Senate will support our efforts to make this tax bill remove the indefensible injury done in all tax bills since 1921 to our numerous small incorporated businesses and industries.

Before closing my argument, I know of no better way of pointing out the importance of the graduated corporation income tax amendment which the minority proposes than by asking and answering a question.

The minority bill recommends a reduction of about $200,000,000 in the tax on corporation incomes. How will this reduction be distributed between the so-called large and small corporations? The experts of the Treasury inform us that practically 92 per cent of this reduction would go to those corporations that have a net income of over $25,000. This means that practically 8 per cent, or only $160,000, of this enormous reduction will go to the corporations with net incomes of less than $25,000. The minority graduated corporation income tax amendment therefore will very materially assist in distributing this reduction in taxes much more widely and in a very much larger proportion among smaller corporations.

I need not reiterate the additional fact that all of the 430,072 corporations which filed returns in 1925 (66.5 per cent of them, of course, did not in that year pay any tax, as they had either no income or an income of less than the exemption of $2,000) would be benefited very substantially by the minority proposal, except the 8 to 10 per cent of all the corporations which had an income in excess of $18,000 in 1925. They would enjoy for the first time since the war a reduction in taxes; even the 8 per cent large corporations would get a reduction greater than the majority favor, for their proposal is a flat reduction of 1 per cent while the maximum graduated corporation tax of the minority proposes a 10 per cent reduction in this class; the reduction to the smaller corporation is from 8½ per cent to 2 per cent.

Mr. COPELAND. Mr. President, on the calendar there are two bills which have to do with the safety of navigation on the Great Lakes. They are purely regulatory. Navigation is about to open, and an appeal has been made to me that these bills be put on their passage. They have received the unanimous indorsement of the Committee on Commerce and should be passed at once.

Mr. SMOOT. Mr. President, I have not any objection to the passage of the bills; but I have been asked by at least half a dozen Senators to allow certain bills on the calendar to be taken up to-day. During the last few days we did not mention the revenue bill, and I told the Senators who asked me that I could not agree that any other bills should be taken up to-day, because I wanted to go on with this bill for at least one day. I ask the Senator kindly not to press his request.

Mr. COPELAND. I am in the fullest sympathy with the Senator. These bills, however, have to do with the safety of navigation. Ordinarily, if small boats were involved, the department itself could make regulations; but in this case it is necessary to have the action of Congress.

The bills have passed the House; they have been duly considered by the Commerce Committee; and I do not think they will involve a minute of discussion.

Mr. SMOOT. Mr. President, I am not opposed to them; but I have stated to the other six Senators who have asked me that I was not going to allow any bill other than the revenue bill to be taken up to-day, because I was going, if I could, to keep this bill before the Senate.

Mr. COPELAND. I am sure the Senator, at a proper time, will help me to pass the bills to which I refer; and therefore I will not press the matter now.

The PRESIDING OFFICER (Mr. McMASTER in the chair). Is there objection to the request of the Senator from New York?

Mr. SMOOT. Yes; I object.

The PRESIDING OFFICER. Objection is made.

Mr. SMOOT. Mr. President, I am going to take just a few moments of the time of the Senate in answer to a number of questions that were brought up by the Senator from Massachusetts [Mr. WALSH].

The Senator has laid great stress upon the statement that no relief is given to these 400,000 small corporations.

Mr. President, as the Senator says, the House raised the exemption from $2,000 to $3,000, and we have maintained that exemption. That will take care of a greater increase than the 1 per cent that is involved in the Senate amendment supported by the majority, because, instead of deducting $2,000 from their net gains, they are entitled to deduct $3,000. The Senate can see plainly what that would mean in the case of a small corporation making only $5,000 a year. That is a great reduction. In fact, in order that I may not take the time of the Senate unless the Senate really wants to have it done, I have here a table showing what the graduated tax on small corporations would be; and, if there is not any objection and no one wants me to read it, I will ask that it be inserted in the RECORD at this time.

Mr. HARRISON. Mr. President, of course no objection will be made to the Senator putting the statement in the RECORD; but there is a modification that has been proposed or will be proposed by the Senator from North Carolina [Mr. SIMMONS] touching the graduated tax on small corporations with incomes of less than $15,000 which cures every objection that I have ever heard raised against the proposition. I take it that those figures were based on the House amendment. They would not apply, may I say, to the modified amendment that the Senator from North Carolina will propose to the House provision.

Mr. WALSH of Massachusetts. Did the Senator from Mississippi state that the amendment about to be voted on now would eliminate the injustices to one who gets just outside of one of these brackets?

Mr. HARRISON. Yes; this would cure that.

Mr. WALSH of Massachusetts. The amendment has been prepared by experts?

Mr. HARRISON. Yes; by the committee's experts and the Treasury experts.

Mr. SMOOT. I am perfectly willing that this shall go into the RECORD without reading.

Mr. HARRISON. There is no objection to that particular proposition.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

GRADUATE TAX ON SMALL CORPORATIONS

The provision in question was proposed in order to relieve the tax burden upon small corporations. The Committee on Ways and Means of the House accomplished this by an increase in the credit from $2,000 to $3,000 in the case of a domestic corporation having a net income of $25,000 or less. I have prepared two tables showing the effectiveness of this provision. The first table shows the actual rate of tax, assuming that the rate on corporations is fixed at 12½ per cent, as recommended by the Finance Committee, when the effect of the exemption is considered. This table is as follows:

With normal rate on corporations 12½ per cent

Total corporate net income	Effective rate of tax on total net income, with $2,000 exemption	Effective rate of tax on total net income, with $3,000 exemption	Percentage reduction in corporation's tax by the change
	Per cent	*Per cent*	
$3,000	4.2		100
$4,000	6.3	3.1	51
$5,000	7.5	5.0	33
$6,000	8.3	6.3	24
$7,000	8.9	7.1	20
$8,000	9.4	7.8	17
$9,000	9.7	8.3	14
$10,000	10.0	8.8	12
$11,000	10.2	9.1	11
$12,000	10.4	9.4	10
$13,000	10.6	9.6	9
$14,000	10.7	9.8	8
$15,000	10.8	10.0	7
$16,000	10.9	10.2	6

The second table shows the actual effect upon corporations with net incomes of $25,000 or less when the reduction from the present rate of 13½ per cent to 12½ per cent and the increase in the exemption from $2,000 to $3,000 is considered. This table is as follows:

Total reduction in tax by bill as reported by Finance Committee to corporations with small net incomes

Total corporate net income	Tax, 1926 act	Tax, 1928 bill as reported	Reduction in tax	Reduction in tax
				Per cent
$3,000	$135		$135	100.0
$4,000	270	$125	145	53.7
$5,000	405	250	155	38.3
$6,000	540	375	165	30.6
$7,000	675	500	175	25.9
$8,000	810	625	185	22.8
$9,000	945	750	195	20.6
$10,000	1,080	875	205	19.0
$11,000	1,215	1,000	215	17.7
$12,000	1,350	1,125	225	16.7
$13,000	1,485	1,250	235	15.8
$14,000	1,620	1,375	245	15.1
$15,000	1,755	1,500	255	14.5
$16,000	1,890	1,625	265	14.0

NOTE.—Under the bill corporations with net income in excess of $25,000 all get a reduction of 7.4 per cent by change in rate from 13½ per cent to 12½ per cent.

Mr. SIMMONS. Mr. President, I was going to ask the Senator, before the Senator from Mississippi began to speak, in the opinion of the Senator should the Senate act on the whole section in passing on the proposed amendment to the provision relating to the income tax on corporations?

Mr. SMOOT. I do not think it would make any difference.

Mr. SIMMONS. We are now discussing the question of the reduction of the income tax on corporations according to the amendment offered by the minority. There is a House provision included in that tax providing for a graduated income tax on corporations up to 15 per cent. We want to retain that House provision, but we want to amend it so as to avoid the difficulty and inequity that would be apparent from a sudden jump in the rate of taxation.

Mr. SMOOT. I will say this to the Senator, that if the Senate decides that they want a graduated tax I certainly will agree to the Senator's amendment. There will be no question about that.

Mr. SIMMONS. Then I will offer this amendment now.

Mr. SMOOT. The only question to decide is whether we are going to have a graduated tax.

Mr. SIMMONS. I send the amendment forward as a proposed amendment, which I would like to have read.

The PRESIDING OFFICER. The clerk will read.

The LEGISLATIVE CLERK. On page 15, line 21, after "section 26," insert a semicolon and the following:

but the tax under this subsection shall not exceed $1,350 plus the amount by which the net income in excess of such credits exceeds $15,000.

On page 15, in lieu of the matter proposed to be stricken out in lines 22 to 25, inclusive, and lines 1 to 6, inclusive, on page 16, insert the following:

(b) Taxable income not more than $15,000: If the amount of the net income in excess of the credits provided in section 26 is not more than $15,000, then, in lieu of the rate prescribed in subsection (a), the rate shall be—

(1) Five per cent if such amount is not more than $7,000.

(2) Seven per cent if such amount is more than $7,000 and not more than $12,000; but the tax under this paragraph shall not exceed $350 plus the amount by which the net income in excess of such credits exceed $7,000.

(3) Nine per cent if the amount of the net income in excess of the credits provided by section 26 is more than $12,000 and not more than $15,000; but the tax under this paragraph shall not exceed $840 plus the amount by which the net income in excess of such credits exceeds $12,000.

Mr. SMOOT. Mr. President, as I understand from hearing the amendment read, the object of the amendment offered by the Senator is to take care of a corporation whose income may be $7,500 or $8,000, so that it will not be penalized in the top bracket, just the same as we have arranged for in the surtaxes.

Mr. SIMMONS. That is the significance of it and the intent of it. The intent of the amendment is simply to relieve against a situation which might require an excessive tax from a man immediately above the $15,000 limit or the $7,000 limit, as the case might be.

Mr. SMOOT. I have not seen the amendment, but from hearing it read I thought that was the object of it.

Mr. SIMMONS. That amendment was prepared by the draftsmen and the experts of the committee and the Senate for the purpose of accomplishing that object. It is very technical, but they advised me that as a matter of fact it would accomplish the purpose of bringing about entire equity in the graduated scale.

Mr. SMOOT. I have no doubt about it, but after hearing it read I wanted to be sure that was the object the Senator had in view. I think the amendment will accomplish that.

Speaking of the smaller corporations and the graduated tax, generally throughout the United States the small corporations make relatively the largest profits that are made. There is no question about that, from all the returns we receive. That is rightfully so, because in the smaller corporations the individuals standing at the head of the corporations are particularly interested in them and give their whole time to them. Of course, it is perfectly natural that they should have and must have a greater profit than the great corporations, such as the railroads.

As to the graduated tax on corporations, in order to save time I am going to call attention to the statement in the majority report on that subject. It is:

The House bill (sec. 13 (b)), in an effort to relieve the tax burdens of small corporations, imposes a graduated tax of 5 per cent, 7 per cent, and 9 per cent upon the taxable net incomes of $7,000, $12,000, and $15,000, respectively. Your committee has stricken this provision from the bill, upon the ground that it can not be supported upon any sound principle of taxation.

The justification for a graduated tax in any case is that it is based upon ability to pay. This is true, generally speaking, in the case of individuals. In the case of corporations, however, the size of the income does not reflect ability to pay. The capital invested in the business must also be taken into consideration. Our experience during the war with the excess-profits and war-profits taxes was such as to counsel us against reintroducing this principle into our tax system. With invested capital eliminated, however, the only possible justification for a graduated tax disappears. A corporation with a $1,000,000 income, which represents an actual earning of only 5 per cent, is certainly in no better position to pay taxes than a corporation with a $15,000 income which represents an earning of 20 per cent. If Mr. Jones invests $1,000 in the $1,000,000 corporation, there is no justification for reducing the fruits of his investment by 12½ per cent, while if he invests the same $1,000 in a $50,000 corporation his income would be reduced by only 5 per cent, 7 per cent, or 9 per cent. Furthermore, the provisions of the House bill open new avenues for tax avoidance by the simple expedient of forming several corporations and distributing their earnings so as to keep them within the low brackets.

Everyone recognizes the justice of a graduated tax on individuals, but when it comes to a corporate body, a corporation, the objections to it stated in this report I wholly agree with, and I think that statement represents the general opinion throughout the United States. Therefore the majority members of the committee decided that the House was wrong in the graduated tax which was placed in the bill on the floor of the House.

Mr. SIMMONS. Mr. President, I am sure the Senator from Utah desires to be entirely frank in his presentation of this matter, and I wanted to ask him what he thought of the suggestion that the element of personal service enters far more largely into the incomes of the small corporations than into the incomes of the large corporations. The Senator may say that they are allowed to make a reasonable deduction for personal service.

Mr. SMOOT. They are.

Mr. SIMMONS. I stated that the Senator might say, and say properly, that they are; but the Senator must bear in mind that the total amount of the incomes of these small concerns is relatively so very small that if they should allow the whole amount as a salary, in some instances, it would not much more than compensate the individual owner. Especially is that true of these closed corporations, where the stock is owned by two or three members of a family, where the industry is a very small one. The big corporation, however, has an income that will justify it in allowing special talent, as they call it, expert talent, all that sort of talent, enormous salaries, which are deducted, salaries of $25,000 a year or $50,000 a year. Some of them may go even higher than that. That would not be possible with the small corporations.

Mr. SMOOT. Most of the small corporations fix their own salaries and deduct them, and there have been very few objections on the part of the Government. If the situation were just as the Senator said, if there were an allowance of $100,000—and there is no doubt that in a few cases, such as the United States Steel Corporation or the General Motors Co., such salaries are paid—the percentage of such salaries in proportion to the gains is infinitesimal. It perhaps would not be one-twentieth of what it would amount to in a case such as the Senator has referred to. I have no objection to these small corporations fixing as a salary what a man could earn anywhere in the world, working in the same identical business, I would not care where it was. The department has acted on that theory, and I have heard no complaint. In fact, I know the department has been liberal, and I know that no complaints have come to me as chairman of the Finance Committee. With the increased exemption now from $2,000 to $3,000, there is no little concern in the United States running a corporate business that will suffer under the provisions of this bill.

As to the reduction, the Senator from Massachusetts made a correct statement. Prior to the 1926 law they paid 12½ per cent and in addition a tax upon the capital stock. At the earnest request of the corporations of this country, in the 1926 measure, the capital-stock tax was repealed, and 1 per cent was added onto the corporation tax. As far as the income derived from corporations is concerned, it was almost exactly the same.

As I say in the report, if we could reduce taxes more than the committee bill provides, as far as I am personally concerned, the very first one to be reduced would be the corporation tax. But that can not be done in safety, and therefore we have done all that we felt it is possible to do for those organizations in making it 12½ per cent.

Mr. SIMMONS. I now offer the amendment which I submitted a few moments ago.

Mr. HARRISON. Mr. President, what is the pending committee amendment?

Mr. SMOOT. The Senator from North Carolina asks unanimous consent that his amendment be acted upon first. The pending committee amendment is found on page 15, line 19, where the committee proposes to increase from 11½ per cent to 12½ per cent the tax provided for by the House.

Mr. SIMMONS. I think that the amendment which I have just offered is in order without unanimous consent, because the effect of my amendment is to change the whole section.

Mr. SMOOT. No; the Senator's amendment applies to paragraph (b).

Mr. SIMMONS. The bill applies to the rate on corporate incomes.

Mr. SMOOT. Yes.

Mr. SIMMONS. It is a flat rate.

Mr. SMOOT. Yes.

Mr. SIMMONS. We are proposing, by the amendment which I have offered, to make it a graduated rate up to $15,000. Therefore we are changing the committee amendment to that extent.

Mr. SMOOT. I consented to a vote on the Senator's amendment first, so there is no question about it. The Senator's amendment is to be voted on first.

The PRESIDING OFFICER. The question is upon agreeing to the amendment submitted by the Senator from North Carolina [Mr. SIMMONS] to the amendment of the committee.

Mr. HARRISON. Mr. President, I understood the unanimous-consent request was that we first vote upon the amendment submitted by the Senator from North Carolina, which he has just offered formally.

Mr. SMOOT. That is correct.

Mr. FLETCHER. The Senator from Utah has no objection to it?

Mr. SMOOT. I have no objection to a vote on it at all, but the Senator had unanimous consent.

Mr. FLETCHER. I mean to the amendment itself?

Mr. SMOOT. As I understood the Senator, so there will be no misunderstanding, his amendment amends the committee amendment. That is the one we want to vote on first.

Mr. FLETCHER. Are we ready to vote?

Mr. SMOOT. Yes. The Senator from Mississippi will understand now that the pending amendment offered by the Senator from North Carolina is an amendment to paragraph (b), section 10, tax on corporations, which the House had provided and the Senate committee proposed to strike out.

Mr. SIMMONS. I have offered an amendment in the nature of a substitute, and we are to vote on that.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from North Carolina to the amendment of the committee.

Mr. WALSH of Massachusetts. Mr. President, I would like to add a very brief but important statement to what I said a few moments ago. I asked one of the experts of the Treasury Department to inform me what percentage of the reduction proposed by the majority of $200,000,000 upon corporations would go to the small corporations and what percentage to the large corporations. I was informed that about 92 per cent of the $200,000,000 would go to corporations with incomes of more than $25,000 and that only about 8 per cent of the reduction, which would be about $15,000,000, would go to those corporations which we class as the smaller corporations with incomes of less than $25,000. In other words, the great benefit of the proposal of the majority, which eliminates the graduated income-tax provision recommended by the minority would go to the corporations having incomes in excess of $25,000.

Mr. SMOOT. Necessarily so, because they pay all the taxes now. We can not take very much off of corporations that do not pay any taxes.

Mr. WALSH of Massachusetts. That is true, but the large ones do not need it.

Mr. SMOOT. Over 92 per cent is paid by corporations not involved in this at all.

Mr. HARRISON. Mr. President, as I understand now, the pending amendment is the one proposed by the Senator from North Carolina. The way the vote will come, since the amendment of the Senator from North Carolina has been offered in lieu of the Senate committee amendment, is to vote first on that amendment.

Mr. SMOOT. That is true.

Mr. HARRISON. Those in favor of the amendment of the Senator from North Carolina should vote "yea," and those opposed to it should vote "nay."

Mr. SMOOT. That is correct.

Mr. HARRISON. Mr. President, in their report, speaking of smaller corporations, even the Treasury Department recognizes that the small corporation should be given some relief. The Senator from Massachusetts made a very splendid and logical presentation of the matter showing the inequalities against the small corporations, showing that the greater relief would go to corporations of great capital by virtue of the removal of the excess-profits tax and other remedies, and that, during the course of time, the small corporations had been discriminated against.

Mr. SMOOT. The Senator is perfectly aware that the excess-profits tax hits the small concerns more than it does the large ones.

Mr. HARRISON. The trouble is the Senator will not pay any attention to what those on this side of the aisle say. If he did, he would get right more often.

Mr. SMOOT. Oh, no; he would get on the wrong road.

Mr. HARRISON. The Senator from Massachusetts presented the proposition that there were many corporations in the country that did not make more than 8 per cent and consequently that pay none of the excess-profits taxes. When we took off the excess-profits tax, of course, we helped the prosperous corporation, and by holding to the 12½ or 13½ per cent tax on all corporations we are continuing to discriminate against the corporation that made below 8 per cent and was not one of the prosperous corporations.

The Secretary of the Treasury recognizes that some relief should be given to the smaller corporations because in his report he made this recommendation. It seems the Senate committee has paid no attention to his recommendation, nor did the Ways and Means Committee of the House.

I suggest the following—

Said the Secretary in his report of last October—

amending those provisions of the law that apply to the tax on corporate incomes so as to permit corporations with a net income of $25,000 or less and with not more than 10 stockholders to file returns and pay the tax as a partnership at their option. It is estimated that such amendment will result in a loss of $30,000,000 to $35,000,000 of revenue.

That showed that the Treasury Department realized there had been discrimination against corporations whose incomes were less than $25,000. Of course, that is a fallacious recommendation. It will not stand the test and I can understand why the Committee on Ways and Means refused to consider it. However, it shows the bent of mind of the Secretary of the Treasury.

We know that in many of the smaller communities throughout the country people subscribe to stock for some hotel or a baseball club or many other things which they think are for the advancement and development of their town. They subscribe for stock in factories or other industries that might come there. If we get 100 men in a small community to subscribe to the stock of a corporation, the net income of which would be $25,000 or less, operating in competition with a corporation where there were not more than 10 stockholders, we find that the Secretary of the Treasury would give complete relief to the one as against the other, and if there was any relief due either one it ought to go to the latter kind of corporations.

Mr. SMOOT. The object of it was that they could make their returns as a partnership rather than a corporation if they desired to do so.

Mr. HARRISON. Yes; but that saved the corporation tax, which was a great saving. That showed that even the Secretary of the Treasury recognized that the small corporation should be given some relief.

I can not understand how any Senator can vote against the amendment offered by the Senator from North Carolina. I know that there might be objection raised to the language which was adopted by the House. It was perhaps hurriedly drafted. It proposes to carry out the right idea, and that is why it received such a tremendous vote in the House. But it did need some polishing, so we have put it through the polishing process and it is now an amendment against which the criticism that was made has been eliminated. The only objection raised before the Finance Committee to this corporation amendment giving some relief to the small corporations was because of the different percentages which were imposed in certain brackets, and it was maintained that when we got over one bracket into the other the discrepancy was so great that it was probably inequitable. That is quite true; but the way it is drawn now clears up and does away with that objection.

Under the bill as it passed the House, if the income in excess of the credits was $7,000 the tax would be 5 per cent of $7,000, or $350. If, however, the net income in excess of the credits was $7,001, the tax would be 7 per cent of such amount, or $490.07, the result being that an increase in income of $1 produced an increase in tax of $140.07.

So under the House bill, if the net income in excess of the credits were $12,000, the tax would be 7 per cent of this amount, or $840, but if the net income in excess of the credits were $12,001, the tax would be 9 per cent of this amount, or $1,080.09, the result being that an increase of $1 in net income would produce an increase in tax of $240.09.

Also under the House bill, if the net income in excess of the credits were $15,000, the tax would be 9 per cent of this amount, or $1,350. If, however, the net income in excess of the credits were $15,001, the tax would be 11½ per cent of this amount, or $1,725.12. Here again the result under the House bill is that an increase of $1 in net income would produce an increase in tax of $375.12.

The amendment now proposed by the Senator from North Carolina [Mr. SIMMONS], and upon which the Senate will now be called upon to vote, clears this difficulty by providing that in each case the tax shall not exceed the tax under the last preceding bracket, plus the amount of the net income in excess of the highest amount included in such preceding bracket. For example, if the net income in excess of the credits is $7,000, the tax would be $350 as under the House bill. If, however, the net income in excess of the credits is $7,001, the tax would be the amount of the tax under the preceding bracket, namely, $350, plus the amount in excess of $7,000, namely, $1, or a total tax of $351, as opposed to the tax under the House bill on the same net income, which, as I have stated, would be $490.07.

Further illustration of the effect of the amendment would be in the case of an income of $15,001, which under the House bill would be 11½ per cent of such amount, or $1,725.12. Under the proposed amendment the tax would be 9 per cent of $15,000, or $1,350, plus $1, or a total tax of $1,351.

That is all I desire to say on the question. Since the tax that would be lost by virtue of these reductions in corporation taxes below $15,000, according to the brackets suggested, we will only lose $24,000,000. I submit that in the interest of the smaller corporations of the country the amendment proposed by the Senator from North Carolina should be adopted.

This amendment goes further even on net incomes of corporations slightly above $15,000, because until the point above $15,000 net income is reached, according to the rule laid down here, the tax will be reduced on income below the 12½ per cent according to the Senate amendment, or 11½ per cent according to the House's action.

Mr. President, I ask for the yeas and nays upon the amendment.

Mr. SMOOT. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Edwards	King	Sackett
Bayard	Fletcher	La Follette	Schall
Bingham	Frazier	Locher	Sheppard
Black	George	McLean	Shipstead
Blaine	Gerry	McMaster	Shortridge
Blease	Gillett	McNary	Simmons
Borah	Goff	Mayfield	Smoot
Bratton	Gould	Moses	Steck
Brookhart	Greene	Neely	Steiwer
Broussard	Hale	Norbeck	Stephens
Bruce	Harris	Norris	Swanson
Capper	Harrison	Nye	Thomas
Caraway	Hawes	Oddie	Tydings
Copeland	Hayden	Overman	Vandenberg
Couzens	Heflin	Phipps	Walsh, Mass.
Curtis	Howell	Pine	Walsh, Mont.
Cutting	Johnson	Pittman	Warren
Dale	Jones	Ransdell	Waterman
Deneen	Kendrick	Reed, Mo.	Wheeler
Dill	Keyes	Robinson, Ind.	

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Carolina to the amendment of the committee.

Mr. COUZENS. I should like to have the amendment stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The Chief Clerk read as follows:

On page 15, line 21, after "section 26," insert a semicolon and the following:

"but the tax under this subsection shall not exceed $1,350, plus the amount by which the net income in excess of such credits exceeds $15,000."

On page 15, in lieu of the matter proposed to be stricken out in lines 22 to 25, inclusive, and lines 1 to 6, inclusive, on page 16, insert the following:

"(b) Taxable income not more than $15,000: If the amount of the net income in excess of the credits provided in section 26 is not more than $15,000, then, in lieu of the rate prescribed in subsection (a), the rate shall be—

"(1) Five per cent if such amount is not more than $7,000.

"(2) Seven per cent if such amount is more than $7,000 and not more than $12,000; but the tax under this paragraph shall not exceed $350, plus the amount by which the net income in excess of such credits exceeds $7,000.

"(3) Nine per cent if the amount of the net income in excess of the credits provided by section 26 is more than $12,000 and not more than $15,000; but the tax under this paragraph shall not exceed $840, plus the amount by which the net income in excess of such credits exceeds $12,000."

Mr. COUZENS. Mr. President, I should like to ask the Senator from North Carolina a question. Does the Senator in his amendment take into consideration the amount of capital invested in the corporations affected?

Mr. SIMMONS. No; the amendment merely takes into consideration the income derived from corporate operations.

Mr. COUZENS. Does the Senator think it a fair proposition to put an amendment of this kind into the bill without respect to the amount of capital that the corporation may have invested?

Mr. SIMMONS. I do. I think that a corporation that has a large capital and yet is so unfortunate as to make only a small income ought to be relieved.

Mr. COUZENS. Let me give this illustration to the Senator: Let us assume that a corporation has invested $5,000 and makes $12,000; such a corporation would get the benefit of this provision. Is not that correct?

Mr. SIMMONS. Yes, exactly; just as in the case of an individual who invests a large amount of money and derives a small amount of income from it.

Mr. COUZENS. Assume that a corporation has an investment of a million dollars and makes $20,000. It receives no advantage from this provision.

Mr. SIMMONS. None at all. The tax is graduated up to $15,000.

Mr. COUZENS. I think that the Senator will agree that there can be no equity in that. If a corporation invests a million dollars and makes only $20,000 it gets no advantage from this provision whatsoever, but if it invests $5,000 and makes $12,000 it gets the benefit of this provision.

Mr. SIMMONS. How does the Senator differentiate that from the case of an individual who invests a million dollars and makes only $20,000? He has the benefit of a graduted income tax at a very low rate.

Mr. COUZENS. He certainly has, but he is not engaged in business as a corporation with a specific amount of capital invested; and, as we all know, 99 per cent of the business of this character is done in corporate form.

Mr. SIMMONS. Yes; but an individual may do as much business as a corporation. Many individuals in this country invest a million dollars in their business, just as a corporation may invest a million dollars in its business, and if that individual's income is very small he gets the benefit of the low rate.

Mr. COUZENS. That is true; but a graduated tax on a corporation can not be accurately worked out without a consideration of the amount of capital invested.

Mr. SMOOT. In the case of which the Senator from Michigan just spoke all that the individual would pay would be the normal tax; that is all there would be to it.

Mr. SIMMONS. No; the individual would pay more than the normal tax if he made $20,000.

Mr. SMOOT. An individual pays the normal tax.

Mr. SIMMONS. He pays the normal tax and the surtax also. The normal tax is graduated and the surtax is graduated upon the individual, and it is graduated upon a partnership. We give the man who makes a small income, without any reference to the amount of capital he has invested, a lower rate than the man who, with the same amount of capital, makes a larger income; and I can not see how we can differentiate a corporation from an individual or partnership.

Mr. COUZENS. I point out to the Senator that the cases are not analogous.

Mr. SIMMONS. I do not want to interrupt the Senator; he can go on with his speech if he desires.

Mr. COUZENS. No; I merely wanted to get the Senator's viewpoint. I am not out of sympathy with a graduated tax if it can be graduated all down the line, and have some reference to the amount of capital the corporation has invested.

Mr. SIMMONS. But the Senator knows that we do not graduate income taxes all the way down the line. We graduate the income tax up to $100,000, and when the income exceeds

$100,000 we impose a flat tax. The same thing we propose to do in the case of corporations. We graduate the corporation's income tax up to $15,000, and above $15,000 we impose a flat rate, as we do in the case of the individual and the partnership.

Mr. WALSH of Massachusetts. Mr. President, I desire to call attention to the fact that every time we propose to apply the principle of ability to pay to corporations, and suggest a graduated income tax or an excess-profits tax, we are confronted with the claim that it is impracticable. We had to wipe out the excess-profits tax because it was not workable, and we are told that the graduated tax is not workable, which is an admission that we have created something called a corporation to which we can apply no principle that will protect the weak and the struggling industry against the powerful and those that make excess profits.

An individual who engages in business has his tax graduated, and has a surtax applied to his income as it increases, but the moment the cloak of a corporation is put on business you say, "All must be treated alike"; that the small business concern in a corner grocery shall not have applied to its business the principle of ability to pay when it comes to paying taxes.

I protest against the claim that we have created, through our corporation laws, a situation that makes it impossible to levy taxes upon the small business concerns at a lower rate than upon the larger and heavy dividend earning corporations.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Carolina [Mr. SIMMONS] to the amendment of the committee.

Mr. SMOOT. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. REED]. In his absence I transfer that pair to the junior Senator from Tennessee [Mr. TYSON] and will vote. I vote "yea."

Mr. CURTIS (when his name was called). I have a pair with the Senator from Arkansas [Mr. ROBINSON], which I transfer to the Senator from Rhode Island [Mr. METCALF], and will vote. I vote "nay."

Mr. McLEAN (when his name was called). I transfer my pair to the junior Senator from Idaho [Mr. GOODING] and will vote. I vote "nay."

The roll call was concluded.

Mr. BLEASE. I am paired with the Senator from New Jersey [Mr. EDGE]. I transfer that pair to the Senator from New York [Mr. WAGNER] and will vote. I vote "yea."

Mr. WALSH of Massachusetts. I desire to announce that if the senior Senator from Arizona [Mr. ASHURST] were present he would vote "yea."

Mr. JONES. I have been requested to announce the following general pairs:

The Senator from Maine [Mr. GOULD] with the Senator from Arizona [Mr. ASHURST];

The Senator from Ohio [Mr. FESS] with the Senator from Tennessee [Mr. McKELLAR];

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL]; and

The Senator from Indiana [Mr. WATSON] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 40, nays 38, as follows:

YEAS—40

Barkley	Edwards	King	Sheppard
Bayard	Fletcher	Locher	Simmons
Black	George	McMaster	Steck
Blease	Gerry	Mayfield	Stephens
Bratton	Harris	Neely	Swanson
Broussard	Harrison	Norbeck	Thomas
Bruce	Hawes	Overman	Tydings
Caraway	Hayden	Pittman	Walsh, Mass.
Copeland	Heflin	Ransdell	Walsh, Mont.
Dill	Kendrick	Reed, Mo.	Wheeler

NAYS—38

Bingham	Frazier	McLean	Schall
Blaine	Gillett	McNary	Shipstead
Borah	Goff	Moses	Shortridge
Brookhart	Greene	Norris	Smoot
Capper	Hale	Nye	Steiwer
Couzens	Howell	Oddie	Vandenberg
Curtis	Johnson	Phipps	Warren
Cutting	Jones	Pine	Waterman
Dale	Keyes	Robinson, Ind.	
Deneen	La Follette	Sackett	

NOT VOTING—16

Ashurst	Glass	Metcalf	Trammell
du Pont	Gooding	Reed, Pa.	Tyson
Edge	Gould	Robinson, Ark.	Wagner
Fess	McKellar	Smith	Watson

So Mr. SIMMONS's amendment to the amendment was agreed to.

Mr. SMOOT. Mr. President, I reserve the right to have a vote upon this amendment when the bill reaches the Senate.

The amendment of the committee as amended was agreed to.

Mr. SMOOT. The next amendment is on page 15, line 19.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The next amendment passed over is on page 15, line 19, where the committee proposes to strike out "11½ per cent" and insert "12½ per cent," so as to read:

SEC. 13. TAX ON CORPORATIONS.

(a) Rate of tax: There shall be levied, collected, and paid for each taxable year upon the net income of every corporation, a tax of 12½ per cent of the amount of the net income in excess of the credits against net income provided in section 26.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. HARRISON. Mr. President, will not the Senator from Utah explain the action of the committee in this respect, in view of what the Senator has said in his statements heretofore?

Mr. SMOOT. That is very easily explained. I have already said here to-day that if it were possible to reduce taxes further than this bill provided, the corporation tax would be the first one I would reduce; but we can not do it, Mr. President, and keep within the limits of safety on the part of the Treasury of the United States.

I ask for the yeas and nays on this amendment.

Mr. SIMMONS. As I understand, then, the Senator from Utah puts his opposition to the amendment offered by the minority solely upon the ground that there is not sufficient money in the Treasury to justify so great a reduction.

Mr. SMOOT. I may say that the amendment means a loss to the Treasury of $82,000,000.

Mr. JOHNSON. Mr. President, may I ask what amendment the Senator refers to?

Mr. SMOOT. The committee amendment which makes the corporation tax 12½ per cent. The House made it 11½ per cent; and the minority members of the committee, the Democratic members, wanted it left at 11½ per cent.

Mr. JOHNSON. Does that make a difference of $82,000,000, did the Senator say?

Mr. SMOOT. Eighty-two million dollars.

I ask for the yeas and nays on the amendment.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 3456) allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President, with an amendment, in which it requested the concurrence of the Senate.

POSITION OF UNITED STATES FLAG

Mr. HEFLIN. Mr. President, I send to the desk a letter which I ask to have read.

The VICE PRESIDENT. Without objection, the letter will be read.

The Chief Clerk read as follows:

NEW ROCHELLE, N. Y., *May 8, 1928.*

MY DEAR SENATOR HEFLIN: I have read of your resolution abolishing the flying of the chaplain's flag above the United States flag on ships during divine services.

At a conference at Washington, before the House Judiciary Committee, some three or so months ago, when the Brand bill was under consideration, the authorities of the Navy Department attending that conference said the Navy would willingly give up their practice in order to conform with the rules of the flag code then being considered.

That Brand bill never got very far, but the inclosed brochure shows that 112 patriotic and fraternal societies have adopted the inclosed flag code (and which will be in print within a few days complete) where it says that nothing shall fly above the flag of the United States of America.

These 112 societies represent practically all in the United States so that you may know the country as a whole is in sympathy with your contention.

Yours very truly,

GRIDLEY ADAMS,
Chairman National Flag Code Committee.

Mr. HEFLIN. Mr. President, I wanted that letter from Mr. Gridley Adams read into the RECORD at this time so that Senators may know what is going on in the country regarding the use and abuse of the American flag. I am going to address the Senate on this subject again in a few days, and ask for the consideration and passage of my resolution, which if adopted, will hereafter prevent the flying of any foreign flag

or any other flag, at any time above the United States flag. Certainly the Roman cross should not fly above it. I think that is a question which we ought to determine now. There should be no hesitancy on the part of American Senators to declare themselves on the side of the American flag. One other thing, and I am going to take but a moment, because I am anxious to have a vote on this tax bill. I hold in my hand the report of the hearings of the special Senate committee investigating and examining into the slush funds or financial contributions to presidential candidates. This is a report of the investigation made in New York just a day or two ago, where Governor Smith himself testified.

Governor Smith's testimony is amusing, misleading, and mystifying. Anyone who will read it with a discerning mind will get the impression that the Governor is trying to cover up things, and that he is pleading ignorance about practically everything and trying to get away from responsibility for what is going on in his campaign for the highest office in the country. He is dodging and evading and does not seem to know anything about his campaign. Whether they have asked him to assume that innocent or ignorant attitude or not, I do not know, but I want to tell the Senate this, that in the evidence disclosed already in this investigation we have another Frank Smith case before the Senate and the country in the matter of campaign contributions for Governor Smith. The governor's campaign manager is on the great and powerful Public Utilities Commission of New York, appointed by Governor Smith. He is the man selected to manage Governor Smith's campaign. He is the head of the organization that is now conducting Governor Smith's campaign. That man's name is George R. Van Namee. He has a man by the name of Kenny, of New York City, as a coworker, in the matter of obtaining campaign contributions, and Kenny is a big contractor in New York City. I understand that he and those he represents do millions and millions of dollars' worth of business in New York State and City every year. And that he and his associates obtain permits and franchises from New York State and City from Governor Smith and Mayor Walker.

Senators, this presents an ugly and serious situation to us and to the country. If Governor Smith can name as his campaign manager, or if he permits to act as his campaign manager, whether he selected him or not, the man he appointed for a 10-year term on the Public Utilities Commission of New York State, he places himself in a bad light and in a very reprehensible position before the right-thinking men and women of the country.

Mr. Kenny, the evidence shows, gave $20,000 to this man Van Namee, who is running Smith's campaign, and the testimony shows that he has loaned him $50,000 in money to be used in the interest of Governor Smith. This is just one contractor out of all the contractors they have in New York City. If that is the situation, and if that tells of Kenny's contributions alone, it gives an idea of how much the contractors up there will have to give to the Smith manager before the campaign is over. On the other hand, if Kenny, the friend of Governor Smith, is the agent of Van Namee, member of the New York Public Utilities Commission, is to go out and get these funds to be used in the campaign of Governor Smith, he is in position to hold up and collect large campaign contributions for Governor Smith from every contractor and corporation in New York City and State. This use and abuse of official position and power in the hands of Governor Smith and Mayor Walker to raise campaign funds to be used by Governor Smith or his friends to obtain the nomination for the high and honorable office of President of the United States merits and should receive the scorn and condemnation of patriotic Americans everywhere.

Think of it, Senators! Kenny, the big contractor, going out from Governor Smith's campaign headquarters in New York City calling on contractors and corporations for contributions in the name of Van Namee, of the Public Utilities Commission of the State of New York, and Mayor Walker, of New York City! He is the man who issues permits, and so forth. It is like a judge of a court with hundreds of cases, civil and criminal, pending for trial before him, sending a friend to all of those who had cases in his court asking them to contribute money for a campaign fund being raised to help reelect him. Will the Democrats of the Nation put the stamp of their approval upon such a corrupt and disgraceful perversion of official place and power? No; they will not! Are they ready to turn over to Governor Smith and the Tammany machine that I have just mentioned the leadership of a party that has fought graft and corruption always and been a terror to crooks and criminals since her birth time? No; they are not! I do not believe that one-twentieth of the money raised and expended in behalf of Governor Smith's race for President has been made known to the Senate committee or to the public. Governor Smith's manager told the committee that they had taken in $103,000. No doubt the Tammany Tigers have laughed themselves sick about that.

He also told the committee that there were a number of people who had told him that they would give Governor Smith any amount of money that he needed. Remember they were talking to a member of the public utilities commission appointed by Governor Smith. Verily this man Van Namee is not without "go-getting" influence, to obtain money from those whose business activities are under his scrutinizing eye and power in the State of New York. Next the testimony before the Senate committee shows that Governor Smith's campaign headquarters in New York City are at the Biltmore Hotel. The governor said so. He was asked how many rooms were in use by his campaign committee. He said he did not know, that he had not been in there. Think of that, the governor living in the hotel, headquarters opened up there to manage his campaign for the Presidency, and he has not been there. Strange indeed! I trust that I will not be accused of being intolerant for saying that. Either Senator BRATTON or one of the other members of the committee asked the governor if the New York Central Railroad Co. did not own that hotel. He "thought" they owned the property. Of course the "property" means the hotel, but he said it was under the management of a Mr. Bowman. What difference did that make? Somebody asked him if the rent of all those high-priced rooms was not given as a contribution to his presidential campaign, and he said he did not know. Strange indeed!

Then the committee asked Governor Smith, "Who managed your campaign in California?"

"I do not know. I do not know anything about it."

"Who managed it in Iowa?"

He said he did not know. He even declared that he did not know anybody in Iowa, not even the distinguished senior Senator, Mr. STECK, or Senator BROOKHART. He finally said that he did know Wilbur Marsh and Wilbur Marsh is the fellow who went back on the Senator from Missouri, Mr. REED. Somehow or other they had gotten Wilbur Marsh over into their camp. I have had nothing to do with the Reed campaign, but when I was speaking up in Iowa last summer—I made 8 or 10 speeches in that State—many people told me the State would go for the Senator from Missouri [Mr. REED]. At every place I spoke in the State I was told by a great many people that REED would certainly defeat Smith—that was before Governor Smith's public utilities commissioner of New York got busy in Iowa.

Governor Smith said he did not know who managed his campaign in Iowa, and he did not know who managed his campaign in California, where they spent $41,500. He either has a very obedient and convenient memory or he is very careless and indifferent to what is being done in his interest.

He did say finally after it was over, I understand, that Senator Phelan—a prominent Roman Catholic—had something to do with it. Somebody reminded him that Dockweiler—another of his faith—had something to do with it, and he said yes, he believed he had heard something about that. His testimony was most noncommittal and disgustingly evasive.

Mr. President, just such a ridiculous attitude was assumed by Newberry, of Michigan, who bought a seat in the Senate. Newberry disclaimed personal knowledge, as Governor Smith does, of money raised and expended in his behalf. In that case, John Newberry, a brother, was the Van Namee in the case. But Newberry for doing in a State what Governor Smith is doing in the United States was driven out of the Senate. The Roman Catholic political machine of New York is in action. The power of official position in city and State is employed to corruptly procure the office of President of the United States for Governor Smith, of New York.

This case of Governor Smith's is on all fours with the case of Frank Smith, of Illinois, who was denied a seat in the Senate because he used his office to financially benefit Insull, who was contributing to his, Frank Smith's, campaign fund for election to the Senate, and Smith, on the public utilities commission, was granting the requests of Insull to raise the rates on citizens who were obliged to use Insull's light and power, Insull giving him money to carry on his campaign, and he giving judgments favorable to Insull on the public utilities commission to reimburse Insull and pay him back many times over the amount that he had given Frank Smith.

Mr. President, we owe it to ourselves and to our country to repudiate, condemn, and cast out forever such despicable, disgraceful, and corrupt practices.

Now, we are told that Governor Smith's man, Van Namee, and his contractor friend, Kenny, are going out and holding up the contractors and business men in New York City and State to raise an enormous campaign fund to buy the Democratic presidential nomination for Governor Smith, the head of the

Roman Catholic political machine. I call upon the Senate investigating committee to go to the bottom of this thing. Call Mr. Kenny back and ask him, "To what extent do your contracts go in New York City and State? How much money do you make out of or handle on your contracts obtained through Governor Smith or the city of New York under Tammany's rule?" I suggest that they summon Mayor Walker and every big contractor and corporation head in New York City and ask what they have been requested to do in the way of contributions. That ought to be done at once.

The Senator from Missouri [Mr. REED] made a good fight in this body attacking the grafters and the corruptionists. I would like to have him give his attention to this most recent corrupt attack upon the safety and security of our American institutions. He knows how to do it as well and perhaps better than any Senator in this body. He has ably and forcefully prosecuted certain grafters and corruptionists, and I want him to come forward now and aid in exposing graft and corruption in the camps of both Democratic and Republican candidates for President.

Before I close let me say that I want the committee to ask Mr. Hoover why he sent $27,000 into California when he had no opposition. Was he afraid they would beat him, even when he had no opposition?

I will have something more to say in a few days on this subject.

Mr. EDWARDS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article appearing in to-day's issue of the New York Times.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

SOUTHERN VIEW OF SMITH—GOVERNOR'S VOTE-GETTING CAPACITY ONLY ONE POINT IN HIS FAVOR

To the EDITOR OF THE NEW YORK TIMES:

From the standpoint of a southern Democrat the following are to my mind sufficient reasons why Gov. Alfred E. Smith should be the Democratic nominee for President:

First, his undoubted vote-getting capacity. He has no superior as a campaigner. I used to think that the name of Smith, Jones, or Brown was a handicap, but one forgets the name when he thinks of the winning personality of the New York executive. His climb by his own efforts from humble surroundings thrills and fires the imagination. Again, the pronounced fear of Republicans, as manifested by their persistent efforts to prevent his nomination. The Republicans are as active as the ultradrys and those affected by religious prejudice. Next comes his undoubted leadership, as demonstrated by his conduct of affairs of the great State of New York. And then there is his unflinching courage and his unassailable honesty.

When it comes to his religion, anyone who stops to think must realize that a man's church affiliation is a matter almost entirely of inheritance or environment. Governor Smith is a Catholic because he learned that religion at his mother's knee, just as those of us who are Protestants, are Episcopalians, Presbyterians, Methodists, or Baptists for the same reason. Moreover, nothing was ever gained by sidestepping an issue, and if the religious issue has to come let it come now. When I feel that Governor Smith is a far better Catholic than I am a Protestant, I hope I have the charity not to hold against him his sincere devotion to his own church simply because I may hold a lesser devotion for mine. Again, there are some 16,000,000 Catholics in the United States, and it would be difficult to persuade them, if Smith is denied the nomination, that it has not been done because of his religious faith, and it appears to me that the Catholic Democrats of the North and East have the same right to be considered as the Protestant Democrats of the South.

Turning to the fact that Governor Smith is personally opposed to the Volstead Act and is commonly accounted a wet, in so far as his candidacy—standing as he does personally for the modification of the Volstead Act—will be a test of the attitude generally on the subject of prohibition, it would seem that the sooner this test is made that much the better. Let me repeat, no good ever comes from evading an issue.

I have no fear of Smith's ability to carry the South. It is possible that he may not receive as large a popular vote as did Wilson, but in my opinion the entire electoral vote of the South will be found in the Smith column. Finally, no candidate that either party can name will make such a popular appeal as will Governor Smith, and his able guidance of the Empire State of New York justifies the confident belief that he will measure up fully to the dignity and responsibility of the office of President of the United States.

ROBT. K. BROCK.

FARMVILLE, VA., *May 10, 1928.*

Mr. BLEASE. Mr. President, the Senator from Alabama has referred to the United States flag, but I think there is something greater in connection with that flag to which he might call attention than flying it under a certain pennant when religious service is being held. I refer to it being placed in so many common, ordinary places, and in so many business places.

It used to be that people reverenced the flag. I have seen old men, who, as they would pass it, would salute it. I have seen other men who would take their hats off when they passed an American flag. But to-day if some little parade comes into a little country town, everybody sticks out an American flag. People have gone to the extent of having holes in the sidewalks, and there will be an American flag on a staff every few feet. They use it on jitney busses, putting a United States flag on front of the bus. Sometimes they will have five or six. Grocers stick them up on their wagons. They pin them on horses' heads.

I think what we should do would be to have some kind of a regulation, issued from some source, providing when the American flag shall be used, and for what purpose it shall be used. The practice of letting people use it for all kinds of purposes and on all sorts of occasions should be discontinued. I could cite some more common instances of places where it has been abused.

I think, instead of fussing about the religious proposition, we ought to get together and pass some law, or adopt some rule, or have a regulation brought forth from some source, providing when the flag shall be used, as it used to be in the olden days. Now, it has gotten so that many use it for advertising purposes, or any other kind of purpose.

Very much the same applies to the medals we bestow. I think it will be so after a while that if a fellow swims Bush River down in South Carolina, a stream about 15 or 20 feet wide, if he makes it without missing a stroke, I will be asked to come and pin a medal on him for swimming over the river. If a fellow runs and jumps over what is called the river, he will get a medal for it.

It is getting so that if a man flies, no matter where he goes, he is given a medal, something is stuck on him. After a while it will be so that deserving people will not want these medals.

One was conferred on Mr. Lindbergh, for whom I have the highest admiration. I expect to see this very Congress ask him to give it up. I was the only Senator in the Chamber who protested against the giving of that service medal, because it is a medal which is supposed to be won like the senior Senator from Wyoming [Mr. WARREN] won it. It is supposed to be won by men of that character on the battle field, men who fought for it, risked their lives for it at a time when their country was at stake and not for experimental mercenary purposes, simply to be used for advertising. Yet we have got so we deliver these medals in that way. Yet, what does anyone suppose Senator WARREN to-day—and I say this without having talked to him about it—thinks of the medal that was handed him for a service for which he should have had it? I say that although he was fighting my people, he deserved it. Does anyone think he can hold that medal to-day as sacred as he held it before we began giving it to everybody, to somebody who happened to jump across a creek or fly in a balloon or some fellow that happened to knock down some man for insulting his wife?

I think my friend from Alabama should turn his course a little bit. If the flag of the Christian religion flies above the American flag, if it truly represents the religion of Jesus Christ and His Divinity, let it fly, because long after these people and this Nation shall have passed away that religion will live, and I thank God that that is true.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the committee amendment on page 15.

Mr. SMOOT. May we have the amendment stated?

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 15, line 19, the committee proposes to strike out "11½ per cent" and insert "12½ per cent," so as to read:

(a) Rate of tax: There shall be levied, collected, and paid for each taxable year upon the net income of every corporation, a tax of 12½ per cent of the amount of the net income in excess of the credits against net income provided in section 26.

Mr. HARRISON. Mr. President, this is perhaps the most important amendment that the Senate will be called upon to vote. I desire to recall briefly the situation.

The Senator from Utah [Mr. SMOOT], as I read to the Senate in the beginning of the discussion, stated that he would favor a $300,000,000 tax reduction. If this amendment, put in by the House, reducing the corporation tax from 13½ to 11½ per cent, together with the other reductions proposed by the ma-

jority, shall be adopted, it will not carry a tax reduction of $300,000,000.

Mr. SMOOT. Oh, yes!

Mr. HARRISON. The trouble about it is that the Senator makes figures, but he does not base them on correct facts.

Mr. SMOOT. It is $203,000,000, the original reduction, plus $24,000,000——

Mr. HARRISON. The 11½ per cent provision does not carry it to $203,000,000.

Mr. SMOOT. The $203,000,000 is the amount originally provided for. The Senate has just added $24,000,000.

Mr. HARRISON. Yes; against the advice and over the protest of the Senator from Utah.

Mr. SMOOT. That amount, together with the $82,000,000, which the Senator from Mississippi now wants, would mean $309,000,000, and yet the Senator from Mississippi says it is not $300,000,000.

Mr. HARRISON. The loss in revenue, if the rate is reduced to 11½ per cent, will be $165,000,000. Is not that correct?

Mr. SMOOT. The difference between 11½ per cent and 12½ per cent is 1 per cent, and that means $82,000,000. That is what I said to the Senator. There was $24,000,000 just voted, and with the $82,000,000, plus the $203,000,000 reduction, that makes a total of $309,000,0000.

Mr. HARRISON. The Senator knows that is not the way to figure the proposition.

Mr. SMOOT. I know it is the way, because the bill as reported to the Senate carried $203,000,000.

Mr. HARRISON. The Senator denied what the House did with reference to capital-stock transfers, and he denied what the House did with reference to dues. He did not want to allow this $24,000,000 reduction in graduated taxes. Now, we want to reduce the corporation rate to 11½ per cent, which would mean $84,000,000 more than the Senate committee provided for.

Mr. SMOOT. Those items were not involved in the $203,000,000.

Mr. HARRISON. I submit if the Senator will add up what the Senate has already done and then figure the loss by virtue of a 2 per cent reduction, as is now proposed in the corporation tax, it will not come to $300,000,000.

Mr. SMOOT. The Senator is wrong.

Mr. HARRISON. Let the Senator add up the figures and see.

Mr. SMOOT. On page 4 of the report these are the amounts of reduction stated: Corporation taxes, $82,000,000; corporation exemption, $12,000,000; readjustment of surtax brackets, $25,000,000; automobile taxes, $66,000,000; admission taxes, $17,000,000; cereal-beverage tax, $185,000; wine tax, $930,000; foreign-built yachts, $10,000; a total of $203,000,000.

Mr. HARRISON. Of course, $203,000,000.

Mr. SMOOT. That is right. Now, we have a loss of $24,000,000, which the Senate just voted, and, as I said, the Senator wants to take off $82,000,000 more, which would make a total of $309,000,000.

Mr. HARRISON. The Senator has added and taken into consideration some $25,000,000 or $30,000,000 of surtaxes that we have not yet considered at all.

Mr. SMOOT. The Senator said that with the amendments which had been offered it would be less than $300,000,000.

Mr. HARRISON. We have not considered all the amendments yet. We have not considered the surtax proposition.

Mr. SMOOT. There is no question that the Senator does not want to make any change in that.

Mr. HARRISON. Of course, we have made a change in that.

Mr. SMOOT. Not as to the amount.

Mr. HARRISON. It is about the same amount.

Mr. SMOOT. So the Senator was wrong when he said it was less than $300,000,000.

Mr. HARRISON. No; the Senator is not wrong.

Mr. SMOOT. The figures will speak for themselves. I insist that it is $309,000,000.

Mr. HARRISON. It is $309,000,000 according to the Senator's own figures, but he takes into consideration $24,000,000 that we just put on over his protest.

Mr. SMOOT. Certainly.

Mr. HARRISON. Even with those figures it would be only $285,000,000 reduction.

Mr. SMOOT. Is the Senator going to vote to put that $24,000,000 back?

Mr. HARRISON. Indeed, I am not.

Mr. SMOOT. No; certainly not.

Mr. HARRISON. Is the Senator going to vote with us to maintain it?

Mr. SMOOT. No; I am not.

Mr. HARRISON. I am sorry.

Mr. SMOOT. Then the Senator ought not to try to take it off.

Mr. HARRISON. The Senator must concede that the Treasury will stand for a tax reduction of $300,000,000.

Mr. SMOOT. That was an estimate.

Mr. HARRISON. Yes; and the Treasury Department have given us estimates for seven years and every time they have estimated they have been wrong from $100,000,000 to more than $500,000,000. The argument the Senator from Utah has presented here in the consideration of the tax reduction bill is the same that he presented in 1921, in 1924, and in 1926, when revenue bills were before the Senate.

Mr. SMOOT. It was an estimate at that time, but now we have waited until after the March 15 payments are in, and we know what they are. It is not much of an estimate now.

Mr. HARRISON. Yes; the Senator has said that every time. The Treasury estimates with him are always correct. They were not correct and they have not been correct. They were wrong seven times out of seven during the last seven years. I can not see much reason for believing them to be correct this time. Everybody knows that we have a surplus in the Treasury of over $400,000,000 from this year's taxes.

Mr. SMOOT. This bill has nothing to do with the coming year's taxes.

Mr. HARRISON. We have that surplus. We do not propose to disurb it, but let it be carried over so that if there is any doubt raised or any uncertainty as to the amount of the tax reduction, we will have at least that amount, under the Senator's bookkeeping process, to take care of any deficit. But there will be no deficit in the Treasury.

The Treasury said in 1921—and I must repeat this in order to make any impression on the Senator from Utah—that it would stand for a reduction of $372,000,000. Both Houses of Congress ignored that recommendation and passed a bill which carried $663,000,000 reduction, and yet, notwithstanding that fact, there was an enormous surplus piled up in the Treasury. The amount of surplus was $309,000,000. In 1924 the Treasury Department recommended a reduction of $323,000,000 and said it would not stand for any more of a cut than that amount. Congress passed a tax reduction bill carrying a reduction of $519,000,000, nearly $200,000,000 more than the Treasury said they would stand for, and yet with that great reduction there was piled up in the Treasury a surplus of $505,000,000.

Mr. SMOOT. That was Republican prosperity.

Mr. HARRISON. And yet the estimates to-day show that the returns from corporation profits are just as big as they were last year or the year before that, and the Senator from Utah undertook to rise in his place here and said it was an unusual situation and prophesied a reduction in it the next year.

Mr. SMOOT. The whole bill, I will say to the Senator, is based upon Republican prosperity continuing.

Mr. HARRISON. Well, let us hope some kind of prosperity will continue. In 1926 the Treasury recommended a cut in taxes of $300,000,000. Congress reduced the taxes $422,000,000. Yet, notwithstanding that, there was piled up in the Treasury a surplus of $607,000,000.

With these facts staring them in the face, the Senator and his committee have the audacity to try to make the American people believe that the Treasury's estimates are correct. Here it is in May, 1928, and on the returns which were made in March they say they are certain and accurate. The Senator knows that many thousands—I may say most—of the taxpayers filed in March only partial returns. Some taxpayers were given extensions until the 15th of May and have not paid anything yet or reported at all; and yet the Senator says "On the face of the returns that are made we know that the estimates at this time are more correct than ever before." We submit that the Treasury Department is wrong in its estimates, that the Government will stand for a reduction of at least $400,000,000, but to be on the side of conservatism, to raise no question of doubt about it, we of the minority have proposed a program which carries about $300,000,000 reduction.

Here is the United States Chamber of Commerce, just adjourned after its meeting in Washington, composed of hundreds of thousands of members comprising business men and leaders in business throughout the country. Every chamber of commerce and board of trade is a member of it. Only yesterday they passed a resolution, which I asked to be incorporated at the close of my remarks, asking for a reduction of the tax on corporations and criticizing and condemning the policy of the administration for levying these high taxes on the American people and drawing from them more than is necessary to run the Government economically, piling up an enormous surplus in the Treasury, taking it to pay off the national debt so that certain favored groups in the country, who have bought Italian

bonds and French bonds and Austrian bonds, may in time make their application to get a cancellation of our foreign debt and influence their bonds to go up.

That is what is behind the proposition. Why not be fair with all the American people? Why do they not show enough statesmanship to draw their pattern and frame their fiscal policy so that these great surpluses will not pile up and so they will only levy so much tax on the American people as will pay, within a reasonable time and in an orderly way, pay off our national debt and meet every emergency and demand of the Government to run it in an economical way, without all of this uncertainty and doubt and hypocrisy and deception that has been practiced upon the American people for the last seven years?

I say to Senators on the other side of the Chamber that they do not fool and they have not fooled the United States Chamber of Commerce, the business people. Their representatives appeared before the Committee on Finance, and the Senator from Utah squirmed in his seat. They brought there Mr. Mills, whom they took from the House and put in as Undersecretary of the Treasury, in order that he might protest and join in combat with the United States Chamber of Commerce. I doubt not that every influence—and it is great—that could be brought to bear by the Treasury Department was brought into play upon the members of the chamber of commerce and particularly those higher up in that organization, to keep them from making an issue out of this question and to prevent them passing these resolutions; but the Republican policy has been so palpably wrong that not even the United States Chamber of Commerce could be induced to change its position.

Mr. President, the Democratic Party has never stood as the champion of big business in this country; it does not now do so, even though the Republican majority in a sneering, cynical way have tried to make some believe that we are here to defend solely the corporations. The Democratic Party believes in fair play to the American people; it believes in giving a fair deal to every legitimate industry in the country. We believe that the corporations which are conducting themselves within the law ought to be given some tax reduction just as it is given to individual taxpayers. We have fought to reduce, and we have demanded of Senators on the other side of the Chamber and have finally forced them to reduce, the taxes of the individual income taxpayers of America.

We have fought to eliminate normal taxes and surtaxes upon millions of American taxpayers. And we have forced reduction of surtaxes upon every class. We have and always will stand for the greatest relief to those who need it more, but we are not against legitimate business, it matters not how large it may be. During all this time, what has happened to the corporations?

May I say to Senators on the other side of the Chamber, even though they picture corporations as soulless, they are made up of the millions and millions of American citizens who own stock in those corporations. Under modern business methods people in my State own stock in corporations thousands upon thousands of miles away. Widows and orphans invest their earnings and their possessions in such corporations. Those corporations deserve fair treatment just as much as the individual deserves just treatment.

Let us trace the taxes that have been imposed upon corporations. The tariff act of August 1, 1909, instituted an excise tax with respect to carrying on business by corporations, joint-stock companies or associations, and insurance companies. That was the first effort ever made to impose an excise tax. The income tax law had been held unconstitutional, and this was the way they tried to reach corporation income. That tax was equivalent to 1 per cent upon the entire net income over and above $5,000 received from all sources during the year, exclusive of dividends. That act remained in force until the enactment of the 1913 tariff act. Meanwhile the Supreme Court had upheld the constitutionality of the income tax law. Section 2 of the act of 1913 imposed an income tax on corporations instead of the excise tax imposed by the law of 1909. That was the first time an income tax had been levied on corporations. The rate, however, was continued at 1 per cent; it was not increased; and only one return was required for the year 1913. The rate of the tax was the same, and otherwise the excise tax law and the income tax law were much alike, the income tax law being a trifle broader.

The next time the law was changed was by the act of September 8, 1916. The tax was first imposed in 1909; it was retained in 1913, and then in 1916 the rate was increased to 2 per cent on the net income of corporations. Then came the revenue act of 1917, when we began to prepare for war and to meet the emergencies of the war which was then impending. That act imposed an additional tax on corporations of 4 per cent, making the total tax rate at that time 6 per cent in addition to the excess-profits tax which was levied by that act for the first time on individuals, partnerships, and corporations.

The revenue act of 1918—the war tax law—levied a corporation tax of 10 per cent. By that time the tax on corporations had been increased from 1 per cent in 1909 to 10 per cent in 1918. Then followed the revenue act of 1921, which continued the 10 per cent tax on corporations, as in the 1918 act, for that year, but for each year thereafter the tax was to be raised to 12½ per cent. I call attention to the fact that in the year 1921, three years following the war, after the war had been over for that length of time, and the Republican Party controlled the American Government, it was then that they raised to 12½ per cent the corporation tax, which only 11 or 12 years before had been 1 per cent.

I may say, however, in citing the history of the corporation tax that the reason given for the increase to 12½ per cent was that the excess-profits tax, while continued for the year 1921, was thereafter repealed. The credit allowed the corporations by the act of 1921 was $2,000.

The 1924 act did not materially change the corporation tax, but in 1926 the tax was increased to 13½ per cent. Here is where we come to this modern order of statesmanship, led by the Senator from Utah, who now tries to thwart the plans of the minority, and to restrain us in our efforts to reduce the tax on the corporations of the country to 11½ per cent. It was on his motion that the corporation tax was raised from 12½ per cent to 13½ per cent. He said the other day that the reason for it was that we were going to eliminate the capital-stock tax and in order to make good the loss which would thereby accrue we should increase the corporation tax to 13½ per cent.

The Senator at that time was just as wrong in his figures and just as misleading in his estimates as he is to-day. To me, Mr. President, it is one of the surprises of the age that on this issue he can hoodwink and cement together on his side of the aisle Senators who have talked progressivism and Senators who have stood in their tracks for more than 40 years and are known as the stand-pat crowd. It is rumored that there is an agreement on the other side with those who do not want the question of the estate tax brought up and that tax repealed. If the so-called progressives will vote with the "old guard" against giving relief to the small corporations, the relief which was unanimously decreed should be given to them by the Republican membership in the House of Representatives—aye, by the united membership of the House of Representatives—the leaders on the other side are willing to agree not to try to repeal the estate tax. We will see before this contest is over just what is going to happen. We will know how long this well-ordered agreement will live. We will see who is going to keep the faith over there and how long peace and harmony will reign on the other side of the aisle.

Ah, but the Senator from Utah, who now prates against this reduction in the corporation tax, said in 1926 that we were going to eliminate the capital-stock tax; that because of that action we would lose $93,000,000, and in order to make it up we would have to increase the corporation tax to 13½ per cent. He stated at that time that that was the reason for the increase in the corporation tax. He denied it the other day; but the RECORD is before me, and I can quote it to him if I can keep him in his seat long enough while I am discussing him and this question. I cited from the actuary, Mr. McCoy, a statement that, in view of the general business expansion of that year, we would obtain from the corporation tax at the then prevailing rate of 12½ per cent $120,000,000 more than we had obtained the preceding year, and that if we increased the corporation tax to 13½ per cent, because of the increased business activities of the country we would collect from the corporation tax over $200,000,000 more than we had collected the previous year. With a $93,000,000 loss because of the repeal of the capital-stock tax and more than $200,000,000 obtained from the increase in the corporation tax, there would be left a margin, paid by the corporations over and above what they had paid during the preceding year, of $120,000,000. Those are the facts.

Senators who sit before me now know they are the facts. If the Senator from Utah were in his seat now and should deny the statement, I would read from the discussion which took place at that particular time. Yet it is said the corporations of the country should not now be given some relief in the form of tax reduction.

Mr. President, if the American people would open their eyes and if they could fathom the innermost intentions of some men who are leaders in the public life of this Nation, there would be almost a political revolt. Mr. Mellon and the crowd that work with him have their eyes fixed singly all the time to the reduction of the surtax. That is what they want. Why? Because they know that while on the dividends from stocks of

corporations they pay no normal tax on their individual income aside from the stock dividends they do pay the normal tax as well as the surtax. Yet the Senator from Utah, in speaking some months ago, employed a phrase which I will read. The Senator from Utah sometimes make a good speech, and sometimes makes a correct statement as to figures. Of course, they are only on rare occasions. This was one. The trouble is that the Senator forgets one year what he said the year before, and the Senator tells the American people one day what he is going to do, and he does just the opposite the next day. Some of these days they are going to find out the Senator from Utah, as we on this side and you over there, if you know it, already have found, that so far as figures are concerned he is not reliable.

Here is what the Senator said he was doing to do; and this was just in June of last year:

I think the tax bill—

Says the Senator from Utah—

is a very important thing, and that taxes ought to be reduced to the extent of $260,000,000 to $300,000,000.

Here we take his advice, and try to do it; and he rises on the floor of the Senate and, with the power that he wields, he protests and restrains us.

That is not all he said—

and the revision ought to be effected by February 1.

He says:

The first thing that should be reduced is the corporation tax, from 13½ to 12 per cent.

He says 12½ per cent is as far as we can go. Why did the Senator say in last June that the first reduction of taxes to be made should be given to the corporations, and at least that they should be reduced to 12 per cent? Now, when we stand here fighting to give them 11½ per cent, as the House of Representatives unanimously did, the Senator says, "You are trying to destroy the Treasury of the Government." So he went back on that statement.

Now, let us see what other statements he made.

The next thing the Senator stands for is the abolition of admission and so-called nuisance taxes. Why, we took up a whole day here, and the Vice President came near getting into political trouble again, because on the amendment that was offered the vote was 40 to 40, and the Senator from Pennsylvania [Mr. REED], in order to embarrass the Vice President, got up and said that the Vice President ought to vote; that he was trying to shirk his duty on that particular proposition.

Ah! it is wonderful what politics does to people. One day they are with somebody and the next day they are against him. I do not know whether or not the intention of the Senator from Pennsylvania was to embarrass the Vice President as once he was embarrassed on another close vote; but I submit that the Senator from Utah, who last June said he was for taking off all admission taxes, fought this week our effort to take them off and defeated us by calling in some Senators who had not been here when the discussion was going on. At that we were defeated by only two or three votes.

That is the record. It makes my heart bleed to have to tell the Senate about it, but I have to do it.

Now, let us see what else the Senator from Utah said.

As I have stated, the Senator said he stood for the abolition of admission and so-called nuisance taxes; but when we tried to abolish the capital-stock-issue tax, the capital-stock-transfer tax, and tax on club dues he thwarted our plans. He would not permit us to do it.

Then next there was to come a reduction in income taxes on incomes between $15,000 and $60,000; but since the Senator made that statement, he standing for a reduction in income taxes on incomes between $15,000 and $60,000, he went up to see the Secretary of the Treasury and they talked together, and then he got up another amendment, and he and his colleagues on the committee brought in that amendment.

What is that amendment? Ah, you will be called on to vote on it. I am wondering if this coalition that has been formed between the Republicans and the so-called Progressives—who always backslide at the wrong time—is going to endure. I wonder if they are going still to stand with you and vote with you on the proposition. The Senator has an amendment; he has some political milk, some soothing sirup that he is going to give you. I wonder if you are going to take it. Do you know what it does? It does not give a tax reduction to persons of incomes between $15,000 and $60,000 that he said he was going to stand by; but he takes the man whose income is $5,000,000, and says to him, "You are the one who must get the reduction."

Oh, the Senator laughs; and I imagine that when some one on the other side who is easily misled and deceived made the suggestion to him he laughed that cynical laugh then; but we shall show you, when we get to the surtax revision and discuss his amendment and compare it with the amendment offered by the distinguished Senator from North Carolina [Mr. SIMMONS] that the amendment we offer gives relief to the man lowest down and gives none to the man with over $70,000 income; while the amendment offered by the Senator from Utah gives no surtax reduction to the man with a net income under $20,000, but everybody above that up to $10,000,000 gets his reduction. Is not that true?

Mr. SMOOT. Mr. President, the Senator asks me a question. Does he want it answered?

Mr. HARRISON. Yes. Is not that statement correct?

Mr. SMOOT. The Senator does not want any answer.

Mr. HARRISON. If the Senator wants to hide behind that, all right.

Mr. SWANSON. Mr. President, I should like to have an answer.

Mr. SMOOT. The Senator from Virginia has not the floor. The Senator from Mississippi has the floor.

Mr. HARRISON. Please do not embarrass the Senator again.

Mr. SWANSON. I should like to know whether that statement is true or not. Do you report a bill containing an amendment like that?

Mr. SMOOT. The Senator said that we have given the big reduction to the $5,000,000 man. It is not true.

Mr. HARRISON. Do you not give him any reduction in your amendment?

Mr. SMOOT. That is not what the Senator said.

Mr. HARRISON. Do you not give him any reduction in your amendment? Of course you do.

Mr. SMOOT. Yes.

Mr. HARRISON. In our amendment we do not.

Mr. SMOOT. Politics, politics! That is all there is over there. Now, will the Senator let me answer the question of the Senator from Virginia?

Mr. HARRISON. Yes.

Mr. SMOOT. I will say to the Senator that these are the facts in the case:

Wherever there is a reduction from bracket to bracket in existing law that reduction is carried on at the next bracket, and so on down until it reaches $100,000, we will say. In the existing law it went right through, and they had the credits that each one of the brackets gave. Now, the majority report is that with those brackets they go just as they do in the existing law down to $100,000; and after that, no matter what income the taxpayer may receive, he gets what is accumulated in those brackets, or $470. So the man who has an income of $110,000 gets a reduction of $470 a year and the man who pays $10,000,000, if there is such a taxpayer, gets only $470 reduction; but my friend from Mississippi says that we gave the man with $5,000,000 more than anybody else. It is not true.

Mr. HARRISON. The Senator does not understand me.

Mr. SMOOT. Let me tell you what they are trying to do, Senators: They are trying to fix up a scheme here by which they jump brackets 2 and 3 per cent. What for? In order that when they get down to $80,000, I think, instead of $70,000—I think that is what it is, but I can look it up in a minute and see——

Mr. HARRISON. About $70,000.

Mr. SMOOT. It does not make any difference whether it is $80,000 or $70,000.

Mr. HARRISON. No; figures do not make any difference to the Senator from Utah.

Mr. SMOOT. They want such a figure in there that they will not give the man who receives $110,000 income any reduction whatever. That is what their proposition is. They will not even allow the step brackets where they are transferred from one bracket to another. The credit in the preceding bracket is carried on to the next bracket; and they allow that only just so far as the voters pay—that is all.

Mr. HARRISON. Has the Senator finished? If he has, I thank him for his explanation. It is exactly as I said.

Mr. SMOOT. Oh, is it? Well, I will leave it to the Senators. There is just as much truth in that statement as there is in a good many others the Senator has made.

Mr. HARRISON. Now, will the Senator sit down and let me proceed?

Mr. SMOOT. I will.

Mr. HARRISON. I said that the Democratic minority gave no reduction on incomes above approximately $70,000.

Mr. SMOOT. And I do not deny it.

Mr. HARRISON. No; the Senator does not deny it. I said that although the Senator said in that statement last year that he was going to stand for a tax reduction on incomes between $15,000 and $60,000, he had written in an amendment and gotten his colleagues to adopt it, and it is in this bill, giving no reduction in surtaxes on incomes below $20,000, and that all the reduction came on incomes above $20,000. The man with $5,000,000 income got his reduction; the man with $100,000 income got his reduction—any amount above $20,000. That is what I stated.

Mr. SMOOT. That is not all the Senator stated.

Mr. HARRISON. I am going to state some other things in a moment.

Mr. SMOOT. I do not care what the Senator states.

Mr. HARRISON. I know it.

Mr. SMOOT. The Senator stated that the greatest reduction was given to the man who had $5,000,000 income.

Mr. HARRISON. He gets $470 reduction.

Mr. SMOOT. Yes; and so does the man get $470 who has to pay a tax on an income of $110,000.

Mr. HARRISON. Yes.

Mr. SMOOT. So it is not greater. The trouble with the Senator is that what he stated is not the fact.

Mr. HARRISON. I thought the Senator had admitted what I stated to be correct.

Mr. SMOOT. Oh, no; I did not. I say that it is not correct.

Mr. HARRISON. The trouble with the Senator is that he forgets what he states the minute after he states it.

Mr. SMOOT. Did not the Senator say to this body that the man who had $5,000,000 received the greater reduction?

Mr. HARRISON. I said he got a reduction.

Mr. SMOOT. No; the Senator did not say that.

Mr. HARRISON. If it will satisfy the Senator, if I said that he got a greater reduction than the man who had an income of $4,999,999, I will amend it.

Mr. SMOOT. The Senator did not say greater than the man with an income of $4,999,000. He said he got the greater reduction.

Mr. HARRISON. Mr. President, the Senator is trying to filibuster against his own bill.

Mr. SMOOT. No; I am not trying to filibuster.

Mr. HARRISON. The trouble with the Senator is that he does not possess a pencil that knows how to stop giving reductions in the higher brackets. He wants it to go away on up, and that is what Mr. Mellon wants. He wants it away up yonder. I had thought that maybe this committee, when they found out the joker that the Senator had put in his proposition, would change front on it, and it may be that they will before it is over.

Mr. SIMMONS. Mr. President, may I interrupt the Senator?

Mr. HARRISON. I yield to the Senator from North Carolina.

Mr. SIMMONS. I think the difference between the two propositions can be explained in a very few words.

The majority proclaimed that they were going to give persons with incomes between $20,000 and $70,000 the benefit of $25,000,000 reduction. That was what was proclaimed. They have prepared a bill, however, which gives persons whose incomes are between $20,000 and $70,000 a reduction of practically $15,000,000—fourteen million and something—and they have given to persons whose incomes exceed $70,000 a reduction of $9,600,000. In other words, of the $25,000,000 reduction that was to have been given to the incomes within these low brackets, instead of doing that they have taken about two-fifths of it and given it to incomes above $70,000.

That is the difference between the two propositions. The Democratic or minority proposition is so adjusted that it gives to those with incomes below $70,000 a reduction of $25,000,000, and does not give to those with incomes above $70,000 one cent of reduction. The majority proposition gives to incomes below $70,000, in round numbers, $15,000,000 reduction, and gives the balance, or $10,000,000 of the $25,000,000, to these higher incomes. That is the effect of the two schemes.

The Senator says that result is produced by manipulation of brackets. It does not make any difference how the result is produced; that is the result of their proposition, and that is the result of our proposition. In other words, our proposition gives all of that reduction to incomes below $70,000, and their proposition in round numbers gives $10,000,000 of the $25,000,000 reduction to incomes above $70,000.

Mr. SWANSON. Mr. President, how many people get this $10,000,000 reduction? How many people get a reduction between those brackets?

Mr. SIMMONS. I do not know.

Mr. SMOOT. I can tell the Senator. I think it is about 125,000 above and about 225,000 below.

Mr. HARRISON. The amendment of the Senator from North Carolina will relieve 81,000 income taxpayers from all surtaxes. It will give relief, by reducing their income taxes, to 310,000, who have incomes between $10,000 and $70,000. The amendment of the Senator from Utah, which is incorporated in the bill, will give no reduction to the income taxpayer whose income is $20,000 or less, but gives relief only to the 125,000 income taxpayers who are the highest on the list.

Mr. SMOOT. I am going, when this matter is up, to show just exactly who pays the taxes and the number that pay them. I have the diagrams here; and if anybody will give me just one minute's time they can see plainly, if they want to, just the number and who pays this tax. Of course, in this bill all the reduction that the 207 people who pay over a million dollars get out of this whole $25,000,000 is $97,200; that is all.

Mr. SIMMONS. Ninety-seven thousand dollars?

Mr. SMOOT. Every taxpayer—and there are 207 of them that pay over a million dollars——

Mr. SIMMONS. Over a million dollars?

Mr. SMOOT. Well, wait; I understood that the Senator wanted to know. In the case of the 207 who pay over that amount, the whole reduction they get, according to the bill as reported by the Senate committee, is $97,200.

Mr. SIMMONS. Mr. President, I state again, on the authority of the Actuary of the Treasury, that under the majority scheme people whose incomes exceed $70,000—it does not make any difference how high they go, even if they go to $100,000,000—will get this $25,000 reduction, and every one of those whose income is in excess of $100,000 will get a reduction of $470.

Mr. SMOOT. I think if the Senator will take Mr. McCoy's figures——

Mr. SIMMONS. I have the statement here.

Mr. SMOOT. Then the Senator has taken the wrong bracket.

Mr. SIMMONS. No; I have the statement in his own handwriting, written in the last few days.

Mr. SMOOT. Here is the statement Mr. McCoy made, and the Senator can figure it out himself and see that he is mistaken in the statement he made.

Mr. HARRISON. Mr. President, I want to proceed, and the Senator from Utah can go over his figures and correct them in the meantime.

Mr. SMOOT. Those are not my figures; they are Mr. McCoy's.

Mr. SIMMONS. May I ask the Senator from Utah if under his scheme every man whose income exceeds $100,000 does not get a reduction of $470?

Mr. SMOOT. He does.

Mr. SIMMONS. Under the minority scheme would a man whose income exceeds $100,000 get any reduction at all?

Mr. SMOOT. All get a reduction of $470; it does not make a particle of difference whether the income is over $100,000 or not. Up to whatever it may be each gets $470, brought about by the carrying of each bracket from the first surtax down to the 20 per cent.

Mr. SIMMONS. It was not necessary to do that, and we did not do that.

Mr. SMOOT. We thought it was necessary.

Mr. SIMMONS. We do not give any reduction at all in our schedule to those whose incomes exceed $70,000.

Mr. SMOOT. I made that statement the very first day the bill was up for discussion, and explained the difference between the two amendments. There is no question about it.

Mr. HARRISON. There is no question. I am glad the Senator has gotten down to that.

Mr. SMOOT. I stated before, and I do so now, that I wanted the Senate to know the only reason why this whole program has been changed from all former programs of carrying on from bracket to bracket is the desire to make a little political capital out of it.

Mr. HARRISON. Mr. President, I undertake to say that the Senator was wrong in his former statement as to the amount of the corporation-tax reduction, as to the taxes on admissions to theaters, and as to war nuisance taxes.

Mr. SMOOT. Yes; because of the fact——

Mr. HARRISON. The Senator always has a reason.

Mr. SMOOT. It is a good reason; because of the fact that the revenue is not sufficient to meet all the demands, and if it had been, certainly I would be here asking for a reduction.

Mr. HARRISON. If the Treasury is correct—as they have never been—then, of course, the Senator may have some sound foundation on which to stand.

Then the Senator has gone back on this proposition of giving a reduction on the surtaxes on incomes between $15,000 and $60,000. Now we understand each other, that the Democratic proposal is that all the reduction shall take place on incomes

below $70,000, approximately, and that the majority reductions shall apply to no income below $20,000 but to incomes of $20,000 and upward ad infinitum.

Mr. SMOOT. Mr. President, the majority members of the committee wanted——

Mr. HARRISON. Mr. President, let me proceed.

Mr. SMOOT. The majority members of the committee wanted to correct the evil that existed in the imposition of taxes against people with incomes up to $80,000, and it is shown on the map on the wall so plainly that the Senator himself will not deny it. In other words, they are paying a higher tax than they did in 1917, and we undertake to relieve all of those people who were paying a higher income tax under the existing law than they were paying in 1917.

Mr. HARRISON. Mr. President, the Senator knows that no one has ever said that the man whose income is $1,000,000 or $5,000,000 was discriminated against.

Mr. SMOOT. I am not talking about that.

Mr. HARRISON. The Senator is undertaking to give them some reduction.

Mr. SMOOT. Everybody knows what it was given for.

Mr. HARRISON. The only criticism that has been found was as to a little inequality within a certain bracket between twenty-odd thousand dollars, I believe it was, and sixty-odd thousand dollars income.

Mr. SMOOT. Eighty thousand dollars.

Mr. HARRISON. Say $80,000. My recollection is that it was sixty thousand and odd.

Mr. SMOOT. There is the map, which shows that it is $80,000.

Mr. HARRISON. The Senator does not limit it to them, but goes beyond that, and gives to the man whose income is larger than that just as much reduction as to the fellow who gets an income of $100,000.

Mr. SMOOT. Mr. President, he is paying exactly the same as he is paying to-day. He has not any reduction whatever. The credit in the past has been from bracket to bracket. He has had that credit, and we have not changed from what the existing law is on the man who has an income of over $100,000.

Mr. HARRISON. The Senator says that under his amendment there will be no reduction to the man who gets an income of $500,000.

Mr. SMOOT. No; I do not say that. I say he gets $470.

Mr. HARRISON. Of course, he does; and that is all I said.

Mr. SMOOT. That is not what the Senator said. If he has an income of $5,000,000, he gets $470 reduction, and that is all.

Mr. HARRISON. Under our amendment he does not get any.

Mr. President, the Senator says we are playing politics. We are trying to relieve first the man who needs relief.

Mr. SMOOT. That is what we have done.

Mr. HARRISON. And there will be, so far as our votes are concerned, no more tax reduction to the highest fellow, in the highest bracket, until the man of more moderate income has been relieved. We have followed that course throughout, and that is why we have relieved millions already from the payment of surtaxes. That is why we have reduced the people of moderate means by the millions from the payment of income taxes.

The policy we have pursued in the past will be continued in the future. But the Senator and his colleagues never favor a tax reduction bill unless it presents relief for the man with the big income, who does not need tax reduction as much as the poor unfortunate whose income may be $12,000 a year, who, under the Senator's amendment, gets no reduction, while the other fellow does.

That is the way the political minds of the Senator from Utah and his party work, and on the roll call we will see how they vote.

Mr. SWANSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Virginia.

Mr. HARRISON. I yield.

Mr. SWANSON. Do I understand from the Senator that the Senator from Utah has introduced a proposition here to the effect that a man with an income of $100,000 shall get a reduction, but that a man with an income of $12,000 will get no reduction?

Mr. HARRISON. That is exactly the proposition; and the Senator will not rise now and deny that that will be the effect of his amendment.

Mr. SMOOT. Let us see what is does. Under the act of 1926 he got a reduction, and not only that——

Mr. HARRISON. The Senator from Virginia is asking about the amendment of the Senator from Utah to this bill.

Mr. SWANSON. I am asking the Senator this: Has he offered an amendment in the Senate under which a man who has an income of $12,000 will get no reduction but a man with $100,000 will get a reduction?

Mr. SMOOT. All that he will ever pay is $20.

Mr. SWANSON. I do not care what he pays. It ought to be proportionate. I want just the proportion, not the amount.

Mr. SMOOT. The man who gets $12,000 net, with all of his allowances, we ask to pay $20 toward maintaining the Government, and I think he is an ungrateful citizen of the United States if he objects to paying $20 toward maintaining the Government of the United States.

Mr. HARRISON. Does the Senator think that the man who receives an income of $5,000,000, and who gets a reduction of $470, ought to object? He has no objection coming at all, has he?

Mr. SMOOT. Not as to the $470.

Mr. HARRISON. No.

Mr. SMOOT. He is entitled to it, because of the decreases that have been made in all the brackets before.

Mr. SIMMONS. They are not necessary decreases.

Mr. SMOOT. I want to say to the Senator that if he will look at the map, he will see there is a little red dot and a whole black line that shows who pays the tax, showing the number of people who pay the great bulk of the taxes to-day, and you can hardly see it when you get up there [indicating].

Mr. HARRISON. I am surprised that the Senator can see the unfortunate moderate class in this country at all. If the Senator would divert his mind from those red, white, and blue colorations up there a while to the poor devils out in the huts throughout this country, who need some relief, it would be better for the country.

Mr. SMOOT. A man must be a "poor devil" who makes $12,000 a year, an awfully "poor devil," when all we ask him to do is to pay $20 toward maintaining the Government of the United States. He receives $2,000 more than a Senator is paid, but he is a "poor devil" when we ask him for $20 toward maintaining the Government of the United States.

Mr. SWANSON. Mr. President, I did not ask the Senator for a reason. I want to know whether it is true—I want the specific fact—that a man with an income of $12,000 gets no reduction, but a man with an income of a hundred thousand dollars does get a reduction. I am not asking for the reason that animated the Senator. I simply want to know whether that is true under his amendment.

Mr. SMOOT. A $12,000 income——

Mr. SWANSON. I am not asking for a reason, but is that true?

Mr. HARRISON. Yes.

Mr. SMOOT. If the Senator will just wait a minute, I will tell him. A man receiving a $12,000 a year income, under the amendment of the Senator, pays $20 per year.

Mr. SWANSON. What does he pay now?

Mr. WALSH of Massachusetts. That is only the surtax. He pays a normal tax besides.

Mr. SMOOT. We are talking about the surtaxes.

Mr. WALSH of Massachusetts. How much of a normal tax is he paying?

Mr. SMOOT. He pays a normal tax.

Mr. WALSH of Massachusetts. How much is that?

Mr. SMOOT. Everyone pays a normal tax.

Mr. SIMMONS. He pays as high a normal tax as the man with a million dollars.

Mr. SMOOT. In percentage, but not as much actually.

Mr. SIMMONS. Certainly; we are talking about percentages.

Mr. SWANSON. And he gets no reduction?

The PRESIDENT pro tempore. To whom does the Senator from Mississippi yield?

Mr. HARRISON. I yield to the Senator from Utah, if he will make some explanation.

Mr. BRATTON. Mr. President, will the Senator from Mississippi yield?

Mr. HARRISON. I yield.

Mr. BRATTON. The Senator from Utah has not answered the question propounded by the Senator from Virginia. I want to separate his question into two parts. I would like to ask the Senator from Utah whether a man with an income of $12,000 will get any reduction under his proposal.

Mr. SMOOT. No; he does not get any reduction.

Mr. BRATTON. I want to follow that with another question. Would a man with $100,000 income get a reduction; and if so, how much?

Mr. SMOOT. He does not get a reduction in the percentage; the 20 per cent is exactly the same to him.

Mr. HARRISON. In dollars and cents, how much?

Mr. SMOOT. He gets a reduction in the brackets that have already been reduced——

Mr. HARRISON. In dollars and cents, what is the reduction?

Mr. SMOOT. With an income of $100,000, he gets $470.

Mr. BRATTON. Reduction?

Mr. SMOOT. Yes.

Mr. BRATTON. That answers the question.

Mr. HARRISON. That answers the question. That is what the Senator has been trying to keep from saying a long time.

Mr. SMOOT. I have said it a dozen times already, or more than a dozen times.

Mr. SIMMONS. How much does the man with an income of $80,000 get?

Mr. SMOOT. A man with an income of $80,000 gets $670.

Mr. SIMMONS. And the man with an income of a million dollars——

Mr. SMOOT. Four hundred and seventy dollars. The man with an income of $80,000—that is shown on the map—gets $670. The man with an income of $100,000 and over gets $470. That is to eliminate the injustice that has been done to him in the past. That is why it was done.

Mr. SIMMONS. Mr. President, whether that is an injustice or not is a very serious question. We have considered that heretofore and discussed it heretofore. As a matter of fact, this very man whom the Senator now claims was done an injustice in this reduction got more than justice in the 1917 income surtaxes.

Mr. SMOOT. Mr. President, with the smaller percentages here, when the time comes, I will say to the Senator, if he will look at the percentages on the wall he will find he is mistaken.

Mr. SIMMONS. I am not bothering myself about the percentages on the wall, but I have investigated that; and I know as a matter of fact, and the statistics will confirm the statement, that in the 1917 reductions the men with incomes between $70,000 and $100,000 got the lion's share of the reduction, speaking relatively. Now, the Senator wants them to get the lion's share again, and that is exactly what the minority says is unjust and unfair. If they took it in 1917 they ought not to be asking for it again in 1928.

Mr. SMOOT. Well, Mr. President, let me say——

Mr. HARRISON. Mr. President, I do not want to decline to yield to the Senator from Utah to make a demonstration on his chart on the wall, but I do want to finish what I have to say so we can take up the corporation tax. Then the surtax proposition is coming up following that, and we can discuss it further.

I merely want to call attention to another statement made by the Senator from Utah last June in which he said that he favored a tax reduction of one-half on automobiles, parts, and so forth. He has changed his mind with reference to that the same as he did with reference to the surtaxes and the admission taxes and every other prophesy that he made in June of last year. Of course, I am not unaware of the fact that the first action of the majority members of the Finance Committee in the consideration of this bill was against taking all the taxes off of automobile parts, because they so voted; but under the whip and spur of a pretty aggressive minority of the Finance Committee and under the press of public sentiment throughout the country, the majority did wheel about and then vote to take all the taxes off of automobile parts. I want to congratulate the Senator and his colleagues upon seeing the light on that proposition and finally getting around to take the proper view of it.

Mr. BARKLEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. HARRISON. I yield.

Mr. BARKLEY. The Senator will recall that the majority did not decide to change their position on the automobile taxes until two of their own number had notified them that they would join the minority, which would make a majority in favor of a complete repeal of the automobile taxes. Rather than have the minority get the benefit of that action, they decided to vote with the two members of their own party and claim credit for the reduction.

Mr. HARRISON. That is when the coalition began to work. Then, when they saw how the people were arrayed on this proposition they began to smite the Treasury Department, which had recommended against a reduction of automobile taxes.

The Senator from Utah, and other members of the Finance Committee, will recall how the Undersecretary of the Treasury, Mr. Mills, came there and protested against taking the taxes off automobiles, but the Senator and his colleagues of the majority of the committee did not think that the Treasury Department were so correct in that suggestion as they think they are correct now in their estimates. Neither did the Senator think the Treasury Department were as correct in their recommendations with reference to the smaller corporations getting some relief, as they thought previously, because they smote that recommendation.

Mr. BARKLEY. Mr. President, will the Senator yield again?

Mr. HARRISON. Certainly.

Mr. BARKLEY. The Senator will recall, also, that the reason given by the Undersecretary of the Treasury, backed up by the Secretary himself, against repealing the automobile tax was that the automobile is a luxury and competes with the railroads in the transportation of people from one part of the country to another.

Mr. HARRISON. Yes; and from the questions asked Mr. Mills when he appeared before the committee it would seem that he had a good aide in the chairman of the committee; but when the chairman and his colleagues saw that the truck was going to run over them, they gladly got out of the way.

Mr. President, we propose to keep in the bill the reduction of the corporation tax granted unanimously by the House of Representatives. We believe that the Treasury can stand it easily, and we submit that when the roll is called the House amendment should be adopted, reducing the corporation taxes from 13½ to 11½ per cent.

SEVERAL SENATORS. Vote! Vote!

Mr. BARKLEY. Mr. President, I have no disposition to detain the Senate unduly, but inasmuch as I oppose the amendment now pending, I desire to express my opinion with reference to it.

When the majority in the committee were opposing the repeal of the automobile tax as vigorously as they now oppose a reduction in the corporation tax, they were still against a reduction in the corporation tax which they oppose to-day. So that the reason for their opposition to this reduction can not be ascribed to the fact that we have repealed or proposed to repeal entirely the automobile tax, because they opposed both reductions coincidentally and opposed one as vigorously as the other.

I take the position that we can still afford to accept the House provision with reference to corporation taxes, notwithstanding the fact that the loss of revenue involved in the repeal of the automobile tax is something like $66,000,000 per annum.

The Senator from Utah [Mr. SMOOT] has to-day alleged that we are seeking to play politics with reference to the tax measure. If the Senator insists upon that charge, I might recite some recent political history which would convince, I think, any fair-minded man that ever since the war ended in 1918 the majority party has played politics with all the tax bills which have been brought into Congress.

I recall that in 1919, after the Republican Party had obtained control of the House and the Senate as a result of the election of 1918, President Wilson very earnestly recommended a reduction in the taxes which had been levied on the people as a result of the war. He recited the fact that the war had ended, that war taxes were excessive and burdensome, and there was no longer any reason why such high tax rates ought to be maintained after the war had ended. While the responsibility for originating tax-reduction bills does not lie in this body, it is a fact that those who were responsible or should have been responsible for the origination of tax legislation in another body, who belonged to the same party then as they do now, refused to permit any adequate legislation to be introduced or seriously considered reducing the war taxes in 1919 because, they said, the war taxes had been levied by a Democratic administration and there was still a Democratic President in office and it would give them a campaign issue in 1920 upon which they could go before the country and charge that the high taxes were levied by the Democratic Party and were kept on by the Democratic Party, notwithstanding the fact that the Republicans were in control of both House and Senate. They refused to reduce the taxes in 1919 to any appreciable degree, and all over the country that issue was made that the Democrats had levied those high taxes and were still collecting them, because there happened to be a Democratic President in the White House.

Mr. SMOOT. We had just had a reduction in taxes in 1919.

Mr. BARKLEY. It was not a reduction that in any way affected the great masses of the people.

Mr. SMOOT. The Senator can not say it did not affect the masses of the people. It affected everyone having an income from $10,000 up.

Mr. BARKLEY. It did not grant any relief that was in any way commensurate with the President's request.

Mr. SMOOT. That is the opinion of the Senator from Kentucky.

Mr. BARKLEY. In 1921, after the Republicans came into power, the tax reduction bill, which was then proposed, was a tax reduction largely limited to the high surtax rates. Had it not been for the fact that the minority in the House of Representatives and in the Senate insisted on a still greater reduction for the benefit of the average taxpayer, there would have been no relief granted even in that tax bill except to those who paid under the higher brackets of the income tax law.

The same was true of the tax bill of 1924 and again of the tax bill of 1926. It has been largely due to the insistence and the fight made by the members of the minority party on the Ways and Means Committee and the Finance Committee that the average man has received any reduction in taxes such as he was entitled to in any of this legislation.

Mr. SMOOT. If the Senator will read the recommendations of the Secretary of the Treasury, I think he will modify that statement.

Mr. BARKLEY. If the Senator will refresh his recollection by reading the hearings before the Ways and Means Committee—where the Secretary of the Treasury made the recommendation, first, of a considerable reduction upon the higher income taxes, and then, after he testified before the Ways and Means Committee and observed the temper of that committee toward his own recommendation, came in later with another recommendation which was in harmony with the temper of the Ways and Means Committee as it was exhibited in the hearing when he testified before that committee—I think the Senator will agree with me that in the beginning the Secretary of the Treasury was not in favor of the character of reduction which was finally adopted by the Ways and Means Committee and by Congress.

So if we are to be charged with playing politics with the tax reduction because we are now seeking a greater reduction for the average taxpayer, I reply to the Senator that that has been our course ever since the war. We have insisted on tax reductions for those who belong to the great majority of the people, who do not have enormous incomes, as well as for those with larger incomes.

Mr. President, I say the Treasury can stand the tax reduction which we propose by the reduction in corporation taxes from 13½ to 11½ per cent; because, as has already been emphasized, the Treasury Department, in connection with every tax bill that has been brought to Congress, whether it has deliberately done it or done it because of ignorance of its own affairs, has grossly underestimated not only the revenue that the Government would collect under the tax law but has also to the same extent underestimated the amount of surplus that would be in the Treasury as a result of the tax bills that have passed.

In 1925 the amount of net income from all corporations in the United States subject to taxation was $9,340,000,000, and a 13½ per cent tax on that sum represents $1,170,000,000. By the way, that is one-third of the total amount of revenue collected by the Governmnt, practically speaking. In 1926 the amount of net income from corporations subject to taxation had increased $200,000,000, and in 1927 the figures were about the same. Yet, notwithstanding that fact, the Treasury Department now estimates that the amount of revenue derived from this 13½ per cent tax, if the tax should not be reduced, would be only $1,120,000,000.

In December, 1927, the Treasury Department estimated the surplus for 1929 at $252,000,000. On April 3, 1928, they have revised their figures by estimating that the surplus for 1929 would be $297,000,000. In July, 1927, at the beginning of the fiscal year 1928, the Treasury Department estimated that the surplus for 1928 would be $200,000,000. They began at the very beginning of the fiscal year to estimate the surplus for 1928 and they fixed it at $200,000,000. Yet they were so far wrong in their estimate that on December 31, 1927, six months later, they estimated the surplus for 1928 at $454,000,000, or $254,000,000 more than they had estimated in July, 1927.

In April of this year—last month—according to the testimony of the Secretary of the Treasury before the Senate Committee on Finance, it was estimated that the surplus would be $422,000,000 at the end of the present fiscal year, being $222,000,000 more than the estimate of nine months ago.

In 1921 the amount of tax reduction recommended by the Treasury Department was $372,000,000, and even when they recommended a reduction of $372,000,000 the officers of that department feared that there might be a deficit in the Treasury as a result of a greater reduction than that; and yet Congress reduced the taxes that year by $663,000,000.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Utah?

Mr. BARKLEY. I yield.

Mr. SMOOT. I can tell the Senator the items that caused the increase above the estimate. The actuary who made those estimates is on the floor of the Senate, and I suggest to the Senator that if he will ask him what were the items that made up the difference, I think he can tell the Senator.

Mr. BARKLEY. I have not time to stop at this point and consult the actuary. I am taking the estimates as given out officially by the Treasury Department.

Mr. SMOOT. For instance, the department did not then know anything about how much money would be collected from railroads; they could not tell as to that. If the Senator will ask Mr. McCoy, the actuary, he can explain the matter in a very little while to the satisfaction of the Senator.

Mr. BARKLEY. I do not think that item becomes material.

Mr. SMOOT. I mean as to the entire difference.

Mr. BARKLEY. I understand. What I am speaking about, however, is that the Treasury Department recommended a reduction of $372,000,000; over the protest of the Treasury Department Congress reduced the taxes $663,000,000; and yet, in spite of that reduction of $663,000,000, there was a surplus the next year of $313,000,000. So, if we take account of all the moneys collected from the railroads, it does not make up the discrepancy between actual result and the recommendations and dire predictions of the Treasury Department as to the result if Congress should overstep what the department thought was cautious and wise legislation in the matter of tax reduction. Furthermore, if the Treasury Department's figures had been accepted by Congress and the taxes had been reduced by only $372,000,000, the amount of the surplus in the following year would have been $604,000,000 instead of $313,000,000.

Mr. SMOOT. We paid that much more on the national debt.

Mr. BARKLEY. As to the tax bill of 1924 the Treasury Department recommended a reduction of $323,000,000; Congress actually reduced the taxes, over the protest of the Treasury Department, by $519,000,000; and, in spite of that, the surplus the next year was $505,000,000; so that if the Treasury Department's figures had been accepted in 1924 the amount of the surplus would have been $757,000,000.

In 1926 the Treasury Department recommended a tax reduction of $300,000,000; Congress, over the protest of the Treasury Department, reduced taxes by $422,000,000—$122,000,000 more than the Treasury Department thought was wise—yet, in spite of that, the surplus for that year was $307,000,000, and for the following year it was $635,000,000; and if the Treasury Department's figures had been accepted as to tax reduction in 1926 there would have been a surplus of $701,000,000 in the Treasury.

I recall that not very long ago President Coolidge made a speech in which he gave utterance to a sentiment with which I can heartily agree. He said that any government which collects more money from the people in the form of taxes than it needs in order to discharge its just obligations and responsibilities is guilty of legal robbery. If that is true with respect to one form of government, it is true with respect to all forms of government; if it is true with respect to one form of taxation, it is true with respect to all forms of taxation.

There is a surplus in the Treasury of $422,000,000. Congress has by law provided for the payment of our public debt in an orderly way. It has provided for a sinking fund that increases year by year, so that the domestic part of our public debt will be paid in about 20 or 22 years at the present rate of reduction, without resort to the expedient of piling up in the Treasury surpluses under false pretenses and under a prediction of deficits that never occur. The other portion of the public debt is supposed to be provided for from the payments made to us by those who are in debt to the United States Government.

So we have a surplus of $422,000,000, which represents taxes collected by the Government from the people which were unnecessary and beyond the amount required for the ordinary expenses of the Government, but which were collected because the administration refused to permit a tax reduction that would have made it impossible for such a surplus to have been accumulated in the Treasury. By reason of that the administration seeks to make a great record as to debt reduction and the payment of the debt at an earlier date than that provided for by Congress in an orderly manner under the guise of economical administration of the affairs of the Government.

If we have collected during the last four or five years an average of $500,000,000 a year more than the needs of the Government required, we have collected one-third of that $500,000,000 from the corporations of the United States, for they have been paying about one-third of the total taxes. If we have been doing that unjustly, if the Treasury Department has been underestimating the revenues and the surpluses, and

by reason of that situation the people and hundreds of thousands of corporations of the country have been overtaxed, then we certainly owe it to them to use the surplus that now exists in the Treasury to spread it out over a term of years and enable them to have a just tax reduction.

If it be true that the reduction of the corporation tax from 13½ per cent to 11½ per cent means a decrease of $82,000,000 a year in revenue, that $82,000,000 a year loss of revenue can be absorbed for five years by the surplus which is already in the Treasury as a result of the overtaxation to which they have been subjected by the administration and by the officials of the Treasury Department.

Therefore, Mr. President, I am very earnestly in favor of the House provision, and I would be willing to go even further and reduce the corporation tax to a greater extent in order that we might do a very tardy piece of justice to a class of our people who have been overtaxed for at least five years, and who, I hope, will not be subject to such injustice in the years to come. Therefore, I shall vote against the committee amendment and in behalf of the House provision for a reduction in the corporation tax to 11½ per cent. This is the only tax which has been increased instead of reduced since the war. While all other taxes have gone down this one has gone up. This tax affects hundreds of thousands of small business concerns in every town and city in the Nation. It ought to be reduced at least as much as the House bill provides for, and I hope the committee amendment will be defeated.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee.

Mr. SIMMONS. Mr. President, I have not risen for the purpose of making a set speech. I wish to put a good deal of matter in the RECORD, however, if I can obtain unanimous consent to put it in without reading.

Mr. SMOOT. That is all right.

Mr. SIMMONS. Mr. President, preliminary to doing that, I wish to say that the Secretary of the Treasury recommended that this tax be fixed at 12 per cent. The House, after very extensive hearings, and, as I understand, probably without any conflict between the two sides of that body, fixed the rate at 11½ per cent. It also repealed the tax on automobiles. So it was the judgment of the body at the other end of the Capitol that the automobile tax could be repealed and the corporation tax could be reduced from 13½ per cent to 11½ per cent without jeopardizing the financial condition of the Treasury. When the bill came to the Senate, however, the majority of the Finance Committee insisted that it was necessary to raise the rate fixed by the House on corporations 1 per cent, and they based that contention upon the ground that they had agreed to repeal the automobile tax.

Mr. President, if there is any tax now levied that is probably more onerous than when it was imposed during the war time it is this corporation income tax. It is the one tax that in recent years has been increased. We increased it in the act of 1926 from 12½ per cent to 13½ per cent. At first we increased it from 12½ per cent to 13 per cent because of the repeal of the capital-stock tax. That was logical, and so the bill was authorized to be reported to the Senate. But before the bill, as I remember, was actually reported to the Senate, there was what was called an emergency meeting of the Finance Committee. The committee had already arranged to recoup the loss caused by repeal of the capital-stock tax, but we were called in a meeting in a room in the Capitol below the Senate Chamber, and it was explained to us that the Secretary of the Treasury insisted that upon the basis of 12½ per cent there would be a deficit for the year 1927 of $51,000,000.

It was further explained to the committee that in order to prevent that catastrophe to the Treasury it was necessary to raise the rates of the corporation tax from 13 per cent to 13½ per cent, and that was done over the protest of the minority. The Senator from Utah shakes his head, but it was done in his room at an emergency meeting of the committee which raised the rate from 13 to 13½ per cent.

Mr. SMOOT. It was raised from 12½ to 13½ per cent.

Mr. SIMMONS. As I recall, we first fixed it at 13 per cent and then it was increased to 13½ per cent. However, take either horn of the dilemma, it was done for the purpose, as was alleged, of preventing a deficit for the year 1927 of $51,000,000.

The year 1927 rolled around, Mr. President, and instead of a deficit of $51,000,000—the pretext for raising this tax, according to the Senator, one whole per cent, or $81,000,000—when the receipts came in there was a surplus in the Treasury of $627,000,000. It was during that year, by reason of that surplus, that I, representing the minority, inaugurated a movement for a tax reduction. The President responded and proposed, instead of a tax reduction, that we should have a tax refund, admitting that there was money in the Treasury that was not needed for governmental purposes.

The tax-refund idea was rejected, and properly rejected, by the country, although proposed by the President in an open statement made in reply to a statement that I made. It was first repudiated by the country; and then, when the Committee on Ways and Means met, upon a motion to adopt the President's scheme, that committee refused to do it and rejected the White House plan.

What has become of all of that money, Mr. President—$627,000,000? The Senator says it was applied to the debt. Before we get through with this bill, Mr. President, I am going to show that by the use of these surpluses extorted from the people in excess of the necessary requirements of the Government the majority are proceeding with the deliberate purpose and design of forcing the people to pay off this indebtedness from five to six years earlier than the requirements of the law which the Congress has enacted for the purpose of retiring that debt; but, Mr. President, I shall not go into that discussion now.

The Senator from Utah, representing the majority, says that the tax of 11½ per cent would be perfectly justifiable, and he himself would favor it, if it were not for the fact that the condition of the Treasury does not justify it.

Mr. President, in every tax reduction that we have made in this Chamber—in 1924, in 1926, and before—we were told that if we reduced taxation as much as the minority proposed, or anything like as much as the minority proposed, there would be a deficit in the Treasury; and in each case, instead of a deficit, there was a tremendous surplus which was applied to the public debt.

Mr. President, I am going to put in the RECORD—I had intended to ask that the clerk read it, but I will not have that done—a statement with respect to these estimates. This statement is rather full. It starts at an early period in this process of reduction, and traces each bill from the beginning up to the present time, and shows that in every single instance the reduction made was actually in excess and largely in excess of what the Treasury said it could stand, and that in each instance the result shows that the Treasury did stand the reduction that was made, and could have stood many millions of dollars of additional reduction.

I shall content myself simply by asking that this statement be incorporated in the RECORD at this point in my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The statement is as follows:

ESTIMATES OF REVENUE

One of the critical problems in the consideration of tax reduction is that of estimating the future expected revenue and the future expected expenditures. The difference between these two estimates gives us the estimated surplus. In a statement presented to the Ways and Means Committee by the Secretary of the Treasury on October 31, 1927, the surplus for 1928 was estimated at $455,000,000, and that for 1929 at $274,000,000. On April 3, 1928, before the Finance Committee, the statement of the Secretary of the Treasury reduced the estimated surplus for 1928 to $401,000,000 and for 1929 to $212,000,000. This reduction is accounted for in the statement by an increase in the expenditures. It is worthy of note that the Treasury Department admits an increase in revenue of $50,000,000 in back-tax collection for 1929 over the October estimate. The matter of back taxes will be referred to later.

The first question which must be squarely met is the question of how much reliance can be placed on these Treasury estimates. It is well known that such estimates for a period of years have been notoriously low. This is admitted even by the Treasury Department itself. The October statement of the Secretary of the Treasury, already referred to, contains the following admission:

"For a number of years past the Treasury estimates have underestimated the revenue which was later realized."

In spite of the above admission, it is well to briefly summarize some of these former Treasury estimates in order to show the extent of such errors in judgment. This summary follows, arranged by estimates for fiscal years beginning with 1922:

ESTIMATES FOR FISCAL YEAR 1922

1. A deficit of $24,469,000 was predicted by Secretary Mellon in December, 1921, in his annual report to Congress. This estimate was too low by $338,270,000.

2. A surplus of $47,000,000 was predicted by Secretary Mellon in April, 1922, in a letter to the chairman of the Senate Finance Committee. This estimate was too low by $266,801,000.

3. The actual surplus for 1922 was $313,801,651.

It is obvious from the above that even an estimate made only two and one-half months before the close of the fiscal year 1922 was grossly in error. This estimate was made after the March 15 returns were available, and in a situation similar to the present.

ESTIMATES FOR FISCAL YEAR 1923

1. A deficit of $484,900,000 was predicted by Secretary Mellon in April, 1922, in a letter to the chairman of the Senate Finance Committee. This estimate was too low by $794,557,000.

2. A deficit of $273,939,000 was predicted by Secretary Mellon in December, 1922, in his annual report to Congress. This estimate was too low by $583,596,000.

3. A surplus of $125,000,000 was predicted by Secretary Mellon in May, 1923, in a letter announcing the Treasury's financing program for May. This estimate was still too low by $184,657,000.

4. The actual surplus for 1923 was $309,657,000.

This year is a good example of consistently low Treasury estimates, slowly rising in the face of indisputable facts. The estimate made one year and two months before the close of the fiscal year is over three-quarters of a billion dollars low, that made about a month and a half before the close of the fiscal year is still $184,000,000 low.

ESTIMATES FOR FISCAL YEAR 1924

1. A surplus of $180,969,000 was predicted by Secretary Mellon in December, 1922, in his annual report to Congress. This estimate proved too low by $324,398,000.

2. A surplus of $329,639,000 was predicted by Secretary Mellon in December, 1923, in his annual report to Congress. This estimate proved too low by $175,728,000.

3. A surplus of $325,000,000 was used by the Senator from Utah [Mr. SMOOT] in his debate on the revenue act on April 24, 1924. This estimate was too low by $180,367,000.

4. The actual surplus for 1924 was $505,367,000.

The Treasury estimates at this time were very truly characterized by the late Senator Jones, of New Mexico, on the floor of this Chamber on April 24, 1924, when he stated as follows:

"* * * I will say a word, however, regarding the question of surplus which was estimated by the Treasury Department. I have lost all faith in the Treasury estimates. When I look back over the history of the adjusted compensation bill—the bonus bill—I find that whenever there was even a thought that legislation of that kind might be enacted there came from the Treasury Department the most pessimistic howl that ever came from a responsible source. Some estimates were made varying more than $1,100,000,000, varying from a surplus of over $300,000,000 to a deficit of over $822,000,000. Every time the President of the United States, the Secretary of the Treasury, or the Director of the Budget sought to make a speech there was a new estimate made, a new result, and it is incontestably true that every time such a speech was to be made for a specific purpose estimates from the Treasury Department conformed to the purpose which the advocate was attempting to substantiate. I have heard it said by an official of the Government in authority that the figures had been juggled. The mere figures themselves, the occasions when they were used, the purpose kept in mind, shows that they were made to fit the case."

ESTIMATES FOR FISCAL YEAR 1925

1. A surplus of $67,884,000 was predicted by Secretary Mellon in December, 1924, in his annual report to Congress. This estimate proved too low by $182,621,000.

2. A surplus of $200,000,000 was predicted by President Coolidge as late as June 22, 1925, in a public address. This estimate, only eight days prior to the close of the year, was still $50,505,000 too low.

3. The actual surplus for 1925 was $250,505,000.

There was no new revenue act passed in 1925, and the estimates are somewhat closer than in former years, but they were still low.

ESTIMATES FOR FISCAL YEAR 1926

1. A surplus of $290,000,000 was predicted by Secretary Mellon in October, 1925, in his statement to the Ways and Means Committee. This estimate was too low by $87,767,000.

2. A surplus of $262,041,000 was predicted by Secretary Mellon in December, 1925, in his annual report to Congress. This estimate was too low by $115,726,000.

3. The actual surplus for 1926 was $377,767,000.

It should be noted that heavy tax reductions were made in the revenue act of 1926, passed on February 26, 1926, which should have materially lowered the estimated amounts under the then existing law if the estimates had been correct. In spite of this tax reduction, however, the surplus was much greater than estimated prior to such reduction.

ESTIMATES FOR FISCAL YEAR 1927

1. A surplus of from $250,000,000 to $300,000,000 was predicted by Secretary Mellon in his statement in October, 1925, before the Ways and Means Committee. This estimate was too low by at least $335,809,000.

2. A surplus of $330,307,000 was predicted by Secretary Mellon in December, 1925, in his annual report to Congress. This estimate was too low by $305,502,000.

3. A surplus of $185,000,000 was predicted by President Coolidge in an address on June 21, 1926. This estimate was too low by $450,809,000.

4. A surplus of $383,079,000 was predicted by President Coolidge in his Budget message to Congress on December 9, 1926. This estimate proved too low by $252,730,000.

5. The actual surplus on June 30, 1927, was $635,809,000.

ESTIMATES FOR FISCAL YEAR 1928

1. A surplus of $20,000,000 was estimated by President Coolidge in an address on June 21, 1926.

2. A surplus of $338,000,000 was estimated by President Coolidge in an address on June 10, 1927.

3. A surplus of $454,283,000 was estimated by Secretary Mellon in December, 1927, in his annual report to Congress.

4. A surplus of $401,000,000 was predicted on April 3, 1928, by Secretary Mellon in a statement to the Senate Finance Committee.

This year is not yet concluded. Even at this late date it is doubtful if the estimates are very accurate in the light of the past.

ESTIMATES FOR FISCAL YEAR 1929

As already stated, the latest estimate for the year 1929 is a surplus of $212,000,000 under existing law. This is too low, and the importance of a correct estimate for 1929 is paramount in the consideration of the pending bill.

CONCLUSION

The minority has in the past consistently contended that the estimates of the Treasury were too low. The majority has just as consistently defended these estimates. The actual results have shown the correctness of the minority's views. This can be conclusively established from the record.

The Treasury has in particular almost certainly overestimated refunds and underestimated back taxes for the year 1929.

They have failed to take account of the fact that this is the first year for four or five years when the payment of refunds has not been delayed on account of lack of funds in the refund appropriation. Usually this has resulted in a postponement of refunds due in one fiscal year into the next year. We are now caught up with refund payments and the appropriation is not exhausted. Refunds should be less in 1929 as the peak appears past.

It also appears probable that the back-tax collections for 1929 are underestimated. There are deficiencies in excess of $600,000,000 still pending before the United States Board of Tax Appeals and information is to the effect that the special advisory committee recently established by the Treasury Department are settling a large number of tax cases with a very considerable recovery on additional assessment.

These two items alone may increase the estimated surplus by $60,000,000 to $100,000,000.

Mr. SIMMONS. Mr. President, it is estimated, I think, that making allowances for these underestimates as to the amount of reduction that the Treasury could stand, made each time, without exception, in every case of reduction—taking that into account, and comparing it with the actual results—it is estimated by an expert whom I had to help me in the preparation of this document, which I ask to have printed in the RECORD, that there is a margin of at least $100,000,000 that might be added to the estimated amount now constituting the surplus in the Treasury. From the same paper it will appear that after a careful study of the amounts likely to be paid by the Government in refunds of taxes and received from deficiencies—that is, from the collection of back taxes—the estimates of the Treasury Department have been too high, and are too high this year, as to the refunds, and are entirely too low as to the amount that may be expected from back taxes. After a careful consideration of the facts disclosed by 6,000 cases of back taxes that are now pending, unsettled—after estimating carefully the amount of refunds that probably would be required and the amount that would be collected on account of deficiencies in tax payments—it was estimated that the Treasury's estimate is from $60,000,000 to $100,000,000 less than it should be; so that these two items put together would justify an additional reduction over that estimated by the Treasury of $200,000,000.

Mr. President, in addition to that, I propose to offer an amendment, which I have had printed, providing the exact amount that shall from year to year be appropriated by Congress for the sinking fund. In that amendment, carrying out the legislation known as the Liberty loan and Victory loan acts, I have provided that the money received by the Government from our foreign debtors shall be covered into the sinking fund and constitute a part of it. The estimated amount of revenue from this source is about $260,000,000 per year. If that is done—and it ought to be done, Mr. President, because both the Liberty loan acts and the Victory loan act provide for its appropriation in payment of the public debt—it will release $160,000,000 of money that is now raised by taxation upon the people every year and which goes into the sinking fund. That will reduce the amount that we will have to realize through taxation by the amount of $160,000,000. I do not wish to go into a discussion of that amendment now, but simply to state what it would accomplish.

I do not know what the Senate is going to do about this amendment. I know what it is going to do about these amendments to the revenue act. The majority have a working ar-

rangement over there, Mr. President, that enables us to tell exactly how many votes they are going to get. Under that operating arrangement many Senators on the other side will vote against their record, will cast votes that are diametrically in conflict with those which they cast in 1926, will cast votes which do not conform to their own judgment and their convictions; but it is a part of an arrangement, and we recognize it. I am not criticizing it, but I am ready to meet it and face the situation squarely.

Our amendments have been doomed from the very beginning by reason of this hard-and-fast understanding that eliminated the judgment and the convictions of certain Senators on the other side of the Chamber; but I do not suppose that applies to this sinking-fund amendment. I do not think it was within the terms of the contract, if I may so characterize it; and I sincerely hope that when we get to that we shall have an honest expression of the judgment of the individual Senators representing both sides of this Chamber. If we do, this large fund coming to us from across the water will reduce to the extent of about one-half the $330,000,000 that we now annually have to appropriate and raise by taxation for the sinking fund; and, as I said before, will release that much more for reduction of taxes, and we will pay off the war debt of this country—the entire war debt, whether it be domestic or foreign—without any additional amount coming into the sinking fund under the automatic arrangement in the statute except that which is realized from interest upon the bonds which are purchased and put in the sinking fund.

We will pay it off in 1950, 22 years from now, and if we pay it off in that length of time we will have accomplished one of the most wonderful financial feats in the history of mankind. We will in about one generation have paid off a debt the principal of which was $20,000,000,000, and the interest upon which at that time will have amounted to $20,000,000,000, or a total of $40,000,000,000 within the life of one generation.

If we go on piling up these great surpluses and appropriating those surpluses to the payment of this war tax, as heretofore, unnecessarily collecting this enormous amount from the taxpayers to apply to it, the Government will probably be able to pay off its debt in 15 or 16 years' time. I do believe that it is not wise public policy to press down too hard this burden upon the present generation. The present generation is not only oppressed with high Federal taxes, but the present generation has been compelled, by conditions it could not control, through States and the various subdivisions of States, to levy upon the people enormous burdens of taxation. To fail to do it would have made it impossible for this great country of ours to take advantage of the inventions and the conveniences which modern conditions have brought about.

In some sections of the United States, especially in the agricultural sections, local taxes are so burdensome that they amount almost to confiscation of land. It makes it impossible in many instances, even with the practice of the utmost frugality, to make both ends meet. When you add the taxes to the other costs which have made the situation of the farmer so distressing, you have a condition that is appalling.

Mr. President, when the States, in order to take advantage of modern conditions, have been forced to assume this enormous indebtedness which results in these heavy taxes; when the United States is confronted by no emergency at all, the emergency which justified the imposition of these high rates having long since passed; when the United States does not need the money it is now raising annually by taxation, why should it insist, in these conditions, upon continuing these emergency war taxes which we levy? Why should it insist that this generation shall pay off this debt in a period of time less than one-third asked by our foreign debtors? Why should it insist on paying it off in a shorter time than probably any country in the world has ever taken to pay off a proportionate obligation?

I am saying this in advance of introducing this amendment because I really want to challenge the attention of the Senate to this proposition. I think it is of the utmost importance, and it is particularly pertinent at this time, because without imposing any new burdens upon the people, it will make available $160,000,000 a year additional for purposes of tax reduction.

Summing up, if this amendment is adopted, and if I have made a correct estimate—and I have had the assistance of a very able expert in making that estimate—there is at least $160,000,000 more which may be added to the estimated surplus of the department. So that the two things put together will provide for $300,000,000 that is now available for tax reduction in excess of the amount conceded by the Treasury.

Mr. President, I want to offer now for publication in the RECORD, without reading, certain excerpts from the hearings before the Committee on Finance on the pending bill, the marked portions on page 246, on page 248, on page 288, and on page 289. These several excerpts, which I ask to have printed in the RECORD, are found in the testimony of representatives of the United States Chamber of Commerce who appeared before the Finance Committee to challenge the statement of the Treasury that its condition would not permit of reduction of the income tax on corporations below 12 per cent.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[From a letter of Mr. Lewis E. Pierson, president of the Chamber of Commerce of the United States, to Hon. REED SMOOT, chairman Committee on Finance, United States Senate]

* * * * * * *

It would seem reasonable to assume that—granted that business conditions in 1928 calendar year remain in general at a parity with the business conditions of 1927—receipts in 1929 fiscal year from current corporation tax at a rate of 13½ per cent would exceed the official estimate of $1,120,000,000 by at least $100,000,000.

* * * * * * *

EFFECT OF CHAMBER'S PROGRAM ON 1929 (FISCAL YEAR)

As has been shown, the national chamber's committee believes that the official estimates of receipts for the fiscal year 1929 are still too low by more than $100,000,000. Moreover, the chamber's committee has pointed out that there will be available approximately $400,000,000 for current expenses should an actual need arise. Approximately $160,000,000 of this is in interest received from foreign governments which can be used for current expenses of the Government instead of being used as heretofore for debt retirement. Added to this would be a sum up to $250,000,000 from the surplus of June 30, 1928, carried into the new year.

[From the testimony of Mr. John M. Redpath, manager research department, United States Chamber of Commerce]

The CHAIRMAN. Then how do you make up the $400,000,000? I can not understand that. If you will submit the figures, showing how you make up that $400,000,000 without the two items referred to by Mr. Mills, I will see that they get in the record. I can not figure out how you can do it, but maybe you can.

Mr. REDPATH. Would you like them for the record?

The CHAIRMAN. Yes. I would like to have you hand them to me.

Senator SIMMONS. Let us have them in the record.

The CHAIRMAN. They will be in the record.

The statement for the record is as follows:

"In a public statement issued under date of January 3, 1928, copies of which were sent to members of the Senate Finance Committee, it is observed that to the $252,000,000 of surplus then officially estimated for June 30, 1929, there should be added an amount on account of the conservatism of that estimate. It was suggested that the corporation income tax would yield about $135,000,000 more than the Treasury estimated and that back taxes would yield about $50,000,000 more than the Treasury estimated. These two items added to the surplus of $252,000,000, the official estimate, made a total of $437,000,000.

"The Treasury has not yet made any specific allowance for increased yield in the corporation income tax, but it has added $5,000,000 from current income tax of both kinds and $40,000,000 to its estimate of yield from back taxes, offsetting these amounts by $85,000,000 on the expenditure side, although that total sum has not yet been voted by Congress. By this calculation it now reduces the surplus earlier estimated at $252,000,000 to $212,000,000 for June 30, 1929.

"In support of the proposition that the official estimate of the 1929 surplus is too low, we desire to refer also to the assertion that, since the March collections from income tax are now known, the collections for the remainder of the calendar year—including the first two quarters of 1929 fiscal year—are known. Collections for the March quarter in recent years have varied from 32.2 per cent of the total for the four quarters of the calendar year to 26.5 per cent. Last year the percentage was 27.6 per cent. Any calculation based upon the collections in the March quarter of 1928, therefore, may prove to be wide of the mark by an amount running into the hundreds of millions.

"Apparently some confusion has arisen from the circumstance that the chamber has said, and believes, that the Treasury estimate for June 30, 1929, of a surplus of $212,000,000 is still too low and repeats that statement in to-day's presentation. It has to-day made the further explanation that, wholly disregarding any possible increase in yield over the Treasury estimate of surplus, the whole chamber program of tax reductions and repeals could be allowed.

"This is clear by reason of the discretionary power resting with the Secretary of the Treasury to carry over, say, $251,000,000 from the surplus of the current fiscal year (now estimated at $401,000,000). This $251,000,000 added to the $212,000,000 estimate of 1924 gives a total of $463,000,000, while in that year, without allowing for any increase for growing taxable income of the country, the chamber's program would not reduce public revenues by more than $394,000,000. The further point is made that if need be the power rests with the

Treasury to devote up to $160,000,000 of foreign interest payments as an offset against the interest which our Government is paying to the American holders of Government securities, thereby reducing the charge on current taxes by that amount.

"It is obvious that there has been no shift in the argument, but simply two separate presentations."

Mr. SIMMONS. Mr. President, when Mr. Mills made his statement proposing 12½ per cent, one-half per cent higher than Mr. Mellon had originally himself demanded, I asked that the United States Chamber of Commerce representatives be invited to come before the committee, because Mr. Mills in his presentation, in my judgment, went entirely too far. Very frequently he left the manuscript that had been prepared as the views of the Secretary of the Treasury and addressed the committee in heated terms in criticism of the United States Chamber of Commerce. I knew that their attitude with respect to this question had offended the President. They insist that the Treasury Department can stand a reduction to 10 per cent. When that was announced, the President, it is said, was very much displeased. Mr. Mills showed that his displeasure was hot and that the displeasure of the Treasury Department was hot. So we asked these gentlemen to come before the committee, and they came, representing the greatest body of commerce, I suppose, in the world; representing the business men of this country, little and big. They had deliberately had this matter investigated, not by laymen but by the highest talent these great organizations are able to control. Even the little chambers of commerce in the small towns try to get men who have some expert knowledge in matters of finance, but the Chamber of Commerce of the United States, we must assume, summon to their help and to their assistance, when great questions of this kind are to be determined, the very highest talent, the most capable experts they can find to make their investigations.

The conclusion with reference to the condition of the Treasury, and as to the reduction it could afford to allow in behalf of corporations, was made after the most thorough investigation by their experts, these gentlemen told us. They brought some of their experts before the committee. Those experts measured up in their statements to the highest standards of their profession. They brought some of the luminaries of the great manufacturing and commercial world before the committee, and though their statements were challenged, they were undaunted, they defended their position, they declared that they were right and that the Government was wrong, and they pointed their finger to the fact, as I have to-day, and as the Senator from Mississippi has to-day, that the Treasury Department has never made an estimate in connection with any of these tax bills pending since the war, when it did not estimate well below the actual surplus that the disclosures exhibited when the books were closed at the end of the fiscal year.

Mr. President, I am ready for a vote.

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. BRATTON. In what form is the question we are voting upon being submitted?

The VICE PRESIDENT. The question is on agreeing to the committee amendment on page 15, line 19.

Mr. SIMMONS. Mr. President, may I say that my understanding is that this vote will be upon the amendment proposed by the Finance Committee to the bill; that is, to raise the rate fixed by the House from 11½ per cent to 12½ per cent.

The VICE PRESIDENT. The Senator is correct.

The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. REED]. In his absence I transfer my pair to the junior Senator from Tennessee [Mr. TYSON] and vote "nay."

Mr. CURTIS (when his name was called). Transferring my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the Senator from Rhode Island [Mr. METCALF], I vote "yea."

Mr. McLEAN (when his name was called). I transfer my pair with the Senator from Virginia [Mr. GLASS] to the junior Senator from Maine [Mr. GOULD] and vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. If that Senator were present he would vote "yea." If I were at liberty to vote, I would vote "nay."

The roll call was concluded.

Mr. COPELAND. My colleague the junior Senator from New York [Mr. WAGNER] is necessarily detained from the Chamber. If he were present and permitted to vote he would vote "nay."

Mr. OVERMAN. I find that I can transfer my pair with the Senator from Wyoming [Mr. WARREN] to the junior Senator from New York [Mr. WAGNER], which I do, and vote "nay."

Mr. WATSON (after having voted in the affirmative). I have a pair with the senior Senator from South Carolina [Mr. SMITH], which I transfer to the senior Senator from Idaho [Mr. BORAH], and permit my vote to stand.

Mr. KING. I desire to announce the unavoidable absence of the senior Senator from Missouri [Mr. REED].

Mr. JONES. I wish to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from New Jersey [Mr. EDGE] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Ohio [Mr. FESS] with the Senator from Tennessee [Mr. McKELLAR]; and

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER].

The result was announced—yeas 40, nays 34, as follows:

YEAS—40

Bingham	Frazier	La Follette	Pine
Blaine	Gillett	McLean	Robinson, Ind.
Brookhart	Goff	McMaster	Sackett
Capper	Greene	McNary	Schall
Couzens	Hale	Moses	Shipstead
Curtis	Howell	Norbeck	Shortridge
Cutting	Johnson	Norris	Smoot
Dale	Jones	Nye	Steiwer
Deneen	Kendrick	Oddie	Vandenberg
Dill	Keyes	Phipps	Watson

NAYS—34

Ashurst	Fletcher	Locher	Stephens
Barkley	George	Mayfield	Swanson
Bayard	Gerry	Neely	Thomas
Black	Harris	Overman	Tydings
Bratton	Harrison	Pittman	Walsh, Mass.
Broussard	Hawes	Ransdell	Walsh, Mont.
Caraway	Hayden	Sheppard	Waterman
Copeland	Heflin	Simmons	
Edwards	King	Steck	

NOT VOTING—20

Blease	Fess	Metcalf	Trammell
Borah	Glass	Reed, Mo.	Tyson
Bruce	Gooding	Reed, Pa.	Wagner
du Pont	Gould	Robinson, Ark.	Warren
Edge	McKellar	Smith	Wheeler

So the amendment of the committee was agreed to.

Mr. HARRISON subsequently said: Mr. President, I ask unanimous consent to have incorporated in the RECORD immediately following the vote that was taken on the corporation tax provision of the revenue bill portions of a speech delivered by Mr. Lewis E. Pierson, president of the United States Chamber of Commerce, as well as two resolutions which were adopted by the United States Chamber of Commerce at their recent meeting in Washington on the question of the corporation tax.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

OPENING ADDRESS OF LEWIS E. PIERSON, PRESIDENT OF THE CHAMBER OF COMMERCE OF THE UNITED STATES BEFORE NATIONAL COUNCILLORS, MAY 7, 1928—MONDAY, 10 A. M.

* * * * * * *

The voting power of any organization in our membership, no matter how great its own membership or financial budget, is restricted to 10 votes on any single referendum proposition. This is to prevent any one interest or any one section dominating the chamber. By reason of their greater numbers in the organization, small business and the smaller communities throughout the country have a predominating voice in determining our policies. Thus, the idea that we sometimes hear that our national chamber is dominated by "big business," or by this or that interest, falls of its own absurdity.

Let me repeat that the national chamber's policies are dictated solely by its organization membership. That is a distinguishing characteristic of the chamber. The officers and directors and the staff have no power to fix policies. Their function is to use their best efforts toward putting into effect policies the membership has decreed.

So it is of prime importance that all the chambers of commerce and trade associations making up our membership not only carefully and studiously participate in referenda so that the policies of the chamber, when determined, may represent the opinion of a truly representative cross section of American business, but that they also give the officers and staff of the national chamber their intelligent and unstinted support in seeing those policies through.

To further the proper consideration and careful study of all referenda and to assure the continuance of the support of the national chamber's objectives by the member organizations is the rôle of the national coun-

cillor. Thus the effectiveness of our organization depends in no small degree upon the effectiveness of the councillor.

The past year has been one of many activities on the part of your officers, directors, committeemen, and staff in presenting to our national legislative authorities the views of our membership on Federal tax reduction, Mississippi River flood control, private ownership and operation of our merchant marine, the restoration of alien property, postal-rate revision, railroad consolidation, and many other issues.

Let us consider Federal tax reduction as an example of these activities. By the largest vote ever cast in a chamber referendum, and by an almost overwhelming majority, the chamber was committed to its tax position by its membership.

Acting in the usual way—openly and publicly—your officials, in their proper capacity as your instructed representative, accepted this taxation mandate and have been unremitting in their efforts to see it through.

It is a race to-day between the taxpayer and the tax spender. The national chamber champions the taxpayer. Fairness and equity and every reasonable consideration for necessary Government revenue are in harmony with the chamber's position for tax reduction. That position is sound. It was sound when your committee made its recommendations. It was sound when the membership, by an almost unanimous vote, indorsed it. Nothing has since occurred to modify it. It is sound to-day.

The chamber is committed to the position that Government income and Government expenditures should substantially balance. Large surpluses are an inducement for demands on Congress for extravagant spending.

With the country's total annual tax bill for all purposes—Federal, State, and local—upward of eleven billions, extravagant spending of funds raised by taxation involves a burden upon the productive enterprise of our people that must be seriously reckoned with as a factor detrimental to national prosperity.

Be it understood, however, that since the adoption of the Federal Budget system Congress has kept its appropriations well within the recommendations of the Budget estimates. In fact, in six years the actual appropriations made by Congress for Budget items have been $359,193,422.97 less than the total Budget recommendations. None the less, Congress is under tremendous outside pressure to override the Budget, and Treasury surpluses are a constant incentive to such demands.

Another danger lies in the pressure for expenditures with which the Budget recommendations can not deal because these recommendations are limited to items authorized by law. In other words, new legislation, demanding heavy expenditures, is encouraged by large surpluses. These are beyond the check of the Budget.

Three previous tax revisions have granted substantial reductions to all sources of Federal revenue except the corporation-income tax. Those rates were increased and are now higher than the war level. The chamber's position, established by referendum, advocates the reduction of this tax to a rate of 10 per cent.

Who are the owners of our corporations whom such a tax reduction would benefit?

Many millions of stockholders; funds of insurance companies belonging to millions of policyholders; endowment funds of educational and charitable institutions; and millions of small investors, including workers throughout the Nation whose savings are invested in corporate stocks.

Such a reduction in the corporate levy would free funds for productive enterprise and would further stabilize business conditions and employment and aid our people to meet foreign competition now entering our markets.

It is important, also, for the future of business that the Government cease to rely on excessive and war-time taxes for its revenue, and that the country be placed upon an equitable peace-time basis of taxation.

The country can afford tax reduction. It can not longer afford to be denied it.

In this, as in all its other activities involving national legislative policies, your chamber has voiced the opinion of a representative section of American business. It is the one organization in America that can so speak—speak with the authority of a definite instruction—an organization that is not autocratic but truly democratic.

Recognizing the importance of taxation in all its phases and its intimate bearing on the prosperity of the Nation, your board of directors, after careful consideration, has set up a committee for study of State and local taxation to the end of developing a coordinated and militant public sentiment for sound and equitable taxation methods and orderly budgetary procedure in State and local fiscal affairs.

This is consistent with the national chamber's vigorous and successful support of Federal budgeting. Its first referendum, in 1912, put the chamber on record in favor of a Federal budget system. And since the enactment of the act creating the Budget Bureau the chamber has been unfaltering in its support.

The process of obtaining the opinion of our constituent membership by referendum is invariably the same.

First. Is a fact-finding survey, by a committee of men, eminent in business, and qualified for the task assigned.

Second. Is a statement of conclusions and recommendations drawn from that fact finding.

* * * * * * *

It is gratifying to know, however, as we do know from our contacts with our member organizations, that in by far the majority of cases their consideration of referenda is careful and intelligent, and their votes reflect a sound and mature judgment.

The national chamber has upheld the right and the duty of representative business organization to voice its opinion and present its views in the formulation of national policies in which the welfare of the entire country is involved. It has not spoken the language of special interest, or of group or of sectional interest. It has advocated the interests of the entire national community as those interests have been carefully and deliberately determined in a representative manner.

* * * * * * *

FEDERAL TAXATION

The membership of the National Chamber has, through referendum vote, repeatedly gone on record for a proper equalization of the Federal tax schedules. Despite continued large surpluses certain taxes levied for war purposes are still an unnecessary burden on the American public. We believe that the condition of the finances of the country to be expected will warrant the reduction of the corporation income tax to not more than 10 per cent, the elimination of the war excise taxes on particular businesses, and the repeal of the estate tax. These declarations have been convincingly supported in the report which was before the membership in referendum 50.

IMPROVEMENT OF FEDERAL TAX LAWS AND THEIR ADMINISTRATION

An earlier declaration is affirmed to the effect that a proper fiscal policy requires that Federal revenues and expenditures should substantially balance. If the amounts now provided by statute are not retiring the national debt with sufficient rapidity then Congress should designate additional definite funds for that purpose which can be properly budgeted, and adventitious and uncertain amounts, such as year-end surpluses, should not be relied upon for the reduction of funded obligations. When large year-end surpluses result they should be returned to taxpayers in proportion to the taxes they have paid.

The work of the joint congressional tax committee during the past year is noted with satisfaction, and a previous declaration that Congress provide adequate facilities for the committee to complete its proposed objectives is affirmed. The administration of the income tax continues to impose unwarranted hardships on taxpayers. While fully cognizant of the difficulties involved in administration during the war and the period immediately following, after a decade for organization, recruiting of personnel and accumulating experience and precedents, the public has a right to expect and demand a plane of efficiency which has not yet been reached.

Removal of delay and congestion in one part of the collecting system has resulted only in transferring such delay and congestion to some other point without materially accelerating the final closing of cases. Expedients heretofore adopted have not accomplished the desired relief. A thorough survey of the administration of the Federal income tax should be made by the best talent that can be procured for the purpose of determining the causes of delay and congestion and methods whereby improvements can be made.

The administrative provisions relative to internal-revenue taxation should be segregated and codified, and retroactive provisions operating to the disadvantage of the taxpayers should be avoided and those existing eliminated. Provisions, either statutory or administrative rulings, which are harsh in their nature and not in conformity with accepted standards of equity and fairness should be avoided, and those in operation repealed. Income-tax returns made in good faith and in accordance with regulations existing at the time such returns were made should not later be disturbed.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 11577. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes; and

H. R. 12875. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes.

BRIDGES IN ALABAMA

Mr. BLACK. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 13481) granting the consent of Congress to the Alabama State Bridge Corporation to construct, maintain, and operate bridges across the Tennessee, Tombigbee, Warrior, Alabama, and Coosa Rivers, within

the State of Alabama. The bill has been reported unanimously from the Committee on Commerce.

Mr. CURTIS. The bill is in the regular form?

Mr. BLACK. It is, and it was reported unanimously by the committee.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Alabama State Bridge Corporation, a body corporate organized and existing under an act of the Legislature of Alabama approved August 31, 1927, to construct, maintain, and operate toll bridges at or near the following points within the State of Alabama, to wit:

One across the Tennessee River at or near Whitesburg Ferry on the Huntsville-Cullman Road, between Madison and Morgan Counties; one across the Tennessee River at or near Guntersville on Huntsville-Guntersville Road, in Marshall County; one across the Tennessee River at or near Scottsboro on the Scottsboro-Fort Payne Road, in Jackson County; one across the Tombigbee River near Butler on the Butler-Linden Road, between Choctaw and Marengo Counties; one across the Tombigbee River at or near Epes on the Eutaw-Livingston Road, between Sumter and Greene Counties; one across the Tombigbee River at or near Gainesville, on the Gainesville-Eutaw Road, between Sumter and Greene Counties; one across the Tombigbee River at or near Cochrane on the Aliceville-Cochrane Road, in Pickens County; one across the Warrior River, between Eutaw and Linden, at or near Demopolis, Ala., between Greene and Marengo Counties or between Greene and Hale Counties; one across the Warrior River at or near Eutaw on the Eutaw-Greensboro Road, between Greene and Hale Counties; one across the Alabama River at or near Claiborne on the Monroeville-Grove Hill Road, between Monroe and Clarke Counties; one across the Alabama River near Camden on the Camden-Linden Road, in Wilcox County; one across the Coosa River at or near Childersburg on the Columbiana-Talladega Road, between Shelby and Talladega Counties; one across the Coosa River at or near Riverside on the Anniston-Birmingham Road, between St. Clair and Talladega Counties; one across the Coosa River at or near Cedar Bluff on the center to Georgia State-Line Road, in Cherokee County; one across the Tombigbee River at or near Jackson, between Clarke and Washington Counties; all of said bridges shall be located at points suitable to the interests of navigation and shall be constructed in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridges the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridges under economical management, and to provide a sinking fund sufficient to amortize the costs of the bridges, including reasonable interest on bonds issued to provide funds for constructing the same, as soon as possible, under reasonable charges, but within a period of not to exceed 18 years from the date of approval of this act. After a sinking fund sufficient for such amortization shall have been so provided, and in any event after such period of 18 years, all of said bridges shall thereafter be maintained and operated free of tolls. All tolls collected for the use of said bridges shall be kept in a separate fund by the proper authorities of the State of Alabama, according to the law of said State, and no part of said funds shall be used for any purpose except for paying for the reasonable cost of maintaining, repairing, and operating the bridges and amortizing the costs of constructing the same, including interest, as provided in this act. The tolls charged by the Alabama State Bridge Corporation, its successors or assigns, shall be uniform as between persons, and as between vehicles of the same type, using each of such bridges, and the corporation shall not authorize or permit any discrimination between persons or between vehicles of the same type transiting any particular bridge constructed under the provisions of this act: *Provided*, That nothing herein shall be construed to prevent different tolls being charged at different bridges, but in fixing the rate of tolls there shall be no discrimination as between persons and none as between vehicles of the same type. An accurate record of the cost of the bridges, the amount of notes or bonds issued for the construction of the same, and the expenditures for maintaining, repairing, and operating the same, the daily tolls collected, and the sinking fund on hand shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS OF NORTHWESTERN BANDS OF SHOSHONE INDIANS

Mr. FRAZIER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 710) conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the Northwestern Bands of Shoshone Indians may have against the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, and 4, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: After the words "for the benefit of any" and before the words "of said Indians" insert the words "band or bands," so as to make the amendment read:

"Any payment which may have been made by the United States, including gratuities for the benefit of any band or bands of said Indians or for their support and civilization, shall not operate as an estoppel, but may be pleaded as a set-off in said suit.

And the House agree to the same.

LYNN D. FRAZIER,
THOS. D. SCHALL,
HENRY F. ASHURST,
Managers on the part of the Senate.

SCOTT LEAVITT,
W. H. SPROUL,
JOHN M. EVANS,
Managers on the part of the House.

Mr. KING. Mr. President, I ask the chairman of the committee if he will consent to lay aside the conference report for a few days. I am prompted to submit the request because a gentleman, who represents the Indians who will be the beneficiaries, wants to get the view of the Indians before final action is taken, and that can be obtained within a few days.

Mr. FRAZIER. That course is perfectly satisfactory to me.

The VICE PRESIDENT. The conference report will lie on the table.

NAVAL APPROPRIATION BILL (S. DOC. NO. 103)

Mr. HALE submitted the following report, which was ordered to lie on the table and to be printed:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 13, 14, 15, 16, 18, 22, 23, 32, 37, 38, 39, 41, and 48.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 8, 26, 43, 44, 47, 51, and 56, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$260,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$260,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$260,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,400"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,400"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$4,075,820"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu

of the sum proposed insert "$101,400"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,400"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$68,518"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,421,700"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,596,700"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,228,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,828,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,952,050"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$960,800"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$66,596,350"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$127,651,215"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,845,502"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,400,240"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,896,957"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,032,250"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,008,800"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$731,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$182,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$65,000; in all, $490,532"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,665,816"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 45, 46, 50, and 52.

FREDERICK HALE,
L. C. PHIPPS,
CLAUDE S. SWANSON,
Managers on the part of the Senate.

BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
W. A. AYRES,
W. B. OLIVER,
Managers on the part of the House.

SAN CARLOS INDIAN RESERVATION BRIDGES, ARIZONA

Mr. ASHURST. Mr. President, from the Committee on Indian Affairs, I report back favorably, without amendment, the bill (S. 4321) authorizing the Secretary of the Interior to dispose of two bridges on the San Carlos Indian Reservation, in Arizona, and for other purposes, and I submit a report (No. 1128) thereon. It is a short bill in the nature of an emergency measure. I ask that the bill be read, because I am going to ask unanimous consent for its present consideration.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized under such terms and conditions as he may deem proper, to dispose of two bridges, one across the Gila River on the San Carlos Apache Indian Reservation, Ariz., and the other across the San Carlos River on that reservation, constructed in pursuance to a provision in an act approved July 15, 1913 (38 Stat. L. 85), that will no longer be serviceable after the completion of the Coolidge Dam now being constructed across the Gila River, in Arizona.

Mr. ASHURST. I now ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

Mr. WATERMAN. I object.

Mr. ASHURST. Mr. President, I am sure I can induce my friend to withhold his objection. Some 15 years ago two bridges were built across the Gila and San Carlos Rivers in Arizona. The construction of the Coolidge Dam will entirely submerge the bridges. I simply wish to have the bill passed in order to give the Secretary of the Interior the power and authority to dispose of the bridges as he sees fit.

Mr. CURTIS. As I understand it, if the bill is not passed at this time it will be too late?

Mr. ASHURST. If the bill is not passed at this session it will be too late.

Mr. CURTIS. That is what I mean.

Mr. ASHURST. I hope my friend will withdraw his objection. I have a favorable report upon it from the Department of the Interior.

Mr. WATERMAN. Does the bill involve the question of granting permits by the water-power commission?

Mr. ASHURST. Not at all. There is nothing whatever of the kind involved.

Mr. WATERMAN. I withdraw my objection.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT NEW ORLEANS, LA.

Mr. BROUSSARD. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1125, the bill (S. 4229) to extend the time for completing the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.

Mr. CURTIS. Is the bill in regular form?

Mr. BROUSSARD. It is a bridge bill in regular form and is recommended by the committee.

The VICE PRESIDENT. Is there objection to the request of the Senator from Louisiana?

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Commerce with amendments, on page 1, line 5, after the word "authorize," to insert the words "by act of Congress approved April 17, 1924"; in line 8, to strike out the word "or" and insert the word "and"; in line 9, to strike out the words "as authorized by the act of Congress, approved April 17, 1924"; on page 2, line 2, after the word "extended," to strike out the word "to"; and after line 3, to insert the words "*Provided*, That it shall not be lawful to continue the construction of said bridge until plans thereof shall again be submitted to and approved by the Chief of Engineers and by the Secretary of War," so as to make the bill read:

Be it enacted, etc., That the time for completing the construction of a bridge across the Mississippi River near and above the city of New Orleans, La., authorized by act of Congress approved April 17, 1924, to be built by the city of New Orleans, a municipal corporation existing under the laws of the State of Louisiana, its successors and assigns, through its Public Belt Railroad Commission, is hereby extended five years from the date of the approval hereof: *Provided*, That it shall not be lawful to continue the construction of said bridge until plans thereof shall again be submitted to and approved by the Chief of Engineers and by the Secretary of War.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OPERATION OF CHAIN-STORE SYSTEM

Mr. BROOKHART. I ask unanimous consent for the immediate consideration of Senate Resolution 224.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 224) submitted by Mr. BROOKHART on the 5th instant, as follows:

Whereas it is estimated that from 1921 to 1927 the retail sales of all chain stores have increased from approximately 4 per cent to 16 per cent of all retail sales; and

Whereas there are estimated to be less than 4,000 chain-stores systems with over 100,000 stores; and

Whereas many of these chains operate from 100 to several thousand stores; and

Whereas there have been numerous consolidations of chain stores throughout the history of the movement, and particularly in the last few years; and

Whereas these chain stores now control a substantial proportion of the distribution of certain commodities in certain cities, are rapidly increasing this proportion of control in these and other cities, and are beginning to extend this system of merchandising into country districts as well; and

Whereas the continuance of the growth of chain-store distribution and the consolidation of such chain stores may result in the development of monopolistic organizations in certain lines of retail distribution; and

Whereas many of these concerns though engaged in interstate commerce in buying may not be engaged in interstate commerce in selling; and

Whereas in consequence, the extent to which such consolidations are now, or should be made, amenable to the jurisdiction of the Federal antitrust laws is a matter of serious concern to the public: Now, therefore, be it

Resolved, That the Federal Trade Commission is hereby directed to undertake an inquiry into the chain-store system of marketing and distribution as conducted by manufacturing, wholesaling, retailing, or other types of chain stores and to ascertain and report to the Senate (1) the extent to which such consolidations have been effected in violation of the antitrust laws, if at all; (2) the extent to which consolidations or combinations of such organizations are susceptible to regulation under the Federal Trade Commission act or the antitrust laws, if at all; and (3) what legislation, if any, should be enacted for the purpose of regulating and controlling chain-store distribution.

And for the information of the Senate in connection with the aforesaid subdivisions (1), (2), and (3) of this resolution the commission is directed to inquire into and report in full to the Senate (a) the extent to which the chain-store movement has tended to create a monopoly or concentration of control in the distribution of any commodity either locally or nationally; (b) evidences indicating the existence of unfair methods of competition in commerce or of agreements, conspiracies, or combinations in restraint of trade involving chain-store distribution; (c) the advantages or disadvantages of chain-store distribution in comparison with those of other types of distribution as shown by prices, costs, profits, and margins, quality of goods and services rendered by chain stores and other distributors or resulting from integration, managerial efficiency, low overhead, or other similar causes; (d) how far the rapid increase in the chain-store system of distribution is based upon actual savings in costs of management and operation and how far upon quantity prices available only to chain-store distributors or any class of them; (e) whether or not such quantity prices constitute a violation of either the Federal Trade Commission act, the Clayton Act, or any other statute; and (f) what legislation, if any, should be enacted with reference to such quantity prices.

Mr. CURTIS. Mr. President, I understand that this resolution was submitted some days ago, that it went over under the rule, and has not come up because the Senate has not adjourned since that time.

Mr. BROOKHART. That is correct.

Mr. CURTIS. Does the Senator insist upon the preamble being retained, or would it be agreeable to him to have the resolution adopted without the preamble?

Mr. BROOKHART. The preamble is quite accurate, I will say, and the statements contained in it are borne out by the facts. I should prefer to have it remain in the resolution.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

The resolution was considered by unanimous consent, and was agreed to.

The preamble was agreed to.

PUBLIC UTILITIES AND BOULDER DAM

Mr. JOHNSON. Mr. President, I ask leave to have printed in the RECORD three articles, one from the current issue of the Nation, entitled "A million-dollar lobby," another from the Daily News of Washington, D. C., entitled "The Boulder Dam issue," and one from the New York World, entitled "A challenge to Congress."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Nation, May 16, 1928]

THE MILLION-DOLLAR LOBBY

We have occasionally shied bricks in the direction of the reorganized Federal Trade Commission, and we feared that its investigation of the power interests' lobby would amount to little. The gentlemen of the lobby evidently agreed with us, for they toiled manfully to keep the investigation out of the hands of a Senate committee and forced the job on the committee. They expected to control it there. But the investigation personnel of the Federal Trade Commission went out and got the facts and the documents. They did a good job. They uncovered important facts. Despite the best efforts of a sleepy and incompetent press they are making news.

Readers of the Hearst newspapers—another organization which we have often dispraised—know what is being uncovered by the investigation. The Hearst newspapers have told them. Readers of few other papers know, for with amazingly few exceptions the other papers have slurred the story. We suggest that if our readers think it news, as we do, and have not seen it reported, they ask the editors of their local newspapers why.

The joint committee of the National Utilities Association, composed of the National Electric Light Association, the American Gas Association, and the American Electric Railway Association, maintains in Washington a gigantic lobby which in each of the past three years has spent in excess of $1,000,000 to oppose Government ownership—"to represent the utilities companies * * * on all matters of pending legislation before Congress," was the polite phrase used by the joint committee's general counsel. This million-dollar committee has been the heart and soul of the opposition to Federal development of Muscle Shoals and Boulder Dam; and it has ex-Senators, ambassadors, ex-governors, newspapermen, and universities on its pay roll.

The lobby paid $7,500 to Richard Washburn Child, former United States Ambassador to Italy, to prepare an unsigned "booklet" opposing Federal development of Boulder Dam. It paid Ernest Greenwood, former American agent of the League of Nations Labor Office, an "initial fee" of $5,000 to write a propaganda book, "Aladdin, U. S. A.," published by Harpers. It paid ex-Senator Lenroot of Wisconsin at least two fees of $10,000 each to lobby for it among his former colleagues. It paid the law firm of Meechem & Vellacott of Albuquerque, N. Mex., $5,299.66 to "report" the governors' conference on Boulder Dam at a time when Merritt Meechem, former governor of New Mexico, was supposed to be representing the State of New Mexico at that conference. It paid the General Federation of Women's Clubs $30,000 for an "urban and rural home survey." It paid the Harvard Graduate School, in three years, $62,000 for "research" which, after study of the views of the responsible professors, it felt safe; and after equally careful study of the professorial field it contributed at least $62,500 (perhaps $95,000) to Northwestern University, $12,249.37 to the University of Michigan, $3,000 to the Massachusetts Institute of Technology, $5,000 to Johns Hopkins Uni-

versity, and $33,000 to Howard University. It has 28 committees working in 38 States, teaching that "government ownership is the masked advance agent of communism."

Samuel Insull—the same Insull who tried to buy a seat in the United States Senate for Frank L. Smith of Illinois—is the largest individual contributor to the million-dollar fund, but one-quarter of all the utility companies in the United States contribute to it.

This national committee is only the capstone of the enormous propaganda structure maintained by the public-utility companies. The Illinois Committee on Public Utility Information, founded by Mr. Insull, was one of the pioneers in the field, and it is admitted to have served as a model for the work in more than a score of other States. It was Rob Roy MacGregor of this committee who, when asked how to campaign against a Senator who believed in public ownership, penned the famous memorandum explaining: "My idea would be not to try reason, or logic, but to try to pin the Bolshevik idea on my opponent."

Mr. MacGregor's committee was the pathfinder in work in the public schools. It began with a thorough study of textbooks dealing with public-utility questions. It circularized local companies, urging them to set to work on local school boards and through personal friendships to have "bad" books removed. This, it reported, "is a very slow process, but has to be gone through with." Then it sought to prevent the publication of more "bad" books. It urged its members to work through "personal friends in publishing houses." It wrote letters to the universities and discovered just which professors were writing on the subject. It offered these budding authors the honeyed bait of "reliable statistics" together with aid in getting their books marketed. "We have located," the industrious committee reported, "practically every textbook and also have found the textbooks in course of preparation, and have been able to be of considerable assistance to the writers of these books in providing them with reliable data." Finally, as a result of persistent effort, B. J. Mullaney, of the Illinois committee, was able to report that it had got to the point where "635 Illinois high schools, more than three-quarters of the total number, use specially prepared utility-industries literature in the classrooms."

In Connecticut a similar committee planted more than 10,000 grossly false public-utilities "catechisms" in 76 high schools; and in Pennsylvania 30,000 sets of pamphlets, four to a set, were distributed among county superintendents for use in the schools. Presumably similar practices have been followed in other States, but the witnesses have not yet appeared on the stand.

The energetic Illinois committee not only arranged for its own selected speakers (1,137 speeches in 18 months) and distributed its tons of literature (5,000,000 pieces of literature before it was two years old); it circulated blacklists similar to those used by the D. A. R. in the hope, apparently, of keeping the public-ownership point of view from any expression whatever. It even prepared pamphlets for its agents on how to talk to grade-school pupils.

"Is there any method of publicity not used by your organization?" Judge Healy asked one of the propagandists.

"Only one that I know of," he replied, "and that's sky-writing."

Of course, the newspapers were a rich field for cultivation. Perhaps that explains their lack of interest in the investigation. The Illinois committee mails a weekly news service to 900 newspapers in Illinois. Keeping tab on its utilization has become expensive, but in its first year an average of 5,000 column-inches of material prepared by the utilities committee lobby was printed every month in the Illinois newspapers, and the second year, when the clipping service was discontinued, the rate was running higher still. The New England lobby reported that in 1927, 7,203½ column-inches of its material—enough to fill 56½ eight-column pages of solid reading matter—had appeared in the news columns of New England papers and 1,584 column-inches in the editorial columns!

Mr. Mullaney estimated that the utilities companies spend from $25,000,000 to $30,000,000 annually in direct advertising, and all the committees showed themselves insistent that local-utilities advertisers should maintain their contacts with local editors. One of the most disheartening revelations of the investigation was the letter written by the advertising manager of David Lawrence's United States Daily suggesting a $200,000 advertising campaign in that paper and outlining a program by which the bills could be charged to 52 local companies, "so that there could be no possible ground for criticism on the ground that one organization or institution was conducting a general campaign." It is fair to Mr. Lawrence to add that his paper, although somewhat belatedly, has been printing the verbatim testimony before the Federal Trade Commission. Furthermore, it did not get the $200,000 advertising contract.

It has been charged that whole strings of newspapers were to have been bought in the interest of the public utilities. This charge has not been definitely proved. One of the chief buttresses of this charge is the history of Ira C. Copley, an Illinois public-utilities magnate, who in 1926 sold out most of his utilities interests to Samuel Insull and went into the newspaper business. After purchasing one string of newspapers in Illinois he invaded California, buying three papers in San Diego, and immediately killing that one of them which had supported Government ownership. When the charge was made, Mr. Copley published in his papers the statement that—

"I have no connection with any public utilities anywhere, and no connection with any companies [other] than the newspaper business anywhere."

One month before making that statement Mr. Copley had resigned as president of the Western United Gas & Electric Co. and of the Southern Illinois Gas Co., and at the time of making it he still held preferred stock of the company to a value of $2,400,000, bonds to a value of $1,000,000, $70,600 in preferred stock of its holding company, and 50,000 shares of no-par-value Class A common stock—enough to assure himself of a directorship at any time he wanted it. Mr. Copley's editors, however, insisted that while they agreed with him in opposition to Government ownership, he had never given them any instructions on the subject and they had written little about it.

The legislatures and the politicians appear in the picture, too. A letter found in the files of Robert V. Prather, secretary-treasurer of various Illinois public-utility associations, read:

"The legislature is in session here, and it looks like a very stormy session, and I could use handily a little 'J. Walker' to very good advantage, and it occurs to me that you could do me a very great favor if the first time you are coming west you would call on a friend of mine in New York and bring me half a dozen."

That was in 1921. In 1925 Mr. Prather wrote another letter suggesting that he needed "something to sweeten up the palates of the legislature." He did not explain whether he wanted "J. Walker" or what.

The gentleman who placed the public-utility catechisms in the Connecticut public schools, the commission discovered, is also the publicity agent of the Republican State committee. J. H. Bigelow, chairman of the Pennsylvania Democratic State committee, got $1,000 from the lobby; John P. Connelly, of Vare's Republican machine in Philadelphia, got $14,103. Walter H. Johnson, chairman of the public-policy committee of the Pennsylvania Electric Association, an avowed lobbyist at the State capital, could not account for $20,225 which had recently passed through his hands. He thought he might have used some of it to watch "pinch bills"—bills introduced by legislators in order to make the utilities "come across."

"Across with what?" he was asked.

"With cash," he replied; but he insisted that he had "fallen for no pincher yet." He explained, however, that he had kept no accounts, because he did not want it known who got his money.

Schools, press, legislatures—the power and utilities gentlemen have flooded the country with money and lies. The Government's investment in Muscle Shoals has been hamstrung and the water still pours idly through Boulder Canyon—tributes to the success of the million-dollar lobby in fighting public development of natural resources.

[From the Washington Daily News, Friday, May 11, 1928]

THE BOULDER DAM ISSUE

This paper believes no measure now pending in Congress is of more importance than the Swing-Johnson Boulder Dam bill.

When this bill first came before Congress it came as a measure for the protection of lives and property from flood and drought. We believed it deserving of support on that basis. There can be no dispute on a policy of life-saving.

But there can be, it has developed, dispute on a protective policy when there is involved with it a question of profit to a great business; and as a test of whether protection for any group of people, now or hereafter, shall depend on possible gain or loss to private capital, this paper believes the Boulder Dam bill infinitely more deserving of support.

This is not all.

Passage of the bill means dollars and cents in the pockets of every taxpayer in the country.

And again, the same principle on which the bill is based, of letting necessary projects pay for themselves when possible, will mean many more dollars and cents in the pockets of taxpayers in the future.

Finally, the passage or nonpassage of this bill will give the country an adequate idea of the present strength of the amazing power lobby and nation-wide propaganda organization which events of the past few months have disclosed.

As soon as possible a dam must be built in the Colorado River for control of floods and storage of water for times of drought.

Even those who are opposing the Swing-Johnson bill realize that.

It is either going to be paid for by the people of the Southwest who will benefit by it, as the Swing-Johnson bill provides, or it is going to be paid for by all the taxpayers of the country, as the power industry desires.

To us it seems there is no more reason for forcing a Federal gratuity upon people willing to pay for safety than there is for forcing free food and lodging upon a man willing to work for it.

And expenditure by the power industry of rate-payers' money to convert them to such an idea seems to us like adding insult to injury.

The Boulder Dam project has been declared sound from an engineering and economic standpoint by some of the greatest engineers and economists of the country.

It does not propose to "put the Government into business" or interfere in any way with legitimate private initiative.

It proposes to utilize the power which will be available at the dam by wholesaling it to cities and private companies. The revenue so derived will pay all the cost of the work.

There are few people who seriously contend the Government ought to usurp the field of business. Likewise there can be few to seriously contend that the Government may not go into a new territory and make its development there self-supporting without injuring any business in so doing.

Because it involves this issue, the measure, now so much more than a local project, is of direct personal interest to each resident of the United States.

The people should protest if its passage is again blocked by a small group of men in Congress.

[From the New York World]

A CHALLENGE TO CONGRESS

On Thursday debate on the Swing-Johnson bill for Boulder Dam was begun in the Senate. This is an important bill. The action which Congress takes on it will answer an important question. If the Senate rejects this bill, its decision will show the country that the power lobby, an organization by no means mythical but openly at work in Washington, is able to dictate the power policies of this Government.

We regard this as a fair statement of the case, by no means exaggerated, for the reason that there is only one point on which the issue is squarely joined—and on this point the interests of the power lobby and the interests of the public are in conflict. No one seriously questions the advisability of building a dam in Boulder Canyon, or, as an alternative, in Black Canyon. The possibility of a disastrous flood in the lower Colorado valley is a constant menace.

Nor does anyone seriously question the advantages which would result from the construction of a dam. There is competent engineering authority behind the statement that a dam will protect against flood a great valley of 400,000 acres lying in a sink several hundred feet below the channel of the river; that it will open another 400,000 acres to irrigation; and that it will develop at least 1,000,000 horsepower for hydroelectric generation.

Finally, there is no real basis for the assertion that the cost of construction would "mulct" the taxpayers of the country. As Senator JOHNSON pointed out in presenting the bill on Thursday, no money is to be advanced until contracts have been made for the delivery of water and of power, assuring the Government repayment of its investment, with interest on its money.

Why, then, is the bill being fought every inch of the way, bitterly and tirelessly, by the power lobby?

Because it permits the Government to build power plants and to operate these power plants on certain terms. The bill does not "put the Government in the power industry," though there is every good reason why the Government should be put in the power industry at Boulder Dam—and the bill would be improved by being so amended. The bill as it stands simply provides that if the Government can not make satisfactory contracts for the sale of power rights, then it may fall back upon Government operation as an alternative rather than surrender these rights on any bargain-counter terms the power companies may choose to name. It is this minimum safeguard which the power lobby wishes to strike out.

One thing is clear: If the power lobby can go to the mat on these terms and win, then Congress has abdicated the field of power legislation and a new legislative body is supreme.

An interesting and important test of authority has begun in Washington.

NAVIGATION ON THE GREAT LAKES

Mr. COPELAND. Mr. President, there are on the calendar two bills which have to do with navigation on the Great Lakes which I should like to have considered and passed at this time. They have been recommended by the Bureau of Navigation; have passed the House of Representatives unanimously, and have been reported by the Committee on Commerce. They should be passed at once if they are to be passed at all, because navigation is about to open on the Lakes, and the provisions of the bills should go into effect promptly.

Mr. CURTIS. Did I understand the Senator to say that the passage of the bill has been asked for by the department?

Mr. COPELAND. Yes; by the Bureau of Navigation.

Mr. CURTIS. Very well. Let the titles of the bill be stated.

The VICE PRESIDENT. The bills will be stated by title.

The CHIEF CLERK. Order of Business 1128, being the bill (H. R. 13032) to amend the act of February 8, 1895, entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters"; and Order of Business 1129, being the bill (H. R. 13037) to amend section 1, rule 2, rule 3, subdivision (e), and rule 9 of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895 (ch. 64, 28 Stat. L., sec. 645).

Mr. KING. In a word, may I ask the Senator from New York what the bills provide?

Mr. COPELAND. The bills have to do with lights on boats. The boats used to be short, and the law has not been changed since 1895. The boats now in use are so long that it is desired to have better lights so that lights at each end of a boat 400 or 500 feet long may not be thought to be simply channel lights. That is all.

Mr. KING. Has not the Bureau of Navigation now all the necessary authority to deal with the subject?

Mr. COPELAND. No; not where the boats are more than 30 tons.

Mr. KING. The bills will not disturb the regulations with respect to tonnage, weights, and so forth?

Mr. COPELAND. Not at all.

The VICE PRESIDENT. Is there objection to consideration of the first bill mentioned by the Senator from New York?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13032) to amend the act of February 8, 1895, entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters," which was read, as follows:

Be it enacted, etc., That rule 7 of the act of Congress approved February 8, 1895, entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters," be amended so as to read as follows:

"RULE 7. The lights for tugs under 100 tons register (net), whose principal business is harbor towing, and for boats navigating only on the River St. Lawrence, also ferryboats, rafts, and canal boats, shall be regulated by rules which have been or may hereafter be prescribed by the Board of Supervising Inspectors of Steam Vessels."

SEC. 2. All laws or parts of laws inconsistent herewith are hereby repealed.

SEC. 3. This act shall take effect on and after its approval.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13037) to amend section 1, rule 2; rule 3, subdivision (e); and rule 9 of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895 (ch. 64, 28 Stat. L., sec. 645), which was read, as follows:

Be it enacted, etc., That rule 2, rule 3, subdivision (e), and rule 9 of section 1 of an act entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters," enacted February 8, 1895, and being chapter 64, Twenty-eighth Statutes at Large, section 645, be, and the same are, respectively, hereby amended so as to read as follows:

"Rule 2. The lights mentioned in the following rules, and no others which may be mistaken for the prescribed lights, shall be exhibited in all weathers from sunset to sunrise. The word 'visible' in these rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere.

"Rule 3, subdivision (e). A steamer of over 150 feet register length shall carry also, when under way, a bright white light so fixed as to throw the light all around the horizon, and of such character as to be visible at a distance of at least 3 miles. Such light shall be placed in line with the keel at least 15 feet higher from the deck and more than 75 feet abaft the light mentioned in subdivision (e); or in lieu thereof two such lights of the same character and height as herein described placed not over 30 inches apart horizontally, one on either side of the keel, and so arranged that one or the other or both shall be visible from any angle of approach.

"Rule 9. A vessel under 150 feet register length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light constructed so as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least 1 mile.

"A vessel of 150 feet or upward in register length, when at anchor, shall carry in the forward part of the vessel two white lights at the same height of not less than 20 and not exceeding 40 feet above the hull and not less than 10 feet apart horizontally and athwartships, except that each need not be visible all around the horizon, but so arranged that one or the other, or both, shall show a clear, uniform, and unbroken light and be visible from any angle of approach at a distance of at least 1 mile; and at or near the stern of the vessel two similar lights similarly arranged and at such a height that they shall not be less than 15 feet lower than the forward lights. In addition the 4 anchor lights above specified, at least 1 white deck light shall be displayed in every interval of 100 feet along the deck,

measuring from the forward lights, said deck lights to be not less than 2 feet above the deck and arranged, so far as intervening structures will permit, so as to be visible from any angle of approach."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARENCE D. CHAMBERLIN AND CHARLES A. LEVINE

Mr. BROOKHART. From the Committee on Military Affairs I report back favorably, with an amendment, the bill (S. 3944) authorizing the President to present, in the name of Congress, a medal of honor to Clarence D. Chamberlin. I ask unanimous consent for immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Military Affairs was to strike out all after the enacting clause and insert:

The amendment was to strike out all after the enacting clause and in lieu thereof to insert the following:

That the President be, and is hereby, authorized to award, in the name of Congress, gold medals of appropriate design to Clarence D. Chamberlain, pilot, and Charles A. Levine, organizer and participant, for their extraordinary achievement in making the first successful nonstop airplane flight from the United States to Germany, in June, 1927.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the President to present, in the name of Congress, gold medals of appropriate design to Clarence D. Chamberlain and Charles A. Levine."

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until Monday at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate took a recess until Monday, May 14, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 12 (legislative day of May 3), 1928

POSTMASTERS

ALABAMA

Ethel M. Fowler to be postmaster at Theodore, Ala., in place of C. S. Mathers. Incumbent's commission expired January 3, 1928.

Oscar Sheffield to be postmaster at Pine Hill, Ala., in place of Oscar Sheffield. Incumbent's commission expires June 5, 1928.

Ira C. Chapman to be postmaster at Deatsville, Ala., in place of I. C. Chapman. Incumbent's commission expires June 5, 1928.

James P. Aaron to be postmaster at Camp Hill, Ala., in place of J. P. Aaron. Incumbent's commission expires June 5, 1928.

ARKANSAS

Fletcher G. Kennedy to be postmaster at Cotton Plant, Ark., in place of F. G. Kennedy. Incumbent's commission expires June 6, 1928.

Legrand K. Charles to be postmaster at Eureka Springs, Ark., in place of L. K. Charles. Incumbent's commission expires June 6, 1928.

George E. Crosby to be postmaster at Pangburn, Ark., in place of G. E. Crosby. Incumbent's commission expires June 6, 1928.

William H. Tucker to be postmaster at Casa, Ark., in place of W. H. Tucker. Incumbent's commission expires June 6, 1928.

CALIFORNIA

William Braucht to be postmaster at Whittier, Calif., in place of William Braucht. Incumbent's commission expires June 5, 1928.

Alfred Gourdier to be postmaster at Torrance, Calif., in place of Alfred Gourdier. Incumbent's commission expires June 5, 1928.

Earle R. Hawley to be postmaster at Stockton, Calif., in place of E. R. Hawley. Incumbent's commission expires June 5, 1928.

Ernest R. Rhymes to be postmaster at Sanitarium, Calif., in place of E. R. Rhymes. Incumbent's commission expires June 5, 1928.

John H. Strauch, jr., to be postmaster at San Gabriel, Calif., in place of J. H. Strauch, jr. Incumbent's commission expires June 6, 1928.

Louis P. Miller to be postmaster at Rio Vista, Calif., in place of L. P. Miller. Incumbent's commission expires June 5, 1928.

Myrtle H. Turner to be postmaster at Reseda, Calif., in place of M. H. Turner. Incumbent's commission expires May 14, 1928.

Edward A. Baker to be postmaster at Point Loma, Calif., in place of E. A. Baker. Incumbent's commission expires June 6, 1928.

William C. Werry to be postmaster at Palo Alto, Calif., in place of W. C. Werry. Incumbent's commission expires June 5, 1928.

Charles H. Coffey, jr., to be postmaster at Gonzales, Calif., in place of C. H. Coffey, jr. Incumbent's commission expires June 5, 1928.

John H. B. Speer to be postmaster at Delano, Calif., in place of J. H. B. Speer. Incumbent's commission expires June 5, 1928.

Roland L. Curran to be postmaster at Bakersfield, Calif., in place of R. L. Curran. Incumbent's commission expires June 6, 1928.

Belle Hicks to be postmaster at Armona, Calif., in place of Belle Hicks. Incumbent's commission expires June 6, 1928.

COLORADO

Edna A. McCormick to be postmaster at Sedgwick, Colo., in place of E. A. McCormick. Incumbent's commission expires June 5, 1928.

Erman D. Acton to be postmaster at Oak Creek, Colo., in place of E. D. Acton. Incumbent's commission expires May 14, 1928.

CONNECTICUT

Anna C. Tucker to be postmaster at Sandy Hook, Conn., in place of A. C. Tucker. Incumbent's commission expires June 5, 1928.

HAWAII

Joseph F. Xavier to be postmaster at Puunene, Hawaii, in place of J. F. Xavier. Incumbent's commission expires June 5, 1928.

Alice J. Brown to be postmaster at Paia, Hawaii, in place of A. J. Brown. Incumbent's commission expires June 5, 1928.

Joseph Herrscher to be postmaster at Haua, Hawaii, in place of Joseph Herrscher. Incumbent's commission expires June 5, 1928.

IDAHO

Keith C. Merrill to be postmaster at Paul, Idaho, in place of C. F. Clark, resigned.

William L. Killpack to be postmaster at Driggs, Idaho, in place of W. L. Killpack. Incumbent's commission expired April 19, 1928.

ILLINOIS

Harry L. Dean to be postmaster at Witt, Ill., in place of H. L. Dean. Incumbent's commission expires May 20, 1928.

Lela Seneff to be postmaster at Westfield, Ill., in place of Lela Seneff. Incumbent's commission expires June 4, 1928.

Willis A. Myers to be postmaster at Wenona, Ill., in place of W. A. Myers. Incumbent's commission expires June 4, 1928.

John Wacker to be postmaster at Techny, Ill., in place of John Wacker. Incumbent's commission expires June 6, 1928.

Herman O. Manuel to be postmaster at Steger, Ill., in place of H. O. Manuel. Incumbent's commission expires June 4, 1928.

Walter E. Dimick to be postmaster at Rosiclare, Ill., in place of W. E. Dimick. Incumbent's commission expires June 6, 1928.

August Kalbitz to be postmaster at Red Bud, Ill., in place of August Kalbitz. Incumbent's commission expires May 20, 1928.

Jesse L. Jones to be postmaster at Rantoul, Ill., in place of J. L. Jones. Incumbent's commission expires June 6, 1928.

Charles H. Cottrell to be postmaster at Quincy, Ill., in place of C. H. Cottrell. Incumbent's commission expires June 6, 1928.

Edward E. Gott to be postmaster at Norris City, Ill., in place of E. E. Gott. Incumbent's commission expires June 6, 1928.

Charles T. Gilkerson to be postmaster at Marengo, Ill., in place of C. T. Gilkerson. Incumbent's commission expired February 10, 1927.

William M. Amos to be postmaster at Huntley, Ill., in place of C. W. Clanton. Incumbent's commission expired September 8, 1926.

Jacob L. Pfundstein to be postmaster at Erie, Ill., in place of J. L. Pfundstein. Incumbent's commission expires June 4, 1928.

Robert R. Davis, to be postmaster at Equality, Ill., in place of R. R. Davis. Incumbent's commission expires June 6, 1928.

Benjamin W. Landborg to be postmaster at Elgin, Ill., in place of B. W. Landborg. Incumbent's commission expired March 1, 1928.

John E. Heffron to be postmaster at East Dubuque, Ill., in place of J. E. Heffron. Incumbent's commission expires June 4, 1928.

Chris C. Wendt to be postmaster at Dundee, Ill., in place of C. C. Wendt. Incumbent's commission expired August 29, 1926.

Verda M. Mulhall to be postmaster at Davis, Ill., in place of V. M. Mulhall. Incumbent's commission expired May 5, 1928.

Alice Bacon to be postmaster at Buckner, Ill., in place of Alice Bacon. Incumbent's commission expired January 21, 1928.

James E. Harley to be postmaster at Aurora, Ill., in place of J. E. Harley. Incumbent's commission expired November 19, 1925.

INDIANA

Ernest C. Hefner to be postmaster at Roanoke, Ind., in place of E. C. Hefner. Incumbent's commission expires June 5, 1928.

Claude L. Worster to be postmaster at North Liberty, Ind., in place of C. L. Worster. Incumbent's commission expires June 4, 1928.

IOWA

Marion H. Barnes to be postmaster at Wapello, Iowa, in place of M. H. Barnes. Incumbent's commission expires June 5, 1928.

Frank C. McClaskey to be postmaster at Toledo, Iowa, in place of F. C. McClaskey. Incumbent's commission expires June 6, 1928.

Cora B. Alberty to be postmaster at Thornton, Iowa, in place of C. B. Alberty. Incumbent's commission expires June 5, 1928.

Ralph Hunte to be postmaster at Springville, Iowa, in place of Ralph Hunte. Incumbent's commission expires June 3, 1928.

Harry M. Harlan to be postmaster at Sigourney, Iowa, in place of H. M. Harlan. Incumbent's commission expires June 3, 1928.

Lyle J. McLaughlin to be postmaster at Schaller, Iowa, in place of L. J. McLaughlin. Incumbent's commission expires June 6, 1928.

Ira Soop to be postmaster at Sanborn, Iowa, in place of Ira Soop. Incumbent's commission expires June 6, 1928.

William A. Grummon to be postmaster at Rockwell, Iowa, in place of W. A. Grummon. Incumbent's commission expires June 6, 1928.

Howard H. Tedford to be postmaster at Mount Ayr, Iowa, in place of H. H. Tedford. Incumbent's commission expires June 3, 1928.

Harvey S. Powers to be postmaster at Iowa Falls, Iowa, in place of H. S. Powers. Incumbent's commission expires June 5, 1928.

Henry W. Huibregtse to be postmaster at Hull, Iowa, in place of H. D. Huibregtse. Incumbent's commission expires June 6, 1928.

Louis C. Giencke to be postmaster at Guttenberg, Iowa, in place of L. C. Giencke. Incumbent's commission expires June 6, 1928.

Rose M. Fischbach to be postmaster at Granville, Iowa, in place of R. M. Fischbach. Incumbent's commission expires June 6, 1928.

Mary E. Coy to be postmaster at Farragut, Iowa, in place of M. E. Coy. Incumbent's commission expires June 5, 1928.

Joseph M. Jacobs to be postmaster at Delta, Iowa, in place of J. M. Jacobs. Incumbent's commission expires June 5, 1928.

Harry Aitken to be postmaster at Clearfield, Iowa, in place of Harry Aitken. Incumbent's commission expires June 5, 1928.

John J. Ethell to be postmaster at Bloomfield, Iowa, in place of J. J. Ethell. Incumbent's commission expires June 4, 1928.

Royal E. Hutton to be postmaster at Bancroft, Iowa, in place of R. E. Hutton. Incumbent's commission expires June 3, 1928.

Albert A. Emigh to be postmaster at Atlantic, Iowa, in place of A. A. Emigh. Incumbent's commission expires June 5, 1928.

William M. Bausch to be postmaster at Ashton, Iowa, in place of W. M. Bausch. Incumbent's commission expires June 6, 1928.

Theodore B. Satory to be postmaster at Albert City, Iowa, in place of T. B. Satory. Incumbent's commission expires June 6, 1928.

KANSAS

Arnold C. Heidebrecht to be postmaster at Burrton, Kans., in place of A. C. Heidebrecht. Incumbent's commission expires June 6, 1928.

William T. Perry to be postmaster at Belleville, Kans., in place of W. T. Perry. Incumbent's commission expires June 6, 1928.

KENTUCKY

Homer Felts to be postmaster at Russellville, Ky., in place of E. F. Coffman. Incumbent's commission expired January 17, 1928.

Robert Vanbever to be postmaster at Pineville, Ky., in place of Robert Vanbever. Incumbent's commission expires June 6, 1928.

Ronald S. Tuttle to be postmaster at Bardstown, Ky., in place of R. S. Tuttle. Incumbent's commission expires May 31, 1928.

LOUISIANA

Aimie B. Garrett to be postmaster at New Roads, La., in place of A. B. Garrett. Incumbent's commission expires June 5, 1928.

Robert A. Giddens to be postmaster at Coushatta, La., in place of R. A. Giddens. Incumbent's commission expires June 5, 1928.

Phillip B. Allbritton to be postmaster at Clarks, La., in place of P. B. Allbritton. Incumbent's commission expires June 3, 1928.

MAINE

John W. Knapp to be postmaster at Stratton, Me., in place of J. W. Knapp. Incumbent's commission expires June 5, 1928.

Jabez M. Pike to be postmaster at Lubec, Me., in place of J. M. Pike. Incumbent's commission expires June 4, 1928.

Luther G. Cushing to be postmaster at Freeport, Me., in place of L. G. Cushing. Incumbent's commission expires June 6, 1928.

Francis L. Talbot to be postmaster at East Machias, Me., in place of F. L. Talbot. Incumbent's commission expires June 5, 1928.

Arthur A. Dinsmore to be postmaster at Dover-Foxcroft, Me., in place of A. A. Dinsmore. Incumbent's commission expires June 6, 1928.

Vernon H. Lowell to be postmaster at Bowdoinham, Me., in place of V. H. Lowell. Incumbent's commission expires June 5, 1928.

MARYLAND

Joseph O. Bernard to be postmaster at Greensboro, Md., in place of E. C. Orrell, removed.

Robert L. Hall to be postmaster at Pocomoke City, Md., in place of W. S. Schoolfield. Incumbent's commission expired January 7, 1928.

Eunice W. Dement to be postmaster at Indianhead, Md., in place of E. W. Dement. Incumbent's commission expires June 4, 1928.

MASSACHUSETTS

Everett W. Carpenter to be postmaster at Palmer, Mass., in place of E. W. Carpenter. Incumbent's commission expires June 5, 1928.

Albert S. Hopkins to be postmaster at Norton, Mass., in place of A. S. Hopkins. Incumbent's commission expires May 26, 1928.

David L. Kelley to be postmaster at Fairhaven, Mass., in place of D. L. Kelley. Incumbent's commission expires June 6, 1928.

MICHIGAN

Emma Moote to be postmaster at White Cloud, Mich., in place of Emma Moote. Incumbent's commission expires June 4, 1928.

Howard L. Vaughan to be postmaster at Ovid, Mich., in place of H. L. Vaughan. Incumbent's commission expires June 5, 1928.

Howard L. Barber to be postmaster at Merrill, Mich., in place of H. L. Barber. Incumbent's commission expires June 5, 1928.

Fred C. Putnam to be postmaster at Kalamazoo, Mich., in place of F. C. Putnam. Incumbent's commission expires June 4, 1928.

James B. Haskins to be postmaster at Howard City, Mich., in place of J. B. Haskins. Incumbent's commission expires June 5, 1928.

Emma F. Lyon to be postmaster at Hillsdale, Mich., in place of E. F. Lyon. Incumbent's commission expires June 4, 1928.

Benjamin W. Somers to be postmaster at Hesperia, Mich., in place of B. W. Somers. Incumbent's commission expires June 4, 1928.

J. Gail Show to be postmaster at Elsie, Mich., in place of J. G. Show. Incumbent's commission expires June 5, 1928.

MINNESOTA

Jennie L. Dowling to be postmaster at Olivia, Minn., in place of P. W. Moran, resigned.

Sidney D. Wilcox to be postmaster at Park Rapids, Minn., in place of S. D. Wilcox. Incumbent's commission expires June 6, 1928.

Herbert M. Hauck to be postmaster at Mankato, Minn., in place of H. M. Hauck. Incumbent's commission expires June 6, 1928.

George E. Van Buren to be postmaster at Le Roy, Minn., in place of G. E. Van Buren. Incumbent's commission expires June 5, 1928.

Harold R. Portmann to be postmaster at Currie, Minn., in place of H. R. Portmann. Incumbent's commission expires June 5, 1928.

MISSISSIPPI

Mary R. Nettles to be postmaster at Duncan, Miss., in place of H. H. Smith, resigned.

MISSOURI

Harry H. Forman to be postmaster at Shelbyville, Mo., in place of H. H. Forman. Incumbent's commission expires June 5, 1928.

Charles A. Mitchell to be postmaster at Clinton, Mo., in place of J. C. Datwieler. Incumbent's commission expired March 3, 1927.

MONTANA

Maurice D. Holmes to be postmaster at White Sulphur Springs, Mont., in place of M. D. Holmes. Incumbent's commission expires June 4, 1928.

Arnold D. Ferris to be postmaster at Sidney, Mont., in place of A. D. Ferris. Incumbent's commission expires June 4, 1928.

Ray R. Porter to be postmaster at Neihart, Mont., in place of R. R. Porter. Incumbent's commission expires June 5, 1928.

Oswald M. Johnson to be postmaster at Chinook, Mont., in place of O. M. Johnson. Incumbent's commission expires June 6, 1928.

Wedsel J. Hartman to be postmaster at Broadview, Mont., in place of W. J. Hartman. Incumbent's commission expires June 4, 1928.

NEBRASKA

Carl Carlson to be postmaster at Valparaiso, Nebr., in place of Carl Carlson. Incumbent's commission expires June 6, 1928.

Floyd M. Ritchie to be postmaster at Table Rock, Nebr., in place of F. M. Ritchie. Incumbent's commission expires June 6, 1928.

Charles E. Zink to be postmaster at Sterling, Nebr., in place of C. E. Zink. Incumbent's commission expires June 4, 1928.

Nettie E. Jollensten to be postmaster at Ogallala, Nebr., in place of G. S. Jollensten. Incumbent's commission expires June 6, 1928.

Verner O. Lundberg to be postmaster at Nehawka, Nebr., in place of V. O. Lundberg. Incumbent's commission expires June 4, 1928.

Frank A. Bartling to be postmaster at Nebraska City, Nebr., in place of F. A. Bartling. Incumbent's commission expires June 4, 1928.

Charles O. Lewis to be postmaster at Marquette, Nebr., in place of C. O. Lewis. Incumbent's commission expires June 6, 1928.

Claude A. Sheffner to be postmaster at Hay Springs, Nebr., in place of C. A. Sheffner. Incumbent's commission expires June 4, 1928.

Earl F. Fishel to be postmaster at Guide Rock, Nebr., in place of E. F. Fishel. Incumbent's commission expires June 6, 1928.

Owen T. Thompson to be postmaster at Farnam, Nebr., in place of O. T. Thompson. Incumbent's commission expires June 4, 1928.

Claris B. Morey to be postmaster at College View, Nebr., in place of C. B. Morey. Incumbent's commission expires June 6, 1928.

Louis H. Deaver to be postmaster at Cody, Nebr., in place of L. H. Deaver. Incumbent's commission expires June 6, 1928.

Frank G. Smith to be postmaster at Ashton, Nebr., in place of F. G. Smith. Incumbent's commission expires June 4, 1928.

Lorena W. Doe to be postmaster at Arcadia, Nebr., in place of L. W. Doe. Incumbent's commission expires June 6, 1928.

Millard M. Martin to be postmaster at Allen, Nebr., in place of M. M. Martin. Incumbent's commission expires June 4, 1928.

NEW HAMPSHIRE

Harry D. Eastman to be postmaster at North Conway, N. H., in place of H. D. Eastman. Incumbent's commission expired December 18, 1927.

John H. Falvey to be postmaster at Henniker, N. H., in place of J. H. Falvey. Incumbent's commission expires June 5, 1928.

James P. Farnam to be postmaster at Hanover, N. H., in place of J. P. Farnam. Incumbent's commission expires June 4, 1928.

Alice M. Sloane to be postmaster at Conway, N. H., in place of A. M. Sloane. Incumbent's commission expires June 4, 1928.

NEW JERSEY

Wilson S. Frederick to be postmaster at Dunellen, N. J., in place of W. S. Frederick. Incumbent's commission expires June 6, 1928.

NEW MEXICO

Charles J. Kelly to be postmaster at Deming, N. Mex., in place of W. H. Orcutt, deceased.

William G. Lujan to be postmaster at Dawson, N. Mex., in place of Angelo Frazzini, deceased.

NEW YORK

John E. Harris to be postmaster at Montauk, N. Y., in place of B. V. Edwards, resigned.

Joseph W. Cermak to be postmaster at East Northport, N. Y., in place of F. L. Quinlan, removed.

James H. Huntington to be postmaster at Naples, N. Y., in place of J. H. Huntington. Incumbent's commission expires June 6, 1928.

Albert F. Becker to be postmaster at Livonia, N. Y., in place of A. F. Becker. Incumbent's commission expired May 5, 1928.

Clinton H. Card to be postmaster at Fredonia, N. Y., in place of C. H. Card. Incumbent's commission expires June 5, 1928.

Berton G. Johnson to be postmaster at Cooperstown, N. Y., in place of B. G. Johnson. Incumbent's commission expires May 19, 1928.

Clayton M. Card to be postmaster at Amenia, N. Y., in place of C. M. Card. Incumbent's commission expires June 6, 1928.

NORTH CAROLINA

Benjamin F. Griffin to be postmaster at Pinesville, N. C., in place of J. P. Hinson, deceased.

James W. Stanton to be postmaster at La Grange, N. C., in place of J. M. Pully, deceased.

John M. Sharpe to be postmaster at Statesville, N. C., in place of J. M. Sharpe. Incumbent's commission expires May 29, 1928.

John N. Powell to be postmaster at Southern Pines, N. C., in place of J. N. Powell. Incumbent's commission expires June 5, 1928.

Frank Dudgeon to be postmaster at Pinehurst, N. C., in place of Frank Dudgeon. Incumbent's commission expires June 5, 1928.

Joseph B. Sparger to be postmaster at Mount Airy, N. C., in place of J. B. Sparger. Incumbent's commission expires June 4, 1928.

Thomas S. Keeter to be postmaster at Grover, N. C., in place of T. S. Keeter. Incumbent's commission expires June 4, 1928.

NORTH DAKOTA

James N. McGogy to be postmaster at Ashley, N. Dak., in place of J. N. McGogy. Incumbent's commission expires June 3, 1928.

OHIO

Frank M. Murphy to be postmaster at Murray City, Ohio, in place of E. H. Hayman, resigned.

Ernest H. Ruffner to be postmaster at Williamsburg, Ohio, in place of E. H. Ruffner. Incumbent's commission expires June 5, 1928.

Edward P. Harker to be postmaster at Rossford, Ohio, in place of E. P. Harker. Incumbent's commission expires June 4, 1928.

Mabel E. Dierker to be postmaster at Pemberville, Ohio, in place of M. E. Dierker. Incumbent's commission expires June 4, 1928.

David J. Thomas to be postmaster at Niles, Ohio, in place of D. J. Thomas. Incumbent's commission expires June 4, 1928.

Edwin H. Garver to be postmaster at Navarre, Ohio, in place of E. H. Garver. Incumbent's commission expires June 4, 1928.

Benjamin Hegemann to be postmaster at Minster, Ohio, in place of Benjamin Hegemann. Incumbent's commission expires June 4, 1928.

George H. Maxwell to be postmaster at Lexington, Ohio, in place of G. H. Maxwell. Incumbent's commission expires June 5, 1928.

Harry R. Hurn to be postmaster at Gallipolis, Ohio, in place of H. R. Hurn. Incumbent's commission expired December 19, 1927.

Roy S. Grunder to be postmaster at Creston, Ohio, in place of R. S. Grunder. Incumbent's commission expires June 6, 1928.

Nestor J. Taylor to be postmaster at Beverly, Ohio, in place of N. J. Taylor. Incumbent's commission expires June 6, 1928.

Pearl W. Athey to be postmaster at Belpre, Ohio, in place of P. W. Athey. Incumbent's commission expires June 6, 1928.

Charles E. Spiers to be postmaster at Atwater, Ohio, in place of C. E. Spiers. Incumbent's commission expires June 5, 1928.

OKLAHOMA

Samuel C. McAdams to be postmaster at Minco, Okla., in place of G. V. Underwood, resigned.

James F. Bethel to be postmaster at Muldrow, Okla., in place of J. F. Bethel. Incumbent's commission expires June 4, 1928.

Wilmer C. Brown to be postmaster at Kingfisher, Okla., in place of W. C. Brown. Incumbent's commission expires June 6, 1928.

OREGON

William C. Foster to be postmaster at Tillamook, Oreg., in place of W. C. Foster. Incumbent's commission expires June 5, 1928.

James W. Dunn to be postmaster at St. Benedict, Oreg., in place of J. W. Dunn. Incumbent's commission expires June 6, 1928.

Fitzhugh G. Lee to be postmaster at Junction City, Oreg., in place of F. G. Lee. Incumbent's commission expires June 5, 1928.

PENNSYLVANIA

Harry A. Garner to be postmaster at Wyomissing, Pa., in place of H. A. Garner. Incumbent's commission expired April 10, 1928.

William Percy to be postmaster at Scottdale, Pa., in place of William Percy. Incumbent's commission expires June 6, 1928.

Clyde G. McMurray to be postmaster at Oakdale, Pa., in place of C. G. McMurray. Incumbent's commission expired April 15, 1928.

William M. Overholt to be postmaster at Mount Pleasant, Pa., in place of W. M. Overholt. Incumbent's commission expires June 5, 1928.

S. Charles McClellan to be postmaster at Mifflin, Pa., in place of S. C. McClellan. Incumbent's commission expires June 6, 1928.

Margaret V. Roush to be postmaster at Marysville, Pa., in place of M. V. Roush. Incumbent's commission expires June 6, 1928.

Paul L. Boyd to be postmaster at Mars, Pa., in place of P. L. Boyd. Incumbent's commission expires June 4, 1928.

George A. Frantz to be postmaster at Confluence, Pa., in place of G. A. Frantz. Incumbent's commission expires June 6, 1928.

Nelson O. Smith to be postmaster at Blawnox, Pa., in place of N. O. Smith. Incumbent's commission expires June 5, 1928.

William H. Harper to be postmaster at Avondale, Pa., in place of W. H. Harper. Incumbent's commission expires June 6, 1928.

SOUTH CAROLINA

Sarah C. Starnes to be postmaster at Ridgeway, S. C., in place of S. C. Starnes. Incumbent's commission expired January 8, 1928.

Samuel B. Cartledge to be postmaster at Batesburg, S. C., in place of S. B. Cartledge. Incumbent's commission expires June 4, 1928.

SOUTH DAKOTA

Will C. Bromwell to be postmaster at Wessington Springs, S. Dak., in place of W. C. Bromwell. Incumbent's commission expires May 17, 1928.

Lewis W. Ford to be postmaster at Wakonda, S. Dak., in place of L. W. Ford. Incumbent's commission expires May 17, 1928.

Howard R. Mortenson to be postmaster at Viborg, S. Dak., in place of H. R. Mortenson. Incumbent's commission expires June 5, 1928.

Charles Sundling to be postmaster at Vermilion, S. Dak., in place of Charles Sundling. Incumbent's commission expires June 6, 1928.

Edna L. Brown to be postmaster at Timber Lake, S. Dak., in place of E. L. Brown. Incumbent's commission expires June 6, 1928.

Leroy F. Lemert to be postmaster at Spencer, S. Dak., in place of L. F. Lemert. Incumbent's commission expires June 5, 1928.

Francis Smidt to be postmaster at Freeman, S. Dak., in place of Francis Smidt. Incumbent's commission expires June 5, 1928.

John W. Coverdale to be postmaster at Elk Point, S. Dak., in place of J. W. Coverdale. Incumbent's commission expires June 5, 1928.

TENNESSEE

Alvin L. Henderson to be postmaster at Tracy City, Tenn., in place of A. L. Henderson. Incumbent's commission expires May 14, 1928.

Carlos C. Davis to be postmaster at Redboiling Springs, Tenn., in place of C. C. Davis. Incumbent's commission expired March 13, 1926.

Lee M. Jeffers to be postmaster at Oakdale, Tenn., in place of L. M. Jeffers. Incumbent's commission expires June 4, 1928.

James Rogers to be postmaster at Dyer, Tenn., in place of James Rogers. Incumbent's commission expires June 6, 1928.

Samuel W. Ingersoll to be postmaster at Decherd, Tenn., in place of S. W. Ingersoll. Incumbent's commission expires June 3, 1928.

Herschel H. Tatlock to be postmaster at Covington, Tenn., in place of H. H. Tatlock. Incumbent's commission expires June 4, 1928.

TEXAS

Claudia B. Seay to be postmaster at Toyah, Tex., in place of of R. L. Parker, resigned.

Mabel F. Selkirk to be postmaster at Blessing, Tex., in place of W. C. Selkirk, resigned.

Humphrey M. Fowler to be postmaster at West, Tex., in place of H. M. Fowler. Incumbent's commission expires June 6, 1928.

Bassett R. Miles to be postmaster at Luling, Tex., in place of B. R. Miles. Incumbent's commission expires June 6, 1928.

William A. Reese to be postmaster at Groveton, Tex., in place of W. A. Reese. Incumbent's commission expires June 6, 1928.

Frances C. Elam to be postmaster at Edgewood, Tex., in place of F. C. Elam. Incumbent's commission expired December 19, 1927.

Herbert D. F. Nienstedt to be postmaster at Burton, Tex., in place of H. D. F. Nienstedt. Incumbent's commission expires June 6, 1928.

UTAH

Mattie S. Larsen to be postmaster at Castle Dale, Utah, in place of M. S. Larsen. Incumbent's commission expires June 6, 1928.

Boyd J. Barnard to be postmaster at Bingham Canyon, Utah, in place of B. J. Barnard. Incumbent's commission expires June 4, 1928.

VERMONT

Lester K. Oakes to be postmaster at Stowe, Vt., in place of L. K. Oakes. Incumbent's commission expires June 5, 1928.

Claude C. Duval to be postmaster at West Burke, Vt., in place of C. C. Duval. Incumbent's commission expires June 6, 1928.

Casper W. Landman to be postmaster at South Londonderry, Vt., in place of C. W. Landman. Incumbent's commission expires June 4, 1928.

VIRGINIA

Samuel R. Gault to be postmaster at Scottsville, Va., in place of S. R. Gault. Incumbent's commission expires June 4, 1928.

WASHINGTON

Robert J. Robertson to be postmaster at White Salmon, Wash., in place of R. J. Robertson. Incumbent's commission expires June 6, 1928.

Trygve Lien to be postmaster at Stanwood, Wash., in place of Trygve Lien. Incumbent's commission expires June 5, 1928.

WEST VIRGINIA

Charles Jarrell to be postmaster at Whitesville, W. Va., in place of H. M. Slush, resigned.

WISCONSIN

John C. Chapple to be postmaster at Ashland, Wis., in place of J. C. Chapple. Incumbent's commission expires June 4, 1928.

WYOMING

Benjamin G. Rodda to be postmaster at Gebo, Wyo., in place of Laurabelle Hansen, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 12 (legislative day of May 3), 1928

POSTMASTERS

ALASKA

William J. Shepard, Cordova.
Charles A. Sheldon, Seward.

COLORADO

Thomas F. Beck, Aspen.
Irving P. Beckett, Craig.
George Haver, Eckley.
Cora M. Northup, Fountain.
John C. Kessenger, Limon.
Charles V. Engert, Lyons.
James L. Allison, Woodmen.

CONNECTICUT

Edward S. Coulter, Essex.
James F. Holden, Forestville.
William T. Crumb, Jewett City.
Clarence L. Clark, Lyme.
John A. Ayer, Saybrook.
Frederick W. Foster, Short Beach.

ILLINOIS

Francis W. Craig, Apple River.
Joseph D. Robertson, Barrington.
John H. Lawder, Campbell Hill.
Frank G. Robinson, El Paso.
Christian Andres, Tinley Park.
Andrew R. Tarbox, Gibson City.
Olive G. Woods, Hennepin.
Charles J. Rohde, Lena.
Jessie A. Livingston, Livingston.
Irene L. Ford, Mahomet.
Guy E. Meyers, Milledgeville.
Minor S. Miller, Pearl City.
John N. Taffee, Pinckneyville.
Harry Hutchins, Rockton.
Elizabeth R. Grant, Shabbona.
Edward P. Devine, Somonauk.
LeRoy Gammon, Thebes.
Clarence C. Cary, Utica.
Arthur Justus, Warren.
Mark Simpson, Waterman.
Laura A. Gregory, Willisville.

INDIANA

Clara A. Salla, Denham.
Clara I. Boesen, Griffith.
Walter C. Farrell, Middletown.
Iva D. Myers, Millersburg.
Warren B. Johnson, Owensville.
John N. Hunter, South Bend.

IOWA

Charles B. Santee, Cedar Falls.
John E. Mieras, Maurice.

KANSAS

Herbert L. Fryback, Colby.
Merton M. Fletcher, Glasco.
Charles F. Schafer, Jewell.
Frank W. Brady, Lebanon.
Sherman F. Lull, Linn.
Henry M. Highland, McCune.
Eldon C. Newby, Randolph.
Ulysses G. Stewart, Rossville.
Susie J. Gibbons, St. Paul.
Bertha Collins, Washington.

KENTUCKY

John F. Graves, Arlington.
John G. Fisher, Berry.
Bryant H. Givens, Caneyville.
Nannie J. Wathen, Irvington.
Carley O. Wilmoth, Paris.
Helen E. Park, Rockport.
Anna E. Fuqua, Rockvale.

MAINE

Fred E. Jones, Brownville.
Alvin H. Perley, Charleston.
Gustavus A. Young, Island Falls.
Arthur Donkus, Lisbon.
Frank G. Thompson, Milo.
Lawrence H. Allen, South Windham.
Carleton E. Young, Winterport.

MASSACHUSETTS

William P. Lovejoy, Barnstable.
Walter B. Currier, South Acton.
Nancy S. Harley, South Hanson.

MICHIGAN

Earl Brown, Brighton.
Edwin L. Groger, Concord.
John H. Ter Avest, Coopersville.
James R. Flood, Crystal Falls.
Adrian J. Westveer, Holland.
Ralph M. Powers, Jonesville.
Arthur G. Stone, Niles.
Frank N. Green, Olivet.
Henry S. Smith, Wolverine.

MISSOURI

Walter L. Meyer, Auxvasse.
Mary M. Wightman, Bethany.
Isaac P. Hopkins, Edgerton.
Ruby M. Ratcliff, Matthews.
Robert J. Smith, Miller.
Frederick M. Rich, Perry.
Ezra L. Plummer, Seneca.

NEBRASKA

Harry C. McClellan, Arlington.
Edward F. Farley, jr., Bancroft.
Elmer H. Doering, Battle Creek.
Minnie L. Smith, Blue Springs.
Oscar M. Fenstermacher, Cedar Bluffs.
Harry B. Clayton, Central City.
Orin J. Schwieger, Chadron.
Stanley E. Hemenway, Clearwater.
Russell Mooberry, Dorchester.
Harry V. Ingram, Exeter.
Frank W. Fuhlrodt, Fremont.
Elizabeth McGuire, Hampton.
Archie L. Smith, Imperial.
May Roberts, Nemaha.
Wesley E. Snider, Osceola.
Anton B. Helms, Randolph.
Otto J. Zuelow, Schuyler.
Louis A. Rice, Wilsonville.

NEW HAMPSHIRE

Leston F. Eldredge, Durham.
William T. Lance, Meredith.
Maurice R. Wright, North Hampton.

NEW MEXICO

George H. Disinger, Hillsboro.

NORTH DAKOTA

Paul M. Bell, Elgin.
Benjamin L. Anderson, Grenora.
Michael Coyne, Starkweather.

OREGON

William P. Skiens, Burns.

PENNSYLVANIA

John M. Kotch, Beaver Meadows.
Isaiah H. Stauffer, Millersville.

PORTO RICO

Carlos F. Torregrosa, Aguadilla.
Jose Mayol, Arecibo.
Moises Jordan, Utuado.

TEXAS

Charles F. Palm, Carrizo Springs.
Mike O. Sharp, Denison.
Joe P. Luce, Graford.
Thomas C. Hood, Lyford.
George F. Bates, Lyons.
Robert W. Bourland, Marathon.
Dunn R. Emerson, Marlin.
Clara C. White, Megargel.
Fred N. Bland, Orangefield.
Edgar W. Hargett, Richards.
Lillie M. Ragsdale, Richardson.
William H. Tarter, Roxton.
Raymond G. Hirth, San Juan.
Jesse P. Smith, Smiley.
Hal M. Knight, Sterling City.
William M. Willis, Timpson.
Minerva M. F. Cowart, Turkey.
James A. Morgan, Vega.
Oliver P. Maricle, Wichita Falls.

UTAH

Harris B. Simonsen, Helper.
Charles Boyer, Springville.

VERMONT

Charles A. Robinson, Milton.
Reginald W. Buzzell, Newport.
Sheridan P. Dow, Sheldon Springs.

VIRGINIA

George A. Chrisman, Christiansburg.

WASHINGTON

William G. Meneice, Carson.

WYOMING

Frank G. Brown, Fort Laramie.

HOUSE OF REPRESENTATIVES

SATURDAY, *May 12, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We praise Thee, O God, our Heavenly Father, that there is a day in our Nation's calendar dedicated to holy motherhood. To-morrow we shall wear in her memory the beautiful flower, as from its depths is reflected the heavenly purity of her divine soul. O God, from her came our first pulse beat; her angel arms were our first cradle; at her knees she first formed our hands in prayer; from her trembling lips God's word first fell like a divine presence, felt and seen; through the years of our helplessness she gave us our first stir of might. How she poured into our wonder minds the ways of life; and as long as her lips are untouched by death she prayed for her child. Oh, her prayers were as holy incense lifting from the altar of her soul. Blessed Lord, even at eternity's gate her face gleams like a star on the breast of night, waiting for the home-coming of her own. Help us to so live that the beautiful spirit of motherhood shall blossom everywhere and bring forth fruits of noble deeds and holy living. O tell us, Father, that the nation that desires eternity must exalt maternity. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

BOARD OF VISITORS, WEST POINT

Mr. MORIN. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent to take from the Speaker's table the bill H. R. 8105 and agree to the Senate amendment.

The Clerk read the title of the bill, as follows:

An act (H. R. 8105) to provide for the membership of the Board of Visitors, United States Military Academy, and for other purposes.

The SPEAKER. Is there objection?

There was no objection.

The committee amendment was read.

The committee amendment was agreed to.

RELIEF OF LAND-GRANT RAILROAD IN THE STATE OF OREGON

Mr. LEA. Mr. Speaker, by direction of the Interstate Commerce Committee I move to take from the Speaker's table the bill (S. 3699) for the relief of the land-grant railroad operated between the stations formerly known as East Portland, in the State of Oregon, and Roseville, in the State of California.

The Clerk read the bill, as follows:

Be it enacted, etc., That the land-grant railroad heretofore operated, and now being operated, between the stations formerly known as East Portland, in the State of Oregon, and Roseville, in the State of California, shall hereafter receive the same compensation for transportation of property and troops of the United States as is paid to land-grant railroads organized under the land grant act of March 3, 1863, and the act of July 27, 1866 (ch. 278).

Mr. LEA. Mr. Speaker, I offer the following amendments:

Line 6, strike out the words "the same," and after the word "States," insert "at the same rate."

Line 10, strike out the period, insert a semicolon, and add: "*Provided*, That Congress reserves the right at any time by law to prescribe such charges as it deems advisable for such Government transportation."

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE ILLINOIS RIVER AT GRAFTON, ILL.

Mr. DENISON. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce, I ask unanimous consent for the consideration of S. 4034.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the bill S. 4034.

The Clerk read the title of the bill, as follows:

An act (S. 4034) authorizing the Calhoun Bridge Co., an Illinois corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Illinois River at or near Grafton, Ill.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE FRENCH BROAD RIVER

Mr. DENISON. Mr. Speaker, I now call up the bill S. 4045.

The SPEAKER. The gentleman asks unanimous consent to take from the Speaker's table the bill S. 4045 and consider the same. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

An act (S. 4045) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Newport-Asheville (N. C.) road near the town of Del Rio, in Cocke County, Tenn.

Be it enacted, etc., That the consent of Congress is hereby granted to the highway department of the State of Tennessee, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the French Broad River at a point suitable to the interests of navigation on the Newport-Asheville (N. C.) road near the town of Del Rio, in Cocke County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. DENISON. Mr. Speaker, before the word "bridge," I move to insert the words "free highway," so that it will read "free highway bridge."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE CUMBERLAND RIVER, SMITHLAND, KY.

Mr. DENISON. Mr. Speaker, I now call up the bill S. 4061, and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Illinois calls up the bill (S. 4061) and asks unanimous consent for its present consideration.

The Clerk read the title of the bill, as follows:

An act (S. 4061) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

OTHER BRIDGE BILLS

By unanimous consent, at the request of Mr. DENISON, the following Senate bills, on the Speaker's table, were severally taken from the Speaker's table and were severally considered and severally agreed to. Motions to reconsider the votes by which the bills were passed were severally laid on the table:

S. 4060. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky.

A similar House bill was laid on the table.

S. 4059. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River.

A similar House bill was laid on the table.

S. 4062. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near Egners Ferry, Ky. Ky.

A similar House bill was laid on the table.

S. 4253. An act authorizing H. L. McKee, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Sabine at or near Port Arthur, Tex.

A similar House bill was laid on the table.

S. 4254. An act authorizing the State of Texas and the State of Louisiana to construct, maintain, and operate a free highway bridge across the Sabine River at or near Pendleton's Ferry.

A similar House bill was laid on the table.

S. 4292. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Center Point in Monroe County, Ky.

A similar House bill was laid on the table.

S. 4291. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.

A similar House bill was laid on the table.

S. 4290. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.

A similar House bill was laid on the table.

S. 4289. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.

A similar House bill was laid on the table.

S. 4288. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the South Fork of the Cumberland River at Burnside, Pulaski County, Ky.

A similar House bill was laid on the table.

S. 4293. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.

A similar House bill was laid on the table.

S. 4294. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the North Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.

A similar House bill was laid on the table.

S. 4295. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near the mouth of Indian Creek, in Russell County, Ky.

A similar House bill was laid on the table.

THE MERCHANT MARINE

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent that I may have until 12 o'clock to-night to file a conference report on the bill S. 744, the merchant marine bill.

The SPEAKER. The gentleman from Maine asks unanimous consent that he may have until 12 o'clock to-night to file a conference report on the merchant marine bill. Is there objection?

Mr. LEHLBACH. On what subject did the gentleman say?

Mr. WHITE of Maine. The merchant marine bill.

Mr. LEHLBACH. Reserving the right to object, was the report unanimous?

Mr. WHITE of Maine. It was.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

PENSIONS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12381, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the bill H. R. 12381, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12381) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. KNUTSON, Mr. ROBSION of Kentucky, and Mr. HAMMER.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 13563, and that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. SNELL. Mr. Speaker, may we have that bill reported?

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 13563) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill.

This bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 1252. Edward J. McDougall.
H. R. 1255. Robert H. Pitts.
H. R. 2384. William A. Elliott.
H. R. 2385. William A. Medley.
H. R. 3431. Dell E. Lyons.
H. R. 4438. Thomas Quirk.
H. R. 4997. Harriet C. Lounsbery.
H. R. 5038. Charles E. Grayson.
H. R. 5267. John H. Doremus.
H. R. 5854. Anna H. Valer.
H. R. 5918. Josephine W. Dade.
H. R. 6690. Mary A. Johnson.
H. R. 6769. Mike Bogovich.
H. R. 6897. Elizabeth A. Axson.
H. R. 6926. Albert S. Turner.
H. R. 7159. Thomas C. Lacy.
H. R. 7331. John S. Henry.
H. R. 7764. Agnes Hall.
H. R. 7963. Bridget McAvoy Baker.
H. R. 8241. Belle A. Corbett.
H. R. 8753. Erhardt Fleitz.
H. R. 8942. Leroy Callahoone.
H. R. 9091. Charles D. Forney.
H. R. 9094. John Haners.
H. R. 9124. Arthur F. Truitt.
H. R. 9313. Frank J. Mesmer.
H. R. 9322. Richard Gregg.
H. R. 9390. Mark T. Smith.
H. R. 9471. Catherine Cocain.
H. R. 9593. Waldo A. Chapman.
H. R. 9618. George W. Marrow.
H. R. 9634. John Lovell.
H. R. 9635. Elmer H. Weddle.
H. R. 9646. Rachel Davidson.
H. R. 9740. Edward J. Burgin.
H. R. 9865. Gustave Mendel.
H. R. 10188. Whitmill T. Eason.
H. R. 10208. Alfred L. Gross.
H. R. 10283. Oscar F. Pridgen.
H. R. 10331. Charles V. Harris.
H. R. 10351. Margaret Wertheimer.
H. R. 10413. Gottlieb Rapp.
H. R. 10451. Frederick Reinsch.
H. R. 10498. Mary J. Burris.
H. R. 10506. Mary C. Ingle.
H. R. 10570. Thomas S. Shull.
H. R. 10592. Mabel Jane Maher Boosey.
H. R. 10596. Francis Clyde Long.
H. R. 10736. Albert M. Taugner.
H. R. 10771. Alice Mabel Lang.
H. R. 10777. Thomas A. West.
H. R. 10778. Patrick W. O'Donnell.
H. R. 10921. Jerry Carpenter.
H. R. 11010. Adam Roth.
H. R. 11061. Louise Escuedero.
H. R. 11096. William C. Apgar.
H. R. 11120. Josephine Roy.
H. R. 11175. George E. Wykoff.
H. R. 11186. Ada P. Barnhart.
H. R. 11214. Emma Hofstrand.
H. R. 11250. Thomas G. Pardue.
H. R. 11312. Sexton Pierce.
H. R. 11366. Ada M. Young.
H. R. 11442. Alban Philson.
H. R. 11453. Mary B. Lotham.
H. R. 11460. Willie Williams.
H. R. 11538. Ernest R. Hales.
H. R. 11550. Mattie R. Meadors.
H. R. 11608. Bridget Fennell.
H. R. 11670. Mary Agnes Staats.
H. R. 11672. Sara Saylor.
H. R. 11737. Emma P. Jens.
H. R. 11752. Lowell A. Chamberlin.
H. R. 11829. Zella Marshall.
H. R. 11862. Alfred Kirkpatrick.
H. R. 11866. Dwight A. Morford.
H. R. 11884. Charles B. Slanker.
H. R. 11961. Joseph Gasiorowski.
H. R. 11969. James G. Voris.
H. R. 12003. Philip L. Daly.
H. R. 12020. Jennie Whitman.
H. R. 12084. Robert Hackett.
H. R. 12085. George W. H. McDonald.
H. R. 12093. Clarence H. Hayes.
H. R. 12126. Nellie Jorgenson.
H. R. 12155. Thomas A. Heard.
H. R. 12195. Mary Miller.
H. R. 12228. Lillian S. Lozier.
H. R. 12267. Wade P. Miles.
H. R. 12336. Abraham Silverstein.
H. R. 12370. Charley Morrow.
H. R. 12372. Eva M. Wilkinson.
H. R. 12491. John H. Moore.
H. R. 12501. Josephine Lemon.
H. R. 12542. Teresa Bracco.
H. R. 12549. Logan Wilson.
H. R. 12594. Charles Steffey.
H. R. 12602. John Sharp Porter.
H. R. 12658. Jennie Mae Parkinson Dunkle.
H. R. 12670. Ebb Hundley.
H. R. 12671. John L. Lawson.
H. R. 12725. John O. Lind.
H. R. 12728. Frank Sutton.
H. R. 12823. Thomas G. Nesseth.
H. R. 12863. William M. Edwards.
H. R. 12970. Joseph Burton.
H. R. 13073. William A. Peterson.
H. R. 13226. Marie Burch.
H. R. 13281. Kate Forrester.
H. R. 13333. Thomas Kinnane.
H. R. 13377. William G. Travelstead.
H. R. 13547. Samuel H. Anderson.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KNUTSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE TARIFF AND AGRICULTURE

Mr. SELVIG. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the tariff and agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SELVIG. Mr. Speaker, I have been waiting an opportunity to present to the House of Representatives a very important subject, that of the protective tariff with reference to agriculture, and am glad of the opportunity to do so at this time.

In the last campaign I stated that the protection given by the tariff duties on agricultural imports was of very great importance to the farmers of the United States. As my district, the Red River Valley district of Minnesota, is predominantly agricultural, it is an issue of the greatest importance to the welfare and prosperity of those living on the 28,000 farms in the district and to the townspeople who depend upon agriculture for their livelihood.

It is interesting to compare the treatment accorded agriculture under the last three tariff acts—the acts of 1913, 1921, and 1922. Of these the acts of 1921 and 1922 were passed by a Republican majority in Congress, while the act of 1913, the Underwood Act, was passed when the Democrats were in power.

In this act of 1913 we find that a large number of agricultural imports were placed on the duty-free list. This means that anyone living outside of the United States could freely and without paying an import duty at the port of entry compete directly and on an even basis against the United States farmer.

DUTY-FREE TARIFF SCHEDULES

Let us look at some of these schedules in the 1913 tariff act. The free-of-duty schedule included fresh beef and veal, live cattle, oleo stearin, tallow, fresh goat meat, goats, fresh lamb

and mutton, sheep, bacon and hams, lard, lard compounds and substitutes, fresh pork, pork shoulders and other pork, prepared or preserved, swine, fresh and prepared meats, cream, milk, condensed and evaporated milk, eggs of poultry in the shell, buckwheat, corn, corn flour and meal, rye, rye flour, wheat, cracked wheat, wheat flour, cottonseed, soya beans, alfalfa and clover seeds, potatoes, wool, and vegetable oils.

These free-of-duty schedules opened wide the American markets to foreign importations. In other words, under this Democratic tariff law the American farmer was placed in direct competition with the farmers of the tropical regions, of the Orient, South America, Europe, and elsewhere.

The rates of duty on other important farm products in the tariff act of 1913 were in many cases so low that very little, if any, protection was afforded the farmers of the United States against disastrous competition from other countries.

Not only were the duty-free imports dumped against our farmers, but there were large importations of agricultural products on which the Democratic tariff rates were unthinkably low. Let me cite a few of these schedules.

TARIFF ACT OF 1913

In the act of 1913 the duty on butter was only 2½ cents per pound. Live poultry was 1 cent per pound. Dead poultry, 2 cents per pound. Egg albumen, dried, 3 cents per pound; frozen, 1 cent per pound. Egg yolk, 10 per cent ad valorem. Dried whole eggs, 10 cents per pound; frozen, 2 cents per pound. Barley, 15 cents per bushel. Oats, 6 cents per bushel. Apples, apricots, berries, peaches, plums, and prunes, 1 cent per pound. Hay, $2 per ton. Straw, 50 cents per ton. Flaxseed, 20 cents per bushel. Sugar and molasses had very low import rates.

The farmers have never been accorded adequate protection by a Democratic tariff. The effects of the 1913 act were not felt during the war years. Commerce on the high seas during war time was almost completely stopped. War-time conditions placed upon the Allies the almost superhuman task of providing food not only for the allied armies but for the civilian population of a large part of Europe as well.

HEAVY IMPORTATIONS OF AGRICULTURAL PRODUCTS

Shortly after the close of the war, in the years 1919 and 1920, the disastrous effects of this tariff policy began to be felt. Millions upon millions of pounds of agricultural products were unloaded at American ports and sold in competition with the products of our deflated farmers, creating an agricultural crisis in the United States unprecedented in its severity.

We recall wool being sold for from 8 to 10 cents per pound. Shiploads of frozen meats arrived at our ports, glutting an already everfilled market. Wheat went down to 84 cents per bushel. Butter was shipped in by the boatloads. The list could be greatly extended, but time does not permit.

The first task confronting the Republican Party, following the election of 1920, was to remedy the serious condition in which our farmers found themselves. Unemployment prevailed, still further aggravating the situation.

THE EMERGENCY TARIFF ACT

The first step was the enactment of the emergency tariff act of 1921 passed after the Republican Party was again in control of the Government. This act raised nearly all of the agricultural schedules and stopped to a great extent the tremendous importations of competitive agricultural products from being marketed in the United States. This emergency tariff act was later followed by the tariff act of 1922, which is now in force.

Limitations of time and space do not permit me to list all the agricultural tariff schedules in the present act, much as I should like to do so. I shall, however, place in the RECORD a table showing the present tariff rates and the rates in the 1913 Underwood Act on those agricultural products in which the farmers of the Middle West are chiefly concerned.

Agricultural tariff schedules compared

Commodity	Act of 1922	Act of 1913
Beef and veal, fresh	3 cents per pound	Free.
Live cattle	1½ and 2 cents per pound	Free.
Oleo oil	1 cent per pound	15 per cent.
Oleo stearin	do	Free.
Tallow	½ cent per pound	Free.
Goats	$2 per head	Free.
Fresh lamb	4 cents per pound	Free.
Fresh mutton	2½ cents per pound	Free.
Sheep	$2 per head	Free.
Bacon and hams	1 cent per pound	Free.
Lard	2 cents per pound	Free.
Lard compounds and substitutes.	4 cents per pound	Free.
Fresh pork	¾ cent per pound	Free.
Pork shoulders	2 cents per pound	Free.
Swine	½ cent per pound	Free.
Extract of meat	15 cents per pound	10 cents per pound.
Fluid	do	5 cents per pound.
Fresh meats	20 per cent	Free.
Cream	20 cents per gallon	Free.
Cream powder	7 cents per pound	Not dutiable.
Malted milk	20 per cent	Free.
Condensed milk, sweetened	1½ cents per pound	Free.
Condensed milk, unsweetened.	1 cent per pound	Free.
Skimmed milk, powder	1½ cents per pound	Not dutiable.
Whole milk powder	3 cents per pound	Free.
Butter [1]	8 cents per pound	2½ cents per pound.
Oleomargarine	do	Free.
Cheese	5 cents per pound	20 per cent.
Live poultry	3 cents per pound	1 cent per pound.
Dressed poultry	6 cents per pound	2 cents per pound.
Dried egg albumen	16 cents per pound	3 cents per pound.
Frozen egg albumen	6 cents per pound	1 cent per pound.
Dried egg yolk	18 cents per pound	10 per cent.
Frozen egg yolk	6 cents per pound	Free.
Eggs of poultry in shell	8 cents per dozen	Free.
Dried whole eggs	18 cents per pound	10 cents per pound.
Frozen whole eggs	6 cents per pound	2 cents per pound.
Barley	20 cents per bushel	15 cents per bushel.
Buckwheat	10 cents per 100 pounds	Free.
Corn	15 cents per bushel	Free.
Corn meal	30 cents per 100 pounds	Free.
Oats	15 cents per bushel	6 cents per bushel.
Unhulled ground oats	45 cents per 100 pounds	30 cents per 100 pounds.
Rice (brown hulls removed)	1¼ cents per pound	⅛ cent per pound.
Rice flour	½ cent per pound	¼ cent per pound.
Milled rice (bran removed)	2 cents per pound	1 cent per pound.
Paddy or rough (rice)	1 cent per pound	⅛ cent per pound.
Rye	15 cents per bushel	Free.
Rye flour	45 cents per 100 pounds	Free.
Wheat [2]	30 cents per bushel	Free.
Crushed or cracked	78 cents per 100 pounds	Free.
Flour and semolina	do	Free.
Cocoanuts	½ cent each	Free.
Peanuts, not shelled	3 cents per pound	¾ cent per pound.
Shelled peanuts	4 cents per pound	¾ cent per pound.
Castor beans	½ cent per pound	15 cents per bushel.
Cottonseed	½ cent per pound	Free.
Flaxseed	40 cents per bushel	20 cents per bushel.
Poppy seed	32 cents per 100 pounds	15 cents per bushel.
Soy beans	½ cent per pound	Free.
Alfalfa seed	4 cents per pound	Free.
Alsike clover seed	do	Free.
Crimson clover seed	1 cent per pound	Free.
Sweet clover seed	2 cents per pound	Free.
Red clover seed	4 cents per pound	Free.
White clover seed	3 cents per pound	Free.
Dried beans	1¾ cents per pound	25 cents per bushel.
Dried peas	1 cent per pound	10 cents per bushel.
Tomato paste	40 per cent	25 per cent.
Turnips	12 cents per 100 pounds	15 per cent.
Hay	$4 per ton	$2 per ton.
Straw	$1 per ton	50 cents per ton.
Sugar [3]	$0.0176 per pound	$0.01005 per pound.
Wool	12 to 31 cents per pound	Free.

[1] Tariff on butter increased by Tariff Commission to 12 cents per pound.
[2] Tariff on wheat increased by Tariff Commission to 42 cents per bushel.
[3] Cuban duty on 96° sugar from Cuba.

It is not maintained that the tariff is fully effective on products or commodities of which we produce an exportable surplus. The surplus control bill which Congress has considered is designed to make the tariff fully effective on such crops and commodities. But even on the so-called surplus crops and products the problem of the American farmer would be vastly aggravated if competitive imports were admitted free of duty or if the rate of duty were less than in the present tariff law.

TARIFF ACT OF 1922

In studying the agricultural schedules of the 1922 tariff act, I read very carefully the testimony presented in the hearings before the House Committee on Ways and Means and the Senate Finance Committee when the present tariff act was in the course of preparation.

I was impressed in reading these committee hearings with the fact that the farmers and the farm organizations were not fully and adequately represented before those committees. The tariff needs of agriculture were not fully presented when that bill was being drawn. I attribute this condition to the fact that the entire agricultural industry at that time was in a state of postwar confusion and chaos. The national farm organizations had not made a full and complete study of the agricultural tariff schedules. As a result, those engaged in handling food products occupied more of the time before the committee than did the actual producers or organizations of producers.

Even if this is true, and the testimony before the committee bears this out, it is also true that the 1922 tariff act is the best one in so far as the agricultural schedules are concerned that was ever placed on the statute books of the United States.

TARIFF READJUSTMENT NEEDED

In the light of present-day conditions, however, the 1922 act leaves much to be desired. There must be a readjustment of agricultural tariff schedules.

Agricultural conditions were not normal in 1921 when the present tariff act was in the course of preparation. To-day we know more about present trends and conditions. There was not available in 1922 dependable data upon which to base agricultural tariff rates which would afford the protection to American agriculture that the farmers deserved.

There is a widespread need and demand that the agricultural schedules in the existing tariff law be modified to meet more nearly the situation which exists to-day. This demand centers on the necessity of materially increasing the duties on competitive agricultural imports. In all the discussions of the current agricultural problem the adjustment of tariff rates to give the farmers adequate protection is emphasized.

DAIRY FARMERS ARE MENACED

The dairy farmer realizes that about 60 per cent of the imports for 1927 were products directly affecting the sale of our agricultural products and that not only the price of butter, milk, cream, cheese, milk powder, casein, and other milk products but also many other items that are products of the farm were being affected by the fact that there was inadequate tariff protection.

It is generally admitted that world conditions have changed materially since the enactment of the tariff act of 1922. International competition with respect to dairy fats and vegetable oils and the raw materials from which such oils are extracted has become intensified. The present tariff act is no longer adequate to equalize the competitive conditions as between the agricultural producers of the United States and those of foreign countries or to maintain the economic parity of our agricultural producers with other industries.

VEGETABLE OILS ON FREE LIST

The tariff act of 1922 is also glaringly defective in that some important commodities among the vegetable oils and raw materials remain on the free list.

The operation of the tariff act has been further handicapped by its inapplicability to imports of products grown in the Philippine Islands. As a result the huge volume of these imports has tended to weaken and break down the protection which would otherwise be afforded by existing rates on these commodities.

The producers of other agricultural products, as well as the dairy farmers, are facing similar adverse competitive conditions resulting from the same general causes.

A study of the present tariff act reveals that the rates on agricultural products are generally much lower than the rates on manufactured products, that such inequalities have been partly contributory to the subnormal purchasing power of agricultural products, and that from 59 to 62 per cent of the total annual imports into the United States are agricultural products.

In support of the above statement that the rates on agricultural products are generally much lower than the rates on manufactured products, I will place in the RECORD a table showing certain typical import duties on agricultural and industrial products. The percentagee indicate the ad valorem equivalents of the present import duties as reported by the Department of Commerce.

Comparison of import duties (per cent of duty on import price)

AGRICULTURAL		INDUSTRIAL	
Corn	17	Cotton clothing	66
Wheat	30	Wool clothing	48
Rye	34	Cotton fabrics	44
Barley	14	Wool fabrics	71
Oats	42	Leather footwear	35
Buckwheat	6	Hosiery	51
Flax	22	Hats	38
Sugar	71	Automobiles	34
Potatoes	21	Factory machinery	34
Clover seed	23	Electric machinery	25
Alfalfa seed	23	Farm machinery	Free.
Hay	44	Watches and clocks	41
Butter	34	Musical instruments	41
Cheese	25	Chinaware	68
Milk	15	Pottery	61
Cream	13	Glass products	55
Wool	44	Cutlery	93
Sheep	28	Firearms	82
Mutton	29	Jewelry	80
Lamb	23	Tools	45
Poultry	13	Wire	32
Poultry, dressed	18	Drugs and medicines	26
Eggs	37	Chemicals	51
Cattle	27	Soap	60
Beef, dressed	28	Varnishes	52
Veal, dressed	20	Books	22
Hides	Free.	Thread	36
Lemons	90	Pipes	60
Oranges	42	Paper	15
Apples	14	Newsprint	Free.
Hogs	4	Iron and steel	30
Pork	3	Copper and brass	38

HEAVY IMPORTATIONS OF FARM PRODUCTS

Examination also reveals that a most serious cause of the agricultural depression is the enormous importation of foreign farm products, in competition with the products of the American farms.

In the fiscal year ending June 30, 1925, the United States imported a total of over $3,500,000,000 worth of raw and manufactured animal and vegetable products. Of this amount, about $1,000,000,000 represented imports of tea, coffee, cocoa, rubber, and other farm products that America can not raise, or for which we can not provide workable substitutes. But this still leaves a balance of $2,500,000,000 of agricultural and animal imports, of the classes that can, to a very large extent, be advantageously grown and produced in the United States, or for which working substitutes can be produced.

Seventy-nine per cent of all American imports last year were of animal and agricultural products and only 21 per cent were of all other products. During the same year $2,350,000,000, or over two-thirds, of all our imports of animal and agricultural products were admitted free of duty.

During the above fiscal year, while the United States imported farm products totaling $3,508,400,000, we exported farm products totaling only $2,510,500,000 or an excess of imports over exports of farm products of practically $1,000,000,000.

HEAVY COMPETITIVE IMPORTS

We imported, according to available information, $1,500,000,000 more of farm products than we exported of minerals, manufactures, chemicals, and other products.

The above figures should make it plain to everyone that our foreign trade policy, or lack of policy, needs a thorough overhauling.

People who have not given much consideration to the subject may say that we ought to consider our agricultural imports only to the extent of their excess over our agricultural exports. That is not so, because there are many such exports that are sold at a loss, a loss not limited to the quantity of the product exported, not applying only on the small percentage of the export business, but on the entire American production of that commodity.

The amount of our agricultural imports, more than $3,500,000,000, per year is out of all proper proportion to the annual national farm income, now about $10,000,000,000.

TARIFF ADJUSTMENT BILLS INTRODUCED

Several bills were introduced at this session of Congress which seek to give the American farmers adequate tariff protection. They all propose increased duties on agricultural imports. I am inserting in the RECORD the schedules of H. R. 9357, that I introduced on January 16, 1928, and a brief synopsis of the bills introduced by Mr. DICKINSON of Iowa (H. R. 9765; Mr. WURZBACH, of Texas (H. R. 9856); and Mr. MANLOVE, of Missouri (H. R. 11416). Many other members of the House have introduced bills aiming to correct the present inequality in protection afforded agriculture.

Tariff bill (H. R. 9357) introduced by Hon. C. G. Selvig

Commodity	Present duty	Proposed duty
Fresh milk	2½ cents per gallon	6½ cents per gallon.
Sour milk or buttermilk	1 cent per gallon	3 cents per gallon.
Cream	20 cents per gallon	60 cents per gallon.
Milk, condensed or evaporated:		
Unsweetened	1 cent per pound	4 cents per pound.
Sweetened	1½ cents per pound	4½ cents per pound.
All other	1⅝ cents per pound	4 cents per pound.
Whole-milk powder	3 cents per pound	9 cents per pound.
Cream powder	7 cents per pound	10 cents per pound.
Skimmed-milk powder	1½ cents per pound	4 cents per pound.
Malted milk	20 per cent	40 per cent.
Butter	12 cents per pound	16 cents per pound.
Cheese and substitutes	5 cents per pound	7½ cents per pound.
Live poultry	3 cents per pound	9 cents per pound.
Dressed poultry	6 cents per pound	12 cents per pound.
Eggs of poultry	8 cents per dozen	14 cents per dozen.
Frozen eggs, yolk, albumen	6 cents per pound	10 cents per pound.
Dried eggs, yolk, albumen	18 cents per pound	30 cents per pound.
Buckwheat	10 cents per 100 pounds	40 cents per 100 pounds.
Alfalfa seed	4 cents per pound	8 cents per pound.
Alsike clover seed	do	Do.
Crimson clover seed	1 cent per pound	3 cents per pound.
Red clover seed	4 cents per pound	8 cents per pound.
White clover seed	3 cents per pound	Do.
Sweet clover seed	2 cents per pound	6 cents per pound.
Irish (white) potatoes	50 cents per 100 pounds	80 cents per 100 pounds.
Potato starch	1¾ cents per pound	3 cents per pound.
Turnips	12 cents per 100 pounds	50 cents per 100 pounds.
Hay	$4 per ton	$6 per ton.
Straw	$1 per ton	$2 per ton.
Flaxseed	40 cents per bushel	80 cents per bushel.
Linseed oil	3.1 cents per pound	6 cents per pound.
Copra	Free	3 cents per pound.

OTHER TARIFF BILLS INTRODUCED

In the Dickinson bill (H. R. 9765) the import rate per pound on cattle is increased from 1½ and 2 cents to 3 and 4 cents; fresh veal and beef from 3 cents to 6 cents; tallow from one-half cent to 3 cents; oleo oil from 1 cent to 3 cents; dry cattle hides from free list to 5 cents; wet cattle hides from free list to 4 cents; dry calfskins from free list to 16 cents; wet calfskins from free list to 10 cents; swine and fresh pork from one-half cent to 3 cents; bacon and hams from 2 cents to 4 cents; lard from 1 cent to 2 cents; meat extracts from 15 cents to 30 cents; corn from 15 cents to 30 cents per bushel.

Cocoa or cacao beans are made dutiable at 3 cents per pound; oilcake, 2 cents; coconut oil, palm oil, palm-kernel oil, and peanut oil, each at 4 cents per pound.

The Manlove bill (H. R. 11416) includes, with slight changes, the livestock schedules listed above in the Dickinson bill, and the dairy and poultry schedules listed above in the Selvig bill. In addition it increases the tariff on vegetables, fruits, potatoes, hay, and straw. The schedules of the Manlove bill were printed in full in the RECORD, March 1, 1928, pages 3892 and 3893.

The Wurzbach bill (H. R. 9856) includes peanuts, walnuts, pecans, onions, garlic, tomatoes, tomato paste, vegetables, jute and bagging for cotton, gunny cloth, and similar fabrics.

The Timberlake resolution (H. J. Res. 214) would limit the importation of sugar from the Philippine Islands to 500,000 tons annually to protect our American cane and beet-sugar growers.

These bills all have the same objective. They are supplementary to each other and present a well-thought-out program for giving the American farmers a more equitable measure of protection against foreign imports of farm and food products.

M'MASTER RESOLUTION

In this connection I wish to say a word about the much-discussed McMaster resolution. This resolution passed by the Senate had no significance as to tariff revision, except that it carried a threat of downward revision to those interested in the industrial schedules of the tariff law. It directed a revision of the tariff downward only. Before we resort to that we must try to attain equality between industry and agriculture by revising the agricultural schedules upward.

There may be some industrial schedules that can stand a downward revision, but we should proceed very carefully, with full consideration, and not in spite or chagrin, for we may destroy valuable industries and cause unnecessary unemployment of labor.

American industrial labor is the very best customer of the American farmer, and we must take no step that will have any tendency to impoverish labor. Holding these views, I voted against the McMaster resolution, and was happy to note that those distinguished western leaders of agricultural thought, Senators MCNARY and GOODING, voted against it on the Senate side.

EARLY ACTION IS NECESSARY

Congress now faces the duty of speedily enacting increased agricultural tariff schedules into law. Not to do so places our American farmers at the mercy of foreign producers. The importation of vegetable oils is a menace to our dairy and livestock farmers that but very few fully realize to-day.

This importation is increasing yearly. In many cases these oil-producing products are admitted free of duty, including vast imports from the Philippines. Enormous quantities pay a low duty—so low that it does not appreciably affect the volume of imports. American-made dairy products, especially butter, are seriously menaced through the competition by margarine made from coconut oil, soya-bean oil, sesame oil, whale oil, palm-kernel oil, perilla oil, or other tropical and oriental oils which can be laid down at our doors at 6 or 7 or 8 cents a pound after paying ocean freight and big profits to importers.

The labor which produces the materials and gathers the copra or soya bean or other oil-bearing seeds will work for a few cents an hour or a handful of silver for a month. I shall cite specific figures regarding this later.

THE MENACE OF VEGETABLE OILS

This is the ever-present menace that confronts the producers of the health-giving vitamins, absolutely essential to human growth and indispensible to growing children, contained in butter, which is the most valuable and purest edible fat known to science.

Let us look at the figures of importations of these vegetable oils for 1926:

	Pounds
Prepared and unprepared coconut oil, admitted free from the Philippines	592,000,000
Tung oil	101,550,000
Soya-bean oil	17,403,815
Peanuts, imported for oil	120,158,000
Various other oils	84,202,000

Vegetable lard substitutes, margarine, and other products made from these duty-free imports strike directly at our hog raisers and dairy farmers. This situation must be remedied at once.

Capital furnished by United States financiers is invested in foreign lands where, with the cheap labor of the Orient and the Tropics, it is used to increase the annual production of these commodities, much of which is intended for importation into the United States. Our own citizens and financiers in many instances help to forge the weapon which is being used tellingly and with disastrous effects against our own farmers.

In this connection I will insert in the RECORD a table showing the materials used in the manufacture of oleomargarine from 1916 to 1926:

Oleomargarine. Materials used in manufacture, 1916-1926

[Thousand pounds—i. e., 000 omitted]

Material	Year beginning July—										
	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926
Oleo oil	96,652	96,378	97,464	89,842	49,676	40,980	46,645	52,265	44,102	47,418	48,741
Coconut oil	19,763	61,773	69,640	80,784	103,112	57,394	65,656	83,059	79,449	98,307	107,654
Cottonseed oil	63,652	36,454	37,846	39,450	18,533	15,420	18,757	20,640	20,966	25,608	23,372
Milk	24,410	61,128	68,000	76,000	79,716	53,939	59,835	69,090	61,924	72,662	73,700
Peanut oil	10,498	21,593	38,764	48,346	16,332	11,625	6,922	5,656	4,392	5,257	4,872
Salt	6,115	18,279	21,432	24,864	25,365	16,262	17,998	20,593	18,725	20,593	21,683
Oleo stearine	2,494	3,427	2,456	2,132	4,858	4,574	4,815	5,317	5,250	5,314	5,145
Neutral lard	42,401	45,702	45,764	38,456	29,268	27,057	29,568	32,210	25,674	25,172	24,872
Oleo stock	3,458	7,526	6,342	5,804	2,065	2,143	2,322	2,756	3,183	3,082	2,552
Butter	3,303	4,548	5,680	6,845	1,499	1,107	1,576	1,900	1,509	2,330	2,070
Corn oil	859	60	40	35	926			457	196	174	183
Soy-bean oil					461					1	33
Edible tallow					233			24	111	93	219
Mustard-seed oil					110			38	27	34	53
Coloring					26	11	11	26	38	41	18
Miscellaneous	149	14	11	14	9,776	3,417	2,918	432	688	1,374	918
Total	273,754	356,882	393,439	412,572	341,956	233,929	257,023	294,463	266,234	307,460	316,085

Division of Statistical and Historical Research. 1916-1919, Institute of Margarin Manufacturers; 1920-1926, annual reports of the Bureau of Internal Revenue.

Vegetable oils also cut down the corn market. Soaps, oleomargarine, lard substitutes, and other vegetable oil products can be made in part from corn oil. Instead, these products are mostly made from duty-free vegetable oils. Our corn production should be protected so that the surplus can be utilized for domestic consumption.

AGRICULTURE NEEDS ENCOURAGEMENT

Most of our people are agreed that American agriculture should receive the utmost encouragement not only from our own Government, but also from the financiers of the land. We need not go far back in history to note what happens when agriculture is demoralized and when industry is permitted to have the upper hand.

An impoverished rural population gives no promise of sustained purchasing power. Abject poverty in our rural areas can not but induce low standards elsewhere.

Our plea is for a balanced production both in industry and in agriculture. To secure this our farmers must be given ade-

quate protection against the products of low-cost, low-standard competition.

I stated at the beginning that the present tariff act gives to the dairy and livestock farmers the best and most effective protection ever accorded that industry. In spite of this, however, there were imported, during 1926, 60,000,000 dozen eggs, 62,400,000 pounds of cheese, 62,000,000 pounds of meats, 22,000,000 pounds of hides, and 334,000,000 pounds of wool into the United States in competition against our own farmers. I will place in the RECORD a more complete table of agricultural imports and the present trend of imports.

Sheep raising in the United States was restored as a result of the 1922 tariff act, but we are still importing nearly one-half the wool consumed.

TARIFF ON BUTTER

The present tariff on butter has been of great benefit to our dairy farmers. Please bear in mind that this tariff was only 3½ cents per pound under the Democratic tariff. It was raised to 8 cents per pound under the Republican tariff of 1922 and later increased to 12 cents per pound by the order of the President, following an exhaustive investigation by the Tariff Commission. My colleagues in the House from Minnesota were active in securing this increase, which was put into effect in 1926.

TARIFF AID IN SOLVING SURPLUS PROBLEM

The agricultural problem will be greatly alleviated when the acreage and man power required for producing these vast quantities of agricultural products that are annually imported are used for that purpose instead of for producing surplus crops of wheat, oats, barley, rye, and the other products in excess of our domestic requirements.

The tariff bills heretofore mentioned will, if enacted into law, remedy to a large degree the unequal status of the farmer who pays the costs of running his farm on a domestic price basis and at the same time is forced to meet the price of his foreign competitors on a world market basis when he sells his products.

These bills also remove from the free list the directly competitive vegetable oils and provide in place tariff duties that will be adequately protective. Restricting these importations will increase the effective demand for lard produced right here in the United States, as well as for dairy fats, cottonseed oil, corn oil, and peanut and soya-bean oil, all of which are produced in this country.

By limiting the importation of Cuban blackstrap molasses now used in preparing stock-food mixtures, the demand for corn will be increased and a market for 50,000,000 bushels annually will be created.

DOUBLE THE TARIFF ON CORN

The tariff on corn should be doubled. The tariff on dairy products should be increased up to a rate with an ad valorem equivalent to at least 40 per cent. This is less than the average rate that industry enjoys.

The importation of meats for consumption should be restricted entirely, thereby discouraging the export of American capital for the purpose of exploitation and of increasing foreign production of meat products financed by American money and intended for import into the United States.

INCREASE THE TARIFF ON FLAX

Increase the tariff on flax and linseed oil, and prohibit the importation of mixtures of linseed and other oils, which enable the importer to avoid payment of the present duty on linseed oil. This will result in placing at least 2,000,000 additional acres in flax production, thereby reducing the acreage in wheat and other small grains and decreasing the production of surplus crops.

Encourage the production of starch from potatoes and from corn by placing a prohibitive duty on imported starch.

Give the American farmer a protective duty on hides and skins. The imports of these last year were valued at $112,856,146.

WE IMPORT OUR SURPLUS

It has been well said that the surplus does not come chiefly from American farmers. We import our surplus. Here is a partial list:

Peanut oil and low-grade eggs from China. Coconut oil from the Philippines. Cattle hides and flax from Argentina and Canada. Remember that one-third of our hides and one-half of our flax are imported.

Cheese from Switzerland and Italy. Eight hundred thousand cows were displaced by our dairy imports in 1926. Wool from Australia. The clip of 26,000,000 sheep was unloaded at our ports of entry in 1926. It is well to call to mind that one-half our total wool consumption is imported. Silk from Japan. Fruit, nuts, eggs, vegetables, rice, and many other products from all the corners of the world.

One billion five hundred million dollars' worth of competitive imports were sold in the United States in 1926.

The competition of these imports lowered the price of every important food product in the United States.

It forced us to export heavily to foreign markets, which cheapened the entire output of our American farmers. I will place in the RECORD here a table showing imports into the United States of competing commodities for 1926 and 1927:

Imports [1] of competing commodities, 1926 and 1927

UNITED STATES

Commodity	Unit	Year ended June 30			
		Quantity		Value	
		1926	1927	1926	1927
		Thousands	*Thousands*	*1,000 dollars*	*1,000 dollars*
Coconut oil (product of Philippine Islands)	Pound	200,878	286,776	18,113	23,752
Coconut oil, unprepared (copra)	do	392,759	454,546	20,126	21,662
Potatoes from Canada	Bushel	5,104	6,010	7,671	5,873
Butter	Pound	6,440	10,710	2,360	3,620
Cheese	do	62,412	89,782	17,394	25,385
Pork, fresh	do	6,487	15,100	1,350	3,180
Mutton and lamb, fresh	do	3,456	2,853	667	446
Beef and veal, fresh	do	18,279	22,098	2,147	2,538
Corn (big crop year)	Bushel	635	1,098	710	919
Sausage casings	Pound	19,271	18,844	18,596	14,307
Eggs (equivalents of)	Dozen	50,832	38,113	9,369	7,592
Wool clothing and combing	Pound	220,695	119,679	88,196	44,025
Hides and skins (total)	do	355,267	368,884	94,287	95,056
Cotton	do	161,454	190,963	50,210	37,206
Linseed oil (flax)	do	16,733	1,330	1,193	106
Flaxseed, grain	Bushel	19,354	24,224	38,462	43,093
Rice (includes patna)	Pound	131,848	71,053	5,906	3,248
Peanuts	do	37,205	51,262	1,743	2,225
Walnuts	do	44,152	46,685	8,019	10,251
Other nuts (exclusive of coconuts in the shell)	do	149,651	158,247	20,144	19,227
Soy-bean oil	do	17,401	23,553	1,254	1,594
Sugar (1-7 free)	do	8,839,041	8,640,849	217,627	254,765
Tobacco	do	69,974	92,957	60,143	76,669
Red clover seed	do	19,589	11,012	3,401	2,261
Other clover seed	do	29,093	14,333	3,443	2,166
Onions	Bushel	2,194	2,298	2,327	2,730
Fruits, fresh and dried [2]	Pound	254,996	182,176	11,626	9,492
Molasses	Gallon	256,246	260,259	13,982	10,468

[1] General imports.
[2] Excludes grapes, bananas, and apples.

Compiled from Monthly Summary of Foreign Commerce of the United States June issue, 1927.

WAGES PAID FOREIGN AGRICULTURAL WORKERS

Before closing I wish to refer briefly to the wages paid in competing agricultural countries, as this gives an additional reason for extending to our American farmers adequate protective rates on agricultural imports. Dairy products are imported from Denmark. Cheese from Switzerland. Many agricultural imports come from Italy and also from China. I will confine the discussion to the wages of farm workers in those countries.

WAGES OF DANISH FARM WORKERS

The average daily wages of Danish farm workers permanently employed and boarding themselves were recently reported. In 1913 the average per day was 67 cents; in 1919–20, $1.18; in 1920–21, $1.29; in 1921–22, $1.33; in 1922–23, $1.01; in 1923–24, 92 cents; in 1924–25, $1.02.

ITALIAN FARM WORKERS

In Italy the average wages paid agricultural workers in 1914 was 43 cents per day. In 1921, 60 cents per day.

FARM WORKERS IN SWITZERLAND

In Switzerland the average wages of farm workers in 1925 is indicated by the following:

Milker, per week, $4.39; horseman, $4.12; plowman, $3.05; hired man, $1.38; hired woman, $2.21; day laborer, at harvest (without board and lodging), per day, $1.55; other than at harvest time, $1.32 per day.

FARM LABOR IN CHINA

Labor is plentiful and consequently cheap in China, according to the August, 1921, Monthly Labor Review. In the Shanghai district an able-bodied male receives on an average 24 cents per day. In the Nanking district, 8 cents to 21 cents per day. In the Peking district, 3 cents to 34 cents per day. In the Tai-Yuen district, 6 cents to 20 cents per day. In the Amoy district, 17 cents to 34 cents per day. Women laborers receive approximately one-half to two-thirds of the wages paid to the men.

WAGES IN THE UNITED STATES AND EUROPE

Contrast the above with the wages paid in the United States. The protective-tariff system is a factor in supporting a higher wage level here than exists elsewhere in the world. The higher purchasing power which naturally results is of great importance to the farmers who dispose of 90 per cent of their production in the domestic market.

In 1924, according to the United States Bureau of Labor report, the average daily wage in the United States was $5.60; in England, $2.60 per day; in Germany, $1.55 per day; in Belgium, $1.29 per day; in France, $1.01 per day; and in Italy, 90 cents per day.

The farmers want the wage earners to have a high buying power. Imagine the condition of our farmers if the 90 per cent of their annual production which is consumed within this country were sold to wage earners who received only an average of 90 cents per day, as in Italy; or $1.01 per day, as in France; or $1.29 per day, as in Belgium; or $1.55 per day, as in Germany; or even $2.60 per day, as in England, which is less than half the United States average wage scale as reported by the Labor Bureau.

How would our farmers fare under such conditions?

FARMERS ARE INTERESTED IN PROTECTIVE TARIFF

About 90 per cent of American agricultural production is directly affected by foreign competition. This is the reason the American farmer is so vitally concerned with our tariff-protection policy. This foreign competition affects the farmers in two ways—on the foreign market, where we export, or in the domestic markets into which we import.

Wool and hides, for example, enter the United States from all parts of the world, and compete in the United States with domestic production. Producers of butter, onions, prunes, and hemp are just as much affected. The prices received for farm products are determined in part by the volume and quality of the foreign production.

PROTECTIVE TARIFF BENEFITS

American statesmen are all agreed that our first duty is to the American people by maintaining their standards of living from destruction through prevention of dumping in the markets of our land of the manufactures and of agricultural commodities produced by cheaper labor living under lower standards of living abroad.

Such importations tear down the prosperity and the well-being of the United States.

Protective tariff has increased American prosperity. Protective tariff has increased the domestic production of flax, wool, sugar. Our domestic consumption is increasing faster than the population. If the American farmer could have his domestic market to himself the law of supply and demand will run directly in his favor.

Removal or lessening the tariff on agricultural products would be a death blow to our rural communities. It would result in lessened purchasing power, poorer schools, poorer homes, larger burdens, and longer hours.

It is unthinkable that the great American people would approve such a policy.

It is inevitable that the failure to provide adequate protection against foreign imports will result in a lower standard of living in the country than in the city. It follows that if the farmer's protection shrinks the share of labor will shrink. The welfare of both of these classes is interdependent. There must be jobs for the worker in order to give a profitable home market to the farmer.

Labor wants steady employment, increased real wages, better conditions of living, and a fair scale of living costs.

The farmer wants fully employed labor and protection from foreign competition.

IMPORTS FOR CONSUMPTION

I insert in the RECORD a table showing imports for consumption of various agricultural commodities—included in H. R. 9357—in the United States, 1924, 1925, 1926, 1927:

Imports for consumption of various agricultural commodities in the United States, 1924, 1925, 1926, 1927

Paragraph No. (tariff act of 1922)	Article	Unit of quantity	1924		1925		1926		1927		Trend of imports
			Quantity	Value	Quantity	Value	Quantity	Value	Quantity	Value	
707	Milk and cream:										
	Cream	Gallon	4,197,528	$6,141,231	5,171,498	$7,591,025	5,374,131	$8,050,912	4,843,228	$7,606,206	Upward.
	Milk, n. e. s.	do	5,159,883	818,960	7,366,494	1,225,061	7,386,203	1,245,392	4,493,067	748,166	Do.
	Sour milk and buttermilk	do	32,461	8,626	55,639	17,002	25,403	6,852	99,472	31,095	Do.
708	Condensed and evaporated milk in hermetically sealed containers:										
	Unsweetened	Pounds	1,288,664	142,371	633,490	66,748	1,320,561	129,227	2,089,342	176,689	Do.
	Sweetened	do	4,713,948	691,387	3,987,981	471,565	343,930	36,263	239,741	24,639	Downward.
	Whole-milk powder	do	735,481	155,074	719,614	151,190	1,562,895	355,541	2,745,838	488,767	Upward.
	Skimmed-milk powder	do	1,132,627	84,771	4,410,641	352,601	3,809,223	322,180	3,296,893	236,430	Do.
	All other	do	149,379	8,653	2,337,734	210,438	2,477,309	218,315	895,227	86,682	Little variation.
	Malted milk and compounds, mixtures, or substitutes for milk or cream.	do	17,892	6,497	5,098	930	11,574	3,057	1,259	340	Downward.
	Cream powder	do					5,950	985	11,294	3,721	Upward.
709	Butter (8 cents per pound duty)[1]	do	19,279,309	6,958,372	6,861,435	2,553,219	3,276,024	1,156,381			
	Butter (12 cents per pound duty)	do					3,451,031	1,233,006	8,456,397	2,873,177	Do.
710	Cheese and substitutes thereof:										
	Free	do	684	162	135	41	315	467			
	5 cents per pound duty	do	6,628,632	1,143,610	5,183,116	906,328	16,871,008	2,876,053	17,391,011	3,131,583	Do.
	Cheese and substitutes thereof (25 per cent ad valorem).	do	53,191,511	16,645,460	57,448,583	16,655,694	59,012,292	17,502,454	56,741,842	19,537,447	Do.
771	Rutabagas (turnips)	do	153,616,286	690,985	153,782,675	743,674	96,584,310	596,059	112,049,291	668,334	Do.
712	Birds, dressed and undressed:										
	Poultry	do	1,665,779	428,900	2,799,784	865,036	5,946,591	2,003,322	3,567,242	994,245	Do.
	All the foregoing prepared or preserved in any manner and n. s. p. f.	do	470,813	307,536	362,967	236,670	461,111	293,960	576,503	357,681	Do.
713	Egg albumen:										
	Dried	do	2,946,826	1,994,839	3,149,693	2,452,856	3,457,847	2,516,479	3,367,939	2,145,449	Do.
	Frozen or otherwise prepared or preserved, n. s. p. f.	do	1,475,544	189,373	4,292,100	497,580	3,656,690	484,103	1,560,323	221,273	Little variation.
	Egg yolk:										
	Dried	do	4,015,874	1,148,821	5,591,185	1,365,508	5,461,176	1,595,510	3,209,066	1,384,690	Do.
	Frozen or otherwise prepared or preserved, n. s. p. f.	do	4,296,925	721,364	6,201,113	1,059,395	4,237,820	756,135	2,816,204	465,425	Upward.
	Eggs of poultry in shell	Dozen	347,030	108,821	476,499	137,190	297,843	103,665	249,925	74,840	Downward.
	Whole eggs:										
	Dried	Pounds	1,589,538	712,971	2,520,973	1,267,261	1,575,263	858,104	879,697	433,694	Do.
	Frozen or otherwise prepared or preserved, n.s.p.f.	do	5,857,593	909,617	11,935,448	1,755,444	10,621,650	1,831,045	2,797,123	518,736	Do.
	Buckwheat:										
	Flour, grits or groats	do	49,850	2,220	80,846	2,139	97,980	3,615	41,469	2,537	Little variation.
	Hulled or unhulled	do	18,516,415	346,193	16,159,916	306,137	4,272,555	74,632	3,016,355	51,866	Downward.
724	Corn:										
	Cracked	Bushels	249,863	217,538	8,922	9,885	50,315	54,833	9,021	8,143	Do.
	Entire grain	do	3,905,667	3,393,868	1,123,193	1,223,276	1,055,895	908,911	4,916,615	3,906,699	Upward.

[1] No butter substitutes imported. Such imports would be subject to internal-revenue tax of 15 cents per pound in addition to the tariff of 8 cents per pound.

Imports for consumption of various agricultural commodities in the United States, 1924, 1925, 1926, 1927—Continued

Paragraph No. (tariff act of 1922)	Article	Unit of quantity	1924		1925		1926		1927		Trend of imports
			Quantity	Value	Quantity	Value	Quantity	Value	Quantity	Value	
761	Grass seeds:										
	Alfalfa	Pounds	9,432,191	$1,263,132	2,450,566	$536,722	4,950,643	$868,734	3,602,202	$718,764	Stationary.
	Alsike clover	do	7,983,299	964,773	11,084,341	1,798,548	6,650,850	1,287,337	5,313,424	1,347,401	Upward.
	Crimson clover	do	5,479,085	305,376	6,158,776	321,165	3,840,468	238,329	1,245,993	167,879	Little variation.
	N. s. p. f. clover (sweet)	do	7,412,789	774,203	5,439,538	455,568	9,816,912	752,823	5,843,592	521,115	Upward.
	Red clover	do	19,439,002	2,874,231	11,217,069	2,450,552	17,656,541	,088,85)	7,144,931	1,538,341	Do.
	White clover	do	1,190,461	389,625	1,626,629	472,019	1,463,653	334,726	947,223	217,777	Do.
	Timothy	do	3,460	515	4,659	344	37,159	5,204	15,756	1,270	Little variation.
85	Starch, potato	do	11,440,594	378,985	10,714,747	418,670	19,166,890	599,038	27,272,048	1,006,173	Upward.
1663	Skins of all kinds, raw, and hides, n. s. p. f.	do	356,527,743	75,053,777	362,214,062	·6,736,601	368,959,968	96,771,443	447,173,077	112,856,146	Do.

THE ST. LAWRENCE DEEP WATERWAY

Mr. PEAVEY. Mr. Speaker, I ask consent to extend my remarks in the RECORD on the subject of the St. Lawrence deep waterway, and as a part of that extension I ask permission to include letter from the Canadian Government dated September 1, 1927, and the answer by Mr. Kellogg, Secretary of State, dated October 17, 1927, and also certain correspondence between myself and the Secretary of State and a letter written by myself to the St. Lawrence Tidewater Association and its reply, the whole not to occupy more than three or four pages of the RECORD.

Mr. UNDERHILL. On what subject?

Mr. PEAVEY. On the subject of the international waterway.

Mr. UNDERHILL. About how many columns of the RECORD would it occupy?

Mr. PEAVEY. It would not cover more than three pages of the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. PEAVEY. Mr. Speaker, I am making this statement that the people of Wisconsin may be informed about my activities as their Representative in Congress on a subject of vital importance to them.

The most important question before the people of Wisconsin and the entire Northwest to-day is the building of the St. Lawrence waterway from the Great Lakes to the Atlantic Ocean. In order that the waterway may be built it is necessary that a treaty be negotiated with Canada to provide for its construction and a proper division of the costs as well as a partition of the hydroelectric power, navigation, and other benefits to accrue to both countries.

The building of the St. Lawrence waterway will not only mean the opening of world commerce and trade to the interior of America but it will to a large degree restore general commerce to the cities and harbors on the Great Lakes. General commerce on the Great Lakes not only means cheap transportation but it would mean reduced transportation charges on everything the people of the Northwest produce for sale and a consequent low freight rate on manufactured goods purchased from the East.

It would mean a saving to the farmers and business men of 21 Northwestern States of over $123,000,000 annually. Forty million people living in those States are demanding it and have been for the past 25 years. No one excepting a few selfish interests in New York have ever opposed the waterway. I ask, Why the delay?

Every dollar needlessly spent for transportation by the people of the Northwest is a dollar lost. According to the St. Lawrence commission, appointed by the President, the annual loss to the people living in the Great Lakes States is computed to be over a hundred million dollars on excessive freight rates on grain alone.

This is just so much human toil and energy going to waste each year. It means people living in the Northwest must be content with $125,000,000 less annual business and to do without the consequent happiness and prosperity this vast sum would bestow.

Every official action and pronouncement pertaining to the building of the St. Lawrence waterway has been to delay and forestall progress. Why?

The Senate amendment of 1909 created the joint commission and took the waterway out of the hands of Congress for 19 years. My resolution, which was drawn last January, the introduction of which was withheld until now at the suggestion of Frank B. Kellogg, Secretary of State, is the first move made since 1909 to get this matter back before Congress, where the business of the public belongs. The resolution follows:

[H. Res. 185, 70th Cong., 1st sess.]

Whereas it appears that of all the legislative and other proposals which have been submitted for the governmental relief of agriculture in the Middle and Northwestern States the development of a waterway from the Great Lakes to the Atlantic Ocean would be the most practical and economically sound; and

Whereas every engineering body and commission, including the United States-St. Lawrence Commission, appointed to study the potentialities of such a waterway have, without exception, submitted favorable reports; and

Whereas the building of such a waterway would alleviate the present agricultural depression of the mid-continent through lessening the economic handicap of adverse transportation costs; and

Whereas the legislatures of Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin have all passed joint resolutions calling upon the President of the United States for immediate action in the building of a waterway from the Great Lakes to the Atlantic Ocean via the St. Lawrence River, which resolutions have been supported and indorsed by 10 additional Northwestern States, and by a petition of a representative New England committee, consisting of prominent citizens of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: Now, therefore, be it

Resolved, That the report submitted by the United States-St. Lawrence Commission on December 27, 1926, known as Senate Document No. 183, upon the development of a waterway from the Great Lakes to the Atlantic Ocean via the St. Lawrence River, be adopted as the policy of the House of Representatives of the United States, the Senate concurring, and that the President and the Secretary of State be requested to conclude negotiations for a treaty that will permit the early completion of such a waterway.

It took the joint commission, created under the act of 1909, 14 years to prepare a report to Congress. Then another commission was created, headed by Herbert Hoover, Secretary of Commerce, which commission took nearly four years to present a report made by the Department of United States Engineers.

These two St. Lawrence commissions and their activities have cost the Government of the United States from 1909 to December, 1926, more than $1,000,000 in salaries and expenses. For the most part their reports and recommendations and facts on which they were based were made by the United States Engineers, paid by the War Department, and requiring about three years' actual preparation. I ask you again, Why all this delay?

It must be apparent to any student of this great problem that the illegal and unwarranted diversion of water from Lake Michigan by the sanitary district of Chicago is, to a large extent, the key to the whole situation.

Were it not for this illegal diversion and for the several million dollars a year unjust and unrighteous money collected through the sale of hydroelectric power by the Chicago Sanitary District, no serious difficulties would be encountered in our negotiations with Canada. Were it not for the intolerable and corrupt use of these same millions to influence Congress to thwart legislation and defeat any move to curb or stop this act of international thievery, the St. Lawrence waterway might now be under construction.

Were the waterway to be built, no city in the continent would profit as would Chicago, because of its dominating position on the Great Lakes. A few unscrupulous and unprincipled politicians banded together under the posthumous institution known as the Chicago Sanitary District are being allowed to set aside the State laws, defy national authority, injure the whole Northwest and Canada, and destroy the future progress of Chicago itself to satisfy individual profit and greed. That the people who care to know may have the entire facts, I am inserting below the official correspondence between Frank B. Kellogg,

Secretary of State, and the Canadian minister. These letters speak for themselves:

CANADIAN LEGATION,
Washington, September 1, 1927.

SIR: I have the honor to refer to the note which you addressed to Mr. Chilton on December 7, 1926, regarding the publication of certain correspondence relating to the diversion of water from Lake Michigan by the Sanitary District of Chicago.

His Majesty's Government in Canada has noted that the Government of the United States considers that the reference in the report of the Joint Board of Engineers on the St. Lawrence waterway project to the limited effect on lake levels of the diversion of water through the Chicago sanitary canal greatly alters the understanding of the situation, and that it might accordingly be considered undesirable to publish the correspondence in question.

I have been instructed to inform you that His Majesty's Government in Canada has not been under any misapprehension as to the extent to which the abstraction of water through the Chicago sanitary canal has lowered the levels of the Great Lakes and that it has been fully advised that this lowering has been in the neighborhood of 6 inches. The papers which His Majesty's Government in Canada desires to publish incorporate its viewpoint with respect to the general principle of abstracting water from the Great Lakes system and diverting it into another watershed, and include the protests of the Government of Canada against the abstraction, submitted on behalf of the people of Canada generally, as well as the protest of the government of Ontario, submitted on behalf of the people of that Province. Any reference in the report of the Joint Board of Engineers as published as to the actual effect of the withdrawal of water through the sanitary canal does not in any degree whatsoever affect the viewpoint of His Majesty's Government in Canada as expressed in this correspondence.

His Majesty's Government in Canada desires to take this opportunity of pointing out that if any misapprehension exists in the United States or in Canada as to the degree of lowering occasioned by the Chicago abstraction the publication of these papers will go a long way toward removing such misunderstanding.

With reference to the suggestion that His Majesty's Government in Canada enter upon a further discussion of the practical question of providing compensatory works as recommended by the Joint Board of Engineers, it may be pointed out that the installation of compensatory works for the restoration of lake levels will in no way recoup to the Great Lakes system the power which is lost to that system by the water abstracted therefrom through the sanitary canal. While recognizing the marked advantages which may be gained by the construction of suitable compensating works, His Majesty's Government in Canada would not be prepared to enter upon a discussion of any plans for the construction of such works if this course involved an assumption that the present abstraction is to continue.

With reference, however, to the question immediately under consideration, His Majesty's Government in Canada observes nothing in the report of the Joint Engineering Board, including appendices, which would render inadvisable the publication of the papers in question. On the contrary, it is considered that the release of these papers would have a marked effect in clarifying public opinion on the question in both countries.

I have the honor, therefore, to inquire whether the Government of the United States would not be prepared to publish the correspondence listed in Mr. Chilton's note of November 16, 1926, together with subsequent correspondence, at such early date as may be found convenient to both Governments.

I have the honor to be, with the highest consideration, sir,
Your most obedient, humble servant,

LAURENT BEAUDRY,
Chargé d'Affaires.

The Hon. FRANK B. KELLOGG,
Secretary of State of the United States, Washington.

SEPTEMBER 12, 1927.

SIR: I have the honor to acknowledge the receipt of your note No. 230 of September 1, 1927, inquiring whether this Government would be prepared to make public certain correspondence in regard to the diversion of water from Lake Michigan by the Sanitary District of Chicago.

The proposal made by the Canadian Government that the correspondence be made public has been referred to the authorities of this Government directly concerned with the matter to which the correspondence relates. I shall be glad to inform you at the earliest date possible of the views of this Government in regard to the publication of the correspondence.

Accept, sir, the renewed assurances of my high consideration.

FRANK B. KELLOGG.

Mr. LAURENT BEAUDRY,
Chargé d'Affaires ad interim of the Dominion of Canada.

OCTOBER 17, 1927.

SIR: In further reply to your legation's note, No. 230, of September 1, I have the honor to inform you that this Government raises no objection to the publication of the correspondence referred to therein, relating to the diversion of water from Lake Michigan at Chicago.

This Government has not failed to recognize the importance of the contentions made by the Canadian Government relating to the abstraction of water from one watershed and the diversion of it into another. In my note of July 26, 1926, I informed the British ambassador that this Government was not prepared to admit the conclusions of law stated in his notes of February 5, 1926, and May 1, 1926, on this question. I did not think it was advisable to enter into a discussion of this legal question in view of the fact that the issues involved in certain cases which were then and are still pending in the Supreme Court of the United States are closely parallel to the questions presented in the ambassador's notes. For this same reason I do not now desire to enter into a discussion of this question at the present moment.

This Government, however, has heretofore indicated that it is prepared to enter into discussions and negotiations with Canada covering the whole question of preservation of lake levels in the mutual interest of the two countries.

This Government is glad to note the agreement by the Government of Canada with the conclusions of the Joint Board of Engineers that the diversion at Chicago has affected lake levels less than 6 inches. It also notes the feeling on the part of the Canadian Government that lake levels could be dealt with, so far as navigation is concerned, by compensating works as recommended by the Joint Board of Engineers. It would appear in this connection that the question as to the practical results of diversion in its effect on navigation could be entirely remedied.

As to the observation by the Canadian Government that the installation of compensatory works to restore lake levels would not recoup to the Great Lakes system the power lost to the system by the diversion at Chicago, I would, without in any way admitting the principles of compensation, call attention to the fact that Canada now receives 36,000 second-feet at Niagara as against 20,000 cubic feet per second on the American side for power purposes. I would further observe that without development of the lower St. Lawrence this question does not arise in that connection.

I again wish to point out that all these problems appeal to the American Government as matters that may be settled by practical engineering measures which might be adopted pending further discussion of the principles involved.

Accept, sir, the renewed assurances of my highest consideration.

FRANK B. KELLOGG.

The Hon. VINCENT MASSEY,
Minister of the Dominion of Canada.

For your further information I am printing herewith my own correspondence with Mr. Kellogg on the subject:

DEPARTMENT OF STATE,
Washington, February 19, 1927.

MY DEAR MR. PEAVEY: I am in receipt of your letter of February 11, 1927, inquiring what steps, if any, have been taken by this department toward concluding a treaty or treaties with Canada looking to the construction of the St. Lawrence deep waterway.

You will recall that on December 19, 1921, the International Joint Commission, in its report on a reference made to it by the Governments of the United States and Canada, recommended, among other things, that the Governments of the United States and Canada enter into an arrangement by way of treaty for a scheme of improvement of the St. Lawrence River between Montreal and Lake Ontario. On May 17, 1922, this Government suggested to Canada that a treaty be negotiated framed on the basis of the report of the commission, or such modifications thereof as might be agreed upon. In its reply to this suggestion, made on January 30, 1924, the Canadian Government indicated that it preferred that before the negotiation of a treaty a further report be made covering the engineering features of the whole project, including its cost. At the same time the Canadian Government indicated that it was its intention to form an advisory committee to inquire fully from a national standpoint into the other questions involved.

In accordance with the desires of the Canadian Government a joint engineering board was appointed and instructed to make a further study of the engineering features of the project. An advisory commission was also appointed by the President with the Hon. Herbert Hoover as chairman, to examine into the matter from the standpoint of the national interests of the United States.

As you are aware, the reports of the joint board of engineers and the St. Lawrence Commission of the United States have recently been made. The reports are being given consideration by the interested branches of this Government, but as yet no negotiations based upon them have been instituted.

I am, my dear Mr. PEAVEY, very sincerely yours,

FRANK B. KELLOGG.

[Western Union]

WASHBURN, WIS., *May 2, 1927.*

Hon. FRANK B. KELLOGG,
Secretary of State, Washington, D. C.:

Please advise what steps, if any, have been taken by State Department toward negotiating treaties with Canada for construction of St. Lawrence deep waterway. Will you wire answer by night letter?

H. H. PEAVEY,
Member of Congress.

[Western Union]

WASHINGTON, D. C., *May 3, 1927.*

Hon. H. H. PEAVEY,
Washburn, Wis.:

Your telegram, May 2, regarding St. Lawrence deep waterway. I have recently taken up this subject with the Canadian Government, and am awaiting an expression of the views of that Government pending an understanding with the Government of Canada. In respect to the publication of my note I am giving out no information as to its contents.

FRANK B. KELLOGG.
Secretary of State.

WASHBURN, WIS., *October 1, 1927.*

Hon. FRANK B. KELLOGG,
Secretary of State, Washington, D. C.

DEAR MR. SECRETARY: Many inquiries have come to me respecting the status of the negotiations between the United States and Canada upon the subject of the proposed St. Lawrence deep waterway.

Will you please advise what progress has been made toward the consummation of such treaties?

Thanking you in advance, I am,

Very respectfully yours,

H. H. PEAVEY.

FEBRUARY 21, 1928.

The Hon. FRANK B. KELLOGG,
The Secretary of State of the United States,
Washington, D. C.

MY DEAR MR. SECRETARY: Permit me to thank you for your courtesy in informing me with relation to the status of the present negotiations between yourself and the Government of Canada with regard to the securing of a treaty or agreement under which it will be possible to build the Great Lakes-St. Lawrence waterway. I sincerely hope your optimism in this matter will be borne out by future developments. In the name of the people of the district I represent, as well as those of the entire Northwest, permit me to wish you complete and immediate success in your undertaking.

In accordance with our conversation by telephone last Thursday, I am submitting herewith a tentative draft of a resolution which I contemplate introducing in Congress in the near future. I shall be glad to get your reactions or suggestions with regard to this proposal.

The people of the mid-continent have been deprived of their rights in the matter of water-borne commerce. The failure to make physical connection between the railroads and the boat lines has driven practically all general trade ships off the Great Lakes. It has isolated the people of the Northwest, making them wholly dependent on the railroads for transportation. This padlocking of the harbors of the Great Lakes has removed every vestige of competitive railroad rates. We believe the building of the St. Lawrence waterway will to a large extent restore general commerce on the Lakes, and this appears to us as a natural heritage.

The movement for the development of the St. Lawrence waterway is not new. It has been before our people for the past 60 years. Since the creation of the joint commission by Congress in 1909 public officials and other agencies have repeatedly assured the people that the canal would be built in the near future. You will therefore understand, Mr. Secretary, the reluctance on the part of the people of the Northwest to accept further promises on a matter of such national importance, which they feel has been already too long delayed.

The 40,000,000 inhabitants of the area tributary to the Great Lakes are demanding action by Congress, the administration, and yourself, to the end that some definite action may be taken looking to the actual building of this waterway. It would seem important, therefore, that Congress, by the reassertion of its policy with reference to the building of this waterway, would satisfy this demand and to that extent aid you in carrying on your negotiations with Canada. I am proposing this resolution and writing this letter as a matter of duty that this appeal from the people of my district and the whole Northwest may be conveyed directly to you.

I wish to assure you, Mr. Secretary, that it is not my purpose or intention to embarrass or in any way hinder you in conducting these negotiations with Canada. On the contrary, I have every desire to aid and encourage and to wish you early and complete success.

Very respectfully yours,

H. H. PEAVEY.

APRIL 27, 1928.

Hon. FRANK B. KELLOGG,
Secretary of State of the United States,
Washington, D. C.

MY DEAR MR. SECRETARY: In consideration of the recent publication of the official correspondence exchanged by the State Department of the United States and the Canadian Government on the subject of the treaty negotiations leading to the construction and development of the St. Lawrence waterway, it occurs to me that you might now wish to answer my communication of February 21, at which time I submitted to you a tentative draft of a resolution in support of the waterway, the introduction of which I withheld at your suggestion.

Also, considering the further press releases from the State Department, it would appear that the Canadian Government has altered its position relative to the diversion of water from the Great Lakes by the Chicago Sanitary District since our conference held some time ago, when you assured me that, in your opinion, the Canadian Government was willing to accept the principle of compensatory works at Chicago. It now occurs to me that it might be advisable to introduce a bill or resolution providing in substance the theory or principle laid down by the United States Board of Engineers in regard to the water diversion at Chicago, namely, a fixed graduated reduction in the amount of diversion down to one or two thousand second-feet, the minimum amount necessary for sanitation and navigation in the Chicago and Des Plaines Rivers.

The extraction of this tremendous amount of water from the Great Lakes at this time is deeply resented by the people of Wisconsin as well as those of the entire Northwest, and the refusal of Canada to countenance this action by the Chicago Sanitary District is not at all surprising to me, and I therefore feel that only through action by Congress limiting the diversion of water can it be expected that Canada will fully concur on all phases of the waterway subject.

I can assure you of the individual interest of the people of my district and the entire Northwest in the matter and express to you their most earnest hope that treaties satisfactory to both the United States and Canada will be consummated at an early date.

Very truly yours,

H. H. PEAVEY.

DEPARTMENT OF STATE,
Washington, May 2, 1928.

MY DEAR MR. PEAVEY: I have pleasure in acknowledging the receipt of your letter of April 27, 1928, in which you referred to your letter of February 21, 1928, inclosing copy of a proposed resolution, declaring the report submitted by the United States-St. Lawrence Commission on December 27, 1926, on the development of a waterway from the Great Lakes to the Atlantic Ocean by way of the St. Lawrence River to be the policy of Congress.

I have no suggestions or objections to offer in regard to the resolution which you propose to introduce. I assure you, however, that the matter of the St. Lawrence waterway has received and will continue to receive the energetic attention of the department and of other officials of the Government concerned in the project, and all proper action will be taken to bring the negotiations to an early conclusion. The correspondence published on April 14, 1928, reveals the present status of the negotiations.

I am, my dear Mr. Peavey,

Very sincerely yours, FRANK B. KELLOGG.

Inserted below is a recent letter by myself to the St. Lawrence Tidewater Association and their reply:

MAY 1, 1928.

Mr. CHARLES P. CRAIG,
Executive Director, St. Lawrence Tidewater Association,
Washington, D. C.

DEAR MR. CRAIG: I have your letter of April 13 and note that you are working out a program of political action with the purpose of securing the adoption of "a Great Lakes to the ocean via the St. Lawrence waterway" plank by the Republican and Democratic National Parties at the June conventions.

About a year ago the President of your association, Ex-Governor Harding, of Iowa, appeared before the Ashland Public Forum and made a speech in support of the St. Lawrence waterway. Taking advantage of the rules of the Ashland Public Forum, I asked Mr. Harding some questions. Among others, I asked him the following: "The St. Lawrence Tidewater Association has publicly stated that 24 Northwestern States are pledged to the immediate building of the St. Lawrence deep waterway and that President Coolidge and Secretaries Kellogg and Hoover are favorable to the project. Why has the association failed to induce the Republican Party to go on record in favor of the St. Lawrence waterway or adopt a plank to that effect in their national conventions?" Governor Harding answered as follows: "I am president of this association not as a Democrat, Republican, or Socialist, but as an American citizen. We are not trying to play politics with the waterway. We work with all parties."

I am glad to see that your association has aroused itself to the necessity of putting the national political parties on record as a means of providing support for the waterway before Congress and the people of the United States. I am sure the people of the Northwest will join me in wishing you complete success in getting such a plank adopted at both the Republican and Democratic conventions.

Replying directly to your letter of the 13th with relation to the attitude of the Republican delegates from the State of Wisconsin on this subject, I wish to state that I had the honor of serving as a member of the advisory committee of 11 that formulated the platform on which our Progressive Republican delegates were elected to the national convention, and included in our recommendations, which were later adopted as our platform, is a St. Lawrence waterway plank, as follows: "No. 10. We favor a deep waterway from the Great Lakes to the sea. The Government should, in conjunction with Canada, take immediate action to give the Northwestern States an outlet to the ocean for cargoes without change in bulk, thus making the primary markets on the Great Lakes equal to those of New York."

In this connection I can say to you, Mr. Craig, that I sought the adoption of an even stronger and more comprehensive plank on this subject than the one stated above. In my recommendations to the committee I included the proposition of the disappearance of general commerce from the Great Lakes and how the great natural advantage which belongs to the people living tributary to the Great Lakes, that of cheap transportation by water, is being denied them, largely due to the influence of railroad owners in New York, and that this enforced isolation of the Northwestern States was costing the people of that territory hundreds of millions of dollars annually, etc.

The Republican delegates to the Kansas City convention from Wisconsin are divided as follows: There are 17 Progressive Republicans pledged to the plank quoted above, who, I know, you can depend upon to vote and work for the adoption by the convention of an indorsement of the St. Lawrence waterway. Of the remaining 9 members of the delegation, 2 of these were elected to support Mr. Hoover, who was represented as a champion of the waterway. Two of the remaining 7 were elected and pledged to the nomination of ex-Governor Lowden, of Illinois, without any reference being made to the waterway. The remaining 5 regular Republicans were elected as uninstructed and without any reference or pledge as to the waterway. I trust this information will be of some help to you in securing the adoption of a strong St. Lawrence waterway-development plank at the Republican National Convention in Kansas City this coming June.

Yours very truly,

H. H. PEAVEY.

GREAT LAKES-ST. LAWRENCE TIDEWATER ASSOCIATION,
Washington, D. C., May 2, 1928.

Hon. H. H. PEAVEY,
House Office Building, Washington, D. C.

MY DEAR MR. PEAVEY: Thank you for your letter of first instant.

The information you convey is explicit and valuable.

Speaking of efforts to have the Republican Party go on record in favor of the St. Lawrence waterway, I wish to say that at the last Republican convention in Cleveland in 1924 a plank was drafted, approved by President Coolidge, and sent to Cleveland with his personal approval. It went before the resolutions committee with the understanding that it would be put through, but two Congressmen from New York—Dempsey and Sweet—appeared before the committee and were able to have the committee change the resolution so that it meant nothing of great value. We did get a declaration—not a strong one—in the Democratic platform in 1924.

I note the clause No. 10 in the platform of the Progressive Republican Party of Wisconsin. That is fine, and, as you know, I am in sympathy with your position with respect to the present restricted use of the Great Lakes.

I am surprised that the delegates pledged to support Governor Lowden would not have placed the St. Lawrence in their platform because Governor Lowden has always been a supporter of the seaway.

The information is all valuable and may be utilized to very great advantage.

With kind personal regards, I remain

Yours sincerely,

CHAS. P. CRAIG, *Executive Director.*

In the light of these facts who will maintain that we are any nearer to success and winning the St. Lawrence waterway now than in 1909. Nineteen wasted years.

It is a self-evident deduction from the facts stated above that northwest railroad owners, who live in New York, gauged always by hindsight rather than foresight, stand to lose $125,000,000 a year if the waterway is built, and they are bringing every possible political and financial influence to bear on the Government at Washington to prevent it.

The future development and prosperity of Superior, Duluth, Ashland, Washburn, Bayfield, and the other lake cities of the Northwest are being sacrificed because railroad owners are afraid to compete with water-borne commerce. The progress of 40,000,000 people is being thwarted to protect a transportation monopoly.

Since the above was prepared advance press notice has carried the news that Canada has replied to Secretary Mellon's last note of April 7, 1928, stating in substance that they would not negotiate until the illegal diversion of water at Chicago was stopped or the principle disavowed by the United States. This correspondence has not been given to the press.

Twenty-one States and 40,000,000 people are demanding this waterway. No one has had the temerity to appear in public opposition but a few individual politicians and power representatives from New York. Do you not think it is about time to separate those who really want the waterway built from those who just talk about it for political reasons?

The building of the St. Lawrence canal from an engineering standpoint is mere child's play compared with our undertaking in building the Panama Canal. Under President Roosevelt it took only two years to survey and seven years to build this great engineering enterprise. The Government agencies in charge of the St. Lawrence waterway in Washington have spent over a million dollars and 19 years to prepare a 60-page pamphlet report.

Can you, Mr. Wisconsin business man and farmer, content yourself to sit idle in the face of these facts and with the divine patience of Job assuage yourself by saying, "How long, O Lord, how long?"

COLORADO RIVER BASIN

Mr. SMITH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill to improve the Colorado River.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. SMITH. Mr. Speaker, in view of the fact that early consideration will be given by the House to the legislation providing for the protection and development of the Colorado River Basin, as provided in H. R. 5773, introduced by Mr. SWING, of California, I gladly avail myself, as chairman of the Committee on Irrigation and Reclamation, of this opportunity to make available to the Members of the House certain facts concerning the importance and urgency of enacting into law this meritorious measure.

I doubt if any project ever brought before Congress has been more thoroughly considered over a long period of time, or one which, when completed, will have more lasting and beneficial effects upon a large proportion of the people of the United States.

There certainly has been no more important measure before this House that has had the support of the Chief Executive and high officials of our Government than the pending legislation.

The President in his message to the Congress of December 6, 1927, stated:

> Legislation is desirable for the construction of a dam at Boulder Canyon on the Colorado River, primarily as a method of flood control and irrigation. A secondary result would be a considerable power development and a source of domestic water supply for southern California.

In his message to the Congress of December 22, 1926, he declared:

> In previous messages, I have referred to the national importance of the proper development of our water resources. The great project of extension of the Mississippi system, the protection and development of the lower Colorado River, are before Congress, and I have previously commented upon them. I favor the necessary legislation to expedite these projects.

On March 17, 1924, the present Secretary of the Interior, Dr. Hubert Work, in reporting to this committee on legislation similar to the pending bill, said:

> The Colorado River has been under observation, survey, and study, and the subject of reports to Congress since the close of the Civil War. More than $350,000 have been expended by the Bureau of Reclamation since the Kinkaid Act of May 18, 1920. More than $2,000,000 have been expended by other agencies of the Government. The time has arrived when the Government should decide whether it will proceed to convert this natural menace into a national resource. (Hearings on H. R. 2903, 68th Cong., 1st sess., p. 818.)

There is attached hereto his report on the proposed legislation dated January 18, 1926, setting forth in detail his views on the provisions of the bill.

In his latest report of January 4, 1928, printed herewith in the RECORD, he states:

The general plan and purpose of this measure have my support, and I favor its being made a national undertaking, to be carried out and administered by the Federal Government.

* * * For the reasons stated, I recommend the favorable consideration of the bill.

The paramount purpose of this legislation is the protection of human life and property in Imperial Valley, Calif., which are under a constant menace of destruction from the floods of a rebellious and treacherous river. Other valleys in the lower Colorado also greatly need protection from its high-water flow, including Yuma and Parker in Arizona and Palo Verde and Needles in California. All these have suffered from the floods of the Colorado. All are concerned with Imperial Valley in the solution of its mighty problem. This bill presents a project which will afford such solution.

The great constructive development proposed by this legislation not only will end the river's menace but will also put its wasting waters to work in the interest of society, creating new homes, building up new industries, adding to the wealth of the Nation and the well-being of a considerable portion of its people.

This legislation and the project it authorizes have received the most careful study and earnest consideration by the committee for the last four Congresses, and volumes of testimony have been compiled. During this Congress the committee has devoted much time to the hearing of testimony respecting the project and to the consideration of the provisions of the legislation authorizing it. The committee has had before it the report of the hearings held during the Sixty-seventh, Sixty-eighth, and Sixty-ninth Congresses, comprising thousands of pages of testimony, as well as extensive and detailed reports by Federal agencies charged with the duty of studying the Colorado River.

The committee also had the benefit of the recent reports of Hon. James R. Garfield, former Secretary of the Interior; Hon. Frank C. Emerson, Governor of Wyoming; Dr. William F. Durand, of Stanford University; and Hon. James G. Scrugham, former Governor of Nevada, who acted as special advisers to the Secretary of the Interior at his request, and which have been printed as part 4 of the hearings. Many members of the committee have inspected the site of the great dam which the bill authorizes, the section of Mexico through which the canal passes, the Imperial Valley, which is the region most menaced by the river's flood waters, as well as other sections of the Southwest which will be directly affected by the development. It may be said with perfect accuracy that no project of internal improvement has ever come before Congress backed by such extended and exhaustive consideration as has been accorded to this one.

Not alone does this bill, as expressed in its title, authorize works "for the protection and development of the lower Colorado River Basin," but it represents a vitally important step in the plan to protect and safeguard the interest of States and communities far removed from the works to be built, thus permitting these States and communities to look to the future with the assurance which established water rights give to regions dependent upon irrigation for their agricultural existence.

While the works here authorized are of great magnitude, a financial plan has been worked out with the assistance of the Secretary of the Treasury and incorporated in the bill, under which their cost will not burden the Federal Treasury nor weigh upon the general taxpayer. The financial burden of the development is placed upon its immediate beneficiaries. Thus section 4 (b) of the bill provides:

(b) Before any money is appropriated, or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues, by contract or otherwise, in accordance with the provisions of this act, adequate, in his judgment, to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of the project, of all amounts advanced to the fund under subdivision (b) of section 2, together with interest thereon.

The moneys advanced to the fund, referred to, embrace not only money actually appropriated to cover the cost of the work but interest on the same during the period of construction.

The project falls naturally into nine divisions or parts, as follows:

Part I. The Colorado River and its characteristics, and the Imperial Valley.
Part II. The Boulder Canyon project, its development and plan.
Part III. The Colorado River compact, the upper and lower basins.
Part IV. Flood control.
Part V. All-American canal.
Part VI. Domestic water.
Part VII. Power.
Part VIII. Authority of the Government.
Part IX. Form of bill.

PART I.—THE COLORADO RIVER AND ITS CHARACTERISTICS, AND THE IMPERIAL VALLEY

To grasp the urgent need of this project calls for a brief statement of the characteristics of the Colorado River, as well as of the Imperial Valley in California.

The Colorado is one of the great rivers of the United States. Rising in the high mountains of Colorado and Wyoming, it flows through these States and the States of Utah, Arizona, Nevada, and California. It forms part of the boundary between Arizona and Nevada and between Arizona and California. After crossing the boundary line between the United States and Mexico it flows some 50 miles through the latter country and discharges into the head of the Gulf of California.

Actual measurements, taken over a period of 25 years, show an average annual discharge of water by the river of approximately 17,000,000 acre-feet. The river varies greatly in flow, both annual and seasonal. One year the discharge may be as great as 25,000,000 acre-feet; another year it may be as low as 9,000,000 acre-feet. Even more striking is the seasonal variation. In flood, the discharge at times is more than 200,000 cubic feet per second. In August, September, and October the river is at low flow. Frequently this flow is as low as 2,500 cubic feet per second; on September 11, 1924, it was less than 1,300 cubic feet per second.

The rim of the upper drainage basin of the river is composed largely of high mountain ranges. Melting snows from these ranges and the rainfall increase its volume. The lower portion of the basin is composed of hot, arid plains of low altitude, broken by short mountain groups. The central portion consists of a high plateau, through which the river runs for hundreds of miles in a deep and narrow canyon.

As the river flows from the plateau region it picks up tremendous quantities of silt, which is carried into the lower reaches of the river, the annual discharge below Yuma being over 100,000 acre-feet, or more than 161,000,000 cubic yards, an amount equal in volume to the total excavations made by the United States in constructing the Panama Canal.

Imperial Valley lies in the southeasterly portion of California. On the south it is bounded by the Mexican line; its easterly edge is about 40 miles west of the Colorado River. On the American side of the line it is separated from the river by a range of low sand hills, which lie between the river channel and the valley floor. Centuries ago the Imperial Valley was the northerly end of the Gulf of California. The tremendous quantities of silt carried by the river gradually built a great delta across the gulf, completely separating the northern from the southern end of the gulf. Evaporation unwatered the region thus cut off and left Imperial Valley. Thus Imperial Valley lies like a great saucer with the Colorado running along its rim from 100 to 300 feet above the valley's floor.

This valley secures its sole water supply from the Colorado River through a canal starting from the river just above the international boundary, and thence running for many miles through Mexico before reentering the United States.

Imperial Valley has a population of 65,000 people, six well-built, incorporated cities, besides several unincorporated towns, over 400,000 acres of cultivated farms, and property values of over $100,000,000.

As irrigation uses have increased up the river, and particularly as irrigation has increased in Mexico, the water available for irrigation in the valley during the period of low flow of the river has grown less and less.

Imperial and Coachella Valleys, during May, June, and July of each year, are threatened by destruction by flood. In September and October Imperial Valley is threatened by, and has actually suffered, millions of dollars of loss from drought, and the same is also true, only in a lesser degree, of Yuma, Parker, and Mojave Valleys in Arizona and Palo Verde Valley in California.

PART II. THE BOULDER CANYON PROJECT—ITS DEVELOPMENT AND PLAN

THE PROJECT

The works authorized are—

First. A dam 550 feet in height at Boulder or Black Canyon, where the river forms the boundary between Arizona and Nevada. Not only do these canyons furnish a wonderful natural dam site, but here is an equally wonderful natural reservoir site, where there will be impounded 26,000,000 acre-feet of water. The estimated cost of the dam is $41,500,000, or but $1.62 per acre-foot of storage.

Second. Power plants to utilize the water power created at the dam. (The construction of plants is left optional with the

Secretary. He may instead lease the water power.) Five hundred and fifty thousand firm or constant horsepower will be available, or 1,000,000 horsepower on a 55 per cent load factor. The estimated cost of installing plants of 1,000,000-horsepower capacity is $31,500,000, or $31.50 per installed horsepower, while the cost per installed horsepower of both dam and plants is but $73.

Third. An all-American canal from the river to the Imperial Valley and Coachella Valley. The estimated cost of the canal is $31,000,000.

Interest during construction on the cost of these works is estimated at $21,000,000, which added to their cost makes $125,000,000, the amount of the authorized appropriation. The item of interest during construction does not, of course, represent an actual appropriation, and should the Secretary elect not to build power plants the cost of construction of the works would be reduced to $72,500,000, with a corresponding reduction of the interest item during construction.

PURPOSES OF THE PROJECT

This project, fortunately, will accomplish a number of important purposes.

First. It will end the ever-increasing flood menace of the lower river, which threatens the destruction of large and important communities lying under the level of its channel. The great reservoir will catch and hold the flood waters until they can be released at a rate which the river channel can accommodate with safety. The water so stored will guarantee the lower-basin communities, especially Imperial Valley, a dependable water supply, and by thus making use of the flood waters in the lower basin the upper reaches of the river will furnish abundant water for use in the upper basin without encroaching upon prior appropriations below.

Second. It will end an intolerable situation which now exists in Imperial Valley. This valley now secures its sole water supply by a canal which runs for some 60 miles through Mexico. The all-American canal will furnish a substitute for this and at the same time carry the water at an elevation sufficient to make possible, at some future date, the irrigation of additional land, mostly public, lying about the rim of the cultivated area.

Third. Flood waters conserved at the dam and reservoir, besides providing for irrigation needs below, will provide for a much needed domestic water supply for cities on the Pacific coast.

Fourth. The dam and reservoir will incidentally create a large amount of hydroelectric power from the disposal of which the project will be in large part financed.

Fifth. The dam will improve navigation, safeguard interstate commerce, and protect Government property. Under the operation of the project the flow of the river below the dam will be regulated and even. With its flow unregulated the river can not be successfully used as a highway for commerce. In its regulated form it will be susceptible to use by power boats and other small craft. The great reservoir will, of course, be susceptible of navigation.

Sixth. Certain international complications now existing will be largely solved through the construction of this project. These will be referred to in Part V of this report.

LOCATION FOR DAM

The overwhelming weight of opinion favors the Boulder or Black Canyon site. These two sites are close together and are frequently termed the upper and lower Boulder Canyon sites. A dam at either site will store the water in practically the same reservoir basin, virtually all of which is desert land of no value except for reservoir purposes. Natural conditions at this point are extremely favorable for the construction of a great dam at minimum of cost. An immense natural reservoir site is here available. A development at this point will fully and adequately serve all purposes—flood control, storage of irrigation and domestic water, improvement of navigation, and power. It is the nearest available site to the power market, an important element from a business or financial standpoint.

As stated by Secretary Hoover:

I believe the largest group of those who have dealt with the problem, both engineers and business folk, have come to the conclusion that there should be a high dam erected somewhere in the vicinity of Black Canyon. That is known usually as the Boulder Canyon site, but nevertheless it is actually Black Canyon. The dam so erected is proposed to serve the triple purpose of power, flood control, and storage. Perhaps I should state them in a different order—flood control, storage, and power, as power is a by-product of these other works.

There are theoretical engineering reasons why flood control and storage work should be erected farther up the river and why storage works should be erected farther down the river, and I have not any doubt but that given another century of development on the river all these things will be done. The problem that we have to consider, however, is that which will serve the next generation in the most economical manner, and we must take capital expenditure and power markets into consideration in determining this. I can conceive the development of probably 15 different dams on the Colorado River, the securing of 6,000,000 or 7,000,000 horsepower; but the only place where there is an economic market for power to-day, at least of any consequence, is in southern California, the economical distance for the most of such dams being too remote for that market. No doubt markets will grow in time so as to warrant the construction of dams all up and down the river. We have to consider here the problem of financing; that in the erection of a dam, or of any works for that matter, we must make such recovery as we can on the cost, and therefore we must find an immediate market for power. For that reason it seems to be that logic drives us as near to the lower market as possible, and that it therefore takes us down into the lower canyon. (Hearings on S. Res. 320, 68th Cong., 2d sess., p. 601.)

Mr. Garfield, one of the special advisers, in his report to the Secretary of the Interior, stated as follows:

I am satisfied that the most favorable site for first construction is at Boulder Canyon. At that point the opportunity is afforded to construct a dam which would impound approximately 26,000,000 acre-feet of water, thus assuring, as far as it is humanly possible to assure, the storage of floods and permit a flow in the river below at such times and in such quantities as would provide for future irrigation and prevent the disasters which have been and will be attendant upon unregulated floods.

The recent report of Governor Scrugham to the Secretary of the Interior also said:

Upper Boulder Canyon and lower Boulder Canyon or Black Canyon: These two sites, on account of their adjacent location and market superiority to all other locations, are best considered together.

1. Both sites are topographically well adapted for the construction of a high and large impounding reservoir.

2. The rock formation at the upper Boulder site is granite. At the lower Boulder or Black site is a highly silicified adesitic tuff which is more monolithic in character.

3. For the same height of dam above low water, the Black Canyon site will give somewhat larger reservoir and storage capacity. For the same elevation of economic high-water level the advantage is very much in favor of the Black Canyon site.

4. This lower site also has available large deposits of suitable gravel and other necessary construction materials which will reduce construction costs.

5. The Black Canyon site is readily accessible by rail and wagon road. The upper Boulder, Bridge, Diamond, and Glen Canyon sites are all very difficult of access.

6. The Black Canyon site has more suitable bedrock for dam foundations at distinctly less depth than other sites examined. The canyon walls are closer together and there are more favorable locations for the proposed power house and construction camps. All of these items will tend to reduce construction costs.

7. The Black Canyon site is closer to the territory to be served by the reservoir than any of the previously mentioned sites thus reducing costs and losses of transmission.

A disadvantage which has been urged against both the upper and lower Boulder Canyon locations is the existence of extensive salt deposits within the reservoir area. The matter has been made the subject of most careful examination by the writer and a number of geologists, notably Dr. F. L. Ransome. The salt outcrops are generally in bluffs covered with heavy insoluble overburden. The total quantity is impossible to estimate, but the amount which would go into solution in the reservoir water is so negligible that it would not noticeably affect its salinity. The action of the water on the salt would be to undermine the insoluble overburden and cause it to settle on the exposed salt faces. This action, together with an additional covering of silt deposited from the reservoir water can be depended upon to minimize the dissolving action. For all practical purposes the dilution of the salt will be so great as to render it harmless.

The statement of Governor Emerson in his report as special adviser on this subject is as follows:

A reservoir of 26,000,000 acre-feet capacity, created by the construction of a comparatively high dam at Black Canyon on the Colorado River some 40 miles distant from Las Vegas, Nev., would afford satisfactory solution of the problems set forth in paragraph 3 herein and would also meet the requirements specified by paragraph 4 herein. In addition such a reservoir project would make practical the development of a large amount of hydroelectric power as well as provide for the extension of present irrigated areas and for additional valuable uses of water for domestic, municipal, industrial, and other purposes.

* * * * * * *

The most feasible site for a high dam upon the Colorado River to solve the major problems now existent upon the lower river is situated at Black Canyon some 40 miles from Las Vegas, Nev.

The reservoir project described in paragraph 5, and commonly known as the Boulder Canyon project, would constitute a great constructive undertaking and appears to afford the best solution of the entire situation applying to the lower Colorado River.

UNITED STATES THE PROPER AGENCY TO UNDERTAKE DEVELOPMENT

Because the Colorado River is an interstate and international stream, and because of the various conflicting uses of water, such as for flood control, irrigation, regulation for commerce, domestic water, and power generation, the Government is the proper and logical agency to undertake this development. It is well equipped for this purpose. The Reclamation Service has had wide experience in large dam construction. This idea was well expressed by the Secretary of the Interior in his report of January 12, 1926, on the project, where he said:

Interstate and international rights and interests involved, the diversified benefits from the construction of these works, the waiting necessities of cities for increased water supplies, the large development of latent agricultural resources, the protection of those already developed, and the immense industrial benefits which may come from the production of cheap power, which together appear to render the construction and subsequent control of these works a measure of such economic and social importance that no agency but the Federal Government should be intrusted with the protection of rights or distribution of its opportunities. All uses can be coordinated and the fullest benefits realized only by their centralized control.

A similar view was voiced by the President in a telegram to C. C. Teague, of date October 7, 1924, in which he said:

The major purposes of the works to be constructed * * * involve two fundamental questions which must always remain in public control—that is, flood control and the provision of immense water storage necessary to hold the seasonal and annual flow so as to provide for the large reclamation possibilities in both California and Arizona. These considerations seem to me to dominate all others and to point logically to the Federal Government as the agency to undertake the construction of a great dam at Boulder Canyon or some other suitable location. * * * I should, indeed, look with great pride on the consummation of this, one of our greatest national improvements within my administration. (Hearings on S. 727, 68th Cong., 2d sess, p. 13.)

This thought was also clearly expressed by the late President Harding in the same manuscript of an address which he expected to deliver at San Diego. He was prevented from delivering this address by death. He said:

"Such a gigantic operation may not be accomplished within the resources of the local communities. It is my view, and I believe the accepted view of a large part of our people, that the initial capital for the installation of these engineering works must be provided by the American people as a whole, and truly the American people as a whole benefit from such investment. The addition to our national assets of so productive a unit benefits not alone the local community created by it but also, directly and indirectly, our entire national life.

"I should, indeed, be proud if during my administration I could participate in the inauguration of this great project by affixing my signature to the proper legislation by Congress through which it might be launched. I should feel that I had some small part in the many thousands of fine American homes that would spring forth from the desert during the course of my lifetime as the result of such an act, and in the extension of these fine foundations of our American people." (Hearings, H. R. 2903, 68th Cong., 1st sess., pp. 1884, 1885.)

The views of the advisory committee to the Secretary of the Interior on this subject are as follows:

Mr. GARFIELD. The jurisdiction of a single State is not broad enough to deal with all the problems that necessarily arise in the construction and development of such a project as that under consideration. The United States alone has the power properly to safeguard the interest and rights of all those who may be affected by such a major development, and is, furthermore, the only political agency that can deal with and settle the international questions arising with Mexico.

The United States is not only the political sovereign whose jurisdiction is broad enough to deal with all the phases of the problem, but it is likewise the largest landowner along the bed of the Colorado. Hence whatever theory of the use of water is adopted in any particular State, the use of the public domain in that State can only be obtained under congressional act, and Congress may impose in such act whatever conditions it deems wise.

Governor EMERSON. The construction and operation of the described project is a logical and, in some phases, even a necessary undertaking of the Federal Government for the following reasons:

(a) The international situation applying to the river.
(b) Flood control as a national problem.
(c) Reclamation of land as an accepted Government activity.
(d) Magnitude of project and of various interests involved.

Governor SCRUGHAM. With all of the above factors in mind, it appears entirely proper and practicable for the Federal Government to undertake the first step in river development, which is the construction of an adequate dam and reservoir for flood and silt control, reimbursing itself for the costs from sales of stored water and the large quantities of power which can be incidentally generated. Future developments of the river by private or municipal enterprise will suffer no interference therefrom.

HOW THE PROJECT TOOK FORM

After many requests by the communities in the lower Colorado River Basin for relief, Congress on May 18, 1920, passed the so-called Kinkaid Act, directing the Secretary of the Interior to make an investigation of the problems of the lower Colorado and report back to Congress his recommendations as to the proper plan of development. An initial appropriation of $20,000 was made. As investigations proceeded this was supplemented by contributions from the Imperial irrigation district; Coachella Valley; Palo Verde Valley, Ariz.; Los Angeles; Pasadena; and other interested communities, aggregating $171,000, which, with subsequent appropriations by Congress, made a total of approximately $400,000.

A preliminary report was completed in the early part of 1921, public hearings on this were had by the Secretary of the Interior, and on February 28, 1922, his final report, recommending in substance the project here authorized, was transmitted to Congress. The report is published as Senate Document No. 142, Sixty-seventh Congress, second session.

Bills were introduced in both Houses to carry out the recommendations of the report, and hearings were had.

Passage of legislation (the forerunner of the present bill) was recommended by the Interior Department in a communication to the House Committee on Irrigation on June 14, 1922. (Hearings on H. R. 11449, 67th Cong., 2d sess., p. 4.)

It was again urged by the department in a communication to the House committee on March 17, 1924. (Hearings on H. R. 2903, 68th Cong., 1st sess., p. 818.)

The project was favorably reported on by engineers of the Reclamation Service in February, 1924, in a voluminous report which has been before this committee and considered by it, but which has not been published. This report contains a wealth of technical data on irrigable areas, various plans of development of the river, cost estimates, and similar data.

On January 12, 1926, the Interior Department again recommended the project in a report to which reference is herein frequently made. (Hearings on S. Res. 320, 69th Cong., 1st sess., p. 867.)

On December 6 last the President again gave his approval of the project, and on January 4, 1928, the Secretary of the Interior, in his report to this committee, approved the bill under consideration and recommended the development.

The financial plan contained in the bill was prepared by the Secretary of the Treasury. (Report to House committee.)

This summary, by no means complete, of the various reports and recommendation upon this project indicates the great care and long study which it has received from various Government departments and agencies and from congressional committees. It is a result of all these that the project has taken its present form.

PLAN OF FINANCING

The Secretary of the Interior in his report of January 12, 1926, gives his estimate of the financial working of the project, as follows:

Capital investment

Estimated cost for—	
26,000,000 acre-feet reservoir	$41,500,000
1,000,000-horsepower development	31,500,000
The all-American canal	31,000,000
Interest during construction on above, 5 years at 4 per cent	21,000,000
Total	125,000,000

Annual operation

Estimated gross revenues from—	
Sale 3,600,000,000 kilowatt-hours power at three-tenths cent	10,800,000
Storage and delivery of water for irrigation and domestic purposes	1,500,000
Total	12,300,000
Estimated fixed annual charges for—	
Operation and maintenance, storage, and power	700,000
Operation and maintenance, all-American canal	500,000
Interest on $125,000,000 at 4 per cent	5,000,000
Total	6,200,000
Estimated annual surplus thought to be sufficient to repay the entire cost in 25 years	6,100,000

ESTIMATES ARE CAREFULLY MADE

The cost estimates given by the Secretary of the Interior are the result of long and painstaking studies of that department. Mr. F. E. Weymouth, then chief engineer of the Reclamation

Service, under whose personal supervision the major part of the studies were made, testified before the House committee as follows:

We have on our consulting staff Mr. A. J. Wiley and Mr. Louis Hill, and we have consulted them regularly in reference to this whole problem. We have had several engineering board meetings to consider the various phases of the problem, especially in reference to types of dams and methods of construction and cost of all that sort of thing. They were outside of our regular engineering force.

Asked about the engineers in his organization, he stated:

Mr. Walker Young, who is present to-day, has had charge of the investigations in Boulder Canyon for about three and a half years. Mr. Young had more to do than anybody else in the actual working out of the detailed designs and estimates, but he at all times had the advice of our chief designing engineer, Mr. J. L. Savage, whose headquarters are now in Denver, and also of the whole designing force of that office.

* * * * * * *

Mr. Savage has under his charge about 25 or 30 engineers of all kinds. In addition to that, we have had the assistance of Mr. Gaylord, who was until very recently our chief electrical engineer, and his assistants, and Mr. Dibble and his assistants. In the study of the water supply, the irrigable areas, and the control of the river for flood or for power purposes Mr. Debbler, who is here to-day, has made most of those studies.

* * * * * * *

We had Mr. Ransome, a geologist of the Geological Survey, make a very exhaustive geologic examination and report on the Boulder Canyon reservoir and dam site, and Mr. Jenison, of the Geological Survey, also assisted him. The Bureau of Standards has done a lot of work for the service in testing materials for construction. There is another man that I forgot to mention, a very valuable engineer and geologist, Mr. Homer Hamlin. The most work that has been done, perhaps, was done by Mr. Arthur P. Davis while he was the director of the service. Mr. James Munn, who was formerly a contractor and is, perhaps, one of the best construction men in the country—we have had his advice, especially in reference to unit costs that we have used in the estimates.

Concerning the advisory board, composed of Mr. Wiley and Mr. Hill, he said:

We have considered with them each step that we have taken as it came up and it has had their approval. (Hearings on H. R. 2903, 68th Cong., 1st sess., pp. 741–743.)

Governor Scrughum, in his report to the Secretary of the Interior, said:

In so far as engineering experience and human intelligence can be depended upon, the estimates are reliable.

Doctor Durand, in his report to the secretary, also stated:

The program of construction as proposed is the result of most careful study on the part of eminent and experienced engineers and has further had the benefit of serious and extended examinations and criticisms on the part of eminent engineers in civilian life. As the result of this examination and criticism it seems a fair conclusion that the plan as proposed embodies the elements best calculated to insure a successful program of construction, and that so far as human foresight and sound engineering judgment can provide the plan should carry through without serious modification or delay.

* * * * * * *

The general conclusion is therefore that there is ground for anticipating a construction cost of the canal at a somewhat lower figure than the $30,000,000 estimated in the report of 1919; or otherwise if the general estimate be still held at $30,000,000, it would imply a margin for contingencies or for unknown or unexpected conditions greater than would normally be allowed for any such piece of work.

GOVERNMENT FULLY ASSURED A RETURN OF ITS ADVANCES

Not only does the bill specifically require the complete prefinancing of the project, but the nature of the agencies which will underwrite the cost are such that there will never be any question of the prompt and businesslike meeting of all financial obligations. These agencies will be of established solvency. The Imperial irrigation district, an established going district, will be the largest contractor for irrigation water. Cities with an assessed valuation of over a billion dollars will contract for the storage of domestic water and for power to pump this water to an elevation of some 1,300 feet. Power, the great financial asset of the project, will be contracted for with such applicants as the States of Nevada and Arizona, private utilities like the Southern California Edison Co., and cities like Los Angeles, Pasadena, Glendale, and Riverside. Those agencies are announced applicants for power. Their contracts will be good.

Mr. Garfield, special adviser, reported to the Secretary of the Interior as follows:

I have examined the reports and estimates regarding the cost of power development and the probable revenue to be derived therefrom. I am satisfied that results of such construction would enable the Government to repay its entire expenditures over and above those allocated to the water users within a period of 40 to 50 years.

INDORSEMENT OF PROJECT

Besides numerous indorsements of State organizations and counties, cities, and other organizations of more or less local nature, including the Boulder Dam Association, an organization composed of some 200 public bodies in California, Nevada, and Arizona, it has been indorsed by the following national organizations: National Associations of Real Estate Boards, American Legion, National United Spanish War Veterans, American Federation of Labor, and the American Farm Bureau Federation. The latter organization reaffirmed its approval at its recent national convention.

PART III.—COLORADO RIVER COMPACT—APPORTIONMENT OF WATERS BETWEEN THE UPPER AND LOWER BASINS

In 1920 Congress, by the Kinkaid Act, directed an investigation of the lower Colorado River. This indicated the serious purpose of the Federal Government to proceed with the project for the protection and development of the lower basin. As works on the lower river would create permanent water rights, a movement was started by the States in the upper basin to secure by agreement, assurances from the lower-basin States that the upper States would forever have the right to the use of an equitable portion of the waters of the Colorado River, notwithstanding an earlier development and prior use of the water in the lower basin.

Commissioners were appointed by the seven States to negotiate an interstate treaty or compact. The Hon. Herbert Hoover was named to represent the Federal Government. Various conferences were held and finally on November 24, 1922, at Santa Fe, N. Mex., an agreement or compact was signed, dividing the waters of the river, not amongst the States but between the upper and lower basin States, the upper-basin States being Colorado, New Mexico, Utah, Wyoming, and the lower-basin States being Arizona, California, and Nevada.

Early in 1923 the legislatures of all of these States, except Arizona, ratified this compact. Arizona has thus far refused to ratify.

In 1925 a six-State ratification of the compact was suggested by States in the upper basin for the purpose of making the compact effective without Arizona. With Arizona out of the compact, however, it followed that California's approval on this new basis effectively made her the guarantor of the obligation of the whole lower basin. Under this plan any encroachment by Arizona upon the water allotted to the upper-basin States would have to be made up by California. With Arizona refusing to agree to any limitations upon her use of the water of the river, California was forced to take the position that she could not safely assume this new and additional obligation for the benefit of the upper States without assurance of large storage and that her assent to the compact should therefore become effective only upon this assurance of large storage by Congress.

With this storage there will be water for all, and upon its authorization by Congress California's ratification becomes effective upon a six-State basis. With assurances of storage, California has offered to ratify the compact unconditionally and waive the provision requiring approval by any specific number of States. Since California is the place where the upper-basin States fear the creation of new and enlarged water rights, her unconditional ratification of the compact, together with the protective provisions contained in the bill, which provisions were written by the upper-basin States themselves and included at their special request, afford proper and adequate protection to the upper basin.

Secretary Work in his report on this bill says:

The provisions relating to the Colorado River compact appear well conceived and I believe are sufficient to afford the necessary protection to all States involved.

The compact is satisfactory to six of the seven States affected. Arizona alone has continued to withhold her approval. More than five years have been consumed in the effort to satisfy Arizona and obtain her ratification, thus making it unanimous. The compact was signed by her commissioner, and at one time lacked only one vote of having the approval of her legislature. It is not thought that Arizona would be injured by its terms.

This development has been much needed for a long time. It has been before Congress continuously since 1921, but has been delayed in the hope of full agreement among the States. Every possible effort seems to have been made. Further delay is not justified. As said by Mr. Hoover before this committee more than two years ago:

I have felt that the public interests of the people involved is so great that the whole of this enormous work should not be held up because of this last remaining fraction of opposition.

The upper basin is protected under the bill. The upper-basin States have physical control of more than 80 per cent of all of the water of the Colorado River system; therefore, if California is bound by the terms of the compact on any basis, the upper basin is fully protected. Necessarily, before any State in the upper basin could be disturbed in her use of water, a lower basin State would be obliged to be a moving party through the courts. With California bound by the compact, they would simply transfer their defense to that State, and California would be obliged to look to their protection.

With these works constructed and owned and operated by the Government and since the United States is the most considerable owner of lands adjacent to the river through its entire length, including its tributaries, the United States is in position to physically enforce such terms and conditions upon the use of the water as it may determine upon. This bill expressly approves the compact and assents to all of its terms so far as the United States is concerned. The representatives of the upper basin States have prepared and submitted numerous protective devices for their own benefit; every one of which has been incorporated in the bill. These amendments not only include the approval by the United States, but subjects the United States and each and every agency thereof to its terms. Not only that, but requires the Secretary of the Interior in the construction and operation of the project to conform to all of the terms and conditions of the compact, and inasmuch as no rights can be acquired in the project except by contract, as specifically required in the bill, this provision is very effective. But, in addition to that, all patents, grants, concessions, easements, rights of way, or other evidence of rights from the United States are impressed with all of the provisions of the compact as a matter of law and many other safeguards are incorporated for their benefit. Nothing further has been suggested and nothing further has been thought of which can add to the protection of the upper basin States. It is thought that their protection is complete.

The passage of the bill, it is thought, will very early make the compact effective and settle an interstate controversy of long standing. Any further delay will almost inevitably lead to an abandonment of the interstate compact as a method of settling rights to the waters of the river and compel resort to other methods and processes which, under the circumstances, would be highly unfortunate.

While the project here authorized is vital to many sections in the lower basin, the bill is no less important to upper basin States. By giving congressional approval to the compact, these States are assured in perpetuity water rights, the value of which can not be overestimated. It is a mistake to think of this bill as one merely for the benefit of California or Nevada or Arizona. By "enthroning the Colorado River compact," it assures to the States of Colorado, New Mexico, Utah, and Wyoming the water rights so essential to their future.

The views of Mr. Garfield in his report on the development said as follows:

Many legal questions have been raised dealing with powers of the several States through which the Colorado River runs: The question of whether the Colorado is subject to ownership by the State, whether the doctrine of beneficial use of riparian rights should govern, and whether Congress has the power to allocate water between the various States. Many of the discussions on those points fail to take into consideration the practical questions which I have attempted to outline. The purpose of the seven-State compact was to settle by agreement the conflicting opinions expressed on many of the legal points to which reference is made. It is unfortunate that the compact has not been ratified; on the other hand, if it be ratified there will still be questions concerning which individuals will disagree and the determination of which can only be effected through the Federal courts.

The decisions of the Supreme Court of the United States on many questions involved are numerous and with all of which you are thoroughly familiar. I think for the purpose of this report there is no need to refer to any of those decisions. Their general effect conclusively establishes the right of Congress to do that which is suggested in the construction and development of the Boulder Dam.

The seven-State compact was evolved for the purpose of compromising the differences of opinion which have arisen between the people of the various States regarding the development of the Colorado. It is unfortunate that the compact has not been ratified by all the States, but failure of ratification does not prevent the Federal Government from going forward with the construction if Congress so decides. It is also true that no single State could, either directly or indirectly through a corporation created within its jurisdiction, proceed with the development

PART IV. FLOOD CONTROL

Throughout all the years of hearings on this development there has been expressed by all witnesses who have appeared before the committee an absolute unanimity of views respecting the existence of flood danger in the lower Colorado River, the urgent need for quick action, and that large storage up the river is the only permanent solution of the flood problem. There has also been a like unanimity of opinion that the construction of the dam and storage at Boulder or Black Canyon, as here authorized, would furnish as complete a solution of the flood danger of the river as could possibly be accomplished.

This unanimity of sentiment was to be expected in view of the physical characteristics of the river, and, particularly, in view of the physical characteristics and situation of Imperial Valley in respect to the Colorado. Here is a great valley, with 450,000 acres of irrigated farms and with populous cities, lying in a great depression or sink from 100 to 300 feet below the channel of the river. The slope toward the valley is much greater than the slope toward the Gulf. Of course, the river at any flood time may break from its shifting and uncertain channel and turn into the valley. The flooding of Imperial Valley would not be like the flooding of other sections, where property damage and perhaps loss of life result, but where soon the water subsides. If the Colorado once breaks into the valley and is not returned to its channel, it means its permanent inundation, there being no outlet for the water. The danger, ever present, of a great flood, has led every responsible Government official who has ever studied the situation to promptly and earnestly recommend immediate steps to remove the danger of such a catastrophe.

LEVEES FURNISH INSUFFICIENT PROTECTION

Efforts toward the protection of Imperial Valley have been made through the construction of levees, with only partial success. In 1905 the river broke into Imperial Valley, and it took two years of heroic efforts and great expense to return the river to its channel toward the Gulf. The United States then expended approximately $1,000,000 in building what was known as Ockerson Levee in Mexico. Hardly was this levee completed until it was washed away.

The river, which theretofore had been flowing almost due southward along the foot of a plateau in Arizona and Mexico, turned westward toward the Volcano Lake region, still in Mexican territory, but in a lower depression on the Delta. The river was kept in this course by an extensive levee system built by the people of Imperial Valley. Gradually, however, this depression filled up. The Imperial irrigation district then, at an expense of approximately $700,000, directed the river through what is known as the Pescadero Cut into a triangular depression lying between the old river channel on the east and the Volcano Lake region on the north and west. This is the one remaining depression on the surface of this delta into which the river can be directed.

The Imperial irrigation district is compelled to maintain a large and expensive organization for the building and maintenance of levees in Mexico. It has built 78 miles of these levees. The district has 60 miles of railroad, trains of dump cars, and other expensive equipment for keeping these levees, which are ever being undermined and destroyed when the river is in flood.

SILT DEPOSITS AGGRAVATE FLOOD DANGER

Reference has already been made to the fact that the Colorado deposits below Yuma yearly more than 100,000 acre-feet of silt. The flood danger from the river is greatly aggravated by this silt, for it was the silt deposit that built the deltaic ridge on which the river now flows, filled the old channel of the river, and later filled the channel toward Volcano Lake. Indeed, any depression which the river finds in which to flow is quickly filled with silt.

Estimates differ as to how long it will take the river to fill up the Pescadero depression, through which it is now flowing. Some say 8 years, some say 20 years. No one knows for certainty. All that is known is that within a comparatively short time it will be filled.

The situation thus adverted to was excellently described by Mr. A. P. Davis, former director of the Reclamation Service, as follows:

In 1920 the situation became so critical that the district undertook at great expense to make a cut from the Bee River Channel to the Pescadero and succeeded in diverting the river into that channel, where it now flows. We now have the condition of relatively high land along the Bee Channel and the levee on the north, running westward to Volcano Lake. We have another ridge which the river followed for a long time and built high, running nearly south from Yuma to the Gulf of California. Between these is a triangular tract which is lower than either, traversed by the Pescadero, in which the river is

now flowing. It was testified here that it would take from 15 to 25 years to build up this delta as high as the Bee River ridge. No one can tell even approximately, but it may be assumed that this channel, like the Bee Channel, will begin to grow unstable in 10 or 12 years, though it may be possible to keep the river in its present vicinity considerably longer. It is certain, however, that the river will not fill every part of that triangle of low ground before it begins to give serious trouble.

We know also that the river is now busy in its filling job and will continue it without cessation until it is completed. It will then become again as threatening as it was in 1921, when Imperial Valley was fighting for its life to keep it from overtopping Volcano Lake Levee. As soon as we provide a large desilting reservoir we will hold back the silt and the building process will be checked. If this is done at once, we take advantage of the low areas, and with the silting process checked the river channel will become relatively permanent, on low ground, with no tendency to leave it. Some sediment will come from the Gila, but it is certain that the building-up process will be made much slower and the menace of the river regulated in flow will be removed to a distant date.

If, on the contrary, the large desilting reservoir is postponed, as some people propose, the silting will continue until this basin is filled and the river again flowing on top of a ridge ready to break loose with any freshet and threaten Imperial Valley as it did three years ago. It is clear that the desilting reservoir must be provided quickly, and it must be of large capacity and must form a permanent lake in which all sediment will settle. (Hearings on H. R. 2903, 68th Cong. 1379.)

No estimates have been made as to what the cost would be to dredge an artificial channel across the delta in Mexico after the Pescadero depression is filled. The cost would, of course, be enormous, and doubtless beyond the resources of local communities. The work of so dredging and maintaining a channel would also be surrounded by almost insurmountable difficulties because of being in a foreign jurisdiction, and when completed would be only another temporary expedient, as the river would immediately start its work of filling it with silt.

DAM AT BOULDER CANYON WILL TAKE CARE OF SILT

Almost all of the silt now being discharged by the river is picked up through and above the canyon section and above Boulder Canyon. The proposed great reservoir there will provide ample capacity for interception and storing the silt. More than 300 years would be required to fill the entire reservoir, and this even without the construction of other dams above. In the meantime, of course, other developments will occur further up the river which will intercept large portions of silt discharge, and thus prolong indefinitely the usefulness of this reservoir.

THE EFFECT OF FLOOD DANGER

The danger in which the Imperial Valley always stands of being flooded necessarily creates a feeling of uncertainty. Property values there were less than half of what the income from the property would justify. Money can be had only at excessive interest rates, while Federal farm-loan banks refuse to lend money on Imperial Valley farms.

PART V. ALL-AMERICAN CANAL

The all-American canal is an essential part of the project. When the reclamation of Imperial Valley was first conceived that valley was nothing but a desert waste. There were no values, no money, and no credit. The private corporation which undertook the work found that by making use of an old channel in Mexico water could be diverted from the river and carried into this section at a relatively low cost. With water upon these fertile lands the community developed rapidly, and it was not long until it was found that for a large community to be wholly dependent upon the good faith of a foreign government was not at all satisfactory, but to construct a canal wholly within the United States meant the expenditure of a large sum of money. The financing of this great undertaking by the local communities would be difficult, if not impossible, under good conditions, but with an unstable river and an undependable water supply the difficulties were much increased. Storage and flood control must be had.

Early in the development of Imperial Valley it was found by the promoters of the project that in order to make use of a canal through Mexican territory it was necessary to enter into a contract with that Government whereby lands in Mexico were given the right to take one-half of the water passing through the canal. During recent years development has proceeded in that country to the extent that at the present time something more than 200,000 acres of land is receiving water from the canal system. This can and doubtless will under present conditions continue to be increased year by year, and under the concession they would have the right to increase their use by 200,000 acres before the people of Imperial Valley would have the right to complain. In other words, they have the right to use as much water in Mexico under this contract or concession as the people in Imperial Valley use.

The Boulder Dam, together with the all-American canal, makes possible the physical control of the river by our Government so that undue or unreasonable extension of the use of water in Mexico may be prevented and treaty rights and obligations enforced. In this regard, the all-American canal is essential to the protection of American water rights in the whole of the Colorado River Basin.

ALL-AMERICAN CANAL FEASIBLE

The all-American canal, as to its feasibility, cost, and economic necessity was discussed by the special advisers to the Secretary of the Interior in their recent report, as follows:

Mr. DURAND. From the above it seems a fair conclusion that while the blow and drift sand will present a problem in connection with the maintenance of the canal, there seems no ground whatever for counting this problem as one of serious or of controlling importance, and in no case as likely to involve an item of expense of any serious import in connection with the operation of the canal.

Passing now to the question of the engineering or economic feasibility of the canal under (a) and (b) above, it should be noted that the entire question reduces to one of cost. There is no question whatever of the engineering feasibility of the undertaking. The operations required are all well known and are all within the domain of present well established and approved engineering practice. The section of the canal through the so-called "sand dune" district is the only part of the construction regarding which any serious question under this score has been raised.

Referring to cost estimates, after discussing the basis of his conclusions, Mr. Durand said:

The statement therefore seems justified that the downward trend in many of the unit prices since 1919 combined with definite improvements in the mechanical equipment required for work of this character have created a new situation with regard to the costs of such work and with the same margin for contingencies as assumed in the report of 1919, would justify a downward revision of the costs as presented in that report. Or otherwise if the estimate of cost be held the same, it would imply a very considerably increased margin for contingencies or unforeseen factors in the undertaking.

Such a reestimate has indeed been made by a consulting engineer of Los Angeles, Mr. C. G. Frisbie, a consulting engineer with wide experience in work of this character and with large personal experience in and familiarity with the conditions in the Imperial Valley through which the canal is to pass.

These estimates show a probable cost of about $20,000,000 as against the $30,000,000 of the report of 1919.

The undersigned has gone over these estimates carefully with Mr. Frisbie and has become convinced broadly that the improvements made during the past eight years in the mechanical equipment for excavating and handling the materials as well as other collateral economic conditions are such as to justify the expectation of reduced unit prices and of the construction of the canal at an over-all cost somewhat below the figures originally estimated.

Governor EMERSON. The best solution of the situation would be the construction of the all-American canal.

Governor SCRUGHAM. Economically this canal will be an advantage in that it will permit the irrigation of an additional 200,000 acres by gravity, and keep the sources of water supply and transmission entirely in the United States. Under present conditions, the fact that the main canal to the Imperial Valley is partly in Mexican territory is a continuous source of irritation. The proposed canal itself is undoubtedly feasible from an engineering point of view. All operations necessary for construction are of common practice and offer no special difficulties. Opponents of the project have represented that a section of the line, known as the sand dunes, would require prohibitive costs for construction and that drifting sand would quickly fill the canal. These fears do not seem to be well founded. The Suez Canal traverses similar sand dunes, and no special construction or maintenance difficulties were encountered. Canals through sand hills were examined in certain localities in the United States, and no serious troubles were reported. There has been a marked improvement in excavating machinery in very recent years which will tend to cut the unit costs of moving yardage to figures less than estimated in the report of 1919 made on the subject. There appears, no doubt, but the canal can be constructed within the estimated sums. In the matter of keeping the canal clear of drift sand, the testimony of observers is that there is appreciable sand movement only about 60 days a year, and the rate of advance of the dunes is almost negligible. A concrete road, now running through the low passes in the dunes, report very little sand accumulations, and no difficulty whatever in keeping the road open for traffic. Even if the sand accumulations were much greater than anticipated, the lining of the sand-dune canal

section with concrete, increasing the gradient and covering the banks with vegetation, doubtless obliterate most of the difficulties.

Governor EMERSON. The international situation applying to the Colorado River is of much importance, but the construction of the described project need not await solution. In fact, the undertaking should prove of material assistance in solving the international problem.

Reference is made by Secretary Work's special advisers to the all-American canal report of 1919.

In 1918 the Secretary of the Interior and the Imperial irrigation district entered into a joint contract for a study of an all-American canal to connect the Imperial Valley with the Colorado River without the necessity of going through Mexico. A joint board was created consisting of Dr. Elwood Mead, representing the University of California; C. E. Grunskey, representing the Imperial irrigation district; and W. W. Schlecht, representing the United States. This board made an extensive study of the problems involved and recommended the construction of the canal.

Much testimony was heard by the committee on this feature of the project, and it is thought that the construction thereof is not only entirely feasible from engineering and economic views, but is necessary to the immediate safeguarding and protection of the water supply of the lower communities, and to the ultimate conservation of the waters of the Colorado River for use in the United States.

PART VI. DOMESTIC WATER SUPPLY

The relation of the matter of domestic water supply to the project here authorized is important. First, it assures beyond question of doubt the financial integrity of the project. The largest agency, which by contract will assume the obligation of reimbursing the Government for the cost of the project with interest, will undoubtedly be a public district comprising a large group of cities in southern California, which will contract both for storage of water at the dam, with its delivery at a point on the river, and also for a large block of the power necessary to pump a domestic water supply to an elevation of 1,200 or 1,300 feet in order to get the water over a pass into southern California.

Second, the project is so shaped that it will make possible the securing of a domestic water supply. Other plans of development tentatively suggested have not been adequate to this end.

The coastal belt in southern California, having a population at present of nearly 2,000,000, is fast reaching the limit of its available domestic supply, and careful investigations have shown that the populous cities of this coastal plain, including the city of Los Angeles, must for their own security acquire an added source of domestic water supply, and that the Colorado presents the only place where this may be secured.

Some years ago the city of Los Angeles went to Owens Valley and constructed a great aqueduct 240 miles in length to augment local sources. Even this added supply is not proving sufficient for the needs of the city.

Nearly three years ago that city voted a bond issue of $2,000,000 for preliminary surveys and investigations respecting the securing of a supply from the Colorado River, and a large part of this money has been expended, and the work done has established the feasibility of the plan, if and provided there is large storage of the flood waters of the river.

The formation of a large public district, comprising the cities of Los Angeles, Pasadena, Glendale, Orange County cities, and such other cities as desire to join, is in process of formation for the purpose of building the necessary aqueduct from the river to the coast to supply these cities with domestic water. This aqueduct will be approximately 250 miles in length and cost around $150,000,000. Because of intervening mountain ranges it will be necessary to pump the water some 1,300 feet. While this will be costly, a cheap and dependable source of power will not only reduce the financial burden but is necessary to make the project at all feasible.

The amount of water required by these cities is 1,500 second-feet. This, of course, will not all be necessary at once, but at these cities are growing rapidly, they must look to the future and provide for their vital necessities.

To raise a full 1,500 second-feet to an elevation of 1,300 feet will ultimately require approximately 350,000 firm horsepower of electricity. This district will be an applicant for a contract for sufficient power at the dam to handle the necessary pumping.

Large storage at Boulder Canyon is ideally fitted to make it possible for these cities to procure a domestic water supply. The capacity of the reservoir is sufficiently large that there may be obtained enough storage to protect against dry years or against the upper basin States retaining all or substantially all of the flow of the river during a period of dry years. Full conservation thus effected will permit of the utilization of water for a domestic supply without impinging upon irrigation requirements. The dam and reservoir also accomplish certain desilting processes essential to successful consummation of the plan of securing domestic water supply.

PART VII. POWER

Power may well be described as the burden bearer of the project here authorized.

A low flood-control dam would cost approximately two-thirds as much as the dam here authorized, and represents an outlay by the Federal Treasury which could not be recovered. By providing for a dam of the height here authorized the floods of the river will be fully conserved, irrigation uses fully protected, opportunity afforded to populous cities of the coast to secure a necessary domestic water supply, and hydroelectric power will be made available in such amount and of such desirability as will bear a major portion of the cost of the entire development.

An eager market awaits this power. Private utilities would secure a part of it. The great district contemplating a water supply will desire a very substantial part; cities like Los Angeles, Pasadena, Glendale, and Riverside are applicants. States contiguous to the dam will want their share. In short, there can be no doubt but that all the power will be contracted for at once.

It is not strange that this is so, for the power will be desirable power. According to the estimates of the Reclamation Service, if the Government builds the power plants, and the electric energy is sold at the switchboard at 3 mills per kilowatt-hour, this price will take care of all operating and maintenance expense, interest on the cost of the all-American canal, and with revenues from sale of water insure the retirement of the entire investment of the Government with interest within a period of 25 years.

There will become available upon the construction of the dam 550,000 firm or constant horsepower. Conditions indicate that this would be used upon a 55 per cent load factor, calling for the installation at the dam of plants with an installed capacity of 1,000,000 horsepower. This equipment will be installed in units of approximately 100,000 horsepower.

Units can, of course, be installed as the market calls for the power.

Furthermore, some of the power will be available while the dam is in course of construction. Thus the release of this large amount of power will not come in one block but only gradually as it can be absorbed by the market.

There were many indications in the testimony adduced before the committee that there would be considerable competition to secure this very desirable power. The committee has so framed the legislation to guard as fully as might be against this asset, created by Federal initiative, being monopolized by any one agency. The bill contemplates that the power will be fairly and equitably distributed amongst the various agencies applying therefore, thus insuring the widest and fairest possible distribution of the benefits.

PART VIII. AUTHORITY OF THE GOVERNMENT

The authority of the United States to undertake this necessary construction can not be seriously questioned.

While the navigability of the Colorado River has not been judicially determined evidence has been presented which would tend toward the conclusion that the river is navigable as a matter of law. The proposed dam would improve navigation probably more than any other works which could be constructed. The dam will so regulate the flow as to make the river very practicable of navigation for 200 miles below and impounded water above which could easily be navigated for more than 75 miles.

The rights of the United States under the commerce clause of the Constitution to construct works in a navigable stream to improve navigation is settled beyond all possible question. It is also brought to the attention of the committee that there are two transcontinental railroads and three Federal-aid transcontinental highways crossing the river below the Boulder Dam site. These five interstate lines of commerce would be safeguarded against the possibility of destruction by floods on the river by the construction of the proposed dam. The commerce clause of the Constitution refers to commerce by land as well as by water.

The proposed dam will provide the initial facilities for the ultimate reclamation of perhaps 1,000,000 acres of public lands. These lands are property of the United States over which the United States is sovereign. With irrigation they may ultimately be very valuable but in their present desert state they have practically no value at all. To provide water for irrigation storage as contemplated by the construction of the proposed

dam is essential. The right of the United States to reclaim and improve its lands has long since been adjudicated.

The United States is the most considerable property owner along the lower Colorado River. Great floods may make the reclamation of this property impossible. The United States has invested many millions of dollars in the Yuma project under the Bureau of Reclamation, including the Laguna Dam and 17 miles of main canal in California and the great siphon under the river to the Arizona side and a hydroelectric power plant at the cost of $250,000 on this main canal in California for the benefit of the Yuma project. Only a small part of this great investment has been yet repaid. A great flood would destroy these works and make impossible the repayment to the United States of the moneys invested. Clearly the United States is authorized to do such works as the Congress deems necessary to protect its own property. Under this authority the Government has already expended the sum of $2,840,000 or thereabouts for the protection of the Yuma project from floods. This money was expended for levees and it is estimated that the annual maintenance of the same will amount to $100,000 indefinitely.

The Hon. James R. Garfield, former Secretary of the Interior and special adviser to the present Secretary of the Interior, made a study of the problems involved during the summer of 1927, and in his report says:

> The right of Congress to construct the proposed dam is derived from the commerce clause of the Constitution, its control over the public domain, its control over the navigable streams, its obligations to deal with international relations and interests, its powers under the reclamation law, and its rights as a landowner. In the exercise of those powers it may do such things as are necessary and incident to the exercise of those powers. Its right to exercise those powers has been sustained by the Supreme Court of the United States.
>
> * * * It is urged by some that Congress is without authority to authorize appropriations for the development and sale of power. I am of the opinion that this position is not sound. Such appropriations would be incidental to the main purpose of the construction of the dam and would clearly come within powers of Congress. The question is not academic for the reasons that the United States has already constructed, through the Bureau of Reclamation, a number of power plants and has sold the power for the purposes suggested in the present instance, and no attack upon the exercise of that power has been successful.

PART IX. FORM OF BILL

The bill herewith presented has been given consideration commensurate with the great project it authorizes and the various purposes its enactment will accomplish.

It has undergone many changes and improvements. New ideas have been incorporated. The financial plan was prepared by the Secretary of the Treasury. Provisions to settle water rights on the river have come largely from the official representatives of upper-basin States. Valuable suggestions have originated in Federal departments having to do with the development.

The project is an intricate one. One phase has its effect upon another and apparently unrelated aspect. Each phase has been carefully covered by the bill without impinging upon any other phase.

Approximately one-third of the bill deals with the matter of interstate water rights and the Colorado River compact, and approximately one-quarter of it deals with the financial features. As to the administration of the project this has not been burdened with undue details. Necessarily, something must be left to responsible administrative agencies. This has been done and the Secretary of the Interior, who is charged with the duty of financing and managing the development, is given a reasonable leeway in arranging contracts, fixing prices, and allocating benefits. This is illustrated in the optional provisions respecting power. The Secretary may lease the right to use the water at the dam or he may construct plants and sell power at the switchboard, as may seem best to him, to the end that he may meet the requirement of completely financing the project—and this largely through the disposition of power or power rights. Fundamentals are covered. Details are appropriately left to be worked out by the Secretary.

Again, Governor Emerson, in speaking to this point in his recent report to the Secretary of the Interior, said:

> The general principles of the measure introduced in Congress and identified under the name of the Swing-Johnson bill embody a plan generally satisfactory for the undertaking by the Federal Government of the construction of the Black or Boulder Canyon project and the all-American canal. The undertaking of these constructive projects would be of great value and would afford solution of the major physical problems now applying to the Colorado River.

CONCLUSION

This bill should be passed because—

First. Congress should no longer risk a flood catastrophe to Imperial Valley—a catastrophe which further delay only courts.

Second. Reclamation possibilities in the lower basin should be safeguarded and taken care of before it is too late. Unless something is done the river will be acquired for power development exclusively. Mexico is constantly building up added claims to its waters.

Third. The Mexican situation must be met. It is not sound policy to allow a condition to continue by which that country may and will go on using more and more water from the river, and this at the expense of existing and future irrigation in the United States.

Fourth. The Government should aid its people to secure their necessities in the way of domestic water supply, where it can do so, as here, without cost and as an incident in carrying out other Federal purposes such as river regulation and reclamation.

Fifth. It will convert a natural menace into a national asset.

Sixth. A financial scheme is presented by which the development will be completely prefinanced, thus fully protecting the Federal Treasury and the general taxpayer.

Seventh. It settles in large part water rights between States in a sensible and practical way, substituting interstate agreements for interminable litigation and controversy. Further delay points to the latter untoward results and the disintegration of the plan of settling water rights by interstate compact.

There is submitted herewith for the information of the House a letter from the Secretary of the Interior addressed to me recommending the enactment of the legislation which was before the House in the last Congress dated January 18, 1926, and a letter from the Secretary to me recommending the pending bill dated January 4, 1928; also a letter from the Acting Secretary of the Treasury dated April 5, 1926, concerning the financial provisions of the bill which was under consideration during the last Congress; also the law of April 19, 1921, authorizing the appointment of commissioners to divide the waters of the Colorado River, and a copy of the Colorado River compact, signed at Santa Fe, N. Mex., November 24, 1922:

DEPARTMENT OF THE INTERIOR,
Washington, January 18, 1926.

Hon. ADDISON T. SMITH,
Chairman Committee on Irrigation and Reclamation,
House of Representatives.

MY DEAR MR. SMITH: I have received your letter of January 14, transmitting, with request for report, a copy of H. R. 6251, entitled "A bill to provide for the protection and development of the lower Colorado River Basin."

Instead of discussing the provisions of this bill section by section, I desire to submit some suggestions regarding the policy and procedure to be followed in this development and the legislation required to secure the desired results. It is assumed that the dam and reservoir to be created are essentially those described in a report of the Bureau of Reclamation dated February 28, 1924, which proposes a dam 550 feet high and a reservoir to impound 26,000,000 acre-feet of water, and that the all-American canal for connecting the Colorado River with the Imperial and Coachella Valleys is substantially the one described in Senate Document No. 142 and in the report of the all-American canal board, published in 1920.

It is my understanding that the primary purpose of this scheme is to regulate and control the flow of the river below the dam so as to lessen the menace from floods to low-lying land below; to increase the water supply for irrigation in seasons of drought and provide an adequate water supply at all seasons of the year for household and industrial uses in growing cities and towns; and to generate electric energy both as a means of making this project a financially solvent undertaking and contributing to the general prosperity of the southwestern part of the country. The general plan and purpose of this measure has my support, and I favor it being made a national undertaking, to be carried out and administered by the Federal Government.

Interstate and international rights and interests involve the diversified benefits from the construction of these works, the waiting necessities of cities for increased water supplies, the large development of latent agricultural resources, the protection of these already developed and the immense industrial benefits which may come from the production of cheap power, which together appear to render the construction and subsequent control of these works a measure of such economic and social importance that no agency but the Federal Government should be intrusted with the protection of rights or distribution of its opportunities. All uses can be coordinated and the fullest benefits realized only by their centralized control.

I shall therefore consider this development as including three features:

(1) A dam approximately 550 feet high, creating a reservoir holding 26,000,000 acre-feet of water.

(2) Works for the generation of electric power.

(3) An all-American canal starting at Laguna Dam and delivering water to the Imperial and Coachella Valley canals.

The reservoir should be regulated primarily to safeguard the valleys in Arizona and California, including Imperial Valley with its present extensive development from the destructive effect of large floods. Water levels in the reservoir would be raised during flood periods and lowered at other times, thus equalizing the discharge of the river below and securing a regulated flow for irrigation and power. The water so impounded should be sold to cities requiring it for domestic purposes and other municipal uses and to irrigation districts, like that of the Imperial Valley, desiring a complete or supplemental water supply under the provisions of the Warren Act, payment to be made for a definite volume of water each year.

The electric energy generated should be sold to the highest and best bidders, with due regard to public interest, at the swichboard of the power plant. Contracts should not exceed 50 years in duration. Transmission of power and its distribution to be provided by the purchasers.

Water supplied for domestic, industrial, or irrigation uses should be delivered at the dam, at points along the river agreed upon, and at the terminal of the all-American canal. Prices for this water should be such as to at least repay all of the cost of operation and maintenance of the canals and an equitable part of the operating expenses of the dam. This, with the revenues from power, will, we believe, repay the entire investment in this development, with 4 per cent interest.

The money for this development should, I believe, be provided by a bond issue of the United States. It should be for a sum sufficient to provide for the construction of the dam, the power plant, and the all-American canal. An additional sum should be included in the authorization to pay interest on bonds sold during the period of construction, and until such time as the revenue will meet interest charges. Providing the money for this development through a special bond issue will obviate disturbance of the regular fiscal operations of the Government. It will obviate provision by the Budget for the money needed during construction. The bonds could be sold as money would be needed. Construction would extend over a period of between 5 and 10 years if work were carried on at a rate to secure the greatest efficiency.

In the sale of water to irrigation districts and municipalities the provisions of the reclamation act and of the Warren Act would apply.

Such an adjustment of burdens and benefits should stimulate irrigation development because of the generous terms on which water will be supplied and at the same time result in a considerable revenue from the water furnished for irrigation, domestic, and industrial uses. But the money-earning feature of this development is power. The revenue from the sale of power will, it is believed, alone repay the entire cost of these works with interest at 4 per cent.

With this general outline of the development program favored, I submit comments on features of the bill which are approved and others which it is believed should be modified.

The necessity for the all-American canal and the size and cost of this canal depend largely on whether the existing concession under which water is now diverted from the Colorado River at Hanlons Heading and carried through Mexico to irrigators in the Imperial Valley can be modified. If it can not be, then the all-American canal becomes an indispensable part of this development. Under this contract or concession the Mexican Government gave a corporation permission[1] to build and operate a canal across Mexican territory to irrigate land in California on condition that Mexican irrigators be given, if they desire it, one-half of all the water diverted into this canal from the Colorado River. Hence the canal has to be double the capacity required to meet the needs of California. The river has to supply double the water needed in California, and the rights of Mexicans to water under this concession grow as the irrigated area is extended in California.

The canal now supplies water for the irrigation of over 400,000 acres in California, and irrigators in Mexico at present require water for the irrigation of 200,000 acres. But Mexican irrigators are entitled under this concession to double the volume they are now using, or for enough to irrigate as many acres as are now irrigated in California. That is more water than the unregulated flow of the river will now supply. As the Mexican irrigators are on the upper end of the canal, the pinch of scarcity, when it has come in the past or when it may come in the future, falls first on irrigators in the United States, which country supplies the water, all the construction cost, and all the money advanced for operation. It is unfair to California irrigators now and will be even more so after the reservoir is built.

It is physically possible to irrigate much more than 400,000 acres from this canal in Mexico. If this concession remains in force without any amendment and the canal continues to be used as now, the irrigated area in Mexico will continue to extend. The volume needed to be diverted from the river would be more than the direct flow at the low-water season, and the area irrigated in California would be subject to ruinous uncertainties and loss. If storage is provided, a part of the water for the irrigation of lands in Mexico would, under this concession, have to be supplied from the reservoir, as this canal would be the only means of conveying water to the Imperial Valley, and it can be operated only if the terms of the Mexican concession are complied with.

If, however, the Government of Mexico would consent to a modification of this concession and definitely limit the volume of water to which Mexican irrigators would be entitled, then the future use of the present canal would be economical and desirable, a smaller high line could be built and utilized mainly for the irrigation of the higher lands of the Imperial and Coachella Valleys. Thus far no negotiations for the modification of this concession have been made. It is not known what the attitude of the Mexican Government would be, and plans for this development should therefore include provision for an all-American canal as an essential part of the scheme.

The building of a unified power plant by the Federal Government in the place of allocating power privileges, as proposed in the bill, is regarded as more efficient and cheaper. It will obviate controversies between applicants, and long delays in their adjustment. In the end, results will, I believe, be superior to those possible under an allocation of privileges. The area for the location of separate power sites is restricted. Allotments would not be equal in value. Some allottees would, therefore, have an advantage over others. It would result in the creation of operation and administration controversies to be avoided and which a unified development will avert.

The transmission lines for the distribution and retailing of this power should be financed by its purchasers. To secure the greatest economy, main transmission lines leading to different localities should be constructed for joint use. This plan of power development is not an experiment. It has been adopted by the Government with satisfactory results in the construction of other reclamation works where the generation of power is an incident to irrigation development. Salt River, Minidoka, Lahontan, and Guernsey are illustrations.

Section 6 provides that no part of the construction cost of the dam and the appurtenant works shall be charged against any lands irrigated by the waters of the reservoir. If the all-American canal is to be considered as an appurtenant work, the bill should be amended. It is believed that the sales of water from this canal will return not only the cost of operation and maintenance but pay construction costs without interest, as is done on other reclamation projects.

All revenues from power, irrigation, and domestic water supplies should be placed in a common fund and used for the payment of interest, operating expenses, and build up a sinking fund for redeeming the entire bond issue.

In order to give assurance before any large expenditure is incurred that the anticipated revenues from this development will be obtained, the bill should contain a provision that before any bonds are issued and sold, and before awarding any contracts for construction, the Secretary of the Interior shall secure the execution of contracts with irrigation districts, municipalities, and corporations, on terms to be fixed, for the delivery of all water to be supplied for irrigation, domestic, and municipal uses, and shall obtain definite commitment for the purchase of power from responsible bidders in an amount to insure a sufficient return from this development to repay the money to be expended with interest within a period of 50 years.

Section 8, which provides for the distribution and use of all water for irrigation, power, and otherwise, in accordance with the Colorado River compact, seems well conceived and is a necessary part of this legislation. This appears to afford ample protection and assurance to those States included in the upper division of the watershed against the creation of a priority of right through the building of these works, which would impair in any way their right to the volume of water guaranteed to that division in the compact. I suggest for consideration amendment to the effect that the benefits to be derived from this development shall be available only to those States or the citizens of those States which have ratified the compact.

I suggest the amendment of section 9 as follows: In line 1, page 11, strike out the words "the proportionate share" and insert in lieu thereof the words "an equitable share in accordance with the benefits received." After the word "lands" in line 15 insert "subject, however, to the provisions of subsection C of section 4, act of December 5, 1924 (43 Stat. 702)." The first amendment suggested is designed to avoid the necessity of fixing a flat-rate charge without regard to the classification or quality of the land. Experience has shown that a flat-rate charge is undesirable in some cases. The second amendment I believe of prime importance. If soldiers and sailors are to be given a

[1] The Sociedad de Riego y Terrenos de la Baja California S. A. is authorized to carry through the canal which it has built in Mexican territory, and through other canals that it may build, if convenient, water to an amount of 284 cubic meters (10,000 cubic feet) per second from the waters taken from the Colorado River in territory of the United States by the California Development Co., and which waters this company has ceded to the Sociedad de Riego y Terrenos de la Baja California S. A. It is also authorized to carry to the lands of the United States the water with the exception of that mentioned in the following article.

From the water mentioned in the foregoing article enough shall be used to irrigate the lands susceptible of irrigation in Lower California with the water carried through the canal or canals, without in any case the amount of water used exceeding one-half of the volume of water passing through said canals.

preference, experience has shown that provision should be made for selection. This is desirable for the protection of all prospective entrymen, soldiers, and sailors, as well as civilians.

Since section 1 provides for the building of a dam either at Black Canyon or Boulder Canyon, I suggest that line 11, section 10, be amended so as to designate the subfund there mentioned as the "Colorado River dam fund," which would be applicable in either case. The present designation might possibly prove a misnomer. I suggest the following proviso be inserted at the end of section 10 of the bill:

"Provided, however, That no work shall be begun and no moneys expended on or in connection with the works or structures provided for in this act until the respective legislatures of at least six of the signatory States mentioned in section 13 hereof shall have approved the Colorado River compact mentioned in said section 13 and shall have consented to a waiver of the provision of the first paragraph of article 11 of said compact making the same binding and obligatory when it shall have been approved by the legislatures of each of the seven signatory States, and until the President, by public proclamation, shall have declared that the said compact has been approved by and become binding and obligatory upon at least six of the signatory States."

An approximate estimate of costs, operating expenses, and income leaves no question as to the ultimate solvency of this undertaking if carried out along the lines proposes. The main source of revenue will be power, and the rate assumed is lower than the wholesale prices now being paid in the West. Those of which we have information range from 3½ to 8 mills per kilowatt-hour, measured at the switchboard. As the largest consumers of this power would be distant, a low figure of 3 mills per kilowatt-hour at the switchboard has been assumed in the estimates which follow:

Colorado River development—Boulder Canyon Reservoir, all-American canal

CAPITAL INVESTMENT

Estimated cost for—	
26,000,000-acre-foot reservoir	$41,500,000
1,000,000-horsepower development	31,500,000
The all-American canal	31,000,000
Interest during construction on above, 5 years, at 4 per cent	21,000,000
Total	125,000,000

ANNUAL OPERATION

Estimated gross revenues from—	
Sale 3.6 billion kilowatt-hours power at 3/10 cent	10,800,000
Storage and delivery of water for irrigation and domestic purposes	1,500,000
Total	12,300,000
Estimated fixed annual charges for—	
Operation and maintenance, storage and power	700,000
Operation and maintenance, all-American canal	500,000
Interest on $125,000,000, at 4 per cent	5,000,000
Total	6,200,000

Estimated annual surplus, $6,100,000, or thought to be sufficient to repay the entire cost in 25 years.

The height of this dam as fixed will not prevent the construction of the proposed dams at Diamond Creek or Bridge Canyon. The approval of this project should open the way for other development and encourage the construction of projects above this dam for development of irrigation, power, or other purposes.

Although the difficulties of construction and magnitude of the proposed structure compared with any other for similar purposes are unprecedented, assuming that it is a feasible engineering possibility, the Reclamation Bureau of the Department of the Interior as now organized, with its present commissioner, is competent to construct the works contemplated in S. 1868.

With the amendments suggested, I recommend the favorable consideration of this bill by Congress.

Respectfully submitted.

HUBERT WORK.

REPORT OF THE SECRETARY OF THE INTERIOR ON H. R. 5773

DEPARTMENT OF THE INTERIOR,
Washington, January 4, 1928.

Hon. ADDISON T. SMITH,
Chairman Committee on Irrigation and Reclamation,
House of Representatives.

MY DEAR MR. SMITH: I have letter from the clerk of your committee of December 9, transmitting, with a request for report, a copy of H. R. 5773, entitled "A bill to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes."

This bill is very similar in its general aspects to S. 1868, Sixty-ninth Congress, and other bills for this purpose upon which the department has heretofore reported.

The dam and reservoir to be created presumably are essentially those described in the report of the Bureau of Reclamation dated February 28, 1924, which proposes the construction of a dam substantially 550 feet high and a reservoir to impound 26,000,000 acre-feet of water. The present bill provides for construction of a reservoir with a capacity of not less than 20,000,000 acre-feet.

The all-American canal for connecting the Colorado River with the Imperial and Coachella Valleys, the construction of which is provided for, is substantially the one described in Senate Document No. 142 and in the report of the All-American Canal Board published in 1920.

It is my understanding that the primary purpose of this scheme is to regulate and control the flow of the river below the dam, so as to lessen the menace from floods to low-lying land below, to increase the water supply for irrigation in seasons of drought, and provide an adequate water supply at all seasons of the year for household and industrial uses in growing cities and towns, and to generate electric energy both as a means of making this project a financially solvent undertaking, and contributing to the general prosperity of the southwestern part of the country. The general plan and purpose of this measure have my support, and I favor its being made a national undertaking, to be carried out and administered by the Federal Government.

The settlement of interstate and international problems growing out of the use of this river will be promoted by the construction of these works. It will give a more definite basis for negotiations of the International Water Commission appointed by authority of the last Congress in formulating the basis of a treaty with Mexico. The diversified benefits and the new rights to be created include the necessities of cities for increased water supply, the large development of latent agricultural resources, the protection of those already developed, and the industrial benefits which may come from the production of cheap power. These factors appear to render the construction and subsequent control of these works a measure of such economic and social importance that no agency other than the Federal Government should be intrusted with the protection of rights or distribution of its opportunities. All uses can be coordinated and the fullest benefits realized only by their centralized national control.

I shall therefore consider this development as including three features:

(1) A dam approximately 550 feet high creating a reservoir holding not less than 20,000,000 acre-feet of water.

(2) Works for the generation of electric power.

(3) An all-American canal starting at Laguna Dam and delivering water to the Imperial and Coachella Valley Canals.

The reservoir should be regulated, primarily to safeguard the valleys in Arizona and California, including Imperial Valley with its present extensive development, from the destructive effect of large floods. Water levels in the reservoir would be raised during flood periods and lowered at other times, thus equalizing the discharge of the river below and securing a regulated flow for irrigation and power. The water so impounded should be sold to cities requiring it for domestic purposes and other municipal uses and to irrigation districts, like that of the Imperial Valley, desiring a complete or supplemental water supply under the provisions of the Warren Act, payment to be made for a definite volume of water each year.

The plan incorporated in the bill for power development is approved.

The plan of financing set out in sections 2 and 3 of the bill seems sound.

The all-American canal is an essential part of the plan. It will enable the Government to distribute its stored water effectively and to reach by gravity a large area of land that could otherwise be served only by pumping. If a satisfactory agreement could be reached with Mexico for operation of the existing main canal, it might be possible to defer for a time the construction of the all-American canal, but legislative authority for its construction is a necessary feature of this legislation.

The provisions relating to the Colorado River compact appear well conceived, and I believe are sufficient to afford the necessary protection to all States involved.

It is estimated by the engineers that the sum of $125,000,000 is sufficient to cover construction cost and operating expenses and to finance the project on the plan stated in the bill. There is no reason to question the ultimate solvency of this undertaking if carried out along the lines proposed.

The height of this dam as fixed will not prevent the construction of the proposed dams at Diamond Creek or Bridge Canyon. The approval of this project should open the way for other development and encourage the construction of projects above this dam for development of irrigation, power, or other purposes.

This bill has been referred to the Director of the Bureau of the Budget, who advises that the proposed legislation would not be in conflict with the financial program of the President unless the pending revenue bill should result in tax reduction in a materially greater amount than that recommended by the Secretary of the Treasury and by the President.

For the reasons stated I recommend the favorable consideration of the bill.

Very truly yours, HUBERT WORK.

LETTER FROM SECRETARY OF TREASURY TO CHAIRMAN SMITH

TREASURY DEPARTMENT,
Washington, April 5, 1926.

MY DEAR MR. CHAIRMAN: Under date of March 18, Secretary Mellon addressed to you a letter giving his views on H. R. 9826, being the bill to cover the Boulder Dam project on the Colorado River. In commenting on the fiscal policy in the original bill Secretary Mellon suggested a more flexible method of handling than the bond issue provided in the original bill, and at your request I am herewith submitting a draft of the legislation carrying out the suggestion made by Secretary Mellon in his letter of March 18.

The purpose of this suggestion is to create a fund which will be charged with the cost of construction, plus interest during construction, and into which all revenues from the project will flow, and from which appropriations for operation and maintenance will be made. The fund will also be charged with current interest, and any net earnings of the project, after operation, maintenance, and interest, will be returned to the Treasury and used for debt reduction. The Treasury is given complete flexibility in handling the financing by the United States of the cost of the project.

If Congress adopts the project, the suggestions I have made are quite workable from the Treasury's standpoint.

Very truly yours,

GARRARD B. WINSTON,
Acting Secretary of the Treasury.

Hon. ADDISON T. SMITH,
Chairman Committee on Irrigation and Reclamation,
House of Representatives.

TENTATIVE SUBSTITUTE FOR SECTION 2 OF H. R. 9826

SEC. 2. (a) There is hereby established a special fund to be known as the "Colorado River dam fund" (hereinafter referred to as the "fund"), and to be available, as hereinafter provided, only for carrying out the provisions of this act. All revenues received in carrying out the provisions of this act shall be paid into, and expenditures shall be made out of, the fund, under the direction of the Secretary of the Interior.

(b) The Secretary of the Treasury is authorized to advance to the fund, from time to time and within the appropriations therefor, such amounts as the Secretary of the Interior deems necessary for carrying out the provisions of this act, except that the aggregate amount of such advances shall not exceed the sum of $125,000,000. Interest at the rate of 4 per cent per annum accruing during the year upon the amounts so advanced and remaining unpaid shall be paid annually out of the fund.

(c) Moneys in the fund advanced under subdivision (b) shall be available only for expenditures for construction and the payment of interest during construction upon the amounts so advanced. No expenditures out of the fund shall be made for operation and maintenance except from appropriations therefor.

(d) The Secretary of the Treasury shall charge the fund as of June 30 in each year with such amount as may be necessary for the payment of interest on advance made under subdivision (b) at the rate of 4 per centum per annum accrued during the year upon the amounts so advanced and remaining unpaid, except that if the fund is insufficient to meet the payment of interest the Secretary of the Treasury may, in his discretion, defer any part of such payment, and the amount so deferred shall bear interest at the rate of 4 per cent per annum until paid.

(e) The Secretary of the Interior shall certify to the Secretary of the Treasury at the close of each fiscal year the amount of money in the fund in excess of the amount necessary for construction, operation, and maintenance, and payment of interest. Upon receipt of each such certificate, the Secretary of the Treasury is authorized and directed to charge the fund with the amount so certified as repayment of the advances made under subdivision (b), which amount shall be covered into the Treasury to the credit of miscellaneous receipts, and shall be available for the purposes specified in subdivision (g).

(f) In order to make the advances to the fund, the Secretary of the Treasury may, if he deems advisable, exercise the authority granted by the various Liberty bond acts and the Victory loan act, as amended and supplemented, to issue bonds, notes, and certificates of indebtedness of the United States, and any bonds so issued shall be disregarded in computing the maximum amount of bonds authorized by section 1, of the second Liberty bond act, as amended.

(g) The Secretary of the Treasury is authorized and directed to use, upon such terms and conditions as he may prescribe for the payment, redemption, or purchase, at not to exceed par and accrued interest, of any bonds, notes, or certificates of indebtedness of the United States, the money covered into the Treasury under subdivisions (e) in repayment of the amounts advanced.

ACT AUTHORIZING THE APPOINTMENT OF COMMISSIONERS

[Public—No. 56—67th Congress]

An act (H. R. 6877) to permit a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, respecting the disposition and apportionment of the waters of the Colorado River, and for other purposes

Whereas the Colorado River and its several tributaries rise within and flow through or from the boundaries between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming; and

Whereas the territory included within the drainage area of the said stream and its tributaries is largely arid and in small part irrigated, and the present and future development necessities and general welfare of each of the said States and of the United States require the further use of the waters of said streams for irrigation and other beneficial purposes and that future litigation and conflict respecting the use and distribution of said waters should be avoided and settled by compact between said States; and

Whereas the said States, by appropriate legislation, have authorized the governors thereof to appoint commissioners to represent said States for the purpose of entering into a compact or agreement between said States respecting the future utilization and disposition of the waters of the Colorado River and of the streams tributary thereto; and

Whereas the governors of said several States have named and appointed their respective commissioners for the purposes aforesaid and have presented their resolution to the President of the United States requesting the appointment of a representative on behalf of the United States to participate in said negotiations and to represent the interests of the United States: Now, therefore,

Be itenacted, etc., That consent of Congress is hereby given to the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming to negotiate and enter into a compact or agreement not later than January 1, 1923, providing for an equitable division and apportionment among said States of the water supply of the Colorado River and of the streams tributary thereto, upon condition that a suitable person, who shall be appointed by the President of the United States, shall participate in said negotiations as the representative of and for the protection of the interests of the United States, and shall make report to Congress of the proceedings and of any compact or agreement entered into, and the sum of $10,000, or so much thereof as may be necessary, is hereby authorized to be appropriated to pay the salary and expenses of the representative of the United States appointed hereunder: *Provided,* That any such compact or agreement shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislature of each of said States and by the Congress of the United States.

SEC. 2. That the right to alter, amend, or repeal this act is herewith expressly reserved.

Approved, August 19, 1921.

COLORADO RIVER COMPACT, SIGNED AT SANTA FE, N. MEX., NOVEMBER 24, 1922

The States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, having resolved to enter into a compact under the act of the Congress of the United States of America, approved August 19, 1921 (42 Stat. L., 171), and the acts of the legislatures of the said States, have through their governors appointed as their commissioners: W. S. Norviel for the State of Arizona, W. F. McClure for the State of California, Delph E. Carpenter for the State of Colorado, J. G. Scrugham for the State of Nevada, Stephen B. Davis, jr., for the State of New Mexico, R. E. Caldwell for the State of Utah, Frank C. Emerson for the State of Wyoming, who, after negotiations participated in by Herbert Hoover, appointed by the President as the representative of the United States of America, have agreed upon the following articles.

ARTICLE I

The major purposes of this compact are to provide for the equitable division and apportionment of the use of the waters of the Colorado River system; to establish the relative importance of different beneficial uses of water; to promote interstate comity; to remove causes of present and future controversies; and to secure the expeditious agricultural and industrial development of the Colorado River Basin, the storage of its waters, and the protection of life and property from floods. To these ends the Colorado River Basin is divided into two basins, and an apportionment of the use of part of the water of the Colorado River system is made to each of them with the provision that further equitable apportionments may be made.

ARTICLE II

As used in this compact:

(a) The term "Colorado River system" means that portion of the Colorado River and its tributaries within the United States of America.

(b) The term "Colorado River Basin" means all of the drainage area of the Colorado River system and all other territory within the

United States of America to which the waters of the Colorado River system shall be beneficially applied.

(c) The term "States of the upper division" means the States of Colorado, New Mexico, Utah, and Wyoming.

(d) The term "States of the lower division" means the States of Arizona, California, and Nevada.

(e) The term "Lee Ferry" means a point in the main stream of the Colorado River 1 mile below the mouth of the Paria River.

(f) The term "upper basin" means those parts of the States of Arizona, Colorado, New Mexico, Utah, and Wyoming within and from which waters naturally drain into the Colorado River system above Lee Ferry, and also all parts of said States located without the drainage area of the Colorado River system which are now or shall hereafter be beneficially served by waters diverted from the system above Lee Ferry.

(g) The term "lower basin" means those parts of the States of Arizona, California, Nevada, New Mexico, and Utah within and from which waters naturally drain into the Colorado River system below Lee Ferry, and also all parts of said States located without the drainage area of the Colorado River system which are now or shall hereafter be beneficially served by waters diverted from the system below Lee Ferry.

(h) The term "domestic use" shall include the use of water for household, stock, municipal, mining, milling, industrial, and other like purposes, but shall exclude the generation of electrical power.

ARTICLE III

(a) There is hereby apportioned from the Colorado River system in perpetuity to the upper basin and to the lower basin, respectively, the exclusive beneficial consumptive use of 7,500,000 acre-feet of water per annum, which shall include all water necessary for the supply of any rights which may now exist.

(b) In addition to the apportionment in paragraph (a) the lower basin is hereby given the right to increase its beneficial consumptive use of such waters by 1,000,000 acre-feet per annum.

(c) If, as a matter of international comity, the United States of America shall hereafter recognize in the United States of Mexico any right to the use of any waters of the Colorado River system, such waters shall be supplied first from the waters which are surplus over and above the aggregate of the quantities specified in paragraphs (a) and (b); and if such surplus shall prove insufficient for this purpose, then the burden of such deficiency shall be equally borne by the upper basin and the lower basin, and whenever necessary the States of the upper division shall deliver at Lee Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

(d) The States of the upper division will not cause the flow of the river at Lee Ferry to be depleted below an aggregate of 75,000,000 acre-feet for any period of 10 consecutive years reckoned in continuing progressive series beginning with the 1st day of October next succeeding the ratification of this compact.

(e) The States of the upper division shall not withhold water, and the States of the lower division shall not require the delivery of water, which can not reasonably be applied to domestic and agricultural uses.

(f) Further equitable apportionment of the beneficial uses of the waters of the Colorado River system unapportioned by paragraphs (a), (b), and (c) may be made in the manner provided in paragraph (g) at any time after October 1, 1963, if and when either basin shall have reached its total beneficial consumptive use as set out in paragraph (a) and (b).

(g) In the event of a desire for a further apportionment as provided in paragraph (f) any two signatory States, acting through their governors, may give joint notice of such desire to the governors of the other signatory States and to the President of the United States of America, and it shall be the duty of the governors of the signatory States and of the President of the United States of America forthwith to appoint representatives, whose duty it shall be to divide and apportion equitably between the upper basin and lower basin the beneficial use of the unapportioned water of the Colorado River system as mentioned in paragraph (f), subject to the legislative ratification of the signatory States and the Congress of the United States of America.

ARTICLE IV

(a) Inasmuch as the Colorado River has ceased to be navigable for commerce and the reservation of its waters for navigation would seriously limit the development of its basin, the use of its waters for purposes of navigation shall be subservient to the uses of such waters for domestic, agricultural, and power purposes. If the Congress shall not consent to this paragraph, the other provisions of this compact shall nevertheless remain binding.

(b) Subject to the provisions of this compact, water of the Colorado River system may be impounded and used for the generation of electrical power, but such impounding and use shall be subservient to the use and consumption of such water for agricultural and domestic purposes and shall not interfere with or prevent use for such dominant purposes.

(c) The provisions of this article shall not apply to or interfere with the regulation and control by any State within its boundaries of the appropriation, use, and distribution of water.

ARTICLE V

The chief official of each signatory State charged with the administration of water rights, together with the Director of the United States Reclamation Service and the Director of the United States Geological Survey, shall cooperate, ex officio—

(a) To promote the systematic determination and coordination of the facts as to flow, appropriation, consumption, and use of water in the Colorado River Basin, and the interchange of available information in such matters.

(b) To secure the ascertainment and publication of the annual flow of the Colorado River at Lee Ferry.

(c) To perform such other duties as may be assigned by mutual consent of the signatories from time to time.

ARTICLE VI

Should any claim or controversy arise between any two or more of the signatory States: (a) With respect to the waters of the Colorado River system not covered by the terms of this compact; (b) over the meaning or performance of any of the terms of this compact; (c) as to the allocation of the burdens incident to the performance of any article of this compact or the delivery of waters as herein provided; (d) as to the construction or operation of works within the Colorado River Basin to be situated in two or more States, or to be constructed in one State for the benefit of another State; or (e) as to the diversion of water in one State for the benefit of another State, the governors of the States affected upon the request of one of them, shall forthwith appoint commissioners with power to consider and adjust such claim or controversy, subject to ratification by the legislatures of the States so affected.

Nothing herein contained shall prevent the adjustment of any such claim or controversy by any present method or by direct future legislative action of the interested States.

ARTICLE VII

Nothing in this compact shall be construed as affecting the obligations of the United States of America to Indian tribes.

ARTICLE VIII

Present perfected rights to the beneficial use of waters of the Colorado River system are unimpaired by this contract. Whenever storage capacity of 5,000,000 acre-feet shall have been provided on the main Colorado River within or for the benefit of the lower basin, then claims of such rights, if any, by appropriators or users of water in the lower basin against appropriators or users of water in the upper basin shall attach to and be satisfied from water that may be stored not in conflict with Article III.

All other rights to beneficial use of waters of the Colorado River system shall be satisfied solely from the water apportioned to that basin in which they are situate.

ARTICLE IX

Nothing in this compact shall be construed to limit or prevent any State from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right under this compact or the enforcement of any of its provisions.

ARTICLE X

This compact may be terminated at any time by the unanimous agreement of the signatory States. In the event of such termination, all rights established under it shall continue unimpaired.

ARTICLE XI

This compact shall become binding and obligatory when it shall have been approved by the legislatures of each of the signatory States and by the Congress of the United States. Notice of approval by the legislatures shall be given by the governor of each signatory State to the governors of the other signatory States and to the President of the United States, and the President of the United States is requested to give notice to the governors of the signatory States of approval by the Congress of the United States.

In witness whereof the commissioners have signed this compact in a single original, which shall be deposited in the archives of the Department of State of the United States of America and of which a duly certified copy shall be forwarded to the governor of each of the signatory States.

Done at the city of Santa Fe, N. Mex., this 24th day of November, A. D. 1922.

W. S. NORVIEL.
W. F. MCCLURE.
DELPH E. CARPENTER.
J. G. SCRUGHAM.
STEPHEN B. DAVIS, Jr.
R. E. CALDWELL.
FRANK C. EMERSON.

Approved:
HERBERT HOOVER.

THE BOARD OF APPEALS AND MEDICAL ADMINISTRATION OF THE VETERANS' BUREAU

Mr. CHALMERS. I ask unanimous consent, Mr. Speaker, to speak for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CHALMERS. Mr. Speaker and Members of the House, I desire to correct the RECORD in the remarks I made as reported on page 8347 by inserting "medical" before "administration." I have no criticism to offer to General Hines's management of the Veterans' Bureau. I believe General Hines is endeavoring to give justice to the veterans and at the same time represent the interests of the taxpayers. My criticism was directed against the hard-boiled methods of the board of appeals and medical advisers. All of the cases I have appealed to the board of appeals in the last seven years I have never had a reversal of the regional rating board in a single case. It seems to me that the medical mental attitude is too strict. They place too strict a construction on all cases referred to them. Why, even in the dock the prisoner has the benefit of the doubt. It seems to me that in these aggravated cases, where it is necessary for either the Federal Government or a private institution to assist the veteran and his dependents, if there is a doubt the veteran should have the benefit of it.

I have a case in hand in my district where a young man who offered his life for his country, and did his bit overseas, is now totally disabled in a sick ward in the National Military Home in Dayton, Ohio, and his family is dependent upon county help in one of the counties in my district. When this veteran's case was appealed to the board of appeals in Chicago we received an adverse decision. I then asked for a reopening of his case in the Cincinnati regional office. I filed medical testimony from Dr. H. M. Montgomery, Dr. C. B. Finefrock, and Dr. C. J. Yeisley, three of the most prominent and efficient medical authorities in northwestern Ohio, and yet this very day I have had a letter from the regional manager declining to reopen this case. This veteran's wife and children are residing on a farm near Port Clinton, the county seat of Ottawa County. The brave little wife and mother is attempting to keep the family together, while her husband is a totally disabled case and in the Dayton hospital. I consider that while this boy's dependents are a county charge in my district it is a personal reflection upon me. I propose to appeal this case to Washington and fight it to a successful finish, if possible. That will take months. In the meantime how will the family exist? Their only resource is public and private charity. I consider that this is not only a reflection upon me, but upon the Federal Government. I want to thus forcibly call this case, which I suppose is typical of thousands, to your attention and at the same time charge the medical rulings of the Veterans' Bureau in interpreting legislative enactment as being too strict and not friendly enough to the veteran.

The SPEAKER. Without objection, the RECORD will be so corrected.

There was no objection.

PENSIONS

Mr. W. T. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 10159, granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table House bill 10159, with Senate amendments, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. W. T. FITZGERALD, ELLIOTT, BEERS, LOZIER, and UNDERWOOD.

SPEAKER PRO TEMPORE FOR TO-MORROW

The SPEAKER. The Chair designates the gentleman from Louisiana, Mr. ASWELL, to preside at the memorial exercises to-morrow.

ORDER OF BUSINESS

The SPEAKER. Under the special order of the House the Chair recognizes the gentleman from Alabama [Mr. ALMON] for 15 minutes.

Mr. RANKIN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Mississippi makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 78]

Adkins	Davenport	Johnson, Wash.	Sabath
Aldrich	Deal	Kendall	Sears, Fla.
Andrew	Dempsey	Kent	Sears, Nebr.
Anthony	Dickstein	Kerr	Shreve
Beck, Pa.	Doutrich	Kiess	Sirovich
Beers	Doyle	Kunz	Somers, N. Y.
Black, N. Y.	Drane	Kurtz	Stalker
Blanton	Drewry	Kvale	Stedman
Bloom	Estep	Larsen	Stevenson
Boies	Evans, Calif.	Lindsay	Stobbs
Bowling	Fenn	Linthicum	Strother
Boylan	Fish	McClintic	Sullivan
Britten	Fisher	McDuffie	Swick
Bulwinkle	Fitzpatrick	McFadden	Tatgenhorst
Burdick	Frear	McKeown	Tillman
Burton	Freeman	McSweeney	Treadway
Bushong	Frothingham	Magrady	Underwood
Butler	Gifford	Menges	Updike
Campbell	Golder	Merritt	Vestal
Carew	Goldsborough	Michaelson	Wainwright
Carley	Graham	Montague	Weller
Casey	Greenwood	Moore, N. J.	Welsh, Pa.
Celler	Hale	Nelson, Me.	White, Kans.
Chase	Hall, Ill.	Norton, N. J.	Williamson
Christopherson	Hogg	O'Connor, N. Y.	Wilson, Miss.
Clancy	Holaday	Oldfield	Wingo
Connally, Tex.	Hudspeth	Oliver, N. Y.	Woodrum
Connolly, Pa.	Hughes	Palmer	Wurzbach
Cramton	Hull, William E.	Palmisano	Wyant
Crowther	Igoe	Porter	Yates
Cullen	Jacobstein	Purnell	Yon
Curry	Jeffers	Quayle	
Darrow	Jenkins	Rutherford	

The SPEAKER pro tempore (Mr. SNELL). Three hundred Members have answered to their names, a quorum.

On motion of Mr. TILSON, further proceedings under the call were dispensed with.

CONFERENCE REPORT—AGRICULTURAL SURPLUS CONTROL BILL

Mr. HAUGEN. Mr. Speaker, I submit a conference report on Senate bill 3555, to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce, for printing in the RECORD.

MUSCLE SHOALS

The SPEAKER pro tempore. Under the special order of the House the Chair recognizes the gentleman from Alabama [Mr. ALMON] for 15 minutes.

Mr. ALMON. Mr. Speaker, there is in Washington now and has been for several days the greatest lobby, representing the greatest and most vicious trust that ever existed in America. They are here by the scores. The lobby that sent the power investigation resolution to the Federal Trade Commission did not compare with the lobby here to-day against the best interests of American farmers.

There is on the calendar—and I will explain why I have asked for this short time—the Muscle Shoals bill, which will be considered on next Wednesday. I did not have an opportunity to make any remarks concerning it on last Wednesday, and I will probably not be given an opportunity to say anything about it next Wednesday.

There is a great hue and cry going up from that lobby that the Government is going into business in competition with private capital and that it is unreasonable, unfair, and undemocratic. I want to tell you, my friends, that the Government is already in business at Muscle Shoals. You voted $120,000,000 there. This great nitrate plant, one of the largest in the world, was built during the war and finished just as the war ended, and when it was finished it was 100 per cent in point of quality and production. Seventeen million dollars had been spent on the foundation of Dam No. 2 on which to build this great dam, and since the change of administration $30,000,000 more has been expended in the completion of that greatest dam and power development anywhere in the world. Since it was completed about two years ago the Government has been there in business operating this power plant.

The Government has been operating it for the benefit of a member of this great Water Power Trust, the Alabama Power Co. That company is taking that power at 2 mills per kilowatt and selling it to me and other people in Alabama for use in our homes for lighting purposes at a rate as high as 10. Of course, they give a better rate for industrial purposes, and where electric ranges are used. Government operation at Muscle Shoals would be nothing new. The Government is now operating the Panama Canal, Shipping Board, United States Fleet Corporation, Mississippi and Warrior River Barge Line, the Post Office Department, arsenals, the ship and navy yards, and parcel post, and is in business in many other ways.

If Congress adjourns without doing anything, the Alabama Power Co. will continue to be the sole beneficiary of this great development.

The fertilizer people say the Government ought not to make fertilizer there. Why? After the war was over the officers of the Government tried to get the fertilizer industry of this country to take over this development. They scorned the idea. The power people would not take any interest in the dam and would not take any steps to complete it. The fertilizer people said:

> We will not have anything to do with the Muscle Shoals nitrate plant. It is of no value. The entire plant there is obsolete.

The country has been flooded for two or three years with propaganda to the effect that the cyanamide process for the fixation of atmospheric nitrogen is obsolete. I knew this was not true, but I wanted first-hand information to give you when Congress convened, and I went over into Canada last summer and visited a plant exactly like the one at Muscle Shoals, using the same process. It is not so large and is not as good a plant, but it has been in operation continuously since 1909, doing a good business and paying the stockholders satisfactory dividends.

I have secured information in regard to plants in Germany and other European countries using the same kind of process. They also have plants using the synthetic process, and all the plants in Germany and in the other European countries that were built for war purposes are now being used for the benefit of agriculture, and so successfully that there is no longer any importation of Chilean nitrates into those countries. On the contrary, they have become large exporters of nitrates and fertilizers, and the American farmer to-day is buying fertilizer imported into this country from Germany.

The plant at Muscle Shoals is the only air-nitrogen plant in the United States. There is but one other on the Western Hemisphere, and that is at Niagara Falls, in Canada. The cyanamide plant at Muscle Shoals is the only one anywhere that is not in operation.

There is not a single dollar of private capital invested in the United States in the manufacture of air nitrogen for the benefit of agriculture. The great plant in West Virginia and the great plant under construction at Hopewell, Va., using the synthetic process, are not expected to manufacture one pound of nitrogen that will be used in the manufacture of fertilizer. It will be used for explosives and for other industrial purposes.

A similar plant across from Niagara Falls is making nitrogen and selling some of it to the fertilizer mixers in America for 7 cents a pound—pure nitrogen—and they are paying 20 cents a pound for nitrogen from Chile. They put it all together, mix it up, and sell it to the poor farmer and get as much for the 7-cent cyanamide nitrogen as they do for the 20-cent nitrogen. This is one illustration of how they are treating the farmer.

They say this method is obsolete. Let me tell you what is obsolete and antiquated. It is the method of the fertilizer industry in this country. That great and good man, Milton Whitney, up to a short time ago Director of the Bureau of Soils of the Department of Agriculture, in the hearings on the Ford offer, said that the great trouble with the fertilizer industry in this country is that it is antiquated and out of date. They are nothing but a lot of fertilizer mixers. They buy every pound of nitrogen, every pound of potash, every pound of phosphate, mix it up, and send it to the farmers. They get nearly all of their nitrogen from Chile, and the first payment is $12.53 to the Chilean Government as an export duty. They have to pay the freight rates on this for 6,000 miles, and then what does the farmer get? He gets 16 per cent of nitrogen and 84 per cent of dirt. I can get dirt down in my country for $5 an acre, but under this scheme they are paying the enormous price of $64 a ton for Chilean dirt and passing it on to the farmers. What does this amount to? Eleven million dollars is what the hard-worked and distressed farmers of the Nation are paying to this foreign monopoly.

If this Morin bill brings about competition with anybody, my friends, it will be competition not with private American capital but competition with a foreign monopoly, the Chilean Nitrate Corporation. [Applause.]

These people do not care. It seems the National Fertilizer Association does not care. So long as they can get it imported into this country and pass the cost on to the farmer it is all well and good.

They complain about Muscle Shoals being so far away. Six thousand miles from here is where they are getting it now, but they say it would be terrible for the American farmer to have to pay freight on a little nitrogen from Muscle Shoals, Ala.

Muscle Shoals is as well located as the Government could place it. It is probably nearer the center of that part of the country using the most fertilizer than any other place, and it is also well located from the standpoint of national defense. It is a long way from the Gulf and the Atlantic coasts, and if a foreign enemy should ever undertake to invade this country, Muscle Shoals is well fortified.

In 1916 we enacted a law to build this plant for two fundamental purposes, one to make explosives in time of war and the other to manufacture fertilizer for the benefit of American agriculture in peace times.

What will happen if it stands there idle? If we get into another war 40 or 50 years from now, standing idle or in a stand-by condition, costing the Government $300,000 a year for maintenance, it would be rusted out and obsolete.

The fixation of atmospheric nitrogen is a comparatively new science, and it is one that is being improved on from day to day, and unless you put the plant into operation during peace times it will be of no value for national defense.

Everybody agrees that the Government must keep it, and under the Morin bill we simply provide for the organization of a Government-operated corporation. The President appoints five directors, with the consent and approval of the Senate. They appoint a manager and an assistant manager. They are selected by the President and report to Congress every year, and it will be operated just like a private corporation, except in private corporations the directors are appointed by the stockholders and report to the stockholders. If this bill passes and President Coolidge succeeds in finding five business men qualified to do the job, there is not any reason why it should not be a great success.

If it is not, Congress can discontinue it in a year. If it is a success, everybody will be satisfied. We have been trying for eight years to have private operation. Many bills have been offered here. We passed the Henry Ford bill through the House for private operation. All offers for private operation have been rejected. It is now Government or nothing.

Let me remind you that this same fertilizer lobby was here lobbying against the Henry Ford offer. That was for private operation. So you see it is competition they are opposed to and it makes no difference whether it is Government operation or private operation. They do not want anybody to go into the fertilizer business at Muscle Shoals. They are afraid they will make a better grade of fertilizer and that it will reduce their prices.

Why are they so concerned about Government operation? If these fertilizer companies were taking any interest in building nitrate plants in the United States to relieve the distressed farmers of the country of the burden of the foreign Chilean monopoly there would be less justification for the Government operating the plant. So long as they take no steps to get for the farmer a better and cheaper grade of fertilizer we are justified in operating our own plant. Congress said in 1916 that this was for the purpose of making fertilizer in peace time, and we are only doing just what Congress directed in 1916 should be done.

Now this fertilizer lobby is making a great plea for the poor farmer who can not pay cash for his fertilizer. You all remember the way they sell fertilizer to the farmer who can not pay cash. They charge him about $8 a ton more on time between planting and gathering the crop and 8 per cent interest in addition. Now they come and make a great appeal for the poor farmer that can not pay cash. They complain because the Government proposes to give away 5 per cent of the product for experimental purposes. They do not think that is right.

You see this fertilizer lobby hanging around here. There were so many in the gallery the other day they called it the fertilizer gallery. [Laughter.] They were here in crowds; and Charles J. Brand, the leader of it, was formerly a director of the bureau of markets in the Department of Agriculture, and it is said they had to abolish that department to get rid of him. That was one of the most valuable bureaus we had in the department.

When the roll was called the other day and it was decided to adjourn and give them another week's time for the lobby to work against the bill, this fertilizer crowd all scattered and clapped their hands and Brand jumped up and said, "Come on, boys, meet me at 283, the Mayflower Hotel." It is said they have almost a whole floor there, at that magnificent and expensive hotel, although they say they are losing money. The enormous expense of this lobby will no doubt be passed on to the poor farmer.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ALMON. Mr. Speaker, I ask for 15 minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. ALMON. Mr. Speaker, there are three bills to be voted on next Wednesday afternoon. I think we have plenty of votes to pass the Morin bill if the friends of the farmer will come here and remain and stay on the job until the last roll is called. I have been voting for farm relief ever since I have been a Member of this House. I voted for the McNary-Haugen bill in 1924 and again in 1926 and again in 1928. I voted for the irrigation projects. Your arid lands needed water. Almost every section of the country is now needing and buying fertilizer and is calling for a better grade and cheaper fertilizer in order to replenish the soil.

You all ought to be interested in this, because agriculture is the basic industry of this country. When that prospers all the people prosper. When that suffers the whole citizenry suffers with it. The Norris bill passed the Senate providing for Government operations through the Department of Agriculture, carrying $10,000,000. The idea of turning a great industrial plant like this over to a Government bureau. That bureau changes every four years, and sometimes the Secretary of Agriculture has been changed oftener than once in four years.

There is another bill, the Morin bill, providing a real Government operating corporation. After that bill had been reported a few days ago our good friend Mr. SNELL, from New York, chairman of the Rules Committee, now in the chair, put in a bill providing for Government operation by the same bureau and for experimentation. Air nitrogen has long since passed the experimental stage.

I do not know who wrote my friend SNELL's bill. Of course, as the chairman of the Committee on Rules he has not the time to write such a bill as that. It takes an expert. If Tom Martin, the president of the Alabama Power Co., or some other power company attorney, did not send it to Mr. SNELL, then I have made a very poor guess. There is not a pound of fertilizer in it. If my friend Mr. SNELL's bill ever passes, there will not be a pound of fertilizer made, and the $47,000,000 of the people's money that went into that dam and the power house will go into the hands of the Alabama Power Co. for all time, and they will continue to put these prices on the people. They have not reduced the prices on power one penny since they began buying power at 2 mills per kilowatt from the Government at Muscle Shoals. I live within 5 miles of that dam, and I pay as much for power as anybody down in Mobile, or anywhere else in that section of the country.

I do not know whether we get that power. It goes into the system. They tell the Public Utilities Commission of Alabama that they can not reduce their rates by reason of getting this power at 2 mills per kilowatt-hour, and if this Congress adjourns without passing some legislation, they will continue to reap the benefits of it. They take only a small part of the capacity of the plant and the balance runs to waste.

I am very fond of my friend SNELL. He came down to Muscle Shoals at my invitation. I told the folks down there what a great and good man he was, and what a power he had in the House. They all got interested. I had my colleague Mr. BANKHEAD to come up to meet his chairman of the Rules Committee. We met Mr. SNELL at the depot of my home, Tuscumbia, with a brass band and gave him a great banquet. We also gave him an old-fashioned southern barbecue, and he said that he was entertained with hospitality that no other people could extend like the southern people. He made a speech. I introduced him, of course. I told what a great man he was, and what a power he was in the House. I told them that he could come up here and do anything that he wanted to about Muscle Shoals. Mr. BANKHEAD indorsed all I said about Mr. SNELL and added some. [Laughter.] He made a great speech. He, of course, told my friends and neighbors what an able and influential Congressman they had. [Applause.] He made a real agricultural speech, a farmers' speech, and I believe my friend is interested in the farmer. He made a great speech to this effect: "Now, this thing has been dragging along too long. If I had known how it was going, I would have come down here earlier. It is a shame and a disgrace. It is a reflection on Congress that this plant is not put into operation and that that power is not sold for what it is worth."

Mr. MOORE of Virginia. Could the gentleman tell us what else Mr. SNELL said?

Mr. ALMON. He said, "I am in favor of private operation of this plant. I think the Government ought to lease it, and if we can not get a satisfactory lease, then I am in favor of Government operation." [Applause.] I reminded him of that when this Morin bill came up, but he said, "Oh, I meant the right kind of Government operation." [Laughter.] The question is whether this bill is right or whether his bill is right.

Mr. WRIGHT. Is the Snell bill a fertilizer bill?

Mr. ALMON. No; it is a water power bill, pure and simple. There is not an ounce of fertilizer in this bill. The bill under consideration was sent here by a Committee of Twenty-one, headed by my friend Mr. MORIN, of Pennsylvania, chairman of the great Committee on Military Affairs. Let me read the names of the members on that committee: There is Mr. MORIN, of Pennsylvania, who is the chairman; there is Mr. FRANK JAMES, of Michigan; Mr. WURZBACH, of Texas; Mr. REECE, of Tennessee; Mr. SPEAKS, of Ohio; Mr. WAINWRIGHT, of New York; Mr. FURLOW, of Minnesota; Mr. JOHNSON, of Illinois; Mr. HUGHES, of West Virginia; Mr. HOFFMAN, of New Jersey; Mr. QUIN, of Mississippi; Mr. FISHER, of Tennessee; Mr. WRIGHT, of Georgia; Mr. GARRETT, of Texas; Mr. MCSWAIN, of South Carolina; Mr. BOYLAN, of New York; Mr. HILL, of Alabama; and Mr. CHAPMAN, of Kentucky—18 of the good and strong men of the House. The most of these 18 members who wrote this bill have given this subject 8 years of faithful and efficient study. Colleagues, stand by your committee. [Applause.] They have turned down all of these private bills on the grounds that they did not protect the interests of the Government. I want all of you gentlemen to be here on next Wednesday afternoon and stay here and pass this bill. [Applause.]

I see from the propaganda that is being resorted to by the opposition of this measure that the bill does not have the approval of the representatives of certain farm organizations. That may be true, but it does not mean that if the farmers themselves had an opportunity to know just what this bill means they would not indorse it almost unanimously. The legislative representatives of the farm organizations opposing this bill do not represent the views and best interest of the farmers themselves. Some of these representatives say they are opposed to Government operation. I did not favor Government operation of Muscle Shoals until I found it was that or nothing. What does the farmer care whether his fertilizer is made by the Government or a private corporation provided he gets it cheaper and a better grade or quality in a concentrated form, and saves millions of dollars in freight rates on fertilizer containing only about 12 per cent plant food. This bill simply means that the Government is to make fertilizer at Muscle Shoals and sell it direct to the farmers and farm organizations at actual cost of production, and without interest on the Government investment for the first five years, and then only 4 per cent per annum on money hereafter paid in as capital stock.

Chile nitrate costs $47 per ton. Same amount of nitrate in cyanamide can be produced at Muscle Shoals for $23.56, with power that Government is now selling Alabama Power Co. for $3.35.

I wonder how any Member of this House, especially one representing an agricultural district, could defend his vote against this bill. I would dislike very much to undertake to defend such a vote before a constituency of intelligent farmers such as I represent, and such as my colleagues from agricultural districts represent. We owe it to ourselves, to the Government, and to the farmers of America to pass this bill.

This same power and fertilizer lobby was here six years ago opposing the Ford bill which provided for private operation at Muscle Shoals. Examine the hearings on the Ford bill and your letter files, of you who were here at that time, and you will find that they were making the same claims. That is that Ford would put them out of business. The power monopoly feared Ford as a competitor. They knew that he would demonstrate to the public that the people were paying extortionate and unreasonable prices for power. The Fertilizer Trust did not want Ford as a competitor in the fertilizer business. They knew that he would reduce the price of fertilizer and make a better grade. So it is not Government operation but competition that they fear and oppose. [Applause.]

Mr. Charles J. Brand, secretary-treasurer National Fertilizer Association, has flooded the Members of Congress with publications for the past 30 days. One of his complaints is that under the Morin bill fertilizer is to be sold for cash, and that would inure to the detriment of the poor man who can not pay cash. They charge the man who buys on time about 15 per cent more than for cash, and 8 per cent interest additional. No doubt many farmers who buy on credit now would be able to pay cash if they could get the fertilizer for about one-third less than existing prices. As a further evidence of their interest in the farmer they object to that part of the bill which authorizes the Government to donate to the farmers 5 per cent of the products of the plant for experimental purposes. I wonder if they object to what the Government is doing in the way of furnishing farmers information through agricultural yearbooks, farmers' bulletins, and assistance rendered through the Bureau of Animal Industry in teaching farmers how to treat their livestock and improve the breeds. Is it not just as im-

portant to teach the farmers in regard to the best kind of fertilizer to be used and how to apply it? [Applause.]

Do not let anyone be frightened by this talk that the Morin bill will put anyone out of business.

The express company claimed that parcel post would put them out of business. Parcel post has been a great success and saved the people millions of dollars. The express company is still in business and their stock has advanced in price.

The powder interest claimed that they would be put out of business if the Government made powder. The Government proceeded to make powder, and the powder people are still in business; but the price has been reduced. The enactment of this bill into law may, and I hope it will, cause the fertilizer industry to modernize their antiquated methods of producing fertilizer.

The fertilizer mixers buy all the cyanamide nitrogen they can get for 7 cents a pound and use it along with Chilean nitrogen, which costs 20 cents per pound, and sell it at the same price. That is another reason why the Government corporation should be authorized to make complete fertilizer, as the fertilizer industry might not buy and use the Government nitrogen, and if they did the Government might not be able to protect the farmer in the price of Government nitrogen put into the mixed fertilizer.

The farmers are becoming more scientific in their methods of farming and are just beginning to realize the advantages of a better and concentrated fertilizer and are going to demand it. If Government operation of Muscle Shoals is a success it should and will be continued, and no one will favor private operation. If it is not a success it will be discontinued and the way will be opened for a lease and private operation, but no lease will be made by Congress unless this should happen.

The fertility of the soil is being rapidly exhausted in every part of the country and it will not be long until it will have to be replenished by fertilizer and you all should be taking an interest in this subject.

The Morin bill is a real fertilizer bill. That accounts for the presence of the lobby that is here working against this bill and who admit that it is a fertilizer bill and set up the claim that it will injure their business by reducing prices of fertilizer to the farmers. The farmers are not able to come here. They must depend on us as their representatives to protect their interest. Some of their legislative representatives are here opposing this bill and in doing so they do not represent but misrepresent the wishes and the best interests of the farmers back at home who are paying their salaries and expenses. [Applause.] While some of them claim that there is no fertilizer in this bill, still in opposing it they place themselves in the ranks of the fertilizer lobby which is here trying to defeat this bill. Those who are opposed to this bill are on the side of and aiding the power and fertilizer lobbies. What will farmers think of their representatives here? Let us stand firm and loyal to the best interest of the farmers. Let the friends and supporters of this bill remain in the House—stand together and vote together and we will win a victory for agriculture. [Applause.]

PERSONAL PHYSICIAN TO THE PRESIDENT

Mr. MICHENER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 192, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 192

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House as in the Committee of the Whole House on the state of the Union S. 3456, allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President.

At the conclusion of the reading of the bill for amendment the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MICHENER. Mr. Speaker, this resolution makes Senate 3456 in order. By the terms of the rule, the bill is to be considered in the House as in Committee of the Whole. The bill is exceedingly short. It simply gives the rank, pay, and allowance of a colonel to the officer, a major in the Medical Corps, now detailed as the personal physician to the President. The bill does not permit the continuance of the rank or pay or allowance after this officer is relieved from duty on his present detail. The report from the Committee on Rules is unanimous. No time has been asked on the rule. Therefore I move the previous question on the rule.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. MORIN. Mr. Speaker, I call up the bill S. 3456, allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President, which I ask the Clerk to report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the officer of the Medical Corps, United States Army, who is now assigned to duty as the personal physician to the President shall have the temporary rank and the pay and allowances of a colonel, Medical Corps, United States Army, while so serving.

With the following committee amendment:

Line 7, after the word "serving," insert a colon and the words "*Provided*, That the officer now assigned to that duty shall have the rank, pay, and allowances herein provided from the date of his assignment."

The SPEAKER pro tempore. Pursuant to the resolution just adopted, the bill will be considered in the House as in Committee of the Whole House. The Clerk will report the bill for amendment.

The Clerk again read the bill and the committee amendment.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

PINK BOLLWORM

Mr. WILLIAMS of Illinois. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 193.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 193

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. J. Res. 129, to provide for eradication of pink bollworm and authorizing an appropriation therefor. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. WILLIAMS of Illinois. Mr. Speaker, this resolution makes in order the consideration of the Senate Joint Resolution 129, authorizing an appropriation of $5,000,000 to be expended under the direction of the Secretary of Agriculture for the eradication of the pink bollworm.

The pink bollworm is probably the most deadly pest that infests cotton. The only successful way in which it can be combated is by its complete eradication by the creation of noncotton zones in which cotton is not permitted to be grown.

In 1918 this pest first appeared in the United States in a section of Louisiana, and also to some extent in the State of Texas. It was recognized that it was a great menace to the cotton industry of the country; that if it were allowed to spread, it in time would infest the whole cotton area.

Experience with the pest in other countries, like Egypt, where it had been permitted to spread, was that it had damaged the cotton crop from 25 to 30 per cent.

So steps were immediately taken by the people interested to handle this menace. At first it was undertaken in the State of Texas by voluntary agreement between the farmers in the infected area to have noncotton areas. In 1918 that plan operated rather successfully, where more than 90 per cent of the farmers in the infected area omitted to plant cotton and combated the pest by the noncotton-zone regulation. But a small percentage of the farmers, as it always the case where you try to have voluntary action of this kind, refused to go through with the program, and while very fine results were obtained, yet there was not complete eradication in that district.

So by legislation the State of Texas provided for the creation of noncotton zones where the farmers were prohibited from planting cotton in the infested area, and by an act of Congress subsequently passed an appropriation was made by the Federal Government wherein the United States contributed toward the payment of damages to these farmers who, by reason of being

deprived of the right to plant cotton, suffered financial loss. Representatives of the Department of Agriculture stated before our Committee on Agriculture at the hearings that the pest was completely eradicated in two seasons in the State of Texas and the State of Louisiana.

During the past year this pest manifested itself again in about seven counties of western Texas and in a small area in Arizona. It is known that it was brought into this country in some way from the Republic of Mexico. The area infested—in some spots to a greater extent than in others—comprised more than 400,000 acres in the western part of Texas and over in Arizona.

The Committee on Agriculture has reported this resolution. It has already passed the Senate. It authorizes, as I said, an expenditure of $5,000,000 under the direction of the Secretary of Agriculture to put on a campaign to completely eradicate this pest for this season of 1928.

Heretofore the States contributed under the law, I think, 33⅓ per cent; I think that was the quota of the States. But conditions this year make it an absolute physical impossibility for the State of Texas, where the larger area of infestation is located, to procure the funds to cooperate with the Federal Government. The Legislature of Texas is not now in session, and if it were in session and made an appropriation, there are no funds available. It would require, it is stated to the committee, a spread of assessments to bring in the necessary funds.

A great emergency faces the Congress and the whole cotton industry of America, and the Committee on Agriculture of the House, following the action taken by the Senate, concluded that the situation warranted the Federal Government for the year 1928 in furnishing the funds necessary to carry on this campaign of eradication.

Every section of the country is interested in the eradication of this pest, because if it is not eradicated—and experience has demonstrated that it can be completely eradicated by this method and this method only—it will pervade a large area, and we shall ultimately be called upon to spend millions and millions of dollars to control it, whereas a small amount expended at this time will, it is believed, completely eradicate the pest.

Mr. COLTON. Mr. Speaker, will the gentleman yield there?

Mr. WILLIAMS of Illinois. Certainly.

Mr. COLTON. It seems apparent that if it is coming from Mexico we shall probably have a recurring epidemic of infestation. Now, I would like to ask the gentleman if any steps are being taken in the Republic of Mexico to eradicate the pest.

Mr. WILLIAMS of Illinois. No steps have been taken yet that are adequate.

Mr. COLTON. It might be a continuing appropriation.

Mr. FULMER. I may state that the experts who appeared before the committee have stated that they have had that question up and have been very successful in trying to keep down the pest.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. ABERNETHY. I understand the resolution has passed the Senate and has a unanimous report from the Committee on Agriculture. I also understand the President and the Budget favor it.

Mr. WILLIAMS of Illinois. Yes. The Department of Agriculture also favors it and the Budget.

Mr. ABERNETHY. It looks as if we could put it through without much trouble.

Mr. WILLIAMS of Illinois. We are going to.

The point has been raised in opposition to the resolution that it ought not to be passed unless the States of Texas and Arizona are required to contribute toward the eradication of the pest.

Mr. ABERNETHY. It is a national question, is it not?

Mr. WILLIAMS of Illinois. I think it is.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. BLACK of Texas. My recollection is that the testimony brought out the fact that up until now the State of Texas has paid about 96 per cent of all the money that has been spent in the eradication of this pest.

Mr. WILLIAMS of Illinois. I believe that is true.

Mr. KETCHAM. Will the gentleman yield on that very point?

Mr. WILLIAMS of Illinois. Yes.

Mr. KETCHAM. I am sure, touching the ability of the State of Texas to meet this assessment, that this little statement from the hearings will be of interest to the House. This statement is from the State secretary of agriculture:

As you understand, the amount of money to be raised by ad valorem tax in this State is limited by the constitution, and we are now levying the constitutional limit for school purposes and for pensions, but we have not quite reached the limit for general revenue purposes. However, the constantly increasing demands of the departments of government and different institutions for more appropriations will probably cause a raising of the ad valorem tax the coming year, and the State could not possibly raise, under our constitution, the amount of funds necessary to pay for establishment and maintenance of noncotton zones in the 15 counties of Texas now infested by the pink bollworm.

Mr. WILLIAMS of Illinois. As I stated, it is manifestly impossible for the State of Texas at this time to raise funds with which to cooperate with the Government in this campaign. Without taking any more of the time of the House I will simply say that after a most careful investigation the Committee on Agriculture of the House, of which I have the honor to be a member, unanimously reported this resolution. It is urgent and it ought to command the support of every Member on this floor without regard to what section of the country he comes from, because, after all, the welfare of any section of this country is the welfare of us all. [Applause.]

Mr. KINCHELOE. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. KINCHELOE. Do not the hearings also show that the State of Louisiana paid, my recollection is, anywhere from 60 to 75 per cent of the cost there?

Mr. WILLIAMS of Illinois. Absolutely. I will say further that the resolution provides that this is merely for this year. After 1928 if any program is put on in the succeeding years the States infested will be required to pay 50 per cent of the cost.

Mr. Speaker, I yield 20 minutes to the gentleman from North Carolina [Mr. POU] and reserve the balance of my time.

Mr. POU. Mr. Speaker, 40 years ago nobody supposed that the boll weevil would destroy cotton crops as far north as the State which in part I represent, North Carolina, yet during the last few years the destruction of cotton by the boll weevil has been simply immense, in some instances the crop being almost totally destroyed. Now, here is another pest that has come from across the Rio Grande River, and by prompt action there appears to be no doubt about the fact that the pest can be stamped out. This appropriation is for that purpose.

The difference between the boll weevil and the pink bollworm is, as I understand it, that the boll weevil destroys a part of the crop, sometimes 75 per cent of it, but the pink bollworm, in instances, destroys the entire crop.

I think there is no more to be said, Mr. Speaker.

This appropriation, it is said, will do the job and it provides for noncotton zones in order to prevent the further migration of this pest over the cotton area of America.

Mr. GREEN. Will the gentleman yield?

Mr. POU. Yes.

Mr. GREEN. Does it attack the boll before it makes the lint or later?

Mr. POU. I can not answer that. Mr. Speaker, I yield, with the permission of my friend from Illinois, the remainder of my time to my colleague from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker and gentlemen of the House, I shall consume but a moment on this proposition. The gentleman from Illinois [Mr. WILLIAMS] and the gentleman from North Carolina [Mr. POU] have very succinctly, and I think completely, represented the emergency involved in this proposition.

What I desire to say—and when I say that I shall conclude, because I think the House is ready to vote on this proposition without much debate—has reference to the very gratifying spirit of cooperation that is always manifested by this House and its membership when a question of this character comes up. Here is a proposition which our friends from all sections of the country other than the South have recognized as a menace and as a real and actual menace to our entire cotton situation in all of the Southern States, and although it does involve the question of the Federal Government making a substantial appropriation apparently for the benefit of the citizens of one or two States, when it was shown to the committee by the gentleman from Texas [Mr. BUCHANAN] and others that the great State of Texas, however anxious she might be to contribute her just part toward the eradication of this great pest, was, on account of constitutional and other limitations, unable to do so, the committee gladly yielded that point and are heartily cooperating in the passage of this bill. That same spirit was shown with reference to the proposal last year for the eradication of the corn borer, a pest that threatened, and still threatens, the great corn industry of all sections of the country. It was gratifying then as it is now to see upon the part of all Members of this House, regardless of party or section, a fine spirit of cooperation. That shows that when an

emergency of this sort is presented, regardless of technical considerations of policy, of constitutional limitations, or otherwise, the Members here are willing to meet the issue and to make adequate provision to meet the emergency.

I hope there will be no objection to the bill in any particular and that we can soon vote unanimously in favor of its passage. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from Louisiana [Mr. SANDLIN].

Mr. SANDLIN. Mr. Speaker and gentlemen of the House, the statement made by the gentleman from Illinois [Mr. WILLIAMS], who presented this rule, fully covered the case. I want to join in the sentiments expressed by the gentleman from Alabama [Mr. BANKHEAD] with reference to the manner in which this resolution has been received by the House.

I want to say further, gentlemen of the House, I feel that this Congress, if it is not following precedent and is making a new one, is fully justified in doing so by passing this resolution. I believe it will be economy for the Government at this time to pass the resolution and let the appropriation be made, because the pink bollworm is different from the boll weevil and the corn borer in that the pink bollworm can be eradicated.

In 1919 an area in the district that I now represent was infested by the pink bollworm and the Department of Agriculture, in connection with the people of Louisiana, created a noncotton zone and within three years the pink bollworm was entirely eradicated.

If the pink bollworm is not eradicated it will no doubt in a few years infest the whole cotton area and when it does this Government will be called on to regulate it, and its regulation will cost many times what it will cost now to eradicate it.

I think the entire country appreciates the work done for this resolution by the introducer of it, the gentleman from Texas, Mr. BUCHANAN, because it is almost entirely due to his energy that this resolution is now before the House and will soon pass, as I believe.

On behalf of my people I want to thank the Committee on Agriculture and its members from all sections of the country, and the Rules Committee, which is presided over by the present acting Speaker.

I think the resolution should pass. I believe it will be economical for the Government for it to pass at this time and I certainly hope it will do so.

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. COLLINS].

Mr. COLLINS. Mr. Speaker, the pink bollworm has not made its appearance in my State, but the people of Mississippi are just as vitally interested in its eradication as the people of that small part of Texas where the pest is now doing so much damage. The pink bollworm is a more deadly foe to cotton than the boll weevil and its ravages are much more extensive. It exists in every country of the world where cotton is raised, and has only recently invaded a small section of ours, coming to us across the border from Mexico. It is transmitted from one territory to another in cottonseed. Where it exists eggs are laid or deposited in the seed and when the seed are planted the eggs are hatched, and in this way the new seed are similarily infected and in a few years the pest is spread everywhere cotton is grown.

The Agricultural Department has conducted extensive experiments with this insect and knows how to get rid of it. This is agreed. It behooves us, therefore, to immediately apply the remedy. The cost of doing this now will be relatively small. It is the duty of the Government to do it. The States can not. All sections of our country are interested in cotton and hence can not afford to let our largest agricultural activity be destroyed.

The lot of the farmer is bad enough at best. Efforts to relieve his conditions economically are pending now before the Congress. I have given these measures my loyal support and will continue to do so. It is to our country's welfare that its rural population shall have the same opportunities for health, wealth, culture, and happiness that goes to those citizens in other vocations.

The measure now pending has no political aspects. It has no economic angles or cross sections. It is meritorious. It demands the support of every Member of this House, and I am sure will receive it.

Mr. WILLIAMS of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the joint resolution (S. J. Res. 129) to provide for eradication of the pink bollworm and authorizing an appropriation therefor.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the joint resolution S. J. Res. 129, with Mr. MICHENER in the chair.

The Clerk read the title of the resolution.

On motion of Mr. HAUGEN, the first reading of the resolution was dispensed with.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK of Texas. Mr. Chairman, I do not know that I will take the full five minutes which has been yielded me; but I have here a statement from Dr. W. E. Hinds, who is the entomologist of the Louisiana Experiment Station, and I think one of the ablest men in his line that there is in this country.

In a statement he sent to all Members of Congress on April 14, entitled "Congress should wake up," he makes two or three very illuminating statements about this problem that does confront the cotton-growing industry. First he says:

> To accomplish extermination of the pink bollworm in the present known infested areas in the United States will constitute a tremendous undertaking, but it is positively the only method by which the spread of this pest through the entire Cotton Belt can be prevented. The success of earlier extermination work indicates that it is possible to do as well again. The magnitude of the undertaking should not be discourage but rather make more certain the adequate effort that is required.

Now, it was brought out in the hearings before the Committee on Agriculture that the complete extermination by noncotton zones of the pink bollworm was perhaps the only instance on record where an insect of this kind had been completely eradicated and was an excellent illustration of the method that the Department of Agriculture should follow in cases of this kind wherever it is practicable. Doctor Hinds in his statement also lays special stress on the fact that it is a national problem. On this point he says:

> The eradication of the pink bollworm must be considered as a national problem. It must be undertaken without delay if it is ever accomplished successfully. The protection of the vast cotton-producing and cotton-manufacturing industries of the United States justifies fully any needed national or State appropriations for such work.

Now, Mr. Chairman, in view of what this eminent authority says, I felt justified in asking for a moment's time to read it to the House.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. BLACK of Texas. Yes; I will be glad to yield to the gentleman from Mississippi.

Mr. WHITTINGTON. What are the statutes of the State of Texas relating to the noncotton zones?

Mr. BLACK of Texas. They provide that the pink bollworm commission is authorized to declare noncotton zones and, of course, the statute provides that the grower shall be compensated, because, naturally, you could not exercise that power unless you did provide for compensation.

Mr. SHALLENBERGER. Is that without consideration of what he may receive in the way of other crops?

Mr. BLACK of Texas. The language of the statute is "the actual and necessary damage," and of course that would take into consideration any crops he may be able to grow by way of reducing the damage. I am glad that the House seems to be unanimous for the passage of this bill.

The CHAIRMAN. Will the gentleman from Iowa advise the Chair whether an agreement for the control of time was made in the House?

Mr. HAUGEN. The rule provides for one hour's debate, but there was no agreement as to control of time.

The CHAIRMAN. The Chair will recognize anyone opposed to the bill.

Mr. FULMER. Mr. Chairman and gentlemen of the committee, I am only asking this time so as to give my hearty indorsement to this very meritorious bill.

The bill has the strongest kind of indorsement by the Department of Agriculture, largely backed on past experience in dealing with this pest, the pink bollworm. About two years ago we had one section in Louisiana and about two counties in Texas infested, and the Department of Agriculture put on the methods contemplated under this bill; that is, the enforcement of noncotton zone, and completely stamped out this worm. The Budget commission has also given its O. K. on the appropriation carried in this legislation.

I could very easily oppose this bill from a selfish viewpoint, believing that if the pink bollworm were undisturbed it would

eat up the farmers' cotton in Texas, thereby cutting the total yield annually in such a manner that perhaps my people would receive a better price for their cotton. This might work temporarily, but I am too well acquainted with the ravages of the boll weevil to take such a stand.

My people of South Carolina are very much interested and concerned in the extermination of the pink bollworm, because they believe that unless the Government will take the step contemplated under this bill it will only be a short time until the pink bollworm will be all over the cotton South just like the boll weevil.

I would like to state, also, that I noted just a few days ago that the county convention of Sumter County, my district, passed resolution in behalf of the passage of this kind of legislation. It is my belief that had the Government taken such steps when we first discovered the boll weevil we could have stamped out that most damaging pest. Members of Congress at that time tried to put over this kind of program, but were unsuccessful, and to-day the boll weevil is not only costing the Government millions of dollars annually in trying to keep down this pest, but our cotton farmers are using considerable extra labor and losing millions of dollars because of the destruction of the weevil when seasons are favorable for their dirty work.

THE IMPORTANCE OF THE PINK BOLLWORM AS A COTTON PEST

The pink bollworm ranks as perhaps the worst of all known cotton insect pests. It has for the United States a special menace for the reason that we already have the boll weevil, now a source of annual and very heavy losses throughout the Cotton Belt. The weevil is particularly an enemy of the buds or squares, while the pink bollworm attacks, in preference, the bolls, and therefore is competent to destroy any part of the crop that may have escaped the weevil. Having both of these pests would place the United States under a very serious handicap in competition with other cotton-producing countries of the world.

The pink bollworm is a native of India. It was first recognized there as a cotton pest in 1842, but its early record was not exploited and was apparently thereafter overlooked. About 1906 or 1907 this pest was introduced from India into Egypt through the agency of seed cotton sent to Egypt for ginning. The parent insect is a small moth related to the codling moth of the apple. Its larva attacks particularly the seed and remains in the seed over winter, and it is this fact that has led to the rather rapid progress of this cotton pest around the world in shipments of seed.

In Egypt it spread rapidly after its introduction into lower Egypt and now covers practically all of the Nile Valley. Its economic status there is indicated in a publication of this year issued by the Egyptian ministry of agriculture. In a brief summary of cotton pests in this publication the following statement is made relative to this insect:

> The pink bollworm (*Gelechia gossypiella*) is by far the greatest known pest in Egypt, as much as one-quarter of the crop being rendered unpickable annually through its ravages. Appearing in small numbers in June, it increases at a rapid rate until 90 per cent or more of the unopened bolls on the plant toward the end of the season are damaged by it.

It should be noted that this damage is in spite of enforced application of all known remedies against the pest, including the removal of all cotton plants from the field early in the fall, the burning of all parts of the plant which contain the insect, and the disinfection of all planting seed.

This pest reached Brazil (1911–1913) through the agency of purchases of seed in Egypt for distribution by the department of agriculture of that country, leading to a very prompt and general distribution of the pest. The losses from this pest in Brazil are reported by the Minister of Agriculture of that country to have reached, by 1917, from one-third to two-thirds of the crop, involving losses in seven States in that year totaling $27,000,000.

In Hawaii a small but very promising industry has been wiped out by reason of this pink bollworm.

Very heavy losses are also experienced in East Africa, where it became established possibly even before it reached Egypt.

Its present range includes India, Egypt, East Africa, a portion of the West Indies, Mexico, Australia, China, and some other countries. The United States is now the only important cotton-producing country of the world which is substantially free from this pest.

We now know that this pest reached the United States via Mexico. Two importations into Mexico of Egyptian seed were made in 1911 and planted in or near the principal cotton district of that Republic, namely, the Laguna district, some 200 or 300 miles south of our border. The department had been early advised of the occurrence of this pest in Egypt, and in 1913—a year after the passage of the plant quarantine act—had promulgated a quarantine prohibiting the entry of cottonseed from all countries except Mexico. The fact of the entry of this pest into Mexico was learned by the department in 1917, following the transmission in that year of samples of injured bolls for examination and report, and while an immediate stop was placed on the further entry of cottonseed from Mexico it developed in the fall of that year that some of the seed which had previously come over from Mexico had resulted in an initial establishment of this pest at Hearne, Tex. Later on, in the same year, it was discovered that the pest had a very considerable foothold in the Trinity Bay region. I gathered from the hearings before our committee on this bill that this much more widespread infestation resulted from a large shipment of Mexican cotton lint which was landed at Galveston for transshipment to Europe. During the period that it was held at Galveston, the big hurricane or storm of 1915 took large quantities of this baled cotton and broke the bales and scattered the lint along the coast of Texas, and particularly along the shores of Trinity Bay, which opens into the Gulf near that point. A good deal of seed remains in ginned cotton, and it was evidently from this cottonseed so distributed that the infestation gained a large foothold in that part of the State.

This situation led to an immediate effort, under a Federal appropriation, to effect the eradication of the pest in these areas in eastern Texas. The main area in southeastern Texas about Trinity Bay was about equivalent to the area of the State of Connecticut, and a similar area was later found in Louisiana opposite the area in Texas. There also later developed three additional points of spread, one near Shreveport, La., and two others, one in Ellis and one in Grayson Counties in northern Texas. The two large areas and also the smaller areas, including the one at Hearne, were all placed under noncotton zones, with the intention of endeavoring to eradicate and eliminate the pest. The growth of cotton was forbidden in these areas and over a sufficient border strip to give greater security. These noncotton zones were maintained for 1, 2, and, in some cases, 3 years, and in each instance the effort was successful, inasmuch as for some 7 years no recurrence of the pest has been determined in any of these areas which, in the meantime, have been kept under yearly inspection. We have, therefore, a series of demonstrations that clean-up and noncotton zones for one or two years are efficient means of eradication.

The CHAIRMAN. If no one demands recognition, the Clerk will read the bill.

The Clerk read the bill.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. NEWTON having taken the chair as Speaker pro tempore, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate Joint Resolution 129 and had directed him to report the same back without amendment, with the recommendation that it do pass.

The SPEAKER pro tempore. Under the rule the previous question is ordered, and the question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. Without objection, the preamble will be stricken out. Is there objection?

Mr. BUCHANAN. Mr. Speaker, if the preamble is stricken out would it not have to go back to conference? It is really important that there should be no delay, and I hope the House will not strike the preamble out.

The SPEAKER pro tempore. In the opinion of the Chair that would be such a change in the bill as to require the bill to go back to conference.

Mr. BANKHEAD. Mr. Speaker, was a motion made to strike out the preamble?

The SPEAKER pro tempore. No; the Chair stated that without objection it would be stricken out. Is there objection?

Mr. BANKHEAD. I object.

Mr. FORT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FORT. The bill as printed (S. J. Res. 129) contains two committee amendments, which were read by the Clerk. Are those amendments adopted in the form the report was made?

The SPEAKER pro tempore. The gentleman has the wrong print. Those were committee amendments to the Senate bill and are in the bill as it passed the Senate. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. HAUGEN, a motion to reconsider the vote was laid on the table.

A similar House bill was laid on the table.

CONSENT CALENDAR

The SPEAKER pro tempore (Mr. SNELL). Under the unanimous-consent order, the Clerk will call the Consent Calendar, beginning where we left off last time the calendar was called.

TULE RIVER INDIAN RESERVATION, CALIF.

The first business on the Consent Calendar was the bill (S. 1662) to change the boundaries of the Tule River Indian Reservation, Calif.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object—and I have no intention of objecting—I ask the gentleman from California who is in charge of the bill what the reason is for the change?

Mr. ENGLEBRIGHT. Mr. Speaker, the reason for the change is the fact that certain private lands inadvertently were included within the boundaries of the reservation when the survey was made, and certain Indian lands that were intended to be placed in the reservation were left out. It is a matter purely of correction.

Mr. HOOPER. Mr. Speaker, I have no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the boundaries of the Tule River Indian Reservation, Calif., created by Executive order dated January 9, 1873, are hereby changed so as to exclude from said reservation the following tracts of land, which were shown by the plat of survey approved on the 2d day of February, 1884, to be a part of the public domain, and were duly patented or granted by the United States as such, but were shown by the plat of resurvey approved on the 12th day of March, 1927, to be within the outer boundaries of the said Indian reservation, to wit: Southwest quarter southwest quarter section 7; all sections 16 and 17; east half northeast quarter, southwest quarter northeast quarter, southeast quarter northwest quarter, east half southeast quarter section 18; east half northwest quarter, northwest quarter northwest quarter, northeast quarter section 20; northwest quarter northwest quarter section 21; and tract No. 48 in the southeast quarter section 28, all in township 21 south, range 31 east, of the Mount Diablo meridian in California.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NEW YORK STATE CAMP FOR VETERANS

The next business on the Consent Calendar was the bill (H. R. 7464) to authorize the Secretary of War to accept conveyance of the cemetery at the New York State Camp for Veterans to the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk proceeded to read the bill.

Mr. LaGUARDIA (interrupting the reading). Mr. Speaker, I ask unanimous consent that we may return to this number on the calendar which the Clerk is now reading. I am trying to get my papers in shape. I ask to have the bill go over.

The SPEAKER pro tempore. Without objection, the bill will go over for a few moments.

There was no objection.

The SPEAKER pro tempore. The Clerk will call the next bill.

PURCHASE OF LAND AT WINNEMUCCA, NEV.

The next business on the Consent Calendar was the bill (S. 2084) for the purchase of land in the vicinity of Winnemucca, Nev., for an Indian colony, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, the gentleman from Michigan [Mr. CRAMTON] asked me to have certain amendments inserted in the bill, which I shall move at the end of the reading of the bill. I desire to give notice of that fact now.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of $500, for the purchase of land in the vicinity of Winnemucca, Nev., described as the north half of the northeast quarter of the southwest quarter of section 29, township 36 north, range 38 east, Mount Diablo meridian, containing 20 acres, more or less, to be used as an Indian colony.

SEC. 2. That there is also authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of $2,000 for moving the cabins of Indians residing in the vicinity of Winnemucca, Nev., to the above-described location, for making necessary repairs to said cabins, building roads in colony, and for erecting such new cabins as, in the opinion of the United States Office of Indian Affairs, may be necessary.

Mr. HOOPER. Mr. Speaker, I offer to amend, on page 2, line 6, by striking out the word "such."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HOOPER: Page 2, line 6, strike out the word "such."

The amendment was agreed to.

Mr. HOOPER. I also offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HOOPER: Page 2, line 7, after the word "cabins," strike out the remainder of the paragraph.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3845. An act to prohibit predictions with respect to cotton prices in any report, bulletin, or other publication issued by any department or other establishment in the executive branch of the Government; and

S. 3991. An act declaring certain designated purposes with respect to certain parts of Santa Rosa Island in Florida to be "public purposes" within the meaning of the proviso in section 7 of the act approved March 12, 1926, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes."

The message also announced that the Senate had adopted the following resolution:

Senate Resolution 231

Resolved, That the Senate has heard with profound sorrow of the death of Hon. FRANK B. WILLIS, late a Senator from the State of Ohio.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay tribute to his high character and distinguished public service.

Resolved, That as a further mark of respect to his memory the Senate, at the conclusion of these exercises, shall stand in recess.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

CONSENT CALENDAR

EXCHANGING LANDS IN YOSEMITE NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 12038) to authorize the acquisition of certain patented lands adjoining the Yosemite National Park boundary by exchange, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what lands are going to be exchanged?

Mr. ENGLEBRIGHT. These lands to be exchanged are lands that are very fine feeding lands for deer that are in the park. Lands of less value will be exchanged for these grazing lands. That is, an equal area of land situated in another part of the reservation of the park which are not grazing lands will be exchanged for these lands. It is a matter of game protection, purely, and is approved by the department. It is very desirable from a nature standpoint.

Mr. SCHAFER. And the gentleman says that the lands that the Government is going to receive are more valuable than the lands which the Government is giving in exchange?

Mr. ENGLEBRIGHT. Yes; from a game-conservation standpoint.

Mr. SCHAFER. I refer to a monetary standpoint. I do not want the Government to come out at the short end of the horn and give away some lands whose actual value is more than the value of lands it receives.

Mr. ENGLEBRIGHT. The lands are of the same character, but the lands the Government will receive are of more value as they contain some timber. The matter was carefully looked into by the department and by the committee.

Mr. LAGUARDIA. If they want to add to the national park, why not buy the desirable land?

Mr. ENGLEBRIGHT. This is not an addition. It is an exchange of lands within the area of the park. Lands that the park desires are exchanged for lands owned by private parties.

Mr. LAGUARDIA. I have never heard of an exchange of lands where the Government does not give absolutely good land for land that is no good.

Mr. ENGLEBRIGHT. This is a mutual agreement between the landowner and the park people to protect the game. This land is a game reservation which happens to be in private ownership.

Mr. LAGUARDIA. The gentleman knows that it will do all that?

Mr. ENGLEBRIGHT. The committee investigated it very carefully, and the department also.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of protecting park deer along the western boundary of the Yosemite National Park, the Secretary of the Interior be, and he is hereby, authorized to acquire as part of said park, by exchange as hereinafter provided, title in fee for and on behalf of the United States of America to all that land in sections 21 and 28 in township 3 south, range 20 east, Mount Diablo meridian, lying between the abandoned railroad grade running from a point in the Wawona Road near Chinquapin to the top of the abandoned incline hoist in the northeast quarter of the southwest quarter of section 21, and the east and west center line of section 21, and in sections 22, 23, 24, 25, 26, and 27 lying between said abandoned railroad grade and the existing park boundary, containing 1,350 acres, more or less, now held in private ownership, which lands upon acquisition shall be, and are hereby, added to the park; and in exchange therefor the said Secretary be, and he is hereby, authorized to issue patent to the owner of said lands, for the Government lands described as follows: That part of the north half of northeast quarter lying south of abandoned railroad grade hereinbefore mentioned, north half of southwest quarter of northeast quarter, southwest quarter of southwest quarter of northeast quarter, southwest quarter, west half of northeast quarter of southeast quarter, and southwest quarter of southeast quarter of section 25, township 3 south, range 20 east; north half section 36, township 3 south, range 20 east; southwest quarter northeast quarter, south half northeast quarter northwest quarter, west half northwest quarter, southeast quarter northwest quarter, northeast quarter southeast quarter, and west half southwest quarter southeast quarter section 32, township 3 south, range 21 east; and northwest quarter section 5, township 4 south, range 21 east; containing 1,010 acres, more or less, which lands upon issuance of patent shall be, and are hereby, eliminated from said park.

With a committee amendment, as follows:

Page 2, line 23, strike out the word "northeast" and insert in lieu thereof the word "northwest."

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

HEADSTONES OVER GRAVES OF CONFEDERATE SOLDIERS

The next business on the Consent Calendar was the bill (H. R. 10304) authorizing the Secretary of War to erect headstones over the graves of soldiers who served in the Confederate Army and to direct him to preserve in the records of the War Department the names and places of burial of all soldiers for whom such headstones shall have been erected, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object—and I will state to the gentleman that I do not intend to object—may I ask the gentleman if he has any information as to approximately the number of graves that will be affected by this legislation?

Mr. HILL of Alabama. I took up that matter with the Quartermaster General of the Army. I may say that he approves of the purpose of the bill.

Mr. HOOPER. I approve of the purposes of the legislation.

Mr. HILL of Alabama. But I can not give the gentleman definite information.

Mr. LAGUARDIA. In order to avoid experiences such as we have had heretofore, would the gentleman from Alabama object to an amendment on page 1, line 8, after the word "durable," to insert the word "domestic"?

Mr. HILL of Alabama. I have no objection to that; none whatever. I will offer that as an amendment.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CONNERY. Reserving the right to object, Mr. Speaker—and I shall not object—I am happy to see this bill pass. In the World War we had the sons of Confederate soldiers fighting in France with us, and I am sure all patriotic citizens would be glad to see the proper reverence paid to these Confederate soldiers.

The SPEAKER pro tempore. Is there objection?

Mr. SPROUL of Kansas. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

LICENSING OF PATENTS OWNED BY THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 12695) to authorize the licensing of patents owned by the United States.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. SCHAFER. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

LANDS IN THE NEZ PERCE INDIAN RESERVATION, IDAHO

The next business on the Consent Calendar was the bill (H. R. 11983) to provide for issuance of perpetual easement to the department of fish and game, State of Idaho, to certain lands situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue perpetual easement to the department of fish and game, State of Idaho, to the following-described lands, all situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho:

Commencing at a point on the east and west center line of section 14, township 35 north, range 4 west, Boise meridian, 885 feet west of the east quarter corner of said section 14, which point of beginning is also on the easterly right-of-way line of the Camas Prairie Railroad; thence north 3° 10′ west, along said right-of-way line a distance of 1,646 feet; thence east a distance of 1,158.5 feet to a point on the westerly right of way of the county road; thence south 3° 27′ west along said county road right-of-way line a distance of 1,648 feet to a point on the east and west center line of section 13, township 35 north, range 4 west, Boise meridian, which point is 83.6 feet east of the west quarter corner of said section 13; thence north 89° 58′ west, along the east and west center lines of said sections 13 and 14, a distance of 968.6 feet to the point of beginning. Lying partly in the northwest quarter section 13 and partly in the northeast quarter section 14. All in township 35 north, range 4 west, Boise meridian, containing 40.22 acres, more or less.

Said lands to be used by the department of fish and game, State of Idaho, for the propagation of fish and game: *Provided*, That should the land herein granted cease to be used by the department of fish and game, State of Idaho, for the propagation of fish and game, the easement shall cease, the grantees be permitted to remove structures and equipment that they may have added, and the land described revert to the grantors herein.

With a committee amendment, as follows:

Page 2, line 10, after the word "way," insert the word "line."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

ACQUISITION OF LANDS NEAR FORT KAMEHAMEHA, HAWAII

Mr. JAMES. Mr. Speaker, when the bill (H. R. 11847) to authorize the acquisition of the Queen Emma and Damon

estates and the Halawa site in the vicinity of Fort Kamehameha, Hawaii, and for other purposes, was up the other day the gentleman from Texas [Mr. BLACK] asked that it go over without prejudice. He is now here, and I ask unanimous consent that we return to that bill, Calendar No. 604.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that we return to the bill No. 604 on the calendar. Is there objection?

Mr. BLACK of Texas. Reserving the right to object, Mr. Speaker, I understand the gentleman from Michigan has made a personal investigation of this project, and he feels that the completion of it along the line recommended by the committee will in the long run result in a decided economy to the Army and Navy activities in the Hawaiian Islands?

Mr. JAMES. Yes. It will save a good many millions of dollars.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

APPROPRIATION FOR ROADS ON INDIAN RESERVATIONS

The next business on the Consent Calendar was the bill (S. 1145) to authorize an appropriation for roads on Indian reservations.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Reserving the right to object, Mr. Speaker—and I have no intention to object—the gentleman from Michigan [Mr. CRAMTON] has made a special study of this matter and has asked me to request that it be passed over without prejudice.

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

PAPAGO INDIAN RESERVATION, ARIZ.

The next business on the Consent Calendar was the bill (S. 3026) authorizing the construction of a fence along the east boundary of the Papago Indian Reservation, Ariz.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from California for some information. Are the Indians who are involved in this matter going to do the work of the actual fencing of the property?

Mr. ENGLEBRIGHT. Mr. Speaker, the Indians who are involved in this matter are going to supply all of the labor. They are simply asking the Government to supply them with the materials. They are one of the few tribes of Indians in the United States, outside of the Civilized Tribes, that are self-supporting. They have a large cattle industry, and this fence is for the purpose of protecting that industry.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $15,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for expenditure under the direction of the Secretary of the Interior for the purchase of barbed wire and posts and transportation of the same for use in the construction of a fence on or near the east boundary of the Papago Indian Reservation, Ariz., beginning at the international boundary line and extending in a northerly direction for approximately 60 miles: *Provided*, That no part of said appropriation shall be expended in payment of labor for the erection of said fence.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WIND RIVER RESERVATION, WYO.

The next business on the Consent Calendar was the bill (S. 3365) to authorize allotments to unallotted Indians on the Shoshone or Wind River Reservation, Wyo.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to allot lands classified as nonirrigable, nontimbered grazing lands on the diminished Shoshone or Wind River Reservation, Wyo., to all unallotted living children enrolled or entitled to be enrolled on said reservation, in areas not exceeding 320 acres each, and to issue therefor trust patents of the form and legal effect authorized by the general allotment act of February 8, 1887 (24 Stat. 388), as amended: *Provided*, That all minerals, including oil and gas, on any of the lands allotted hereunder are reserved to the Indians having rights on the reservation, and may be leased for mining purposes under existing law.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, or so much thereof as may be necessary to pay the expenses for necessary surveys, classification of lands, and all other expenses in connection with the allotment work.

With the following committee amendment:

Page 2, line 3, after the word "reserved," strike out the word "to" and insert in lieu thereof the words "in common for the benefit of."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PREFERENCES IN THE EMPLOYMENT OF LABOR

The next business on the Consent Calendar was the bill (H. R. 11141), to require contractors and subcontractors engaged on public works of the United States to give certain preferences in the employment of labor.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, the gentleman from Michigan [Mr. CRAMTON] has asked to have this bill passed over without prejudice, and I ask unanimous consent that it be so passed over.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

RURAL POST ROADS

The next business on the Consent Calendar was the bill (S. 1341) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to have this bill passed over without prejudice.

Mr. COLTON. Mr. Speaker, this is a very important bill and I will be very glad to give any information that the gentleman from New York may desire. I ask unanimous consent that the bill may be passed over temporarily, to be called up later.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

NAVAL RESERVE FORCE, NAVAL RESERVE, AND MARINE CORPS RESERVE

The next business on the Consent Calendar was the bill (H. R. 8537) for the relief of retired and transferred members of the Naval Reserve Force, Naval Reserve, and Marine Corps Reserve.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

ADDITIONAL JUDGE FOR THE DISTRICT OF SOUTH DAKOTA

The next business on the Consent Calendar was the bill (H. R. 8551) to create an additional judge in the District of South Dakota.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, is there a real necessity for an additional judge in South Dakota?

Mr. DYER. Mr. Speaker, in answer to the inquiry of the gentleman from Wisconsin, I will state that the State of South Dakota is one judicial district and it has only one judge. This judge is almost at the age when he can retire. The work

is very burdensome and this is for the purpose of relieving him and having some one there to assist in doing the work. The judge himself will be able to retire very shortly and this does not create an additional judge. The bill provides that no successor to him shall be appointed without congressional action.

Mr. SCHAFER. Is the docket of the court congested?

Mr. DYER. The docket is very much congested, due to the health of the present judge. As I have stated, South Dakota is one judicial district and South Dakota is becoming a very great State in many industrial ways. It has many important matters that come to the Federal court, and having only one judge there, and his health not being very good, it is really in the interest of the public business to create this additional judge. However, an additional judge will be created for but a few months.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he hereby is, authorized and directed, by and with the advice and consent of the Senate, to appoint an additional judge of the District Court of the United States for the District of South Dakota, who shall reside in said district and whose term of office, compensation, duties, and powers shall be the same as now provided by law for the judge of said district.

SEC. 2. When a vacancy shall occur in the office of the existing judge for said district such vacancy shall not be filled unless authorized by the Congress.

SEC. 3. This act shall take effect upon its approval by the President.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RURAL POST ROADS

Mr. COLTON. Mr. Speaker, I ask unanimous consent to return to Calendar No. 655, S. 1341, an act to amend the act entitled "An act to provide that the Unied States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, which was passed over temporarily a moment ago.

The SPEAKER pro tempore. The gentleman from Utah asks unanimous consent to return to Calendar No. 655. Is there objection?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, as I understand from the reading of the bill, it does not disturb the present plan of apportionment to the States of Federal aid?

Mr. COLTON. Not at all.

Mr. BLACK of Texas. It leaves that just as it is under the present law?

Mr. COLTON. Yes.

Mr. BLACK of Texas. The only change made is that under certain conditions it permits the Federal Government to use a larger part on some particular road than is now permitted under the general law.

Mr. COLTON. And that is deducted from the amount allotted to each State where this is used.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That paragraph 4, section 4, of the act entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes," approved June 19, 1922 (42 Stat. L. 660), prescribing limitations on the payments of Federal funds per mile which the Secretary may make, is hereby amended by adding at the end thereof a further proviso, as follows:

"*And provided further*, That the Secretary of Agriculture may make payments in excess of the above limitations per mile in the case of any project involving construction in mountainous, swampy, or flood lands, on which the average cost per mile for the grading and drainage structures other than bridges of more than 20 feet clear span will exceed $10,000 per mile; and also in the case of any project which by reason of density of population or character and volume of traffic the State highway department and the Secretary of Agriculture may determine should be improved with a surface of greater width than 18 feet. In no event shall the payments of Federal funds on any project under this proviso exceed 50 per cent of the cost of the project, except as such payments are authorized to be increased in the public-land States."

SEC. 2. That the paragraph of section 6 of the Federal highway act, approved November 9, 1921, which reads as follows: "Not more than 60 per cent of all Federal aid allotted to any State shall be expended upon the primary or interstate highways until provision has been made for the improvement of the entire system of such highways: *Provided*, That with the approval of any State highway department the Secretary of Agriculture may approve the expenditure of more than 60 per cent of the Federal aid apportioned to such State upon the primary or interstate highways in such State," is hereby repealed.

SEC. 3. That section 11 of the Federal highway act, approved November 9, 1921 (42 Stat. L. 212), as amended or supplemented, be further amended by adding at the end of the second paragraph thereof the following:

"*And provided further*, That in the case of any State containing unappropriated public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per cent of the total area of all lands in the State in which the population, as shown by the latest available Federal census, does not exceed 10 per square mile of area, the Secretary of Agriculture, upon request from the State highway department of such State may increase the share payable by the United States to any percentage up to and including the whole cost on projects on the primary system of Federal-aid highways and on projects on the secondary system when the latter is a continuation of a route on the primary system or directly connects with a route on the primary system of an adjoining State, but the average Federal pro rata allotted to all Federal-aid projects in any such State during any fiscal year shall not exceed the pro rata authorized in such State under the provisions of this act."

SEC. 4. That hereafter the shield or other insignia of the United States as shown on the seal of the United States, or any simulation thereof, shall not be used as a highway marker, directional sign, or advertising medium on or along any road or highway in the United States, which is a part of or may become a part of the primary or interstate or secondary or intercounty highway system as designated in accordance with the Federal highway act of November 9, 1921, except where heretofore or hereafter so used by the highway departments of the several States acting cooperatively through their organization, known as the American Association of State Highway Officials, and with the United States Department of Agriculture: *Provided*, That nothing herein shall be held to prohibit the highway department of any State from authorizing motoring organizations, associations, and corporations, heretofore engaged in sign-posting work under the direction of such highway departments, to erect and maintain such highway markers and directional signs when done without expense to the State or the United States, or to place on such markers and directional signs the insignia or name of the agency so designated, when done in a manner approved by such highway department; and any person, firm, organization, corporation, or association who shall use or shall simulate and use any shield or other insignia of the United States as a highway marker, directional sign, or advertising medium for or along such highways, or who shall destroy, mutilate, deface, tear down, or remove any highway marker or directional sign heretofore or hereafter erected by the Bureau of Public Roads at the expense of the Federal Government on said system of highways, shall be deemed guilty of a misdemeanor and shall be punishable by a fine of not to exceed $100 or by imprisonment for not more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 5. In every case in which, in the judgment of the Secretary of Agriculture and the highway department of the State in question, it shall be practicable to plant and maintain shade trees along the highways authorized by said act of November 9, 1921, and by this act, the planting of such trees shall be included in the specifications provided in section 8 of said act of November 9, 1921.

SEC. 6. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That section 11 of the Federal highway act, approved November 9, 1921 (42 Stat. L. 212), as amended or supplemented, be further amended by adding at the end of the second paragraph thereof the following:

"'*And provided further*, That in the case of any State containing unappropriated public lands and nontaxable Indians lands, individual and tribal, exceeding 5 per cent of the total area of all lands in the State in which the population, as shown by the latest available Federal census, does not exceed 10 per square mile of area, the Secretary of Agriculture, upon request from the State highway department of such State, may increase the share payable by the United States to any percentage up to and including the whole cost on projects on the primary system of Federal-aid highways and on projects on the secondary system when the latter is a continuation of a route on the primary system or directly connects with a route on the primary system of an adjoin-

ing State, but such State shall allocate and expend during the same fiscal year upon some other project or projects on the Federal-aid system, under the direction of the Secretary of Agriculture, the amount it would have been required to expend upon such project.'

"SEC. 2. In every case in which, in the judgment of the Secretary of Agriculture and the highway department of the State in question, it shall be practicable to plant and maintain shade trees along the highways authorized by said act of November 9, 1921, and by this act, the planting of such trees shall be included in the specifications provided in section 8 of said act of November 9, 1921.

"SEC. 3. The system of Federal-aid highways on which Federal funds may be expended in any State may exceed 7 per cent of the total highway mileage of such State by the mileage of roads on said system within national forest, Indian, or other Federal reservations therein.

"SEC. 4. Federal funds may be expended on that portion of a highway or street within a municipality having a population of 2,500 or more, along which from a point on the corporate limits inwardly the houses average more than 200 feet apart: *Provided,* That no Federal funds shall be expended for the construction of any bridge within or partly within any municipality having a population of more than 30,000, as shown by the latest available Federal or State census; but this limitation shall not apply in the case of an interstate bridge, including approaches, connecting such municipality in one State with a point in an adjoining State which may be within a municipality having a population of not more than 10,000.

"SEC. 5. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ADDITIONAL CIRCUIT JUDGE

The next business on the Consent Calendar was the bill (H. R. 11139) for the appointment of an additional circuit judge for the second judicial circuit.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MICHENER). Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this additional circuit judgeship was to be created on the assumption there would be three additional district judges in the southern district and one additional district court judge in the eastern district within the circuit court district. Pending the consideration of the bills which have been reported from the Committee on the Judiciary, I ask that this bill may go over without prejudice.

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice.

There was no objection.

SUBSCRIPTION CHARGES FOR NEWSPAPERS, MAGAZINES, ETC.

The next business on the Consent Calendar was the bill (H. R. 11989) providing that subscription charges for newspapers, magazines, and other periodicals for official use may be paid for in advance.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object. There is a constant attempt being made to break down one of the most salutary provisions of the Revised Statutes to permit the payment of money in advance. These subscriptions are possible in the Diplomatic Service. We made certain exceptions and there is a tendency to keep breaking down this provision of the Revised Statutes, and I trust that there will be two other Members who will join with me in objecting to the bill at this time.

Mr. DYER. Mr. Speaker, this legislation is asked for by the departments. It saves a great deal of expense. You have got to pay for it anyway, and if it can be paid for in advance it avoids the necessity of putting this provision in the appropriation bills.

Mr. LAGUARDIA. It can be objected to in appropriation bills, and I do not see why any periodical would not trust the Government for a year's subscription. I object.

Mr. DYER. It is not a question of trusting the Government, but it is a question of facilitating and saving expense to the Government.

Mr. LAGUARDIA, Mr. SCHAFER, and Mr. COOPER of Wisconsin objected.

AMENDMENT OF THE JUDICIAL CODE OF THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 8270) to amend section 52 of the Judicial Code of the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SPEARING, Mr. DE ROUEN, and Mr. KEMP objected.

Mr. MACGREGOR. Mr. Speaker, may I ask that the objections be reserved until I can make some inquiry as to why it is objected to?

The objection was reserved.

Mr. MACGREGOR. I can not understand why there is objection to this bill. There are certain rumors that have come to me that certain corporations are objecting to it because they do not want to be sued. All that the bill provides is that in a State where there is more than one judicial district of the United States and where there is a designation by a foreign corporation doing business in that State of the secretary of state or other person, that persons living in a judicial district outside of the district in which the secretary of state or other person designated is located within the same State may sue.

Mr. SPEARING. It does not say that at all.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. MACGREGOR. Yes.

Mr. LAGUARDIA. And is it not true that in almost every State the superintendent of insurance is the man designated to accept service for a foreign insurance company, and the superintendent of insurance as a rule resides in the capital of the State, thereby making it necessary for a plaintiff suing a foreign insurance corporation to go to the capital in order to get service?

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. MACGREGOR. Yes.

Mr. HOWARD of Oklahoma. We have a situation in Oklahoma where we have three judicial districts. It is the practice of foreign corporations to appoint, say, the assistant secretary of state as their agent.

Mr. MACGREGOR. Yes.

Mr. HOWARD of Oklahoma. If I understand the gentleman, under this bill if it passes, if I live in one of the districts other than the one in which the capital is located, I can bring suit, but under other conditions I can not bring it, unless this bill passes, unless I live in the district where the capital is located.

Mr. MACGREGOR. The gentleman is absolutely correct.

Mr. LAGUARDIA. Or you have to go to the capital to bring suit.

Mr. MACGREGOR. If the plaintiff does not reside within the same judicial district as the person designated he can not bring suit at all because under section 51 of the Judicial Code the action must be brought in the district where one of the parties reside.

Mr. SPEARING. Under this bill, irrespective of the district in which he lives, he may bring suit wherever he wants to in the State.

Mr. MACGREGOR. The gentleman is right, but this is a foreign corporation and the people of the whole State should have equal rights with respect to the foreign corporation permitted to do business within their State.

Mr. LAGUARDIA. Suppose a resident in the northern part of the gentleman's State desires to sue a railroad corporation. If that corporation has no agent in the judicial district, then the plaintiff must go hundreds of miles in order to bring the defendant within the jurisdiction of the court.

Mr. SPEARING. A resident of a State living in the district in which the agent of a foreign corporation is located can if he pleases bring suit against the corporation in a different district. I object, Mr. Speaker.

Mr. SPEARING, Mr. KEMP, and Mr. O'CONNOR of Louisiana objected.

CREATION OF ORGANIZED RURAL COMMUNITIES

The next business on the Consent Calendar was the bill (H. R. 8221) to authorize the creation of organized rural communities to demonstrate methods of reclamation and benefits of planned rural development.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HOOPER. Mr. Speaker, at the request of the gentleman from Michigan [Mr. CRAMTON] I ask that this bill be passed without prejudice.

Mr. CRISP. I think this is a very meritorious bill and I regret that the gentleman has seen fit to object to it.

Mr. LAGUARDIA. The gentleman did not expect to have it passed on the unanimous Consent Calendar, did he?

Mr. CRISP. Well, I was very optimistic. I made application for a rule and not having received it I did the best I could.

COMPENSATION OF REGISTERS OF LOCAL LAND OFFICES

The next business on the Consent Calendar was the bill (S. 766) to fix the compensation of registers of local land offices and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That from and after the beginning of the next fiscal year the compensation of registers of local land offices shall be a salary of $1,000 per annum each and all fees and commissions now allowed by law to such registers, but the salary, fees, and commissions of such registers shall not exceed $3,600 each per annum: *Provided*, That the salary of the register of the Juneau land district, Alaska, shall be $3,600 per annum.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RELIEF OF CERTAIN MEMBERS OF THE NAVY AND MARINE CORPS

The next business on the Consent Calendar was the bill (H. R. 8327) for the relief of certain members of the Navy and Marine Corps, who were discharged because of misrepresentation of age.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Who has charge of this bill?

Mr. REECE. I am not responsible for the bill, but I did sponsor a similar bill for the Army, which has passed the House.

Mr. LAGUARDIA. Is this regardless of the length of service the young man may have in the Army or the Navy? Suppose a young man enters the Navy and gives his age wrongfully. Then immediately thereafter without rendering any actual service he is discharged. Would the gentleman place that boy in the category here provided?

Mr. REECE. The bill which related to the Army applied during the World War and the Spanish War, and it applied without reference to the period of the service.

Mr. LAGUARDIA. Would the gentleman give the boy who served only one day the privileges of the bonus, pension, and so forth? If a boy came into the service and rendered service and on application of the parents without any fault of his own was discharged, I would give that boy an honorable discharge, but where a boy enlists one day and leaves the service in a week I do not believe that he should receive it.

Mr. SCHAFER. What about boys 16 or 17 years old that the recruiting officers take into the service day after day, day in and day out?

Mr. LAGUARDIA. That has nothing to do with it.

Mr. SCHAFER. You do not give them an honorable discharge?

Mr. REECE. Under the compensation law in order to receive a pension for disability the disability must be connected with the service. In the future if we pass a general pension bill they will follow that precedent.

Mr. LAGUARDIA. Mr. Speaker, I will ask to have the bill passed over without prejudice.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

PAN AMERICAN POSTAL UNION RECIPROCAL FREE POSTAGE

The next business on the Consent Calendar was the bill (H. R. 12415), to grant freedom of postage in the United States domestic service to the correspondence of the members of the diplomatic corps and consuls of the countries of the Pan American Postal Union stationed in the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, I object.

POISONS IN THE MAILS

The next business on the Consent Calendar was the bill (H. R. 10441) to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

TRANSFERRING CERTAIN GOVERNMENT PROPERTY TO CITY OF DULUTH

The next business on the Consent Calendar was the bill (S. 2340) to transfer to the city of Duluth, Minn., the old Federal building, together with the site thereof.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Who introduced this bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object——

Mr. CARSS. Mr. Speaker, I am ready to answer any questions that the gentlemen may propound, if I am capable of doing it.

Mr. ABERNETHY. I hope the gentleman from Wisconsin will not object.

Mr. SCHAFER. What is the necessity for transferring this land to the city of Duluth?

Mr. CARSS. The city desires this land for park purposes in order to carry out what is known as the Burnham grouping plan. The city will pay the Government for it.

Mr. SCHAFER. How much is the land worth?

Mr CARSS. I do not know.

Mr. SCHAFER. Is there a saving clause in the bill which will prevent the city of Duluth from reselling the land to a private landowner?

Mr. CARSS. If the gentleman will read the bill I think he will find that that has been taken care of and that the interests of the Government are fully protected.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CARSS. Mr. Speaker, I ask unanimous consent to substitute S. 2340, an identical bill, for the House bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That upon completion of the new Federal building authorized to be erected under the provisions of the act of March 2, 1907, in the city of Duluth, Minn., the Secretary of the Treasury is hereby authorized to transfer to the city of Duluth, Minn., the old Federal building, together with the site thereof, at such price and on such terms as he deems to be reasonable, and to convey such property to the city of Duluth by the usual quitclaim deed and deposit the proceeds of such sale in the Treasury of the United States as a miscellaneous receipt.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

GRANTING TO FORT WAYNE, IND., AN EASEMENT OVER GOVERNMENT PROPERTY

The next business on the Consent Calendar was the bill (H. R. 12409) to grant to the city of Fort Wayne, Ind., an easement over certain Government property.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to grant to the city of Fort Wayne, Ind., an easement over the western portion of lot 113, original plat of such city, being a strip of land 10 feet wide and 150 feet long, extending along the east side of Clinton Street south from the corner of Berry Street, such 10-foot strip being a portion of the present post-office site; such easement to continue so long as the land shall be used exclusively for street purposes: *Provided, however*, That the United States shall retain the right to have that portion of the base of the present tower which encroaches approximately 1 foot and 3 inches on the aforesaid 10-foot strip, remain in place, undisturbed, as though such grant had never been made: *And provided further*, That the city of Fort Wayne, as a consideration for such grant, shall perform all necessary work incident to the relocation of the steps, changes in entrance, approaches, and the grounds of the said post-office site; such work shall be performed under the direction and to the satisfaction of the Treasury Department, all without expense to the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GRANTING EASEMENT TO CITY OF DULUTH, MINN.

The next business on the Consent Calendar was House joint resolution (H. J. Res. 249), granting an easement to the city of Duluth, Minn.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, what relation to this resolution has the bill that we just passed a moment ago?

Mr. CARSS. This also refers to the site and permits the Secretary of the Treasury to accept title to some land which

the Government is acquiring from the city, with the mineral reservation included.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.

Mr. CARSS. Mr. Speaker, I ask unanimous consent to substitute Senate Joint Resolution 119, an identical joint resolution.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

Resolved, etc., That in carrying into effect existing legislation providing for the granting of an easement to the city of Duluth, Minn., for the use of lots 81 and 83, in block 20, in exchange for the conveyance to the United States in fee simple of lots 86 and 88 in such block 20, as an addition to the new Federal building site in said city, the Secretary of the Treasury is hereby authorized, in his discretion, to accept a title to said lots 86 and 88, in block 20, subject to the reservation of all iron ore and other valuable minerals in and upon said land, with the right to explore for, mine and remove the same, required by section 638 of the General Statutes of Minnesota of 1923.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

A similar House joint resolution was laid on the table.

IRRIGATION DAM ON THE GREYBULL RIVER, WYO.

The next business on the Consent Calendar was the bill (H. R. 10308) to investigate and determine the feasibility of the construction of an irrigation dam on the Greybull River, Wyo.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, on behalf of the gentleman from Michigan [Mr. CRAMTON] I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

IRRIGATION DAM ON BEAR RIVER, WYO.

The next business on the Consent Calendar was the bill (H. R. 10309) to investigate and determine the feasibility of the construction of an irrigation dam on the Bear River, Wyo.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, on behalf of the gentleman from Michigan [Mr. CRAMTON] I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENDING TIME LIMITATION IN RESPECT TO CERTAIN PATENTS

The next business on the Consent Calendar was the bill (H. R. 10435) providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, pending the return of the gentleman from Indiana, I ask unanimous consent that this bill be passed over without prejudice.

Mr. LANHAM. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. LANHAM. It is true that this bill was up once before in the last Congress and without adequate hearings with reference to it. At that time the bill passed the House and also passed the Senate, but without proper safeguards. The bill was not signed by the Speaker and did not go to the President. At that time the Commissioner of Patents and various organizations of patent attorneys and manufacturers objected to its provisions.

I will state to the gentleman from New York that at this session of Congress we have had very full hearings with reference to this matter, hearings at which the Commissioner of Patents was present, and the representatives and agents of manufacturers were present, and at which representatives of the organizations of soldiers affected were present. The bill has been amended so that it is entirely satisfactory to all these people, and there is no objection to it.

Mr. LAGUARDIA. How many veterans are really vitally concerned in this matter?

Mr. LANHAM. According to the statistics which the American Legion was able to get, they knew of only seven cases. The number, however, is necessarily somewhat conjectural.

Mr. LAGUARDIA. Do those representing those seven cases still own the patent rights?

Mr. LANHAM. I do not know that of my own information, but I think they do. I will say to the gentleman, however, that one of these men who will be affected by this legislation lives in Kansas City, and he appeared before the committee. He is still the owner of his patent rights, and was deprived of the opportunity of pressing them by reason of his service in the war.

The former objections on the part of the Commissioner of Patents have been met. He has given his approval of this bill in this modified form. It provides ample safeguards in the way of proper notice and opportunity for protest. It provides for notice to be given to everyone affected, hearings on any opposition, and the right of appeal in the case of an adverse decision. We have thrown about it all possible safeguards.

Mr. LAGUARDIA. Are all these men the original inventors of the patents they claim?

Mr. LANHAM. I am not familiar with more than the seven cases. Probably there are more than seven who will be affected.

Mr. LAGUARDIA. Well, say there are 70.

Mr. LANHAM. Perhaps there may be 100. But so far as the officers of the American Legion are concerned, they know of only seven.

The Patent Commissioner offered amendments and they were adopted. The people representing the manufacturers and the patents organizations all agreed to the passage of the bill in this form. We are now drawing so near the end of the session that I fear unless we get some action upon it now it will be deferred indefinitely. Let me call the gentleman's attention to this fact: That patents expire in 17 years from the date of issue, as he knows, and without the privilege of renewal, and unless action is taken relatively soon some of these men will lose their rights through no fault of their own.

Mr. LAGUARDIA. Is it not likely that we shall have another day for the consideration of the Consent Calendar, when this can be taken up?

Mr. LANHAM. That we will have another Consent Calendar day and reach this bill is entirely problematical. The rights of these men will be interfered with if we do not get this bill through. It has been so drawn and so modified that there is no objection to its passage now from anybody. The bill was reported by the committee after full hearings.

Mr. LAGUARDIA. The gentleman will admit that we did make a mistake in hastily passing the bill once before. That is the trouble. The veterans are overplayed. They come in here and say, "This is for the veterans," and we close our eyes and vote for it. The other bill was defectively drawn.

Mr. LANHAM. That happened at the end of a session, without due consideration being given to the measure, and its withdrawal was at the request of the very Patents Committee which has reported this bill——

Mr. SCHAFER. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The regular order is, Is there objection?

Mr. LAGUARDIA. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. LANHAM. Mr. Speaker, may I ask the gentleman from New York if he will agree to this bill going over without prejudice?

Mr. LAGUARDIA. We have been trying to debate that bill for the past 20 minutes in the endeavor to defer its consideration. That is what we tried to do.

The SPEAKER pro tempore. Is there objection to the bill going over without prejudice?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

REPEAL OF SECTION 1445, REVISED STATUTES

The next business on the Consent Calendar was the bill (H. R. 7216) to repeal section 1445 of the Revised Statutes of the United States.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Is there anyone from the Navy Committee here? I suggest that the bill go over.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the bill go over without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

MONUMENT TO MAJ. GEN. ARTEMAS WARD

The next business on the Consent Calendar was House joint resolution (H. J. Res. 263) authorizing the president and fellows of Harvard College to erect on public grounds in the District of Columbia a monument to Maj. Gen. Artemas Ward.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital be, and he hereby is, authorized and directed to select a suitable site and to grant permission to the president and fellows of Harvard College to erect, as a gift to the people of the United States, on public grounds of the United States in the city of Washington, D. C., a monument in memory of Maj. Gen. Artemas Ward commemorative of the services rendered by him to his country during the war of Independence: *Provided*, That the site chosen and the design of the memorial shall be approved by the Commission of Fine Arts, that it shall be erected under the supervision of the Director of Public Buildings and Public Parks of the National Capital, and that the United States shall be put to no expense in or by the erection of the monument.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

MONUMENTAL URN PRESENTED BY THE REPUBLIC OF CUBA

The next business on the Consent Calendar was House Joint Resolution 265, authorizing the President of the United States to accept a monumental urn to be presented by the Republic of Cuba and providing for its erection on an appropriate site on the public grounds in the city of Washington, D. C.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. Without objection, a similar Senate joint resolution, No. 125, will be considered in lieu of the House joint resolution.

There was no objection.

The Clerk read the Senate joint resolution, as follows:

Resolved, etc., That the President of the United States is hereby authorized to accept as a gift from the Republic of Cuba, a monumental urn which shall be erected on a site on the public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, the White House, or the grounds south of the White House: *Provided*, That the site shall be chosen by the Director of Public Buildings and Public Parks of the National Capital with the approval of the Joint Committee on the Library of Congress and the National Commission of Fine Arts: *Provided further*, That the urn shall be erected under the direction and supervision of the said Director of Public Buildings and Public Parks, and there is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sufficient sum to cover the entire cost of the erection and dedication of the said urn.

The resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

A similar House joint resolution was laid on the table.

BRIDGE ACROSS THE RIO GRANDE RIVER

The next business on the Consent Calendar was the bill (H. R. 12031) to extend the times for commencing and completing the construction of a bridge across the Rio Grande River at or near Tornillo, Tex.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, may I inquire of the gentleman from Texas whether he can give us the information we are now asking on these bridge bills?

Mr. JOHNSON of Texas. This is a bill introduced by my colleague [Mr. HUDSPETH], who is ill in the hospital. I am authorized to say that it is not a toll bridge but a free bridge. They were not able to construct the bridge within the time allotted and this is simply an extension of the time.

Mr. LAGUARDIA. The gentleman has fully answered my inquiry.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Rio Grande River, at or near Tornillo, Tex., authorized to be built by W. J. Stahmann, Edgar D. Brown, L. N. Shafer, and associates, their successors and assigns, by the act of Congress approved March 3, 1925, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

In line 4, page 1, strike out the word "River."

In line 5, after the word "near," insert the words "a point 2 miles south of the town of."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE RIO GRANDE RIVER

The next business on the Consent Calendar was the bill (H. R. 12100) to amend the act entitled "An act granting the consent of Congress to the Gateway Bridge Co. for construction of a bridge across the Rio Grande between Brownsville, Tex., and Matamoras, Mexico," approved February 26, 1926.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is there anyone present from the Lone Star State?

Mr. DENISON. I do not believe the author of the bill is present, but I can give the gentleman the information he desires.

Mr. LAGUARDIA. Has the gentleman made an investigation as to the Gateway Bridge Co.?

Mr. DENISON. Yes. That company is owned by people living in Brownsville.

Mr. LAGUARDIA. In the locality?

Mr. DENISON. In the locality; yes. The bill is being amended to conform to the form we are now using.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act granting the consent of Congress to the Gateway Bridge Co. for construction of a bridge across the Rio Grande between Brownsville, Tex., and Matamoros, Mexico," approved February 26, 1926, is amended to read as follows:

"That in order to facilitate international commerce, improve the Postal Service, and provide for military and other purposes, the Gateway Bridge Co., a corporation organized under the laws of Delaware, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Rio Grande River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, between Brownsville, Tex., and Matamoros, Mexico, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, subject to the conditions and limitations contained in this act, and subject to the approval of the proper authorities in the Republic of Mexico.

"SEC. 2. There is hereby conferred upon the Gateway Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Texas needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Texas, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

"SEC. 3. The said Gateway Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of Texas applicable thereto, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

"SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to the Gateway Bridge Co., its successors and assigns, and any cor-

poration to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

"SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE CUMBERLAND RIVER

The next business on the Consent Calendar was the bill (H. R. 12571) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Iuka, Ky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River, at a point suitable to the interests of navigation, at or near the town of Iuka, Ky., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE OHIO RIVER

The next business on the Consent Calendar was the bill (H. R. 12619) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Evansville, Ind.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. KINCHELOE. Mr. Speaker, reserving the right to object, I want to ask for some information from the gentleman from Indiana. There are two bridge bills here, one seeking to grant the permission of Congress to the State of Indiana to build a bridge and another to extend the act of March 2, 1927. Now, is it not a fact that there is a great division of sentiment in the city of Evansville as to which one, if either, of these bridges shall be built?

Mr. ROWBOTTOM. I will say to the gentleman from Kentucky that there is not any division on this bill, but there is a little on the bill at the head of the calendar.

Mr. KINCHELOE. Where do they propose to build this bridge—at Dades Park?

Mr. ROWBOTTOM. I do not think the location has been determined.

Mr. KINCHELOE. Is not that the only place to build the bridge?

Mr. ROWBOTTOM. The bill says at or near Evansville.

Mr. KINCHELOE. Mr. Speaker, I do not want to object at the present time, but I want to make an investigation of it, so I ask that this bill be passed over without prejudice.

Mr. DENISON. Will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. DENISON. This bill is to grant the consent of Congress to the Highway Commission of the State of Indiana. I will say to the gentleman from Kentucky that the State highway commission have been to see me about the bill, have wired me and written me, and they are anxious to build the bridge. I hope the gentleman from Kentucky will not object.

I helped the gentleman from Kentucky [Mr. KINCHELOE] get a bill through for Henderson in which he was interested.

Mr. KINCHELOE. Yes; and I want to say that the only hesitancy that I have about objecting to this bill is on account of the gentleman from Illinois. He has been nice to me and is rendering a great public service. I am very familiar with the history of this legislation. Back in about 1922 I helped the then Congressman from Evansville to get through a bridge bill for the State of Kentucky and Indiana to build the bridge. On March 2, 1927, I helped to get a bill through for the State of Indiana to build it. All this time has gone by and Indiana has not built it. I do not think there is a chance for Indiana to build the bridge, while the people of Henderson are going to build the bridge. I do not want to be placed in the attitude of objecting, but I hope the gentleman will let the bill go over one more time and have it remain on the calendar. I do not want to have to object, but I will say frankly that except of my high regard and appreciation of the gentleman from Illinois I would have no hesitancy to object.

Mr. ROWBOTTOM. I may say to the gentleman, that if he asks for an extension of time with respect to his bridge I am going to see that they do not get it.

Mr. KINCHELOE. I will say to the gentleman that that bill has already been passed and they have started on it.

Mr. ROWBOTTOM. They have not started on it yet, and the gentleman knows that.

Mr. KINCHELOE. No; the gentleman does not know it. I will say to the gentleman from Indiana, that the first bill, about 1922, would not have gone through if it had not been for the gentleman from Kentucky.

I ask unanimous consent that the bill may be passed over without prejudice and remain on the calendar.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the bill may be passed over without prejudice. Is there objection?

Mr. SCHAFER. I object to that request. The gentleman from Kentucky has got his bridge bill through and I do not see why he does not allow this bill to go through.

Mr. KINCHELOE. If the gentleman from Wisconsin is going to object then I object to the consideration of the bill.

The SPEAKER. Objection is heard.

BRIDGE ACROSS SABINE RIVER AT STARKS, LA.

The next business on the Consent Calendar was the bill (H. R. 12623) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River, at or near Starks, La., on the Evangeline Highway, known by the State of Louisiana as Route No. 7, to connect at or near Deweyville, Tex.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge and approaches thereto across the Sabine River, at a point suitable to the interests of navigation, at or near Starks, La., in accordance with the provisions of an act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

BRIDGE ACROSS NEW RIVER, W. VA.

The next business on the Consent Calendar was the bill (H. R. 12806) authorizing J. H. Harvell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across New River at or near McCreery, Raleigh County, W. Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. Did the Clerk call Calendar No. 690?

Mr. DENISON. A Senate bill identical with this House bill was passed to-day shortly after we convened.

Mr. COOPER of Wisconsin. Yes; and I notice that the War Department specifically recommended against its passage.

Mr. DENISON. I think the gentleman from Wisconsin is mistaken.

Mr. COOPER of Wisconsin. Here [indicating] is the report which so states. The Assistant Secretary advised against it. This comes from bringing up the Consent Calendar in this way when many Members are not here and it is not generally known that the Consent Calendar is to be called.

Mr. LAGUARDIA. It was a Senate bill that was passed this morning. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. LAGUARDIA. We are at a disadvantage because if the chairman of a committee or a member of the committee calls up a Senate bill in the early part of a session and we agree to it, there is nothing we can do. We are absolutely helpless in the matter.

Mr. COOPER of Wisconsin. Mr. Speaker, I want to call attention to this statement:

> However, as to authorizing the construction of a toll bridge by private interests, the department would urge against favorable action as it is not believed that a private toll bridge at this point should be authorized.
>
> R. W. DUNLAP, *Acting Secretary.*

It got hustled through here before anybody in the House knew anything about it.

The SPEAKER. May the Chair call the attention of the gentleman from Wisconsin to the fact that that bill did not require unanimous consent. The bill was called up by motion, as a matter of right, it being a Senate bill and a similar House bill being on the calendar. It has nothing whatever to do with the Consent Calendar.

Mr. DENISON. Mr. Speaker, the gentleman from Wisconsin [Mr. COOPER] occasionally gets up here and makes a statement which seems to indicate he has some suspicion about something. This objection was not made by the Secretary of War at all, although the gentleman from Wisconsin said it was.

Mr. COOPER of Wisconsin. I did not say that. I read the name of the Acting Secretary of War.

Mr. DENISON. A moment ago, I will state to the gentleman, and I am sure every Member of the House will bear me out, the gentleman stated the War Department objected to this bill.

Mr. COOPER of Wisconsin. It did. The gentleman just stated that I said the Secretary of War. I did not say that. I said the War Department and then I read what the Assistant Secretary said, acting for the War Department.

Mr. DENISON. But the gentleman from Wisconsin is mistaken. It is not the War Department, it is the Department of Agriculture, and yet the gentleman from Wisconsin has made the statement time and again that it was the War Department.

Mr. LAGUARDIA. The Department of Agriculture is more concerned, because the Department of Agriculture is entrusted with the building of Federal-aid roads.

Mr. DENISON. The gentleman from New York knows, and I think the gentleman from Wisconsin knows, or ought to know, that these letters which are signed by the Department of Agriculture are written by the engineer in charge of the Bureau of Roads. He objects to all toll bridges privately owned, but he does not run the Congress. He has his views, and we ask him for them, and if he has any objections to a bill he states them. He undertakes to dictate to the House the policy we shall follow. If he does not think a bridge ought to be built at a certain place he recommends against it, but I take it that the House has the right to exercise its judgment, and that the House is the one that ought to decide whether the bridge shall be built, rather than a subordinate in the Department of Agriculture.

Mr. LAGUARDIA. The trouble about these bridge bills is this: In the old days the construction of a bridge over a navigable stream came up on rare occasions, and the question of obtaining the permission of the War Department was, as you might say, pro forma. Since the automobile and the building of roads, and especially Federal-aid roads, we have created conditions whereby there is an enormous value to a bridge connecting two Federal-aid roads or two great highways. So the consent of Congress is no longer a pro forma matter, but is of vital importance. I agree with the views of the head of the Road Bureau in the Department of Agriculture. We are near the end of the session now, but beginning with the next session there are enough Members in the House who will object to every private toll bridge connecting two Federal highways.

Mr. DENISON. I am glad to know how the gentleman feels about it, but the gentleman is giving me no information. My committee has been studying the subject for three or four years. They began the study of the subject before the gentleman from New York knew there was such a question. Before we report favorably a bill granting a franchise for the construction of a toll bridge by private individuals we obtain information as to whether the State, the county, or the city will probably, in the near future, construct the bridge. If we have evidence that there is no possibility of the city or county or State constructing the bridge, and the people of the community want the bridge, there is no other way except to have it constructed by private capital.

Mr. LAGUARDIA. I am not finding fault with the work of the committee—it is a matter of policy. I may be wrong, but a great many Members of the House are wrong with me on the subject, and we are going to assert it.

Mr. DENISON. We only authorize the construction of a toll bridge by private parties when the people can get it no other way. If the gentleman will concern himself by proposing some plan to get rid of these privately owned ferries, where in nearly every instance the ferry tolls are higher than bridge tolls—and he will find that all of the ferries are privately owned—he will be rendering a real public service, and will be contributing toward improving our transportation difficulties.

Mr. LAGUARDIA. I do not object to having a toll bridge which will pay for itself in a certain time.

Mr. COOPER of Wisconsin. Mr. Speaker, I desire, in view of what the gentleman from Illinois has said, to read from the report. This is from the War Department and not from the Department of Agriculture:

> WAR DEPARTMENT, *April 13, 1928.*
>
> Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.
>
> So far as the interests committed to this department are concerned, I know of no objection to the favorable consideration of the accompanying bill (H. R. 12678, 70th Cong., 1st sess.) authorizing the Calhoun Bridge Co., an Illinois corporation, to construct, maintain, and operate a bridge across the Illinois River at or near Grafton, Ill.
>
> The Illinois River is, however, wholly within the limits of the State of Illinois, and the proposed bridge can consequently be authorized by State law and duly constructed, provided the plans are submitted to and approved by the Chief of Engineers and by the Secretary of War before construction is commenced, in conformity with the Federal law contained in section 9 of the river and harbor act of March 3, 1899. The enactment of this measure, therefore, appears to be unnecessary.
>
> DWIGHT F. DAVIS,
> *Secretary of War.*

The Acting Secretary of the Department of Agriculture says:

> However, as to authorizing the construction of a toll bridge by private interests, the department would urge against favorable action, as it is not believed that a private toll bridge at this point should be authorized.

The Secretary of War thinks this bill is unnecessary. Here is a bridge which is to be wholly within a State, and which can be constructed under State law, and the Secretary of War says the enactment of the pending bill is unnecessary. The Acting Secretary of the Department of Agriculture protests against it and says it ought not to be enacted into law.

Mr. DENISON. Mr. Speaker, under an act of Congress passed in 1899 where the navigable portion of the river lies wholly within a single State the bridge can be authorized by the State legislature. Whenever bills are referred to the War Department for information the Secretary of War—if the navigable portion of the river lies wholly within a single State—advises the committee to that effect so that the committee can know, and if the navigable portion of the river does lie wholly within a single State the Secretary says it is unnecessary to pass the act of Congress, because it can be done by the State legislature. But the State legislature may not meet for a year or two years, and so Members constantly come to Congress and ask the consent of Congress to build bridges, even though they could at some later time be constructed under an act of the State legislature. That has been done twenty-five or thirty times this session. We do not refuse to pass an act granting authority to build a bridge simply because the parties could go before the State legislature and obtain authority to do so.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. DENISON. Yes.

Mr. COOPER of Wisconsin. We are nearly a thousand miles from where this proposed bridge is to be erected wholly within the State of Illinois. Speaking generally, I think that when a bridge is to be constructed wholly within the limits of a State the State legislature ought first to pass on it.

Mr. DENISON. Mr. Speaker, the committee thinks otherwise; but, Mr. Speaker, the Members of Congress may well judge these things for themselves. I am not the author of this bill. The author presented the bill, no doubt, because the community wanted the bridge. The bill was referred to the committee, and we have acted upon it. We reported the bill to the House, and it was on the calendar. A similar Senate bill was passed and was on the Speaker's table. I called up the Senate bill at the proper time and in the usual and proper manner under the rules of the House, and the Senate bill was passed without opposition.

Mr. CLARKE. Mr. Speaker, we have a number of other bills here before us. I know that we are anxious to approach them. I demand the regular order.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, J. H. Harvell, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across New River, at a point suitable to the interests of navigation, at or near McCreery, Raleigh County, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues, or profit, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of West Virginia or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. J. H. Harvell, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Department of the State of West Virginia, a sworn, itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of West Virginia shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual reasonable cost of constructing, financing, and promoting such bridge, for the purpose of such investigation the said J. H. Harvell, his heirs, legal representatives, and assigns shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to J. H. Harvell, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS RIO GRANDE RIVER AT WESLACO, TEX.

The next business on the Consent Calendar was the bill (H. R. 12877) authorizing the Los Olmos International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Weslaco, Tex.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, will the gentleman from Illinois [Mr. DENISON] inform us whether this International Bridge Co. is a local company?

Mr. DENISON. I am sorry, but I do not have that information.

Mr. COCHRAN of Missouri. Mr. Speaker, I spoke to the gentleman from Texas [Mr. GARNER], and he assured me that these people were going to build the bridge and then would not assign the franchise.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that this bill be passed over for a few minutes.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS ST. CROIX RIVER

The next business on the Consent Calendar was the bill (H. R. 12912) authorizing the St. Croix Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Croix River on the Grantsburg Road.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

ABOLISHING BAILIFFS AND CRIERS IN UNITED STATES COURTS

The next business on the Consent Calendar was the bill (H. R. 11994), to abolish bailiffs and criers in the United States courts and to provide for the performance of their duties by United States marshals and their deputies, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WHITE of Colorado. Mr. Speaker, I object.

The SPEAKER. This bill requires three objections.

Mr. REYNOLDS. Mr. Speaker, I object.

Mr. SHALLENBERGER. Mr. Speaker, I object.

Mr. LAGUARDIA. Mr. Speaker, I object.

DEVELOPMENT OF VOCATIONAL EDUCATION

The next business on the Consent Calendar was the bill (H. R. 12241) to provide for the further development of vocational education in the several States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, the gentleman from Michigan [Mr. CRAMTON] asked me to ask on his behalf that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

CREATION OF INDIAN TRUST ESTATES

The next business on the Consent Calendar was the bill (H. R. 7204) to authorize the creation of Indian trust estates, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, the gentleman from Michigan [Mr. CRAMTON] asked me to ask that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

NAVAL ESCORT FOR BODIES OF DECEASED OFFICERS, ETC.

The next business on the Consent Calendar was the bill (H. R. 12694) authorizing the Secretary of the Navy to provide an escort for the bodies of deceased officers, enlisted men, and nurses.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I have conferred with the distinguished lady from Massachusetts [Mrs. ROGERS]. It is understood that this is simply discretionary and that it will not necessitate the detail of an officer or man in each instance where the body is sent a great distance.

Mrs. ROGERS. No; it is discretionary with the Secretary of the Navy. The Navy has been very much embarrassed and greatly criticized because at the present time they are prohibited from sending an escort with the body of an officer who dies; there is no authorization for sending a person as escort for an enlisted man, and in a number of instances the friends of the officers have collected money they could ill afford to spend to send an escort so that the family might feel that the Navy was not remiss in paying a certain and only decent respect to the dead.

Mr. LAGUARDIA. And, of course, this applies to the bodies of officers and men?

Mrs. ROGERS. Yes; and also of nurses——

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy, in his discretion, is hereby authorized to furnish an escort not to exceed one person to the place of burial for the bodies of officers, enlisted men, or nurses who have lost their lives in the naval service. Such expenses as are incurred for this purpose shall be paid from the proper appropriation: *Provided*, That section 1587 of the Revised Statutes of the United States is hereby repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ANNUAL CONVENTION, AMERICAN LEGION, NEW YORK

The next business on the Consent Calendar was the bill (H. R. 12621) to authorize the Secretary of War to lend War Department equipment for use at annual State convention of the American Legion of New York.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized to lend, at his discretion, to the American Legion convention committee, for use at the annual State convention, to be held at Schenectady, N. Y., on September 6, 7, and 8, 1928, 500 cots, 500 mattresses, and 1,500 blankets: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered at such time prior to the holding of the said convention as may be agreed upon by the Secretary of War and the general chairman of said convention committee of the American Legion, Joseph E. Haubner: *Provided further*, That the Secretary of War before delivering said property shall take from said Joseph E. Haubner a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE RIO GRANDE NEAR WESLACO, TEX.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that we now return to the bill H. R. 12877, Calendar No. 692. A little while ago I asked to have it passed over.

The SPEAKER. The gentleman from New York asks unanimous consent to return to Calendar No. 692. The Clerk will report the bill.

The Clerk read the bill:

Be it enacted, etc., That in order to facilitate international commerce, improve the Postal Service, and provide for military and other purposes, the Los Olmos International Bridge Co., its successors and assigns, be, and is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Rio Grande River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, at or near Weslaco, Tex., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, subject to the approval of the proper authorities in Mexico.

SEC. 2. There is hereby conferred upon the Los Olmos International Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Texas needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Texas, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Los Olmos International Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of Texas applicable thereto, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1926.

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Los Olmos International Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, the distinguished gentleman from Texas [Mr. GARNER] gave me the information that this company is composed of local people whose intention is to construct the bridge.

Mr. GARNER of Texas. This application is made by local people, the mayor, and city council, and two bankers. It is for the accommodation of business and trade going into Mexico.

Mr. SCHAFER. It is not for use to bring over this cheap Mexican labor to compete with our American labor?

Mr. GARNER of Texas. No; I think those Americans who go over there want to go over in order to get what we have not got in Texas. [Laughter.]

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 8, strike out the word "River."

Page 2, at the end of line 4, insert "conditions and limitations contained in this act and subject to the."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

RELIEF OF THE TOWN OF SPRINGDALE, UTAH

The next business on the Consent Calendar was the bill (H. R. 12706) for the relief of the town of Springdale, Utah.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and empowered to grant permission to the town of Springdale, Utah, to divert through such piping facilities as may be necessary, for

domestic and other uses within the limits of said town of Springdale, Utah, as now constituted, water from certain springs in the Zion National Park, Utah, situated at the head of what is known as Oak Creek, which crosses the main highway about one-half mile below the park boundary, and located in approximately section 20, township 41 south, range 10 west, Salt Lake meridian, subject to such conditions as the Secretary of the Interior may prescribe, and subject further to the right of said Secretary to terminate any permit granted hereunder when, in his judgment, the particular water shall at any time be needed by the Government in the administration and protection of the Zion National Park: *Provided*, That nothing herein shall be construed to assert on behalf of the United States or deny to the State of Utah the ownership of the waters aforesaid.

With committee amendments as follows:

Page 1, line 4, strike out the word "empowered" and insert the words "directed, under such reasonable regulations as he may prescribe"; on line 8, after the word "Utah," strike out the words "as now constituted"; on page 2, line 2, after the word "meridian," strike out the remainder of the bill.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CLAIMS OF THE KANSAS OR KAW TRIBE OF INDIANS

The next business on the Consent Calendar was the bill (H. R. 8901) to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes."

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TO AMEND THE NATIONAL DEFENSE ACT

Mr. SPEAKS. Mr. Speaker, I ask unanimous consent that the bill H. R. 13446 may be taken from the Union Calendar and considered at this time, for the reason that it is of an emergency nature.

Mr. Speaker, when the Army appropriation was under consideration early in the session quite a controversy occurred over the question of providing funds for the annual school for small-arms firing and rifle competition. The House finally approved the expenditure, the Senate concurring.

In order that authority for making this training activity an annual event, I introduced H. R. 8550, which passed the House and went to the Senate, where everything after the enacting clause was stricken from the bill and new matter inserted, materially altering its original purpose. It was passed by the House in this form, disapproved by the President, returned to the House, and referred to the Military Committee. I then introduced H. R. 13446, containing the features of the original bill, which is now on the Union Calendar with a favorable report.

Fearing that the bill will not be reached before adjournment and that when the War Department budget is being prepared no authorization for this training program will exist, and that the National Guard reserve and other nonprofessional forces will again be under the necessity of fighting for their program, I request unanimous consent that H. R. 13446 be taken up for consideration at this time.

The SPEAKER. The Chair would like to inquire of the gentleman from Ohio if he has consulted with the members of the Committee on Military Affairs in regard to that bill.

Mr. SPEAKS. The acting chairman of the Committee on Military Affairs is present. I have spoken with him in regard to it.

Mr. JAMES. The gentleman has no authority from the committee, because the matter never came before our committee; but the bill he refers to is substantially the same bill as was reported out of our committee and reported unanimously. It is not the bill that was vetoed by the President. This is substantially the same bill as was reported unanimously from our committee. I hope the bill will be passed

Mr. CHINDBLOM. Is this bill on the Consent Calendar?

Mr. SPEAKS. It is on the Union Calendar. I ask this consideration for the reason that next fall, if it is not passed now, we will be confronted with the exact condition of controversy that came up when the bill was up before. There will be a repetition of it unless we make the authorization here.

Mr. CHINDBLOM. Why was not the bill put on the Consent Calendar?

Mr. SPEAKS. That was an oversight. The intention was that it should be considered before adjournment. I think you will agree with me that there is little likelihood of that unless we pass it now.

Mr. COLLINS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

WINNEBAGO TRIBE OF INDIANS

The next business on the Consent Calendar was the bill (H. R. 7346) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, I ask unanimous consent that this bill be passed over without prejudice.

Mr. HASTINGS. Mr. Speaker, this is a jurisdictional bill that has come from the Committee on Indian Affairs and it seems to me the House is entitled to have some explanation as to why such request is made.

Mr. HOOPER. I am prepared to give the gentleman an explanation. The gentleman from Michigan [Mr. CRAMTON] is sick. He has made a special study of these matters, and he asked that I make this request.

Mr. HASTINGS. If that is the situation I have no objection.

Mr. HOOPER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

BRIDGE ACROSS THE OHIO RIVER

The next business on the Consent Calendar was the bill (H. R. 12563) authorizing the West Kentucky Bridge & Transportation Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Henderson, Ky.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. KINCHELOE. Mr. Speaker, I thank the gentleman from Wisconsin for doing something I was going to do myself. I want to say, so that the people of Indiana may know, that if it had not been for the gentleman from Wisconsin asking unanimous consent to keep H. R. 11357, the other Indiana bill, on the calendar more than anybody else, it would have passed the House some time ago.

Mr. SCHAFER. Mr. Speaker, I think the gentleman is out of order and his remarks should be stricken from the RECORD. The bill was objected to and he had no right to make his last speech under the parliamentary situation, as he spoke neither under a reservation to object or by unanimous consent.

Mr. KINCHELOE. I want to know whether the gentleman denies that statement.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to speak out of order for two minutes in order to answer the gentleman.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to speak out of order for two minutes. Is there objection?

Mr. KINCHELOE. Mr. Speaker, reserving the right to object, I couple with that the request that the gentleman from Kentucky, myself, may have two minutes.

Mr. LAGUARDIA. May I ask both gentlemen to withhold their debate or duel and to withdraw their requests at this time?

Mr. SCHAFER. Mr. Speaker, I will withdraw my request for the present.

Mr. KINCHELOE. If the gentleman asks that I am delighted.

BRIDGE ACROSS THE ALLEGHENY RIVER

The next business on the Consent Calendar was the bill (H. R. 12913) to extend the times for commencing and completing the construction of a bridge across the Allegheny River at or near the borough of Eldred, McKean County, Pa.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Allegheny River at or near the borough of Eldred, McKean County, Pa., authorized to be built by the commissioners of McKean County, Pa., by the act of Congress approved May 13, 1926, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER

The next business on the Consent Calendar was the bill (H. R. 13069) granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River, at or near Aitkin, Minn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Minnesota to construct, maintain, and operate a free highway bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Aitkin, Minn., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WARRANTS IN CRIMINAL CASES

The next business on the Consent Calendar was the bill (H. R. 9784) for the issuance and execution of warrants in criminal cases and to authorize bail.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCHRAN of Missouri. Mr. Speaker, I object.

The SPEAKER. The bill requires three objections. Are there other objections?

Mr. SCHAFER. Mr. Speaker, I object.

The SPEAKER. The Chair notes two objections and the bill requires three objections. Are there other objections? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever a warrant issues by order of court on any indictment or information now or hereafter returned or filed, such warrant may be addressed to any marshal or deputy marshal of the United States and may be executed in any place within the limits of the United States, or subject to the jurisdiction thereof, by the arrest of the person named therein and his removal forthwith to the district wherein the indictment or information is pending, there to be committed, let to bail, and otherwise dealt with according to law: *Provided*, That where any person so arrested in a district other than the district wherein the indictment or information is pending is entitled to bail, he shall be admitted to bail upon application therefor, by any justice or judge of the United States, or United States commissioner of such district for his appearance for trial in the court in which such indictment or information is pending; and where any person so admitted to bail fails to appear according to the terms of any bond or undertaking given for such appearance, and such bail is forfeited, he shall not again be admitted to bail unless by the judge of the court in which such indictment or information is pending: *Provided further*, That it shall be the duty of the officer making the arrest in a district other than the district in which the indictment is found or information filed to take the person so arrested, if requested so to do, before such justice, judge, or commissioner for the purpose of giving bail.

With the following committee amendment:

Page 1, line 4, strike out the word "now" and insert in lieu thereof the word "heretofore"; page 2, line 1, strike out the words "committed, let to bail, and otherwise"; and in line 6, after the words "United States," insert the words "or the Philippine Islands."

Mr. COCHRAN of Missouri. Mr. Speaker, I offer an amendment: In line 4, page 1, strike out the words "or information or."

The SPEAKER. The gentleman from Missouri offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. COCHRAN of Missouri: Page 1, line 4, strike out the words "or information or."

Mr. COCHRAN of Missouri. Mr. Speaker and gentlemen of the House, if you will look at the first paragraph of this bill you will see that it reads "that whenever a warrant issues by order of court on any indictment or any information heretofore or hereafter returned or filed."

Now, what does that mean? I have no objection to bringing a man into the jurisdiction of a certain court on an indictment because it is reasonable to assume that the grand jury has heard the evidence and found it sufficient, in their opinion, to convict. You must remember that an information can be issued by a district attorney by simply signing his name to a piece of paper.

Now, what does that mean? That means you can bring a man from Seattle, Wash., to Miami, Fla., on the signature of a district attorney who might be misinformed as to the facts or acting through spite.

I think this bill goes too far, and while I do not want to appear as offering an objection to bringing criminals before the court having proper jurisdiction after they have been indicted, I do not feel you should provide that when an information is issued a man must respond, because the court issues the warrant upon application of the district attorney and makes no inquiry as to the facts. There is a great deal of difference between an indictment and an information. Leave out information and I will support the bill. We should speed up the prosecution of criminals but do not place too much power in the hands of the district attorney; it might be abused.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. COCHRAN of Missouri. Yes.

Mr. LAGUARDIA. Where does the gentleman get the information you can bring a man into another jurisdiction on the signature of the district attorney?

Mr. COCHRAN of Missouri. How is an information issued?

Mr. LAGUARDIA. Before you can apprehend a man you must have a bench warrant.

Mr. COCHRAN of Missouri. The bill says "or information." It does not say that a man has to be indicted. Bench warrants are issued on application of the district attorney, practically automatically issued when the district attorney asks for one.

Mr. LAGUARDIA. He would not be indicted on a misdemeanor.

Mr. COCHRAN of Missouri. No.

Mr. LAGUARDIA. And this is always on some one's responsibility.

Mr. COCHRAN of Missouri. Suppose the district attorney has been misinformed as to the facts. Why can he not wait until he brings his case before the grand jury?

Mr. LAGUARDIA. Suppose the district attorney is misinformed as to the facts, he would be misinformed when he presented it to the grand jury.

Mr. COCHRAN of Missouri. It would depend on whether the man would go before the grand jury and make the same statement under oath. He might say something to the district attorney not under oath that he would not say when he goes before the grand jury and is placed under oath. Does the gentleman want somebody in New York taken all the way to San Francisco because the district attorney in San Francisco issues an information against him?

Mr. LAGUARDIA. No——

Mr. COCHRAN of Missouri. You also say here "heretofore"; how far back are you going?

Mr. LAGUARDIA. The gentleman is familiar with the statute of limitations.

Mr. COCHRAN of Missouri. The gentleman from New York has been complaining about the action of the Federal courts, and I think the gentleman ought to give some attention to this matter.

Mr. LAGUARDIA. I never complain of the action of the Federal courts in getting criminals.

Mr. COCHRAN of Missouri. Neither do I.

Mr. LAGUARDIA. I complain of the Federal courts in "butting in" where they have absolutely no jurisdiction. That is my complaint against the Federal courts.

Mr. COCHRAN of Missouri. Under the terms of this bill the man is deprived of the right he now has to raise the question of probable cause.

Mr. LAGUARDIA. He can raise that question in the jurisdiction where he is brought.

Mr. COCHRAN of Missouri. Yes; when he is brought there.

Mr. LAGUARDIA. He can give bail and go there of his own accord.

Mr. COCHRAN of Missouri. Suppose you were to take a man from New York to St. Louis, into a strange territory, or from St. Louis to Miami, Fla., simply on an information.

Mr. LAGUARDIA. The man must have been there in order to commit a crime.

Mr. COCHRAN of Missouri. He is accused of it, not by a grand jury, but on an information which is a one-sided affair.

Mr. LAGUARDIA. A grand jury proceeding is a one-sided proceeding.

Mr. COCHRAN of Missouri. It is, to a certain extent.

Mr. LAGUARDIA. To every extent.

Mr. COCHRAN of Missouri. But it is fairer than any proceeding before a district attorney in his private office.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. COCHRAN of Missouri. Yes.

Mr. SPROUL of Kansas. The complaint or information the gentleman refers to would be verified by the county attorney or the district attorney, would it not?

Mr. COCHRAN of Missouri. This is a proceeding in a Federal court, not in a State court.

Mr. SPROUL of Kansas. Is it not the common practice in all the States upon a verified information being filed that a warrant for the arrest of the defendant shall be issued and that he may be brought there from any State of the Union without any preliminary hearing?

Mr. LAGUARDIA. On extradition?

Mr. SPROUL of Kansas. Yes; on extradition.

Mr. COCHRAN of Missouri. Not in connection with the Federal court.

Mr. SPROUL of Kansas. What is the difference?

Mr. COCHRAN of Missouri. Here is the difference: Suppose you are trying to make a case, and you are the district attorney, and you are having trouble getting the information, and you get hold of a man who lives in your jurisdiction, and you say to him, "Now, we have all the facts. We know that Jim Smith and John Jones in New York and you here in St. Louis conspired to violate this law. Now, give us the information and tell us all about it and we will use you as a Government witness and we will get the men in New York." The district attorney then issues the information. They do not verify this man's statements. It is just as easy to take this man before the grand jury and indict if the facts warrant it. If they follow that procedure, I do not object.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. CHINDBLOM and Mr. WHITE of Colorado rose.

Mr. CHINDBLOM. Mr. Speaker, I rise in opposition to the amendment.

Mr. WHITE of Colorado. Mr. Speaker, I move to strike out the last word of the committee amendment.

The SPEAKER. The gentleman from Colorado [Mr. WHITE] is recognized.

Mr. WHITE of Colorado. Mr. Speaker, this bill in my judgment is one of the most vicious that has come before this body. It is in substantial effect a return to the dark ages. What does it propose? It provides that if a warrant is issued the marshal or deputy marshal in whose hands it is placed may go anywhere in the United States and arrest the designated perpetrator of the crime alleged, who may give bail upon petition therefor. There is not one case in a hundred, in my opinion, in which the party arrested will know that he has that right, for the arresting officer may take the prisoner anywhere in the United States without apprising him of any of his rights.

It goes on further in the second proviso and states that the party shall be taken before a commissioner or other officer designated to be admitted to bail if he requests it. The person arrested may not have sufficient knowledge to enable him to exercise that right. The present law is that when one is arrested he must be taken before an officer designated, and opportunity given him to furnish bail, and an inquiry had as to his identity. Are we going to establish the rule that American citizens may be arrested by the Federal Government anywhere in this country of ours and removed without regard to distance, without regard to the nature and character of the crime—that one may be so taken even when he says, "I am not the party designated in the warrant"?

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. WHITE of Colorado. Yes.

Mr. COCHRAN of Missouri. I had intended to offer a further amendment, striking out the words "if requested so to do."

Mr. WHITE of Colorado. The bill is vicious in every way.

Mr. DENISON. I think the proper amendment would be to strike out the enacting clause.

Mr. WHITE of Colorado. I think so, too. So it strikes me, Mr. Speaker, that we ought not to establish this kind of a precedent in our country where a citizen without an opportunity to give bail or to show before a tribunal that he is not the party that is designated in the warrant may be taken anywhere in the United States. Who is going to pay the expenses of the return of the person so arrested and removed—when it is established that he is not the party named in the warrant?

Mr. LAGUARDIA. If he could establish that he is not the person named in the warrant this bill does not affect his rights.

Mr. WHITE of Colorado. They do not give him the opportunity unless he demands it.

Mr. LAGUARDIA. The gentleman knows that if it was a matter of mistaken identity he is protected by habeas corpus.

Mr. WHITE of Colorado. But he will be taken from his home town across the country before he knows that he has such rights. Unless he demands it, the arresting officer can take him at once across the country.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. LAGUARDIA. Mr. Speaker, the gentleman states but one side of the question. The other side of the question is that we have crooks who are engaged in selling fraudulent oil stock and other false articles, using the mails for purposes of fraud, who simply can not be brought to trial by the Department of Justice by reason of existing law. All that this bill does is this: That where an indictment is found or a bench warrant issued—and the gentleman knows that a warrant is not issued unless there is probable cause for the arrest—the court reaches out and brings the man back to its jurisdiction. Under the present practice the man is entitled to a hearing before a commissioner in another State, and whereas the Government has no witnesses, where the Government is not in a position to present its case, the result is that he is either released or, if held, can take an appeal from the decision of the commission and delays his removal so long that the Government loses its witnesses and as a practical matter he escapes trial and conviction.

Anyone who raises the question of mistaken identity can protect his rights, because the right of habeas corpus is not taken away from him. If a mistake of identity can be established, no right is taken by this bill.

Mr. WHITE of Colorado. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WHITE of Colorado. Is not the gentleman assuming the very thing that is to be tried—that is, the guilt of the party arrested?

Mr. LAGUARDIA. Not at all.

Mr. WHITE of Colorado. The gentleman says that it will enable the bringing into court of these crooks, and these men that are swindling the people—therefore you are assuming that they are crooks and swindlers.

Mr. LAGUARDIA. Anyone who swindles is a crook.

Mr. WHITE of Colorado. But the gentleman is assuming that they are swindlers.

Mr. COCHRAN of Missouri. Did anyone else appear before the committee outside of the Attorney General?

Mr. LAGUARDIA. Oh, the crooks never do appear.

Mr. COCHRAN of Missouri. I mean attorneys.

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri.

Mr. DYER. Mr. Speaker, may we have the amendment again reported?

The Clerk again reported the amendment offered by Mr. COCHRAN of Missouri.

The SPEAKER. This is an amendment to a committee amendment. The question is on the amendment to the committee amendment offered by the gentleman from Missouri.

The amendment to the amendment was rejected.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TO PROTECT TRADE-MARKS

The next business on the Consent Calendar was the bill (H. R. 13109) to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

LASSEN VOLCANIC NATIONAL PARK, CALIF.

The next business on the Consent Calendar was the bill (H. R. 11405) to acquire an area of State land situate in the Lassen Volcanic National Park, State of California, by exchange.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to accept on behalf of the United States title to the northeast quarter northeast quarter section 27, township 30 north, range 5 east, Mount Diablo base and meridian, situate within the exterior boundaries of Lassen Volcanic National Park, from the State of California, and in exchange thereof may patent a like area of public land situate in the same State. The land which may be acquired by the United States under this act shall, upon acceptance of title, become a part of Lassen Volcanic National Park.

With the following committee amendment:

Page 1, line 9, strike out "a like area of public land" and insert "an area of unreserved, vacant, nonmineral public land of equal value."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PHILIPPINE CONSTABULARY

The next business on the Consent Calendar was the bill (S. 3463) to recognize commissioned service in the Philippine Constabulary in determining rights of officers of the Regular Army.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, this is one of the bills which the gentleman from Michigan [Mr. CRAMTON], who is ill, asked to have passed over without prejudice. I make that request.

The SPEAKER. Is there objection?

There was no objection.

QUEEN EMMA AND DAMON ESTATES, HAWAII

Mr. JAMES. Mr. Speaker, I ask unanimous consent to return to Calendar No. 604 (H. R. 11847), to authorize the acquisition of the Queen Emma and Damon estates, and the Halawa site in the vicinity of Fort Kamehameha, Hawaii, and for other purposes.

The SPEAKER. Is there objection?

Mr. HASTINGS. Mr. Speaker, I am not going to object to this, but I do think that we should be permitted to go on with the call of the calendar and not be asked to return to bills which have been passed over.

Mr. JAMES. I would not ask this if it were not for the fact that the Government can save several thousand dollars by passing the bill at this time.

Mr. HASTINGS. I think it is unfair to do things of this kind. We all ought to have a chance to have our bills called. I shall not object to this.

The SPEAKER. Is there objection to the request of the gentleman from Michigan.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to cause condemnation proceedings to be instituted for the purpose of acquiring certain tracts of land in the vicinity of Fort Kamehameha Reservation, Territory of Hawaii, hereinafter described, for use as a flying field, and that a sum not exceeding $1,145,000 is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, for the acquisition of the fee title to said land either by purchase or condemnation, to wit: That portion of the Queen Emma and Damon estates lying directly north of and adjoining Fort Kamehameha Reservation, east of the Fort Kamehameha-Puuloa Junction Road, south of the plantation road just north of Loco-Lelepaua and extending to the Rodgers Airport and Keehii Lagoon on the east consisting approximately of 1,434 acres, at a cost not exceeding $420,000, and also the Halawa site consisting of about 862 acres and immediately adjoining the Queen Emma and Damon estates at a cost not exceeding $725,000.

With the following committee amendments:

Page 2, line 1, after the word "fee,' insert the word "simple."

Line 9, after the word "also," insert "a portion of."

Line 10, strike out the word "site" and insert "district."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill to authorize the acquisition of portions of the Queen Emma and Damon estates and a portion of the Halawa district in the vicinity of Fort Kamehameha, Hawaii, and for other purposes."

TO DIVEST PRISON-MADE GOODS OF INTERSTATE CHARACTER

Mr. SNELL, from the Committee on Rules, reported the following resolution (H. Res. 196), which was referred to the House Calendar and ordered to be printed:

House Resolution 196

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 7729, to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases. That after general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

COMPENSATION OF EMPLOYEES IN CUSTOMS SERVICE

Mr. SNELL, from the Committee on Rules, also reported the following resolution (H. Res. 197), which was referred to the House Calendar and ordered printed:

House Resolution 197

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 13143, to adjust the compensation of certain employees in the customs service. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

INLAND WATERWAYS CORPORATION

Mr. SNELL, from the Committee on Rules, also reported the following resolution (H. Res. 198), which was referred to the House Calendar and ordered printed:

House Resolution 198

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 13512, to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

IMMIGRATION ACT

Mr. SNELL, from the Committee on Rules, also reported the following resolution (H. Res. 199), which was referred to the House Calendar and ordered printed:

House Resolution 199

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2370, to amend section 24 of the immigration act of 1917. That after general

debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

ADDITIONAL JUDGE, EASTERN AND WESTERN DISTRICTS OF SOUTH CAROLINA

The next business on the Consent Calendar was the bill (H. R. 12811) to provide for the appointment of one additional district judge for the eastern and western districts of South Carolina.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, one additional district judge for the United States District Court for the Eastern and Western Districts of South Carolina, who shall at the time of his appointment be a resident and a citizen of the State of South Carolina.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

COAL AND ASPHALT DEPOSITS IN THE CHOCTAW AND CHICKASAW NATIONS

The next business on the Consent Calendar was the bill (H. R. 12574) to extend certain existing leases upon the coal and asphalt deposits in the Choctaw and Chickasaw nations to September 25, 1932, and permit extension of time to complete payment on coal purchases.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, I ask unanimous consent, at the desire of the gentleman from Michigan [Mr. CRAMTON], to pass this bill over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PER CAPITA PAYMENT TO PINE RIDGE SIOUX INDIANS

The next business on the Consent Calendar was the bill (H. R. 13342) to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. I ask unanimous consent to pass it over without prejudice.

Mr. LEAVITT. Mr. Speaker, I hope that will not be done.

Mr. HOOPER. Mr. Speaker, the gentleman from Montana does not desire that to be done.

Mr. LEAVITT. I wish to be heard, Mr. Speaker.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from funds on deposit in the Treasury of the United States to the credit of the Pine Ridge Sioux Indians of South Dakota a sum sufficient to make a $10 per capita payment to said Indians, under such rules and regulations as may be prescribed.

Mr. HOOPER. Mr. Speaker, I reserve the right to object.

Mr. LEAVITT. Mr. Speaker, when the committee report was made on this bill we had no report from the Secretary of the Interior, but on account of the emergency existing and the hardship of these Indians, the action of the committee was to place the bill on the calendar with the understanding that there should be embodied in the committee's report the report of the Secretary of the Interior when received.

Mr. LAGUARDIA. The gentleman says there is a great emergency?

Mr. LEAVITT. Yes. There are something over 4,000 of these Indians, and a family will average four to five or six people. At the beginning of the spring season, when the crops are put in, that amount of cash is of very material benefit.

Mr. HOOPER. Mr. Speaker, I ask unanimous consent that this bill be passed over temporarily, so that the gentleman from Montana [Mr. LEAVITT] can make a brief investigation. Possibly I will withdraw my objection to it then.

The SPEAKER. Is there objection to the request of the gentleman from Michigan, that the bill be passed over temporarily?

There was no objection.

FOREST RESEARCH IN THE DEPARTMENT OF AGRICULTURE

The next business on the Consent Calendar was the bill (H. R. 12878) to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CURRY. I object.

The SPEAKER. Objection is heard.

Mr. CURRY. I may not be opposed to the bill itself, but it is of such importance that I do not think it should be considered on the Consent Calendar. It involves too much money, is controversial, and too important.

Mr. LAGUARDIA. I will say to the gentleman from California that I took this matter up with the department and with the Budget Bureau. I conferred with the gentleman from California a few weeks ago about it. I do not think the gentleman will object if he looks into it.

Mr. CURRY. Of course, the Forestry Bureau of the Department of Agriculture will not object to any amount of money it can get, or to any extension of its jurisdiction and power.

Mr. McSWEENEY. The Budget Bureau has asked for a larger program in this regard. The head of the Budget says he would like Congress to establish a definite program. This is the request of General Lord.

Mr. CURRY. Mr. Speaker, I have not the same high regard for General Lord's perspicacity and omniscience as some others have. I do not think he knows anything more about this bill than I do, and probably I do not know as much about it as I should.

However, I have confidence in the Members who are advocating the bill and will therefore withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. McSWEENEY. Mr. Speaker, I ask unanimous consent to substitute Senate bill 3556 for the House bill.

Mr. TILSON. Is it an identical bill or a similar bill?

Mr. LAGUARDIA. The House bill provides for a station in Hawaii and the other bill for a station in the Southern States.

Mr. McSWEENEY. That is the only difference.

The SPEAKER. Is there objection?

Mr. CHINDBLOM. Reserving the right to object, Mr. Speaker, does it omit the station in Hawaii?

Mr. McSWEENEY. No; the House bill includes that station.

The SPEAKER. If consent is granted for the consideration of the bill, the Chair understands it is the intention of the gentleman from Ohio to offer an amendment to the Senate bill to conform to the House bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized and directed to conduct such investigations, experiments, and tests as he may deem necessary under sections 2 to 10, inclusive, in order to determine, demonstrate, and promulgate the best methods of reforestation and of growing, managing, and utilizing timber, forage, and other forest products, of maintaining favorable conditions of water flow and the prevention of erosion, of protecting timber and other forest growth from fire, insects, disease, or other harmful agencies, of obtaining the fullest and most effective use of forest lands, and to determine and promulgate the economic considerations which should underlie the establishment of sound policies for the management of forest land and the utilization of forest products: *Provided*, That in carrying out the provisions of this act the Secretary of Agriculture may cooperate with individuals and public and private agencies, organizations, and institutions, and, in connection with the collection, investigation, and tests of foreign woods, he may also cooperate with individuals and public and private agencies, organizations, and institutions in other countries; and receive money contributions from cooperators under such conditions as he may impose, such contributions to be covered into the Treasury as a special fund, which is hereby appropriated and made available until expended as the Secretary of Agriculture may direct, for use in conducting the activities authorized by this act,

and in making refunds to contributors: *Provided further,* That the cost of any building purchased, erected, or as improved in carrying out the purposes of this act shall not exceed $2,500, exclusive in each instance of the cost of constructing a water supply or sanitary system and of connecting the same with any such building: *Provided further,* That the amounts specified in sections 2, 3, 4, 5, 6, 7, 8, and 10 of this act are authorized to be appropriated up to and including the fiscal year 1938, and such annual appropriations as may thereafter be necessary to carry out the provisions of said sections are hereby authorized: *Provided further,* That during any fiscal year the amounts specified in sections 3, 4, and 5 of this act making provision for investigations of forest-tree and wood diseases, forest insects, and forest wild life, respectively, may be exceeded to provide adequate funds for special research required to meet any serious public emergency relating to epidemics: *And provided further,* That the provisions of this act shall be construed as supplementing all other acts relating to the Department of Agriculture, and, except as specifically provided, shall not limit or repeal any existing legislation or authority.

SEC. 2. That for conducting fire, silvicultural, and other forest investigations and experiments the Secretary of Agriculture is hereby authorized, in his discretion, to maintain the following forest experiment stations for the regions indicated, and in addition to establish and maintain one such station for the Intermountain region in Utah and adjoining States, one in Alaska, and one in the tropical possessions of the United States in the West Indies:

Northeastern forest experiment station, in New England, New York, and adjacent States;

Allegheny forest experiment station, in Pennsylvania, New Jersey, Delaware, Maryland, and in neighboring States;

Appalachian forest experiment station, in the southern Appalachian Mountains and adjacent forest regions;

Southern forest experiment station, in the Southern States;

Central States forest experiment station, in Ohio, Indiana, Illinois, Kentucky, Missouri, Iowa, and in adjacent States;

Lake States forest experiment station, in the Lake States and adjoining States;

California forest experiment station, in California and in adjoining States;

Northern Rocky Mountain forest experiment station, in Idaho, Montana, and adjoining States;

Northwestern forest experiment station, in Washington, Oregon, and adjoining States, and in Alaska;

Rocky Mountain forest experiment station, in Colorado, Wyoming, Nebraska, South Dakota, and in adjacent States; and

Southwestern forest experiment station, in Arizona, and New Mexico, and in adjacent States.

There is hereby authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, not more than $1,000,000 to carry out the provisions of this section.

SEC. 3. That for investigations of the diseases of forest trees and of diseases causing decay and deterioration of wood and other forest products, and for developing methods for their prevention and control at forest experiment stations, the Forest Products Laboratory, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $250,000.

SEC. 4. That for investigations of forest insects, including gypsy and browntail moths, injurious or beneficial to forest trees or to wood or other forest products, and for developing methods for preventing and controlling infestations, at forest experiment stations, the Forest Products Laboratory, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $350,000.

SEC. 5. That for such experiments and investigations as may be necessary in determining the life histories and habits of forest animals, birds, and wild life, whether injurious to forest growth or of value as supplemental resource, and in developing the best and most effective methods for their management and control at forest experiment stations, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $150,000.

SEC. 6. That for such investigations at forest experiment stations, or elsewhere, of the relationship of weather conditions to forest fires as may be necessary to make weather forecasts, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $50,000.

SEC. 7. That for such experiments and investigations as may be necessary to develop improved methods of management, consistent with the growing of timber and the protection of watersheds, of forest ranges and of other ranges adjacent to the national forests, at forest or range experiment stations, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $275,000.

SEC. 8. That for experiments, investigations, and tests with respect to the physical and chemical properties and the utilization and preservation of wood and other forest products, including tests of wood and other fibrous material for pulp and paper making, and such other experiments, investigations, and tests as may be desirable, at the forest-products laboratory or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $1,000,000, and an additional appropriation of not more than $50,000 annually for similar experiments, investigations, and tests of foreign woods and forest products important to the industries of the United States, including necessary field work in connection therewith.

SEC. 9. That the Secretary of Agriculture is hereby authorized and directed, under such plans as he may determine to be fair and equitable, to cooperate with appropriate officials of each State of the United States, and either through them, or directly with private and other agencies, in making a comprehensive survey of the present and prospective requirements for timber and other forest products in the United States, and of timber supplies, including a determination of the present and potential productivity of forest land therein, and of such other facts as may be necessary in the determination of ways and means to balance the timber budget of the United States. There is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $250,000: *Provided,* That the total appropriation of Federal funds under this section shall not exceed $3,000,000.

SEC. 10. That for such investigations of costs and returns and the possibility of profitable reforestation under different conditions in the different forest regions, of the proper function of timber growing in diversified agriculture and in insuring the profitable use of marginal land, in mining, transportation, and in other industries, of the most effective distribution of forest products in the interest of both consumer and timber grower, and for such other economic investigations of forest lands and forest products as may be necessary, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $250,000.

Mr. McSWEENEY. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Ohio offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McSWEENEY: On page 5, line 2, strike out the period, insert a comma, and in addition insert the following: "And in addition to establish and maintain one such station for the intermountain region of Utah and adjoining States, one for Alaska, one in Hawaii, and one in the tropical possessions of the United States in the West Indies, and one additional station in the Southern States."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

Mr. LEAVITT, by permission of the House, presented the following:

H. R. 6091—S. 1183—Seventieth Congress

WHY THE McSWEENEY-McNARY FOREST RESEARCH BILL SHOULD BECOME LAW

THE SOCIETY OF AMERICAN FORESTERS

1. The McSweeney-McNary bill is at bottom a comprehensive forest-research porgram for the United States Department of Agriculture. It is one of a series of Federal legislative acts beginning with the Clarke-McNary Act, continuing with the Woodruff-McNary bill, and designed when completed to cover the forestry functions of the various bureaus in the Department of Agriculture.

2. It was introduced at the request of the National Forestry Program Committee. The program committee has interested itself for many years in constructive forestry legislation, and contains representation from a broad group of public and industrial interests. The committee has sponsored the bill at the request of the Society of American Foresters.

3. The bill is based upon the recommendations for organic forest research legislation made by a special committee on forest research of the Washington section of the society in a comprehensive report entitled "A National Program of Forest Research." It is based, therefore, upon a thoroughgoing and detailed study of national requirements.

4. The bill codifies and rounds out the existing legislative authority for forest research in the United States Department of Agriculture. it also carries authorizations for different classes of research, but no appropriations. It is, therefore, both a functional program of the kind of research which can and should be undertaken, and a fiscal program which will guide the Department of Agriculture, the Budget, and Congress in making annual appropriations for the department. The bill is a step toward general recognition and indorsement of a clear-cut program. It is an attempt to raise the sights on forest research requirements to something approaching national needs and to insure sustained development by setting up definite objectives.

5. The bill provides for all classes of forest research, silviculture, and forest management, or the renewal and growing of forest crops; the protection of forests against fire and also against insect and fungous diseases; the influences of the forest upon stream flow, erosion, etc.; forest ranges and their utilization by livestock and game; wild life as a product and in its relation to forest production; the utilization of wood and other forest products; and, finally, the economic aspects of all these questions. The intent is to build upon established research units, such as the regional forest experiment stations and the forest-products laboratory. It is not intended to change the existing responsibility of the Forest Service, the Bureau of Plant Industry, Bureau of Entomology, Biological Survey, and the Weather Bureau.

6. The investigation of the Society of American Foresters shows conclusively the need for greatly enlarged research programs by individuals, corporations, industries, institutions, the States, and the Federal Government. It is estimated that present expenditures for forest research by all agencies total about $2,600,000. The society committee believes that total expenditures of nine to twelve million dollars by the end of a decade are urgently needed and would not be unreasonable because of the basic place of forest research in such things as:

a. The maximum productivity for timber growing and related purposes of one-fourth and undoubtedly more of our entire land area—an area not much below that of improved agricultural land in the United States.

b. Supplies of wood and other forest products ample to meet American requirements, which are now nearly half of world requirements.

c. Reduction of waste in the manufacture and utilization of wood, which is now responsible for about two-thirds of the annual cut from our forests, and for which we have the scientific foundation only in small part.

d. A satisfactory silvicultural and protection technique for the richest and most complex Temperate Zone forests in the world, for which now we have only the beginnings of a traditional technique and only a relatively small start toward a scientific basis.

e. A scientific basis for making forest lands most effective for watershed protection, and for assuring satisfactory production and use of the forage, wild life, recreational, and other forest resources, consistent with such watershed protection and with timber production.

f. A foundation in economic facts for forest-land policies, including the correlation of uses, for forestry legislation, etc.

g. Rapidly increasing annual expenditures on forestry in the United States by all agencies already probably totaling about $20,000,000, every dollar of which should be made to count to the utmost.

h. The permanence of the forest industries, which as a group rank about fourth among American industries and which have a capitalization of about $3,600,000,000, exclusive of forest land and stumpage worth at least $10,000,000,000 more. Such permanence depends absolutely upon a continuous supply of wood.

7. Additional reasons why the society committee feels that it has been conservative in recommending for all agencies total expenditures on forest research which will reach from nine to twelve million dollars by the end of a decade are:

a. Expenditures by the Federal Government and the States for agricultural research now total from eighteen to twenty million dollars, and the work is concentrated largely upon about 500,000,000 acres of improved agricultural land, an area but little larger than the increasing area of forest land.

b. A single corporate group, the American Telephone & Telegraph, is expending $10,000,000 a year in research; the General Electric Co., $3,000,000; the Du Pont Co., $2,000,000; the General Motors Research Corporation, $1,000,000; the Goodyear Tire & Rubber Co., $1,000,000. In July, 1924, the expenditures on industrial research in the United States were estimated at $75,000,000, and the National Bank of Commerce in New York in December, 1926, estimated these expenditures at one hundred to two hundred million dollars a year.

c. The society committee devotes 125 pages of its report (22–146) very largely to a discussion of unsolved research problems with a feeling that the list is very far from complete.

8. Of the nine to twelve million total, the society committee believes that the Federal Government should by the end of another decade be contributing about one-third, although eventually one-fourth would probably be reasonable. Some of the reasons for this are:

a. Federal ownership or control, chiefly in national forests, of one-fifth of our forest lands.

b. Ownership by farmers in wood lots of nearly one-third of our forest land, with the same reason for Federal aid through research as in agriculture.

c. The interstate or international character of stream-flow regulation and of the prevention and control of forest diseases and insect epidemics.

d. The national aspects of manufacture, waste, distribution, and consumption of lumber, pulp and paper, and other forest products.

e. The necessity for Federal leadership in such investigations as forest taxation, a forest or timber survey, etc.

f. The Federal obligation to stimulate the development of forestry and the fact that in research lies one of the cheapest, most effective, and most far-reaching methods.

9. The Department of Agriculture has a large responsibility in Federal forest research because forestry at bottom is primarily a question of land use on all fours with agriculture, and wood and other forest products are land products.

10. By the end of a decade both the society and national forestry program committee believe that expenditures in the Department of Agriculture for forest research should, to meet Federal obligations and national requirements, reach the amounts which have been specified in the various sections of the McSweeney-McNary bill; also that the amounts should be authorized in an organic act which would codify and round out legislative authority and help to insure sustained development of the work. The McSweeney-McNary bill constitutes such an organic act.

11. The stage has now been reached when the situation calls unmistakably for the development of forest research as a big national undertaking, on a scale commensurate with the movement to acquire national and other public forests; with the drive to place our entire forest area under protection against fire; with the effort to bring about the practice of forestry on privately owned lands; with the development of agricultural research in the United States. The national need for forest research requires in the future far greater breadth of view and greater vision than it has yet received. The McSweeney-McNary bill meets in a comprehensive and reasonably adequate way for the next 10 years the obligations of the Federal Department of Agriculture in such a development of forest research.

PINE RIDGE SIOUX INDIANS OF SOUTH DAKOTA

Mr. HOOPER. Mr. Speaker, I ask unanimous consent to return to Calendar No. 715, H. R. 13342, to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota.

Mr. TILSON. Was this bill passed over without prejudice?

Mr. HOOPER. Yes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to return to Calendar No. 715. Is there objection?

There was no objection.

The SPEAKER. Is there objection to present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from funds on deposit in the Treasury of the United States to the credit of the Pine Ridge Sioux Indians of South Dakota a sum sufficient to make a $10 per capita payment to said Indians, under such rules and regulations as may be prescribed.

Mr. LEAVITT. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 1, line 8, strike out "may be prescribed" and insert in lieu thereof "he may prescribe."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHILD HEALTH DAY

The next business on the Consent Calendar was House joint resolution (H. J. Res. 184) designating May 1 as Child Health Day.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. CHINDBLOM. Mr. Speaker, I reserve the right to object for the purpose of saying that I shall not object to this bill, but I do think it might establish a precedent for the observance of many days during the year which are very appealing. I doubt the wisdom of this policy but the purpose which it is sought to observe and commemorate is one so close to the hearts of all of us that I really have not the courage to object. I do think, however, that we are embarking upon a practice which may prove a little embarrassing hereafter and that we will be asked to establish Mother's Day, Father's Day, and many another day, so that after a while we will be requiring the President to issue proclamations frequently during the year. Up to this time Thanksgiving has been the only great national holiday for which the President has issued proclamations and I think it might be well if that situation had continued.

Mr. DYER. And if the gentleman will permit, they may follow this by asking for holidays.

Mr. REED of New York. No; that will not follow. I want to say that I concur in everything the gentleman from Illinois has said. We had all of that up before our committee and this is not for the purpose of providing a holiday, but many national organizations and splendid organizations all over the country urge this and the President issued a proclamation on May 1 of this year, before this resolution could be passed. He is evidently in sympathy with it and our committee intends to avoid the holiday proposition.

The SPEAKER. Is there objection?

Mr. CHINDBLOM. Mr. Speaker, I withdraw the reservation of objection.

There was no objection.

The Clerk read the joint resolution, as follows:

House joint resolution (H. J. Res. 184) designating May 1 as Child Health Day

Whereas the quality of the adult citizenry of a country depends upon the opportunities for wholesome development provided in childhood; and

Whereas in order to secure such well-rounded development it is essential that provision be made for a year-round child health program; and

Whereas the concentration of the public mind on the necessity of such a year-round program can be effectively achieved by setting aside one day for this purpose as "Child Health Day": Therefore be it

Resolved, etc., That the President of the United States is hereby authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings and the people of the United States to display the flag at their homes or other suitable places on May 1 of each year, in order to awaken the people of our country to the fundamental necessity of a year-round program looking toward the protection and the development of the physical and the mental health of our children.

SEC. 2. That May 1 shall hereafter be designated and known as May Day Child Health Day and that it shall be the duty of the President to request its observance as provided in this resolution.

With the following committee amendments:

Page 1, strike out the preamble.

Page 2, line 1, after the word "issue," insert the word "annually," and after the word "proclamation" strike out everything and substitute the following: "setting apart May 1 of each year as Child Health Day and inviting all agencies and organizations interested in child welfare to unite upon that day in the observance of such exercises as will awaken the people of the Nation to the fundamental necessity of a year-round program for the protection and development of the health of the Nation's children."

Page 2, lines 15 to 18, strike out all of section 2.

The committee amendments were agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

INTERNATIONAL PETROLEUM EXPOSITION AT TULSA, OKLA.

Mr. HOWARD of Oklahoma. Mr. Speaker, I ask unanimous consent for the immediate consideration of the House joint resolution (H. J. Res. 292) authorizing the President to invite the States of the Union and foreign countries to participate in the Annual International Petroleum Exposition, at Tulsa, Okla., to begin October 20, 1928.

The Clerk read the title of the bill.

Mr. SPROUL of Kansas. May I ask the nature of the bill?

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Resolved, etc., That the President of the United States is authorized to invite annually by proclamation, or in such other manner as he may deem proper, the States of the Union and all foreign countries to participate in the proposed International Petroleum Exposition, to be held annually at Tulsa, Okla., beginning October 20, 1928, for the purpose of exhibiting samples of fabricated and raw products of all countries and bringing together buyers and sellers for promotion of trade and commerce in such products used in the petroleum industry.

SEC. 2. All articles that shall be imported from foreign countries for the sole purpose of exhibition at the International Petroleum Exposition upon which there shall be a tariff or customs duty shall be admitted free of the payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exhibition to sell any goods or property imported for and actually on exhibition, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles when sold or withdrawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure, the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of an illegal sale, use, or withdrawal.

With the following committee amendments:

Page 1, line 4, strike out the word "annually"; page 1, line 7, strike out the word "annually"; page 2, line 2, after the word "countries," insert the words "used in the petroleum industry"; page 2, line 5, after the word "products," strike out the words "used in the petroleum industry."

Amend the title.

Mr. CHINDBLOM. Mr. Speaker, how far has the bill progressed? It has been read for information, has it not?

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CHINDBLOM. Reserving the right to object, Mr. Speaker, I shall not object, but I want to serve notice, if I may, that bills of this kind should go to the Committee on Ways and Means. The essential thing here is the entry into the United States of articles which are subject to tariff duties.

Mr. LAGUARDIA. The essential thing is the exportation of goods to foreign countries.

Mr. CHINDBLOM. These bills have usually gone to the Ways and Means Committee.

Mr. LAGUARDIA. We are trying to sell goods, not to import them. This is the purpose of the exposition.

Mr. CHINDBLOM. I do not object, Mr. Speaker, but I wanted to make this remark.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to postpone indefinitely consideration of Senate Joint Resolution 89, which is a companion resolution to House Joint Resolution 184.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT—NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that I may have until midnight to-night to offer and have printed the conference report and statement on the bill H. R. 12286, the naval appropriation bill.

The SPEAKER. The gentleman from Idaho asks unanimous consent that he may have until midnight to-night to file conference report and statement on the naval appropriation bill. Is there objection?

There was no objection.

MISSOULA NATIONAL FOREST, MONT.

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on Public Lands I ask unanimous consent to take from the Speaker's table the bill (H. R. 126) to add certain lands to the Missoula National Forest, Mont., and agree to the Senate amendment.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table the bill, H. R. 126, and agree to the Senate amendment. Is there objection?

There was no objection.

The Senate amendment was read and agreed to.

AMENDING THE ACT CREATING THE UNITED STATES COURT FOR CHINA

Mr. DYER. Mr. Speaker, I ask unanimous consent to take up Calendar No. 723, bill (H. R. 12955) to amend an act entitled "An act creating the United States court for China and prescribing the jurisdiction thereof." It is an emergency matter and called for by a special message of the President of the United States.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of Calendar No. 723, stating that it is a matter of emergency. Is there objection?

Mr. LAGUARDIA. I object.

ADDRESS OF HON. BUTLER B. HARE

Mr. DOMINICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech delivered by my colleague [Mr. HARE] over the radio on farm produce agency act.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. DOMINICK. Mr. Speaker, under the permission to extend my remarks in the RECORD, I include the following speech delivered by my colleague Hon. BUTLER B. HARE, over the radio on the farm produce agency act:

THE FARM PRODUCE AGENCY ACT

Friends, it has been suggested that in my talk this evening my remarks be directed primarily for the benefit of fruit and truck growers of the country, as well as those farmers engaged in selling other perishable farm crops on consignment or through commission merchants. It is suggested further that I explain the operations of what is known as the farm produce act, or more commonly referred to as the antidumping act. I assume that these suggestions were made for the reason that I happen to be the author of the act referred to.

This law, which was enacted and became a law only last year, provides that it shall be unlawful for any person, firm, or corporation receiving fruits, vegetables, poultry products, or any perishable farm product in interstate commerce on behalf of another, without good and sufficient cause, to destroy, or abandon, discard as refuse, or dump any such produce, either directly or indirectly, or through collusion with any person. It provides further that it shall be unlawful for a person to knowingly and intentionally make a false report or statement to the person or association from whom any such produce was received, concerning the handling, condition, quality, sale, or disposition, and any person who shall make such a false report or who intentionally fails to make proper accounting shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of not less than $100 or more than $3,000, or imprisonment for not exceeding one year, or both within the discretion of the court. Of course, a certificate from a duly authorized representative of the Government to the effect that such produce was in such condition as to render it unsalable or unfit for use will be evidence to show that the conduct of the consignee was in good faith.

The introduction of the bill in Congress two years ago was prompted from the numerous complaints coming from shippers to the effect that they had made consignments of melons, cucumbers, cantaloupes, peaches, etc., and so very often they would receive notice from consignees that the produce was received in bad condition and in many cases would state that it had to be dumped, and sometimes the consignee would ask the shipper for a remittance to pay freight. In such cases the farmer would not know whether or not the real facts had been reported and he had no way of finding out. In many cases the farmer felt that he had been robbed of the entire shipment by an unscrupulous commission merchant and that he had little or no redress. The practice became so prevalent that it was almost impossible for honest and reliable men to stay in business, especially from the standpoint of the shipper. I recall a particular case in my district in 1926, where two neighbors gathered beans in adjoining fields one morning, one having 8 hampers and the other 12. They shipped them by express on the same train and forwarded them to the same market but to different merchants. They received reports the same day indicating that sales were made on the same day. One received net returns to the amount of $3.75 per hamper, whereas the other received notice that the beans were in such bad condition that they had to be dumped, and the commission merchant requested that the shipper forward 80 cents per hamper to pay the express.

The purpose of the law is, of course, to prevent such practices and to protect the shipper as well as the honest and reliable commission merchant.

The power to enforce this act is lodged with the Department of Agriculture and the Department of Justice, and whenever a shipper has good and sufficient reasons to believe that a consignee has made a false report with reference to a shipment, complaint should be made direct to the Secretary of Agriculture, giving in detail as near as possible all the facts in the case as well as the grounds on which his suspicions are based. The department will then make an investigation, and if there is sufficient evidence to warrant prosecution the case will be turned over to the Department of Justice to be handled as it would handle the prosecution in other matters.

My understanding is that the law has been received with practically no objections whatever on the part of the honest and more reliable commission men, and the producers throughout the country seem to think that it will be a great protection to them and often refer to it as one of the greatest pieces of constructive legislation in recent years.

Of course, its success will depend largely upon the cooperation of both the shipper and receiver with the departments charged with the enforcement of the law. In the first place the shipper should give careful attention toward perfecting a standard pack for each crop grown and handled. For example, containers for asparagus, cucumbers, peaches, apples, etc., should be of a standard size and uniform make, and they should be made of a more or less uniform material. That is, the pack for each should be uniform and standardized. Then there should be proper and uniform grading, coupled with expert inspection so that the purchaser or consignee may know in advance exactly what he is going to receive and what he is going to sell.

This should result not only in better prices to the shipper for his products but should add strength and stability to the commission business which should result in lower commission rates and absolute fair dealing on the part of those engaged in the business. If this is accomplished, shippers should receive better returns for their crops and at the same time, consumers would receive their fruits and vegetables at lower prices. Of course, this latter statement is based upon the assumption that the receivers are going to conform not only to the letter, but to the spirit of the law. In this connection, I might refer to a practice on the part of some commission men that should be discontinued. For instance, it is charged that some concerns send their representatives to a shipping point during the harvesting season where they will buy outright as many carloads as possible and at the same time secure as many as possible to be shipped on consignment. Then when the cars or shipments purchased and those shipped on consignment arrive at their destination at the same time, the receiver will hold the consignment off the market until those purchased outright are sold in order to prevent the produce of the shipper, received upon consignment, coming into competition with the produce purchased. This is unfair both to the consignor and the consumer, because the latter is required to purchase in a market where the supply is limited and therefore pay higher price, and the shipper's produce is delayed a day or more and by reason of the deterioration in the meantime brings a lower price when sold, than it would have brought had it been placed on the market when fresh.

The next important and logical step to be taken by the Government in connection with this work is to make ample and suitable provision for inspection of all carlot shipments of fruits and vegetables, as well as other perishable farm products at original shipping points. This will be a protection and benefit to both the shipper, the commission merchant, and the consumer as well.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 61. An act granting an increase of pension to Louise A. Wood; to the Committee on Pensions.

S. 443. An act for the relief of Larry M. Temple; to the Committee on Claims.

S. 860. An act allowing credit to postal and substitute postal employees for time served in the Army, Navy, or Marine Corps of the United States; to the Committee on the Post Office and Post Roads.

S. 1251. An act to regulate the marking of platinum imported into the United States or transported in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 1344. An act to amend an act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, and for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 4, 1924; to the Committee on Agriculture.

S. 1511. An act for the exchange of lands adjacent to national forests in Montana; to the Committee on the Public Lands.

S. 1577. An act to add certain lands to the Boise National Forest, Idaho; to the Committee on the Public Lands.

S. 1578. An act to add certain lands to the Idaho National Forest, Idaho; to the Committee on the Public Lands.

S. 2107. An act to provide for steel cars in the railway post-office service; to the Committee on the Post Office and Post Roads.

S. 2289. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Veterans of Foreign Wars of the United States, department of Minnesota, the bell formerly on the old cruiser *Minneapolis;* to the Committee on Naval Affairs.

S. 2526. An act for the relief of Shelden R. Purdy; to the Committee on Claims.

S. 3039. An act authorizing an appropriation for the construction of a bridge and approach road leading to the Zillah State Park, Wash.; to the Committee on Irrigation and Reclamation.

S. 3281. An act to provide a shorter workday on Saturday for postal employees; to the Committee on the Post Office and Post Roads.

S. 3328. An act to amend title 39, the Postal Service, Chapter II, section 32, the Code of Laws of the United States of America in force December 6, 1926 (vol. 44, Pt. I, U. S. Stat. L.); to the Committee on the Post Office and Post Roads.

S. 3452. An act for the relief of George W. Abberger; to the Committee on Claims.

S. 3525. An act for the relief of A. M. Thomas; to the Committee on Claims.

S. 3595. An act for the relief of Arch L. Gregg; to the Committee on Claims.

S. 3743. An act for the relief of C. N. Markle; to the Committee on Ways and Means.

S. 3794. An act for the relief of R. E. Hansen; to the Committee on Indian Affairs.

S. 3800. An act to carry out provisions of the Pan American Postal Convention concerning franking privileges for diplomatic officers in Pan American countries and the United States; to the Committee on the Post Office and Post Roads.

S. 3827. An act to exempt employees of the public-school system of the District of Columbia from the $2,000 salary limitation provision of the legislative, executive, and judicial appropriation act, approved May 10, 1916, as amended; to the Committee on the District of Columbia.

S. 3912. An act for the relief of Gustave Hoffman; to the Committee on Claims.

S. 3931. An act for the relief of Augusta Cornog; to the Committee on Claims.

S. 3954. An act to quiet title in the heirs of Norbert Boudousquie to certain lands in Louisiana; to the Committee on the Public Lands.

S. 4022. An act authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., to Henry A. O'Neil for a buffalo pasture; to the Committee on the Public Lands.

S. 4087. An act authorizing the use of certain land owned by the United States in the District of Columbia for street purposes; to the Committee on the District of Columbia.

S. 4126. An act authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited rights reserved, and limited rights in land, and authorizing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances; to the Committee on the District of Columbia.

S. 4173. An act to transfer jurisdiction over certain national military parks and national monuments from the War Department to the Department of the Interior, and for other purposes; to the Committee on Military Affairs.

S. 4257. An act to authorize the payment of certain salaries or compensation to Federal officials and employees by the Treasurer of the Territory of Alaska; to the Committee on Territories.

S. 4273. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims; to the Committee on Indian Affairs.

S. 4302. An act to authorize the Secretary of Commerce to convey the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., as a memorial to commemorate the Battle of Fort Fisher; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 110. Senate joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes; to the Committee on Insular Affairs.

S. J. Res. 130. Senate joint resolution suspending certain provisions of law in connection with the acquisition of lands within the Alabama National Forest; to the Committee on Agriculture.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 4664. An act for the relief of Capt. George R. Armstrong, United States Army, retired;

H. R. 11577. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes; and

H. R. 12875. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3674. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bills and a joint resolution of the House of the following titles:

H. R. 15. An act authorizing an appropriation to enable the Secretary of the Interior to carry out the provisions of the act of May 26, 1926 (44 Stat. L. 655), to make additions to the Absaroka and Gallatin National Forests, and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land;

H. R. 158. An act to amend chapter 137 of volume 39 of the United States Statutes at Large, Sixty-fourth Congress, first session;

H. R. 167. An act to amend the act of February 12, 1925 (Public, No. 402, 68th Cong.), so as to permit the Cowlitz Tribe of Indians to file suit in the Court of Claims under said act;

H. R. 332. An act validating homestead entry of Englehard Sperstad for certain public land in Alaska;

H. R. 491. An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California;

H. R. 3467. An act for the relief of Giles Gordon;

H. R. 4363. An act for the relief of the Smith Tablet Co., of Holyoke, Mass.;

H. R. 4396. An act for the relief of Jesse R. Shivers;

H. R. 4619. An act for the relief of E. A. Clatterbuck;

H. R. 4664. An act for the relief of Capt. George R. Armstrong, United States Army, retired;

H. R. 4927. An act for the relief of Francis Sweeney;

H. R. 5297. An act for the relief of Christine Brenzinger;

H. R. 5681. An act to provide a differential in pay for night work in the Postal Service.

H. R. 5935. An act for the relief of the McAteer Shipbuilding Co. (Inc.);

H. R. 7459. An act to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes;

H. R. 7900. An act granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes;

H. R. 7946. An act to repeal an act entitled "An act to extend the provisions of the homestead laws to certain lands in the Yellowstone forest reserve," approved March 15, 1906;

H. R. 8001. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *City of Beaumont* against the United States, and for other purposes;

H. R. 8307. An act amending section 5 of the act approved June 9, 1916 (39 Stat. L. 218), so as to authorize the sale of timber on class 3 of the Oregon & California Railroad and Coos Bay wagon-road grant lands;

H. R. 8337. An act to amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926;

H. R. 8474. An act for the relief of Elmer J. Nead;

H. R. 8810. An act for the relief of John L. Nightingale;

H. R. 9568. An act to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes;

H. R. 9612. An act authorizing and directing the Secretary of the Interior to allow Norman P. Ives, jr., credit on other lands for compliances made in homestead entry, Gainesville, 021032;

H. R. 9789. An act for the relief of Sallie E. McQueen and Janie McQueen Parker;

H. R. 10067. An act for the relief of Marion Banta;

H. R. 10360. An act to confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926;

H. R. 10799. An act for the lease of land and the erection of a post office at Philippi, W. Va., and for other purposes;

H. R. 11245. An act to cancel certain notes of the Panama Railroad Co., held by the Treasurer of the United States;

H. R. 11475. An act to revise and codify the laws of the Canal Zone;

H. R. 11577. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes;

H. R. 11716. An act authorizing and directing the Secretary of the Interior to issue patents to Ethel L. Saunders, and for other purposes;

H. R. 11852. An act providing for the confirmation of grant of lands formerly the United States barracks at Baton Rouge, La., to the board of supervisors of the Louisiana State University and Agricultural and Mechanical College;

H. R. 11960. An act for the relief of D. George Shorten;

H. R. 12049. An act to authorize the Secretary of the Interior to sell to W. H. Walker, Ruth T. Walker, and Queen E. Walker, upon the payment of $1.25 per acre, the southeast quarter section 34, township 2 north, range 14 east, Choctaw meridian, Clarke County, Miss.;

H. R. 12379. An act granting the consent of Congress to Howard Seabury to construct, maintain, and operate a dam to retain tidal waters in an unnamed cove which is situated and extends from Cases Inlet into section 28, township 21 north, range 1 west, Willamette meridian, in Pierce County, State of Washington;

H. R. 12383. An act to amend section 11 of an act approved February 28, 1925 (43 Stat. 1064, U. S. C., title 39), granting sick leave to employees in the Postal Service, and for other purposes;

H. R. 12875. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes; and

H. J. Res. 256. House joint resolution authorizing the United States Bureau of Public Roads to make a survey of the uncompleted bridges of the Oversea Highway from Key West to the mainland, in the State of Florida, with a view of obtaining the cost of the construction of said bridges, and report their findings to Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WAINWRIGHT, for to-day, on account of important business;

To Mr. KVALE (at the request of Mr. CARSS), for one day, on account of sickness; and

To Mr. STEVENSON (at the request of Mr. HARE), for one week, on account of important business.

PERIOD OF RESTRICTIONS, FIVE CIVILIZED TRIBES

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a statement made by me before the House Committee on Indian Affairs.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. CARTWRIGHT. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following speech made by me before the House Committee on Indian Affairs on March 29, 1928:

Mr. Chairman and fellow members of the committee, it is with a degree of hesitancy that I appear in opposition to this bill, H. R. 12000. This room is filled with lawyers and older Members of Congress who have been dealing with Indian affairs for many years, while I have been here only four months. So I hope I will be permitted to make a short uninterrupted statement, after which I shall gladly answer questions, if I can do so. I come to you fresh from the people with a gilt-edged statement of fact, with sound reasoning and a plea that the voice of the people might be heard.

First, I wish to remind you that the bureau's star witness, Hon. Mr. CRAMTON, from Michigan, based his argument for the merits of this bill on the grounds that Hon. C. D. Carter was for it, and gave that as his outstanding reason why the bill should pass. My honorable colleague seems to be laboring under the impression that Mr. Carter is still a Member of Congress, but I stand before you to-day as absolute proof that he is not. It so happens that I defeated him in the last campaign in a three-cornered race on this very issue. Since Mr. CRAMTON seems to be so ill-informed on this fact, it is barely possible that he is not so well acquainted with the Indian situation in Oklahoma as he would have you believe. However, in justice to Mr. CRAMTON, I wish to say that we should not expect a gentleman from Michigan to thoroughly understand a condition in so distant a State as Oklahoma.

I will admit that it was generally conceded that Mr. Carter was the representative of the wishes of the Choctaws and Chickasaws; not only this, but on account of his long tenure in office, he was looked to as the chief spokesman of all the Indians in Oklahoma, and also had much influence in regard to other tribes in the United States, before Congress and the Indian Bureau. But he introduced a bill to restrict 80 acres of homestead land 16 years beyond the period agreed upon. The chamber of commerce of his own home town passed resolutions condemning him for introducing such a bill. I was running for Congress. Both Indians and whites wanted to know how I stood. My course was marked out for me. I was against the bill. This issue and the only issue between us was clear cut and definite. The people spoke and to-day I am in Congress. It was not my intention to bring in this political phase of the question but Mr. CRAMTON'S argument made it necessary.

As for the Choctaws and Chickasaws I wish to say that they are tired of bureaucratic government. They feel that they have been unjustly treated and their money used to keep up schools, tribal officers, etc., while many of the deserving Indians are almost at the point of starvation. They have not received a penny from the bureau for years, although they have coal and asphalt lands that pour thousands of dollars into the Treasury each year. They beg to be free from this rule, to have their affairs wound up and be allowed to live as other citizens. They argue that as long as they are under restrictions their money will be used to keep up fat-salaried officers and the bureau will continue to operate in order to hold jobs for those in authority, while the Indians realize no benefit whatsoever. I wish to say that so earnest is their plea for a winding up of their affairs that only last week they assembled in convention in my district, four or five hundred strong to protest against this bureaucratic treatment and to send delegates up here to aid in a final settlement.

There is also a belief that many of the Indians have been victims of an unsympathetic attitude on the part of the bureau in dealing with their personal problems, an attitude that dulls the initiative of these people in any attempts to solve their own problems of life. These Indians are not an ignorant class of people. They vote and they hold office. Those who may be classed as incompetent by the bureau, as a rule, have educated children who are fully capable of taking care of their own affairs and those of their parents.

Outside of Oklahoma the general public is not aware of the true state of affairs. They see many pictures of Indians in fancy costumes posed in photos for publicity; they hear how wealthy and improvident the Indians are; they read that the bureau is civilizing, educating, and protecting the Indians. This is not true of the Five Civilized Tribes. I have never heard of a member of one of these tribes wearing a blanket. In my district the Indians, as well as the whites, feel that they are suffering from too much class legislation instigated through the channels of the bureau, wherein the Indian rights of property are jeopardized and their welfare as useful citizens endangered.

Under the Atoka agreement the Indians were guaranteed a full and complete settlement of their affairs. This settlement included a sale of all tribal property, and that has not been carried out. Furthermore, it was a fixed belief with both whites and Indians that 21 years after Statehood the restrictions would be removed and the land would become taxable. They now believe the time is fast approaching to properly adjust these matters in a way mutually satisfactory to all concerned, and any attempt to prolong restrictions beyond 1931 is frowned upon.

Gentlemen of the committee, from Oklahoma's standpoint this is a far-reaching measure. One-third of the Indians in the United States live in Oklahoma and 84 per cent of the Indian population in this State have their homes in eastern Oklahoma, the country of the Five Civilized Tribes. My district is the home of two of these five tribes. Only one other Congressman on this committee, Mr. HOWARD, has any of these Indians. He has a part of the Cherokees. Therefore, I am more affected by this bill than any member of the committee, or any Member of Congress, and I feel that what I have to say should have some weight.

These restrictions not only affect the welfare of the Indians, but are also felt in the social and economic progress of the whole surrounding body politic. In this connection I wish to read to you some samples of the great avalanche of mail that has been coming to my office since I have taken my seat in Congress.

(The letters referred to are as follows:)

SULPHUR, OKLA., *December 28, 1928.*

Mr. WILBURN CARTWRIGHT,
Member United States Congress, Washington, D. C.

DEAR MR. CARTWRIGHT: We are at this time wishing to determine the attitude and opinion of our Representatives in the National Congress as to the validity of the acts of said Congress, in setting at naught the plain terms of the Atoka agreement, by which acts of abrogation the final settlement of tribal affairs have been and are still being hindered.

Said Atoka agreement guaranteed to the tribes a full and complete settlement of their affairs, and this settlement included the sale of all tribal property, coal lands included. It also guaranteed to the tribes the abolition of our tribal schools. We are also being taxed to maintain the schools set up under our State form of government. Clearly a form of double taxation, upon a class that is the least able to endure it. And are submitting to it only because of inability to help ourselves.

We believe the time has come to properly adjust these matters in a way mutually satisfactory to all concerned, and are appealing to your sense of justice and fair play, to see that some effort is made at this session of Congress to bring about a final settlement of the affairs of our people, according to the terms of the Atoka agreement.

May I have an expression of your opinion upon this vital issue?

Believe me to be, sir, cordially yours,

A. A. ALDRICH,
Member of Chickasaw Tribe.

MARCH 20, 1928.

Hon. WILBURN CARTWRIGHT, M. C.,
House Office Building, Washington, D. C.

DEAR SIR: Although I am not a resident of your district, I want to commend you for your fight to remove the restrictions of the Five Tribes, feeling that in doing this service for the Indians of your district you will eventually serve every tribe in the State, also the various localities interested in the Indian problem.

I was in the Indian Service for several years; and viewing the situation from every angle of my experience, with special consideration for the Indian and his welfare, I believe the present policy is a sad detriment instead of a benefit to the Indian, and it is my opinion that the unrestricted Indian as a tribe will make more progress in

5 years than in the past 20. In our efforts to help the Indian and make him a self-supporting citizen we have perpetuated his early environments, and instead of self-reliance and thrift he has learned dependence and indolence, through no fault of his own, and as the younger generation comes on we are forcing upon him the customs of his father.

I know Mr. Howard to be a hard and sincere worker for what he believes is right, and I trust you have his valuable assistance in your fight.

With very best wishes, I am,

Yours very truly,

PRESTON R. CALVERT,
Attorney, Pawnee, Okla.

ENID, OKLA., *March 19, 1928.*

Mr. WILBURN CARTWRIGHT,
Washington, D. C.

DEAR CONGRESSMAN: We are watching your fight for justice on the Indian-settlement question.

You need not waste energy on the per cent of Oklahoma's obligation to the Indian; that will soon be fulfilled, and this State will back you in a demand that any further tax exemption for the Indian must be borne in full by the National Government.

The people of Oklahoma pay their share of all national taxes and owe no apology to the Nation for demanding a square deal for the taxpayer as well as the Indian.

Yours truly,

T. H. STAGGS,
Farmer and Banker, Enid, Okla.

HUGO, OKLA., *March 18, 1928.*

Hon. WILBURN CARTWRIGHT,
Washington, D. C.

DEAR SIR: I wish to commend you for your stand on Indian affairs. In regard to your policy in winding up the affairs of the Five Civilized Tribes, I think that most of the people who came to Oklahoma 20 to 25 years ago, and have made Oklahoma what it is, believe that by the time 1931 rolls around the Indians have had ample time to become citizens and that they should be turned loose and be made to help bear the burden of taxation.

Of course, the Federal job holders will always argue that they should be protected forever, so that they can still hold their jobs. You can rest assured that the best interests of the country in your district are with you on this issue, and we are hoping that you will win out.

With kindest regards, I am, very truly yours,

C. D. NEASE,
President Nease Timber Co.

SOPER, OKLA., *March 17, 1928.*

Hon. WILBURN CARTWRIGHT,
Washington, D. C.

DEAR SIR: In regard to the removal of restrictions, it is my opinion that the parties wanting an extension of restrictions are those who are on the pay roll and receiving the pie, and maybe some others who hope to get on the pay roll, and none other. If they could get another 25-year extension of restrictions, they would want another like period.

I have talked to almost every full blood and those of less blood who are yet restricted, down in this part of the country, and they all want the restrictions removed to a man and woman. The fact is, the tribal funds are not going to their benefit, but to pay the numerous hundreds of salaried employees.

Taxes are out of reason, as you know. I handle real estate and find that worlds of people are disinterested in locating and investing in Oklahoma property just on account of high taxation, and they all inquire as to when the restricted lands become taxable. Oklahoma is seriously hampered on account of the restricted lands, and every honest man knows and will admit it.

Hoping that you will be able to see that the restrictions are removed as previously arranged, and with best wishes, I am,

Very truly yours,

E. J. NORWOOD.

Mr. CARTWRIGHT. Here is one from a classmate of mine, who is assistant attorney general of Oklahoma:

OKLAHOMA CITY, OKLA., *March 17, 1928.*

Hon. WILBURN CARTWRIGHT,
Member of Congress, Washington, D. C.

DEAR WILBURN: As a member of the Chickasaw Tribe, I desire to convey to you and the other Members of Congress my opposition to the extension of the restrictions which have heretofore been imposed upon the members of the Five Civilized Tribes.

As you know, most all of the old citizens have long since departed this life and the younger members of the tribes have had ample opportunity to secure educational qualifications which permit them to transact business the same as other citizens.

In addition to this, as you know, so long as Congress continues the handling of the affairs of the Indians as it has in the past, thousands of unnecessary positions are continued and additional ones created and the funds belonging to the Indians will soon be dissipated.

It would be impossible for me to convey in a letter the many urgent reasons for the closing up of the affairs of our people. It seems to me that the members of the tribes should bear their portion of the burden of government and pay taxes on their property. Although I have not been required to pay taxes under the laws of Oklahoma and the treaties made between the United States Government and my tribe, I have been paying taxes upon my property since I attained my majority.

I shall be very glad to appear before the committee in Washington in opposition to the extension of restrictions if you desire.

With kind personal regards and best wishes, I am,

Your friend,

W. C. LEWIS,
Assistant Attorney General.

Mr. MCVAY. What degree of blood is he?

Mr. CARTWRIGHT. I could not tell you.

Mr. MCVAY. He is a white man, is he not?

Mr. CARTWRIGHT. He is a breed. I wish to remind you gentlemen of the committee that from Oklahoma's standpoint this is a far-reaching measure. One-third of the Indians in the United States live in Oklahoma and 84 per cent of the Indian population in this State have their homes in eastern Oklahoma, the country of the Five Civilized Tribes. My district is the home of two of these five tribes. Only one other Congressman on this committee, Mr. HOWARD, has any of these Indians. He has a part of the Cherokees. Therefore, I am more affected by this bill than any member of the committee, or any Member of Congress, and I feel that what I have to say should have some weight.

Now, gentlemen, this bill is much stronger than the Carter bill. It ties up matters for 25 years longer instead of 16 years. It exempts 160 acres of homestead lands instead of 80 acres, as in the Carter bill. Under it the department will continue to use the Indian funds to pay the salaries of tribal officers such as these sitting around me. I have no grievance against these gentlemen; they are splendid fellows. But when these Indians are begging and pleading to be free from these restrictions, and are so earnest in their plea that they caused the defeat of one of their own flesh and blood because he introduced a similar bill, surely you will not make the mistake of allowing this bill to pass.

This Government is committed to a policy of winding up tribal affairs, and if they are ever to be wound up, their schools must be disposed of, the tribal properties must be sold, and the machinery of their tribal government must cease. I believe there is a State rights question involved in the further restriction of these Indians. In accepting the enabling act the State of Oklahoma agreed to the 21-year exemption period, and soon will have fulfilled this agreement. Will this Congress force the State of Oklahoma to accept another 25-year exemption period with the resulting loss of taxes?

There is only one way I could look upon this bill with favor and that is to amend it to apply to *incompetent full bloods only*, reimburse the State of Oklahoma for the loss of taxes, discontinue all schools and officials maintained by tribal funds as soon as the present legal cases are disposed of, and abolish the branch Indian office at Muskogee. The few Indians thus affected could easily be taken care of through the Washington office, the State of Oklahoma reimbursed, and the members of the Five Civilized Tribes would receive the full per capita payments due them. But in its present form this bill is impossible.

Mr. SPROUL. In the event of the tribal government being discontinued and all the property allotted, and the money paid out to the members of the tribe, would you be willing to obligate, as far as you are concerned, the State of Oklahoma to take complete charge of these Indians and release the Government from any obligation that it might have to the Indians?

Mr. CARTWRIGHT. I do not say that I would.

Mr. SPROUL. Why not? You are urging that the Government take that attitude and turn them over and all their properties.

Mr. CARTWRIGHT. I said some things that are debatable. That is true. But I am giving you the sentiment that does exist down there and that this committee ought to have. No. I think the Government should have some say with the incompetent, full-blood Indian. That is my position.

Mr. HOWARD of Oklahoma. In answer to the gentleman's question, I will suggest that the State of Oklahoma is to-day doing most of those things. They will cite you that appropriation of $2,000,000 on all the activities of the Indians, when that is a very small thing as compared with the yearly burden placed upon the State of Oklahoma by reason of these Indians.

Mr. SPROUL. Do you know the amount of tax that comes to the State from oil on Indian lands, from Indian sources and others?

Mr. HOWARD of Oklahoma. The approximate production of oil in the State of Oklahoma a day is 600,000 barrels. It would be safe to say that, at least, one-fourth of that is coming from Indian lands. Averaging that oil at $1 a barrel, the 3 per cent gross production cost on 150,000 barrels of oil would amount to $4,500 a day to the State

of Oklahoma. That we are being denied the right to collect by reason of the Indian leases, and in lieu of that I am asking this little $10,000,000 with which to educate the children.

Mr. SPROUL. You will admit that all the Osage oil, both tribal and that owned by the operators, pays a tax.

Mr. HOWARD of Oklahoma. That is not an argument. I call attention to the fact that every farmer in Oklahoma whose land produces oil pays a 3 per cent production tax, and an ad valorem tax on his farm.

Mr. CRAMTON. I will make the preliminary statement that the gentleman from Oklahoma has made a suggestion, which to one of my temperament is unpleasant, in characterizing me as "the bureau's star witness." I am a Member of Congress, who has made a research on this question, and am a self-starter, and no one's witness. He would know this if he had been here longer.

He has referred to Mr. Carter, whom I mentioned when I appeared before this committee some days ago in reference to this matter. He seems to have the idea that because Mr. Carter was defeated and Mr. CARTWRIGHT was elected, that we might value here less Mr. Carter's judgment or Mr. Carter's experience and integrity. One reason we still have confidence here in Charlie Carter, after he has left the Halls of Congress, one reason that he still exercises here an influence is because we know that Charlie Carter would rather be right than Congressman. He cares enough for the welfare of the Indians that he would retire in the course of his duty rather than to desert them. I wired him the other day because I had used his name, and I wanted him to know that I was not doing so improperly, and told him something of the situation, and I have this telegram in reply, which is the immediate cause of my coming here this morning:

"Answering your wire I have carefully analyzed Leavitt bill, H. R. 12000. While it does not meet the conditions as definitely as should be and imposes burdens beyond actual demands, it meets many immediate necessities and should be passed at this session in order to make possible working out of necessary, definite plan by subsequent legislation. In order to accomplish this it is necessary, of course, to report bill without extraneous amendments calculated to defeat measure. Should purposes of this bill be defeated by embarrassing amendments and these helpless full-blood Indians left at the mercy of scheming grafters, it means that most of the original owners of entire domain in this State will be reduced to penury, beggary, and pauperism, becoming vagabonds within their own domain and a charge and burden upon their State, county, and community for support. The responsibility is upon Congress and specifically the Committee on Indian Affairs to prevent that calamity. Letter follows.

"C. D. CARTER."

The CHAIRMAN. Without objection, it is so ordered.

Mr. CARTWRIGHT. I did not mean anything personal and I mentioned Mr. Carter's name with respect, but I wanted the gentleman from Michigan to remember that I am here now. I am aware of his correspondence with Mr. Carter, and I think he might have accorded courtesy enough to have at least mentioned Indian affairs to me.

MISSISSIPP FLOOD CONTROL

Mr. JACOBSTEIN. Mr. Speaker and gentlemen of the House, I regard the enactment of the flood control act of 1928 as the most constructive piece of legislation written upon our statute books during my five years in Congress. It was a matter of great satisfaction to me that the Congress stood steadfast by the main proposition, namely, that flood control to be effective must be nationalized in the fullest sense of the term. While we yielded to the President on many details, I am glad that Congress stood by its main contention, that the Federal Government assume the total cost and that no local assessments be levied.

I am happy that the President signed the bill, but I am satisfied in my own mind that if he had not done so the Congress would have overridden his veto, so strong was the sentiment in this country and in this Congress for flood control of an effective kind.

The printed hearings of the Flood Control Committee of the House on the Reid bill will show that I took a positive and affirmative stand on this question. When the bill was being debated in the House I participated in that debate, and the following is the statement that I made on the floor of the House on April 18, 1928:

SPEECH OF HON. MEYER JACOBSTEIN IN THE HOUSE OF REPRESENTATIVES, APRIL 18, 1928

I do not want the impression to go forth that the views expressed by some of the members of the New York State delegation, notably Mr. DAVENPORT and Mr. LAGUARDIA, represent the views of the entire New York delegation. I am taking a few minutes of the time of this House to tell you that the sentiment in my district from all classes of people is very strong for flood relief legislation. Furthermore, the people of my district do not agree to the proposition of local assessments. [Applause.] Speaking for myself, I am strongly of the opinion this project should be nationalized in every way, including the financing of the construction and upkeep.

I especially desire to refute the assertion that those of us who are proposing that this entire project be financed by the National Government are basing our conclusion upon mushy sentiment and emotionalism. Our conviction and our position is based on solid common sense and not on mere sentimentality. A few days ago I was talking with one of the most level-headed business men in the city of Rochester, a gentleman who is president of one of our largest industries. In discussing this flood-control proposal I said to him:

How does it happen that you practical-minded business men voted, through your chamber of commerce, to have the Federal Government assume total responsibility for flood relief, including the financial costs?

He smiled and said:

You know when we first went into it we were inclined to be against the assumption by the Federal Government of all the expenditure, and we were guided by the opinion and advice of the chief engineer of our company, who was also in favor of local contributions until he went into the question. Now, after careful reconsideration, we have changed our minds and favor the National Government bearing the burden.

They gave the matter careful consideration. A special committee of the chamber of commerce was appointed, consisting of Joseph Michaels, chairman; Edward G. Miner, vice chairman; John F. Ancona; Charles L. Cadle; Albert B. Eastwood; Edwin A. Fisher; Frank W. Lovejoy; Harper Sibley; and A. E. Soderholm. This special committee studied the flood question conscientiously. Many months after the flood occurred, and after they had had time to give the matter careful thought, this committee recommended that the Federal Government should assume the entire cost and supervise and control the construction of flood-prevention devices. The following is the portion of the report approved by the special committee and trustees of the Rochester Chamber of Commerce:

On recommendation of a special committee under chairmanship of Joseph Michaels, appointed recently by Edward A. Halbleib, president of the chamber, to study the referendum, the chamber trustees also favored the second proposal of the referendum, declaring that the Federal Government should assume sole responsibility for locating, constructing, and maintaining such works as are necessary to Mississippi flood control.

On the grounds that inadequate appropriations in the past have materially delayed the carrying out of a systematic plan of protection, and that necessary money must be available as needed, the trustees also favored the third proposal of the referendum, to the effect that there should be an adequate appropriation to insure efficient, continuous, and economic work, the funds to be made available as needed.

The plan of administration should be centralized, in the opinion of Rochester chamber trustees, and a carefully formed organization adapted to carrying on and completing a project of such proportions.

The organization should be vested with ample power for the necessary research and have full discretion in all matters of engineering, operation, and maintenance. This view was incorporated in their favorable vote on the fourth proposal of the referendum, which stated:

"The committee recommends that flood control of the Mississippi River should be dealt with in legislation and administration on its own merits, separate and distinct from any other undertaking."

There is no emotionalism in this. It is good business and I will tell you why.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. JACOBSTEIN. In a moment I will be glad to yield—after I have finished my preliminary statement.

Mr. LAGUARDIA. The gentleman referred to my district and I think he should yield.

Mr. JACOBSTEIN. I think I can show that in the gentleman's own district the United States Chamber of Commerce took a similar view, as expressed in the results of a referendum, a printed copy of which I hold in my hand.

Mr. LAGUARDIA (interposing). Will the gentleman yield on the matter of the chamber of commerce?

Mr. JACOBSTEIN. I will yield in just a minute. I figured out while sitting here this afternoon that in New York State alone 41 communities went on record as favoring national control, national supervision, and national assumption of all the costs. One hundred and twenty industrial organizations in New York State, including many industrial organizations in New York City——

Mr. LAGUARDIA (interposing). Will the gentleman yield?

Mr. JACOBSTEIN. In just one minute, and then I will yield. The statement was made here this afternoon by the gentleman from New York [Mr. DAVENPORT] that he did not trust the

judgment of the chamber of commerce any more, since they came out on the tax question against the President. Well, on the matter of taxation I can understand how a selfish motive might have crept in. The men who are doing the big corporate business of the country want tax reduction. In that connection there might be a selfish interest. Of course, they want as large a reduction as they can secure consistent with safety to the Treasury. But how can you say any selfish motive can creep into this flood-relief proposition?

I can see no selfishness in their position, and I hold no brief for the chamber of commerce of any city. I do believe, however, that on this question they were moved by the same natural sympathy and the same patriotism that moves the rest of us in favoring this proposed legislation.

I referred to the action of the United States Chamber of Commerce and the referenda vote of local chambers all over my State because this vote supports the position taken by the special committee of the Rochester Chamber of Commerce months before.

When public hearings were held on this pending legislation I appeared before the Flood Control Committee and presented the views of our local chamber of commerce. I was especially glad to learn that their position was an indorsement of my own previously expressed views.

I am emphasizing the attitude of the business man in order to refute the false notion that we who are supporting this Reid bill are motivated by a maudlin sentiment. This is a most unfair accusation. In fact, the business man has good reasons for looking upon this measure as being very sound from a practical viewpoint. These practical-minded men of large affairs, including captains of industry, bankers, engineers, know full well that the only way to effectively prevent a similar flood in the future is to have the entire project controlled and financed by the Federal Government. They know, as we know, that it was a narrow and piecemeal system of handling the proposition during the last half century that caught us unprepared when this flood broke upon the people and the land in the Mississippi Valley.

They believe and have said that divided responsibility has lead to divided control as well as ineffective control of flood-prevention measures. As business men they said it is better to invest 20 per cent more and get full returns on the investment. If you are going to invest $80 and get something only half done let us invest $100 and do it right. That is a sound business proposition. That is the thing which appealed to the business men. It was not maudlin sentiment and it was not emotionalism, and yet in the first instance they, like the rest of us, were naturally in full sympathy with those who suffered property and life destruction in that flooded area. I will now yield to the gentleman from New York.

Mr. LAGUARDIA. I want to say that the open-shop, labor-exploiting, antisoldier-bonus, and pro-Mellon chambers of commerce do not speak for the workingmen of my district, and I will tell the gentleman from Rochester now that they do not represent the people who elected and voted for him—the working people of Rochester.

Mr. JACOBSTEIN. Well, that is a very nice speech.

Mr. LAGUARDIA. And it is true, and it will come home to the gentleman if he is going to cater to the United States Chamber of Commerce.

Mr. JACOBSTEIN. I want to say to the gentleman from New York, my personal friend—and you will notice I exhibit no emotionalism in the discussion of this problem—that I am catering to no one. I am merely stating facts—cold, hard facts, which refute the charge made that those who favor this legislation are moved by maudlin sentiment. I say again I am catering to no group.

Mr. LAGUARDIA (interposing). The gentleman will when he supports the chamber of commerce as against the tailors of Rochester.

Mr. JACOBSTEIN. I am willing to give credit to any organization when it is doing the right thing in the right way, and I do not care who knows it. [Applause.] I presume if I were actuated by political expediency I would not even quote the United States Chamber of Commerce. But I am not so narrow as to deny that a chamber of commerce can be actuated by sound and patriotic motives.

When this flood broke out and damaged this district I asked the War Department to send an engineer to Rochester in order to discuss the flood situation. We discussed the flood situation in Rochester in an open meeting. After we had discussed the proposition fully I said to the people of my district that so far as I was concerned it looked to me as though the time had come when the National Government should assume full responsibility. I stated then and state now that the National Government neglected its duty in the past and that we should now embark on a new policy—a national policy. I took this position before Congress convened last December. I stated my position before the chamber of commerce had taken any action. Therefore it might be said that the chamber of commerce indorsed my views and were catering to me, rather than the reverse, as suggested by my friend from New York City.

I always tell the voters of my district exactly what is involved in every proposition, and that is why I think a Republican district has sent me back here three times; and if I do run again I will take my chances with the same voters, I will say to the gentleman from New York [Mr. LAGUARDIA]. I am not afraid to stand here and say a good word for the chamber of commerce just because they happen to be on the right side of the question and agree with my own views.

Mr. LAGUARDIA. Will the gentleman yield for one more question on the chamber of commerce?

Mr. JACOBSTEIN. Certainly.

Mr. LAGUARDIA. Does not Mr. Eastman, of the Eastman Kodak Co., control the Chamber of Commerce of Rochester?

Mr. JACOBSTEIN. Mr. Eastman is one of our finest, ablest, and wealthiest citizens. As a matter of fact, Mr. Eastman happens to be in Africa on a hunting trip, and was not in this country when the chamber took action on flood control. Please take notice the men I am defending are Republicans. [Laughter and applause.]

Mr. MANSFIELD. A Democrat needs no defense.

Mr. JACOBSTEIN. Mr. Eastman is a Republican.

Mr. LAGUARDIA. Has the Eastman Kodak Co. any interests down in the Mississippi Valley?

Mr. JACOBSTEIN. Of course it has. I am glad the gentleman asked that question. What interest has the Eastman Kodak Co. in the flooded area? This is a very pertinent question. Every business man in the United States has an interest in that flooded area. Every business man should be interested in maintaining all sections of our country in a prosperous and happy condition. [Applause.]

Gentlemen, the first letters that came to me after the flood came from manufacturers in my district who suddenly discovered that their sales had fallen off in the flooded areas.

Now the gentleman from New York assumes in his argument that only the business men of my district are for flood control and flood relief. He is mistaken. The workers of my district are moved by the same compassion and the same patriotism that moves every Congressman on this floor. Does not the gentleman from New York know that organized labor, through the American Federation of Labor, has indorsed this bill? Does he not know that the farmers, through their organizations, have publicly indorsed this legislative proposal? The American Legion has also gone on record, through its officials, as being in favor of this flood-control legislation.

In fact, I have still to find any large group of people, organized or unorganized, which does not agree with me on this proposition. I believe the American people want this measure enacted into law. I hope the bill will pass the House and be approved by the President. There may be details here and there that need amending. The bill can be perfected. But I hope the big, essential feature remains unamended—that the project be controlled absolutely by the Federal Government, with no local assessments against the local communities, but the Federal Government bearing the entire cost. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. REID of Illinois. Mr. Chairman, I yield to the gentleman one more minute.

Mr. SIROVICH. Will the gentleman yield?

Mr. JACOBSTEIN. In a moment. The business men in my district, not necessarily speaking for the chamber of commerce, were for flood control by national expenditure, because they knew from actual experience in dealing with the people of this flooded area that this country is wrapped up in the welfare of the district that was devastated by this flood. This is an answer to the question, "What interest in this matter has the Eastman Kodak Co.?" Every individual, every farmer, and every business is a part of this country, and we should do all we can to maintain its prosperity.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Sunday, May 13, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, May 14, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To authorize the establishment of the northwest Louisiana game and fish preserve (H. R. 12735).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize the Secretary of the Navy to procede with the construction of certain public works (H. R. 13319).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

To ascertain if the State Department is adequately equipped in both its foreign and domestic services (H. Res. 87).

To provide for the reorganization of the Department of State (H. R. 13179).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

504. A communication from the President of the United States, transmitting records of judgments rendered against the Government by the United States district courts, under the provisions of the act of March 3, 1887 (24 Stat. 505), as amended by section 297 of the act of March 3, 1911 (36 Stat. 1168) (H. Doc. No. 279); to the Committee on Appropriations and ordered to be printed.

505. A communication from the President of the United States, transmitting list of judgments rendered by the Court of Claims, which have been submitted by the Attorney General through the Secretary of the Treasury and require an appropriation for their payment (H. Doc. No. 280); to the Committee on Appropriations and ordered to be printed.

506. A communication from the President of the United States, transmitting records of judgments rendered against the Government by the United States district courts in special cases (H. Doc. No. 281); to the Committee on Appropriations and ordered to be printed.

507. A communication from the President of the United States, transmitting records of judgments rendered against the Government by the United States district courts under the provisions of the act of August 10, 1917 (H. Doc. No. 282); to the Committee on Appropriations and ordered to be printed.

508. A communication from the President of the United States transmitting records of judgment rendered against the Government by the United States district courts under the public vessels act (H. Doc. 283); to the Committee on Appropriations and ordered to be printed.

509. A communication from the President of the United States, transmitting records of judgments rendered against the Government by the United States District Court for the Northern District of California (H. Doc. No. 284); to the Committee on Appropriations and ordered to be printed.

510. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Labor, Bureau of Immigration, for the fiscal year 1928, amounting to $50,000 (H. Doc. No. 285); to the Committee on Appropriations and ordered to be printed.

511. A communication from the President of the United States, transmitting supplemental estimates of appropriations under the legislative establishment, United States Senate, for the fiscal year 1928, in the sum of $45,000 (H. Doc. No. 286); to the Committee on Appropriations and ordered to be printed.

512. A communication from the President of the United States, transmitting supplemental estimate of appropriation under the legislative establishment, House of Representatives, for the fiscal year 1928, in the sum of $15,000 (H. Doc. No. 287); to the Committee on Appropriations and ordered to be printed.

513. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Navy Department for the fiscal year 1928, in the sum of $85,833.45, for the relief of contractors, claims of whom have been considered and adjusted by the Secretary of the Navy (H. Doc. No. 288); to the Committee on Appropriations and ordered to be printed.

514. A communication from the President of the United States, transmitting schedules of claims amounting to $1,492,104.78, allowed by various divisions of the General Accounting Office, as covered by certificates of settlement (H. Doc. No. 289); to the Committee on Appropriations and ordered to be printed.

515. A communication from the President of the United States, transmitting, pursuant to the provisions of section 2 of the act of July 7, 1884 (23 Stat. 254), a schedule covering certain claims allowed by the General Accounting Office (H. Doc. No. 290); to the Committee on Appropriations and ordered to be printed.

516. A letter from the Comptroller General of the United States, transmitting report and recommendation to the Congress concerning the claim of the Baltimore branch of the Federal Reserve Bank of Richmond; to the Committee on Claims.

517. A communication from the President of the United States, transmitting supplemental estimate of appropriation amounting to $200,000 for the Department of Agriculture for the fiscal year 1928, to remain available until June 30, 1929, for establishing and maintaining at Bear River Bay, Utah, a migratory bird refuge (H. Doc. No. 291); to the Committee on Appropriations and ordered to be printed.

518. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of the Interior for the fiscal year 1928, $322,640; and for the fiscal year 1929, $70,000, amounting to $392,640; proposed authorization for expenditure of $100,000 of Indian tribal funds, together with drafts of proposed legislation affecting existing appropriations (H. Doc. No. 292); to the Committee on Appropriations and ordered to be printed.

519. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the Navy Department for the fiscal year ended June 30, 1924, and 1925, respectively, amounting in all to $7,592.55 (H. Doc. No. 293); to the Committee on Appropriations and ordered to be printed.

520. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Federal Radio Commission for the fiscal year ending June 30, 1929, amounting to $134,400 (H. Doc. No. 294); to the Committee on Appropriations and ordered to be printed.

521. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the Department of Justice for the fiscal year 1926 and prior years amounting to $21,192.49, and supplemental estimates of appropriations for the fiscal year 1928, amounting to $344,030; total, $365,222.49; also drafts of proposed legislation affecting existing appropriations (H. Doc. No. 295); to the Committee on Appropriations and ordered to be printed.

522. A communication from the President of the United States, transmitting estimates of appropriations submitted by the several executive departments to pay claims for damages to privately owned property and damages by collision with naval vessel in the sum of $1,149.21 (H. Doc. No. 296); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. H. R. 5780. A bill to provide for the further carrying out of the award of the National War Labor Board, of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa.; with amendment (Rept. No. 1621). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 9770. A bill authorizing the construction of a road in the Umpqua National Forest between Steamboat Bridge and Black Camas in Douglas County, Oreg.; with amendment (Rept. No. 1622). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. S. 3162. An act to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.; with amendment (Rept. No. 1623). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 9055. A bill to detach Hardeman County from the Fort Worth division of the northern judicial district of the State of Texas, and attach the same to the Wichita Falls division of said district; without amendment (Rept. No. 1624). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. R. 12036. A bill to amend section 71 of the Judicial Code, as amended by Public, No. 21, Seventieth Congress, approved February 7, 1928; with amendment (Rept. No. 1625). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. R. 12351. A bill amending section 72 of the Judicial Code, as amended (U. S. C., title 28, sec. 145), by changing the boundaries of the divisions of the southern district of California and terms of court for each division; with amendment (Rept. No. 1626). Referred to the House Calendar.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 11683. A bill to create the reserve division of the War Department, and for other purposes; with amendment (Rept. No. 1631). Referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS: Committee on the Post Office and Post Roads. H. R. 12898. A bill to extend the collect-on-delivery service and limits of indemnity to sealed domestic mail on which the first-class rate of postage is paid; without amendment (Rept. No. 1632). Referred to the Committee of the Whole House on the state of the Union.

Mr. SANDERS of New York: Commitee on the Post Office and Post Roads. H. R. 13114. A bill to amend section 197 of the Criminal Code (sec. 320, title 18, U. S. C.); with amendment (Rept. No. 1633). Referred to the House Calendar.

Mr. SMITH: Committee on Irrigation and Reclamation. H. J. Res. 298. A joint resolution providing for the delivery of water on the Okanogan irrigation project, Washington, during the season of 1928; without amendment (Rept. No. 1637). Referred to the House Calendar.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 13682. A bill to provide ammunition storage facilities for the Navy; without amendment (Rept. No. 1638). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. S. 1191. An act to amend an act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes"; with amendment (Rept. No. 1639). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. S. 3779. An act to authorize the construction of a telephone line from Flagstaff to Kayenta on the Western Navajo Indian Reservation, Ariz.; without amendment (Rept. No. 1640). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNELL: Committee on Rules. H. Res. 196. A resolution providing for the consideration of H. R. 7729, a bill to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases; without amendment (Rept. No. 1644). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 197. A resolution providing for the consideration of H. R. 13143, a bill to adjust the compensation of certain employees in the customs service; without amendment (Rept. No. 1645). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 198. A resolution providing for the consideration of H. R. 13512, a bill to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924; without amendment (Rept. No. 1646). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 199. A resolution providing for the consideration of S. 2370, an act to amend section 24 of the immigration act of 1917; without amendment (Rept. No. 1647). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mrs. LANGLEY: Committee on Claims. H. R. 9737. A bill for the relief of Herman C. Davis; with amendment (Rept. No. 1627). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 10178. A bill for the relief of the H. J. Heinz Co., Atlantic City, N. J.; with amendment (Rept. No. 1628). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 444. An act for the relief of H. C. Magoon; without amendment (Rept. No. 1629). Referred to the Committee of the Whole House.

Mr. COCHRAN of Pennsylvania: Committee on Claims. S. 1297. A bill to extend the benefits of the United States employees' compensation act of September 7, 1916, to Alice E. Moore; with amendment (Rept. No. 1630). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 4683. A bill for the relief of Fred Andler, jr.; with amendment (Rept. No. 1634). Referred to the Committee of the Whole House.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 13048. A bill for the relief of James Aloysius Manley; with amendment (Rept. No. 1635). Referred to the Committee of the Whole House.

Mr. CELLER: Committee on Claims. S. 1981. An act for the relief of the owner of dry dock *No. 6;* without amendment (Rept. No. 1636). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 1993. An act to correct the naval record of William E. Adams; with amendment (Rept. No. 1641). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 10624. A bill for the relief of William J. Casey; with amendment (Rept. No. 1642). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 433. An act for the relief of Harry C. Bradley; with amendment (Rept. No. 1643). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following joint resolutions, which were referred as follows:

A joint resolution (H. J. Res. 115) authorizing the Postmaster General to make a just and equitable compensation for the past use in the Postal Service of a certain invention and device for the postmarking of mail packages and for the more permanent cancellation of postage stamps during the time the said device was in use by the Post Office Department, not exceeding or going beyond the life of the letters patent thereon; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A joint resolution (H. J. Res. 270) authorizing and directing the Postmaster General to investigate the facts regarding the use in the Postal Service of a certain invention, device, or instrument for the post marking of mail packages and for the cancellation of postage stamps, and to report on such use during the life of the letters patent thereon; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WILSON of Louisiana: A bill (H. R. 13705) authorizing H. M. Wheeler, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ouachita River at or near Harrisonburg, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. THATCHER: A bill (H. R. 13706) to provide for the construction of the Panama Canal memorial; to the Committee on Interstate and Foreign Commerce.

By Mr. BRIGHAM: A bill (H. R. 13707) authorizing Elisha N. Goodsell, his heirs, legal representatives, and assigns, to construct, operate, and maintain a bridge across Lake Champlain at or near Rouses Point, N. Y., and a point at or near Alburg, Vt.; to the Committee on Interstate and Foreign Commerce.

By Mr. CHINDBLOM: A bill (H. R. 13708) to authorize the Secretary of Commerce to dispose of certain lighthouse reservation and to acquire certain land for lighthouse purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: A bill (H. R. 13709) to amend the first paragraph, and that portion of paragraph 4 as far as the first colon, of section 2 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes, approved February 28, 1925; to the Committee on the Post Office and Post Roads.

By Mr. LaGUARDIA: A bill (H. R. 13710) regulating the appointment of masters, receivers, and referees in the United States courts; to the Committee on the Judiciary.

By Mr. LEAVITT: A bill (H. R. 13711) to amend section 4 of an act entitled "An act to extend the period of restrictions in lands of certain members of the Five Civilized Tribes, and for other purposes"; to the Committee on Indian Affairs.

By Mr. McLEOD: A bill (H. R. 13712) to apportion the electors in the election of President and Vice President, and to enforce the provisions of Article II, section 1, clause 2 of the Constitution of the United States; to the Committee on Elec-

tion of President, Vice President, and Representatives in Congress.

By Mr. MANLOVE: A bill (H. R. 13713) to increase the membership of the Tariff Commission, to increase the salaries of the commissioners, and to make more flexible the operations under section 315 of the tariff act of 1922; to the Committee on Ways and Means.

By Mr. SABATH: A bill (H. R. 13714) relating to records of arrival of certain immigrants, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. THATCHER: A bill (H. R. 13715) to amend section 116 and 118 of the Judicial Code, and for other purposes; to the Committee on the Judiciary.

By Mr. McDUFFIE: A bill (H. R. 13716) authorizing the erection of a monument to commemorate the Battle of Burnt Corn, the first battle of the Creek War, near Burnt Corn, Ala.; to the Committee on the Library.

Also, a bill (H. R. 13717) authorizing the purchase of certain lands near Citronelle, Ala., to be preserved as a site for the construction of a hospital for the treatment and care of certain disabled ex-service men, and for the erection of a monument commemorating the surrender of the last unit of the Confederate Army; to the Committee on the Library.

By Mr. SMITH: A bill (H. R. 13718) authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work; to the Committee on Irrigation and Reclamation.

By Mr. CELLER: Resolution (H. Res. 200) regarding the retirement of the President after his second term; to the Committee on the Judiciary.

By Mr. TILSON: Resolution (H. Res. 201) providing for the printing as a House document of the platforms of the Republican and Democratic Parties, respectively, to be adopted at their conventions in 1928; to the Committee on Printing.

By Mr. MEAD: Resolution (H. Res. 202) providing that a committee of five Members of the House of Representatives be appointed to investigate the shooting of Jacob D. Hanson and to report their findings together with their recommendation to the House; to the Committee on Rules.

By Mr. HUGHES: Resolution (H. Res. 203) for the consideration of H. R. 10958, to amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN: A bill (H. R. 13719) for the relief of Margaret W. Pearson and John R. Pearson, her husband; to the Committee on Claims.

By Mr. BARBOUR: A bill (H. R. 13720) granting an increase of pension to Annie M. Lovell; to the Committee on Invalid Pensions.

By Mr. BERGER: A bill (H. R. 13721) for the relief of Edwin I. Chatcuff; to the Committee on Naval Affairs.

By Mr. BYRNS: A bill (H. R. 13722) to authorize the President to present the distinguished flying cross to Lieuts. Lowell H. Smith, Leslie P. Arnold, E. H. Nelson, and John Harding, jr.; to the Committee on Military Affairs.

By Mr. CRAIL: A bill (H. R. 13723) granting a pension to Annie B. King and her helpless and dependent daughter, Jean King; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 13724) granting a pension to Jessie Hoyt; to the Committee on Invalid Pensions.

By Mr. HOCH: A bill (H. R. 13725) granting an increase of pension to Christena Satterfield; to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 13726) granting an increase of pension to Elizabeth T. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13727) granting an increase of pension to Sarah Adkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13728) granting an increase of pension to Nancy J. Darling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13729) granting an increase of pension to Rebecca Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13730) granting an increase of pension to Geneva Stover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13731) granting a pension to Mary C. Cremeans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13732) for the relief of John M. Moore; to the Committee on Military Affairs.

By Mr. HUDSPETH: A bill (H. R. 13733) granting a pension to Joseph F. Fike; to the Committee on Pensions.

Also, a bill (H. R. 13734) for the relief of James McGourty; to the Committee on Claims.

By Mr. LOZIER: A bill (H. R. 13735) granting an increase of pension to Kisiah J. Hunefelt; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 13736) granting a pension to Rosa B. Sweetsir; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 13737) for the relief of Dennis W. Scott; to the Committee on Military Affairs.

Also, a bill (H. R. 13738) granting a pension to Georgia Cavinus; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 13739) granting a pension to Anna Green; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 13740) granting a pension to Anna L. Depp; to the Committee on Invalid Pensions.

By Mr. VINSON of Georgia: A bill (H. R. 13741) for the relief of the leader of the United States Navy Band and the leader of the United States Marine Corps Band, and for other purposes; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7581. By Mr. BOWLES: Resolution of Springfield (Mass.) branch of the Railway Mail Association, in support of an increase in the annuity to civil-service employees; to the Committee on the Civil Service.

7582. By Mr. CRAIL: Petition of G. H. Hecke, of Sacramento, Calif., requesting change of agriculture census to November 1; to the Committee on the Census.

7583. By Mr. GREGORY: Petition of Mrs. Sarah M. Woosley and other citizens of Kentucky, urging the passage of pension bill for the relief of veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

7584. By Mr. JAMES: Petition of the Lodge Nordstjernan No. 161, Vsa Order of America, protesting against the new quota in our Federal immigration law; to the Committee on Immigration and Naturalization.

7585. By Mr. KINDRED: Resolution of the Chamber of Commerce of the State of New York, opposing enactment into law of the Swing-Johnson bill (S. 592, H. R. 5573) or similar measures which shall commit the Government to the operation of hydroelectric plants and other business projects usually conducted by private enterprises; to the Committee on Irrigation and Reclamation.

7586. Also, resolution by the Chamber of Commerce of the State of New York, approving in general the purposes of Senate bill 744, as amended by the House Committee on the Merchant Marine and Fisheries, but strongly indorsing the recommendations suggested by the committee on the harbor and shipping, believing such modifications would greatly promote the purposes of this measure in developing the American merchant marine; to the Committee on the Merchant Marine and Fisheries.

7587. Also, resolution of the Chamber of Commerce of the State of New York, indorsing and commending the policy being followed by the President to limit the cost of flood control to reasonable and definite amounts; and to require the States and other local authorities to supply all land and assume all pecuniary responsibility for damages that may result from the execution of the project; to the Committee on Flood Control.

7588. Also, resolution of the Chamber of Commerce of the State of New York, opposing enactment into law of the Norris bill (S. 3151) or similar legislation designed to limit the jurisdiction and powers of the Federal courts; to the Committee on the Judiciary.

7589. By Mr. O'CONNELL: Petition of the Dairymen's League Cooperative Association (Inc.), New York, with reference to the agricultural census; to the Committee on the Census.

7590. Also, petition of the Lawyers Trust Co., New York City, opposing the passage of the Muscle Shoals bill; to the Committee on Military Affairs.

7591. By Mr. SELVIG: Petition of the Men's Club of the First Lutheran Church, Detroit Lakes, Minn., George Blake, president, and A. O. Hagen, secretary, unanimously favoring the passage of the universal draft bill; to the Committee on Military Affairs.

7592. Also, petition of Alvarado Auxiliary, American Legion Post No. 35, Alvarado, Minn., Mrs. J. W. Sands, secretary, urging the enactment of the universal draft bill; to the Committee on Military Affairs.

7593. Also, petition of Alvarado, Minn., Woman's Club, Mrs. Henry Backstrom, secretary, urging the passage of the Capper-Johnson universal draft bill; to the Committee on Military Affairs.

7594. By Mr. WINTER: Resolution from Alex Hamilton, president, Casper Trades and Labor Assembly, Casper, Wyo.; to the Committee on Immigration and Naturalization.

7595. Also, resolution re House bill 9956, from Z. H. Pelton, president, Casper Rotary Club, Casper, Wyo.; to the Committee on Irrigation and Reclamation.

HOUSE OF REPRESENTATIVES

SUNDAY, *May 13, 1928*

The House met at 12 o'clock noon and was called to order by Mr. ASWELL, Speaker pro tempore.

Dr. Frank W. Collier, of the American University, offered the following prayer:

Almighty God, our Heavenly Father, in Thy tender mercy help us to find comfort and strength in Thee in the hour when our loved ones depart from this life, leaving us desolate. Death seems so ruthless, giving no heed to our suffering hearts; and so we look upon it as an enemy, the last enemy we have to face, terrible in its mien. But help us, Merciful Father, to be mindful of the fact that we see death only from the side of our present experience and that there is another side, the side beyond the tomb. It is because of the veil that shuts from us the view of the other life that we mourn. Help us to pierce the veil with the eye of faith and thus get the glorious vision of the larger life of which death is but the gate.

Thou knowest our frame; Thou rememberest that we are dust. So we pray that those who were bound to our brother by the ties of blood may realize that the Everlasting Arms are beneath them and that their dead are safe in the hands of the Eternal God who is their dwelling place. May they be comforted with Thy great truth.

Bless, our Heavenly Father, these coworkers in the public service of our departed brother, who have come here at this hour to render their homage to his memory. We thank Thee for these public servants who, like our brother, in serving their country are rendering service to us all. Help us to appreciate their service. And help us all so to live that when our summons comes we may hear the blessed words of our Lord Jesus Christ, "Well done, good and faithful servant, enter thou into the joy of thy Lord." In His name we pray. Amen.

The SPEAKER pro tempore. Without objection, the reading of the Journal will be deferred until to-morrow.

There was no objection.

MEMORIAL EXERCISES ON HON. LADISLAS LAZARO

The SPEAKER pro tempore. The Clerk will report the special order.

The Clerk read as follows:

Ordered, That Sunday, May 13, 1928, at 12 o'clock m., be set apart for memorial exercises in commemoration of the life, services, and character of the late Hon. LADISLAS LAZARO, former Representative from the seventh district of Louisiana.

Mr. WILSON of Louisiana. Mr. Speaker, I offer the following resolutions:

The Clerk read as follows:

House Resolution 204

Resolved, That the business of the House be now suspended, that opportunity may be given for tribute to the memory of Hon. LADISLAS LAZARO, late a Member of this House from the State of Louisiana.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were agreed to.

Mr. DE ROUEN. Mr. Speaker, we assemble to-day to evidence our respect for, and pay tribute to, one who served with distinction to himself and honor to his State.

When those we love are snatched away,
By death's relentless hand,
Our hearts the mournful tribute pay,
That friendship must demand.

On March 30, 1927, Dr. LADISLAS LAZARO, a Member of Congress from the seventh congressional district of Louisiana, died. He was born June 5, 1872, on the old Lazaro plantation near Ville Platte. He was the only child of Alexandre Lazaro and Marie Denise Ortego. His father died when he was only a few years old, at which time his mother moved to Ville Platte, La. He was born into that stratum of life, which elsewhere is called the middle class, but which in this country is so universal as to make of other classes a negligible quantity. He was neither very rich nor poor, neither proud nor humble; he knew no hunger that he was not sure of satisfying and of no luxury which enervates mind or body. His parents were sober, God-fearing, intelligent, and upright, without pretension and without humility. He grew up in a company of boys like himself—wholesome, honest, and self-respecting. They looked down on no one, and they never felt it possible for anyone to look down on them. Their houses were homes of probity, piety, and patriotism. They learned in the admirable readers of 50 years ago the lessons of the heroic and splendid lives that have come down through the ages. They read in their weekly newspapers the story of the world's progress, in which they were eager to take part, and of the sins and wrongs of civilization against which they were eager to battle. It was a serious and thoughtful time, and the boys of that day felt dimly but deeply that days of keen struggle and high achievements were before them. Under such influences and 'midst such environments Dr. LADISLAS LAZARO was reared and educated.

Dr. LADISLAS LAZARO was educated in the private and public schools of Imperial St. Landry Parish, and he attended Holy Cross College at New Orleans, La. He was graduated in medicine in 1894, and followed his chosen profession, in which he was benevolent, charitable, and conscientious. He was a member and president of the St. Landry School Board for four years. He was elected to the Louisiana State Senate in 1908 and 1912, both times without opposition. Then he was elected to the Sixty-third, Sixty-fourth, and Sixty-fifth Congresses and reelected to the Sixty-sixth, Sixty-seventh, Sixty-eighth, Sixty-ninth, and Seventieth Congresses without opposition.

A man possessing the qualities with which nature had endowed LADISLAS LAZARO invariably seeks political activities as naturally as a growing plant seeks light and air. He was endowed with a wholesome ambition, a rare power of making and holding friends, a faith which may be called religious in his country and institution, and flowing from this a sincere belief that a man could do no nobler work than to serve his State and country. He had a divine gift of sympathy which made all men his friends. He was very faithful and punctual in little things and attended to the most minute details of his office as well as the major problems with promptness and precision. These were the elements in his noble character which drew him irresistibly into public life and kept him there.

It touches my heart deeply to speak of the life of so dear a friend and chum as was LADISLAS LAZARO. His years were not many, but they were years of happy childhood; years of studious and ambitious young manhood; years of deliberate, conscientious, matured manhood; years of happiness, gratitude, unselfishness, and loyalty to his friends and family; and years of consecreated devotion to his duty and his constituents. Well do I remember his boyhood days when he and I attended the little school in Ville Platte, our games of marbles and baseball, our pets, our friends, and lessons. As we grew up together we ever remained the best and truest of friends, and I noticed more and more his tender sweetness, and his overwhelming and ever-increasing love for his mother and family. He was a devoted son and the idol of his mother's heart, and regardless of how busy he was, he always found time to write her and visit her regularly at the old home plantation. He was a faithful husband, a loving father, and those who knew him intimately knew how proud he was of his family and how he was completely wrapped up in their future and well-being. He was an exemplary citizen and an active, honest, and upright public servant.

I weep, LADISLAS LAZARO is no more, but
Thou hast taken thy lamp and gone to bed;
I stay a little longer, as one stays
To cover up the embers that still burn.

Mr. WILSON, of Louisiana. Mr. Speaker, our deceased colleague Hon. LADISLAS LAZARO was a native Louisianian. The place of his birth is near Ville Platte, now in the parish of Evangeline, formerly a portion of the parish of St. Landry, and there also is his last resting place.

He was educated in public and private schools in St. Landry Parish and at St. Isadore's College in the city of New Orleans. He then completed his medical course and selected the practice of medicine as his chosen profession.

As a physician he was successful in an unusual degree and was among the leaders in his State in that profession, which is second to none in usefulness and service.

In his long record of public service he still maintained an intense interest in and kept in touch with the progress of the medical profession. With all the honors that came to him he was still proud to be known and termed "Doctor LAZARO."

In every walk of life, in every calling, and in every home, whether a palace or an humble cottage, the doctor is an important personality. To him is intrusted the most important phases of life; his advice and counsel are controlling in respect to those things that determine the most vital issues of life. As has been well said:

Real physicians are daily forced to confront problems, and the right solution of them tends toward their best and noblest qualities.

When we think of the countless deeds of kindness and mercy that the real doctors do, in all their years, unselfishly in the name of charity—sweet charity; we ponder these things in our heart, if in a better world than this there is a crown of a little more jewels than others, it surely is in keeping for the faithful doctor's brow.

Congressman LAZARO as a citizen was devoted to every movement for the upbuilding of his parish and State. He took an active interest in public education. He served as president of the School Board of St. Landry Parish and was an important factor in advancing the cause of public education there. As a member of the State Senate of Louisiana he also rendered signal service in that movement that has made the public-school system of Louisiana one of the most effective and advanced among the Southern States.

As a public servant he was diligent and constructive. He was a man of great industry and took unusual pains to know definitely the details of all the legislative measures upon which he was called to pass judgment. Few men in Congress were so well posted in this respect, and for this reason his advice and counsel were sought and followed by many. His record in Congress, as elsewhere, was one of effective service. If actual accomplishments on behalf of the public may be accepted as the proper definition of statesmanship, then our colleague was a statesman.

It is said that the greatest asset a man in public life may have is the confidence of those whom he serves and of those with whom he comes in contact in the execution of his public duties. Congressman LAZARO possessed this quality as have few men with whom I have had the honor to serve in a public way. His personality inspired confidence and his conduct retained confidence.

Success in business or professional life is worthy and entitled to praise. Success in public life is admired and applauded. Yet the real and final measure of the achievements that mean most to the individual himself and upon which rests the safety of the social fabric and the ultimate stability of all government is the successful building of the home and the development of the family as a unit of civilization.

Those of us who had the good fortune to know Doctor LAZARO intimately realized that his chief pride and interest as well as his complete devotion was at all times centered about the welfare of his devoted wife, his loving daughters, and his affectionate son. The chief source of his happiness was in the fact that they had always met his expectations in every way and that the plans he had made for their training, advancement, and happiness were working out to complete realization of his fondest hopes.

This home, this family circle, with its thoughtful love and consideration each for the other, is a most interesting example of what in fact is the true test of the most successful career.

As a friend I loved Doctor LAZARO; as a man I admired him; as a legislator I respected him; as a counselor I profited by his advice. All those who knew him will be glad to say that his was—

A life worth knowing about for those with ideals; a life worth study by those who are sincere.

Mr. SANDLIN. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks in the RECORD on the life and character of Doctor LAZARO.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. MARTIN of Louisiana. Mr. Speaker, our lamented colleague Dr. LADISLAS LAZARO died in this city a little more than a year ago, but the memory of this good man, splendid citizen, conscientious and painstaking legislator, loving husband and father, and true friend will abide with us during life.

He was the dean of the Louisiana delegation—a position for which he was most eminently fitted. He had the love and confidence of the entire Louisiana delegation, and his unassuming manner and quiet dignity inspired the respect of his colleagues. He represented the seventh congressional district of Louisiana for seven uninterrupted terms and had been reelected without opposition to his eighth term, when he was called from his legislative duties by a sudden and untimely death.

His long and continuous service is easily explained. He was tireless in his service to the people he so ably represented. He knew nearly every voter in his district. He had a large individual following and numbered his friends among both the rich and the poor. The most trivial matter touching his legislative duties received his prompt attention, and legislation affecting his district and State was given the closest study and the most studious consideration. He loved his party, but he loved his people more. He had the independence and the manhood to vote for that which was to the best interest of his constituents, even though that vote was not in accord with his party associates.

Doctor LAZARO was an ornament to the profession of which he was a member. Previous to his election to Congress he was a country doctor, but his ability and skill as a physician was recognized over the entire State. He made a financial sacrifice when he came to Congress and gave up the practice of his profession. Professionally, he inspired the same confidence here as he did at home, and his services and advice were frequently sought by his colleagues and their families.

The death of Doctor LAZARO was a great personal loss to me. We represented adjoining districts in Louisiana, and our interests with reference to legislative matters were much alike. We thus consulted frequently with each other and acted together on matters affecting the welfare of our people. I soon learned to respect and rely on his sound judgment. The friendship thus formed soon became very intimate, and his death was to me a personal bereavement, as I lost a true, tried, and trusted friend.

Doctor LAZARO left a wife, three daughters, and a son. His wife vied with her husband in popularity in congressional circles. His daughters, happily married, are noted for their physical beauty and intellectual grace. His son, still under age, is studious and ambitious and will follow in the footsteps of his distinguished father and become a member of the medical profession.

It has been said that the best test of a man's character is the love he inspires in his own household. Measured by this test Doctor LAZARO was one of nature's noblemen. The man was loved wherever he was known. No greater tribute can be paid to the life of a man than the love of the people among whom he lived. The high esteem and affectionate regard in which he was held by his people was demonstrated on the day of his funeral, when all business was suspended and people from all sections of the State congregated at the overflowing church and cemetery to pay a last tribute of love and respect to this distinguished citizen.

Mr. KEMP. Mr. Speaker, Doctor LAZARO was one of the first to welcome me when I came to Washington. I had not known him before, personally, but with the first warm handclasp I felt for him a genuine friendship which continued firm and constant.

When there was illness in my family I appealed to him and I shall not forget his kindness and sympathy and the assistance he gave me.

It is said that the best portion of a good man's life is his little, nameless unremembered acts of kindness and love. How many such acts of kindness must have been recorded to Doctor LAZARO's credit during the score of years he practiced his profession as family physician in the beautiful, charming, and romantic land of Evangeline.

To his native parish he dedicated and consecrated the activities and ambitions of his young manhood. In addition to the practice of his profession, he was a successful planter. Deeply interested in the advancement of education, he served as president of the parish school board. With these many and varied interests and duties his life was filled.

In that charming section of Louisiana life is unique and distinctive. The planters—many of them—preserve the traditions and customs and habits which are their heritage. Nowhere else does life glide by more charmingly and pleasantly, and nowhere else is dispensed such warm and gracious hospitality. Doctor LAZARO and his cultured family were central figures in the charming social life of his community. His fellow citizens, recognizing and realizing that his outstanding ability warranted for him a broader field of action and a wider scope of service, sent him here to Washington as their Representative, where for many years he served them with such ability and fidelity as to be returned again and again. During his long term of service he accomplished much for his district and for his loved State.

His life's story rests sweetly in the memory of family and friends. Possibly his most striking characteristic was the gen-

tleness and sweetness of his nature, which revealed itself to all through an ease and grace of manner most charming. The term gentleman in its broadest and fullest sense applied to him with perfect appropriateness. A splendid physique, nobility of countenance, and a charm of manner which seemed never to forsake him were among nature's precious gifts to him.

Doctor LAZARO was a scholar and a great lover of books.

He was a clear thinker. He possessed the ability to think through to the end. His judgment was sound on all important and fundamental subjects.

He was a devoted husband and father and an intensely loyal friend.

Here among his daily associates he was loved, admired, and esteemed. We miss him—and lament him; but with the old philosopher, we know—

this of a truth—that no evil can happen to a good man even in life or after death.

Mr. KINDRED. Mr. Speaker, it is well that we in life should, in the midst of life's activities, pause to sacredly observe an occasion like this and to drop a flower and a tear in memory of our departed friends. In the exercise of this high but sad duty we not only confer some measure of honor upon him who has gone to "that undiscovered country from whose bourne no traveler returns" to greet us again on this material earth, but we at the same time cultivate our own conception and understanding regarding the highest of things; that is, what we call life here and life hereafter. We, ourselves, profit in thus meditating upon the virtues and even the failings of the lives of those who have left us and in cherishing the sublime philosophy leading us to more highly useful lives on earth and to an abiding faith in the immortality of the soul.

It is peculiarly fitting, then, that we gather here to-day to memorialize the life and character of one of our most worthy colleagues, the Hon. LADISLAS LAZARO, the late Representative from the seventh district of the State of Louisiana, who served as a Member of this House with honor and distinction from the date of his election to the Sixty-third Congress to the time of his death, which occurred in Washington, D. C., March 30, 1927.

Doctor LAZARO was born June 5, 1872, near Ville Platte, Evangeline Parish, La. He was educated in the public and private schools of St. Landry Parish and Holy Cross College, New Orleans, and was graduated with the degree of doctor of medicine in 1894, and was a successful practicing physician from that date until 1913. He was a member and president of the parish school board in the community in which he lived and was also interested in farming. He was elected to the Louisiana State Senate in 1908 and in 1912 without opposition, and was elected to the Sixty-third, Sixty-fourth, Sixty-fifth, Sixty-sixth, Sixty-seventh, Sixty-eighth, Sixty-ninth, and Seventieth Congresses.

His course and record as a Member of the House of Representatives and as an active member of the Committee on Merchant Marine and Fisheries and his other interests, particularly in agricultural affairs, were such as to win for him the approval and friendship of his fellow Members and of his constituents, whom he always faithfully and industriously served.

Considering him in more intimate and personal relations, it was my good fortune, as a fellow physician, to have known him well for many years. He was always a loyal friend, always sympathetic, and particularly genial, quiet, and modest. His was a useful and hopeful life, shedding its luster of generous, cheerful helpfulness upon all with whom he came in contact. He was free from affectation, a humanitarian, a patriotic, patient legislator and a good citizen, and possessed noble qualities as a family man, a faithful and devoted husband and father.

During the last days of the Sixty-ninth Congress, in one of our more intimate conversations, he told me the details of his physical condition which required him to undergo a surgical operation, which he was at that time planning to have performed immediately after the close of the Sixty-ninth Congress. He, as a trained and skillful physician, did not look forward to this operation as being serious or fatal, but unfortunately it proved to be in his case one of those rare instances where a comparatively trivial operation, in its complications, could and did prove fatal.

He was a lovable and attractive man and deserves to live in the confidence and esteem of those who confided in him, when he went away from the sight of all men to live elsewhere forever. It was to our advantage to have known him. Those of us who have lived to speak of him, bear witness to his useful and beautiful life, which is worthy of imitation by the best of us.

There is no death; the stars go down
To rise upon some fairer shore
And bright in heaven's jeweled crown
They shine forevermore.

Mr. SANDLIN. Mr Speaker and my colleagues, I held Doctor LAZARO in the highest esteem and had for him the deepest affection. When I entered on my duties as a Member of the Sixty-seventh Congress the colleagues from my State were universally kind and considerate to me, none more so than Doctor LAZARO. There was nothing mean about Doctor LAZARO. During my entire association with him I know of no act of his that could have come from an envious or narrow soul.

When the news came to me of his death I was shocked as I had never been before except on the news of the death of one of my own family. If I were called to say who was the most popular Member of Congress I would not hesitate to say that Doctor LAZARO was the most popular; he is one man I never heard any one criticize or speak ill of. He had a wonderful disposition. He was in truth and in fact a charitable man and one of the most tolerant men I ever knew. He might not agree with his colleagues or friends, but he accorded to them the same right that he asked for himself.

I will never forget on reaching the town of Opelousas, La., where there were literally thousands gathered from all of that section and all over the State of Louisiana to meet the train that bore his remains. The tributes were indeed beautiful. In the little town of Ville Platte, where his remains are now resting, I never saw such expressions of love and devotion paid to any man.

These meetings are usually formal; they are held by reason of a custom that has prevailed in this Capitol for years, but I feel sure that on like occasions there was no meeting ever held where one's colleagues had a more high regard or a deeper affection for the one in whose memory these proceedings are held.

I am glad I knew Doctor LAZARO. My association with him has made my life more pleasant. I can not speak of him and his early life before I came to Congress, but others that knew the circumstances surrounding it can better express them than I. I can only say that at some time, somewhere, I hope to meet him again.

Mr. DAVIS. Mr. Speaker and colleagues, having had the privilege of serving for seven years upon a busy and important committee of the House with Doctor LAZARO, I presume that I was as intimately associated and acquainted with him as any of his colleagues, save the older Members of his own State delegation. Doctor LAZARO was a member of that committee when I was placed on the committee. I soon learned to respect him and his knowledge and opinion, and as our association developed I soon learned to most highly esteem him and have a most profound regard for his judgment and to love him as a man. There was no more faithful member of that committee than Doctor LAZARO. He rarely if ever failed to attend a session of the committee. He gave close study to every problem presented for consideration. He was a student of legislative matters, as he doubtless had been of his profession when he was practicing medicine. Doctor LAZARO was a man of definite opinions and convictions, and yet, as has already been suggested, he was always tolerant of the opinions of others. Always broad-minded, he devoted his great talents to a broad-visioned consideration of every subject. Because of his retiring disposition, quiet dignity, and extreme modesty, perhaps those who had not the privilege of a close association with him did not fully appreciate his sterling qualities. Doctor LAZARO was not a man of many words, but whenever occasion required he did not hesitate to kindly but firmly express his opinion, and it always carried weight with his colleagues; I am sure that all the Members entertained the same opinion of him and had the same high regard for his judgment that I did.

Doctor LAZARO was a perfect gentleman in every sense of the words. I never heard any of his colleagues nor anyone else criticize anything that he did or said. Always unruffled, always well poised, he never lost his temper, and he never failed to keep himself in such a state of mind that he could apply his talents to a broad, tolerant, wise consideration of anything in hand.

We were all shocked and grieved at the untimely and unexpected death of Doctor LAZARO. As suggested by our colleague Doctor KINDRED it was one of those things difficult to understand, and it was a shock to all of his friends and colleagues as well as to his own charming family.

I had the privilege of being a member of the congressional committee to accompany his remains and the immediate mem-

bers of his family to his home in Louisiana. We left the train at Opelousas and rode 22 miles through the country and through his romantic district to Ville Platte, where we found several thousand of his devoted constituents and friends from all sections of the State waiting to pay their last homage to his memory. It was a matter of comment among members of our committee that the grief among the people was unmistakably manifested everywhere. When we left the train at Opelousas there were hundreds and hundreds of his friends there, and a large concourse went from there to Ville Platte, and all along the highway we were impressed by the repeated manifestations of grief and of devotion. We passed a number of schools, and the faculty and children of these schools, both white and black, were lined on the side of the highways and with bared heads and saddened countenances witnessed the passage of his remains and his family and friends. I have never attended any funeral at which there were more friends present or at which there was a greater evidence of genuine grief and of homage.

Reference has been made to Doctor LAZARO as a physician. Knowing his disposition and his attributes as I did, I am sure that he must have been an ideal physician. Ever kind, gentle, sympathetic, conscientious, faithful, studious, able—to my mind he possessed every attribute of a successful physician, and I am sure that his unselfish ministrations among his people as well as his later able, efficient, and patriotic service in their behalf in the National Congress accounted for the devotion that was manifested without exception.

Nothing that we can say, perhaps nothing except the tender touches of time, can soften or assuage the grief and the feeling of great loss upon the part of the members of his own household. However, I am sure it must be a great consolation to them to be able to cherish during the remainder of the days of their lives the memory of such a splendid citizen, such a patriotic public servant, such a devoted and considerate father and husband.

Mr. SPEARING. Mr. Speaker, ladies, and gentlemen, this is Mother's Day. All over the land children and other members of the family and friends are paying tribute to that greatest of all creations, the living mother. It is not only not inconsistent, but it seems to me entirely appropriate that we should gather to-day, the children, the family, the friends of our Doctor LAZARO and pay tribute to a father and a husband that has gone beyond our midst, and testify to the world that though we may not see him again in life, yet he nevertheless is with us and that we remember him, his sphere in life, and his good works.

Stricken as he was in the full vigor of manhood, still a young man as men go to-day, not thinking of death in the immediate future, not stricken with disease that meant certain death, but merely having an ailment that, as our good friend, the doctor from New York [Mr. KINDRED] has said, and as Doctor LAZARO knew, could be cured by a simple operation; not expecting death, but putting on to himself and so arranging that he could see more of life and be of greater usefulness, he was stricken, as I say, in the full vigor of manhood and his sphere of usefulness was gone.

Not long ago I read an account of a man in New York, I think, although the place is immaterial, who had left his office on business and in crossing the street was stricken down by an automobile and killed. When those who were left went to his office they found on his desk an unfinished poem, one verse of which seemed to fit that man's life and thought, and which it seems to me fits our friend, Doctor LAZARO. The verse that is so appropriate reads this way:

Let me die working,
Still tackling plans unfinished, tasks undone!
Clean to its end, swift may my race be run,
No laggard steps, no faltering, no shirking;
Let me die, working!

I do not know of anything that is more appropriate to our dear friend. Although not a physician, I had conversed with Doctor LAZARO about his ailment, and he told me of his anticipated operation, a simple thing to make him stronger, to make him better and more fitted for the duties he had here. He would not go during the session of Congress because he was working and there was in his nature no shirking, but when Congress adjourned and all things seemed serene, he took advantage of the opportunity that he might have this simple operation so that when Congress reassembled the following December he would be more fitted for the work which he had mapped out for himself.

It is not given to us to question the ways of Divine Providence. It is not irreverent, however, and I say it truthfully, there is not an irreverent bone or drop of blood in my body, therefore I feel justified in saying it is not irreverent to say we do not understand why our dear friend was taken from us. We do not, because we know not the ways of Providence.

It is said that death loves a shining mark. If this be true, then in this instance death—oh, that grim reaper—was true to its reputation. I do not mean to say that Doctor LAZARO was a scintillating light that passed on the firmament before our eyes and dazzled us with his brilliance. That was not his mission on earth, but I do say that he was as true as is the north star, and when it is said that death loves a shining light, it does not mean the brilliance of it, but it means his position, his standing among his fellow men, and our dear friend had this standing. We who are here know it.

I was one of those who had the privilege of knowing Doctor LAZARO even before he came to Congress. I knew him in other spheres of life, and, of course, long before I came here, because my tenure has been very, very short.

There are few men like Doctor LAZARO. He seemed to have a place in life that others do not hold—a lovable man. Oh, he was a lovable man; true in every respect; his family, his friends, even his acquaintances loved him. He attracted human beings, and probably dumb animals, just because of those attributes that stamp a man great among his fellow beings.

Not long ago I came across two verses describing two different sets or classes or characters of men. The first verse has no application to Doctor LAZARO—does not fit him at all—but I read it merely to emphasize the second verse, its meaning, its significance, its application to our friend in whose memory we are gathered here to-day.

The first verse runs:

I did a favor yesterday,
A kindly little deed,
And then I called to all the world
To stop and look and heed.
They stopped and looked and flattered me
In words I could not trust,
And when the world had gone away
My good deed turned to dust.

I say that does not fit Doctor LAZARO; he was just the antithesis, the opposite of that. Nothing showy or ostentatious about him, but he went among his fellow men as a true friend, always doing good.

The second verse more nearly fits him; in fact, almost if not actually, written for him. It reads:

A very tiny courtesy
I found to do to-day;
'Twas quickly done, with none to see,
And then I ran away.
But some one must have witnessed it,
For—truly I declare—
As I sped back the stony path
Roses were blooming there.

That was Doctor LAZARO—always courteous, always friendly, always generous, always magnanimous—always doing something for somebody, not openly, not ostentatiously, but something for a human being, aye just for a living being, because he loved life, he enjoyed it, and he loved human beings.

We have heard from those more intimately connected with his immediate life—how popular he was in his district.

If you will pardon me for what might seem a personal reference, my duties other than congressional took me during the past five or seven years into the section of Louisiana where Doctor LAZARO resided. That was before I even dreamed of the remote possibility of sitting in these halls. Coming in contact with these men and knowing that I had more or less interest in public affairs, they would talk with me about general conditions. Never have I heard one man say anything to the discredit of Doctor LAZARO. They might criticize others adversely, but never did any of them criticize Doctor LAZARO or reflect upon him.

You have heard from previous speakers how time after time he was elected to local offices and to Congress without opposition. Why? Because so often, all the time, ever and always, a very tiny courtesy he found to do to-day, and when he returned that stony path was covered with flowers blooming there.

Doctor LAZARO was not elected to Congress because of his affiliation with any political party or any faction of a political party, but because the people with whom he came in contact knew him, admired him, and loved him. I am glad that they could do him honor in any position that he wanted. Oh, my friends, I do not know, none of us know, if those whose spirits and souls have gone know what takes place on earth after the body that we have is nothing more than a lump of clay,

but if those whose souls and spirits have departed know anything of what takes place on earth thereafter I can visualize the happiness and joy of Doctor LAZARO when he realized how his friends after he had ceased to be able to be of benefit, help and assistance to them, turned out to pay their respects to him.

My good friend Judge DAVIS has referred to Doctor LAZARO's funeral. It has been given me to attend obsequies on many occasions. I can say without fear of successful contradiction that never have I attended one like that of Doctor LAZARO. The whole countryside—from every quarter, from every section came people, not curiosity seekers as so often happens, but people bowed down in grief because their friend had gone and they knew him no more, could not converse with him, could not be of help and assistance to him, could not receive his ministration. Never have I seen anything like it—mile after mile on public roads, vehicles of all kinds carrying people bowed down with grief, not one of them in the spirit of curiosity, but genuine sorrow and regret that the man they looked up to, the man that they loved and respected, had gone and that they would have no more to do for him. Oh, it was a great tribute, and if he did know what was going on that was one of the happiest moments that he will spend in all eternity, because the true spirit was there through all of it. Anyone who was present could not deny it, and it was not disguised, because they knew the man; he had been among them. Oh, what a tribute it was that was paid by those people in and around the seventh district, although it was not confined to that district, because people from other districts who knew him came and paid testimony to a great man, a man who, as I said before, was true as the north star—not some fleeting comet that passes the vision and is gone, but is there for all time. Why? Because, in the words of this humble rhyme, a very tiny courtesy he found to do one day and 'twas quickly done with none to see, and then he ran away.

He was not showy, but some one must have witnessed what he did. He did not care, he did not know. Perhaps his Heavenly Father witnessed it and rewarded him. As he sped back to his old home where he had been born and raised, where his friends lived, where those who loved him remained, as he sped back to that resting place, the roses were blooming, and they were put there by his loving friends. His body will turn to dust, but his soul is not dead. His memory is with his friends whom he loved, and who loved and honored and revered him.

Mr. JOHNSON of Texas. Mr. Speaker, one of the pleasurable experiences which comes to a Member of Congress is that of friendships formed among those with whom he serves.

Whatever else may be said of the Congress of recent years there are those of us who know that among its members have been many choice spirits with whom it has been a pleasure to be associated and whom we are proud to call our friends.

Among these was Dr. LADISLAS LAZARO, of Louisiana, whose death we mourn and whose service we commemorate in these exercises to-day. While I can add nothing to the beautiful and justly deserved tributes which have already been spoken, my affectionate regard for him will not permit me to remain silent.

For four years, or through the Sixty-eighth and Sixty-ninth Congresses, we were colleagues; for 10 years prior thereto he had been an honored Member of this House. He had been elected to the Seventieth Congress and was entering upon his eighth term when the final summons came and removed him from our midst.

His long and continuous service is evidence of the high regard and esteem in which he was held by the people of the seventh congressional district of Louisiana. I witnessed further confirmation of the deep and sincere affection which his people had for him when we carried his remains from the Nation's Capital to his old home in Louisiana, and in the cemetery at Ville Platte, adjoining the grave of his father, and within a short distance of the place of his birth, he was laid to rest to sleep the last long sleep in the soil of the parish and State which he loved and which he had served so faithfully and well. Ville Platte is an inland town and the funeral party left the train at Opelousas, and the trip from there was made by automobiles.

I have never seen a larger or more grief-stricken crowd who met us at Opelousas and accompanied us to his last resting place. I quote from a report contained in a New Orleans paper:

> Mourning was general in this territory. The train bearing the body, members of Doctor LAZARO's family, and the congressional delegation was met at the Missouri Pacific station in Opelousas at 2 p. m. to-day by scores of personal friends, representatives of the Knights of Columbus and the Elks, to which orders he belonged, Company C, One hundred and fifty-eighth Infantry, Louisiana National Guard, commanded by Capt. Albert Tate, and thousands of other persons, including women and children. Escorted by the military company, the flower-banked coffin was conveyed in a hearse to Ville Platte, more than 300 automobiles following it.
>
> MOURNING WIDESPREAD
>
> All along the highway, farmers and their families, school children, both white and negro, stood with uncovered, bowed heads as the hearse passed. They were friends of Doctor LAZARO; many had been patients of his when he was a practicing physician. All business was suspended here. A great throng of people rallied here from all parts of the seventh district for the funeral, which was simple, with no singing or other music, according to one of his last requests.

The simplicity of the service was in keeping with the character of the man. Quiet and unassuming he went about his work with no ostentation or display—he cared not for the limelight or the glare of publicity. The consciousness of duty well performed was sufficient reward for him. To faithfully represent his people and to legislate for the Nation's welfare was his only ambition.

Before coming to Congress for nearly 20 years he practiced successfully his profession, that of a physician. He belonged to that noble band of men to whom we all owe a debt of gratitude—the country doctor. If I were an artist I would paint a picture of one of these self-sacrificing humanitarians driving an old-fashioned horse and buggy on a dark and stormy night going to alleviate the suffering of a patient in some remote and humble home. I am glad that the State of Georgia has recently placed in Statuary Hall the marble figure of Dr. Crawford W. Long, the discoverer of sulphuric ether as an anesthetic.

Doctor LAZARO had stamped upon his countenance the kindly and sympathetic character which his soul contained. He was the type of man who made many friends but no enemies. He loved humanity and he loved to serve it. At home he was the beloved physician. In Washington he was the honored statesman, but more than that he was the beloved colleague of every Member of Congress. We can never forget his kindly and contagious smile which brought sunshine into the home of the sick and which with his superb character won his way into the affections of his 434 colleagues.

Permit me to conclude this brief tribute by quoting the lines of a little poem by Jerome B. Bell, which seem to me so fittingly appropriate as describing his life:

> What is this mystery that men call death?
> My friend before me lies; in all save breath
> He seems the same as yesterday. His face
> So like to life, so calm, bears not a trace
> Of that great change which all of us so dread.
> I gaze on him and say: He is not dead,
> But sleeps, and soon he will arise and take
> Me by the hand. I know he will awake
> And smile on me as he did yesterday;
> And he will have some gentle word to say,
> Some kindly deed to do; for loving thought
> Was warp and woof of which his life was wrought.
> He is not dead. Such souls forever live
> In boundless measure of the love they give.

Mr. O'CONNOR of Louisiana. Mr. Speaker, ladies, and gentlemen, we have assembled here to-day for the purpose of paying tribute to the life and character of the late LADISLAS LAZARO. He was one of us but is now no more. We shall never see him again, for he has sailed beyond the sunset and the path of all the western stars. He has gone to meet the great choice, classic spirits of all the ages. Consoled with that belief we can not, however, refrain from the sigh that comes with the thought that we shall never see him again on this earth. He was my friend. My tears mingled with those who loved him best when we heard that he had received the final summons "to follow knowledge like a sinking star far beyond the utmost bounds of human thought." He lived a great life. To him it was a wonderful adventure. As a result of his studies in the field of medicine he philosophically looked to the termination of his earthly career. He was ever mindful of the fact that all things are born, live, die, pass away, and are ultimately forgotten. But with a vision that was the result of a steadfast and unalterable belief in the immortality of the soul he looked out beyond the Pleiades and far beyond the sun to that happy scene of another life on a higher, grander, nobler, and more wonderful stage where we shall all meet by the great white throne of God and sing the praises of Him on high for evermore. He brings to those in the land that is fairer and more beautiful than this, the rich and wonderful experience that he gathered while sojourning on this sphere. "I am a part of all that I have met" is a thought that he loved to dwell upon. Life indeed was a great romance to this advocate of liberal

thought and individual freedom. As great as his knowledge of life was in its most beautiful aspect, he always felt that all experience is an arch through which gleams that untraveled world whose margin fades forever and forever as we move. He was a bold thinker and possessed to a remarkable degree the courage of his convictions. He met unflinchingly every great issue that presented itself to him as a national legislator and fearlessly expressed his views in behalf of individual liberty. He was one of nature's great noblemen. He did noble things and, in the immortal language of Kingsley, made life, death, and that vast forever one grand, sweet song.

To labor with zest, and give of your best,
For the joy and sweetness of the giving,
To help folks along with hand and with song—

was to him not only the real sunshine of living but the very highest religious thought which humanity could grasp. He loved his country as a whole, but his affections were more particularly centered upon Louisiana. He loved the alluringly beautiful name of that famous old State. He thrilled when anyone spoke of its magnificent sugar plantations, rice and cotton fields, its bayous and bays, its creeks and its rivers, its prairies and hilltops, its swamps and its fertile fields, its villages, towns, hamlets, and that great city of New Orleans. He loved the literature which it inspired, and was always deeply moved when anyone would quote from the many gems of thought that had been imperishably translated into the English tongue by the great men and women who were born and reared in that great Commonwealth. He loved to mention the wonderful effects of the sunrise upon the birds of the air and the beasts of the fields when they responded to the coloring of the skies by its golden chariot. He loved to dwell upon the wonders of a Louisiana sunset and often told me that he throbbed with an indescribable joy as he saw the marvelous tints and colorings of the western skies reflected by the trembling wavelets of the lagoons and bayous whose waters drift slowly to the Gulf of Mexico beneath the moss-covered oaks that sadly but majestically stand as sentinels of the wondrous scenes. The artist was deeply embedded in his nature, and he was profoundly moved by the lines of Longfellow describing the homes of the transported Arcadians, whose children are swept into an ecstasy of romance and tears by any recital of the wanderings of Evangeline and her Gabriel. For he was to the manor born—he was blood of their blood and bone of their bone, and he rests to-day with the great of yesterday in the hearts of that section which the great poet said is the Eden of Louisiana. A statesman with the soul of an artist, a physician with the vision of a poet, he felt and understood the profound pathos and the consoling hope of Thanatopsis—that sublime vision of death that has immortalized the great seer who wrote it into the literature of his native land. To him that great expression of an exalted spirit was a message of eternal peace among Elysian fields, a rainbow to the storms of life, the evening beams that smiled the clouds away.

To him who in the love of nature holds
Communion with her visible forms, she speaks
A various language; for his gayer hours
She has a voice of gladness, and a smile
And eloquence of beauty, and she glides
Into his darker musings, with a mild
And healing sympathy, that steals away
Their sharpness, ere he is aware. When thoughts
Of the last bitter hour come like a blight
Over thy spirit, and sad images
Of the stern agony, and shroud, and pall,
And breathless darkness, and the narrow house,
Make thee to shudder, and grow sick at heart,
Go forth, under the open sky, and list
To nature's teachings, while from all around—
Earth and her waters, and the depths of air—
Comes a still voice.

Yet a few days, and thee
The all-beholding sun shall see no more
In all his course; nor yet in the cold ground,
Where thy pale form was laid, with many tears,
Nor in the embrace of ocean, shall exist
Thy image. Earth, that nourished thee, shall claim
Thy growth, to be resolved to earth again,
And, lost each human trace, surrendering up
Thine individual being, shalt thou go
To mix forever with the elements,
To be a brother to the insensible rock
And to the sluggish clod, which the rude swain
Turns with his share, and treads upon. The oak
Shall send his roots abroad, and pierce thy mold.

Yet not to thine eternal resting-place
Shalt thou retire alone, nor couldst thou wish
Couch more magnificent. Thou shalt lie down
With patriarchs of the infant world—with kings,
The powerful of the earth—the wise, the good,
Fair forms, and hoary seers of ages past,
All in one mighty sepulcher. The hills
Rock-ribbed and ancient as the sun—the vales
Stretching in pensive quietness between;
The venerable woods—rivers that move
In majesty, and the complaining brooks
That make the meadows green; and, poured round all,
Old ocean's gray and melancholy waste—
Are but the solemn decorations all
Of the great tomb of man. The golden sun,
The planets, all the infinite host of heaven,
Are shining on the sad abodes of death,
Through the still lapse of ages. All that tread
The globe are but a handful to the tribes
That slumber in its bosom.—Take the wings
Of morning, pierce the Barcan wilderness,
Or lose thyself in the continuous woods
Where rolls the Oregon, and hears no sound,
Save his own dashings—yet the dead are there:
And millions in those solitudes, since first
The flight of years began, have laid them down
In their last sleep—the dead reign there alone.
So shalt thou rest, and what if thou withdraw
In silence from the living, and no friend
Take note of thy departure? All that breathe
Will share thy destiny. The gay will laugh
When thou art gone, the solemn brood of care
Plod on, and each one as before will chase
His favorite phantom; yet all these shall leave
Their mirth and their employments, and shall come
And make their bed with thee. As the long train
Of ages glides away, the sons of men,
The youth in life's fresh spring, and he who goes
In the full strenth of years, matron and maid,
The speechless babe, and the gray-headed man—
Shall one by one be gathered to thy side,
By those who, in their turn, will follow them.

So live that when thy summons comes to join
The innumerable caravan, which moves
To that mysterious realm, where each shall take
His chamber in the silent halls of death,
Thou go not, like the quarry-slave at night,
Scourged to his dungeon, but, sustained and soothed
By an unfaltering trust, approach thy grave,
Like one who wraps the drapery of his couch
About him, and lies down to pleasant dreams.

Mr. ASWELL. Mr. Speaker, Doctor LAZARO was a member of the Bjeladinovic family of Risan, on the Gulf of Cattaro. His father came to America from Ercegovina.

The following beautiful tribute was paid to him by the Hon. Gilbert L. Dupré:

TRIBUTE OF RESPECT TO DR. LADISLAS LAZARO

When a good man has answered the summons which no one may disregard it is always well to note his departure and to record the good work accomplished during his stay among us.

Doctor LAZARO was a good man. He was a devoted husband and father, a stanch friend, a good neighbor, a sympathetic practitioner of his profession. He is worthy of imitation by all the young men in this parish and State. He was born a poor boy; had hardships to overcome, which he successfully did. From a country doctor he went to the school board. Education of the masses was his slogan.

Elected to the State senate in 1908, he devoted his efforts to the betterment of conditions generally. Reelected in 1912, he began to attract attention, and when Mr. Pujo announced his intention to retire from Congress Doctor LAZARO's friends prevailed upon him to become a candidate to succeed him.

After a vigorous contest he was declared the nominee. In 1914 State Senator Aladin Vincent, of Calcasieu, opposed him. Doctor LAZARO defeated him easily. He also overcame former District Attorney Edwards, of the same parish, in 1918. Thereafter he had no opposition; nominated without opposition five times.

He made a splendid Congressman. His constituents admired him, respected him, esteemed him. When Congress was at recess during the summer months he visited every parish in this district—not only the parish seat but other towns as well.

Doctor LAZARO was a splendid example of what any poor boy may accomplish in this State, this Nation. By dint of study and hard work, he rose from the rank of an obscure country lad to that of Congressman in a district peopled with politicians of ability and standing. He not

only went to Congress but he remained over 13 years. He had become a fixture in that body, and no thought of opposing him occurred.

Doctor LAZARO had a healthy body, a fine, evenly balanced mind with unbounded cheerfulness and geniality. He was always pleasant, always agreeable. I never heard him utter an unkind word against a human soul. He had convictions and the courage to express these, but this was done in a quiet, easy, unassuming manner.

I am on the wrong side of the book of time. About half my time I am scarcely alive, and a great part of the rest the slave and sport of morbid feeling, due to my disordered condition. I have everything but good health.

Doctor LAZARO had health; had happiness; looked forward to a long, a successful career. His daughters married; he was looking for the advancement of his only son. He intended him for Princeton. Secure in the esteem of his constituents, he was looking forward to many years of usefulness. But he is gone, gone to the undiscovered country from whose bourne no traveler returns. He retreated with the aspects of a victor. His sun went down at noon, but let us hope it sank amid the prophetic splendors of an eternal dawn.

The invalid bereft of one sense, enveloped almost at every turn, is alive to pay tribute to his young friend who, in love with life and raptured with the world, has passed to silence and pathetic dust. Verily, the ways of Providence are past finding out.

Good-by, Doctor. When last I met you I looked forward to your continued health, happiness, and prosperity. To-day I am sorrowfully paying tribute to your usefulness when alive—with the hope that you have secured life everlasting beyond the grave, which you so richly deserve.

The following is an editorial from one of his home papers:

[From the New Era, of Eunice, La., April 7, 1927]

THE LOSS OF CONGRESSMAN LAZARO

In the death of the late Hon. Dr. L. LAZARO, Representative in the House from the seventh congressional district, which composes the southwesterly group of parishes in Louisiana, the territory involved, as well as the entire State and South, lost a most faithful servant, who was not known for flowery speech and oratory but for his loyalty and serfdom for the people whom he served.

For 14 years he labored for his group of parishes. A man of his own convictions, to whom party principles were cast aside when the good of the seventh congressional district was to be considered. A constant reader and student, he had provided himself with a knowledge which fitted him to the cause of his public. Never until a situation had been thoroughly analyzed did the late lamented Congressman decide; but once decided he fought an honest battle to enlighten those in the Chamber as to the true benefits of the proposed measure.

His kindly attitude in the Capitol had marked him as a man worthy of the friendship of many distinguished statesmen who were proud to acclaim him as a friend. To him many of his colleagues often went to seek advice, and to them he never turned a deaf ear. Not only was he known and acclaimed as a friend by the important men of our Nation but, likewise, was he attached to the most common laborer in the Capitol buildings.

In passing to the great beyond he left a memory which can never be erased from the halls of time. At his funeral an outpouring such as has never been seen in this section of the State assembled to pay their last tribute. The towns along the route which the train traveled with the body bowed in sorrow. And again dampened eyes in the town of his birthplace by the citizens announced that Louisiana had not only lost a distinguished solon but a friend and upright and honest man.

Though he is dead he can not be forgotten. Children and more aged persons will continue to speak of his noble deeds in the future. When the Seventieth Congress convenes his smile and warm handclasp will be missing, and kindly advice once given can not be secured as before. Time alone will prove that few will enter from this district who can claim the honor of serving their public for 14 years, a goodly portion of which was without opposition. This one achievement alone marks him as a man "of the people and by the people and for the people."

ADJOURNMENT

The SPEAKER pro tempore. In accordance with the resolution already adopted, and as a special mark of respect to the memory of the deceased, the House will now stand adjourned.

Accordingly (at 1 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Monday, May 14, 1928, at 12 o'clock noon.

SENATE

MONDAY, *May 14, 1928*

(Legislative day of Thursday, May 3, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McKellar	Shipstead
Barkley	George	McLean	Shortridge
Bayard	Gerry	McMaster	Simmons
Bingham	Gillett	McNary	Smith
Black	Glass	Mayfield	Smoot
Blaine	Goff	Metcalf	Steck
Borah	Gould	Moses	Steiwer
Bratton	Greene	Neely	Stephens
Brookhart	Hale	Norbeck	Swanson
Broussard	Harris	Norris	Thomas
Bruce	Harrison	Nye	Tydings
Capper	Hawes	Oddie	Tyson
Caraway	Hayden	Overman	Vandenberg
Copeland	Heflin	Phipps	Wagner
Couzens	Howell	Pine	Walsh, Mass.
Curtis	Johnson	Pittman	Walsh, Mont.
Cutting	Jones	Ransdell	Warren
Dale	Kendrick	Reed, Pa.	Waterman
Deneen	Keyes	Robinson, Ind.	Watson
Dill	King	Sackett	Wheeler
Edwards	La Follette	Schall	
Fess	Locher	Sheppard	

Mr. WALSH of Montana. I was requested to announce that the senior Senator from Missouri [Mr. REED] is detained from the Senate on official business.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

PERSONAL EXPLANATION—VOTE ON TAX UPON CORPORATIONS

Mr. GLASS. Mr. President, I was unavoidably absent from Washington on Saturday, and since I do not care to appear to have evaded an important vote I want to state that I was paired with the senior Senator from Connecticut [Mr. MCLEAN]. Had I been present in the Chamber I should have voted for the graduated tax on corporations and I should likewise have voted against the proposition to raise the tax on corporations as provided by the House.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills and joint resolutions of the Senate:

S. 766. An act to fix the compensation of registers of local land offices, and for other purposes;

S. 1662. An act to change the boundaries of the Tule River Indian Reservation, Calif.;

S. 2340. An act to transfer to the city of Duluth, Minn., the old Federal building, together with the site thereof;

S. 3026. An act authorizing the construction of a fence along the east boundary of the Papago Indian Reservation, Ariz.;

S. J. Res. 119. Joint resolution granting an easement to the city of Duluth, Minn.;

S. J. Res. 125. Joint resolution authorizing the President of the United States to accept a monumental urn to be presented by the Republic of Cuba, and providing for its erection on an appropriate site on the public grounds in the city of Washington, D. C.; and

S. J. Res. 129. Joint resolution to provide for eradication of pink bollworm and authorizing an appropriation therefor.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 126) to add certain lands to the Missoula National Forest, Mont.

The message further announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 1341. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

S. 3365. An act to authorize allotments to unallotted Indians on the Shoshone or Wind River Reservation, Wyo.;

S. 3556. An act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes; and

S. 4045. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Newport-Asheville (N. C.) road near the town of Del Rio in Cocke County, Tenn.

The message also announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 2084. An act for the purchase of land in the vicinity of Winnemucca, Nev., for an Indian colony, and for other purposes; and

S. 3699. An act for the relief of the land-grant railroad operated between the station formerly known as East Portland, in the State of Oregon, and Roseville, in the State of California.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 8551. An act to create an additional judge in the District of South Dakota;

H. R. 9784. An act for the issuance and execution of warrants in criminal cases and to authorize bail;

H. R. 11405. An act to acquire an area of State land situate in Lassen Volcanic National Park, State of California, by exchange;

H. R. 11847. An act to authorize the acquisition of portions of the Queen Emma and Damon estates and a portion of the Halawa district in the vicinity of Fort Kamehameha, Hawaii, and for other purposes;

H. R. 11983. An act to provide for issuance of perpetual easement to the department of fish and game, State of Idaho, to certain lands situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho;

H. R. 12031. An act to extend the times for commencing and completing the construction of a bridge across the Rio Grande at or near Tornillo, Tex.;

H. R. 12038. An act to authorize the acquisition of certain patented land adjoining the Yosemite National Park boundary by exchange, and for other purposes;

H. R. 12100. An act to amend the act entitled "An act granting the consent of Congress to the Gateway Bridge Co. for construction of a bridge across the Rio Grande between Brownsville, Tex., and Matamoros, Mexico," approved February 26, 1926;

H. R. 12409. An act to grant to the city of Fort Wayne, Ind., an easement over certain Government property;

H. R. 12571. An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 12621. An act to authorize the Secretary of War to lend War Department equipment for use at annual State convention of the American Legion of New York;

H. R. 12623. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River, at or near Starks, La.;

H. R. 12694. An act authorizing the Secretary of the Navy to provide an escort for the bodies of deceased officers, enlisted men, and nurses;

H. R. 12706. An act for the relief of the town of Springdale, Utah;

H. R. 12806. An act authorizing J. H. Harvell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across New River at or near McCreery, Raleigh County, W. Va.;

H. R. 12811. An act to provide for the appointment of one additional district judge for the eastern and western districts of South Carolina;

H. R. 12877. An act authorizing the Los Olmos International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Weslaco, Tex.;

H. R. 12913. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at or near the borough of Eldred, McKean County, Pa.;

H. R. 13069. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Aitkin, Minn.;

H. R. 13342. An act to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota;

H. R. 13563. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil war, and to widows of such soldiers and sailors;

H. J. Res. 184. Joint resolution designating May 1 as Child Health Day;

H. J. Res. 263. Joint resolution authorizing the president and fellows of Harvard College to erect on public grounds in the District of Columbia a monument to Maj. Gen. Artemas Ward; and

H. J. Res. 292. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to begin October 20, 1928.

FEDERAL POLICE AND LAW-ENFORCEMENT AGENCIES IN ALASKA

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Interior, submitted pursuant to law, relative to the feasibility and propriety of consolidating into a single force the police and law enforcement agencies of the Federal Government in the Territory of Alaska, and also as to the creation of a supplementary force or constabulary to cooperate with the existing agencies, etc., which, with the accompanying papers, was referred to the Committee on Territories and Insular Possessions.

HISTORICAL MUSEUM ON SITE OF FORT DEFIANCE, OHIO

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 82) providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio, which were, to strike out the preamble, and, on page 2, line 1, to strike out "with the approval of the" and insert "to cooperate with the"; on page 2, line 2, to strike out the words "to select" and insert "and the proper official of the county of Defiance, Ohio, in selecting"; on page 2, line 11, to strike out all after the word "available" down to and including the word "appropriated" in line 12 and insert "the sum of $50,000, and the county of Defiance, Ohio, the sum of $25,000"; and on page 2, line 17, to strike out "$50,000" and insert "$25,000."

Mr. FESS. I move that the Senate disagree to the amendments of the House and ask for a conference on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. FESS, Mr. HOWELL, and Mr. MCKELLAR conferees on the part of the Senate.

PETITIONS AND MEMORIALS

Mr. WARREN presented resolutions adopted by the Advertising Club, of Casper, Wyo., favoring the passage of legislation providing for aided and directed settlement on Federal reclamation projects, which were referred to the Committee on Irrigation and Reclamation.

Mr. JONES presented a petition of sundry citizens of Chelan County, Wash., praying for the passage of the so-called King bill, being the bill (S. 3194) to establish the Bear River migratory-bird refuge, which was referred to the Committee on Agriculture and Forestry.

Mr. COPELAND presented a petition of sundry citizens of Rochester, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. WATERMAN, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 7895) for the relief of the Lagrange Grocery Co. (Rept. No. 1134);

A bill (H. R. 7897) to ratify the action of a local board of sales control in respect of contracts between the United States and the West Point Wholesale Grocery Co., of West Point, Ga. (Rept. No. 1135);

A bill (H. R. 7898) to ratify the action of a local board of sales control in respect of contracts between the United States and the Lagrange Grocery Co., of Lagrange, Ga. (Rept. No. 1136); and

A bill (H. R. 9620) for the relief of E. H. Jennings, F. L. Johanns, and Henry Blank, officers and employees of the post office at Charleston, S. C. (Rept. No. 1137).

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (H. R. 5930) for the relief of Jesse W. Boisseau, reported it without amendment and submitted a report (No. 1138) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 4085) to prevent professional prize fighting and to authorize amateur boxing in the District of Columbia, and for other purposes, reported it without amendment and submitted a report (No. 1139) thereon.

Mr. BLAINE (for Mr. BORAH), from the Committee on the Judiciary, to which was referred the resolution (S. Res. 213) to investigate certain circumstances connected with the matter of additional tax assessments upon Hon. JAMES COUZENS, reported it with amendments and submitted a report (No. 1140) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 1364) for the relief of Wilson Selby,

reported it with an amendment and submitted a report (No. 1142) thereon.

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 4345) authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Kansas City, Kans. (Rept. No. 1143); and

A bill (S. 4405) authorizing the Detroit River Canadian Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Detroit River at or near Stony Island, Wayne County, State of Michigan (Rept. No. 1141).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 4344) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River at or near Clarendon, Ark. (Rept. No. 1144);

A bill (S. 4353) authorizing Huntington Clarksburg Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Great Kanawha River at a point at or near Winfield, Putnam County, W. Va. (Rept. No. 1145);

A bill (S. 4357) authorizing Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representatives, and assigns, to construct and operate a bridge across the Des Moines River at or near Croton, Iowa (Rept. No. 1146); and

A bill (S. 4401) authorizing Elmer J. Cook, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md., and a point opposite in Baltimore County, Md. (Rept. No. 1147).

Mr. DALE also, from the Committee on Commerce, to which was referred the bill (S. 4381) authorizing H. A. Rinder, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr., reported it with an amendment and submitted a report (No. 1148) thereon.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 1679) amending the act of February 28, 1925, reclassifying the salaries of postmasters, reported it with amendments.

Mr. WATERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 3938) relating to the District Court of the Canal Zone, reported it with amendments and submitted a report (No. 1149) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (H. R. 10503) for the relief of R. P. Washam, F. A. Slate, W. H. Sanders, W. A. McGinnis, J. E. Lindsay, and J. T. Pearson, reported it without amendment and submitted a report (No. 1150) thereon.

PENSION TO EDITH BOLLING WILSON

Mr. STECK. From the Committee on Pensions I report back favorably without amendment the bill (S. 4276) granting a pension to Edith Bolling Wilson, and I submit a report (No. 1133) thereon. I call the attention of the Senator from Virginia (Mr. SWANSON) to the report.

Mr. SWANSON. Mr. President, this is a bill to pension Mrs. Woodrow Wilson. It is alike in every respect, in language and amount, to the pension which was given to the widow of the late President Roosevelt. I ask for the immediate consideration of the bill.

Mr. REED of Pennsylvania. Let it be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Edith Bolling Wilson, widow of Woodrow Wilson, late President of the United States, and to pay her a pension at the rate of $5,000 per year from and after the passage of this act.

Mr. REED of Pennsylvania. I hope the bill will be passed.

Mr. SMOOT. So do I.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FESS:

A bill (S. 4450) authorizing the Ripley Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ripley, Ohio; to the Committee on Commerce.

By Mr. DENEEN:

A bill (S. 4451) to amend the act entitled "An act granting the consent of Congress to Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River," approved May 1, 1928; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 4452) relating to personal-injury suits by seamen, longshoremen, ship repair men, and ship employees; to the Committee on Commerce.

A bill (S. 4453) to amend subsection (b), section 60, Federal bankruptcy act; to the Committee on the Judiciary.

By Mr. McNARY:

A bill (S. 4454) for the relief of Jess T. Fears; to the Committee on Agriculture and Forestry.

By Mr. BORAH:

A bill (S. 4455) granting an increase of pension to Evaline Gravitt (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 4456) granting the consent of Congress to the boards of county commissioners of the counties of Escambia and Santa Rosa, in the State of Florida, to construct, maintain, and operate a free bridge across the Santa Rosa Sound in the State of Florida; and

A bill (S. 4457) authorizing the Northwest Florida Corporation, its successors and assigns, to construct, maintain, and operate a bridge across Perdido Bay, at or near Innerarity Point in Escambia County, Fla., to the mainland of Baldwin County, Ala.; to the Committee on Commerce.

ARMY AIR CORPS

Mr. BLACK submitted an amendment intended to be proposed by him to the bill (H. R. 12814) to increase the efficiency of the Air Corps, which was ordered to lie on the table and to be printed.

AMENDMENTS TO TAX REDUCTION BILL

Mr. SHIPSTEAD and Mr. VANDENBERG each submitted two amendments, and Mr. FLETCHER submitted sundry amendments, intended to be proposed by them to House bill 1, the tax reduction bill, which were severally ordered to lie on the table and to be printed.

PAY OF REGULAR ARMY OFFICERS

Mr. BINGHAM submitted an amendment intended to be proposed by him to the bill (S. 3569) to equalize the pay of certain classes of officers of the Regular Army, which was ordered to lie on the table and to be printed.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 12409. An act to grant to the city of Fort Wayne, Ind., an easement over certain Government property; to the Committee on Public Buildings and Grounds.

H. R. 12694. An act authorizing the Secretary of the Navy to provide an escort for the bodies of deceased officers, enlisted men, and nurses; to the Committee on Naval Affairs.

H. R. 13563. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee on Pensions.

H. R. 8551. An act to create an additional judge in the district of South Dakota;

H. R. 9784. An act for the issuance and execution of warrants in criminal cases and to authorize bail; and

H. R. 12811. An act to provide for the appointment of one additional district judge for the eastern and western districts of South Carolina; to the Committee on the Judiciary.

H. R. 11405. An act to acquire an area of State land situate in Lassen Volcanic National Park, State of California, by exchange;

H. R. 12038. An act to authorize the acquisition of certain patented land adjoining the Yosemite National Park boundary by exchange, and for other purposes; and

H. R. 12706. An act for the relief of the town of Springdale, Utah; to the Committee on Public Lands and Surveys.

H. R. 11847. An act to authorize the acquisition of portions of the Queen Emma and Damon estates and a portion of the Halawa district in the vicinity of Fort Kamehameha, Hawaii, and for other purposes; and

H. R. 12621. An act to authorize the Secretary of War to lend War Department equipment for use at annual State con-

vention of the American Legion of New York; to the Committee on Military Affairs.

H. R. 11983. An act to provide for issuance of perpetual easement to the department of fish and game, State of Idaho, to certain lands situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho; and

H. R. 13342. An act to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota; to the Committee on Indian Affairs.

H. R. 12031. An act to extend the times for commencing and completing the construction of a bridge across the Rio Grande River at or near Tornillo, Tex.;

H. R. 12100. An act to amend the act entitled "An act granting the consent of Congress to the Gateway Bridge Co. for construction of a bridge across the Rio Grande between Brownsville, Tex., and Matamoros, Mexico," approved February 26, 1926;

H. R. 12571. An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 12623. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River, at or near Starks, La.;

H. R. 12806. An act authorizing J. H. Harvell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across New River at or near McCreery, Raleigh County, W. Va.;

H. R. 12877. An act authorizing the Los Olmos International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Weslaco, Tex.;

H. R. 12913. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at or near the borough of Eldred, McKean County, Pa.; and

H. R. 13069. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Aitkin, Minn.; to the Committee on Commerce.

H. J. Res. 263. Joint resolution authorizing the president and fellows of Harvard College to erect on public grounds in the District of Columbia a monument to Maj. Gen. Artemus Ward; to the Committee on the Library.

H. J. Res. 292. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to begin October 20, 1928; to the Committee on Foreign Relations.

SHOOTING OF JACOB D. HANSON

Mr. COPELAND. Mr. President, the feeling of high indignation in my State over the shooting of Mr. Hanson, at Niagara Falls, leads me to ask permission to insert certain material in the RECORD. I want to keep before the Senate the dastardly outrage which was perpetrated upon this citizen last week. Here he was, a private citizen engaged in no unlawful pursuit, on the way to his home, held up and shot by the Coast Guard. It might have been a minister on the way to see a dying man or the family physician on his rounds. It was an outrageous thing.

I am glad to report to the Senate that the Committee on Commerce one day this week will give consideration to the matter and hear Admiral Billard, of the Coast Guard Service.

I ask unanimous consent to insert in connection with these remarks first a series of resolutions passed by the Columbus Society, of Niagara Falls. This is a group of 500 or 600 persons of foreign birth who have banded themselves together for the purpose of encouraging and promoting the naturalization of foreign-born citizens and to inspire respect for all the laws of the United States. They are very much disturbed because two Coast Guard officials of the United States, intrusted with the duty of enforcing law and order, have themselves set a bad example for those who are not yet citizens. Not alone have they violated the laws of the State of New York but all natural laws and the law of God, by shooting down in cold blood an esteemed and highly respected citizen of Niagara Falls.

Likewise, I have some resolutions passed by the Dunkirk Lodge, Loyal Order of Moose, Dunkirk, N. Y. I also hold in my hand an editorial from the New York Daily News relating to the Hanson case. I ask that all of the resolutions and the editorial may be printed in the RECORD in connection with my remarks and be referred to the Committee on Commerce.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolutions and editorial are as follows:

Special meeting of the Columbus Society, of Niagara Falls, called for the express purpose of adopting resolutions on the shooting of Jacob D. Hanson on Lewiston Hill, in Niagara County, on the morning of May 6, 1928

The following resolution was duly adopted:

"Whereas this society, consisting of 557 members, was formed with a purpose of encouraging and promoting the naturalization of all foreign-born candidates for membership, and for the further purpose of teaching and inspiring respect for all laws of the United States and of the State of New York and the Constitution of the United States; and

"Whereas it has come to our attention that the very persons, 'two Coast Guard men,' entrusted with the duty to enforce law and order, have themselves set a bad example for those who are not yet citizens of this country by not only violating the laws of this great State but all natural laws and the law of God, by shooting down in cold blood an esteemed and highly respected citizen of this community; that this atrocious crime was committed without the slightest pretense of a cause or suspicion by two reckless, irresponsible, disreputable characters; and

"Whereas we are of the opinion that these characters are not worthy of being called citizens of the same country of which we have the honor of swearing allegiance and loyalty to; and

"Whereas we believe that the legally constituted authorities do not sanction any such high-handed tactics, and that the authorities have greater respect for the rights of the public lawfully using the highways in the nighttime; and

"Whereas it is most humiliating and embarrassing to us to learn that such an important governmental official as the United States district attorney refuses to cooperate with the State authorities in bringing to justice these vicious men, and, in fact, as we are informed by the press, orders officers of the United States guard to refuse the State authorities the right to exercise their function in executing the mandate of the State court without even as much as an order of similar force; and

"Whereas we have been taught that the United States district attorney is the chief prosecuting officer of violators of the law, and therefore should not encourage the withholding of offenders from the process of the law; and

"Whereas this action tends to arouse doubt in our minds as to the sincerity of the great principle embodied in the Constitution of this great country, that all men shall be treated equally, and that the law shall be administered equally among all citizens of this country; and

"Whereas we are in doubt that this action on the part of the United States district attorney reflects the sentiment of proper governmental functioning as intended by the heads of this Government and understood by us; Now, therefore, be it

"*Resolved*, That we express our indignation at the unwarranted, cowardly shooting of a respectable and law-abiding citizen, lawfully traveling on the public highways of this community; that we resent such dangerous characters being permitted to roam at large under the guise of being United States enforcement officers and endangering the lives of persons lawfully using the public highways after dark; be it further

"*Resolved*, That we are highly indignant at the attitude of the United States district attorney, whose duty it is to prosecute criminals, in his refusal to order the delivery of these criminals to answer for the violation of a State law, and that we consider such an action an assault on the dignity and respect of the sovereignty of the State of New York; and it is further

"*Resolved*, That if this attitude on the part of one of the chief prosecuting officers of the State of New York pass unnoticed by the higher authorities, the very teaching and purpose of our society are defeated, and respect for law can not be expected from those who are less cognizant of the law and customs of this country;

"That the flagrant violation of the law of the State and of the mutual understanding between the State and Federal Government be brought to the attention of our honorable Senators and Congressmen, to the end that speedy action be taken in delivering these criminals to justice; and it is further

"*Resolved*, That there is more in the refusal of the Federal petty officers to deliver these men than the impeding and interfering with the speedy trial and punishment of the betrayers of the trust of law enforcement or the making of the highways safe for the innocent public, but that this attitude tends to breed contempt for law and order and sows the seed of discontent and inspires mob violence as the only means of administering justice; and be it further

"*Resolved*, That we call upon the United States district attorney to order the surrender of these criminals to the State authorities; and be it further

"*Resolved*, That this resolution be spread upon the minutes of this meeting and copies thereof be sent to Senators WAGNER and COPELAND, Congressmen DEMPSEY, MEAD, and MACGREGOR, to the United States district attorney for the western district of New York, and to the press."

I hereby certify that the foregoing is a true, accurate, and correct transcript of the resolution passed by the Columbus Society at a special meeting held May 9, 1928.

[SEAL.] LAVINO NANULIE, *Secretary.*

Whereas Jacob H. Hanson was promiscuously assaulted and shot down in cold blood while peacefully traveling along a public highway in the vicinity of Niagara Falls, N. Y.; and

Whereas his wounds, if not fatal, will prove mortal to the mental, thinking, and seeing senses of this citizen of the United States; and

Whereas due to this he has been sacrificed on the altar of intolerance, prejudice, and un-American doctrines, which have changed the status of the Constitution of our great American Republic; and

Whereas said Jacob H. Hanson was always known to be the leader of charity on the great Niagara frontier; his raising of funds for the Sisters' Hospital for the care of the tubercular afflicted; his sunshine parties in behalf of the orphans; his filling of baskets of charity on Thanksgiving and Christmas; and because of the thousands of other public benefactions in which he was instrumental: Be it

Resolved, That the Loyal Order of Moose, Lodge 89, be placed on record as protesting and condemning the acts of the Federal Coast Guard, and as requesting the mayor and common council of the city of Dunkirk to offer their assistance to further the bringing to justice the Federal officials responsible for this outrageous and murderous attack by so-called Government officials; and be it further

Resolved, That we extend our sincere and fullest sympathy to the Benevolent Order of Elks, Lodge No. 346, of Niagara Falls, and to his family, relatives, and many friends for the loss they have sustained through the incapacity and perhaps full loss of Mr. Jacob H. Hanson; and be it further

Resolved, That this resolution be broadcast through the public press, and that copies be sent to the common council of the city of Dunkirk, to our Member of Congress, and our United States Senators, and to the convention of the Loyal Order of Moose at Chicago, to be held from June 4 to 7, 1928, with a request for some action on the matter.

FRED ASPER,
Vice Dictator (Presiding).
JOHN DILLENKOFER,
Dictator.

Dated at Dunkirk, N. Y., May 10, 1928.

[From the New York Daily News, May 12, 1928]

HANSON'S CASE

Pictured here is the latest sacrifice to the holy cause of Federal prohibition.

He is Jacob D. Hanson, of Niagara Falls, N. Y. Mr. Hanson is secretary of the Elks lodge in that community and a highly respected and law-abiding citizen.

At this writing Mr. Hanson has a fractured skull, no eyesight, and a bare chance to live. If he does live, physicians say he will be blind and mentally befogged for the rest of his life.

Hanson was shot in the head last week end by a couple of United States Coast Guard men assigned to prohibition duty. The thing happened early Sunday morning. These men, in plain clothes, accosted Hanson's car as he was returning from a lodge meeting. Evidently mistaking them for stickups, Hanson tried to drive by. The guard men shot. One bullet got Hanson in the head.

This is the kind of thing that can and does happen under Federal prohibition. We arm irresponsibles with enormous powers over all of us. Then we wonder why they occasionally shoot us up. Niagara County may be wondering why its own courts can not try these thugs for assault or murder, since the Federal Government will probably be able to jerk the case into the Federal courts if it tries.

Senator COPELAND has obtained promise of an investigation of the Hanson case by the Senate Commerce Committee. That is nice, but it will neither mend Hanson's skull nor pull the man-killing teeth out of the prohibition law.

EUROPEAN CORN BORER CONTROL

Mr. McNARY. Mr. President, early in the session the House passed what is known as the corn borer control bill, the bill (H. R. 12632) to provide for the eradication or control of the European corn borer. Later the bill was passed by the Senate. After it had passed the Senate and had been messaged to the House, the Senator from Utah [Mr. KING] moved to reconsider the vote by which the bill was passed. The end of the session is drawing near and I should like to have some action on that motion. I understand the rule to be that anyone can call up the motion to reconsider submitted by the Senator from Utah if he should insist on his motion.

Mr. KING. Mr. President, I would have called it up several days ago except for the fact that simultaneously with the request that the bill be returned from the House there was a request for the return of another bill from the House.

Mr. McNARY. That was the pink boll weevil bill.

Mr. KING. Yes. It has not yet been returned and I have merely deferred action. I will say to the Senator that some time during the afternoon I shall not object to having the matter brought before the Senate.

Mr. McNARY. I understand that the House would not give unanimous consent for the return of the pink boll weevil bill to the Senate even upon motion, and that in the case of the corn-borer control bill, no objection was interposed. In the case of the pink boll weevil bill there was objection, hence the House would not return it. I only mention the matter at this time, since I think it of some importance that some disposition should be made of the bill at the present session so that work may be begun on the eradication of the borer.

Mr. KING. I agree with the Senator.

Mr. McNARY. I should like to call it up during the day, if the Senator has no objection.

Mr. KING. I have no objection to the Senator calling it up some time later in the afternoon.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On May 9, 1928:

S. 3791. An act to aid the Grand Army of the Republic in its Memorial Day services May 30, 1928.

On May 10, 1928:

S. 3594. An act to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes; and

S. 3947. An act to provide for the times and places for holding court for the eastern district of North Carolina.

On May 11, 1928:

S. 805. An act donating Revolutionary cannon to the New York State conservation department; and

S. 3438. An act authorizing a per capita payment to the Rosebud Sioux Indians, South Dakota.

On May 12, 1928:

S. 1456. An act to authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex.;

S. 2910. An act granting to the State of South Dakota for park purposes the public lands within the Custer State Park, S. Dak.; and

S. 3824. An act to correct the descriptions of land comprising the Bryce Canyon National Park as contained in the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," and the act approved February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the 'Bryce Canyon National Park,' and for other purposes."

On May 14, 1928:

S. 797. An act authorizing the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Wellsburg, W. Va.;

S. 3571. An act granting the consent of Congress to the County Court of Roane County, Tenn., to construct a bridge across the Emery River at Suddaths Ferry, in Roane County, Tenn.;

S. 3598. An act authorizing Dupo Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a combined highway and railroad bridge across the Mississippi River at or near Carondelet, Mo.; and

S. 3862. An act authorizing J. T. Burnett, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tiptonville, Tenn.

REPORT OF THE ALIEN PROPERTY CUSTODIAN

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on the Judiciary:

To the Congress of the United States:

In accordance with the requirements of section 6 of the trading with the enemy act, I transmit herewith for the information of the Congress, the Annual Report of the Alien Property Custodian on proceedings had under the trading with the enemy act for the year ended December 31, 1927.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 14, 1928.*

CIVILIAN ASSISTANTS, OFFICE OF GOVERNOR GENERAL, PHILIPPINE ISLANDS

Mr. KING. Mr. President, the Senator from Connecticut [Mr. BINGHAM] a day or two ago had inserted in the RECORD a cablegram from Governor General Stimson, of the Philippines, in respect to a bill now pending before the Congress. I advised the Philippine Commissioner, Mr. GUEVARA, and he wrote me a

letter concerning the statement contained in Governor General Stimson's cablegram. In view of the importance of the matter I ask permission to have inserted in the RECORD, without reading, the letter from Mr. GUEVARA.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 10, 1928.

Hon. WILLIAM H. KING,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In view of the verbal information you kindly gave me this noon regarding the cable sent by Gov. Henry L. Stimson, urging the passage of the Senate bill 2292, authorizing the Governor General of the Philippine Islands to spend $125,000 without the necessity of any further appropriation to pay the salaries and traveling expenses for his assistants and technical advisers, not to exceed seven in number, I wish to state the following:

I do not believe that at present there exist corruptions and other evils in the Philippine Government and its branches. Personally, and knowing as I do now the Filipino people, I do not believe that there is now nor in the past any corruption or evil in the government and its branches which should command special action by the Congress of the United States. If there is any corruption or misdeed committed by any Filipino official in the government of the Philippine Islands, the Governor General, who is the supreme chief executive of that government, can by law use the provincial prosecuting attorneys, the personnel of the attorney general's office, the court of first instance and justices of the peace, the Philippine constabulary, whose chief and assistant chiefs are Americans of high standing, the secret service and municipal police, and other governmental agencies under his immediate supervision and control, and so the departments of justice, commerce and communications, finance, interior, public instruction, agriculture with its several bureaus. The Governor General of the Philippine Islands, besides, has actually under his service assistants and technical advisers whose names are: General Dorey, who also served as assistant to the late Governor General Wood; Colonel Winship, who was appointed while serving as an aid to President Coolidge; Major Hitchen and Lieutenant Grant. Besides these assistants and technical advisers that Govennor Stimson took along with him to the islands, he is provided by the appropriation law of the Philippine Legislature with the following personnel, which is actually serving in his office:

Secretary to the Governor General, with a compensation of	₱11,000
Assistant secretary to the Governor General	6,000
One cable clerk	5,000
One assistant cable clerk	4,500

And 26 clerks and 5 messengers more.

The Governor General has also a complete clerical force in his accounting division, record division, and a complete custodial force in the Malacañang Palace.

His present assistants and technical advisers, General Dorey, Colonel Winship, Major Hitchen, and Lieutenant Grant, have no specific legal duties to perform. The task they are supposed to perform are those that the Governor General may direct one or all of them to investigate certain cases of maladministration or corruption that may occur from time to time in the provincial and municipal governments, and even in the central government. The Governor General can assign his present assistants and technical advisers and the other governmental agencies mentioned above to any duty he may see fit. His present secretary, Mr. Franks, is an American who has been in the Philippine Islands for the last 15 years.

It is important to note that the Filipino people, through their leaders, are at present heartily cooperating with Governor General Stimson, and the same is true of the American residents in the Philippine Islands. If the Governor General of the Philippines needs any extra official help to suppress the corruptions denounced in his cable, he can call to his help Filipinos and Americans, both in private and public life, and I am sure they will be more than glad to render him such help and assistance as he may need.

I have a high regard for Governor Stimson and sincerely believe that his appointment to the important position he holds now has inaugurated an era of mutual understanding and cooperation between the United States and the Filipino people. It is to be regretted, however, that instead of recommending to his legislature measures that he deems necessary for the efficiency of the government of the Philippine Islands, he is appealing to the Government of the United States, which undoubtedly the Filipino people will resent.

In passing, I shall call your attention to the fact that if it is true, as Governor Stimson reports in his cable above mentioned, that there now exist corruptions that can not be controlled by himself as Chief Executive, and other existing governmental agencies in the Philippine Government, it would be worth while to ask whether the seven assistants and technical advisers, provided for in the Senate bill 2292, will be able to accomplish what the whole government of the Philippine Islands, including its distinguished Chief Executive, are at present unable to attain.

If Governor Stimson is basing his report of uncontrollable corruptions existing in the Philippine Government upon the assumption that there is a conspiracy among Filipino officials in the government, for such purpose, much as I respect and hold in high regard the distinguished Governor General, I shall lay bare before the Senate of the United States my most energetic protest against such a conclusion.

In closing I wish to say that you may use this letter as you may deem it convenient; and hoping that you will continue your support and advocacy for a just and fair play on the part of the Government of the United States to the people of the Philippine Islands, I am,

Very respectfully yours,

PEDRO GUEVARA,
Resident Commissioner from the Philippines.

FRENCH BROAD RIVER BRIDGE ON NEWPORT-ASHEVILLE ROAD, TENNESSEE

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4045) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Newport-Asheville (N. C.) road near the town of Del Rio, in Cocke County, Tenn., which was, on page 1, line 5, after the article "a," to insert "free highway."

Mr. TYSON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PURCHASE OF LAND NEAR WINNEMUCCA, NEV.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2084) for the purchase of land in the vicinity of Winnemucca, Nev., for an Indian colony, and for other purposes, which were, on page 2, line 6, to strike out the word "such"; and on page 2, to strike out all after the word "cabins," in line 7, down to and including the word "necessary" in line 8.

Mr. ODDIE. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenues, and for other purposes.

Mr. SMOOT. Mr. President, I ask unanimous consent that the amendment found on page 119, a similar amendment on page 123, two amendments on page 140, and two amendments on page 146, all of which have reference to the 12½ per cent tax upon corporations and all of which agree with the amendment which was adopted on Saturday, making the tax on corporations 12½ per cent instead of 11½ per cent, may be agreed to.

Mr. KING. They do not relate in any way to retroactive provisions?

Mr. SMOOT. Not at all. My request is merely to make the bill conform to the amendment adopted by the Senate on Saturday.

The VICE PRESIDENT. Without objection, the amendments indicated by the Senator from Utah are agreed to.

Mr. BROOKHART. Mr. President, on Saturday, last, the Senator from Mississippi [Mr. HARRISON] was in his usual mood of genial criticism of everybody. In the course of that debate he found occasion to cast some of his keen reflections upon the progressive element of the Republican Party, but he was more severe, perhaps, upon the chairman of the Committee on Finance, the senior Senator from Utah [Mr. SMOOT], than upon any other Senator. I notice the Senator from Mississippi then said:

> The Senator at that time was just as wrong in his figures and just as misleading in his estimates as he is to-day. To me, Mr. President, it is one of the surprises of the age that on this issue he can hoodwink and cement together on his side of the aisle Senators who have talked progressivism and Senators who have stood in their tracks for more than 40 years and are known as the stand-pat crowd.

Mr. FLETCHER. Mr. President, will the Senator from Iowa state from what he is reading?

Mr. BROOKHART. I am reading from the CONGRESSIONAL RECORD.

Mr. FLETCHER. Of what date?

Mr. BROOKHART. Of date May 12 instant.

Mr. McNARY. Who made the speech from which the Senator from Iowa is reading?

Mr. BROOKHART. I am reading from the speech of the Senator from Mississippi [Mr. HARRISON].

Mr. HARRISON. May I suggest to the Senator from Iowa that if he will continue to read that speech he will make a very good speech?

Mr. BROOKHART. I should be doing so from the standpoint of the Senator from Mississippi, but there happens to be a different standpoint on the part of some of us. Again the Senator from Mississippi said:

> What is that amendment? Ah, you will be called on to vote on it. I am wondering if this coalition that has been formed between the Republicans and the so-called progressives—who always backslide at the wrong time—is going to endure.

Mr. President, I wish to direct my attention first to the question of who has done the "backsliding" on this tax proposition. In 1924 I was a Member of the Senate, and I had the pleasure of working for a tax bill with the Senator from Mississippi, and also with the distinguished Senator from North Carolina [Mr. SIMMONS]. In that tax bill certain basic elements were worked out and followed. At that time the Senator from Mississippi and other Senators were not for the so-called tax reduction. They were for paying the public debt. I remember on that bill with what enthusiasm the progressives on this side of the Chamber joined with the Democratic side in the enactment of the estate tax. The rates of that tax went up to 40 per cent, and the tax was enacted on the theory that it was not a war measure but a permanent measure of just taxation in the United States. It was the most important principle of taxation that had been enunciated in the Senate in many a day.

I am proud to say that the author of that law was a Representative from my own State, Mr. RAMSEYER, of the sixth district. The bill was further amended on motion of another Representative from my own State, Mr. Green, the distinguished chairman of the Ways and Means Committee. We laid down a principle of taxation that was far-reaching and which was just in every particular. We defeated the Mellon tax plan as to that great proposition, and the Senator from Mississippi helped us do it. Then two years rolled around, and who is it who has backslid or changed? Who is it who has changed front on this proposition of taxation? There is not one of the progressives to-day but will right now vote to put the estate-tax rate back up to 40 per cent, where it belongs.

In addition to the 40 per cent rate, there was only a 25 per cent rebate, I believe—I am speaking now entirely from memory—in that bill. However, two years later, after this backsliding had occurred, there was a rebate of 80 per cent to the States. That, of course, creates a kind of competition or rivalry and contest as it were between the State governments and the National Government. That was put in for a backsliding purpose, in order ultimately to defeat the estate tax itself. Who did that? It was not the progressives on this side of the Chamber; no; that move was led by the distinguished Senator from Mississippi and others on his side of the Chamber. What brought about this change of sentiment, this change of position?

The great estates of this country valued at $10,000,000 and more that were taxed up to 40 per cent have been accumulated by profits, largely excess profits, off the people of the whole country. Such estates form the most just subject of taxation we have, and the tax collected ought not to be rebated to the State, because in only a few States live the owners of most of these great estates, and when we rebate 80 per cent to the States, five or six States in the Union get that special benefit at the expense of all the other States. Yet the great backslider on this proposition was the Senator from Mississippi himself.

In whose interest is this backsliding? For whom is he speaking now? In 1924 he was speaking and voting in the interest of the common people of the United States. Who is to be benefited by this tax reduction he is now proposing? I glean the facts from his own speech, in which he says:

> Here is the United States Chamber of Commerce, just adjourned after its meeting in Washington, composed of hundreds of thousands of members comprising business men and leaders in business throughout the country. Every chamber of commerce and board of trade is a member of it. Only yesterday they passed a resolution, which I asked to be incorporated at the close of my remarks, asking for a reduction of the tax on corporations and criticizing and condemning the policy of the administration for levying these high taxes on the American people and drawing from them more than is necessary to run the Government economically.

The United States Chamber of Commerce seems to be the organization in whose interest this "backsliding" was done.

Again, the Senator said:

> I say to Senators on the other side of the Chamber that they do not fool and they have not fooled the United States Chamber of Commerce.

Mr. President, I have not any desire to fool the Chamber of Commerce of the United States. I am ready to figure out most all the time what it wants and then go the other way as a safe general deduction; and when we passed the tax bill in 1924 we did not do it at the suggestion of the United States Chamber of Commerce; we were not following the lead, nor was the Senator from Mississippi following the lead, of that great profiteering crowd in 1924. Backsliders! Senators who make such a charge had better think of their own records before they accuse anybody of "backsliding." I know of no progressive on this side of the Chamber who has changed his position on a single principle relating to national taxation since 1924. It is the Senator from Mississippi himself who has changed and taken this other view.

Now, what about the corporation tax? I am for a graduated corporation tax.

Mr. FLETCHER. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Iowa yield to the Senator from Florida?

Mr. BROOKHART. I yield.

Mr. FLETCHER. Do I understand that the Senator is opposed to crediting on the Federal estate tax the amount of the inheritance or estate tax paid to the State?

Mr. BROOKHART. Yes; and I will tell the Senator why.

Mr. FLETCHER. I am not sure, but I think the Senator from Mississippi opposed the continuance of the Federal estate tax and contended that that field of taxation should be left to the States. I think he was also opposed to the credit of 25 per cent in the act of 1924 and the credit of 80 per cent in the act of 1926, and now to be continued, according to the action of the other House. I think the Senator from Mississippi was opposed to both those propositions. I am glad to hear the Senator from Iowa is opposed to the credit arrangement, which is an effort, pure and simple, to coerce the States, and I should like to see him opposed to the Federal estate tax entirely, because I think that field should be left to the States.

Mr. BROOKHART. Mr. President, I will be glad to explain briefly my position upon both of those propositions.

I do not believe in a double estate tax. I should like to see it arranged so that the estates accumulated in intrastate commerce should be taxed only by the States and the estates accumulated in interstate and foreign commerce should be taxed only by the Federal Government. I think that is the logical division of this estate-tax proposition. A proposition of that kind is probably very difficult if not impossible of administration, however, because it would be impossible to untangle them. I should, therefore, instead like to see the States limited to estates of different amounts, so that small estates of $100,000, $200,000, or $300,000—whatever will be a reasonable division—will be left to the States to be taxed and the large estates will be taxed by the National Government.

I am entirely opposed to any rebate whatsoever, and I will illustrate that.

Let us take Henry Ford's estate; and I take that only because everybody knows so well something of Henry Ford's great business. Let us suppose that estate were to be taxed now, and we will suppose it is $2,000,000,000. I have no doubt it is more than $2,000,000,000. Under the present rate of 20 per cent that estate would then pay $400,000,000 in taxes, and under the rule of rebates $320,000,000 of that, or 80 per cent of it, would go back to the State of Michigan, although perhaps that vast sum was created as much by the State of Florida as it was by the State of Michigan; and it is unjust that any portion of that should be turned back to Michigan in any different way or any different degree than to the State of Florida. Therefore that money should remain in the National Treasury, and it should go to pay for building our roads.

I am in favor of the Government building roads without State aid. I have supported in this session a $50,000,000 road bill presented by the Senator from Tennessee [Mr. MCKELLAR]. I have voted to report out that bill. That is a Federal aid bill. I have supported a bill providing for another Federal road from the Atlantic coast to the Pacific coast, introduced by the Senator from Delaware [Mr. DU PONT] that is to be built entirely by the Federal Government itself. These estate taxes, with the tax properly levied, are the best basis for dealing with that situation.

I think that answers the Senator's question so far, at least, as my position is concerned.

Now, I want to say a word about the corporation tax.

I am for a graduated corporation tax, but it ought to be graduated on the right basis. The right basis is the rate of income on the fair and honest capital investment. For instance, if a corporation has a 4 per cent earning upon its capital investment—and I mean by that an honest capital—it ought to have a low rate, perhaps 2 or 3 per cent. We ought to start at a low graduation. If it has an earning of 4¼ per cent that

rate ought to be increased perhaps 1 per cent or more, and the graduations ought to be made on that basis; and after we reach the grades of excess profits they should be graduated up still higher.

What is an excess profit in the United States? I should like to define that again. I have had occasion to do it a few times. I say to you that the American people are only producing 5½ per cent, with all their capital, all their labor, all increase in property value, and all depreciation of the dollar added together. If, then, the average earning of all the country is but 5½ per cent, you are reaching an excess profit when you pass 5½ per cent; and then the rates should be increased.

Again, we have a difficulty of administration in that matter, because to go out and survey the value of all these corporations is almost an interminable job. Look at the difficulty we have had in determining the value of the railroads. I think the Senator from Massachusetts [Mr. WALSH] raised a great and a vital question to the future of our country when he said we had created corporations in this country that had run away with the very powers of our Government. That is true. I have contemplated preparing a bill that would call for a regulation of these corporations; and I think the time will come when we must take all these corporations in interstate commerce into Government charter, and the value of their capital must be put upon a gold-dollar basis—a cash basis. It must not be an inflated value. As soon as we have made that regulation and have established that basis for corporate capital, then we can tax them with a proper, graduated corporation tax; and I am ready for that at any minute.

Mr. President, I should like now to ask the chairman of the committee in reference to who pays the taxes to the Government of the United States. I want to see if anybody else outside of the members of the Chamber of Commerce of the United States is going to be benefited by this fake, camouflaged tax reduction that the Senator from Mississippi is advocating.

In the report on this bill I find that we collect from customs $585,000,000 and $2,000,000 of tonnage tax. Then comes current income tax, $1,890,000,000. Does that include the corporation tax, I will ask the chairman of the committee?

Mr. SMOOT. My attention was distracted. I did not hear the Senator's question.

Mr. BROOKHART. In the report of the committee on page 2, in setting out the amount of taxes authorized for 1929, according to the estimate—this is only an estimate, but it is not far different from the old law—the current income tax is given as $1,890,000,000.

Mr. SMOOT. That includes the corporation tax.

Mr. BROOKHART. That is corporation tax and individual income tax both. In that you reduce the little corporations by raising their exemption from $2,000 to $3,000?

Mr. SMOOT. That is true.

Mr. BROOKHART. Then I want to call the attention of the Senator from Mississippi to the fact that I put in the RECORD some time ago figures of Mr. Hoover showing that since 1922 177,000 corporations in the United States have operated at a loss and have had no tax whatever to pay and are exempt from tax on that account, so that the little corporations of the country are not paying this great tax. It is the big corporations that are paying it. In fact, it is the big fellows that are paying most of the Government tax, except the indirect prices that are put upon the people, perhaps, by the customs duties.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. BROOKHART. I do.

Mr. SHIPSTEAD. How is this so-called tax reduction going to help the farmer and the laboring man, then?

Mr. BROOKHART. That is what I was coming to. The Senator from Minnesota very properly asks how the Senator from Mississippi, with all his talk of tax reduction, is going to reduce taxes on the farmers of the United States or on the laboring people of the United States. I quoted, I think before the Senator from Minnesota came in, the statement of the Senator from Mississippi [Mr. HARRISON] that he is reducing taxes for the members of the United States Chamber of Commerce They are his clients in this great patriotic system of tax reduction in this campaign year.

I notice here an item of "Miscellaneous, $630,000,000." Will the Senator from Utah explain who pays those items, mainly?

Mr. SMOOT. That includes all payments which we receive from railroads and other sources, such as small taxes that will be collected.

Mr. BROOKHART. None of that is collected from the farmers of the United States?

Mr. REED of Pennsylvania. Oh, yes, Mr. President. Every time a farmer smokes a cigarette, he pays part of it.

Mr. BROOKHART. He pays that indirect tax?

Mr. REED of Pennsylvania. Tobacco taxes are the most of it.

Mr. BROOKHART. He smokes his cigarette and pays his tax, and then when the cigarette king of the United States and the world dies we rebate 80 per cent of his taxes back to the State in which he lived.

Mr. President, I think this tax-reduction talk is political talk. I think its appeal is to the profiteer and to the campaign contributor. I think he is the fellow that gets the benefit. If any benefit is going to come from the other side of the Chamber for this illogical and unreasonable talk of tax reduction, it will be an increase in campaign contributions; and I think you will be worse fooled by the United States Chamber of Commerce than the Senator from Utah has ever fooled us progressives.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. BROOKHART. I do.

Mr. HARRISON. If I understand the Senator's position, it is that he does not believe in tax-reduction legislation at this time.

Mr. BROOKHART. I do not.

Mr. HARRISON. The Senator would apply the surplus to the national debt?

Mr. BROOKHART. I would.

Mr. HARRISON. While I am on my feet, let me ask the Senator whether he is in favor of the committee amendment or the amendment of the Senator from North Carolina [Mr. SIMMONS] with reference to the reduction of surtaxes?

Mr. BROOKHART. I am not sufficiently familiar with the bill to understand just what items the Senator refers to.

Mr. HARRISON. That is the pending question. I thought perhaps the Senator did not understand it.

Mr. BROOKHART. I am not for reducing any of those taxes. I would increase them, as I said, and I would increase the estate tax away up.

Mr. HARRISON. But when the Senator is called on to vote on the pending question, and will have to support either the amendment offered by the Senator from North Carolina or the Committee amendment, does the Senator know now how he is going to vote?

Mr. BROOKHART. I think I do.

Mr. HARRISON. How is the Senator going to vote?

Mr. BROOKHART. I am going to vote for the committee position.

Mr. HARRISON. I see.

Mr. BROOKHART. Mr. President, I think, then, I shall vote against the whole bill. I certainly shall unless there are some provisions dealing with questions of administration that it is desirable to pass. I do not believe in tax reduction at all at this time. I know it is not for the benefit of the people of the country to reduce these taxes. Now is the time to pay this debt, while we have the money, and while the profiteers who made the money out of the war are still at hand to be taxed for that purpose.

Again, Mr. President, I desire to inquire, Is there any provision in this bill for the $400,000,000 that has been provided in the farm bill that has passed both Houses of Congress? Is that included in this estimate?

Mr. SMOOT. That would come in an appropriation bill, not in this bill. If that bill becomes a law, whatever expense may come from the enactment of that law will have to be taken care of in the urgency deficiency appropriation bill which the House, I think, began considering Saturday.

Mr. BROOKHART. But has it been included in these tax estimates?

Mr. SMOOT. It has not.

Mr. BROOKHART. Then, if that bill should become a law, it will create a deficit; will it not?

Mr. SMOOT. It all depends upon how much money would have to be appropriated for the first year. If the full amount of appropriation were made, of course then there would be a deficit right off. There is no question about that.

Mr. BROOKHART. The Senator will concede that if we handle the exportable surplus of agriculture the first year, it would take it all and more, too; would it not?

Mr. SMOOT. Yes; if they handle all of the products that are provided for in that bill, the $400,000,000 will not be sufficient.

Mr. SHIPSTEAD. Mr. President, is the Senator talking about the farm bill?

Mr. BROOKHART. Yes.

Mr. SHIPSTEAD. If the Senator will permit me, with regard to the farm bill, I think if the Senate will investigate the

amount of farm products imported into this country, unless some tariff schedules are written into the law to stop some of these imports and make that bill effective, the chances are that the whole world will ship agricultural products in here, and we will have to buy the products of all the world.

Mr. SMOOT. Of course, the Senator knows my position on the question of the tariff rates upon agricultural products. As far as I am personally concerned, I will support any kind of a tariff rate suggested by the organizations, as we did in the passage of the act of 1922.

Mr. BROOKHART. I think that proposition is beside the one we are now discussing.

Mr. SMOOT. Oh, it is entirely aside from it.

Mr. BROOKHART. It is all right; but I want to confine my discussion at this time to the question of what is provided for in this bill, and the necessity for tax reduction.

No estimate is made, and no sum is included for the farm bill. Therefore the farmers are to have no relief from the Treasury of the United States. On the other side of the Chamber, after all this talk about farm relief, after the Senator from Mississippi voted for the farm bill, then he brings in a bill with less provision for taxes than even the committee on this side of the Chamber, with less provision to take care of the farmers than would the bill now pending.

Mr. President, I desire again to ask the chairman of the committee if there is included in the estimates in connection with this bill anything for flood control.

Mr. SMOOT. Not any estimate that has been sent from the Bureau of the Budget.

Mr. BROOKHART. These estimates, then, are all made without allowing anything for expenditure on flood control?

Mr. SMOOT. I think that is true.

Mr. BROOKHART. Does the Senator have an idea how much would be expended under the flood control bill the first year?

Mr. SMOOT. I think the general understanding is, not to exceed $30,000,000.

Mr. BROOKHART. Then these propositions for tax reduction are altogether without reference to the interest of the people of the United States. They are in the interest of the chamber of commerce and of politics, a play on politics.

Mr. President, there is one other situation in regard to taxation which I think ought to be considered now, and one other reason why I am not for tax reduction. That is in reference to the soldiers of the United States—I mean the common soldiers. I introduced a pension bill at this session. It is a general bill, graduating all of the soldiers of the Spanish-American War into the pension rates and grades of the soldiers of the Civil War, putting the soldiers of the World War under the same law under which the Spanish-American soldiers are now.

When I introduced that bill, in a general way, I thought probably it would cost three or four hundred million dollars, maybe more, but the chairman of the Committee on Pensions, the Senator from Indiana [Mr. ROBINSON], asked the Secretary of the Interior for a report upon the provisions of the bill, and in his report he showed that raising the 150,000 survivors and 250 nurses of the war with Spain, the Philippine insurrection, and the China relief expedition now on the rolls to the varying rates indicated, increasing them to the rates now paid to the Civil War pensioners, would cost approximately $63,350,000.

Mr. WALSH of Massachusetts. Mr. President——

Mr. BROOKHART. I yield to the Senator.

Mr. WALSH of Massachusetts. Does the Senator's bill propose a pension for all Spanish-American veterans and World War veterans, based upon their reaching a certain age, without regard to physical disability?

Mr. BROOKHART. I did not change the provisions of the law as it now applies to the soldiers of the Spanish War. I simply placed the World War veterans under the same law and with the same rates.

Mr. WALSH of Massachusetts. Civil War veterans now receive a pension without regard to their physical condition. I was wondering whether the bill of the Senator proposed a pension to the Spanish War veterans and World War veterans upon reaching a given age, without regard to their incapacity.

Mr. BROOKHART. That is the form in which the bill is drawn, the same as applies to Spanish war veterans; but I would have no objection to an amendment that would reach the proposition which the Senator suggests.

Mr. WALSH of Massachusetts. The law that pensioned all Civil War veterans was not passed for a good many years after the Civil War, and was originally with age limitations.

Mr. BROOKHART. Yes; it was too long afterwards. All pension bills have been delayed too long. We have turned loose hundreds and thousands of war profiteers in these wars, to make millions out of the blood money of the war and then have delayed an economic reward for the soldiers themselves until most of them were dead and gone.

Mr. SMOOT. Mr. President, if I remember correctly, the last bill affecting the Spanish war veterans took into consideration age as a disability, the same as with regard to soldiers of the Civil War.

Mr. WALSH of Massachusetts. The bill of the Senator from Iowa is much more liberal than the last bill enacted.

Mr. SMOOT. I have not read the bill, so I can not say; but in answer to the question as to the Spanish War veterans, the attaining of a certain age would have the same result as with regard to Civil War veterans.

Mr. WALSH of Massachusetts. I understand Civil War veterans are pensioned regardless of age, and that there is no legislation of this nature regarding World War veterans.

Mr. BROOKHART. Does the Senator from Massachusetts remember the age limit fixed in the law for Spanish War veterans?

Mr. WALSH of Massachusetts. I have the impression that Spanish War veterans receive varied amounts according to their ages and regardless of physical condition. Those who are 62 years of age receive $20; those who are 68 years of age receive $30; those who are 72 years of age receive $40; and those 75 years of age $50.

Mr. BROOKHART. Before they draw a pension?

Mr. WALSH of Massachusetts. Yes.

Mr. BROOKHART. They all draw pensions at 62 years, even without any disability?

Mr. WALSH of Massachusetts. They draw pensions for disability at any time.

Mr. BROOKHART. At any age?

Mr. WALSH of Massachusetts. Yes.

Mr. BROOKHART. My bill would make the same provision for the soldiers of the World War, if it should be enacted. There are just the two propositions: First, to put the Spanish War soldiers on the basis of the Civil War soldiers at this time, and, secondly, to put the World War soldiers on the basis of the Spanish War soldiers. That being done, the first proposition would cost only $63,350,000 and the second proposition would cost only $73,800,000. Yet instead of doing justice to these soldiers, the Senator from Mississippi wants to reduce taxes on the United States Chamber of Commerce.

Mr. President, I ask leave to insert in the RECORD the letter from the Interior Department to the chairman of the Committee on Pensions regarding this matter.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, February 9, 1928.

Hon. ARTHUR R. ROBINSON,
Chairman Committee on Pensions, United States Senate.

MY DEAR SENATOR ROBINSON: I am in receipt of your letter, inclosing a copy of bill S. 1880, granting increase of pensions to soldiers, sailors, and marines of the war with Spain, the Philippine insurrection, and the China relief expedition, and to widows, children, and dependent relatives of said soldiers, sailors, and marines, and granting pensions to World War veterans, and for other purposes, concerning which you ask for a report.

Section 1 of the bill increases the rate of pension of soldiers, sailors, and marine of the war with Spain, the Philippine insurrection, and the China relief expedition, their widows, children, and dependent relatives, to the rates granted on account of service during the Civil War.

Existing laws provide as follows:

	Per month
Civil War survivors:	
If in a National or State soldiers' home	$50
If not in a National or State soldiers' home	65
If totally helpless or blind or so nearly so as to require the regular personal aid and attendance of another person	72
If totally helpless or blind and in a National or State soldiers' home	72
If totally helpless or blind and not in a National or State soldiers' home	90
Survivors, including nurses, war with Spain, Philippine insurrection, and China relief expedition:	
Disability proportioned to the degree of inability to earn a support	20–50
If regular aid and attendance of another person needed or required and not in a State or National soldiers' home	72
If regular aid and attendance of another person needed or required and in a State or National soldiers' home	50
Age, regardless of physical condition:	
62 years	20
68 years	30
72 years	40
75 years	50
Dependent parents:	
Civil War	30
War with Spain, Philippine insurrection, and China relief expedition	20

Widows and minor children receive the same rate, whether Civil War or war with Spain service; that is, $30 per month plus $6 per month for each minor child under 16 years of age.

There are approximately 150,000 survivors and 250 nurses of the war with Spain, the Philippine insurrection, and the China relief expedition now on the rolls at the varying rates above indicated. To increase these to the rates now paid to the Civil War pensioners would cost approximately $63,350,000.

Section 2 of the bill grants title to any soldier, sailor, marine, or nurse, entitled to the benefits of the World War compensation act as amended, their widows, children, or dependent relatives, and at the rates now provided for service during the war with Spain, the pension therein provided being in addition to all other pensions, bounties, and compensations granted on account of service in the military or naval forces during the World War; that is, for survivors at rates from $20 to $30 per month, proportioned to the degree of inability to earn a support; or if by reason of physical or mental disabilities, regular aid and attendance of another person is needed or required, at $72 per month, provided the disabilities are not the result of vicious habits and the applicant is not an inmate of a State or national soldiers' home; or, regardless of physical condition, for attained ages, as above specified; widows and children at $30 per month, plus $6 for each additional child under 16 years, and dependent parents at the rate of $20 per month.

Approximately 3,400,000 veterans of the World War and 110,000 dependents have been awarded adjusted compensation. Assuming that 10 per cent of the survivors have at least a 10 per cent disability, thereby entitling them to $20 per month under the bill, and that all the dependents would be eligible to the proposed pension, the cost of this item would be approximately $73,800,000.

* * * * * * *

The approximate aggregate cost of the bill would be $137,150,000.

I am unable to recommend that this bill be enacted into law.

A copy of this report was forwarded to the Director of the Bureau of the Budget, who advises that the proposed legislation is in conflict with the financial program of the President.

Very truly yours,

HUBERT WORK.

Mr. HARRISON. Mr. President, I was somewhat surprised at some of the utterances of the Senator from Iowa [Mr. BROOKHART], and I was not surprised at other utterances of the Senator. I know that there are some things about which he and I are in disagreement, and there are other propositions on which we have joined battle lines together.

I was surprised at that part of the Senator's speech referring to the soldiers of the country, and seeking to give the impression that I was opposed to that body of our citizens being taken care of by reasonable and adequate appropriations. The Senator knows I have never voted against an appropriation to take care of the needs of the soldiers of this country.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. BROOKHART. I am very much delighted to hear those remarks from the Senator, and I will say to him that if he will lead his side of the Chamber, we can get votes on this side to pass that pension bill right now, and eat up $140,000,000 of tax reduction.

Mr. HARRISON. So, Mr. President, I have always tried to vote to take care of the needs of those who fought for this country. I admire the gallantry and the fine war services rendered by the distinguished Senator from Iowa; but when the Senator from Iowa criticizes me for my views with reference to tax reduction, I am complimented that I find myself at variance with his views.

The Senator stated, in answer to a question which I propounded to him, that he was against any tax reduction. By his vote two years ago he indicated that he was against any tax reduction then. He also stated in his speech that he would now increase the surtaxes in the higher brackets to 40 per cent if it were within his power. I doubt not that the Senator would go even higher than that and vote for the old war-time surtaxes and make the rate 65 per cent.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. BROOKHART. The Senator is in error as to the surtaxes. I was talking only of the estate taxes.

Mr. HARRISON. The Senator then is in favor of the present surtax in the higher brackets?

Mr. BROOKHART. I am in favor of a surtax; yes.

Mr. HARRISON. I know; but there is a great deal of difference between that and being in favor of the rate in the present law. Is the Senator in favor of the rate of surtax in the higher brackets as in the law? [After a pause.] The Senator does not know what the rate is now, does he?

Mr. BROOKHART. No; I am not familiar with it.

Mr. HARRISON. I thought so. Very often we hear men discuss on the floor of the Senate something about which they know absolutely nothing, and here is the Senator criticizing me for votes cast in the past and for my views with reference to tax reduction when he does not know what the surtax is in the higher brackets in the present law.

That is just carrying out my idea as to the Senator's information. I asked the Senator as to the pending amendment, which is the amendment reported by the committee reducing surtaxes, and the Senator said he was not familiar with that amendment. I asked him whether he was for the amendment or for the substitute offered by the Senator from North Carolina and he said he did not know. I am not surprised because he did not know anything about this subject matter.

That was a frank admission. Then, after he stated he did not know what was the issue here, he admitted that he was for the committee amendment.

Mr. BROOKHART. Yes; and the Senator forgot I indicated I was against the entire bill.

Mr. HARRISON. Oh, yes; the Senator said he was against the whole bill. In other words, he is "agin" everything except, I believe, that he would repeal the present estate tax law, although he paid high eulogy to the distinguished Congressman from Iowa, who was recently chairman of the Committee on Ways and Means, and who not only conceived but put through the House that law. The Senator from Iowa is blowing hot and cold by paying high tribute to the Congressman from Iowa and yet condemning his handiwork. The whole coalition over there, as I understand—and the Senator can deny it if he will—and the reason why he is voting with them over there is because there is some understanding with reference to the estate tax.

Mr. BROOKHART. I must correct the Senator in reference to Congressman Green's position. He opposed any change in the estate tax law as ardently as it was possible for him to do.

Mr. HARRISON. Congressman Green conceived, as I understand, the present plan and engineered it through the House, and it is now the law. At any rate he got that credit.

Mr. BROOKHART. Congressman Green opposed the rebate entirely, but it was forced upon him. Recently we had a discussion here in which it was said that he was elevated to the bench because he had opposed the rebate plan.

Mr. HARRISON. That is immaterial. The Senator started out by quoting from a speech I made on Saturday. Really, I am sorry that he did not read more of it, because it was a good speech. When the Senator quotes from me he is then making a good speech. It is only when he gets away from quoting me that he falls into error. He was defending the proposition that he and his friends were not backsliding, but that I was backsliding, and then he began to talk about the estate tax. I have been consistent in my position with reference to the estate tax. I have never backslidden at all on the estate tax. My position is known by my votes and by my utterances. I do not believe in double taxation. I voted against the imposition of the estate tax by the Federal Government. I voted not only once but many times for the repeal of the estate tax.

I am delighted that it was not put in this bill. It is not in this bill at this time. The House has not touched the estate-tax feature of the law at all. The Senate Committee on Finance, when it first took action, voted to repeal it on the recommendation of the Treasury Department, but when they found that there was a threat in the Senate that if they brought out a provision repealing the estate tax there would be a filibuster employed and that tax reduction would be denied to the American taxpayers, they changed their tactics. When they were served with notice by those who will be in conference upon the part of the House that if we touched the estate tax in the Senate, if we repealed the estate tax, there would be no tax reduction at all at this time, then it was that the majority members of the committee turned about face, rescinded the action they had taken in the Finance Committee, and so there is no question pending here with reference to estate taxes.

I feel at this time that if the proposition should arise, that I do not think I would join in for a repeal of it on this bill because of circumstances surrounding the question. I am going to do nothing that will prevent tax reduction during this session. I fear that will. My position has been entire consistent.

Now, coming to the proposition of the Senator about the great fight we had made on this side of the Chamber in 1921 and 1924 against Mr. Mellon and against those in the Senate who thought as he did with reference to reduction of surtaxes, the Senator said that I changed my position in 1926. No; I have never changed my position. I have certain views with respect to tax reduction. Those views are the views for which my party has ever stood. That is, that in the granting of reductions we should first give relief to those who need it most. That has been the policy of my colleagues in the House and of my col-

leagues in the Senate. Our record has been made. It was because Mr. Mellon would have the favored rich get the greatest reduction and refuse it to those who need it most, that we battled him in 1921 and again in 1924. It was in that suggestion, where the Secretary of the Treasury and you on that side tried to give 1,200 of the 3,585,895 income-tax payers in America 51 per cent of the total reduction.

It was in the benign pages of that proposal that incomes of $5,000,000 were to be benefited by a reduction of $1,335,832, while incomes of $3,000 were to receive only $8.75 reduction. This Senate amendment is patterned from the same plate and italicized from the same idea.

It was under the whip and spur and united effort of Senators on this side of the aisle that we forced consideration in 1921 and again in 1924 of tax reductions to eliminate millions from the payment of normal taxes, to eliminate millions from the payment of surtaxes in the lower brackets, and to relieve many millions more by giving reductions, not as great in the higher brackets as Mr. Mellon and those who believed as he did in the Senate and in the House wanted, but we relieved them appreciably. This was done under the influence of the Democratic minority in the House and in the Senate, and ours is the credit more than those on the other side of the aisle. What was done we forced to be done. We did not give in 1924 the reduction to 20 per cent, may I say to the Senator, which is the present rate in the higher brackets, until we had eliminated from the payment of taxes the millions of whom I have spoken, and the other millions who had had their taxes reduced in the lower brackets.

Upon what theory of government is it that a man should sit here in the Senate of the United States and, when we have surpluses piled up in the Treasury, continue to keep the taxes high just because he has the power to do it? Taxes should not be levied except in sufficient amount to run the Government. When we do not need the taxes why should we continue to impose them? I would not vote to increase the taxes now in the higher brackets, although I am opposed to reducing them in the higher brackets at this time. I hope the time will come when we can give a further reduction in the higher brackets, but that time is not here now. So when there is a surplus, as there is now a surplus, amounting last year to $400,000,000, and every reason to believe it will be a like sum this year, we must reduce taxes, and the question presented to us is where we shall cut.

We on this side of the Chamber believe in reducing the taxes for those who have had the least cutting of taxes in the past, and that is why we started in the beginning to eliminate the nuisance taxes, the war-time taxes that were never known by this Government except when our Government had been thrust into the midst of war. We have made our efforts to do away with those taxes. In some instances we succeeded and in others we have failed.

If it had not been for our aggressiveness and our united efforts the tax on automobile parts would not now be eliminated from the bill. I dare say that the distinguished Senator from Michigan [Mr. COUZENS] knows that to be quite true, because he was the only member of the Finance Committee on the Republican side who in the beginning favored the elimination at this time of the tax on automobile parts. We Democrats were united on the proposition, and it was a Republican fear that they would be defeated on the floor of the Senate if they rejected our proposal which caused them finally to agree to eliminate the proposition.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New York?

Mr. HARRISON. I yield.

Mr. COPELAND. I want to be clear in my mind about this matter. As I understand the Senator from Mississippi, the Republicans were not willing to have the tax taken off of automobiles, and it was only as a result of the persistence of Democrats that the change resulted in the bill?

Mr. HARRISON. On a record vote in the committee they voted us down, and even when the distinguished Senator from Michigan [Mr. COUZENS] voted with us, we were unable to carry the proposition. The only reason why they turned turtle on the proposition was because they knew they could not stand the assault in the Senate, and that the tax would be eliminated on the floor of the Senate. Two years ago, in consideration of the 1926 tax bill, we made a proposal to eliminate this tax. We voted the proposition out here. On this side of the aisle we voted solidly to repeal the automobile tax, but many Senators on the other side of the Chamber voted against us. Theirs were the only votes that were recorded against it, but there was a sufficient number over there to retain, finally, the tax. I think my friend the Senator from Iowa [Mr. BROOKHART], who took occasion to criticize me this morning, voted with us on that question when we put it over in the Senate at that time.

Mr. BROOKHART. Mr. President, I did not quite understand the Senator's proposition.

Mr. HARRISON. Two years ago the automobile tax came up for elimination. The Senator voted with us on that, I think.

Mr. BROOKHART. I may have voted for that, possibly, but I voted against the whole bill.

Mr. HARRISON. Oh, yes; the Senator voted against the whole bill. He voted against the whole proposition. But after we had passed the amendment eliminating the automobile tax and the bill went to conference, then it was that the conferees repudiated what the Senate did. Mr. Mellon said, "Oh, the Treasury will not stand for it. You have written a bill that reduces taxes nearly $500,000,000, and the Treasury will stand for only about $300,000,000. You must eliminate that provision whereby you take the tax off of automobiles." Senators relied on the recommendation and statement of the Treasury Department and were forced to recede from the action of the Senate. The Senator from Utah was then chairman of the conference and the first to retreat. When the bill was finally incorporated into law that tax was restored.

Notwithstanding the advice given by the Secretary of the Treasury, which was relied upon by Republican Senators, that we could not cut the tax any further than he said and notwithstanding that we reduced the taxes $383,000,000, there was a surplus at that time in the Treasury of over $300,000,000 and the next year it climbed until it reached over $600,000,000.

Those are the facts, and they will not be denied, and yet the Senator from Iowa says the Democrats should not have reduced the surtaxes. In 1926 we undertook to reduce them, and it was our amendments to the bill relating to the reduction of the surtaxes that were finally adopted in the committee. It was our appeals which brought about and gave great reductions to millions of moderate means. Yes; we had reduced it some in the higher brackets, but the Treasury could stand for that cut.

Here are corporations, as I have pointed out, which the Senator from Iowa says I am defending. That is all right. I am glad the time has come in America when every institution and every class of people can be defended, as they ought to be defended, when they are in the right. My party believes in equal and exact justice to every man in every class of business in the country, and as long as a corporation confines itself within the law I care not how big and prosperous it may become. I want to see it treated fairly.

Corporations are no bugaboo to us as Democrats. Treat them decently, treat them fairly, and do not look at them as though they were assassins, as my friend from Iowa would. He is obsessed against corporations. The man who has a little money, made by his own efforts and zeal, should pay it all to the Government, according to the Senator's theory. That is not my idea of government. That is not my philosophy of life. Deal equitably with all men; deal impartially with all of our citizens. Corporations are but aggregations of individuals who subscribe to the stock of the corporations and own it.

People in New York own stock in corporations in my State; people in my State own stock in corporations in Michigan. Upon them depends in a large degree the prosperity of the country. If we have a great surplus in the Treasury, why should we want to destroy them and at the same time destroy the business of the country? No; as I pointed out on Saturday in 1909 there was only a 1 per cent corporation tax levied upon the corporations of the country, and during the World War we shot it up from 2 per cent until we had levied a 12½ per cent corporation tax, an excess-profits tax in addition to that, and in addition to all that a capital stock tax. There is no class of people in America from whom more taxes were exacted during the war than the stockholders of corporations, and yet despite that high increase from 1 per cent corporation tax to 12½ per cent two years ago, in peace times, the majority of the Republican Party increased it to 13½ per cent, when we were reducing the taxes of everybody else.

I say, Mr. President, since we have reduced the tax on individual incomes, since we have lowered the normal tax, since we have eliminated millions in the lower brackets from the payment of the surtax, the time has come when the stockholders of the corporations of the country are entitled to some tax reduction. So we on this side of the Chamber put the question to the Senate as to whether or not it would reduce the corporation tax to 11½ per cent as the other House had voted to do. There was not a division in the House on that proposition. The Republicans from the Senator's own State, Democrats from my State, all unitedly voted to put into this proposed law a reduction of the corporation tax to 11½ per cent; and yet on the roll call the distinguished Senator from Iowa and all Senators on the other

side of the Chamber unitedly voted against that proposition and made the tax on corporations 12½ per cent.

Yes; I am glad to defend my position with reference to it. I wish that the Treasury of this Government were in such condition that we could reduce the corporation tax to 10 per cent, or to 8 per cent, aye, I wish the time would come when we can bring the tax back to the pre-war days of only 1 per cent. The American people, I do not care whether they live in Iowa or in New York or in Mississippi, do not get much pleasure out of paying taxes; no one does; a tax is a burden; and I say that the broad shoulders of the highly favored few should carry the burden more than the bowed and bent backs of the moderately well-to-do many of this country. That is the position of the Democratic Party; that is our record in this body. I do not believe in destroying any kind of business except the kind that is illegitimate, the kind that, through the violation of laws, saps the lifeblood out of the Nation, and fetters with chains of bondage our own citizens.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER (Mr. STECK in the chair). Does the Senator from Mississippi yield to the Senator from New York?

Mr. HARRISON. I yield to the Senator from New York.

Mr. COPELAND. Does it not strike the Senator from Mississippi as strange that our friend the Senator from Iowa [Mr. BROOKHART], who is devotedly interested in the welfare of the farmer, should be anxious to have taxes remain high? That certainly means, to me at least, that every article that the farmer buys from the manufacturer, every article that the household purchases, will be increased in price by reason of the high tax. The people pay the tax. It does not come out of the rich man's pocket; he does not go out and pick up a chest of gold somewhere to pay the tax. The manufacturer charges it against the people, and the farmers of the West, who are seeking relief, are going to be relieved just as much from the lowering of taxation as any other citizens of the country are going to be benefited by it.

Mr. HARRISON. The Senator from New York is exactly right. The higher corporation taxes are the more the purchaser will have to pay for the products made by corporations.

Mr. President, let me say a few words more in regard to the corporation tax. The Senator from Iowa asked why not help the farmers in some way? I want to help the farmers. I have always helped them. Through proposed legislation and otherwise I have pursued that course. I should like to vote to reduce the tariff rates that are now bleeding the American farmer and other citizens of this country to the amount of $4,000,000,000 annually in increased high costs; but what can we do on that question in the Senate, may I ask the Senator? We can not originate that kind of legislation, nor do we control the machinery that grinds it out. And what would his colleagues over there do with reference to that particular matter?

I am not unaware that the Senator from Wisconsin [Mr. BLAINE] has offered an amendment to this bill on the tariff question. I am opposed to that amendment, and when it shall be offered I will state the reasons for my opposition, and I think then the Senator from Wisconsin will also be against the proposal. I am honestly and sincerely in favor of a tax reduction bill. I want to see taxes reduced by $300,000,000 or $325,000,000, if possible, but if we can not get such a reduction as that because of the circumstances here and our minority position, then I am in favor of getting the most we can. If the utmost is only $200,000,000, well and good; but I am not in favor of the Senate of the United States doing anything that will defeat the final passage of the pending revenue measure. There are many provisions in it that will give some relief; and I am not going to be a party to accepting amendments offered by certain Senators who are in favor of taking all the surplus and paying the national debt without giving any reduction of taxation to the American taxpayer.

Do not let the Senator fool himself that a 13½ per cent or a 12½ per cent corporation tax does not increase the cost of living in this country. The Senator may get it into his head that only the rich in this country own stock in corporations, but it is estimated—the figures vary—that millions of people hold stock in corporations, and I know that when a corporation has to pay a 12½ per cent tax or a 13½ per cent tax it must make it up and that it makes it up by increasing the price of its products to those who buy them.

I know that there are many corporations which give to their employees shares of stock. Many of them are doing that. Those working for the corporations are interested, and I know that when a corporation has got to pay 12½ or 13½ per cent as a corporation tax it is very likely to reduce wages of the men, when it can do so, who work in the particular industry.

So, Mr. President, it seems to me, inasmuch as the Government has increased the corporation tax from 1 per cent in 1909 to 13½ per cent in 1926, the least we can do is to reduce it to 11½ per cent. That was the proposition that was before the Senate. I have said all I desire to say.

Mr. BROOKHART. Mr. President, I care to reply to but one or two of the suggestions made by the distinguished Senator from Mississippi. In the first place, his argument, as suggested by the Senator from New York [Mr. COPELAND], is to the effect that the corporations add their tax to the price of their products and pass it on to the farmer; in other words, the corporations pay no tax. There is some truth in that in reference to the big corporations, but the 177,000 corporations that have operated at a loss since 1922 have passed nothing on to the farmer. The corporation tax should be graduated so that could not be done, but under the plan the Senator is proposing there is no such graduation.

Mr. HARRISON. If the Senator will permit me to interrupt him, I know he wants to be absolutely fair. Let me say that in the proposal we made on last Saturday to give a reduction of 5, 7, and 9 per cent to corporations whose net incomes were less than $15,000 there was carried out the idea of a graduation which gave greater relief to the smaller corporations; but the Senator cast his vote against the proposition.

Mr. BROOKHART. That would not give any relief to the small corporations.

Mr. SMOOT. Mr. President——

Mr. BROOKHART. I yield to the Senator from Utah.

Mr. HARRISON. I wish the Senator from Utah would permit me to ask the Senator from Iowa why the tax proposed will not give any relief to the smaller corporations.

Mr. BROOKHART. I have yielded to the Senator from Utah.

Mr. HARRISON. Will not the Senator from Utah allow the Senator from Iowa to make an explanation? I want the explanation of the Senator from Iowa.

Mr. BROOKHART. I should prefer to do my own yielding.

Mr. SMOOT. Mr. President, one thing that will happen if the graduated tax shall be adopted will be that all chain stores in the United States, in all the little cities wherever they may be located, are not going to pay the 12½ per cent tax; but they are going to take advantage of the graduated tax. There has already been adopted by the Senate a resolution providing for an investigation of those very stores, it being claimed that they are interfering with legitimate business men of the country; and, just as certain as we live, if the graduated tax becomes a part of this bill as proposed they are going all to fall under the lower brackets.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Iowa permit me to ask a question of the Senator from Utah?

Mr. BROOKHART. I yield.

Mr. REED of Pennsylvania. I was not able to be here on Saturday when that amendment was discussed, but it occurred to me as I read the text of it that it ought to be called "An amendment for the relief of the Standard Oil Co.," because they can create a separate corporation for every gasoline station; and by this amendment that the Senate put in on Saturday they are going to get away with a 5 or a 7 per cent tax instead of a 12½ per cent tax.

Mr. HARRISON. Mr. President, will not the Senator yield now so that I can ask him a question?

Mr. SMOOT. Mr. President——

Mr. HARRISON. Just one question.

The PRESIDING OFFICER. The Senator from Iowa has the floor. Does the Senator yield, and, if so, to whom?

Mr. BROOKHART. I yield to the Senator from Utah to finish his statement.

Mr. SMOOT. Mr. President, I had one of the experts in the Government service engaged since Saturday up to the present time in trying to figure out what that amendment really means, and as nearly as he can figure it will be over $50,000,000; and who is going to benefit?

Mr. HARRISON. Has the Senator conferred with Mr. McCoy, the actuary?

Mr. SMOOT. I have not seen Mr. McCoy.

Mr. HARRISON. The Senator will not accept his figures on the proposition. With whom has the Senator conferred who gave him those figures?

Mr. SMOOT. An official of the Government.

Mr. HARRISON. The Senator must have been playing mumblety-peg with himself.

Mr. SMOOT. I wish the Senator would play mumblety-peg sometimes instead of making the statements that he makes. I think it would be to the advantage of the Government of the United States.

Mr. HARRISON. No; I would rather work with the Actuary of the Treasury Department. May I ask the Senator a question in the time of the Senator from Iowa?

Mr. BROOKHART. I yield.

Mr. HARRISON. Was the purpose of the Senator in throwing himself into this breach and answering questions for the Senator from Iowa, when he employed the chain-store argument and the Senator from Pennsylvania employed the Standard Oil argument, merely to hold the Senator from Iowa in line on this proposition?

Mr. SMOOT. Not in the least. The Senator from Iowa is in line just as strongly as any Senator in this body.

Mr. HARRISON. But the Senator wants to hold him there?

Mr. SMOOT. I am sure he thinks for himself; and if any statement made by the Senator from Utah or the Senator from Pennsylvania was not approved by the Senator from Iowa, he would say so and act in accordance therewith.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. BROOKHART. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. May I have the attention of the Senator from Utah? As I understand the Senator's argument, it is that a graduated income corporation tax will result in the breaking up of the big trusts and combines and result in the formation of small unit corporations. I should like to know if that is not going to be a public benefit. For local control, knowledge of ownership, and for levying State and municipal taxes it will be an advantage.

Mr. SMOOT. The Senator from Utah never made any such statement. The Senator from Utah thinks these chain stores are small units in almost every little city that there is in the United States.

Mr. WALSH of Massachusetts. The Senator, I understood, stated that they would incorporate in small units, so as to get the benefit of the low tax upon small incomes.

Mr. SMOOT. And make their returns, perhaps, in affiliated returns, owned by the same identical people, the same percentage owned in every institution.

Mr. WALSH of Massachusetts. But is it not true that they can not get the benefit of this graduated corporation income tax unless their income is small; and to get a small income they will break up into small corporations, small units?

Mr. SMOOT. That is what they are doing to-day.

Mr. REED of Pennsylvania. Mr. President, will not the Senator yield to me?

Mr. BROOKHART. Mr. President, I desire to answer the suggestion of the Senator from Massachusetts myself about that breaking up and the effect of it on these great corporations.

I helped conduct the first hearing against the Standard Oil Co. down in Kansas City, Mo., when the proceedings were started which finally resulted in its dissolution; and after we dissolved it it was worse than it was before. There has got to be something more effective than the mere breaking up of big corporations because there are other powers, when they are broken up, which enable them, providing they are under the same sympathetic management, to engage in less competition and make more profits from the people than they did before.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a suggestion?

Mr. BROOKHART. Yes.

Mr. REED of Pennsylvania. It is all as simple as A, B, C. If they own a hundred gasoline stations, they organize a hundred subsidiary corporations. They own all the stock of every one of them; but those 100 corporations make separate accountings and they get in under the benefits of this amendment adopted here last Saturday, on the theory that they are small corporations, and the benefit all goes to the parent corporation which owns their stock.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. BROOKHART. Just a moment.

The Senator from Massachusetts himself suggested that we had reached a stage in the creation of these corporations where as monstrous a thing as that just described by the Senator from Pennsylvania can be done, and I believe that is true. Until we have regulated these corporations by a law that reaches their profits—there is no other place to touch a corporation—and that graduates their tax according to their rate of profit, we have accomplished nothing by the amendments which have been suggested by the Senator from Mississippi.

Now I yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, it is rather late to make the observation, but do I understand the Senator from Pennsylvania as making the point that because the people who own these service stations in copartnership, probably, or in cooperation with the Standard Oil Co. would get the benefit of these graduated rates, we are to deny the same benefit to all the traders of the United States?

Mr. BROOKHART. As far as I am concerned, I would reach that conclusion. I am for taxing the higher rate of profits at a heavier tax than the lower rate of profits.

Mr. SIMMONS. The Senator is in favor of a graduated tax, as I understand him.

Mr. BROOKHART. But not on the basis of the mere total earnings of any corporation. That does not get the results.

Mr. SIMMONS. That does not appeal to the Senator? The Senator does not favor a graduated tax upon the incomes of corporations up to $15,000?

Mr. BROOKHART. Yes; I believe in a graduated tax on the incomes of corporations.

Mr. SIMMONS. That is what this bill does.

Mr. BROOKHART. But it does not do it on the basis in which I believe.

Mr. SIMMONS. I understand that the Senator now is discussing the corporate tax, not the individual surtax. He is discussing the corporate tax; and what is done by the amendment that the Senate agreed to on Saturday is simply to graduate the tax on incomes of $15,000 or less.

Mr. BROOKHART. But it is on the basis of the total income.

Mr. SIMMONS. On the basis of the total income.

Mr. BROOKHART. And that is not a fair basis of graduation. The right basis is the rate of return on the capital investment. Whenever the Senator brings in a graduated tax of that kind I will stand for it. I have talked it out many times with the late Senator Jones of New Mexico. I was in complete accord with his ideas; but the amendments offered here are not of that character.

What do I mean by that? Here is a corporation earning 4 per cent on its honest capital, we will say. It should have a tax rate perhaps not above 2 per cent of that—a low tax rate. If it earns 4¼ per cent, the rate should be perhaps 3 per cent. If it earns 4½ per cent, it should be 4 per cent, or perhaps more. I am only using these rates by way of illustration; because after it goes above 5½ per cent, which is all the American people can produce, then the graduation should go still higher. I have no objection, a little above that, to taking all of the excess profits in taxes.

Mr. SIMMONS. Then the Senator would readjust all of our individual income-tax rates. They are based upon income, without reference to the amount of capital invested. I may have $100,000 invested in my farm; but if I do not make anything on it I have no income to be taxed, notwithstanding the investment that I have in it.

Mr. BROOKHART. I shall be glad to discuss that proposition with the Senator.

Mr. SIMMONS. That is the basis upon which all of our legislation since the war with reference to individual income taxes and corporate taxes has been based. We have based it, not upon the capital invested, but upon the amount of net profits earned in the operation of the business in which that capital was invested.

Mr. BROOKHART. There are some cases where the same injustice applies as in the illustration the Senator has given, no doubt, and I am perfectly willing to correct those injustices; but there is no proposition of that kind here.

Mr. SIMMONS. But I did not interrupt the Senator for the purpose of that sort of a discussion. I had that sort of a discussion with the Senator from Michigan, and after we had had some discussion he seemed to yield the point and retire from the combat. I rose for the purpose of answering the statement of the Senator from Pennsylvania.

The Senator from Pennsylvania said that when we graduated this tax we allowed certain subsidiary companies, such as service station companies of the Standard Oil Co., to obtain some benefit. It may be, Mr. President, that the law which we have passed in order to give every little corporation in this country the benefit of these lower rates, where their income is less than $15,000, may result in some benefit to some corporation connected or affiliated in some way with the great trusts; but are we to deny relief to the masses of the people of this country because possibly and incidentally some little corporations organized as subsidiaries of these big trusts may get some benefit from it?

Mr. BROOKHART. I think with 177,000 out of 420,000 corporations operating at a loss, we are taking care of the little

fellows. They are more than being taken care of by the big fellows now.

Mr. SIMMONS. If a man is operating at a loss, he has nothing that the Government ought to tax.

Mr. BROOKHART. No; he has nothing, and it is these big combinations that are forcing him to operate at a loss; and if we allow them to break up into little snakes, little subsidiaries that eat up the little independent ones still faster, we have gained nothing by that operation.

No; the Senator is on the wrong basis of graduation of corporation taxes. I am for it on the basis figured out by the late Senator Jones of New Mexico, whom I regarded as a very great expert upon this proposition.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. BROOKHART. I yield.

Mr. KING. The Senator appreciates, I have no doubt, the difficulties which were encountered, when the excess-profits tax was a part of our revenue system, in reaching these results, because of the almost insurmountable difficulties in determining valuations.

Mr. BROOKHART. If the Senator will permit me, I mentioned that in the beginning. I concede that the administration of that kind of a law, as we create corporations in this wild and unrestricted fashion in the United States, is a difficult, almost impossible, proposition. I am ready to put regulations around these corporations that will give us control of their capitalization and control of their earnings, so that we can tax them as they ought to be taxed. We have not done that, however; and we will not have a graduated corporation tax law that is just or fair until we do our duty in that regard. I deplore the fact that the Congress of the United States lies back here helpless, powerless, and says, "We can do nothing," and allows these great corporations practically to rule the country, economically as well as politically.

Mr. KING. Mr. President, may I say to the Senator that the plan which the Senator from New Mexico expounded to the Senate was presented to the Democrats, and in one of our conferences it commended itself to the judgment of the Democratic Party, and it was presented here to the Senate.

Mr. BROOKHART. I voted for it in 1924, and it passed the Senate.

Mr. KING. I know the Senator did; but I am just adverting to the fact that difficulties are encountered in enforcing that policy. I believe, however, apparently insuperable as those difficulties are, that it is a just system of taxation to graduate the taxes upon corporations as we graduate the taxes upon the earnings of individuals; and I think perhaps some formula might be worked out by which the valuation of properties could be ascertained in a just and fair way as a basis for the introduction into our revenue system of a graduated profits tax.

Mr. BROOKHART. If the Senator will present it, I shall be only too glad to support it.

Mr. KING. May I interrupt the Senator again?

Mr. BROOKHART. I should like to conclude very soon.

Mr. KING. I do not want to misunderstand the attitude of the Senator. I rather got the view from his statement a moment ago that he doubted the practicability of enforcing any laws against mergers and corporations and trusts and monopolies.

Mr. BROOKHART. Not any law. If we go straight to the core of the matter I think we can draw a law that can be easily enforced. The trouble about it is that our laws do not go straight to the point.

Mr. KING. Does not the Senator think that the Sherman Antitrust Act and the Clayton Act, if properly interpreted and vigorously enforced, will rob these monopolies of the power which they are now exercising and, by the criminal processes and the injunctive processes of those acts, arrest their monopolistic course, which has so ruthlessly destroyed competition in many branches of industry?

Mr. BROOKHART. That would help some; but the "ifs" the Senator has put in his statement are mountain high. I do not know whether we could even fly to them.

Mr. KING. The Senator knows there are "ifs" in many things in life and in the administration of laws; and many laws which are just and intended to accomplish social and political reform fail in their purpose because not enforced. The trouble with many governments is that when laws have been enacted which have teeth in them and they are not enforced, demands for additional laws are made, and when responded to and these laws fail, still others are demanded, until we have mountains of laws and statutes upon statutes. If the earlier laws were applied the evils sought to be corrected would have disappeared.

Mr. BROOKHART. I think the Senator is right in that proposition. With reference to this matter of passing these taxes on to the consumer all the time, if they were able to do that without question, as the Senator from Mississippi has suggested, the United States Chamber of Commerce would not be before Congress asking for tax reduction. It would be perfectly satisfied with the situation, because it would add in the tax in all cases, and then add in a profit for adding it in, and charge it all up to the people of the country. But they do not succeed in that result so fully, and the fact is that they have to pay some of these taxes. Therefore I think the argument upon that proposition falls.

In conclusion—and I am sorry the Senator from Mississippi ran away; it seems impossible for me to keep him in the Chamber—in the beginning of this session we passed a resolution, introduced by the Senator from South Dakota [Mr. McMASTER], in which we declared for tariff reduction at this session of Congress, and the Senator from Mississippi voted for it. Now he announces that if that is offered by the Senator from South Dakota as an amendment to this tax bill he will vote against it. Who has done the backsliding on this tax question?

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, transmitted the resolution (H. Res. 204) of the House adopted as a tribute to the memory of Hon. LADISLAS LAZARO, late a Representative from the State of Louisiana.

The message also announced that the House had passed without amendment the bill (S. 3565) to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 777) making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War, and it was signed by the Vice President.

MEDICAL OFFICER ASSIGNED TO WHITE HOUSE

The PRESIDING OFFICER (Mr. BINGHAM in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 3456) allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President, which was, on page 1, line 7, after the word "serving," to insert a colon and "*Provided*, That the officer now assigned to that duty shall have the rank, pay, and allowances herein provided from the date of his assignment."

Mr. REED of Pennsylvania. I move that the Senate concur in the amendment of the House.

Mr. KING. May I ask the Senator if, after the officer assigned to this position ceases to occupy it, he will still have the same rank, pay, and allowances?

Mr. REED of Pennsylvania. The bill as passed by the Senate and by the House provides that he shall have temporary rank while so serving.

Mr. KING. And the same will be the case with regard to pay and allowances?

Mr. REED of Pennsylvania. The same with pay and allowances.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the House.

The amendment was agreed to.

GOV. ALFRED E. SMITH

Mr. HEFLIN. Mr. President, I brought to the attention of the Senate and of the country last Saturday the fact that Mr. Van Namee, a member of the Public Service Commission of New York State, appointed by Governor Smith in 1924 for a term of 10 years, is managing Governor Smith's campaign for the Presidency. I want to read the testimony, in brief, on that phase of this matter:

The CHAIRMAN. One of the members of the committee suggests that I ask one further question. Are you a member of the public utilities commission at this time?

Mr. VAN NAMEE. I am a member of the public service commission. I have been since June or July, 1924.

The CHAIRMAN. You are an appointee of Governor Smith, are you not?

Mr. VAN NAMEE. I am.

The CHAIRMAN. That is an appointive position?

Mr. VAN NAMEE. Yes, sir; confirmed by the Senate of the State of New York.

Senator BARKLEY. What is the length of the term?

Mr. VAN NAMEE. Ten years.

The CHAIRMAN. Where is the chief office or headquarters of the commission?

Mr. VAN NAMEE. At Albany, the capital.

So Mr. Van Namee has left his headquarters, his official station, and has gone down to New York City to take personal charge of the campaign of Governor Smith.

Mr. President, I mentioned here Saturday the fact that we had another case on all fours with the case of Frank Smith, of Illinois, a Republican. One of the chief things that caused me to oppose seating him in this body was the fact that while occupying a place on the utilities commission in Illinois Frank Smith was supported by Mr. Insull, the power king of Illinois. Mr. Insull was contributing money to Smith's campaign fund—tremendous sums. Mr. Frank Smith was rendering decisions, as an official of Illinois, paying back many times over to Mr. Insull the amount Insull was contributing to him. So we had the awful and ugly situation, where the power king outside was raising his rates upon the consumers of Illinois, and Mr. Smith, on the inside, as a State official, was rendering decrees that Mr. Insull wanted rendered, approving the increase of rates upon the consumers of hydroelectric power, which put that money back many times over into the pocket of Mr. Insull. No honest man can indorse such miserable and corrupt doings.

Mr. KING. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. KING. I do not wish to project myself into any controversy or into the discussion. I feel, however, notwithstanding my attitude toward the Smith case, that perhaps in the interest of fairness and accuracy it ought to be said that the Public Utilities Commission in Illinois, during a number of years after the appointment of Mr. Smith, lowered the rates upon public utilities, as I remember now, $14,000,000. It has been some time since I read the record and I may not speak accurately, and if I am wrong I shall be glad to correct the statement. I thought in fairness I ought to call the attention of the Senator to that fact.

Mr. HEFLIN. Mr. President, in numbers of instances after Mr. Insull commenced to contribute large sums of money to Mr. Frank Smith's senatorial campaign Mr. Smith increased the rates, and Mr. Insull took in large sums of money because of Mr. Smith's action in the matter. Governor Smith's case is on all fours with that of Frank Smith. The man he appointed to office on the same kind of commission, a powerful commission, which holds the power of life and death over the corporate interests of New York State, has it in his power to increase or lower rates, to approve contracts or disapprove them, and he is taken away from the capital at Albany and put in charge of the campaign headquarters at the Biltmore Hotel to gather in campaign funds for Governor Smith.

Mr. President, I submit that that is exactly parallel with the case where the judge of a court, with a number of people who have cases before him, civil and criminal, have an agent of the judge to come to them and ask for campaign contributions to help reelect the judge to the office he holds. Most of those people would make some contribution, and that deal, if it were put over, would be a shocking, astounding, and criminal act.

Governor Smith has picked out the man of all men appointed by him with power to influence, yes, and to coerce, contributions to Governor Smith's campaign. Mr. Kenny, a rich contractor in New York, a man who has made his hundreds of thousands, his millions, and his tens of millions, in the contracting business in New York City and State. Van Namee sits back in the Smith headquarters, while Kenny is out on the highways and the byways gathering up campaign funds. Mr. Kenny admits that he gave $20,000 and that he loaned $50,000 to Mr. Van Namee for Governor Smith.

Senators, I wonder how many are going to get into this debate on this subject before this matter is over. I wonder how many Senators are going to be able to explain to their constituents that they sat idly by when this phase of the matter was being discussed, when an effort was being made to put the high office of President upon the auction block and barter it to the highest bidder.

Van Namee holds this power. Kenny will go from him to a corporate concern—a street-car company, a railway company, or any other company—and no doubt say, "Mr. Van Namee would like for you to contribute $10,000 or $50,000 or $100,000. Do not send it to him or give it to me, but give it to John Jones at a certain address in this city, and he will send it to North Carolina, or to some other point, and no account will be kept of it, and we will not have to report it." Senators, that is what is going on I am told. They made the very startling statement, the astounding statement, that they had gathered up and expended only $103,000. It would come nearer being $10,000,000 than the amount they named.

I wonder if we are going to permit this to continue, and let them with their pussyfooting scheme accumulate millions to buy the nomination? I am not in favor of any Democrat buying it, I am not in favor of any Republican buying the Republican nomination. I fight corruption in both parties wherever I find it, it does not make any difference with me whether a man is a Democrat or a Republican. When I was convinced that Governor Harding, of my State, appointed by President Wilson head of the Federal Reserve Board, had gone into a conspiracy with the Republican leaders and Wall Street financiers to wreck that banking system and produce a panic, I laid siege to him in the Senate, and I drove him off the Federal Reserve Board in a fight I conducted here for two years.

It did not make any difference to me that he had been a Democrat, and was appointed by President Wilson, a Democrat. I said it is more my duty as a Democrat to clean crooked Democrats out of our ranks than it is particularly to go after crooked Republicans. Each party ought to get rid of that kind of men in its ranks.

Day by day I am going to bring this scandalous matter to the attention of the Senate, and I want to ask the investigating committee publicly to summon Jesse Jones, of Texas, and ask him about contributions; to summon Thomas F. Ryan, of New York; to summon William G. McAdoo, and ask him if he knows anything in connection with this matter, or can give the committee any light, or can point his finger toward where important things can be found out. I want them to bring Mr. Van Namee and Mr. Kenny back again for some more questioning, and I want us to get a list from Mr. Kenny of the big contractors in New York City and State, so that we can interrogate them.

Mr. President, we have been sent here to faithfully guard the interests of this Nation, to protect it from misrule and abuse, and to keep it clear of corruption. Now, when two candidates are literally trying to buy the Presidency we ought certainly to be on our guard. I think Mr. Hoover is spending a vast sum of money in his effort to obtain the Republican nomination, and we know what is going on with Governor Smith's Roman machine. Look what it did to JIM REED up in Wisconsin. He polled 35,000 votes, Smith polled about 8,000, but in an evil hour somehow the Smith machine got in its work and hooked the delegation away for Smith.

I have a great deal of confidence in this committee. I hope the members of it will not be timid. I know that when it is all over they will not want anybody asking questions as to why they did not inquire into this and inquire into that. I know of a lot of information that is going to be given to them and suggestions that are going to be made. I will help them all I can from time to time. I make that promise now.

When I voted in the Senate to deny Frank Smith a seat in this body it was mainly because he used Insull's money to obtain the Republican nomination for the Senate in his State and in return corrupted his office as utility commissioner and laid the burden of increased light and power rates upon the consumers of that State. It appeared on its face to be a corrupt deal, and I would not stand for it. Other Senators felt as I did about it. When Governor Smith, of New York, running for the Democratic nomination for President, appoints a member of his Tammany Roman machine to the office of public utilities commissioner or public service commissioner—the same thing, because Van Namee's work is the same kind of work that Frank Smith did—and when he or his friends select that State officer, with all his great power over the business enterprises of New York State, to go out and get contributions for Governor Smith's campaign, it is time for honest Democrats who love their party and their country to pause and ask themselves the questions: Can we afford to permit this man, with his conception of civic virtues, as shown by this unfortunate, ugly, and brazen act of his, and by his utter lack of appreciation of the desire and importance of preserving American ideals and institutions in their true American form, to become, through the secret and lavish use of money

and corrupt campaign methods, the leader of the party of Jefferson, Jackson, Cleveland, and Wilson? No. And they are not going to do it.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed, without amendment, to the following concurrent resolutions of the Senate:

S. Con. Res. 6. Concurrent resolution to print and bind the proceedings in Congress together with the proceedings at the unveiling in Statuary Hall of the statue of Alexander Hamilton Stephens, presented by the State of Georgia; and

S. Con. Res. 18. Concurrent resolution to provide for the printing of the report of the Federal Commission on Cooperative Marketing of Farm Products.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce.

EAST PORTLAND-ROSEVILLE RAILROAD IN OREGON AND CALIFORNIA

The PRESIDING OFFICER (Mr. STECK in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 3699) for the relief of the land-grant railroad operated between the station formerly known as East Portland, in the State of Oregon, and Roseville, in the State of California, which were, on page 1, line 6, to strike out the words "the same"; on page 1, line 7, after the word "States," to insert "at the same rate"; and on page 1, line 10, after "278)," to insert "*Provided*, That the Congress hereby reserves the right at any time by law to prescribe such charges as it deems advisable for such Government transportation."

Mr. McNARY. I move that the Senate concur in the House amendments.

The motion was agreed to.

TIMBER AND OTHER FOREST PRODUCTS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3556) to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes, which was, on page 5, line 2, after the word "States," to insert ", and in addition to establish and maintain one such station for the intermountain region of Utah and adjoining States, one for Alaska, one in Hawaii, and one in the tropical possessions of the United States in the West Indies, and one additional station in the Southern States."

Mr. McNARY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. WALSH of Massachusetts. Mr. President, may I have the attention of the Senator from North Carolina [Mr. SIMMONS]? I understand the amendment which the Senator proposes in behalf of the minority, with reference to the levying of surtaxes, is now before the Senate.

Mr. SIMMONS. I do not know whether I have offered it formally yet or not. If I have not offered it, I will do so now.

The PRESIDING OFFICER (Mr. BRATTON in the chair). The pending question is on the Senator's amendment.

Mr. WALSH of Massachusetts. I understand the number of surtax payers who are to benefit, if the amendment proposed by the majority of the Finance Committee prevails, is 125,000 individuals.

Mr. SIMMONS. I think that is about the number.

Mr. WALSH of Massachusetts. I would like to ask what number of individual taxpayers will benefit by having the surtax amendment, which the Senator has offered, indorsed or approved by the Senate?

Mr. SIMMONS. I am not in a position to tell the Senator exactly the number.

Mr. WALSH of Massachusetts. Mr. McCoy, the Treasury Actuary, tells me it will be 225,000.

Mr. SIMMONS. That is about my recollection.

Mr. WALSH of Massachusetts. So the difference between those benefiting under the amendment proposed by the Senator from North Carolina, representing the minority of the committee, and under the amendment proposed by the Senator from Utah, representing the majority of the committee, is the difference between 225,000 and 125,000 individual taxpayers. In other words, 100,000 more individual taxpayers who will benefit if the amendment of the Senator from North Carolina prevails?

Mr. SIMMONS. It is my understanding that 225,000 would get the total benefit under the minority plan of reduction. They are the relatively smaller taxpayers.

Mr. WALSH of Massachusetts. May I ask the Senator another question about it? The Senator's amendment would reduce the surtaxes upon that class of individuals whose income is from $10,000 to $20,000 as well as those who have an income of over $20,000.

Mr. SIMMONS. Yes.

Mr. WALSH of Massachusetts. While the proposal of the majority is that no benefit shall be given by a reduction of surtaxes to that group of individual taxpayers who have incomes between $10,000 and $20,000.

Mr. SIMMONS. That is true.

Mr. WALSH of Massachusetts. So that the additional advantage of the Senator's amendment is that it reaches a class of individual taxpayers who are now receiving or reporting incomes of between $10,000 and $20,000.

Mr. SIMMONS. That is correct.

Mr. WALSH of Massachusetts. The third advantage, as I understand it, is that the Senator's amendment would give a reduced surtax to all taxpayers having incomes of between $10,000 and $70,000, while the amendment offered by the majority does not stop in the reduction of taxes at those who have incomes of $70,000, but reduces the taxes on the very rich taxpayers who have incomes in excess of $70,000, the theory of the Senator from North Carolina being that those taxpayers who have incomes of over $70,000 have already had a sufficient reduction. Am I correct in that statement?

Mr. SIMMONS. The Senator is correct. The majority would give a reduction to everybody whose income exceeds $70,000 up to the peak of incomes listed for taxation.

Mr. WALSH of Massachusetts. What sound opposition or argument can be made to the proposition of the Senator from North Carolina, in view of the fact that it reaches a larger number of taxpayers and reaches that class of taxpayers who, most of all, need a tax reduction?

Mr. SIMMONS. That is what I am going to discuss now.

Mr. WALSH of Massachusetts. May I direct the Senator's attention to this thought, which he will probably discuss. To my mind the Federal taxes bear most heavily and are most burdensome to-day, not in the amount that is paid but in the requirement to pay taxes at all, upon that class of professional and business men and women who receive incomes from investments that are within the income brackets between $10,000 and $20,000. They usually are professional men or small business men. They have families. They are educating their children. The cost of maintaining their standard of living is excessively high, and every dollar of tax is burdensome. It seems to me that that part of the Senator's amendment which would give some relief to that very large number of taxpayers—it must be nearly 100,000, according to the figures presented by the experts, who have incomes of between $10,000 and $20,000—makes the amendment proposed by him very much better and very much more desirable than the amendment offered by the majority.

Mr. SIMMONS. Mr. President, in the beginning of this scheme of taxation I think we all agreed that income taxes should be based largely upon the principle of ability to pay. Tested by that rule, of course, the man of small income is entitled to the greatest consideration, because his ability to pay the tax is very much less than that of the big man. For instance, the man who receives an income of $10,000 has not the same ability to pay taxes as the man who receives an income of $100,000 or an income of $1,000,000.

Mr. President, I think the feeling of all of us is that, so far as is consistent with a reasonably clear presentation of the questions upon which the Senate is to vote, the exigencies of the situation are such that we should restrain and limit ourselves in debate to a discussion of such questions as are absolutely pertinent and supposed to be necessary in order to enlighten the Senate. Recognizing that fact, I propose to make my discussion of the surtax question as brief as I possibly can.

Ever since the passage of the act of 1926 there seems to have been an universal agreement upon one proposition, namely, that in the reduction made in that year the taxpayer in the lower brackets of the surtax schedule was not given his just propor-

tion of the reduction then made. That opinion seems to have found approval finally even in the mind of the Secretary of the Treasury, Mr. Mellon.

This year, when it was proposed to formulate and enact another tax-reduction measure, the Secretary of the Treasury expressed his views with regard to the matter. I want to read from the Secretary's recommendation with regard to the new tax bill. His first recommendation is a tax upon corporations of 12 per cent. The committee has exceeded, therefore, and the Senate on Saturday when it voted on the corporation income-tax provision, exceeded by one-half of 1 per cent the recommendation of the Secretary of the Treasury with reference to the amount of that tax. That is to say, the committee and the Senate propose a reduction in corporation income taxes of $41,000,000 less than the Secretary of the Treasury himself recommended.

The second recommendation was with relation to surtaxes, and I will read it:

> That the rate applicable to the so-called intermediate brackets, running from $14,000 to $75,000 of the individual income tax, be revised in accordance with the attached table, resulting in a decrease in revenue of $50,000,000.

In view of what has transpired, that recommendation of the Secretary of the Treasury is startling. He suggested that the reduction needed was within the brackets ranging between $14,000 and $75,000 and he recommended a reduction in the taxes within that range of $50,000,000. Later the committee acted and decided to reduce them only $25,000,000. The Secretary of the Treasury not only recommended a reduction of $50,000,000 within these brackets, but the Treasury Department prepared a table covering it. I suppose that table was worked out by Mr. Ogden Mills in collaboration with the experts of the Treasury Department.

I have that table before me, Mr. President. It was prepared with a view to reducing the taxes on incomes between $14,000 and $75,000 to the extent of $50,000,000, but upon examination I find that it was so prepared that persons whose incomes are less than $70,000 would get $28,000,000 of reduction out of the $50,000,000, and persons whose incomes are in excess of $70,000 would get $22,000,000 out of the total $50,000,000 reduction proposed by the Treasury Department for those brackets.

I am not at all surprised that the Treasury Department in any scheme of reduction that it may propose should look out for those of large incomes, but the recommendation of the Treasury Department gives the impression that it intended this reduction in order to remedy an injustice which had been done to the taxpayers whose incomes range between $14,000 and $75,000.

Again, Mr. President, when the Finance Committee met to consider this bill, the majority members of the committee very kindly, through the able chairman of the committee, the Senator from Utah [Mr. SMOOT] handed——

Mr. WALSH of Massachusetts. Mr. President, will the Senator from North Carolina permit an interruption at that point?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. SIMMONS. Yes.

Mr. WALSH of Massachusetts. Before the Senator takes up the discussion as to the action of the majority of the Finance Committee, is it not a fact that the House of Representatives rejected the proposal of the Treasury Department for any reduction in the surtaxes?

Mr. SIMMONS. Yes.

Mr. WALSH of Massachusetts. The bill came to the Senate from the House of Representatives making no provision for any reduction of surtaxes?

Mr. SIMMONS. That is true.

Mr. SMOOT. But the same Secretary of the Treasury recommended that we retain the tax of $66,000,000 on automobiles, and we have taken that off. That same Secretary of the Treasury recommended that we retain the $17,000,000 derived from admission taxes, and that tax has also been taken off, as the bill has been reported to the Senate.

Mr. SIMMONS. I am not now discussing the automobile tax or any other tax except the surtax, nor am I discussing the question of how much tax reduction the Treasury can stand. I am now discussing the question of the justice of giving those who have the smaller incomes the reduction to which they are entitled and which they did not get in 1926.

Mr. SMOOT. Mr. President, does the Senator from North Carolina think for a moment, if the Secretary of the Treasury had recommended the elimination of the tax of $66,000,000 on automobiles and of $17,000,000 on admissions, that he would have also recommended the reduction in the surtaxes?

Mr. SIMMONS. I do not know. The Secretary of the Treasury, through Mr. Mills, came before the Finance Committee and vigorously opposed the repeal of the automobile tax, but the Senator from Utah and his associates voted for the repeal.

Mr. SMOOT. Certainly; but the Senator from North Carolina is stating what the Secretary of the Treasury recommended. I say that the Secretary of the Treasury recommended that the $66,000,000 tax on automobiles be retained and that the $17,000,000 tax on admissions be retained; and if he had recommended the repeal of the automobile tax and the admissions tax he never would have recommended this amount of reduction on surtaxes.

Mr. SIMMONS. I am not discussing that question at all. I am saying that the Secretary of the Treasury before the committee, before Congress had assembled, or when it had, perhaps, just assembled, made his recommendation. In that recommendation he recognized the fact that these small surtaxpayers had been done an injustice in the 1926 bill, and he recommended that that injustice be remedied. I am simply trying to get the Senate to realize the fact that even the Secretary of the Treasury recognized that injustice had been done this class of taxpayers. It is that injustice that we are now trying to remedy. The question of whether the condition of the Treasury will permit us to remedy it, has already been discussed. The question now is, Are they entitled to this remedy? The question of whether the Treasury can afford it we have already discussed. Senators on the other side contend that the Treasury can not afford to do justice to these small surtaxpayers. We contend that the Treasury can afford to do it.

The Treasury Department contend that they have a surplus of only about $400,000,000 for this year and $200,000,000 for next year available for tax reduction purposes. We have attempted to show, and I think successfully, that those estimates are entirely erroneous, as most of the other estimates made by the Treasury heretofore have been erroneous. In fact, all of the other estimates by the Treasury Department have been erroneous. But even if they are correct in the main, it has been shown that they are not correct with reference to certain other items that would make an additional margin of $160,000,000; and it has been pointed out further that by a proper application of the amount received from our foreign debtors we may release another $160,000,000 for tax reduction purposes.

As I started to say, when the committee met its chairman very kindly brought to the minority what was called the Republican program of tax reduction for this year. The committee had been in session; the minority had asked that they be given the room, and the majority had gone out, but we had requested them to give us the statement, and the chairman came and, as he will remember, submitted it in person. In that statement I find this clause:

> 5. Revision in surtax brackets from $18,000 to $76,000, $25,000,000.

My recollection is that in pursuance of that program of the majority the majority did present to the committee a reduction, which was almost identical with the proposition which I have submitted here, and that that was tentatively agreed upon. Subsequent to that time for some reason or other the majority, which at that time was willing to follow out the proposition that I stand for here and that the minority stands for here, of giving all this reduction to those men who have incomes ranging from $10,000 to $70,000, changed their position. The proposition of the majority might have varied somewhat from that, but very slightly. I think their plan began at a higher bracket and went up to incomes of $75,000.

Mr. SMOOT. Mr. President, our program submitted at that time had reference to rates and not to the policy adopted by the minority. Our policy was always to apply certain rates and, as I said then, to allow such rates clear through as to all taxpayers, as has been done in the case of every tax bill since the first one which was passed.

Mr. SIMMONS. I am talking about the tentative proposition which was submitted by the majority; I am not talking about their second proposition.

Mr. SMOOT. That is exactly what I have reference to.

Mr. SIMMONS. The tentative proposition of the majority provided, as I understand, very much as did our proposition; that is to say——

Mr. SMOOT. Oh, the Senator——

Mr. SIMMONS. The Senator in his own time, if I am not right, may correct me. I really am not able to get into a wrangle about this matter.

Mr. SMOOT. I realize that.

Mr. SIMMONS. And I would prefer the Senator would answer me in his own time.

Mr. SMOOT. Our proposition was as to rates; that is all.

Mr. SIMMONS. But the proposition of the majority was so framed that the taxpayer in the range of lower brackets would get a benefit from the reducttion made in the total amount of the $25,000,000 which the majority said ought to be reduced on the incomes of those falling within those surtax brackets. Subsequently a different proposition was submitted, and it is to that proposition that I file this proposed substitute. Why do the minority through me file this proposed substitute? Because the second proposition of the committee gives only about three-fifths of the reduction to income-tax payers within the brackets dealt with and gives the other two-fifths of the reduction to income-tax payers whose incomes exceeded $75,000.

I think that is a clear case, Mr. President, of the admission of a wrong and of a purpose to remedy that wrong in order to give struggling taxpayers, who have been overburdened by the last bill, relief to the extent of $25,000,000. But when the proposition is put in writting and incorporated in the bill and presented to the Senate, and stands here to-day to be voted upon, the fact is disclosed that, so far from carrying out that purpose, so far from carrying out what was conceded to be justice to these taxpayers, while apparently it is proposed to give them a $25,000,000 reduction the schedules have been so readjusted and juggled, if I may use that term without being offensive, that they get only $15,000,000, in round numbers, instead of $25,000,000, and at the same time the great rich surtax payers are handed over $10,000,000 of the reduction that ought to have gone to them and that was justly due them by reason of the fact that this wrong and injustice had been done them in the last bill.

Mr. WALSH of Massachusetts. When the Senator speaks of the rich class who get the benefit of this reduction of $10,000,000 he means those who have incomes of $70,000 or more?

Mr. SIMMONS. Yes.

Mr. WALSH of Massachusetts. Which means that class of taxpayers in this country who have capital assets of a million and a half dollars and over?

Mr. SIMMONS. Yes. The largest taxpayers in this country pay upon incomes of between five and ten million dollars; but each of them gets his share.

Mr. WALSH of Massachusetts. And, if I am correctly informed, that the tables show that these taxpayers, since the war taxes of 1918, have received a reduction of 66 per cent in their taxes.

Mr. SIMMONS. Their surtaxes at the peak of the war, Mr. President, were 65 per cent. That was the maximum—65 per cent. We reduced that to 50 per cent. Then we reduced it to 40 per cent.

Mr. WALSH of Massachusetts. Maximum.

Mr. SIMMONS. Maximum. I am speaking about the maximum. In the last bill we reduced the 40 per cent to 20 per cent; we cut it in two; so that the present maximum tax is less than one-third of what it was at the war peak of taxation.

Mr. WALSH of Massachusetts. I think it represents a tax-bill reduction of about 66 per cent in the case of those who have incomes over $100,000.

Mr. SIMMONS. I have not estimated the exact amount, but I should say it was fully that.

Mr. SMOOT. Not on the $80,000 man.

Mr. SIMMONS. The Senator was speaking about the maximum, as I was. Everybody with an income over $100,000 under this bill gets the maximum rate, does he not?

Mr. SMOOT. Yes; certainly.

Mr. SIMMONS. And he gets the benefit of that reduction. I am only speaking now about the maximum rate.

Mr. SMOOT. Does the Senator know that under his plan all the reduction that taxpayers with incomes over $50,000 will receive is $2,100,000?

Mr. SIMMONS. How is that?

Mr. SMOOT. Under the plan of the Senator the total credit to all of the taxpayers with incomes over $50,000 is $2,100,000. That is all they get out of the $25,000,000.

Mr. SIMMONS. That means, of course, that the people with incomes between $50,000 and $70,000 would get a good part of the total and the rest of it would go to the other taxpayers.

Mr. SMOOT. Twenty-three million dollars would go to one class and $2,000,000 to the other.

Mr. SIMMONS. But I am advised by the Actuary of the Treasury that under your plan of reduction the taxpayers with incomes above $70,000 will get $9,600,000 reduction.

Mr. SMOOT. I think the Senator is mistaken.

Mr. SIMMONS. If I am mistaken, then I am mistaken because of the estimate that has been given to me. I have it right here. I will read the statement before I finish, if the Senator will be patient with me.

Mr. SMOOT. I have the statement here.

Mr. SIMMONS. I will read the statement given me by the Actuary of the Treasury in his own handwriting.

Mr. REED of Pennsylvania. Mr. President, will the Senator from North Carolina permit a question?

Mr. SIMMONS. I want to say to the Senator from Pennsylvania that on account of physical conditions I can speak only a very short time, and if I submit to interruptions I shall find myself unable to discuss the essential things that I want to discuss. I will thank the Senator, therefore, if he will reply in his own time.

Mr. REED of Pennsylvania. I shall be glad to do so.

Mr. SMOOT. I recognize that, and I am not going to interrupt the Senator in any way.

Mr. SIMMONS. Of course, the Senator knows that I never object to interruptions; but I have a task before me, and it is about all I can do.

Mr. SMOOT. I told the Senator myself that I did not want to get him excited, as he generally does. I am very glad indeed that the Senator is taking the discussion easily and quietly, and I am not going to ask him any other questions.

Mr. SIMMONS. The Actuary of the Treasury informs me at this minute that the figures I have just given were accurate.

Mr. President, I might state in a general way that the minority plan imposes no surtax on incomes between $10,000 and $12,000. The present law imposes none upon incomes up to $10,000. We extend that, and impose no surtax upon incomes from $10,000 to $12,000. The majority plan retains the tax in the present law.

Mr. WALSH of Massachusetts. And there is no reduction until the $20,000 bracket is reached.

Mr. SIMMONS. Twenty dollars is the tax in the present law, and the majority proposition retains that tax.

Mr. WALSH of Massachusetts. That is the surtax.

Mr. SIMMONS. I am talking about the surtax. The Senate understands that.

On a net income of $14,000 the present rate is $40. The minority proposes to make it $20. That is a reduction of one-half.

I might add in a general way that after we reach an income of $70,000 the minority makes no reduction whatsoever. All of its reductions are made between $10,000 and $70,000. The majority plan continues its reduction up to the highest income that is listed for surtax.

Both the majority and the minority schedules of surtaxes impose no surtax on incomes below $10,000.

On incomes between $10,000 and $15,000 the majority make no reduction from the present law, while the minority reduce the present surtax on $15,000 from $60 to $40.

On incomes between $15,000 and $20,000 the majority make no reduction from the present law, while the minority reduce the present surtax on $20,000 $60, both from the present law and from the majority.

On incomes of $30,000 the minority reduce the surtax $210 more than the majority.

On incomes of $35,000 the minority reduce the surtax $280 more than the majority.

Now we come to the $70,000 mark, and the situation is changed. We reduced the surtax only up to that point, and we reduced it up to that point to the total extent of $25,000,000, at least; maybe a little more. I think it is more; but when we reached $70,000 we stopped. When $70,000 was reached, however, the majority continued their reductions; and let me read the reductions that they made in excess of what we had made.

On incomes of $70,000 the majority reduce the surtax $670 more than the minority.

On incomes of $80,000 the majority reduce the surtax $670 more than the minority. That is their total reduction. We made none.

On incomes of $90,000 the majority reduce the surtax $570 more than the minority.

On incomes of $100,000 and upward the majority reduce the surtax $470 more than the minority.

The highest reduction made by either the majority or the minority is that of $670, which is on incomes of from $70,000 to $80,000. The next highest is that on incomes of $90,000, where they reduce the surtax $570. The next is on incomes of $100,000; and then they make a flat reduction of $470 to every individual income-tax payer whose income is above $100,000, without reference to the amount. If it is $10,000,000, the taxpayer gets the same reduction, $470, from his surtax.

Mr. President, in determining the question of equality of individual income taxes it is necessary to consider not only the surtax but the normal tax imposed.

You may impose a normal tax in such a way as to oppress the low taxpayer, just as you may impose a surtax so as to oppress the low taxpayer. You can make a normal tax so as to give the lower taxpayer less advantage than you give to the higher taxpayer. So that in considering the question of the fairness of a tax, whether it be normal or surtax, you have to take those two taxes together, the surtax and the normal tax.

There is a graduated normal tax on the first taxable $8,000 of net income ranging from 1½ per cent to 5 per cent on incomes in excess of this $8,000 in the present law. That is to say, when the taxable income exceeds $8,000 every income-tax payer, however great or small the amount of his income tax, must pay a normal tax of 5 per cent.

On the first $8,000 there is a graduated normal tax, but even those who pay that have to pay the normal tax, and the man with a taxable net income of only a thousand dollars has to pay a normal tax, but to $8,000 it is graduated. When we reach the $8,000 mark the normal tax becomes flat, and the man with an income of over this $8,000 of taxable income has to pay exactly the same percentage upon his income over this $8,000 of taxable income that the man with a million dollars has to pay upon his income.

Mr. President, based upon the idea of the ability of the taxpayer to pay, that, of course, is an indefensible proposition, because the inability of a small taxpayer to pay 5 per cent is not as great as the ability of a large taxpayer to pay 5 per cent. But there seems to be no escape from the idea that every taxpayer, practically, ought to be required to pay a normal tax. So, after various reductions, we have come down to a flat tax of 5 per cent, not a very excessive tax, but a very considerable tax. It is almost equal to the interest upon the amount of the income per year.

If it stopped there, the inequity would not be so palpable, but we must consider, in connection with that normal tax, the fact, and it is the big fact in this proposition, that a man whose income is derived from dividends of corporations pays no normal tax at all. He pays only a surtax if his net income is in excess of $10,000. Where do the big dividends from corporations finally find lodgment in this tax scheme? Is it in the small incomes? Does the man of $10,000 income get much benefit from the exemption of the dividends of corporations from the normal tax? No; usually he does not receive dividends from corporations, or if he does, it is so infinitesimal as to amount to nothing. The great dividends which go into these incomes of individual taxpayers are to be found in that range lying between $70,000 and the peak of incomes listed for taxation.

I have here a table with regard to that which I desire now to read to the Senate. Dividends returned by individuals with net incomes of $70,000 and more amount to $807,000,000. Not a penny of this normal tax of 5 per cent is paid on $807,000,000 of the incomes of taxpayers with incomes in excess of $70,000, because that $807,000,000 is derived from dividends of the big corporations of this country; 17,542 individuals get the benefit of that reduction. What per cent is that $807,000,000 of the total income of these taxpayers with incomes above $70,000? It is 27 per cent. That is, taxpayers with incomes above $70,000 pay not one dime of this normal tax of 5 per cent on 27 per cent of their total net income.

Mr. President, the Senator from Utah shakes his head. I am giving figures in the handwriting of the Actuary of the Treasury. They pay no normal tax at all upon dividends received amounting to $807,000,000.

Now, take the total reduction because of dividends, which applies to 4,000,000 people, and it is only 16 per cent. So that the general average of the per cent of dividends in the total amount of income returned by the individual taxpayers of this country is only 16 per cent, but of that part of the taxpayers whose incomes exceed $70,000 it is 27 per cent. I am advised that that statement is absolutely correct.

Mr. President, I say that that situation must be considered. So that these people who have incomes above $50,000 have not only received a reduction since the war of from 65 per cent, their maximum surtax, to 20 per cent, their maximum surtax now, but in their normal tax they receive an exemption of 27 per cent of their total net income by reason of dividends, while the average of all taxpayers has received only 16 per cent.

While I have not the figures worked out as to the taxpayers in the lower brackets, I believe that in the lower brackets they have received a much smaller average than 16 per cent. The taxpayers with these small incomes, I will say up to thirty or forty thousand dollars, even, have very little income derived from dividends. Of course, some of them may have considerable, but some of them have none. It is not until we get into the range of a hundred-thousand-dollar income that the dividends begin to play an important and a controlling part in the normal taxation.

It is commonly known in this country that great financiers, who stand at the head of the column that chronicles the rich of this country, derive the bulk of their incomes from dividends of corporations. They transact their business almost entirely through corporations. Take, for instance, the Standard Oil, and the other oil companies in this country. The men who have made immense fortunes out of those oil companies derive their incomes chiefly from dividends, which are exempt from this normal tax. Take the great steel corporation. The men who control that great organization and have grown enormously rich in recent years—rich beyond the dreams of avarice, men who can hardly count their millions—derive their incomes from dividends of corporations. They have their full share, and we do not think they are entitled to any more. But the administration, through its Secretary of the Treasury, and through the majority members of the Committee on Finance, speaking the voice and command of the Secretary and his assistant, Mr. Mills, instead of giving relief to the people who were done an injustice in the last law, say they will not give them any relief unless we let the big rich in this country, men with incomes of over $70,000, have their part in it, unless we will permit the millionaires to participate to a small extent in it.

Mr. President, I have nothing to say against corporations. I have stood upon this floor and advocated what some call radical reduction in the burdens imposed by the present administration upon corporations. I asked for the graduated income tax upon the smaller corporations, but I asked also for a reduction of 2 per cent in the corporate taxation on all corporations.

Mr. WALSH of Massachusetts. Instead of the one recommended by the majority.

Mr. SIMMONS. Instead of the one recommended by the majority. I have nothing against corporations. I want justice done them. I thought before and I think now that the best way in the world to relieve the small taxpayers of this country is by reducing the taxes on corporations, especially the big corporations, which, by trust agreement, by combinations, by cooperation, by price fixing, are able to fix their prices, pay these taxes of the Government, and add the taxes to the cost of operation, and pass them on to the general consumers of the country. I think that to reduce their tax is not only just to them, but it is just to the individual consumers of the country as well. I favored it.

I have no prejudice against corporations. I have no prejudice against wealth. God knows I believe that every man in the country has a right to acquire all of this world's goods that his capacity and his opportunity will permit him honestly to acquire. I would not inveigh against any accumulation of riches if it were acquired honestly and legitimately. I respect the man who has the ability to take advantage of his opportunities and by his great talent, foresight, sagacity, and caution accumulate wealth, hundreds of thousands and even millions of dollars. But when it comes to the matter of taxation I am utterly opposed to any scheme of taxation that will permit those men to escape their just burdens in the payment of their just part of the expenses of the Government.

Tell me, if you will, where the great rich and the corporations pay any tax except through the income tax and the corporation tax? What other taxes do they pay? That is all. The income tax is our chief means of reaching them and our only source outside of the corporation tax. I want them to pay their just share. If they were taxed too high for war purposes, when that emergency is past let us cut those taxes down. That we have done. With the consent of the minority that has been done. We said these taxes were made very onerous during the war because an emergency and a necessity existed. I told one great taxpayer who came to see me with reference to the matter of overtaxing his income while the war was raging, "My dear sir, we have taxed you high." He said, "You have taken most of my income." I said, "We will take it all and we will go into your principal if it is necessary for this Government to win the war in the interest of peace and in the interest of civilization." But the war is over. They are entitled to the same treatment in reduction of their taxes that the humblest man in the country is entitled to, but no more.

When they come here and demand that we give them greater relief in the reduction of taxation than we do the small man, I for one will not be silent, but I will speak as loudly as I am able to speak, whether ill or well, in denunciation of such a suggestion. I say that the smaller taxpayers were not justly treated. When the 1926 act was under discussion I had then a scheme by which taxpayers having incomes of less than $70,000 would have been given $43,000,000 reduc-

tion more than was actually given them. We actually gave them only half of that for which the minority contended. The minority contended for $44,000,000, and we gave them only about $23,000,000. The sum of $23,000,000 was taken off to meet a situation which existed in the committee under the hurried conditions under which we were operating, the administration driving us under whip and spur to get through with tax legislation before the 15th of March, 1926, threatening dire disaster and calamity to the Treasury unless we did so. We yielded $23,000,000. The Secretary of the Treasury knew and the minority knew this was the reason for so doing.

This year the Secretary of the Treasury and the minority unite in agreeing that they ought to be relieved to the extent of $25,000,000. What I stand here and oppose to-day is this second attempt to allow the men with incomes in excess of $70,000, and running up to $1,000,000, $5,000,000, and $10,000,000 to grab two-fifths of that reduction and appropriate it to themselves. Nobody ever contended that they did not get their full share in the last bill. I think they were only asking 20 per cent. I do not think they asked a reduction below 20 per cent maximum. I will ask my brethren on the committee if they remember any request for less than that?

Mr. GEORGE. There was none.

Mr. WALSH of Massachusetts. I recall none.

Mr. SIMMONS. I was not in favor of giving them quite that much, but I will say here now what I have not said before, that I consented in the meeting of our minority members of the committee, to reduce them 20 per cent upon the condition that they would give the smaller incomes in the lower brackets a $44,000,000 reduction. I filed a statement here, representing the minority, saying that that 20 per cent was agreed to upon that condition. But in the committee, as I said, we were forced to give up nearly half of that reduction and we are now asking that they have it, and have it all and not only a part.

Here is a statement which I said I would read in confirmation of the statement I made that the larger taxpayers would get $9,600,000 of the $25,000,000 which it has been agreed to allow. I read it. It is in the handwriting of the Actuary of the Treasury:

> The majority reduction of surtaxes on individuals reduces the taxes on individuals with net incomes of over $70,000, $9,600,000, and $15,600,000 of net incomes not in excess of $70,000. It provides that every taxpayer with a net income in excess of $100,000 be relieved of $470. The minority proposes to reduce the tax so as to confine it to the lower brackets.

Some question has been made about an inequity in the reductions allowed to incomes ranging between $70,000 and $100,000, particularly $80,000 and $90,000, and along there. Under our scheme they do not get any reduction this time. It is contended that they did not get enough last time. They did not get the same per cent last time, and they did not get the same per cent in 1924, but in the original tax law, from which we make our reductions and upon which our reductions are all based, they got a very decided advantage. The advantage which they then got they are not entitled to bring forward now. That must be counted against them in any reduction now.

In discussing the matter a few days ago in the Senate I said that they were given a lower rate than they were entitled to. That was disputed. I want to read a statement:

> Under the temporary act of 1917 the taxpayer with net income of $80,000 had a decided advantage over the net income down to $60,000 The income-tax brackets of that act started at $20,000 and jumped $20,000.

Then follows a technical statement, which I will not undertake to read, showing that fact. In the 1917 act they were not taxed in proportion to the taxes imposed upon the other incomes. In the adjustment of the spread between the brackets this little spread between $70,000 and $100,000 got a great advantage. My impression is now that we had a jump from $80,000 to $100,000. They got an advantage by reason of that tremendous spread. We have discussed that many times here in the Senate. We have shown that we can raise or reduce taxes by simply increasing the spread or reducing the spread. That is the process by which both sides of the Chamber, when they go to write a surtax amendment, either increase or reduce rates. It is done by the spread.

In the original act, by reason of this tremendous spread, this class of taxpayers got a decided advantage in the rate of tax imposed upon them over the balance of the taxpayers, and that fact should be taken into consideration now in reducing taxes, as it has been taken into consideration more or less, but not fully, in other tax bills which we have considered. All of the 1917 brackets tend to make the tax rate on incomes of $80,000 comparatively low. A comparison of the 1926 act with the 1917 act is very misleading. That is the comparison which the majority make and it is very misleading. The trouble with such comparisons of the total tax is that the 1917 normal tax rate was only 4 per cent, while that in 1926 is, after the first $8,000 taxable income, 5 per cent. If there is any inequality, it is in the normal tax rate, and it can be cured by reducing the 5 per cent normal tax rate to 3½ or 4 per cent. That is what I said a little while ago. We have to take these things into consideration. We have never reduced that normal tax. By reason of the fact that we have never reduced it, this class of taxpayers, which they say now are getting such a little reduction, have during all the years carried this great advantage which they got in the original rates fixed in the 1917 act.

The document which I have just read in part is a statement prepared by me, the figures of which have been verified by the representative of the Treasury Department, Mr. McCoy. I ask that it may be printed in the RECORD entire at this point as a part of my remarks.

The PRESIDING OFFICER (Mr. COUZENS in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

> The 1917 revenue act rates were a makeshift scheme hurriedly enacted to meet the great war emergency, fully intended to be perfected by the 1918 act. It added to the surtax zones of the 1916 act new additional rates, and to this superimposed a further tax never applied to individuals before nor after 1917—the excess-profits tax. This surtax scheme began at a net income of $5,000 and with jumps of $2,500 for each 1 per cent of increase in rate, until a rate of 5 per cent was reached on net income in excess of $15,000 and not in excess of $20,000. The next zone covers income of $20,000, from $20,000 to $40,000, at the single rate of 8 per cent, a rate very evidently too heavy for the lower part of this $20,000 zone and too light for the upper part. The 1918 act wisely broke this zone into 10 zones of $2,000 each, with 10 several and increasing rates of tax. The next rate of tax in the 1917 act again applied to a zone of $20,000, a rate jumped from 8 per cent to 12 per cent. The 1918 act again broke this $20,000 zone into 10 zones of $2,000 each, each with its different rate of tax. The 1917 act again made its next zone $20,000, running from $60,000 to $80,000, with the single rate of 17 per cent, a jump from 12 per cent. The 1918 act again broke this zone into 10 smaller zones, each with its separate rate of tax. Again the 1917 plan used a zone of $20,000, increasing the rate for the entire zone from 17 per cent to 22 per cent. The 1918 act again broke this zone into 10 smaller zones, each with its own rate of tax.
>
> The minority is criticized for making one jump of 4 per cent in its rates, while the 1917 act made many jumps of 4 per cent, several of 5 per cent, and several of 6 per cent, yet they want us to change our rates on account of a comparison of the 1926 rates with the 1917 rates. The above explanation of the 1917 rates shows them so unfair and unreasonable that it is surprising that any person would wish to recall them. However, in the comparison so strongly emphasized and charted, the normal tax must be included and the excess-profits tax eliminated in order to arrive at the desired base of an argument. The excess-profits tax has been eliminated. If the majority wish to remedy the condition shown by their charts, why not change the normal tax rate. The 1917 normal rate was 4 per cent, while the normal tax on taxable income in excess of the first $8,000 of such income is 5 per cent. Of course, taxpayers with the highest incomes care much more for the surtax rates than they do for the normal rates, as their income is subject to the surtax rates, but only part of this income is subject to the normal tax rates.

Mr. SIMMONS. Mr. President, I am tempted to enter into other lines of discussion in this connection, but necessity compels me to desist. I shall not at present make any further observations with respect to the question.

CALL OF THE ROLL

Mr. REED of Pennsylvania obtained the floor.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dale	Hayden	Neely
Barkley	Deneen	Heflin	Norbeck
Bayard	Dill	Howell	Norris
Bingham	Edwards	Johnson	Nye
Black	Fess	Jones	Oddie
Blaine	Fletcher	Kendrick	Overman
Borah	George	Keyes	Phipps
Bratton	Gerry	King	Pine
Brookhart	Gillett	La Follette	Pittman
Broussard	Glass	Locher	Ransdell
Bruce	Goff	McKellar	Reed, Pa.
Capper	Gould	McLean	Robinson, Ind.
Caraway	Greene	McMaster	Sackett
Copeland	Hale	McNary	Schall
Couzens	Harris	Mayfield	Sheppard
Curtis	Harrison	Metcalf	Shipstead
Cutting	Hawes	Moses	Shortridge

Simmons	Stephens	Vandenberg	Waterman
Smith	Swanson	Wagner	Watson
Smoot	Thomas	Walsh, Mass.	Wheeler
Steck	Tydings	Walsh, Mont.	
Steiwer	Tyson	Warren	

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

ALLOTMENTS ON SHOSHONE OR WIND RIVER RESERVATION, WYO.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3365) to authorize allotments to unallotted Indians on the Shoshone or Wind River Reservation, Wyo., which was, on page 2, line 3, to strike out the word "to" and insert "in common for the benefit of."

Mr. KENDRICK. I move that the Senate concur in the House amendment.

The motion was agreed to.

EVENING SESSION WEDNESDAY FOR THE CONSIDERATION OF THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent for the adoption of the order which I send to the desk. I will state that I have spoken to the Senator from Montana [Mr. WALSH] and several Senators on the other side, and it is agreeable to them.

The VICE PRESIDENT. The proposed unanimous-consent order will be read.

The Chief Clerk read as follows:

Ordered (*by unanimous consent*), That on Wednesday, May 16, 1928, at not later than 6 o'clock p. m., the Senate take a recess until 8 o'clock p. m., and that at the evening session, which shall not continue later than 11 o'clock, the Senate proceed to the consideration of unobjected bills on the calendar.

Mr. WALSH of Massachusetts. I understand that order has the approval of the Senator from Montana [Mr. WALSH], who represents the minority leader, and the Senator from Arkansas [Mr. ROBINSON]?

Mr. CURTIS. It has his approval.

Mr. DILL. If, after unobjected bills shall have been called, there is any time remaining——

Mr. CURTIS. I have not asked for the consideration of anything except unobjected bills, thinking that I would later ask for another evening session for the consideration of objected bills.

Mr. DILL. Very well.

The VICE PRESIDENT. Without objection, the unanimous-consent agreement is entered into.

NAVAL APPROPRIATIONS—CONFERENCE REPORT

Mr. HALE. I ask unanimous consent to take up the conference report on the naval appropriation, being House bill 12286.

Mr. REED of Pennsylvania. Will that result in any discussion?

Mr. HALE. I do not think so.

Mr. SMOOT. If it shall, I would not like to give consent for the consideration of the conference report.

Mr. HALE. If consideration of the conference report leads to debate, I shall withdraw it, but I do not think it will do so.

The VICE PRESIDENT. Is there objection to the consideration of the conference report?

Mr. REED of Pennsylvania. Mr. President, of course, I lose the floor by yielding in that fashion, but I will submit myself to the good graces of the Chair.

Mr. HALE. I move to take up the conference report.

Mr. SMOOT. I do not wish the Senator to move to take it up. Let him ask unanimous consent that it be taken up.

Mr. HALE. I ask unanimous consent that the conference report may be taken up, and I move its adoption.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the conference report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 13, 14, 15, 16, 18, 22, 23, 32, 37, 38, 39, 41, and 48.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 8, 26, 43, 44, 47, 51, and 56, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$260,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$260,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$260,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,400"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,400"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,075,820"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$101,400"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,400"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$68,518"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,421,700"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,596,700"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,228,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,828,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,952,050"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$960,800"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$66,539,350"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$127,651,215"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the

sum proposed insert "$18,845,502"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,400,240"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,896,957"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,032,250"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,008,800"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$731,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$182,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$65,000; in all $490,532"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,665,816"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 45, 46, 50, and 52.

FREDERICK HALE,
L. C. PHIPPS,
CLAUDE A. SWANSON,
Managers on the part of the Senate.
BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
W. A. AYRES,
W. B. OLIVER,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

ADDRESS BY HON. CYRUS LOCHER BEFORE BROTHERHOOD OF RAILROAD TRAINMEN

Mr. WHEELER. Mr. President, I ask unanimous consent to have printed in the RECORD a very able address by the junior Senator from Ohio [Mr. LOCHER] before the Triennial National Convention of the Brotherhood of Railroad Trainmen at Cleveland, Ohio, on Wednesday, May 9, 1928.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Senator LOCHER. More than 40 years ago eight men organized the Brotherhood of Railroad Trainmen in the caboose of a freight train. The purpose of the organization was and is to unite the railroad trainmen to protect and defend their rights as employees; to better cooperate with employers, and to better the working conditions of the railroad men, and to give them an opportunity to engage in the pursuit of happiness with some chance of attaining it.

The organization headquarters have been in this great city for nearly 30 years, and the membership has grown to approximately 200,000. Men do not organize without a reason, and organizations do not continue and grow without accomplishment. Your success has been due to high-minded, wise, and aggressive leadership on the part of your officers, and the faithful and loyal cooperation of the members.

I shall not attempt to estimate the services your organization has rendered to your membership, to your employers, to labor and the public in general, and to the country in time of peace and war; that the contribution has been large is recognized everywhere.

The labor situation as we find it to-day, and as it has existed for some time, is such that it calls for close study of the facts of unemployment and the closest diagnosis of the history of unemployment.

The Secretary of Labor reports that there are 1,874,050 people in voluntary idleness in this country. It is rather difficult to accept the statement that so many citizens are voluntarily unemployed. Other estimates of unemployment run as high as 7,000,000 men and women, all of whom, it is fair to surmise, are ready, willing, and able to work, but who have not been able to find employment.

Apparently there is no place where we can obtain exact unemployment data. The Department of Labor, through contact offices operating in metropolitan areas throughout the United States, gathers information on employment, but it is my understanding that statistics on unemployment are not furnished in specific form. Under this system, therefore, unemployment data can be procured only by the deduction method. I seem to be supported in this assertion by the Commissioner of Labor Statistics, who, in his recent report, points out that he is not supplying any unemployment information but is merely giving the shrinkage of the pay-rolls between 1925 and 1928. By analyzing the annual pay-roll population of the years affected, he arrives, by calculation, at the unemployed figure of 1,874,050, which his chief, the Secretary of Labor, publishes as an official estimate.

This method of determining the number of unemployed obviously omits:

First. The growth of population (2,000,000 boys and girls annually reach the working age);

Second. Immigration (252,000 unnaturalized citizens from other lands were added to our population in 1927 alone);

Third. Drift from the farm to the city (the Secretary of Agriculture reports that farms contributed 3,000,000 persons to the city from 1920 to 1927); and

Fourth. The number of unemployed in 1925.

We have two classes of idle men among the unemployed; that is, those whose work has been suspended by reason of business depression and those who have been released from industry because their work is being done by machinery.

Thoughtful men universally agree that unemployment is not a political problem but an economic condition. They are agreed that the unemployment problem can not be satisfactorily solved by invoking political panaceas or other cure-alls. Treatment of the symptoms of the unemployment malady is futile so long as the causes are not diagnosed. After the fundamental facts, which embrace the human as well as the commercial aspects of the problem, are known, then an electric treatment, which calls into play a selection of that which is best in sound economics may be prescribed with reasonable assurance of remedy.

The Government does not owe its citizens a living, but society does owe all an opportunity to earn a living.

Several bills are now pending in the National Congress that seek to eliminate the so-called business cycle, and to prevent rapid inflation and deflation; and to free workers of the anxiety of unemployment.

It is proposed to extend the present service of the Bureau of Labor Statistics. It is the opinion of students of the unemployment problem that reliable statistics would enlighten us on employment and unemployment. Accurate employment information is not available at present. Accurate information is requisite to the solution of every problem. Both business men and labor are anxious to have the information, and would gladly cooperate in the collection.

Legislation is pending to create and extend a system of employment offices on a nation-wide scale. Employment offices do not create jobs, but they do, however, reduce waiting time between jobs and eliminate the waste of job hunting.

Several bills are being considered by the Congress providing for long-range planning of public works, a principle long since recognized but so far never put into operation. This does not mean that in times of depression the Government should overreach its building program. It does not mean the profligate spending of money. It means the intelligent control of the spending that we do, so that the time and speed of public work will vary with conditions of the labor market. This legislation attempts to keep the industrial machine from revolving too rapidly at one time and too slowly at another. The Federal Government constitutes the greatest single spending agency in the country. For this reason, since Government is not interested in profits, the Government's spending power should be used as the stabilizer of industrial activity.

There have been 15 periods of unemployment during the past 100 years in this country. We are in one of these periods of unemployment now.

There is pending in the United States Senate a resolution that provides for an exhaustive investigation by a committee of the Senate of the unemployment situation during the summer months. This resolution rests on the basic assumption that unemployment is an economic condition.

Public and semipublic agencies, insurance companies, and private business organizations have expressed a desire to cooperate. The resolution has been referred to the Committee on Education and Labor, of which I am a member, and a subcommittee has been appointed to draw up amendments to enlarge the scope of the investigation.

The resolution recognizes the magnitude of the problem and its importance to the country. It provides, among other things, for the exhaustive investigation of facts and the collection of accurate information to determine, if possible:

1. To what extent, if any, does mass production cause unemployment? Mass production is here to stay, but if it is a contributing cause to unemployment, new policies to take care of the unemployed must be provided;

2. To what extent, if any, do consolidations and mergers of industry cause unemployment? and

3. To what extent, if any, does speculation in industry cause unemployment?

It appears to me that the Federal Government, through its legislative and executive departments, has an exceptional opportunity here to do something entirely nonpolitical and entirely sound economically toward procuring the information upon which labor and industry may proceed toward correcting the existing unemployment situation. If "new occasions teach new duties," all those affected by the economic transition should consecrate their best thought and service toward the upbuilding of a revised and improved social and industrial order. To that end I willingly pledge my full cooperation. I urge upon this intelligent gathering the fullest coordination of effort and solicit your reciprocal cooperation that together we may move toward the goal of contentment, which only can come when our hands and hearts are happily employed and those dependent upon our labor are assured the necessities and comforts of life, according to the recognized standard of American living.

MUSCLE SHOALS

Mr. TYDINGS. Mr. President, I ask to have printed in the RECORD two editorials, one from the New York Sun and the other from the Washington Post, on the subject of Muscle Shoals for fertilizer purposes.

The VICE PRESIDENT. Without objection, it is so ordered. The editorials are as follows:

[From New York Sun, May 11, 1928]

REVOLUTIONARY AND SOCIALISTIC

The National Fertilizer Association has a natural and selfish interest in opposing the House substitute for the Norris resolution in regard to Muscle Shoals, because if that substitute should be enacted into law, it would mean the ultimate ruin of the private fertilizer business in the United States and the creation of a virtual governmental monopoly. It so happens, however, that in this matter the private interest of fertilizer manufacturers and the general public interest move together in complete accord. For this reason, if for no other, the public has reason to be thankful to the National Fertilizer Association for the skillful way in which it marshaled an attack upon this foolish and vicious legislation.

If it wishes to do so there can be no doubt that the Government is able to go into the fertilizer business. Provided there were sufficient popular support, it could also manage to go into the business of producing coal, or making cement, of quarrying stone, of producing and marketing any of a thousand other things. But it could not conduct any of these forms of business without making a mess of them, as it made a mess of the railroad business when it went into that and as it has made a mess of the shipping business ever since it has been engaged in that.

The chief clamor for this Muscle Shoals scheme comes from regions and interests which would be directly benefited by the operation of great manufacturing plants and from demagogic representatives of farming constituencies who are trying to persuade the farmer he can thus get fertilizers at little or no expense, save expense to the Federal Government. But if Congress is to yield to this clamor and establish the revolutionary precedent now proposed, how is it hereafter to resist similar clamor from all the other special interests which will demand Federal occupation of private business fields?

The proposed measure would create a "Muscle Shoals corporation of the United States" and set it up in business for not less than 10 years; it would turn over to this corporation free of charge properties which have already cost the taxpayers $140,000,000; it would furnish the corporation with $10,000,000 in addition for operating capital, free of interest for five years. It would require the corporation to enter all phases of business incidental to manufacturing and distributing nitrogen and complete fertilizers.

In return for these favors the corporation would be required to sell its products for cash f. o. b. Muscle Shoals, the sales to be made to farmers individually and in groups, to States and State agencies for resale to farmers, and would be authorized to dispose of any surplus to private manufacturers. All sales of fertilizer would have to be at cost of production, but any income from the sale of surplus power produced by the plant would be deducted from that cost. For purpose of experimentation, 5 per cent of the output or even more may be distributed free.

There are various other incidental authorizations, but the most astonishing and indefensible provision of the whole bill is one which would subject to imprisonment for 15 years or fine of $25,000 any person who should enter into any agreement of any kind "with intent to defeat the purposes of the corporation." In other words, it is proposed not only to enable the Government to produce fertilizers at a cost which will be ruinous to private competitors but to paralyze private competition still further by making it a penal offense to push private competition to any stage where it might be construed as an attempt to defeat the Federal monopoly in the commodity.

No form of monopoly more odious than this has ever been proposed in the United States; none more odious now exists in Soviet Russia. American business of all kinds has a right to take alarm at this socialistic scheme, for if it succeeds all the foundations upon which private enterprise now rests will have become shaky and uncertain. If the United States can deliberately create a monopoly and put American fertilizer manufacturers out of business, it can deliberately create any similar monopoly by which it may be desired to put any other private American industry out of business.

[From Washington Post, May 14, 1928]

THE MUSCLE SHOALS BILL

The House of Representatives next Wednesday will dispose of the Muscle Shoals bill in an hour's debate. The Morin-Norris proposal as now presented to the House is one of the most astounding pieces of legislation ever presented for the serious consideration of Congress. It provides for the creation of a Government business corporation to take charge of the $150,000,000 property at Muscle Shoals, gives it $10,000,000 of the people's money as working capital, and directs it to manufacture fertilizer and sell it at cost to American farmers. For five years no interest is to be earned even upon the $10,000,000, and no interest is ever to be earned on the $150,000,000 already sunk in Muscle Shoals. The Government business corporation is authorized to expend $40,000,000 additional for a new reservoir, etc., making a total of $200,000,000 which is to be handled for the benefit of some of the people at the expense of the remainder of the people.

As if this were not enough, the Government business concern is directed to give away without cost a portion of the fertilizer, and the proceeds of surplus power sold are to be used in reducing the cost of fertilizer. No one who is not a consumer of fertilizer is to have any benefit from the Muscle Shoals plant, built and paid for by all the people. The Treasury is not even to have the benefit of taxes upon the property or the business. If losses should occur, the American people, and not the beneficiaries of the Government fertilizer trust, are to pay the deficit.

The bill creates many offices, including a board of directors of five members at $50 a day and expenses, three executive officers at a total salary of $50,000 a year, and scores of superintendents, agents, and other employees, all to be paid out of the United States Treasury.

The bill paves the way for Federal interference with the States in the regulation of rates charged for power from Muscle Shoals.

In view of the fact that the Senate has already approved of the Norris communist resolution, which proposes to put the Government into the fertilizer manufacturing business, the action of the House upon the composite bill becomes doubly important.

Unless the House kills this measure, as it should do, President Coolidge will probably have before him the alternative of vetoing the bill or surrendering the strong objections he has expressed against putting the Government in business. Only a few days ago, on April 16, in addressing the Daughters of the American Revolution, President Coolidge said:

"There is one field, however, which belongs to the people, upon which they have uniformly insisted that the Federal Government should not trespass. That is the domain of private business. Society requires certain public activities, like highways and drainage, which are used in common and can best be provided by the Government. But in general the country is best served through the competition of private enterprise. If the people are to remain politically free, they must be economically free. Their only hope in that direction is for them to keep their own business in their own hands.

"Our theory of government rests on a higher level than communism. We want the people to be the owners of their property in their own right. * * * The fundamental characteristics of humanity are not going to be changed by substituting Government action for private enterprise. * * * If it is desirable to keep the Government unencumbered and clean, with an eye single to public service, we shall leave the conduct of our private business with the individual, where it belongs, and not undertake to unload it on the Government."

Thus it is evident that if Congress should attempt to unload the fertilizer and power business upon the Government it will meet with the veto of the President. The House should do its share in keeping the Government out of private business by killing the Morin-Norris bill.

DESIGNATION OF CHILD HEALTH DAY

Mr. BARKLEY. Mr. President, a few weeks ago the Senate passed a joint resolution designating May 1 as Child Health Day. In the House on last Saturday, through some misunderstanding, instead of passing the Senate joint resolution, a

House joint resolution of the same tenor was passed. It has been messaged over to the Senate. I ask unanimous consent for the present consideration of the House joint resolution, being House Joint Resolution 184.

The VICE PRESIDENT laid before the Senate the joint resolution (H. J. Res. 184) designating May 1 as Child Health Day, which was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the President of the United States is hereby authorized and requested to issue annually a proclamation setting apart May 1 of each year as Child Health Day, and inviting all agencies and organizations interested in child welfare to unite upon that day in the observance of such exercises as will awaken the people of the Nation to the fundamental necessity of a year-round program for the protection and development of the health of the Nation's children.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky for the immediate consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DETROIT RIVER BRIDGE

Mr. VANDENBERG. Mr. President, the Commerce Committee has just reported Senate bill 4405, a bridge bill in the usual form, but the item of time is very important. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4405) authorizing the Detroit River Canadian Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Detroit River at or near Stony Island, Wayne County, State of Michigan, which was read, as follows:

Be it enacted, etc., That in order to facilitate international commerce, improve the Postal Service, and provide for military and other purposes, the Detroit River Canadian Bridge Co., its successors and assigns be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Detroit River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, at or near Stony Island, Wayne County, State of Michigan, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act, and subject to the approval of the proper authorities in the Dominion of Canada.

SEC. 2. There is hereby conferred upon the Detroit River Canadian Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Michigan needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Michigan, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Detroit River Canadian Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of the State of Michigan applicable thereto, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Detroit River Canadian Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. REED of Pennsylvania. Mr. President, I desire to speak for a very few minutes on the matter of the surtaxes and the amendments proposed by the Finance Committee and by the Senator from North Carolina [Mr. SIMMONS].

I doubt whether the Senate realizes how far we have gone, in the last three tax bills, toward the relief of those taxpayers in the lowest surtax brackets. We have gone much further in their relief than has Great Britain in the relief of similar classes of taxpayers in her country.

Perhaps some of the Senators have not seen the charts that are on the wall. The large chart in the back of the Chamber shows the aggregate tax paid by taxpayers of each income group. By that I mean that the surtax and the normal tax are combined; because, after all, that is what the taxpayer is concerned with. It is the size of the quarterly check that he sends to the collector of internal revenue; and it is of no concern to him whether you call it surtax or normal tax. All he cares about is whether his check is large or small.

Take the lowest class that pays any surtax, the group with incomes of $10,000: Under the war-time tax law of 1918, which became a law in February, 1919, such a person paid about 8⅓ per cent of his total income to the United States in income taxes. We have cut that down by subsequent enactments until at the present time a man with an income of $10,000 pays in normal and surtax exactly 1 per cent of his income. We have cut him down from 8⅓ per cent to 1 per cent. He actually pays less to-day than he did under the pre-war tax law of 1916.

Test it in another way, still considering the man of the $10,000 income:

Great Britain's tax rate against a person with an income of £2,000 is about thirteen times as high as is our tax rate. So much further have we gone than has Great Britain in the way of relief to persons of incomes in the neighborhood of $10,000 that our tax rate against that class of taxpayers is only one-third of what hers is; while, on the other hand, so much less regard have we paid to persons of larger income that when we get up to the person of $60,000 income our tax is approximately one-third of what Great Britain levies against the corresponding income in her country. We treat the $10,000 man thirteen times as well as she does; we treat the $60,000 man only two and three-quarters times as well as she does; and that goes on up until at $300,000 of income we tax our taxpayers one-half the rate that she taxes hers.

The contrast between the philosophy of taxation obtaining there and that obtaining in the United States, it seems to me, is very vividly shown by that chart.

When we get up to the incomes around $60,000 in this country, we find that we are actually taxing them more on the same income than we were under the war tax law of 1917. That is graphically shown by the large chart in the back of the Senate Chamber here, where the red line which shows the rates of the 1917 bill actually overlaps the black line, which shows the rates of percentage under the present law in the United States. It is shown perhaps more vividly on the smaller charts here to the right of the Chamber, where it appears that we are actually charging the man of $80,000 income 2 per cent more than we were charging the man with the same income under the war-time legislation of 1917. And while the $80,000 man is paying 2 per cent more than he was under the war-time legislation, see what we have done for the other fellows.

The man of $10,000 income has had a reduction of 72 per cent under those war-time rates; the man of $5,000 income has had a reduction of 78 per cent; the very rich person, the man with a million dollars income each year, has actually been reduced 49 per cent under that war-time rate, while the $80,000 man, with the maximum earned income under the statute, is, nevertheless, in spite of the earned-income credit, paying 2 per cent more than he was paying at that time.

It seems to me that these charts indicate most vividly where there is the need of tax reduction, if we are to preserve any semblance of justice among the different classes of our taxpayers.

The chart to which I have just called attention might perhaps be criticized because, as I described it, it presupposes that the law of 1917 was a just law in its application to the different classes. Maybe it was not. Maybe it does not furnish an entirely satisfactory standard by which to test the justice of the present law; but let us take any of the others.

Take the earliest act we had, the act of 1913, the one passed just after the income-tax amendment became a law, the one that put it into effect: At the present time, although we have a war to pay for, the man with an income of $5,000 has been increased only 70 per cent over the first law. The man with an income of $10,000 has been increased 68 per cent. The man with the $1,000,000 income, at the other extreme, has been increased only 301 per cent; but the poor devil—the relatively

poor devil—who is earning an income of $80,000, has been increased 557 per cent.

Mr. BORAH. Did the Senator say "the poor devil"? [Laughter.]

Mr. REED of Pennsylvania. These things are relative. I used the word "poor" as meaning the victim of injustice, rather than as referring to the man who lives in apprehension of the wolf at the door.

Mr. BORAH. He excited the envy of some of us.

Mr. REED of Pennsylvania. Perhaps I, too, envy him; but that is not important.

If we contrast the present-day rates with the rates of the 1918 act—I never understood why it was called that, because it was passed in 1919, after the armistice—which carried the highest rates of income taxation we ever adopted, the man with the $5,000 income finds his tax reduced 91 per cent from those highest war-time rates; the $10,000 class, in which even the Senator from Idaho might join with me in taking an interest, has had a reduction of 88 per cent; while the $50,000 man has had only 56 per cent reduction and the $80,000 man only 53 per cent reduction.

I think the charts show vividly that the one group of taxpayers whom we have given the least relief is the group between $30,000 and $100,000. Perhaps there is something about that class that warrants us in singling it out for especially severe treatment. It may be that it is justice to reduce the million-dollar-a-year man 49 per cent, while at the same time we increase the $80,000 man 2 per cent; but, if that is justice, I never have been able to learn why.

Mr. WALSH of Massachusetts. Mr. President, will the Senator permit an interruption?

Mr. REED of Pennsylvania. Gladly.

Mr. WALSH of Massachusetts. Of course, that situation does not exist now. The injustice the Senator has pointed out did exist in 1926.

Mr. REED of Pennsylvania. It exists at this minute.

Mr. WALSH of Massachusetts. A comparison between the tax laws of 1917 and 1926, I believe, will show as great an injustice as the Senator has pointed out; but a comparison between the 1918 tax law and the 1926 tax law shows no such injustice.

Mr. SMOOT. Yes; it does, Mr. President.

Mr. REED of Pennsylvania. Oh, I beg the Senator's pardon! Contrast it with 1918. We have reduced the tax of the man with $1,000,000 a year 66 per cent. He pays just one-third of what he paid then. We have reduced the $80,000 man 53 per cent only.

Mr. WALSH of Massachusetts. I understand that; but the Senator has said, and I agree with him, that the class of surtax payers whose incomes were around $60,000 actually had their taxes increased 2 per cent in the tax bill of 1926 as compared with that of 1917.

Mr. REED of Pennsylvania. That is right—$80,000.

Mr. WALSH of Massachusetts. Sixty to eighty thousand dollars; but the fact is that when we compare the 1926 law with the 1918 tax law, the same class of taxpayers had a reduction of 53 to 54 per cent.

Mr. REED of Pennsylvania. Precisely; and that is the least reduction that we have given to anybody when compared with the tax rates of 1918.

Now, let me follow that with one more suggestion.

I doubt whether it is realized by the Senator from North Carolina [Mr. SIMMONS], but the actual effect of his amendment applied to the man of maximum earning power—$20,000 earning power—will be to make a further increase in the taxes of the $80,000 class, which has had the least consideration up to the present time. The amendment of the Senator from North Carolina would have the effect of diminishing the earned-income credit of anybody whose income is over $70,000, and consequently, by diminishing the credit, would increase the actual amount to be paid. So, if the Senate adopts the amendment now pending, offered by the Senator from North Carolina as a substitute for what the Finance Committee did, we will have to say to the business executive who has an income of $80,000 a year that we have actually increased his tax by the tax reduction bill of 1928.

One thing more, I think, deserves to be considered.

I join with my fellow Senators in agreeing that it is an axiom in taxation that taxes must be imposed where they can be easiest paid. We are all agreed on that; and that is why there never has been any substantial contest about the liberal exemptions that we make at the bottom of the scale. That has been true ever since Adam Smith and a long time before he wrote his book. We are all agreed on that.

It is not a sound policy for us to select out a small group of earners, of such men as the presidents and managers of our successful industries, of such men as the leading physicians, the leading architects, the builders of America; it is not a sound idea in taxation to select out a group like that for especially hostile action in an income tax law. I wonder how many of the Senators have had a chance to study the chart which has been placed on the wall in the corner of the Chamber? It shows in black the amount of tax actually paid by those taxpayers whose incomes are less than $50,000, and the Senator will observe that that class of taxpayers paid the most in the year 1920, and that in each of our tax revision bills since then the amount paid by that class has diminished until at the present time it is approximately one-third of the amount of taxes exacted from them in 1920.

While we have gone on relieving that class, we have actually increased the amount paid by taxpayers whose incomes are over $50,000, so that at the present time our taxpayers who earn over $50,000 are paying approximately between two-thirds and three-fourths of the aggregate of the personal income taxes.

That would not be so bad if there were a lot of them, but when you look at the tiny line at the bottom you discover that out of 4,076,000 income-tax payers last year there were only 30,000 persons whose taxable incomes exceeded $50,000. That is less than three-fourths of 1 per cent of the whole group of income-tax payers; and yet we took that little group of three-fourths of 1 per cent, represented by a line so tiny that it is almost impossible to show it on the chart, and we exacted from them more than two-thirds of the money that went to make up the seven hundred-odd million dollars of our income taxes.

In effect, what we have done has been to take that little group of 30,000 people, which includes all the successful business executies, the successful doctors, architects, and professional men of all sorts, and we have put them to work for the rest of us, to make them pay for our Government. To a certain extent it is all right to do that, but to the extent to which we have gone we have put a penalty on hard work.

We are all very solicitous about the man who has an invested income of the same size. It is no trouble really for him to get out of that group. We have given him allowances for depreciation of his property. If he has a mine or a gas well or an oil well, that has a limited life, we allow him what we call depletion, in order that he may deduct from his apparent income what we say is really a return of his capital. But to the architect, whole life is similarly limited, we allow no depletion allowance. To the professional man, the lines in whose face grow deeper every year, we allow nothing for depreciation. That is the group I am pleading for.

Such a person has no opportunity to make the deductions that can be made by one who has an invested income. There is no way of being a tax-free doctor. You can not put your money into tax-free professional activities. This class of which I am speaking now has to pay to the last cent, because there are no such business deductions as are permitted to the taxpayer whose income is the yield from any kind of invested capital. That being so, it seems to me that the injustice of these comparisons is doubly emphasized. It seems to me that it is only right that for once the Senate should leave off giving relief to taxpayers who no longer feel the burden and should give some relief to those to whom the quarterly tax day comes as a calamity.

Take the case which I once before cited to the Senate, of the architect of that gorgeous building in New York, the Woolworth Building, one of the greatest pieces of architecture on our continent. The fee for designing that building was paid to Mr. Ledyard, the architect, and came practically all in one lump, in one year; and the United States Government, which had done nothing to help him in the building of that structure, took two-thirds of his fee for that glorious work. There was no possible deduction he could make. He had earned that fee over a long series of years, but he could not spread it out over a series of years, as the installment dealer in pianos can do. He was an installment dealer in the same sense; that is, in the sense that his work extended over a long period, but the United States gave him no relief. It is that class of taxpayer we ought to think about for once, because it is that class that really is building up America.

Let me, in conclusion, show just what these two amendments would do. The Finance Committee amendment makes a relatively small cut. It is indicated by the broken green line which runs just under the 1926 line on this largest chart. It will be seen that in no case does it make a reduction of so much as 1 per cent of the taxpayer's income. In no case is the reduction as much as that. On the other hand, the greatest relief is given to this class with incomes between $30,000 and $80,000, which has had the least relief in the past acts.

The minority amendment, presented by the Senator from North Carolina [Mr. SIMMONS], undertakes to give relief to the lower half of that group, but to stop it shortly at $70,000,

and to provide no reduction for anybody earning more than $70,000. I have tried to show how, by the operation of the earned-income credit, it will actually have the effect, in the last result, of increasing the tax which is paid by anyone with an income of over $70,000, who is earning, in salary or professionally, as much as $20,000 a year.

To state it in another way, if a taxpayer has an income of $10,000 or more, earned income, the effect of the Simmons amendment will be to raise his taxes, if his aggregate income is $70,000 or greater. I am sure that that is not what the Senator from North Carolina and his associates intended by the amendment. I am sure that it is not what the Senate or the Congress means to do, and yet in the last analysis that is the effect of the amendment on which we are now about to vote.

Mr. WALSH of Massachusetts. Mr. President, I do not think there is very much difference between the Senater from Pennsylvania and myself in relation to what these tables may mean. A comparison of the tax law of 1926 with the tax law of 1917 shows that certain surtax payers actually were obliged to pay a higher tax when comparison of the law of 1917 is made with that of 1926. However, that is not a fair comparison. There was a great deal of difference between the law of 1917 and the law of 1918. There was a difference in the normal tax. Also in levying surtaxes, there were only four brackets employed in the law of 1917, in the spread of incomes between $20,000 and $100,000, while in the law of 1918 there were 40 brackets, graduating the surtax between $20,000 and $100,000. That is one of the reasons for this apparent injustice that has been urged by the Senator from Pennsylvania. You can change the tax very substantially for certain classes of taxpayers by very slight changes in the brackets. The brackets used in 1917 were so few that when you compare the tax imposed on a taxpayer who had an income of $60,000 in 1917, with a tax levied under the 1926 act, he will be shown to have actually paid 1 or 2 per cent higher tax. But the peak of all taxes, and the largest taxes levied upon every class, was in 1918, and the only fair comparison to make, it seems to me, is to compare the amount of tax paid in 1918 and the amount paid by the same class of taxpayers in 1926, showing how much lower the actual tax was.

Mr. SMOOT and Mr. REED of Pennsylvania addressed the Chair.

The VICE PRESIDENT. Does the Senator from Massachusetts yield; and if so, to whom?

Mr. WALSH of Massachusetts. I yield first to the Senator from Utah.

Mr. SMOOT. I wanted to call the Senator's attention to the fact that he has made a mistake in regard to the number of brackets in the law of 1917. That law had 22 brackets. The 1916 act had 4 brackets. I will hand the act to the Senator if he wants to see it. There are 22 brackets in the law of 1917.

Mr. WALSH of Massachusetts. The Actuary from the Treasury Department, of whom I have just made inquiry, informs me that there was a difference between the 4 brackets of the 1917 law and the 40 brackets of the 1918 law. The Senator states that there were four brackets in the 1916 law. Is it true that there were 40 in the 1918 law?

Mr. SMOOT. There were 22 in the 1917 act. That is when we began to raise the rates.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me?

Mr. WALSH of Massachusetts. I yield.

Mr. REED of Pennsylvania. I think, perhaps, the Senator did not hear me clearly. What I stated was that, compared with any previous income tax law from 1913 down to 1924, a man with an income of $80,000 has received less relief in this measure than any other group of taxpayers, no matter with what you compare him.

Mr. WALSH of Massachusetts. I think the Senator will agree that the fair comparison to make now in determining what benefits have come to the taxpayers of this country is a comparison of the tax law of to-day with the tax law of 1918, which carries the highest taxes ever levied by this Government.

Mr. REED of Pennsylvania. I am willing to accept that statement, and if we do make that comparison, we find this group of which I have been speaking has received materially less relief than the other classes above or below it.

Mr. WALSH of Massachusetts. That is true, but if we use the law of 1918 in the comparison with the law of 1926, we change from a minus to a plus figure in the reduction of taxes, and we find the relief given very substantial.

Mr. REED of Pennsylvania. Very good; I am willing to take the Senator's own standard, and the results are shown at the top of the chart on the wall.

Mr. WALSH of Massachusetts. How much less, I ask, does the individual taxpayer pay to-day compared with his tax bill of 1918 if his income is $5,000? I have the figures here.

Mr. REED of Pennsylvania. Ninety-one per cent less.

Mr. WALSH of Massachusetts. Exactly, and with an income of $10,000 he gets a tax reduction of 88 per cent.

Mr. REED of Pennsylvania. That is right.

Mr. WALSH of Massachusetts. With an income of $30,000, he gets a reduction of 64 per cent. With an income of $50,000, he gets a reduction of 56 per cent. With an income of $80,000, he gets a reduction of 53 per cent. With an income of $100,000, he gets a reduction of 54 per cent. With an income of $1,000,000, he gets a reduction of 66 per cent. So that all taxpayers have had reductions of over 50 per cent in their tax bill when we compare the law of 1926 with the law of 1918. Is there any dispute about that fact?

Mr. REED of Pennsylvania. There is no dispute about that. Some of them have had their taxes cut to one-tenth of what they were, and others have had them cut to one-half. I can see the difference between the two fractions, even if a Democrat can not.

Mr. WALSH of Massachusetts. Republicans are capable of drawing some very fine distinctions to serve their ends. A Senator at my side suggests that they see some things that do not really exist.

Mr. President, there is $25,000,000 to be distributed in the way of reduced taxes to the surtax taxpayers, and we ought to ask ourselves what class of surtax taxpayers ought to get the benefit of that reduction, applying the principle applied in 1918 of ability to pay. The majority recommendation is to give 38 per cent of the $25,000,000 in reduced taxes to the class of surtax payers, numbering about 17,000, who have incomes of over $70,000. Even the Senator from Pennsylvania does not think that any great injustice has been done to that class when he makes a comparison between the tax bills of 1917 and 1926, which amounted to 49 per cent, and the tax bills of 1918 and 1926, which amounted to between 53 and 66 per cent.

I repeat, the large percentage of the $25,000,000 to be given in reduced taxes is to go to a class of comparatively few taxpayers who have incomes of over $70,000, according to the plan of the majority. The minority contend that that class do not need to have their taxes reduced. Some of them have already had their tax bills reduced 66 per cent. Others have had their tax bills reduced from 53 to 66 per cent. That class is the last class that ought to get the benefit of this reduction of only $25,000,000 to individual taxpayers. There is the first important distinction between the minority and the majority.

The minority also think, if the surtaxes are to be reduced, that we should begin reducing them within the first bracket where surtaxes are exacted. We urge beginning the reduction in the very first bracket fixed in the present law and graduate our reductions upon that bracket of $10,000 up to the sum of $70,000. The result of that would be that instead of limiting the benefits of the reduction of $25,000,000 to 125,000 individuals the minority members would spread that reduction of $25,000,000 so it would reach 250,000 individual taxpayers. There is the second difference between the minority and the majority.

The minority report seeks to cut off the benefit that will come to those taxpayers who are in the brackets above $70,000 and to give it to those taxpayers who are in the brackets between $10,000 and $20,000.

To my mind the burdens of life to-day rest very heavily upon that class of business men, teachers, executives, and professional men who have families, who are trying to educate their children, who must live according to certain professional and social standards in their community, and whose income is only between $10,000 and $20,000. The man earning $12,000, who has two or more children to send to college and has to maintain a home in keeping with his social position, needs every dollar that he can save from tax requirements. I have a great deal of sympathy for that very large number of taxpayers who are enjoying incomes of only between $10,000 and $20,000. I think we will be rendering a service to them and to the country in helping to bring relief to them by including them in that class of surtax payers who are to receive the benefit of the reduction which has been provided for in the majority amendment.

It seems to me the issue is a very simple one. We all recognize that some reduction ought to be given to surtax payers. The question is, Where shall we begin and where shall we stop, and how widely shall we spread the reduction of $25,000,000? On the whole, it seems to me, the better plan proposed is the one proposed by the Senator from North Carolina, which takes the 38 per cent of the $25,000,000 reduction from the taxpayer with incomes in excess of $70,000 and gives it to those,

not included by the majority, with an income of from $10,000 to $20,000.

Mr. HARRISON. Mr. President, there is no use to get confused about this proposition. It is the same old issue that was presented in 1924 when the Mellon tax plan was submitted to Congress and when at that time we joined issue. One side contended that the large reduction should come to those higher up, the other to lift the burden from the man of moderate means, to enlarge the number for the payment of normal taxes, and to give greater reduction in the surtaxes to the larger number of more moderate means. It is the same proposition now. It is the same old fight over again.

I am not surprised that the distinguished Senator from Pittsburgh is making this fight. It is most appropriate that he should present the argument. He suffers from the same optical derangement that another citizen from Pittsburgh suffers. He employs the same kind of glasses. He has an able coadjutor in the Senator from Utah [Mr. SMOOT]. He also is easily persuaded. This amendment is the work of Republican art. It is a very nicely drawn scheme, and to illustrate it a very splendid painting is there presented in the chart on the wall. The Senator from Pittsburgh is the proper teacher to demonstrate its value. The surprise is that the so-called insurgent group are permitting themselves to become apt and responsive pupils.

When we get back to the proposition, here is all it is: The difference between the committee amendment, upon which we will be called upon to vote, and the amendment offered by the Senator from North Carolina is that the Senator from North Carolina proposes by his amendment to relieve 91,000 taxpayers altogether from surtaxes; that he proposes to give about 310,000 income-tax payers, whose incomes are under $70,000, a reduction in taxes; but he denies a reduction in surtaxes to those whose incomes exceed $70,000. That class for the present has been taken care of. The committee amendment gives no reduction in surtaxes on incomes lower than $20,000, and all of the reduction of $25,000,000 that is given here by the committee amendment is given to those whose incomes are more than $20,000. There is the proposition. Take it or leave it.

The Senator from Pennsylvania said that we have not reduced the taxes of those in the $80,000 bracket. I submit we have reduced them. In 1926, when we considered the surtax proposition, it was admitted that there were certain brackets, I believe twenty-four thousand dollars to sixty thousand dollars-odd, that did not get as great a reduction proportionately as the others which were carried in that list. It was pointed out at that time by the minority members of the Finance Committee, when the first draft of the amendment was suggested, that it was grossly discriminatory against that class. Finally the majority of the committee appreciated in a degree the suggestion and rescinded their action and offered us a compromise proposition which gave to those within those brackets a greater reduction. But the reduction then granted was not as great as we wanted to give to them at that time, but that was the proposition which was finally adopted. I submit that is true to-day. That is why we are offering in the amendment a reduction to those people whose net incomes are under $70,000.

But the Senator said that the $80,000 income-tax payer is paying as much tax to-day as he was paying in surtaxes in war times in 1917. That can not be true. We have removed the excess-profits taxes, which benefited the man in the $80,000 bracket. We have reduced the capital-gain tax, which helped that particular class. The man who has an $80,000 income pays no normal tax on stock dividends. The man in the lower brackets, who does not make his investments to the extent that the man higher up does in corporations, pays his normal tax. Let us see what the figures show.

In 1917, on a $80,000 income, not taking into consideration the excess-profits tax that he then paid or the reduction that he got by virtue of the reduction in capital gain, a man paid $14,810 tax. In 1921 he paid $13,960. Under the 1924 law he paid $10,480. In 1926 he paid $7,860. His surtax was cut in half on the $80,000 income. Yet the distinguished Senator from Pennsylvania would have us believe by his chart that there has been no reduction.

The issue is joined. Everybody understands it. If Senators on the other side of the Chamber who class themselves as insurgents want to go on record as voting for the Senate committee amendment, then let them do it and deny to millions of income-tax payers in the country, whose incomes are less than $20,000, the reduction which we offer to give and which the majority of the committee denies to them. I submit the proposition and ask for the yeas and nays.

Mr. REED of Pennsylvania. Mr. President, it is always a matter of great regret that I am obliged to differ with the Senator from Mississippi, but I think it is worth while calling the Senator's attention to this fact: At the present time a Senator or Member of the House receives a salary of $10,000 a year. We have so framed the law in 1926 that a person with that income pays no surtax whatever. If a Senator has, in addition to his salary, say, $4,000 a year from investments like rent, he has to pay a surtax then of $40 a year; he has to pay $10 every three months in surtaxes. While that is true, the architect, the engineer, the lawyer, who earns $70,000 a year, a very fine income, of course, has to pay $6,060 in surtaxes. Can we in simple honesty say that a $14,000 Senator, who pays $10 every three months in surtaxes, has a burden comparable with that borne by the doctor or the engineer who pays $6,060 a year in surtaxes?

Mr. SMOOT. Mr. President, I would like to call attention to this fact: Suppose a Senator or a doctor or a professional man of any kind has a net income of $20,000; he pays $618.75 income tax. The man who has five times that amount of income, or $100,000, pays an income tax of $16,058.75. The one pays 3 per cent and the other pays 16 per cent. That is the situation to-day. While the bill does not correct it as far as we believe it ought to be corrected, yet we have corrected it as far as we could at this time, and we have tried to correct the brackets that impose a higher tax to-day than in 1917 to bring them down on a perfect level with all the other taxes, as the chart will show.

Mr. President, the other day I made a statement that there were less than 400,000 taxpayers, both corporation and individuals, and one Senator questioned the figures. So I took the question up with the Treasury Department, and this is what the statistics show for the year 1925: Of taxable returns of corporations there were 143,887; of nontaxable returns of corporations there were 286,185. In other words, the number of nontaxable returns of corporations in the United States was just about double the number of taxable returns filed by corporations. Who is there in the United States who does not know what corporations are successful? Who does not know what these 143,887 corporations are?

Now, as to individual returns: The taxable returns of individuals for the same year—that is, for the year 1925—numbered 250,166 and the nontaxable returns of individuals—under the existing law they have to make returns but pay no taxes—numbered 1,669,885. In other words, the taxable returns for the year 1925 of both corporations and individuals numbered 2,645,053, which, of course, represents the number of taxpayers in the United States under the revenue law.

SEVERAL SENATORS. Let the amendment be read.

The VICE PRESIDENT. It will be read.

The CHIEF CLERK. In lieu of the committee amendment insert the following:

Upon a net income of $12,000 there shall be no surtax; upon net income in excess of $12,000 and not in excess of $14,000, 1 per cent in addition of such excess.

Twenty dollars upon a net income of $14,000, and upon net income in excess of $14,000 and not in excess of $18,000, 2 per cent in addition of such excess.

One hundred dollars upon a net income of $18,000, and upon net income in excess of $18,000 and not in excess of $22,000, 3 per cent in addition of such excess.

Two hundred and twenty dollars upon a net income of $22,000, and upon net income in excess of $22,000 and not in excess of $26,000, 4 per cent in addition of such excess.

Three hundred and eighty dollars upon a net income of $26,000, and upon net income in excess of $26,000 and not in excess of $30,000, 5 per cent in addition of such excess.

Five hundred and eighty dollars upon a net income of $30,000, and upon net income in excess of $30,000 and not in excess of $34,000, 6 per cent in addition of such excess.

Eight hundred and twenty dollars upon a net income of $34,000, and upon net income in excess of $34,000 and not in excess of $38,000, 7 per cent in addition of such excess.

One thousand one hundred dollars upon a net income of $38,000, and upon net income in excess of $38,000 and not in excess of $42,000, 9 per cent in addition of such excess.

One thousand four hundred and sixty dollars upon a net income of $42,000, and upon net income in excess of $42,000 and not in excess of $46,000, 12 per cent in addition of such excess.

One thousand nine hundred and forty dollars upon net income of $46,000, and upon net income in excess of $46,000 and not in excess of $52,000, 16 per cent in addition of such excess.

Two thousand nine hundred dollars upon net income of $52,000, and upon net income in excess of $52,000 and not in excess of $60,000, 17 per cent in addition of such excess.

Four thousand two hundred and sixty dollars upon net income of $60,000, and upon net income in excess of $60,000 and not in excess of $80,000, 18 per cent in addition of such excess.

Seven thousand eight hundred and sixty dollars upon net income of $80,000, and upon net income in excess of $80,000 and not in excess of $100,000, 19 per cent in addition of such excess.

Eleven thousand six hundred and sixty dollars upon net income of $100,000, and upon net income in excess of $100,000, 20 per cent in addition of such excess.

Mr. HARRISON and Mr. SMOOT asked for the yeas and nays, and they were ordered.

Mr. HARRISON. Mr. President, a parliamentary inquiry. Will the Chair state the question?

The VICE PRESIDENT. The question is on the amendment submitted by the Senator from North Carolina [Mr. SIMMONS], which will be stated.

The CHIEF CLERK. On page 13, after line 3, in lieu of the matter proposed by the committee, it is proposed to insert the following——

Mr. HARRISON. Mr. President, I do not ask that the amendment be read; I merely wanted the question stated.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I should vote "nay."

Mr. WAGNER (when his name was called). Upon this vote I am paired with the senior Senator from South Dakota [Mr. NORBECK]. If he were present, he would vote "nay," and if I were permitted to vote I should vote "yea."

The roll call was concluded.

Mr. CURTIS. I find that I can transfer my pair with the Senator from Arkansas [Mr. ROBINSON] to the Senator from Maine [Mr. GOULD]. I make that transfer and vote "nay."

Mr. WAGNER. I ask that I may be permitted to transfer my pair with the Senator from South Dakota [Mr. NORBECK] to the junior senator from Iowa [Mr. STECK]. I make that transfer and vote "yea."

Mr. JONES. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER]; and

The Senator from New Jersey [Mr. EDGE] with the Senator from Mississippi [Mr. STEPHENS].

The result was announced—yeas 39, nays 43, as follows:

YEAS—39

Ashurst	Fletcher	King	Simmons
Barkley	George	Locher	Smith
Bayard	Gerry	McKellar	Swanson
Black	Glass	Mayfield	Thomas
Bratton	Harris	Neely	Tydings
Broussard	Harrison	Overman	Tyson
Caraway	Hawes	Pittman	Wagner
Copeland	Hayden	Ransdell	Walsh, Mass.
Dill	Heflin	Reed, Mo.	Walsh, Mont.
Edwards	Kendrick	Sheppard	

NAYS—43

Bingham	Fess	McMaster	Sackett
Blaine	Gillett	McNary	Schall
Borah	Goff	Metcalf	Shipstead
Brookhart	Greene	Moses	Shortridge
Bruce	Hale	Norris	Smoot
Capper	Howell	Nye	Steiwer
Couzens	Johnson	Oddie	Vandenberg
Curtis	Jones	Phipps	Warren
Cutting	Keyes	Pine	Waterman
Dale	La Follette	Reed, Pa.	Watson
Deneen	McLean	Robinson, Ind.	

NOT VOTING—12

Blease	Frazier	Norbeck	Stephens
du Pont	Gooding	Robinson, Ark.	Trammell
Edge	Gould	Steck	Wheeler

So the amendment of Mr. SIMMONS to the committee amendment was rejected.

Mr. SMOOT. Mr. President, as I understand, we have not as yet agreed to the committee amendment?

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. SMOOT. Mr. President, there is one other amendment matter to which I should like to have the attention of the Senate. I refer to the amendment on page 215, beginning in line 21, being "Section 509. Surtax rates for 1927." This amendment provides that the rates just agreed shall be retroactive, so that the taxpayers in paying the surtax for 1927 shall have credit according to the rates that we have just put into the bill. In other words, there is $25,000,000 involved in this amendment.

Mr. BORAH. Let us have a yea-and-nay vote on the amendment.

Mr. SMOOT. Let us have the yeas and nays, Mr. President.

The yeas and nays were ordered.

Mr. REED of Missouri. Mr. President, I should like to understand this proposition. I have just come from a committee meeting and I have had no opportunity to hear it explained.

Mr. SMOOT. If this amendment is adopted, the individual surtax payers of 1927 will receive a credit or a rebate of $25,000,000 upon whatever brackets we changed from existing law in the vote that was just taken by the Senate. In other words, it applies only to those brackets running between $20,000 and $80,000.

Mr. REED of Missouri. They will get a credit and nobody else?

Mr. SMOOT. That is the only change there is. Wherever there is a change in an individual bracket they get the credit.

Mr. FLETCHER. Does this apply to corporations?

Mr. SMOOT. No; it does not.

Mr. KING. Mr. President, as I understand this proposition, in a word it means that we discriminate in favor of a limited number of taxpayers—about 120,000—whose tax returns for the calendar year 1927 show that they have taxable incomes within the brackets ranging from $20,000 to $80,000. These favored persons are to receive a credit of $25,000,000 upon their surtax bills between the brackets just mentioned, which is to be retroactively applied.

While I am in favor of tax reduction, I am opposed to the proposition to apply retroactively, for the benefit of those who are paying in these high surtaxes, this large sum of $25,000,000, If there is to be retroactive tax reduction, we may well consider giving the benefits to those individuals whose incomes fall within lower brackets, or who pay only what we denominate the normal income tax, in contradistinction to the surtax.

Mr. THOMAS. Mr. President, I am opposed to the committee amendment found on pages 215 and 216, and designated as section 509.

Section 12—surtax on individuals—of this bill, found on pages 10 to 14, inclusive, sets forth surtax rates upon individual net incomes; and such brackets, as amended by the Senate committee, reduce substantially the rate of surtax upon the larger incomes.

The committee amendment designated as section 509 proposes to make the reduced surtax rates as provided in section 12 applicable to surtax taxpayers for the calendar year of 1927.

If section 12 remains in the bill and if the committee amendment designated as section 509 is agreed to, the provisions of section 12 will be made retroactive, and will, therefore, authorize a credit or refund to such surtax taxpayers for the year 1927.

The proposed reduced rates as applicable to corporations are not made retroactive, and to date I have heard of no argument convincing or even persuasive to me as to why the surtax rates applicable to individuals should be made available to the relatively few taxpayers who enjoy the larger incomes—net incomes in excess of $20,000.

The only reason I have heard for section 509, the retroactive provision giving a refund to the larger individual taxpayers, is that such taxpayers are unable to pass such tax on to the general public or to the ultimate consumers of the country. Corporations are not accorded this special privilege for the reason, I am advised, that the corporations of the country have passed the tax on to the public, or to the consuming public, and that for this reason such corporations do not deserve or merit such refunds for the year 1927.

I agree with the committee action that no refund should be accorded corporations on account of taxes paid and to be paid for the calendar year 1927. I oppose the retroactive provisions applicable to individuals for such year, and favor placing individuals on the same plane as corporations. If the committee amendment designated as section 509 is not agreed to, no refunds will be authorized, the reduction in the tax rate on the larger incomes will not be made retroactive, corporations and individuals will be on the same plane, and each will pay tax for the calendar year 1927 as now provided by law.

Mr. President, permit me to call attention to a few facts which I am unable to harmonize with the committee action as proposed in section 509.

We have 120,013,000 people in the United States. This proposed section, if adopted, will give refunds to some 125,000 of the larger taxpayers and will afford no relief whatever to the other 119,888,000 citizens of the Nation.

The section, if agreed to, will give a refund of some $25,000,000 to the 125,000 favored large-income receivers, and from the information I have this will be deducted from the payments yet to be made and the payments already made.

If this section is agreed to, it will have the effect of a $25,000,000 appropriation from the Federal Treasury—an appropriation made or a gratuity given to the 125,000 large taxpayers

of the country, and an appropriation of $25,000,000 for which the Government and the people get no benefit whatever.

It is represented that this bill, if and when enacted into law, will reduce taxes in the total sum of approximately $200,000,000. If the proposed section 509 is agreed to, it will authorize a refund or reduction in taxes to be paid in the further sum of $25,000,000. Hence the bill instead of being a $200,000,000 tax-reduction measure will in fact be a $225,000,000 tax-reducing law, and from the information I have it is asserted that the economy program of the administration can not stand a tax-reducing bill in so large a sum at this time.

At this point I might say that the amendment just adopted, I think on Saturday, afforded a further reduction of $24,000,000, so the bill as it now stands proposes to reduce taxes by a total sum of $224,000,000, and if this amendment is adopted it will add a still further reduction of $25,000,000, making $249,000,000.

Mr. SMOOT. No; I will say to the Senator that he is mistaken there. This $25,000,000 will come out of the $401,000,000 surplus that was developed at the end of this year. It will not come out of the taxes proposed in this bill. That is the only mistake the Senator made.

Mr. THOMAS. I will stand on this proposition, Mr. President, that if this amendment is agreed to as offered by the Senator from Utah it will have the effect of a $25,000,000 appropriation made by this Congress, for which this Congress and the people get no benefit whatever—a simple gratuity, a gift to 125,000 taxpayers of the country.

Mr. SMOOT. Mr. President, of course this is the proposition here, and this is all there is in the amendment:

There was $401,000,000 surplus for 1927. All that we do here is to provide that where a taxpayer has made his return under the existing law—and it only affects the taxpayers between the $20,000 and $80,000 brackets—he will receive on his next payment of the taxes for 1927 whatever reduction he is entitled to by the new rates; and that does not come out of the revenue of the coming year. It comes out of the excess receipts of the preceding year. That is all there is to it.

Mr. KING. Mr. President, will the Senator yield?

Mr. THOMAS. I yield.

Mr. KING. As I understand the proposition, it simply means this:

Taxes have been levied for the calendar year 1927 and returns have been made by the taxpayers. If my colleague or any other person has made a return showing an income within the brackets from $20,000 to $80,000, and has paid the tax in full, he would get a refund of 25 per cent. If he has paid only a part of it, when the next payment is to be made he obtains a credit representing 25 per cent of the total surtax, computed upon the income above $20,000 and below $80,000. If the amount of the surtax levied upon the income of an individual for the year 1927 and upon the income within the brackets referred to is, for illustration, $2,000, it will be reduced to $1,500, the $500 credit being applied retroactively.

Mr. SMOOT. That is exactly what I stated, Mr. President.

Mr. KING. I am glad we agree; but it is possible to state a proposition somewhat differently.

Mr. BRUCE. Mr. President——

Mr. THOMAS. I yield to the Senator from Maryland.

Mr. BRUCE. I was just going to ask the Senator from Utah, and I will ask the Senator from Oklahoma, why should the taxpayer get this refund at all?

Mr. THOMAS. There is no reason, so far as I can see, and no reason has been advanced, excepting this reason: It was stated in the committee that the corporations did not merit a refund for the reason that they had already collected the tax and had passed it on to the ultimate consumer. The statement was made that the individual taxpayer could not pass it on to the ultimate consumer, and for that reason he should have this refund; but I will say that every individual who could pass the tax on to the consumer or to some one else has done so.

Mr. SIMMONS. Mr. President, what the Senator means is that under this arrangement the taxpayer will not only get this reduction for future years, but he will get the reduction for last year.

Mr. THOMAS. For 1927?

Mr. SIMMONS. For 1927.

Mr. THOMAS. And I might also state that a good portion of this tax has already been paid. While the law to-day permits the taxpayer to pay his taxes in four quarterly payments, the record shows that the individual taxpayer in a very large per cent of the cases pays his entire tax at the time the first installment is due; and I am advised that practically one-half or upward of one-half of the individual taxes have been paid already.

Mr. SMOOT. Not in these brackets.

Mr. THOMAS. I have that information from those who should know. Of course, I do not know myself.

Mr. SMOOT. The Senator is perfectly correct, taking all the small taxpayers into consideration, but not the taxpayers in these brackets only.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. THOMAS. Yes, sir.

Mr. JOHNSON. Is there any other class as to whom this retroactive clause is made effective?

Mr. THOMAS. It is made effective only as to individual taxpayers who have annual incomes between $20,000 and $70,000.

Mr. JOHNSON. Yes; I understand that. Is it to that class alone, and to no other class of taxpayers, that this retroactive reduction is to be made?

Mr. SIMMONS. No, Mr. President.

Mr. SMOOT. Yes.

Mr. SIMMONS. No; it applies to everybody who gets any benefit under this bill. It applies to the million-dollar man as well as it does to the $20,000 man.

Mr. THOMAS. I will say to the Senator from California that in that particular I was in error. It applies to individual taxpayers who have incomes above $20,000. The income might be $1,000,000, it might be $5,000,000, it might be $20,000,000.

Mr. BORAH. Do I understand that the amount involved is about $25,000,000?

Mr. THOMAS. The amount involved is estimated at $25,000,000.

Mr. BORAH. In other words, if we adopt this amendment, the income-tax payers of 1927 will pay $25,000,000 less?

Mr. THOMAS. That is correct.

Mr. SIMMONS. That is right.

Mr. NORRIS. Mr. President——

Mr. THOMAS. I yield to the Senator from Nebraska.

Mr. NORRIS. As I understand, it will have the same effect on those it does affect as though this bill were passed a year before it is passed?

Mr. THOMAS. The Senator is correct. It will have the same effect as if we made an appropriation of $25,000,000 from the Federal Treasury to-day; and instead of the Treasury getting the benefit of this $25,000,000, it will go to 125,000 taxpayers who have incomes above $20,000 annually.

Mr. FLETCHER. In other words, Mr. President, we say that we robbed them last year, and now we want to give it back to them.

Mr. THOMAS. If the Congress agrees to this provision, such agreement must be made over the protest of the administration. Such a provision will reduce the Treasury estimate for 1928 by the sum of $25,000,000. As I view this matter, the committee amendment can not be supported, because it will give a refund or a gratuity to a favored few who do not need it, and it is in conflict with the general policy of the Treasury and the administration.

The adoption of said section 509 will cost the Treasury even more than the amount of the refund of the sum of $25,000,000. In fact, it will cost very much more. If the refund is authorized, the Treasury Department will be compelled to enter into correspondence with each of the 125,000 individual taxpayers to be favored.

I am advised that it costs the sum of approximately $10 to prepare and send out a letter from the Treasury Department. Thus, if my information is correct, it will cost the sum of $1,250,000 to send a single letter to each of the 125,000 taxpayers affected; and, if my information is correct as to the cost of the routine business in the Treasury Department, the cost to the Government of administering the said section 509 will be many times the one and a quarter million of dollars, the estimated cost of sending a single letter to each of the several taxpayers to be favored.

I am advised that the 1924 tax bill authorized some rebates to the taxpayers for the year 1923, and that at this time adjustment cases relating to the 1923 refunds are still pending in the Income Tax Bureau of the Treasury Department.

Mr. President, the fact that the Treasury will lose a relatively large amount of money, the sum of $25,000,000; the fact that the average refund to each of the 125,000 taxpayers will amount to only $200 per capita; that much of this tax, approximately 50 per cent, has already been paid; the fact that it will take years to adjust such rebates proposed to be authorized; the fact that this gift, if authorized, will cost the other taxpayers of the country millions of dollars in the administration of the said authorization; these facts have led me to oppose the adoption of the said section 509, proposing to make the reductions carried in section 12 of the bill retroactive for the year 1927 and authorizing refunds to be made to the 125,000 individuals who receive and enjoy the larger incomes of the country.

The question will come on the motion to agree to the committee amendment, designated as section 509, and those who favor granting a rebate, or gratuity, in the sum of $25,000,000 to 125,000 of the larger-income taxpayers of the country will, of course, vote to support the committee amendment. I am opposed to such amendment and hope it will be defeated.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

Mr. BORAH. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON]. In his absence, not being able to get a transfer, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. WAGNER (when his name was called). On this vote I am paired with the senior Senator from South Dakota [Mr. NORBECK]. I transfer my pair to the senior Senator from Iowa [Mr. STECK] and vote "nay."

The roll call was concluded.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER]; and

The Senator from New Jersey [Mr. EDGE] with the Senator from Mississippi [Mr. STEPHENS].

The result was announced—yeas 28, nays 54, as follows:

YEAS—28

Bingham	Goff	Moses	Shortridge
Couzens	Gould	Oddie	Smoot
Cutting	Greene	Phipps	Steiwer
Dale	Keyes	Reed, Pa.	Vandenberg
Deneen	McLean	Robinson, Ind.	Warren
Fess	McNary	Sackett	Waterman
Gillett	Metcalf	Schall	Watson

NAYS—54

Ashurst	Edwards	Kendrick	Reed, Mo.
Barkley	Fletcher	King	Sheppard
Bayard	George	La Follette	Shipstead
Black	Gerry	Locher	Simmons
Blaine	Glass	McKellar	Smith
Borah	Hale	McMaster	Swanson
Bratton	Harris	Mayfield	Thomas
Brookhart	Harrison	Neely	Tydings
Broussard	Hawes	Norris	Tyson
Bruce	Hayden	Nye	Wagner
Capper	Heflin	Overman	Walsh, Mass.
Caraway	Howell	Pine	Walsh, Mont.
Copeland	Johnson	Pittman	
Dill	Jones	Ransdell	

NOT VOTING—12

Blease	Edge	Norbeck	Stephens
Curtis	Frazier	Robinson, Ark.	Trammell
du Pont	Gooding	Steck	Wheeler

So the amendment of the committee was rejected.

Mr. REED of Missouri Mr. President, while this matter is before the Senate, I want to ask the Senator from Utah if he thinks the revenues of the Government are such that we could have rebated this $25,000,000?

Mr. SMOOT. That money has already been collected, and, of course, it could be paid out.

Mr. REED of Missouri. If it is kept in the Treasury, as it has been by this vote, why can not the levies made in the revenue bill be cut by $25,000,000?

Mr. SMOOT. That is a different year.

Mr. REED of Missouri. But we have the money, no matter what year it is.

Mr. SMOOT. This is for 1929.

Mr. REED of Missouri. We have the money on hand. If we have already collected $25,000,000 which we do not need, why can we not carry it in the Treasury and reduce the taxes that are now to be levied?

Mr. SMOOT. The object of the Secretary of the Treasury was to reduce the taxes to those who are entitled to it, who did not get the reduction under the last act.

Mr. REED of Missouri. Regardless of that, we have $25,000,000 more than we need, and we are now levying more taxes. Having already collected that $25,000,000, can we not employ it for the expenses of the Government and cut down the levies made in this bill?

Mr. SMOOT. This could apply only to one year. This bill is for 1929–30. The $25,000,000 will be paid upon the debt of the Government of the United States.

Mr. REED of Missouri. One Senator says it has already been applied. If it has already been applied, how could we return it to the taxpayers?

Mr. SMOOT. As far as that is concerned, they buy the bonds of the United States. That is what they do with the money.

Mr. REED of Missouri. It has not already been applied, so that we can get it if we want to.

Mr. SMOOT. That is true.

Mr. REED of Missouri. It is available if desired.

Mr. SMOOT. If there were a $25,000,000 reduction in this bill, that would apply only to one year, to 1929–30.

Mr. REED of Missouri. Then why not apply it?

Mr. SMOOT. Because I do not think the Senate desires to apply the money that way. They would rather pay it on the debt of the Government.

Mr. REED of Missouri. That is the Senator's opinion.

Mr. REED of Pennsylvania. Mr. President, I would like to ask the Senator a question. The Senator says that we have collected $25,000,000 more than we need. The Senate has just refused to give it back to the people from whom it was collected. Does the Senator suggest that, having collected it from that group, we should now give it to some other group?

Mr. REED of Missouri. No; I simply suggest that if we have $25,000,000 more in the Treasury than we need, and therefore can afford to return it, and the Senate has determined not to return it, the money then remains in the Treasury, and having $25,000,000 more than we need, we can well afford to reduce the levies to be made upon the people of the United States next year by that amount.

Mr. SMOOT. This money has not been collected for 1927. It has been assessed, and the first payment has been made.

Mr. REED of Missouri. But we are going to collect it. That is just going around the barn the other way. A moment ago the statement was made that we had it, and that we had already paid it on the debt. Now, we are told we have not got it at all, that we have to get it yet. I do not understand those statements. They confuse me.

Mr. SIMMONS. Mr. President, the first payment of the tax has been made by some taxpayers, and some taxpayers pay the entire amount in advance. I understand that about one-half of the total amount has already been paid.

Mr. REED of Missouri. It follows, then, if only half has been paid, that it could not have been employed up to this date in paying the public debt.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit another question?

Mr. REED of Missouri. Yes.

Mr. REED of Pennsylvania. The Senator has said, as shown by his vote, that he does not approve of giving it back to the people from whom it was collected. He has just told us that he does not approve of keeping their money and giving it to somebody else or some other class of people. Would the Senator then be in favor of a further reduction of the surtax rate for the group from whom the money was collected?

Mr. REED of Missouri. That would depend on the equities of the proposition. I do not see that that has anything to do with the problem I am discussing, which is simply this: We have collected $25,000,000 which we do not need and could return. The Senate has said it should not be returned. The $25,000,000, therefore, rests in the Treasury or will be gathered into the Treasury from those who have not yet paid. That being the case, it seems to me the logical thing to do would be to reduce the levy made in this bill for the first year. That would relieve all the taxpayers who are so favored who are yet to pay their taxes.

I am just trying to get some light. We have $25,000,000 that we do not need, and if it has already been paid upon the debt of the Government, although it has not yet been collected, and if it is going to come into the Treasury, and if we are levying other taxes, we should not take into consideration the amount of money that is really here because it has not been paid on the public debt.

Mr. REED of Pennsylvania. It seems to me the Senator's argument reaches the conclusion that we have not reduced the surtaxes enough.

Mr. DILL. Mr. President, what about those people who are paying income taxes on incomes of $5,000 and over? I understand we can increase the exemption to $5,000 for all married men and $3,500 for all single men, and that it would cost the Government about $25,000,000. By doing that we could reach the great mass of common people in the country. Why not apply it in that way?

Mr. REED of Pennsylvania. Because there is no demand for it.

Mr. DILL. Oh, yes; there is.

Mr. REED of Pennsylvania. The great mass of the common people of the country do not want to be charity patients when it comes to having their Government paid for by other people.

Mr. DILL. The great mass of people of the country would like to have their taxes lowered.

Mr. SMOOT. The great mass of the people do not pay any taxes now at all.

Mr. SIMMONS. Oh, yes; they pay them all.

Mr. REED of Missouri. It seems to me the $25,000,000 might be put to some better use than merely to leave it in the Treasury.

THE MERCHANT MARINE

Mr. JONES. Mr. President, I ask that the conference report on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes, be laid before the Senate.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington?

Mr. McKELLAR. Does the Senator want to take up the conference report this afternoon?

Mr. JONES. Yes; that is what I am trying to do right now.

Mr. McKELLAR. I hope the Senator will not ask for a vote on it to-day. I would like to go over it before it is voted on. I have been out of the city for a day or two and I would like to go over the conference report before action upon it.

Mr. JONES. Will the Senator be ready to proceed with it at the opening of the session to-morrow?

Mr. McKELLAR. I have no doubt about it. I have not examined it, but I have no doubt but that I shall be ready.

Mr. JONES. I would like to get it disposed of to-morrow at the latest.

The VICE PRESIDENT. The conference report goes over on request.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, May 15, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 14 (legislative day of May 3), 1928

MEMBER OF FEDERAL RESERVE BOARD

Edmund Platt, of New York, to be a member of the Federal Reserve Board for a term of 10 years from August 10, 1928. (Reappointment.)

UNITED STATES DISTRICT JUDGE

Edgar J. Adams, of Oregon, to be district judge, division No. 1, District of Alaska, vice Thomas M. Reed, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 14 (legislative day of May 3), 1928

POSTMASTERS

CALIFORNIA

Nan G. Cary, Engelmine.
Edward A. Rees, Fontana.
Leslie M. McClary, Lomita.
Frances W. Brown, Montrose.
Warren A. Woods, Suisun City.
Homer C. Bolter, Vacaville.

IDAHO

Frank Dvorak, Aberdeen.
Edith M. Smylie, Genesee.
Hugh D. Stanton, Kendrick.
Ned Jenness, Nampa.
Robert N. Molloy, Orofino.
Albert E. White, Payette.
Amanda O. Holmes, Plummer.
Floyd E. Reynolds, Richfield.
Charles J. Shoemaker, Sandpoint.
Lester J. Holland, Shelley.

IOWA

Patience Felger, Afton.
Clyde C. Sheaffer, Alden.
Charles H. Cookinham, Ayrshire.
William W. Jamison, Brighton.
J. Tracy Garrett, Burlington.
Lloyd S. Meyers, Columbus Junction.
William E. Clayman, Conrad.
James W. Duckett, Corwith.
William M. Young, Defiance.
Calvin C. Knoll, Gilmore City.
Perry D. Burke, Gladbrook.
John F. Dicus, Griswold.
Howard B. Gillespie, Guthrie Center.
Wesley Seufferlein, Lake City.
Charles E. L. See, Laurens.
Frank E. Moravec, Oxford Junction.
Solomon T. Grove, Plover.
Frank T. Best, Pomeroy.
Hazel A. Coltrane, Stockport.
Charlie C. Clifton, Thompson.
Clair A. Sodergren, Wayland.
Joseph McClelland, Wellman.

MINNESOTA

Henry O. Halverson, Gonvick.
Hans P. Becken, Hanska.
Samuel S. Michaelson, Montevideo.
Alvin A. Ogren, New London.
Henry E. Day, Raymond.

MONTANA

Charles W. Allison, Bainville.
George C. Core, Choteau.
Avory W. Dehnert, Denton.
George W. Patterson, Havre.
Lee Jellison, Hobson.
Robert T. Richardson, Missoula.
Claude C. Alexander, Stanford.
Margaret D. McGlumphy, Sumatra.
Robert Parsons, Sweetgrass.
Lucile D. Knight, Twin Bridges.
Thomas C. Devore, Whitehall.

NEVADA

William E. Dalton, Gerlach.
John W. Christian, Pioche.

NEW JERSEY

Harriet C. Rosenkrans, Branchville.
George Coleman, Delanco.
Charles E. Bishop, Elizabeth.
Lyle W. Morehouse, Little Falls.
John E. MacIlwain, Magnolia.
Frank McMurtry, Mendham.
William A. Reeves, New Lisbon.
Frank L. Pote, Paulsboro.
Ida H. Collom, Pemberton.
Harry B. Mason, Pompton Lakes.
Rachel E. Berger, Ringoes.
Charles Herrmann, South River.
Belle H. Smith, Springfield.
Anne W. Campbell, Tabor.

NEW YORK

Arthur J. Lytle, Angelica.
Ettie M. Babcock, Canaan.
Margaret M. Senecal, Champlain.
Daniel T. Evans, Chittenango.
Clifford C. Wenzel, Deferiet.
Walter N. Durland, Hurleyville.
Volney P. Hyde, La Fargeville.
George B. Bradish, Malone.
Lulu B. Morehouse, Marathon.
William P. McConnell, Marlboro.
William W. Carpenter, Monticello.
Copeland E. Smith, Olean.
Herbert J. Crandall, Silver Creek.

VIRGINIA

Ray L. Barlow, Buckner.
Thomas T. Weddle, Floyd.
Bernard Willing, Irvington.
Nannie L. Curtis, Leehall.
Frank G. Jones, Montvale.
John J. Ward, Nassawadox.
Herbert C. Bolton, St. Paul.
William B. Perkins, Trout Dale.
James O. Dameron, Weems.
Guthrie R. Dunton, jr., White Stone.

HOUSE OF REPRESENTATIVES

MONDAY, *May 14, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, we are all debtors to Thee for Thy continual goodness; hence we are inspired with a sense of thanksgiving and praise. How wonderful art Thou and yet how gentle! O may we behold wondrous things out of Thy law. Give to our understanding clear vision, that we may discern wisely Thy will concerning our public and private obligations. In the midst of the days remember mercy. May the secrets of our energy be in Thy wisdom and constraining love. Fill our memories with the sweetest and the best and the purest in our lives. Through all the light and through all the dark be with us. Amen.

The Journals of the proceedings of Saturday, May 12, 1928, and Sunday, May 13, 1928, were read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 13032. An act to amend the act of February 8, 1895, entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters"; and

H. R. 13037. An act to amend section 1, rule 2, rule 3, subdivision (e), and rule 9 of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895 (ch. 64, 28 Stat. L. sec. 645).

The message further announced that the Senate insists upon its amendments to the bill (H. R. 10159) entitled "An act granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes," disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NORBECK, Mr. DALE, and Mr. STECK to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 12381) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors," disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NORBECK, Mr. SHIPSTEAD, and Mr. BRATTON to be the conferees on the part of the Senate.

The message further announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4321. An act authorizing the Secretary of the Interior to dispose of two bridges on the San Carlos Indian Reservation, in Arizona, and for other purposes;

S. 3944. An act authorizing the President to present in the name of Congress gold medals of appropriate design to Clarence D. Chamberlain and Charles A. Levine;

S. 4229. An act to extend the time for completing the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.; and

S. 4276. An act granting a pension to Edith Bolling Wilson.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 3699. An act for the relief of the land-grant railroad operated between the station formerly known as East Portland, in the State of Oregon, and Roseville, in the State of California;

S. 3556. An act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes; and

S. 3456. An act allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President.

The message further announced that the Senate disagrees to the amendments of the House of Representatives to the joint resolution (S. J. Res. 82) entitled "Joint resolution providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FESS, Mr. HOWELL, and Mr. MCKELLAR to be the conferees on the part of the Senate.

AIR MAIL

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short statement by the Postmaster General relative to the tenth anniversary of the use of the air mail.

The SPEAKER. Is there objection?

There was no objection.

Mr. ACKERMAN. Mr. Speaker and Members of the House, this is air-mail week. The tenth anniversary of national air mail service is also being celebrated.

As a part of the official notice being given these events, the Postmaster General has issued a statement covering the heroic achievements and concrete results which have marked the service.

Through the courtesy of the Postmaster General and the Washington Sunday Star, and the privilege granted me by the House, I am able to have a permanent record made of the national postal celebration.

The Postmaster General's statement as published in the Washington Sunday Star is as follows:

GETTING THE AIR MAIL THROUGH—HEROIC ACHIEVEMENTS AND CONCRETE RESULTS MARK SERVICE, SAYS POSTMASTER GENERAL

By Harry S. New, United States Postmaster General

The tenth anniversary of that first 219-mile flight between New York and Washington, which inaugurated our national air mail service, will be celebrated Tuesday by the Post Office Department.

Almost the same moment will mark the completion of two important links in the great transcontinental network of air-mail routes that exist to-day—those from Ogden, Utah, to San Francisco and from Albany to Cleveland. And still more interesting as a coincidence is the recent opening of a steady air mail service from New York southward through Washington, tying the North and the East to Richmond, Greensboro, Spartanburg, and Atlanta.

At noon on May 15, 1918, four pilots stood at their planes in New York, Philadelphia, and Washington, ready for the first air-mail flight. All four were lieutenants in the Army Air Corps, loaned for purposes of experiment to the Post Office Department.

While Lieutenant Webb started from New York, while Lieutenants Culver and Edgerton were waiting to relay the mail in Philadelphia, Lieutenant Boyle took off from Washington with a sack of air mail weighing about four pounds and a half. Boyle was forced down almost immediately, and Edgerton, coming in with the mail from New York via Philadelphia, took up that little sack of mail and carried it next day on his return flight to Philadelphia, whence Lieutenant Webb took it on to New York.

To-day 500,000 pounds of mail are carried through the air over millions of miles. A single sack now may go over lighted routes and by flood-lighted landing stations the entire 2,600 miles from New York to San Francisco.

LIKE FAR-OFF DREAM

When those first four pilots stood by their planes on that day in 1918 the time when this country would be netted across by great aerial mail routes, operating regularly on schedule, seemed to many a far-off dream. It was travel in a new dimension. If it was to be developed, it must be developed first by those who had the nerve to fly and then by those who had the nerve to back it financially.

Yet the dream of 10 years ago already has become only the starting point of a great vision for the future. Reaching out from our own country, we are already clasping hands through the air with our fellow peoples of the Western Hemisphere.

Working with the State Department and with the postmaster general of Mexico, we are now completing plans for an international air mail service as significant to the story of international relations as it is to the story of transportation. From New Orleans, by way of Tampico and Vera Cruz, American planes will complete a run which will make it possible to send a letter by air all the way from Boston to Mexico City.

Nor will the story end there. From New Orleans to Houston, by a projected three-way connection—to Brownsville, to Laredo, and San Antonio—it will be possible to connect with any route by which the Mexican service may enter the United States in the future.

PAN AMERICAN HOOK UP

Next we vision the hook up of the so-called Pan American countries. The department plans to establish air-mail routes to South America that will serve the Central American countries and create an air mail service extending from Boston and Seattle to Concepcion. And it is actually in process of negotiating agreements to pave the way for these lines, with good reason to hope for the fulfillment of its dreams.

From Habana, which already connects with us by air to Key West, the projected line would run southward and westward to Mexico,

Guatemala, Honduras, Salvador, and Costa Rica; thence into the Canal Zone, and from there drop southward along the western coast of South America through Colombia to Ecuador and Peru, reaching all the way down through to Chile, even south of the Chilean capital, as far as Concepcion.

Concepcion is chosen as the southern terminus of this hook-up, because it is opposite a low pass in the Andes where an easy connection can be made with Buenos Aires. From Buenos Aires, as every one knows, a French air service already is operating northward and eastward toward Europe.

About to be linked with the countries to the south we are just now also binding ourselves by air closer to Canada by the route just opened between Montreal and Albany. And, on the purely domestic side, it is safe to say that the American air mail service is surpassed by that of no other country.

Hanging in the office of the Second Assistant Postmaster General, Irving Glover, is a great map at which I can never glance without a feeling of satisfaction at the status achieved in this brief time by the American air mail service.

WHAT MAP REVEALS

Pinned on that map of the United States are lines of red ribbons, blue ribbons, yellow ribbons, and brown ribbons. The red ribbons indicate lines now actually under operation. The blue ribbons indicate routes awarded but not yet operating. The yellow ribbons indicate routes proposed. The brown ribbons indicate hook-ups to foreign mail routes. The blue ribbons are constantly giving way to red ones; the yellow ones to blue. One glance at that map gives us history and gives us prophecy.

There, in the red lines with the regular daily air mail service they indicate, one observes Boston and New York linked to Cleveland, to Buffalo, to Chicago, and Detroit; to Pittsbrugh, Cincinnati, and St. Paul; to Omaha and Colorado Springs and Salt Lake City; to Boise in Idaho, and tied to the Pacific coast from Pasco, Wash., to San Francisco and Los Angeles.

There one sees air routes following the great natural divisions of our country. A great transcontinental line, from which branch from north to south the three great divisions of the East, the Middle West, and the West.

In the East, Boston and New York tie on southward to Atlanta, there throwing out two branches westward and eastward—one to Birmingham, Mobile, and New Orleans and thence to the Mexican hook-up of which I have already spoken; the other to Jacksonville and Miami to pick up the Pan American line.

One sees Chicago, in the Middle West, tied not only to the East, the North, and the West, but to the South by Kansas City, Wichita in Kansas, through Oklahoma to the Texas cities—Dallas and Fort Worth and Waco, Austin and San Antonio, Houston and Galveston. And one sees the west coast from Pasco, through Seattle to Portland, San Francisco, and Los Angeles in the far-flung line going back to New York.

SKEPTICISM 10 YEARS AGO

At this point we may observe certain significant features of that first flight 10 years ago. At that time there already had been certain spasmodic flights with mail. But the proposition of a regular schedule, operating in all kinds of weather, presented new difficulties. A great divergence of opinion existed among aeronautical experts at the time as to the possibility of the Post Office Department keeping up anything approaching a daily service. It was commonly said that the service would have to be abandoned during the winter months.

But there were some of us who were more optimistic. When I myself was a member of the subcommittee of the Senate on aeronautics I became profoundly interested in everything concerning aviation; I became a believer in its future. It is a faith I have never had to abandon.

Beginning with Army planes and flyers loaned for the purpose, in some three months the Post Office took over its own pilots.

At the end of the first year, with old-type planes and with all the difficulties of the new and experimental, we were able to report that of a possible 1,263 trips only 55 were not undertaken or failed to the extent of requiring the mail to be shipped by train.

VAST TOTAL CARRIED

When on June 30 of last year we turned the service over to private operation we could report a total of nearly 13,600,000 miles of air mail flown, carrying well on toward 300,000,000 pieces of mail, with a percentage of loss remarkably small. The record also shows that while there were over 4,000 forced landings on account of weather and something over 2,000 due to mechanical causes, only 32 crashes resulted in fatalities, causing the deaths of 32 pilots and of 9 other employees who accompanied them, nearly all of them during the first few experimental years of the service.

From July, 1926, to July, 1927, over 2,500,000 miles were flown and there were only two fatalities. What railroad or steamship company can point to a similar record?

That first flight between New York and Washington marked in more than one way the beginning of a great national experiment. It marked the beginning of an American policy in regard to mail aviation entirely different from the European.

Whereas among European countries it is commonly the case to provide subventions or government subsidies, the United States Post Office Department and I never, from the beginning, had any such purpose in mind.

The department believed and I believed as much in the future of commercial aviation as we did and do in the national value of private individual business energy.

POLICY NOW IN EFFECT

We began the operation of that first air-mail route with the distinct purpose in mind of making it a great national demonstration in the feasibility of commercial air transportation for mail. Once that had been demonstrated, we were willing to turn over the air mail to the operation of the same economic principles that are concerned in the transportation of mail by ships on sea or by train on land.

While European Governments subsidize seats, mail and express, we deal with the commercial air-mail companies in the matter of carrying mail as we deal with other transportation companies—with this difference, that the law requires all railroad companies engaged in interstate commerce to carry mail on request. That provision of the law does not apply to air-mail companies.

We advertise for bids on which we let the contracts for carrying air mail to be paid for in accordance with services rendered the Government. These bids vary from the lowest rate of 83 cents a pound to the highest rate of $3 a pound. In turn, instead of the land-mail price of 2 cents for one ounce or under, the air-mail stamp costs 10 cents for each half ounce or under in consideration of the greater speed of delivery.

And already these lines have begun to demonstrate the value of our idea. They are beginning to pay. One firm has paid a year's dividends in advance. Our first great experiment is becoming a demonstration in America's belief in sound business principles.

COST OF EXPERIMENT

During those laboratory years and during the performance of services highly valuable to the Government and to the future of American aviation, less than $16,250,000 of Uncle Sam's money was expended by the Post Office Department. Of this close to $2,250,000 was handed back for excess air postage on the transcontinental route during the two and one-half years from July, 1924, to February, 1927, alone. And at the end of that time the Post Office Department auctioned off 26 planes at an average price of around $7,000 apiece, gave some planes to the forest patrol for the work of fire prevention, 15 to the War Department, and some to the Department of Commerce for use in connection with the establishment and maintenance of lighted airways.

After all deductions are made, all we have paid for the greatest step in aviation history is $9,500,000.

In building up this service the Post Office Department gave night flying to the world and created an organization which, in the words of Lindbergh, is the envy of all Europe.

It was a demonstration in the feasibility of continuous air delivery. As soon as commercial aviation became strong enough it received not only the physical assets of governmental service, but also the technical knowledge built up through those first years of experience in this new field.

PRIVATE FIRMS CARRY ON

Coming into the department already an enthusiast, I have backed it as hard as I could, from the beginning. When we had demonstrated that it was possible to cross the continent with unfailing regularity except for impossible weather conditions—and, remember, even railroad trains are occasionally blockaded—I was ready to say that the service could be better carried on under private capital than by Uncle Sam. Uncle Sam had to make the demonstration. Uncle Sam had to show his nerve. It is up to the private firms to carry on.

That the experiment was successful is illustrated by the fact that to-day there are 21 commercial air firms actually carrying American mail, and requests are constantly coming in from every section of the country for the establishment of air-mail routes where such do not already exist.

These requests are the result of a growing recognition on the part of American business of the value of speedy communication. One recent example will illustrate:

Portland, Oreg., needed a new set of water meters. A firm in Newark, N. J., heard about it just as the date advertised for bids was about to expire. The Newark firm sent its bid by air mail. For that reason—and that reason only—the bid arrived in time to be considered, and the Newark firm got the contract.

Practical as it is the air mail has already given the country a record of performance equaled only by its record of devotion.

PILOTS ARE PRAISED

I have said that achievement was possible only through the nerve of the pilots and the nerve of the backers. And our pilots have shown in full measure they are the stuff of which heroes are made. "Bring the mail through!" That slogan of the Post Office in all its depart-

ments has inspired them, whether, like Lindbergh, they carried mail for private contractors or whether they date back to the days of Government operation.

I do not believe in "stunt flying." The public mind often credits to aviation a series of failures in efforts that could have been accomplished only by miracles—efforts doomed from the first. The attempt to accomplish the impossible can end only in defeat. I believe in the practical rather than the spectacular.

These 10 years since our first air-mail flight have been spectacular in their demonstration of the practical. And the records of the air-mail pilots glisten with stories of their abilities as flyers as well as of their personal heroism and their unfailing sense of humor. It is invidious to choose among them, perhaps. Yet a few illustrations, taken almost at random from the records, will give some idea of how they have brought the mail through.

SOME HEROIC FEATS

There was H. G. Boonstra. Forced down upon a rocky ledge 9,400 feet high, somewhere between Salt Lake City and Rock Springs, he crawled for 36 hours on his hands and knees through snow to an abandoned ranch house. Thence he got to a telephone. When he finally got back, got the mail, and brought it to Colesville, Utah, the whole town turned out with a band to celebrate his arrival.

When R. H. Ellis's plane literally stuck its nose into the perpendicular side of a mountain in Wyoming he rolled his mail down the ledge and got it through.

Eugene Johnson's ship fell straight down, in a flying position, for 1,500 feet, with Mount Rose ahead. Arm over eye, he waited the crash, when the wind struck the ship with a jar that carried it up and turned it in the opposite direction. And he got through with the mail.

J. H. Knight, flying by compass in the fog 8,000 feet up, as his gas gave out, dropped under the bank to find Lake Erie. He played hide and seek with the docks and dredges till he wormed the mail home.

Paul Scott, out in Nevada, took the mail into a hole in the fog in Saddle Pass. The fog closed down. He banked, turned to come out with a visibility of 20 feet, leveled and started climbing, when he found he was scraping the tops of the trees. Crashed at 8,200 feet on the edge of the pass, he found his left shoulder out of joint and his left arm beginning to freeze. He noticed he had a cigarette. Then he noticed he had left his gun. Then he noticed the heavy fog, giving no sun for bearings. Then he noticed he was lucky to be able to notice anything. Struggling through the snow, he slipped on a rocky ledge and slid and tumbled 1,000 feet; it put his shoulder back into joint and restored the circulation. He got through to the railroad.

FLAMES FAIL TO STOP HIM

Wesley Smith found flames bursting through the motor wall at his feet. Though the fire burned through the motor cowling and singed his face and clothing, he was calm enough to send his companion into the cabin to pile all the mail as far back as possible. Then he managed to "bring the mail through" by a clever landing in a cornfield.

"Benny" Eielson, who recently crossed the Arctic with Capt. George H. Wilkins, was made a chief of the Yukon Indians under the sobriquet of "Moose Ptarmigan" when, back in 1924, he brought the mail through dark and snowstorms into a country that previously had known only dog teams.

Before the completely mapped air routes, the lighted airways of to-day, R. B. Levisce owed his life to his memory for air landmarks. Running out of gas, oil, and water 20 miles east of Placerville, he suddenly remembered a certain pear-shaped clearing he had observed on previous flights. From 8,000 feet up he made a "dead-stick" landing—and brought the mail through.

Frequently when the department asks its pilots for a report of their experiences it is hard to get anything. It is all in the day's work for them. Often a situation which would make a story writer's reputation as a thriller is turned off in a jest. Take, for example, one of the reports of J. D. Hill, who afterwards was lost with Bertaud, another air pilot, on their tragic attempt to fly to Rome.

WHAT HILL ENCOUNTERED

During a certain trip westward from New York under a low barometer he struck a driving rain. Let Hill tell it:

"Mail held until noon on account of bad weather. I took off about 12.10 at Garden City; pyrene hitting the back of my legs suggested a rough trip. * * * I crossed the Delaware at Trenton and what was bad became worse. Rain became more rain; more rain became water. I discovered that one gray patch was trees, another water, and still another clouds. Every time I saw a 'W' on the compass I headed for it.

"There were no automobiles on the roads, no birds, but millions of little things began to whiz by me, and as a fairly big one went by I looked back quickly and saw a fin, and realized they were fish. All those little ones must have been sardines, and I never knew before they grew close together like that.

"Anyway there I was with a fire extinguisher and a parachute praying for a lifeboat. * * * I saw a line of automobiles that seemed natural enough, but that band of flowers and the pipe organ were queer.

"I got back into clear water, rose a bit, and finally came out to where it was only raining. I saw fields, and after a time sat down in one. A man came out of a barn and said Lancaster was only 16 miles west * * * cold, wet, and hungry, and I never got a gol-darned fish!

"Sixteen people were drowned in Pennsylvania that day, and I suppose I would have been drowned, too, if it hadn't been for the fan on the front of my ship. My observation on this trip is that the D. H. has too many wires for an airplane and not enough for a fish net."

HUMORIST REVEALS SELF

For pure, unadulterated American humor, take an official report made by Kenneth Unger:

"I was crossing the Rubbie Mountains one day at about 10,500 feet when I broke a set of gears and landed in a very small field in the Secret Pass. A rancher riding range saw me land and rode over and let me take his horse to ride to the nearest ranch.

"After phoning to Elko for help I started back to the ship on horse. I started to mount and the horse took off in a climbing turn before I got in the seat and had my safety belt fastened.

"To make a long story short, I overcontrolled her nose, went down, and I spun or sideslipped—I don't know which—into the ground with great speed.

"I broke my left ankle and was well shaken up by this second forced landing.

"After filling the air with smoke for a few minutes I got the beast again and we took off in a gentle lope and returned to the ship. Help came; we repaired the motor and I flew the ship to Elko. There I had the ankle set by one of the best doctors in town.

"I had the luck to borrow a pair of crutches made for a man 6 feet tall, and as I am 5 foot 7 we got along fine. I had the boys at the field tack a strap on the right rudder bar so I could pull as well as push. This made up for the loss of my left foot. I took off for Salt Lake with the regular mail as usual.

"Motto: Always be sure you have your belt on before you take off with a Western horse."

TEX MARSHALL'S LANDING

There is the same kind of laugh in another pilot, "Tex" Marshall, who wrote in, after a clever landing under adverse conditions, that a man came up to him on the field and said:

"Mr. Marshall, my name is Votaw, and I want to tell you that I never saw anyone come so near hitting so many different things in such a short time and miss 'em all. I want to congratulate you or sympathize with you—I don't know which!"

Perhaps the classic of all is the report of Dean Smith:

"Dead sticked—flying low—only place available—on cow—killed cow—wrecked plane—scared me—Smith."

Whether the story is one of straightway courage or the whimsical tale of the humorous or the reticence of those who report "nothing happened worth telling about," one sentiment of devotion to the service and desire to help aviation inspired all true pilots. The world has seen in Lindbergh the inspiration of that devotion. It exists also in many others less renowned.

It is, first of all, due to men like these that the last decade has seen such a remarkable growth in mail aviation.

INSPIRING WORDS OF PEARSON

I can not close a discussion of this subject without including some lines which contain the most moving words I have read in recent years, lines contained in the letters written by Brooke Pearson, an air-mail pilot, to his mother and his fellow pilots. They are so inspiring that I shall set them down here just as his mother and his fellow aviators read them—after he had crashed:

"DEAR MOTHER: I trust your eyes may never see this, but should God desire that you do, you at least know He has called me like many more who have given their lives for the future of this wonderful game. I was possibly wrong in not giving it up; possibly I might have thought the same, but I choose to keep at it and only pray that something of use has been learned.

"The world in general calls us silly fools, but it's the silly fools who make the sacrifices, that help to perfect any great thing that the world in general greatly benefits by later.

"My dearest mother, I say farewell, au revoir, for a time only, as I hope we will meet again. Keep a brave heart. I pray God to look after you, as you have struggled as no other mother has to make ends meet. 'It's always darkest just before the dawn.' I. L. Y. A.

"BROOKE."

"STICK TO IT, BOYS"

And to his fellow pilots words which in the light of after events take on the glowing aspiration of this game youth and the future:

"MY DEAR FRIENDS: I go west, but with a cheerful heart. I hope what small sacrifice I have made may be of use to the 'game.' When we fly we are damned fools, they say; when you're dead you weren't half a bad fellow.

"Everyone in this wonderful aviation is doing the world far more good than they appreciate.

"We risk our necks, give our lives to perfect an invention for the benefit of the world at large, so that they may benefit in years to come. They, mind you, are the very ones who call us fools.

"Stick to it, boys. I'm still very much with you.

"See you all again.

"'JAP' PEARSON."

Ten years of air-mail history contain a record of splendid human achievement and a prophecy of greater things to come.

EXTENSION OF REMARKS

Mr. ALMON. Mr. Speaker, I ask unanimous consent to insert in the RECORD a paper issued by the National Fertilizer Association containing the names of the representatives of fertilizer companies who are here in Washington opposing the Morin bill, and also to extend my own remarks with reference to this statement.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD by printing therein a statement from the National Fertilizer Association in regard to Muscle Shoals, and to extend his own remarks with reference to this paper. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, how long is that statement? Is that the brief that they have sent to all Members?

Mr. ALMON. Yes; I reckon they all got it.

Mr. CHINDBLOM. If that is the document that all of us got in the mail, I do not see the necessity for printing it in the RECORD.

Mr. DYER. Mr. Speaker, I object.

INTERNATIONAL PETROLEUM EXPOSITION AT TULSA, OKLA.

Mr. HOWARD of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on House Joint Resolution 292, passed by the House on Saturday last.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOWARD of Oklahoma. Mr. Speaker and Members of the House, in passing House Joint Resolution 292, entitled "A joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to begin October 20, 1928," the House has rendered a distinct service to the petroleum industry, and one that will be of material benefit to the commercial activities of the Nation.

This resolution will be of such far-reaching benefit that in passing I desire to extend my sincere thanks to the Speaker of the House, the Hon. NICHOLAS LONGWORTH, who, after satisfying himself that it was a meritorious measure, in his usual able and courteous manner assisted me in bringing it before the House and in its passage. Also I want to extend my thanks to the distinguished gentlemen of the Foreign Affairs Committee of the House for the assistance they rendered the petroleum industry and our commercial interests by giving prompt and thorough attention to the resolution and reporting it favorably to the House for action. Especially also do I desire to call attention to the petroleum industry and its allied interests, including the manufacturers of machinery and equipment used in the industry, to the valuable assistance rendered by the Hon. STEPHEN G. PORTER, of Pittsburgh, Pa., in assisting in securing this recognition on the part of the United States Government. Representing a great industrial district, Mr. PORTER was quick to realize that many exhibitors, and of those who would benefit by the resolution, were from his district in Pittsburgh, and his services in the matter were invaluable. I congratulate the great industrial district of Pittsburgh upon having in the House of Representatives this gentleman who has become an international figure and yet who is always prompt and decisive in acting upon matters beneficial to the great industrial district he represents and the commercial interests of the United States.

But what of the International Petroleum Exposition? To the uninformed it might seem to be a small local and ineffective show, but such is not the case. It is "the world's fair of the petroleum industry." It is a world's fair maintained at the expense of the petroleum industry and its allied interests, without the hope of profit but for the purpose of increasing and stimulating commercial and scientific activities in the petroleum industry of the world.

Already the exposition, which has been held through the efforts of the patriotic men and women of the oil industry, has resulted in the sale of manufactured products of the factories of America of millions of dollars' worth of American-made goods in foreign countries. No doubt the Government recognition extended in this resolution will materially increase these results.

It is the only petroleum exposition held anywhere in the United States, and, so far as I know, the only one held in the world.

It is a permanent, established, annual exposition founded in 1923 and held every year since that time except in the year 1926.

It is housed in a plant of its own, provided by the men and women of the oil industry, costing over $100,000, and built and maintained exclusively for the use of the exposition on its own site of 20 acres.

At the exposition held in 1927 more than 300 manufacturers and distributors of oil-industry equipment exhibited their products in displays which covered more than a lineal mile and a half of exhibits. These displays, which included every conceivable kind of machinery, engines, tools, and devices, as well as scientific and technical instruments, were valued at more than $8,000,000, and the prospects are that at the 1928 exposition at least $10,000,000 worth of these goods will be on exhibition.

Among the Federal and State departments and bureaus, educational institutions, and oil-industry associations and organizations which have always participated in the exposition with exhibits, demonstrations, and other activities are the United States Geological Survey; United States Bureau of Mines; Oklahoma, Kansas, Missouri, and other State geological surveys; American Association of Petroleum Geologists; American Petroleum Institute; Mid-Continent Oil and Gas Association; Natural Gasoline Manufacturers' Association.

The 1927 exposition was officially opened by the President of the United States.

The exposition attendance is world-wide, representatives of 20 foreign countries and many foreign oil companies throughout the world attending last year. The total attendance at the exposition was over 100,000.

The exposition is a nonprofit institution, whose sole purpose is to advance the interests of the second largest American industry and to improve the industrial, economic, and social welfare of the Nation through improved methods, increased efficiency, elimination of waste, and reduced costs in the producing, refining, and marketing of petroleum products.

The permanent home of this exposition is at the city of Tulsa, Okla. For many reasons Tulsa is the perfectly logical location for it. Among these reasons may be listed the fact that in the city of Tulsa there are more than 1,200 operating oil companies and individuals; there is perhaps not a large oil company operating in the United States that does not have its headquarters or offices in the city of Tulsa; the largest oil banks of the world are located there; naturally many manufacturing plants manufacturing oil-field supplies and equipment have sought locations in this oil capital of the world, and from it are already shipping their products to every country in which petroleum is produced.

Naturally this has made of Tulsa not only the oil center of the world, but, by reason of this, there live and have their homes within the city more men and women interested in the petroleum industry than in any other community in the Nation. It is these men and women who have, without the hope of profit but with the desire to increase the commercial activities of the Nation, built up this great industrial and scientific exposition.

In addition to the exposition there is held in connection with it a congress of the representatives of the oil industry of the world and at this congress scientific authorities on oil products, the manufacture of by-products of crude oil, and of scientific and geological questions entering into the development, manufacture, and transportation of oil and its by-products are discussed and the latest improved methods of improving and refining oil set forth in elaborate papers. The best-known authorities attend this congress and it is one of the attractive features of the exposition. The larger oil companies bring their field men, superintendents, and production men to Tulsa from all the oil-producing States of America in order that through this exposition and congress they may have an opportunity to familiarize themselves with the most modern and up-to-date machinery and processes developed for use of the industry. It has been frequently said by distinguished authorities attending the exposition and congress that it has contributed more to the proper and scientific development of oil and the manufacture of its by-products than any other factor at work in the Nation for the development of the industry.

Mr. Speaker, these are some, but only a few, of the reasons why I felt justified in asking the Congress to pass House Joint Resolution 292, authorizing the President of the United States to officially invite foreign countries to participate in this exposition and congress.

In conclusion let me urge upon the Members of the House and all who may read this, that if you are interested in the development of the commercial activities of the Nation and want to

observe a great national institution which private, patriotic, and industrious citizens have built up without subsidy of any kind, but which has already been of far-reaching benefit, I invite you to come to Tulsa on October 20, 1928, to observe and participate in the Fifth Annual International Petroleum Exposition and Congress which has been built to its present greatness by the industrious, patriotic, and loyal citizens of the city of Tulsa, "The oil capital of the world."

LEAVE TO ADDRESS THE HOUSE

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to address the House on Thursday, May 17, after the reading of the Journal and the conclusion of the routine business on the Speaker's table.

The SPEAKER. The gentleman from New York asks unanimous consent that after the reading of the Journal and the disposition of matters on the Speaker's table on Thursday next, he be permitted to address the House for 10 minutes. Is there objection?

Mr. CHINDBLOM. Mr. Speaker, on what subject.

Mr. GRIFFIN. On Senate Joint Resolution 121, which is the Butler resolution, about the appointment of a commission for the study of safety devices on submarines.

The SPEAKER. Is there objection?

There was no objection.

LETTER OF THANKS

The SPEAKER laid before the House the following communication:

To the Members of the House of Representatives, care of Speaker Longworth.

MY DEAR MR. SPEAKER: We are deeply touched by the many beautiful tributes you have paid to our dear one and we wish to thank you as best we can by mere words, not only for the beautiful flowers but for the love and devotion which were expressed by them and by the beautiful special session and the days of adjournment and the resolutions sent to us of condolence and bereavement—and for the glorious flag at half-mast. All these were tokens of respect and devotion, and we feel that in the hearts of each and every one of you there is grief and sadness over his passing. But we want to pass on to you our feeling of hope and faith and thankfulness. Faith that he still lives and is carrying on for the ages. Hope that we can all carry on as he would have us. And thankfulness that he was spared illness and suffering and that he went on just as he wished—at his post and in full possession of all his God-given attributes.

With sincere gratitude and deep appreciation, we are,

JOSEPHINE SMART MADDEN.
MABEL MADDEN HENDERSON.
PAUL HENDERSON.

3201 WOODLAND DRIVE,
Washington, D. C., May 8, 1928.

AMERICAN MERCHANT MARINE

Mr. WHITE of Maine. Mr. Speaker, I call up the conference report upon the bill S. 744, to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Maine calls up a conference report upon the merchant marine bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement of the managers.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"TITLE I—DECLARATION OF POLICY

"SEC. 1. The policy and the primary purpose declared in section 1 of the merchant marine act, 1920 (U. S. C., title 46, sec. 861), are hereby confirmed.

"TITLE II—SHIPPING BOARD VESSELS

"SALES BY BOARD

"SEC. 201. The United States Shipping Board shall not sell any vessel or any line of vessels except when in its judgment the building up and maintenance of an adequate merchant marine can be best served thereby, and then only upon the affirmative vote of five members of the board duly recorded.

"REMODELING AND IMPROVING

"SEC. 202. In addition to its power to recondition and repair vessels under section 12 of the merchant marine act, 1920, as amended (U. S. C., title 46, sec. 871), the board may remodel and improve vessels owned by the United States and in its possession or under its control, so as to equip them adequately for competition in the foreign trade of the United States. Any vessel so remodeled or improved shall be documented under the laws of the United States and shall remain documented under such laws for not less than five years from the date of the completion of the remodeling or improving and so long as there remains due the United States any money or interest on account of such vessel, and during such period it shall be operated only on voyages which are not exclusively coastwise.

"REPLACEMENTS

"SEC. 203. The necessity for the replacement of vessels owned by the United States and in the possession or under the control of the board and the construction for the board of additional up-to-date cargo, combination cargo and passenger, and passenger ships, to give the United States an adequate merchant marine, is hereby recognized, and the board is authorized and directed to present to Congress from time to time, recommendations setting forth what new vessels are required for permanent operation under the United States flag in foreign trade, and the estimated cost thereof, to the end that Congress may, from time to time, make provision for replacements and additions. All vessels built for the board shall be built in the United States, and they shall be planned with reference to their possible usefulness as auxiliaries to the naval and military services of the United States.

"TITLE III—CONSTRUCTION LOAN FUND

"TERMS AND CONDITIONS OF LOANS

"SEC. 301. (a) Section 11 of the merchant marine act, 1920, as amended (U. S. C., title 46, sec. 870; 44 Stat. L., pt. 2, 1451), is amended to read as follows:

"'SEC. 11. (a) That the board may set aside, out of the revenues from sales, including proceeds of securities consisting of notes, letters of credit, or other evidences of debt, taken by it for deferred payments on purchase money from sales by the board, whether such securities are to the order of the United States, the United States Shipping Board, the United States Shipping Board Emergency Fleet Corporation, or the United States Shipping Board Merchant Fleet Corporation, either directly or by indorsement, until the amounts thus set aside from time to time aggregate $125,000,000. The amount thus set aside shall be known as the construction loan fund. The board may use such fund to the extent it thinks proper, upon such terms as the board may prescribe, in making loans to aid persons citizens of the United States in the construction by them in private shipyards or navy yards in the United States of vessels of the best and most efficient type for the establishment or maintenance of service on lines deemed desirable or necessary by the board, provided such vessels shall be fitted and equipped with the most modern, the most efficient, and the most economical engines, machinery, and commercial appliances; or in the outfitting and equipment by them in private shipyards or navy yards in the United States of vessels already built, with engines, machinery, and commercial appliances of the type and kind mentioned; or in the reconditioning, remodeling, or improvement by them in private shipyards or navy yards in the United States of vessels already built.

"'(b) The term "vessel" or "vessels," where used in this section, shall be construed to mean a vessel or vessels to aid in whose construction, equipment, reconditioning, remodeling, or improvement, a loan is made from the construction loan fund of the board. All such vessels shall be documented under the laws of the United States and shall remain documented under such laws for not less than 20 years from the date the loan is made, and so long as there remains due the United States any principal or interest on account of such loan.

"'(c) No loan shall be made for a longer time than 20 years. If it is not to be repaid within two years from the date when the first advance on the loan is made by the board, the principal shall be payable in equal annual installments to be definitely prescribed in the instruments. The loan may be paid at any time, on 30 days' written notice to the board, with interest computed to date of payment.

"'(d) All such loans shall bear interest at rates at follows, payable not less frequently than annually: During any period in which the vessel is operated exclusively in coastwise trade, or is inactive, the rate of interest shall be as fixed by the board, but not less than 5¼ per cent per annum. During any period in which the vessel is operated in foreign trade the rate shall be the lowest rate of yield (to the nearest one-eighth of 1 per cent) of any Government obligation bearing a date of issue subsequent to April 6, 1917 (except postal-savings bonds), and outstanding at the time the loan is made by the board, as certified by the Secretary of the Treasury to the board upon its request. The board may prescribe rules for determining the amount of interest payable under the provisions of this paragraph.

"'(e) No loan shall be for a greater sum than three-fourths the cost of the vessel or vessels to be constructed or than three-fourths the cost of the reconditioning, remodeling, improving, or equipping hereinbefore authorized for a vessel already built.

"'(f) The board shall require such security as it shall deem necessary to insure the completion of the construction, reconditioning, remodeling, improving, or equipping of the vessel within a reasonable time and the repayment of the loan with interest; when the construction, reconditioning, remodeling, improving, or equipping of the vessel is completed the security shall include a preferred mortgage on the vessel, complying with the provisions of the ship mortgage act, 1920 (U. S. C., title 46, chap. 25), which mortgage shall contain appropriate covenants and provisions to insure the proper physical maintenance of the vessel, and its protection against liens for taxes, penalties, claims, or liabilities of any kind whatever, which might impair the security for the debt. It shall also contain any other covenants and provisions the board may prescribe, including a provision for the summary maturing of the entire debt, for causes to be enumerated in the mortgage.

"'(g) The board shall also require and the security furnished shall provide that the owner of the vessel shall keep the same insured against loss or damage by fire, and against marine risks and disasters, and against any and all other insurable risks the board specifies, with such insurance companies, associations, or underwriters, and under such forms of policies, and to such an amount, as the board may prescribe or approve; such insurance shall be made payable to the board and/or to the parties, as interest may appear. The board is authorized to enter into any agreement that it deems wise in respect to the payment and for the guaranty of premiums of insurance.'

"(b) Section 11 of the merchant marine act, 1920, as in force immediately prior to the enactment of this act, shall remain in force in respect of all loans made before the enactment of this act.

"INCREASE OF CONSTRUCTION LOAN FUND

"SEC. 302. (a) There is authorized to be appropriated, to be credited to and for the purposes of the construction loan fund created by section 11 of the merchant marine act, 1920, as amended, such amounts as will, when added to the amounts credited to such fund by the United States Shipping Board under authority of law (exclusive of repayments on loans from the fund), make the aggregate of the amounts credited to such fund (exclusive of such repayments) equal to $250,000,000.

"(b) When $250,000,000 has been credited to such fund (whether by the board under authority of law or from appropriations authorized by this section, but exclusive of repayments on loans from the fund) then no further sums (except such repayments) shall be credited by the board to such fund.

"(c) The construction loan fund shall continue to be a revolving fund. Repayments on loans from the fund shall be credited to the fund, but interest on such loans shall be covered into the Treasury as miscellaneous receipts.

"TITLE IV—OCEAN MAIL SERVICE

"SCOPE OF TITLE

"SEC. 401. All mails of the United States carried on vessels between ports (exclusive of ports in the Dominion of Canada other than ports in Nova Scotia) between which it is lawful under the navigation laws for a vessel not documented under the laws of the United States to carry merchandise shall, if practicable, be carried on vessels in respect of which a contract is made under this title.

"REQUIREMENTS OF POSTAL SERVICE

"SEC. 402. As soon as practicable after the enactment of this act, and from time to time thereafter, it shall be the duty of the Postmaster General to certify to the United States Shipping Board what ocean mail routes, in his opinion, should be established and/or operated for the carrying of mails of the United States between ports (exclusive of ports in the Dominion of Canada other than ports in Nova Scotia) between which it is lawful under the navigation laws for a vessel not documented under the laws of the United States to carry merchandise, distributed so as equitably to serve the Atlantic, Mexican Gulf, and Pacific coast ports, the volume of mail then moving over such routes and the estimated volume thereof during the next five years, the times deemed by him advisable for the departure of the vessels carrying such mails, and other requirements necessary to provide an adequate postal service between such ports.

"RECOMMENDATIONS BY SHIPPING BOARD

"SEC. 403. The board shall, as soon as practicable after receipt of such certification from the Postmaster General, determine and certify to him the type, size, speed, and other characteristics of the vessels which should be employed on each such route, the frequency and regularity of their sailings, and all other facts which bear upon the capacity of the vessels to meet the requirements of the service stated by the Postmaster General. The board in making its determination shall take into consideration the desirability of having the mail service performed by vessels constructed in accordance with the latest and most approved types, with modern improvements and appliances.

"AUTHORITY TO MAKE CONTRACTS

"SEC. 404. The Postmaster General is authorized to enter into contracts with citizens of the United States whose bids are accepted, for the carrying of mails between ports (exclusive of ports in the Dominion of Canada other than ports in Nova Scotia) between which it is lawful under the navigation laws for a vessel not documented under the laws of the United States to carry merchandise. He shall include in such contracts such requirements and conditions as in his best judgment will insure the full and efficient performance thereof and the protection of the interests of the Government. Performance under any such contract shall begin not more than three years after the contract is let, and the term of the contract shall not exceed 10 years.

"VESSELS

"SEC. 405. (a) The vessels employed in ocean-mail service under a contract made under this title shall be steel vessels, shall be steam or motor vessels, and shall be either (1) American-built and registered under the laws of the United States during the entire time of such employment, or (2) registered under the laws of the United States not later than February 1, 1928, and so registered during the entire time of such employment, or (3) actually ordered and under construction for the account of citizens of the United States prior to February 1, 1928, and registered under the laws of the United States during the entire time of such employment.

"(b) A vessel for the services of which a contract is entered into under authority of this title, and the construction of which is hereafter begun, shall be either (1) a vessel constructed, according to plans and specifications approved by the Secretary of the Navy, with particular reference to economical conversion into an auxiliary naval vessel, or (2) a vessel which will be otherwise useful to the United States in time of national emergency.

"(c) From and after the enactment of this act, all licensed officers of vessels documented under the laws of the United States, as now required by law, shall be citizens of the United States; from and after the enactment of this act and for a period of four years, upon each departure from the United States of a vessel employed in ocean-mail service under this title, one-half of the crew (crew including all employees of the ship other than officers) shall be citizens of the United States and, thereafter, two-thirds of the crew as above defined shall be citizens of the United States.

"ADVERTISING FOR BIDS

"SEC. 406. Before making any contract for carrying ocean mails under this title the Postmaster General shall give public notice by advertisement once a week for three weeks in such daily newspapers as he shall select in each of the cities of Boston, New York, Philadelphia, Baltimore, New Orleans, Charleston, Norfolk, Savannah, Jacksonville, Galveston, Houston, and Mobile, calling for bids for carrying of such ocean mails; or when the proposed service is to be on the Pacific Ocean then in Los Angeles, San Francisco, Portland, Tacoma, and Seattle. Such notice shall describe the proposed route, the time when such contract will be made, the number of trips a year, the schedule required, the time when the service shall commence, the character of the vessels required, and all other information deemed by the Postmaster General to be necessary to inform prospective bidders as to the character of the service to be required.

"AWARDING CONTRACTS

"SEC. 407. Each contract for the carrying of ocean mails under this title shall be awarded to the lowest bidder who, in

the judgment of the Postmaster General, possesses such qualifications as to insure proper performance of the mail service under the contract.

"CLASSIFICATION OF VESSELS

"SEC. 408. (a) The vessels employed in ocean mail service under this title shall be divided into classes as follows:

"Class 7. Vessels capable of maintaining a speed of 10 knots at sea in ordinary weather, and of a gross registered tonnage of not less than 2,500 tons.

"Class 6. Vessels capable of maintaining a speed of 10 knots at sea in ordinary weather, and of a gross registered tonnage of not less than 4,000 tons.

"Class 5. Vessels capable of maintaining a speed of 13 knots at sea in ordinary weather, and of a gross registered tonnage of not less than 8,000 tons.

"Class 4. Vessels capable of maintaining a speed of 16 knots at sea in ordinary weather, and of a gross registered tonnage of not less than 10,000 tons.

"Class 3. Vessels capable of maintaining a speed of 18 knots at sea in ordinary weather, and of a gross registered tonnage of not less than 12,000 tons.

"Class 2. Vessels capable of maintaining a speed of 20 knots at sea in ordinary weather, and of a gross registered tonnage of not less than 16,000 tons.

"Class 1. Vessels capable of maintaining a speed of 24 knots at sea in ordinary weather, and of a gross registered tonnage of not less than 20,000 tons.

"(b) The classification of a vessel may be based upon its speed without regard to its tonnage if the Postmaster General is of opinion that speed is especially important on the particular route on which the vessel is to be employed, and that a suitable vessel documented under the laws of the United States of a higher classification is not available on reasonable terms and conditions, or, on account of the character of the ports served or for other reasons, can not be safely or economically employed on such route.

"COMPENSATION UNDER CONTRACTS

"SEC. 409. (a) The rate of compensation to be paid under this title for ocean-mail service shall be fixed in the contract. Such rate shall not exceed: For vessels of class 7, $1.50 per nautical mile; for vessels of class 6, $2.50 per nautical mile; for vessels of class 5, $4 per nautical mile; for vessels of class 4, $6 per nautical mile; for vessels of class 3, $8 per nautical mile; for vessels of class 2, $10 per nautical mile; and for vessels of class 1, $12 per nautical mile. As used in this section the term 'nautical mile' means 6,080 feet.

"(b) When the Postmaster General is of opinion that the interests of the Postal Service will be served thereby, he may, in the case of a vessel of class 1 capable of maintaining a speed in excess of 24 knots at sea in ordinary weather, contract for the payment of compensation in excess of the maximum compensation authorized in subsection (a), but the compensation per nautical mile authorized by this subsection shall not be greater than an amount which bears the same ratio to $12 as the speed which such vessel is capable of maintaining at sea in ordinary weather bears to 24 knots.

"(c) If the Postmaster General is of opinion that to expedite and maintain satisfactory service under a contract made under this title, airplanes or airships are required to be used in conjunction with vessels, he may allow additional compensation, in amounts to be determined by him, on account of the use of such airplanes or airships. Such airplanes or airships shall be American-built and owned, officered, and manned by citizens of the United States.

"(d) The Postmaster General shall determine the number of nautical miles by the shortest practicable route between the ports involved and payments under any contract made under this title shall be made for such number of miles on each outward voyage regardless of the actual mileage traveled.

"VIOLATION OF CONTRACTS

"SEC. 410. In the case of failure of a vessel from any cause to perform any regular voyage required by a contract made under this title, a pro rata deduction shall be made from the contract price on account of such omitted voyage; and suitable deductions, to be determined by the Postmaster General, may be made from the compensation payable under the contract for delays, failures to properly safeguard the mails, or other irregularities in the performance of the contract. Deductions so determined upon shall be deducted by the Postmaster General from the payments otherwise due and payable under the terms of the contract. The Postmaster General may, in case of emergency, permit the substitution for a particular voyage of a vessel not within the provisions of the contract, even thought not conforming to the requirements of section 405.

"PASSENGERS, FREIGHT, AND EXPRESS

"SEC. 411. Any vessel operating under a contract made under this title may carry passengers and their baggage, and freight and express, and may do all ordinary business done by similar vessels.

"NAVAL OFFICERS

"SEC. 412. Naval officers of the United States on the active list may volunteer for service on any vessel employed in mail service under a contract made under the provisions of this title, and when accepted by the owner or master thereof may be assigned to such duty by the Secretary of the Navy. While in such employment such officers shall receive from the Government half pay, exclusive of allowances, and such other compensation from the owner or master as may be agreed upon by the parties; but such officers while in such employment shall be required to perform only such duties as appertain to the merchant marine.

"MAIL MESSENGERS

"SEC. 413. Upon each vessel employed in ocean mail service under a contract made under this title, the Postmaster General shall be entitled to have transported such mail messengers as he may require, for whom shall be provided subsistence, suitable staterooms, and working quarters, all free of charge.

"AMENDMENTS AND REPEALS

"SEC. 414. (a) Section 24 of the merchant marine act, 1920 (U. S. C., title 46, sec. 880), is amended to read as follows:

"'SEC. 24. That all mails of the United States shipped or carried on vessels shall, if practicable, be shipped or carried on American-built vessels documented under the laws of the United States. No contract hereafter made with the Postmaster General for carrying mails on vessels so built and documented shall be assigned or sublet, and no mails covered by such contract shall be carried on any vessel not so built and documented. No money shall be paid out of the Treasury of the United States on or in relation to any such contract for carrying mails on vessels so built and documented when such contract has been assigned or sublet or when mails covered by such contract are in violation of the terms thereof carried on any vessel not so built and documented. This section shall not be applicable in the case of contracts made under Title IV of the merchant marine act, 1928.'

"(b) Section 7 of the merchant marine act, 1920 (U. S. C., title 46, sec. 866), is amended by striking out so much thereof as reads as follows: 'The Postmaster General is authorized, notwithstanding the act entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," approved March 3, 1891, to contract for the carrying of the mails over such lines at such price as may be agreed upon by the board and the Postmaster General.'

"(c) The act entitled 'An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce,' approved March 3, 1891 (U. S. C., title 39, secs. 657–665), is repealed.

"(d) So much of the act entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes,' approved March 3, 1917, as provides for contracts for the carrying of mails between the United States and Great Britain (U. S. C., title 39, sec. 666), is repealed.

"(e) Subdivision (b) of section 4009 of the Revised Statutes, as amended (44 Stat. L., pt. 2, 900), is amended to read as follows:

"'(b) The provisions of subdivision (a) of this section shall not limit the compensation for transportation of mail which the Postmaster General may pay under contracts entered into in accordance with the provisions of section 4007 of the Revised Statutes (U. S. C., title 39, sec. 652), section 24 of the merchant marine act, 1920 (U. S. C., title 46, sec. 880), or title 4 of the merchant marine act, 1928.'

"(f) Any contract made prior to the enactment of this act shall remain in force and effect in the same manner and to the same extent as though this act had not been enacted. Any such contract which expires on June 30, 1928, may be extended for a period of not more than one year from such date.

"TITLE V—INSURANCE FUND

"SEC. 501. Section 10 of the merchant marine act, 1920 (U. S. C., title 46, sec. 869), is amended to read as follows:

"'SEC. 10. That the board may create out of insurance premiums, and revenue from operations and sales, and maintain and administer separate insurance funds which it may use to insure in whole or in part against all hazards commonly covered by insurance policies in such cases, any legal or equitable interest of the United States (1) in any vessel constructed or in process of construction; and (2) in any plants or property in the possession or under the authority of the board. The

United States shall be held to have such an interest in any vessel toward the construction, reconditioning, remodeling, improving, or equipping of which a loan has been made under the authority of this act, in any vessel upon which it holds a mortgage or lien of any character, or in any vessel which is obligated by contract with the owner to perform any service in behalf of the United States, to the extent of the Government's interest therein.'

"TITLE VI—TRANSPORTATION OF GOVERNMENT OFFICIALS

"SEC. 601. Any officer or employee of the United States traveling on official business overseas to foreign countries, or to any of the possessions of the United States, shall travel and transport his personal effects on ships registered under the laws of the United States when such ships are available, unless the necessity of his mission requires the use of a ship under a foreign flag: *Provided*, That the Comptroller General of the United States shall not credit any allowance for travel or shipping expenses incurred on a foreign ship in the absence of satisfactory proof of the necessity therefor.

"TITLE VII—MISCELLANEOUS

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 701. The appropriations necessary to carry out the provisions and accomplish the purposes of this act are hereby authorized.

"REQUISITION OF VESSELS

"SEC. 702. (a) The following vessels may be taken and purchased or used by the United States for national defense or during any national emergency declared by proclamation of the President:

"(1) Any vessel in respect of which, under a contract hereafter entered into, a loan is made from the construction loan fund created by section 11 of the merchant marine act, 1920, as amended—at any time until the principal and interest of the loan has been paid; and

"(2) Any vessel in respect of which an ocean mail contract is made under title 4 of this act—at any time during the period for which the contract is made.

"(b) In such event the owner shall be paid the fair actual value of the vessel at the time of taking, or paid the fair compensation for her use based upon such fair actual value; but in neither case shall such fair actual value be enhanced by the causes necessitating the taking. In the case of a vessel taken and used, but not purchased, the vessel shall be restored to the owner in a condition at least as good as when taken, less reasonable wear and tear, or the owner shall be paid an amount for reconditioning sufficient to place the vessel in such condition. The owner shall not be paid for any consequential damages arising from such taking and purchase or use.

"(c) The President shall ascertain the fair compensation for such taking and purchase or use and shall certify to Congress the amount so found by him to be due, for appropriation and payment to the person entitled thereto. If the amount found by the President to be due is unsatisfactory to the person entitled thereto, such person shall be entitled to sue the United States for the amount of such fair compensation and such suit shall be brought in the manner provided by paragraph 20 of section 24 or by section 145 of the Judicial Code, as amended (U. S. C., title 28, secs. 41, 250).

"DEFINITIONS

"SEC. 703. (a) When used in this act, and for the purposes of this act only, the words "foreign trade" mean trade between the United States, its Territories or possessions, or the District of Columbia and a foreign country: *Provided, however*, That the loading or the unloading of cargo, mail, or passengers at any port in any Territory or possession of the United States shall be construed to be foreign trade if the stop at such Territory or possession is an intermediate stop on what would otherwise be a voyage in foreign trade.

"(b) When used in this act the term "citizen of the United States" includes a corporation, partnership, or association only if it is a citizen of the United States within the meaning of section 2 of the shipping act, 1916, as amended (U. S. C., title 46, sec. 802).

"REAFFIRMATION OF POLICY

"SEC. 704. The policy and the primary purpose declared in section 7 of the Merchant Marine Act, 1920 (U. S. C., title 46, sec. 866), are hereby reaffirmed.

"SHIP OPERATIONS

"SEC. 705. In the allocations of the operations of the ships, the Shipping Board shall distribute them as far as possible and without detriment to the service among the various ports of the country.

"SHORT TITLE

"SEC. 706. This act may be cited as the 'Merchant marine act, 1928,'"

And the House agree to the same.

WALLACE H. WHITE, Jr.,
FRED. R. LEHLBACH,
A. M. FREE,
EWIN L. DAVIS,
S. O. BLAND,
Managers on the part of the House.

W. L. JONES,
CHAS. L. MCNARY,
HIRAM W. JOHNSON,
DUNCAN U. FLETCHER,
JOS. E. RANSDELL,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 744 submit the following written statement explaining the action agreed upon by the conference committee:

Except for the renumbering of titles and of sections made necessary by the elimination of Title V of the House amendment and by the transferring of section 804 of the House amendment to the end of the bill where it appears as section 706, the changes in the House amendment are few in number, and of them only three are of importance.

These changes are as follows:

1. Paragraph (c) of section 405 of the House amendment provided that on each departure from the United States of a vessel employed in the ocean mail service under the act, three-fourths of the crew, exclusive of licensed officers required by law, and exclusive of the steward's department, should be citizens of the United States. The modification insisted upon by the Senate conferees and to which your House conferees have agreed provides: (1) That all licensed officers of vessels documented under the laws of the United States as now required by law shall be citizens of the United States; (2) that from and after the enactment of this act and for a period of four years, upon each departure of a vessel employed in the ocean mail service under this title, one-half of the crew shall be citizens of the United States; and (3) that thereafter two-thirds of the crew shall be such citizens.

2. In section 406 of the House amendment two additional cities in which advertisements calling for bids for carrying the mails are required were added, Jacksonville on the east coast and Tacoma on the Pacific.

3. In paragraph (b) of section 408 of the House amendment the word "registered" is striken out and the word "documented" is substituted.

4. In section 601 of the House amendment, which now appears as section 501 of the conference draft, the article "a" in the fifth line is eliminated and the word "fund" in the same line is changed to the plural, "funds."

5. Title V, merchant marine naval reserve, of the House amendment, is stricken from the bill.

6. In paragraph (b) of section 803 of the House amendment, which appears in the committee's draft as paragraph (b) of section 703, the words "a person owing allegiance to the United States, and" are stricken out.

WALLACE H. WHITE, Jr.,
FREDERICK R. LEHLBACH,
ARTHUR M. FREE,
EWIN L. DAVIS,
SCHUYLER O. BLAND,
Managers on the part of the House.

Mr. WHITE of Maine. Mr. Speaker, I yield five minutes to the Commissioner from the Philippines [Mr. GUEVARA].

Mr. GUEVARA. Mr. Speaker and gentlemen of the House, before you stands now a man representing 12,000,000 people without country and without flag. It is declared once more by the action of the committee on conference of both Houses on the Senate bill 744, whose report has just been read. In the conference it was agreed that the amendment introduced by the gentleman from Hawaii [Mr. HOUSTON], on page 24, line 18, of the bill and approved by an overwhelming majority in this House, be stricken out, maintaining therefore the present status of the Filipinos as defined in paragraph (c), section 405, of the bill.

I have no complaint to make of this action of the conference committee. The peculiar political situation of the Philippines

and the prospective solution of its problem seems to justify the suppression of the amendment.

Thirty years have elapsed since the Filipino people, in the words of President McKinley, were brought within the jurisdiction of this Nation by providential designs. Within that entire period they have been leading a provisional life and enjoying also a provisional political status by decree and design of the United States. Although the Congress of the United States has already declared the purpose of this Nation as to the future political status of the people of the Philippine Islands, it is very interesting to call the attention of this House to the fact that it seems humanitarian that while the announced purpose is not executed the Filipino people should enjoy equal treatment before the law. While American citizens can be freely employed in the ships of Philippine registry without any restriction, the Filipinos can not enjoy the same privilege as to ships of American registry.

The Filipinos owe allegiance to the United States Government and they are in duty bound to fight and die for the defense of her flag, which is now the only one floating over their country, and yet they can not serve the ships traveling in both oceans flying the very same flag. In other words, the Filipinos are denied the right to serve the American merchant marine flying the flag for which they are ready to fight and die.

I contend, Mr. Speaker, that considering all these circumstances and the situation in which the Filipinos are forced to live, it is high time that the Congress of the United States now take the necessary steps for the final solution of the Philippine problem in accordance with the terms laid down in the Jones Act.

Mr. RATHBONE. Mr. Speaker, will the gentleman yield?

Mr. GUEVARA. Yes.

Mr. RATHBONE. Do I understand that the gentleman approves the conference report and the changes that were made in the bill after it left the House?

Mr. GUEVARA. I do not approve it, but I have no complaint to make.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield for a question.

Mr. WHITE of Maine. Yes.

Mr. CRAMTON. I have been interested in the statement just made by the Commissioner from the Philippines, and am at a loss to understand the action of the conferees in striking out the Houston amendment as to service of Filipinos in our merchant marine. Would the gentleman from Maine give us an explanation of that action, in view of the statement of commissioners from the Philippines?

Mr. WHITE of Maine. Mr. Speaker, in response to the question, I make this brief statement. The question of this change in existing law was never suggested to the Merchant Marine Committee, was never considered by the committee, and, so far as I know, was never given serious consideration by any Member of the House until the amendment was presented upon the floor. We did not have adequate information before us upon which, as members of the conference committee we dared to predicate action. We had no knowledge, for instance, if this amendment were adopted, as to how many there might be who would be privileged to receive licenses as officers under United States law. There was no information before the conference committee and no information before the House as to how many there might be who would be privileged to receive certificates as able-bodied seamen under this amendment. In other words, it opened up a subject which went far beyond the immediate knowledge of any of those having responsibility with respect to the legislation. Then we felt this. The position that the conferees now have taken on the matter makes no change in the present law whatsoever, in no degree prejudiced the present situation and rights of Filipinos.

The subject is one which deserves consideration, and is one which I hope may be brought at some time to the attention of the committee and to the attention of the House again, so that we may consider it and act upon it as our judgment in the light of knowledge dictates.

Mr. CRAMTON. Am I wrong in my understanding that the section of the pending bill to which the House amendment was offered materially changed the status of Filipinos as to service in the merchant marine?

Mr. WHITE of Maine. Yes; the gentleman is wrong if that is his understanding. The provision to which the amendment was offered did not change in any respect the status with reference to aliens. It is very much a question to my mind whether the amendment was germane to the section to which it was offered.

Mr. CRAMTON. It is pretty late for that now.

Mr. WHITE of Maine. Yes. But that section simply provided that when used in this act the term "citizen" should include a corporation only if it met the test of section 2 of the 1916 law; that a citizen under this act, if a corporation, must meet the test of what constitutes citizenship of a corporation under that section. This amendment of Mr. HOUSTON, as the gentleman will see, is entirely new matter which was not considered at all by the committee.

Mr. CRAMTON. I will not take time longer than to suggest this to the gentleman from Maine: I am not well informed as to all the aspects of the matter, but I do know, as do the conferees, that Filipinos have rendered heretofore, and do render, important military service in behalf of our flag; that they do serve in our merchant marine; and this amendment was to make it clear that they should continue to have that right. What has impressed me this morning I want to commend to the consideration of the gentleman from Maine.

I may say I am not one who is in a hurry to have Filipinos turned over to their own government, but I note that the Commissioner from the Philippines has been quick to seize upon this action of the conferees as something that he can carry back to his people to increase their desire for independence from our Government. I feel that the action of the conferees is a form of suggestion that ought to be corrected at a very early date.

Mr. DAVIS. In the first place, I would like the gentleman from Michigan to hear what I have to say. This merchant marine bill under consideration grants very substantial aid to citizens of the United States in that such citizens are entitled to these loans, and they are entitled to mail contracts.

Mr. CRAMTON. If the gentleman will permit——

Mr. DAVIS. Let me make my statement. Then I will be glad to hear the gentleman. Consequently the term "citizen" not only applies to seamen but also owners and operators of vessels that are entitled to aid under this bill; and as we know, residents of some of our island possessions are not even Filipinos, and that provision would open the door wide. Furthermore——

Mr. CRAMTON. If the gentleman will permit a suggestion there——

Mr. DAVIS. Furthermore, the provision now reported with respect to the citizenship of seamen merely requires an American citizenship of 50 per cent, and that leaves open entirely without any restriction whatever the citizenship of the other 50 per cent. If we required a 100 per cent personnel of Americans on our vessels, I think it would be nothing but proper and fair to have some provision that would admit the citizens of our island possessions. But when we are making as small a requirement of citizenship as we are, it would not be expedient to leave it open so that there might not be continental American citizens among our officers and seamen; and that provision opens up legislation in regard to our island possessions which in my opinion has no place in a bill of this kind, but should be handled and considered on its merits alone.

Mr. CRAMTON. If the gentleman from Tennessee will now permit an interruption, the intention of the Houston amendment, well understood here, was not to relate to the entire bill, but only to this matter of the 50 per cent limitation, to classify those Filipinos as Americans instead of foreigners. The conferees, if they felt the language of the Houston amendment was too uncertain and broad, had it entirely in their power, and I think they had full capacity, to modify the amendment so that it would not apply to our financing Filipinos, but only to their service in the merchant marine; and their failure to do so leaves it so that the bill classifies the Filipinos as aliens, whereas it ought to classify them as Americans. And our failure to classify them as Americans and our action in not classifying them as such is seized upon immediately by the astute political mind of the Commissioner from the Philippines as an argument to carry back to his people as a cause of discontent with our rule. We should not have been so unfortunate in our handling of the problem.

Mr. DAVIS. But already the Shipping Board, in manning our vessels, classifies the Filipinos as American citizens, as I understand. We have taken many of them into our Navy as American citizens.

Mr. LAGUARDIA. I understand the provisions which some of us have been opposing here, including the steward's provision, has been eliminated?

Mr. WHITE of Maine. Yes. The modification insisted upon by the Senate conferees and to which your House conferees have agreed provides:

(1) That all licensed officers of vessels documented under the laws of the United States as now required by law shall be citizens of the United States; (2) that from and after the enactment of this act and for a period of four years upon each departure of a vessel employed in the ocean-mail service under this title, one-half of the crew shall be citizens of the United States; and (3) that thereafter two-thirds of the crew shall be such citizens.

Mr. Speaker, I move the previous question on the conference report.

The SPEAKER. The gentleman from Maine moves the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

DISABILITY OR DEATH RESULTING FROM INJURY TO EMPLOYEES IN CERTAIN EMPLOYMENTS IN THE DISTRICT OF COLUMBIA

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 3565, to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of Senate bill 3565, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The Chair understands the gentleman makes this request by authority of the committee?

Mr. UNDERHILL. Yes; by authority of the committee.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the act entitled "longshoremen's and harbor workers' compensation act," approved March 4, 1927, including all amendments that may hereafter be made thereto, shall apply in respect to the injury or death of an employee of an employer carrying on any employment in the District of Columbia, irrespective of the place where the injury or death occurs; except that in applying such provisions the term "employer" shall he held to mean every person carrying on any employment in the District of Columbia, and the term "employee" shall be held to mean every employee of any such person.

SEC. 2. This act shall not apply in respect to the injury or death of (1) a master or member of a crew of any vessel; (2) an employee of a common carrier by railroad when engaged in interstate or foreign commerce or commerce solely within the District of Columbia; (3) an employee subject to the provisions of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended; and (4) an employee engaged in agriculture, domestic service, or any employment that is casual and not in the usual course of the trade, business, occupation, or profession of the employer.

SEC. 3. This act shall take effect July 1, 1928.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

REFERENCE OF BILLS

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent that the following bills, in respect of the refund of customs duties or internal revenue taxes, be rereferred from the Committee on Claims to the Committee on Ways and Means:

H. R. 812. A bill for the relief of Kratzer Carriage Co.;

H. R. 973. A bill for the relief of estate of Katherine Heinrich (Charles Grieser and others, executors);

H. R. 1030. A bill for the relief of the Rochester Country Club, Rochester, Ind.;

H. R. 2411. A bill to pay the Pioneer Steamship Co. the sum of $3,100.50, money paid as duty for repairs in foreign ports;

H. R. 2943. A bill for the relief of the African-American Importing Co. (Inc.), of New York City, N. Y.;

H. R. 3046. A bill for the relief of the Burt Wool & Leather Co.;

H. R. 3459. A bill for relief of the Chico-Westwood-Susanville Auto Stage Co., Chico, Calif.;

H. R. 3740. A bill for the relief of Homer J. Williamson;

H. R. 3945. A bill for the relief of Compere & Wyatt;

H. R. 3974. A bill for the relief of the estate of Alvin C. Laupheimer;

H. R. 4028. A bill for the relief of Lewis C. Hopkins & Co.;

H. R. 4045. A bill for the relief of the Alaska Products Co.;

H. R. 4097. A bill for the relief of the McGilvray-Raymond Granite Co.;

H. R. 4368. A bill for the relief of Claude Bell;

H. R. 4445. A bill to refund to Kramp & Gaskill income tax erroneously and illegally collected.

H. R. 4593. A bill for the relief of the Cudahy Packing Co.;

H. R. 4600. A bill for the relief of Raphael Levy;

H. R. 4601. A bill for the relief of A. L. Jacobs;

H. R. 5402. A bill for the relief of Joske Bros. Co.;

H. R. 5974. A bill for the relief of the Whitney Supply Co.;

H. R. 5990. A bill for the relief of the Guamoco Mining Co.;

H. R. 6183. A bill to reimburse W. B. Donelson for revenues wrongfully paid;

H. R. 6368. A bill authorizing the Treasurer of the United States to refund to the Farmers' Grain Co., of Omaha, Nebr., income taxes illegally paid to the United States Treasurer;

H. R. 6896. A bill for the relief of the Alaska Products Co.;

H. R. 7775. A bill for the relief of Sucs. de L. Villamil & Co., of San Juan, P. R.;

H. R. 8349. A bill for the relief of the Waupaca Golf Club for the payment of illegal taxes;

H. R. 9160. A bill for the relief of F. M. Rose;

H. R. 9303. A bill for the relief of Dent, Allcroft & Co.; A. J. Baker Co. (Inc.); Horwitz & Arbib (Inc.); and Richard Evans & Sons Co.;

H. R. 9540. A bill for the relief of M. Seller & Co.;

H. R. 9757. A bill for the relief of the Cherrington Hospital, Logan, Ohio;

H. R. 9812. A bill for the relief of Hattie Carnegie (Inc.);

H. R. 10217. A bill authorizing the Court of Claims of the United States to hear and determine the claim of the Flaxman Paper Co.;

H. R. 11944. A bill for the relief of Louise Smith Hopkins, Ruth Smith Hopkins, and A. Otis Birch;

H. R. 12395. A bill for the relief of the Greenville News Co.; and

H. R. 13435. A bill for the relief of Carrie M. Haney.

I will say in explanation that these bills have been transferred from the Committee on Claims to the Committee on Ways and Means, but unanimous consent of the House has not been obtained as yet.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the bills which he has enumerated be rereferred from the Committee on Claims to the Committee on Ways and Means. Is there objection?

There was no objection.

REFUND OF CUSTOMS DUTIES OR INTERNAL-REVENUE TAXES

The SPEAKER. The Clerk will report the following order:

The Clerk read as follows:

That any other private claim bills in respect of the refund of customs duties or internal-revenue taxes now pending before the Committee on Ways and Means by direct reference and all such bills which may be so referred during the Seventieth Congress shall be considered as properly referred under clause 3 of Rule XXI.

The SPEAKER. Is there objection?

Mr. TILSON. What is the order, Mr. Speaker?

The SPEAKER. The order simply confers jurisdiction on the Committee on Ways and Means to consider bills relating to the refund of customs duties or internal-revenue taxes.

Mr. LAGUARDIA. Is it a permanent rule?

The SPEAKER. No; during this Congress. Is there objection?

Mr. TREADWAY. Mr. Speaker, reserving the right to object, may I ask the gentleman from Massachusetts whether the chairman of the Committee on Ways and Means has been consulted about this matter?

Mr. UNDERHILL. This is the request of the chairman of the Committee on Ways and Means.

The SPEAKER. Is there objection?

There was no objection.

FIVE CIVILIZED TRIBES

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that Senate Concurrent Resolution 19, to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes, may be taken from the Speaker's table and further action indefinitely postponed.

The SPEAKER. The gentleman from Montana asks unanimous consent that action on Senate Concurrent Resolution 19, be indefinitely postponed. The Clerk will report the resolution.

The Clerk read the resolution as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate S. 3594, entitled "An act to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes."

The SPEAKER. Is there objection?

There was no objection.

AGRICULTURAL SURPLUS CONTROL BILL

Mr. TILSON. Mr. Speaker, before the gentleman from New York presents his resolution, I wish to say that the gentleman

from Iowa [Mr. HAUGEN] spoke to me about bringing up the conference report on the farm relief bill. I do not see the gentleman on the floor at this time.

Mr. DOWELL. I understand he will be here in just a moment.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message from the President of the United States was presented to the House of Representatives by Mr. Latta, one of his secretaries, who also announced that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On May 4, 1928:

H. J. Res. 192. Joint resolution to provide for the coinage of a medal in commemoration of the achievements of Col. Charles A. Lindbergh; and

H. J. Res. 259. Joint resolution authorizing assistance in the construction of an inter-American highway on the Western Hemisphere.

On May 7, 1928:

H. R. 8128. An act to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory;

H. R. 8132. An act authorizing the appropriation of $2,500 for the erection of a tablet or marker at Medicine Lodge, Kans., to commemorate the holding of the Indian peace council at which treaties were made with the Plains Indians in October, 1867; and

H. R. 10151. An act to amend section 9 of the Federal reserve act.

On May 8, 1928:

H. R. 3216. An act for the relief of Margaret T. Head, administratrix;

H. R. 8229. An act for the appointment of an additional circuit judge for the sixth judicial circuit;

H. R. 11629. An act to amend the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service; and

H. R. 12733. An act to authorize the refund of certain taxes on distilled spirits.

On May 9, 1928:

H. R. 10536. An act granting six months' pay to Anita W. Dyer; and

H. R. 11723. An act to provide for the paving of the Government road, known as the La Fayette Extension Road, commencing at Lee & Gordon's mill, near Chickamauga and Chattanooga National Military Park, and extending to La Fayette, Ga., constituting an approach road to Chickamauga and Chattanooga National Military Park.

On May 10, 1928:

H. R. 11482. An act to amend section 2 of an act entitled "An act to authorize an appropriation for the care, maintenance, and improvement of the burial grounds containing the remains of Zachary Taylor, former President of the United States, and the memorial shaft erected to his memory, and for other purposes," approved February 24, 1925.

On May 11, 1928:

H. J. Res. 177. Joint resolution authorizing the erection of a flagstaff at Fort Sumter, Charleston, S. C., and for other purposes;

H. R. 21. An act to provide for date of precedence of certain officers of the staff corps of the Navy;

H. R. 4357. An act for the relief of William Childers;

H. R. 5465. An act to amend section 1571 of the Revised Statutes to permit officers of the Navy to count duty on airships as sea duty.;

H. R. 5531. An act to amend the provision contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers;

H. R. 5746. An act to authorize the appraisal of certain Government property, and for other purposes;

H. R. 6492. An act to authorize the Secretary of War to donate to the city of Charleston, S. C., a certain bronze cannon; and

H. R. 10544. An act to abolish the office of administrative assistant and disbursing officer in the Library of Congress and to reassign the duties thereof.

On May 12, 1928:

H. J. Res. 200. Joint resolution to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924;

H. R. 239. An act to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes;

H. R. 244. An act to enable members of the Reserve Officers' Training Corps who have interrupted the course of training prescribed in the act of June 4, 1920, to resume such training, and amended accordingly section 47c of that act;

H. R. 3029. An act for the relief of Vern E. Townsend;

H. R. 5789. An act to provide for the gratuitous issue of service medals and similar devices, for the replacement of the same, and for other purposes;

H. R. 7227. An act for the relief of William H. Dotson;

H. R. 9148. An act for the relief of Ensign Jacob E. DeGarmo, United States Navy;

H. R. 10192. An act for the relief of Lois Wilson; and

H. R. 11741. An act for the relief of Thomas Edwin Huffman.

On May 14, 1928:

H. R. 4993. An act for the relief of William Thurman Enoch;

H. R. 5968. An act for the relief of Byron Brown Ralston;

H. R. 6844. An act concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto;

H. R. 7937. An act to authorize mapping agencies of the Government to assist in preparation of military maps;

H. R. 9043. An act to authorize the payment of an indemnity to the Government of France on account of losses sustained by the owners of the French steamship *Madeleine* as a result of a collision between it and the United States steamship *Kerwood;*

H. R. 10643. An act authorizing the Gulf Coast Properties (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y.;

H. R. 11692. An act authorizing the Gulf Coast Properties (Inc.), a Florida corporation, of Jacksonville, Duval County, Fla., its successors and assigns, to construct, maintain, and operate a bridge across the Lake Champlain at or near East Alburg, Vt.;

H. R. 11797. An act granting the consent of Congress to Columbus County, State of North Carolina, to construct, maintain, and operate a free highway bridge across the Waccamaw River at or near Reeves Ferry, Columbus County, N. C.; and

H. R. 11992. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Biggers, Ark.;

CONVICT-MADE GOODS

Mr. SNELL. Mr. Speaker, I call up a privileged resolution from the Committee on Rules.

The SPEAKER. The gentleman from New York calls up a privileged resolution from the Committee on Rules, which the Clerk will report.

The Clerk read the resolution, as follows:

House Resolution 196

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 7729, to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases. That after general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, this resolution is for the consideration of the Hawes-Cooper prison labor bill. I do not think it is necessary to take any special time in explaining the resolution because it simply provides for the consideration of the bill under the general rules of the House with three hours' general debate, but I desire to make a very brief statement with regard to the bill itself.

There have been a great many questions asked as to just what the bill does. My understanding is that the bill simply divests prison-made products of their interstate character on their arrival in the State of their final destination or, in other words, it gives the right to the State in which these goods are to be sold to control the distribution and sale of those goods.

It subjects goods coming from an outside State to the same conditions as prison-made goods in the State itself. It does not call for any additional legislation on the part of any of the individual States. It in no way interferes with each State managing its prison labor as it sees fit. It simply protects the State into which these goods are sent for final sale.

Mr. BUSBY. Will the gentleman yield for a question?

Mr. SNELL. Yes; I will be pleased to yield.

Mr. BUSBY. In the event agricultural products are produced by convict labor, as they are in Mississippi, would such products be subjected to the same State regulations on their arrival in another State as manufactured goods such as clothing, and so forth?

Mr. SNELL. I am frank to say that question has been raised, but I am unable to answer it. I do not believe you could follow agricultural products in that way or in the same way that you could follow a bale of brooms or a bale of overalls or a bale of shirts.

Mr. BUSBY. Looking to the provisions of the bill, then it is the gentleman's opinion that agricultural products could not be followed in detail sufficiently to be regulated by the provisions of this bill, if enacted.

Mr. SNELL. That is what I am told. I do not believe they could be followed and I do not think it is intended to apply in the broadest sense to agricultural products.

Mr. BUSBY. This is an important proposition with respect to my State, and I wanted to get the gentleman's idea about it.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. LAGUARDIA. I think the gentleman is in error because the bill states "all goods, wares, and merchandise, manufactured, produced, or mined." I do not see how you could escape the provisions of the law.

Mr. SNELL. I do not believe there would be any objection to putting in a provision excepting agricultural products, because you can not follow those products, and I do not understand there is any complaint from that source.

Mr. JOHNSON of Texas. Will the gentleman yield there?

Mr. SNELL. Yes.

Mr. JOHNSON of Texas. The State of Texas, like the State of Mississippi, uses its convicts in raising agricultural products, and I am wondering if there would be any objection to an amendment clarifying the matter.

Mr. SNELL. I would like to call on the gentleman from Iowa [Mr. KOPP], the chairman of the Commitete on Labor, to answer that question, because he is better qualified to answer it than I am.

Mr. JOHNSON of Texas. I may say to the gentleman from Iowa I am asking whether or not there would be any objection on the part of the committee to amending this bill so as to exempt agricultural products. In our State, as well as in some other States, we have no such manufactured goods, but we do have farm products produced by the convicts.

Mr. KOPP. Mr. COOPER of Ohio, the author of the bill, is here, and I shall refer the question to him.

Mr. JOHNSON of Texas. The chairman of the Rules Committee referred the question to the chairman of the Labor Committee, and he now refers it to the gentleman from Ohio.

Mr. TUCKER. I would like to ask the gentleman from New York a question.

Mr. SNELL. One at a time, please.

Mr. COOPER of Ohio. Mr. Speaker, in answer to the gentleman from Texas, I will say that I think we ought to wait a while before we decide this question.

Mr. JOHNSON of Texas. I have asked the question, so the gentlemen could be considering the matter, and I may say that I would like to see this exception made.

Mr. COOPER of Ohio. I think we can take that up after we get into committee.

Mr. BUSBY. There seems to be no unanimity of opinion on the proposition.

Mr. SNELL. We have given three hours of general debate for the purpose of settling all these questions.

Mr. TUCKER. I desire to ask the gentleman this question. I never saw this bill until this morning——

Mr. SNELL. It or a similar bill has been before the Congress for 20 years and has passed the House at least three times before this.

Mr. TUCKER. Then it has been my misfortune.

Mr. VINSON of Kentucky. Will the gentleman yield at that point?

Mr. SNELL. I have yielded to the gentleman from Virginia.

Mr. VINSON of Kentucky. I would like to intersperse this statement. This bill has not passed the Congress three times.

Mr. SNELL. Similar bills have passed the House.

Mr. VINSON of Kentucky. The bill that passed the House prohibited the shipment of such goods in interstate commerce.

Mr. TUCKER. As I read this bill rather hastily, is it merely declaratory of what the law now is?

Mr. SNELL. I can not answer that question.

Mr. TUCKER. Well, I think I can.

Mr. SNELL. I have found out there are good lawyers on both sides of this matter. I am not a lawyer and I am not going to be drawn into this constitutional question.

Mr. DYER. Will the gentleman yield?

Mr. SNELL. Certainly.

Mr. DYER. The gentleman from New York permitted a question to be asked of the author of the bill with reference to excepting agricultural products. I would like to ask the gentleman from New York if he, the chairman of the Rules Committee and the great leader of this House that he is, is in favor of this kind of class legislation.

Mr. SNELL. I am in favor of this bill, I will tell you that without any hesitation. If the gentleman is not, he can produce his argument on the floor.

Mr. BRAND of Georgia. Will the gentleman yield for a simple question?

Mr. SNELL. Yes; if I can answer it.

Mr. BRAND of Georgia. Does this proposed legislation affect any States where at present they have no law on the subject?

Mr. SNELL. No; I understand it does not. It does not interfere with any laws at all of the different States.

Mr. BRAND of Georgia. We have not any law in our State.

Mr. SNELL. Then it does not affect you.

Mr. NEWTON. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. NEWTON. As I understand, this will apply not only to contract-made goods in prisons, but also to any goods that are made in prison by the prison authorities and without any contract with any private person.

Mr. SNELL. There is no distinguishing feature between the two classes of goods, if they are shipped into other States, but applies to each alike.

Mr. NEWTON. So far as the bill is concerned.

Mr. SNELL. None at all.

Mr. HARE. Will the gentleman yield for a question there?

Mr. SNELL. Yes.

Mr. HARE. Is this bill designed to prevent the prisoners of a State from making any kind of commodity?

Mr. SNELL. It does not interfere with any prison-made goods at all as long as you keep them within your own State; but if you want to ship them into my State you must comply with the laws of my State. But you can run your own prisons and do anything you want, so long as you keep prison-made goods out of my State or out of any other State that has laws on the subject.

Mr. HARE. Suppose the prisoners of a State are engaged in producing farm crops, like corn——

Mr. SNELL. That question has been asked, and I have stated I can not answer it.

Mr. HARE. I would like for somebody to answer that before I vote to consider the bill, because if there is nobody ready to explain it I want to know it.

Mr. VINSON of Kentucky. A State that does not have a law on this subject might enact such legislation subsequent to the passage of this bill. Is it the opinion of the gentleman that that would prohibit the convict-made goods coming into that State?

Mr. SNELL. It limits those goods to the same conditions that are applicable to goods made in the State's own prison.

Mr. COOPER of Ohio. It would not prohibit the shipment of the goods?

Mr. SNELL. No; it would limit the sale of them to the same conditions that apply to goods made in that State.

Mr. VINSON of Kentucky. What would be the use of shipping them if they could not be disposed of?

Mr. COOPER of Ohio. I do not think Congress has authority to make any law prohibiting the shipment of goods, the shipment of legitimately made goods, through interstate commerce. We are not attempting to do that.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. SNELL. I will.

Mr. GARRETT of Tennessee. It has been privately stated, or at least a rumor is running around, that an amendment is going to be accepted to this bill to exclude from its provisions agricultural products. Whether that rumor is correct or not I do not know.

Mr. SNELL. I will say that it has not reached me yet.

Mr. GARRETT of Tennessee. If cotton is to be excluded, upon what justification can we continue it on another product? Of cotton there is a tremendous surplus.

Mr. SNELL. Of course, that is a different proposition. Where you put prison labor to the manufacture of overalls—and I use that as an illustration—and dump them all in one State they come into competition with the manufacturer of overalls that employs labor obtained in the open market and pays the market

price. Certainly prison-made overalls can be sold much cheaper than the legitimate manufacturer can produce them. There is a very small amount of cotton produced by prison labor.

Mr. COLLIER. What about the raw material?

Mr. SNELL. That is what I am talking about—the raw cotton.

Mr. COLLIER. Suppose convict labor in a State produces several hundred thousand bales of cotton—under the provisions of this bill the cotton could not be shipped to another State?

Mr. SNELL. I have answered that question once, that I did not know. I think that will be fully explained later.

Mr. LINTHICUM. Who objected to the bill?

Mr. SNELL. The objections came from the wardens of the prison, who said that they would have considerable trouble in readjusting the present labor in the prisons, and that was the reason we gave them two years.

Mr. LINTHICUM. They claimed that it would throw their men out of employment and they did not know what they would do with them?

Mr. SNELL. They said it would take some time to readjust conditions, but not necessarily throw them out of employment, and that is the reason we gave them two years to readjust their prison-labor problem.

Mr. LOZIER. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. LOZIER. Is it not true that it was stated that they could readjust their present plant and comply with the new conditions within two years?

Mr. SNELL. That is the statement that I am making. There was nothing said in favor of the contract-labor system by anybody. None of these people had the temerity to come before the committee and present their case, although a large amount of goods is sold through contractors.

Mr. COOPER of Ohio. Is not this bill an enabling act to enable each State to regulate the sale of prison-made goods, and that it does not prohibit the transportation of prison-made goods?

Mr. MERRITT. Is not the prohibiting of transportation an indirect way of prohibiting the sale of goods?

Mr. COOPER of Ohio. This does not prohibit the shipment of goods.

Mr. MERRITT. Does it not prohibit the transportation?

Mr. COOPER of Ohio. Let me ask the gentleman a question. Suppose the State of Connecticut had a law regulating the sale of convict-made goods. It would be manifestly unfair for some other State of the Union to dump millions of dollars' worth of prison-made goods into the State of Connecticut, and the State of Connecticut have no regulation or control over them.

Mr. MERRITT. That would not be any more difficult than dumping any other kind of goods made in any other way.

Mr. COOPER of Ohio. The only thing this bill seeks to do is to remedy the situation and give each State in the Union the right to regulate the sale of convict-made goods.

Mr. MERRITT. Is it not true that it gives each State in the Union the power to control the practices and regulations of some other States?

Mr. COOPER of Ohio. Not exactly.

Mr. TUCKER. Do I understand the gentleman from Ohio to state that this is an enabling act?

Mr. COOPER of Ohio. Yes.

Mr. TUCKER. To enable what?

Mr. COOPER of Ohio. Each State in the Union to regulate the sale of prison-made goods.

Mr. TUCKER. Has Congress the right to give such rights to the States?

Mr. SNELL. Mr. Speaker, I do not care to yield any further to these constitutional arguments. The rule provides for three hours of general debate. The bill is favored by the manufacturers, by union labor, and by the women's clubs of America. It is an important matter and should receive the careful and considerate attention of this body.

I yield 10 minutes to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. Mr. Speaker, this bill comes before the House of Representatives with the best kind of intentions and the highest purposes back of it. It has back of it, as the gentleman from New York [Mr. SNELL] stated, organized labor, the manufacturers, the General Federation of Women's Clubs, and various prison-reform organizations. It has the backing of organizations that I like to agree with, that every Member of the House likes to agree with. We do not like to find ourselves in disagreement with such organizations.

The proponents of the bill state in their report and otherwise that it is not the purpose of the proposed legislation to force idleness upon the prisoners of the country. In fact, they insist for the welfare of the prisoners and the welfare of society that the prisoners should be kept at some useful labor. Very well. You can not keep prisoners busy at anything, I do not care what it is, unless the products they make come in competition in some way with free labor. Even the janitor work of the prisons could be done by some one else than the prisoners, so gentlemen should get that out of their minds that there is some way to keep prisoners employed without displacing free labor. If you are going to keep the prisoners busy, then the prisoners are going to compete with free labor somewhere, whether the products of their labor are sold within the States only where produced or whether such products are sold in interstate commerce.

The question of farm labor came up before the Committee on Rules. It came up as to whether or not the products produced on these prison farms would come under this bill. There is no question about that. The suggestion was made that we should except agricultural products. That is fine for us from the agricultural sections where we already have an overproduction of agricultural products. Take the prisoners away from making binder twine and automobile tags and shirts, etc., and put them to producing farm products in competition with the farmer! It is absurd for anybody to suggest that this House will accept such an amendment to this bill as that. Everyone who has any regard at all for agriculture and the welfare of agriculture will resist this proposition.

Mr. CARSS. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. CARSS. Will the gentleman explain how this bill protecting a few industries against unfair competition will hurt the farmers? If the farmers' customers are thrown out of work, the farmer will thereby suffer.

Mr. RAMSEYER. The suggestion is made to except agricultural products. You are going to prohibit, in effect, prison-made goods in interstate commerce except the products produced on prison farms.

Mr. CARSS. I do not think that they have ever accepted that.

Mr. RAMSEYER. The suggestion was made before the Committee on Rules, and the suggestion again was made seriously here in the House this morning.

The committee report is very misleading in that it says "that prisoners must be employed is one of the principles upon which the bill is founded." The bill is not founded on anything of the kind. There is not a word in the bill which says that the prisoners must be kept busy. Furthermore, the report says that "as a result of the passage of this measure the prisoners of the future will not only be employed, but may be employed in such a way as to bring about, through scientific methods, their possible rehabilitation for reentrance into society." Mr. Speaker, there is not a word in the bill which justifies this statement.

There is another more vital objection to this bill that to my mind is insurmountable. As I said before, I question neither the high purpose nor the good intentions of the proponents of the bill, but lest you did not get it, let me repeat that you can not employ prison labor at anything—I do not care what it is—unless you compete with some form of free labor. There is another mighty force back of this bill, and that is the fact that five States in the Union by their laws have in some way managed to take care of the goods produced in their own penitentiaries by using them in their State and local institutions. I refer to Massachusetts, New York, Pennsylvania, Ohio, and Illinois.

The chief question before us is, Can we enact, constitutionally, a bill of this kind? I think it is the duty of every Member as he approaches any proposition coming here to first ask himself whether the proposition to be enacted into law is within the powers conferred by the Constitution on the Congress to legislate upon.

It is said that the bill before us is modeled after the act of August 8, 1890, the Wilson Act, which undertook to make intoxicating liquors subject to State laws upon the arrival of such liquors in those States. One vital difference between that act and the bill before us is the phrase that I shall read to you:

The Wilson Act deals with intoxicating liquors and the phrase in this act to which I refer is "enacted in the exercise of its police power."

I am here to tell you, so far as I have been able to learn, that no laws have been enacted by Congress prohibiting commodities in interstate commerce or making them subject to State laws unless there was something about the commodity itself which was deleterious either to the health or to the morals of the people. The laws heretofore enacted regulated or prohibited

interstate commerce in articles of merchandise that were in and of themselves as articles of merchandise injurious and harmful to the users and consumers of them.

Now, there is nothing necessarily injurious in an article produced in a penitentiary; that is, nothing in the article itself. Shirts made in a penitentiary are just like shirts made outside of a penitentiary, and corn and hogs raised on a prison farm are just like corn and hogs raised on any other farm.

Here are some things that Congress has undertaken to regulate or prohibit in interstate commerce:

1. Lottery tickets used for gambling.
2. Obscene literature.
3. Articles designed for indecent or immoral use.
4. Cattle suffering from contagious disease.
5. Impure and adulterated foods and drugs.
6. The transportation of women and girls for immoral purposes under the Mann Act.
7. Firearms and poisons and explosives.

The only articles of commerce which Congress had heretofore made subject to the operation and effect of the laws of the States into which they were shipped are intoxicating liquors under the Wilson Act and Webb-Kenyon Act. If you can prohibit from interstate commerce or prevent the sale in a State—and that, of course, puts them out of interstate commerce—because of the place where they are made or because by whom made, then you can prohibit articles made by Chinamen and Japanese. Suppose the State of Connecticut here had laws to regulate the sale of goods made by Chinamen and Japanese in Connecticut. Then Congress comes along and passes a law to the effect that articles made by Japanese and Chinamen shall be subject to the laws of the State into which they are shipped. You could make the same regulations as to goods made by aliens or by nonunion labor. You have no precedent or constitutional authority for the proposed legislation, and if this bill is constitutional, then you can keep any goods out of interstate commerce if you can get Congress to enact a law to make such goods subject to the laws of the State upon their arrival in that State. [Applause.]

Mr. SNELL. I have always found that when a lawyer opposes a bill and can not give a very good reason for his opposition, he can always find an excuse by hiding behind a constitutional provision. You can find as many good lawyers supporting the constitutionality of this measure as are opposing it.

Mr. RAMSEYER. Does not the gentleman concede that it is the duty of Members of Congress to consider the constitutionality of every bill that comes before them, and is it not their duty, when they have formed their opinion that it is unconstitutional, to vote against it upon that ground if upon no other ground?

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

INLAND WATERWAYS CORPORATION BILL

Mr. MERRITT. Mr. Speaker, I ask unanimous consent to file a minority report to the inland waterways corporation bill.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

THE AGRICULTURAL SURPLUS CONTROL BILL

Mr. HAUGEN. Mr. Speaker, I call up the conference report on the bill (S. 3555), the agricultural surplus control bill.

The SPEAKER. The gentleman from Iowa calls up the conference report on the bill S. 3555, the agricultural surplus control bill.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. The Clerk will read the statement.

The statement was read.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"DECLARATION OF POLICY

"SECTION 1. In order to stabilize the current of interstate and foreign commerce in the marketing of agricultural commodities and prevent suppression of commerce with foreign nations in such commodities and unjust discrimination against such foreign commerce, it is hereby declared to be the policy of the Congress to promote the orderly marketing of agricultural commodities in interstate and foreign commerce, and to that end, through the execution of the provisions of this act, to provide for the control and disposition of surpluses of such commodities, to preserve advantageous domestic markets for such commodities, to prevent such surpluses from unduly depressing the prices obtained for such commodities and from causing undue and excessive fluctuations in the markets for such commodities, to minimize speculation and waste in marketing such commodities, and to further the organization of producers of such commodities into cooperative associations.

"FEDERAL FARM BOARD

"SEC. 2. (a) A Federal Farm Board is hereby created which shall consist of the Secretary of Agriculture, who shall be a member ex officio, and twelve members, one from each of the twelve Federal land-bank districts, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

"(b) The terms of office of the appointed members of the board first taking office after the approval of this Act, shall expire, as designated by the President at the time of nomination, four at the end of the second year, four at the end of the fourth year, and four at the end of the sixth year, after the date of the approval of this act. A successor to an appointed member of the board shall be appointed in the same manner as the original appointed members, and shall have a term of office expiring six years from the date of the expiration of the term for which his predecessor was appointed.

"(c) Any person appointed to fill a vacancy in the board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(d) Any member of the board in office at the expiration of the term for which he was appointed, may continue in office until his successor takes office.

"(e) Vacancies in the board shall not impair the powers of the remaining members to execute the functions of the board, and a majority of the appointed members in office shall constitute a quorum for the transaction of the business of the board.

"(f) Each of the appointed members of the board shall be a citizen of the United States, shall be the producer of some one or more agricultural products or shall be interested in and truly representative of agriculture, shall not actively engage in any other business, vocation, or employment than that of serving as a member of the board, and shall receive a salary of $10,000 a year, together with necessary traveling expenses and expenses incurred for subsistence or per diem allowance in lieu thereof, within the limitations prescribed by law, while away from the principal office of the board on business required by this act, or if assigned to any other office established by the board, then while away from such office on business required by this act.

"GENERAL POWERS

"SEC. 3. The board—

"(a) Shall annually designate an appointed member to act as chairman of the board.

"(b) Shall maintain its principal office in the District of Columbia, and such other offices in the United States as it deems necessary.

"(c) Shall have an official seal which shall be judicially noticed.

"(d) Shall make an annual report to Congress.

"(e) May make such regulations as are necessary to execute the functions vested in it by this Act.

"(f) May (1) appoint and fix the salaries of a secretary and such experts, and, in accordance with the classification act of 1923 and subject to the provisions of the civil service laws, such other officers and employees, and (2) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the functions vested in the board.

"(g) Shall meet at the call of the chairman, or of the Secretary of Agriculture, or of a majority of its members.

"(h) Shall keep advised, from any available sources, of crop prices, prospects, supply, and demand, at home and abroad, with especial attention to the existence or the probability of the existence of a surplus of any agricultural commodity or any of its food products, and it may advise producers through their organizations or otherwise in matters connected with the adjustment of production, distribution, and marketing of any such commodity, in order that they may secure the maximum benefits under this act.

"(i) Shall advise producers through their organizations or otherwise in the development of suitable programs of planting or breeding, so that burdensome crop surpluses may be avoided or minimized, in order that they may secure such benefits.

"COMMODITY ADVISORY COUNCILS

"SEC. 4. (a) Prior to the commencement of a marketing period in respect of any agricultural commodity the board is directed to create for such commodity an advisory council, which shall be a governmental agency composed of seven members fairly representative of the producers of such commodity. Members of each commodity advisory council shall be selected annually by the board only from lists submitted by the cooperative associations and by other organizations representative of the producers of the commodity in each State that produced in the preceding five crop years, according to the estimates of the United States Department of Agriculture, an average of three per cent or more of the average anuual total domestic production of the commodity, and from lists submitted by the governors and by the heads of the agricultural departments of such States. Members of each commodity advisory council shall serve without salary but may be paid by the board a per diem compensation not exceeding $20 for attending meetings of the council and for time devoted to other business of the council and authorized by the board. Each council member shall be paid by the board his necessary traveling expenses to and from meetings of the council and his expenses incurred for subsistence, or per diem allowance in lieu thereof, within the limitations prescribed by law, while engaged upon the business of the council. Each commodity advisory council shall be designated by the name of the commodity it represents, as, for example, 'The Cotton Advisory Council.'

"(b) Each commodity advisory council shall meet as soon as practicable after its selection at a time and place designated by the board and select a chairman. The board may designate a secretary of the council, subject to the approval of the council.

"(c) Each commodity advisory council shall meet thereafter at least twice in each year at a time and place designated by the board, or upon call of a majority of its members at a time and place designated in the call, notice of such call being sent by registered mail at least 10 days before the date of the meeting.

"(d) Each commodity advisory council shall have power, by itself or through its officers, (1) to confer directly with the board, to call for information from it, or to make oral or written representations to it, concerning matters within the jurisdiction of the board and relating to the agricultural commodity, including the amount and method of collection of the equalization fee, and (2) to cooperate with the board in advising the producers through their organizations or otherwise in the development of suitable programs of planting or breeding so that burdensome crop surpluses may be avoided or minimized, in order to secure the maximum benefits under this act.

"(e) Prior to the commencement or termination of a marketing period with respect to any agricultural commodity and prior to the publication of the amount of any equalization fee with respect to any agricultural commodity, the board shall submit to the advisory council for the commodity a statement of the respective findings or estimate which the board is required to make and of the evidence and facts considered by the board in making such findings or estimate. Within 15 days after receiving such statement, the advisory council shall consider such findings or estimate and shall notify the board of its determination made with respect thereto. No marketing period with respect to any agricultural commodity shall be commenced or terminated and no equalization fee with respect to the commodity shall be collected, unless the advisory council for such commodity has determined (1) that the findings or estimate which the board is required to make are supported by the evidence and facts considered by the board, and (2) that the board has considered substantially all the material facts and evidence available for making the findings or estimate.

"LOANS

"SEC. 5. (a) The board is authorized to make loans, out of the revolving fund hereinafter created, to any cooperative association or corporation created and controlled by one or more cooperative associations, upon such terms and conditions as, in the judgment of the board, will afford adequate assurance of repayment and carry out the policy declared in section 1, and upon such other terms and conditions as the board deems necessary. Such loans shall be for one of the following purposes:

"(1) For the purpose of assisting the cooperative association or corporation created and controlled by one or more cooperative associations, in controlling a seasonal or year's total surplus, produced in the United States and either local or national in extent, that is in excess of the requirements for the orderly marketing of any agricultural commodity or in excess of the domestic requirements for such commodity.

"(2) For the purpose of developing continuity of cooperative services from the point of production to and including the point of terminal marketing services, if the proceeds of the loan are to be used either (A) for working capital for the cooperative association or corporation created and controlled by one or more cooperative associations, or (B) for assisting the cooperative association or corporation created and controlled by one or more cooperative associations, in the acquisition, by purchase, construction, or otherwise, of facilities and equipment, including terminal marketing facilities and equipment, for the preparing, handling, storing, processing, or sale or other disposition of agricultural commodities, or (C) for furnishing funds to the cooperative association or corporation created and controlled by one or more cooperative associations for use as capital for any agricultural credit corporation eligible to receive discounts under section 202 of the Federal farm loan act, as amended, or (D) for furnishing funds to the cooperative association or corporation created and controlled by one or more cooperative associations for necessary expenditures in federating, consolidating, merging, or extending the membership of cooperative associations or corporations created and controlled by one or more cooperative associations. The cooperative association, or corporation created and controlled by one or more cooperative associations, shall repay the loan, together with the interest thereon, within a period of not more than 20 years, by means of a charge to be deducted from the proceeds of the sale or other disposition of each unit of the agricultural commodity handled by the association or corporation, unless some other method of repayment is agreed upon by the board and the association or corporation.

"(b) Any loan under this section shall bear interest at the rate of 4 per cent per annum. The aggregate amount of loans under this section, outstanding and unpaid at any one time, shall not exceed $200,000,000, but—

"(1) The aggregate amount of loans for all purposes under paragraph (2) of subdivision (a), outstanding and unpaid at any one time, shall not exceed $25,000,000; and

"(2) The aggregate amount of loans for the purpose of expenditures in federating, consolidating, merging, or extending the membership of cooperative associations or corporations created and controlled by one or more cooperative associations, outstanding and unpaid at any one time, shall not exceed $1,000,000.

"INCREASED PRODUCTION

"SEC. 6. If the board finds that its advice as to a program of planting or breeding of any agricultural commodity as hereinbefore provided has been substantially disregarded by the producers of the commodity, or that the planting or breeding of any agricultural commodity for any year is substantially greater than a normal increase, as determined by the board, over the average planting or breeding of such commodity or the preceding 5 years, the board may refuse to make loans for the purchase of such commodity.

"CLEARING HOUSE AND TERMINAL MARKET ASSOCIATIONS

"SEC. 7. The board may assist in the establishment of and provide for the registration of, in accordance with such regulations as it may prescribe, (1) clearing-house associations adapted, in the opinion of the board, to effect the more orderly production, distribution, and marketing of any agricultural commodity, to prevent gluts or famines in any market for such commodity, and to reduce waste incident to the marketing of such commodity, and (2) terminal market associations adapted, in the opinion of the board, to maintain public markets in distribution centers for the more orderly distribution and marketing of any agricultural commodity. Only cooperative associations or corporations created or controlled by one or more cooperative associations shall be eligible for membership in any clearing-house association or terminal market association registered under this section. Rules for the governance of any such association shall be adopted by the members thereof with the approval of the board.

"MARKETING AGREEMENTS

"SEC. 8. (a) From time to time upon request of the advisory council for any agricultural commodity, or upon request of

leading cooperative associations or other organizations of producers of any agricultural commodity, or upon its own motion, the board shall investigate the supply and marketing situation in respect of such agricultural commodity.

"(b) Whenever upon such investigation the board finds—

"First. That there is or may be during the ensuing year a seasonal or year's total surplus, produced in the United States and national in extent, that is in excess of the requirements for the orderly marketing of any agricultural commodity or in excess of the domestic requirements for the commodity;

"Second. That the operation of the provisions of section 5 (relating to loans to cooperative associations or corporations created and controlled by one or more cooperative associations) will not be effective to control such surplus because of the inability or unwillingness of the cooperative associations engaged in handling the commodity, or corporations created and controlled by one or more such cooperative associations, to control such surplus with the assistance of such loans; and

"Third. That the durability, the conditions of preparation, processing, and preserving, and the methods of marketing of the commodity are such that the commodity is adapted to marketing as authorized by this section;—

then the board, after publicly declaring its findings, shall arrange for marketing any part of the commodity by means of marketing agreements with cooperative associations engaged in handling the commodity or corporations created and controlled by one or more cooperative associations. Such marketing shall continue during a marketing period which shall terminate at such time as the board finds that such arrangements are no longer necessary or advisable for carrying out the policy declared by section 1.

"(c) A marketing agreement shall provide either—

"(1) For the withholding by a cooperative association, or corporation created and controlled by one or more cooperative associations, during such period as shall be provided in the agreement, of any part of the commodity delivered to such cooperative association or associations by its members. Any such agreement shall provide for the payment from the stabilization fund for the commodity of the costs arising out of such withholding; or

"(2) For the purchase by a cooperative association, or corporation created and controlled by one or more cooperative associations, of any part of the commodity not delivered to such cooperative association or associations by its members, and for the withholding and disposal of the commodity so purchased. Any such marketing agreement shall provide for the payment from the stabilization fund for the commodity of the amount of the losses, costs, and charges arising out of the purchase, withholding, and disposal, or out of contracts therefor, and for the payment into the stabilization fund for the commodity of profits (after repaying all advances from the stabilization fund and deducting all costs and charges, provided for in the agreement) arising out of the purchase, withholding, and disposal, or out of contracts therefor.

"(d) The board may, in its discretion, provide in any such marketing agreement for financing any withholding, purchase, or disposal under such agreement, through advances from the stabilization found for the commodity. Such financing shall be upon such terms as the board may prescribe, but no such advance shall bear interest.

"(e) If the board is of the opinion that there are two or more cooperative associations or corporations created and controlled by one or more cooperative associations capable of carrying out any marketing agreement, the board in entering into the agreement shall not unreasonably discriminate against any such association or corporation in favor of any other such association or corporation. If the board is of the opinion that there is no such cooperative association or corporation created and controlled by one or more cooperative associations capable of carrying out any marketing agreement for purchase, withholding, and disposal, then the board may enter into the agreement with other agencies but shall not unreasonably discriminate between such other agencies.

"(f) During a marketing period fixed by the board for any commodity, the board may enter into marketing agreements for the purchase, withholding, and disposal of the food products of such commodity, and all provisions of this section applicable to marketing agreements for the purchase, withholding, and disposal of the commodity, shall apply to the agreements in respect of its food products.

"(g) Any decision of the board relating to the commencement, extension, or termination of a marketing period shall require the affirmative vote of a majority of the appointed members in office.

"(h) The powers of the board under this section in respect of any agricultural commodity shall be exercised in such manner, and the marketing agreements entered into by the board during any marketing period shall be upon such terms, as will, in the judgment of the board, carry out the policy declared by section 1.

"(i) The United States shall not be liable, directly or indirectly, upon agreements under this act in respect of agricultural commodities, in excess of the amounts available in the stabilization, premium insurance, and revolving funds.

"EQUALIZATION FEE

"SEC. 9. (a) In order to carry out marketing and nonpremium insurance agreements in respect of any agricultural commodity without loss to the revolving fund, each marketed unit of such agricultural commodity produced in the United States shall, throughout any marketing period in respect of such commodity, contribute ratably its equitable share of the losses, costs, and charges arising out of such agreements. Such contributions shall be made by means of an equalization fee apportioned and paid as a regulation of interstate and foreign commerce in the commodity. It shall be the duty of the board to apportion and collect such fee in respect of such commodity as hereinafter provided.

"(b) Prior to the commencement of any marketing period in respect of any agricultural commodity, and thereafter from time to time during such marketing period, the board shall estimate the probable losses, costs, and charges to be paid under marketing agreements in respect of such commodity and under nonpremium insurance agreements in respect of such commodity as hereinafter provided. Upon the basis of such estimates, the board shall from time to time determine and publish the amount of the equalization fee (if any is required under such estimates) for each unit of weight, measure, or value designated by the board, to be collected upon such unit of such agricultural commodity during any part of the marketing period for the commodity. Such amount is referred to in this Act as the 'equalization fee.' At the time of determining and publishing any equalization fee the board shall specify the time during which the particular fee shall remain in effect and the place and manner of its payment and collection.

"(c) Under such regulations as the board may prescribe, any equalization fee determined upon by the board shall be paid, in respect of each marketed unit of such commodity, upon one of the following: The transportation, processing, or sale of such unit. The equalization fee shall not be collected more than once in respect of any unit. The board shall determine, in the case of each class of transactions in the commodity, whether the equalization fee shall be paid upon transportation, processing, or sale. The board shall make such determination upon the basis of the most effective and economical means of collecting the fee with respect to each unit of the commodity marketed during the marketing period.

"(d) When any equalization fee is collected with respect to cattle or swine, an equalization fee equivalent in amount, as nearly as may be, shall be collected, under such regulations as the board may prescribe, upon the first sale or other disposition of any food product derived in whole or in part from cattle or swine, respectively, if the food product was on hand and owned at the time of the commencement of the marketing period: *Provided*, That any food product owned in good faith by retail dealers at the time of the commencement of the marketing period shall be exempt from the operation of this subdivision.

"(e) Under such regulations as the board may prescribe, the equalization fee determined under this section for any agricultural commodity produced in the United States shall in addition be collected upon the importation of each designated unit of the agricultural commodity imported into the United States for consumption therein, and an equalization fee, in an amount equivalent as nearly as may be, shall be collected upon the importation of any food product derived in whole or in part from the agricultural commodity and imported into the United States for consumption therein.

"(f) The board may by regulation require any person engaged in the transportation, processing, or acquisition by purchase of any agricultural commodity produced in the United States, or in the importation of any agricultural commodity or food product thereof—

"(1) To file returns under oath and to report, in respect of his transportation, processing, or acquisition of such commodity produced in the United States or in respect of his importation of the commodity or food product thereof, the amount of equalization fees payable thereon and such other facts as may be necessary for their payment or collection.

"(2) To collect the equalization fee as directed by the board and to account therefor.

"(g) The board, under regulations prescribed by it, is authorized to pay to any such person required to collect such fees a reasonable charge for his services.

"(h) Every person who, in violation of the regulations prescribed by the board, fails to collect or account for any equalization fee shall be liable for its amount and to a penalty equal to one-half its amount. Such amount and penalty may be recovered together in a civil suit brought by the board in the name of the United States.

"(i) As used in this section—

"(1) In the case of grain the term 'processing' means milling of grain for market or the first processing in any manner for market (other than cleaning or drying) of grain not so milled, and the term 'sale' means a sale or other disposition in the United States of grain for milling or other processing for market, for resale, or for delivery by a common carrier—occurring during a marketing period in respect of grain.

"(2) In the case of cotton the term 'processing' means spinning, milling, or any manufacturing of cotton other than ginning; the term 'sale' means a sale or other disposition in the United States of cotton for spinning, milling, or any manufacturing other than ginning, or for delivery outside the United States; and the term 'transportation' means the acceptance of cotton by a common carrier for delivery to any person for spinning, milling, or any manufacturing of cotton other than ginning, or for delivery outside the United States—occurring during a marketing period in respect of cotton.

"(3) In the case of livestock, the term 'processing' means slaughter for market by a purchaser of livestock, and the term 'sale' means a sale or other disposition in the United States of livestock destined for slaughter for market without intervening holding for feeding (other than feeding in transit) or fattening—occurring during a marketing period in respect of livestock.

"(4) In the case of tobacco, the term 'sale' means a sale or other disposition to any dealer in leaf tobacco or to any registered manufacturer of the products of tobacco. The term 'tobacco' means leaf tobacco, stemmed or unstemmed.

"(5) In the case of grain, livestock, and tobacco, the term 'transportation' means the acceptance of the commodity by a common carrier for delivery.

"(6) In the case of any agricultural commodity other than grain, cotton, livestock, or tobacco, the board shall, in connection with its specification of the place and manner of payment and collection of the equalization fee, further specify the particular type of processing, sale, or transportation in respect of which the equalization fee is to be paid and collected.

"(7) The term 'sale' does not include a transfer to a cooperative association for the purpose of sale or other disposition by such association on account of the transferor; nor a transfer of title in pursuance of a contract entered into before, and at a specified price determined before, the commencement of a marketing period in respect of the agricultural commodity. In case of the transfer of title in pursuance of a contract entered into after the commencement of a marketing period in respect of the agricultural commodity, but entered into at a time when, and at a specified price determined at a time during which a particular equalization fee is in effect, then the equalization fee applicable in respect of such transfer of title shall be the equalization fee in effect at the time when such specified price was determined.

"STABILIZATION FUNDS

"SEC. 10. (a) For each agricultural commodity as to which marketing agreements are made by the board there shall be established, in accordance with regulations prescribed by the board, a stabilization fund. Such fund shall be administered by and exclusively under the control of the board, and the board shall have the exclusive power of expending the moneys in such fund.

"(b) There shall be deposited to the credit of the stabilization fund for any agricultural commodity (1) advances from the revolving fund as hereinafter authorized, (2) profits arising out of marketing agreements in respect of the commodity, (3) repayments of advances for financing the purchase, withholding, or disposal of the commodity, and (4) equalization fees collected in respect of the commodity and its imported food products.

"(c) In order to make the payments required by a marketing or nonpremium insurance agreement in respect of any agricultural commodity, and in order to pay the salaries and expenses of experts, the board may, in its discretion, advance to the stabilization fund for such commodity out of the revolving fund such amounts as may be necessary.

"(d) The deposits to the credit of a stabilization fund shall be made in a public depositary of the United States. All general laws relating to the embezzlement, conversion, or to the improper handling, retention, use, or disposal of public moneys of the United States shall apply to the profits and equalization fees payable to the credit of the stabilization fund and to moneys deposited to the credit of the fund or withdrawn therefrom but in the custody of any officer or employee of the United States.

"(e) There shall be withdrawn from the stabilization fund for any agricultural commodity (1) the payments required by marketing or nonpremium insurance agreements in respect of the commodity, (2) the salaries and expenses of such experts as the board determines shall be payable from such fund, (3) repayments into the revolving fund of advances made from the revolving fund to the stabilization fund, together with interest on such amounts at the rate of 4 per cent per annum, and (4) service charges payable for the collection of equalization fees.

"INSURANCE

"SEC. 11. (a) In order that a cooperative association handling any staple agricultural commodity may with reasonable security make payments to its members at the time of delivery of such commodity by the members, fairly reflecting the current market value of such agricultural commodity, the board is authorized to enter into an agreement, upon such terms and conditions as it may prescribe, for the insurance of such cooperative association against price decline as hereinafter provided. Such insurance agreement may be entered into by the board only with respect to any such agricultural commodity which, in the judgment of the board, is regularly traded in upon an exchange in sufficient volume to establish a recognized basic price for the market grades of such commodity, and then only when such exchange has accurate price records for the commodity covering a period of years of sufficient length, in the judgment of the board, to serve as a basis upon which to calculate the risks of the insurance.

"(b) Any such agreement for insurance against price decline shall provide for the insurance of the cooperative association for any twelve months' period commencing with the delivery season for the commodity against loss to such association or its members due to decline in the average market price for the commodity during the time of sale by the association from the average market price for the commodity during the time of delivery to the association. The measure of such decline, where a decline occurs, shall be the difference between the average market price weighted for the days and volume of delivery to the association by its members, and the average market price weighted for the days and volume of sales by the association. In computing such average market prices the board shall use the daily average cash prices paid for the basic grade of such commodity in the exchange designated in the agreement. Any such agreement shall cover only so much of the commodity delivered to the association as is produced by the members of the association and as is reported by the association for coverage under the agreement.

"(c) Whenever in the judgment of the board the use of such insurance agreements in respect of any commodity will stabilize the market substantially in the interest of the producers of the commodity whether or not members of a cooperative association dealing in the commodity, then the board, during the continuance of any marketing period for the commodity as provided in section 8, may enter into nonpremium, or if the board deems it advisable, premium insurance agreements with cooperative associations dealing in the commodity. Whenever in the judgment of the board the use of such insurance agreements will not so stabilize the market, then the board may enter into premium insurance agreements only with the cooperative associations.

"(d) Payments required under nonpremium insurance agreements in respect of any commodity shall be made out of the stabilization fund for the commodity. Payments under premium insurance agreements in respect of any commodity shall be made out of the premium insurance fund for the commodity to be established by the board under such regulations as it may prescribe.

"(e) For insurance under a premium insurance agreement the cooperative association shall pay a premium, to be determined by the board prior to the making of the insurance agreement, upon each unit of the commodity reported by the association for coverage under the insurance agreement. Such premium shall be calculated with due regard to the past price records in established markets for the commodity. The premiums applicable to the commodity in the successive twelve months' periods shall be adjusted with due regard to the experience of the board under preceding insurance agreements. There shall be deposited in the premium insurance fund for any commodity the premiums paid by cooperative associations under premium insurance agreements in respect of the commodity, and advances from the revolving fund in such amounts as the board deems necessary for the operation of the fund. There shall be disbursed from the premium insurance fund for any commodity (1) the payments required by any premium insurance agreement in respect of the commodity, and (2) repayments into the revolving fund of

advances made from the revolving fund to such premium insurance fund, together with interest on such advances at the rate of 4 per cent per annum.

"REVOLVING FUND

"SEC. 12 (a). There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $400,000,000: *Provided*, That at least $200,000,000 of such sum shall be made available by the board solely for use in making advances to the stabilization funds for agricultural commodities in respect of which marketing periods are commenced; and in the allocation of such amount among the stabilization funds of the several commodities, the board shall take into consideration the values of the respective commodities.

"(b) All moneys appropriated in pursuance of the authorization made by this section shall be administered by the board and used as a revolving fund in accordance with the provisions of this Act. The Secretary of the Treasury shall deposit in the revolving fund such portions of the amounts appropriated therefor as the board from time to time deems necessary.

"EXAMINATIONS OF BOOKS AND ACCOUNTS OF BOARD

"SEC. 13. Expenditures by the board from the stabilization or premium insurance funds shall be made by the authorized officers or agents of the board upon receipt of itemized vouchers therefor, approved by such officers as the board may designate. All other expenditures by the board, including expenditures for loans and advances from the revolving fund, shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the board. Vouchers so made for expenditures from the revolving fund or from any stabilization or premium insurance fund shall be final and conclusive upon all officers of the Government; except that all financial transactions of the board (including the payments required by any marketing or insurance agreement) shall, subject to the above limitations, be examined by the General Accounting Office, at such times and in such manner as the Comptroller General of the United States may by regulation prescribe. Such examination in respect of expenditures from the revolving fund or from any stabilization or premium insurance fund shall be for the sole purpose of making a report to the Congress and to the board of expenditures and agreements in violation of law, together with such recommendations as the Comptroller General deems advisable concerning the receipts, disbursements, and application of the funds administered by the board.

"COOPERATION WITH EXECUTIVE DEPARTMENTS

"SEC. 14. (a) It shall be the duty of any governmental establishment in the executive branch of the Government, upon request by the board, or upon Executive order, to cooperate with and render assistance to the board in carrying out any of the provisions of this act and the regulations of the board. The board shall, in cooperation with any such governmental establishment, avail itself of the services and facilities of such governmental establishment in order to avoid preventable expense or duplication of effort.

"(b) Upon request by the board the President, by Executive order, (1) may transfer any officer or employee from any department or independent establishment in the executive branch of the Government, irrespective of his length of service in such department or independent establishment, to the service of the board, and (2) may direct any governmental establishment to furnish the board with such information and data pertaining to the functions of the board as may be contained in the records of the governmental establishment; except that the President shall not direct that the board be furnished with any information or data supplied by any person in confidence to any governmental establishment, in pursuance of any provision of law or of any agreement with the governmental establishment.

"(c) The board may cooperate with any State or Territory, or department, agency, or political subdivision thereof, or with any person.

"GENERAL DEFINITIONS

"SEC. 15. (a) As used in this act—

"(1) The term 'person' means individual, partnership, corporation, or association.

"(2) The term 'United States,' when used in a geographical sense, means continental United States and the Territory of Hawaii.

"(3) The term 'cooperative association' means an association of persons engaged in the production of agricultural products, as farmers, planters, ranchers, dairymen, or nut or fruit growers, organized to carry out any purpose specified in section 1 of the act entitled 'An act to authorize association of producers of agricultural products,' approved February 18, 1922, if such association is qualified under such act.

"(b) The provisions of sections 8, 9, and 10 shall not apply to perishable fruits and vegetables.

"(c) Whenever any agricultural commodity has regional or market classifications or types which in the judgment of the board are so different from each other in use or marketing methods as to require their treatment as separate commodities under this act, the board may determine upon and designate one or more such classifications or types for such treatment.

"ADMINISTRATIVE APPROPRIATION

"SEC. 16. For expenses in the administration of the functions vested in the board by this act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000, to be available to the board for such expenses (including salaries and expenses of the members, officers, and employees of the board and the per diem compensation and expenses of members of the commodity advisory councils) incurred prior to July 1, 1929.

"SEPARABILITY OF PROVISIONS

"SEC. 17. If any provision of this act is declared unconstitutional or the applicability thereof to any person, circumstance, commodity, or class of transactions in respect of any commodity, is held invalid, the validity of the remainder of the act and the applicability of such provision to other persons, circumstances, commodities, and classes of transactions shall not be affected thereby.

"COOPERATIVE ASSOCIATIONS ACT

"SEC. 18. (a) Nothing in this act is intended or shall be construed to repeal or modify any provision of the act entitled 'An act to authorize association of producers of agricultural products,' approved February 18, 1922.

"PENALTIES

"SEC. 19. (a) The provisions of sections 123 and 124 of the Penal Code, approved March 4, 1909, as amended, shall apply to any member, officer, or employee of the board; and, in addition, it shall be held a violation of section 123 of such code if any member, officer, or employee of the board at any time speculates, directly or indirectly, in any agricultural commodity.

"(b) It shall be unlawful (1) for any cooperative association, or corporation created and controlled by one or more cooperative associations or other agency if such agency is acting for or on behalf of the board under any marketing agreement, or (2) for any director, officer, or employee of any such association, corporation, or agency, to which information has been imparted in confidence by the board, to disclose such information in violation of any regulation of the board. Any such association, corporation, or agency, or director, officer, or employee thereof, violating any provision of this subdivision, shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

"SHORT TITLE

"SEC. 20. This act may be cited as the 'surplus control act.'"

And the House agree to the same.

G. N. HAUGEN,
FRED S. PURNELL,
T. S. WILLIAMS,
D. H. KINCHELOE,
Managers on the part of the House.

CHAS. L. MCNARY,
JOS. E. RANSDELL,
F. R. GOODING,
ARTHUR CAPPER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause. The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The essential differences between the Senate bill and the House amendment, and the nature of the corresponding provisions of the substitute agreed upon by the conferees, are set forth in the following discussion:

1. Qualifications of board members: The Senate bill required that a member of the board must be either a producer of some one or more agricultural products, or interested in and truly representative of agriculture. The House amendment contained no such requirement. The substitute adopts the provision in the Senate bill.

2. Adjustment of production: The Senate bill directed the board to advise producers in the development of suitable programs of planting or breeding in order that the maximum benefits under the bill might be realized. It also authorized the board to refuse to commence a marketing period, or to terminate an existing marketing period on 12 months' notice, in case producers substantially disregarded the advice of the board as to a suitable program of planting or breeding, or in case of a substantial increase in planting or breeding over the preceding five-year average.

The House amendment contained the same provision for advice as to a suitable program of planting or breeding, but stated the purpose of such advice to be in order that burdensome crop surpluses might be avoided or minimized. The House amendment also provided for advice to producers on all matters connected with the adjustment of production, and further authorized the board to refuse to make loans to cooperative associations for the purchase of crop surpluses in case producers substantially disregarded the advice of the board or substantially increased the planting or breeding of any commodity above the average for the preceding five years.

The substitute retains the provision of the Senate bill and the House amendment for advice as to a suitable program of planting or breeding, adding thereto the House statement of the object sought; i. e., so that burdensome crop surpluses might be avoided or minimized. The House provision for advice on matters relating to the adjustment of production also is adopted in the substitute. The substitute further retains the provision authorizing refusal to make loans in the event of abnormally increased production that appeared in the House amendment, while the provision in the Senate bill authorizing the board under such conditions to refuse to make marketing agreements is omitted. The substitute stresses the influence which the board can exercise through advice and leadership in the development of a sound program of planting and breeding, and recognizes that in the case of marketing agreements under which the cost of organized handling of the surplus would be borne by all the producers through equalization fees, the equalization fees themselves would automatically reflect upon the producers the penalties of an abnormally increased surplus, thus making unnecessary the omitted Senate provision.

3. Organization of advisory councils: The Senate bill provided that whenever the board was organized or whenever it determined that any agricultural commodity might require stabilization through marketing agreements or whenever the cooperative associations or other organizations representative of producers of the commodity applied to the board, then the board should constitute an advisory council. It was further provided that the council should be a private agency of seven members elected annually by the cooperative associations or other farm organizations representative of the commodity.

The House amendment provided that an advisory council for an agricultural commodity should be created prior to the commencement of a marketing period for such commodity. Under the House amendment the advisory council was composed of seven members fairly representative of the producers of the commodity and selected by the board. In making its selections the board was restricted to nominees in lists submitted by (1) cooperative associations, (2) other organizations representing the producers of the commodity, (3) governors, and (4) heads of agricultural departments in States where the commodity is produced.

The substitute retains the provisions of the House bill with amendments making it clear that the advisory councils are governmental and not private agencies and that the cooperative associations, other organizations, governors, and heads of agricultural departments need not submit a joint list of nominees but may submit separate lists. Only cooperative associations, other organizations, governors, and heads of agricultural departments of States that during the preceding five crop years, according to the estimates of the United States Department of Agriculture, produced an average of 3 per cent or more of the average annual total domestic productions of the commodity, are, under the substitute, entitled to submit such lists. This restriction confines the submission of lists to those States which are the principal producers of the commodity.

Under the substitute, members of the advisory council are paid a per diem compensation from Treasury appropriations, and the councils are governmental and not private agencies and exercise no executive powers or functions in connection with the enforcement of the law, but merely, as hereinafter set forth, act as agents of the Congress, in conjunction with the board, to ascertain the existence of the contingencies of fact upon which marketing periods are to commence or terminate and upon which estimates for equalization fees are to be based.

4. Concurrent action of advisory councils: The Senate bill contained several provisions requiring the approval or concurrence of the advisory council for a particular commodity before any action of the board with regard to that commodity would be effective. Thus, the Senate bill provided that the advisory council must concur in the findings of the board before a marketing period could be commenced or terminated, and must concur in the estimate upon which the equalization fee was based before the fee could be collected. Again, the Senate bill contained duplicate provisions requiring the concurrence of the advisory council in the findings of the board as to termination of the marketing period, the approval by the advisory council of any decision of the board relating to the commencement or termination of the marketing period, and the concurrence of the advisory council in the estimate upon which the equalization fee is based. Finally, the Senate bill provided that all actions of the board having exclusive application to an agricultural commodity were subject to the approval of the advisory council. This last provision would apparently cover not only commencement and termination of marketing periods and collection of equalization fees but also the making of individual loans or individual insurance contracts, the payments of losses, costs, and charges upon marketing agreements, the obtaining of advances from the revolving fund for use of the stabilization funds or insurance funds, the repayment of such advances, the appointment of experts, and the making of regulations with regard to particular commodities, and a great number of minor matters.

The House amendment in but a single provision set forth that a marketing period could not be commenced or terminated, and that an equalization fee could not be collected unless the advisory council determined that the findings of the board in connection with the commencement or termination of the marketing period or the estimate of the board in connection with the determination of the amount of the equalization fee were supported by the evidence and facts considered by the board, and that substantially all the material facts and evidence available were considered by the board.

The House amendment thus vested the advisory council with power, to be exercised concurrently with the power of the board, to examine the facts upon which the board's decision to commence or terminate a marketing period is based, or to approve the estimates which form the basis for determining the amount of equalization fees. Substantially the same delegation of power as to findings of fact is made to both governmental agencies, and their joint agreement is required as to the presence of certain prescribed conditions before part of the legislative power exercised in the bill becomes effective. The procedure by which the advisory council reaches its determination in these matters is set forth in the House amendment in some detail. After the board makes its determination as to the particular findings or estimate, it is required to submit a statement thereof to the appropriate advisory council. The advisory council must act within 15 days after receiving such statement. The advisory council in its determination is confined to the record built up by the board as a basis for its finding or estimate and can not act arbitrarily or capriciously. It can not reach a determination contrary to that of the board unless it finds that the board's determination is not supported by the evidence and facts in the board's record. An exception is made in the event that the advisory council determines that the board has failed to consider substantially all the material facts and evidence available; in other words, that its record was incomplete in substantial particulars and lacked material facts and evidence. In that event the determination of the advisory council would fail to accord with the determination of the board, and the board would be notified in what respect such record was lacking, and would then have to reach a new determination upon the basis of a completed record.

The House amendment sets forth a clearly intelligible principle to which the advisory councils must conform and a clearly intelligible procedure through which they must act—all in such detail as to avoid any possibility of an improper delegation of legislative power to the advisory councils. The advisory councils act in conjunction with the board as the agents of Congress to ascertain and declare the existence of the contingencies upon which its expressed will is to take effect.

The substitute retains the House provisions in lieu of the Senate provisions.

5. Loans to cooperative associations: The Senate bill provided for loans only to cooperative associations, in an aggregate amount not to exceed $250,000,000, for the following purposes: (a) To assist cooperative associations in controlling the surplus of any agricultural commodity; (b) to assist cooperative associations in acquiring facilities for preparing, handling, storing, or processing agricultural commodities; and (c) to provide cooperative associations with funds to be used as capital for

agricultural credit corporations. Loans for the purposes here set forth under (b) and (c) were limited in the aggregate to $25,000,000.

The House amendment authorized loans not only to cooperative associations but also to corporations created and controlled by them. The aggregate amount of all loans was limited in the House amendment to $400,000,000. The House amendment authorized such loans not only for the purposes specified in the Senate bill but for the following additional purposes: (a) To provide cooperative associations or corporations created and controlled by them with working capital, and (b) to furnish such associations or corporations with funds for necessary expenditures in consolidating, federating, or extending their membership. Under the House amendment loans for the latter purpose were limited in the aggregate to $2,000,000.

The House amendment specified that loans must be on such terms as would afford adequate assurance of repayment and carry out the policy declared in section 1. It further specified that loans for purposes other than to assist in controlling surpluses, might be secured by members' marketing contracts, and repaid within 20 years by means of a charge deducted from deliveries under members' marketing contracts.

The House amendment also sets forth in detail the conditions to which a corporation created and controlled by cooperative associations must conform in order to be eligible for loans. Its by-laws were required to be satisfactory to the board and to insure continued control by cooperative associations. Its records and accounts were required to be kept as prescribed by the board. The board was authorized to investigate its financial condition and business methods, and there were provisions for reserve funds and patronage dividends.

The substitute contains the House provision for loans to corporations created and controlled by cooperative associations, as well as to cooperative associations themselves, but omits the detailed statement of conditions to which such corporations must conform in order to be eligible for loans. These detailed provisions are not included in the substitute for the reason that the board is given the general power to prescribe terms and conditions under which loans are to be made, and thus has abundant authority to require satisfactory by-laws, satisfactory proof of cooperative control, and accounting and business methods acceptable to the board, as well as to reserve the right to examine the financial condition and business methods of any borrowing corporation if it should become necessary.

The aggregate limit on all loans is fixed in the substitute in conformity with the two Senate provisions which made $200,000,000 of the revolving fund available for stabilization funds and limited loans in the aggregate to $250,000,000, except that in the substitute what appears to be an inconsistency in the amounts of the two Senate allotments totaling $450,000,000 out of a revolving fund of $400,000,000, is avoided by the fixing of the aggregate amount of all loans at $200,000,000.

The substitute incorporates also the authorization of loans for working capital, and to assist in consolidating or extending the membership of cooperative associations or corporations created by them, except that the limit on loans for the latter purpose is fixed at $1,000,000 instead of $2,000,000 as in the House amendment.

The provision in the Senate bill for the amortized repayment of loans is adopted in the substitute instead of the House provision, thus avoiding any implication that such loans were intended primarily for cooperative associations having members' marketing contracts. The substitute also adopts the language that was used in the House amendment as to the terms and conditions on which loans might be made, requiring adequate assurance of repayment, and conformity to the policy declared in section 1, in the case of each loan. The substitute places the same limit on the aggregate amount of loans (other than loans to assist in controlling surpluses) at $25,000,000, which was provided in both the Senate bill and the House amendment.

6. Investigation by board: The House amendment provided that the board, upon request by any leading cooperative association or upon its own motion, might investigate with respect to any agricultural commodity and make certain determinations of fact. These determinations were roughly whether a surplus of the commodity exists or threatens to exist, whether the existence or threatened existence of such surplus depresses or may depress the price of the commodity below the actual average cost of production for the preceding five years, and whether the commodity and its products are adaptable to storage and future disposal. The Senate bill contained no such provision. The substitute omits it for the reason that substantially all the power conferred by it on the board is included in the general powers vested in the board or in the power of the board to make investigations prior to commencement of marketing periods. The provision is, therefore, unnecessary, particularly when the exercise of the power it confers is unrelated, as a condition precedent to any of the major activities of the board.

7. Definition of surplus: In connection with the loan provisions the Senate bill provided for a finding that there was or might be during the ensuing year a domestic, regional or national, seasonal or year's total surplus, with respect to the commodity.

The House amendment for the purpose of clarification only described the surplus as a seasonal or year's total surplus, produced in the United States and either local or national in extent. The House bill thus emphasizes that while the loan provisions deal only with surpluses of domestic production, on the other hand it is immaterial whether the particular surplus with respect to which the loans for controlling surpluses are made, is nation-wide and exists wherever the commodity is produced or exists merely as to particular regions comparatively local in character. The House amendment also emphasizes that the loan provisions relate to surplus irrespective of whether the surplus is arrived at on the basis of the total production for the year or whether, in the event that there is no year's total surplus, that nevertheless there is during certain seasons of production a temporary seasonal surplus.

The substitute as agreed to by the conferees retains the provisions of the House amendment.

Similar descriptions of surplus were found in both the Senate bill and the House amendment in connection with the marketing agreement provisions, except for the fact that there was no authorization to deal with local surpluses by means of marketing agreements. The House description of surplus was again retained in the substitute in connection with the findings precedent to marketing agreements.

8. Purchases subject to prevailing competitive conditions: The Senate bill provided that the price at which any part of a surplus was to be purchased or disposed of under marketing agreements should not be fixed in the agreements, but that all such purchases and disposals should be made subject to the prevailing competitive conditions of the markets in which they occurred.

The substitute follows the House amendment in omitting this provision in the belief that the provision was unnecessary. This follows, inasmuch as purchases would obviously have to be made in open markets, and that the board is not authorized to fix prices but that any adjustment in prices would result by reason of the price levels established by the tariff and other existing legislation and by reason of the orderly disposal of the surplus brought about because of its control in strong and friendly hands under the marketing agreements which the board is empowed to make with cooperative associations or other agencies.

9. Fee on meat products on hand: The House amendment contained a provision, not found in the Senate bill, under which the board was directed, when any equalization fee was levied on cattle or swine, to impose and collect a similar fee of not less per pound than the fee imposed on cattle or swine, on their food products on hand and owned by any individual or corporation at the commencement of a marketing period for cattle or swine. Sales of such food products owned by retail dealers were excepted. The substitute contains a provision substantially like that of the House amendment, directing that when any equalization fee is collected with respect to cattle or swine, an equalization fee equivalent in amount, as nearly as may be, shall be collected on the first sale of any food product derived from cattle or swine, respectively, if the food product was on hand at the time of the commencement of the marketing period. The substitute likewise exempts from the equalization fee, sales of any food product owned in good faith by retail dealers at the time of the commencement of a marketing period.

10. Fees on importation: The House amendment contained a provision for the collection of an equalization fee during a marketing period in respect of any agricultural commodity on its importation into the United States, and for the collection of substantially an equivalent fee on the importation of any food product of the commodity, with corresponding references throughout the amendment to the collection and use of such fees collected on importation. The Senate bill contained no such provisions. The substitute adopts the provisions of the House amendment.

11. Allocation of revolving fund: The Senate bill provided that at least $200,000,000 of the revolving fund should be available and used as a stabilization fund for financing the purchase, withholding, or disposal of agricultural commodities in the event that a marketing period should be declared for one or more of such commodities and that such fund should be allocated ratably to the stabilization funds for the several commodities according to the values of their respective exportable sur-

pluses. The House amendment contained no such provision. The substitute provides that at least $200,000,000 of the revolving fund shall be made available by the board solely for use in making advances to the stabilization funds for agricultural commodities in respect of which marketing periods are commenced and that in the allocation of such amount among the stabilization funds, the board shall take into consideration the values of the respective commodities.

The substitute differs from the Senate provision in two main respects: First, the affirmative duty is not put upon the board of allocating the $200,000,000 among the various stabilization funds for the reason that the board can not in advance determine the number of stabilization funds. The board is therefore simply directed to take into consideration certain factors in the allocation of such amount. Secondly, the board is directed to take into consideration in such allocation the values of the respective commodities and not the values of the exportable surpluses of the respective commodities. The purpose of the bill to effect the orderly marketing of agricultural commodities might be impeded in the case of commodities having small exportable surpluses, if the allocations of the revolving fund were made solely on the basis of the values of exportable surpluses.

The Senate bill provided that the total amount of loans to cooperative associations should not exceed $250,000,000. The House amendment provided that the total amount of loans should not exceed $400,000,000. The substitute provides that the total amount of loans shall not exceed $200,000,000, so that the total amount of loans authorized together with the amount, namely, $200,000,000, of the revolving fund made available for advances to stabilization funds shall not exceed the total amount of the revolving fund which is $400,000,000.

12. Confidential information: The Senate bill provided that the President might prescribe such limitations as to the use of the information and data which he directed any governmental establishment to furnish to the board as he might deem desirable. The House amendment provided that the President could not direct that the board be furnished with any information or data supplied in confidence to any Government establishment by any person either in pursuance of law or under an agreement with the governmental establishment. The substitute retains the provision of the House amendment.

To authorize the President to require any Government establishment to furnish to the board information given voluntarily to such establishment by any person in confidence and in contemplation of its possession and use only by such establishment makes possible a violation of the confidence of such person, even though the President is empowered to impose limitations upon the use of the information by the board. While the same is not technically true in the case of information which, although given under compulsion of law, is made confidential by law, nevertheless authorization of the President to require the establishment to which such information is furnished to turn it over to the board is contrary to the policy of the law making such information confidential. The possibility that the confidence of persons giving information voluntarily to a Government establishment may be violated by such information being given to the board might prevent the giving of much valuable information to various Government establishments. Under the provision of the substitute the confidence of any informant of any Government establishment will be safeguarded.

13. Fruits and vegetables: The Senate bill provided that fruits and vegetables and beef and beef products were not to be included within the meaning of the term "agricultural commodity." The House amendment contained no such provision. Both the Senate bill and the House amendment required the board to find, among other things, that the nature of an agricultural commodity and its method of marketing were adapted to the use of the marketing agreements before a marketing period could be commenced or equalization fees collected in respect to it. In practice this would have eliminated fruits and vegetables from those sections of the bill relating to marketing agreements and equalization fees.

The substitute, therefore, specifies that those provisions relating to marketing agreements and equalization fees are not applicable to fruits and vegetables, leaving the producers of these commodities free to enjoy the benefits of its other provisions, including those for loans and clearing houses. In adopting the language of the Senate bill the term "perishable" is used in conjunction with "fruits or vegetables," in order to indicate that it is intended to exclude from the marketing agreement and equalization fee provisions only those commodities considered as "fruits or vegetables" as those terms are commonly used. The terms are not used in their broad botanical sense which, if literally applied, might extend their meaning to cover a much broader field than the substitute intends. The substitute follows the House amendment in making the benefits of the measure available to producers of beef cattle if need arises.

14. Penalties: The House amendment provided that sections 123 and 124 of the Penal Code, as amended, should apply to every member, officer, or employee of the board and further declared that any speculation in any agricultural commodity, directly or indirectly, by any member, officer, or employee of the board should be held a violation of section 123 of such act. It, furthermore, made it unlawful for any cooperative association or corporation or other agency acting on behalf of the board under any marketing agreement or for any director, officer, or employee of any such association, corporation, or agency to impart in violation of any regulation of the board any information which had been imparted in confidence by the board to such association, corporation, or agency and for a violation of such provision provided a fine of not more than $10,000, or imprisonment for not more than 10 years, or both. The Senate bill contained no such provision. The House provision is adopted by the substitute.

15. Application of Federal food and drug act: The Senate bill contained an added provision which did not appear in the House amendment relating to the application of the Federal food and drug act of 1906 to fresh fruits. The substitute omits this provision.

16. Marketing agreement agency: The Senate bill contained the provision that, in the event no cooperative association was found capable of carrying out the marketing agreements for the purchase, withholding, and disposal of the agricultural commodity, then the board might make such agreements with other farm agencies. The House amendment provided that, in such case the board might make such agreements with any other agencies. The House bill is broader than the Senate provision and allows the making of marketing agreements with any agency found best adapted to carry out the purposes of the act, in the event that the cooperative agencies are not able to undertake the agreement. The substitute follows the House provision in this regard.

GILBERT N. HAUGEN,
FRED S. PURNELL,
THOMAS S. WILLIAMS,
DAVID H. KINCHELOE,
Managers on the part of the House.

Mr. HAUGEN. Mr. Speaker, the report of the conference committee, with a few exceptions, leaves the bill substantially as it was when it was passed by the House. The only provisions of importance in conference are as follows:

Section 4. Commodity advisory councils. See page 5 to page 10. Senate bill required the board to cause to be sent out notices to each cooperative association or other organization which shall nominate not more than seven persons, etc. In all, 150 days are consumed before the advisory council can be organized. The House provisions or substitute directs the board to create an advisory council to be selected from lists submitted by cooperative associations and by governors and heads of the agricultural departments in the several States producing 3 per cent of the total of the commodity, and provides that the particular advisory council shall act within 15 days. (See p. 8644, CONGRESSIONAL RECORD.) The advisory council is made a governmental and not a private agency, so as not to improperly delegate legislative power to a nongovernmental agency.

Page 14, paragraph 2, makes available $2,000,000 for the federating, consolidating, merging, or extending the membership of cooperative associations. This we cut to $1,000,000 in conference.

Page 36, Senate bill, excepts fresh or natural fruit from the food and drugs act. Senate recedes.

Page 36, lines 21 to 23, Senate bill, defines agricultural commodity to mean an agricultural commodity which is not a fruit or vegetable or beef or beef products. Conference agreed to an amendment "shall not apply to perishable fruit and vegetables" in respect to marketing agreements, which will give fruit and vegetable growers the benefit of the loan and clearing house and terminal marketing provisions.

Mr. HARRISON. Mr. Speaker, will the gentleman permit a question?

Mr. HAUGEN. Yes.

Mr. HARRISON. As I understand the statement accompanying this conference report, the word "perishable" is used in the ordinary colloquial meaning and applies to apples and fruits of that character?

Mr. HAUGEN. Yes.

Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

Mr. KINCHELOE. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 94, noes 38.

Mr. KINCHELOE. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 204, nays 117, answered "present" 1, not voting 108, as follows:

[Roll No. 79]

YEAS—204

Abernethy	Fletcher	Ketcham	Robinson, Iowa
Adkins	Frear	Kincheloe	Robsion, Ky.
Allen	French	King	Romjue
Allgood	Fulbright	Knutson	Rowbottom
Almon	Fulmer	Kopp	Rubey
Andresen	Furlow	Kvale	Rutherford
Arentz	Gambrill	LaGuardia	Sabath
Arnold	Garber	Lampert	Sanders, Tex.
Ayres	Gardner, Ind.	Langley	Sandlin
Bankhead	Garner, Tex.	Lea	Schafer
Barbour	Gasque	Leatherwood	Schneider
Beck, Wis.	Goodwin	Leavitt	Sears, Nebr.
Black, Tex.	Gregory	Letts	Selvig
Bohn	Green	Lowrey	Shallenberger
Bowman	Greenwood	Lozier	Simmons
Brand, Ga.	Griest	McClintic	Sinclair
Brand, Ohio	Guyer	McKeown	Sinnott
Browne	Hadley	McLaughlin	Smith
Browning	Hall, Ill.	McReynolds	Spearing
Buckbee	Hall, Ind.	McSwain	Sproul, Kans.
Burtness	Hall, N. Dak.	McSweeney	Steagall
Busby	Hammer	Maas	Stedman
Byrns	Hardy	Major, Ill.	Steele
Campbell	Harrison	Major, Mo.	Strong, Kans.
Canfield	Hastings	Mansfield	Summers, Wash.
Cannon	Haugen	Martin, La.	Sumners, Tex.
Carew	Hawley	Michener	Swank
Carss	Hickey	Miller	Swing
Cartwright	Hill, Ala.	Milligan	Tarver
Casey	Hill, Wash.	Moore, Ky.	Taylor, Tenn.
Chapman	Hoch	Moorman	Thompson
Christopherson	Hogg	Morehead	Thurston
Cole, Iowa	Holaday	Morgan	Timberlake
Cole, Md.	Hooper	Morrow	Vestal
Collier	Hope	Nelson, Mo.	Vincent, Mich.
Collins	Howard, Nebr.	Nelson, Wis.	Vinson, Ga.
Colton	Howard, Okla.	Norton, Nebr.	Vinson, Ky.
Cooper, Wis.	Huddleston	O'Connor, La.	Warren
Cramton	Hudson	Oliver, Ala.	Welch, Calif.
Davey	Hull, Wm. E.	Parks	White, Colo.
Davis	Irwin	Peavey	Whittington
Denison	Jeffers	Pou	Williams, Ill.
Dickinson, Iowa	Johnson, Ill.	Purnell	Williams, Mo.
Dickinson, Mo.	Johnson, Ind.	Quin	Williams, Tex.
Doughton	Johnson, Okla.	Ragon	Wilson, La.
Dowell	Johnson, S. Dak.	Rainey	Wingo
Elliott	Johnson, Tex.	Ramseyer	Winter
Englebright	Jones	Rankin	Wood
Eslick	Kading	Rathbone	Woodruff
Evans, Mont.	Kemp	Reece	Wyant
Faust	Kerr	Reed, Ark.	Zihlman

NAYS—117

Aldrich	Dallinger	Kiess	Prall
Aswell	Darrow	Kindred	Pratt
Bacharach	Dyer	Korell	Reed, N. Y.
Beedy	Edwards	Lanham	Rogers
Bell	England	Lankford	Sanders, N. Y.
Black, N. Y.	Estep	Leech	Shreve
Bland	Evans, Calif.	Linthicum	Snell
Bowles	Fenn	Luce	Speaks
Box	Fitzgerald, Roy G.	McDuffie	Sproul, Ill.
Briggs	Fitzgerald, W. T.	McFadden	Strong, Pa.
Brigham	Fitzpatrick	McLeod	Tatgenhorst
Britten	Fort	McMillan	Temple
Buchanan	Foss	MacGregor	Thatcher
Burdick	Freeman	Magrady	Tilson
Burton	Frothingham	Mapes	Tinkham
Chalmers	Garrett, Tenn.	Martin, Mass.	Treadway
Chindblom	Gibson	Mead	Tucker
Clancy	Griffin	Merritt	Underhill
Clarke	Hale	Monast	Ware
Cochran, Mo.	Hancock	Montague	Wason
Cochran, Pa.	Hare	Mooney	Watres
Combs	Hersey	Moore, Ohio	Weaver
Connery	Hoffman	Nelson, Me.	Weller
Cooper, Ohio	Houston, Del.	Newton	White, Me.
Corning	Hull, Morton D.	Niedringhaus	Whitehead
Cox	Hull, Tenn.	O'Brien	Wolverton
Crail	Jenkins	O'Connell	Wright
Crisp	Kahn	Parker	
Crosser	Kearns	Peery	
Crowther	Kent	Perkins	

ANSWERED "PRESENT"—1

Ackerman

NOT VOTING—108

Andrew	Bushong	De Rouen	Gifford
Anthony	Butler	Dickstein	Gilbert
Auf der Heide	Carley	Dominick	Glynn
Bachmann	Carter	Douglas, Ariz.	Golder
Bacon	Celler	Douglass, Mass.	Goldsborough
Beck, Pa.	Chase	Doutrich	Graham
Beers	Clague	Doyle	Hudspeth
Begg	Cohen	Drane	Hughes
Berger	Connally, Tex.	Drewry	Igoe
Blanton	Connolly, Pa.	Driver	Jacobstein
Bloom	Cullen	Eaton	James
Boies	Curry	Fish	Johnson, Wash.
Bowling	Davenport	Fisher	Kelly
Boylan	Deal	Free	Kendall
Bulwinkle	Dempsey	Garrett, Tex.	Kunz
Kurtz	Norton, N. J.	Seger	Underwood
Larsen	O'Connor, N. Y.	Sirovich	Updike
Lehlbach	Oldfield	Somers, N. Y.	Wainwright
Lindsay	Oliver, N. Y.	Stalker	Watson
Lyon	Palmer	Stevenson	Welsh, Pa.
Manlove	Palmisano	Stobbs	White, Kans.
Menges	Porter	Strother	Williamson
Michaelson	Quayle	Sullivan	Wilson, Miss.
Moore, N. J.	Ransley	Swick	Woodrum
Moore, Va.	Rayburn	Taber	Wurzbach
Morin	Reid, Ill.	Taylor, Colo.	Yates
Murphy	Sears, Fla.	Tillman	Yon

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Oldfield (for) with Mr. Ackerman (against).
Mr. Manlove (for) with Mr. Connally of Texas (against).
Mr. Boies (for) with Mr. Cullen (against).
Mr. Reid of Illinois (for) with Mr. Deal (against).
Mr. Taylor of Colorado (for) with Mr. Michaelson (against).
Mr. Hughes (for) with Mr. Dominick (against).
Mr. Gilbert (for) with Mr. Seger (against).
Mr. Updike (for) with Mr. Quayle (against).
Mr. Tillman (for) with Mr. Gifford (against).
Mr. James (for) with Mr. Cohen (against).
Mr. Yon (for) with Mr. Taber (against).
Mr. Wurzbach (for) with Mr. Douglass of Massachusetts (against).
Mr. Driver (for) with Mr. Free (against).
Mr. White of Kansas (for) with Mr. Stevenson (against).
Mr. Fisher (for) with Mr. Butler (against).
Mr. Doutrich (for) with Mr. Drewry (against).
Mr. Wilson of Mississippi (for) with Mr. Ransley (against).
Mr. Yates (for) with Mr. Moore of Virginia (against).
Mr. De Rouen (for) with Mr. Wainwright (against).
Mr. Menges (for) with Mr. Boylan (against).
Mr. Larsen (for) with Mr. Eaton (against).
Mr. Oliver of New York (for) with Mr. Lehlbach (against).
Mr. Murphy (for) with Mrs. Norton of New Jersey (against).
Mr. Rayburn (for) with Mr. Watson (against).
Mr. Sirovich (for) with Mr. Johnson of Washington (against).
Mr. Williamson (for) with Mr. Lindsay (against).
Mr. Sullivan (for) with Mr. Welsh of Pennsylvania (against).
Mr. Curry (for) with Mr. Dickstein (against).
Mr. O'Connor of New York (for) with Mr. Connolly of Pennsylvania (against).
Mr. Blanton (for) with Mr. Woodrum (against).
Mr. Anthony (for) with Mr. Igoe (against).
Mr. Lyon (for) with Mr. Golder (against).
Mr. Clague (for) with Mr. Auf der Heide (against).
Mr. Celler (for) with Mr. Graham (against).
Mr. Garrett of Texas (for) with Mr. Moore of New Jersey (against).
Mr. Goldsborough (for) with Mr. Porter (against).

Until further notice:

Mr. Begg with Mr. Carley.
Mr. Swick with Mr. Bowling.
Mr. Fish with Mr. Kunz.
Mr. Davenport with Mr. Douglas of Arizona.
Mr. Stobbs with Mr. Somers of New York.
Mr. Morin with Mr. Doyle.
Mr. Beers with Mr. Hudspeth.
Mr. Dempsey with Mr. Underwood.
Mr. Glynn with Mr. Sears of Florida.
Mr. Bachmann with Mr. Drane.
Mr. Kendall with Mr. Jacobstein.
Mr. Chase with Mr. Palmisano.
Mr. Kurtz with Mr. Berger.
Mr. Kelly with Mr. Bloom.

Mr. ACKERMAN. Mr. Speaker, if I am paired, I withdraw my vote of "nay" and record myself as "present."

The result of the vote was announced as above recorded.

The doors were opened.

PROCEEDINGS AT THE UNVEILING OF THE STATUE OF ALEXANDER HAMILTON STEPHENS

Mr. KIESS. Mr. Speaker, I present a privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania presents a privileged resolution from the Committee on Printing, which the Clerk will report.

The Clerk read as follows:

Senate Concurrent Resolution 6

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Alexander Hamilton Stephens, presented by the State of Georgia, 5,000 copies, of which 1,000 shall be for the use of the Senate and 2,500 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Georgia.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, and shall procure suitable illustrations to be bound with these proceedings.

The resolution was agreed to.

REPORT OF THE FEDERAL TRADE COMMISSION ON COOPERATING MARKETING OF FARM PRODUCTS

Mr. KIESS. Mr. Speaker, I present another privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania presents a privileged resolution from the Committee on Printing which the Clerk will report.

The Clerk read as follows:

Senate Concurrent Resolution 18

Resolved by the Senate (the House of Representatives concurring), That 1,500 copies of Senate Document No. 95, entitled "Report of the Federal Trade Commission on Cooperating Marketing of Farm Products," transmitted to the Senate on May 2, 1928, in response to Senate Resolution No. 34, Sixty-ninth Congress, be printed with illustrations, of which 500 copies shall be for the use of the Senate and 1,000 copies for the use of the House of Representatives.

The resolution was agreed to.

CONVICT-MADE GOODS

Mr. KOPP. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 7729, to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases. Pending that motion I ask unanimous consent that one-half of the time be controlled by the gentleman from Mississippi [Mr. BUSBY] in opposition to the bill, and that the other half be controlled by myself in favor of the bill.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House bill 7729, and pending that motion asks unanimous consent that the time be divided equally, one-half to be controlled by himself in favor of the bill, and one-half to be controlled by the gentleman from Mississippi [Mr. BUSBY] in opposition to the bill. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 7729, with Mr. BEEDY in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except paroled convicts or prisoners, or in any penal and/or reformatory institutions, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery in such State or Territory be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise.

With the following committee amendment:

On page 2, after line 6, insert:

"SEC. 2. This act shall take effect two years after the date of its approval."

Mr. KOPP. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. COOPER], the author of the bill.

The CHAIRMAN. The gentleman from Ohio is recognized for 15 minutes. [Applause.]

Mr. COOPER of Ohio. Mr. Chairman and members of the committee, I fully realize the obligation society has in furthering the rehabilitation and reformation of the inmates of our penal institutions. I also believe that States should have the right to regulate its own penal institutions and protect its own industry and business, and free labor from prison competition. And this is what is proposed in the bill now before us for consideration. This measure does not represent a new legislative proposal. The same has been considered by Congress several times in the past. The purpose of the bill is to divest prison-made products of their interstate character, when arriving in a State, other than that in which they were manufactured or produced, and makes them subject to the laws and regulations of the State into which they were transported.

There are several States which have laws regulating the sale of prison-made goods produced in their own penal institutions. But at the present time there is no way that these States can regulate the sale and distribution of prison-made goods that are shipped into the State through interstate commerce. My own State of Ohio has a law regulating the sale and distribution of its own prison-made products. And at the same time it is a favorite dumping ground for prison-made goods from other States. It has been stated that last year more than $1,000,000 worth of prison-made goods were sold in Ohio which came from border States.

The State of Ohio does not sell a dollar's worth of its own prison products on the competitive open market, at home or outside the State, and yet we are powerless to regulate or control the sale of prison-made goods coming into the State through interstate commerce. I am aware of the fact that, should Congress enact a law preventing the shipment of legitimate goods in interstate commerce, it would be unconstitutional.

The bill which we now have before us does not attempt to interfere with or prohibit the transportation of prison-made goods from one State into another.

It does not compel the enactment of any State law.

It does not alter or interfere with the existing laws of any State.

Nor does it in any way interfere with the supervision or management of any State penal institution.

The opposition to this bill is confined to prison officials and prison-labor contractors. Many of the State-prison officials, who are opposed to this bill, are capable and conscientious men and women, who are trying to do the best they can with a great problem.

But when it comes to the prison-labor contractor, he has no interest in the prisoner only to the extent of making money out of his labor.

Millions of dollars profit are realized every year by these contractors out of the labor of prisoners.

The prison contractor may have a legal right to contract for the labor of a prisoner. But I say it is morally wrong for him to take advantage of unfortunate inmates in our penal institutions for the purpose of making money.

In some of the States where the contract system is in effect the work of the prisoners is under the supervision of a representative of the contractor.

The hearings before the Senate committee on this bill will show that in one State, which had a law requiring the labeling of prison-made goods, the prisoners in the penal institutions of that State were required to place false labels of misrepresentation on shirts, clothing, shoes, which were shipped into other States to be dumped on the market in competition with legitimate industry and free labor, or, in other words, in order to enable the contractor to fool the public and make large profits the prisoners were required to sew false labels on shirts, clothing, and so forth.

I have here copies of the labels these prisoners were required to sew on these shirts and clothing. This one says:

Cownie's dependable garments, Des Moines, Iowa.

These garments were not made in Des Moines, but were made in a State prison 500 miles from Des Moines.

The Ohio Garment Co., Springfield, Ohio. Victor. Lot, —; size, —; warranted.

These goods were not made in Ohio.

The Trojan work shirt. Lot, —; size, —; 718; trade-mark registered.

Those were the labels these prisoners were required to sew on this clothing. Here is another one:

The Echo shirt. The Lawrenceburg Overall Manufacturing Co., Lawrenceburg, Ind.

Here is another one:

A shirt with a reputation; tailored by Packard, Chicago.

Holson. Holson means bigger and better. Lot, —; size, —. Giant. 1800K. 17.

Then here are the labels they had to put on the furniture manufactured in that State prison:

On every piece Karpen guaranteed construction furniture, upholstered furniture, hand-woven fiber, and enameled cane davenport beds, windsor chairs.

Karpen hand-woven fiber: Pattern No. —; finish, —; uph. No. 4174 RC; order No. —. S. Karpen & Bros., Chicago; Michigan City, Ind.; New York.

In this same State prison shoes were manufactured which carried the shield of the United States, and the words "Munson Army last" was stamped in the sole. The prison officials and contractors did not attempt to market these goods, labeled and stamped as they were, in the State in which they were made, for that would be a violation of the State law.

I say it is morally wrong for prison officials to compel the false labeling of prison-made goods in order to promote their sale on the open market. On that Secretary of Labor James J. Davis has this to say:

The prisoner who sews a false label in a prison-made garment, indicating that it was made by an outside manufacturer, knows he is forced to become a liar and a cheat. If our jails and penitentiaries teach a man to lie, what can we expect of that man when they set him free.

One prison warden appearing before the committee stated:

That a shoe manufacturer had equipped a shoe factory in the State prison in which were employed 200 prisoners producing 1,200 pairs of shoes per day. The contractor paid the prisoner 6 cents per pair for his labor and gave to the State 10 cents, making the total labor cost on a pair of shoes, while the minimum cost for labor in the manufacture of a pair of shoes where free labor is employed is 42 cents.

Mr. Chairman and members of the committee, it seems to me the most important thing in this bill is whether or not each State in the Union shall have the power to regulate the sale of prison-made goods, and that is the only issue involved in this measure.

It has the indorsement of the American Federation of Labor, the General Federation of Women's Clubs, and manufacturers representing more than $2,500,000,000 invested in industry which employs free labor. President Coolidge, in his first message to Congress, December 6, 1923, had this to say on this important question:

The National Government has never given adequate attention to its prison problems. It ought to provide employment in such forms of production as can be used by the Government, though not sold to the public in competition with private business, for all prisoners who can be placed at work, and for which they should receive a reasonable compensation, available for their dependents.

Two independent reformatories are needed; one for the segregation of women, and another for the segregation of young men serving their first sentence.

The President realized we had a very serious problem before us, and he expressly advocated that all goods made in our Federal prisons should be used and sold only for Federal purposes.

You men will recall that when we had the Treasury appropriation bill before the House during this session of Congress it carried an appropriation for the erection of a brick plant at the Federal prison in Chillicothe, Ohio. There was an amendment offered to that provision which provided that no brick that was manufactured in the plant could be used except for the erection of Federal buildings.

This is almost a unanimous report from the Committee on Labor, and we come to you and ask your careful consideration of this measure. It seems to me every man who is in favor of State rights should support this bill because it does not prevent the shipment of prison-made goods in interstate commerce, it changes no State law, it compels no State law to be enacted, but leaves it entirely to the State to regulate the sale of convict-made goods.

Mr. GREEN. Will the gentleman yield?

Mr. COOPER of Ohio. Yes.

Mr. GREEN. I believe the gentleman has answered the question I had in mind. I wanted to know whether or not there was anything in the bill which would interfere with a prison farm or a prison selling in that State any goods provided such sale is not prohibited by State law.

Mr. COOPER of Ohio. Not at all.

Mr. GREEN. Then if Florida, for instance, sends goods to Georgia or to Alabama, the products it sends to those States will be governed by the State law of Alabama or Georgia?

Mr. COOPER of Ohio. That is it exactly.

Mr. KEARNS. Will the gentleman yield?

Mr. COOPER of Ohio. I yield to the gentleman.

Mr. KEARNS. Is the manufacturer of goods required to equip these prisons with the necessary machinery to make the goods?

Mr. COOPER of Ohio. I do not think he equips it. I know the warden from the Vermont State Penitentiary stated before the committee that the contractor had equipped the prison with the machinery for the manufacture of shoes.

Mr. KEARNS. But he pays nothing as rent.

Mr. COOPER of Ohio. He pays no rent and no taxes.

The CHAIRMAN. The time of the gentleman from Ohio has expired. [Applause.]

Mr. BUSBY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman and gentlemen of the committee, this bill we are about to consider has been knocking at the door of Congress for three or four years. I want to say that I have never, when I felt at all justified in supporting it, opposed any legislation that was being backed by labor or by labor organizations. I have never opposed, for the sake of offering opposition, any legislation that was backed by either of the other organizations that are mentioned in this report as favoring this bill.

It is stated at the outset of the report on this bill that "the penitentiary problem is a problem for the State." I admit that this first sentence states the truth, but I deny that the proposition we are dealing with here in this bill is a penitentiary problem. It is a problem having primarily to do with interstate commerce, and nothing else.

The next sentence in this report is that "the factors that enter into its adjustment are so many and so varied as to make it essentially a State problem, and no Federal impediment should stand in the way of any State which seeks to determine its own prison affairs and the regulation of the sale of prison products."

I do not agree that this sentence is founded on a sound premise. It begs the question to start with, and to follow it and to concede the statement leads one into error at the beginning.

There was once what was known as the Malthusian doctrine. It was that population tends to increase faster than the power of providing food. To use his words, Malthus said:

There is a natural tendency and constant effort in population to increase beyond the means of subsistence.

To state it differently: That population, constantly tending to increase, must, when unrestrained, ultimately press against the limits of subsistence not as against a fixed but as against an elastic barrier, which makes the procurement of subsistence progressively more and more difficult.

This theory has been fully disproved and overthrown. Our farm population is growing smaller each year because of the drift to the city, yet our farmers produce more than ever before, and the surplus of farm products become greater and greater each year. Better methods, machinery, and ways of handling the business on the farm has done this. The power of the people to produce the necessaries of life is not measured by the necessaries of life actually produced. Population is growing in every section of our country. New occupations open up and employ labor. Our country has rapidly advanced in wealth, and with it has come the benefits of employment and labor.

I do not think this is true because the prison goods that are put on the market are so infinitesimal in comparison with the great quantity of every like kind of goods that is manufactured and is to be found in the commercial world that we can hardly take note of it.

In order that the House can fully appreciate how small is the per cent of goods made by convict labor that goes on the market, I am placing in my speech a very thoroughly prepared table submitted by Mr. John J. Hannan, president of the State Board of Control of the State of Wisconsin to the Senate in the hearings of a bill similar to this. It will be found on page 145 of the Senate hearings on bill S. 1940, and is as follows:

Products	Total value manufactured by free labor, U. S. census 1923	Value products made by prison labor			Percentage prison made to free labor	
		Total	State use	Entering markets	Total prison made	Entering markets
					Per ct.	*Per ct.*
Twine and rope [1]	$86, 309, 404	$5, 588, 372	$3, 336	$5, 585, 036	6. 47	6. 47
Hosiery	378, 732, 878	1, 194, 727	131, 208	1, 063, 519	.32	.28
Other knit goods	469, 443, 856	384, 270	374, 594	9, 676	.08	.002
Shirts	241, 331, 226	12, 379, 721	45, 088	12, 334, 633	5. 13	5. 11
Other clothing [2]	3, 555, 197, 270	9, 127, 802	1, 111, 908	8, 015, 894	.25	.22
Jute goods	25, 421, 683	350, 930	214	350, 716	1. 37	1. 31
Linen goods	11, 390, 254	857, 912	791, 025	66, 887	7. 53	.58
Furniture [3]	776, 494, 839	2, 913, 793	461, 216	2, 452, 577	.37	.31
Brick and tile [4]	312, 813, 459	604, 502	351, 759	252, 743	.19	.08
Agricultural implements [5]	151, 286, 248	236, 765	1, 146	235, 619	.15	.15
Lumber	1, 494, 462, 031	731, 212	70, 745	660, 467	.05	.04
Wood pulp	65, 497, 098	60, 000		60, 000	.09	.09
Coke	973, 552, 330	42, 125		42, 125	.004	.004
Cotton manufactures	2, 010, 141, 147	1, 284, 244	695, 566	588, 678	.06	.03
Shoes	1, 131, 817, 764	5, 717, 821	756, 351	4, 961, 470	.5	.44

[1] Twine and rope have been combined because no separate figures are obtainable for the prison production of these two products. Almost the entire total of the prison production, however, is of twine, only 3 prisons producing any rope and these in small quantities. The free-labor production of twine alone was valued at $51,883,938. As the value of the twine and rope produced in prisons was $5,588,372 and nearly all of this represented twine, the prison production of twine can be put down as amounting to about 10 per cent of the free-labor production.

[2] The figure for the free-labor production is the census total for "wearing apparel," excluding custom-made clothing, shoes, knit goods, and shirts.

[3] Chairs represent the major part of the prison production of furniture, accounting for $2,228,460 of the $2,913,793, total value of furniture produced in prisons. In this particular line prison production is a much more important factor in the total products thrown on the market than in "furniture" as a whole.

[4] The free-labor production is for brick, tile, terra cotta, fire clay, and other clay products, except pottery.

[5] The free-labor production does not include agricultural implements manufactured in plants whose principal product is some other line.

I am sure that everyone agrees with the economic proposition that the man who is capable of producing with his labor is

entitled to labor. It makes no difference if he is behind prison bars, he is entitled to exercise himself in labor. This is the first fundamental principle that a man must look to if he is to preserve life itself. He must have activity and he must labor, and we go back and we find that a man is commanded to labor if he is to live and have the things that are necessary to sustain his life; that is, clothes, food, shelter, and heat.

Some one may say that if a man is to be thrown out of work because he is competing with some prisoner that is incarcerated behind walls he can never pass beyond, let the man who is behind the walls be kept in idleness and let the man outside labor. This will not remedy the situation. If we want to do full justice to the people that are unfortunate, those who have looked to the man who is behind the prison walls, let us provide a system which will pay for the labor of the man behind the prison walls and pass that on to his unfortunate dependents on the outside. Do not come into the Congress and say to this man that he must remain in idleness, that he must languish behind prison walls, that he shall not have the exercise which is so wholesome to his body and which is so necessary to prison discipline, but that he must languish behind the walls and his dependents must languish on the outside.

Now, what is the main objection that is urged to this bill? It is primarily this: To say to the States, the same States which would have the power to prohibit the sale of goods that come from prison farms or prison factories within other States, you may prohibit the sale of these goods within your territory because they come from this source. Why do not these States say, by their legislative enactments, "We will have no more of this contract labor; we will adopt a sensible, sane method of handling our prisoners, and we will handle them in some other way besides leasing or contracting them out to some taskmaster who has no concern for their welfare or the welfare of anyone connected with them, but will use them and their lives in the manner of a hard taskmaster in order to produce dollars for ourselves."

Mr. SMITH. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. SMITH. Does the gentleman think it is necessary for Congress to pass a law in order to enable the State legislature to pass a law keeping out prison-made goods?

Mr. BUSBY. I believe prison-made goods are a subject for interstate commerce just as truly as any other goods.

Mr. SMITH. This bill attempts to give jurisdiction to State legislatures, which already have jurisdiction to pass laws to keep out any commodities that are injurious to public health or the public morals, and a law to do more than that would be unconstitutional.

Mr. LAGUARDIA. The gentleman has got his law wrong.

Mr. BUSBY. That might be a question of police power. Whether it would reach that far I am not advised. The Constition provides that "Congress shall have the power to regulate commerce between foreign nations and among the several States and with the Indian tribes." The most we can say is that Congress has been given exclusive power over the subject of interstate commerce—whether it be prison-made goods or something else. The most we can say for the bill is that while Congress has the power it will pass it back to the States. I am not sure what the courts would say about Congress regulating interstate commerce in that sort of a way—that is, by passing the power bestowed on it back to the States from which it came.

Mr. SHREVE. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. SHREVE. How will this bill affect our own Federal penitentiaries in the matter of things that we are now manufacturing? In the last few years we have been trying to find something that might be manufactured in the Federal penitentiaries that would not be objected to by labor unions, and yet would give employment to men in the penitentiary?

Mr. BUSBY. I will come to that immediately. I would like to say that the present managers, the trustees of the penitentiaries, have found that it is absolutely necessary to afford some kind of employment, some kind of activity for these prisoners, if they are to have good prison discipline.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. BUSBY. Mr. Chairman, I will take 10 minutes more.

The best way they have found to control inmates is by employment which gives them the greatest latitude and activity in the open air. Factories have been provided that are as near complying with that as possible, and yet maintaining that sort of supervision over them to prevent them from escaping from prison. Our States have done that, the Federal Government has done that thing, but every time we try to do something we turn to find a group of objectors who say you are trying to do something we do not want you to accomplish. Then they get in touch with an organization, and that organization in touch with a third organization, and all together they swoop down on Congress, and the Members do like we have seen them do within the past week. They all begin to dodge before the bill is read by the Clerk. [Laughter.]

Mr. SUMNERS of Texas. May I interrupt the gentleman?

Mr. BUSBY. I yield.

Mr. SUMNERS of Texas. May I suggest that as far as I know goods made in the Federal prison are manufactured for Federal use and do not go into interstate commerce.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. COOPER of Ohio. Suppose you had a law in Mississippi regulating prison-made goods made in your own penal institution. Would you think it would be fair for another State to flood your State with convict-made goods over which you had no regulation or control?

Mr. BUSBY. I think as an economic proposition it is not right to make an isolated territory out of any State where interstate commerce that is proper and right and fair could be prohibited from entry. I think you are wrong to start with on any such proposition.

Mr. COOPER of Ohio. Does the gentleman think it is proper for a contractor to suck the lifeblood, the profits, out of these men and ship the goods to my State of Ohio?

Mr. BUSBY. That is like this bill and report—it assumes premises that do not exist. It is unfair because it begs the question from start to finish. Simply because you have gone along and subordinated the original idea of regulating interstate commerce, and we are dropping back into the error from which the Constitution makers tried to save us, that from which they tried to prevent us from falling into. Whenever you have permitted for one reason prohibition of commerce in one State, and prohibited it in another for a different cause, and in a third State for still another cause, you have created a confusion throughout the country.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. HUDSON. The question was asked a moment ago as to the effect of this bill on goods manufactured in Federal penitentiaries. I want to know if the following language in the bill would not prohibit the Federal prisoners from working at all? I refer to lines 7 and 8 of the bill:

* * * transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery in such State or Territory be subject to the operation and effect of the laws of such State or Territory—

And so forth.

Under that language, how are you going to bring merchandise from Federal penitentiaries in for use or consumption?

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman permit me to answer that question?

Mr. BUSBY. I yield.

Mr. COOPER of Ohio. We have an amendment to correct that proposition when the time comes.

Mr. BUSBY. Mr. Chairman, I am unable to tell how far we are going to carry this theory of government when we once get it started. I am sure that no one on the floor of this House can foresee the end of this thing. You know that this is the beginning—the very beginning. There is nothing like it on the statute books and there has never been anything like it.

Mr. COMBS. The Wilson Act, passed in 1890, is directly analogous to this in divesting goods of their interstate character.

Mr. BUSBY. Was not that declared unconstitutional?

Mr. COMBS. No; it was upheld by the Supreme Court.

Mr. BUSBY. It has no bearing on the proposition that I am arguing, because it dealt with a question that involved the police powers of a State. I want to return to the thought contained in the bill, that we will not be permitted to carry goods from one State to another and be free from the possibility that that State may outlaw the products when they get there. After a dealer has purchased goods and shipped them into another State he might find himself like the Russian Government did when they shipped $5,000,000 of gold into the United States recently and found it to be outlawed and thus had to be returned to some place in Europe.

Mr. Chairman, goods are worth nothing to the owner unless they can be sold or used. This bill is absolutely an attempt to carry back to the States the power which they expressly placed in the Federal Government to control commerce among the several States. I want to show you how it might affect my own State of Mississippi. We used to have the old contract system under which we tried to operate our penitentiaries.

We contracted the prisoners out to the highest bidder for certain purposes. We found that the contractors were not always humane toward the prisoners. We found that there were abuses of every kind and complaints such as we have recently heard about some of the States in the Union.

We therefore tried another plan. The State purchased farms and on those farms these convicts are worked, worked under overseers out in the open air, in the most healthful condition in which they could be placed. We have very thorough discipline. There is no mutiny or unbecoming conduct in the mass amongst our prisoners. We have gone along with that system.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. KINDRED. Did the gentleman say that it is humane to farm out prisoners at the present time?

Mr. BUSBY. I did not say that we farmed out our prisoners. I said that we worked them on State farms.

Mr. KINDRED. Did they not work under contract in the gentleman's State at one time?

Mr. BUSBY. Yes, they did; until we learned a better way, that is what I am telling you. You gentlemen who are complaining ought not to let your States continue to contract their prisoners out. Correct that and you will have all of this trouble which you are trying so correct through Congress taken care of at home.

Mr. CARSS. If we pass this law, that will be a move in that direction, will it not?

Mr. BUSBY. It will not.

Mr. CARSS. If we prohibit contract goods coming into a State and being sold, naturally the contractor will be put out of business.

Mr. BUSBY. You are going at it in a far-fetched way. Why not go the State legislatures and tell them that they have adopted the wrong system and work it out in that way?

Mr. KINDRED. There are two major things that are desirable to accomplish by the bill which we are now discussing. One is to give wholesome and humane employment to the great body of prisoners in the respective States, and the other is to meet the objections of the American Federation of Labor to the situation that now exists. How are you going to do it?

Mr. BUSBY. I do not know that I am going to do it either way; I do not know that I am going to be scared to death by not doing it. I think one reason we are lined up in the way we are is because the manufacturers and the organizations are outside of the prisons and can vote, and the fellows that you are talking about and discriminating against are behind the prison bars and can not vote.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. CASEY. As a fundamental question, does the gentleman believe we should be legislating for the men behind the bars in preference to the free labor?

Mr. BUSBY. No; I did not say that; but I do not think that we ought to try to crucify the fellows behind the bars here on the floor of the House of Representatives, and I do not think we ought to be discriminating against them because they can not be heard simply because we get a call from back home.

Mr. CASEY. Do you think we should be here discriminating against the free labor that has to pay the taxes to feed those people?

Mr. BUSBY. We tried in Mississippi the contract system for a long time, but it did not work well. We tried another plan. We bought three State farms. One of the easiest crops we could raise was cotton, so we placed our convicts out in the open on these farms, in competition, you will say, with farmers. They produced hundreds of thousands of bales of cotton, and instead of being a burden on the State treasury every year we found they could produce these products to advantage and add considerably to the State treasury. I have a letter here from Dr. L. T. Fox, superintendent of the State penitentiary. Under date of April 9, 1928, he says:

MISSISSIPPI STATE PENITENTIARY,
Parchman, Miss., April 9, 1928.

Hon. JEFF BUSBY,
House of Representatives, Washington, D. C.

MY DEAR MR. BUSBY: There has been introduced in Congress what is known as the Hawes-Cooper bill, restricting the sale of prison-made goods to State institutions.

I do not know all the provisions of the bill and do not know that it would apply to our cotton raised on the penitentiary farms, but the principle of the bill is wrong because such a policy would ultimately lead to enforced idleness of all prisoners, which everyone knowing anything about penal administration knows, is bad for the prisoners and unsound economically.

I am writing to urge that you bend every effort to defeat this bill. If it did apply to our cotton production, it would wreck our penitentiary system which is, without question, the greatest system in existence, that of working the prisoners in the open air. Furthermore, it would mean a great economic loss to the taxpayers of the State. We have during the last four years put $729,000 more into the treasury than we have taken out.

Expressing the hope that you will use your influence against this bill and with personal regards, I am,

Sincerely yours,

L. T. FOX, *Superintendent.*

That is the best system, and that is the system on which, if the welfare workers would fight for to get the penitentaries on a sound basis, we could back them and they would receive our support.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. CROWTHER. The gentleman has expressed the hope that something might be done to do something for the people who are dependents on these convicts. Did the State do anything for them as the result of this work? Did they return any portion of that income?

Mr. BUSBY. I can not say they did; but I have never been a member of the State legislature, and can not be held responsible for that.

Mr. BRIGHAM. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. BRIGHAM. Is it not a fact that some of the States do give a portion of the money derived to the prisoners?

Mr. BUSBY. Yes. Now, I have no criticism for the people who are backing a bill like this, or for the organizations that are backing the bill; but I can not understand how we can sweep aside all economic principles and the Constitution and do the other things for which there is no reason or justification. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. KOPP. Mr. Chairman, I yield myself 15 minutes.

The CHAIRMAN. The gentleman from Iowa is recognized for 15 minutes.

Mr. KOPP. Mr. Chairman, the Committee on Labor had full and complete hearings on this bill. Many manufacturers and representatives of labor appeared before the committee in favor of the bill. The Federation of Women's Clubs, through their representatives, also appeared before the committee on behalf of the bill. Special opportunity was given to the opponents of the bill to be heard. The committee was particularly anxious to hear every objection that could be urged. Most of those who appeared against the bill were connected in some manner with the management of prisons.

In the consideration of this bill we are confronted by two major questions. First, is the policy of the bill sound? Second, is the bill constitutional? On account of my limited time I shall confine myself to the second question.

It is no doubt true that this bill, if enacted into law, will be assailed in the courts on the ground that it is unconstitutional. It was urged before the committee that the bill was unconstitutional, and I presume a similar claim will be made here on the floor. In my judgment, however, this bill is constitutional, and I fully believe that if it ever comes before the Supreme Court of the United States it will be sustained by that high tribunal.

Before proceeding further, however, permit me to suggest that simply because some one questions the constitutionality of a bill is not a sufficient reason for voting against it. True, no Member should vote for a bill which he himself regards as unconstitutional, but if a bill embodies your convictions and you believe it is constitutional, you should not hesitate to vote for it whatever others may do. Nothing is conjured up more often or more readily by those opposed to a bill than a doubt as to its constitutionality. Practically every progressive piece of legislation has been attacked upon that ground. Bear in mind also that if a bill is defeated here there is no way in which it can be brought before the Supreme Court of the United States to have its constitutionality determined.

You are all familiar with what is known as the commerce clause of the Constitution of the United States. This clause provides that Congress shall have power—

To regulate commerce with foreign nations and among the several States.

Many learned dissertations have been written on this clause. Numerous decisions have construed it, but it is still open to discussion and probably will be debated as long as our Government survives. I do not claim that I can throw any new light on this important and much-discussed subject. All I can hope to do is to call your attention to a few important decisions and indicate to you the bearing that these decisions, as it

appears to me, have upon the bill now under consideration. First, permit me to call particular attention to the terms of this bill. It defines no crimes and provides no penalties. No appropriation is required to carry it into effect. It simply divests prison-made goods of their interstate character and makes them subject to the laws of the different States to the same extent and in the same manner as though such goods had been manufactured in such States.

Mr. GARBER. Mr. Chairman, will the gentleman yield?

Mr. KOPP. Yes.

Mr. GARBER. Does the gentleman make any provision to disclose the identity of the goods? Is there any machinery set up in the bill to reveal the character of the goods?

Mr. KOPP. No. That all depends on State legislation. This is simply an enabling act.

As you are well aware, by the tenth amendment all powers not delegated to the United States nor prohibited to the States are reserved to the States, respectively, or to the people. This amendment has often been invoked in attacking the constitutionality of an act of Congress. Again and again it has been claimed that Congress has trespassed upon the reserved powers of the States. No such claim, however, can be made here. Under this bill Congress instead of taking away the reserved powers of the States protects them most fully. While the bill does not delegate any powers to the States, it does, in fact, give certain State laws a broader application. This bill, if passed, will be an enabling act for the States.

Quite a number of States have passed laws regulating the sale of convict-made goods. The most common requirement has been the marking or branding of convict-made goods before offering them for sale. All of these laws have been held unconstitutional as to convict-made goods shipped in from other States. Thus the only effect of these laws has been to restrict the sale of those convict-made goods manufactured in the State where sold. The States have been, and are to-day, helpless against the convict-made goods shipped in from other States. This bill will enable the States to regulate the sale of prison-made goods shipped in from other States as well as those manufactured or produced within their own borders.

The history of the enabling act upon which this bill is based is an interesting one. The question as to its constitutionality came before the Supreme Court of the United States in passing upon the Wilson law, which went into effect on August 8, 1890. Iowa had adopted prohibition by statute, but the Federal courts held that as long as intoxicating liquors were in the original packages they could nevertheless be sold within the State. Senator Wilson, of Iowa, introduced a bill to remedy the situation and this bill after being vigorously attacked as unconstitutional was passed and became a law.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. KOPP. Yes.

Mr. LAGUARDIA. And two months later a decision was laid down in the original-package case?

Mr. KOPP. I thank the gentleman for his interruption. The terms of this bill were as follows:

Be it enacted, etc., That all fermented, distilled, or other intoxicating liquors or liquids, transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

The Wilson law was quickly attacked in the courts. Kansas at the time also had a prohibitory law. A citizen of that State made a sale of intoxicating liquors in original packages shipped from Kansas City, Mo. He was arrested under the State law and immediately applied to the United States circuit court for a writ of habeas corpus. The case went to the Supreme Court of the United States and there the law was fully sustained. (In re Rahrer, 140 U. S. 545.) Said the court:

It does not admit of argument that Congress can neither delegate its own powers nor enlarge those of a State. This being so, it is urged that the act of Congress can not be sustained as a regulation of commerce. * * *

Congress has not attempted to delegate the power to regulate commerce, or to exercise any power reserved to the States, or to grant a power not possessed by the States, or to adopt State laws. It has taken its own course and made its own regulation, applying to these subjects of interstate commerce one common rule, whose uniformity is not affected by variations in State laws in dealing with such property.

The principle upon which local option laws, so called, have been sustained is that while the legislature can not delegate its power to make a law, it can make a law which leaves it to municipalities or the people to determine some fact or state of things, upon which the action of the law may depend; but we do not rest the validity of the act of Congress on this analogy. The power over interstate commerce is too vital to the integrity of the Nation to be qualified by any refinement of reasoning. The power to regulate is solely in the General Government, and it is an essential part of that regulation to prescribe the regular means for accomplishing the introduction and incorporation of articles into and with the mass of property in the country or State. (12 Wheat. 448.)

No reason is perceived why, if Congress chooses to provide that certain designated subjects of interstate commerce shall be governed by a rule which divests them of that character at an earlier period of time than would otherwise be the case, it is not within its competency to do so.

The bill we are now considering was patterned after the Wilson law. All it seeks to do is to divest convict-made goods of their interstate character earlier than would otherwise be the case. If the Wilson law was constitutional, why is not this bill constitutional?

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield there?

Mr. KOPP. Yes.

Mr. MONTAGUE. Does the gentleman draw this distinction, that in the Wilson law they were dealing with a class of goods that was considered immoral? That involves the police power of the State. In this case the goods are apparently innocent.

Mr. KOPP. That was not the point made by the Supreme Court of the United States.

Mr. MONTAGUE. They were dealing with that fact, and the facts of the two cases are different.

Mr. KOPP. I will answer that a little more fully later.

Mr. MICHENER. Mr. Chairman, will the gentleman yield there?

Mr. KOPP. Yes.

Mr. MICHENER. Right on that point, does the gentleman think Congress could pass a law providing that goods made by Chinamen could be dealt with as here provided, or goods made by Methodists or by Baptists or by white people, as distinguished from others?

Mr. KOPP. No.

Mr. HUDSON. Why not? This bill involves a class of goods made by a particular class of people.

Mr. KOPP. I am not giving you my opinion, but the opinion of the Supreme Court of the United States.

Mr. HUDSON. But the Supreme Court was rendering a decision in regard to an act involving an article which is considered injurious. That was the case before the court.

Mr. KOPP. It did not say so. The language in that is exceedingly broad.

Mr. VINSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. KOPP. Yes.

Mr. VINSON of Kentucky. Were you referring to the language in the Rahrer case?

Mr. KOPP. Yes.

Mr. VINSON of Kentucky. The gentleman is familiar with the fact that the statute in the Rahrer case is materially different from the statute under consideration at this time, in that it provided that the commodities entering interstate commerce came under the jurisdiction of laws involving the police power.

Mr. KOPP. I think that would be the same thing here; I do not think it would be any different.

Mr. VINSON of Kentucky. Why did not the gentleman's committee incorporate that language?

Mr. KOPP. I did not draw the bill, I will say to the gentleman, but I think the effect is just the same, as far as the result is concerned.

Mr. VINSON of Kentucky. In other words, the gentleman does not think the police power had anything to do with the decision of the Supreme Court in the Rahrer case?

Mr. KOPP. I think it had. If the State had had no police power, it could not constitutionally have passed such a law; and if Iowa could not constitutionally have passed a prohibitory law, then the Wilson law would not have had any effect.

Mr. VINSON of Kentucky. Does the gentleman understand that any law that would be enacted after this bill becomes a law would have to be bottomed upon the police power of the State?

Mr. KOPP. Yes; and it must be constitutional.

Mr. VINSON of Kentucky. But would it have to be bottomed on the police power?

Mr. KOPP. Generally speaking; yes.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. KOPP. Yes.

Mr. WHITTINGTON. What is the ground for sustaining the constitutionality of these statutes in the States, where they have been upheld as a regulation of police power?

Mr. KOPP. I will come to that a little later.

After the Wilson law had been enacted and had been held to be constitutional the prohibition States found that one important difficulty in enforcing the prohibitory laws still remained. By reason of the Wilson law it was no longer legal to sell liquor in the original package in prohibition States, but it was still legal to ship liquor in the original package to residents of prohibition States.

In order to make that impossible the Webb-Kenyon bill was passed during the closing days of the third session of the Sixty-second Congress. This law entirely prohibited the shipment of liquor into prohibition States.

At the time the bill was passed, William H. Taft, now Chief Justice of the United States Supreme Court, was President, and George W. Wickersham was Attorney General. When the bill reached President Taft, Attorney General Wickersham submitted to the President a strong opinion against the constitutionality of the bill and President Taft, after very full consideration, vetoed the bill upon that ground. The bill was passed over the veto of the President and became a law. In due time it was brought to the attention of the Supreme Court of the United States. By that body, through Chief Justice White, it was held to be constitutional.

I shall refer to the opinion itself, but before taking that up, let me refer to the veto of President Taft. In his veto he anticipated what the law would be in case the Webb-Kenyon law was sustained. You will find this language in his veto message:

> If Congress, however, may in addition entirely suspend the operation of the interstate-commerce clause upon a lawful subject of interstate commerce and turn the regulation of interstate commerce over to the States in respect to it, it is difficult to see how it may not suspend interstate commerce in respect to every subject of commerce wherever the police power of the State can be exercised to hinder or obstruct that commerce.

Attorney General Wickersham also recognized that if the Webb-Kenyon law was sustained it would broaden the powers of Congress beyond his previous conception. The closing paragraph of his opinion was as follows:

> The proposition begs the whole question under consideration and can only be conceded if it be held that Congress can abdicate entirely its power over interstate commerce in an article which it does not itself declare to be "an outlaw of commerce," but which it leaves to the varying legislation of the respective States to more or less endow with qualities of outlawry.

The decision sustaining the Webb-Kenyon law was rendered in Clark Distilling Co. *v.* Western Maryland Railway Co. (242 U. S. 311). I have not the time to quote at length from the opinion of the court but I do want to call your attention to one statement. Said the court:

> Reading the Webb-Kenyon law in the light thus thrown upon it by the Wilson Act and the decisions of this court which sustained and applied it, there is no room for doubt that it was enacted simply to extend that which was done by the Wilson Act, that is to say, its purpose was to prevent the immunity characteristic of interstate commerce from being used to permit the receipt of liquor through such commerce in States contrary to their laws.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. KOPP. Mr. Chairman, I yield myself five additional minutes.

President Taft became Chief Justice Taft, and in Brooks *v.* United States (267 U. S. 432), decided in 1925, as Chief Justice he referred to the decision in Clark Distilling Co. against Western Maryland Railway Co. and thus interpreted that decision:

> In Clark Distilling Co. *v.* Western Maryland Railway Co. (242 U. S. 311) it was held that Congress had power to forbid the introduction of intoxicating liquors into any State in which their use was prohibited in order to prevent the use of interstate commerce to promote that which was illegal in the State.

Mr. LOZIER. Will the gentleman yield?

Mr. KOPP. Yes.

Mr. LOZIER. Is it not true that on January 8, 1917, when the Webb-Kenyon Act was sustained, the Supreme Court sustained the act of the West Virginia Legislature prohibiting the importation of intoxicating liquors into the State for personal use by citizens of the State?

Mr. KOPP. That is true.

Mr. BUSBY. Will the gentleman yield right at that point?

Mr. KOPP. Yes.

Mr. BUSBY. Do I understand that the gentleman has any cases dealing with a subject other than intoxicating liquors?

Mr. KOPP. I will come to that.

Mr. BUSBY. I would like to hear the gentleman on that.

Mr. KOPP. The purpose of this bill is "to prevent the use of interstate commerce to promote that which is illegal" in many States. Legislature after legislature has passed laws regulating the sale of convict-made goods, but interstate commerce has been used to circumvent and defeat all such legislation. The States are helpless. The States do not ask that the Federal Government assume any burden, but they do ask that convict-made goods be divested of their interstate character in order that interstate commerce may no longer be used to promote that which is illegal in the States.

Mr. BURTNESS. Will the gentleman yield?

Mr. KOPP. Yes.

Mr. BURTNESS. Does the gentleman take the position that the decision of the Supreme Court in the Webb-Kenyon Act case is a precedent for this case?

Mr. KOPP. No; I do not claim that, but I do claim that the Wilson law is a precedent.

Mr. BURTNESS. From what little study I have been able to make of the matter I have assumed that the decision in the Wilson case can well be cited as a precedent for this kind of legislation, but surely not under the decision in the Webb-Kenyon Act case, because the decision in that case was based on an entirely different proposition.

Mr. VINSON of Kentucky. Will the gentleman yield on that point?

Mr. KOPP. I must ask to be excused until I have made my statement.

To my mind, the real question to be determined, if this bill is enacted into law, will not be whether it is constitutional but whether the State laws in reference to convict-made goods are constitutional. We have 48 States. Many different laws may be passed in the regulation of convict-made goods. At this time there are quite a number of such laws on the statute books of the States. Some States require a license to sell convict-made goods, others that a merchant selling convict-made goods must put up a sign in large letters advising the public of such fact. One State, I believe, provides that the goods made by convicts must be sold for not less than the wholesale price of similar goods. The most general provision is the one that requires convict-made goods to be marked or branded before being offered for sale. The Wilson law, though sustained, did not give life to an unconstitutional State law. It only made State laws, that were valid as to intrastate liquors, valid and effective as to interstate liquors. This bill, if enacted into law, can never make valid and effective as to interstate shipments of convict-made goods any laws which are not valid and effective as to intrastate convict-made goods. No one need fear that by this bill we can breathe life into an unconstitutional State law. No such result can possibly follow, for if a State law is invalid as to intrastate goods it will also be invalid as to interstate shipments of goods. The very language of this bill says that interstate shipments of convict-made goods shall be subject to the laws of any State "to the same extent and in the same manner as if such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory." If this bill is passed, the real battle will not be over its constitutionality but over the constitutionality of the different State statutes that may be passed on the subject of convict-made goods. If this bill is passed, it will be held applicable to every constitutional State law and inapplicable to every unconstitutional State law.

It may be claimed that States can not pass any constitutional and valid statutes regulating the sale of convict-made goods and that, therefore, to pass this bill will prove to be useless and futile. I doubt whether anyone will take such an extreme position, but lest some one may do so I shall say a few words on this point.

That convict-made goods are a real problem has been recognized by Congress for many years. The importation of foreign convict-made goods is absolutely prohibited. Our statute on that subject provides that—

> all goods, wares, articles, and merchandise manufactured, wholly or in part, in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is prohibited.

Though protected by a high tariff, we yet provide that under no circumstances shall foreign convict-made goods be permitted to enter our markets. Why? Because we recognize that they are a menace to our people.

In State *v.* Hawkins (157 N. Y. 1) the Court of Appeals of New York passed upon a statute requiring that all convict-made goods, including those shipped in from other States, be branded before being exposed for sale. The defendant was convicted under this statute and his case finally reached the Court of Appeals. The particular goods which this defendant had exposed for sale had been made by convicts in Ohio and had been shipped into New York from that State. The New York court held that the statute was in conflict with and repugnant to the commerce clause of the Federal Constitution, and for that reason invalid.

Judge O'Brien, who wrote the majority opinion, personally went further and also held the statute to be unconstitutional on the further ground that it was an unauthorized limitation of the freedom of the individual to buy and sell articles of merchandise. No other judge, however, concurred in the latter view. One of the dissenting judges was Alton B. Parker, who was chief justice at the time, and who afterwards, as you all know, became a candidate for President. Judge Parker, in referring to the statute requiring the branding of prison-made goods before being exposed for sale, said in his dissenting opinion:

> It simply requires that prison-made merchandise shall be so branded that our citizens shall know where the goods they are buying were made. This they have a right to know.

Judge Bartlett also rendered a dissenting opinion, and, among other things, said:

> The precise question, then, is whether it is competent for this State, in the exercise of the police power, in order to promote the public welfare and prosperity, to impose the restriction, already pointed out, upon the sale of convict-made goods.
>
> I am of the opinion that it is for two reasons: (1) It is self-evident that the protection of free labor from competition with convict-made goods in our domestic markets will promote the public welfare and prosperity; and (2) it is competent for the State to protect its citizen from fraud or deception when any such goods are offered for sale, by advising him of the fact that they are convict made, so that he may act with full knowledge in the premises.

Only one of the seven judges then serving upon the Court of Appeals of the State of New York regarded this statute as unconstitutional because it restricted the freedom to buy and sell.

Mr. HERSEY. Will the gentleman yield?

Mr. KOPP. I can not yield now on account of my limited time.

Mr. HERSEY. The gentleman is citing a dissenting opinion.

Mr. KOPP. Yes. I stated that Judge O'Brien went further in his opinion, and declared that it was an unauthorized limitation of the freedom of the individual to buy and sell articles of merchandise; or, in other words, it interfered with the freedom of contract; but on this question six of the judges refused to follow him, among them being Judge Parker and Judge Bartlett, from whose opinions I have just read.

Mr. HERSEY. The gentleman does not wish to cite to this House dissenting opinions as authority for the position he is taking?

Mr. KOPP. The gentleman certainly would not say that a single judge, who put such a statement in his majority opinion, was authority on that point. The other judges dissented on that point, and certainly, when six judges do not concur, you would not say that that was the law, even though the other man, who wrote the majority opinion, so stated.

There seems to be an impression that the decisions in the child-labor cases in some way have a bearing upon this bill, and make it probable that this bill, if enacted into law, will not be held constitutional. An examination of the child-labor cases will clearly show to anyone that they have no application whatever in this case.

The first child-labor decision is found in Hammer *v.* Dagenhart (247 U. S. 251). An act had been passed by Congress prohibiting transportation in interstate commerce of goods made at a factory in which, within 30 days prior to their removal therefrom, children under 14 years of age had been employed or permitted to work, or children between the ages of 14 and 16 had been employed or permitted to work more than eight hours in any day or more than six days in any week, or after the hour of 7 p. m., or before the hour of 6 a. m. A bill was filed by a father upon his own behalf and as next friend for his two minor sons, who were within the age limit fixed in the law, to enjoin the enforcement of the act on the ground that it was invalid. The act was held unconstitutional because it invaded the powers reserved to the States. That decision can have no application to this bill, for this bill certainly does not invade the powers reserved to the States. The decision in Hammer against Dagenhart teems with defenses of the reserved powers of the States. I quote briefly from the opinion written by Justice Day:

> In interpreting the Constitution, it must never be forgotten that the Nation is made up of States to which are intrusted the powers of local government and to them and to the people the powers not expressly delegated to the National Government are reserved * * *. The power of the States to regulate their purely internal affairs by such laws as seem wise to the local authority is inherent and has never been surrendered to the general movement * * *. To sustain this statute * * * would sanction invasion by the Federal power of the control of a matter purely local in its character.

The court was divided. The majority held that the articles manufactured by child labor were not at the time a part of interstate commerce, but were simply intended for interstate commerce and for that reason subject only to local regulation. The majority, however, clearly recognized the complete control of Congress over interstate transportation.

Let me quote further from Justice Day:

> Over interstate transportation, or its incidents, the regulatory power of Congress is ample, but the protection of articles intended for interstate commerce is a matter of local regulation.

The dissenting opinion, written by the venerable Justice Holmes and joined in by three other justices, also clearly recognized the power of Congress over interstate commerce. Said Justice Holmes:

> Congress is given power to regulate such commerce in unqualified terms. It would not be argued to-day that the power to regulate does not include the power to prohibit. Regulation means the prohibition of something, and when interstate commerce is the matter to be regulated I can not doubt that the regulation may prohibit any part of such commerce that Congress sees fit to forbid.

What could be stronger than this language used by Justice Holmes?—

> When interstate commerce is the matter to be regulated I can not doubt that the regulation may prohibit any part of such commerce that Congress sees fit to forbid.

The opinion in the second child-labor case, known as the Child Labor Tax case (259 U. S. 20), was rendered in 1922, and was written by Chief Justice Taft. In order to avoid the constitutional question raised in the first child-labor case, a new law was enacted in 1919 imposing a tax on the employment of child labor.

Chief Justice Taft said that in this case, as in the previous child-labor case, Congress undertook to pass a law on a matter purely within the authority of the States, and therefore declared the law invalid. There was no suggestion in either of these child-labor cases that Congress could not make State laws applicable to interstate commerce; but both of the decisions were based upon an entirely different proposition, namely, that Congress could not take away powers from the States that were reserved to them by the Constitution.

In conclusion, I again ask you to bear in mind that the only effect of this bill will be to divest convict-made goods of their interstate character at an earlier period than would otherwise be the case. I again call your attention to the opinion of the Supreme Court of the United States in the Rahrer case, in which that court, speaking through Chief Justice Fuller, said, unequivocally and without limitation:

> No reason is perceived why, if Congress chooses to provide that certain designated subjects of interstate commerce shall be governed by a rule which divests them of that character at an earlier period of time than would otherwise be the case, it is not within its competency to do so.

Congress can not reverse the Supreme Court; that body is the final authority on constitutional questions. It has spoken definitely and conclusively on the very matter now in issue here. Therefore I submit that this bill is constitutional and that it will be sustained if enacted into law. [Applause.]

Mr. WHITTINGTON. Will the gentleman yield for just one question?

Mr. KOPP. I yield to the gentleman.

Mr. WHITTINGTON. I should like to ask the chairman of the committee in charge of the bill if cotton, corn, wheat, and other agricultural products are included in this bill?

Mr. KOPP. My opinion is that at the present time they are included.

Mr. WHITTINGTON. They are included?

Mr. KOPP. I think they are included.

Mr. WHITTINGTON. They are included, in the gentleman's opinion?

Mr. KOPP. That is my judgment.

Mr. MICHENER. Will the gentleman yield?

Mr. KOPP. Yes.

Mr. MICHENER. Does the gentleman mean that anything manufactured or produced by prison labor is included?

Mr. KOPP. I think it is a general law. That is my opinion about it.

Mr. MICHENER. It would make no difference whether it was cotton or binder twine?

Mr. KOPP. I think everything is included. That is my understanding of the law. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BUSBY. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. TUCKER]. [Applause.]

Mr. TUCKER. Mr. Chairman and gentlemen of the committee, I want, if possible, to bring the minds of the Members of the House back to a few elementary principles as to this bill, and I want to say at the outset that I am in hearty sympathy with the professed objects of this bill. I am in hearty sympathy with any principle that denies the right of the Federal Government through the commerce clause to ram down the throats of the people of any State a moral or economic principle which they disapprove.

I am perhaps the only man on this floor who voted for the Wilson bill in 1890, a perfectly just bill, in my judgment. It recognized the right principle. When a State had determined it did not want liquor in it, why should the commerce power of the Constitution compel them to take it?

Now, what is this bill? As I understand it, it says that any prison-made goods—I must give you the exact language—

transported into any State or Territory of the United States and remaining therein—

Mark the words—

remaining therein for use, consumption, sale, or storage shall upon arrival and delivery in such State or Territory be subject to the operation and effect of the laws of such State or Territory.

What power has Congress to dictate to the States how property within the States shall be controlled and governed? Is not this power reserved to the States under the tenth amendment? Shall? That is, Congress proposes to compel the States. When and where did Congress acquire the power to compel a State?

Who made Congress the judge over the States, with power to dictate their internal policy as to all property within their boundaries? When an article is in commerce, from the moment it starts on its interstate journey until it is delivered to the consignee, Congress has all power over it; the State can not touch it; but the moment it drops into the lap of the consignee it becomes a part of the great mass of the property of the State which the State alone can control.

The principle has been well stated, as follows:

The prime distinction recognized in the leading case of Gibbons *v.* Ogden and the subsequent case of Brown *v.* Maryland shows that Congress has no power over things or persons except as subjects of foreign or interstate traffic or intercourse. When the thing or person is not in such commerce Congress has no power over it. Therefore, until the thing or person has this commercial quality the congressional power does not attach, and the State power is complete.

* * * * * * *

As long as the person or thing is in commercial *transitu* the State can not touch it, because it is under the regulations of Congress, and the State must so exercise its power in respect to these as not to interfere with the essential right of Congress to regulate commerce. But before *transitus* has once begun, or having begun has ceased, congressional power does not attach and the State power is exclusive. (Tucker on the Constitution, pp. 535–536.)

For example, if I ordered a carload of goods shipped to me at Lexington, Va., and the State levied a tax on them while on the track before delivery to me, the tax would be void, for the commerce power still attached to them; but if taxed by the State after their delivery to me it would be valid.

Therefore I say that this bill is one of two things—it is either merely declaratory of the law as it now exists, or it is an attempt by Congress to give a power to the States which they already possess. In either case the law would be useless. Read what Judge Marshall said in Brown against Maryland; the question there is so plain that the wayfaring man, though a fool, can understand it. He said that as long as Congress has control of an article in interstate commerce, of course, the State can not interfere with it; but the moment the journey is ended and it drops into the lap of the State, then Congress can not touch it. The State power then alone controls it.

The gentleman from Iowa [Mr. KOPP] has said that some of the acts passed by the State legislatures to control convict-made goods have been declared unconstitutional. Certainly they have. Why? Evidently because such laws attempted to regulate commerce, which Congress alone can do. Look at the Child Labor case, which my friend from Iowa said a moment ago he did not think applicable to this case.

What was the Child Labor case? Congress enacted a law levying a tax of 10 cents a yard on cloth made in a mill where child labor under 14 was employed. What did our great Chief Justice say when he came to consider it? He said in effect that the custom of the courts is, and it has been for 100 years, not to look into the intention of the legislature in passing such an act.

When Congress passes a law putting a 10-cent tax a yard on cloth we must accept it that Congress did it as a revenue measure. But Chief Justice Taft said, in effect, with that common sense of his: "Everybody in the United States knows that this bill was passed to regulate child labor in the mills—everybody except this court—and we are presumed to accept the fact that Congress did it to raise revenue. Away with it! If everybody else in the country can see it, why can not we?" He saw it and kicked it out.

So it is here. Now, mark you, gentlemen, there was the power of taxation, which is an exclusive power of the Federal Government, but when that power is used, not for revenue but for the indirect purpose of reaching another end, that is a fraud on the Constitution. The argument of the court, in effect, was: "You are presenting a law on its face for taxation, and you know it is not for taxation, but to control child labor which is denied to Congress; and we will not recognize it. You know what it is for; you are trying to hide behind a worn-out presumption, which we refuse to follow any further, for we know what it is for, and we kick it out."

Mr. LAGUARDIA. Will the gentleman yield?

Mr. TUCKER. Yes.

Mr. LAGUARDIA. Did not we do the same thing with the Harrison Narcotic Act?

Mr. TUCKER. Yes. Now, follow me: Here we have inspection laws, we have quarantine laws, commerce laws, and so forth.

A vessel comes up the harbor and a State officer goes out on a tug and stops that great vessel. What for? Is not that vessel engaged in interstate commerce? Yes. Is not that an exclusive power of the Federal Government? Yes. Why, then, does this little State officer come in here and stop the commercial power of the Federal Government? What do you mean by coming in here, the captain says; you are interfering with commerce. The State officer says, "I am not interfering with commerce; I am simply out here to see that you shall bring rightful commerce and not disease into our port." The power to carry on commerce is not a power to bring disease to a port, and the quarantine power which belongs to the State is a help to commerce and not a hindrance. It helps rightful commerce and protects the port from disease.

Chief Justice Marshall says in Gibbons against Ogden:

It is no objection to the existence of distinct, substantive powers that in their application they bear upon the same subject. The same bale of goods * * * that may be the subject of commercial regulation may also be the vehicle of disease. And the health laws that require them to be stopped and ventilated are no more intended as regulations on commerce than the laws which permit their importation are intended to inoculate the community with disease.

And further:

The two powers are made to consist by restraining the State, under color of quarantine, from regulating rightful commerce, and restraining Congress, under color of commerce, from regulating the unlawful importation of disease. (Tucker on the Constitution, p. 538.)

Now, the gentleman who just preceded me said that some State laws preventing the sale of convict-made goods had been declared unconstitutional. Why? I will tell you why. Just as the Federal Government can not attempt to regulate child labor, a State function under the taxing power of the Government, so the States, to carry out their own laws and their own desires, can not attempt to regulate interstate commerce in passing a State law. If the State passes a law interfering with interstate commerce, of course the courts, as they ought to do, will declare it unconstitutional.

So, gentlemen, just in a word—for I never saw the bill until this morning, and I started out with the idea that I was going to vote for it until I saw what it was—in my judgment, this bill is nothing more than the law of the land to-day. If it is not that, then it is a spurious attempt upon the part of Congress to compel the States to do what they now alone have the power to do, or an attempt by Congress to give power to the States, from whom all power originally came to Congress.

Congress under its power to regulate commerce has passed laws excluding certain articles from such commerce which might be deleterious to health or morals. This has been approved by the Supreme Court of the United States. It is too clear for argument that the power of Congress over these subjects or articles terminates when the subject or article arrives at its destination. Though immoral or unhealthy and hurtful to the people, when once it lands in a State the power of Congress over it ceases entirely and its control pasess to the State. And while the carrying of convict-made goods in interstate commerce may be the subject of legislation by Congress, and Congress alone, the laws which control such property after its arival in the State are not for Congress to determine, but rest solely with the State, subject only to this condition, that such State law must not in its control and disposition of such property in any way interfere with or attempt to regulate commerce. When the property lands at its destination in the State two species of State laws may attach to them. First, the police power of the State, and second, the powers given by the tenth amendment:

The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States respectively, or to the people.

Now, this bill before us is framed practically in the exact language of the Wilson bill, which became a law August 8, 1890, except that this bill says that the convict-made goods—

upon arrival and delivery in such State or Territory shall be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory—

While the Wilson law declares that liquor transported by interstate commerce into a State—

shall be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police power to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory.

Why the difference in the two bills? It is quite apparent that the author of the bill was afraid that such convict-made goods would not come under the definition of the police power of the State, which embraces all that may affect the health, the morality, or the safety of the people, and chose to let it rest under the pervasive power of the tenth amendment, which embraced every other power which the State could have. The police power, which has been treated by the court in many cases [for a consideration of this question, I beg to refer to "Limitations on the Treaty-Making Power" (p. 284 etc.), by H. ST. GEORGE TUCKER] is confined in those decisions to questions affecting the health, the morality, and the safety of the people of a State; and since the proponents of this bill, while following the language of the Wilson liquor law of August 8, 1890, have declined to follow it by allowing the convict-made goods to be subject to the police power of the State, they must have intended to let it rest under the general powers of the tenth amendment; and this was doubtlessly done because the language of the court in the child-labor cases indicated quite clearly that the purity, cleanliness, and innocence of an article could not be affected by the hand that made it. The court in many cases has recognized that the police power of the State does not yield to the supreme power of commerce. Chief Justice Fuller in the case of In re Rahrer, the Wilson liquor case, 140 U. S. Reports, 554, opens his opinion with the declaration of certain principles which have governed the court on this subject, and says:

And this court has uniformly recognized State legislation, legitimately for police purposes, as not in the sense of the Constitution necessarily infringing upon any right which has been confided expressly or by implication to the National Government.

And, following that view, Justice White, in the case of Compagnie Française de Navigation *v.* State Board of Health (186 U. S. 394), referring to a French vessel, the *Britannia*, sailing from France to New Orleans under a treaty providing that if any vessel should leave France with a clean bill of health, and no disease had broken out on the voyage, it would have a right to enter any port of the United States immediately. The *Britannia* was stopped by a quarantine officer at New Orleans.

Justice White said:

In other words, the treaty was made *subject to* the enactment of such health laws as the local conditions might evoke, not paramount to them. Especially where the restriction imposed upon the vessel is based, not upon the conditions existing at the port of departure, but upon the presence of an infectious or contagious malady at the port of arrival within the United States.

Other cases in the reference above uphold this doctrine. So that this bill leaves the power of the State to control convict-made goods when they arrive within the borders under the powers reserved to it under the tenth amendment.

Now, the tenth amendment reserves to the States every power not granted. But the power to regulate commerce has been granted to Congress, and that is a supreme power; and therefore if the State in passing a law to control these goods interferes with interstate commerce it is invalid, because the language of the amendment says that the powers not delegated to the United States by the Constitution rests with the States; but a power that has been delegated by the Constitution to Congress is supreme over the States. So that a State law passed in reference to such goods, if it interferes with any grant of power to Congress, is invalid; and the discussion on this bill and the hearings thereon show quite clearly that it is an attempt to violate that principle which has been recognized from the foundation of the Government, and gives to the States the power to nullify the interstate-commerce power of Congress. On page 255 of the hearings on this bill the brilliant and able Representative from New York [Mr. JACOBSTEIN] says that if this bill becomes a law—

we are not taking a power away from the State. On the contrary, we are conferring power upon the State—it is an enabling act—permitting the State to do something which it now can not do.

As it can not now interfere with interstate commerce the inference is irresistible that the object of this bill is to set up that right in the States. Where, in all the records of the Constitution or history, do we find any power given to Congress to endow a State with any such power?

Let us be not deceived. I know nothing about the economics of this question. I do know about the principles at the bottom of it. I believe we will make a great mistake if this bill is passed. It is useless or unconstitutional. It is simply vox et præterea nihil. [Applause.]

Mr. KOPP. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Chairman, ladies and gentlemen of the House, I shall not attempt to go into the constitutionality of this bill except to state that it seems to me that the Wilson Act, which was upheld by the Supreme Court and which is quoted by the chairman, is clearly analogous to this bill. In that case the Supreme Court did not say in specific language that they were dealing with intoxicating liquors. They merely laid down the power of Congress to divest commerce of its interstate character at any point at which Congress might see fit or at any period of time at which it might see fit to do so.

I shall devote myself to speaking in connection with the evils the people of the United States and of the States endure as a result of convict-made goods coming into the various States. In the State of Massachusetts convict-made goods are permitted only in State use. They are used in the State institutions. If you do not pass this bill then Massachusetts or Ohio or New York or any other State which does not permit their convict-made goods to be sold in other States can not pass a law providing that no convict-made goods shall be sold in their own State without having convict-made goods dumped upon them as a result of interstate commerce regulations. It will leave the State of Massachusetts and these other States with no recourse whatever. These goods can be falsely branded as was illustrated by the gentleman from Ohio [Mr. COOPER]. In some instances they put on the name "Yankee shirts," or "United States goods," and all sorts of misleading brands on the goods. In my district, the seventh Massachusetts, in the city of Lynn, my home city, we manufacture mostly shoes. The General Electric Co. has works there, but the main product is shoes. The main product of the city of Lawrence, in my district, is textiles; we have large mills there; and there remains one more city in the district, the city of Peabody, where we have the manufacture of leather. Mine is a great industrial district, and other Congressmen have the same sort of districts.

You can see what prison-made goods of that character mean to my district, to say nothing of the city of St. Louis or of Rochester or other cities that manufacture similar goods. Convict-made goods, shoes, textiles, leather can be shipped into the State of Massachusetts now and sold at lower prices than can the shoes and textiles and the leather goods made in Lawrence, Lynn, and Peabody, in my district, and the free labor and the manufacturers in that district have to suffer greatly thereby.

I do not believe in keeping the prisoners in the penitentiaries idle. We had thorough hearings on this bill. Many wardens of almost all the States came before us, and when I had the opportunity the first question I asked of each warden was what they made in their penitentiaries. Almost invariably the first thing

they mentioned was shoes, then textiles, then shirts, then brooms, and then on to different articles of merchandise. I do not believe that the free labor in my district or in your district should be put into competition with convict labor. I believe the citizens of Detroit, or Chicago, or St. Louis, or New Orleans, or Boston, or any other city who go in to buy shoes or shirts or clothes should know where they are made. I do not believe they should be misled by a brand saying that the goods came from Chicago when they were in fact made in some State penitentiary. I believe the people should know what they are buying and where the goods come from. I believe that the labor of the United States, the free workers, the men and women who go into the factories to manufacture shoes and textiles and leather and brooms, or any other product, are entitled to protection from the United States Congress against this invasion of their rights by prison-made labor. I do not believe the prisoners should be kept in idleness. Some of the wardens said that if the men were left in a prison without anything to do they would go insane. I do not doubt that at all. I believe they would. But as I told one gentleman at the time, the brooding of a man who was in prison because he was a murderer or a burglar or a thief did not concern me nearly as much as the brooding of a man from my district with nine children who is put out of work by the man in the prison. [Applause.]

In the Federal penitentiaries they have devised a scheme whereby they will diversify their industries. They will make a little of this and a little of that, and that will not interfere with free labor outside. Under the Government these goods being made will be used by the United States Government.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. COOPER of Ohio. The State of Massachusetts, which the gentleman has the honor to represent, has a law regulating the sale of convict-made goods.

Mr. CONNERY. Yes.

Mr. COOPER of Ohio. You have not had any of these disastrous results in your State because you regulate it, have you?

Mr. CONNERY. No; we have not. We are able to take care of anything made by our convicts.

Mr. SPROUL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. SPROUL of Kansas. The products of your prison labor are shoes, which you sell to the schools, do I understand?

Mr. CONNERY. In the penitentiaries of Massachusetts they have diversified the industries and make just a few shoes, a few shirts, a few brooms, and a few of all different articles. One of the objections I have to the present situation is because by convict-made goods being shipped into Massachusetts my particular district suffers greatly by competition in textiles, shoes, and leather manufactured by convicts.

Mr. SPROUL of Kansas. What I have in mind is this: If the persons who buy the prison-made goods did not buy them, they would buy other goods, would they not? They would buy goods made by free labor.

Mr. CONNERY. Yes.

Mr. SPROUL of Kansas. Then you have thereby robbed free labor of the market they would supply with these products.

Mr. CONNERY. I will say to the gentleman that in Massachusetts, when a free laborer goes into a shoe store to buy shoes or anything else, he knows they are the products of prison labor, and, if so, he will not buy them. There are 35 different things they make, but they do not interfere with the free labor of Massachusetts, and Massachusetts does not distribute the prison-made goods made in her prisons into other States. When you dump prison-made goods made in the 47 other States into the State of Massachusetts we are greatly injured.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. COOPER of Ohio. Massachusetts does not dump its goods into any particular place?

Mr. CONNERY. No. They do not want to interfere with free labor.

Mr. BRIGHAM. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. BRIGHAM. Would it be possible for a small State like Vermont, for example, to diversify its prison industries, as is done in the case of Massachusetts?

Mr. CONNERY. I think so.

Mr. BRIGHAM. Your view is that if only one thing were made it would interfere with free labor?

Mr. CONNERY. There is nothing to prevent any State from buying the convict goods of Vermont, if that State wishes to do so. But every State should have self-protection if they do not want these goods dumped on them.

Mr. BRIGHAM. Do you not think it would be cheaper for a State the size of Vermont to support its prison inmates in idleness than to diversify the products made? The expense for machinery and other equipment would be excessive in proportion to the small amount of goods turned out. I see the statement is made in the committee's report that only one-half of 1 per cent of the shoes made in the United States are made in prisons. The gentleman from Massachusetts must know that is a very small amount, too small to create much competition with free labor. The State of Vermont makes a few shoes, and buys from Massachusetts and other States a lot of products, including clothing and other things, for the use of its prisoners and for the inmates of its other institutions. It is my opinion that it buys far more of the products of free labor than it sells of the products of its prison labor.

Mr. CONNERY. I think Vermont could use its prison-made goods itself without shipping them out of the State.

Mr. BRIGHAM. Under our conditions I believe it would be an economic impossibility.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. BURTNESS. The State may or may not prevent the sale of prison-made goods therein?

Mr. CONNERY. Yes.

Mr. BURTNESS. I wanted to ask another question. I think it is quite important to ascertain what is contemplated as to the extent to which it would go. Assuming that this bill is passed, and assuming, for instance, that my State of North Dakota would pass just as broad an act as possible under the enabling act, would it be possible for my State to pass an act which would prevent residents of my State from ordering, we will say, a binder made by the inmates of the penitentiary in the State of Minnesota and have that binder shipped from Minnesota into North Dakota in interstate commerce?

Mr. CONNERY. I doubt if your State could make such a provision, but your State could provide that all prison-made goods made in your State could be used in the State institutions or otherwise.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. KOPP. I yield to the gentleman from Massachusetts two minutes more.

The CHAIRMAN. The gentleman from Massachusetts is recognized for two minutes more.

Mr. BURTNESS. I was wondering if we could go further than that and say that not only shall no prison-made goods be sold in a State, but we can prevent the importation into the State of prison-made goods made in other States. Would this prevent the importation of prison-made goods from a penitentiary in another State?

Mr. CONNERY. I doubt if they could pass such legislation.

Mr. BURTNESS. It is purely a legal question.

Mr. CONNERY. In reference to what I said about the decision of the Supreme Court, it seems to me that what the court said in the Wilson bill case is decisive and clearly analogous to this bill. The court said:

> No reason is perceived why, if Congress chooses to provide that certain designated subjects of interstate commerce shall be governed by a rule which divests them of that character at an earlier period of time than would otherwise be the case, it is not within its competency to do so.

It seems to me that the Supreme Court of the United States in that decision laid down the constitutionality of this bill.

Mr. GIBSON. As I understand, the Congress could divest any product of that right?

Mr. CONNERY. Yes.

Mr. GIBSON. The gentleman recognizes the distinction between the Wilson bill and this bill, does he not?

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. CONNERY. Mr. Chairman, may I have two minutes more?

Mr. KOPP. I yield to the gentleman two minutes more.

Mr. GIBSON. I say, does not the gentleman recognize a distinction between the Wilson case and this proposed law?

Mr. CONNERY. I do; but I do not believe the Supreme Court laid down any principle there that is opposed to the principle of this bill. We say Congress has this power because it has the police power. I said if Congress wanted to divest anything of its interstate character at an earlier period of time we could do it.

Mr. GIBSON. This proposes a method of production rather than commerce.

Mr. CONNERY. It fixes the time at which prison-made merchandise can be divested of the right of interstate commerce.

Mr. BUSBY. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. BUSBY. In a State like mine, where they work prison farms, and work these farms in a reasonable way, would it not help us in the conduct of that system if you passed this bill?

Mr. CONNERY. The Department of Justice is studying conditions in the Federal penitentiaries on that very problem.

Mr. BUSBY. You say these shoes made in your State are turned over to the children and are used in the schools?

Mr. CONNERY. No. I did not say that they were used by children in the schools. There are different articles manufactured by the prisons such as ink, and so forth, which, under the law, must be bought from the State institutions; but of course they would not allow prison-made shoes to be sold to children. That would be absurd in such a great free-labor State as Massachusetts.

Mr. BUSBY. So in Massachusetts you have no system except to close access to your prison labor and its products?

Mr. CONNERY. We have a wonderful system in Massachusetts and we do not dump our convict-made goods on other States.

Mr. BUSBY. You do not work your prisoners on farms, do you?

Mr. CONNERY. We have some working on farms; yes.

Mr. BUSBY. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Chairman, I think the gentlemen who have been discussing this bill and who are in favor of it fail to appreciate or, at least, to express what seems to me to be an undeniable fact, and that is the mere provision that the prisons shall make goods only for State use does not take them out of competition with free labor. It is stated as a fact in favor of the Federal law that in the brick works at a Federal prison which we recently provided for, all the bricks produced should be used only in Federal works. It is perfectly obvious that all those bricks which are made in the Federal prisons prevent the use and sale of an exactly equal number of other bricks which would be made by free labor. The same is true in the other institutions, that the goods they make for State use go into use and fill a void which otherwise would be filled by free labor.

All those who favor the bill agree that it would be absolutely inhuman to keep prisoners without work. Some of us have been in prisons where we have seen men sitting in cells without work, and more miserable and dejected beings can not be conceived; and it is true that the only result of such treatment is to produce insanity.

Now, if we are going to allow these prisoners to work, and if we are going to have any idea of reformation in the treatment of prisoners, which has been making progress in the last generation, then it appears to me it is only fair—and it does not increase competition on the whole—to use these prisoners in an efficient and businesslike way; that is to say, you must have industries in the prisons which will fit these men to go into similar industries when they go out. And the prisoners must work under conditions similar to those in industry.

Now, gentlemen have spoken about the Mississippi prisoners making money for the State on farms. In Connecticut the prisoners are not under the control of any contractor. It is true they do make contracts for the prison labor, but the prisoners are always under the merciful control of the prison authorities. They do get wages and while they are in the prison they earn wages which are appreciable. The gentleman has spoken about the free man with eight children. Well, of course, a prisoner can have eight children as well as a free man, and his wife and his children are just as innocent as the wife and eight children of a free laborer. So it is quite merciful and beneficial to society to give prisoners wages so that they can help support their families while they are in prison and then when they go out they are handed a fund saved from their wages so they are not compelled to go on the streets and from despair drift again into crime.

I think it is a fact that the net cost of the goods made in Connecticut prisons is little less than relatively equal to goods made with free labor.

Mr. LAGUARDIA. The gentleman does not seriously contend that the cost of manufacturing goods in prisons is equal to that on the outside?

Mr. MERRITT. I do seriously contend substantially that in relation to the products of the Connecticut prisons.

Mr. LAGUARDIA. I do not know what arrangements you have in Connecticut, but that is not true in any other State I know of.

Mr. CARSS. Will the gentleman yield?

Mr. MERRITT. Yes.

Mr. CARSS. Do you have the contract system in your State?

Mr. MERRITT. Not in the sense that the contractors work the prisoners.

Mr. CARSS. Do they take the products of the prisoners?

Mr. MERRITT. Yes.

Mr. CARSS. If that labor costs as much as free labor, what object is there in a person contracting to employ that labor?

Mr. MERRITT. Well, of course, he gets a regular supply of labor and the goods are a low grade of goods. It may be that the first cost is relatively somewhat less.

Mr. CARSS. Then it is not true that the wages paid are equal to those paid to free labor?

Mr. BRIGHAM. Will the gentleman yield?

Mr. MERRITT. Yes.

Mr. BRIGHAM. Is it not true that this labor is somewhat inefficient and that prisoners have to come and learn their trade, so that the turnover of labor is very great. Therefore, while the price is relatively small, nevertheless the labor cost is great?

Mr. MERRITT. I think the unit cost is not very different in either case.

Now, another point that has been raised here I think is really the fundamental point. Aside from the constitutional point, which I shall not argue, it appears to me that this proposed legislation is of a type which unfortunately has grown upon the Congress and upon the country. I do not deny that as to prison-made goods in many of the States there are some evils, which I should be glad to see corrected, but they should be corrected, just as the Mississippi case has been corrected, by the States themselves.

The great difficulty nowadays is that, when any evil appears in any part of the country, those who want change, or what they call reform, come to Congress at once and want to correct the entire evil with one law, which, of course, they can not do. The effect of this law, if it is passed, is that, in attempting to cure certain evils which are claimed to exist, it will produce a great many other evils which are worse, but which are not foreseen.

I do not myself perceive why, if it is competent for Congress to permit one State by legislation to prevent the entrance within its borders and remaining there for sale of prison-made goods, it is not also competent, as has already been suggested, to pass a law forbidding goods to come into that State and be sold which are made by colored people, or by union labor, or made in a wooden house because it might burn up, or made in a stone house for some other reason, neither do I see why it would not be entirely possible to destroy the whole patent system of the United States. We will suppose, as has often happened in the history of this country, that one class of goods which has wide distribution is supplanted by some improved article which is patented. Now, a State perceives that its industry is being threatened by this improved article and the State says, "We can not stand this competition and therefore we will legislate so that goods made in accordance with a certain patent shall not be sold in this State." I do not see any difference between this and the legislation here proposed.

Mr. CROSSER. Will the gentleman yield?

Mr. MERRITT. I will.

Mr. CROSSER. Does not the gentleman think that, instead of violating the spirit of the doctrine of State rights, this really is going right along with it when it says the State may regulate the proposition as it sees fit?

Mr. MERRITT. I do not think it is in accord with the doctrine of State rights, but, on the contrary, I think it destroys constitutional rights of property and contravenes the basis of the Constitution that trade shall be free among the various States. [Applause.]

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. KOPP. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. COMBS].

Mr. COMBS. Mr. Chairman and gentlemen of the committee, due to the fact that our hearings on this bill were both exhaustive and lengthy, we have available a mass of data which perhaps it would have been well for the House to have studied at greater length. In view of the impossibility of this, however, in answer to the gentleman from Connecticut, I want briefly to give the House some indication of the difference between the cost of prison-made and free-labor-produced commodities. I believe the gentleman stated that the unit cost was approximately the same in the case of the two different types of manufactured goods.

Mr. MERRITT. I beg the gentleman's pardon. I was only talking about such goods made in Connecticut.

Mr. COMBS. In Connecticut? Accepting the gentleman's correction, I still feel that it is important that we know approximately what the laborers are getting in the penitentiaries for the work which they do.

In the average shoe factory run by a contractor under the lease system, the convict is paid 5 or 6 cents a pair. He receives for a week's work a sum rarely in excess of $1.90. Necessarily, the margin between this $1.90 and the price which would be paid a free laborer is either the contractor's artificial margin of profit or the zone in the range of which he can safely depress his prices and stifle competition from independent or free-labor sources. In the case of shirt manufacturing, I believe, the figures show the cost of prison labor to be approximately one-third of that of free labor.

So it is obvious that throughout the country wherever cheap work clothing is manufactured the effect of the prison-contract system has been virtually to destroy the market in those communities which have experienced this depressive effect.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. COMBS. Yes.

Mr. LAGUARDIA. Is it not a complete answer to the suggestion made by the gentleman from Connecticut [Mr. MERRITT] that if it would cost as much to manufacture in prison contractors would not go to the penitentiaries to manufacture their goods?

Mr. COMBS. Why, of course, that is perfectly obvious. They bear no part of the overhead expense, they pay no rent, and they receive the labor of the convicts for sums usually less than $2 a week.

Mr. BUSBY. Will the gentleman yield?

Mr. COMBS. Yes.

Mr. BUSBY. If the States would correct their system of leasing labor to contractors, would that not reach the objection that is trying to be reached by this bill?

Mr. COMBS. Not entirely, sir; it would in a measure.

Mr. BUSBY. The burden of the complaint is that this thing goes on of leasing convict labor to contractors by the State authorities.

Mr. COMBS. Of course, the most pernicious feature of our present system that this bill is aimed to correct is the leasing or the contract system, but that is not by any means the sum total of the fault of the present sysem.

Mr. GREENWOOD. Will the gentleman yield?

Mr. COMBS. I yield to the gentleman from Indiana.

Mr. GREENWOOD. And since some States will not correct that system, this law prevents those States from dumping their goods into other States that will do it.

Mr. COMBS. Yes. One State, I believe the State of Indiana, actually exports and sends into other States 85 per cent of its convict-made goods.

Mr. ABERNETHY. Indiana?

Mr. COMBS. I believe that is the State.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. GREENWOOD. If it is true that Indiana is at fault, then I am willing to correct the situation in Indiana the same as in any other State.

Mr. COLE of Iowa. Did I understand the gentleman to say that the average wage paid convict labor is only $2 a week?

Mr. COMBS. That is true in a number of the States, in the shoe manufacturing divisions.

Mr. COLE of Iowa. That is ridiculous.

Mr. COMBS. Five and six cents a pair.

Mr. COLE of Iowa. That is worse than slave labor.

Mr. GREENWOOD. Let me add, however, that Indiana does not contract its prison labor.

Mr. COMBS. That is true.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BUSBY. Mr. Chairman, I yield the gentleman one additional minute.

Mr. COMBS. It has been said that it is impossible merely by changing the occupation or the nature of the work in which these men are employed to take them out of competition with free labor.

Mr. BUSBY. If cotton is produced by convict labor in Mississippi and is shipped into Massachusetts, it becomes merchandise of interstate commerce and would be subject to the same regulation that pertains to other articles?

Mr. COMBS. Yes.

Mr. BUSBY. And the laws in relation to convict labor would not cure the situation you are trying to cure after all.

Mr. COMBS. I think it would, for it has been repeatedly stated—and I believe with some logic—that agricultural products do not come in the classification of goods, wares, and merchandise.

Mr. FOSS. What object would Massachusetts have in shutting cotton out?

Mr. BUSBY. That is what I want to know, but under the bill they are doing it.

Mr. COMBS. It is obvious if convicts are to be employed in any productive work they will be brought into competition with free labor, but this bill seeks to limit them, in the State-use system, to a restricted and noncompetitive market, the price levels of which will not affect the prevailing price levels on the open market.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. BUSBY. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Chairman and gentlemen of the committee, I have for a long time been in favor of legislation to accomplish the purpose which this bill is intended to accomplish. Years ago, when I first came to Congress, I was on the Labor Committee. Our committee started legislation of this kind, and, if I remember correctly, reported a bill favorably to Congress. I do not now remember what disposition was made of it.

I wish the committee in considering the subject had brought in a bill in a somewhat different form from that now presented to the House. I am afraid that there may be something in the argument presented by the gentleman from Virginia [Mr. TUCKER], judging by the phraseology of the bill. It says that all goods, wares, and merchandise manufactured, and so forth. by convicts or prisoners transported into any State or Territory in the United States and remaining therein for use, consumption, sale, or storage shall upon arrival and delivery in such State or Territory be subject to the operation and effect of the laws of such State or Territory.

What is meant by "upon delivery"? Does that mean after delivery? If it does, then it seems to me that such goods would be subject to the laws of the State anyway and this bill would not have any effect. I do not know what construction the courts would place upon the word "upon," as used in the act.

I said that I wished the legislation had taken a somewhat different form, and I will tell you why. I have for a number of years been giving a great deal of study to a Federal blue sky law—that is, a law of the Federal Government to prevent the sale of fraudulent securities—fraudulent stocks and bonds—through the agency of the interstate commerce.

Forty-six States of the Union have passed laws to protect their own citizens against the sale of fraudulent and worthless securities. Most of these laws are effective—they protect their citizens in a way, and yet through the channels of interstate commerce the State laws are being evaded and nullified by dishonest promoters who sell their worthless securities through the channels of interstate commerce. States which have fraudulent securities laws appeal to Congress to pass some legislation to prevent the agencies of interstate commerce, which are exclusively under Federal control, being used to nullify the State laws. So I have had before Congress for a number of years a bill which provides about as follows:

That it shall be unlawful to send through the agencies of interstate commerce from one State into another State any security for sale which can not lawfully be sold in that State.

Now, I studied the constitutional questions involved in such legislation and consulted a great many authorities, and I became convinced that that kind of a law is constitutional. In other words where a security is unlawful in one State, where it can not be lawfully sold because not qualified under the laws of that State, Congress can exercise its constitutional power to regulate commerce and forbid the transportation of such a security through interstate commerce into that State.

If this legislation had taken that form it seems to me that it would have been effective, and there would have been no question about its constitutionality. That was what the Webb-Kenyon Act did, and we have passed other similar laws. Congress can, under the commerce clause of the Constitution, prevent the transportation of any article from one State into another State for sale in such State, if such sale would be unlawful therein; and it would make no difference whether the State law was passed in the exercise of the State's police power, or of any other proper public policy.

Mr. BUSBY. Would not that be based upon the same reason that all of the decisions read by the chairman of the committee were based on; that is, the police power of the State to be used against worthless securities and against the sale of intoxicating liquors?

Mr. DENISON. I take it that each State has the right to pass such legislation as it may wish to protect its own citizens either against the sale of fraudulent securities or against the sale of prison-made goods. That is a question of police power and public policy.

Mr. BUSBY. Is there anything in the prison-made goods that would make them unwholesome or injurious to health or morals of the community?

Mr. DENISON. No; I do not think so; but I think that any State as a matter of its own public policy has a right, if it wants to, to pass a law to protect its citizens against the sale of prison-made goods within its own borders. Each State has full power to deal as it may choose with intrastate sales of prison-made goods.

Mr. MONTAGUE. The gentleman thinks the State has that power?

Mr. DENISON. Yes.

Mr. MONTAGUE. Can Congress confer that power on the States?

Mr. DENISON. No; I think that is a power that is inherent in the State.

Mr. MONTAGUE. The State has reserved that power to itself.

Mr. DENISON. Yes. Let us take as an illustration the State of Virginia. If the legislature of that State thinks its own sound public policy, whatever its reasons may be, demands that prison-made goods made within the State be not sold within the State in competition with goods made by free labor, I think the State has the right to pass that kind of a law. If the State adopts that policy and passes such a law to protect its citizens against the sale of prison-made goods, made within the State itself, then Congress may very well come to the aid of that State, to the extent of saying that, since the State has adopted that policy, Congress will not permit its agencies of interstate commerce to be used to violate that State policy and nullify that State's law. I think we can properly forbid the shipping of prison-made goods from one State into another State to be sold contrary to the law of that State.

I intend to vote for this bill because I think its purpose is wise and proper. But I think it would have been more effective and subject to less criticism if it had been reported in the form I have suggested.

Mr. KOPP. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. CARSS].

Mr. CARSS. Mr. Chairman and members of the committee, I am in favor of this legislation. I attended all of the hearings of the committee and had something to do with examining the witnesses. I have been familiar with legislation of this sort for some time. I happen to represent a district from a State that has practically solved the prison-labor problem. We have no contract labor in Minnesota, we have no men sitting idle in prison houses going insane because they are not employed. We manufactured, I think, last year, 22,000,000 pounds of binder twine, and many million dollars' worth of agricultural implements. This binder twine is shipped into the different States and sold, but it is sold in conformity with the laws of those States, whatever they may be. We stamp our machinery and castings with the prison label and with a stencil put the prison label on the woodwork. We label all of our binding twine, and yet right in Minnesota where our law does not permit prison-made goods to be sold unless labeled prison-made goods, millions of dollars of prison-made goods are coming in and are being dumped upon the people of that State, who are opposed to the sale of these goods, and we are not able to protect ourselves. I think the State of Minnesota has a right to protect itself. I believe that is good old State-rights doctrine. I do not see how you gentlemen on the Democratic side can vote against this bill, if you believe in that.

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. CARSS. Yes.

Mr. CRISP. In how many States are convict-made goods manufactured and sold in interstate commerce and in competition with free labor?

Mr. CARSS. I have not the figures, but in a great many States.

Mr. SMITH. Suppose these surrounding States where you are selling the 22,000,000 pounds of binder twine were to pass a law to prohibit prison-made goods going into those States where it is now being sold?

Mr. CARSS. If the people of those States saw fit to pass a law of that kind to prohibit prison-made goods coming into their territory, I think they would have that right.

Mr. SMITH. Then your people would not be able to sell that great quantity of binder twine?

Mr. CARSS. No. The sentiment against the sale of prison-made goods has not developed to the extent that they bar these goods. Some of the gentlemen think the farmers are afraid, if this legislation is passed, that it will prevent binder twine and farm machinery from being shipped into their States. I say to you that the legislatures of the agricultural States are dominated by the farmers, and that they are not going to be foolish enough to pass any laws which will lay themselves open to being compelled to pay monopolistic prices for goods. In other words, they will not injure themselves by any act of their own legislatures.

Mr. COLE of Iowa. Does the gentleman sell this binder twine for less than twine made by free labor?

Mr. CARSS. A very little lower, if any; in fact, I think sometimes our prices have been a little higher, owing to the superior quality of our binding twine, and we are able to hold the market.

Mr. COLE of Iowa. Is it not true that anything made by prison labor, no matter where you sell it, will compete with free labor?

Mr. CARSS. Absolutely. I do not think any sensible man will contend that you can employ prisoners in the penitentiary without coming into competition with some kind of free labor. I wish it were possible to devise a plan to prevent this, but unfortunately there is none. The principal objection to the prison-contract system is that while the amount is small, it comes into competition with just a few industries. For instance, take the broom-making industry. It is about the only thing that poor blind people can engage in.

That is being ruined by this unfair competition from the prison.

Mr. SMITH. Mr. Chairman, will the gentleman yield?

Mr. CARSS. Yes.

Mr. SMITH. Is it true that up in the Stillwater Penitentiary, in order to meet the demand for the goods manufactured at that institution, you have to employ free labor to cooperate with the convict labor in making the goods?

Mr. CARSS. Yes. And I want to say to you that we pay wages in Minnesota, and we have welfare organizations there that make an investigation of the prisoners' families, and we do not pay the families simply 7 or 8 or 10 cents a day, but as high as $1.20 is paid, and in some cases $60 per month for the support of the prisoners' families.

Mr. LAGUARDIA. You guarantee them their employment? In other words, the fellow in jail is sure of employment anyway?

Mr. CARSS. Yes. But the fellow employed in a shoe factory that is shut down and is out of a job on account of unfair competition of prison labor is liable to be forced to commit a crime in order to procure the necessities of life for his family.

Mr. LAGUARDIA. In order to get a job?

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. CARSS. Yes.

Mr. McDUFFIE. What percentage of shoes is made by prison labor?

Mr. CARSS. They claim one-half of 1 per cent.

Mr. BRIGHAM. The report says 6.47 per cent of the twine is made by prison labor.

Mr. CARSS. It does not make any difference what the percentage is; it is the principle involved.

Mr. BUSBY. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. CLAGUE].

The CHAIRMAN. The gentleman from Minnesota is recognized for five minutes.

Mr. CLAGUE. Mr. Chairman and gentlemen of the committee, the State of Minnesota does not have a contract-labor system. That system was abolished many years ago. We manufacture in our State prison at Stillwater, Minn., some twine and farm machinery. Twine has been manufactured in our prison for the past 30 years and farm machinery for 18 years.

The gentleman from Minnesota who preceded me [Mr. CARSS] has stated that we pay our convicts. This is true. Every convict in our State prison receives pay, the lowest being 25 cents per day, and the highest $1.30 per day. The average is 50 cents per day. If a prisoner who has a family comes to our State prison, 75 per cent of his pay is sent to the family, and 25 per cent is retained by the prisoner, which he can use as he sees fit. If the prisoner has a family of several children, oftentimes more than 75 per cent of his pay is given to his family. The amount paid to families of prisoners ranges from $25 to $60 per month, depending on financial condition of the family, and the number of children. This is done for the purpose of keeping the family together, supporting the wife, and educating the children.

Our State prison is managed by a warden governed by the State board of control. So far as I have been able to learn, there is never any dispute in our State with federations of labor over the fact that our prisoners are allowed to make binding twine and farm machinery. Our State board of control and warden have managed our prison to the entire satisfaction of our State legislature and the people of our State. I have had a personal knowledge concerning the management of our prison for more than 25 years last past, and during the past 15 years I have never heard a complaint regarding our State prison management.

The State board of control and our prison warden have given much study to the bill now before us, and they feel that if it is passed it will be of great injury to our twine plant and farm-machinery plant. I dare say that the great majority of the farmers in our State are opposed to this legislation.

Mr. CARSS. I do not think they understand it.

Mr. CLAGUE. I know the farmers of my State, and I know that they have been able to secure prison twine at from 1 to 2 or more cents per pound cheaper than twine sold by the trusts, and it is of a good quality. Prison-made binders are sold for about $20 less than those made by other plants. The twine is sold direct to farmers; there are no agents' commissions. Our prison manufactures besides binders, mowers, rakes, and some trucks. The farm machinery is sold through agents appointed by the State board of control. During the past five years, 1923 to 1927, prison-made farm machinery has been sold in the amount of $1,983,615.65. Twine has been sold amounting to $10,941,982.28. Seventy-six and twenty-four one-hundredths per cent of this total amount has been sold to farmers residing in the State of Minnesota, and 23.76 per cent to farmers residing outside of Minnesota. The estimated saving to the farmers of our State who have purchased prison-made farm machinery and twine for the past five years is $3,032,772.80. The twine annually manufactured amounts to about 20,000,000 pounds, and about 3,000 binders, about 3,000 mowers, and the same number of hay rakes. These goods are sold in the State of Minnesota first, and the surplus in the adjoining States—North Dakota, South Dakota, Wisconsin, Iowa, Nebraska, and Montana. Every prisoner is given some kind of employment, and we also employ in our prison a large number of outside workmen. These men are all paid union wages, and even better than union wages, as they are allowed two weeks' vacation each year with pay. We have tried to give our prisoners labor which comes as little as possible in conflict with union labor.

Mr. CARSS. This bill is not alone for union labor. It is for all labor. I do not like anybody to get the impression that it is for union labor only. I represent not only union labor, but all labor.

Mr. CLAGUE. I did not mean to infer just union labor. I refer to all labor. Of course, anything that is done around a prison must to a certain extent come in contact with free labor. You can not help that. Our State board of control and prison authorities who have given much study to this bill are afraid that if it is passed it will be an entering wedge that will eventually destroy our twine plant and farm-machinery plant, and will eventually take away the right to give employment to our prisoners.

I think my colleague from Minnesota [Mr. CARSS] will agree with me that federated labor and labor generally in our State has never had any complaint to make with the way our prison has been managed.

Mr. CARSS. Absolutely; and if the other States had been as progressive as we have been we would not have had this bill before us in the House to-day.

Mr. CLAGUE. I think that is true. Personally, I am bitterly opposed to the contract system which is now carried on in some States. We do not allow that in our State, and I do not know of any prison contract-system goods being shipped into our State, though there may be some.

Mr. KVALE. Will the gentleman yield?

Mr. CLAGUE. Yes.

Mr. KVALE. Is there anything in this bill that will tend to injure the farmer, or is it the fear of something following in the wake of this bill?

Mr. CLAGUE. As the bill is drawn, it is more in the wake.

Mr. ABERNETHY. Will the gentleman yield?

Mr. CLAGUE. Yes.

Mr. ABERNETHY. I have a complaint from one of my manufacturers about the Government setting up these prison manufacturing plants itself; for instance, the manufacture of iron. What has been done about the manufacture of iron, and I want to ask the gentleman what you folks who have been looking after this thing have done about the Government of the United States?

Mr. CLAGUE. Our prison labor, as stated, is engaged in the manufacture of twine and farm machinery.

Mr. ABERNETHY. Will the gentleman answer that question?

Mr. CLAGUE. We do not manufacture iron in our prison. The prisoners in our State work in the making of such things as are made by the trusts; such as twine and some farm machinery, and so far as I know we have never had a single complaint from any labor organizations. The gentleman from Massachusetts [Mr. CONNERY] has stated that the prisoners in their State manufacture about 35 different kinds of articles, and these are sold to various public institutions in their State, including public schools. Certainly this comes more in competition with free labor than the manufacture of twine and farm machinery in our State.

The gentleman from Georgia [Mr. CRISP] and some other Members have advocated that the prisoners be worked by the State in the construction and building of public highways. The State of Minnesota has one of the finest highway systems in the Union, and we are spending upward of $15,000,000 per year in the improvement of our roads, and this money is paid out entirely to free labor. I am sure that if we employed our convicts upon our public highways in our Northwestern States it would be a greater injury to free labor than employing them as we now do in the manufacture of twine, binders, mowers, and rakes.

The prisoners and all labor employed in our Minnesota prison work eight hours per day. During the past 15 years the prison has been wholly self-sustaining, and our legislature and State has had to appropriate no money whatever either for the construction of new buildings or machinery or for any other expenses in carrying on the prison. In my opinion, the manufacture of twine, mowers, binders, and rakes as carried on by our prison comes much less in competition with free labor than the manufacture of other articles. I am absolutely opposed to the contract system in any form. The manufacture of twine and farm machinery in our State has been a means of saving millions of dollars for the farmers of the Northwest, and I do not want to see any legislation passed at this time that will prohibit the carrying on of this industry, as I believe it comes less in competition with free labor in the Northwestern States than the manufacture of any other articles.

Mr. BUSBY. Mr. Chairman, may I ask the Chair how the time stands?

The CHAIRMAN. The gentleman from Iowa has 24 minutes remaining and the gentleman from Mississippi has 25 minutes remaining.

Mr. KOPP. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. WELCH].

Mr. WELCH of California. Mr. Chairman and members of the committee, California has adopted the "State use" plan in reference to prison-made goods. We concluded it was an injustice to legitimate industries and to free labor employed therein to meet the competition of prison labor. California in one of her prisons employs her prisoners in the manufacture of furniture that is used in State institutions, and in the manufacture of hemp and jute sacks which are sold directly to the farmer by the prison authorities. In the other penal institution prisoners are employed quarrying granite and crushing rock for use by our State highway commission in the construction of highways within the State. The plan has worked successfully and our prisoners are steadily employed. California has kept her prison-made goods from competing with industry and free labor both within and without the State of California. On the other hand a number of our industries have to meet with competition of prison-made goods manufactured in other States and shipped into the State of California for sale. One of the largest shirt and overall factories on the Pacific coast is located in my district and I have direct knowledge of the fact that a number of men and women, many of whom have families to support, are out of employment and walking the streets of San Francisco. This is the result of convict-made shirts manufactured in Idaho and other States' prisons and shipped into San Francisco and sold at a price below the cost of production by free labor.

It developed at the committee hearings that the State of Indiana had adopted what might be termed "disuse" of their own prison-made goods, whereby they discourage the sale of the products of their penal institutions within their own State. The Indiana State Prison is located at Michigan City, which is almost at the back door of the great city of Chicago. The principal employment of the convicts in this prison is manufacturing furniture, which is shipped into Chicago and other communities in competition with free labor. In the Indiana State Reformatory, located in another section of that State, the

prisoners are engaged in the manufacture of baskets in direct competition with the blind and blind craft, for, as you know, baskets, brooms, and such articles are made by the blind. It is my opinion, as I stated in committee, that if the good people of Indiana knew of this extraordinary and unjust method of disposing of their prison-made goods they would be in favor of this law. Unfortunately, however, the people generally know but very little about their penal institutions and how their convicts are employed and what disposition is made of the products of their prisons. That is left entirely to State officials and prison directors, who follow the road of least resistance and as a result are opposed to this meritorious measure.

Penal institutions where violators of law are confined are built and maintained as a protection to society, but society's obligation should not end there. When a man is incarcerated in a penal institution for violation of the law, he should not be employed in the manufacture of goods, wares, or merchandise that come in direct competition with legitimate industry and free labor. [Applause.]

Mr. GIBSON. Will the gentleman yield?

Mr. WELCH of California. Yes.

Mr. GIBSON. Does not the gentleman think it is essential that prisoners be kept at some employment?

Mr. WELCH of California. Yes.

Mr. GIBSON. Now, take a small State like the State of Vermont. How can we diversify our prison industries in order to employ the few prisoners we have?

Mr. WELCH of California. All prisoners should be kept at work, and so should all men on the outside of prisons, but men in prisons should not be given employment within prison walls the result of which forces the idleness of free men on the outside, many of whom are the heads of families.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BUSBY. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. Mr. Chairman and gentlemen of the committee, most of the gentlemen who have discussed this bill have gone somewhat into the question of its constitutionality. I shall not undertake to discuss that phase of the bill because I am not a lawyer. As I have stated to the House before, I have always just tried to be an honest citizen.

The gentleman from Iowa [Mr. KOPP] said there were two main questions to be decided here. One was the constitutionality of the bill and the other was the soundness of the policy. I want to discuss the soundness of the policy for just a few minutes, and I wish I might have attention because I want to suggest two amendments which I hope to offer and which I believe will improve the policy somewhat as it is set forth or will, in a measure, guarantee the soundness of the policy.

I am forever against the leasing and contract system in the prisons. I have seen something of that system. I have seen something of the infamy of it, where it was infamously infamous. I have not the language to describe it. But we must have labor for the men in our prisons. We must have it for economic reasons; we must have it for humanitarian reasons, and we must have it for moral reasons. It would be ruinous to the discipline of the prisons, ruinous to the morals of the prisons, and ruinous economically to keep prisoners unemployed. The question is, how we can keep them employed without bringing the things they produce into competition with the products of free labor. As has been brought out, that is utterly impossible. It can not be done. Then the question is, how we may most nearly do justice to free labor and still safely conduct the affairs of our prisons.

I have two amendments to offer to the bill. I have only five minutes and I want to suggest them to the committee. At the proper time I want to offer them. One amendment I plan to offer is in the sixth line, after the word "institutions," to insert the words "institutions which allow prisoners and convicts to work under the contract or leasing system."

I will discuss that further when I offer the amendment, but that strikes out the evil that most of the gentlemen have dealt with this afternoon and tends, in a measure, to destroy the contract and leasing system.

Then again at the close of the first paragraph, after the word "otherwise," "*Provided*, That this restriction shall not apply to raw materials brought into said State or Territory for purposes of processing or manufacture."

Free labor wants labor in the factories. It is to their advantage for the factories to be abundantly provided with raw materials. The question has come up about our cotton produced by the convicts in Mississippi. We can brag about as big as any of these gentlemen about our convict system. Our convicts are never let by contract, nothing is produced by contract or lease, but the State works them on cotton plantations owned by the State and they are worked in the open air, and this has proved a splendid system; but, now, shall the cotton they produce be under restrictions when it gets to New England or North or South Carolina, which would sadly interfere with the marketing of it? It is a raw material that these people need in the factories and therefore might be admitted without hurting labor. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. KOPP. Mr. Chairman, I yield three minutes to the gentleman from Georgia [Mr. CRISP]. [Applause.]

Mr. CRISP. Mr. Chairman and gentlemen, I am going to support this bill. The Federal Government is one of delegated powers possessing only the power voluntarily surrendered to it by the States, and, as I understand this bill, it simply divests convict-manufactured goods of their interstate-commerce character and permits the respective States to pass such laws as the States see fit relative to their being sold within the State. It is undoubtedly a State rights measure.

Now, there may be some doubt as to the constitutionality of the measure. I have not studied the question, but I have determined, if there is any doubt, to resolve the doubt in favor of the constitutionality of the proposed act and to vote for it and let the Supreme Court of the United States determine this question.

I desire to say that I am opposed to convict-made goods being placed in competition with free labor. My own State years ago leased convicts, and I am happy to say that that barbarous system was changed about 25 years ago, and to-day, in Georgia, all convicts, life-termers and those imprisoned for a shorter period, if able-bodied, are worked on the public roads, which does not come in competition with private labor. [Applause.]

The State has a prison farm, to which feeble men and women are sentenced, and they are used in agricultural pursuits, principally raising things that go to feed the convicts and the unfortunate inmates of the State asylum. Some cotton is also raised, but very little, about 1,000 bales. The great bulk of our convicts, white and black, male and female, are used in connection with the work on the public roads.

Some of my southern friends fear if this bill becomes a law that some States may pass a law prohibiting the sale of cotton raised by convicts. I am practical, and I do not believe any State in the Union would pass any law prohibiting the importation of raw material raised on a farm owned by a State. I think the fear of the gentlemen is unfounded.

I sympathize with the families of the convicts, but I have still greater sympathy for the families of law-abiding people who have not violated the law or been confined in the penitentiary, and therefore I am going to vote for this bill. [Applause.]

Mr. BUSBY. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. MONTAGUE]. [Applause.]

Mr. MONTAGUE. Mr. Chairman, I wish to emphasize the point which the gentleman from Georgia [Mr. CRISP] has so pertinently stated. The gentleman declares the object of this bill is to suspend interstate and foreign commerce so far as it relates to the subject under discussion. I, too, think this is the object of the bill, that is to say, Congress must take its hands off and confer interstate-commerce powers upon the several States. Congress hereby undertakes to withdraw or suspend the commerce powers of the Constitution, and confer such Federal powers upon the several States for their exercise.

My reply is, that Congress did not give this power and it can not take it away. [Applause.] This power is given by the Constitution, and the interstate-commerce clause which contains this power can not be taken away by the Congress, directly or indirectly, but only by an amendment of the Constitution itself.

Mr. CONNERY. Will the gentleman yield there?

Mr. MONTAGUE. I yield to the gentleman.

Mr. CONNERY. How does the gentleman make that statement agree with what the Supreme Court said in passing on the Wilson law?

Mr. MONTAGUE. The Wilson law did not impair the power given in the interstate-commerce caluse. The case under the Wilson law was a liquor case, and based upon a statute regulating the liquor traffic under what is known as the police power, and the Supreme Court conceded that the State had the right to exercise this police power and that therefore the Federal law must give place to the State's law, a law affecting the health, the morals, and order of the people of the State—a distinct police power and, therefore, paramount to the interstate-commerce power conferred upon the Congress by the Constitution.

Mr. HALE. Will the gentleman yield?

Mr. MONTAGUE. I yield to the gentleman from New Hampshire.

Mr. HALE. May I ask the gentleman whether by the same process of reasoning which has been advanced here the Congress could not release unto the States themselves the constitutional right to declare war?

Mr. SPROUL of Kansas. Certainly; it is the same proposition.

Mr. MONTAGUE. I have great respect for the talent of the gentleman from New Hampshire. Therefore I give weight to anything the gentleman may state, but I have not considered that angle of the subject. I would say, however, that if we strictly follow the logic of the question, perhaps we could not escape the conclusion which the gentleman has suggested.

Mr. SPROUL of Kansas. Both powers are plenary powers given by the Constitution, are they not?

Mr. MONTAGUE. The commerce clause has this difference: There are some powers under the commerce clause that are suspended, or at least rest in abeyance, until Congress puts them into operation; but they are not taken out of the Constitution, they can not be exercised by the States, and they can be invoked whenever needed, just as much as any other power of the Constitution can be invoked in proper cases.

I would like to vote for this measure. Virginia is not deeply affected as she has no contract convict labor. The bulk of the convicts are on the public roads. I do not desire to enter into that field—these are economical and social questions that none of us have yet solved except, I think all must have—I know we have—enough of humanitarian sentiment to lead us to adopt some system that may build up rather than destroy the convict with the ultimate hope that when he is freed he will not so burden or menace social order as before his conviction.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. MOORE of Virginia. I was not present during the debate earlier in the day, but recurring to the legal question, is it not true whatever you may say about the difference between the liquor traffic and regulation of the subject we are now considering, that the case you have just mentioned arose under a Federal statute recognizing the power of the States to deal with the liquor traffic. Now, this bill does nothing more than express the opinion of Congress as to the exercise by the States of authority over——

Mr. MONTAGUE. I appreciate the gentleman's point, and I have only five minutes. In reply to the gentleman who frequently makes pungent suggestions, let me say that the Supreme Court has decided that the State can do certain things in the exercise of its police power when conflicting with interstate commerce that can not be done by the States where no police powers are involved. For instance, the goods and wares made by child labor can not be regulated by the agencies of interstate commerce. A law imposing taxation upon the products of child labor for the purpose of regulating that labor under the guise of interstate commerce power is unconstitutional.

It is the same here—just as if the articles were made by child labor. There is nothing in the article manufactured against public morals or the public health. [Applause.]

The commerce clause in the Constitution contains the genesis of our present Federal system. Trade between the States, free and untrammeled trade, brought the Union into being. The States gave up their regulatory powers and control over and between the States and conferred these powers upon the National Government. The pending bill undertakes to suspend these powers and to return them to the several States so far as they affect the products made by convict labor and entering into trade between the States. The powers of interstate commerce affecting these particular products are abandoned and returned to the States where this power resided before the Union was formed. I can not support so reactionary a measure. Nor can the Congress return this power, for Congress can not destroy or impair a constitutional power. This return must be effectuated by a constitutional amendment and not by a legislative enactment. Congress can give no power to a State, and Congress can take no power from a State. These powers inherently reside in the several States or in the Constitution.

Mr. KOPP. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman and colleagues, this is one of the most important bills which have come up at this session, and I regret that more time has not been devoted to its consideration.

There are 13 States in the Union which either prohibit the sale of prison-made goods or otherwise place restrictions upon them to prevent or minimize the traffic in them. Such State laws, of course, do not apply to prison-made goods or products in interstate traffic. Therefore the object of this bill is to invoke Federal approval of these State embargoes and thus divest such goods of the protection afforded by their character as goods in interstate commerce. It provides for an exception to a wise and salutary law, and such exceptions are always dangerous.

The committee amendment postponing its taking effect for two years is good, because it gives us an opportunity to study plans for making effective prison labor without disturbing the economic balance. I mean by this, that there would be no occasion for this legislation if convict-made goods were produced under circumstances which did not make them unfair rivals of free labor. The trouble is that we have not been treating the criminal fairly.

There are 110,000 prisoners in the prisons of the United States to-day. That means, my colleagues, that 110,000 families are morally stigmatized; not only that but their income is suddenly stopped and innocent women and children are confronted with the wolf of famine and tortured with the pangs of penury for long periods.

Let me put this question to your deliberate judgment and sense of justice: Has the State the right to deprive the criminal or his family of his earnings? It will, of course, be conceded that the State has the right to imprison and curtail the liberty of a criminal for the protection of society, but has it the lawful ethical right to confiscate his earnings?

It is fundamental that every man has the inalienable inviolate right to labor and the lawful title to that which he produces. Forfeiture and attainder were abolished under our Constitution, and we should not perpetuate it with respect to a convicted prisoner under the fiction that we are doing something for the preservation of social order. It fulfills no worthy purpose to confiscate the earnings of a convict any more than it can serve a desirable end to confiscate his lands or other property.

Such a policy is not only unjust to the criminal and to his family but it is unfair to the taxpayers.

On the other hand, to keep the criminal in idleness is equally unjust. A drone is an offense to civilized society. He has no place in our modern economic system and, least of all, should the Government do anything to make men drones by virtue of its own neglect or by improper laws.

I have made a study of the prison situation for several years, and I am presenting a novel proposition to you at this moment. I claim that all prisoners should be put to work, that they should be paid the prevailing rate of wages, and out of their wages should be kept so much for their keep, and so much should be given to their families for their support, and a certain amount laid aside to be given to them when they leave the institution. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KOPP. Mr. Chairman, I yield three minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Mr. Chairman, ladies, and gentlemen, I shall be glad to cast my vote for this bill, notwithstanding the fact that the chairman of the Wisconsin State board of control, Mr. John J. Hannan, used the taxpayers' money to come to Washington on several occasions to oppose the pending legislation.

This bill divests prison-made goods of their interstate commerce feature in such manner that said goods will be liable to the regulatory laws of the respective States. It is useless for the legislatures of the various States to enact legislation to protect the product of their industries and labor from unfair competition with convict-produced goods unless we enact the pending bill and give the States authority to regulate convict-produced goods moving into the States in interstate commerce.

Let me ask those of you who are opposing this bill in the name of the farmer what the farmer's reaction would be if a great dairy State such as Wisconsin were to use her convict labor to produce farm products such as cheese, milk, cream, and butter, and ship those products into your State? Would the farmers of your State welcome such competition which they could not regulate, or would they desire their State to have the authority to regulate which is provided in this bill?

The pending bill gives the States certain State rights, and those Members on the other side of the aisle who are continually talking about how they are opposed to the encroachment of the Federal Government upon the rights of the States should hesitate before they attack a bill which is taking powers away from the Federal Government and giving them to the States.

The American Federation of Labor, the General Federation of Women's Clubs, and the manufacturers throughout the country are united in their support of this worthy legislation. The only opposition seems to be from the prison officials and those

business institutions which make huge profits from convict labor.

As to the constitutionality of the legislation, I would rather take the opinion of the distinguished gentleman from Georgia [Mr. CRISP], who is an exceptionally able constitutional lawyer, than the opinion of some of the attorneys who have attacked the bill in its constitutional aspects.

I sincerely hope that this bill will pass. Certain speakers have brought the question of prison idleness into the discussion. That matter is not before us, because this bill does not make idle prisoners. It merely gives the States the right to regulate. However, since idle prisoners were brought into the discussion, I would say to those who presented that phase that as between free labor, including the men who bared their breasts to the enemy in time of war and who are out of work walking the streets to-day, and convicted bank robbers, murderers, bootleggers, and other criminals who are languishing behind prison walls, I would first protect the free labor. [Applause.]

Mr. BUSBY. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. KOPP. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman, ladies, and gentlemen, it seems to me that there is considerable confusion as to just what is proposed by this bill. This bill does not deal with prison policy. It is not concerned with the working of prisoners at all, or with the policy which should control in the sale and use of prison-made goods. Congress has dealt with the subject in so far as the Federal prisons are concerned, and has provided that the products of Federal prisons shall be consumed by the Federal Government. The sole proposition contained in this bill is to give to each State the right to effectuate its policy with regard to prison-made goods by making prison goods shipped into each State subject to the same police regulation exercised by the State over its own prison productions. What is wrong with that? I agree with my friend from Wisconsin [Mr. SCHAFER] who has just spoken. I can not understand how one who, believing in the right and in the necessity of the State to govern in matters of domestic concern, can withhold his vote from a proposition which puts the power of control without discrimination within the States. If the State of Texas or the State of Alabama or the State of Massachusetts wants to admit convict-made goods, there is nothing in this legislation to prohibit it; but if a sovereign State, speaking through its legislature, fixes a domestic policy, I ask what right has citizens of another State, from beyond the borders of that State, to ship into the State, and sell over the protest of the people of the State, commodities which may not be sold under the same conditions if produced by citizens of that State? That is the proposition. All that ever could be asked under the basic philosophy and the general plan of the Union is that no State discriminate in favor of its citizens against citizens of other States.

Mr. BUSBY. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. BUSBY. Then why have the provision in the Constitution that Congress shall have the power to regulate commerce with foreign countries and among the several States, and among the Indians, if that be the case?

Mr. SUMNERS of Texas. In my statements thus far I have been dealing with the question of governmental policy. The gentleman's question is addressed to the matter of power, and that is the next question that I want to discuss, the power of Congress to enact this bill into law. When we formed the Union there were 13 independent nations which had the power to do anything and everything within the province of government not prohibited by their respective constitutions. When those States met through their representatives in the Federal Constitutional Convention they created an agency, the Federal Government, to do certain things for them. All the legislative powers of government, including the broad police power of the States, are vested either in the legislatures of the States, the Congress, or reserved to the people. No power now to be considered or related power is reserved to the people. All governmental power dealing with the transportation and the status of convict-produced articles lies either with the State legislatures or with the Congress. When the States in constitutional convention delegated certain powers to the Federal Government with reference to interstate commerce, a matter with reference to which the States had full power before the delegation and which powers were to be exercised by the Congress, they did not intend, nor did they, to use an expression, "hogtie" themselves or lose some of these powers in the transmission so that the will of the people of the States with regard to this matter can not be effectuated through the Congress and the legislatures of those States. We are dealing with the question of power now. This is not a novel proposition. Congress enacted the Wilson bill. When you examine the Wilson bill and examine this bill you will find that in principle, in policy, and in language they are almost identical. I shall incorporate the Wilson bill in my remarks at this point and also the bill under consideration.

THE WILSON BILL—LAWS RELATING TO INTERSTATE SHIPMENT OF INTOXICATING LIQUORS

COMMERCE IN LIQUORS BETWEEN THE STATES

An act to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases

Be it enacted, etc., That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale, or storage therein shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Approved, August 8, 1890.

The bill under consideration:

Be it enacted, etc., That all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except paroled convicts or prisoners, or in any penal and/or reformatory institutions, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery in such State or Territory be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise.

SEC. 2. This act shall take effect two years after the date of its approval.

I want now to direct your attention to the decision of the Supreme Court on the Wilson bill. There are just two passages in that decision that I wish to direct your attention to. The Supreme Court in passing upon the Wilson bill said, in regard to Congress enacting the legislation:

In so doing Congress has not attempted to delegate the power to regulate commerce or to exercise any power reserved to the States, or to grant any power not possessed by the States, or to adopt a State law.

And here is another significant statement of the Supreme Court with reference to the Wilson bill, and this is common sense and good law:

The framers of the Constitution never intended that the legislative power of the Nation should find itself incapable of disposing of a subject matter specifically committed to its charge.

That is the point I make.

The court said further:

The manner of that disposition brought into determination in this record involves no ground for adjudging the act of Congress inoperative and void.

If that was true as to the Wilson bill, it is true as to this bill.

The question here is not whether convicts should labor or not; it is not a question whether the several States should permit the labor of their own convicts to come into competition with free labor within their respective borders; it is not whether a sovereign State, willing to receive the products of the convicts of other States, may not do so if it wants to. It is solely a question as to whether a State shall be compelled to receive and have sold within its borders articles of commerce which its own citizens could not sell under the same circumstances. It is a question whether an outsider, over the protest of a sovereign State, shall be permitted to enter it with his goods and to defy and hold in contempt the public policy which the people of that State may have fixed for their government. The question is, Shall Members of Congress, professing to believe in the right of a State to govern its domestic affairs and fix its police policies, deny to the State the right to do it? That is the question. That is the only question.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MONTAGUE. Can the Congress deny or the Constitution deny that?

Mr. SUMNERS of Texas. My time is up. May I have a minute more?

Mr. KOPP. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Iowa has 11 minutes remaining, and the gentleman from Mississippi [Mr. BUSBY] 9 minutes.

Mr. KOPP. I yield one more minute to the gentleman from Texas.

Mr. SUMNERS of Texas. The Constitution gives to the Federal Government the power to regulate interstate commerce, and gives to the Congress of the United States the responsibility of exercising that power. And it is the duty of Congress to do it.

Mr. SPROUL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. SPROUL of Kansas. Does the gentleman think Congress can abrogate its duties and powers?

Mr. SUMNERS of Texas. No; and Congress, in passing this bill, will be exercising its powers, not abrogating them. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BUSBY. Mr. Chairman, I yield two minutes to the gentleman from Minnesota [Mr. KNUTSON]..

The CHAIRMAN. The gentleman from Minnesota is recognized for two minutes.

Mr. KNUTSON. Mr. Chairman, I am not concerned about the legal aspects of this legislation, not being a constitutional lawyer, but I am vitally interested in the manner in which it may affect the State of Minnesota where we have a situation that this bill may vitally affect. We found it necessary some years ago to install in our State prison a large farm machinery and twine plant. We produce a considerable surplus of these products which is shipped into neighboring States. This measure might cripple our operations.

I am perfectly willing to vote for this legislation if an amendment is adopted which will make it apply only to products made under the contract system, but not to apply under conditions such as exist in Minnesota and many other States. I want to assure all friends of labor in this House that labor is not adversely affected through our operations.

Mr. LOWREY. Mr. Chairman, will the gentleman yield there?

Mr. KNUTSON. No; I have only two minutes.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. No. I have but two minutes. Do not take this out of my time, Mr. Chairman.

There is no way by which you can prevent prison labor engaged in useful avocation from competing with free labor. That is what you are trying to do in this bill. You are trying to lift yourselves with your own bootstraps. This is not the time to consider legislation of this character, in the closing days of Congress. You are attempting to jam it through the House without giving opportunity for proper consideration. This legislation is of widespread importance and is deserving of more time and consideration than we can give to it here to-day. [Applause.]

Mr. KOPP. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. CROSSER].

The CHAIRMAN. The gentleman from Ohio is recognized for three minutes.

Mr. CROSSER. Mr. Chairman and Members of the House, to me it always seems very strange when it is proposed to abolish a wrong or evil of any kind that so many Members immediately inquire whethor or not that particular evil exists in their own community or State. If a thing is wrong, what difference does it make whether or not the evil condition prevails in the State of Ohio, the State of Illinois, or the State of Mississippi? [Applause.] There can never be any real advantage to anyone in the continuance of what is a wrong to the people in general. The advantage even to the few who seem to benefit is only a seeming advantage in the long run. I for one desire to abolish the evil regardless of whom or of what State or community may seem to benefit by its continuance. [Applause.]

We should endeavor at all times to consider, on the basis of principle, such problems as come before us. He is certainly not a good lawmaker who must always be first assured that the enforcement of a principle, however sound and just, does not interfere with the practice or continuance of the evil to be abolished if such evil exist in his own State, where it seems to be an advantage to a few who therefore desire to have it continued.

I would not tolerate the use of convict labor in the production for sale of any kind of goods unless it were provided that the selling price should be based upon a rate of pay, for such convict labor, equal to the standard rate of wages for the like, kind, and amount of free labor necessary to produce the same kind of goods or merchandise in shops and factories not employing convict labor. Only upon such a basis of justice and fairness can the manufacturers and their workmen successfully dispose of their goods in competition with prison-made goods. [Applause.]

But they tell us that we must keep convicts employed in order to prevent them from becoming the victims of mental diseases, even though in so doing we should ruin men's businesses and throw men out of employment. Have those who make this argument stopped to think that in causing free men to be out of employment they may be causing such men to become despondent, even frantic and perhaps mentally unbalanced, and therefore inclined to do things which may place them also in prison? The convict should be treated as a patient who needs to have his mental processes corrected and his mind developed. The notion that we must be sure to make a profit from him or even pay expenses is wrong if it will disarrange industry to a considerable extent.

I sympathize very deeply with the unfortunate being who finds himself behind the gray walls of a prison, but I sympathize also, very sincerely, with the man who tries earnestly to conduct himself rightly and who strives diligently to make proper provision for the family dependent on him. I am not willing, therefore, to have goods made in a prison where practically nothing is charged for the labor employed in the manufacture of such goods; I say that I am opposed to placing such convict-made goods in competition with goods produced by men who must be paid decent wages for their work.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BUSBY. Mr. Chairman, I believe I have seven minutes remaining. I will use that myself.

I want to say, in justice to myself, that I had no thought of controlling the time on this bill to-day. I have given very little study to the proposition that is before us, because I am not a member of that committee and I have had other matters in hand. But when I came here and found this proposed legislation before the House I was very much impressed with the injustice of the proposition presented; so much so that I got into this matter a little unsuspectingly to myself, and perhaps that accounts for my not making a better showing than I have made in presenting the cause.

Referring again to the report on this bill, I note that it states that three distinct and powerful elements in American life indorse this measure. "First, the American Federation of Labor urges its passage through its properly constitued leaders."

Well, I am not so sure that the American Federation of Labor has its heart set on this kind of legislation, because when we recur to the amount of goods produced by convict labor, which we find in the hearings on the Senate bill at page 145, we find that none of the articles mentioned go beyond 6.47 per cent, as in twine and rope, and that most of the other articles go below one-half of 1 per cent of the manufactured products produced by labor in this country. When we look at that we see that is not of a great deal of importance on this one proposition.

The gentleman from Ohio who has just spoken says that when an evil exists we should not look at home to find out whether it affects conditions around our homes or not.

I deny that any man who labors and produces things, whether he be behind prison walls or outside of prison walls, has committed an evil. I say that statement should be challenged in its beginning, that that is an evil to labor and produce by honest labor.

Mr. CROSSER. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. CROSSER. The gentleman will admit that any injustice is an evil?

Mr. BUSBY. Yes, but I do not admit——

Mr. CROSSER. Will the gentleman yield further?

Mr. BUSBY. I can not yield any further, because I gave a great deal of my other time to the gentleman.

Mr. CROSSER. The gentleman's statement is incorrect.

Mr. BUSBY. I do not admit that an injustice exists in any sense where the competition is right. When there is such a small competition we must admit that it is not on a very strong foundation if a business is affected.

Mr. CARSS. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. CARSS. If the gentleman will read the testimony in the hearings he will be better informed on this subject.

Mr. BUSBY. I have read the hearings, but I will not yield any further. I can not take up all of my time by yielding to you three gentlemen.

The next proposition presented is that the General Federation of Women's Clubs is back of this bill. They are not back of this bill. They are back of prison reform, and I commend them for being back of prison reform. They are against your leasing convicts back in the States where you come from, and you ought to be talking to your legislators instead of asking the Government to make this change. You gentlemen should be seeking a remedy back where you come from.

Mr. CARSS. Will the gentleman yield?

Mr. BUSBY. No; and, Mr. Chairman, I do not want to be pestered to death by the gentleman. The third proposition is the prison-reform organization. This bill would not reach the evils that these organizations are trying to reach. What you need is to go back home, go to your legislatures and get some laws passed that will remedy this situation in your own State. [Applause.]

Now, you say this is to remedy certain conditions, but you must confess that my State is taking care of the convicts through our manner of employing them, and yet you want to obliterate that system by wiping out a possibility of our continuing to produce those products which, if shipped in commerce to another State or the States around us, may be forbidden to be sold there.

What are you folks going to do who are losing all the cotton mills in Massachusetts and the other Eastern States? Are you going to compel each State to found cotton factories and keep within the confines of each State the manufacture of the cotton produced there? Do you not think that North Carolina and South Carolina, in behalf of their factories, might say that you can not ship any of the cotton into those States that is produced by the convicts in Mississippi? In such an event a State might have to say, "We will build factories of our own and manufacture our own materials." So you see it is not a question of State rights. There is no principle of State rights involved in the whole proposition, but when we stop to consider it we find it is a proposition to bring about contention and dissension among the States by wiping out the provision that vests in Congress the control of interstate commerce.

I believe that is all I have to suggest except this: That you gentlemen take stock of yourselves, before you think you are voting for the proposition of State rights, and see what kind of dissension and contention you are liable to fall into with your sister States as well as create among all the States in the country. [Applause.]

Mr. Chairman, I am requested to ask unanimous consent that all gentlemen who have spoken on the bill may have permission to revise and extend their remarks in the RECORD.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all gentlemen who have spoken on the bill may have the right to revise and extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. KOPP. Mr. Chairman, I yield to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Chairman, Missouri will be vitally affected by this legislation, but, so far as I know, the State officials and prison board are alone in opposing the measure. The people who pay the taxes—labor, business, and civic organizations—want it enacted. I propose to support the bill.

When this bill, which divests goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, was pending in the Sixty-ninth Congress, on my own initiative I wrote the penal board of the State of Missouri, calling its attention to the measure, warned the board the bill would eventually pass, and suggested my State should start now to prepare to meet the provisions of the bill.

Shortly thereafter the Governor of Missouri sent members of the board to Washington who appeared before the committee protesting against the passage of the bill.

Under date of February 7, 1928, I received the following telegram from the penal board of Missouri, signed by the secretary:

> Missouri penitentiary, the largest in United States and one of the largest in the world. Am authorized by our penal board to advise you that any Federal statute interfering with the shipment or sale or restriction of shipment of prison-made goods will wreck the finances of this penitentiary and incidentally will saddle upon the taxpayers of Missouri an additional burden of $2,500,000 per biennium. We respectfully request that you use your vote and influence against any such legislation.

In my reply I called attention to my letter, when I suggested the advisability of arranging to employ the men and women in diversified industries, and again told the penal board I proposed to support the bill, now known as the Hawes-Cooper bill, having been introduced in the Senate by Senator HAWES, of Missouri.

I am opposed to the dumping on the market of prison-made goods to compete with similar goods manufactured by free labor.

The telegram I received is certainly misleading, as it states the enactment of the Hawes-Cooper bill "will wreck the finances of this penitentiary." The finances of the penitentiary in Missouri have already been wrecked by mismanagement to such an extent that information received through the press shows a deficit of nearly $1,000,000 and the prediction has been made that the deficit will go higher. I therefore wonder how it will be possible to wreck the finances of the Missouri Penitentiary.

Be that as it may, the fact remains legislation should be enacted that will divest prison-made goods of their interstate character.

Mr. KOPP. Mr. Chairman, I yield to the gentleman from New York [Mr. CLARKE].

Mr. CLARKE. Mr. Chairman, reluctantly I have been forced by the arguments, as well as by investigation, into believing that the Hawes-Cooper bill should have my support.

The humanitarian plea of occupation for the unfortunates in our prisons, as well as our asylums, has been a necessary part of my education because my sister, Eleanor Clarke Slagle, has been a pioneer in this work, first in Hull House, then for the State of Illinois, then with the Krupp clinic at Johns Hopkins and she is now in charge of the vocational training in our State asylum of the State of New York. I have seen the marvelous products of incompetents at the Binghamton State Asylum. I saw mental incompetents operating a sawmill, of course, under direction, and I have known something of the unfair competition of prison-made goods under false labels, unfairly competing with legitimate industries.

I think it is inherently wrong if the Federal Government has the power to allow the use of the interstate commerce powers in promoting something that is illegal, i. e., the dumping of prison-made goods from one State into another where the sale of prison-made goods is against the law.

The statement of the gentleman from Minnesota [Mr. CARSS] shows that Minnesota is an outstanding example of everything that can and should be done for our unfortunates, they have no convict labor in Minnesota and they have no unfortunates idling in prison houses because these unfortunates are at work and when anything comes from their prisons it bears the label and there is no trickery or subterfuge about the competition.

I desire also to compliment my friend the distinguished Representative from Pennsylvania [Mr. CASEY] as I compliment the broad-gauged attitude of the American Federation of Labor, of which he is a splendid member, for their unanimous indorsement of the Hawes-Cooper bill.

Take the stitching industry, as an example, and those who are not able to tie up with prison-labor contracts have suffered very severely since the war by the competition of prison-labor contractors, and their testimony is that the prices at which prison-made goods are sold are such as to make it totally impossible for the private manufacturer to get even the cost of his labor and material out of it, to say nothing about a profit, and it is gradually eliminating private manufacturing from this field. Looking at it from another angle, this stitching work in prisons is largely done by male prisoners, and they can not obtain employment in these industries after their release, as the work is there done almost entirely by women, so there is no benefit in training these prisoners. Who does it benefit, then? As far as I can see, the only party benefited is the contractor, and I can not see that it is the function of the Federal Government to protect him.

Mr. Chairman, I am in favor of this bill, and will vote for it.

Mr. KOPP. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. CASEY].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for three minutes.

Mr. CASEY. Mr. Chairman, in three minutes, the time allotted me, I will not be able to go into the details of the bill now before us, but let me say this is not a new question just making its appearance before Congress. When I first became a Member of the House in 1913 the first committee assignment I received was to be a member of the Committee on Labor of the House and one of the very first bills this committee gave consideration to was a bill carrying in its provisions identically the same principle that is involved in the bill now before us.

About 22 years ago, while a member of the Legislature of Pennsylvania, I helped to write the first prison labor bill in that State. At that time it was not very popular to advocate that prisoners be permitted to do any work; but we laid down the principle that prisoners should be kept occupied in some way,

but that the products of their labor should not come in competition with free labor or free industry. This is the very same principle that is involved in the bill now before us.

There is no question before us of closing up manufacturing establishments in connection with the prisons of the several States. There is no question involved here as to the closing of prison farms in Alabama or any other place. All this bill does is to protect the prison farms of the South and elsewhere so that they can not be overrun by prison-made products from other States, leaving with the States the right to regulate all prison-made products made or imported into the States. That is the principle involved in this bill.

A great deal has been said about the American Federation of Labor, and labor generally, being against all manufactured products by prison labor. This is not correct. The American Federation of Labor has never, to my knowledge, taken such a position. I have just come from the Pennsylvania Federation of Labor convention, which was in session all last week in the city of Philadelphia, where I had the honor of being elected the president of that great organization for the next two years. [Applause.]

The convention, with a voting strength of about 1,150 votes, unanimously indorsed this bill and urges its passage. I carry this message to you from the convention and ask you not to look upon this question as a selfish or a sectional question. It is not the amount of goods produced that concern us so much as it is the principle involved, which we are all opposed to.

The American Federation of Labor or the organized labor movement in general can not be selfish in respect to the passage of legislation, because legislation must be general and must be for union and nonunion alike. Pennsylvania and other States that have legislated on this question are entitled to some consideration in the disposition of this question.

While we all no doubt sympathize with the unfortunates who are behind prison bars, the men and women who do not violate our laws and who are compelled because of necessity to earn their bread by the sweat of their brow are certainly entitled to at least the same consideration as those who have violated our laws and are confined in our penal institutions. While I am ready and willing to help those in our penal institutions, I am not willing to give those who profit of their involuntary servitude any advantage over free labor and industry.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired; all time has expired.

Mr. KINDRED. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. KINDRED. Mr. Chairman, I rise to submit a parliamentary inquiry. How can I get recognition for one minute? I wish to support the bill.

The CHAIRMAN. All time for general debate has expired.

Mr. KOPP. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BEEDY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, had come to no resolution thereon.

PENSIONS

Mr. ELLIOTT, from the Committee on Invalid Pensions, presented a conference report on the bill (H. R. 10159) granting pensions and increase of pensions to widows, former widows, and certain soldiers, sailors, and marines of the Civil War, and for other purposes, which was referred to the calendar and ordered to be printed.

THE SECOND PASSING OF THE AMERICAN MERCHANT MARINE

Mr. FREE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of an American merchant marine.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FREE. Mr. Speaker, an eminent shipping expert recently declared that if the present trend continues the American flag will disappear from the seas in 16 years. This will be but an instance of history repeating itself and will be the second passing of the American merchant marine. Before the Civil War the American merchant marine was a power on the seas and our wooden ships carried a large proportion of our export trade. The war brought changes and greater competition but still the American clipper ships successfully met the competition of foreign flags.

The advent of iron and steel ships brought about adverse conditions to the American ships, and with the power of steam entering into the marine conditions Great Britain subsidized British yards, made large payments for carrying her mails to aid the British shipbuilders and operators, while the United States Government made but one feeble effort to hold her supremacy by heavily subsidizing the Collins Line, two American steamships that were contracted for, and an agreement was made that these American-built ships should be faster and better than anything that could be built by Britain. This experiment demonstrated that the American shipyards could turn out an American steamship the equal, if not the superior, of any, and from 1850 until the United States ceased to meet the growing government aid furnished by Great Britain, the ships of the Collins Line showed their superior sailing qualities. But with the growing competition of Great Britain and the failure of our Government to pay the necessary subventions, our ships in the foreign trade practically went off the seas.

The following figures show the amount of our foreign trade carried in American ships at different periods:

	Per cent
1830	89.9
1840	82.9
1850	72.5
1860	66.5
1870	35.6
1880	17.4
1890	12.9
1900	9.3
1910	8.7
1920	42.7
1924	36.3
1925	34.1
1926	32.2

These figures show a decline in the 80 years, from 1830 to 1910, of 81.2 per cent, and in the 6 years, from 1920 to 1926, of 10.5 per cent.

In 1901 the United States had practically ceased to be a power in the foreign trade and we carried but 9 per cent of our own export trade in American ships, and in 1913, just before the World War, we were carrying practically none of our foreign trade under the American flag. The war changed these conditions, and while in 1913 we had but 1,676,152 gross tons foreign tonnage, we began to build new tonnage, and in 1915 we constructed 155,000 gross tons of new ships; in 1917, 513,000 gross tons; in 1918, 1,000,000 gross tons; and, in 1920, that had increased to 3,660,000 gross tons. By 1921 we had built 10,466,000 gross tons of new shipping and were second only to England in world construction and the second in merchant-marine sea power.

The end of the war, of course, caused a slump in shipbuilding and we found ourselves with many ships and with no business for them. In 1923 the United States Shipping Board owned 1,313 steel ocean-going ships of 1,000 tons or over and the private owners 1,202 ships of 500 tons or over, the Shipping Board owning 6,370,777 gross tons, the private owners 5,243,630, or a total of 2,515 ships with an aggregate tonnage of 11,614,416 gross tons. The world tonnage in 1925–26 was 9,854 ships, with aggregate tonnage of 30,500,000 gross tons. At the end of the war we were carrying about 42 per cent of our own foreign-going commerce in American ships, as the Allies engaged in carrying troops and war munitions and the American foreign-trade tonnage was carried largely by American ships.

At the end of 1926 foreign competition had become so keen that we were carrying only 32 per cent of our own foreign-borne tonnage in American ships. The amount of foreign-borne tonnage carried by American ships is steadily decreasing and according to the reports of the National Conference Board of New York, from 1920 to 1926 our tonnage in building operations has decreased 7¼ per cent while world tonnage has increased during that period 16 per cent, and of this increase Great Britain, our nearest competitor, has increased her new tonnage by 7.7 per cent.

Many shipyards, including the great Cramps yard, in Philadelphia, have gone out of the shipbuilding industry since the World War and new organizations of ship operators have become noticeably less. This indicates to some degree at least that American capital is not being invested in American ships, at least in the foreign trade. Of course, the coastwise and intercoastal trade, a protected industry, with its 7,500,000 tons of shipping, including the Great Lakes industry, is in a fairly prosperous condition, and the large number of ships and the many companies engaged in purely domestic marine commerce, make rates fair to American shippers because of their highly competitive business basis. But when we consider the foreign trade, we have an entirely different picture.

Since 1885 foreign ships have carried over $50,000,000,000 of our foreign commerce, and at a moderate estimate we have

paid them approximately $7,500,000,000 freight charges in that period.

Our international trade amounts to almost $10,000,000,000 annually, with freight revenues for transporting this commerce of $600,000,000. Seventy per cent of our international trade is carried in foreign-flag ships.

To meet the demands of this trade during the past five years the United States built 18 ships of over 2,000 tons burden, aggregating 195,191 tons, while Great Britain built 882, with an aggregate tonnage of 4,905,853 tons; Japan, 75, aggregating 333,327 tons; France, 104, with an aggregate tonnage of 630,613 tons; Italy, 87 ships, aggregating 711,499 tons; and Germany, 192 ships, aggregating 1,118,635 tons.

The trans-Atlantic passenger trade has been furnished with new and fast ships of large tonnage, and while the United States has but four ships that can steam 18 knots and but one that can steam over 20 knots, Great Britain has thirty-eight 18-knot ships and twelve 20-knot ships; France, nineteen 18-knot ships and eleven 20-knot ships; Italy, nine 18-knot ships and nine 20-knot ships; Japan, two 18-knot ships and two 20-knot ships; and Germany, two 18-knot ships and one 20-knot ship.

With the year ended June 30, 1926, the value of our foreign-bound export products was $4,864,581,000. Our foreign exports for April, 1927, amounted to $415,211,724, an increase over April, 1926, of $27,238,034. Our trade on the west coast from San Francisco shows a great increase in the foreign trade with South American ports and the Orient. In the years between 1909 and 1913 the value of the products and manufactured articles amounted to an annual average of $98,743,415. Up to 1926 there has been a continued average increase in value, as in 1926 it was $397,213,309 from the port of San Francisco alone.

Foreign nations are alive to the value of our foreign trade, and they demonstrate their sea-minded wisdom by building ships of greater speed, greater economy of management, larger cruising areas, more refrigerated space for perishable cargoes, and more luxury in equipment for the passenger traffic. As these ship-minded nations have constructed new fleets to compete with our old and to a degree worn-out vessels, it is needless to inquire why the world trade is not being carried by American-flag ships.

Since 1921 for every ship of 2,000 gross tons and over that has been built in the United States, Great Britain has built 45, Germany 12, France 5, Italy 5, and Japan 4.

Of the total volume of American foreign commerce, export and import, American vessels to-day carry less than 30 per cent.

Why is it that we have not been able to compete with foreign countries in our shipping? There are various reasons for this.

First. Foreign ships are highly subsidized by their governments.

Second. Owing to higher wages paid American workmen, it costs from 40 to 63 per cent more to build a ship in American yards than in foreign yards. Seventy-eight per cent of the cost of a ship is labor.

To construct a 10,000 dead-weight ton oil-burning vessel of a speed of 14 knots in an American yard costs $171 per dead-weight ton. The cost of a similar vessel in a British yard is $80 per dead-weight ton. This means that there is $1,010,000 more capital tied up in the American than in the British vessel.

In the operation of a ship there are certain fixed charges on the capital invested, aggregating 18 per cent, and made up as follows: Interest 6 per cent, depreciation 5 per cent, repairs 2 per cent, insurance 5 per cent. Therefore, the American operator is at a disadvantage of 18 per cent of the $1,010,000 or $181,000 per year over the foreign owner, merely on account of the increased cost of building of the American ship.

Thirdly, ships under American registry carry more men and pay higher wages than foreign ships.

Capt. Robert Dollar recently said in commenting on the disadvantages of the American merchant marine: By the requirements of the seaman's act an American ship of a certain size had to carry 47 men whose wages were $3,270, while a British steamer of practically the same size had a crew of 40 men whose wages were $1,308, and a Japanese steamer carried 36 men and paid $777 in wages.

Fourthly, the subsistence cost on an American ship is higher than on foreign ships. It costs 60 cents per day per man to feed American seamen as against 42 cents per day per man on a British ship. On a ship of the kind above described this difference amounts to $298 per month.

The higher fixed charges, plus the higher wages paid, in addition to the higher cost of subsistence, put the American shipowner at a disadvantage of about $195,000 per year, as compared with a British shipowner operating a ship of identical size, type, and speed.

On a Dieselized ship the difference amounts to about $250,000 per year.

Another disadvantage of the American merchant marine is the measurement of our vessels under United States law.

Whenever an American ship goes into a foreign port she has to pay pilotage, harbor dues, and so forth, assessed on her tonnage, and this amounts to 20 to 30 per cent more than for her foreign competitors.

Our Government during the war built some 100 ships according to certain specifications. The British measurement of these ships was 3,420 tons, the American measurement 4,283 tons, a difference of 863 tons or approximately 25 per cent.

To further illustrate this disadvantage, the Dollar-round-the-world ships entering Shanghai have to pay $1,932 in dues. A similar foreign ship would pay about $500 less. General Goethals is authority for the statement that the ordinary American ship passing through the Panama Canal has to pay $500 more than the ships of other nations.

Not only by our laws have we put our privately owned merchant marine at a great disadvantage, but the United States Government is maintaining to-day various services at the expense of the taxpayers which unfairly compete with privately owned ships. Examples of these are the Panama transport service and the Army transport service.

The Panama Railroad Co. operates the Panama transport service, and it operates 11 vessels, 7 of which are operated in the New York-Cristobal-Haiti trade and are in direct competition with privately owned ships, and in addition to this Government-owned tonnage, the transport service has chartered other vessels. The latest figures show that out of a total of 221,999 tons of freight and 9,990 passengers carried in 1925, 70 per cent of the passengers were carried in chartered ships and 65 per cent of the cargo was carried in chartered ships. In other words, the 60,000 tons of ships, valued at $6,000,000, operated by the Panama Transport Co., carried 80,000 tons of freight and 2,600 passengers. This line now has pending a request to build several new vessels for its service.

The United States Army transport service has 10 ships, comprising 66,012 dead-weight tons. Seven of these ships are combination freight and passenger ships, one cable ship, and two freight vessels, and are engaged in carrying freight and passengers from San Francisco and New York to Panama, Honolulu, and Manila. These ships are largely in competition with privately owned tonnage, and carry passengers and freight at less than the current freight and passenger rates, while there is ample available tonnage under private ownership to meet the necessities of the Army transport service. While it may be observed that the United States Army transport service was used primarily for the purpose of carrying troops and munitions, and during a national emergency is needed, yet during our war the service had to be augmented by privately owned ships. In fact, the service never did meet, to any large degree at least, the duty imposed upon it. These emergencies are now over and the carrying of troops and munitions in times of peace should be the function of the privately owned tonnage, and if this tonnage is not encouraged there will be no adequate private tonnage available in case of a national emergency, as the history of the past has amply demonstrated.

Our citizens lack loyalty to our American merchant marine. They hire foreign vessels to carry their freight and travel on foreign lines. Nationals of other countries are loyal to ships flying their flag.

An American merchant marine is an absolute necessity in time of war. When the World War broke out we had no ships to transport soldiers or supplies. General Pershing sent out an appeal: "Build ships, ships, and more ships," and to answer that appeal the United States had to spend $3,000,000,000 in a hurried shipbuilding program, while Great Britain did not have to build a merchant ship.

After the World War started our commerce suffered considerably. Foreign ships were withdrawn from regular services and used for war purposes, and we had no ships of our own to render the service.

During the recent coal strike in England our commerce was again threatened. English ships were withdrawn from regular commercial service to carry coal.

We can not commandeer foreign ships in time of war. We can take only those flying our flag. Think of our humiliating position when President Roosevelt ordered our Battle Fleet to go around the world and we had to hire foreign ships to furnish the fleet with coal, as we did not have ships flying the American flag for the purpose. Fine spectacle! Fine battleships, but no way to keep them supplied with fuel. Can we afford to get into that condition again and be the laughingstock of the world?

All will agree that we can not long continue to be a truly great country without an American merchant marine.

The merchant marine act of 1928 gives certain aids to American shipping.

It provides for loans by the Government in an amount equal to three-fourths the value of the ship for a period of 20 years at a rate of interest at which the Government itself can borrow the money.

It also permits the Postmaster General to enter into 10-year contracts for the carrying of our mails. This will insure a definite income to such lines as secure these contracts.

The bill does but little for ships that can not get mail contracts, particularly cargo ships. True, they can borrow money to help build the ships, but there is no aid to take up the difference in cost of fixed charges, wage, and subsistence costs.

We have greatly increased our production in this country and must seek world markets for our surplus of both agricultural and manufactured products. Foreign ships give preference in carrying products of their own countries. We must have our own ships to protect us in our foreign trade.

While the act does something for American shipping, I feel we should go further. We should do something particularly for our cargo ships.

COMPENSATION FOR DISABILITY OR DEATH OF EMPLOYEES IN INTERSTATE OR FOREIGN AIR COMMERCE

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of the employer's liability in interstate air commerce.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, under leave to extend my remarks on H. R. 13782, a bill to provide compensation for disability or death resulting from injury to employees in interstate or foreign air commerce, I desire to file herewith a statement showing the necessity for such legislation. The matter was first called to my attention by Ethelbert Stewart, Chief of the Bureau of Labor Statistics of the Department of Labor. I need not point out that interstate air commerce has taken such rapid strides, that it is now long past the experimental stage and firmly and permanently established in this country. The air mail celebrated its tenth anniversary but a few days ago. What 10 years ago was a mere experiment over a short distance to-day is a daily unfailing transcontinental service.

The only way that persons employed in interstate air commerce can be protected is by making applicable the longshoremen's and harbor workers' compensation law which was enacted only last year. I am sure that after the experience in State employers' liability laws and the decisions excepting persons employed in interstate commerce from the State laws it will not be necessary to wait many years before giving proper protection to these people.

Mr. Daniel F. Callahan, in charge of the law division of the Labor Department, has prepared a splendid memorandum on the subject as well as a brief review of the cases in point on the subject of injuries sustained by employees whose work is in connection with interstate commerce:

MEMORANDUM OF WORKMEN'S COMPENSATION COVERAGE OF AVIATION EMPLOYEES

By Daniel F. Callahan

The Federal Government has power over interstate commerce. In the absence of Federal legislation the laws of the States control in the regulation of the liability of employers for injuries to their employees engaged in interstate air commerce. The Federal Government has not acted. The Federal Government has enacted the Federal employers' liability act, but this act is limited to interstate railroads and their employees.

Within the past few years there has developed in the United States, and there is now fast developing, an important class of persons engaged in interstate air commerce. These persons are not at the present time covered by any Federal laws with regard to the employers' liability for injury to their employees. Because of the nature of air commerce, confusion exists in the minds of State officials administering workmen's compensation as to the State's jurisdiction. The result is that in many cases injuries and deaths of persons employed in aviation occupations are followed by no relief whatsoever to such injured persons or decedent's dependents.

The cause of the confusion in the minds of State officials is apparent from a recital of the facts inherent in this modern industry. Let us suppose a corporation is organized in the State of Delaware for the purpose of engaging in aviation in interstate air commerce. Principal offices are opened in the State of New York. Employers obtain an air-mail contract from Washington and send an offer of employment to an aviator who at the time is residing in Chicago. The aviator accepts employment by telegram, sending such acceptance from St. Louis where he happens to be the day after he received the offer. He is notified at Louisville, Ky., the following day to report for duty at Minneapolis to relieve a pilot who has started taking a plane from a point in Ontario, Canada, to Houston, Tex., to put it in the air mail service and he is instructed to fly such plane from Minneapolis to Kansas City, Kans., and there turn it over to a third pilot who will continue the trip to Houston.

While flying over the State of Iowa the engine drops out of the plane, the plane falls and the aviator is instantly killed. The deceased pilot's widow is left penniless and seeks to obtain compensation or damages and wishes to know what State law applies and in what State she will start proceedings to obtain an award for compensation or damages. In determining what State law applies we may simplify the problem by merely asking where the contract was made, or where he was working when death occurred. If we agree that the contract was made at the place where he sent the telegram accepting the employment, the Missouri law might apply, although the pilot was only in the State for one hour, had no intention of remaining, and had no intention of doing any work for his employer in that State, and although employer had no assets in the State of Missouri and never intended that any plane belonging to him should ever fly over or land in the State of Missouri. If the law of the place where the accident occurred applies we have the application of law of a State in which neither the employer nor the employee intended to touch land, have any assets or do any business, but merely intended to pass over. Many State laws have provisions excluding certain employees engaged in interstate commerce whether covered by the Federal law or not, while other compensation laws have extraterritoriality provisions which may or may not include persons employed in the State or outside the State, depending on where the contract of employment was made, or inside or outside the State, depending on where the injury occurred. In each case the persons administering local workmen's compensation laws hesitate in the application of the workmen's compensation law. The employer is outside their jurisdiction. There are no assets of employer within their jurisdiction. The pilot was the only person employed by such employer within their jurisdiction. The pilot might be considered a casual employee in that he might have been employed only for one trip. The pilot might have been the only employee of the employer.

The employment or work done may have originated inside or outside their jurisdiction, or was to be completed inside or outside their jurisdiction, or the State was merely a strip of territory over which the pilot intended to fly and never touch. In any one of these cases the authorities may refuse to apply the local workmen's compensation laws. To add to the confusion many States do not have workmen's compensation boards, but provide for court procedure. This results in long delay, due to appeals on questions of jurisdiction, with the odds all in favor of the employer if he is playing for time, as at the present time many employers are not responsible parties, in many cases corporations only owning one or two planes. It is very possible that an accident may ruin financially the owner. In that case the problem is further complicated by bankruptcy or receivership. Workmen's compensation laws allow a minimum amount to injured persons or their dependents, doing away with the old system of allowing a large percentage of damages to an attorney in the event he is successful in his suit for damages. The purpose of the compensation laws is defeated if the questions of law developed are complicated, if witnesses must be obtained from distant points, and the cost involved amounts to more than the award eventually made, if made. If by chance it is decided that no compensation law applies, because no law exists where the contract was made, or the law does not cover the pilot because the compensation is elective rather than compulsory, or does not cover employees where only one employee is employed, where the employee is a casual employee, where the employer is outside the State, or where the injury occurs outside the State, or where the work to be done is outside the State, or where the employment is interstate commerce, or where the contract of employment is made outside the State, or for some other reason, the pilot or his dependents must resort to a common-law suit for damages. In this event the common-law defenses of assumption of risk, contributory negligence, and the fellow-servant rule would, in many cases, mean that the suit for damages would not be successful. The injured pilot and his dependents would be left a burden on society in many cases.

If the longshoremen's act was extended to cover persons employed in interstate air commerce we would have a compulsory law with adequate protection against the financial instability of the employer. We would have a Federal uniform system of administration already in existence and operating efficiently. We would eliminate most questions of the jurisdiction whether of substantive law or procedure as in most cases one law and one procedure only could be followed. We would have stunt flying reduced, commercial flying put on a more business-like basis, safety requirements more possible of enforcement, and thoughtful consideration and protection given to those persons and their dependents who are developing our aviation. The Federal law would cover pilots and all-around mechanics or others directly employed in connection with the interstate movement of the planes.

MEMORANDUM ON PERSONS COVERED BY THE AIR COMMERCE EMPLOYERS' WORKMEN'S COMPENSATION BILL

The bill provides a uniform system of workmen's compensation coverage for employees engaged in interstate or foreign air commerce. It covers any person injured while engaged in interstate air commerce or in work so closely related to it as to be practically a part of it. Besides pilots the bill covers all ground mechanics and persons working in or about an airport, whose services in intrastate and interstate air commerce are such that the services can not be separated in duty and responsibility.

In deciding whether any particular employee is engaged in interstate air commerce and therefore subject to the terms of the bill, no precise rule which would enable an instant and undisputed application in all cases has been laid down. The situation is the same as that which exists under the Federal employers' liability acts covering interstate railroad employees, but decisions of courts have resulted in rules under which it is fairly easy to determine in the greatest number of cases whether an employee is subject to the Federal act. These rules may be summarized as follows:

If the employee was injured or killed while doing—

1. Interstate work; or

2. Intrastate work so closely connected with interstate air commerce as to be a part of it; or

3. Intrastate and interstate work with no interval of time between the commerces separating the duties; or

4. Intrastate and interstate work which could not be separated in duty and responsibility—

The employer and the employee would be covered by the bill.

This means that practically all pilots and ground mechanics, signalmen, guards, clerks, and miscellaneous interstate air commerce air field employees would be covered by the bill.

Reference here may be made to several decisions by the Supreme Court of the United States in cases arising out of the Federal employers' liability acts, which cases would control in construing the bill to find who is covered by it.

In the case of Pederson *v.* Delaware, Lackawanna & Western Railway Co. (229 U. S. 146) it was held that one carrying bolts to be used in repairing an interstate railroad bridge and who was injured by an interstate train was entitled to invoke the employers' liability act. In other words, that one employed upon an instrumentality of interstate commerce was employed in interstate commerce. In that case it was said, "The true test always is: Is the work in question a part of the interstate commerce in which the carrier is engaged?" The court also said that the questions which naturally arise are, "Was that work being done independently of interstate commerce in which the defendant was engaged, or was it so closely connected therewith as to be a part of it?"

In the case of Southern Railway Co. *v.* Puckett (244 U. S. 571), a car inspector going to the relief of another employee stumbled on some large clinkers in his path while carrying a jack for raising a derailed car. It was decided that he was engaged in interstate commerce, the purpose being to open the way for interstate transportation.

In the case of Erie Railroad Co. *v.* Collins (253 U. S. 77), an employee was assigned to duty in the signal tower and in the pump house of a railroad and his duties were discharged in both interstate and intrastate commerce, and as there was no interval between the commerces that separated the duties, the employee was engaged in interstate commerce within the meaning of the employers' liability act.

In the case of Philadelphia & Reading Railroad Co. *v.* Di Donato, (256 U. S. 327) the employee was employed as a crossing watchman at a particular public crossing and while acting in the course of employment and while flagging a train was killed. In that case it was said that the service of the flagman concerned the safety of both interstate and intrastate commerce and to separate his duties by movements of time or particular incidents of its exercise would be to destroy its unity and commit it to confused controversy, and as the services could not be separated in duty and responsibility the employee was covered by the Federal employers' liability act.

In the case of Southern Pacific Railroad Co. *v.* Industrial Accident Commission (251 U. S. 259) an electric lineman received an electric shock while wiping insulators which actually supported a wire which carried electric current used by the railroad as power to move its cars engaged in both interstate and intrastate commerce. The court decided that the employee was covered by the Federal employers' liability act, because at the time of the injury the employee was engaged in work so closely connected with interstate transportation as to be an essential part of it.

In the Philadelphia, Baltimore & Washington Railroad Co. *v.* Smith (250 U. S. 101), an employee of an interstate railroad, whose duties were to cook the meals, make the beds, etc., for a gang of bridge carpenters in a camp car which was provided and moved from place to place along the railroad line to facilitate their work in repairing bridges, was injured while occupied in cooking a meal for the carpenters and himself while the carpenters were repairing a bridge in the vicinity. The court said that if he had brought meals to the carpenters employed on the bridge daily it hardly would be questioned that his work in so doing was a part of theirs, and as what he was in fact doing was the same in kind, it did not differ materially in degree, and therefore he was employed, as they were, in interstate commerce within the meaning of the employers' liability act.

In the case of Kinzell *v.* Chicago, Milwaukee & St. Paul Railroad Co. (250 U. S. 130), an employee in charge of a car used in removing earth and stones from between the rails of a railroad track was injured while dumping earth to replace a railroad trestle used in interstate commerce, and he was held to be covered by the Federal employers' liability act. The Supreme Court reversed the State court which decided that the employment was not covered by the Federal employers' liability act, because the construction or filling-in work was such that it was new construction, and that such filling-in or construction work did not become a part of the railroad until it was completed and the track placed upon such filled-in land instead of on the trestle. The Supreme Court said that the work had clearly become a part of the interstate railway when the employee was injured, for it had reached the stage where it required the work of men and machinery to keep the interstate tracks clear during further construction, and the work of such men was therefore not only concerned with but was an intimate and integral part of the conduct of interstate transportation over the bridge.

In the case of Walsh *v.* New York, New Haven, & Hartford Railroad Co. (223 U. S. 1), a car-repair workman injured while replacing a drawbar in a car then in use in interstate commerce was engaged in interstate commerce at the time he was injured and covered by the Federal employers' liability act.

In the case of Norfolk & Western Railway *v.* Earnest (229 U. S. 114), a fireman injured while walking ahead of and piloting through several switches a locomotive which was to be attached to an interstate train and to assist in moving the same up a grade, was covered by the Federal employers' liability act.

In the case of St. Louis, San Francisco & Texas Railway *v.* Seale (229 U. S. 156), a clerk was injured while on his way through a railroad yard to meet an inbound interstate freight train and to mark the cars so that the switching crew would know what to do with them when breaking up the train, was held to be covered by the Federal employers' liability act.

In the case of North Carolina Railroad *v.* Zachary (232 U. S. 248), a fireman was injured after having prepared his engine for a trip in interstate commerce, and being about to start on his run, was walking across adjacent tracks on an errand consistent with his duties.

In Shanks *v.* Delaware, Lackawanna & Western Railroad (239 U. S. 557), where an employee injured while taking down and putting up fixtures in a machine shop, which machine shop was used for repairing locomotives used in both interstate and intrastate transportation, it was held that the connection between the fixture and interstate transportation was remote at best, for the only function of the fixture was to communicate power to machinery used in repairing parts of engines, some of which were used in interstate transportation, and therefore the employee was not engaged in interstate commerce, as the work was too remote from interstate transportation to be practically a part of it.

In the case of Delaware, Lackawanna & Western Railroad *v.* Yurkonis (238 U. S. 439), where an employee was injured while in and about the performance of his duties, preparing and setting off a charge of dynamite for the purpose of blasting coal, the court held that the mere fact that the coal might be or was intended to be used in the conduct of interstate commerce after the same was mined and transported did not make the injury one received by the employee while he was engaged in interstate commerce.

In the case of Baltimore & Ohio Southern Railroad Co. *v.* Burtch (263 U. S. 540), where an employee injured while assisting in the unloading at the destination of an interstate shipment, the employment was held to be so closely related to interstate commerce as to be practically a part of it.

CONGRESS AND THE FARMER

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker and colleagues of the House, to my mind the most important problem considered by the session of Congress just ending has been farm relief. Both on this floor and in the corridors of the Capitol the all-important topic of discussion has been relief for agriculture. A great many of you have sincerely wanted to give the farmer relief, but I am afraid a number of you have not wanted to pass any legislation to aid the farmer for fear that this legislation might force the special interests you gentlemen represent to surrender some of the special privileges granted by Congress.

But some of you gentlemen have been afraid to meet the issue squarely and have tried to make the farmer believe he

would some day get some relief from Congress. Some of you leaders on the other side of this Chamber have tried to fool the farmer so that he will not bolt your ticket this fall. The farmer has been very lenient with you and your party, but I believe the day has come when he is going to demand an accounting. You gentlemen may have fooled the farmer before, but the game is up; the reckoning day is at hand.

In the debate on the farm relief bill a number of gentlemen gave us startling and convincing figures to prove the farmer is in distress and need. All that appears idle to me; every man who has studied the condition of agriculture must admit that the farmer needs some measure of relief. In fact, most of the gentlemen who opposed the farm relief bill were willing to admit that the farmer is in distress. These gentlemen sympathized with the farmer but threw up their hands in amazement at the idea that any farm bill should be passed. That would be class legislation and special privilege, they said. Sympathy is very fine, but it is not sympathy the farmer wants, nor kind and soothing speeches mailed back home at election time. A speech is a fine thing to start a fire with, but the farmer can not eat it; and it is little consolation for the farmer who watches the sheriff sell his home to read the beautiful remarks made about him by Members of both Houses of Congress.

It is altogether proper that we should be considering the problem of the farmer here, since it was the Congress which passed the laws now grinding down the farmer. As a result of the laws passed here, the farmer pays taxes not only to support the Government but to support the railroads, manufacturers, and bankers. First you passed the Esch-Cummins transportation act, then in 1922 you passed the Fordney-McCumber tariff law.

In the discussion of farm relief here we have heard much about class legislation and price fixing. Let us take this Esch-Cummins law. What is that except price fixing? That law is a command to the Interstate Commerce Commission to fix rates so that the railroads of the country can earn a net income of 5¾ per cent upon their valuation. The valuation of the railroads was placed at approximately $19,000,000,000 as a result of that law. Now, the actual value—the price these roads could have been bought on the stock exchange—was not more than $12,000,000,000. That means the railroads receive a clear profit of more than 9 per cent on their investment.

Under the Esch-Cummins law the Government simply said to the railroads: "Go ahead and operate these roads and we will guarantee you have enough left after paying all expenses to give you 5¾ per cent on what you think you have invested."

What was the result? In 1920, the first year of the operation of this law, the railroads reported an increase in their operating expenses for that year of $1,400,000,000 in excess of the operating expenses of any preceding year. The Interstate Commerce Commission immediately advanced freight rates upon all commodities 25 to 40 per cent in designated groups of railroads. This increase in rates, even though two years later the commission was forced by public sentiment to make a general reduction of 10 per cent, alone costs the American people the additional sum of $1,500,000,000 a year. You know and I know that these increased freight rates are always passed along by the middlemen to the farmers and consumer.

And more than that, Mr. Speaker, I submit that the farmer pays more than his share of the freight. In fact, hearings conducted by the Committee on Interstate and Foreign Commerce during the Sixty-seventh Congress brought out the fact that agriculture is paying more than twice its just share of the revenues the railroads receive for freight transportation. Less than 9 per cent of the total volume of freight carried by our railroads comes from the farms, while this 9 per cent pays more than 18 per cent of the total freight revenues of the railroads. This does not take into consideration the enormous freight charges on implements, machinery, and everything shipped from our factories to the farms.

Mr. Speaker and gentlemen, if I should introduce a bill to guarantee every farmer in the country an income of 5¾ per cent on his investment, after all expenses of farming had been subtracted, you would laugh me out of Congress. You would point to me as the prize joke of the National Capitol and the jeers of the large city newspapers would ring in my ears forever. You would call this a plan to pension the farmers.

But this is exactly what they have done with the railroads.

Suppose, Mr. Speaker, that a farmer owned land he valued at $10,000, although the actual value was about $7,000. Now, under this imaginary Esch-Cummins farm bill we would say to the farmer: "List all of your expenses; pay yourself a salary, and don't forget your wife and children are on the pay roll also. Keep account of every penny you spend, even the cost of driving your car to town for groceries. Now, at the end of the year you have produced a certain amount of corn, wheat, or cotton. We are going to fix the price of this so that you can sell it for enough to pay all of your expenses, and besides that you are going to have $575 clear money to put away for old age."

Gentlemen, you would laugh that bill out of court.

Now, let us consider the Fordney-McCumber tariff law. This question of the tariff has long been a political issue. It is considered proper for the Democrats to denounce the protective tariff and necessary for the Republicans to support it. I have my own views on the tariff. They are sound Democratic views, too. But I shall not tell you what I think the tariff does for the farmer. You might call whatever statement I made "Democratic propaganda." I shall be satisfied to quote what some of my Republican friends have said about the tariff.

In speaking in favor of the McMaster resolution recommending a revision of the tariff rates, Senator McMaster, of South Dakota, a Republican and a banker, said in the Senate on January 9, 1928:

> Before entering into a discussion of the pending resolution it would be well to examine and to inspect a certain nostrum that is being used for the purpose of soothing and allaying this rising tide of discontent among the farmers over these tariff relationships. That nostrum is this: We are informed by those in high places with great assurance that everything the farmer uses in farming is upon the free list and most of the things that he sells are upon the protected list. In order that we may have a clear and comprehensive idea of those articles upon which the farmer pays a duty, and which are known as the necessities of life, but which he does not use in farming, permit me to read just a partial list: Kitchen and household utensils, stoves, furniture, sheets, pillowcases, mattresses, rugs, carpets, table linen, tableware, clocks, glassware, earthenware, clothing, hosiery, gloves, all wearing apparel, and hundreds of other articles.
>
> It is equally certain that the following articles, which the farmer uses in farming, are also upon a highly protected list:
>
> "Scythes, sickles, hammers, saws, scoops, shovels, pitchforks, corn knives, grass hooks, grindstones, pliers, files, drainage tools, machine tools, horseshoes, horseshoe nails, nails, steel wire, galvanized wire, roofing felt, strap leather, paints, brick, tile, baling wire, cast-iron pipe, cream separators valued at $50."
>
> Then we are informed that harnesses are upon the free list. The buckles and the clasps and the hardware used in connection with harnesses are upon a highly protected list, and who ever heard of a farmer using a harness that did not have a buckle or a clasp or some hardware on it? As a matter of fact, the importations of harness into this country are insignificant. All of which goes to show that this provision for free harnesses is a sham and a fraud.
>
> There are those who point with great pride to the fact that farm implements are upon the free list. Let us examine the subtle sophistry of that contention. The prices of farm implements are controlled and dominated by a trust that not only controls and dominates the farm-machine market of America, but which controls and dominates the farm-machine market of the world. The importations of farm machinery into this country are insignificant. Last year we exported $78,000,000 worth of machinery, and the farm implement is one of the few manufactured products of this country that has been steadily rising in price since the war. A binder costs more money to-day than it did at war peak prices, because the heads of the manufacturing concerns which manufacture farm implements meet in secret and behind closed doors, and make up the price list for the ensuing year. Does anybody doubt that statement? Let the record speak. The report of the Federal Trade Commission on the causes of high prices of farm machinery says:
>
> "Practically all important manufacturers of farm implements are members of the National Implement and Vehicle Association, which was formed in 1911 by the union of several existing farm-implement associations.
>
> "Under cover of bringing about uniform cost accounting, uniform terms of sale, and standardization of products the manufacturers who are members of these associations repeatedly advanced prices of farm implements by concerted action during the period 1916 to 1918, inclusive."

What they were doing during that period they were doing before that time and continued to do after that time.

On December 15, 1926, Mr. Dickinson, a Republican Congressman from Iowa, said:

> I do not believe those of us from the Central West are going to stand for a high tariff and say there can be no reduction of the tariff on commodities where they make an excessive profit or assist in monopolizing the control of the commodity.

And on March 2, 1927, Congressman Dickinson, a Republican leader, said:

> It will therefore be the problem of the farmer to study the tariff schedules and everywhere he sees that exorbitant prices are being charged or that excessive profits are being made, he will join hands

with those who are asking for tariff revision downward on such commodities in order to secure the equality to which he believes he is entitled.

In 1922 you passed the Fordney-McCumber Tariff law, which came recommended as the cure-all for the ills of the farmer. That law was supposed to bring prosperity to agriculture overnight.

Let us see what the result has been. Certainly not all of the distress of agriculture is caused by the high tariff, but I just want to show you gentlemen that your high tariff bill, even if, as you claim, it did no harm, has certainly done no good. Instead of improving the condition of agriculture, it has been growing much worse. The Department of Agriculture tells us that from 1920 to 1925 the value of farm lands in the United States decreased from $63,000,000,000 to $47,000,000,000, a loss of $17,000,000,000 in only five years. Taking into account the loss in value of equipment, buildings, and crops, the decrease in the farm wealth amounts to over $30,000,000,000 in so brief a time.

A recent report of E. H. Wiecking, of the Department of Agriculture, shows that farm values declined 4 per cent during the year 1926–27. Mr. Weicking shows that measured in—

constant dollars of the purchasing power * * * farm real-estate values on March 1, 1927, were really worth 20 per cent less than they were 15 years before, on 1912.

On March 1, 1928, a total of 3,941 banks had failed during the Harding-Coolidge administrations, and more than 95 per cent of those banks were in the agricultural sections of the country.

Yet some of you tell us the entire Nation enjoys prosperity. I agree that the special-privilege crowd are exceptionally prosperous. The railroads have enjoyed unprecedented prosperity. The industrial section may be prosperous, and the speculators on the stock exchange are overprosperous, but the farmer is certainly far from being in a prosperous condition.

Let me give you here a table showing the price of farm implements in 1924 as compared with 1914. This table was prepared by Congressman STRONG, a staunch Kansas Republican, and inserted in the CONGRESSIONAL RECORD:

Implements	1914	1924
Hand corn sheller	$8.00	$17.50
Walking cultivator	18.00	38.00
Riding cultivator	25.00	62.00
1-row lister	36.00	89.50
Sulky plow	40.00	75.00
3-section harrow	18.00	41.00
Corn planter	50.00	83.50
Mowing machine	45.00	95.00
Self-dump hay rake	28.00	55.00
Wagon box	16.00	36.00
Farm wagon	85.00	150.00
Grain drill	85.00	165.00
2-row stalk cutter	45.00	110.00
Grain binder	150.00	225.00
2-row corn disk	38.00	95.00
Walking plow, 14-inch	14.00	28.00
Harness, per set	46.00	75.00

Study that table, gentlemen, and you will discover one reason why the farmer is not prosperous. That will show you what the Esch-Cummins law and the tariff law is doing for the farmer. The price of farm products has been going down since 1920. We have seen the price of land go back below the prewar level, but the price of this machinery the farmer must have is not being reduced very rapidly.

The tariff may not cause all these high prices, as you gentlemen on the other side say. I believe the tariff is partially responsible. I also contend that freight rates are largely responsible. We know the tariff-protected trusts who manufacture these implements are responsible. To-day these implement trusts are fighting any tariff reduction and are willing to make campaign contributions to any candidate or party pledged to maintain our high tariff. If the tariff does not affect the price of implements, then I ask you why are these implement trusts so anxious to keep a high tariff? "There is a reason," and you gentlemen must know the reason.

Mr. Speaker, the greatest danger I see for our country to-day is the menace of sectionalism. George Washington warned us to avoid this evil and pointed out its dangers. But the farmers of the West are awake to what has been done. A day of reckoning is near. The farmers and small business men of the West will no longer submit to the unjust freight rates established by the Esch-Cummins law. The West knows the truth about our high tariff and is in revolt against robbery by tariff-protected monopolies of the East. Congress must repeal the laws which rob the farmer and offer some farm-relief plan or the old order is passed and soon we shall see the entire West, regardless of former political sympathies, united in one great effort to throw off the yoke placed about the neck of our farmers and consumers by the high tariff and unjust freight rates.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

Mr. SCHAFER. Reserving the right to object, has the gentleman introduced a bill to cure the situation?

Mr. JOHNSON of Oklahoma. I do not yield to the gentleman.

Mr. SCHAFER. Then I object.

Mr. SCHAFER subsequently withdrew his objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MT. M'KINLEY NATIONAL PARK

Mr. CURRY. Mr. Speaker, I ask unanimous consent to take the bill (H. R. 8126), an act to repeal the sixty-first proviso of section 6 and the last proviso of section 7 of an act to establish the Mt. McKinley National Park in the Territory of Alaska approved February 26, 1917, and agree to the Senate amendment to the title.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate amendment was read and agreed to.

HISTORICAL MUSEUM AT DEFIANCE, OHIO

Mr. LUCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 82, providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio, and agree to the conference asked for.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table Senate Joint Resolution 82 and agree to the conference asked for. Is there objection?

Mr. CRAMTON. Reserving the right to object, what is the nature of the Senate amendment? I am opposed to the whole bill.

Mr. LUCE. The proposal in the bill was that we contribute $50,000, and that the balance of $50,000 be contributed by the State of Ohio. The House changed the appropriation to $25,000 and $25,000 to be appropriated by the county in which Fort Defiance is situated.

Mr. CRAMTON. And the Senate refuses to accept the House amendment?

Mr. LUCE. Yes.

Mr. CRAMTON. Is the gentleman in position to give the House any assurance as to what the attitude of the House conferees will be?

Mr. LUCE. I am not in a position to tell the gentleman what the other conferees will do, but I believe the House amendment was wise.

Mr. CRAMTON. I agree with the gentleman from Massachusetts, and until the gentleman can enlighten us as to whether the other conferees will stand with us I shall be obliged to object.

HOUSE RESOLUTION 372

Mr. ROMJUE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the enactment of a resolution introduced by myself.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ROMJUE. Mr. Speaker and Members of the House of Representatives, on January 10, 1927, I introduced in this body House Resolution 372, which is as follows:

Resolution

Whereas it is the opinion and desire of the Sixty-ninth Congress to in every instance avoid war and its consequences, whenever the same can be honorably done; and

Whereas the facts and conditions existing, as reported by the press, concerning the relations of the United States with the Nicaraguan Government do not seem to the House of Representatives to justify the entry into any war; and

Whereas the sending of warships and military forces to Nicaragua, and the pursuit by said vessels of other ships, as is reported, may endanger the peace and tranquillity of the United States and the citizens thereof; and

Whereas the course that seems now being followed by the United States Government subjects our Government to the liability of being thrown into an embarrassing position: Therefore be it

Resolved, That it is the sense and request of the House of Representatives that the Committee on Foreign Affairs promptly ascertain from any department of the Government, and from any reliable source, any and all information bearing essentially on the subject, and that the same be promptly reported to the House of Representatives for its information, to the end that the facts may become fully known and war be averted in any reasonable and proper way.

At the time of the introduction of this resolution 16 months ago, the President of the United States, as Commander in Chief of our military forces, was just about to embark upon a program of sending American marines to Nicaragua, for the alleged purpose, as stated in his message of that date, to protect American lives and American property in Nicaragua.

At that time myself, with some other Members of this body, made effort to ascertain what American lives and what American property situated in Nicaragua, had been destroyed or even threatened with destruction, and to ascertain the facts in this regard the above resolution was introduced.

On January 12, 13, 28, and February 1, 1927, the Foreign Affairs Committee of the House of Representatives, which was composed of 13 Republicans and 8 Democrats, was called together to give consideration to the resolution introduced by myself, and also resolutions somewhat similar in character introduced by my colleagues, the Hon. JOHN J. MCSWAIN (Democrat), of South Carolina; Hon. GEORGE HUDDLESTON (Democrat), of Alabama; and Hon. WALTON R. MOORE (Democrat), of Virginia.

At that time, however, by almost a strict party vote of the members of the Foreign Affairs Committee, permission to obtain this information was denied and refused by the majority of the Foreign Affairs Committee. Notwithstanding repeated requests for information as to what civilian American or what American's property had been destroyed in Nicaragua, that furnished the alleged basis for sending American troops there, no one has yet disclosed or answered.

It was then pointed out by myself and others before the Foreign Affairs Committee that it was in our opinion inadvisable to embark upon the program of sending a few thousand troops into Nicaragua prior to any positive threatened destruction of American civilian life or American property. It was believed also that such a course would lead us into difficulty, and so it has, as time since that date has disclosed.

Prior to sending our marines there, no American had been killed or threatened with violence, but since sending our marines there under President Coolidge's order, we have had 21 American marines killed and 45 of them wounded.

The Constitution of the United States vests the sole power of declaring war in the Congress of the United States. The President has no constitutional right or authority to declare war. The Constitution of the United States vests in the President the authority to be Commander in Chief of the troops in the event war is declared, but no power to put our Government in actual war. This is a very wise provision, as the power to commit a nation to and take such nation into war should never be committed to one man, and one man only, however wise and able he might be.

Up to this hour Congress has not declared any war upon Nicaragua. Yet under President Coolidge's direction, through the military officers, we have been in combat with Nicaraguan forces for more than a year. We have bombed them, and Sandino and his forces have retaliated and carried on military combat against our forces in their territory.

In defending the President's policy in Nicaragua, some have said we are bound to protect the lives and investments of European nations in countries of this Western Hemisphere, inasmuch as we deny them to act in a military capacity on the soil of this hemisphere, claiming such is our duty under the Monroe doctrine, and justifying our landing of troops in Nicaragua on that ground. But the facts are that neither England or any other European country made any request of the United States to look after their subjects and property interests in Nicaragua, until long after we had landed our troops there on our own responsibility. Of course, after our troops were sent there, and had engaged in combat with Nicaraguan forces, England did ask us then to safeguard her interests, as it was under the then existing circumstances liable to involve English property and life.

In the name of the Monroe doctrine, let us not invoke any wrong. The Monroe doctrine means simply as President James Monroe stated in his message of December 2, 1823:

We should consider any attempt on the part of European powers to extend their system to any portion of this hemisphere as dangerous to our peace and safety. We could not view any interposition by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States.

Monroe's doctrine laid down, was primarily for the protection of our own Government and incidentally the principle is a protection to other governments on this hemisphere.

To this doctrine all good-intentioned citizens of this, our Government, subscribe. It is our policy to keep safely from the shores of this hemisphere the establishment of European monarchy. It is interesting to notice the recent argument of some who indorse the President's policy in Nicaragua, and say that our forces should be down there to protect private American life and property, at the same time asserting that the American citizens who settled in the recently flooded district of the Mississippi Valley went into the Mississippi Valley with their eyes open, and that they should not expect the American Government to pay for their flood protection, and that the Federal Government should not stand sponsor for the full protection from such a flood as devastated that area.

Surely, the United States Government, and any other government for that matter, should use every reasonable and honorable means to avoid war. Friendly relations with all nations should be cultivated, so far as it can be done, honorably. First, because peaceful relations, when honorably maintained, advance the good purposes of civilization. And secondly, good business, trade, and commercial relations are increased when and where we can honorably maintain peaceful relationship with other nationalities. Nations like individuals must know, and if they do not know, must surely learn that the will and wish of the one can not always be imposed upon others without their consent and without their wish, and that while the rights of the one should be respected the rights of the other should also be respected, and that right and justice should prevail, and that might or power ought not go unharnessed, spreading its harm.

I consider it is the first duty of any Government to be right, and, being right, it is entitled not only to protect, but to defend itself in maintaining its right.

Some say that our troops have been sent to Nicaragua in order to see that they conduct an honest and fair election down there.

With all the progress and advancement, with all the discoveries and inventions; with all the wonderful work of science; still there is one thing that remains the same. Human nature is about the same to-day that it was centuries ago, and it will remain much the same in time to come. The most important lesson for a nation as well as for an individual to learn is to attend strictly to one's own business and not be meddling with the affairs or business of others. While Mr. Coolidge has our troops in Nicaragua, trying to have those people conduct an election like he thinks it ought to be, we hold an election in Chicago and the gunman runs riot and a United States Senator's house gets bombed.

It is not unreasonable to wonder if Sandino, in Nicaragua, does not think Mr. Coolidge ought to use our own troops we have sent down there and bring them to Chicago and to Pennsylvania, and by their use see if we can have honest and orderly elections in our own country.

The time for our Nation as well as all other nations to use the highest decree of caution and care is before we get into difficulties. By so doing, a nation, like an individual, may avoid much trouble. That we have erred and blundered in getting ourselves involved in Nicaragua there is no question. Since the President's sending American troops there many of them have been killed and wounded, whereas before their going no civilian Americans nor their property had been killed or destroyed.

Far more than a million dollars of American taxpayers' money has been expended in the enterprise, and such a policy destroys and injures American commerce and trade. And if there ever was a time when we should be trying to keep on friendly relations with other nations and extend our markets and open up avenues for new fields of trade so as to dispose of our surplus that time is now, especially when the profits of the farm, if any at all, are so low and farm conditions so depressing.

The truth about the Nicaraguan situation is that Diaz was defeated for the Presidency in Nicaragua. He was agreeable

and satisfactory to certain business interests, among them some investors from New York; but the man who had defeated Diaz was not satisfactory to these same investors. So he was driven out of power and had to leave the country, temporarily, to save his life. While he was out of the country, not by choice but as a necessity to save his life, Diaz had himself chosen by his friends connected with the Government—his main opposition having been driven out. Diaz took possession in effect by force, and backed up by American troops has since been able to maintain possession of the Government offices.

A remarkable thing about our American occupancy of Nicaragua is that while those who defend Mr. Coolidge for sending our troops down there to help put and keep Diaz on the throne, claim that our troops went at the request of Mr. Diaz and his legislative body. These same defenders of the Coolidge policy who have asserted our right and propriety in staying there and controlling their elections, now find that this same Diaz legislative body recently refused to indorse our right to control and supervise their elections. So the Coolidge policy in Nicaragua is finding itself in the position of the neighbor who tried to separate a man and wife from fighting—the poor unfortunate neighbor found himself turned against. As I said heretofore, verily, "human nature" remains the same.

By the Coolidge occupancy of Nicaragua we have—

First. Lost American lives where prior to the occupancy none had been lost.

Second. We have incurred the ill will of smaller nations and are suffering in loss of trade, and what America badly needs to-day are markets for surplus products, whether of field, mine, or factory.

Third. We have expended far more than a million dollars out of the Federal Treasury—the American taxpayers' money.

But, on the other hand, by taking such a course the President has pleased a few American investors, who want to maintain the man of their choice at the head of the Nicaraguan Government, and so such is "human nature."

The truth is that Coolidge's policy in sending troops to Nicaragua is not to protect American lives and American property there from destruction by the people of that country. The answer to those who allege that such is our purpose of going there is that no one has yet been able to name a single American killed or threatened with violence prior to the sending of our troops there. If such is the basis of our going, why can not some one name the Americans who were killed or threatened before we sent our troops there or even at the time they went? What has happened since the landing of our troops is just what would naturally be expected to happen. We have had some of our marines killed and wounded and we have killed many Nicaraguans.

To those who say we are there to uphold the Monroe doctrine the answer is that no foreign power made any suggestion of attempting any kind of military movement in Nicaragua prior to our sending our troops there, and one country—England—only asked us—and that was after we had our forces there—to look after her interests, and that not until we were trying to maintain Diaz in power as President, the very man whom the Nicaraguan people had shown they did not want.

Those who have been hard pressed to give a real reason for having our forces in Nicaragua finally and as a last resort say the property we are there to protect is our Nicaraguan canal rights. The answer to that is that we only have an option to build a canal and that option was to run for 99 years, and more than 80 years may yet pass before we exercise the option to build, and, indeed, we may never do so, as it is only an option which may or may not be exercised. Moreover, even if we had bought and paid for the ground for canal purposes, which we have not done, nothing has been put upon the land over which we have an option, so there is nothing connected with the canal privileges, so far as anything we have there is concerned, except the naked ground, which can not be carried away or destroyed.

After the defender of the President's policy in Nicaragua flounders over one reason and another and fails even to satisfy his own mind, final resort is made to the contention "that both sides invited us there and we are there for that reason." Of course, Diaz and his forces want us there and "the powers that be" with our President, with their American capital, want our military forces there to keep Diaz and his group in power.

The forces opposing Diaz have not once, but time and time again, shown by their conduct they did not want our forces there for any purpose. They have even requested our withdrawal. In order to more forcibly show their unwillingness for our forces to be there they have resisted by force of arms. I suspect we in this country would not welcome armed forces of some other country squatting on our territory, supervising our elections, and by force of arms see to it just how we should hold an election.

The truth is we should not have put our forces in Nicaragua. The policy of the present administration is, and he tells the American farmer "he must work out his own salvation," "he must take care of himself"; and to the American investor and financial wizard the President insists on maintaining not only a high protective tariff for his enrichment at home, but he seems to furnish armed forces to make things safe and suitable and as he exactly wishes in Nicaragua. The taxes of all are to maintain not the many but the few.

THE TYSON-FITZGERALD BILL

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Tyson-Fitzgerald emergency officers' bill.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. MORROW. Mr. Speaker, the bill known as the emergency officers' retirement bill has been pending in Congress since the close of the war; it has passed the Senate three times and has been five times favorably reported by the House Committee on World War Veterans' Legislation. The bill provides that emergency officers of the World War who are 30 per cent permanently disabled shall be eligible for retirement under the provisions of the measure.

The bill has for its purpose to do away with discrimination between emergency officers and the officers of the Regular Army. It is shown that during the war the emergency officers suffered casualties much greater than the officers of the Regular Army. Figures show that there were 2,040 emergency Army officers killed in action or died of wounds received in action. This was 93 per cent of the Army officers killed. There were 8,122 of these officers wounded in action. Under the Tyson-Fitzgerald bill, 3,251 emergency officers still disabled more than 30 per cent will receive an average retirement pay of $132 a month, an increase of $59 over the $73 a month they are now receiving. This is less than one-half the $277 a month now received by the average retired Regular Army officer. These figures I get from the national legislative committee of the American Legion.

It appears that the Regular Army officer for some reason has had a much better standing with Congress than the man who met the Government's emergency call and who by merit on the field of battle is worthy of recognition.

While the bill, no doubt, is subject to criticism for not offering compensation to those who have a rating of disability below 30 per cent and is much lower in rate of pay than that allowed to the retired Regular Army officers, yet it does offer recognition and added benefits to some 3,000 disabled officers of the World War who have been neglected by the Government since that war.

These men, in my opinion, have been discriminated against; they entered the war in good physical condition, many were occupying important positions which they now are unable to fill on account of loss of health or because of crippled condition. The rest of us remained at home and felt secure on account of our American Army at the front in command of these men who are now asking to be justly rated by Congress.

It is important, of course, that discrimination be eliminated in dealing with the soldier who faithfully gave his services to his country. It is likewise important that the officers who entered the service on an emergency call of the Government shall receive the same treatment as the Regular Army officers, on the basis of rank and degree of disability.

The State of New Mexico, which I have the honor to represent in this body, has always stood for fair and proper treatment of those citizens who entered the service during the World War, be they emergency officers or privates. I take great satisfaction in supporting any legislation that offers a very much merited reward to those afflicted as a result of that great struggle. The Government can never restore health to the crippled or to those who contracted a permanent disability. We should, therefore, be generous to the limit in their behalf.

I insert herein the beneficiaries from my State, New Mexico, by name, address, occupation, date of birth, extent of disability, monthly compensation now received, and the proposed monthly compensation under the Tyson-Fitzgerald bill:

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
NEW MEXICO						
Anderson, Ezra	Glenwood, N. Mex.	Not given	1895	Permanent total	$100.00	$106.25
Atherton, Alney L.	Box 288, Albuquerque, N. Mex.	Lineman, telegraph	1890	do	100.00	125.00
Atkins, Clyde	Care of P. L. Atkins, M. D., McGaffey, N. Mex.	No occupation given	1885	do	100.00	125.00
Barnes, Wm. Wallace	Lordsburg, N. Mex.	Not given	1880	do	100.00	106,25
Bennett, Walter F.	Box 103, Albuquerque, N. Mex.	Proprietor and manager of office.	1887	do	100.00	106.25
Blackser, Lawrence	St. Joseph Sanitarium, Albuquerque, N. Mex.	No occupation given	1896	do	100.00	106.25
Bouldin, John W.	Box 42, Carlsbad, N. Mex.	No occupation	1891	do	100.00	106.25
Bujac, Etienne P.	St. Francis Hospital, Carlsbad, N. Mex.	Lawyer	1867	do	100.00	187.50
Bulson, Glenn A.	U. S. Veterans' Hospital No. 55, Fort Bayard, N. Mex.	Physician	1883	do	100.00	150.00
Chaves, jr., Amado	Palace Ave., Sante Fe., N. Mex.	Student	1898	do	150.00	156.25
Childers, Robert J.	Care of Daniel C. Moore, Box 374, Albuquerque, N. Mex.	Physician and surgeon	1887	do	100.00	150.00
Cohen, Melvin M.	512 South High St., Albuquerque, N. Mex.	Engineer	1891	do	100.00	106.25
Coumbe, Arthur G.	U. S. veterans' hospital, Fort Bayard, N. Mex.	Physician	1871	Permanent partial, 64 per cent	64.00	187.50
Cunningham, Peter R.	1505 Central Ave., Albuquerque, N. Mex.	Plumber	1896	Permanent partial, 60 per cent	60.00	106.25
Donahue, John Leo	Fort Bayard, N. Mex.	Physician	1886	Permanent total	100.00	150.00
Douthit, Crawford H.	Clayton, N. Mex.	Not given	1886	do	100.00	150.00
Elfe, Harold B.	302 West Alameda Ave., Roswell, N. Mex.	do	1880	do	100.00	125.00
Eyre, Thomas T.	117 Columbia Ave., Albuquerque, N. Mex.	School teacher	1883	Permanent partial, 50 per cent	50.00	150.00
Farrar, Russell J.	U. S. veterans' hospital, Fort Bayard, N. Mex.	No occupation	1887	Permanent total	100.00	106.25
Flint, Warren A.	914 North 7th St., Albuquerque, N. Mex.	Salesman, heavy commodities.	1891	do	150.00	156.25
Gannon, Fredk. M.	Sunmount Sanatorium, Santa Fe, N. Mex.	No occupation	1890	do	150.00	175.00
Gatling, Henry G.	414 First National Bank, Albuquerque, N. Mex.	Not given	1895	do	100.00	106.25
Herring, Finie A.	507 North Lee St., Roswell, N. Mex.	do	1898	do	100.00	106.25
Herring, Harry T.	Chamberino, N. Mex.	Bookkeeper	1880	Permanent partial, 75 per cent	75.00	218.75
Herron, Russell G.	Alamogordo, N. Mex.	No pre-war occupation	1897	Permanent total	100.00	106.25
Johnston, Lewis S.	Columbus, N. Mex.	Physician and surgeon	1875	do	100.00	150.00
Kinsinger, John W.	Clovis, N. Mex.	do	1863	do	100.00	150.00
Lembke, Charles H.	1418 West Roma Ave., Albuquerque, N. Mex.	Construction foreman	1889	Permanent partial, 53 per cent	53.00	125.00
Lutz, Charles H.	Rosival, N. Mex.	Farmer, livestock	1896	Permanent partial, 42 per cent	42.00	106.25
McCullough, Wm. H.	Roswell, N. Mex.	Lawyer	1885	Permanent partial, 40 per cent	40.00	125.00
Matthews, Wm. C.	do	Physician and surgeon	1874	Permanent total	100.00	125.00
Miller, Pierre A.	821 Forrester Ave., Albuquerque, N. Mex.	Not given	1897	do	100.00	106.25
Patton, Frank H.	513 North 14th St., Albuquerque, N. Mex.	Sales clerk, light commodities.	1892	Permanent partial, 50 per cent	50.00	125.00
Peck, Franklin J.	Monkbridge Sanatorium, Albuquerque, N. Mex.	No occupation	1890	Permanent total	100.00	125.00
Powell, Wm. H., jr.	211 Richmond Ave., Albuquerque, N. Mex.	do	1890	do	100.00	125.00
Radthe, Leonard B.	Indian Reserve Mescalero, N. Mex.	Soldier, sailor, or marine	1886	Permanent partial, 45 per cent	50.00	106.25
Roberts, Maurice McV.	Methodist Sanatorium, Albuquerque, N. Mex.	Lawyer	1890	Permanent total	100.00	125.00
Robinson, Louis B.	Penos Altos, N. Mex.	Physician	1863	do	100.00	125.00
Sanford, John H.	Santa Rosa, N. Mex.	Physician and surgeon	1890	Permanent partial, 75 per cent	75.00	150.00
Seale, Christopher C.	U. S. Veterans' Hospital, Fort Bayard, N. Mex.	Contractor, foreman of construction.	1893	Permanent total	100.00	125.00
Shelton, Dean O.	1405 East Gold Ave., Albuquerque, N. Mex.	Not given	1894	do	100.00	125.00
Spotts, Milton A.	General delivery, Taos, N. Mex.	Clergyman	1884	Permanent partial, 79 per cent	79.00	150.00
Stevens, Robert C.	U. S. Veterans' Hospital No. 55, Fort Bayard, N. Mex.	Soldier	1887	Permanent total	100.00	106.25
Sumner, Gordon	1307 East Central Ave., Albuquerque, N. Mex.	Not given	1886	do	100.00	125.00
Tagl, William	721 North 2d St., Raton, N. Mex.	do	1894	do	100.00	125.00
Weeks, Harold J.	322 North 14th St., Albuquerque, N. Mex.	Student	1893	do	200.00	156.25
West, Wm. Edw.	Socarro, N. Mex.	Metal mining	1892	Permanent partial, 50 per cent	50.00	106.25

While the bill now passed by the House may not do justice to all, it is at least a step in the right direction, and it has the approval of the American Legion, which with other service men's organizations, is certainly striving for justice to those who are entitled to benefits from their country.

FARM RELIEF

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed an address delivered by myself over the radio on last Friday, May 11, 1928.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LANKFORD. Mr. Speaker, under unanimous consent I submit for printing in the RECORD the following address delivered by myself over the radio in Washington, D. C., on May 11, 1928:

Ladies and gentlemen of the radio audience, true farm relief legislation will be secured when the Congress enacts a law enabling the farmers of the Nation to become builders of their own destiny, rather than permit their enemies to continue the masters of the farmers' fate.

The farmer is justly entitled to a new freedom by which and through which he will enjoy for the first time an economic equality with other businesses and enterprises. True farm relief legislation can not be obtained short of an enabling act which will pledge a proper governmental agency to protect the farmers in securing a reasonable price for their products, provided the farmers themselves, by mutual contracts, agree on their part to control their production and to maintain an orderly marketing program. When the farmers become free to control their production and marketing, they can name within reason the sale price of their own products just as other folks do.

There can be no real farm relief without price elevation of farm products, and there can be no permanent price elevation of farm products without efficient control of production. A plan which elevates prices and leaves the plan to be wrecked by the first big crop, at best, is only temporary. A plan which enables the farmer to control his production and thus ushers in better prices, will become permanent and lasting.

The farmers without organized effort on their part can not control their production, neither can they inaugurate and conduct a successful marketing program. Surplus production is the great problem and can only be controlled by voluntary organized efforts on the part of the farmers. It is said farmers will not organize, and hence there can be no efficient surplus control or farm relief. I deny this charge. They will organize if Congress will pass an enabling act making organization worth while. They will voluntarily control their surplus by an orderly marketing program and production curtailment, if assured that their prices will be stabilized at a reasonable profit above the cost of production.

As to the basic agricultural commodities, there is only one great problem—that of surplus control. To my mind it can be effectively

solved by a contract authorized by law whereby a Government-owned corporation contracts with the producers of basic commodities to help them stabilize their prices at a fair minimum upon condition that the farmers contract with each other and with the corporation to make such curtailment of production and sale as may be necessary not to depress the market at any time. Once this control of production and marketing is established, a reasonable price for the commodity will be assured. The Government will have kept its part of the covenant without any loss. As the night follows the day, so will the control of prices within reasonable limits follow control of production and marketing.

Many of my radio audience, I am sure, are wondering whether or not this "consummation devoutly to be wished" can in fact be accomplished. Let me say that I have introduced a bill (H. R. 77) embodying my conception of a plan to enable the producers to control their production and marketing programs and thus name within reason for the first time the prices at which they will sell the products of their own toil.

Let me tell you briefly about this bill and how it will establish an efficient surplus control. The bill is patterned after the War Finance Corporation act, the first sections being identical with that act except that the bill proposes to create the farmers' finance corporation rather than the War Finance Corporation. This corporation is to be authorized to make loans through the banks of the Nation, much the same as the War Finance Corporation, directly to the producers of basic agricultural commodities. The loans are to bear 4 per cent interest, be made for the full amount of the average price of the commodity for the last 10 years, with the commodity as the sole and only collateral and without any right on the part of the farmers' finance corporation to collect any amount of the loan not repaid by the sale of the commodity. Thus the farmer will in effect be receiving as a part of the sale price of his commodity an amount equal to the average price for which he usually sells the commodity, thereby establishing the average price of the commodity as the minimum price of the same.

Now, in my mind's eye I can see hands held up all over the Nation for permission to ask what would become of the assets of the corporation loaning 25 cents per pound on cotton if cotton should at the same time be selling for, say, 15 cents per pound or even less? Well, I will admit that the proposition would be absurd if there were no further provisions in the bill for the protection of the Government's corporation. It takes two to make a contract and no one could expect a Government-owned corporation to be required by Congress to render so great a benefit to the farmers without them agreeing to do something on their part to make the corporation secure in the loans made. There should be and must be a mutability of contract, with a good and sufficient consideration flowing and to flow between the farmers, the banks through which they are to get their loans, and the farmers' finance corporation.

Therefore, the bill provides that before any of the loans mentioned are made farmers planting 75 per cent of the acreage of cotton, for instance, grown in the United States shall have signed and abided by contracts with each other, with their banks, and with the corporation, agreeing and obligating themselves that the cotton advisory council be authorized to control within reasonable limits the acreage planted so as to hold production within reasonable bounds and that the farmer will not sell any of the particular basic commodity without express authority from the advisory council. Briefly stated, by my plan Congress would simply propose to the farmers that if they would by mutual contracts control their production and marketing, then the farmers' finance corporation would by loans enable the farmers to name within reason the selling price of the products of their own toil.

The banks would receive a reasonable compensation for handling the transaction, but would not become liable as indorser or surety. The duties of the directors of the corporation are plainly specified in the bill. The advisory council of the commodity to be handled has jurisdiction of discretionary matters and issues most vital to the farmers, and are to be selected by the governors of the commodity-producing States until the farmers are sufficiently organized, and then to be selected by the farmers themselves. This is clearly constitutional, as members of the advisory council under this bill would not be Federal officials, but only officials recognized by contract much as State highway officials are now recognized by the Federal Government in its present highway 50–50 plan or program. This plan would leave the friends of the farmer in full control of his affairs, would enable the farmers to borrow if they wished the fair price of their commodity, to be repaid only when the commodity was sold, and then only out of the proceeds of the sale.

The farmer would be required to hold his product off the market until it could be sold for enough to repay the loan, all charges such as storage, insurance, interest, etc., and such an additional amount to the farmer as would remain from the sale of the commodity at a fair price. The farmer would be able to hold his product, for he could borrow at a very low rate of interest the reasonable value of his product. The farmer would contract to curtail his production, providing his friends decided it best for him to do so, on condition that all farmers make a similar reduction and provided he received more for the lesser amount produced than he would if he produced without limit. My bill provides simply that the Government make an offer to the farmers to help them solve their great farm problem, provided the farmers would contract to control the great overproduction and surplus menace.

It will be observed that the plan proposed by this bill would not become operative unless those planning 75 per cent of a basic commodity expressed such a desire by signing the proposed contract for surplus control. It is provided that 85 per cent of such planters must sign by the end of first year of operations, 95 per cent by the end of second year, and 97 per cent by the end of third year. The bill, therefore, contains a most splendid referendum. It does not go into effect or remain in effect unless an overwhelming majority of the farmers so declare. The bill would not in the least force the farmers to adopt a plan or policy not desired by them. It offers, to my mind, the best inducement ever proposed for organization by the farmers.

All other farm relief bills are either silent as to the all important factor of production control, or seek through penalties or other equally vicious methods, to control production. This plan seeks to control production and marketing by the voluntary act of the farmer, entered into as a part and parcel of the farm-relief scheme itself. All other bills dodge to a great extent this vital feature of surplus-production control. My bill recognizes this as the heart of the farm-relief plan and deals with it in a way that must be effective if operation is secured under the scheme. There can be no effective farm relief without effective production and marketing control. I repeat what I have said before:

Just as surely as we elevate prices without some sort of control of production, just so surely will the farmers themselves plant more corn and more cotton and more wheat and produce more and bring about the greater production. In other words, any bill which fails to have within it a proper control of production has failure written on its pages.

Under my bill there will be no need for any equalization fee, for the farmers would control the surplus problem effectively, as all farmers could hold their commodity and share in the high price without assuming an unfair burden. The bill has the most effective nonpremium insurance plan ever written. It would stop gambling. The farmers within reasonable limits would name their own prices.

The Government could not lose. There would be no subsidy. The debenture plan would provide indirect, doubtful relief. This plan would afford direct, certain relief. The plan is clear and definite and seeks to set up efficient, economically sound farm relief under the constitutional right of contract.

In conclusion let me say that, in my humble judgment, my bill would put the control of the farmer's great problems in the hands of his friends, not his enemies; would help the farmer directly and not indirectly; provide a complete solution of the overproduction problem; would enable the farmer within reasonable bounds to name his own price for his commodity; and would put him for the first time on a parity with other enterprises and industries.

Ladies and gentlemen of the radio audience, I thank you. Good night.

REPORT OF THE ALIEN PROPERTY CUSTODIAN (H. DOC. NO. 302)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with accompanying papers, was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

In accordance with the requirements of section 6 of the trading with the enemy act, I transmit herewith for the information of the Congress, the annual report of the Alien Property Custodian on proceedings had under the trading with the enemy act for the year ended December 31, 1927.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 14, 1928.*

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 382. An act for the relief of Joseph F. Thorpe; to the Committee on Claims.

S. 460. An act for the relief of the owners of the barge *Mary M*; to the Committee on War Claims.

S. 3056. An act for the relief of the estate of Moses M. Bone; to the Committee on Claims.

S. 3845. An act to prohibit predictions with respect to cotton prices in any report, bulletin, or other publication issued by any department or other establishment in the executive branch of the Government; to the Committee on Agriculture.

S. 3944. An act authorizing the President to present in the name of Congress gold medals of appropriate design to Clarence D. Chamberlin and Charles A. Levine; to the Committee on Coinage, Weights, and Measures.

S. 3991. An act declaring certain designated purposes with respect to certain parts of Santa Rosa Island in Florida to be "public purposes" within the meaning of the proviso in section

7 of the act approved March 12, 1926, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes"; to the Committee on Military Affairs.

S. 4124. An act to provide for notice to owners of land assessed for benefits by the verdict of condemnation juries in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 4229. An act to extend the time for completing the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.; to the Committee on Interstate and Foreign Commerce.

S. 4276. An act granting a pension to Edith Bolling Wilson; to the Committee on Pensions.

S. 4321. An act authorizing the Secretary of the Interior to dispose of two bridges on the San Carlos Indian Reservation, in Arizona, and for other purposes; to the Committee on Indian Affairs.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 126. An act to add certain lands to the Missoula National Forest, Mont.; and

H. R. 8105. An act to provide for the membership of the Board of Visitors, United States Military Academy, and for other purposes.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 777. An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War.

LEAVE OF ABSENCE

By unanimous consent, the following leave of absence was granted:

To Mr. GIBSON, for one week, on account of business;

To Mr. MAAS, for the balance of the week, on account of important business;

To Mr. WURZBACH, for 14 days, on account of important business; and

To Mr. WAINWRIGHT, indefinitely, on account of important business.

ADJOURNMENT

Mr. KOPP. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 36 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 15, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, May 15, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the United States grain standards act by inserting a new section providing for licensing and establishing laboratories for making determinations of protein in wheat and oil in flax (H. R. 106).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize the Secretary of the Navy to proceed with the construction of certain public works (H. R. 13319).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

To ascertain if the State Department is adequately equipped in both its foreign and domestic services (H. Res. 87).

To provide for the reorganization of the Department of State (H. R. 13179).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote the stability of commerce, industry, agriculture, and employment; to assist in realizing a more stable purchasing power of the dollar (H. R. 11806).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON THE JUDICIARY

(10.30 a. m.)

For the relief of Jennie Bruce Gallihan (H. R. 8388).

COMMITTEE ON RIVERS AND HARBORS

(10.30 a. m.)

To authorize the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor (S. 1710).

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO. 1

(10 a. m.)

Proposing an amendment to the Constitution of the United States (H. J. Res. 277).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

523. A letter from the Secretary of the Interior, transmitting report from the several departments engaged in law-enforcement activities of the Federal Government in Alaska, concerning the titles, salaries paid, and expenditures for police and law-enforcement officers with a view to eliminating duplication of work and unnecessary expense; to the Committee on Territories.

524. A communication from the President of the United States, transmitting draft of proposed legislation affecting the appropriation for roads and trails, national parks, contained in the Interior Department appropriations for the fiscal year (H. Doc. No. 297); to the Committee on Appropriations and ordered to be printed.

525. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of State for the fiscal years 1928 and 1929 amounting to $250,448.15, together with a draft of proposed legislation affecting an existing appropriation (H. Doc. No. 298); to the Committee on Appropriations and ordered to be printed.

526. A communication from the President of the United States, transmitting draft of proposed legislation affecting an existing appropriation for the District of Columbia, for the fiscal year 1928, with respect to the acquisition of a site in the vicinity of the Dunbar High School for drill, athletic, and playground purposes (H. Doc. No. 299); to the Committee on Appropriations and ordered to be printed.

527. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the Navy Department for the fiscal year ending June 30, 1929, for $785,437 (H. Doc. No. 300); to the Committee on Appropriations and ordered to be printed.

528. A communication from the President of the United States, transmitting draft of proposed legislation to make available from the appropriation for salaries and expenses, 1928, for the Bureau of Efficiency, the sum of $1,092.33 for payment of certain contract work to secure data in relation to retirement plans for teachers in the District of Columbia and the civil-service retirement and disability fund (H. Doc. No. 301); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. R. 13645. A bill to establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, and for other purposes; without amendment (Rept. No. 1652). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 13506. A bill fixing the salary of the Commissioner of Indian Affairs and the Assistant Commissioner of Indian Affairs; with amendment (Rept. No. 1653). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 13711. A bill to amend section 4 of an act entitled "An act to extend the period of restrictions in lands of certain members of the Five Civilized Tribes, and for other purposes"; with amendment (Rept. No. 1654). Referred to the House Calendar.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 4124. An act to provide for notice to owners of land assessed

for benefits by the verdict of condemnation juries in the District of Columbia, and for other purposes; without amendment (Rept. No. 1657). Referred to the House Calendar.

Mr. MERRITT: Committee on Interstate and Foreign Commerce. H. R. 13708. A bill to authorize the Secretary of Commerce to dispose of a certain lighthouse reservation and to acquire certain land for lighthouse purposes; without amendment (Rept. No. 1662). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. H. R. 10191. A bill for the relief of G. J. Bell; with amendment (Rept. No. 1650). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 471. An act for the relief of Agnes McManus and George J. McManus; with amendment (Rept. No. 1651). Referred to the Committee of the Whole House.

Mr. HOWARD of Oklahoma: Committee on Indian Affairs. S. 2076. An act authorizing the enrollment of Carl J. Reid Dussome as a Kiowa Indian, and directing issuance of trust patents to him to certain lands of the Kiowa Indian Reservation, Okla.; without amendment (Rept. No. 1655). Referred to the Committee of the Whole House.

Mr. ARENTZ: Committee on Indian Affairs. S. 2738. An act for the relief of C. R. Olberg; without amendment (Rept. No. 1656). Referred to the Committee of the Whole House.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 7887. A bill placing Cadet Adrian Van Leeuwen on the retired list; without amendment (Rept. No. 1658). Referred to the Committee of the Whole House.

Mr. WARE: Committee on Claims. H. R. 12499. A bill for the relief of Arthur N. Ashmore; with amendment (Rept. No. 1659). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 5216. A bill for the relief of the New York Marine Co.; with amendment (Rept. No. 1660). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 13671) granting a pension to George Benjamin Corbin; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13703) granting a pension to Nettie L. Converse; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HULL of Tennessee: A bill (H. R. 13742) amending section 1 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: A bill (H. R. 13743) conferring jurisdiction upon the Court of Claims to hear and determine claims of certain bands or tribes of Indians residing in the State of Oregon; to the Committee on Indian Affairs.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 13744) to provide for the acquisition by Parker I-See-O Post, No. 12, All-American Indian Legion, Lawton, Okla., of the east half, northeast quarter, northeast quarter, northwest quarter of section 20, township 2 north, range 11 west, Indian meridian, in Comanche County, Okla.; to the Committee on the Public Lands.

By Mr. LINTHICUM: A bill (H. R. 13745) for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor; to the Committee on Foreign Affairs.

By Mr. O'CONNELL: A bill (H. R. 13746) to provide a shorter work day on Saturday for postal employees; to the Committee on the Post Office and Post Roads.

By Mr. YON: A bill (H. R. 13747) authorizing the Northwest Florida Corporation, its successors and assigns, to construct, maintain, and operate a bridge across Perdido Bay, at or near Innerarity Point in Escambia County, Fla., to the mainland of Baldwin County, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD of Oklahoma: A bill (H. R. 13748) to carry into effect the twelfth article of the treaty between the United States and the Loyal Shawnee Indians proclaimed October 14, 1868; to the Committee on Indian Affairs.

By Mr. WHITE of Maine: A bill (H. R. 13749) to authorize the Secretary of Commerce to dispose of the marine biological station at Key West, Fla.; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 13750) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, as amended by the act approved July 23, 1912; to the Committee on the Merchant Marine and Fisheries.

By Mr. RATHBONE: A bill (H. R. 13751) to provide for a survey of a route for the construction of a highway connecting certain places associated with the life of Abraham Lincoln; to the Committee on Roads.

By Mr. GIBSON: A bill (H. R. 13752) to provide for the construction of a children's tuberculosis sanatorium; to the Committee on the District of Columbia.

By Mr. HOWARD of Oklahoma: A bill (H. R. 13753) authorizing an expenditure of certain funds standing to the credit of the Cherokee Nation in the Treasury of the United States to be paid to one of the attorneys for the Cherokee Nation, and for other purposes; to the Committee on Indian Affairs.

By Mr. ENGLAND: A bill (H. R. 13754) relating to the construction of a chapel at the Federal Industrial Institution for Women at Alderson, W. Va.; to the Committee on the Judiciary.

By Mr. MEAD: A bill (H. R. 13755) to provide a shorter workday on Saturday for postal employees; to the Committee on the Post Office and Post Roads.

By Mrs. LANGLEY: A bill (H. R. 13756) relating to the naturalization and immigration of certain aliens; to the Committee on Military Affairs.

By Mr. THATCHER: A bill (H. R. 13757) to amend sections 116 and 118 of the Judicial Code, and for other purposes; to the Committee on the Judiciary.

By Mr. COCHRAN of Missouri: Joint resolution (H. J. Res. 302) authorizing the President to appoint A. Campbell Turner to the Foreign Service of the United States; to the Committee on Foreign Affairs.

By Mr. NELSON of Maine: Joint resolution (H. J. Res. 303) to amend joint resolution directing the Interstate Commerce Commission to take action relative to adjustment in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges; to the Committee on Interstate and Foreign Commerce.

By Mr. LUCE: Concurrent resolution (H. Con. Res. 35) requesting the President of the United States to return H. R. 7475 to the House of Representatives, entitled "A bill to provide for the removal of the Confederate monument and tablets from Greenlawn Cemetery to Garfield Park"; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 13758) granting an increase of pension to Mary Alderdice; to the Committee on Invalid Pensions.

By Mr. BRIGHAM: A bill (H. R. 13759) granting an increase of pension to Ada E. Pattin; to the Committee on Invalid Pensions.

By Mr. CORNING: A bill (H. R. 13760) granting an increase of pension to Hannah Sayles; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 13761) granting a pension to Anna Corte; to the Committee on Invalid Pensions.

By Mr. DOUGLASS of Massachusetts: A bill (H. R. 13762) for the relief of Mary Ann Meeker; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 13763) for the relief of Thomas W. Surrency; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 13764) for the relief of Jason F. Purvis; to the Committee on World War Veterans' Legislation.

By Mr. HAWLEY: A bill (H. R. 13765) granting a pension to A. R. Cyrus; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 13766) granting an increase of pension to Maria Brannon; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 13767) for the relief of Joe B. Prince; to the Committee on Claims.

By Mr. PURNELL: A bill (H. R. 13768) granting a pension to Gertrude Munhall; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 13769) for the relief of Joseph Sustowski; to the Committee on Claims.

Also, a bill (H. R. 13770) for the relief of Orville A. Yates; to the Committee on World War Veterans' Legislation.

By Mr. SPEAKS: A bill (H. R. 13771) granting a pension to Frank V. Griffith; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 13772) granting an increase of pension to Elmina Ripley; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 13773) granting a pension to Estelle Eby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13774) granting a pension to Ellen J. Bergen; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 13775) granting an increase of pension to Laura A. Nason; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 13776) to provide for examination and survey of Tawas River, Mich.; to the Committee on Rivers and Harbors.

By Mr. KNUTSON: Resolution (H. Res. 205) to pay Fred R. Miller for extra and expert services to the Committee on Pensions; to the Committee on Accounts.

By Mr. REED of New York: Resolution (H. Res. 206) providing for the consideration of H. R. 13251, a bill to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7596. By Mr. BLOOM: Petition of the executive committee of the New York State Bar Association, adding their protest to the enactment of Senate bill 3151; to the Committee on the Judiciary.

7597. By Mr. CARTER: Petition of Porter Stanley and many others, of Oakland, Calif., protesting against the passage of House bill 78, the Sunday bill; to the Committee on the District of Columbia.

7598. Also, petition of O. E. Hotchkiss, and many others, of Oakland, Calif., protesting against the passage of House bill 78, known as the Sunday bill; to the Committee on the District of Columbia.

7599. By Mr. DEMPSEY: Petition by E. C. Harris and A. M. Vallmer, Educators Association, Buffalo, N. Y., protesting against passage of Senate bill 1752; to the Committee on the Post Office and Post Roads.

7600. By Mr. GARBER: Petition of General Council of the Apache, Kiowa, and Commanche Indians of Oklahoma, in regard to bill pending providing for the payment of the abovementioned tribes of the sum of $100,000; to the Committee on Indian Affairs.

7601. Also, petition of Opperud & Martin, by O. B. Martin, of Blackwell, Okla., in protest to the passage of Senate bill 1752; to the Committee on the Post Office and Post Roads.

7602. By Mr. JOHNSON of Texas: Petition of W. B. Yeary, president Farmers Marketing Association of Texas, favoring House bill 5677, net weight cotton bill; to the Committee on Agriculture.

7603. By Mr. MANLOVE: Petition signed by 83 citizens of Barry, Jasper, and Lawrence Counties, Mo., including Charles Mathis, H. W. Larkin, W. L. Coffin, and Mary McNeely, all of Verona, Mo.; Myrtle Joy, Mrs. J. L. Shoemaker, and Mrs. E. Miles, all of Oronogo, Mo.; A. J. Smith and Mrs. A. Foster, of Carl Junction, Mo.; V. A. Tunnel, Clifford Logan, and Claudia Hilton, all of Jenkins, Mo., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

7604. Also, petition of Katharine K. Collins, Verona, Mo., favoring legislation granting increases of pension to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7605. Also, petition signed by 138 citizens of Jasper County, Mo., including R. L. Cave, Arthur J. Bastian, George F. Wiedeman, John Pflug, Marion A. Coonrod, V. A. Newsom, E. M. Chapman, Mary F. Adams, and B. L. Lewis, all of Joplin, Mo., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

7606. Also, petition of Mrs. S. B. Converse and 30 other citizens of Aurora, Mo., urging the passage of a Civil War pension bill; to the Committee on Invalid Pensions.

7607. Also, petition of F. A. Nelson and 25 other citizens of Southwest City, Mo., urging the passage of a Civil War pension bill; to the Committee on Invalid Pensions.

7608. By Mr. O'CONNELL: Petition of George S. Silzer, chairman of the Port of New York Authority, opposing the passage of the Vinson bill (H. R. 13646); to the Committee on Agriculture.

7609. Also, petition of the General Harrison Gray Otis Post, No. 1537, Veterans of Foreign Wars, Pasadena, Calif., favoring the passage of House bill 6523; to the Committee on Military Affairs.

7610. By Mr. SPEAKS: Petition signed by C. W. Hodson and some 40 residents of Franklin County, Ohio, urging enactment of legislation for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

7611. By Mr. WILLIAMS of Missouri: Petition of P. C. Coffell and others, urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Pensions.

SENATE

TUESDAY, *May 15, 1928*

(Legislative day of Thursday, May 3, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate resumes the unfinished business, H. R. 1.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. SMOOT. Mr. President, there are a number of amendments that I intend now to propose to the bill. The amendments are mostly clerical in their nature. The committee authorized the experts to prepare the amendments, and I shall now offer them as the committee agreed to them. As I said, they are mostly clerical.

Mr. SIMMONS. I thought we agreed the other day that the experts were to make all necessary clerical corrections.

Mr. SMOOT. The Senator will remember that there were some amendments that were not clerical and some that were. I wanted to clean up those amendments now which we did not have prepared at the time the bill was reported. I am quite sure the Senator will not object to them, because in the committee we were almost unanimous—in fact, I think we were completely unanimous—in reporting them.

Mr. SIMMONS. I understand the purpose of the Senator is to perfect some majority amendments?

Mr. SMOOT. Yes.

Mr. SIMMONS. I do not object to that.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8126) to repeal the sixty-first proviso of section 6 and the last proviso of section 7 of "An act to establish the Mount McKinley National Park, in the Territory of Alaska," approved February 26, 1917.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 126. An act to add certain lands to the Missoula National Forest, Mont.; and

H. R. 8105. An act to provide for the membership of the Board of Visitors, United States Military Academy, and for other purposes.

CALL OF THE ROLL

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Cutting	Harris	Mayfield
Barkley	Dale	Harrison	Metcalf
Bayard	Deneen	Hawes	Moses
Bingham	Dill	Hayden	Neely
Black	Edge	Howell	Norbeck
Blaine	Edwards	Johnson	Norris
Borah	Fess	Jones	Nye
Bratton	Fletcher	Kendrick	Oddie
Brookhart	George	Keyes	Overman
Broussard	Gerry	King	Phipps
Bruce	Gillett	La Follette	Pine
Capper	Glass	Locher	Pittman
Caraway	Goff	McKellar	Reed, Mo.
Copeland	Gould	McLean	Reed, Pa.
Couzens	Greene	McMaster	Robinson, Ind.
Curtis	Hale	McNary	Sackett

Schall	Smoot	Tydings	Warren
Sheppard	Steck	Tyson	Waterman
Shipstead	Steiwer	Vandenberg	Watson
Shortridge	Stephens	Wagner	Wheeler
Simmons	Swanson	Walsh, Mass.	
Smith	Thomas	Walsh, Mont.	

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. CURTIS presented a petition of sundry citizens of the State of Kansas, praying for the passage of the so-called Brookhart bill, being Senate bill 1667, relative to the distribution of motion-picture films in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

Mr. DENEEN presented a memorial of members of the medical staff of the St. Francis Hospital, Evanston, Ill., remonstrating against the proposed increase in the narcotic tax from $1 to $3 in connection with the administration of the Harrison narcotic law, and favoring the adoption of the so-called Robinson amendment to pending tax legislation relative to taxes in connection with attendance upon professional meetings, which was referred to the Committee on Finance.

Mr. BLAINE presented resolutions adopted by the County Board of Lafayette County, Wis., favoring the passage of legislation increasing the import duties on Swiss, brick, and limburger cheese about 50 per cent, which were referred to the Committee on Finance.

He also presented resolutions adopted by the Ashland and Marathon County Boards of Supervisors, Wisconsin, favoring the raising of the tariff on cheese high enough so that the American farmer can compete with the Canadian farmer, which were referred to the Committee on Finance.

Mr. WATERMAN presented a letter in the nature of a petition signed by representatives of various temperance organizations, which was ordered to lie on the table and to be printed in the RECORD, as follows:

WASHINGTON, D. C., *May 12, 1928.*

Senator CHARLES W. WATERMAN,
Senate Office Building, Washington, D. C.

In re: S. 2901.

DEAR SENATOR WATERMAN: There is pending on the Senate Calendar S. 2901, introduced by Senator JONES, of Washington, to increase the maximum penalties that may be imposed in criminal prosecutions for the five offenses defined by the eighteenth amendment to the Constitution of the United States, namely, the manufacture, transportation, sale, importation, and exportation of intoxicating liquors for beverage purposes.

Extended hearings have been held. The Assistant Attorney General in charge of prohibition enforcement, Mrs. Mabel Walker Willebrandt, and the Commissioner of Prohibition, Dr. J. M. Doran, called before the committee, testified to the great need for increased penalties in this class of offenses, as shown by experience. The National Legislative Conference, comprising 31 temperance organizations of the country, has repeatedly gone on record in favor of legislation for increased penalties in prohibition cases, and at its last annual session in December in Washington voted unanimously to urge its constituent bodies to support legislation for increased maximum penalties for these major offenses. This principle is found in S. 2901. The reasons for the passage of the bill are well stated in the attached report of the Senate Judiciary Committee (No. 768) recommending its passage.

We earnestly request you to give consideration to this measure as thus reported by the Senate committee and to use your influence to secure a vote upon it and its passage at this session of Congress. This support will be deeply appreciated. Our views are stated in the memorandum filed with the subcommittee.

Respectfully submitted.

ANTI-SALOON LEAGUE OF AMERICA,
By F. SCOTT MCBRIDE, *General Superintendent.*
EDWARD B. DUNFORD, *Attorney.*
INTERNATIONAL ORDER OF GOOD TEMPLARS.
FLYING SQUADRON FOUNDATION,
COMMITTEE ON PROMOTION OF
TEMPERANCE LEGISLATION IN CONGRESS.
ASSOCIATION IN SUPPORT OF NATIONAL PROHIBITION,
By EDWIN C. DINWIDDIE, *Legislative Representative.*
NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION,
By ELLA A. BOOLE, *President.*
LENNA LANE YOST, *Washington Representative.*
BOARD OF TEMPERANCE AND SOCIAL
SERVICE OF THE M. E. CHURCH SOUTH,
By JAMES CANNON, Jr., *Chairman.*
EUGENE L. CRAWFORD, *Secretary.*
INTERNATIONAL REFORM FEDERATION,
By WM. SHEAR CHASE, *General Superintendent.*

Mr. WATERMAN also presented various letters, telegrams, and resolutions favoring the passage of Senate bill 1289, the so-called universal draft bill, which were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

AMERICAN LEGION AUXILIARY, RAY LINES UNIT, No. 64,
Salida, Colo., May 3, 1928.

Hon. CHARLES W. WATERMAN,
United States Senate, Washington, D. C.

SIR: The Ladies Auxiliary of the American Legion Post, No. 64, with 24 members, passed resolution at last meeting requesting your support of the universal draft bill when brought before Congress for vote.

Yours truly,

(MRS.) FLORENCE P. STANLEY, *Secretary.*

THE WINDSOR COMMUNITY CLUB,
Windsor, Colo., April 28, 1928.

Hon. CHARLES W. WATERMAN,
Washington, D. C.

DEAR SIR: At a meeting of the directors of the Windsor Community Club, a business men's organization composed of 100 members, the following resolution was unanimously adopted:

"Be it, and it is hereby, unanimously resolved by the Windsor Community Club, That we respectfully request our Representatives in the United States Congress give the universal draft bill their earnest consideration, and that we favor its passage in whatever form seems advisable after such consideration"; it is further

Resolved, That a copy of this resolution be sent to our Representatives and Senators, viz, Hon. LAWRENCE C. PHIPPS, Hon. CHARLES W. WATERMAN, and Hon. CHARLES B. TIMBERLAKE, all of Washington, D. C.

Respectfully submitted.

THE WINDSOR COMMUNITY CLUB,
W. T. BOREING, *Secretary.*

MONTEVISTA, COLO, *April 27, 1928.*

Senator CHARLES W. WATERMAN,
Washington, D. C.:

Would appreciate your support universal draft bill, which we greatly favor.

JAMES G. HAMILTON POST, No. 53, AMERICAN LEGION.

VICTOR CANDLIN POST, No. 18, AMERICAN LEGION,
Greeley, Colo., April 19, 1928.

Be it resolved by Victor Candlin Post, No. 18, the American Legion, Greeley, Colo., in meeting assembled, That the Congress of the United States of America should proceed to pass, without delay, a universal draft law, and that the measure presented to Congress be reported out of committee, considered, and enacted into law at the present session of Congress without further delay, and that a copy of this resolution be sent to the Senators and Representatives of Colorado in Congress.

PROCTOR SMITH, *Commander.*

Attest:

S. S. TRENT, *Adjutant.*

RAY LINES POST, No. 64,
Salida, Colo., April 20, 1928.

Hon. CHARLES W. WATERMAN,
United States Senate, Washington, D. C.

DEAR SIR: Ray Lines Post, No. 64, the American Legion, of Salida, Colo., consisting of 100 members, at its last meeting held April 18, voted unanimously to request your complete support in bringing the passage of the universal draft bill, as well as working to force this bill out of committee. This request comes from 100 red-blooded patriotic Americans who feel that they want the passage of a law which will do more to end all wars than anything ever before brought up in Congress.

Your support of this bill will, therefore, be expected.

Very truly yours,

CARL M. STANLEY, *Post Adjutant.*

DEPARTMENT OF COLORADO, THE AMERICAN LEGION,
Windsor, Colo., April 15, 1928.

Hon. CHARLES W. WATERMAN,
Washington, D. C.

MY DEAR SENATOR: On behalf of the members of the American Legion of the State of Colorado I am writing you to ask for your support of the Capper-Johnson bill (the universal draft bill). Trusting that you can give your whole-hearted support to this bill, which is sponsored by every veteran of the World War.

I remain,

Very truly yours,

H. M. WOLF,
Vice Commander the American Legion,
Department of Colorado.

THE RALPH WILKINS POST, NO. 98, AMERICAN LEGION,
DEPARTMENT OF COLORADO,
Idaho Springs, April 16, 1928.

Senator CHARLES W. WATERMAN,
Washington, D. C.

DEAR SIR: At a regular meeting of Ralph Wilkins Post, No. 98, Department of Colorado, it was resolved that this post go on record as being unanimously in favor of the universal draft law as sponsored by the American Legion.

It was further resolved that this post notify the Senators from Colorado and their Representative from this district of this resolution and respectfully ask them to support this bill.

FOR RALPH WILKINS POST, NO. 98,
RALPH H. GLIDDEN, *Adjutant.*

THE DENVER CITY COUNCIL OF
THE AMERICAN LEGION (INC.),
Denver, Colo., April 7, 1928.

Hon. CHARLES W. WATERMAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: At a meeting of the Denver City Council of the American Legion held April 6, 1928, the council went on record as being strongly in favor of the Capper-Johnson universal draft bill. In accordance with a resolution adopted at this meeting you are respectfully requested to support this measure to the fullest extent.

Sincerely yours,

LAWRENCE LEWIS, *City Commander.*

GRAND JUNCTION, COLO., *April 5, 1928.*

Senator CHARLES W. WATERMAN,
United States Senate, Washington, D. C.:

Robbins McMullin Post, No. 37, American Legion, of Grand Junction, Colo., is on record as favoring the universal draft bill; your favorable reply will be appreciated.

M. H. WILSON, *Commander.*

GRAND JUNCTION, COLO., *April 5, 1928.*

Senator CHARLES W. WATERMAN,
United States Senate, Washington, D. C.:

Chief Ouray Voiture, 878 of 48, Mesa County, Colo., is on record as favoring the universal draft bill; your favorable reply will be appreciated.

L. R. LANNING, *Correspondent.*

THE AMERICAN LEGION, DEPARTMENT OF COLORADO,
April 12, 1928.

Senator CHARLES W. WATERMAN,
Washington, D. C.

DEAR MR. WATERMAN: As executive committeeman for the second district, Department of Colorado, American Legion, I urge upon you the necessity of supporting the universal draft law supported by the American Legion. I know you have always been interested in the maintenance of permanent peace and will do all that is possible to accomplish this end. I have confidence you will agree with the Legion that the most powerful factor which Congress can contribute to this end is the passage of the universal draft law.

I hope in the giving and taking necessary in legislative halls to pass good laws that the universal draft bill will not be the one sacrificed in the trading. This is not a law for the benefit of members of the American Legion only and those who took part in the World War, but is a bill that is intended to contribute to the good of the Nation and of the world, and must be met fair and square.

Thanking you for past courtesies, I am,

Very truly yours,

SIDNEY P. GODSMAN,
Executive Committeeman, Second District.

Resolution

Whereas what is known as the universal draft bill, conceived, written, and sponsored by the American Legion, is now before the National Legislature and has reached a point where some action can be anticipated in the near future by that body thereon; and

Whereas it is our feeling that the possibilities of America again becoming involved in warfare will be minimized by the enactment of the above-mentioned bill, and her strength in the event of war will be placed thereby at the maximum, and that the future safety of our Nation therefore will be immeasurably enhanced; and

Whereas we can find no logical reason why any of our National Legislators should refuse to lend his active cooperation to an act which would in the event of war dedicate all of our man power and material resources to its prosecution on as nearly an equitable basis as possible, irrespective of the party or political affiliations of such legislators: Therefore be it, and it is hereby,

Resolved by Pueblo Post, No. 2, of the American Legion, Department of Colorado, That we most respectfully request of our Representatives in Congress and of our Senators that each of them give to the universal draft bill his entire and whole-hearted support and approval, and that if such support can not be given, the reasons therefor be made public through the press; be it, and it is hereby further

Resolved, That a copy of the above resolution be mailed to the Hon. LAWRENCE C. PHIPPS, Hon. CHARLES W. WATERMAN, United States Senators, and to the Hon. GUY U. HARDY, Member of Congress from the third congressional district of the State of Colorado, and to the public press.

W. E. BURNEY, *Post Commander.*

Attest:

FELIX PAGLIANO, *Adjutant.*

AMERICAN LEGION, COLORADO SPRINGS POST, NO. 5,
Colorado Springs, Colo., February 2, 1928.

Hon. CHARLES W. WATERMAN,
Denver, Colo.

DEAR SIR: At the last regular meeting of Post No. 5, American Legion, there was read a copy of the universal draft act, otherwise known as the Johnson bill, which is to come up again before the next session of Congress.

It was unanimously voted that the post favors the enactment of this legislation, and the adjutant was instructed to write to you to urge that you give it your support.

Thanking you for your consideration, we are,

Very truly yours,

COLORADO SPRINGS POST, NO. 5, AMERICAN LEGION,
By F. H. WEST, *Adjutant.*

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 6842) for the relief of Joseph F. Friend, reported it without amendment and submitted a report (No. 1151) thereon.

He also, from the Committee on the District of Columbia, to which was referred the bill (S. 4441) to amend the laws relating to assessment and collection of taxes in the District of Columbia, and for other purposes, reported it with an amendment and submitted a report (No. 1152) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 4454) for the relief of Jess T. Fears, reported it without amendment and submitted a report (No. 1153) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 4187) for the relief of Con Murphy, reported it without amendment and submitted a report (No. 1154) thereon.

Mr. WATERMAN, from the Committee on Claims, to which was referred the bill (H. R. 8031) for the relief of Higgins Lumber Co. (Inc.), reported it without amendment and submitted a report (No. 1155) thereon.

Mr. CARAWAY, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 4839) for the relief of the Press Publishing Co., Marianna, Ark. (Rept. No. 1156); and

A bill (H. R. 5322) for the relief of John P. Stafford (Rept. No. 1157).

Mr. BLAINE, from the Committee on the District of Columbia, to which was referred the bill (S. 3844) amending the fraternal beneficial association law for the District of Columbia as to payment of death benefits, reported it without amendment and submitted a report (No. 1158) thereon.

He also, from the same committee, to which was referred the bill (S. 3694) regulating juvenile insurance by fraternal beneficial associations in the District of Columbia, reported it with an amendment and submitted a report (No. 1159) thereon.

Mr. GILLETT, from the Committee on the Judiciary, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1965) to authorize the appointment of a district judge for the northern district of Mississippi (Rept. No. 1160);

A bill (S. 1976) for the appointment of an additional circuit judge for the second judicial circuit (Rept. No. 1161); and

A bill (S. 4127) to provide for the appointment of an additional justice of the Supreme Court of the District of Columbia, and for other purposes (Rept. No. 1162).

Mr. DALE, from the Committee on Civil Service, to which was referred the bill (H. R. 6518) to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," reported it with amendments and submitted a report (No. 1163) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (S. 1547) for the relief of Johns-Manville Corporation, reported it with amendments and submitted a report (No. 1165) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 3942) for the relief of Maj. Charles F. Eddy, reported it without amendment and submitted a report (No. 1166) thereon.

Mr. ODDIE, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3949) to amend section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (Public, No. 290, 64th Cong.), reported it with an amendment and submitted a report (No. 1167) thereon.

Mr. NYE, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 4234) authorizing the purchase of certain lands by John P. Whiddon (Rept. No. 1168);

A bill (S. 4327) to relinquish the title of the United States to land in the claim of Seth Dean, situate in the county of Washington, State of Alabama (Rept. No. 1169);

A bill (H. R. 6854) to add certain lands to the Montezuma National Forest, Colo., and for other purposes (Rept. No. 1170);

A bill (H. R. 11405) to acquire an area of State land situate in Lassen Volcanic National Park, State of California, by exchange (Rept. No. 1171); and

A bill (H. R. 12192) authorizing the Secretary of the Interior to accept a deed to certain land and issue patent therefor to the city of Buhl, Twin Falls County, Idaho (Rept. No. 1172).

Mr. NORBECK, from the Committee on Pensions, to which was referred the bill (H. R. 13511) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 1173) thereon.

Mr. FESS, from the Committee on the Library, to which was referred the bill (H. R. 9355) to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes, reported it without amendment and submitted a report (No. 1175) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 4458) for the relief of the Bowers Southern Dredging Co.; to the Committee on Commerce.

By Mr. WATSON:

A bill (S. 4459) for the advancement in rank of certain officers of the Marine Corps; to the Committee on Naval Affairs.

By Mr. BROOKHART:

A bill (S. 4460) to authorize the Interstate Commerce Commission to acquire a coast-to-coast railroad system, to provide for the operation of such system, and for other purposes; to the Committee on Interstate Commerce.

By Mr. REED of Pennsylvania:

A bill (S. 4461) to provide for the policing of military roads leading out of the District of Columbia; to the Committee on Military Affairs.

By Mr. TYDINGS:

A bill (S. 4462) to establish a national military park at the battle field of Monocacy, Md.; to the Committee on Military Affairs.

By Mr. CAPPER:

A bill (S. 4463) to provide for the construction of a children's tuberculosis sanatorium; to the Committee on the District of Columbia.

By Mr. THOMAS:

A bill (S. 4464) authorizing an expenditure of certain funds standing to the credit of the Cherokee Nation in the Treasury of the United States to be paid to one of the attorneys for the Cherokee Nation, and for other purposes; to the Committee on Indian Affairs.

By Mr. CARAWAY:

A bill (S. 4465) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River near Clarendon, Ark.; to the Committee on Commerce.

By Mr. COPELAND:

A bill (S. 4466) to authorize the Secretary of War to grant to the New York Central Railroad Co., its successors or assigns, a perpetual easement extending across Constitution Island on the West Point Military Reservation, N. Y., for railroad purposes; to the Committee on Military Affairs.

By Mr. TYDINGS (by request):

A bill (S. 4467) to amend section 1 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; to the Committee on Patents.

By Mr. STEPHENS:

A bill (S. 4468) for the relief of the legal representatives of Ann D. Halsey, deceased; to the Committee on Claims.

By Mr. WHEELER:

A bill (S. 4469) for the relief of Everett W. Matteson; to the Committee on Claims.

By Mr. McKELLAR:

A bill (S. 4470) authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station for the South at or near Lewisburg, Tenn.; to the Committee on Agriculture and Forestry.

By Mr. HOWELL:

A bill (S. 4471) in respect of rates of postage on semiweekly newspapers; to the Committee on Post Offices and Post Roads.

By Mr. SHEPPARD:

A bill (S. 4472) granting a pension to Theodore G. Thomas; to the Committee on Pensions.

AMENDMENTS TO TAX REDUCTION BILL

Mr. SACKETT, Mr. SMOOT, and Mr. CARAWAY (for Mr. ROBINSON of Arkansas) each submitted an amendment intended to be proposed by them to House bill 1, the tax reduction bill, which were severally ordered to lie on the table and to be printed.

FISH-CULTURAL STATION AT SARATOGA, WYO.

Mr. WARREN submitted an amendment intended to be proposed by him to the bill (H. R. 13383) to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries, which was referred to the Committee on Commerce and ordered to be printed.

COLUMBIA BASIN RECLAMATION PROJECT

Mr. PHIPPS submitted an amendment intended to be proposed by him to the bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, which was ordered to lie on the table and to be printed.

REFERENCE OF HAITIAN RESOLUTIONS

On motion of Mr. KING, the following resolutions were taken from the table and referred to the Committee on Foreign Relations:

S. J. Res. 136. Joint resolution for the termination of the alleged treaty between the United States and Haiti; and

S. Res. 158. Resolution relative to the occupation of Haiti by the military forces of the United States.

INCOME TAX OF CERTAIN MUNICIPAL EMPLOYEES

Mr. VANDENBERG. Mr. President, I present, as bearing upon the pending revenue measure, a resolution of the Detroit Municipal Employees Club, unanimously adopted at its regular meeting. I want to say by way of explanation that the resolution is in protest against a discrimination resulting, first, from the ruling of the Internal Revenue Bureau, which undertakes to say that certain classes of municipal employees shall be exempt and certain classes shall not, and a discrimination, secondly, resulting from the failure of the pending measure to correct this situation. The situation affects not only Detroit, but every city, town, and village in the United States with a municipal waterworks or a municipal street railway. I have an amendment pending to cure the situation which will be brought later to the attention of the Senate. At the moment I ask that the resolution be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolution is as follows:

The following resolution was unanimously adopted by the Detroit Municipal Employees Club (Inc.), at its regular meeting held April 20, 1928:

"Whereas by ruling of the Commissioner of Internal Revenue, dated February 17, 1928, orders were issued directing internal-revenue collectors in the various districts of the Nation to levy an income tax on employees employed in the municipal utilities throughout the country; and

"Whereas the internal-revenue collector for the district of Detroit has so notified the department of water supply and the department of street railways that its employees are liable for income tax for the years 1925, 1926, and 1927, together with accrued interest; and

"Whereas the said collector of internal revenue for the district of Detroit has directed the board of water commissioners and the board of street railway commissioners to file with him a list of employees subject to income tax, under the laws governing the income-tax returns and payments for the years 1925, 1926, and 1927; and

"Whereas this ruling only affects employees of municipal utilities; and

"Whereas these employees must have their salaries appropriated by the executive and legislative officers of the city of Detroit in a similar manner as other city employees; and

"Whereas this levying of the tax appears to be a great discrimination against one set of city employees: Therefore be it

"*Resolved*, That the Detroit Municipal Employees Club (Inc.), in formal session assembled, being aroused by the unjust decision and action of the Commissioner of Internal Revenue, through its proper officers directs that a communication be sent to the Senators and Representatives of the State of Michigan, in Congress assembled, protesting against this injustice and discrimination, and requesting the aid and assistance of these honorable Members of the Senate and House of Representatives to obtain relief for the employees of the board of water commissioners and the department of street railways of the city of Detroit."

MUSCLE SHOALS

Mr. TYDINGS. Mr. President, I ask leave to have printed in the RECORD an editorial reprinted from the May 5 issue of the New England Homestead, one from the Pennsylvania Farmer, together with a letter from G. M. Knebel, vice president and general manager of the Texas State Manufacturers Association, and an editorial from the Atlanta (Ga.) Constitution of May 10, relative to pending Muscle Shoals legislation.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Editorial reprinted from May 5 issue of New England Homestead, Springfield, Mass.]

GIVE FERTILIZER INDUSTRY A CHANCE

The National Fertilizer Association is dead right in registering vigorous protest to the House Military Committee reporting out the amendment it has on the Norris Muscle Shoals resolution. The measure as passed by the Senate has been completely changed, retaining only the enabling and enacting clauses. It amounts to eliminating a dog's tail by making the cut immediately back of the ears. The action of the Military Committee, if sustained, puts the Government into the ferilizer business with a vengeance. It would violate that cardinal American principle of encouraging individual initiative rather than leaning upon the Government to do for citizens what they can best do for themselves, and do it more efficiently and economically.

There has been a lot of loose talk about getting cheap fertilizers. Statistics indicate that the industry to-day is giving farmers the best fertilizers they ever used at the lowest relative price they ever paid. As compared to pre-war levels the prices on all commodities are 46 per cent higher, building material 58 per cent, farm labor costs 61 per cent, nonagricultural commodities 51 per cent, farm machinery 34 per cent, cotton and cottonseed meal 47 per cent, wheat 38 per cent, tobacco 27 per cent, potatoes 62 per cent, all farm products 37 per cent, and fertilizers only 9 per cent higher.

Clearly, here is an industry that has not been profiteering nor exploiting the farmer. Indeed, the truth is that the fertilizer industry since the depression began in 1920, has lost over $200,000,000. Some of the biggest concerns have taken a terrible licking. Congress is concerned about farm relief, yet here is a proposal to heavily penalize an industry whose prices relatively are below those of farm products. It is both inconsistent and wrong for Uncle Sam with Government funds to thus discriminate. Farmers do not ask it. Their motto is to live and let live.

We do not blame Charles J. Brand, of the fertilizer association, for seeing red. He has submitted to Congressmen a brief which is most convincing and ought to carry conviction. He gives eight sound reasons why the amendment by the Military Committee should not receive approval. This committee substitute does not even attempt to utilize the Muscle Shoals as a laboratory to aid in the development of a nitrogen industry in this country, but says, "for the purpose of producing and selling nitrogen and nitrogen products." It provides a substantial subsidy in that fertilizer would be made and sold at prices based only on "charges properly attributable to the production, marketing, and distribution." No rate of interest is considered for the huge investment, and if profits can be made by sale of electric power these would be used to lower fertilizer costs. Where would the industry as a whole get off against this rank discrimination?

Then it is further provided that for five years as much as 15 per cent of the fertilizer can be given away through "county agents, agricultural colleges, or otherwise." Sales would be for cash only, which would result in the Government getting the cream of the business. The already weakened fertilizer industry would have to accommodate those farmers who buy on credit. That would mean higher prices to cover additional risks and would be levied upon farmers least able to pay more.

Those are the points, among others, that are enlarged upon by Mr. Brand. He properly objects to there having been no public hearing upon this sweeping substitute measure. Are our Congressmen losing all sense of proportions and justice? Have they forgotton American traditions? Taxpayers can not help wondering when they see so much bungling over Muscle Shoals, farm relief, and flood control.

[From the Pennsylvania Farmer of May 5, 1928]

THE LATEST MUSCLE SHOALS BILL—SHALL THE GOVERNMENT ENTER PRODUCTIVE BUSINESS IN COMPETITION WITH PRIVATE ENTERPRISE, THUS SETTING A DANGEROUS PRECEDENT?

No postwar question has been longer before the Nation for settlement and none has produced more foolish or more selfish plans for solution than the Muscle Shoals power plant. Bills have been prepared running the gamut from straightout water-power grabs to the most communistic proposals to put the Government into the manufacturing business. The bill now before Congress is of the latter type.

To state it briefly, the present bill proposes that the Government shall provide $10,000,000 as working capital to a Muscle Shoals corporation (to be formed), which corporation shall have full use and control of the Muscle Shoals power plant for the purpose of manufacturing fertilizers, said products to be sold at cost, f. o. b. Muscle Shoals, for spot cash. In addition the bill gives the corporation the right to sell surplus power, the proceeds therefrom to be applied to reducing the cost of manufacturing fertilizers. The bill further provides that new sources of rock phosphates may be acquired and operated, in spite of the fact that the production of superphosphates is already much greater than the demand.

Farmers and others have strenuously opposed the "grab" bills which have been offered in the past by which private companies have endeavored to get hold of this $140,000,000 Government property for selfish, sectional, or class purposes. If it is wrong in principle for power companies to get control for selfish purposes, does not the same objection apply in the proposition to give it over to another class for selfish use at Government expense? We believe that thoughtful farmers are against class legislation, whether it be in their favor or against them.

Our first and biggest objection to the bill is that it sets a dangerous precedent. Our Government has so far refused to recognize the government of communistic Soviet Russia chiefly because that government is fostering and promoting the same principles of government in business proposed in this bill. The principles involved outrage the very fundamentals of this Nation. They violate the established laws and usages which have fostered individual enterprise and given encouragement to everyone who has the will to do. That these original principles were sound is proven by the unprecedented development and growth of this Nation. Shall we, then, change these for those having an opposite influence?

Uncle Sam never has proven himself to be as good a business man as private citizens. Every time he has tried commerce, manufacturing, or transportation the trial balances have shown the red-ink figures on the wrong side of the ledger. Moreover, a Government enterprise such as this would doubtless open up a new and wide field for patronage.

The unfair competition to which this bill would subject the fertilizer manufacturers would, in the end, react to the disadvantage of farmers and raise the price of fertilizers. Few of the 2,000,000 farmers who annually buy and use fertilizers could or would avail themselves of the Government's products, even if they were cheap. The specification that the fertilizers must be sold for spot cash, f. o. b., would make it impossible for the great majority to buy them if for no other reason. Most farmers buy their fertilizers on credit, and the trade system is built on that basis.

The bill provides for the operation of the plant on the above basis for a period of 10 years. Ten years would be long enough to prove the fallacy of the uneconomic enterprise, and it would be long enough also to put the private enterprises out of business and sink the $300,000,000 now invested by private citizens in the manufacture of fertilizers. Where would we be then? We are as much opposed to this scheme as to the proposition sometimes heard that the Government should take over all farm land and have it farmed by big corporations in order to produce cheap food.

Another objection to the bill is that the method of extracting nitrogen from the air at Muscle Shoals is now antiquated and unnecessarily expensive. Scientists have gone a long way in improving the process since the war and have devised less costly processes.

We are at a loss to understand why so little has been said about the bill now under consideration. Other proposals concerning Muscle Shoals have been discussed far and wide, but so far action on this bill has been kept quiet, seemingly, and little has appeared in the public press. We give it this publicity and make these arguments in the interest of sound government policies, to safeguard an agricultural necessity, and to prevent farmers from being misled into favoring an uneconomic, unsafe, and unfair proposition foisted under the guise of cheap fertilizers.

LETTER OF MR. KNEBEL

SAN ANTONIO, *May 12, 1928.*

Hon. LUTHER A. JOHNSON,
Member of Congress, Washington, D. C.

DEAR MR. JOHNSON: You are about to consider a measure which would place the United States Government in the manufacturing business in competition with its tax-paying citizens. We refer to the bill for the manufacture of fertilizer and for other purposes, located in the vicinity of Muscle Shoals.

The Texas State Manufacturers' Association is opposed to any further extension of Government activities that enter the domain of private enterprise. The functions of our Government are political, not economic. It was created to promote, defend, and secure the citizen in the peaceful pursuits of his own enterprise. It was neither conceived nor fashioned to compete with his efforts, least of all to seize from the fruit of his endeavor the means wherewith to imperil it. Production and distribution through the development of manufacture are not functions of the State, but of the individual.

The economic difficulties of the farmer are played upon by tempting suggestions that Government manufacture will lessen the cost of fertilizers. The entrance of the Government into the field of private enterprise and manufacture is fraught with serious economic and political consequences, not merely to the immediate victim of its competition but to the people of the United States. Behind the Government lies the credit and revenue of the Nation, but that, in its turn, finds its sources in the pocketbooks and good faith of the individual citizen. Yet no appeal is made for Government intervention that is not founded upon the anticipation that it will undersell private competitors and cover its deficiencies from revenue derived in part from the taxation of the enterprise it imperils. The Government carries no insurance, pays no taxes, meets capital losses and deficiencies in "estimates" by appropriation, and either ignores overhead or carries few of the unavoidable fixed charges which customarily constitute it. The expansions of these operations has been so gradual and so little realized generally that their true proportions are keenly appreciated only by those forms of business which have felt the effect of this false competition.

May we ask that you give this question your most serious consideration before passing another measure that would place the Government in competition with its citizens.

Most cordially yours,

G. M. KNEBEL,
Executive Vice President and General Manager,
Texas State Manufacturers Association.

[From the Atlanta (Ga.) Constitution, May 10, 1928]

USE SHOALS FOR POWER

The directors of the Atlanta Chamber of Commerce have adopted a resolution against the Senate Resolution 6, which definitely commits the United States Government to the employment of the Muscle Shoals plant to the manufacture of fertilizers.

While there appears to be no probability of Muscle Shoals legislation at this session—as scandalous as has been the long and inexcusable handling of this great property as a political football—the resolution of the Atlanta trade organization is timely.

The old Muscle Shoals nitrate plant is wholly antequated, and of no practical service now in the manufacture of fertilizer, or even of the single ingredient of nitrate. The enactment of such a measure as pending would not merely be class legislation, and paternalistic as again throwing the Government into competitive business, with tremendous annual losses that would have to be met by taxation, but it would involve an enormous initial expense in converting an archaic plant into a modern one, without giving in return any specific benefits to the farmers.

There has been a total of $140,000,000 spent on Muscle Shoals. It is deteriorating, and all because a group of the Members of Congress have used it as an instrument with which to fool and browbeat the farmer voters of the agrarian States.

Muscle Shoals is primarily a hydroelectric development of almost incalculable value in the building of industry, especially in the Southeast, from the waters of which it has been made possible, and to which section it belongs.

The Government has no more right to enter the business of power making and selling than it has fertilizer making and selling, but Congress has repeatedly had before it good and satisfactory proposals for both the purchase and the lease of the plant for power purposes, with all of the safeguards as to utilization in event of war. Those Members who have held back definite action know full well that the plant is not suitable for fertilizer manufacturing on an economic scale, but have kept the issue alive for political purposes only.

There is too much tendency among groups of political radicals toward "government ownership and operation" of utilities and private businesses. It is contrary to the institutions of our system of government. And if not, the Nation's sad experiences in operating railroads and ships ought to be lessons convincingly learned.

SHOOTING OF JACOB D. HANSON

Mr. COPELAND. Mr. President, I send to the desk and ask that the clerk may read an editorial from the Buffalo Evening News, and then I desire to say something about it.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

[From the Buffalo Evening News, May 9, 1928]

PROTECT HUMAN RIGHTS

The wanton shooting of a Niagara Falls citizen on the Lewiston Hill by two men of the Coast Guard suggests that the prohibition enforcement division has placed the Niagara frontier under a form of martial law and that peaceable citizens now may come and go only on leave of enforcement officials.

Men of the Coast Guard are stationed on all highways leading from the lower Niagara River. Persons who use these roads after dark do so at their own risk. They are likely to be shot down with as little ceremony as was Jacob H. Hanson, of Niagara Falls, who was innocent of any wrong. The Fort Niagara Coast Guard commander declares that his orders "from Washington are to shoot at any car that fails to stop on command."

Mr. COPELAND. Mr. President, I want to call attention to the statement just read about shootings. It is a quotation and in quotation marks from the commander of the Coast Guard. I will ask the clerk please to repeat that quotation.

The Chief Clerk read as follows:

The Fort Niagara Coast Guard commander declares that his orders "from Washington are to shoot at any car that fails to stop on command."

In the dark of the night it may not be easy to tell whether the command comes from a Coast Guard patrol or from a highwayman. The two men who shot Mr. Hanson showed no distinguishing marks on their clothing. Yet one must obey or take the chance of suffering the fate that overtook him. "Of course, we aim to cripple the car and not injure the driver," the commander of the guard explains. If one were disposed to do away with a man, one could hardly do better than to cripple his car on the Lewiston Hill. A person is offered a poor choice if he must either be shot or hurled from the Lewiston escarpment.

Seemingly the State is unable to protect its citizens who make use of the highways at night. The prohibition-enforcement division does not recognize that there is such a thing as State sovereignty. It does not appear that the State can move against an enforcement agent if he assaults or murders a citizen. Officers of the State were not permitted to serve warrants for the arrests of the Coast Guard men who shot Mr. Hanson. "I assume that the matter will go into Federal court," says United States Attorney Templeton. Undoubtedly it will.

Protests have been made to Washington against the operations of the Coast Guard, with particular reference to the Lewiston Hill assault. Such attacks as this should not be tolerated by the Federal authorities. The idea of giving the Coast Guard men authority to shoot at will invades inherent rights of American citizens. The people can not protest too emphatically against orders that would permit the prohibition army and navy operating along the frontier to set at naught these rights. It is unthinkable that the Federal Government will stand on such an order of things. If those who use the highways are to be subject at all times to the command of men of the Coast Guard, then these men must be always in uniform and they must be easily distinguishable as guardsmen. Nor should they be permitted to fire at will. The agents of the ordinary land force of the prohibition division are permitted to shoot only in self-defense or to prevent a felony. That rule should hold also for members of the Coast Guard. Any enlargement of it infringes common human rights.

Mr. COPELAND. Mr. President, I hesitate to take any time of the Senate. We are again in session and have many important measures to deal with. Certainly, however, nothing is more important than the preservation of human rights. I think this affair, the shooting of this innocent man on a highway at Niagara Falls, is such an invasion of human rights that the Senate should devote a moment to it, at any rate.

In this connection I desire to have printed at this point in the RECORD an editorial from the New York Times of yesterday entitled "Prohibition gunmen."

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From the New York Times, May 14, 1928]

PROHIBITION GUNMEN

A respectable citizen of Niagara Falls took the dangerous liberty of driving an automobile after dark. Suddenly called upon by unknown voices to halt, he drove away, suspecting a "hold-up." His car was promptly "riddled with bullets." He was shot in the head. If he lives, he will be blind. He had disobeyed the command of two Coast Guard men. As usual, the Federal authorities tried to snatch the

accused from the jurisdiction of the State courts. That is a familiar process in many States. The enforcers of righteousness must be protected. The district attorney of Niagara County, apparently an old-fashioned person, is of another mind. Nearly a week after the attempted homicide he has procured from a Federal judge an order to the shielding authorities to show cause why writs should not be granted to bring these two sons of zeal into court.

Is one of the most precious "rights" of enforcers of the law of laws to be curtailed? In both branches of Congress this latest instance of old prohibition methods stirred a strange excitement. They are to be investigated by the Commerce Committee of the Senate. Some Members of the House favor an investigation by a committee of that body. Yet, aside from the fact that the supposed culprits in this case are Coast Guard men, this is but a chapter in a long story. From the bright beginnings of rum hunting these little exuberances of enforcement agents have manifested themselves sporadically in State after State. They attract a flutter of local indignation. Sometimes it has a brief replication in Congress. Nothing, or nothing much, is done.

The Commissioner of Prohibition is again making a "grand-stand play" by discharging an agent who pumped his revolver into an automobile the other day. The whole service has again been informed that it must shoot only in self-defense or to prevent a felony, and that the transportation of liquor is not a felony. The agents and the rest of us have heard this again and again. Once more this firing into vehicles on public highways "must be stopped." Once more he is not going to "shield" officers indulging in these shooting sprees. Hear him:

"We will aid States at any time, within reasonable limits, in prosecuting them."

Mark the cautious limitation. It will be a new policy when the bureau doesn't go as far as it can to rescue its pets. Any reform of them would be a miracle. Nor do we blame them. It is natural that a perpetual assault upon liberty should be accompanied by at least occasional assaults upon life. In connection with the other blessings of Volsteadism, these activities of the dry homicide squad have their uses in increasing the immense abhorrence of prohibition. Small comfort that for its victim at Niagara Falls, doomed no more to look upon the light of the sun.

Mr. COPELAND. I also have a resolution adopted by the North End Business Men's Association, of Niagara Falls, N. Y., wherein they protest against the assault upon this innocent and law-abiding citizen, an assault which will undoubtedly result in his death.

I also have a resolution adopted by Bellevue Lodge, No. 316, Odd Fellows, of Niagara Falls. They point out what an outrageous thing is this reckless stopping and annoying and shooting of an innocent person. I ask that these resolutions may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolutions referred to are as follows:

NIAGARA FALLS, N. Y., *May 8, 1928.*

Whereas this association is composed of business men and property owners at the north end of the city of Niagara Falls, N. Y., and are interested in preserving law and order and making the city of Niagara Falls a better one in which to live; and

Whereas we strongly protest against the action of the Federal Government in permitting its officers to molest and assault innocent and law-abiding citizens who are obliged to use our highways at night; and it is further

Resolved, That the murderous and unjustifiable attack on Jacob D. Hanson by Coast Guard officers on Sunday morning, May 6, 1928, should not be pigeonholed, but the officers who committed this murderous assault should be turned over to the district attorney of Niagara County for a speedy trial.

Resolution by Bellevue Lodge, No. 316, I. O. O. F.

Whereas Jacob D. Hanson, a reputable, law-abiding, and respected citizen of the United States, having been for the past 25 years a member of this lodge, while driving his automobile on a much-traveled highway in the town of Lewiston, N. Y., on the morning of the 6th of May, 1928, was fired upon and possibly fatally wounded by members of the United States Coast Guard; and

Whereas incidents of this type are reported to be of frequent occurrence, constituting a serious menace to the lives and property of the traveling public and placing them in constant danger and are a violation of the laws and constitution of our State and Federal Government; and

Whereas the commander of the unit of said United States Coast Guard Service at Youngstown, N. Y., refused to allow warrants duly issued by the State courts for the arrest of said assailants of said Jacob D. Hanson to be executed and is reported to have made statements to the effect that said Coast Guards were acting in accordance with orders issued to them to fire upon any automobile which refused to stop on their signal: Now, therefore, be it

Resolved, That Bellevue Lodge, No. 316, I. O. O. F., of Niagara Falls, N. Y., hereby indignantly protest against the reckless use of firearms against the persons and automobiles of law-abiding citizens of this community, and the unjust and unlawful stopping, annoying, and searching of law-abiding citizens traveling upon our highways without any cause or reason therefor, by apparently irresponsible persons in the employ of the United States Coast Guard Service or any other governmental service, and we hereby resolve that every effort should be made to bring said members of the United States Coast Guard to answer in the courts for their unjust assault upon said Jacob D. Hanson to the full extent of the law, and that civil authorities cause an investigation to be made as to the unlawful issuing of orders by anyone in governmental capacity directing subordinates to shoot anyone who refuses to stop at their direction; that copies be sent to the Secretary of the Treasury, Senators COPELAND and WAGNER, United States Senators for the State of New York, and Congressman from this district, S. WALLACE DEMPSEY, and to the district attorney of the county of Niagara.

Dated, Niagara Falls, N. Y., May 11, 1928.

[SEAL.] SYDNEY S. BRUCE, *Noble Grand.*

Attested:

BURTON REYNOLDS, *Recording Secretary.*

PROHIBITION ENFORCEMENT

Mr. BRUCE. Mr. President, the case which the Senator from New York [Mr. COPELAND] has brought to the attention of the Senate is, of course, eminently worthy of its attention, but, after all, it is not of an exceptional nature. Hardly a week or a month passes without effusion of blood in connection with the operations of the prohibition unit. Sometimes, it is only fair to admit, it is the bootlegger who is responsible for the killing. Then, again, frequently it is the prohibition agent who is responsible.

One of the worst features of the practical workings of prohibition is not merely the official corruption that follows in its wake but the bloodshed for which it is accountable, a measure of bloodshed never known before the adoption of the eighteenth amendment as respects the enforcement of the liquor laws of the country; and I predict now that instead of growing better conditions as regards these deeds of violence will steadily grow worse.

The meaning of this Hanson outrage, and the other outrages which have stirred so deeply the heart and the conscience of this country, is that national prohibition is based upon foundations of tyranny, of that tyranny against which the human breast has ever revolted, no matter what form it may have assumed.

The prohibition agents, some of whom are brave and honorable men, but many of whom are the most unconscionable scamps that this country ever saw in public places, realize that they have become objects of public detestation, and, smarting under the sense of that detestation, they are quicker than they would otherwise be to commit such offenses as this Hanson shooting and innumerable other shootings that I might mention; in other words, the prohibition agents, who are quite frequently now hooted and pelted with rotten eggs and vegetable refuse when they undertake to discharge their duties, have become as obnoxious to the people of this country as the exciseman was in Scotland in the time of Burns. I recollect at this moment those lines of Burns in which, in speaking of the exciseman, he says:

The deil cam fiddlin' thro' the town,
And danc'd awa wi' th' exciseman.
And ilka wife cries, "Auld Mahoun,
I wish you luck o' the prize, man."

That is very much the state of mind to which the bribery and violence that have been the fruits of prohibition have brought the feelings of the people of the United States, as is so abundantly attested by the material which the Senator from New York [Mr. COPELAND] has had inserted in the RECORD.

No; prohibition is working as every system of tyranny of the same description has worked since the origin of civil society. An unnatural system, a system at war with human reason, a system repugnant to human nature, its operations can not be otherwise regarded than as utterly arbitrary, tyrannical, despicable, and hateful.

The case of which the Senator from New York speaks is nothing compared to similar cases which the newspapers have recorded during the last few years. Some of the Members of the Senate will recall that last spring this case arose in West Virginia. A poor woman in the mountains of that State was lying in bed just after her confinement—she was the mother of nine children before the birth of this last one. Four prohibition agents burst into her humble home and shot her husband down right by her bed upon the suspicion of his having liquor in the house, which proved not to be the case at all. And that poor wretch fell to the floor riddled with bullets, his head barely clear of the fire upon his own hearth and his legs

stretched out alongside of the bed in which his wife lay. So terrorized was that little mountain community by this fearful tragedy that when the coroner's jury met it actually returned a verdict that the deceased had come to his death from causes unknown; so terrorized that when I wrote to the editor of a newspaper in the county which had published a pathetic letter from the wife detailing the circumstances surrounding her husband's death I could not for the life of me get him to say whether those circumstances were veraciously stated or not. But, thank God, there were enough kind, generous hearts in the United States to come to the aid of that poor widow. Mr. Fish, of the Minute Man, of Newark, N. J., and I made an appeal for pecuniary contributions for her relief; and I am glad to say that we collected a sum of about a thousand dollars for her and had it placed in her name in a trust company in the city of Baltimore subject to her rights to draw from month to month the amount of $25 fixed by her for the benefit of herself and her 10 infant children. That sum, I am glad to say, will substantially help to maintain her and her infant children until two or three of the oldest shall become of sufficient age to assist in keeping the home of their mother together.

Here is the letter written by this afflicted woman to which I refer. It reads as follows:

GEM, W. VA., *January 23, 1927.*

EDITORS OF THE CHRONICLE: Will you please give me just a little space of your paper so as I can correct the horrible mistakes that are circulated in regards to the cruel and horrible way my husband was shot down and murdered before my eyes, and I was not even able to get up and go to him for my little baby was only 3 days old. The officers reported they emerged from the woods to the house. They did not do so. They came up the road past my husband's father's that just lives a little distance below my home, and came all the way up the road to my home; and another report that was a mistake—my husband did not come from the barn. He was at his shop shoeing a horse for his uncle. He saw the officers coming and came to the house to inform me of it so I would not be frightened. I will tell you just as I saw it with my own eyes. Two officers entered the door by the front way just facing my bed and two came in the back way. My husband met the two at the front way and they commanded a search; and he asked them to read him the warrant, and one of them came from the kitchen way and took some papers out of his pocket. Him and my husband were talking. The warrant was not as much as opened until one of the officers that was standing just on the front steps pushed the other officer back a little and drawed his gun and fired. I screamed and cried for him not to shoot my husband, and he did, and so that was the first shot; and then there were several shots fired. I did not see my husband as much as draw his gun. They shot him down, and my little children all standing around him screaming and crying. When the smoke went out of the house so as I could see, my husband was lying with his head almost in the fire just in facing of my bed. The officer never much as came back in to see about me or my little children, to see if we were all right. Oh, if every officer only knew how it hurts me to know that my husband was shot down for an unjust cause, they would not be too hasty and there would not be so much heartache and sorrow. If they had just went ahead and searched so as they would have been convinced that they took his life for nothing that day, for there was nothing to be found. There were several shots fired right past my face and my bed from the door that opens from the kitchen. The shots all went in his back, except the one that went in from his left side—

This man, mind you, was shot in the back.

Mr. Humphries reported that they could get no immediate assistance in this community in caring for the wounded. That is all false reports, for my husband's own uncle took them into his house and gave them a good cot to lay on, and also sent a team with them to Burnsville; and that was more than they done for me. I am left alone with 10 small children, the oldest one a crippled one, to make my way. Mr. Skidmore went as far as to say before my husband's cousin that if the other officers had not been too hasty that would not happened.—Braxton Chronicle.

I do not know what the pecuniary condition is of this man Hanson, whose eyesight, I believe, has been extinguished.

Mr. COPELAND. He has a bullet in his brain.

Mr. BRUCE. Is he dead? He is about to die, I suppose; but if his pecuniary condition is not such as to warrant the hope that his family will not suffer from destitution, I trust that the good citizens of the State of New York will do what Mr. Fish and I did—that is to say, raise a fund and place it in bank for the benefit of his wife, if he has one, and of his children, if he has any.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BRUCE. Yes.

Mr. COPELAND. I can well understand the indignation of the Senator from Maryland. We have the law, and in a decent way it must be enforced. The Senator and I are in full agreement as to that.

Mr. BRUCE. Why, certainly.

Mr. COPELAND. But it is an outrageous thing that, as in the case of the poor woman mentioned here whose husband was shot down by these ruthless enforcement officers, in the same way an outrage has been perpetrated in the State of New York.

Here was a man who had gone to take some friends home into the suburbs from an entertainment in this city. He came back up this steep hill, and was stopped by a man said to be in overalls, with a sheepskin jacket, and not in uniform. Naturally, the man thought he was a highwayman. He stepped on the gas of the car and rushed past him. One hundred yards up the hill was another man disguised in the same way, apparently, who shot this man; and if he did not kill him it is worse than death, because the man will be blind, and perhaps demented.

Here was an innocent citizen, a bystander, so to speak. It might have been the family physician out on his rounds; it might have been the minister out to see some sick member of the flock; and under these circumstances this man was shot and blinded, if not killed.

No matter how enthusiastic any citizen of this country may be about the prohibition law, no matter how insistent he may be on the enforcement of law—and I know that is the attitude of the Senator—the country certainly will not continue to tolerate outrages such as those enumerated by the Senator, and such as this which happened at Niagara Falls.

Mr. BRUCE. I am afraid that it will continue to tolerate it as long as members of legislative assemblies are so pusillanimous as with a few exceptions not to raise their voices in protest when such outrages as these are committed. I am not speaking, of course, of such a Senator as the distinguished Senator from Idaho [Mr. BORAH], who over and over again has declared that this issue of prohibition should be frankly and fully presented to the public, so that the voters of the United States may definitely pass upon it. I am speaking, however, of other Members of Congress whom I have more than once termed Members of Congress with the dry tongue and the wet throat, who set here and, when honest men are denouncing the flagitious crimes perpetrated in the name of prohibition, can not preserve silence, apparently, long enough to permit them to do it audibly.

I recollect that many years ago Disraeli said that the Whig Party, or some political party, in England was an "organized hypocrisy." So is prohibition, so far as the legislative representatives of the people are concerned—just an organized hypocrisy.

Here we are on the eve of the national conventions. Frantic efforts are being made to divert the public attention to issues that nobody is thinking about from the one issue that everybody is thinking about—the issue of prohibition—and, as I have said, with the exception of such brave and high-minded Senators as the Senator from Idaho [Mr. BORAH] and a few Members of the House, hardly a voice is being raised in either House to insist that at least one of those two conventions deal ingenuously and manfully with the great, paramount issue of prohibition.

Of all the Senators that are justly obnoxious to the criticisms that I am uttering, none are more justly so than the Senators from the Southern States. Here are the voters, or the politicians, rather, in some of those States sending delegates to the next Democratic National Convention either to urge the adoption of a dry platform, or, that failing, to help to muzzle free speech in the convention altogether on the subject of prohibition.

Notable among those States is the State of South Carolina, which, I understand, is actually about to send a considerable number of ministers of the gospel as delegates to the next Democratic National Convention. Why, by the constitution of my State a minister of the gospel is not even allowed to hold a seat in the Legislature of Maryland. Think of that—South Carolina sending dry delegates and dry clerical delegates to the next Democratic National Convention, when, as I showed the other day by undeniable facts and irresistible inference, there is probably 1 still in that State for every 240 inhabitants!

The Charleston News and Courier stated a few days ago the number of stills in the State of South Carolina that had been broken up by the governor's constabulary alone. When to those are added the stills that were broken up by the prohibition agents and the county police forces of South Carolina, I say that the conclusion is warranted that there may be 1 commercial still to every 240 inhabitants in that State.

And in Texas, where the convention is to be held, I see that a lot of banal talk is going on about completely excluding the bootlegger from the streets of Houston while the convention is in session. Only a few days ago an honest Texan sent me a

newspaper clipping showing that arrests for drunkenness have reached an alarming point in that city, and that it might without extravagance be called Hoochton instead of Houston.

Why, it is a fact that in 1925 no less than 70 per cent of all the illicit-liquor plants and agencies seized by the Federal Prohibition Unit in this country were seized in the 11 former Confederate States—70 per cent of the whole number—and yet it is those States that propose to ram down our throats a dry candidate for the Presidency, and a dry platform! All that, of course, as I say, is but another illustration of the organized hypocrisy which in some respects I think is the most odious feature of the whole system of prohibition.

In conclusion, I only want to say what I have taken occasion to say before. I am coming up as a candidate for reelection this fall; and every now and then one of these timid, time-serving politicians in my party, with what the poet calls "slow, circumspective eyes," cautions me that I had better pussyfoot, soft pedal on this issue of prohibition, because there are not a few prohibitionists in the counties of my State, to say nothing of Baltimore city. I meet every such suggestion with scorn—scorn that is scarcely utterable, despite all the resources of our rich, English tongue. What care I whether I go down to defeat or not at the next senatorial election, provided only that I shall not be recreant to the profoundest convictions that have ever found lodgment in my mind, and to the most fervid feelings that have ever inspired my soul?

It is impossible for me to believe that the next Democratic convention will be so false to all that is best in its history as not to avail itself of another opportunity to prove its inextinguishable loyalty to the principle of personal liberty that it has so often inscribed upon its campaign banner.

Mr. BLACK obtained the floor.

Mr. SHEPPARD. Mr. President, may I ask the Senator if he is going to discuss another subject?

Mr. BLACK. Mr. President, I am going to discuss the South and her Senators. I have sat silent for some months with charges of hypocrisy constantly hurled at every Senator from the South who espouses prohibition. I have remained silent with the hope that some one who had been here longer would reply to these charges hurled in the faces of men who have just as much right to their belief as the citizen who lives in Maryland or in New York.

This morning, when the oft-repeated charge of "organized hypocrisy" is made and the Senator from Maryland sees fit, as customary, to point the finger of scorn at the Southern States, embracing the State from which I understand he sprang, embracing within that charge that great old State which is the mother of Presidents, and which, according to my information, contains the ashes of his forebears, I decline to sit silent longer.

Another charge is made that most of the prohibition officers of America are "unconscionable scamps." I deny that that charge is true or has any slight basis or foundation of truth. It is easy enough for men to rise upon the floor of the Senate and indict an entire group of citizens; it is easy to pick out some isolated case heralded abroad by the Minute Men of America, an organized group of citizens who are attempting to break down and trample upon the Constitution of the United States, and publicly assert that West Virginia officers have stultified themselves contrary to the findings of their courts. It is easy for the Senator and the "minute men" to claim they know more about what happens in West Virginia than do the citizens and the duly constituted legal authorities of that State. It is easy enough to loudly assert the idea of State rights and then attempt to govern the country precincts of West Virginia from Baltimore or New York.

The Senator says that the State authorities of West Virginia have judicially determined West Virginia officers to be innocent, and then he says that the Minute Men of America—those gentlemen issuing a magazine which is striking a javelin into the prostrate form of law and order in America—he says that he and the Minute Men of America have decided that West Virginia authorities do not know what they are about and charges them with cowardice.

It is easy enough to pick out an isolated case and take the name of an isolated witness, giving isolated evidence, and establish, without a jury to hear the facts, the truth or falsity of a charge. It is easy enough for one with the great historical knowledge and the poetic lore and the literary attainments of the Senator from Baltimore to take such isolated case, try it in the senatorial forum hundreds of miles from West Virginia, and repudiate the courts established by State authority. It is somewhat amusing to hear a great Maryland exponent of State rights pass judgment condemning the action of the courts of West Virginia. I assume, however, that the people of Maryland and "minute men" of New York know more about West Virginia than that State's citizens themselves know.

I have no apology to make for being from the "Confederate States," as my colleague terms them. I am proud of the fact that I come from those States. There repose the ashes of my ancestors. When my time shall come to join the throng across the unknown shore I hope that I, too, shall there lie down to rest peacefully under the calm sunshine of Dixie. Yet these Southern States are mentioned from day to day as though it is a crime or a disgrace for a man to be a citizen of the South. We, because, forsooth, the people of the Southern States believe in law and decency and order are charged with "organized hypocrisy."

The fact is cited that more stills have been broken up in the Southern States than elsewhere; and that is true. It is because, my friends, Alabama citizens and South Carolina citizens and North Carolina citizens do not throw eggs at the duly constituted officers of the law. They are high-class citizens, with the blood of generations flowing in their veins, always loyal to the laws of their country. It is true that more stills are broken up in the South. It is not true that more should be. Thank God, the State from which I come stands up with head erect and looks up into the stars above and says, "When the people of America through their representatives adopt a law, we abide by it, and we elect governors who do not go around over the State speaking for the nullification of the Constitution under which we live. We elect officials who send out into the highways and byways to enforce the law as it is written, not as we would have it written."

My friends we of the South do not, and we shall not, parade before the lawless element of America precedents with the hope of inspiring them to more organized insurrection, and hold up to them the battle flag of lawlessness instead of the battle flag of obedience to the law and the Constitution of our country.

Yes; we break up more stills. We break up more stills because you know and everyone else knows that the South is composed of a citizenship which is ready to hold up the arms of the officers and aid them in enforcing the laws of this country. We are proud of our citizenship. We have no apologies to make for the beliefs of the citizens of the South. We do not come crooking the pregnant hinges of our knees before the self-styled, self-appointed, and self-annointed autocrats of the laws of this country, who say that, in spite of the fact that in due and orderly process something has been written into the Constitution, "We are bigger than the Constitution. What care we for it? It goes contrary to our ideas; and, therefore, we will point to the Constitution and say 'Tyranny! Tyranny!'"

Ah, my friends, there was nothing like that in the mind of Patrick Henry when he uttered those immortal words, "Give me liberty or give me death." Patrick Henry was not protesting against a constitution framed and formed and molded by the majority of the people of a country through their duly chosen representatives.

When gentlemen talk about liberty, they frequently confuse that sacred principle, with unbridled license. Liberty does not justify a community in setting aside and annuling and defying their country's laws. It is a new idea to boast of the fact that, "We do not enforce the law. We do not break up stills." No; we know they do not. All you have to do is to take a trip over into the State of Maryland. There you find a system of lawlessness which is unparalleled or unprecedented anywhere in America except in the State of New York. Why is that? Because of the fact that sentiments like those we have heard expressed here from day to day and from week to week have filled the people of that State with the belief that displeased individuals are bigger than the law. They can say, "We have our spokesman to shout, 'Tyranny! Tyranny!'" where there is no tyranny.

There is only one question in all this tumult and shouting, and that is whether a man will be a law-abiding, decent citizen, when the Constitution declares a rule he may personally dislike, or whether he wants to set himself up as above the Constitution of the country in which he lives. It is no longer a question of prohibition or no prohibition. There is no room for doubt, and there is no ground on which the friends of constitutional government can meet and quarrel as to the enforcement of the law as it is written on the books. Yet we hear speeches, we see propaganda, and we see the wet press, dripping, dripping, dripping, as cries are made for prohibited liquor in spite of law. They pick up some isolated instance and shout, "Here; it is all wrong. The law has failed."

My friends, this great country in which we live, composed, as it is largely, thank God, of the sons and daughters of the kind of men who fought to make America free, is bigger than any organized group that seeks to trample upon the laws of America and besmirch its flag and its institutions. America has never yet put its hand to a single undertaking that it did not come through and win a victory. Because the South, a land

composed of noble and brave and patriotic and loyal law-abiding citizens, true to their ancient traditions, believe in the supremacy of law and dares to assert this belief in the face of the exponents of lawlessness and crime, its citizens are called "organized hypocrites."

I have no objection to any man, from Maryland or elsewhere, believing as he sees fit. That is his prerogative. I would not take away from a single individual citizen anywhere within all this broad land the right to have his belief, and to express it. Freedom of speech is one of democracy's most precious assets. I claim for myself, however, and for those whom I love, the same privileges and the same opportunities. I deny that any man has a right to stand up and indict a whole citizenship and call them a group of "organized hypocrites," because, forsooth, they do not believe as he does. I say that while Senators are preaching the doctrine of tolerance it would just as well apply to one principle as another, and that man who dares to rise anywhere and charge everybody who does not believe as he does, to be a part of a group of "organized hypocrites" has reached the pinnacle of intolerance and bigotry.

The statement is made—I have heard it made here a great deal—that drunkenness is increasing. America is growing and is growing very rapidly. Citizenship is increasing. The number of people is increasing. But I deny that drunkenness is increasing in the State of Alabama. I live there. I do not care how many wet sympathizers or how many drinking wet people the Senator from Maryland may question who say that drunkenness is increasing in Alabama, their statement is absolutely and unqualifiedly not true. I have served there as an official in a municipality and in the biggest county in the State which has in it the most populous city in Alabama. As a public official I watched the city progress under both a dry and a wet régime. I say to you that no honest man, who will not permit his thoughts and his belief and his opinions to be distorted by facts which are false; no honest man who lived in the State of Alabama during the time that we had saloons and to-day, will fail to acknowledge, so far as Alabama is concerned, that prohibition is preferable to the old saloon régime.

I read only the other day a book written by a man who is very much opposed to prohibition. I believe he called it "America Comes of Age." It is a book which takes up the modernistic view of everything. The writer of that book opposes, just as it seems the Senator from Maryland does, the views of the people of the South and of the West. He groups them together. He says the people of the West and South are composed of citizens, in the main, who are sons and daughters of the ancient pioneers of America, who have had impressed upon them the puritanical ideas of the founding fathers of this Nation. He then proceeds to explain that prohibition is contrary to the principles of liberty, as we have so often heard from the Senator from Maryland. Then he says that the people of America have yielded to prohibition from a materialistic standpoint, because it has aided them in the making of money. He says that materialistic spirit prevails here in America, and he attributes prohibition to such desire for economic success. If you would read his book, you would think it was part of the speech of the Senator from Maryland, except the particular part in which he says that prohibition has brought to America more home owners, and has given to the merchants a greater degree of success, because of the fact that men have been able to spend more in the grocery, the dry-goods establishment, and the clothing store. This writer from France states that prohibition has caused men to have more automobiles. He states that it has made the individuals of the Nation more prosperous. In spite of these advantages he then argues it is wrong, and asserts, as the Senator from Maryland, that the right to get drunk is more valuable then the prosperity of the people.

Any man who looks and who studies economic conditions in America knows that these views of this enemy of prohibition with reference to the workingman having more money to spend for home and loved ones are correct. All he has to do is to go out and take from his eye the glasses of partisanship and the glasses, as the Senator from Maryland says, of political expediency, and look round about him. He will see for himself. There is no doubt that there are some communities in the Nation where they have not yet realized that the Constitution is or should be supreme. Why that is I can not say. It may be that the people there have not lived in this country long enough to have imbibed the principles of American citizenship. That is in line with the statements made by the distinguished author of "When America Comes of Age."

There are some communities where they have not yet come to realize the loyalty which they owe to their Government, or that it is a Government "of, for, and by the people." There are some, we regret to say, spurred on by incendiary speeches against the law, made by distinguished citizens occupying high and exalted positions, who will stand on the street corners and hurl rotten eggs at the duly constituted officers of the law. Those things do not happen in Alabama. So far as I have learned they have not occurred in the West, which the writer of this book, I referred to, says is composed of the same kind of citizenship as these abused people of the South.

Yes, my friends, the South does stand by this law. We will continue to do it. Let the Senator from Maryland hurl his darts and charges thick and fast. Let him drop his loaded shrapnel into their midst, and still, when the din of the explosion is ended, the people of the South will be there, back in their homes on the hillsides and in the valleys, responding to the same old Anglo-Saxon principle of loyalty to law and decency and government which seems to entitle them to be the particular object of the animadversions of the Senator from Maryland.

After all his words have passed into nothingness; after they have become even a lost memory; after the charges that he has made have sunk into insignificance and obscurity; the Constitution of America, which he is attacking, that glorious instrument which represents the solidified thought and crystallized sentiment of the people of America, will continue to envelop the citizenship of America—North and South—and will be the haven of refuge from all the oppression which follows lawlessness and crime. Long after all of us shall have passed away, as the changing conditions of time bring about the evolution which time alone can bring, as human thought advances from stage to stage, there will still be men who do not want to observe the rules of civilized war. Some will stand upon the street corners and say, "We detest that law; it is wrong." But there will be others, thank God, occupying the humble homes of this great country of America, some of them far removed from the turmoil of city, out by the babbling brook and running stream, with the shade of God's forest cooling and resting them after their day's labor has ended—there will be many, as there are to-day, who say, "I love my country and my country's law. Cursed be that man who will dare by word or speech to destroy or encourage others to destroy the law protecting the people of my country."

My friends, there may be two or three States that will hoist the flag of rebellion to the law as written in the Constitution. They may have spokesmen to utter their precepts and their principles. There are newspapers to propagate their insidious doctrine. Among the citizens of America, however, are those same kinds of sons and daughters that the Senator from Maryland does not seem to like, who ring true to the principle of old-fashioned Americanism and who believe in the supremacy of law. I say, thank God there is no place in America, even in bonny Maryland, where they ring any truer than they do in those States which he has termed "the old Confederate States."

I did not know that there was any longer any line which separated the so-called Confederate States from the others. I thought that line had been washed away by the blood of patriots. I thought, when Wheeler and Dewey met together on the battle field, when we were at war with Spain, and when the boys from the North and the boys from the South joined hands to fight the battles on the blood-soaked fields of France, that old lines were gone.

Then again, when I stood side by side with the boys from New York, the boys from Oregon, the boys from California, as they rose one and all to respond to their country's call, I did not think that a short time thereafter I would hear used, as a term apparently of opprobrium in the United States Senate, the expression "the Confederate States."

The Senator from Maryland referred to "an organized hypocrisy," as I recall it, and said none are more guilty than the Senators from the Southern States. He practically charged that we came here with a wet throat and a dry tongue. Ah, my friends, it is easy to charge, but since the Senator's charge seemed all-inclusive, I say to the Senator from Maryland that since my hand went up toward heaven and I swore to obey the laws and the Constitution of the United States, I have not, either in word or action, conspired to bring about the breaking of that Constitution. Let him who is without sin stand in your midst and hurl stones at the Members of the Senate.

We know no difference in States. We recognize good citizenship whether it is found in Maryland, New York, Massachusetts, or Washington. We recognize as the highest type of American citizenship the man who obeys his country's laws. We recognize as the lowest type of American citizenship the man who seeks to break down the laws of the Government which give him safety and to which alone he can look to protect his person and his property. Ah, my friends, if these gentlemen keep on meeting in their minutemen organizations and their other organizations for the purpose of breaking down one law, do not rest secure in your seats. The worm that goes

down to the least root of the largest tree, may be the one that causes it to topple by reason of its rottenness.

Sometime these gentlemen who seek to inspire the breaking of the laws of the country and who boast that their States will not cooperate with the Federal Government in the things which have been charged upon it by the Constitution of the Nation, will realize their folly. As was said by the distinguished Senator from Idaho [Mr. BORAH] some years ago, the reds meet in their rooms and they believe it is all right to rob a man of his property. They think it and they preach that doctrine. The whites meet in their palaces and in their clubs along the way, raising the red flag of rebellion with a flask in their pockets as they trample upon the laws of the Nation, and they justify their conduct by the statement, "I do not like that law." It should not make any difference whether they like that law or not, it is the law, and until it is changed no decent, law-abiding, respectable citizen, who is the type that would respond to his country's call and answer in the face of shot and shrapnel will fail to say, "It is my country's law and by the grace of the ever-living God, whose care has been over our country, so long as it is on the statute books I stand as a citizen to uphold it."

There is the line of demarcation. Take it as you will. There is the only one. I say that the man who inspires the breaking of any law and who encourages it and incites it is just as guilty as the bootlegger who drives his car crashing down the street and leaves the prostrate, mangled form of his victim lying behind him. I get tired of this sickly sentiment about the bootlegger.

Who is it that rushes through the streets pell-mell at break-neck speed and mangles the bones and bodies of the children? Who is it that feeds them the poison stuff that eats out their very vitals? Who is it that is bringing about disrespect for law and order? I do not condone a single offense of an officer who violates the law. He ought to be given a greater punishment than the citizen who does it. I mean all of them. I am not limiting it. I make that statement and intend it to be as broad as we can think of the list of public officers in America.

I have no sympathy for the prohibition agent or the man who is sent out to catch a thief who violates the law. That there are some people, however, who exalt property rights so high that if a man steals 50 cents they think the offense so horrible it is all right for an officer to shoot him in the back. Some of these same people who know that a bootlegger has been prostituting the laws of his nation, has been providing poisoned liquor to go into the stomachs of other men's children, has been despoiling their minds and turning them aside from the ways of rectitude and right learned at their mother's knee, are willing, if an officer shoots a bootlegger in order to save his own life, to insist without going into the facts that the officer should be hanged.

I say that every officer who shoots a man has the right to be tried in a court of this land. This is, or it should be, a law-abiding country. Many years ago, from experience in the practice of the law, I came to the conclusion that the man who attempts to form a judgment as to the guilt or innocence of any individual until he has stood before a jury of his peers and the evidence has fallen from the lips of witnesses before that jury is likely to do somebody an injustice. If, on the full presentation of the facts, it is shown that an officer violated the law of his nation, then let that officer suffer I desire to say, Mr. President, that even though I belong to that group designated by the Senator from Maryland as "hypocrites," I believe my record with reference to the enforcement of the law can be put side by side with his, and I shall not be ashamed of the result.

Let all of us look forward to the time when the Stars and Stripes shall not only float over us in time of war as a symbol of war and victory but in time of peace as a symbol of the fact that American citizens, high and low, rich and poor, recognize that the law as written is the law for every decent self-respecting, loyal, patriotic citizen to observe. That time must come. Either this country will be a country of law and order or it will be a country of anarchy and oppression; it will be a country where a few can determine which laws they will break and obey; where individual caprice is the only rule, or the majesty of the law will triumph. Either this land of ours, born in the days when it seemed that government was destined to pass into the hands of despots, supported by the patriots of the early days; nurtured at the breasts of the loving and devoted mothers of the country—either this country of ours will continue to be a country where the people enact their laws and have them obeyed, or it will be a country of anarchists, and the only flag that will wave will be the red flag of anarchy, instead of the flag of law and order.

I simply rose, my friends, because I had sat silently as long as I could and heard myself, and not so much myself as the people of my State, charged with being "organized hypocrites." The statement is not true. It could not be born in the mind of a tolerant citizen. It is the offspring of bigotry; it is the offspring of the man who says, "Take my judgment or you are not worthy of being called an American citizen." I say, with all due respect, that I have the highest regard for the views of the Senator from Maryland on the prohibition question; he has just as much right to be against prohibition as I have to be for it; that is his privilege and prerogative as an American citizen; but I deny that either he or any other man within the sound of my voice or in the State of Maryland or in the country of America has the right to charge that because the people of the South believe contrary to his views they are "organized hypocrites." It is not right; it is contrary to the spirit of American free thought; it is contrary to the ideals of our fathers; it is contrary to the principles enunciated in that grand and great old State of Virginia from which the Senator came; and it is contrary, my friends, to every sentiment of democracy for me to tell a man because he does not entertain my views that he is a bigot or a hypocrite.

I am in favor of the prohibition law. I wish to conclude with this statement: I have no apology to make to the Senator from Maryland or anyone else. I believe with all my heart that prohibition in America has tended to alleviate misery and distress; I believe that it has caused many a mother to have food for her children when otherwise they would have been hungry. I believe, from what I have seen, that it has transformed many a drunkard from a state of inebriety into a condition of sobriety. I believe with all my heart that the day will come in this land of ours when there will be no thoughtful man in America who dares publicly to encourage the breaking of the laws of his country, whether he believes in them or disbelieves in them.

The thing as I see it that should be done, irrespective of the Democratic or Republican conventions—and, of course, it is their business; I shall be a member of neither—the thing that should be done is for the citizens of America who believe in the majesty of law and in the supremacy of the flag to stand together and uphold the sacred principles upon which America rests. There is a remedy by amendment of the Constitution for those who desire to change it. If the Senator from Maryland can get sufficient members of the Legislature of Maryland and sufficient members of the legislatures of three-fourths of the States to petition this body for a change in the Constitution, it can be done. If they can obtain sufficient States to require a resubmission of the eighteenth amendment to the people of America, that is their right. I believe in the rule of the people according to established constitutional methods. If, therefore, the Constitution is so amended, no citizen who loves his country will complain at the method of amendment. But in the name of the ever-living God of America, the God who has guided our country safely in our destiny to this good year of 1928, let us stop constantly quarreling over whether or not the law can be enforced. Let every man join hands not in an attempt to strike it down but to enforce it. When the time comes that three-fourths of the States want it changed, let it be changed; but until then the foundation upon which all can stand should be obedience to law. There is only one question involved and that is, Does America want a country of law or does it want a country of anarchy? If it wants anarchy, listen to the preachments of the men who proclaim the doctrine of the Senator from Maryland, the Governor of Maryland, and the various other people whose doctrines would trample underfoot the sacred principles of American liberty, American hope, and American constitutional government.

Mr. BRUCE. Mr. President, of course nothing could have been further from my thoughts, when I used the words "organized hypocrisy," than to impute that thing solely to the Southern States. I was thinking of it as a thing that, like the bootlegger himself, is coextensive with the entire territory of the United States. Nor could anything be more foreign to my purpose than to cast any aspersion of any kind upon the South or upon those States of the South which came to be known in the sixties as the Confederate States.

I myself am a native of one Southern State, and throughout my active life I have been the resident of another. My father was a captain in the Confederate Army, and I could no more conceive of myself as being disloyal in any proper sense to the South than I can conceive of myself as being guilty of gross sacrilege or of some other offense of an equally heinous nature.

I singled out the South especially for my observations because the South is the portion of the United States in which the dry sentiment apparently asserts itself most actively at the

present time, and in which all the moral pretensions that circle about prohibition seem to be peculiarly prevalent just now.

In spite of the laudation of Alabama that has fallen from the lips of the junior Senator from that State, I am prepared to say that one of the most delicious illustrations of the organized hypocrisy of which I spoke is to be derived from an incident that took place in that State in the latter part of the year 1926.

We all remember that at that time the Governor of Alabama—I do not know whether he was a Ku-Klux governor or not, but he was the predecessor of the present Ku-Klux Governor of Alabama—went off on a hunting trip, and was in a camp, and a considerable amount of whisky was discovered to be in this camp by some factional enemy or other of the governor; and the governor found himself, to use a homely phrase, in a very tight situation. In other words, he found himself in the situation of that most flagitious of all things in the estimation of the junior Senator from Alabama, a violator of the Volstead Act.

How was the situation met? At the time it looked as if the Governor of Alabama, in spite of his high executive station, might be dealt with as any other common offender; but, of course, as we all know, in the South sooner or later everything gets down to the negro; and so very soon a negro attendant at that camp was found who was willing to bear vicariously the sins of the honorable Governor of Alabama; so instead of the governor being convicted as a violator of the Volstead Act this negro was.

There you have an illustration in high place—one of the highest places in the land—of the hypocritical manner in which prohibition operates in the official as well as the private life of this country.

I confess, however, that I was amused when the junior Senator from Alabama spoke of himself as dwelling in a State of "calm sunshine." Calm sunshine, indeed! In no other State of the Union, with the single exception of the klan-cursed State of Indiana, where the penitentiary has practically become an annex to the statehouse, have the outrages of the Ku-Klux Klan been pushed to such an extent as they have in this law-abiding, this peaceful, sun-bathed community that the junior Senator from Alabama pictured.

Why, is it not known to almost every man in the United States that in this State which the Senator describes as a State of tolerance and contrasts favorably with the State of Maryland, a Catholic—to use an old expression—has become little better than a wolf's head?

As I am informed, a year or so ago, when the daughter of a resident of Alabama married a young Catholic, the infuriated father sought him out and shot him to death, and was afterwards, if I am not mistaken, acquitted by a jury in the State which, according to the Senator, pays such a profound, such an unquestioned, such an exemplary respect to the law.

A short time ago a correspondent of Collier's Weekly went down to the State of Alabama and wrote a series of articles for his periodical, and in one of those articles he makes the statement that during the preceding three years there had been no less than 700 lawless floggings, including floggings of old men, women, and children, by nocturnal and other marauders and ruffians in the State of Alabama.

I must say that it took a degree of self-satisfaction such as has never been brought to my attention before for the junior Senator from Alabama to take this klan-ridden State, where there is no such thing as sumptuary tolerance, no such thing as sectarian tolerance, no such thing as racial tolerance, and to hold it up as if it were some tranquil and blessed Arcadia conceived in the brain of some rapt poet.

As far as the Senator's State is concerned, he is in the condition of our first parents; he is naked and not ashamed; but I do not hesitate to say that if conditions should grow worse in the State of Alabama it will become a sort of an outlaw, outcast, pariah State.

Some time ago a priest in that State was charged with an offense against chastity, if not something worse. So given over were parts of the State to rabid bigotry, to hatred of the very name of the Catholic, that the ecclesiastical superiors of this man—among the most upright and accomplished men that I have ever met—had to come all the way from the State of Alabama to the State of Maryland to find some public man who was willing to see that that priest had a fair hearing. They did not say that he was innocent; they said that they did not know whether he was innocent or not, but that he was entitled to a fair trial, and a fair trial he could not get in the klan-enslaved, the intolerant, the bigoted State of Alabama.

I have not known the junior Senator from Alabama long enough to say just what his personal practice is in relation to prohibition, though, of course, I have no disposition to question the truth of what he affirms about his own personal habits.

He has set himself up as such a striking example of personal self-restraint and righteous conduct that I could not but recall the story that was told of Roosevelt when he was down South on one occasion. He was making a speech, sprinkled, as his vivid speeches were likely to be, with the first personal pronoun, when a white man out on the outskirts of the audience which he was addressing, and to whom he was a stranger, asked a colored man standing beside him who the speaker was. "I don't know," said the colored man, "but he certainly do rekommend hisself most highly." And most highly, indeed, has the Senator asserted his right to the loftiest places in the upper ethical sphere.

As Daniel Webster said upon that memorable occasion with reference to Massachusetts, the State of Maryland needs no vindication at my hands. With a few brief interruptions, from the very beginning of its history it has been a land of tolerance. Tolerance is the very crown, the very diadem, of its highest claims to respect. While it has always clung with unshaken fidelity to the principles of personal liberty and religious freedom, it is a State in which, I venture to say, as full a measure of obedience has been rendered to the law as in any other State.

Just think of the junior Senator from Alabama being so ill informed, when he was assailing the habits of our Maryland people in relation to law observance, as not to know that only a few weeks ago the National Crime Commission declared that law and order are maintained with remarkable success in Baltimore. That, as I have more than once said on this floor, is due in no small degree to the fact that the State of Maryland, by its refusal to enact a law-enforcement prohibition measure, has kept its own police authorities far removed from all contaminating contact with the Prohibition Unit.

How often in reading the tragic pages of prohibition history has my attention been called to collusion between municipal policemen and State constables and prohibition agents. Yet, if my memory serves me right, there is not one solitary instance recorded in which any policeman in the city of Baltimore or any State police officer in the State of Maryland has ever become involved with any prohibition agent in any violation of the Volstead Act.

Forsooth I am held up by the junior Senator from Alabama as a calumniator of the prohibition agent. I have repeatedly said that there are not a few brave and honorable men in the Prohibition Service, men as brave and honorable as any men who can be found anywhere, but again I add that the Senator should have more correct information than he appears to have before he makes such reckless statements as he made in more than one instance in the course of his speech.

Did he ever read the testimony taken before the subcommittee of the Senate Judiciary Committee in April, 1926, when General Andrews, the head of the Prohibition Unit, testified that out of a comparatively small force of a few thousand prohibition agents and administrators no less than 875 had been dismissed for violations of the Volstead Act, or for downright rascality in some form or other? I have seen it stated only recently that since General Andrews retired and was succeeded by Mr. Lowman, Mr. Lowman has dismissed for similar offenses some 600 more. Indeed, not very long after Mr. Lowman came into office, he complained that his arm had actually become fatigued with the exertion of writing out dismissals of corrupt prohibition agents.

Is the junior Senator from Alabama not familiar with the fact that when a civil-service examination was held a short time ago by the United States Civil Service Commission for the selection of prohibition agents and administrators it turned out that some of the men who applied for the privilege of examination, tempted, of course, by the opportunities that prohibition affords for illicit gain, had criminal records—a thing which, so far as I know, had never before been known in the history of the Government in relation to applicants for office, whether under the prohibition law or any other law?

Is the junior Senator from Alabama not familiar also with the fact that only a few days ago the United States Civil Service Commission decided that when the next examination for prohibition agents took place it was to be supplied with finger-prints of the applicants? Think of that!

The Prohibition Service is so deeply tainted with corruption, the character of many of the applicants for examination had been so scandalous that the United States Civil Service Commission felt justified in indulging in the same degree of suspicion that they would have been justified in entertaining had they been dealing with any ordinary group of criminals or crooks.

The idea that the South, or, if you please, the 11 Confederate States, can truthfully claim to have a blameless record in relation to prohibition, can not be sustained for a moment. Let me

read just for a few moments from an address that I had the honor to deliver before the Institute for Public Affairs at the University of Virginia last summer:

Shortly after the beginning of the Senate prohibition hearings last spring I received newspaper clippings from quite a number of citizens of Atlanta showing that more persons had been lodged in police stations in that city for being drunk on the last Easter Sunday than had ever been lodged in them on any previous day in its history.

That was in the State of Georgia, the State that is supposed to be so dry that even the dew never collects there.

As is well known, more distilleries and fermenters were seized in Georgia during the fiscal year 1925 than in any other State of the Union. Only a few days ago the present Governor of Alabama was arrested for being in too close proximity to a case of liquor at a hunting camp, but it must be a source of gratification to even his sternest prohibition friends to know that apparently a negro, always a very "handy" thing in the South, as we southerners know, has been found who is willing vicariously to bear the burden of the governor's sin, if any.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. BRUCE. I am sorry, but I covered that while the Senator was out. If he had remained here, he would have had an opportunity to interrupt me then.

Mr. BLACK. I will read the reply in a moment. I just wanted to ask if the Governor of Maryland had ever been arrested, or if that State's officers had the right to arrest any governor of the State for drinking liquor or violation of the prohibition law?

Mr. BRUCE. Our governor has never been arrested; and, so far as I know, has never given any occasion in his life for arrest.

Mr. BLACK. I asked this question, if the officers of Maryland had the right to arrest the governor for violating the law. That State has not passed any enforcement law at all, has it?

Mr. BRUCE. Unhappily for us, there are prohibition agents and a prohibition administrator there.

Mr. BLACK. I understand it would be unhappy for the Senator to have a prohibition agent anywhere in the world.

Mr. BRUCE. Not unhappy——

Mr. BLACK. The Senator said so.

Mr. BRUCE. Oh, yes; unhappy, I meant, because I regret the enactment of the laws which made it proper for them to be there.

Now I will continue reading the extract from the speech from which I have been quoting:

Recently Ben C. Sharpe, the Federal prohibition administrator for the Carolinas and Georgia, has issued a statement declaring—

"that there is more liquor in North Carolina, South Carolina, and Georgia now than there has been in the past three years."

A short time ago T. L. Caudle, the special prosecutor appointed by Governor McLean, of North Carolina, to assist in the prosecution of the former boss of a convict chain gang for killing two negro prisoners, admonished the jury that they should not disregard the testimony of witnesses for the State who had been in the chain gang, because they had been convicted only of violations of the prohibition law; and, turning toward the audience sitting in the court room, said:

"If I were to ask every man out there who has violated the prohibition law to rise, there wouldn't be a bench warmer left, with the possible exception of a few ministers and tea topers."

In a recent letter to the New York Herald-Tribune, R. Charlton Wright, the editor of the Columbia, S. C., Record, says:

"If there is, as a product of sincere conviction and honest observance of the law, such a reality as the "Dry South," I have yet to see it, and I have lived and journeyed all over it for more than 40 years."

In the CONGRESSIONAL RECORD of March 11, 1926, will be found a letter from M. B. Wellborn, of the Federal Reserve Bank of Atlanta, to the Hon. W. D. Upshaw, who, to the infinite relief of everyone who values time and mental sanity, went down at the recent congressional election, in which the writer says:

"I may say that, from what I can learn, drinking is almost universal, not only in Atlanta but in every town in Georgia and throughout the South."

In still another respect the junior Senator from Alabama seems hopelessly deficient in prohibition knowledge. He said that there is nothing to warrant the idea that since the enactment of the Volstead law there has been any increase in arrests for drunkenness. Does he not know that every year the Moderation League of New York, of which such distinguished men as Elihu Root of New York City, Doctor Welch of Baltimore, and Bishop Fiske are directors, has issued a report touching arrests for drunkenness, and that each one of those annual reports has shown that during the year to which it related there was a marked increase in arrests for drunkenness over the total for the preceding year?

The last of these reports, which is just as accessible to the junior Senator from Alabama as it is to me, covers the year 1927. Let me further say that the statistics contained in those reports deal with conditions obtaining in upward of 500 cities and towns in the United States. Notwithstanding what the junior Senator from Alabama said about the sobriety that exists in his State, I entertain little doubt that if I had copies of those reports here they would show that the same increase in arrests for drunkenness that has gone on in the other cities and towns of the country has gone on in Mobile, Birmingham, Anniston, and other cities and towns of Alabama, though I have no right at this moment to affirm this positively.

I have had but little to say about prohibition conditions in other States than the Southern States, because the people of those other States, whatever may be the case in the South, are frank enough not to endeavor to draw any deceitful veil over the true facts bearing upon their condition. Does not the junior Senator from Alabama know that only a few days ago the fact was revealed in the press that the bootlegging industry in the city of Detroit in point of economic importance is second only to the vast automobile industry of that city?

I heard a Member of the Senate say a few days ago that at a recent banquet which he had attended in the city of New York one might have supposed, from the freedom with which liquor was circulating, that there was no such thing as the eighteenth amendment or the Volstead Act at all. Only a few days ago I heard another Senator—and this a Senator from one of the supposedly dry States of the South—say that when he was returning from his home in one of the Southern States about 10 days or two weeks ago the Pullman-car conductor in the coach in which he was riding stated to him that during the Easter holidays a number of sleeping cars had been chartered for the purpose of taking some hundreds of girls to their homes from a female seminary in one of the Southern States, and that when those coaches were vacated the porters on them collected and counted—I shrink from mentioning the total number—scores of empty half-pint whisky flasks.

That is one of the worst things about this vile system of tyranny. It holds out a lure to the young of the land of both sexes as dangerous as the false beacon lights which shipwreckers in the past kindled on the seashore. Prohibition, to a greater degree than anything else in our history, has been the corrupter of youth. It has also, as I have shown, worked such wholesale official faithlessness as nothing else in American history has ever worked. It has stained the columns of our newspapers from month to month and from week to week with human blood. It is a breeder of disrespect for all law. It is a training school for hardened criminals. It is the patron of espionage, perfidy, and hypocrisy. It is a desecrator of the church. Through the agency of the Anti-Saloon League it has been a deadly menace to the freedom of elections and to legislative independence. It has so many sins to account for that I would find it impossible in an hour to catalogue all of them.

How ridiculous, if I may use such a strong word, is the trite claim of the junior Senator from Alabama that the extraordinary era of material prosperity which this country has recently known has been due to prohibition. Why, an era of equal prosperity has distinguished the recent history of Canada. Indeed, in the last year or so the Canadian dollar has at times been exchanged above par for the American dollar. And yet, with two exceptions, the little sea-girt isle of Prince Edward and the sea-lapped peninsula of Nova Scotia, to both of which the bootlegger has access by water without any difficulty, there is not one solitary Province in the Dominion of Canada which has not for some time past been free from the restraints of prohibition. The remarkable flush of material prosperity which this country has experienced since the close of the World War is due, as every sensible man knows, to the economic effects of the war itself.

It is not in my heart to find fault with the junior Senator from Alabama for having made the speech which he has, for it has imported into the discussion of the prohibition question a measure of kindling animation that I wish to see continuously imported into it from now on until the day that the Democratic convention shall convene at Houston.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 4405) authorizing the Detroit River Canadian Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Detroit River at or near Stony Island, Wayne County, State of Michigan.

The message also announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H. R. 5695. An act authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, and in sections 7, 8, 17, 18, 19, 30, 31, township 19 south, range 27 east, Tallahassee meridian, Lake County, in the State of Florida;

H. R. 8110. An act withdrawing from entry the northwest quarter section 12, township 30 north, range 19 east, Montana meridian; and

H. R. 9112. An act for the relief of William Roderick Dorsey and other officers of the Foreign Service of the United States, who, while serving abroad, suffered by theft, robbery, fire, embezzlement, or bank failures losses of official funds.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11022) to extend medical and hospital relief to retired officers and retired enlisted men of the United States Coast Guard.

FOREIGN EXCHANGE AND EUROPEAN CURRENCY

Mr. ODDIE. From the Committee on Mines and Mining I report back favorably without amendment Senate Resolution 95, and I submit a unanimous report (No. 1164) thereon.

The PRESIDING OFFICER (Mr. SACKETT in the chair). The resolution will be read.

The resolution submitted by Mr. COPELAND on January 4, 1928, was read, as follows:

Resolved, That the Committee on Mines and Mining be, and it is hereby, authorized to revise to date and publish with illustrations as a Senate document Serial 8, entitled "Foreign Exchange Quotations and Curves," and Serial 9, entitled "European Currency and Finance," both publications prepared under Senate Resolution 469, Sixty-seventh Congress, fourth session, said committee to employ such personal services and incur such expenses as may be necessary to carry out the purposes of this resolution; such expenditures shall be paid from the contingent fund of the Senate upon vouchers authorized by the committee and signed by the chairman thereof.

Mr. ODDIE. Mr. President, in this connection I wish to state that the Senate Commission of Gold and Silver Inquiry, of which I had the honor to be the chairman, was created in 1923 from the membership of the Committee on Mines and Mining of the Senate, of which I also am chairman, to conduct a research into the economic status of the gold and silver mining industries and to study the monetary demand for the precious metals, including the foreign-exchange situation.

After two years of intensive work and the publication of several important and timely studies on the subjects which the commission was charged to investigate, the period for which it was appointed to serve expired on March 4, 1925, leaving a portion of one of the most important branches of its work unfinished. However, since the commission was dissolved the interest aroused in financial and economic fields has been such that a persistent demand has continued that certain material be added to its publication on foreign exchange and European currency and finance and that they be brought down to date.

The Senate Committee on Mines and Mining has, therefore, given consideration to and has unanimously authorized me favorably to report Senate Resolution 95, introduced by Senator COPELAND, and providing for the revision to date and publication of two serials originally prepared and published by the Senate Commission of Gold and Silver Inquiry in the Sixty-eighth Congress.

Serial 8 is a compilation of daily exchange quotations of 18 foreign currencies, beginning with the armistice date in 1918, with corresponding curves indicating the daily, monthly, quarterly, semiannual, and annual fluctuations. Serial 9 is a comprehensive study of European currency and finance for the postwar period. Both of these publications presented for the first time information not otherwise available, which was extremely useful in studying postwar financial problems, and especially useful to the Dawes Commission and to many foreign countries in arranging their debt settlements with the United States. The data presented in these publications were also used as the basis for courses on international currency and finance in many of our universities.

The demand for these publications was so great that the Commission of Gold and Silver Inquiry ordered published the limit that could be printed under the statute—some 1,700 copies—and these were very soon exhausted. The Superintendent of Documents in order to satisfy the additional demand ordered an imprint of 1,000 copies. A letter from the Superintendent of Documents of March 10, 1928, states that he has no copies left of the first volume of serial 9 and only 25 copies of the second volume. These two volumes were sold by the Superintendent of Documents for 80 cents and 60 cents, respectively, and $1,400 was realized from their sale. Many requests for these volumes have been received and are continually coming in which can not be met. The demand for the revised edition would probably be heavier than for the original, and the amount that the Government Printing Office would derive from its sale would also be greater.

At the time of the original publication, as chairman of the Senate Commission of Gold and Silver Inquiry, I received a large number of letters, notably from the now Vice President, Mr. Dawes; Mr. Crissinger, formerly chairman of the Federal Reserve Board; Secretaries Jardine, Wallace, and Gore, of the Department of Agriculture; the late Secretary of War Weeks; First Assistant Postmaster General Bartlett; Dr. Julius Klein, Director of the Bureau of Foreign and Domestic Commerce; Mr. Grosvenor M. Jones, chief of the finance and investment division of the bureau; and Dr. Jacob Hollander, professor of political economy of Johns Hopkins University. Also letters recently received from W. H. Steiner, associate professor of economics of the College of the City of New York; Marcus Nadler, associate professor New York University; and M. E. Jameson, librarian of the National Industrial Conference Board. All of these letters reflected the benefits which were being derived from the information made available in these publications. The letter of February 23, 1925, by Vice President Dawes in a general way states what other correspondents had emphasized, as follows:

> Since I wrote you the volume compiled under the direction of your committee upon European Currency and Finance has arrived. I have been reading it and now realize the unusual nature of the work and its extreme value. In the selection of those who have contributed papers on currency and finance exceptional judgment has been shown. The book is invaluable and most opportune. You and your committee are to be congratulated upon a contribution which is of immediate use to the economic, banking, agricultural, and commercial interests of the Nation. It is so timely as to be almost providential. * * *

About two and one-half years have elapsed since these original publications were made available, and during this period a great many changes have taken place in the currency and financial structures of many of the countries covered in the report. Many of the countries have resumed either the gold or gold exchange standard in line with the suggestions made in the original report, and if this additional period could be covered and the work revised to date it undoubtedly would be very valuable in solving many of the financial and currency problems with which we must now deal in advancing our foreign and domestic trade.

Since Senator COPELAND introduced Senate Resolution 95 he has received many letters on the subject, the most important correspondents being E. W. Kemmerer, professor of economics, Princeton University; Henry M. Robinson, member of the Dawes Reparation Commission; Paul M. Warburg; George E. Roberts, vice president National City Bank; Robert H. Bean, executive secretary American Acceptance Council; John T. Madden, director Institute of International Finance; Harvey E. Fisk, Bankers Trust Co.; Edwin R. A. Seligman, Columbia University; Norman Lombard, executive director the Stable Money Association; Willard L. Thorp, Amherst College; Irving Fisher, Yale University; Calvin B. Hoover, professor of economics, Duke University; Elisha M. Friedman, Toerge & Schiffer; J. K. Towle, assistant economist, the Chase National Bank; H. G. Friedman, Speyer & Co.; Lionel Sutro; Paine, Webber & Co.; Marcus Nadler, New York University; R. Warren, Case, Pomeroy & Co.; Stephen I. Miller, executive manager National Association of Credit Men; and Don C. Barrett, professor of economics Haverford College.

Professor Kemmerer has been most active in assisting foreign governments in reconstructing their currency and financial policies along sound lines, and his letter of January 17, 1928, to Senator COPELAND is as follows:

> I have just learned with great pleasure that on January 4 you introduced in the Senate a resolution (S. Res. 95) providing for a revision of the study on European currency and finance made a couple of years ago by Dr. John Parke Young under the auspices of the Commission of Gold and Silver Inquiry of the United States Senate. As a teacher and lecturer in the field of international finance I have found these reports very valuable and regularly require my students to read parts of them as class-room assignments. Furthermore, in the financial advisory work I have been doing for foreign governments, a brief description of which is given in the inclosed article, I have taken these volumes with me, and we have consulted them very frequently in connection with our foreign work. I sincerely hope that the bill providing for their revision and republication will be enacted.

Mr. Henry M. Robinson, formerly a member of the Dawes Commission, under date of January 13, 1928, wrote to Senator COPELAND as follows:

* * * I have had occasion to use these documents from time to time and believe that an up-to-date revision would be of great help in the discussions and examinations of the questions involved in our present and future international relations.

I sincerely hope that your resolution will be adopted.

Mr. Paul M. Warburg, under date of January 13, 1928, writes to Senator COPELAND as follows:

* * * I am writing to say that I believe that these volumes have been a very helpful contribution and of valuable assistance to those studying these problems. I feel certain that if a revision and reprint of these volumes could be authorized by the Senate it would be welcomed by students of the question and the financial community.

Mr. George E. Roberts, vice president National City Bank, and who has written the Economic Bulletin that has been widely distributed for a number of years, and was formerly Director of the Mint for a period of 14 years, writes to Senator COPELAND under date of January 10, 1928, as follows:

The volumes upon European currency, exchange, and finance, prepared by the Commission of Gold and Silver Inquiry, United States Senate, comprise the most complete and convenient record in existence of the changes in European monetary systems resulting from the war and of the exchange fluctuations during the period of instability. They were prepared by competent editors and form an invaluable record. Now that there is reason to believe that the period of instability is practically over, it is, in my opinion, highly desirable to have the reviews brought down to date and another edition printed. I understand that you are moving to this purpose, and I am writing to give my approval to this proposal. I think the papers by well-known economists which form a part of the original report should be included in the reprint, for the light they throw upon conditions at the time they were written. All of this information and discussion forms a record of the most extraordinary period in monetary affairs ever known.

The letter from Mr. Madden, director of the Institute of International Finance, under date of January 10, 1928, to Senator COPELAND is as follows:

* * * May I say that I hope that this resolution will prevail and that both publications will be authorized and prepared. We shall find them extremely valuable and useful in the work that we are doing in the Institute of International Finance which, as you will recall, is an independent fact-finding body for the purpose of furnishing information to investors in foreign securities in the United States.

The other letters reflect in a very large degree the same reasons for revising these two publications. The suggestion in Mr. Madden's letter that the revised edition of these publications would be useful in safeguarding the investments of Americans in foreign securities is an important one which should be taken into account by this committee, as there are now outstanding American investments in foreign securities in excess of $14,500,000,000, and the amount is increasing at the annual rate of from $1,000,000,000 to $1,500,000,000.

While the information made available in the original publications on European currency and finance and foreign exchange by the Senate Commission of Gold and Silver Inquiry, and the additional information to be included in the proposed revision, are important to the economic, banking, agricultural, and commercial interests of the Nation, they are also primarily essential to the gold and silver mining industries.

At the time the commission was appointed in 1923 the problem of restoring the gold standard in many countries of the world was widely discussed, and there was some question concerning the probable success of this movement. In many countries paper-currency inflation had driven both gold and silver from circulation, and in order to accommodate the needs for small currency substitute coinages were put into circulation which either contained no silver or a materially reduced amount. Since the principal demand for both gold and silver is monetary, the maintenance of the monetary positions of these two metals is vitally important. The fact that many countries since 1923 have resumed the gold standard in some form and have replaced subsidiary coinages having no intrinsic value by new silver coinages, thereby increasing the market for gold and silver, is reassuring. The progress already made in monetary reform is also reassuring that the gold standard is to be maintained, and that silver will continue as the principal metal for subsidiary coinage.

It has been expressed by numerous economists and financial authorities that the original publications of the Senate Commission of Gold and Silver Inquiry on European currency and finance and foreign exchange materially assisted in expediting the restoration of more normal currency and financial conditions throughout the world, and these same authorities are requesting that a revision to date be made by way of recording progress in international currency and finance, and with a view of rendering additional assistance in currency and financial reform. In further securing the maintenance of the gold standard and in extending the currency use of gold and silver the revision of these publications will undoubtedly benefit the gold and silver mining industries and safeguard the financial and economic position of the United States.

The small amount involved in the revision of these publications is negligible in comparison with the great benefits to the American public. The estimated cost of revising this material is about $17,000, and the work should consume approximately six months.

The letters which have been received by myself, Senator COPELAND, and others from such outstanding authorities would seem to constitute the most competent testimony as to the value of the work contemplated by the pending resolution.

Mr. COPELAND. Mr. President, is there any reason why this resolution might not be put upon its passage immediately while the Senate is aware of what has happened and of the work that has been done by the committee?

The PRESIDING OFFICER. Does the Senator ask unanimous consent for the immediate consideration of the resolution?

Mr. CURTIS. Mr. President, I hope the resolution will go over.

The PRESIDING OFFICER. The resolution will go to the calendar.

Mr. ODDIE. I ask that the resolution may be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER. Without objection, the resolution will be so referred.

Mr. COPELAND. Mr. President, I wish to thank the chairman of the committee for his illuminating statement regarding this matter. It is one which has attracted the attention of financiers, bankers, teachers, and many other persons interested in the subject of finance, and I hope that in due time the resolution may be adopted.

CONSTRUCTION OF RURAL POST ROADS

The PRESIDING OFFICER (Mr. MCMASTER in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1341) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, which was to strike out all after the enacting clause and insert:

That section 11 of the Federal highway act, approved November 9, 1921 (42 Stat. L. 212), as amended or supplemented, be further amended by adding at the end of the second paragraph thereof the following:

"*And provided further,* That in the case of any State containing unappropriated public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per cent of the total area of all lands in the State in which the population, as shown by the latest available Federal census, does not exceed 10 per square mile of area, the Secretary of Agriculture, upon request from the State highway department of such State, may increase the share payable by the United States to any percentage up to and including the whole cost on projects on the primary system of Federal-aid highways and on projects on the secondary system when the latter is a continuation of a route on the primary system or directly connects with a route on the primary system of an adjoining State, but such State shall allocate and expend during the same fiscal year upon some other project or projects on the Federal-aid system, under the direction of the Secretary of Agriculture, the amount it would have been required to expend upon such project."

SEC. 2. In every case in which, in the judgment of the Secretary of Agriculture and the highway department of the State in question, it shall be practicable to plant and maintain shade trees along the highways authorized by said act of November 9, 1921, and by this act, the planting of such trees shall be included in the specifications provided in section 8 of said act of November 9, 1921.

SEC. 3. The system of Federal-aid highways on which Federal funds may be expended in any State may exceed 7 per cent of the total highway mileage of such State by the mileage of roads on said system within national forest, Indian, or other Federal reservations therein.

SEC. 4. Federal funds may be expended on that portion of a highway or street within a municipality having a population of 2,500 or more, along which from a point on the corporate limits inwardly the houses average more than 200 feet apart: *Provided,* That no Federal funds shall be expended for the construction of any bridge within or partly within any municipality having a population of more than 30,000, as shown by the latest available Federal or State census; but this limitation shall not apply in the case of an interstate bridge, including ap-

proaches, connecting such municipality in one State with a point in an adjoining State which may be within a municipality having a population of not more than 10,000.

SEC. 5. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Mr. ODDIE. I move that the Senate concur in the amendment of the House.

Mr. LA FOLLETTE. Mr. President, will the Senator explain briefly what the House amendment is?

Mr. ODDIE. Mr. President, the bill passed the Senate a number of weeks ago and went to the House. The House eliminated the section which raised the limit of $15,000 a mile for public roads to a larger amount. The matter was controversial; there was some discussion in the House on this matter. There is a general understanding that this question will be taken up again in the December session. I hope it will be because I want to see that section placed in the law.

Another section was eliminated relating to highway markers. There was some discussion in the Senate in regard to that provision. It is embodied in a measure which is now before the Judiciary Committee of the Senate. There are two other provisions added by the House that are in the nature of emergency provisions. I hope, Mr. President, that the Senate will adopt the House amendment.

Mr. BRATTON. Mr. President, will the Senator explain what change the House bill makes in existing law with reference to highways and their construction?

Mr. ODDIE. It adds two provisions—one is section 3, which permits the States to compute their 7 per cent of the total road mileage on which Federal aid may be applied, as provided in the Federal highway act of 1921, without counting the roads in forest reserves and Indian reserves. It enables certain States to complete comparatively small stretches of Federal-aid highways.

Mr. BRATTON. That is the major change?

Mr. ODDIE. Yes. Another change, Mr. President, is that in section 4, the first part clarifies the present law in regard to the building of these roads within the boundaries of municipalities having a population of over 2,500, in places where houses are 200 feet apart. There is a question with the Comptroller General as to the wording of the present law which this wording clears up. There is a short provision regarding bridges which is necessary to clear up some provisions in the law.

I will ask that the matter be acted on now by the Senate.

Mr. SHEPPARD. Mr. President, may I ask the Senator from Nevada if this report is acceptable to the Senator from Tennessee [Mr. MCKELLAR]?

Mr. ODDIE. I do not think this involves anything in which the Senator from Tennessee is interested. I am quite sure he would not object to these House amendments to the bill which passed the Senate several weeks ago.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada.

The motion was agreed to.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. WALSH of Massachusetts. Mr. President, I should like to have a correction made in the permanent RECORD. In the CONGRESSIONAL RECORD of May 14 the Senator from North Carolina [Mr. SIMMONS] is reported as having said:

> But I am advised by the Actuary of the Treasury that under our plan of reduction the taxpayers with incomes above $70,000 will get $9,600,000 reduction.

It should read that "under the plan of the majority" the reduction to such taxpayers will be $9,600,000. The Senator from North Carolina was made to state just the opposite to what he intended to assert as a fact. I ask that that correction may be made for the permanent RECORD.

The PRESIDING OFFICER (Mr. SACKETT in the chair). The official reporters will make the correction.

Mr. SMOOT. Mr. President, I wish to correct the statement of the Senator from Massachusetts that under the plan of the majority the reduction to such taxpayers would be $9,600,000. I do not want that statement to go in the RECORD.

Mr. SIMMONS. The RECORD will stand as to what I said about the $9,600,000 reduction, as corrected by the Senator from Massachusetts. The report of the Finance Committee submitted by the Senator from Utah shows on page 9 (Report 960) by adding the figures in the table of probable reductions this amount to be correct.

Mr. SMOOT. I am not objecting at all to the correction so far as the speech of the Senator from North Carolina is concerned, but the Senator from Massachusetts is mistaken when he says that under the plan of the majority the reduction to such taxpayers would be $9,600,000.

Mr. WALSH of Massachusetts. I am merely correcting what the Senator from North Carolina was reported to have said. He did not intend to say that his plan would lead to a reduction of the amount stated for the class of surtax payers with incomes in excess of $70,000. As to the accuracy of the amount named the tables of the Treasury Department confirm it.

Mr. SMOOT. That is correct.

Mr. WALSH of Massachusetts. In fact, his plan did not give this class of large taxpayers any reduction. Yet the RECORD shows that the Senator of North Carolina is alleged to have said that they were given a reduction of $9,600,000.

Mr. SMOOT. The Senator is correct in that. The only correction I want to make is that the Senator said also that according to the majority plan there would be a reduction of $9,600,000 above the bracket mentioned.

Mr. SIMMONS. I do not know about that; but, Mr. President, I wish to thank the Senator from Massachusetts for discovering this inadvertence of mine. I wish to say to the Senator that I did not read my notes over last night; they went into the RECORD, so far as I was concerned, without any correction in them being made. I would have noted the mistake if I had read the report.

That, however, is not what I asked the Chair for recognition for. I am advised that in the RECORD there is no reference to the substitute which I offered for the majority plan. Of course, I had offered the amendment several days ago, and stated that I presented it to the Senate; but there seems to be no reference in the RECORD to that amendment. So I am advised by one of the force. I wish the RECORD to be corrected so as to refer to the substitute.

Mr. SMOOT. The Senator wants to have the substitute printed?

Mr. SIMMONS. Yes; I want to have the substitute printed.

Mr. FLETCHER. There is a reference to it, but the amendment proposed by the Senator does not appear set out.

Mr. SIMMONS. That is what I mean. It ought to be set out, and I ask that in the permanent RECORD it be set out.

Mr. SMOOT. That is right.

Mr. SIMMONS. Mr. President, I now send to the desk the amendment which I had filed as a substitute for the majority plan of reduction of surtax, and which did not appear in the RECORD.

The PRESIDING OFFICER. The substitute will be printed in the permanent RECORD just preceding the vote.

Mr. SIMMONS. Yes.

Mr. BROUSSARD. Mr. President, will the Senator please explain the amendment?

Mr. SIMMONS. It is the amendment which I offered as a substitute for the minority plan of reducing the surtax. It does not appear in the RECORD, and I wish it to appear in the RECORD. It was voted on yesterday.

Mr. SIMMONS's amendment, submitted and voted upon yesterday, follows.

In lieu of the matter proposed to be inserted by the committee:

"Upon a net income of $12,000 there shall be no surtax; upon net income in excess of $12,000 and not in excess of $14,000, 1 per cent in addition of such excess.

"Twenty dollars upon a net income of $14,000, and upon net income in excess of $14,000 and not in excess of $18,000, 2 per cent in addition of such excess.

"One hundred dollars upon a net income of $18,000, and upon net income in excess of $18,000 and not in excess of $22,000, 3 per cent in addition of such excess.

"Two hundred and twenty dollars upon a net income of $22,000, and upon net income in excess of $22,000 and not in excess of $26,000, 4 per cent in addition of such excess.

"Three hundred and eighty dollars upon a net income of $26,000, and upon net income in excess of $26,000 and not in excess of $30,000, 5 per cent in addition of such excess.

"Five hundred and eighty dollars upon a net income of $30,000, and upon net income in excess of $30,000 and not in excess of $34,000, 6 per cent in addition of such excess.

"Eight hundred and twenty dollars upon a net income of $34,000, and upon net income in excess of $34,000 and not in excess of $38,000, 7 per cent in addition of such excess.

"One thousand one hundred dollars upon a net income of $38,000, and upon net income in excess of $38,000 and not in excess of $42,000, 9 per cent in addition of such excess.

"One thousand four hundred and sixty dollars upon a net income of $42,000, and upon net income in excess of $42,000 and not in excess of $46,000, 12 per cent in addition of such excess.

"One thousand nine hundred and forty dollars upon net income of $46,000, and upon net income in excess of $46,000 and not in excess of $52,000, 16 per cent in addition of such excess.

"Two thousand nine hundred dollars upon net income of $52,000, and upon net income in excess of $52,000 and not in excess of $60,000, 17 per cent in addition of such excess.

"Four thousand two hundred and sixty dollars upon net income of $60,000, and upon net income in excess of $60,000 and not in excess of $80,000, 18 per cent in addition of such excess.

"Seven thousand eight hundred and sixty dollars upon net income of $80,000, and upon net income in excess of $80,000 and not in excess of $100,000, 19 per cent in addition of such excess.

"Eleven thousand six hundred and sixty dollars upon net income of $100,000, and upon net income in excess of $100,000, 20 per cent in addition of such excess."

Mr. SIMMONS. Mr. President, I take this occasion to say that I think we have disposed of most of the controverted questions in connection with this tax reduction bill. We have lost a good deal of time as a result of Senators making speeches upon other questions than the tax bill which is before the Senate. I hope we may now return to the tax bill and confine ourselves to it until we have finished it.

Mr. SMOOT. I hope so, too, Mr. President.

Mr. SIMMONS. If we are going to have tax reduction at this time, it is high time that the Senate should act.

Mr. McNARY. Mr. President, I only desire to make an observation.

I want to assist as much as I can in expediting the consideration of the pending bill; but I do think it is quite essential, in view of the fact that the session is to close two weeks from next Saturday, that at a very early opportunity I may be able to take up the conference report on the farm relief bill. I do not think it will take more than 10 minutes.

I did not want any understanding to go around that might imperial the consideration of the conference report on the farm relief bill at some time when it will not interfere with the consideration of the tax bill.

Mr. CARAWAY. I hope the Senator will bring it up this afternoon, because it ought to be acted upon.

Mr. McNARY. I hope I may have the opportunity; and that is the reason why I simply wanted to make that interjection.

Mr. BORAH. Mr. President, in connection with the statement of the Senator from North Carolina, if there is a real desire to make progress on the tax bill, let me suggest to those who really want it to pass that this amendment to repeal the inheritance tax be abandoned. It is perfectly certain that if that amendment is offered we shall be here for three or four days longer, at least; and that would imperil the final passage of the bill. I do not see why we should be called upon to fight out that proposition under those circumstances.

There are some of us who do not care very much about tax reduction at this session. We would prefer to apply the surplus to the public debt. We have gone along with those who do believe in tax reduction and with the bill which has been proposed by the committee; but, speaking for myself, and I think for a number of others, we are not interested in the passage of a tax reduction bill; and if the inheritance-tax repeal is to be placed on the bill, or attempted to be placed on it, it necessarily will take some three or four days to dispose of it. It may change the attitude of some Senators toward the bill. What that means to tax reduction those in charge of the bill can determine for themselves.

Mr. SIMMONS. Mr. President, as long as the Senator has referred to some observations I made, I desire to say that the committee made no recommendation with reference to the inheritance or estate tax. Neither has the minority offered any amendment with reference to it; but an amendment has been offered, as I understand, by the Senator from Connecticut [Mr. BINGHAM]. Of course, if he offers that amendment, we shall have to act upon it in some way or other.

Mr. BINGHAM. Mr. President, with regard to what has just been said by the Senator from Idaho [Mr. BORAH] and the Senator from North Carolina [Mr. SIMMONS], of course, I regret to feel obliged to do anything which would lead to three days' debate. I can assure the Senator that I have no desire to indulge in three days' debate or in three hours' debate. In fact, it will take me but a few moments to present the arguments in favor of the abolition of the inheritance tax as they are seen in the State of Connecticut.

It is well known that the State of Connecticut joined with the State of Florida and sundry other States in the case before the Supreme Court in an effort to prove that this tax in its present form was not constitutional.

We believe that it interferes with the rights of the States. It is the States that make the laws through which wills and inheritances become effective. It is our belief that since it is only the States that make these laws, the power of taxing estates which come to those who inherit through the State laws should be limited to the States.

Greatly as I regret to seem to take any action which would lead to three days' debate, and much as I hope that the debate may be very much limited, in view of the fact that I promise not to take more than 10 or 15 minutes in debating it myself, I hope very much that the prophecy of the Senator from Idaho will not be fulfilled. In view of the stand which my State has taken in regard to this matter, and the intense interest in it on behalf of the authorities of the State, including the governor and the tax commissioner and the majority of the people in the State, I regret very much that it will be necessary for me, at the proper time, and when so indicated by the Senator in charge of the bill, to ask that my amendment, now lying on the table, be considered.

Mr. BORAH. Mr. President, I understand the position of the Senator. I made the suggestion that I did in the interest of time, and also in the interest of this tax bill and those who are interested in it; but, as the Senator feels obliged to present his amendment, those who wish to discuss the inheritance tax fully can only abide by the program of those in charge of the bill.

Mr. FLETCHER. Mr. President, it seems to me that the question of presenting or not presenting the amendments which have been offered by the Senator from Connecticut [Mr. BINGHAM] ought not to be settled by a threat of a filibuster or a threat of delay. The Senator from Connecticut has a perfect right, as any Senator on this floor has, to offer any amendment he chooses to offer to this bill. To say that if a certain amendment is to be offered it means three or four days' delay, or that Senators are going to filibuster, or something of that sort, does not settle anything; and it seems to me that it is a mistaken notion that a Senator has the right to make a proposition of that kind here. I think the States that are interested in this matter—and 23 States have already passed resolutions favoring the elimination of the estate tax, and other States are interested that have not yet acted on it—have a right to present their amendment.

Mr. BORAH. Undoubtedly, Mr. President, they have a right; and I am not objecting at all. I am perfectly willing that it shall be done, and we shall take the time to discuss it. I made no threat; but I have stated a fact, which the Senator will find to be a fact when we get through with it. I felt justified in stating a situation which I know to exist to those who are interested in the passage of this bill and also in the interest of time.

Mr. FLETCHER. Very well. This is a long session of Congress. We do not have to adjourn until next December. The Senate has already taken a position on this matter. It is not a new question. There is no need of any lengthy debate about it. As far as I am concerned, I will guarantee to limit my remarks on it to 30 minutes. I propose to be heard on it, however; and, to be consistent, we ought to do what we have done heretofore.

We have favored almost unanimously in this body the elimination of the estate tax. We ought to insist upon that position as a matter of policy and principle. If we yield now because somebody says the bill will be delayed, or something of that sort, then the States that are interested in this problem have lost their position entirely and are obliged to yield because of some demand of that kind, not because of the merits of the proposition.

The Senator from Connecticut has proposed two amendments. One is to eliminate the estate tax; the other is to fix new rates at about one-fifth of what they are in the present law and to eliminate the 80 per cent credit to the States. The Senate can take one or the other of those positions, it seems to me.

Mr. BORAH. And both mean about the same thing.

Mr. FLETCHER. They are quite different. They may come eventually to the same thing; but there are two propositions. Some Senators on the other side favor one and do not favor the other. Some Senators on this side favor one and do not favor the other. It is a proposition upon which the Senate ought to be willing to vote, and vote without any unnecessary delay or any unusual discussion. I think we understand the question pretty well. At any rate, it ought not to take over a couple of hours to dispose of both those amendments.

Mr. SIMMONS. Mr. President, I wish to say to the Senator from Idaho [Mr. BORAH] that I do not know of any purpose on this side of the Chamber to discuss at any length the question of the repeal of the estate tax. I think only one or two or three Senators at the outside will desire to speak at all, and they

probably will speak very briefly; but I want to say to the Senator from Florida that under the conditions that exist on the other side of the Chamber I do not think he is likely to get much of an expression of the real opinion of the Senate upon this question.

Mr. SMOOT. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 40, line 14, after the word "sales," it is proposed to insert "or other disposition of property."

Mr. SMOOT. That is just to correct a clerical error.

The amendment was agreed to.

Mr. SMOOT. I send to the desk another amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 194, line 25, it is proposed to insert the following new section:

Determination of deficiency if tax is reduced by legislation: Where a return of tax imposed by Title III of the revenue act of 1924 was made before February 26, 1926, then, for the purposes of determining a deficiency, the amount of tax shown on the return shall be reduced by the difference between such amount and the tax at the rates under section 301 of such act, as amended by the revenue act of 1926, which should be imposed upon the transfer of the net estate as shown on the return.

Mr. SIMMONS. Mr. President, may I ask the Senator from Utah if that matter was discussed in the committee?

Mr. SMOOT. This is a committee amendment, which we had the experts prepare. These are all amendments which have been agreed to in the committee.

This amendment would take care of the following situation:

The executor, prior to the passage of the revenue act of 1926, filed a return of the estate tax imposed by the revenue act of 1924, showing, for example, a tax of $100,000. By the revenue act of 1926 the estate tax rates imposed by the 1924 act were retroactively reduced, so that on the basis of the facts disclosed by the return as to the value of the net estate the tax at the reduced rates would be only $75,000. The Bureau of Internal Revenue, however, finds that the net estate is larger than that disclosed in the return, and that the correct amount of the tax at the reduced rates should be $85,000. Under the present law this situation can be taken care of by an abatement of the $100,000 tax shown by the return to $75,000 and the sending of a deficiency letter for the $10,000 deficiency, thus giving the executor the right to take the case to the Board of Tax Appeals. A few cases, however, exist at the present time in which it has been found impossible to abate the tax. This amendment, therefore, takes care of those few cases by providing that the tax shown on the return shall be reduced by an amount equal to the tax reduction retroactively granted by the 1926 act.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. I send another amendment to the desk, and ask for its adoption.

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. On page 239, line 25, after the word "was," insert the words "the value of the property at the time of death of the decedent or was."

Mr. SMOOT. As stated in the committee report, the purpose of the section to which this amendment is offered, was to validate returns filed in accordance with the regulations in force prior to the decision in the McKinney case. These regulations provided that the basis for computing gain or loss should be the value of the property at the time of the death of the decedent, in the case of a sale by the executor of property acquired from the decedent. After the decision in the McKinney case, the regulations were amended, so that the gain or loss would be computed upon the basis of the property in the hands of the decedent. The taxpayers who relied upon the new regulations, in filing their returns for 1927, are in the same position as those who relied upon the prior regulations. Accordingly the amendment provides that in either case the regulations will be ratified at the taxpayers' option.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. I send another amendment to the desk, and ask for its adoption.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 241, strikes out lines 1 to 21, inclusive, and in lieu thereof insert the following:

(1) If the deduction has been claimed by the estate, but not by the beneficiary, it shall be allowed to the estate;

(2 If the deduction has been claimed by the beneficiary, but not by the estate, it shall be allowed to the beneficiary;

(3) If the deduction has been claimed by the estate and also by the beneficiary, it shall be allowed to the estate (and not to the beneficiary) if the tax was actually paid by the legal representative of the estate to the taxing authorities of the jurisdiction imposing the tax; and it shall be allowed to the beneficiary (and not to the estate) if the tax was actually paid by the beneficiary to such taxing authorities;

(4) If the deduction has not been claimed by the estate nor by the beneficiary, it shall be allowed as a deduction only to the person (either the estate or the beneficiary) by whom the tax was paid to such taxing authorities, and only if a claim for refund or credit is filed within the period of limitation properly applicable thereto;

(5) Notwithstanding the provisions of paragraphs (1), (2), (3), and (4) of this subsection, if the claim of the deduction by the estate is barred by the statute of limitations, but such claim by the beneficiary is not so barred the deduction shall be allowed to the beneficiary, and if such claim by the beneficiary is barred by the statute of limitations, but such claim by the estate is not so barred, the deduction shall be allowed to the estate.

(b) As used in this section, the term "claimed" means claimed—

(1) In the return; or

(2) In a claim in abatement filed in respect of an assessment made on or before June 2, 1924.

On page 241, line 22, strike out "(b)" and insert in lieu thereof "(c)."

Mr. SIMMONS. I understand that is largely the present bill, with a few changes to perfect it.

Mr. SMOOT. As explained in the committee report, section 703 of the bill as reported to the Senate has attempted to relieve the situation presented by the uncertainty of the law as to the deductibility, in computing net income, of amounts paid as estate, inheritance, succession, or legacy taxes. The section as reported was intended to validate the deductions taken in the return of the taxpayer.

It has developed, however, that certain taxpayers have claimed the deduction, not in their original return, but by a claim in abatement. It has further developed that the deduction which was claimed in the return of the estate, for example, has been disallowed to the estate, and the statute of limitations has now run on the filing of a claim for credit or refund where the deduction under the provisions of the bill should be allowed. The amendment allows a deduction to the beneficiary in such case if he claims the deduction by a claim for credit or refund.

Mr. KING. Mr. President, I had not seen the amendment until this moment. I want to be sure that it does not give a valid status to claims which have been barred by the statute of limitations.

Mr. SMOOT. No; it does not.

Mr. KING. If it merely adjusts the language so as to avoid confusion arising between claims submitted by the beneficiary, by the estate or by the heirs, I have no objection. I was not quite clear as to subdivision 5. As I stated, I had not heard it before it was read. If I may be permitted, I will read that subdivision in order that I may see whether there is any foundation for the apprehension which I have entertained. It reads:

Notwithstanding the provisions of paragraphs (1), (2), (3), and (4) of this subsection, if the claim of the deduction by the estate is barred by the statute of limitations, but such claim by the beneficiary is not so barred, the deduction shall be allowed to the beneficiary, and if such claim by the beneficiary is barred by the statute of limitations, but such claim by the estate is not so barred, the deduction shall be allowed to the estate.

That is not as clear as the noonday sun. I ask my colleague and the experts if this means that a claim which has been barred by the statute of limitations, whether it be presented by the beneficiary or by the estate, as such, is entitled to cognizance and payment, or is to be recognized as a claim for deduction. If so, I shall be opposed to this amendment. I am not clear, from this hasty reading of it, whether this is an attempt to validate or to revive barred claims or not. I am opposed to removing the bar of the statute of limitations, if that is the purpose of this amendment.

Mr. SMOOT. I assure the Senator that it is not.

Mr. KING. I shall not object to the consideration of the amendment, but I state to my colleague that I shall examine it further, and if upon reaching the conclusion that it is an attempt to remove the bar of the statute, I shall ask for a reconsideration.

Mr. SMOOT. The Senator will reserve the right for a vote in the Senate if he desires to call it up.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. I send another amendment to the desk and ask for its adoption.

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. SMOOT. I wish to say to Senators that this is the amendment regarding installment sales which has been agreed to in the committee, and it is satisfactory to all interested in this particular provision. I can read the full explanation if it is desired.

Mr. COUZENS. Let us have the amendment read.

The CHIEF CLERK. On page 243, after line 5, insert a new section as follows:

SEC. 705. INSTALLMENT SALES—RETROACTIVE.

(a) If any taxpayer by a return or an amended return made prior to February 26, 1926, changed the method of reporting his net income for the taxable year 1924 or any prior taxable year to the installment basis, then, if his income for such year is properly to be computed on the installment basis—

(1) No refund or credit of income, war-profits, or excess-profits taxes for the year in respect of which the change is made or any subsequent year shall be made or allowed, unless the taxpayer has overpaid his taxes for such year, computed by including, in computing income, amounts received during such year on account of sales or other dispositions of property made in any prior year; and

(2) No deficiency shall be determined or found in respect of any such taxes unless the taxpayer has underpaid his taxes for such year, computed by excluding, in computing income, amounts received during such year on account of sales or other dispositions of property made in any year prior to the year in respect of which the change was made.

(b) Nothing in this section shall be construed as in any manner modifying section 607, 608, 609, or 610 of this act, relating to the effect of the running of the statute of limitations.

Mr. CARAWAY. Mr. President, I want to ask the Senator just what question is dealt with in that.

Mr. SMOOT. This refers to what is known as the "double-taxation" rule, applicable during the transition period in the case of a taxpayer changing from the accrual to the installment method of returning income. This rule was embodied in the 1919 regulations of the Treasury. The 1920 regulations, however, abandoned the rule. Then, in 1925, the Board of Tax Appeals held the 1920 regulations invalid, because the taxpayer's income would not be properly reflected during the transition period. We are all convinced that the "double-tax" rule is sound, but we think that some relief should be granted to those who relied upon the 1920 regulations.

I will make just a brief statement, so that the Senator may have in concise form just what it is.

Mr. SIMMONS. Before the Senator does that, let me ask if this does not relate to sales on the installment plan.

Mr. SMOOT. It does.

Mr. SIMMONS. We had a great deal of trouble handling that question in the committee, and it was the opinion of many of us that the original amendment proposed by the committee would result in double taxation. Neither the majority nor the minority desired to impose double taxes upon anybody, but there was some difficulty in framing an amendment which would accomplish the purpose desired, and we asked the experts to see if they could not exercise their ingenuity so as to provide against that contingency; and this amendment, I am advised by the actuary who sits by me here, he thinks does accomplish it, and I understand the Senator thinks so.

Mr. SMOOT. Yes; that is the purpose, so far as deficiencies are concerned.

Mr. SIMMONS. I have not had time myself to examine the matter thoroughly.

Mr. DILL. I want to ask the Senator whether this is retroactive or not.

Mr. SMOOT. It is retroactive.

Mr. DILL. How many taxpayers will it affect?

Mr. SMOOT. I can not state just how many. There are quite a number of them.

Mr. DILL. I do not think anybody could understand it unless he sat down and took a week to study it, and I do not see why we should pass an involved retroactive provision. If it were not retroactive, I would not object to it.

Mr. SMOOT. Let me make the explanation, and I think the Senator will be satisfied.

The whole situation regarding the installment sales situation is explained in detail in the committee report. Briefly, the revenue act of 1926 attempted to apply a remedy to the situation resulting from the decision of the Board of Tax Appeals in the Todd case, holding invalid the regulations authorizing the return of income on the installment basis. Under the 1926 act, however, it seems rather certain that the double-tax rule must be applied retroactively, just as it was intended to apply to the future. As a result there are a large number of small taxpayers who changed from the accrual to the installment basis who now, several years after the change was made, will be forced to pay additional taxes, notwithstanding the fact that they relied upon the regulations of the Treasury authorizing the shift and applying the single-tax rule.

The amendment which I am proposing goes as far to relieve these taxpayers as is proper. Briefly, it provides that no refunds shall be made unless, computed on the double-tax rule, the taxpayer has actually overpaid his tax; but that in the determining of the amount of a deficiency, the tax liability will be computed under the single-tax rule.

Mr. CARAWAY. I have no objection to that, but what I am trying to find out is this: Some of them changed in 1926, as I understand, the mode in which they made their returns. In making that change did they get an advantage over those who did not make the change?

Mr. SMOOT. It does not apply to 1926 and there is no provision——

Mr. CARAWAY. That is not what I asked the Senator.

Mr. REED of Pennsylvania. Mr. President, may I answer the Senator?

Mr. CARAWAY. I should be glad to have the Senator do so.

Mr. REED of Pennsylvania. In every case in which the taxpayer changed, it is probable he did it because he thought he was going to get a diminution in his taxes.

Mr. CARAWAY. Did it have that effect?

Mr. REED of Pennsylvania. In many cases it did. We have put a chart on the wall showing how it did have that effect.

Mr. CARAWAY. What does the amendment now accomplish?

Mr. REED of Pennsylvania. The amendment substantially allows the status quo to remain.

Mr. CARAWAY. In other words, he got it and keeps it?

Mr. REED of Pennsylvania. Those who got the advantage keep it, but new men can not come in and claim similar advantages, so that the system has to stop now.

May I explain to the Senator how the equities of the thing seem to lie? There was no particular attention given to this subject in any legislation down to 1926, but prior to that, back in 1919 or 1920, there were regulations which fixed the method of accounting of people who earned profits out of the installment selling. Those regulations, down to the early part of 1920, permitted the taxpayer to report on the installment basis.

Mr. CARAWAY. Tell me exactly what that meant—that they only had to account for the amount they had collected?

Mr. REED of Pennsylvania. They had to account for that percentage of each year's payments which constituted profit. To give a simple illustration, if I sold a piano on three years' time with installments over three years, and if one-third of the selling price of the piano was profit, I would only have to pay taxes in each of those three years on one-third of my profit. It had the effect to keep them in the lower brackets. The Treasury regulations permitted that after 1920. The earlier regulations required the taxpayer to pay a tax upon all the collections from prior sales, in order to prevent an abnormal showing of taxable income during the years of change when the actual profits were as large or larger.

Mr. CARAWAY. And whether it was ever paid or not?

Mr. REED of Pennsylvania. Whether it was ever paid or not. If it was not paid, he charged off the lost installments as deductions in the year in which they were lost.

Mr. CARAWAY. Could he do that if he recovered the property?

Mr. REED of Pennsylvania. If he got the property back, that complicated the question still further, because that was salvage. Those regulations stayed in effect perhaps eight months, and there was so much agitation against them that along about the end of the year 1920 the regulations were again changed to permit the installment basis. So much confusion had arisen between those taxpayers who had accounted when the regulations were one way and those who had filed their returns when they were the other way and there was such a disparity between them that in the 1926 act, to put an end to those seemingly endless wrangles, we provided that the returns should be all right if made in accordance with the regulations in effect at the time the returns were filed, regardless of which way was provided, and that the regulations should be treated as having the force of law while they were in effect. We thought we had done that, but a decision of the Board of Tax Appeals since the 1926 act was to the effect that what Congress really meant was to compel all those taxpayers to

account on the accrual basis, thereby yielding the larger tax. I do not believe that Congress meant that at all.

Mr. CARAWAY. I think I understand. This simply validates the whole transaction.

Mr. REED of Pennsylvania. The proposed amendment offered by the Senator from Utah means that the situation is to remain as it is, that if the taxpayer tries to get a refund he has to get it on the construction of the law which is most adverse to him, while if the Treasury chooses to pursue him, then that law which is most adverse to it will obtain. It is utterly indefensible logically.

Mr. CARAWAY. I think so myself.

Mr. REED of Pennsylvania. And yet either of the other conclusions is indefensible.

Mr. DILL. What will happen if we do not include this provision?

Mr. REED of Pennsylvania. Then we have to go to one alternative or the other. We have to say that all the accounts have got to be opened up for a settlement on the accrual basis or else we have to make refunds to everybody who did not account on the installment plan. Both of those are wrong.

Mr. DILL. There should be some way to write this provision so that a man of ordinary intelligence and knowledge of the English language could understand it.

Mr. REED of Pennsylvania. We have done that for the future.

Mr. DILL. I am talking about the amendment now pending.

Mr. SMOOT. The amendment does that identical thing.

Mr. DILL. It may do it; but a man would have to be told in a good many ways just what it means.

Mr. SMOOT. I will assure the Senator that the individuals who make the installment sales understand it.

Mr. REED of Pennsylvania. They all have lawyers here and every lawyer has a microscope, and I am sure they will all understand it.

Mr. WALSH of Massachusetts. Mr. President, may I ask the Senator from Utah if it is not a fact that the Treasury Department held hearings and the installment dealers have now agreed upon the amendment?

Mr. SMOOT. They have.

Mr. COPELAND. That is what I was about to ask.

Mr. SMOOT. I think I said that in the beginning. It is a compromise.

Mr. CARAWAY. It is saying that the Board of Tax Appeals was wrong. It is a reversal of their decision.

Mr. REED of Pennsylvania. No; we are compromising between two alternatives, each of which is indefensible, and it is due largely to vacillation of the Treasury Department between the two methods of accounting. In saying that I do not mean to reflect on any particular administration because that vacillation has characterized the enforcement of this part of the law ever since it began, right down to 1926.

Mr. CARAWAY. I would like to say that I would be glad to see a law so written, if it were possible, that construction by the department would be limited just as much as possible. There ought not to be this constant making of regulations and changing of peoples' rights under the law. That has led to all the confusion and dissatisfaction. Everybody I know has a grievance.

Mr. REED of Pennsylvania. There is no doubt about that. We all agree it is better to have a bad law written plainly than any kind of a law written in this way.

Mr. CARAWAY. We should make it so plain that everybody would know what we are doing.

Mr. SMOOT. I think we will know hereafter.

Mr. CARAWAY. If that is so, I shall be very much astonished.

Mr. SMOOT. The representatives all agree to it.

Mr. CARAWAY. I have no doubt that in the morning there will not be 5 per cent of the Senators who would agree exactly on what we did to-day. When the Treasury Department makes its interpretation of the law, it will be found that none of us understood it.

Mr. REED of Missouri. Mr. President, I want to ask the Senator from Pennsylvania a question to see if I correctly understood him. I understood the Senator to say that if a claim for a refund was made by a taxpayer, the rule of construction to be adopted would be the one most strongly against the applicant.

Mr. REED of Pennsylvania. That is correct.

Mr. REED of Missouri. If the Treasury Department should undertake to collect the taxes, then the rule of construction would be most strongly against the Treasury.

Mr. REED of Pennsylvania. That is correct. Logically that is indefensible, but what it amounts to in substance is saying that the taxpayers who in the past have filed their returns and paid their taxes on either of these regulations shall be allowed to rest at that. They shall not get any advantage by changing retroactively their method of accounting, nor shall the Treasury be heard to say, "What you did in the past was wrong." While that can not be defended logically, it is a compromise, apparently satisfactory to the Treasury and to this group of taxpayers, between two alternatives, each of which seems indefensible. We can not allow them to come back and file new amended returns on the basis that pays the lowest possible tax. That is not fair to the great mass of taxpayers who have paid their taxes and let the thing lie. We can not, on the other hand, in fairness override the regulations retroactively which were in force part of the time and say that the man who filed a return in the spring of 1921, under perfectly good regulations then in effect, shall be assessed an additional tax because he did everything that the law then seemed to require. Hence this compromise.

Mr. REED of Missouri. The effect of the compromise, then, if I understand the Senator, would seem to be that if a man makes an application for a return of tax, the rule which was hardest against him will be applied.

Mr. REED of Pennsylvania. That is true.

Mr. REED of Missouri. While, if the Treasury makes application for additional taxes, the rule which was hardest against it will be applied. That would look like no one would get anything.

Mr. REED of Pennsylvania. That is what we hope will result. Let me give the Senator a particular case that I think will make it clear.

In 1917 Sears, Roebuck & Co. filed a return showing their profits on the accrual basis. In 1919, after the issuance of the installment sales regulations embodying the "double tax" rule, they changed from the accrual to the installment basis, for 1918 and subsequent years. That was when the tax rates were very high. In 1920 the regulations were changed and the double-tax rule eliminated.

One of their competitors did not file its return within that eight months' period, or filed an amended return after the regulation had been changed and before they paid the taxes. They paid, in accordance with the regulation then in effect, a very much lower rate on the same transaction.

Each of those concerns did a thing that was perfectly legal at the time they did it. Neither of them is entitled to any blame or any credit for having done what they did do. If we are going to open this up and go back and put them all on the same basis we have got to abolish the statute of limitations and really go back to 1913, which is physically impossible. It would result either in great hardship to the Treasury, and consequently to other taxpayers of the country, or to this group of taxpayers who sell on the installment basis. We could not do that.

Mr. REED of Missouri. Will the Senator let me interrupt him at that point?

Mr. REED of Pennsylvania. Certainly.

Mr. REED of Missouri. He is making a very clear statement, but he has gone beyond the point in which I am particularly interested. Let us take the illustration. Sears, Roebuck & Co. paid their taxes in accordance with the regulations which existed prior to the time they paid. Another concern, paying a tax for the same period, and paying it at a later date, paid in accordance with regulations which required it to pay a smaller amount.

Mr. REED of Pennsylvania. That is correct.

Mr. REED of Missouri. If this rule is applied, of course, Sears, Roebuck & Co. would be the concern that would be applying for a return of taxes.

Mr. REED of Pennsylvania. They would get three or four million dollars in refund.

Mr. REED of Missouri. They would apply for it; but under the rule which is is proposed to establish they would not get it, because the rule to be established is that that ruling of the Treasury Department which was most harsh toward them should apply.

Mr. REED of Pennsylvania. That is right.

Mr. REED of Missouri. Now, the other concern, of course, will not file; and if they do not, but the Treasury Department files for the payment of further taxes, then we would apply the rule against the Treasury which existed when the second concern paid its taxes. So that the net result of the whole business is that Sears, Roebuck & Co., having perhaps paid too much, will not get it back if they apply because of the harsh rule which will be applied against them, and the other concern never will apply; but if the Treasury should proceed, it will be confronted by the rule that the law as it existed at the time of the second concern making its return will apply.

Mr. REED of Pennsylvania. That is exactly true.

Mr. REED of Missouri. So that neither one practically will get anything, and the Treasury will get no result.

Mr. REED of Pennsylvania. That is substantially correct.

Mr. REED of Missouri. Why do we not, with this object in view, provide that all persons who paid their taxes in accordance with the ruling at the time in existence shall stand acquit and that no one shall be entitled to recover anything back?

Mr. REED of Pennsylvania. Because there are many cases in which the taxpayer still owes the Government money even under the ruling that is most favorable to him, and there are other cases where the Government has taken too much taxes even under the ruling that is most adverse to it. So we can not pass a general amnesty in so many words; we have got to leave it open for adjustment.

Mr. REED of Missouri. I understand the purpose of this legislation. It seems to me that it could be gotten at by a direct provision, but I am not insisting on that.

The PRESIDING OFFICER. The question is on the adoption of the amendment submitted by the Senator from Utah [Mr. SMOOT] on behalf of the committee.

Mr. COPELAND. Mr. President, may I ask the Senator from Utah, does he not find that some real-estate people are interested in this provision?

Mr. SMOOT. A great many of them are interested.

Mr. COPELAND. I have had innumerable letters from real-estate dealers who are selling on the installment plan. I want to be reassured, may I say to the Senator, that this amendment has been drawn after consultation with such interested persons.

Mr. SMOOT. This amendment does not cover real estate at all. The real-estate dealers have never been subject to double taxation under the rulings of the Treasury. The ruling of the Treasury in this respect has never been applied to them as it has been applied to merchants who sell sewing machines or pianos or organs or other articles.

Mr. COPELAND. It might have been applied to real-estate men, I presume.

Mr. SMOOT. But it never has been, I will say to the Senator.

Mr. COPELAND. Then, so far as this particular amendment is concerned it has been drawn after consultations with the persons interested.

Mr. SMOOT. After consultation with every one of them.

Mr. COPELAND. And all concerned are satisfied that this is as far as it will go?

Mr. SMOOT. This is the very best compromise that could possibly be arrived at.

Mr. REED of Pennsylvania. I do not think anybody is altogether satisfied with it.

Mr. SMOOT. I say it is the best compromise that could be arrived at.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Utah on behalf of the committee.

The amendment was agreed to.

Mr. SMOOT. I offer the amendment which I send to the desk, to come in on page 243, after line 21.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 243, after line 21, it is proposed to insert:

SEC. 323. REFUNDS AND CREDITS TO BE REFERRED TO THE JOINT COMMITTEE.

No refund or credit of any income, war profits, excess profits, estate, or gift tax in excess of $75,000 shall be made after the enactment of this act, until after the expiration of 30 days from the date upon which a report giving the name of the person to whom the refund or credit is to be made, the amount of such refund or credit, and a summary of the facts and the decision of the Commissioner of Internal Revenue is submitted to the Joint Committee on Internal Revenue Taxation. A report to Congress shall be made annually by such committee of such refunds and credits, including the names of all persons and corporations to whom amounts are credited or payments are made, together with the amounts credited or paid to each.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. SMOOT. I offer the amendment which I send to the desk, and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 243, after line 5, it is proposed to insert a new section, to read as follows:

SEC. —. INCOME FROM SOURCES WITHIN POSSESSIONS OF THE UNITED STATES—RETROACTIVE.

The provisions of section 262 of the revenue act of 1926 (relating to income from sources within possessions of the United States) shall be retroactively applied in computing income, war-profits, and excess-profits taxes for the taxable years 1918, 1919, and 1920.

Mr. LA FOLLETTE. Mr. President, I should like to ask the Senator from Utah for an explanation of that amendment.

Mr. SMOOT. The Senator from Connecticut [Mr. BINGHAM] desires to speak upon it this afternoon. If he shall not cover the case I shall be glad to answer any further questions the Senator from Wisconsin may wish to ask.

Mr. BINGHAM. Mr. President, before proceeding, may I ask the Senator from Utah, Does the amendment as he has offered it comply with the requests made upon him by the War Department through the Secretary of War?

Mr. SMOOT. I think the War Department desired to go a little further than the amendment goes.

Mr. BINGHAM. As I understand, the amendment makes no provision for the relief of those who actually paid their taxes. Is that correct?

Mr. SMOOT. Yes.

Mr. BINGHAM. It merely relieves those who have not paid?

Mr. SMOOT. That is correct. The War Department desired to have the amendment amended so as to refund all taxes that have been paid in the Philippines, but the committee decided that it did not want to go that far.

Mr. KING. Mr. President, will the Senator from Connecticut yield to me?

Mr. BINGHAM. I yield to the junior Senator from Utah.

Mr. KING. I wish to ask whether this amendment just offered has been adopted?

Mr. SMOOT. It has not been. The amendment, however, does not change the present law relating to dividends from corporations in the Philippine Islands, and it does not provide for the repayment of any tax which has been paid if the statute of limitations has run.

The War Department, as I answered the Senator from Connecticut, desired to go further than this amendment goes so as to provide that wherever an individual in the Philippine Islands had paid the tax it should be refunded.

Mr. KING. May I make an inquiry of my colleague, if the Senator from Connecticut will yield further to me?

Mr. BINGHAM. I am glad to yield to the Senator.

Mr. KING. How can we justify a course that relieves from taxation those who ignored or defied the law and retains in the Treasury the taxes paid by those citizens who obeyed the law and paid the taxes required of them? It would seem that those in the latter class could properly demand that the taxes paid by them be refunded.

Mr. SMOOT. All I can say in answer to the question is that there are very few who have paid. The principal justification for the amendment is that real hardship will result if we now force those persons who did not think they were subject to the tax to pay taxes for 1918, 1919, and 1920. So far as the principle itself is concerned, as outlined by my colleague, there is very little to be said. However, as I have said, there are very few who have paid, and we have tried to keep the bill in such shape as to avoid any retroactive provisions that would take money out of the Treasury of the United States.

Mr. KING. Mr. President, I am opposed to the proposed retroactive amendment which relieves those who should have paid taxes in 1918, 1919, and 1920 from their obligations to the Government. If we are to relieve them, then there is a moral obligation to refund to those who did pay. Let the delinquents fight it out with the Government, and let the Government collect from them what they should have paid.

Mr. HARRISON. Mr. President, before the Senator from Connecticut proceeds, the Senator from Utah said this amendment did not apply retroactively to corporations.

Mr. SMOOT. It does not.

Mr. HARRISON. My understanding is that it does apply to corporations the same as to individuals.

Mr. SMOOT. That is as to the dividends received from corporations, I would say to the Senator. It does not change the rule as to dividends from corporations in the Philippines. The committee decided not to do that; and there was good reason why we should not do it. In fact, in many ways a corporation doing business in the Philippines has advantages over the individual carrying on business.

Mr. BINGHAM. Mr. President, I should like to proceed.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. LA FOLLETTE. Before the Senator proceeds I should like to ask a question.

Mr. BINGHAM. I prefer not to yield further.

Mr. LA FOLLETTE. I merely wish to ask one question. I wish to ask the Senator from Utah whether this amendment is proposed on behalf of the committee?

Mr. SMOOT. The committee had this whole question before it at the time and decided that nothing should be done. The committee has not voted upon the amendment now offered; but I will say to the Senator from Wisconsin that the Senator from Connecticut [Mr. BINGHAM] is compelled to leave and he desired to speak on the amendment. I simply offer the amendment now so that the Senator from Connecticut may speak upon it.

Mr. BINGHAM. I appreciate the courtesy of the Senator from Utah.

Mr. COPELAND. Mr. President——

Mr. BINGHAM. Mr. President, the Senator from New York has been on his feet for some time. I yield to him.

Mr. COPELAND. I merely want to ask the Senator from Connecticut if he is going to give consideration to the number of taxpayers in the Philippines who apparently are imposed upon by the present conditions?

Mr. BINGHAM. I hope to do so.

Mr. COPELAND. I will yield the floor to him that he may proceed, because I am in the fullest sympathy with his position.

Mr. BINGHAM. Mr. President, briefly the situation in the Philippines is this: When the income tax law was passed in 1913 it applied to everybody in the Philippine Islands alike—to Americans doing business there, to Chinese doing business there, to British and other foreigners doing business there. It was a fair law so far as business men in the Philippines were concerned. In 1916 when we amended the previous income tax law we continued that provision, and it was still fair so far as Americans were concerned, because the American business man in the Philippines was not taxed any more than was the foreign business man, his competitor across the street. In 1918 when we passed that very drastic law—which was actually passed in 1919 but it is usually referred to as the act of 1918—the most drastic income law which we have ever passed, it was not made applicable to the Philippines; it was assumed that it would not apply to anyone in the Philippines. However, the Philippine Legislature was given the privilege of continuing the 1916 act and of changing that law in such a way as to enable the Filipinos to enact their own income tax law.

Mr. President, may I correct my previous statement in so far as to say that the laws of 1913 and 1916, although they applied to all business men alike, inured to the benefit of the Philippine government? In other words, the amount collected under those laws was not paid into our Treasury but into the treasury of the Philippines. When we passed the law in 1918, or shortly thereafter, the Philippine Legislature changed the terms of the law of 1916 under which business men had been paying taxes to the Philippine treasury and imposed a very much lower tax of their own. I think it was 2 per cent.

There was some misunderstanding as to whether the law of 1918 applied to the American business men or not. It certainly did not apply to foreign business men doing business in the Philippines. A few Americans believed that it applied, and paid the taxes under it. There was a contested case brought by an American who paid the tax under protest and immediately entered suit. The suit was finally determined against him. In other words, he was obliged to pay. Under the determination of that suit all Americans in the Philippines are liable to be sued by the Philippine treasury for the taxes due under the 1918 law, which is not applicable at all to their competitors across the street; in other words, for the mother country, we did an extraordinary thing. We placed a burden of taxation upon our own business men who had had the courage and the foresight to go into business in the Philippines, which we did not place upon their competitors across the street. The same thing was true of the next act which we passed.

Our attention was first called to this situation by the Wood-Forbes Commission, which in September, 1921, cabled the Secretary of War the fact that all foreigners doing business in the Philippines, no matter whether they were British, French, Spanish, or Chinese, were exempt from our income tax law, whereas Americans, their competitors across the street, were obliged to pay them in addition to the tax imposed by the Philippines.

In other words, the Treasury of the United States has now changed its policy, or the Congress has changed it for it, so that whereas in the beginning both foreigners doing business in the Philippines and Americans doing business in the Philippines paid their taxes into the Philippine treasury; after 1919 the foreigners only paid the small Philippine tax. The Americans also paid the same tax, and, in addition, were liable to pay the American tax.

The Treasury Department never has believed that it was the intention to charge them with that; and there has been no determined effort on the part of the Treasury to collect from American business men in the Philippines taxes which might have been due under the revenue acts of 1918, 1921, or 1924.

Mr. COPELAND. Mr. President, will the Senator yield at that point?

Mr. BINGHAM. I yield.

Mr. COPELAND. I am sure the Senator wants to call attention to the fact, too, that the Wood-Forbes Commission recommended in set terms that Americans be placed on the same tax basis as other nationals, and that they be not penalized because they are Americans.

Mr. BINGHAM. The Senator is correct?

Mr. KING. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. KING. If the position of the Senator is correct, that is, if American citizens who engage in business in the Philippine Islands are not to pay corporate or income taxes in the United States derived from their business enterprises or investments in the islands, what shall our policy be toward these Americans who have invested billions of dollars in other countries from which they derive large profits? Our citizens who engage in business in foreign countries have to pay taxes there. Shall we, because of that fact, relieve them of paying taxes to our own Government? Shall the plea that they are compelled to meet fierce competition in countries where they are conducting business justify us in placing them in a special and favored class—and rendering them immune from any of the burdens connected with the carrying on of the Government of the United States?

Mr. BINGHAM. That is a little different question from the one involved here; but I will say to the Senator that most foreign countries do just that.

Mr. KING. It is true that Great Britain grants certain benefits to British subjects who live in China, but not to those who reside in Great Britain.

Mr. BINGHAM. As I understand, if British citizens go to Manila to compete with our own business men, the British Government does not tax them for the profits that they make under the Philippine government.

Mr. KING. They get a credit for the amount of tax paid by them to the Philippine government.

Mr. BINGHAM. Yes.

Mr. SMOOT. Yes; that is what they do.

Mr. President, the Senator from Connecticut referred to the fact that our Government had not made any effort whatever to collect these taxes. If the Senator will look at the law of 1918 he will find that the collection of the taxes was put in the hands of the officials of the Philippine Islands, and, of course, they have not tried to collect any of them.

Mr. BINGHAM. I am glad the Senator brought that out. The fact remains, Mr. President, that most Americans doing business in the Philippines have not yet paid their taxes under the acts of 1918, 1921, and 1924.

Mr. SMOOT. No; and I have not any doubt it was because they were told not to.

Mr. BINGHAM. They have not paid them. If they had had to pay them many of them would have gone into bankruptcy, as was pointed out in the report of the Wood-Forbes Commission.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Kentucky?

Mr. BINGHAM. I do.

Mr. BARKLEY. I have been somewhat in sympathy with the position taken by the Senator from Connecticut; but I want to ask him, for my own information, to what extent these American business houses send their products to the United States for sale, and to what extent they are permitted to enter free of duty.

Mr. BINGHAM. Perhaps the Senator from Utah can answer that question better than I.

Mr. SMOOT. What is the Senator's question?

Mr. BARKLEY. I have asked the Senator from Connecticut a question and he has referred me to the Senator from Utah. To what extent do the American business men in the Philippine Islands enjoy the privilege of shipping their products to the United States without the payment of duty?

Mr. SMOOT. Everything comes in free.

Mr. BINGHAM. It comes in just as free whether it originates with a foreign concern in the Philippines or with an American concern.

Mr. BARKLEY. To what extent do these American business concerns in the Philippines send their products to America?

Mr. SMOOT. Take the sugar crop: It virtually all comes here with the exception of some of the low-grade sugar that they produce, which they sell to China. It all comes in here free.

Mr. BARKLEY. What is the amount of tax which they pay in the Philippines to the Philippine government?

Mr. SMOOT. The producers of sugar?

Mr. BARKLEY. Yes; the local taxes.

Mr. SMOOT. I do not know.

Mr. BINGHAM. Mr. President, with regard to the sugar companies which are owned by Americans——

Mr. SMOOT. The Americans own a very small percentage of them.

Mr. BINGHAM. I was just about to say that a very small percentage of the sugar companies were owned by Americans; but the companies that are owned by Americans are almost without exception owned by Americans whose residence is in this country or in the Territory of Hawaii, where they pay their regular income taxes on all income derived from those sugar plantations.

Mr. BARKLEY. How does the local tax there compare with the local taxes in the States, counties, and cities of the United States which must be paid by business men who engage in business in the States, counties, and cities, and who also have to pay this Federal tax?

Mr. SMOOT. It is very much lower. It is a very, very low tax.

Mr. BINGHAM. May I call the attention of the Senator from Kentucky to this fact: What we do in the Philippines is just as though right here in the city of Washington there was a British or French or German concern across the street from a concern owned by Americans, and the one owned by Americans had to pay our income taxes, while the men across the street, competing with the Americans, did not have to pay income taxes. That is the situation. We put a burden on the fact of a man's being an American in our own territory, under our own flag.

Mr. BARKLEY. Take the Senator's illustration. We will say that a Frenchman is down here on Pennsylvania Avenue engaged in competition with some American. He pays the local District taxes.

Mr. BINGHAM. He does.

Mr. BARKLEY. He pays no taxes to the French Government.

Mr. BINGHAM. But he pays taxes to the American Government—just the same taxes that his competitor pays.

Mr. BARKLEY. But, because he does not pay taxes to the French Government, does the Senator mean that we ought to relieve the American citizen on the other side of the street from the payment of taxes to the Federal Government, in order that he may not be loaded with a burden?

Mr. BINGHAM. Oh, no; all I am asking is that we shall treat the American exactly as we do the Frenchman.

Mr. SMOOT. That is just exactly what we are doing.

Mr. BARKLEY. To do that we would have to relieve him of all Federal taxes; would we not?

Mr. SMOOT. No. Mr. President. The only case that I know about of a foreigner who might do business in the District of Columbia and be relieved from taxes at home is the case of a British national. The French, and the nationals of all the other governments, have to pay their tax. There is only one country that is an exception to the rule, and that is Great Britain.

Mr. BARKLEY. Is the Senator from Utah in favor of relieving Americans in the Philippine Islands from this Federal tax?

Mr. SMOOT. No; I am not in favor of the amendment.

Mr. COPELAND. Mr. President, if the Senator will yield, I do not think the answer is quite responsive to what the Senator from Kentucky asked. He spoke about the taxes charged on materials brought in from the Philippines. It would not make any difference whether they were shipped in by Americans or by British.

Mr. SMOOT. That was admitted.

Mr. COPELAND. All right. The purpose the Senator from Connecticut has in mind is that Americans in the Philippines shall be placed upon exactly the same basis as the nationals of other countries.

Mr. SMOOT. The nationals of Great Britain.

Mr. COPELAND. Yes.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. BINGHAM. Certainly.

Mr. COUZENS. If this is done for Americans doing business in the Philippines, why will we not have to do the same thing for our merchants doing business in competition with British merchants, for example, in the Argentine and in all other countries?

I do not see how we can segregate Americans doing business in the Philippines from Americans doing business in any other country. In other words, if they are going to be exempt in the Philippines they ought to be exempt in the Argentine and all the rest of the world where they do business.

Mr. BINGHAM. But the difference is that we can not make laws for the Argentine, and we do make laws for the Philippines, and under the present law we penalize a man for being an American.

Mr. COUZENS. But we can exempt the American doing business in the Argentine from our Federal taxation and accomplish the same result that the British try to do when they exempt their merchants doing business in foreign countries.

Mr. BINGHAM. That is another question.

Mr. COUZENS. If it is done in one case it ought to be done in all.

Mr. BARKLEY. Mr. President, is it true that the British Government relieves Englishmen in China and in Japan and all other foreign countries from the payment of a domestic tax to the Government of Great Britain?

Mr. BINGHAM. Yes; the British Government believes in favoring the Britisher who goes into foreign countries to do trade, because they believe that their foreign trade is so valuable to them that they will do everything possible to encourage it; and the British Government, being the government over the people most engaged in foreign trade, follow the practice of encouraging their foreign traders by not obliging them to pay the local income tax.

Mr. BARKLEY. Then why should we not extend the same privilege to Americans in China and Japan and any other country where England relieves them of taxation?

Mr. BINGHAM. I shall be glad to vote to do that; but that is not what we are asked to do at the present time. What we are asked to do under this amendment, and under the substitute which I shall offer in a moment, is to see to it that we do not penalize an American for going to do business in one of our insular possessions, which is what we are actually doing now.

Mr. SMOOT. Mr. President, the amendment that is before the Senate at this moment applies only to the taxable years 1918, 1919, and 1920. I understand that the Senator is going to offer another amendment which shall apply hereafter. I do not know whether the Senator is going to offer that amendment or not; but this is the retroactive feature applying to those that have not paid the tax for 1918, 1919, and 1920. After the act of 1921, of course, there was no chance of a misunderstanding, because it was specifically provided that they should pay that tax. I think, and everybody else thought, that it did for 1918, 1919, and 1920, and it did under the law; but for those years the collection of the tax was thought to be under the officials of the Philippine Islands, and no effort was made to collect them.

Mr. BROUSSARD. Mr. President, I should like to ask the Senator from Connecticut a question.

A great deal of American capital has been invested in the Philippine Islands in the production of sugar, for instance, which competes with our sugar. Does the Senator believe we ought to exempt from taxation people who invest in the sugar industry in the Philippine Islands for the purpose of coming here and underselling our sugar?

Mr. BINGHAM. No, Mr. President. As I said a few moments ago—I think the Senator was not in the Chamber at the time—practically all of those people to whom the Senator refers who have invested their money in sugar plantations in the Philippines are Americans who live in the United States or in the Territory of Hawaii, and pay the regular Federal income tax; and there is no effort whatever to relieve them of paying that. This is a matter which applies to Americans living in the Philippines, chiefly merchants and small industrialists who are engaged in business in the Philippines, in competition with Spaniards and others who are obliged to pay no tax to the United States Government at all. It is simply an effort to put those of our citizens who have the courage and the ambition to go out and help in the development of the Philippine Islands on exactly the same tax basis that the foreigners and nationals of other countries are on.

Mr. BROUSSARD. Suppose American citizens have gone into the Philippines and organized a corporation there. Would that corporation be exempt?

Mr. BINGHAM. If they lived in the Philippines.

Mr. BROUSSARD. That is just the same argument that can be advanced against Americans who invested in Cuba. We have done this for the Philippine Islands. Under the Underwood bill, their importations were limited to 300,000 tons.

Under the provisions of the Underwood Act, sugar was to go on the free list three years after the enactment of the law; and in the following year, 1914, that was repealed. It failed to re-establish the limitation on Philippine sugar. To-day we are receiving free of duty from the Philippines 500,000 tons of sugar, and if they double their production next year, we will have no limit at all. American capital goes there and produces sugar in a foreign country and imports it to this country; I say a foreign country because the Philippines are not a part of this country, as the Hawaiian Islands or Porto Rico are. They bring that sugar here and compete with us, without paying a cent of duty. I would not be willing to exempt the payment of taxes on corporations that they have organized in the Philippine Islands, in addition to the privilege they have to bring their sugar in free of duty. I think it is unfair to the domestic sugar producers. Doubtless there are other lines of industry producing agricultural products that come in and compete with American farmers. I am not in favor of that. I recall some years ago opposing such a provision in the case of China, because I knew that if we once adopted it we must apply it to other sections of the world that were friendly with us. I think the principle is vicious. I would not agree with it at all; I am much opposed to it.

Mr. BINGHAM. Mr. President, would the Senator be in favor of not taxing foreigners, Frenchmen, for instance, who were here in the city of Washington doing business, competing with our people, because they have to pay taxes at home? Would the Senator be willing to remit the income taxes of foreign concerns in the United States?

Mr. BROUSSARD. I do not think we should.

Mr. BINGHAM. Exactly. Then why does the Senator favor putting a penalty on Americans who are living under our flag in the Philippines, when he would not put that penalty on those who are living in the United States?

Mr. BROUSSARD. I assume that if it is a Frenchman, the French Government taxes him. If the French Government does not, there is no way for us to remedy that. The equities I think are entirely the other way.

Mr. SMOOT. The French Government does tax them.

Mr. BROUSSARD. I suppose they do.

Mr. COPELAND. Mr. President, I would like to say this to the Senator from Louisiana, that the sugar business in the Philippine Islands will be carried on because of the nature of the climate. If it is not carried on by Americans, it will be by somebody else. The Senator's relief, I think, lies not in opposition to the plan proposed by the Senator from Connecticut, but in a change in the tariff law on sugar.

Mr. BROUSSARD. I would like to tax every pound of sugar coming from the Philippines. There is no reason why it should come in here free of duty.

Mr. COPELAND. The matter we have to determine is whether Americans are going to exploit the Philippines and develop the country, or whether we are going to impose such hardships on them that they can not do business there, and the Dutch and the British and the French and other nationals will go in and do the business.

Mr. BROUSSARD. May I say this to the Senator from New York. Practically 90 per cent of the investments in sugar plants in Cuba are of American capital. We do not exempt them. We have a duty on their product, giving them a 20 per cent preferential. In the case of the Philippine Islands, we have no duty at all. So that to ask that the sugar from the Philippines shall come in free is asking quite a great deal more than the Americans who have a billion and a half dollars invested in Cuban sugar to-day are getting.

Mr. BINGHAM. May I say to the Senator from Louisiana that about 85 per cent of the Philippine sugar pays no tax to us at all, because the plants are owned and operated by the Filipinos or by foreigners. There is only about 15 per cent, as the Senator from Utah has said, that is owned by American capital, and nearly all of that capital is from people living in this country who pay the income tax.

Mr. BROUSSARD. That is the very reason I am opposed to it. If they had only 2 per cent, and we exempted them from the payment of tariff duty and then exempted them from the payment of the income tax, in a very short time the experience we would have in the Philippines would be that the American capital would control the sugar production of the Philippine Islands, and we would have much more trouble after that. I do not want to encourage the production of any agricultural or industrial product in any foreign country by remitting their taxes, or by granting special favors in the matter of tariffs. Let our people go outside and compete with the home people if they care to, but they must meet the conditions other people have to meet.

Mr. COPELAND. Then the logic of what the Senator says is that no American can go into the Philippines, because if he does not raise sugar, he will raise lumber, or he will raise something else that will be in competition with Americans at home.

Mr. BROUSSARD. I do not want them to compete in lumber. I do not want them to compete in anything we produce.

Mr. COPELAND. The Senator does not want Americans to do business in the Philippines.

Mr. BROUSSARD. Yes; I do want Americans to do business in the Philippines.

Mr. COPELAND. How can they do it if they are not encouraged to go on with their work?

Mr. BROUSSARD. I think the Senator from New York would give them a bonus for going there.

Mr. SMOOT. Spaniards are building plants there right now. There are two going up now, with a capacity of 5,000 tons a day. The junior Senator from Montana knows what profits they are making, because I saw a statement made by the largest sugar factory to him in which it was said they were paying only 40 cents a day for their labor, and shipping their sugar here free of any duty whatever.

Mr. COPELAND. Then why does not the Senator from Utah, the great apostle of the tariff, correct that evil? If his plan were to be carried out, every American would be driven out of the Philippines.

Mr. SMOOT. I will tell the Senator what I would be perfectly willing to do in the Philippine Islands. There was provided a limit of 300,000 tons of sugar that might come in here free. It was stated before the committee in 1913 that at no time in all the history of the Philippine Islands would they raise 300,000 tons. They are producing now 587,000 tons, and I am perfectly willing to state to the sugar producers of the Philippine Islands, I do not care whether it is an American company manufacturing sugar or Spanish people manufacturing it, "You can have a free market in the United States for 500,000 tons of sugar." The other they use at home. Whenever any Spaniard wants to go in there and make additional amounts of sugar, let him pay the tax on it. I would be perfectly willing to do that, giving Americans there every chance in the world.

Mr. COPELAND. I do not see why the Senator, who is interested also in encouraging beet-sugar raising in this country, has not done that. But this is not the way to do it.

Mr. SMOOT. I am perfectly aware of that.

Mr. COPELAND. This is not the way to do it, making it impossible for Americans to compete in the Philippines with the nationals of other countries.

Mr. SMOOT. The American has every advantage in the Philippines that the national of every other nation has, even if he has to pay the tax, just as citizens from every other country of the world pay a tax, with the exception of Englishmen. England, of course, depends upon her foreign trade. Her very life is wrapped up in it. She says, "You get out of England. We do not want you here. We want you to go to such and such a country and do business, and if you will do that, we will not tax you." All of the profits go back to England, there is no doubt about that. An Englishman who will go into a foreign country still has his love for his home, and his investments are nearly all made in English bonds or English loans.

Mr. BINGHAM. Does the Senator think that the Englishman has any greater love for his country than the American has for his; or any more desire to go back to his home, or to pay his taxes?

Mr. SMOOT. No; I do not think so.

Mr. BINGHAM. Mr. President, the object of this amendment, which I now send to the desk and ask to have read as a substitute for the amendment proposed, is merely to give the Americans doing business in the Philippines the same privileges that we give the Englishman doing business in the Philippines, and no greater.

Mr. WALSH of Montana. Mr. President, am I quite right in my understanding that the contention is that our fiscal policy ought to be regulated by the English Parliament, and if the English Parliament is quite willing to exempt Englishmen who do business abroad the Congress of the United States ought to follow the precedent thus set and exempt Americans doing business abroad?

Mr. BINGHAM. Mr. President, the remarks of the Senator from Montana would be entirely applicable if the proposal were that we should remit taxes to Americans doing business in China, Argentina, or any other foreign country. That is not the question at issue at all. We have our possessions in the Philippines. We desire to have our citizens go there and do business, in order that it may redound to our own credit and to their credit and to their children's credit. But at the present time we insist that they do business there, as compared with

foreigners, under a handicap. If the foreign nation charges the same income tax to their nationals doing business abroad that we do, it is true that there is no handicap, but, as the Senator knows, most of the foreigners doing business in the Philippines are British. It is the British concern which is successful. Our American concern across the street is obliged to pay the same Philippine tax that the British merchant pays, and, in addition to that, our income tax as well, which simply means that he has to go out of business.

Mr. WALSH of Montana. Am I quite correct in my understanding that the exemption to which the Senator refers is under what we call the China act, under which Englishmen may incorporate themselves under the laws governing Hong Kong, and those who are incorporated under that act are exempt from the British income tax?

Mr. SMOOT. That is true.

Mr. WALSH of Montana. That is the situation. In other words, as stated by the Senator from Utah, they offer a premium to the Englishman who will go out and incorporate himself under the laws of the island of Hong Kong.

Mr. BINGHAM. Yes, Mr. President; as I said to the Senator before, that would be apropos if we were asking for the same privilege for Americans doing business under foreign flags. But this is a question of Americans doing business under the American flag, and being put under a handicap in comparison with foreigners doing business in the same place.

Mr. WALSH of Montana. The English have a fiscal policy, and by reason of the fact that the English have a fiscal policy, it is argued that we ought to accommodate our fiscal policy to theirs.

Mr. BINGHAM. In so far as Americans under our own flag are concerned.

Mr. WALSH of Montana. Of course, that is all we can do.

Mr. BINGHAM. We could do more.

Mr. WALSH of Montana. That we ought to accommodate our fiscal policy with reference to Americans who go abroad to do business to the English policy.

Mr. BINGHAM. Does the Senator mean to imply that going to the Philippines is going abroad?

Mr. WALSH of Montana. No; I regard the Philippines——

Mr. BINGHAM. This relates only to the Philippines, and the Senator referred to going abroad to do business.

Mr. WALSH of Montana. I understand that perfectly well, but how can the Senator from Connecticut distinguish between a man who goes to the Philippines to do business and a man who goes to China to do business?

Mr. BINGHAM. If the Senator will look at the flag, he can see quite a difference. I ask that the amendment which I send to the desk be read.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. On page 161, immediately succeeding subdivision (3) of section 251, add the following subdivision:

(4) This subsection shall apply retroactively to the years 1918 to 1927, inclusive, and the Commissioner of Internal Revenue is hereby authorized to remit, refund, and pay back any excess of income or profit taxes paid for said years pursuant to the provisions of the revenue acts of 1918, 1921, 1924, and 1926: *Provided*, That a claim therefor is filed within one year after the enactment of this act, anything in section 322 to the contrary notwithstanding.

Mr. WALSH of Montana. If the Senator pursues his argument, then he ought to apply it to continental United States as well as to the Philippines.

Mr. BINGHAM. Mr. President, may I say to the Senator from Montana that in the continental United States to-day we tax the foreigner doing business, for instance, here in Washington, just the same as we tax the American across the street, whereas in the Philippines we tax the American across the street and do not tax the foreigner.

Mr. WALSH of Montana. The foreign country does not tax him.

Mr. BROUSSARD. They do not belong to this country, and we have no right to tax them.

Mr. BINGHAM. What right have we to tax the foreigner doing business in Washington?

Mr. BROUSSARD. They have subjected themselves to our jurisdiction.

Mr. BINGHAM. How about those going to the Philippines?

Mr. BROUSSARD. That is an entirely different proposition.

Mr. BINGHAM. Oh, no, Mr. President. When the act of 1913 and the act of 1916 were passed we applied them to foreigners doing business in the Philippines.

Mr. CARAWAY. Why do we not do that now?

Mr. BINGHAM. That would be the answer.

Mr. CARAWAY. Why does not the Senator offer an amendment to make the foreigner pay the same rate of tax that an American pays? Then, he would not be offering an amendment to induce people to export capital of the United States to the Philippines.

Mr. BINGHAM. Just how the Senator can say "exporting" when we follow the flag——

Mr. CARAWAY. If the Senator imagines that he has the same rights in the Philippine Islands that he has in the city of Washington, he would better read his history again. None of the smiles of wisdom will ever quite breach over the distinction. If you wanted to make things equal, if you did not want to do something for some particular person, you could make your tax laws apply to the foreigner in the Philippines. You can do that in exactly the same number of words that you use now in an attempt to extend a favor to somebody to get him to go to the Philippine Islands.

Mr. BINGHAM. If the Senator will introduce such an amendment, I shall be glad to vote for it. All I am seeking is to secure fair play for the American doing business in the Philippines.

Mr. CARAWAY. Is it not strange how particularly interested we are in somebody who will do business somewhere else instead of here? So much money has to be raised to run this country, but amendments are offered here to try to get the American business man to go somewhere else to do business.

Mr. BINGHAM. There never was any effort under the law of 1913 or 1916 to oblige that money which was collected in the Philippines under the income tax law to be paid into the Treasury of the United States. There was no effort made to make Americans in the Philippines pay their taxes into the Treasury of the United States.

Mr. CARAWAY. There is none now.

Mr. BINGHAM. Oh, since 1918 there has been.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. COPELAND. The way it strikes me, if I may say to the Senator from Arkansas, is that by a wise fiscal policy we could encourage the development of the Philippine Islands by Americans. If we could encourage Americans to go there and develop the resources of that country, I think it would redound to our great financial advantage.

Mr. CARAWAY. How would it redound to our financial advantage if we are not going to tax them?

Mr. COPELAND. We might be more considerate of them.

Mr. CARAWAY. The Senator is very willing to encourage American people go over there and then, if they establish a hive of bees, take the honey away from them later on.

Mr. COPELAND. I am perfectly willing to have the Senator put it that way. If we have to have a further bounty to have our people go there, all well and good. It is true that Americans can not compete with foreigners in the Philippines unless we do make some concession to them.

Mr. CARAWAY. I have heard that same thing said about China, that an American can not do business anywhere unless we pay a bounty. If we are going to engage in the payment of bounties, we have lots of territory in the United States where we might offer bounties to get people to develop.

Mr. NORRIS. Mr. President, will the Senator from Arkansas yield to me?

Mr. CARAWAY. I yield.

Mr. NORRIS. I would like to make another suggestion. As I look at it, we are doing the same thing, or attempting to do the same thing, that was attempted in the ship-subsidy legislation.

Mr. CARAWAY. Absolutely.

Mr. NORRIS. We are giving to those people a subsidy that we do not give to our own people, or rather we are giving it to some of our own people who are doing business there. It seems to me we ought also consider in connection with those people who are doing business in China, the Philippines, Nicaragua, and other foreign countries, that it costs the taxpayers of the United States a whole lot of money to keep the marines there and to keep the Navy there. That is no idle dream. It has not been long since I read in the newspapers of a meeting of the chamber of commerce of American citizens doing business in China, who had passed resolutions demanding that more marines be sent to China to protect them and their business relations there. If we are going to free them from taxes that we burden ourselves with, and if we are going to give them this subsidy, and in addition to that employ an army to enable them to continue their business in those foreign countries, we are giving them more than they have any right to ask.

Mr. CARAWAY. I do not know why those people who are so anxious about that do not go further and provide that if they pay local taxes, then we should let them do business absolutely free from any burdens whatsoever.

Mr. NORRIS. The only argument I have heard has been that foreign governments relieve their citizens of such taxes.

Mr. CARAWAY. No; there is one that does not do it.

Mr. NORRIS. Other foreign governments give subsidies to their ships. But that is no reason why we should do it. It seems to me if an American citizen goes to China or to the Philippines or any other country, if he is patriotic, would not expect his country to relieve him from income taxes that people at home have to pay.

Mr. WHEELER. Mr. President——

Mr. CARAWAY. I yield to the Senator from Montana.

Mr. WHEELER. Since the Senator from Utah [Mr. SMOOT] called the attention of the Senate to the fact, it is rather amusing to me to hear the Senator from New York [Mr. COPELAND] talk about Americans not being able to compete over in the Philippines. The manager of one sugar company, for instance, with whom I talked not long ago told me that they work their men 12 hours a day and pay them one peso a day, which is approximately 50 cents, or something under 50 cents, a day. He said that they had an investment of $1,500,000 and that they made 33⅓ per cent upon the investment.

Mr. SMOOT. It is more than that. I have their published annual statements, and one year they made over 100 per cent.

Mr. CARAWAY. But they are not able to pay any taxes!

Mr. SMOOT. Another year they made 90 per cent. I have a statement issued by the company showing exactly what they have made from year to year.

Mr. WHEELER. Not only that, but I talked with an American who is engaged in the lumber business and they are making enormous profits. He said they started without anything and that in the next 10 years they expect to make a million dollars. The same is true not only of sugar, but of coconuts and hemp and practically every line of industry over there. They are over there in the cattle business on a large scale and making huge profits. They are competing with the sugar people and cattle raisers and lumber people of this country, shipping their products in here free of charge. Not only that, but now it is proposed to give them an exemption so they will not have to pay any income tax. The Senator from Connecticut [Mr. BINGHAM] said that it is only citizens who go there and live, but that is not so. American citizens can go over there and organize a corporation under the law of the Philippine Islands, and that corporation will be exempted from all income tax under this provision.

Mr. BINGHAM. Does the Senator mean to imply that Americans whose money is invested in the Philippine Islands do not have to pay income taxes?

Mr. WHEELER. Oh, no, but the corporation would get away from the payment of taxes to the United States Government.

Mr. BROUSSARD. Mr. President——

Mr. CARAWAY. I yield to the Senator from Louisiana.

Mr. BROUSSARD. I desire to call the attention of the Senator from Nebraska to the fact that over and above the many advantages he enumerated is the particularly significant fact that 500,000 tons of sugar are imported annually from the Philippine Islands, and although the regular duty on sugar is 2 cents, they do not pay one cent of duty.

Mr. SMOOT. That is true, and they have about one-half the freight rates from the west to Chicago that local growers in the United States have.

Mr. COPELAND. Mr. President, will the Senator from Arkansas yield to me?

Mr. CARAWAY. I yield.

Mr. COPELAND. I sincerely hope that no New York paper will carry what the Senator from Montana [Mr. WHEELER] has said, because if profits are so great in the Philippines as he has stated, and they believe it in New York, millions of my people will be on the way to the Philippines to-morrow morning.

Mr. NORRIS. If the Senator has his way, they will have greater inducements than that, and if they get this exemption we will lose the Senator, too.

Mr. WHEELER. The New York papers ought to carry the information. The people in New York are probably the last ones to get any information about what is going on outside of the city of New York.

Mr. CARAWAY. Or to care for it.

Mr. WHEELER. But the facts are, if the Senator would go to the Philippine Islands he would find the profits they are making are such that it would startle him. They are making enormous profits in sugar and everything else.

Mr. COPELAND. I hope the Senator will not give emphasis to that, because it is so attractive, so appealing, and so absurd, that in spite of this combination there might be a million New York citizens depart for the Philippines to-morrow.

Mr. WHEELER. I know the Senator would not depart because he is making too much money in this country.

Mr. CARAWAY. And the radio does not work over there.

Mr. COPELAND. Oh, yes; they have short wave lengths.

Mr. REED of Missouri. Mr. President——

Mr. CARAWAY. I yield to the Senator from Missouri.

Mr. REED of Missouri. I would like to ask the Senator from Connecticut if there is anything in the bill that limits the profits on wooden nutmegs?

Mr. CARAWAY. Not if they make them in the Philippines.

Mr. BINGHAM. We do not ask for any protection on that product.

Mr. REED of Missouri. The Senator's State has a natural monopoly on them. [Laughter.] This is the first time I have ever known a bill to be introduced in Congress to encourage citizens of the United States to emigrate. I thought the Senator from Connecticut and his party were devoted to building up the home markets in the United States for our farmers to sell their goods.

Mr. BINGHAM. May I call the Senator's attention to the fact that when the Democrats were in power in 1913 and in 1916 and passed the income tax laws of those years they did not require Americans in the Philippines to pay any money into the Treasury of the United States on their incomes.

Mr. REED of Missouri. They forgot about it.

Mr. BINGHAM. Oh, no; they provided that the tax should be paid in the treasury of the Philippines.

Mr. NORRIS. Mr. President, I would like to inquire of the Senator from Utah about the amendment. If I understand it correctly, we have been discussing something that is not the pending question, but merely a contemplated amendment?

Mr. SMOOT. The Senator was out when I made the explanation. The Senator from Connecticut [Mr. BINGHAM] is compelled to leave the city to-night and he asked me to offer the amendment for him so that he could speak upon it to-night. Now he has offered another amendment to that amendment extending a further privilege than the first amendment contemplated.

Mr. NORRIS. Then the pending question is on the amendment to the amendment?

Mr. SMOOT. That is the pending question. In other words, the amendment means that any American in the Philippines who has paid income taxes shall be given back the tax that he has already paid.

Mr. NORRIS. Is that a committee amendment?

Mr. SMOOT. No. I offered it as an accommodation to the Senator from Connecticut.

Mr. NORRIS. I am glad to know the committee is not behind a thing of that kind. The first proposition is whether we shall make that general, as I understand.

Mr. SMOOT. No. The first proposition is applying only to the years 1918, 1919, and 1920.

Mr. NORRIS. But I understand the Senator from Connecticut has offered an amendment to that.

Mr. SMOOT. Yes; and we vote first on the amendment to the amendment.

Mr. COPELAND. Mr. President, I would like to ask the Senator from Utah a question. What does this language mean on page 160, line 15?—

> If 80 per cent or more of the gross income of such citizen or domestic corporation (computed without the benefit of this section), for the three-year period immediately preceding the close of the taxable year (or for such part of such period immediately preceding the close of such taxable year as may be applicable) was derived from sources within a possession of the United States.

Mr. SMOOT. That means, of course, that 80 per cent of all the income must come from a possession before any income from sources within possessions of the United States is exempt.

Mr. COPELAND. I offered an amendment which perhaps the Senator from Utah has done me the honor to read.

Mr. SMOOT. Really, I have not had a chance to go over the pending amendments. I have been so crowded with committee amendments that I have not had the opportunity to read others.

Mr. COPELAND. Perhaps we can take a vote on the amendment of the Senator from Connecticut and then I will offer my amendment if any misfortune should befall the proposal of the Senator from Connecticut.

Mr. SMOOT. We are not quite through with committee amendments. This amendment was offered in order to accommodate the Senator from Connecticut.

Mr. BINGHAM subsequently said: I desire to give notice that when the revenue bill shall be in the Senate, if I am here, I shall call up the amendment offered by the Senator from Utah in regard to the business men in the Philippines, and, if I am not here, the Senator from Utah has agreed that he will

call it up. I refer to the amendment offered by the Senator from Utah, which was defeated this afternoon.

Mr. SMOOT. Mr. President, I call for the yeas and nays.

Mr. BINGHAM. Mr. President, I ask to withdraw the amendment to the amendment offered by the Senator from Utah. After the explanations that have been made and objections which have been made to it, I shall not offer it. I ask that the vote be taken on the amendment offered by the Senator from Utah.

Mr. COPELAND. I am going to offer an amendment like the one the Senator has withdrawn.

Mr. BINGHAM. The Senator is at liberty to do it, but I hope he will let us get a vote on the other amendment first.

The VICE PRESIDENT. The amendment to the amendment is withdrawn by the Senator from Connecticut. The question is on the amendment offered by the Senator from Utah.

Mr. LA FOLLETTE. Mr. President, section 262 of the existing law was written into law after a bitter fight when the 1921 tax bill was under consideration. The bill as originally reported from the committee provided that if a corporation did 80 per cent of its business in a foreign country it should be exempted from the provisions of the income tax law. That contest was waged in this Chamber by my father. The debate was protracted. I shall not endeavor at this time to summarize the arguments which were advanced in support of the contention made by him that the committee's amendment should be stricken from the bill.

Mr. BINGHAM. Mr. President, will the Senator from Wisconsin yield at that point?

Mr. LA FOLLETTE. I yield.

Mr. BINGHAM. The Senator is aware that the amendment regarding the 80 per cent clause has not been offered.

Mr. LA FOLLETTE. I understand that, Mr. President.

Mr. BINGHAM. The amendment now before us has nothing to do with that.

Mr. LA FOLLETTE. I understand that; but, Mr. President, the amendment which the Senator from Connecticut intended to offer, and the amendment which the Senator from New York [Mr. COPELAND] has now stated he intends to offer, opens up this whole question, and I am satisfied that a majority of the Members of this Chamber will never give their consent to any such a proposition being written into the law of this country. It merely opens the way for corporations of the United States doing business in foreign countries to escape taxation. In a nutshell, that is what it comes down to.

Mr. President, in so far as the pending amendment is concerned, I should not find myself so much in opposition to that proposal. It merely provides that section 262 shall be made retroactive in so far as that act is concerned. The merits of the pending amendment I am not prepared to argue; but it does not raise the important question of public policy which is raised by the second amendment the Senator from Connecticut has sponsored and which the Senator from New York now advises the Senate he will sponsor.

Since the Senator from Connecticut has withdrawn his second amendment, I shall not discuss this subject at length at this time, because I wish to accommodate the Senator from Connecticut [Mr. BINGHAM] in a speedy disposition of the pending amendment; but I serve notice upon the senior Senator from New York, and upon any other Senator, that if the proposition is to be put forward here once more to write into the laws of this country the provision with regard to the exemption of corporations doing 80 per cent of their business abroad from the income tax law of this country, I shall prepare myself to debate that question at length with the Senator from New York or with any other Senator who desires to raise that issue in this Chamber.

Mr. KING. Mr. President, the amendment offered by my colleague, if I understand it, seeks to apply retroactively for the taxable years 1918, 1919, and 1920 complete exemption from taxation to American citizens who were doing business in the Philippine Islands. The amendment means that American citizens who derive incomes from investments or property or personal service in the Philippine Islands during the years just mentioned, and who have not paid the taxes due from them to the United States under the revenue laws in force during those years, shall be relieved from any liability whatever, notwithstanding the fact that some American citizens did pay to the United States taxes derived during the same years from their investments and services in the Philippine Islands. The American citizens who paid their income taxes, if this amendment is adopted, are penalized. Those who ignored the law and made no returns, thus preventing the running of the statute of limitations, are to be forgiven and relieved from all liability.

The Senator from Wisconsin [Mr. LA FOLLETTE] has just indicated that there may be some merit to the proposition that the Government at this late date should not go back to the years 1918, 1919, and 1920 and collect the heavy war taxes imposed under the revenue laws of those years.

Retroactive legislation must have strong reasons, indeed, compelling reasons, to justify it. I am not persuaded that such reasons exist in behalf of the proposal embodied in the amendment under consideration. Moreover, Mr. President, there is a movement of no small proportions in favor of exempting all incomes received by American citizens from investments in foreign countries, whether such incomes are derived in the form of dividends from corporations or from personal services, or individual investments. It is also the purpose to apply this principle to incomes derived by American citizens from the Philippine Islands, and Porto Rico.

Mr. NORRIS. Mr. President, will the junior Senator from Utah yield?

Mr. KING. I yield.

Mr. NORRIS. I have not been able to hear all of the debate, but I should like to say to the Senator that anyone who is going to sponsor an amendment that will be retroactive in its effect as to a certain class of people ought to establish by at least a preponderance of evidence the justice or equity of such a proposal. I should like to have the Senator tell me why any persons should be put in a preferential class and why we should pay back their taxes.

Mr. KING. Mr. President, as I understand the facts, they are substantially as follows: In 1918, 1919, and 1920 some American citizens who had investments in the Philippine Islands and some of whom resided there took the position that the revenue laws of the United States then in force did not require them to pay into the Treasury of the United States either income taxes or corporate taxes received from their investments in the Philippine Islands. Other American citizens believed they were subject to the revenue laws and paid their income and corporate taxes to the United States. Those who did not believe the revenue laws applicable to them made no returns to the Treasury. By failing to do so they are not protected by the running of the statute of limitations.

Mr. NORRIS. How was the matter decided? Which of the classes was right?

Mr. KING. The court decided four or five years ago, as I recall, that the revenue laws applied and that the Government was entitled to collect income and corporate taxes from the investments in the Philippine Islands.

Mr. NORRIS. Why should they not all pay?

Mr. KING. I am inclined to think they should. It is true the Government was perhaps derelict in enforcing the law and by its inactivity tended to confirm the views of the nonpaying taxpayers that they did not come within the provisions of the law. Perhaps the Treasury officials believed that the Philippine officials would collect an equivalent tax. At any rate, the tax was not collected from a number of individuals and corporations, and they now appreciate the fact that at this late date they are liable and that the Government may proceed and enforce payment of the delinquent taxes for the years mentioned. It would seem that if those who refused to make returns or omitted to make returns are freed from taxes legally due for the years 1918, 1919, and 1920, then there would be a moral obligation upon the part of the United States to refund the taxes collected from those citizens who responded to the provisions of the law and paid their taxes into the Treasury of the United States.

Mr. NORRIS. And some have paid and some have not. This proposed action, it seems to me, will be giving credit to those who did not pay their tax.

Mr. KING. The amendment in effect is equivalent to a premium to those who were slothful or indifferent or recalcitrant, who did not pay taxes justly and legally due, and it operates to penalize and punish those who did their duty and discharged their obligations to the Government. It seems to me, Mr. President, that it would constitute a bad precedent and would justify demands being made upon the Government in a multitude of cases where strict compliance with the law, instead of being a virtue, will result in serious disadvantages.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. KING. Yes.

Mr. EDGE. I am seeking information. I do not recall the facts, and am inclined to think the Senator from Utah is more familiar with them. I desire to ask what was the law we passed a few years ago in connection with the tax exemption of certain American citizens doing business in China?

Mr. KING. Does the Senator refer to what was called the China trade corporation act?

Mr. EDGE. That is what I have in mind.

Mr. KING. My recollection is that American citizens who were stockholders in corporations organized for the purpose of carrying on business in China obtained certain deductions

when they came to make their tax returns, but did not receive all of the benefits which they sought to obtain under congressional legislation.

Mr. WALSH of Montana. Mr. President, I think I can answer the question of the Senator from New Jersey.

Mr. EDGE. I shall be glad to have the point cleared up.

Mr. WALSH of Montana. In connection with an act for the reorganization of American corporations in China the Committee on the Judiciary listened to extensive arguments on the matter and a bill was prepared with an exemption in it. I think, however, the unanimous view of the committee was that the exemption ought not to be accorded, and the provision was eliminated from the bill.

Mr. EDGE. That was the final action?

Mr. WALSH of Montana. Yes.

Mr. EDGE. I had forgotten as to that.

Mr. KING. I think the Senator from Montana has stated the matter correctly. The general revenue act, as I recall, allowed American citizens who derived any income from foreign investments certain credits or deductions on account of income taxes paid to any foreign country or to any possession of the United States. Accordingly, American citizens who paid income taxes to the government of the Philippine Islands or to the Government of China or to any other government derived from investments in either of said countries, were entitled when making their returns to the Treasury Department for the purposes of taxation, to claim as a deduction any income tax paid to any foreign government or to any possession of the United States. And domestic corporations were also entitled to be credited with the amount of any income, war profits, and excess-profits taxes, paid to any foreign country or to any possession of the United States. There were, however, some limitations as to the deductions to be allowed which I shall not attempt to state at this time. My recollection is that the law applicable to the years 1918, 1919, and 1920 was quite liberal in the matter of deductions allowed to American citizens on account of income or corporate taxes paid in the Philippine Islands.

Mr. LA FOLLETTE. Mr. President, does the Senator yield?

Mr. KING. Yes.

Mr. LA FOLLETTE. Mr. President, I merely desire to say to the Senator from Utah that I have not had occasion to look up the recent statutes so far as British nationals doing business abroad are concerned, but in 1921 when an effort was made to provide for an amendment similar to this affecting corporations of this country the argument was made and reiterated over and over again on this floor in justification and in support of the committee's recommendation that the British Government and other foreign governments did exempt their nationals or national corporations doing business abroad, I find, however, upon reviewing the debate that my distinguished predecessor in this body challenged that statement again and again upon the floor, and the proponents of the proposal were never able to produce the statutes to justify the statement which had been made. Subsequently, my predecessor did produce here in the RECORD a statement showing that the British income tax laws did apply to all citizens who received dividends or other profits from their business abroad, if they were resident in their own country, and that is the proposition which is put forward here.

Mr. KING. As I recall the discussion to which the Senator refers I think he has accurately stated the position taken by his predecessor, who contended that British subjects engaged in business in China but who claimed their residence in Great Britain paid the same rate of income taxes as British subjects deriving their income from investments in England. There may have been some deductions allowed from gross income as deductions were allowed for municipal taxes and rates levied in England. My recollection is, however, that Britishers living in China and who were associated with Chinese in business enterprises in China, conducting the same through corporations, had applied to them by Great Britain a different rule in the matter of income-tax exactions.

Undoubtedly appeals will be made to Congress and those appeals will grow stronger as American investments in foreign countries are increased, to exempt from all forms of taxation, incomes and profits received by American citizens from foreign investments. The contention will be made that American citizens engaging in business in other countries are required to meet competition and are subject to taxes in the countries in which they are operating, and that to require of them that they shall be subject to the income tax laws of the United States is placing them at a disadvantage with their competitors. Billions of American capital are going abroad and many Americans are engaging in business enterprises in various parts of the world. From these investments and business activities profits are derived. In my opinion, while deductions should be made from gross income on account of taxes paid abroad the same as deductions are allowed from gross income on account of municipal and State taxes paid in the United States, it would be unwise and unjust to relieve such American citizens from taxes upon incomes derived from enterprises and investments in foreign countries and American possessions.

Mr. COPELAND. I am quite astonished, may I say to the Senator from Wisconsin, although I have no doubt he is right, about the attitude of Great Britain toward its subjects abroad. I have here in my hand what I assume to be a correct transcript of a cable sent by Governor General Wood on the 7th of September, 1923, to the President. I quote from it as follows:

> British subjects abroad are never subjected to British taxation on income derived from sources outside of Great Britain, and by the finance act of 1920 England has authorized a refund to overseas British of taxes heretofore levied on incomes derived solely from British sources.

That seems to contradict the statement made by the Senator from Wisconsin. I know, of course, that the statements can be reconciled, because there may be some mistake, possibly, in the language of the cablegram, although I assume it to be a correct statement of the cablegram sent by General Wood to the President.

Mr. SMOOT. Mr. President, I did not understand the Senator from Wisconsin to say that British corporations were compelled to pay taxes to the British Government. That is true in the case of other countries but under British laws there is an exemption, and I stated the reason why, and so did the Senator from Montana. Did the Senator from Wisconsin state that the British companies abroad were compelled to pay taxes at home?

Mr. LA FOLLETTE. I said that the stockholders of British corporations receiving an income from corporations doing business abroad were subject to the income tax of Great Britain.

Mr. SMOOT. As to the dividends.

Mr. COPELAND. I assume that is true.

Mr. SMOOT. That is true.

Mr. COPELAND. But the question here as I see it is one of national policy. What are we going to do with the Philippines?

It is a matter of no concern to me. I have not a dollar invested in the Philippines, and no personal friend of mine has; but here are these islands, with their vast natural resources. How are we going to treat them? They might better be developed by Americans, as I view it, than by nationals of other countries.

I do not regard this as a bonus. I do not look at it in that way at all; but here a tax is levied upon certain corporations doing business in the Philippines, and only nine of them paid any taxes; and I am told that if these particular companies are forced to pay these back taxes, they will go into bankruptcy. They would not have assets enough to pay their taxes.

Mr. EDGE. Mr. President, will the Senator yield right there?

Mr. COPELAND. Yes.

Mr. EDGE. How can a corporation go into bankruptcy as a result of paying income taxes on profits?

Mr. COPELAND. I am speaking about back taxes—taxes which have been levied and have not been collected. If they are forced to pay them, what are they going to do? I think this matter is much more serious than some Senators appear to think.

Mr. LA FOLLETTE. Mr. President, may I interrupt the Senator for a moment?

Mr. COPELAND. Yes.

Mr. LA FOLLETTE. Which proposition is the Senator discussing now? Is he discussing the proposition to make section 262 retroactive so far as the act of 1918 is concerned, or is he in favor of the proposition contained in the second amendment?

Mr. COPELAND. I was talking about the whole subject of our relation to the Philippines.

Mr. SMOOT. The second amendment has been withdrawn.

Mr. COPELAND. Yes; the second one has been withdrawn; but may I ask the Senator from Utah about the amendment which he has offered? Why does he limit it to the taxable years 1918, 1919, and 1920?

Mr. SMOOT. Because the act of 1921 specifically provided for this tax in section 262 of the act of that year.

Mr. GEORGE. That is, the act of 1921 takes care of most of them, but not necessarily all of them?

Mr. SMOOT. Yes; it imposed a tax upon all of them alike after 1921. This is to cover the years 1918, 1919, and 1920. It covers those who refused to pay any tax. The ones that paid the tax do not get any refund.

As far as the tax is concerned, I doubt very much whether any concern that pays its taxes during those years will be involved financially. There may be some, but I do not know why.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah. [Putting the question.] By the sound the noes seem to have it.

Mr. BINGHAM. I ask for a division.

The PRESIDING OFFICER. A division is demanded. Those in favor of the amendment will rise and stand until they are counted. [A pause.] Those opposed will rise and stand until they are counted.

Mr. BINGHAM. This is the amendment offered by the Senator from Utah.

Mr. SMOOT. For the Senator from Connecticut.

Mr. HARRISON. I understood that it was a Senate committee amendment.

Mr. SMOOT. No; I stated that it was offered for the Senator from Connecticut. The Senator was out of the Chamber.

Mr. HARRISON. I ask for a revote on this proposition.

On a second division, the amendment was rejected.

Mr. SMOOT. Mr. President, the next amendment is on page 204, line 3.

The PRESIDING OFFICER (Mr. NYE in the chair). The amendment will be stated.

The CHIEF CLERK. On page 204, the committee proposes to strike out lines 3 to 14, both inclusive, and insert——

Mr. SMOOT. Mr. President, I want to ask the junior Senator from Connecticut [Mr. BINGHAM] whether his colleague desires to be present when this amendment is taken up? I believe, in justice to the senior Senator from Connecticut [Mr. MCLEAN], who is a member of the committee, that I will withdraw the amendment, because it may be that he wants to be present when it is considered. [A pause.] I am informed, however, that the Senator said to let it go through.

Mr. EDGE. Let us have it stated.

The CHIEF CLERK. The committee proposes to strike out, on page 204, lines 3 to 14, both inclusive, and to insert:

Section 702 of the revenue act of 1926 (imposing a tax on the use of certain foreign-built boats) is repealed, to take effect July 1, 1928.

Mr. COPELAND. Mr. President, I should like to ask the Senator from Utah a question with regard to this amendment. I have a letter which is dated long enough ago so that it may not be applicable at all. It says, in part:

I have seen the amendment exempting from the increased 500-per-cent tax boats built or contracted for before December 1, 1927. The value of this exemption is practically avoided by clause 2 of the same amendment.

Does that refer to some other amendment which was pending some time ago?

Mr. SMOOT. No; I think that has reference to the House provision. The House imposed a tax of five times the amount of the existing law.

Mr. COPELAND. Is that what the committee struck out?

Mr. SMOOT. We strike that out, and repeal the law.

Mr. COPELAND. Let me read this letter. That will be the brief way to get to it.

Since previously writing you, I have seen the amendment exempting from the increased 500-per-cent tax boats built or contracted for before December 1, 1927. The value of this exemption is practically avoided by clause 2 of the same amendment, which provides that if a yacht built or contracted for before December 1, 1927, is sold, leased, or chartered, the increased rate shall apply for all years after the sale or charter. This, of course, will affect all boats delivered in the past and now in this country, as well as boats ordered or contracted for before the new legislation was even contemplated. Clause 2 of the amendment absolutely kills the resale value and charter value, and I believe is unfair and retroactive legislation.

Mr. SMOOT. That letter is correct as far as the House provision is concerned; but the Senate committee proposes to repeal that act itself.

Mr. COPELAND. Then my correspondent is protected if this amendment prevails?

Mr. SMOOT. He is protected with the amendment that the committee has recommended.

Mr. COPELAND. I thank the Senator.

Mr. WALSH of Montana. Mr. President, if we adopt the amendment, what will be the duty on such boats?

Mr. SMOOT. There would not be any, with the exception that the matter would go into conference, and then we will decide upon it.

Mr. WALSH of Montana. Yes; but if we adopt this amendment, to what tax will these boats be subject?

Mr. SMOOT. No tax at all.

Mr. EDGE. Mr. President, right at that point, as I understand, if we adopt this amendment we are really repealing the existing law, are we not?

Mr. SMOOT. That is what it says; it repeals section 702 of the revenue act of 1926.

Mr. EDGE. All right.

Mr. SMOOT. That act taxed certain boats $2 for each foot, and $4 a foot for a 100-foot boat, and $8 a foot for boats above 100 feet.

Mr. EDGE. Then, in other words, we go to conference, should this amendment be adopted, in the position that there is absolutely no duty at all on foreign-built yachts.

Mr. SMOOT. That is true.

Mr. EDGE. Then, of course, it must be clearly understood, as far as my personal vote is concerned—for that is quite an industry in this country—that if this amendment is adopted, the conferees on the part of the Senate will insist on some substitute to protect this great industry as far as treaty rights will permit it.

Mr. SMOOT. I want to be perfectly frank with the Senate and tell them the situation as the committee saw it.

The rates of $10, $20, and $40, provided for in the House bill, were five times the amount of the existing rates. A question was raised by our State Department as to objections that have been raised to the House provision and to the present law.

Mr. EDGE. By the German Government?

Mr. SMOOT. By the German Government. What the committee decided was to strike this out and let it go to conference, and we will work out something there to take care of this situation in a way with which we hope all will be satisfied.

Mr. NORRIS. Mr. President, this applies only to yachts, does it, or to all kinds of boats? I want to ask the Senator from Utah about that.

Mr. SMOOT. It applies to yachts, pleasure boats, power boats, motor boats with fixed engines, and sailing boats, of over 5 net tons and length over 32 feet.

Mr. EDGE. Practically to all classes.

Mr. SMOOT. Virtually to all yachts of that class.

Mr. NORRIS. If this amendment prevails, the effect of it will be to put boats on the free list?

Mr. SMOOT. Yes; if the House yielded.

Mr. NORRIS. I understand; but we ought to vote on it just as though it were going to become part of the law. I can not myself understand how these members of the committee, being high protectionists, would bring in an amendment here that would put us on a free-trade basis in order to satisfy a lot of fellows who want to buy some yachts.

Mr. SMOOT. No; I want to say that a great part of these boats now would be subject at once to the tariff rate of 40 per cent.

Mr. NORRIS. Not if we pass this amendment. We repeal the law.

Mr. SMOOT. No; we repeal this particular law, but we do not repeal section 370 of the tariff act at all.

Mr. NORRIS. There is still a tariff on them?

Mr. SMOOT. Yes; on certain boats.

Mr. FLETCHER. Mr. President, I think the Senator has a misapprehension about this matter.

Mr. NORRIS. Perhaps I have. I am simply trying to get at the effect of the amendment.

Mr. FLETCHER. This is an excise tax charged against the use of a boat. If you buy a yacht, for instance, or have one built in an American shipyard—a yacht, we will say, costing you a hundred dollars, or something like that—you have to add, say, $25 to it, and the $25 goes to the Government, not to the shipbuilder. That is the tax that the Government charges you for the use of that yacht. That is all there is to it.

Mr. NORRIS. Even though I am an American citizen, and do that here?

Mr. FLETCHER. Yes. That is under this law that we are repealing.

Mr. NORRIS. That is the bill of the House?

Mr. FLETCHER. Yes; that is the original act.

Mr. NORRIS. That is the thing that we are repealing here. I notice in the amendment that it says a certain section of a certain act is repealed.

Mr. FLETCHER. Section 702.

Mr. NORRIS. Is that a section of the tariff act?

Mr. FLETCHER. No. That relieves you, if you are buying a yacht, of paying $25 to the Government for the privilege of using it.

Mr. NORRIS. Any tariff provision that may cover yachts is still intact?

Mr. FLETCHER. Yes.

Mr. NORRIS. It is not affected by this legislation?

Mr. FLETCHER. This has nothing at all to do with it. It is simply an assessment for the use of the boat. It may not be a yacht; it may be an ordinary boat, a fishing boat, any

sort of a fishing boat that you want to buy. You have to pay so much for the use of it.

Mr. EDGE. I may say that this does not apply alone to large yachts. It applies to all kinds of craft, as explained by the amendment, very small craft; but, not to permit the suggestion of the Senator from Nebraska to go without a word, the wisdom of the House is plainly evidenced. As the bill appears before us protection was necessary, because they raised it, as I recall, five times; and I believe the majority of the Finance Committee felt that that was a just tax or a just tariff.

Mr. NORRIS. I am not finding fault with it.

Mr. EDGE. But apparently there is a treaty condition that, in the opinion of the Department of State, interferes with the tax; and, as I understand the chairman of the committee—and this is the reason why I asked the question—it is the hope that the conferees of the two Houses will be able to prepare a section that will be within our treaty rights and still protect American shipbuilders.

Mr. NORRIS. I will say to the Senator from New Jersey that I listened to the reading of the amendment and to some of the things the Senator from Utah said, and I reached the conclusion that this repealing act referred to our tariff act. I am wrong about that, I am informed.

Mr. FLETCHER. Yes.

Mr. NORRIS. That clears it all up in my mind. I have no objection.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). The question is on the amendment of the committee.

The amendment was agreed to.

Mr. SMOOT. Mr. President, the next amendment is, on page 205, line 7, to strike out "$1 each year" and insert "$3 each year."

Mr. COPELAND. Mr. President, of course the Senator does not want that amendment to prevail?

Mr. SMOOT. There are a good many reasons why it should prevail.

Mr. COPELAND. What is the reason why it should prevail? Let the Senate understand what this is.

This is a proposal to tax every doctor in the country $3 instead of $1. Every family doctor, every one of your friends in the medical profession, is aroused over this and feels outraged by it. It is a piece of class legislation, and there is not any reason that I can think of why it should pass. That is the reason why I am asking the Senator from Utah for one reason why it should be made the law.

Mr. GEORGE. May I inquire of the Senator from New York if the physician does not have to register every prescription of drugs that come under the narcotic act?

Mr. COPELAND. Yes.

Mr. GEORGE. Irrespective of the payment of this license?

Mr. COPELAND. Yes.

Mr. GEORGE. There is a complete record of the handling of the drugs?

Mr. COPELAND. Yes; a complete record.

Mr. McKELLAR. I desire to ask the Senator from Utah a question. How much revenue does this tax of $1 bring in?

Mr. SMOOT. I do not know whether it is separated or not.

Mr. McKELLAR. Does it cost nearly as much to collect as the tax amounts to?

Mr. CARAWAY. If there ever was a nuisance tax, it looks as if this would be one.

Mr. McKELLAR. This looks like a nuisance tax, and I can not see any reason why we should tax the doctors of the country either $3 a head or $1 a head. It looks to me as if it is a trivial kind of business.

Mr. HARRISON. Mr. President, in the consideration of this particular item, may I say that the minority members of the Finance Committee all voted against this increase from $1 to $3, and reserved the right to oppose it here.

Mr. McKELLAR. Why should we impose any tax?

Mr. SMOOT. One prevailing reason was that there was a decision of the Supreme Court, handed down by Chief Justice Taft, which held that the constitutionality of the act depended upon whether it was for revenue only.

Mr. GEORGE. If the Senator will pardon me, the effect of that decision was to hold that it was a revenue act, and that if it did not produce any revenue, there would be a question as to its constitutionality.

Mr. SMOOT. Yes.

Mr. COPELAND. In that connection, let me say to the Senator that the doctors are not unwilling to have the dollar provision left in.

Mr. SMOOT. That was the case. The tax originally was $3, and then it was reduced to $1, and the case came up on the $3 proposition, and the question was whether that provision was a revenue producer. If we provide $1, and another case goes to the Supreme Court of the United States and it is shown that the $1 does not pay the expenses of collecting it, then more than likely the law would be held unconstitutional.

Mr. McKELLAR. Under those circumstances, why not strike out the entire tax? If there is doubt as to whether it pays the cost of collection, surely we should not impose the $1. It does seem to me wholly unreasonable that we should impose any tax.

Mr. SMOOT. The poor doctor who will charge $10 for a prescription, of course, can not afford to pay $1 a year. Is that the position the Senator takes?

Mr. McKELLAR. No. Doctors do not write that sort of prescriptions in Tennessee.

Mr. COPELAND. Mr. President, I know the question was raised as to whether the narcotic control was a proper thing to include in a revenue act. There is no doctor in the country who would be willing to have that narcotic control wiped out. So I say the doctors are willing to pay the dollar. But they should not pay more than that.

Mr. SMOOT. Suppose the dollar does not pay the expenses?

Mr. COPELAND. I am sorry, but I am going to read the appeal of the American Medical Association.

Mr. SIMMONS. Mr. President, I wish the Senator from New York would permit me to interrupt him a moment.

Mr. COPELAND. Certainly.

Mr. SIMMONS. I want to ask the Senator from Utah why we imposed the dollar tax on doctors.

Mr. SMOOT. In the beginning?

Mr. SIMMONS. Yes; what was the purpose of it?

Mr. SMOOT. I think it was done because of the fact that there was a desire to find out about how much was sold, and who sold it; and the tax was imposed upon it.

Mr. SIMMONS. It was not imposed for the purpose of raising revenue—nobody thought we would get much revenue out of it—but it was in order that the Government might keep track of physicians who were prescribing these articles that come under the Harrison Narcotic Act.

Mr. SMOOT. Yes.

Mr. SIMMONS. I can tell the Senator how much revenue would be raised.

Mr. SMOOT. It is $200,000, I think.

Mr. SIMMONS. The estimate is that the $3 amendment will produce $290,000, and the $1 will produce $97,000. I insist that the purpose was not to get revenue, but I recognize that the decision of the Supreme Court was that there must be some revenue as a result of the amendment. The question is whether the dollar rate raises more than the amount required to be expended in order to collect it. It raises $97,000, and I can not see how the Government would put out that much money in order to keep track of these things. The $1, therefore, in my judgment, will accomplish the purpose as well as the $3, and there is no reason why it should be multiplied by 3.

Mr. SMOOT. Mr. President, I know the doctors can not very well afford to pay this, and as far as I am concerned I will let the Senate vote upon it, and if it goes out, I shall not care.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was rejected.

Mr. SMOOT. I do not care. I want to say that I congratulate the doctors upon being the most persistent and best propagandists among all classes of people in the United States.

Mr. President, there is one other amendment, on page 243, line 22, Bureau of Internal Revenue personnel.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 243 the committee proposes to strike out lines 22 to 25, both inclusive, and on page 244 to strike out down to and including line 10, as follows:

SEC. 707. BUREAU OF INTERNAL REVENUE—PERSONNEL.

(a) The Secretary of the Treasury is authorized to fix the compensation, without regard to the provisions of the classification act of 1923, of the following officers and employees of the Bureau of Internal Revenue, appointed (whether before or after the enactment of this act) in accordance with the civil service laws: Twenty-three assistants to the General Counsel at a compensation not in excess of $7,500 a year each; 26 administrative or technical employees at a compensation not in excess of $7,500 a year each; and 50 administrative or technical employees at a compensation not in excess of $6,000 a year each.

(b) Section 1201 (b) (1) of the revenue act of 1926 is repealed.

Mr. McKELLAR. Will not the Senator explain what that means?

Mr. SMOOT. This was an amendment that was put in by the House to provide for 99 employees in the Treasury Department, giving them increased salaries notwithstanding the classification act.

Mr. McKELLAR. The action of the committee is to strike that out?

Mr. SMOOT. To strike it out, and let it go to conference.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I have been asked that the estate-tax provision go over until to-morrow, as a number of Senators desire to speak upon it.

Mr. BINGHAM. Mr. President, will not the Senator call it up at this time with the understanding that it will not be debated?

Mr. SMOOT. The Senator wants to offer an amendment?

Mr. BINGHAM. I would like to offer an amendment, and ask to have sundry documents printed in the RECORD.

Mr. SMOOT. That is all right. Let the amendment be read.

The PRESIDING OFFICER. The Senator from Connecticut offers the following amendment, which the clerk will read.

The CHIEF CLERK. On page 192, strike out lines 20 to 25, inclusive, and lines 1 to 5, on page 193, and insert:

SEC. 401. TERMINATION OF ESTATE TAXES.

Title III of the revenue act of 1926 shall not apply in the case of the transfer of the net estate of any decedent dying after the enactment of this act.

Mr. BINGHAM. I ask that the documents which I send to the desk be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

SOUTH MANCHESTER, CONN., *December 13, 1927.*

Hon. HIRAM BINGHAM,
Washington, D. C.

DEAR SENATOR BINGHAM: I am writing to express my hope that you will use your influence in opposition to the continuation of the inheritance tax as now in force. This in part is due to my feeling that it is best for the Federal Government to leave this field of taxation open to the respective States, but that is only secondary. My real objection is to the obnoxious provision whereby the Federal Government bribes or coerces the several States to enact legislation by means of a liberal rebate of the Federal tax to them if they do so. It seems to me that this strikes at the very foundation of our ideals and fundamental principles of government.

If the Federal taxing power is to be exercised by Congress for the obtaining of funds with which to influence State legislation, we may as well give up the idea that this is a federation of sovereign States, each exercising local option in matters of local concern. That means that we have abandoned the ideals of the founders and are repeating the old experiment of governing great countries by a centralized national authority. The principle at stake is out of all proportion to the pettiness of the issue involved. We are selling our birthright for a mess of pottage. We are throwing overboard the most magnificent piece of statescraft which the world has yet produced, and for nothing.

Yours very respectfully,

CHARLES CHENEY.

THE FEDERAL ESTATE TAX AS A GOVERNMENT EVIL

By William H. Blodgett, tax commissioner State of Connecticut

Patrick Henry, in voicing opposition to the adoption of the Federal Constitution in the Virginia Convention, exclaimed:

"Where are the purse and sword of Virginia? They must go to Congress. What has become of your country? The Virginian government is but a name." (Elliott's Debates III, pp. 366–410.)

Fear of excessive power in the proposed new government excited wide-spread opposition to the adoption of the Constitution by the colonists. Justification for such fear was found in the long struggle of the people in the mother country to preserve their rights and liberties. The colonists, with knowledge of the contest between the Parliament and the Stuart kings which lasted nearly all of the seventeenth century, mistrusted usurpation of powers and centralization in government beyond all things else. Their kin across the seas had been participants in this almost interminable struggle. Furthermore, they had just concluded successfully the Revolutionary War, which was brought about by the exercise of centralized powers wielded from a great distance and from beyond the borders of the continent. To them all of the serious experiences of mankind, immediate and centuries old, seemed to justify the extraordinary reluctance with which they yielded to the necessity of forming the more perfect union which was proposed. But the necessity for the establishment of such new union with carefully guarded and more centralized powers than previously were thought necessary was apparent to the ablest and most far-seeing statesmen of those times. The Constitution framers, observing the dangers of excessive centralization of powers on one hand and anarchy arising from excessive localization of powers on the other hand, succeeded in writing into the Constitution that perfect balance of powers on which has rested the security of this governmental structure during the whole period of its existence.

Replying to Patrick Henry and all others who pointed out the dangers of excessive centralization and urging the adoption of the proposed Constitution, Alexander Hamilton said:

"Everything must be left to the prudence and firmness of the people; who, as they will hold the scales in their own hands, it is to be hoped, will always take care to preserve the constitutional equilibrium between the general and the State governments." (17th Federalist.)

Whatever may be thought of Hamilton in other respects, it must be noted that his was a most practical outlook. But how has the hope and confidence expressed by Hamilton in the people been justified? What may be said now of the prudence and firmness of the people who hold the scales in their own hands? What care has been exercised in recent years to preserve the equilibrium which all then agreed to be so essential to the perpetuity of the new government?

"The preservation of the States and the maintenance of their governments are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution and all its provisions looks to an indestructible union composed of indestructible States." (Chief Justice Chase, Texas *v.* White, 7 Wall. 700.)

The difficulties encountered by the framers of the Constitution in their efforts to establish an enduring federation in terms granting no more than necessary powers to the central government, and at the same time reserving and guaranteeing to the States for the benefit and use of the people all those innumerable powers essential to the existence of freedom of action separately by the State governments, seemed for a considerable period of time, during which the Constitutional Convention was in session, to be insurmountable. With respect to this problem the convention came nearly to disaster. The device to which the Constitution framers agreed, though lending itself to new conditions somewhat imperfectly, remains and must remain always as the most essential abutment of the more perfect structure which it was the design of the founding fathers to establish. The declaration of rights, corresponding in its purpose to the ancient Bill of Rights known to their English forbears, was the means insisted on by Thomas Jefferson for the protection of the people and of the States against all forms of usurpation by the new government. Mr. Jefferson expressed the hope that 4 of the 13 States would withhold ratification of the Constitution in order to compel the adoption by amendment of the bill of rights. In one of his letters he said:

"Tyranny of legislatures is the most formidable dread at present, and will be for many years. That of the executive will come in time, but it will come at a remote period."

A number of the ratifying States did so on condition that the bill of rights would be made part of the Constitution by amendment. Although the four States did not withhold ratification, as Mr. Jefferson suggested, 10 amendments constituting the declaration of rights were proposed and adopted very shortly after the new mechanism of government commenced to function. The provisions of the tenth amendment are worth observing:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The provisions of the Constitution, considered by some to be adequate protection against centralization, were considered inadequate by Mr. Jefferson and other able thinkers of the time. The declaration of rights was intended to be as adamant against Federal legislative assault upon the rights of citizens and of the States. What has been the result? May we not now with greatest propriety commence to take stock of the situation, and, if found necessary, display some of that prudence and firmness of the people which was the basis of the hope of Alexander Hamilton? Notwithstanding this effort to protect the States and the people against aggression of the centralized powers, the new governmental machinery had scarcely been set in motion when there arose, to test the wisdom of the statesmen and jurists of the country, questions pertaining to the doctrine of implied powers. Chief Justice John Marshall, America's greatest jurist, by his wise interpretations of the fundamental law gave it life and adaptability. All now generally agree that it was through his foresight that the Constitution, or any constitution of the kind, was saved to bless the future generations of mankind. However, it is quite clear that the Constitution would not have been adopted at all had its proponents admitted that it contained, or would be construed as containing, any implied powers whatever.

Lord Bryce, with whose writings respecting our system of government there is none to compare, visualized our plan of government and tersely described it in the following language:

"Under the plan of the Constitution makers an American, through a long life, may never be reminded of the Federal Government, except when he votes at a presidential election, buys a package of tobacco bearing the Federal stamp, lodges a complaint against the post office, and opens his trunk for a customhouse officer on a pier when he comes from a European tour. His direct taxes are paid to officials acting under State laws. The State, or local authority constituted by State statute, registers his birth, appoints his guardian, pays for his schooling, gives him a share in his father's estate, licenses him when he marries or enters a trade, divorces him, enters civil action against him, declares

him a bankrupt, and hangs him for murder. The police that guard his home, the local boards which look after the poor, control the highways, impose water rates, manage schools—all these derive their powers from State laws. In comparison with such a number of functions the Federal Government is but a department of foreign affairs."

In a land of vast areas and great population and of wide diversities of climate and industries and modes of life, different areas being subject to somewhat different economic restraints, it is essential that each section, by separate States thereof, should be free to carry on and develop, each in its own way, so long as none meddles with the freedom of any other State. In this Republic State rule is not granted by the Federal Government. Powers reserved in the States never belonged to the Federal Government at all. The States clearly were the grantors of power and the central Government was the grantee. The value of State governments and the importance of State authority may not be ignored in a country so large as this. Security rests, in a larger measure than we are likely to know, upon the elasticity afforded to the various sections of the country by State units through which the people may exercise direct influence regarding matters of their more immediate concern. In the period of stress and growing storm which immediately preceded the Civil War the party platform on which Lincoln first ran for President contained the following plank:

"*Resolved*, That the maintenance inviolate of the rights of the States, and especially the rights of each State, to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depend * * *."

Those familiar with the history of that period know that Lincoln, standing on the principle stated in this provision of his platform, had other plans for solving the question of slavery than by interfering with the recognized constitutional rights of the several States.

In The Critical Period in American History, written by the historian, John Fiske, may be found this language:

"If the day should ever arrive when the people from the different parts of our country should allow their local affairs to be administered by prefects sent from Washington, and when the self-government of the States shall have been so far lost as that of the departments of France, or even so far as the counties of England, on that day the progressive political career of the American people will have come to an end, and the hopes that may have been built upon it for the future happiness and prosperity of mankind will be wrecked forever."

The proponents of the Constitution took the view that dangers of State encroachments upon Federal powers were greater than the danger of encroachments of the Federal Government upon the powers of the States. Few, if any, tendencies have been witnessed to indicate that there was justification for such fear. History shows that, where the greatest power in government is lodged, greater power is sought, and, except for the prudence and firmness of the people which Hamilton saw was necessary to the maintenance of this Government, ancient rights, however firmly established, will be lost. There is nothing new in this observation. Human nature has not changed perceptibly in this respect. Power in Government affairs begets more power. It has been so always. Vigilance is the price of liberty.

Encroachments upon powers reserved for States may result from the adoption of constitutional amendments, from Executive action, or from congressional enactments. The National Council of State Legislatures is concerned with enactments of the Congress of the United States which encroach, or which tend to encroach, upon the powers of the several States. Questions concerning such encroachments involve discussions of what is called State rights. Many of the rights claimed as belonging to States in a more strict sense may not be rights at all, unless the court which is vested with authority to pass judgment thereon has so interpreted the Constitution of the United States as to recognize such claimed rights. It appears, therefore, that by use of the words "State rights" is meant such innumerable powers as are not, in terms or by implication, granted to the Federal Government, and which in sound policy may be exercised to better advantage by the States. Recognition of the spirit of the Constitution is the great essential to the maintenance of the equilibrium between State and Federal powers. Generally, through the exercise of State powers, the citizens are affected directly and at home and with respect to their immediate affairs. In such matters the citizen, through his State government, exerts his influence; it is here that he sees the effects of his political activity and interest. In this view State rights may be thought of rather as a matter of sound policy, looking beyond and into the spirit of the Constitution and applying its principles, rather than as positive right reserved in terms by the Constitution and secured to the States by judicial opinion.

By early construction of the Constitution the Supreme Court became the final arbiter of the rights of minorities and of the States. The jurisdiction of this court to pass judgment upon the constitutionality of enactments of the Congress has long since been settled. However, only 39 acts of Congress to this date have been held unconstitutional. The disposition of Congress to usurp power may be most clearly shown by pointing to the plans proposed for breaking down the power and authority of the court in this respect. This purpose continues and appears periodically in the Congress, notwithstanding the fact that all amendments adopted since 1804, commencing with the thirteenth, have increased the powers of the Congress at the expense of State powers, and, further, that the court has on such rare occasions rendered opinions adverse to the validity of congressional enactments. The prudence and firmness of the people in resistance to this form of aggression may well be called forth to defeat every effort further to weaken this bulwark of national safety.

A vast field of legislation has been occupied in recent years by the Federal Government, either by authority of the general welfare clause of the Constitution or under the doctrine of implied powers. Through the use of the Federal taxing power, the power of the purse in which Patrick Henry saw danger, encroachments upon the powers of the States have increased at an amazing pace during the last half century. Congressional activities in two important directions other than by proposals to amend the Constitution yield abundant evidence of the disposition of Congress progressively with the passing of time to find excuse to concern Federal authority with the minute details of business which should forever remain under exclusive State control. To carry out such activities the necessity of establishing new Federal bureaus and commissions, with authority to issue regulations having the effect of law, follows in baneful consequence.

Year by year self-government of States is becoming a mockery, the regulation makers being bureau chieftains hidden from view but placed above the law as public masters rather than public servants. The doctrine that this is a government of law and not of men is becoming a byword. The doctrine that there is equality before the law must necessarily vanish with the ever-increasing pretensions of Federal officeholders whose regulations override, or take the place of, statutes enacted by competent legislative bodies.

It is most likely, however, that the bureau chiefs, commissioners, and other agents all along the line have done as well in the past, and are doing as well now, as similar officials are likely to do in the future with the work assigned to them. The appointees of the Federal Government very generally possess intelligence and efficiency. Undoubtedly, too, the laws enacted are quite as wise as laws in relation to the same subject matter are likely to be in the years to come. These difficulties are deeply seated. The trouble is primarily with the citizens themselves, who, instead of resisting tendencies toward centralization, have altogether too freely sought to have the State relieved of responsibility and authority by at least sanctioning congressional activities into fields where Congress should not enter. Responsibility for this business, however, must be assumed by the Congress, it having failed to observe that the maintenance of State governments is within the design and care of the Constitution.

One form of aggression upon reserve powers of States may be found in the so-called dollar-matching or State-aid program of the Federal Government. By this program money received by the exercise of the Federal taxing power is used to subsidize States to engage in activities in which, except for such financial inducements, they would not engage at all. The use of money in the Federal Treasury taken from the people to speed up the use of reserve State powers is a flagrant abuse of the Federal power of the purse. The extension of Federal authority with respect to matters pertaining to maternity and infant hygiene, vocational education, the control of highway construction by States, and many other such activities by the mere mentioning of them is sufficient to show how far afield Congress has already gone beyond the intent and limitations prescribed by the framers of the Constitution. Persistent efforts in recent years to shift responsibility pertaining to public education, divorce, and other lines of activity certainly would be looked on with amazement by the statesmen of the constitutional period, and, indeed, by their successors who pioneered the Government through the first hundred years of its existence.

Aside from tending to extravagance on the part of the Federal Government, State-aid practices of the kind induce extravagance on the part of the States. The citizens, who pay the bills, have little influence with respect to the use of the Federal taxing power, while in the States the temptation to accept every such grant of Federal money, coming like manna from the skies, is difficult to overcome. The continuance of this program in constantly widening fields of Federal activity can have no other effect than to bring the States into an increasing degree of subservience. States, if any there are, which desire Federal control of their affairs through the influence of the power of the Federal purse impliedly admit they are unable to assume their separate responsibilities. Such States assume the position of being liabilities rather than assets upon the Federal Treasury. A condition of State mendicancy nowhere in fact exists.

Of immediate concern to all citizens who feel the original relationship between Federal and State authority was wise, who feel that the principles and spirit of the Constitution should be maintained, is the entrance by Federal authority in 1924 upon a new plan of State control. Reference may be had to section 301, subsection (b), of the revenue act of that year. This subsection reads as follows:

"The tax imposed by this section shall be credited with the amount of any estate, inheritance, legacy, or succession tax actually paid to any State or Territory or the District of Columbia, in respect of any

property included in the gross estate. The credit allowed by this subsection shall not exceed 25 per cent of the tax imposed by this section."

We have in this language the first attempt of the Federal Government to influence the States in the legitimate use of their reserve taxing power. In section 301, subsection (a), of the same act, being the section immediately preceding the above quotation, was set forth a schedule showing the rate of tax to be applied to each net estate having a value of more than $50,000, that amount being exempt from taxation under the provisions of the revenue act of 1924. The percentage of tax was graduated according to the value of the net estate and the rate extended from 1 to 40 per cent, the 40 per cent rate being applicable to large estates.

By means of the 25 per cent credit allowance to estates it was then intended that each State should raise its own estate, inheritance, or legacy tax rates sufficiently high so that in computing the State tax they could obtain the full 25 per cent allowance. Any State failing to do this subjected the estates of its own citizens to payment to the Federal Government of an amount in excess of that to be paid by citizens of other States having sufficiently high rates to absorb the full amount of credit. A financial advantage, therefore, was offered to each State to enact sufficiently high rates to absorb the full credit. Failing in this respect, the amount of death taxes in the aggregate to be paid by any estate was neither enhanced nor diminished by the provisions of this subsection. The failure of any State to impose death taxes had the effect of punishing the State to the amount of 25 per cent of the gross tax which the Federal Government in every case collected. States having constitutional amendments which did not permit the imposition of this form of tax were required to pay the full measure of penalty. The provisions of the law quoted appeared not to have been sufficiently drastic in coercive effect to accomplish all that the Congress desired. In 1926 the law was amended in such manner that a credit of 80 per cent of the aggregate amount of Federal tax was allowed. (See sec. 301, subsec. (b), of the revenue act of 1926.) Thus the Federal pressure is seen to be progressive. Three States (namely, Alabama, Florida, and Nevada) enacted no law by which to absorb the 25 per cent credit; neither have they enacted any law to absorb the 80 per cent credit; but the new law reaches far beyond the three States named, for in order to absorb the 80 per cent credit most, if not all, of the States then imposing death taxes were obliged to raise the same or lose money in varying amounts which they might obtain. As under the 1924 law, States which were unable to enact death tax laws by reason of constitutional prohibitions suffered the extreme penalty.

Suppose a millionaire of either Alabama, Florida, or Nevada should die during the time the revenue act of 1926 is in effect, just what is the consequence of the provisions of this Federal statute? The estate of such decedent is at once made subject to the Federal tax of $80,000. This amount is required to be paid to the Federal Government and for its general use. Having no death tax law, the 80 per cent credit allowance is unavailable, and the State loses $64,000, which, if it would enact sufficiently high death tax rates, it might obtain for its own uses. If the same person were a resident at the time of his death of a State having a sufficiently high death tax rate, all up to 80 per cent of $80,000, or $64,000, would be credited by the Federal Government in favor of such State. The State of residence would receive in such case $64,000, and the Federal Government would receive 20 per cent of $80,000, or $16,000. The aggregate of such taxes paid on the estate would be the same regardless of the State of residence of the decedent. It is clear, therefore, that the estate of the deceased resident of Alabama, Florida, or Nevada would pay to the Federal Government four times the amount which would be paid by any taxable estate of a decedent whose residence at death was in a State having death tax rates sufficiently high to absorb the full amount of credit allowance. The financial urge upon States, by reason of the situation created by this Federal law, to enact death tax laws and to enact them at a sufficiently high rate to absorb the full credit allowance, is seen to be very great. With respect to other States the Federal pressure is increased or decreased to depend upon whether the State rates are high or low. The Federal estate tax law of 1926 raised the exemption from $50,000 to $100,000. As a tax law this made the matter worse, because it disclosed the temper and spirit of the Congress to sacrifice sound principles of taxation on the altar of expediency or to enter upon a program of social legislation under the guise and use of the taxing power of the Government. President Coolidge obviously saw this when, on February 19, 1925, he said:

"I do not believe that the Government should seek social legislation in the guise of taxation. We should approach the question directly, where the arguments for and against the proposed legislation may be clearly presented and universally understood. If we are to adopt socialism, it should be presented to the people of this country as socialism, and not under the guise of a law to collect revenue. The people are quite able to determine for themselves the desirability of a particular public policy and do not ask to have such policies forced upon them by indirection."

So far as is known, no administration of the Federal Government has adopted a policy of equalizing fortunes by the use of the taxing power. However, Congress, in 1924, after a short debate and as far as is known without public hearing, did increase the rate of tax from a maximum of 25 per cent to 40 per cent.

At the time this was done there was no fiscal reason for increasing such rates; on the contrary, there was reason against it. The administration opposed rather than asked for this result. But why were the rates so increased? It was not done in response to the demands of the public. The high rates were cut in half in response to the demands of the public two years later, but while the high rates were so reduced the exemption was doubled, the enactment of that year being employed openly and intentionally to require States to increase rates to take up all or a part of the reduction made in the new Federal schedule. Using the language of Professor Adams, has not the intent and purpose of the Congress been "to reduce and relieve the striking inequalities in wealth and income?"

The plan for coercing States is claimed to be necessary because of the actions of Florida, that State having adopted a constitutional amendment which forbids the imposition of such tax. It may be noted in this connection that the change in the Florida constitution places that State in the same position as Alabama and Nevada. In reality what Florida did was to advertise the fact that such an amendment had been adopted as a means of inducing citizens from other States to take up their residence in Florida. Alabama and Nevada, having done little or no advertising of the kind, are seldom mentioned as being of sufficient importance in the picture to justify congressional attention. Next to the now deflated land boom, the hysteria over Florida's tax advertisements is the greatest phenomenon of the decade. It may be said in passing with respect to Florida's tax situation that the State, like all others, will have to find revenue to meet its public expenditures. That the public debt of the municipalities and subdivisions of the State of Florida has increased in the last four years faster than such debt has increased in any other State of the country is very well known. In the course of a very short time, if not immediately, plans for raising revenue in Florida will have to be revised. The time will come when it will not be sufficient to say that the State, as such, has no public debt. The millionaires who take up their residence there will be compelled to observe that whether the State has a public debt or not is not of greatest importance. On the contrary, it will be learned that the principal of local bonds must be paid at maturity and that Florida as a State will have to find means, either by itself or its subdivisions, to raise the revenue to redeem such bonds. If such should not be the case, and Florida by any plan of financial legerdemain can so manage affairs that its tax burdens as a whole will be less than those imposed on citizens of the other States in the country, that State should reap the benefit which flows from superior management of its financial affairs. It is possible when Florida comes to the point of revamping her tax laws, as she must do, she will be able to do so in such outstanding and excellent manner that other States can profit by her example. If Florida, or any other State, so manages its public business as to attract nation-wide or world-wide attention, and thereby, together with good climate, offers an incentive to people to take up their residence within its borders, Congress appears to be going far afield to enact legislation, punitive or otherwise, by which to divert from that State the benefits which in justice and sound reason ought to flow to such State. If the overburdened taxpayers of cities of the country, or of any other locality where public debts are increasing at an alarming pace, desire to escape oppressive tax burdens, the other States which maintain more responsible governments should suffer no punishment because of the public spirit and interest which citizens thereof have shown in the management of public business. The present Federal estate tax anomaly places the States in a strait-jacket. It is based on the doctrine that the citizen, in whichever State he lives, must pay taxes locally and for State purposes in accordance with the congressional will. The strait-jacket is a presumption of authority and works an injustice to every State in which the citizens have thoughtfully attended to public business. The 80 per cent credit device accomplishes by indirection that which could not be considered as possible by directly imposing on any State the obligation to enact any kind of tax laws. No one would stand for such direct action by the Congress; such a proposal would not be considered. By the indirection found in the Federal law the same purpose is accomplished. Prior to 1924 the determination of whether the State would or would not have death tax laws was regarded as a matter exclusively of its own concern. Since the passage of this law, while free to make such determination, each State is subjected to penalty for failure to make the determination in accordance with the Federal plan.

The States in the Constitutional Convention yielded the right to the Federal Government to impose taxes only in reliance upon the constitutional limitations as to apportionment and uniformity. It was intended that the Constitution should forbid discrimination by the levying of duties, imposts, or excises upon a particular subject in one State and a different duty, impost, or excise on the same subject in another State. The burden was to be uniform in all States.

The necessity for uniform death taxes is no greater than the necessity for imposing uniform personal income taxes or uniform corporation net income taxes. No reason exists for uniformity in the several States with respect to such taxes. Indeed, uniformity in this regard is

undesirable except as there may exist uniform sentiment in the States imposing such taxes and other uniform conditions too varied in character to be enumerated. If the strait-jacket principle is sound, other strait-jackets, possibly and probably less comfortably fitting, may be devised in course of time to fit other States which refuse to obey the congressional will. By application of Federal power of the purse the discomfort of three States now may be slight in comparison with that which other States may feel in a decade or two.

If it were necessary for the Federal Government to establish such principle as underlies this tax, no good citizen would inveigh against it. There is no such Federal necessity. Serving no useful Federal purpose, it is submitted that it serves no useful State purpose. If the constitutionality of this question should be raised in the courts and the Supreme Court of the United States should decide on its merits that an enactment of this kind is constitutional, the situation would be unchanged. Whether constitutional or unconstitutional, this law not only is in conflict with the spirit of the fundamental law, but it destroys that equilibrium essential to the progressive political career of the American people. As the historian Fiske pointed out:

"The hopes that may have been built upon it [the Constitution of the United States] for the future happiness and prosperity of mankind will be wrecked forever."

OFFICE OF THE TAX COMMISSIONER,
STATE OF CONNECTICUT, STATE CAPITOL,
Hartford, Conn., January 3, 1928.

Hon. HIRAM BINGHAM,
Care of United States Senate, Washington, D. C.

DEAR SENATOR BINGHAM: Your letter of the 28th instant, wherein you ask me to please tell you more of the particulars respecting the duress to which the State of Connecticut has been subjected is at hand. This request for information leads straightway into the meat of this coconut. The record of the hearing had before the Ways and Means Committee prior to the enactment of the revenue act of 1926 discloses the fact that the estate-tax provision was not devised as a revenue measure. To state it more accurately, the revenue feature was incidental to another purpose in the enactment. Anyone reading that hearing can form his own conclusions as to what its purpose was. With respect to this, there may be some differences of opinion. However, an important and probably the main design of the law was to obtain uniformity with respect to death taxes which States should impose. To obtain such uniformity among the States, there was need of interference with States' business. There was the necessity of devising some scheme by which to induce, enforce, and coerce States to have death taxes and at rates sufficiently high to meet the congressional requirement. It was admitted that States if let alone would not maintain uniform rates. Therefore, the necessity of coercion, persuasion or compulsion, or pressure or duress by Federal authority upon State legislatures. Congressman HULL of Tennessee, chairman of the Democratic National Committee, at the recent hearing (record p. 600) stated this:

"I am one Member who is anxious and willing to see that the States levy a very substantial inheritance tax."

By this statement Mr. HULL claims the right of Congress to determine what tax and what rates States should impose. There is no reason for splitting hairs on what constitutes duress, coercion, urge, pressure, or what Mr. HULL calls "cooperation." The fact is if Connecticut, as it has done, continues to be without sufficiently high rates to meet the congressional will and to absorb the full 80 per cent credit, the estates of its deceased citizens, where the net estate is in excess of $100,000, will pay more money to the Federal Government than will the estates of deceased citizens of States which surrender to the congressional pressure and absorb the full 80 per cent credit. There is a tremendous misunderstanding about this 80 per cent business. Some Congressmen appear to think that it is a refund from the Federal Government to the States and talk freely about refunding the amount of money paid to the Federal Government. There is no refund. It is a set-off or credit computed by the Federal officials after the amount of death taxes due to the States in every case will have been paid. If Connecticut wishes to employ arithmetic and use a lead pencil upon which to determine its political principles, it can save money to its treasury; but to this time in its history, as I understand it, its principles have not been either purchased, sold, or given away without sharp and decent resistance. The record of the hearing had prior to the enactment of this law in 1926 shows that the 80 per cent credit clause, while designed to accomplish uniformity, had the support of those in Congress, and now the Committee on Ways and Means, who desired to accomplish a redistribution of wealth. I think the uniformity claim is "window dressing" for the redistributors. They regard uniformity and redistribution of wealth as of more importance than the independence of the States, and found the means of controlling State systems of taxation through indirection employed in this 80 per cent clause of the law. In the pamphlet which I sent to you, at page 13, I illustrated the position in which Florida, Alabama, and Nevada were situated and, among other things, brought out accurately the conclusion that the estate of a millionaire who dies in Florida will pay to the Federal Government four times the amount that a millionaire would pay in a State which had yielded to this Federal coercive scheme. This sentence is found in the pamphlet, after illustrating the Florida situation:

"With respect to other States the Federal pressure is increased or decreased to depend upon whether the State rates are high or low."

The inheritance-tax rates in Connecticut, as you will see by the inclosed schedule, are, and have been since 1915, fairly high. For the year ended June 30, 1925, of the total State receipts 9.96 per cent was collected from the inheritance tax; for the year ended June 30, 1926, 8.47 per cent; and for the year ended June 30, 1927, 8.08 per cent. The percentage of inheritance taxes collected to the total State receipts was decreased slightly in the last three years because of the increase of receipts from motor vehicle and gasoline taxation. Prior to these years the inheritance-tax receipts ran between 10 and 11 per cent of the total State receipts. This is exclusive of the so-called Connecticut penalty tax which is imposed on the property of decedents found in estates with respect to which no ad valorem tax had been paid in the five years preceding the death of such decedent, but 80 per cent of the penalty-tax receipts go to the towns wherein the decedent resided at the time of his death. Such receipts are, in fact, death taxes, but I have not included this in the percentage figures for the reason that they are not entirely State receipts. I am not certain that I can show you what percentage of the full 80 per cent credit Connecticut is obtaining because of the complications involved in such an undertaking. If I should undertake to explain a problem in quadratic equations by letter to a person who had not studied algebra, I should be confronted with a similar difficulty. The point is it is almost impossible for anyone to understand this who has not had practical contact with it. Some phases of it no one in this tax department can figure out. I am sending to you herewith a manuscript entitled, "Mutual interdependence of Connecticut inheritance tax and Federal estate tax (1926 act)." This is written in as simplified form as we are able to get it out. Those in the bureau in Washington who are handling this subject will understand this, but they will not attempt to show its difficulties to Members of Congress, as, of course, these phases of this question have never been printed in the CONGRESSIONAL RECORD. They have never been gone into by any Congressman, so far as I know, and I am asking Senator SMOOT to give us a hearing so that we can get into the meat of this coconut and try to make its difficulties understandable to those in congressional authority. I think that they should know something about the mischief-making provision of the 1926 laws.

After you will have gone through this document, if you do not then feel that you are clear with regard to it, let me know and I will send Mr. Knapp to you, or, possibly, Mr. O'Donnell, who are daily in contact with this problem. They know more about this than I do, because I do not interfere with their administration work unless there is dispute between them and the taxpayer. I wish you joy in trying to find out what this means.

Another phase of this problem is interesting. In 1924 the situation with respect to estates was as follows: Florida, Nevada, and Alabama had no death taxes. Mississippi and Utah had estate taxes only. Oregon and Rhode Island had both an estate tax and an inheritance tax. All the rest of the States had inheritance taxes at varying rates. In 1927 Alabama, Florida, and Nevada had no death taxes. Georgia, Mississippi, North Dakota, and Utah had an estate tax only. Of these States, the tax levied by Georgia was to take up the slack of the 80 per cent. As to Mississippi, from 1918 to 1924, it had both an inheritance tax and an estate tax. In 1924 the inheritance tax was abolished and an estate tax at fairly high rates was established. North Dakota formerly had an inheritance tax, but in 1927 substituted an estate tax at low rates. Utah had an estate tax with only low rates since 1901. The following States have both an estate tax and an inheritance tax:

"California, Colorado, Delaware, Maine, Massachusetts, Montana, Missouri, New York, North Carolina, Oregon, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia."

In the case of all, except one, of these States an estate tax was added in order to take up the slack of the 80 per cent credit. This one State is Oregon, which has had both an inheritance and an estate tax for a number of years, but in 1927 an additional estate tax was imposed to take up the slack of the 80 per cent credit provision. (Chapter 810 of the laws of 1926.) All the rest of the States have inheritance taxes only.

I will try to obtain for you, as I have not the information at hand, the names of the States which increased their inheritance-tax rates owing to pressure of the revenue act of 1926, and which, at the same time, passed resolutions calling on Congress to repeal this law. This is extremely interesting. Green, GARNER, and RAINEY seem to be interested more in the amount of money expended in order to procure a hearing before the Ways and Means Committee than in any other subject connected with this business. Of course, it is silly to claim that 23 States were purchased in order to pass the resolution condemning the 80 per cent clause. I am writing to Mr. Casey, of the National Council of State Legislatures, asking him to send to you a copy of each of the resolutions passed by the States. At a later

date I will send you a communication showing the reasons why, in the judgment of tax people, New York and California adhere to the notion that this Federal estate-tax scheme is desirable. Briefly, it is desirable in those State because they are plunging so heavily into debt that they find it comfortable to pass the buck to Congress as a reason for increasing their inheritance-tax rates. Massachusetts is an example of this also. The tax commissioner of Massachusetts admits that if the Federal estate tax law should be repealed the legislature of that State would not raise the rates so as to collect such money as is now being gotten from that source of revenue. He is willing to appeal over the heads of the people of Massachusetts as expressed in the legislature of that State for help to get revenue from this source. There is no appeal in Connecticut to the Federal Government or anywhere else for help to raise revenue to meet the needs of Connecticut people. I claim the right of the people here to determine what taxes they will pay, both as to rates and form of taxation, where the money is to be used for their immediate needs and benefits.

Yours truly,

WM. H. BLODGETT,
Tax Commissioner.

These rates have obtained in law, with one inconsequential change, since 1915:

TABLE NO. 20.—*Analysis of classification of beneficiaries, rates, and exemptions under provisions of Connecticut inheritance tax law (ch. 190, P. A., 1923)*

RELATIONSHIP TO DECEDENT					
CLASS A					
Parent, grandparent, husband, wife, lineal descendant, adopted child, adoptive parent, lineal descendant of adopted child.	$10,000 or less, no tax.	In excess of $10,000 to $25,000, inclusive, 1 per cent.	In excess of $25,000 to $100,000, inclusive, 2 per cent.	In excess of $100,000 to $200,000, inclusive, 3 per cent.	In excess of $200,000, 4 per cent.
CLASS B					
Son-in-law, daughter-in-law, stepchild, brother or sister of full or half blood, descendant of such brother or sister.	$3,000 or less, no tax.	In excess of $3,000 to $25,000, inclusive, 2 per cent.	In excess of $25,000 to $100,000, inclusive, 3 per cent.	In excess of $100,000 to $200,000, inclusive, 4 per cent.	In excess of $200,000, 5 per cent.
CLASS C					
All others unless otherwise exempt under ch. 190, P. A., 1923, and ch. 47, P. A., 1925.[1]	$500 or less, no tax.	In excess of $500 to $25,000, inclusive, 5 per cent.	In excess of $25,000 to $100,000, inclusive, 6 per cent.	In excess of $100,000 to $200,000, inclusive, 7 per cent.	In excess of $200,000, 8 per cent.

[1] All property passing to corporations or institutions located in this State aid, to municipal corporations in this State for public purposes, gifts of certain articles to corporations and institutions located in this State for preservation and free exhibition and all property devised or bequeathed exclusively for religious, educational, or missionary purposes to any religious, educational, or missionary corporation wherever situated.

Tax on net estate. Exemption applies to class as whole.

Gifts not exceeding $300 to associations or corporations for the perpetual care of cemetery plots are exempt from such tax.

MUTUAL INTERDEPENDENCE OF CONNECTICUT INHERITANCE TAX AND FEDERAL ESTATE TAX (1926 ACT) SHOWN BY A ONE MILLION DOLLAR NET ESTATE.

"Net estate" as used above, means the net estate remaining after the deduction from the gross estate of all of the allowable deductions under Connecticut law, such as debts, executors' fees, expenses of administration, etc. In thus arriving at the net estate there is not deducted either the $100,000 flat exemption allowed by the Federal estate tax nor the exemptions allowed by Connecticut law, which are $10,000 on property passing to class A (wife, children, etc.), $3,000 on property passing to class B (brothers, sisters, etc.), and $500 on property passing to class C (cousins and strangers to the blood).

TABLE I.—*Simplest set-up*

	Class A	Class B	Class C
1. Connecticut inheritance tax	$36,650	$44,690	$76,725
2. Federal estate tax (gross)	41,500	41,500	41,500
3. Federal estate tax after deducting 80 per cent credit	8,300	8,300	8,300
4. Total amount of death duties payable by the estate	44,950	54,990	85,025

The above is how it would work out at its very simplest, starting with the flat figure of $1,000,000, for figuring both Federal and State taxes. But since the Federal estate tax, being an administration expense, is an item to be deducted from the Connecticut gross estate in order to arrive at the Connecticut net estate, if we wish to obtain a more accurate computation of the Connecticut tax we shall be obliged to deduct from the assumed $1,000,000 net estate the amount which it may be expected that the executors will have to pay to the Federal Government as an estate tax (i. e., $8,300). The computation then becomes as follows:

TABLE II.—*Ordinary set-up*

	Class A	Class B	Class C
1. Connecticut inheritance tax	$36,318	$46,275	$76,061
2. Federal estate tax (gross)	41,500	41,500	41,500
3. Federal estate tax after deducting 80 per cent credit	8,300	8,300	8,300
4. Total amount of death duties payable by the estate	44,618	54,575	84,361

The above indicates the ordinary method by which the Connecticut inheritance-tax department proceeds in computing the Connecticut inheritance tax on every estate which is large enough to be subject to the Federal estate tax. The situation is such that estimates must be used. We can not accurately determine the amount of Federal estate tax to be used as a deduction from the Connecticut gross estate, because the Federal Internal Revenue Bureau has a rule that the 80 per cent credit can not be taken until the State inheritance tax is finally determined and paid. Contrariwise, under our Connecticut law, the Connecticut inheritance tax can not be computed until the Connecticut net estate is known, and that can not accurately be determined until the Federal estate tax is settled and paid. In this dilemma, neither tax being determinable until the other is, the only way out is to use estimates, which will approximate the true result, but can not be accurate.

It must be remembered that the above is based on the assumption that the net estate is $1,000,000 for both Federal and State purposes. It is seldom, however, that this correspondence exists. There are at least five factors which may, and often do, vary.

(A) The Federal appraisals may differ from the State appraisals of the same property. This often happens. Owing to its superior strategical position the Internal Revenue Bureau can force estates to accede to higher valuations than can the State.

(B) The decedent may have owned real estate or other property outside of Connecticut and not subject to Connecticut inheritance tax, but which is nevertheless subject to Federal estate tax.

(C) There may have been "previously taxed property" in the estate—that is, certain property owned by decedent may have been subject to Federal estate tax within five years, in which case it is exempt from Federal estate tax on this particular decedent's estate. Connecticut has no such rule as to "previously taxed property."

(D) Gifts to certain institutions may be exempt under Federal law which are not exempt under Connecticut law.

(E) Connecticut tax proceedings must be closed within 14 months after decedent's death. The Federal Government has three years. It often happens that the Federal authorities, long after the Connecticut tax is fixed, reopen the case and change many figures.

Besides these there are many other ways in which Federal and State authorities may differ in arriving at the net taxable estate. A mere reading of regulations 70, governing Federal estate tax, will indicate how minute and meticulous are the regulations, and how many points they cover. It would serve no useful purpose here to go into detail, but there may be mentioned differences of viewpoint upon exercises of powers of appointment, and upon gifts to take effect at death (especially since the case of Coolidge *v.* Nichols (47 Sup. Ct. Rep. 710, 712, Ed. 797, U. S. S. C. May 31, 1927), which has thoroughly upset the situation; the effect of foreign transfer taxes upon the question of whether the estate is entitled to the full 80 per cent credit or only part thereof, and so on.

There are, indeed, many cases where it is quite impossible ever to determine either tax with even a remote approach to accuracy; this so whenever the State tax is less than 80 per cent of the Federal tax. In such a case no executor or administrator, however well qualified by experience, can compute the tax which his estate will be called upon to pay. His best estimate may be thousands of dollars out of the way. The State inheritance-tax official is in the same situation, and all because of the mutual interdependence of Federal and State death duties.

An example will make this clear: Take an estate of $1,500,000 passing to class A (lineal descendants of decedent), and suppose, to make it as simple as possible, that no variable factors are introduced, so that Federal and State authorities start upon exactly the same basis. The Federal tax on an estate of this size, not deducting the credit, would be $88,500. The Connecticut tax would be $46,650. The Connecticut tax being 52.7 per cent of the Federal tax, the executor can take not more than 52.7 per cent credit against the Federal tax, or $46,639.50, so that the executor will have to pay the Federal Government the balance, or $41,860.50. This necessitates recomputing the Connecticut tax, using $41,860.50 as a deduction in ascertaining the net estate. The Connecticut tax on this basis is $50,325.58. But this figure is 56.8 per cent of the Federal tax, so that the executors ought to be allowed to take that much credit or $50,268 and would have to pay as Federal tax only the balance, or $38,232. Again it is necessary to recompute the Connecticut tax on this new basis, and so on ad infinitum. Neither tax can ever be determined by this method. If it is figured back and forth long enough the result will eventually be zero. When this point is reached in such a case, the executor and the State inheritance-tax department usually quit figuring in disgust and decide upon an arbitrary figure which shall represent the amount allowed as a deduction on account of Federal estate tax in ascertaining the net estate subject to Connecticut inheritance tax.

The problems thus raised by two mutually dependent indeterminates can only be solved by a complicated algebraic formula. Executors and administrators are ordinarily in no position to work out such a formula for themselves, and it is unreasonable to expect them to do so. A similar matter was once passed upon by the Supreme Court of the United States in the case of Edwards *v.* Slocomb (264 U. S. 61). This case was under the revenue act of 1918, but the principle is equally applicable to subsequent acts, including those of 1924 and 1926. In the case mentioned decedent, after making specific bequests in her will, had bequeathed the residue to charitable and educational institutions, which bequests were exempt from estate tax. In order to arrive at the amount of residue which would be exempt, the Government claimed that there should be deducted from the gross estate not only the allowable deductions, such as debts, expenses, etc., and the amount of specific bequests, but also the amount of Federal estate tax which was to be paid on this estate. The purpose of this was, of course, to cut down the amount of residue which would be exempt. It resulted in the ridiculous procedure of having to guess at what the Federal estate tax might be in order to use it as a deduction in ascertaining the Federal estate tax itself. This is a reductio ad absurdum in taxation.

Justice Holmes, in refuting the Government's contention, said, "The Government offers an algebraic formula by which it would solve the problems raised by two mutually dependent indeterminates. It might fairly be answered, as said by circuit court of appeals, that 'algebraic formulæ are not lightly to be imputed to legislators.'" It was held that the contention of the Government was not supportable and that for the purposes of the deduction on account of charitable bequests the amount of bequests to charity out of the residuary estate is the amount of the residuary estate after State transfer or succession taxes have been paid therefrom by the terms of the will, without further reduction by the amount of the Federal estate tax on the net estate, though such tax in fact does reduce by its amount the residuary estate passing to charity.

This decision by the United States Supreme Court makes clear the attitude of that court toward a tax law which is so arranged that complicated algebraic formulæ must be used in order to arrive at the amount of tax. The present situation, however, is one that calls for an algebraic formula, because of the two mutually dependent indeterminates in any case where the Connecticut inheritance tax is less than the 80 per cent of the Federal estate tax. It is thus manifest that the 80 per cent credit clause in section 301 (b) of the present Federal act contains in itself an absurdity which has already been disapproved by our Supreme Court, and which, therefore, should be wiped off the books.

Since the above-mentioned decision, the Federal Government, so far as is known, has abandoned the use of such formulæ, but because of the absurdity inherent in section 301 (b) of the law, the burden of using such an algebraic formula is thrown squarely upon the Connecticut inheritance-tax department if accuracy is desired, as, of course, it is. The Federal Government does not have to trouble about any formula, because the Federal Government says flatly that it will pay no attention to any claim for credit until the Connecticut tax is correctly determined and paid. This necessitates fixing the Connecticut tax first, which can not be done, as shown above, without the use of an algebraic formula so complicated that, to the knowledge of the Connecticut inheritance-tax department, none has yet been worked out.

The only way to avoid this absurdity is to raise Connecticut rates so high that they will surely absorb the 80 per cent credit. Here appears an added element of coercion upon Connecticut.

Mr. CARAWAY. Mr. President, I wish to offer an amendment. I do not want to have it read.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

Mr. FLETCHER. I understand the pending amendment will be the one offered by the Senator from Connecticut?

Mr. SMOOT. That is correct.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House insisted upon its amendments to the joint resolution (S. J. Res. 82) providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LUCE, Mr. ALLEN, Mr. DAVENPORT, Mr. GILBERT, and Mr. BULWINKLE were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 766. An act to fix the compensation of registers of local land offices, and for other purposes;

S. 1662. An act to change the boundaries of the Tule River Indian Reservation, Calif.;

S. 2084. An act for the purchase of land in the vicinity of Winnemucca, Nev., for an Indian colony, and for other purposes;

S. 2340. An act to transfer to the city of Duluth, Minn., the old Federal building, together with the site thereof;

S. 3026. An act authorizing the construction of a fence along the east boundary of the Papago Indian Reservation, Ariz.;

S. 3365. An act to authorize allotments to unallotted Indians on the Shoshone or Wind River Reservation, Wyo.;

S. 3456. An act allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President;

S. 3556. An act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes;

S. 3565. An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes;

S. 3699. An act for the relief of the land-grant railroad operated between the station formerly known as East Portland, in the State of Oregon, and Roseville, in the State of California;

S. 4034. An act authorizing the Calhoun Bridge Co., an Illinois corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Illinois River at or near Grafton, Ill.;

S. 4045. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Newport-Ashville (N. C.) road near the town of Del Rio, in Cocke County, Tenn.;

S. 4059. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River;

S. 4060. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky.;

S. 4061. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.;

S. 4062. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near Egners Ferry, Ky.;

S. 4253. An act authorizing H. L. McKee, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Sabine at or near Port Arthur, Tex.;

S. 4254. An act authorizing the State of Texas and the State of Louisiana to construct, maintain, and operate a free highway bridge across the Sabine River at or near Pendleton's Ferry;

S. 4288. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the South Fork of the Cumberland River at Burnside, Pulaski County, Ky.;

S. 4289. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.;

S. 4290. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.;

S. 4291. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River, at or near Arat, Cumberland County, Ky.;

S. 4292. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.;

S. 4293. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.;

S. 4294. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the North Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.;

S. 4295. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near the mouth of Indian Creek, in Russell County, Ky.;

H. R. 8126. An act to repeal the sixty-first proviso of section 6 and the last proviso of section 7 of "An act to establish the Mount McKinley National Park, in the Territory of Alaska," approved February 26, 1917;

H. R. 13032. An act to amend the act of February 8, 1895, entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters";

H. R. 13037. An act to amend section 1, rule 2, rule 3, subdivision (e), and rule 9 of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895 (chap. 64, 28 Stat. L., sec. 645);

H. J. Res. 184. Joint resolution designating May 1 as Child Health Day;

S. J. Res. 119. Joint resolution granting an easement to the city of Duluth, Minn.;

S. J. Res. 125. Joint resolution authorizing the President of the United States to accept a monumental urn to be presented by the Republic of Cuba, and providing for its erection on an appropriate site on the public grounds in the city of Washington, D. C.; and

S. J. Res. 129. Joint resolution to provide for eradication of pink bollworm and authorizing an appropriation therefor.

POLITICS AND THE COLORADO RIVER

Mr. BINGHAM. Mr. President, I ask to have printed in the RECORD an article entitled "Politics and the Colorado River," published in the Electrical World of the 12th instant, by R. I. Harriman, president of the New England Power Co., of Boston, Mass.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLITICS AND THE COLORADO RIVER—SCHEME TO INJECT FEDERAL GOVERNMENT INTO POWER BUSINESS DISGUISED AS SAFEGUARD AGAINST IMPERIAL VALLEY FLOODS

By H. I. Harriman, president New England Power Co., Boston, Mass.

SOUND EXPERT ADVICE

(Impressive because restrained and convincing because it offers a constructive program based on competent personal investigation on the ground, Mr. Harriman's analysis of the Boulder Dam project and the related political program for utilizing the Colorado River at the expense of the Federal Government deserves careful reading by every friend of individual initiative in the United States. Mr. Harriman shows most effectively how protection against floods can be attained at a cost far below the anticipated outlay required to embark the Federal Government in the power business as a gigantic by-product of an apparently innocent scheme to regulate and utilize stream flow in a basin occupying one-thirteenth of the area of the country.)

Under the guise of a beneficent plan to protect the Imperial Valley of California against floods from the Colorado River by damming that stream at Boulder Canyon, developing hydroelectric power for transmission to the Los Angeles district, and constructing a water supply from the Colorado Basin to serve a future population of 5,000,000 in southern California, it is proposed to launch the United States Government into the power business at enormous cost and with all the uncertainties which beset vast political undertakings entered into without due regard to economic factors which should control action in such a situation.

A proper understanding of the problem of the Colorado River demands a brief explanation of the topography of its basin and the characteristics of its river flow. The Colorado Basin lies betwen the Continental Divide and the Coast Range. It includes southern Wyoming, parts of Utah and Colorado, the western half of New Mexico, substantially all of Arizona, and slight areas in Nevada and California. Its area of more than 200,000 square miles is a territory larger than the German Empire and comprises about one-thirteenth of the entire area of the United States. It is a land of extreme variations in rainfall, in elevation, and in the character of the country. The northerly part of the basin is highly mountainous and heavily timbered, a territory of warm summers and cold winters, a land of deep snowfall, a region that stores snows of winter and pours them forth in irresistible floods in the early summer.

The middle section of the Colorado Basin is a territory of low rainfall (6 or 7 inches), of high plateaus, and of vast canyons. In no place in the world are there such deep, marvelously colored, and wonderfully beautiful gorges and canyons.

The southern portion of the basin is a desert country, relatively low in elevation, with a rainfall varying from 3 to 4 inches, and of tremendous summer heat, 115° to 120° being not unusual temperatures over much of this southern area in the months of June, July, and August. Irrigation is of tremendous importance in the arid West. The normal annual flow of the Colorado River is about 17,000,000 acre-feet, extreme years ranging from 9,000,000 to 25,000,000 acre-feet. Storage of water is vitally essential. The normal flow will irrigate about 5,000,000 acres, but in extremely dry years only half that area can be served. The Reclamation Service estimates that in the United States Basin of the river about 7,000,000 acres could be irrigated if the water supply was sufficient. To this we must add about 1,000,000 acres in the delta region of Mexico. Already about 2,500,000 acres in the United States Basin is irrigated, plus 200,000 in Mexico.

In 1921 representatives of the various States in the basin convened to draw a treaty which would definitely divide the waters of the river between the various States and permit the development of storage without fear that the States not benefited would be deprived of the future use of their just portion of the water.

The conference, while only partially successful, agreed that the four upper basin States should always so regulate their takings for irrigation that over a 10-year period an annual average of not less than 7,500,000 acre-feet should pass Lees Ferry for use by the three lower basin States, and to this was added 1,000,000 acre-feet for the use of the lower basin States represented by the flow of the Gila River.

Unfortunately, the treaty did not attempt to divide the waters between the various States in the upper and lower basins, and so far Arizona has failed to ratify the treaty, fearing that without an agreement with California it would be unsafe for her (Arizona) to consent to a division of the waters between the upper and the lower basins unless simultaneously a treaty were enacted between California and Arizona giving Arizona protection against the immediate appropriation by the Sunset State of more than her share of the flowage into the lower basin States. California's ratification is conditional only and is to be made effective if the United States creates a huge storage reservoir on the lower river.

The upper basin States demand ratification without reservations. The cost of placing water in the Imperial Valley of California is probably not over half the cost of delivery to the high table lands of Arizona, and until there is a division of the water to which the lower basin States are entitled Arizona will probably refuse to ratify the treaty. Both Arizona and the upper basin States fear that Mexico will put to prior use much of the water that otherwise might be used on United States land. Water is the lifeblood of these States and each State fears that Mexico or some other State will deprive it of a part of the water that it might otherwise use and doom a portion of its territory to perpetual desert.

In the canyon section of the river 6,000,000 horsepower can be developed on a 60 per cent load factor. This exceeds the energy that can be developed on the St. Lawrence River or at Niagara Falls. To-day there is little market for this potential power, as the territory is very sparsely settled with no industry and no local use. Only the lower section of the river lies within transmission distance of the large electrical market of southern California, but to anyone who visualizes the phenomenal engineering and industrial progress of the last 50 years it is not difficult to imagine that the entire potential power of the stream may be used within the next half century.

The danger of a break of the river into the Imperial Valley is ever present and the homes of 60,000 people with a taxable value exceeding $100,000,000 will be in constant danger until the Federal Government takes adequate steps to open a new and proper channel for the sea. Storage on the main Colorado River would, of course, reduce the flood menace to this valley, but the threat of floods from the Gila will still exist and the valley will never be safe, storage or no storage, until a new and adequate channel is cut to the Gulf.

Competent engineers affirm that if the United States and Mexico execute a proper treaty a new channel can be cut at a cost not exceeding $5,000,000 substantially parallel to the original channel of the

river, which will safely carry the flood waters of the Colorado to the Gulf without menace to the Imperial Valley and without danger of undue silting.

We turn now to consider measures pending in Congress for the construction by the Federal Government of a huge storage dam near Boulder Canyon, the creation of a 1,000,000-horsepower plant and the digging of an all-American canal to turn the waters of the river into the Imperial Valley through a channel lying in the United States alone.

The Reclamation Service estimates the total cost of the above projects at $125,000,000. Others have estimated the cost at double that amount, but whatever the cost, it will be by all odds the largest business adventure within the boundaries of the United States which the Federal Government has ever attempted.

The merits and demerits of this proposed all-American canal involve a long story which will not be entered into here. Suffice it to say that a board of Government engineers has reported the canal to be feasible at a cost of approximately $31,000,000, but it also suggested that if the canal were to be built and a larger area of land watered storage would be necessary against the low-water season.

The search for storage aroused the interest of Los Angeles. The managers of the municipal electric system there had for some time been perturbed over the necessity of buying from a private corporation a major portion of the electricity that it sold to its customers. The citizens were not, however, prepared to vote a huge bond issue that would enable the city to develop its own hydroelectric system and the suggestion of storage on the Colorado for the benefit of the Imperial Valley seemed to open the possibilities of Federal aid. Astute politicians combined forces and one step has led to another until the early plan to irrigate a few thousand acres of mesa lands above the Imperial Valley has developed into a project to secure Federal construction of an irrigation, storage, and hydroelectric development of enormous proportions. This project is claimed to be the only sound method of protecting the Imperial Valley against floods, which have twice swept into it and which now threaten its existence.

It is universally conceded that the Federal Government should take adequate steps to protect the Imperial Valley from another disastrous flood. The valley is menaced, not primarily because of the size of the Colorado flood, but because the original stream bed of the river became clogged during the two years or thereabouts when it flowed into the valley. Recently, American engineers, in consultation with Señor Mejorada, a distinguished Mexican engineer, have revived and improved the plan for an adequate channel protected by levees from the international border to the Gulf and they estimate its present cost at $5,000,000. If this plan is carried through the Imperial Valley will be adequately protected against all floods and a channel provided which will maintain itself by natural erosion and with little, if any, annual cost. It is a plan approved by Mexico and undoubtedly the United States Government can secure the right for the construction and maintenance of this channel if proper representations are made at Mexico City. Yet we hear nothing of this project, though it is the least expensive and most adequate plan for protecting the Imperial Valley against floods.

This channel is needed whether or not storage is constructed on the main Colorado River, for the Gila River and other streams entering below the proposed site of the Boulder Canyon Dam produce short floods of as great height, but of less duration, as those of the main river. The Boulder Canyon project would in no way protect the Imperial Valley from the Gila River floods.

The most available site for storage is probably the Mojave Canyon site below Needles, sometimes known as the Topock site, where a dam of moderate height will impound 10,000,000 acre-feet at a cost estimated between $10,000,000 and $15,000,000. This project was seriously recommended some years ago by Secretaries Weeks, Work, and Wallace, who then comprised the Federal Power Board. It did not meet with favor in southern California because it did not include a great power development or an all-American canal.

Storage should, of course, be created in the upper stretches of the river above its rapid drop so that the flow may be regulated and conserved for all the potential power plants of the stream. In the upper basin there are two or three sites at which large storage can be created, and on the main river there are three additional sites. Of these last, at the upper site, Lees Ferry, where 20,000,000 acre-feet can be stored and the river regulated to an even flow of about 15,000 second-feet, the most desirable location appears to exist for a great storage reservoir. This is at the head of the canyon section of the main river and would make possible the development of the entire stream for power. A second site is at Boulder Canyon, or Black Canyon, where a storage of equal size can be created, and finally there is the Topock site below Needles, in the Mojave Canyon, where a reservoir of any size up to 20,000,000 acre-feet can be created. A storage of 6,000,000 acre-feet is more than sufficient to prevent destructive floods on the lower river.

With the floods of the main river regulated by a reservoir at Lees Ferry the construction problem of all the lower dam sites on the river will be greatly simplified. Preliminary borings indicate rock of a suitable character, but much further detailed study should be given to this site before any work is started.

A dam at Boulder or Black Canyon, near the foot of the rapid water of the Colorado River, is also probably feasible, although the bedrock is so far below the water level as to make the problem of building the foundation under a torrent rushing through a box canyon quite unprecedented and some engineers say all but impossible.

The storage capacity of Boulder Canyon will be of value in regulating the stream for any power plant located at that dam, or for further irrigation in the Imperial Valley and in Mexico, but it will have no value for the great power plants which will eventually utilize the main power of the river. At some time in the future storage must be created either at Lees Ferry or in the upper basin to regulate the flow of the Colorado for the 13 or 14 power plants which will ultimately be built to utilize the fall in the Grand Canyon. When this upper storage is created the storage at Boulder Canyon will be unnecessary and the Boulder Dam will become a power dam without other function.

At the Topock site a storage of from 6,000,000 to 10,000,000 acre-feet can be created at a cost of from $10,000,000 to $15,000,000, or a storage up to 24,000,000 acre-feet at a corresponding additional cost. A 6,000,000 acre-foot storage will be of ample size to reduce the floods on the main river to a point that will in no way threaten Imperial Valley and substantially to increase the low water flow of the Colorado during the irrigation season, but no great amount of power can be developed at Topock. For this reason this project has not appealed to the managers of the municipal plant of Los Angeles, who desire to have the Federal Government supply them with electrical energy, or to the promoters in the Imperial Valley who wish to have the carrying charges of the all-American canal met from the sale of power.

The Boulder Canyon project is a power project pure and simple and is an effort to inject the Federal Government into the business of generating electricity. Boulder Canyon is not the proper location for a storage dam for the regulation of the main river. A river should be regulated at the head of its rapids and not at the foot. Again, the Boulder Dam is entirely unnecessary for the protection of or for irrigation in the Imperial Valley, because both of these objects can be attained at a small fraction of the cost of the Boulder Dam by the construction of a dam at Topock.

BOULDER DAM IN ITS TRUE LIGHT

Let us examine the Boulder project in its true light as a project to force the Federal Government into an investment of not less than $125,000,000 for the purpose of generating power for the cities of southern California, and for the further purpose of building an all-American canal which the Imperial Valley can not afford to carry.

If the project is carried out there will be developed at Boulder approximately 1,000,000 horsepower, or 750,000 kilowatt, on a 55 per cent load factor. This means the annual production of about 3,500,000,000 kilowatt-hours.

The Federal Power Commission, which has carefully examined the market for Boulder energy, estimates that it will take southern California from 9 to 10 years to absorb this block of power after delivery is begun. It further estimates that the cost of Boulder power delivered at Los Angeles, including all transmission costs and losses, will be between 4¾ and 5 mills per kilowatt-hour. This is on the assumption that the Boulder project, including the all-American canal, will cost not exceeding $125,000,000. If the cost of the project should exceed that amount the cost of energy delivered in southern California would be increased proportionately.

STEAM POWER COSTS DECREASING

The cost of power from Boulder Dam in fairness should be compared to the cost of power generated in a modern steam plant near Los Angeles. The Southern California Edison Co. is now producing power, all charges included, in its Long Beach plant at slightly less than 4½ mills per kilowatt-hour. In its new and improved plant now under construction it is expected that the cost will be reduced to 3⅞ mills per kilowatt-hour, and in view of the remarkable strides that are being made in increasing the efficiency of steam plants it is not fanciful to imagine that the cost of steam power in southern California, with oil at its present price, will be approximately 3 mills at the time when the Boulder Dam project can be completed. Even if the oil supply of southern California is exhausted and it is necessary to turn to Utah coal, energy cost should not exceed 4 mills per kilowatt-hour. Thus the power users of southern California will be paying a mill a kilowatt more for Boulder energy, with the uncertainties of long-distance transmission, than for steam energy generated at their door. This will mean an annual loss of $3,500,000, and it may be twice that amount.

Boulder power at 4¾ mills is based upon the assumption that the dam itself can be built for $40,000,000, yet it must be recognized that the project is one of great hazard, that a dam 550 feet high has never as yet been constructed; that it is necessary to go 127 feet below the channel of the river in order to find bedrock and to excavate perhaps 20 or 30 feet into this bedrock, thus making the total height of the dam from bedrock to crest nearly 700 feet; and that the work of clear-

ing and preparing the foundations must be done in a stream less than 300 feet wide and carrying each year floods of half the volume of the water which passes over Niagara Falls, and in some years a flow equal to the flow of Niagara. Competent engineers have estimated the cost of the Boulder Dam at from $90,000,000 to $100,000,000, and some say that the project is almost impossible of accomplishment because of the unsurpassed difficulties in building such a huge dam in such a narrow gorge carrying such enormous floods.

It is urged that stored water from the Colorado River is necessary in order that Los Angeles and the other cities of southern California may have adequate domestic water supply. Los Angeles now gets its water supply from local sources and from the Owens River, and the best engineering evidence would indicate that this supply can be doubled before it is necessary to turn to the Colorado. Obviously the water of the Colorado should not be used by Los Angeles until every other source has been exhausted because of the great distance which it must be carried and the fact that it must be pumped over a ridge of the coast range 1,500 feet high. When the population of Los Angeles reaches 5,000,000 it may be necessary for her to secure a part of her water supply from the Colorado, but even western optimism must admit that such a contingency will not arise for several decades.

It is further urged that the Boulder project is required in order to protect the Imperial Valley from floods, yet we have seen that this protection can be supplied in other ways at a fraction of the cost.

Again, it is stated that Boulder power is required by southern California. While admitting the great growth of the power demand of the Sunset State, we have seen that its power requirements can be furnished at a very much lower cost from steam.

Finally, the need of additional stored water for irrigation is stressed. Such additional supply can be had at moderate cost from the Topock Dam, and further engineering study will reveal where the main storage of the Colorado should be located.

A SANE PROGRAM

What, then, is a sane program for the development of the Colorado River? The one pressing need is the protection of the Imperial Valley from floods. This protection can best be supplied by the construction of a suitable channel from the international border to the Gulf of California, and it is suggested that the first step should be the negotiation of a treaty with Mexico providing for the construction of such a channel.

As a second step the Topock Dam should be constructed both for flood protection and for irrigation. The construction of this dam requires no treaty with Mexico, and work on it can be started at once.

The new channel and the Topock Dam can together be constructed at a cost of from $15,000,000 to $20,000,000, and together they will protect the Imperial Valley from floods and they will furnish it with such additional irrigation supply as may be required in the next decade.

With these two projects under way the Engineer Corps of the United States Army, assisted, possibly, by other engineering departments of the Government, should be given an adequate appropriation with which to make a complete study of the entire river. Such a study should include borings at all possible dam sites, complete surveys and a comprehensive plan which will most efficiently provide for the future development of power and irrigation. Such a program is sane, constructive, and relatively inexpensive and will avoid costly mistakes and a wasteful use of one of the greatest resources of the far West.

THE MERCHANT MARINE—CONFERENCE REPORT

Mr. JONES. Mr. President, I desire to call up the conference report on the merchant marine bill.

The PRESIDING OFFICER. Is there objection?

There being no objection the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"TITLE I—DECLARATION OF POLICY

"SEC. 1. The policy and the primary purpose declared in section 1 of the merchant marine act, 1920 (U. S. C., title 46, sec. 861), are hereby confirmed.

"TITLE II—SHIPPING BOARD VESSELS

"SALES BY BOARD

"SEC. 201. The United States Shipping Board shall not sell any vessel or any line of vessels except when in its judgment the building up and maintenance of an adequate merchant marine can be best served thereby, and then only upon the affirmative vote of five members of the board duly recorded.

"REMODELING AND IMPROVING

"SEC. 202. In addition to its power to recondition and repair vessels under section 12 of the merchant marine act, 1920, as amended (U. S. C., title 46, sec. 871), the board may remodel and improve vessels owned by the United States and in its possession or under its control, so as to equip them adequately for competition in the foreign trade of the United States. Any vessel so remodeled or improved shall be documented under the laws of the United States and shall remain documented under such laws for not less than five years from the date of the completion of the remodeling or improving and so long as there remains due the United States any money or interest on account of such vessel, and during such period it shall be operated only on voyages which are not exclusively coastwise.

"REPLACEMENTS

"SEC. 203. The necessity for the replacement of vessels owned by the United States and in the possession or under the control of the board and the construction for the board of additional up-to-date cargo, combination cargo and passenger, and passenger ships, to give the United States an adequate merchant marine, is hereby recognized, and the board is authorized and directed to present to Congress, from time to time, recommendations setting forth what new vessels are required for permanent operation under the United States flag in foreign trade, and the estimated cost thereof, to the end that Congress may, from time to time, make provision for replacements and additions. All vessels built for the board shall be built in the United States, and they shall be planned with reference to their possible usefulness as auxiliaries to the naval and military services of the United States.

"TITLE III—CONSTRUCTION LOAN FUND

"TERMS AND CONDITIONS OF LOANS

"SEC. 301. (a) Section 11 of the merchant marine act, 1920, as amended (U. S. C. title 46, sec. 870; 44 Stat. L., pt. 2, 1451), is amended to read as follows:

"'SEC. 11. (a) That the board may set aside, out of the revenues from sales, including proceeds of securities consisting of notes, letters of credit, or other evidences of debt, taken by it for deferred payments on purchase money from sales by the board, whether such securities are to the order of the United States, the United States Shipping Board, the United States Shipping Board Emergency Fleet Corporation, or the United States Shipping Board Merchant Fleet Corporation, either directly or by indorsement, until the amounts thus set aside from time to time aggregate $125,000,000. The amount thus set aside shall be known as the construction loan fund. The board may use such fund to the extent it thinks proper, upon such terms as the board may prescribe, in making loans to aid persons citizens of the United States in the construction by them in private shipyards or navy yards in the United States of vessels of the best and most efficient type for the establishment or maintenance of service on lines deemed desirable or necessary by the board, provided such vessels shall be fitted and equipped with the most modern, the most efficient, and the most economical engines, machinery, and commercial appliances; or in the outfitting and equipment by them in private shipyards or navy yards in the United States of vessels already built, with engines, machinery, and commercial appliances of the type and kind mentioned; or in the reconditioning, remodeling, or improvement by them in private shipyards or navy yards in the United States of vessels already built.

"'(b) The term "vessel" or "vessels," where used in this section, shall be construed to mean a vessel or vessels to aid in whose construction, equipment, reconditioning, remodeling, or improvement, a loan is made from the construction loan fund of the board. All such vessels shall be documented under the laws of the United States and shall remain documented under such laws for not less than 20 years from the date the loan is made, and so long as there remains due the United States any principal or interest on account of such loan.

"'(c) No loan shall be made for a longer time than 20 years. If it is not to be repaid within two years from the date when the first advance on the loan is made by the board the principal shall be payable in equal annual installments, to be definitely prescribed in the instruments. The loan may be paid at

any time, on 30 days' written notice to the board, with interest computed to date of payment.

"'(d) All such loans shall bear interest at rates as follows, payable not less frequently than annually: During any period in which the vessel is operated exclusively in coastwise trade, or is inactive, the rate of interest shall be as fixed by the board, but not less than 5¼ per cent per annum. During any period in which the vessel is operated in foreign trade the rate shall be the lowest rates of yield (to the nearest one-eighth of 1 per cent) of any Government obligation bearing a date of issue subsequent to April 6, 1917 (except postal-savings bonds), and outstanding at the time the loan is made by the board, as certified by the Secretary of the Treasury to the board upon its request. The board may prescribe rules for determining the amount of interest payable under the provisions of this paragraph.

"'(e) No loan shall be for a greater sum than three-fourths the cost of the vessel or vessels to be constructed or than three-fourths the cost of the reconditioning, remodeling, improving, or equipping hereinbefore authorized for a vessel already built.

"'(f) The board shall require such security as it shall deem necessary to insure the completion of the construction, reconditioning, remodeling, improving, or equipping of the vessel within a reasonable time and the repayment of the loan with interest; when the construction, reconditioning, remodeling, improving, or equipping of the vessel is completed the security shall include a preferred mortgage on the vessel, complying with the provisions of the ship mortgage act, 1920 (U. S. C., title 46, chap. 25), which mortgage shall contain appropriate covenants and provisions to insure the proper physical maintenance of the vessel, and its protection against liens for taxes, penalties, claims, or liabilities of any kind whatever, which might impair the security for the debt. It shall also contain any other covenants and provisions the board may prescribe, including a provision for the summary maturing of the entire debt, for causes to be enumerated in the mortgage.

"'(g) The board shall also require and the security furnished shall provide that the owner of the vessel shall keep the same insured against loss or damage by fire, and against marine risks and disasters, and against any and all other insurable risks the board specifies, with such insurance companies, associations, or underwriters, and under such forms of policies, and to such an amount, as the board may prescribe or approve; such insurance shall be made payable to the board and/or to the parties, as interest may appear. The board is authorized to enter into any agreement that it deems wise in respect to the payment and for the guaranty of premiums of insurance.'

"(b) Section 11 of the merchant marine act, 1920, as in force immediately prior to the enactment of this act, shall remain in force in respect of all loans made before the enactment of this act.

"INCREASE OF CONSTRUCTION LOAN FUND

"SEC. 302. (a) There is authorized to be appropriated, to be credited to and for the purposes of the construction loan fund created by section 11 of the merchant marine act, 1920, as amended, such amounts as will, when added to the amounts credited to such fund by the United States Shipping Board under authority of law (exclusive of repayments on loans from the fund), make the aggregate of the amounts credited to such fund (exclusive of such repayments) equal to $250,000,000.

"(b) When $250,000,000 has been credited to such fund (whether by the board under authority of law or from appropriations authorized by this section, but exclusive of repayments on loans from the fund) then no further sums (except such repayments) shall be credited by the board to such fund.

"(c) The construction loan fund shall continue to be a revolving fund. Repayments on loans from the fund shall be credited to the fund, but interest on such loans shall be covered into the Treasury as miscellaneous receipts.

"TITLE IV—OCEAN MAIL SERVICE

"SCOPE OF TITLE

"SEC. 401. All mails of the United States carried on vessels between ports (exclusive of ports in the Dominion of Canada other than ports in Nova Scotia) between which it is lawful under the navigation laws for a vessel not documented under the laws of the United States to carry merchandise shall, if practicable, be carried on vessels in respect of which a contract is made under this title.

"REQUIREMENTS OF POSTAL SERVICE

"SEC. 402. As soon as practicable after the enactment of this act, and from time to time thereafter, it shall be the duty of the Postmaster General to certify to the United States Shipping Board what ocean mail routes, in his opinion, should be established and/or operated for the carrying of mails of the United States between ports (exclusive of ports in the Dominion of Canada other than ports in Nova Scotia) between which it is lawful under the navigation laws for a vessel not documented under the laws of the United States to carry merchandise, distributed so as equitably to serve the Atlantic, Mexican Gulf, and Pacific coast ports, the volume of mail then moving over such routes and the estimated volume thereof during the next five years, the times deemed by him advisable for the departure of the vessels carrying such mails, and other requirements necessary to provide an adequate postal service between such ports.

"RECOMMENDATIONS BY SHIPPING BOARD

"SEC. 403. The board shall, as soon as practicable after receipt of such certification from the Postmaster General, determine and certify to him the type, size, speed, and other characteristics of the vessels which should be employed on each such route, the frequency and regularity of their sailings, and all other facts which bear upon the capacity of the vessels to meet the requirements of the service stated by the Postmaster General. The board in making its determination shall take into consideration the desirability of having the mail service performed by vessels constructed in accordance with the latest and most approved types, with modern improvements and appliances.

"AUTHORITY TO MAKE CONTRACTS

"SEC. 404. The Postmaster General is authorized to enter into contracts with citizens of the United States whose bids are accepted, for the carrying of mails between ports (exclusive of ports in the Dominion of Canada other than ports in Nova Scotia) between which it is lawful under the navigation laws for a vessel not documented under the laws of the United States to carry merchandise. He shall include in such contracts such requirements and conditions as in his best judgment will insure the full and efficient performance thereof and the protection of the interests of the Government. Performance under any such contract shall begin not more than three years after the contract is let, and the term of the contract shall not exceed 10 years.

"VESSELS

"SEC. 405. (a) The vessels employed in ocean mail service under a contract made under this title shall be steel vessels, shall be steam or motor vessels, and shall be either (1) American-built and registered under the laws of the United States during the entire time of such employment, or (2) registered under the laws of the United States not later than February 1, 1928, and so registered during the entire time of such employment, or (3) actually ordered and under construction for the account of citizens of the United States prior to February 1, 1928, and registered under the laws of the United States during the entire time of such employment.

"(b) A vessel for the services of which a contract is entered into under authority of this title, and the construction of which is hereafter begun, shall be either (1) a vessel constructed, according to plans and specifications approved by the Secretary of the Navy, with particular reference to economical conversion into an auxiliary naval vessel, or (2) a vessel which will be otherwise useful to the United States in time of national emergency.

"(c) From and after the enactment of this act all licensed officers of vessels documented under the laws of the United States, as now required by law, shall be citizens of the United States; from and after the enactment of this act and for a period of four years, upon each departure from the United States of a vessel employed in ocean mail service under this title, one-half of the crew (crew including all employees of the ship other than officers) shall be citizens of the United States and thereafter two-thirds of the crew as above defined shall be citizens of the United States.

"ADVERTISING FOR BIDS

"SEC. 406. Before making any contract for carrying ocean mails under this title the Postmaster General shall give public notice by advertisement once a week for three weeks in such daily newspapers as he shall select in each of the cities of Boston, New York, Philadelphia, Baltimore, New Orleans, Charleston, Norfolk, Savannah, Jacksonville, Galveston, Houston, and Mobile, calling for bids for carrying of such ocean mails; or when the proposed service is to be on the Pacific Ocean then in Los Angeles, San Francisco, Portland, Tacoma, and Seattle. Such notice shall describe the proposed route, the time when such contract will be made, the number of trips a year, the schedule required, the time when the service shall commence, the character of the vessels required, and all other information deemed by the Postmaster General to be necessary to inform prospective bidders as to the character of the service to be required.

"AWARDING CONTRACTS

"SEC. 407. Each contract for the carrying of ocean mails under this title shall be awarded to the lowest bidder who, in the judgment of the Postmaster General, possesses such qualifications as to insure proper performance of the mail service under the contract.

"CLASSIFICATION OF VESSELS

"SEC. 408. (a) The vessels employed in ocean mail service under this title shall be divided into classes as follows:

"Class 7. Vessels capable of maintaining a speed of 10 knots at sea in ordinary weather, and of a gross registered tonnage of not less than 2,500 tons.

"Class 6. Vessels capable of maintaining a speed of 10 knots at sea in ordinary weather, and of a gross registered tonnage of net less than 4,000 tons.

"Class 5. Vessels capable of maintaining a speed of 13 knots at sea in ordinary weather, and of a gross registered tonnage of not less than 8,000 tons.

"Class 4. Vessels capable of maintaining a speed of 16 knots at sea in ordinary weather, and of a gross registered tonnage of not less than 10,000 tons.

"Class 3. Vessels capable of maintaining a speed of 18 knots at sea in ordinary weather, and of a gross registered tonnage of not less than 12,000 tons.

"Class 2. Vessels capable of maintaining a speed of 20 knots at sea in ordinary weather, and of a gross registered tonnage of not less than 16,000 tons.

"Class 1. Vessels capable of maintaining a speed of 24 knots at sea in ordinary weather, and of a gross registered tonnage of not less than 20,000 tons.

"(b) The classification of a vessel may be based upon its speed without regard to its tonnage if the Postmaster General is of opinion that speed is especially important on the particular route on which the vessel is to be employed, and that a suitable vessel documented under the laws of the United States of a higher classification is not available on reasonable terms and conditions, or, on account of the character of the ports served or for other reasons, can not be safely or economically employed on such route.

"COMPENSATION UNDER CONTRACTS

"SEC. 409. (a) The rate of compensation to be paid under this title for ocean mail service shall be fixed in the contract. Such rate shall not exceed: For vessels of class 7, $1.50 per nautical mile; for vessels of class 6, $2.50 per nautical mile; for vessels of class 5, $4 per nautical mile; for vessels of class 4, $6 per nautical mile; for vessels of class 3, $8 per nautical mile; for vessels of class 2, $10 per nautical mile; and for vessels of class 1, $12 per nautical mile. As used in this section the term 'nautical mile' means 6,080 feet.

"(b) When the Postmaster General is of opinion that the interests of the Postal Service will be served thereby he may, in the case of a vessel of class 1 capable of maintaining a speed in excess of 24 knots at sea in ordinary weather, contract for the payment of compensation in excess of the maximum compensation authorized in subsection (a), but the compensation per nautical mile authorized by this subsection shall not be greater than an amount which bears the same ratio to $12 as the speed which such vessel is capable of maintaining at sea in ordinary weather bears to 24 knots.

"(c) If the Postmaster General is of opinion that to expedite and maintain satisfactory service under a contract made under this title airplanes or airships are required to be used in conjunction with vessels, he may allow additional compensation, in amounts to be determined by him, on account of the use of such airplanes or airships. Such airplanes or airships shall be American-built and owned, officered, and manned by citizens of the United States.

"(d) The Postmaster General shall determine the number of nautical miles by the shortest practicable route between the ports involved and payments under any contract made under this title shall be made for such number of miles on each outward voyage regardless of the actual mileage traveled.

"VIOLATION OF CONTRACTS

"SEC. 410. In the case of failure of a vessel from any cause to perform any regular voyage required by a contract made under this title a pro rata deduction shall be made from the contract price on account of such omitted voyage; and suitable deductions, to be determined by the Postmaster General, may be made from the compensation payable under the contract for delays, failures to properly safeguard the mails, or other irregularities in the performance of the contract. Deductions so determined upon shall be deducted by the Postmaster General from the payments otherwise due and payable under the terms of the contract. The Postmaster General may, in case of emergency, permit the substitution for a particular voyage of a vessel not within the provisions of the contract, even though not conforming to the requirements of section 405.

"PASSENGERS, FREIGHT, AND EXPRESS

"SEC. 411. Any vessel operating under a contract made under this title may carry passengers and their baggage, and freight and express, and may do all ordinary business done by similar vessels.

"NAVAL OFFICERS

"SEC. 412. Naval officers of the United States on the active list may volunteer for service on any vessel employed in mail service under a contract made under the provisions of this title, and when accepted by the owner or master thereof may be assigned to such duty by the Secretary of the Navy. While in such employment such officers shall receive from the Government half pay, exclusive of allowances, and such other compensation from the owner or master as may be agreed upon by the parties; but such officers while in such employment shall be required to perform only such duties as appertain to the merchant marine.

"MAIL MESSENGERS

"SEC. 413. Upon each vessel employed in ocean-mail service under a contract made under this title, the Postmaster General shall be entitled to have transported such mail messengers as he may require, for whom shall be provided subsistence, suitable staterooms, and working quarters, all free of charge.

"AMENDMENTS AND REPEALS

"SEC. 414. (a) Section 24 of the merchant marine act, 1920 (U. S. C., title 46, sec. 880), is amended to read as follows:

"'SEC. 24. That all mails of the United States shipped or carried on vessels shall, if practicable, be shipped or carried on American-built vessels documented under the laws of the United States. No contract hereafter made with the Postmaster General for carrying mails on vessels so built and documented shall be assigned or sublet, and no mails covered by such contract shall be carried on any vessel not so built and documented. No money shall be paid out of the Treasury of the United States on or in relation to any such contract for carrying mails on vessels so built and documented when such contract has been assigned or sublet or when mails covered by such contract are in violation of the terms thereof carried on any vessel not so built and documented. This section shall not be applicable in the case of contracts made under Title IV of the merchant marine act, 1928.'

"(b) Section 7 of the merchant marine act, 1920 (U. S. C., title 46, sec. 866), is amended by striking out so much thereof as reads as follows: 'The Postmaster General is authorized, notwithstanding the act entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," approved March 3, 1891, to contract for the carrying of the mails over such lines at such price as may be agreed upon by the board and the Postmaster General.'

"(c) The act entitled 'An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce,' approved March 3, 1891 (U. S. C., title 39, secs. 657–665), is repealed.

"(d) So much of the act entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes,' approved March 3, 1917, as provides for contracts for the carrying of mails between the United States and Great Britain (U. S. C., title 39, sec. 666), is repealed.

"(e) Subdivision (b) of section 4009 of the Revised Statutes, as amended (44 Stat. L., pt. 2, 900), is amended to read as follows:

"'(b) The provisions of subdivision (a) of this section shall not limit the compensation for transportation of mail which the Postmaster General may pay under contracts entered into in accordance with the provisions of section 4007 of the Revised Statutes (U. S. C., title 39, sec. 652), section 24 of the merchant marine act, 1920 (U. S. C., title 46, sec. 880), or title 4 of the merchant marine act, 1928.'

"(f) Any contract made prior to the enactment of this act shall remain in force and effect in the same manner and to the same extent as though this act had not been enacted. Any such contract which expires on June 30, 1928, may be extended for a period of not more than one year from such date.

"TITLE V—INSURANCE FUND

"SEC. 501. Section 10 of the merchant marine act, 1920 (U. S. C., title 46, sec. 869), is amended to read as follows:

"'SEC. 10. That the board may create out of insurance premiums, and revenue from operations and sales, and maintain and administer separate insurance funds which it may use to insure in whole or in part against all hazards commonly covered by insurance policies in such cases, any legal or equitable in-

terest of the United States (1) in any vessel constructed or in process of construction; and (2) in any plants or property in the possession or under the authority of the board. The United States shall be held to have such an interest in any vessel toward the construction, reconditioning, remodeling, improving, or equipping of which a loan has been made under the authority of this act, in any vessel upon which it holds a mortgage or lien of any character, or in any vessel which is obligated by contract with the owner to perform any service in behalf of the United States, to the extent of the Government's interest therein.'

"TITLE VI—TRANSPORTATION OF GOVERNMENT OFFICIALS

"SEC. 601. Any officer or employee of the United States traveling on official business overseas to foreign countries, or to any of the possessions of the United States, shall travel and transport his personal effects on ships registered under the laws of the United States when such ships are available, unless the necessity of his mission requires the use of a ship under a foreign flag: *Provided*, That the Comptroller General of the United States shall not credit any allowance for travel or shipping expenses incurred on a foreign ship in the absence of satisfactory proof of the necessity therefor.

"TITLE VII—MISCELLANEOUS

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 701. The appropriations necessary to carry out the provisions and accomplish the purposes of this act are hereby authorized.

"REQUISITION OF VESSELS

"SEC. 702. (a) The following vessels may be taken and purchased or used by the United States for national defense or during any national emergency declared by proclamation of the President:

"(1) Any vessel in respect of which, under a contract hereafter entered into, a loan is made from the construction loan fund created by section 11 of the merchant marine act, 1920, as amended—at any time until the principal and interest of the loan has been paid; and

"(2) Any vessel in respect of which an ocean mail contract is made under title 4 of this act—at any time during the period for which the contract is made.

"(b) In such event the owner shall be paid the fair actual value of the vessel at the time of taking, or paid the fair compensation for her use based upon such fair actual value; but in neither case shall such fair actual value be enhanced by the causes necessitating the taking. In the case of a vessel taken and used, but not purchased, the vessel shall be restored to the owner in a condition at least as good as when taken, less reasonable wear and tear, or the owner shall be paid an amount for reconditioning sufficient to place the vessel in such condition. The owner shall not be paid for any consequential damages arising from such taking and purchase or use.

"(c) The President shall ascertain the fair compensation for such taking and purchase or use and shall certify to Congress the amount so found by him to be due, for appropriation and payment to the person entitled thereto. If the amount found by the President to be due is unsatisfactory to the person entitled thereto, such person shall be entitled to sue the United States for the amount of such fair compensation and such suit shall be brought in the manner provided by paragraph 20 of section 24 or by section 145 of the Judicial Code, as amended (U. S. C., title 28, secs. 41, 250).

"DEFINITIONS

"SEC. 703. (a) When used in this act, and for the purposes of this act only, the words "foreign trade" mean trade between the United States, its Territories or possessions, or the District of Columbia and a foreign country: *Provided, however*, That the loading or the unloading of cargo, mail, or passengers at any port in any Territory or possession of the United States shall be construed to be foreign trade if the stop at such Territory or possession is an intermediate stop on what would otherwise be a voyage in foreign trade.

"(b) When used in this act the term "citizen of the United States" includes a corporation, partnership, or association only if it is a citizen of the United States within the meaning of section 2 of the shipping act, 1916, as amended (U. S. C., title 46, sec. 802).

"REAFFIRMATION OF POLICY

"SEC. 704. The policy and the primary purpose declared in section 7 of the Merchant Marine Act, 1920 (U. S. C., title 46, sec. 866), are hereby reaffirmed.

"SHIP OPERATIONS

"SEC. 705. In the allocations of the operations of the ships, the Shipping Board shall distribute them as far as possible and without detriment to the service among the various ports of the country.

"SHORT TITLE

"SEC. 706. This act may be cited as the 'merchant marine act, 1928,'"

And the House agree to the same.

W. L. JONES,
CHAS. L. MCNARY,
HIRAM W. JOHNSON,
DUNCAN U. FLETCHER,
JOS. E. RANSDELL,
Managers on the part of the Senate.

WALLACE H. WHITE, Jr.,
FRED. R. LEHLBACH,
A. M. FREE,
EWIN L. DAVIS,
S. O. BLAND,
Managers on the part of the House.

Mr. EDGE. Mr. President, did the conferees agree to change the provision of the bill as it left the Senate which requires unanimous consent of the board in order to sell any of the property under the jurisdiction of the board?

Mr. JONES. It was changed to provide that a vote of five would be sufficient.

Mr. EDGE. I have read some things in the newspapers, and I want to confirm them. I understand that the construction fund has been changed from 50, or 66⅔ per cent, as was provided, to 75 per cent.

Mr. JONES. Yes; 75 per cent.

Mr. EDGE. The original bill provided for 50 per cent and in some cases to 66⅔ per cent.

Mr. JONES. Yes.

Mr. EDGE. I want to congratulate the Senator for improving the bill very much.

Mr. BLAINE. Mr. President, I want merely to suggest to the Senator from Washington that I understand that some of the Senators desire to discuss some of the provisions of this conference report. I do not believe it can be done this evening.

Mr. JONES. I have spoken to all those where there was any indication that they would like to talk about it, and they all said they did not care to speak on it. There may be others, of course.

Mr. BLAINE. I was discussing the matter with one of the Senators, and he advised me that he desired to look into the report, and he expected to do so this evening. I think this is too important a proposition to be hastily acted upon. In my opinion, I do not believe that the conference report ought to be adopted. I do not want to enter upon a discussion of it at this time unless it becomes necessary. My remarks will be brief when the opportunity is afforded to discuss the conference report, at the time when it may be up for disposal.

Mr. JONES. Does not the Senator think we might reach a vote on it by half past 5?

Mr. BLAINE. The Senator who discussed the matter with me is not in the Chamber at this time.

Mr. JONES. Does the Senator mind telling who it was? I have talked to several.

Mr. BLAINE. The senior Senator from Idaho [Mr. BORAH] is one with whom I discussed this matter.

Mr. JONES. I have not talked with him.

Mr. BLAINE. He procured the report, and I understand has left the Chamber, and expected to investigate the report and perhaps discuss it. At this time I have some questions I would like to ask the Senator from Washington, and they might be disposed of now.

Mr. JONES. I would be glad to answer them if possible.

Mr. BLAINE. So that I may not be mistaken about the fact as to what the bill attempts to accomplish, I understand the bill provides for a loan fund of $125,000,000 out of revenues.

Mr. JONES. Yes.

Mr. BLAINE. And then additions to the loan fund, bringing it up to $250,000,000, out of an appropriation, if it is authorized.

Mr. JONES. The first provision is practically the law as it is now, the act of 1920.

Mr. BLAINE. Then, I understand that in the construction of vessels that are to be used in the coastwise trade, that are built by private industry, they are required to pay not less than 5¼ per cent per annum for the money they borrow.

Mr. JONES. That is the existing law, the act of 1920.

Mr. BLAINE. Am I correct in the understanding that vessels engaged in foreign trade may obtain loans at a rate of interest as low as 2½ per cent?

Mr. JONES. No; I do not understand it is that low. I understand that the lowest rate is about 3¼ per cent.

Mr. FLETCHER. It is whatever the Government rate is.

Mr. JONES. Yes; it is the Government rate.

Mr. BLAINE. Unless I am mistaken, there are some Government securities bearing interest as low as 2½ per cent.

Mr. JONES. That rate would not apply on these loans.

Mr. BLAINE. The only interest rates that do not apply are the rates on savings bank securities, under the conference report.

Mr. JONES. It is provided that—

> During any period in which a vessel is operated in the foreign trade the rate shall be the lowest rate of yield to the nearest one-eighth of 1 per cent on any Government obligation bearing date subsequent to April 6, 1917 (except postal-savings bonds), and outstanding at the time the loan is made by the board and certified by the Secretary of the Treasury.

As I understand it, the lowest rate would be 3 or 3¼ per cent.

Mr. BLAINE. I had assumed we had bonds bearings interest as low as 2½ per cent.

Mr. FLETCHER. Those are excluded. Those were issued before the date fixed here.

Mr. BLAINE. I am inquiring for information. Then I also understand that these loans may be made to the extent of three-fourths of the cost of the vessel to be constructed or reconditioned or remodeled or improved, as well as to equip the vessels.

Mr. JONES. That is correct.

Mr. BLAINE. That includes machinery that is placed on the vessel for operating the vessel?

Mr. JONES. I suppose so.

Mr. BLAINE. To the extent of 75 per cent of the value.

Mr. JONES. The board, of course, can insist upon additional security if they deem it necessary.

Mr. BLAINE. Loaning to the extent of 75 per cent of the value of the machinery makes a very insecure loan, in my opinion, because machinery is subject to very rapid depreciation.

Mr. JONES. In my judgment, there will be practically no loans made upon machinery as of itself. At any rate, the board can require additional security if they deem it necessary.

Mr. BLAINE. Then, I also understand that the subsidy which is offered to privately owned and operated vessels in foreign trade is about $7,000,000 per annum, as an additional charge against the Government for the carrying of the United States mails.

Mr. JONES. That is estimated to be the amount, from $7,000,000 to $10,000,000, if this is taken advantage of to the limit. But it is also estimated that if the faster ships are constructed the increase in postal revenue will be very great and that the cost will be more than taken care of by the revenues. The Postmaster General so estimates.

Mr. COPELAND. At the present time we are paying, because of a lack of fast vessels in the mail service, about $1,500,000 to British ships for carrying our mails, which will now be carried by our ships, presumably.

Mr. BLAINE. Under this provision we pay $7,000,000 more.

Mr. JONES. We pay more if this be taken advantage of by our ships.

Mr. BLAINE. Am I to understand that if the Government-owned vessels shall continue to be operated under this bill, the present merchant marine is maintained by the bill?

Mr. JONES. Yes; until the vessels are disposed of.

Mr. BLAINE. Will they be permitted to carry the mails at the same rate of charge as will be made by those engaged in private operation?

Mr. JONES. I would certainly think so, where they are operating over a route that requires the United States mails to be carried.

Mr. BLAINE. And the Post Office Department may enter into contracts with the Shipping Board for the carrying of the United States mails in foreign commerce?

Mr. JONES. I think so. I do not know of anything to prevent it.

Mr. KING. Mr. President, may I say to the Senator from Wisconsin that I understand the bill authorizes a loan fund of more than $125,000,000; indeed, a fund of $250,000,000.

Mr. BLAINE. Yes.

Mr. KING. I would like to ask the Senator from Washington how that $250,000,000 is to be obtained?

Mr. JONES. By appropriation, if Congress makes the appropriation. Of course Congress can refuse to do it. This is merely an authorized enlargement of that fund up to $250,000,000.

Mr. KING. What is in the fund now?

Mr. JONES. The last I heard there was about $80,000,000.

Mr. BINGHAM. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Connecticut?

Mr. KING. I yield.

Mr. BINGHAM. I learned from the Shipping Board to-day that although the amount on the books credited to the fund is a little over $80,000,000, actually a part of that has been loaned so that there is available for loans only a little over $69,000,000.

Mr. KING. May I ask the Senator from Washington what he expects will result to the Shipping Board if this bill becomes a law? Is it to be perpetuated?

Mr. JONES. Not by this bill. It is continued, however, until the Government ships are disposed of, of course.

Mr. KING. Does not the Senator believe that this will perpetuate the Shipping Board and strengthen its power and give it a strangle hold which will be much greater than it is under the present law?

Mr. JONES. I do not think so.

Mr. COPELAND. Mr. President, I would like to answer the question of the Senator from Utah. I think this bill will terminate the Shipping Board within a reasonable time. That is the reason why I have enthusiasm for it. It is going to develop a privately owned merchant marine and put the flag on the seven seas. It will be privately owned and privately operated, and it will not be many years before we will be proud of our merchant fleet. The Shipping Board, in my judgment, will go out of business because every possible plan will be encouraged by the provisions of the bill to make it possible for American citizens to enter into the merchant marine business in competition with foreign vessels and put our flag where we desire to have it. No longer will it be necessary for us to subsidize, at tremendous expense, the operations of the Shipping Board.

Mr. JONES. There is certainly more of a prospect to put the Shipping Board out of existence under the terms of this bill than under the terms of existing law.

Mr. COPELAND. In my opinion, under the existing law it never would be put out of business. It has the right under the law to come here and ask for appropriations to build itself up. This bill will insure the construction of new ships, fine new vessels that will compete with the best now afloat.

Mr. KING. The Senator from New York, in my opinion, is entirely too optimistic. He may have prophetic powers, but I hazard the guess now that he will not live long enough to see a merchant marine created under the operations of this bill, nor will he live long enough to see the Shipping Board go out of business. Indeed, it will grow stronger, more bureaucratic, more paternalistic, and less efficient, in my opinion, as the years go by.

Mr. COPELAND. I may state that if we do not put this bill into effect the Senator from New York will live long enough to see increasing appropriations for the building up of a Government-owned merchant marine that never can compete on terms of equality with the merchant fleets of other nations.

Mr. BORAH. Mr. President, is the Senator from Utah a patient of the Senator from New York? [Laughter.]

Mr. KING. No; but I am very patient with the Senator from New York.

Mr. BORAH. I came into the Chamber after the discussion began. Assuming that the authorization is carried out and the appropriation is made, how much of a fund would the bill create for loan purposes?

Mr. JONES. Under the terms of the bill the loan fund can be increased to $250,000,000, and then it becomes a revolving fund.

Mr. BORAH. At the present time we have a fund of something like $70,000,000?

Mr. JONES. Yes; unallocated.

Mr. BORAH. It would then create a fund of something like $320,000,000?

Mr. JONES. No. The aggregate of the loan fund would be $250,000,000.

Mr. FLETCHER. The $125,000,000 is to be raised from sales and the disposition of notes and obligations. Then there is authorized to be appropriated $125,000,000 more, so as to raise the fund to $250,000,000. That is the ultimate limit. That is merely authorized.

Mr. President, I do not want to prolong the discussion, but I think the conference report ought to be agreed to. I am not in full accord with it throughout. There are some things I would like to see quite different from what is provided for in the bill. I am saying this in reply to the Senator from New York as much as anything else, because I do not want the RECORD to go with his statement in it and nothing to the contrary. I want to say to the Senator from New York that if I thought the bill would terminate the Shipping Board to-day and put it out of business right away I should vote against it, and fight it for all I am worth.

Mr. COPELAND. I would not have the Senator think that I thought it was going to put the Shipping Board out of busi-

ness to-day, but I said that the building up of a more effective merchant marine would accomplish that purpose.

SEVERAL SENATORS. Vote! Vote!

Mr. FLETCHER. Senators are asking for a vote on the conference report, but this is the only time I have said anything upon it, and I think I know something about it.

Mr. SIMMONS. The Senator ought to be heard.

Mr. FLETCHER. I want to say that the first thing that commends the conference report to me is in section 1, to wit, that "the policy and the primary purpose declared in section 1 of the merchant marine act of 1920 are hereby confirmed." What was that primary purpose? It was to establish and maintain an adequate merchant marine as the fixed and settled policy of Congress. That is the primary purpose and it is reiterated here. That is the first proposition.

Then another thing that commends it to me is that it requires the affirmative vote of five members of the Shipping Board before sales may be made indiscriminately and recklessly or otherwise. I wanted to have it the unanimous vote of the Shipping Board. We have a board organized here in possession of millions and millions of dollars' worth of property and undertaking a great enterprise of vital importance to the country. It is a necessary undertaking for the people of the country. Before they themselves decide or are pressed into a decision to the effect that the property is to be sacrificed in order to carry out some particular policy of some administration I wanted them to go on record unanimously in favor of the disposal of public property to accomplish that end. But the House preferred to make it a majority vote, as it is now provided, and finally they decided to require that five members of the board must vote affirmatively in favor of sales, and the conferees have accepted that provision. I think it is entirely reasonable to require the affirmative vote of at least five members of the board and put them on record before the property is to be disposed of.

There are other features about it which I shall not take time now to discuss, but I wished to say that much. The Senate bill is largely embodied in this conference report. The principal provisions of the bill which the Senate passed are embodied in the report.

Mr. JONES. I might say that all of the Senate provisions are retained except the requirement for a unanimous vote of the Shipping Board.

Mr. FLETCHER. And except the mail-contract provision and the extension of the loan fund. We authorized loans up to 66⅔ per cent, and it has been increased to 75 per cent, but as the Senator from Washington has stated, the board can require additional security, and, perhaps, thus the loans will be protected. Those additions we have accepted, and I think this is a bill which will at least remove from American citizens the charge that they have got to have help and aid before we can ever get them interested in the merchant marine.

I have contended, and I contend to-day, that American shipyards can build ships in competition with the world; I have contended and I contend now that the American people can operate ships in competition with the world without aid; but it has been said that they can not do so, and they have not been willing to undertake it. Now we give them a chance. If they do not take advantage of this opportunity, there is nothing left but for the Government to own and operate the merchant-marine ships in the overseas trade.

Mr. COPELAND. That is true.

Mr. SIMMONS. Mr. President, will the Senator from Florida permit me before he takes his seat to ask him one question?

Mr. FLETCHER. Certainly.

Mr. SIMMONS. When the Shipping Board disposes of one of these ships, how long are the purchasers required to operate it under the American flag?

Mr. FLETCHER. Under existing contracts they are compelled to operate it for five years. There are some members of the board who want the time fixed longer than that.

Mr. JONES. Mr. President, the Senator from Florida misunderstands the question of the Senator from North Carolina. Such ships can not ever be transferred to another flag without the vote of the Shipping Board.

Mr. FLETCHER. No; our ships can not go under another flag, but I thought the Senator from North Carolina had reference to sales. The present contracts under which ships are sold oblige the purchasers to continue to operate them in the service, in the same trade and under our flag, for five years, but, of course, a ship can not be transferred to a foreign flag without the consent of the board under any circumstances.

Mr. SIMMONS. If the board shall sell a ship under those conditions, does the purchaser of that ship have to do anything that would make such a ship an auxiliary of the Navy in any sense?

Mr. FLETCHER. There is no obligation on the purchaser's part, but this bill contemplates that in all replacements and in all reconstruction, additions, and that sort of thing the Navy shall be consulted, and that it shall go over the plans, and the purpose shall be to equip ships for use in time of emergency.

Mr. JONES. With a view to their use as naval auxiliaries?

Mr. FLETCHER. That is provided for in the bill.

Mr. SIMMONS. Those ships are now equipped for such use?

Mr. FLETCHER. They will be.

Mr. SIMMONS. And if they shall be sold or replaced, the ships replacing them must likewise be so equipped?

Mr. FLETCHER. Precisely.

Mr. BORAH. Mr. President, may I ask the Senator from Florida a question?

Mr. FLETCHER. I yield.

Mr. BORAH. If the conference report shall be adopted, there will be a very heavy obligation resting upon Congress to make the appropriation which is therein authorized?

Mr. FLETCHER. As to the loan fund?

Mr. BORAH. Yes.

Mr. FLETCHER. And as to the replacements; but the bill provides that in case of replacement the Shipping Board must first ascertain the needs and make recommendation to Congress. Congress has to pass on the question of whether or not it will authorize the expenditure. That is provided for in the bill. The expenditure is not authorized now, but is to be authorized or not as Congress may see fit when the report of the Shipping Board shall come in and all of the facts are laid before Congress.

Mr. BORAH. The loan feature is deemed essential to the successful operation of the proposed law?

Mr. FLETCHER. Yes.

Mr. BORAH. So that, I say, if we shall pass the bill, while it is not binding, if we expect to make a success according to the principles expressed in the bill, we shall have to provide an appropriation.

Mr. FLETCHER. To make up the fund of $250,000,000.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BLAINE. Mr. President, I should like to ask the Senator from Washington [Mr. JONES] whether or not the proposed increase in the appropriations contemplated by the bill is contrary to the President's financial program.

Mr. JONES. We shall find out when the bill is submitted to him for his approval.

Mr. BLAINE. The answer is not satisfactory, but I suppose it is as complete as the Senator from Washington can make it.

Mr. JONES. I will say that I am very confident that the bill will be approved.

Mr. BLAINE. Then, Mr. President, I desire to discuss the proposition from that standpoint. I do not know how long I may continue the debate, but I do not believe that the conference report should be adopted.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Will the Senator from Wisconsin yield to the Senator from Utah?

Mr. BLAINE. I yield.

Mr. KING. I dislike to make the request of the Senator having the bill in charge, but I should be glad if he would allow the conference report to go over until to-morrow.

Mr. JONES. I think we ought to act on the conference report this evening.

Mr. KING. I do not want the RECORD to show that the conference report has been adopted by the Senate by a unanimous vote. I am opposed to it, and I wish to take the time to point out some of the objectionable features in the report. I do not wish to do it to-night—Senators are tired and anxious to leave—but I can not, of course, control the Senator or the Senate.

Mr. JONES. I wonder whether or not we might reach an agreement as to a time for voting on the conference report to-morrow. I do not want to keep the Senate here; I wish to be as accommodating as possible in the matter. If the Senator were given an hour to-morrow, or some such time as that, would that be sufficient to enable him to finish his argument?

Mr. BLAINE. Mr. President, I am opposed to limiting debate. I am opposed to cloture. I have no desire to postpone a vote upon this measure, but I think the proposition should be thoroughly discussed. I think the country ought to be informed upon this proposition, and upon this proposition as it relates to other measures pending before Congress, about which we have reached no agreement, and the reasons why agreement has not been reached upon those measures. Therefore, Mr. President, I can not determine now what time may be necessary in order to discuss those propositions. When they are discussed, so far as I am concerned I have no desire to protract the debate.

With that statement, Mr. President, I am quite willing to accommodate the Senate and those concerned about this bill in regard to whatever the Senator from Washington requests as reasonable.

Mr. JONES. Mr. President, I wonder if it would be agreeable to the Senator to have us vote not later than 2 o'clock to-morrow. That would give two hours.

Mr. BLAINE. Mr. President, my observation has been that there is not very much opportunity in the first two hours to discuss any particular measure.

Mr. JONES. I will say that the Senator from Wisconsin would have the floor.

Mr. BLAINE. It is like a free-for-all proposition.

Mr. JONES. No; I would make it part of the understanding that the Senator from Wisconsin should have the floor when we convene to-morrow, and take all the time that he desires. We would meet in recess, as I understand.

Mr. CURTIS. Mr. President, with regard to the question of a recess or an adjournment, I want it distinctly understood that we are going on with the revenue bill. We have spent too much time on it already; and I do hope, if it is not disposed of, that the Senator in charge of it will begin to have night sessions; and I think it will be a mistake to take up conference reports which can be passed at other times.

Mr. JONES. If we have an understanding that we shall vote on this matter not later than a definite time, would not the Senator be willing that we should go on and finish it?

Mr. CURTIS. It would have to be within a reasonable time.

Mr. JONES. I suggested not later than 2 o'clock.

Mr. CURTIS. I do not think it is treating the Senator from California [Mr. JOHNSON] right to put all these things in ahead of his bill.

Mr. JOHNSON. Mr. President, I thank the Senator from Kansas. I am very grateful to him; but this is an important measure that is now being heard, and it either means that we shall sit here now and hear the thing out—which I am perfectly willing to do if it is desirable—or that we shall give a reasonable time for it in the near future.

Mr. CURTIS. If the Senator from California says it is all right with him, I should be perfectly willing, if we could get an agreement to vote not later than 2 o'clock to-morrow, to have that done.

Mr. JOHNSON. I should be agreeable to that, because it is a measure that is necessary to be presented and passed, and the Senator has a right to have it passed. Would that be satisfactory to the Senator from Wisconsin?

Mr. BLAINE. Mr. President, I know that the Senator from California is not so credulous as to think that there is going to be a vote on the Boulder Dam bill at this session of Congress.

Mr. JOHNSON. Oh, but I am!

Mr. BLAINE. It is not on the cards.

Mr. JOHNSON. I do not know what cards the Senator means.

Mr. BLAINE. I am going to be a prophet, and predict now that that vote will not come at this session of Congress. So far as I am concerned, I am willing to take up the Boulder Dam proposition and vote upon it any day.

Mr. JOHNSON. I know that.

Mr. BLAINE. But I have observed, and I am perfectly frank to state it, that that is not the program of those who are opposing not only the Boulder Dam bill but certain other legislation before this Congress; and so far as I am concerned, Mr. President, I will say to the Senator from California that I am willing to stay here all summer and fight out these propositions.

Mr. JOHNSON. Mr. President, I want to say, in response to that, that if it is within the realm of human possibility and human endurance to have a vote upon the Boulder Dam bill, we are going to have a vote. I do not propose that this session of Congress shall adjourn at a time that shall be fixed by certain leaders who are opposed to necessary legislation if I can prevent it. As the time passes and the days go on here, and the endeavor is made by certain individuals who direct legislation to leave legislation undone and unenacted in this body or in the other body, I hope those who believe with me that legislation which is essential should be adopted will stand firm and not permit any such adjournment to be taken.

Beyond that, sir, we are entitled to a vote upon such a measure as the Boulder Dam bill. We are entitled to it if we have to sit here day and night, day and night, day and night, day and night until that vote is accorded us; and we are going to endeavor to do just that thing.

I do not prophesy what will happen, and I do not boast of what may occur. I am unable to determine. I can only say that so far as I am concerned every effort will be made of which I am capable and every endeavor will be pursued to get a vote upon this very essential measure. It would be a shame and a disgrace, in my opinion, if a particular vote should not be had one way or the other, if we were denied, upon beneficent legislation of this sort, a vote by the Senate or a vote by the House of Representatives.

So I assure the Senator from Wisconsin, notwithstanding his dire prophecy, that there is going to be an effort made in behalf of Boulder Dam legislation to get a vote—an effort, a test, if you desire, of physical endurance, and every effort that the rules will permit to see that ultimately a vote shall be had in the Senate before we adjourn.

So much for that.

Mr. JONES. I want to say to the Senator, so far as I am concerned, that I am in hearty accord with his position.

Mr. JOHNSON. I am quite sure the Senate must be in accord with it, for what sort of a body is this that stands here supine and says that legislation that is of consequence or that a bill that is of great importance shall not even have a vote, either at this session or at some other? Are we so weak, have we fallen so low, sir; have we so little strength and so little ability that we can not give a vote to people who demand it here or to legislation that requires it?

I will not believe it, sir, until finally the Senate shall have thus determined; and in order that the Senate may determine its action and do its duty it will have the opportunity in the days to come, and a vote will be accorded if it be within the realm of human possibility to accord it upon this legislation.

Mr. BLAINE. Mr. President, I hope and trust that my predictions will not come true, and that the measure in which the Senator from California is interested and in which the people affected by the development of Boulder Dam are interested and in which the people of the United States as a whole are interested may be given its place in this session at a time when there will be an opportunity to vote upon the question.

So far as it is within my individual power, I shall give all the assistance I can toward promoting a vote upon the question of Boulder Dam. I hope that the Senator from California—as I know he will, knowing him as I do—will continue to make his fight and the fight of the people of the Southwest and the people of America for legislation to develop this great natural resource that to-day is flowing idly into the ocean, promoting neither service nor usefulness, but rather devoted to destruction.

So, Mr. President, I, for one, will forego many of the nonessential or comparatively nonessential questions in order that there may be a vote upon Boulder Dam; and I want to assure the Senator from California that it is not my desire to prolong any discussion that may result in defeating the opportunity for a vote upon the question of Boulder Dam.

Mr. JOHNSON. I never doubted that, Mr. President.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield, and, if so, to whom?

Mr. BLAINE. I yield to the Senator from Kansas.

Mr. CURTIS. I desire to submit a unanimous-consent request, that we recess until 11 o'clock to-morrow, and that we vote on the conference report not later than 1 o'clock. That will give two hours.

Mr. BLAINE. Mr. President, I said just a few moments ago that I can not agree to closing debate upon any proposition. I presume that two hours will be ample time within which to discuss the conference report.

Mr. CURTIS. I suggested two hours, because I was told by a Senator that the Senator thought two hours was sufficient.

Mr. BLAINE. I think two hours is sufficient, but I can not foreclose the right of other Senators.

Mr. CURTIS. If the Senator is willing to meet at 11 o'clock to-morrow, I will ask that we take a recess until 11 o'clock, and then we can go on.

Mr. BLAINE. That is perfectly satisfactory.

Mr. PITTMAN. Mr. President, just a word. I do not want to take up time if a recess is desired; but I feel it my duty to say that I thoroughly concur in what the Senator from California and the Senator from Wisconsin have said. I am satisfied that my colleague from Nevada [Mr. ODDIE] feels the same way.

This matter is not of nearly the importance to Nevada that it is to the Imperial Valley. Nevertheless, it is of importance to the whole Southwest; and whether Senators oppose the bill in its present form or not, as I have said before, the purpose of it is meritorious, and is absolutely essential to protect human life.

I am going to insist, with the Senator from California and others, that this bill and any amendments presented by the committee or anyone else be voted on, and that the matter, if possible, be disposed of. It has been pending for three years; and,

in my opinion, there is absolutely no excuse for not voting upon it.

CAMPAIGN CONTRIBUTIONS

Mr. WAGNER. Mr. President, I ask that a letter addressed by President Nicholas Murray Butler to the editor of the American Review of Reviews on the question of campaign contributions be printed in the RECORD.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Without objection, it is so ordered.

The matter referred to is here printed, as follows:

[Printed in American Review of Reviews, May, 1928]

MONEY IN AMERICAN POLITICS

The question which you raised as to how the legitimate cost of State and national campaigns is to be met on sound principles of public administration and without scandal, is far-reaching and of vital importance. Public opinion has been outraged of late more than once by the enormous expenditures involved in our recurring political campaigns, by the sources and uses of many of the large gifts, and by the unacknowledged political and personal obligations under which the party organizations have been put to the chief donors and those who have collected large sums from others.

As to the use of these moneys, it is probable that much more is spent wastefully than is spent corruptly. The habit of men in public life who are spending money contributed by others is not one of economy and close administration. So far as this aspect of the matter is concerned, a detailed, definite, and public accounting of campaign expenditures would help to correct such abuses as exist. If any campaign funds are spent corruptly, then present laws, if vigorously applied to punish offenders, are wholly adequate.

On the other hand, it must be borne in mind that the perfectly legitimate costs of a political campaign under present-day conditions are very great. For example, it would cost many thousand dollars to prepare, print, address, and post a single political circular or announcement to the enrolled Democratic or Republican voters in the city of New York.

Not all political speakers and canvassers can contribute their time any many are not even in position themselves to meet the cost of necessary traveling expenses while canvassing or campaigning. A party organization is well within its rights as well as within the proprieties when it meets expenses of this kind. Here again the remedy for abuse is public accounting. Crookedness loves concealment, and when full and detailed statements of the income and expenditures of party organizations and political committees have to be made, crookedness will make every endeavor to hide its head.

It would be sound public policy to require every political organization and committee to be registered with some appropriate public officer, and to report to him at stated intervals definitely and in detail the names of those who have made contributions to its work and the amount of each contribution. Similarly and at stated intervals a like report should be required as to expenditures, properly classified. These regulations should include many organizations, such as the Anti-Saloon League, the Ku-Klux Klan and others that are political without being fixedly partisan.

Such requirements as these, together with the pressure of an increasingly sensitive public opinion, will be the chief reliance for improvement in this field of public action. There will be the usual outcry for new, drastic, and comprehensive legislation. This is the unfailing proposal of the legalistically minded who love phrases and punitive statutes, quite regardless as to whether these can be made effective or not. There will be those who will suggest that party organizations and party committees be made public officers, and their supervision and control taken over by Government.

Such policies, if entered upon, would only make a bad matter infinitely worse. They represent once more the impertinences of Government, which seems quite unable to mind effectively its own business. We, the people, are now free—and propose to remain free—to associate and to organize as we choose; to advance or to oppose any particular public measure; and to agree to bring before our fellow citizens, for election to any office whatever, the candidate of our choice in whatever way we please.

These matters belong to the people and are high up among the reserved rights and liberties which they have not surrendered and do not propose to surrender to Government. Government with its huge array of penal statutes and its swollen bureaucracies is already quite inefficient enough, and quite costly enough for all practical purposes. The remedy for abuses of the sort which properly give you so much concern is not more laws, but fewer laws and better morals.

FIVE CIVILIZED TRIBES OF INDIANS

Mr. THOMAS. Mr. President, a few days ago there passed this body a bill extending the period of restrictions in lands of certain members of the Five Civilized Tribes of Indians. The bill later passed the House, and was signed by the President on the 10th of this month.

Upon examination of the law it was found that there is one word in error. In the bill we find the phrase "heirs of devisees," whereas it should be "heirs or devisees." So the Interior Department recommended that a new bill be introduced to correct that error and change the word "of" to "or."

The bill has been introduced. The Indian Affairs Committee makes a favorable report upon it. I now submit the report (No. 1174) and ask for the immediate consideration of the bill.

Mr. CURTIS. Is that the only change?

Mr. THOMAS. It is.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4448) to amend section 4 of the act entitled "An act to extend the period of restrictions in lands of certain members of the Five Civilized Tribes, and for other purposes," approved May 10, 1928, which was read, as follows:

Be it enacted, etc., That section 4 of an act approved May 10, 1928, entitled "An act to extend the period of restrictions in lands of certain members of the Five Civilized Tribes, and for other purposes" (Public, No. —, 70th Cong., 1st sess.), be, and the same is hereby, amended so as to read as follows:

"SEC. 4. That on and after April 26, 1931, the allotted, inherited, and devised restricted lands of each Indian of the Five Civilized Tribes in excess of 160 acres shall be subject to taxation by the State of Oklahoma under and in accordance with the laws of that State, and in all respects as unrestricted and other lands: *Provided*, That the Indian owner of restricted land, if an adult and not legally incompetent, shall select from his restricted land a tract or tracts, not exceeding in the aggregate 160 acres, to remain exempt from taxation, and shall file with the Superintendent of the Five Civilized Tribes a certificate designating and describing the tract or tracts so selected: *Provided further*, That in cases where such Indian fails, within two years from date hereof, to file such certificate, and in cases where the Indian owner is a minor or otherwise legally incompetent, the selection shall be made and certificate prepared by the Superintendent for the Five Civilized Tribes; and such certificate, whether by the Indian or by the Superintendent for the Five Civilized Tribes, shall be subject to approval by the Secretary of the Interior; and, when approved by the Secretary of the Interior, shall be recorded in the office of the Superintendent for the Five Civilized Tribes, and in the county records of the county in which the land is situated; and said lands, designated and described in the approved certificates so recorded, shall remain exempt from taxation while the title remains in the Indian designated in such approved and recorded certificate, or in any full-blood Indian heir or devisee of the land: *Provided*, That the tax exemption shall not extend beyond the period of restrictions provided for in this act: *And provided further*, That the tax-exempt land of any such Indian allottee, heir, or devisee shall not at any time exceed 160 acres."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE PATH TO PEACE

Mr. CAPPER. Mr. President, I hold in my hand a copy of an able address delivered by Dr. Nicholas Murray Butler recently in Denver, Colo., on "The path to peace," together with a statement read at the annual meeting of the trustees of the Carnegie Endowment for International Peace in this city on May 10, 1928. I ask unanimous consent to have these matters printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

THE PATH TO PEACE

(An address by Nicholas Murray Butler delivered at Cosmopolitan Hotel, Denver, Colo., afternoon of December 12, 1927)

Mr. President and gentlemen, you will not deny me the privilege of expressing my most grateful appreciation for your very cordial and kindly reception, and also my own great personal satisfaction at finding myself back, after an interval, in Colorado.

My experience with these Western States is that I was generally there before most of those who now adorn them. When I first came to Colorado it was only five years old, and from that time to this I have delighted in its attractions and its beauty. My satisfaction in the friendships formed here, warm and close and numerous, has grown with the years, and the compliment and the honor of being invited by the Institute of Social Studies of the University of Denver to come and speak to you on this momentous topic is one for which I am most grateful.

Let me waste no words in getting to the heart of the subject. The proposal to substitute methods of conciliation, arbitration, and judicial process for war is, so far as the United States is concerned, in very

much the same situation as the weather in Mark Twain's famous remark. You remember that Mark Twain said of the weather in Connecticut that everyone complained about it, but that nobody ever did anything about it. [Laughter.] That is the situation in respect to ourselves and our foreign policy at the present time.

From the foundation of our Government down to 1916, from the time of Washington and Jefferson to that of Wilson, we had as a Nation an unbroken record of leadership in all that relates to the strengthening of international relations, to the building up of international trade and to the establishment of international peace. We have now become, as a Government, through sheer paralysis, one of the chief obstacles that now exists in the world to these movements. It is not our conscious fault, for no American, whatever his party or his faith, could have wished it so; but it is the result of conditions that have come upon us, and it is time for us to begin to study how to remedy the situation.

Our foreign relations began on a very high plane. That was partly because of the character of the men who conducted them, partly because of the temper of the young Nation. You may imagine that when Benjamin Franklin and John Adams and Thomas Jefferson were drafting treaties and guiding foreign policy, a very high standard of achievement was reached. We have never written treaties on a higher plane, if so high, as our very first treaties with France, with Prussia, and with Great Britain. If you will take pains to go back and read to-day our first treaty ever made with a foreign people, the treaty of amity and commerce with France signed in 1778, followed by the treaty with Prussia in 1782, or the treaty which established peace with Great Britain at the end of the War of Independence in 1782 also, you will find them cast in a mold, with a breadth of view and vision and genius and temper and sympathy and understanding, that has never been surpassed in our later history.

And in our dealings with the nations to the south of us we reached high-water mark in the treaty which ended the war of 1846 with Mexico. That treaty of Guadaloupe Hidalgo is another treaty which might have been written 50 years hence, so far as it rests upon the soundest moral, political and social principles for the establishment and control of the international order.

We have come to a full stop. This went on from 1778 to 1916. Now we are in a situation which is the unhappy result of partisan difference, of personal dispute and ambition, neither of which should ever be permitted to disturb the course of international policy. Surely, gentlemen, our own relations with the other great peoples of the world ought not to be the subject of partisan difference or personal struggle or political ambition. But if in August, 1919, President Wilson had not shown so cordial a dislike to Senator Lodge and if Senator Lodge had not so cordially hated President Wilson, an agreement could have been reached for the continuance of our policy of leadership, and the condition of the world to-day might have been very, very different.

But it was not to be. Men fell apart; they made groups; they became partisans of a point of view or of a person. From that day to this we have been in effect paralyzed and as a Government incompetent to go forward, simply dealing with the business of the day or the week as it comes to the desk of the Department of State or to the table of the Committee on Foreign Relations of the Senate. We are in the position that the Executive dare not to take too much initiative lest the Government appear to be committed to something which the Senate will not approve. The Senate does not agree with the Executive; often it does not even agree with itself. In consequence we are committed and have been committed to years of useless, futile rhetoric and talk, and nothing being done.

What are we going to do about it? There is an earnest group who say to us to-day, let us outlaw war; let us pass a law declaring war to be outlawed. Suppose we do, and then suppose that war refused to be outlawed. Who is going to arrest it and bring it to the examining magistrate? Who is going to commit it for trial? Who is going to indict it? Who is going to constitute the jury, and the judge? And if war is convicted, who is going to be the sheriff to inflict the punishment, and where is the penitentiary in which it is to be confined?

No, gentlemen, words have no such power as that. You can not outlaw war by passing resolutions against it. The deep, lasting emotions, good, bad, or indifferent, of human nature and of the human heart can not be dealt with in any such cavalier fashion as that. That proposal is mere rhetoric, and will get us absolutely nowhere unless, perhaps, it be placed as an obstacle in the way of the adoption of propositions that are immediate and practical and susceptible of application to the affairs and the international relations of to-morrow.

The present situation is that the nations of the earth, except the United States and Mexico and Russia, have become members of the League of Nations, with its seat at Geneva. Our people and our Government have decided not to do so, and at the moment that is not a practical question for debate. Indeed there are very many earnest workers in the cause of peace who believe that, circumstances being as they are, it is just as well that our Government is not a member of the league, although, I think, they all believe that we should cooperate with it whenever practical; that we should hold up its hands; that we should strengthen its authority; and that we should be very happy to applaud its steadily growing measure of success. You must remember, gentlemen, that Europe has come a long, long way since 1914. If you could go to Geneva and see what the secretariat of the league has to do in regard to matters that have no relation whatever to politics, you would see what a vast change has come over the administration of a common business.

It is no longer possible for a plague to break out in some remote part of the world and pass unimpeded from nation to nation and from people to people, carrying with it destruction and death. At Singapore there is a reporting station where every case of one of those terrible scourges which breaks out, whether in Australia, in the South Seas, in the East Indies, China, Japan, India, or where you will, is immediately reported, so that the entire health force may be mobilized to combat it and stamp it out.

Then think what is being done for the backward and dependent peoples merely by the invention of the system of mandates. No longer can a power, however important, however large, however rich, exploit a poor and backward people, rich in raw material, lying off at a distance, unseen and unreported upon. I have myself been in Geneva and have seen the Undersecretary for Colonial Affairs of the British Government standing at the foot of a table and gladly answering questions from representatives of a dozen European countries as to how in a particular mandate in Africa this problem was solved, how this matter was attended to, how this difficulty was surmounted. That was a very splendid and a very inspiring sight. We owe the league the fullest share of cooperation in all these great humanitarian and social undertakings, so numerous and so complex that I have not time to enter upon their enumeration, much less their description.

There are three men to whom this generation should lift its hat in universal honor; the three men who, taking their political lives in their hands, brought about the agreements of Locarno, and so far as declarations of public policy can do it, have expelled war from central and western Europe, which has been one of its chief seats for nearly 2,000 years. Each of those men has his nationalists and his superpatriots at home to combat. There is no path of roses for the French Minister of Foreign Affairs or for the German Minister of Foreign Affairs or for the British Secretary of Foreign Affairs who starts to build closer and better relations with his neighbors. They, too, have their critics, their opponents, and their obstacles. But I say to you that this generation of ours, particularly in America, should raise its hat in grateful honor to Briand and Stresemann and Austen Chamberlain.

Let me take time to show you how by their personal relations they made many things possible—because foreign relations are half psychology and only half diplomacy. Let me tell you a story to illustrate how the relations of these gentlemen have become intimate and cordial; and I can vouch for its accuracy.

In March, 1926, the question had come up of admitting Germany to the League of Nations. Germany wished to have a seat on the council of the league. That could only be brought about by unanimous vote. Brazil objected. The whole world was on tiptoe as to what would be done. Would a Latin republic, thousands of miles away, have it in its power to block the increasing relationship of friendship and entente between France and Germany? Briand and Stresemann were in a back room of their hotel, taking into careful consideration the question of what should be done on the morrow. Eighty or a hundred newspaper men, representing the chief journals of the world, were in the outer room waiting. Briand said to Stresemann, "Doctor, I do not see what we can do about it. Brazil has a legal right to object, and she seems to insist upon her legal right." Stresemann said, "No; it looks as if we had come to a deadlock. This is really dreadful; what can we do?" "Well," said Briand, cheerfully, "let us go to bed and sleep on it."

"Perhaps in our dreams something will come to us." "Splendid," said Stresemann; "that is the thing to do next; let us go to bed and sleep on it!" So Briand, taking Stresemann's arm, with his familiar cigar in his right hand, opened the door and went out to the waiting reporters. These men came with the keenest anticipation. What would be done; what was going to happen next? Drawing himself up perfectly straight, Stresemann nodding assent, Briand said, "Gentlemen, I wish to say to you that France and Germany are in absolute accord as to the next step to be taken!"

That was telegraphed all over the world, from Chile to Japan, and the world felt the next morning that an immense step had been taken in the establishment of peace; and the curious thing, gentlemen, is that it had; it had!

That is the psychological situation. Now, what are we going to do about all this? What is our relation to it?

For the moment we have lost our moral and our intellectual leadership in the cause which we promoted for 150 years. Were it not for our commanding position economically we should have lost much of our habitual authority in the world. What are we going to do about it as a Government?

At this moment there is opportunity, gentleman, for a specific act, such as rarely comes to a government or a people, that fits exactly into this picture.

All Europe is anxious about security and disarmament. They feel security to be a problem in a way which we never have, because hostile armies have been tramping over their territory time and again for a thousand years. They are anxious to disarm; they have largely disarmed. Germany has no army; England has practically none; France has only 45 per cent of what it had in 1914, and it has reduced its term of service from three years to one. Smaller nations, excepting the new ones in eastern Europe, are in the same category. But they are all anxious about security. How shall that best be gained?

M. Briand is a great psychologist as well as a great statesman; and you will remember perhaps that on the 6th day of last April, the tenth anniversary of the entry of our Government into the Great War, he publicly made to our people a proposal by summoning the Associated Press representatives in Paris and reading to them a formal statement, not to the Government, but to the American people, that France was ready to join with us in renouncing war as an instrument of public policy. The Congress was not in session. No official answer was made or perhaps could have been made. The press of the country spoke in warm commendation; organized bodies of all sorts and kinds applauded this suggestion. And now Senator CAPPER, of Kansas, has given us an opportunity to make reply in terms so simple, so direct, so convincing, that a child can understand, and without in any way running counter to any of our prejudices or traditions, or raising any of those disputed questions which brought us to grief in the summer of 1919. Senator CAPPER has introduced into the Senate of the United States a joint resolution declaratory of public policy. This is not a law in the sense of a statute, impinging and immediately binding upon our citizenship; it is a declaration of policy like the Declaration of Independence itself. And it is simple, short, and direct. I see that it is set forth on the paper which has been placed in the hands of those who are present here to-day. Let me say a few words about it.

This declaration of policy consists of three parts: "By treaty with France and other like-minded nations formally to renounce war as an instrument of public policy and to adjust and settle its international disputes by mediation, arbitration, and conciliation"; "By treaty with France" means the acceptance, open and public and avowed, of M. Briand's invitation. "Other like-minded nations" means that we are ready to do the same thing with any nation that will take the same position, and I violate no confidence in saying that Great Britain, Germany, Italy, and Japan are ready to-morrow to sign such an agreement with us if we are ready to make it!

What possible objection can there be to that? We renounce war as an instrument of policy. Senator CAPPER does not say there will never be any war. That would be foolish. We renounce it as an instrument of policy when we sit down with France and other like-minded nations in a dispute over a tariff; over, if you please, a colony; over any of the things which arise in the daily life of nations. We do not think of war; we do not have it in the back of our heads. We do not have any Army or Navy policy based upon war with that nation. We are not thinking about security in our relations to France and other like-minded nations, still less are we thinking in terms of war.

We like-minded people, civilized on a like plane, have come to a decision that we can settle our differences like honorable gentlemen, face to face; and if the solution is not satisfactory, then by that resort to judicial process which lies at the very basis of our orderly civilization. All that we ask is that we shall treat France and Great Britain and Germany and Italy and Japan precisely as for 115 years we have treated our neighbor the Dominion of Canada.

Now, Mr. Chairman, what possible objection can there be to that? I confess my ingenuity was not adequate to suggest any. But two have been suggested from Washington—which is where I should expect objections to come from. [Laughter.]

It is urged that inasmuch as the Congress has the power to declare war, the Congress can not make such a declaration as this because it would limit its constitutional authority to declare war. [Laughter.] Now I submit that argument as simply as I can, in order that you may get its full effect: Because the Congress of the United States has power to declare war, it is constitutionally unable to do anything to promote peace! [Laughter.] Surely the great purposes of the American people have some higher limits than mere war.

Why, Mr. Chairman, when that provision was written into the Constitution we had already told three nations that we were not going to go to war. We had already told them this, and the very same sentence which says Congress shall have the power to declare war also says that it shall have the power to issue letters of marque and reprisal, that is, to send out privateers to prey on the sea-borne commerce of the world; but do they dare do it? Would they ever dream of doing it? Did not all the civilized powers except ourselves join 70 years ago in the Declaration of Paris whereby privateering was abolished, and did not we ourselves accept that principle at the time of the Spanish War? What then, becomes of the argument? It is really too silly for words—that because the Congress has the power to declare war it can do nothing of this kind or really of any other kind, to promote peace! May that argument rest in peace! [Laughter.]

Then it has been suggested by a legalistically minded person that one Congress can not bind another Congress. Therefore, if the Seventieth Congress should adopt the Capper resolution, the Seventy-first Congress might repeal it. That is important if true, because logically that would affect every statute passed by any legislative body in the land. Why pass any law, or make any declaration, because the next session of the same body can repeal or amend it?

Gentlemen, the fact of the matter is this: The Congress of the United States is supposed to represent the American public opinion. If American public opinion, as I believe it does, supports and demands this declaration of policy by this Government, then it holds until American public opinion changes. When American public opinion changes, we shall go to war with somebody, and then any of our brethren who are historically minded may rise in their places and ask what we said on the platform and in the press on August 4, 1914, when the German Government said that the treaty to preserve the neutrality of Belgium was "a scrap of paper." What is sauce for the goose is sauce for the gander; we too can treat a treaty as "a scrap of paper," if we will.

But my faith in the American people leads me to a different conclusion. My faith in the American people leads me to believe that if conscientiously and carefully, with their eyes open, they take this very practical step with respect to nations on the same plane with ourselves which are responsible and mean to keep their word, that our word will be kept, and that it will be a long, long time before any war breaks out between the nations that join in making this declaration of renunciation in 1927. [Applause.]

Then the Capper resolution defines an aggressor nation, and that, Mr. Chairman, is one of the most important steps to be taken in walking the path to peace. Up to this time there has never been an aggressor nation. Any nation which began war always did it in self-defense; it took the initiative because somebody else was going to attack it; and it is a military maxim that the best defense is offense—so all wars have been defensive wars. They are arguing now in the magazines and the press, and it is perfectly safe prediction they will still be arguing a hundred years from now, as to who was responsible for the war of 1914. I do not think they have mentioned the United States yet, but we may be drawn into the controversy as the years pass. But here is a definition of an aggressor nation which is so simple, so easy to understand, and so practical that it tells its own story. No more formal declaration is needed than to accept the definition of an aggressor nation as one which having agreed to submit international differences to conciliation, arbitration or judicial settlement begins hostilities without having done so. If the nation has agreed to submit its differences, or any of them, and does not keep its word, but begins an attack on its neighbor without having submitted these differences to those agencies, it automatically becomes an aggressor. Somebody quickly tells us that foreign offices are so clever that they can state their case in such a way as to make it almost impossible to determine whether they had agreed to submit an issue to conciliation, arbitration, or judicial settlement or not. But if a nation has made an all-inclusive committal, well and good. If it has made a committal such as we used to make, excluding certain things, well and good. It is only a question of keeping its word, whatever the terms. Having promised, you keep your word, or become an aggressor nation. That has been put in the Locarno conventions, and you must remember that it is now the law of Europe for all nations west of the Vistula. They have accepted that definition, and we remain, together with Japan, the important powers that are still to declare ourselves satisfied with it.

What harm does it do to be an aggressor nation? In the first place, and most important, it would bring down upon such nation the moral opprobrium of the civilized world. Some practical gentlemen think that moral opprobrium does not matter. Mr. Chairman, it is more powerful in this world of ours than any other single force. There is no nation—I care not what—that could break its word and stand up in the face of the public opinion of these advanced nations without being broken with shame and self-contempt and self-humiliation.

It is a long generation since Bismarck used his famous phrase of which we heard so much during the late war. He said, speaking to the Reichstag in about 1878, "In the next war, it will be the imponderables that count," not the things you see and weigh and measure, but the imponderables, the judgments of men, the feelings of men, the approval and disapproval of men. And, Mr. Chairman, if there is any thing more certain than another, it is that the prediction of Bismarck was fulfilled and that the last war was won by the weight of imponderables. And they will win every time in a world like ours! It is the imponderables that count! Let us see the nation—that is, of the nations that are advanced, civilized, cultivated, and with grand traditions—that will stand up even before its own public opinion and break its word to the world and so become an aggressor nation.

Then the Capper resolution contains another paragraph: "By treaty with France and other like-minded nations to declare that the nationals of the contracting governments should not be protected by their governments in giving aid and comfort to an aggressor nation." That is also covered by Congressman BURTON'S proposed resolution, which is in the form of a statute, which would be an appropriate statute to be adopted following the adoption of the Capper resolution declaring public policy.

What that means is this, that if there is an aggressive war we are not going to be drawn into a position of protecting our nationals who through greed for gain want to help the aggressor.

A gentleman recently said to me in Washington: "Do you know that if that had been our policy in 1914, we should have lost $700,000,000 worth of business?" Then I replied, "Do I understand that $700,000,000 is your price?" How much do you lose or gain before you do an aggressive thing, and engage in war, or whatever you have agreed to refrain from doing?

Mr. Chairman, that is all there is to the Capper joint resolution. Senator CAPPER said when he gave it to the public that he proposed to test the sincerity of the American people in their talk about peace. You can not get a word in favor of war out of any public man; but you can get very few acts in favor of peace. Talk, rhetoric, ponderous declarations of intentions and belief and faith and high purpose and all the rest of it, but acts—not if they can help it!

M. Briand is a man who has borne the burden and the heat of the day, who has taken his political life in his hands, but who when the curtain falls will be seen to have been the chief factor in the promotion of peace in our generation. He holds out his hand to America and says, "Can not you who away back in 1778 made this fine declaration with us—can you not now in 1927 under these circumstances make it again?"

Do that and let us see a great war break out! When all those nations, the United States, France, Germany, Italy, Japan, Great Britain, accept this principle—and most of the others have accepted it at Locarno—how is an aggressor going to carry on a war? Where is it going to get its munitions? Where is it going to get its food supplies? Where is it going to get its raw material? And war would have to be something very different from that through which we have just come, if these nations make this declaration and keep their word.

Here, Mr. Chairman, is the first chance that has come to us since the war to do, without partisanship, without personal conflict, an act by way of a declaration of policy which is in accord with all our professions, which is sustained by all our precedents, and which if done puts us back where we belong, without any political complications whatever, as leaders in the great procession along the path of peace.

Read, if you will, John Hay's instructions to our delegation to the First Hague Conference, in 1899, the chairman of our delegation being Andrew D. White, of New York. Read, if you will, the still more important instructions written by Elihu Root to our delegation to the Second Hague Conference, in 1907, of which the chairman was Joseph H. Choate, of New York. Read the statute of the United States passed by the Congress in August, 1916, making it a law of this country that we shall settle our disputes in this way; and then tell me what objection there can possibly be to this asked-for declaration, at this psychological moment, when the world is waiting to know where we stand in fact, and not merely in rhetoric. What objection can there be?

Every American, in my judgment, who cares for his country's fame and reputation and influence, should make his Senators and Representatives now understand that this Capper joint resolution is sustained by the overwhelming body of public opinion, and that if and when adopted American public opinion proposes to see that we keep our word.

THE OUTLOOK FOR PEACE

(A statement prepared by Nicholas Murray Butler for the annual meeting of the trustees of the Carnegie Endowment for International Peace at Washington, D. C., May 10, 1928)

Even the most cynical and skeptical observer of movements of public opinion must grant that there is a strong and steady tendency forward to the upbuilding of those institutions of international conference, international association, and international cooperation that will steadily lessen the danger of resort to international war, at least on any such world-wide scale as was the case in 1914–1918. It is becoming increasingly plain that almost everywhere, particularly among the more powerful nations, public opinion on this point is in advance of the action and formal commitments of their governments. This is strikingly true in the United States and it appears to be true in Great Britain, in France, and in Italy. Both in Germany and in Japan ruling public opinion and governmental policy are more closely in harmony, and each is marked by a strong, peace-loving and peace-building tendency.

It must not be forgotten that Germany is wholly disarmed both on land and on sea, that Great Britain has no army of any consequence, that the United States has none, and that France has greatly reduced both the period of compulsory military service and the number of men with the colors. Even in the newer countries of eastern and southeastern Europe, where armies of considerable size have appeared to be a sort of necessary inheritance, public opinion is beginning very strongly to question both the wisdom and the cost of these unnecessary luxuries. If a reasonable way were found to deal with the situation that exists in Russia, a major portion of the disquiet in eastern and southeastern Europe would quickly disappear. Such a way would be found, undoubtedly, and that speedily, if the present rulers of Russia would refrain from organizing and stimulating antigovernmental propaganda in other countries. In view of our established political practice, we could hardly question the right of Russia to govern itself as it will, provided it surrenders its notion of a world-wide economic and political revolution, to be conducted from Moscow.

Of course, the Scandinavian countries are committed to the most advanced forms of peaceful cooperation. The Latin American countries, particularly those on the South American Continent, are steadily moving in the same direction. Japan has since the Great War completely changed its point of view in looking out over the rest of the world and can be counted upon to cooperate to the full in any movement to advance international peace.

It is a paradox but a truth that, despite the overwhelming sentiment of the people of the United States, the Government of the United States has for some years past been a chief obstacle to every movement to make war unlikely and to advance the cause of international peace. Our public officials, and particularly our Senators, are greatly in love with formulas, declarations, and rhetorical flourishes, but when they come to close quarters with practical action they are so concerned with exceptions, reservations, and provisos that their nominally good intentions disappear in the smoke of unreality.

But literally enormous progress has just now been made through the recent action of the Department of State, taken after informal conferences with members of the Committee on Foreign Relations of the Senate. What has happened in this respect since April 6, 1927, when M. Briand first made his public appeal to the people of the United States to join France in the renunciation of war as an instrument of public policy is one more illustration of the power of public opinion. For months there was no governmental recognition of any kind of M. Briand's epoch-making appeal. It soon became evident, however, that American public opinion was deeply concerned over this matter and would hold to strict accountability any administration which failed to move quickly and practically in the direction of such policies as would diminish the likelihood of international war. The correspondence which followed is now a matter of public knowledge, and it is justifiable to hope that before many months have passed there may be formal agreement on the part of the United States, France, Great Britain, Germany, Italy, and Japan to renounce war as an instrument of public policy in their dealings with each other. When this action shall have been taken the liberal conviction and sentiment of the world may well cry Hallelujah!

It is most unfortunate that the phrase "outlawry of war" has been applied to the proposals now pending. Renunciation of war as a public policy by governments which have it in their power to declare war is one thing, and a very practicable thing. On the other hand, to outlaw war—meaning to pass a resolution declaring it a crime and not to be countenanced—is a mere empty gesture and can have no real significance whatever. What is now proposed is, fortunately, the renunciation of war as an instrument of public policy.

There are several other things which the Government of the United States may do and should do in order to resume our traditional national policy and to satisfy enlightened and progressive public opinion:

In the first place, we should bring to an end the preposterous agitation that has existed heretofore, both here and in Great Britain, for increased naval armaments, by leading the way in a revision of the laws of neutrality as these affect sea-borne commerce. The only possible excuse that is left for a huge naval expenditure is that of protecting a nation's commerce in time of war. It is no longer a difficult matter to protect this commerce by law, thereby making unnecessary battleships, submarines, destroyers, and all their ilk, and enabling us to confine our naval vessels to cruisers to be used for police purposes, and which may truly be described as a navy of peace. All the militaristic naval gentlemen and all the representatives of the big armament makers are, of course, violently opposed to this humane proposal; but, despite their outcries, public opinion is about ready to demand it.

A syndicated article has been going about through the press indicating that our Government shall enter into no agreements of any kind, but should retain complete "freedom of action" and "command the world's respect with flying machines, submarines, fast cruisers, and a mercantile fleet bigger and better than any other." This is the pestiferous barbarism of a bygone age and should have no place in the thinking or the conduct of the American people at this time in the world's history.

In the second place, the Congress should adopt the joint resolution introduced by Senator CAPPER in December last, which accepts a perfectly practicable definition of "aggressive war" and indicates our attitude toward such aggressive war. No constructive criticism has been offered by anybody of the Capper resolution. Should such a declaration be made by the Congress, then our legislative power would have given all possible support to our treaty-making power in affirming and announcing our national policy against war.

In the third place, since all the nations of the earth, except ourselves and Russia and Mexico, are banded together in the League of Nations, which is the most impressive development of international cooperation in all history, we should make it our steady policy to cooperate with

the League of Nations in its humane and progressive acts. This we have recently begun to do, but we should cooperate, not tardily and grudgingly but willingly and helpfully. Were these things done, the perplexity which now hangs over Europe and South America because of the constant contradictions between our professions and our acts would be removed and the movement to renounce war as an instrument of national policy and to build those institutions of conference, conciliation, arbitration, and judicial action, that are are ready to take the place of war, would mark a long stride forward.

Finally, we might easily remove the only possible ground for unfriendly feeling toward us on the part of the people of Japan by a very slight change in the language of our existing immigration law, which, while not increasing the number of Japanese who may now be admitted each year, would touch the pride of the Japanese people by placing them on the same plane with other foreign countries in respect of immigration. If aliens of the Japanese race were admissible as quota immigrants, it would not increase the present quota for Japan. One hundred would still be the maximum number of natives of that country that could be charged to such quota during a single year, but the form of the action on our part would greatly please the Japanese people. They can be counted on to be our enthusiastic and generous associates in every constructive international movement.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, May 16, 1928, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES

TUESDAY, *May 15, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Infinite God, attend our prayer as we praise Thee for the divine light that falls upon our pathway. May this providence stir in us the virtue of gratitude. Let Thy presence consecrate our labors, give support to those who bear burdens, and sustain all when the light burns low. We thank Thee that Thou wilt never cause us a needless tear. O lead us to ever open our hearts to the great source of divine help. Be Thou with this generation of men. Shield all hearts from the arch prince of hate, whose vicious passions fall like daggers upon Thy innocent children. Keep the heart, the mind, and the very soul of our country from all things that profane God, and may purity, honor, and Christian chivalry be the blossoms that shall forever lie on her fair brow. In the name of the Son of Man. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 184. Joint resolution designating May 1 as Child Health Day.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4405. An act authorizing the Detroit River Canadian Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Detroit River at or near Stony Island, Wayne County, State of Michigan.

The message further announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 2084. An act for the purchase of land in the vicinity of Winnemucca, Nev., for an Indian colony, and for other purposes;

S. 3365. An act to authorize allotments to unallotted Indians on the Shoshone or Wind River Reservation, Wyo.; and

S. 4045. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Newport-Asheville (N. C.) road near the town of Del Rio, in Cocke County, Tenn.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12286) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes."

APPORTIONMENT OF REPRESENTATIVES

Mr. SNELL, from the Committee on Rules, reported the following resolution, which was referred to the House Calendar and ordered printed:

House Resolution 207

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11725, for the apportionment of Representatives in Congress. That after general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

BOULDER DAM

Mr. SNELL, from the Committee on Rules, also reported the following resolution, which was referred to the House Calendar and ordered printed:

House Resolution 208

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 5773, to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed eight hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

LEAVE TO ADDRESS THE HOUSE

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that after the reading of the Journal to-morrow, and the disposition of business on the Speaker's table, I may have 10 minutes in which the address the House.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, to-morrow is Calendar Wednesday, and with the important business that is to be considered to-morrow, I shall have to object.

Mr. LINTHICUM. Mr. Speaker, I want to address the House on the subject that is coming up, because debate is cut off, and I did not have a moment in which to discuss it in general debate.

Mr. CRAMTON. That can be taken care of to-morrow.

Mr. LINTHICUM. It can not, because the time is limited.

The SPEAKER. The Chair prefers not to recognize Members to ask unanimous consent to address the House on Calendar Wednesday.

EXTENDING PERIOD OF RESTRICTIONS IN THE FIVE CIVILIZED TRIBES IN OKLAHOMA

Mr. McKEOWN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein my own remarks made on bill H. R. 12000, extending the period of restrictions in the Five Civilized Tribes in Oklahoma, and also upon a report of the Department of the Interior on House Joint Resolution 255, providing for a loan of $2,500,000 to the Choctaw and Chickasaw Tribes of Indians, and for other purposes.

The SPEAKER. Is there objection?

There was no objection.

Mr. McKEOWN. Mr. Speaker, I call attention to the remarks I made on H. R. 12000, a bill by Mr. LEAVITT, extending the period of restrictions in the Five Civilized Tribes in Oklahoma, which passed the House under a parliamentary situation which precluded those opposed to the bill in its present form an opportunity to be heard. Also, I call attention to the report of the Secretary of the Interior on House Joint Resolution 255, which is adverse to the resolution.

The matter referred to is as follows:

STATEMENT OF HON. TOM D. M'KEOWN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OKLAHOMA

Mr. McKEOWN. I will say at the outset that I have been always and am now in favor of the proper protection of the Indians. It was my thought that Congress has made mistakes already in this matter of the removal of restrictions in Oklahoma for this reason, as stated

by my colleague Mr. SWANK, that there are incompetent Indians among the less than full bloods just the same as there are among white people. We talk about trying to protect the Indian. Some white people are just as incompetent to handle their estates and they squander their estates and you can not stop it. It is wrong, but it happens. If you look around you, you will find a lot of white children inheriting large fortunes who soon squander them and are improvident.

What I would like to see done, and I think ought to be done, in this legislation is to set aside in the Choctaw and Chickasaw country 80 or 100 acres that will be nontaxable and inalienable, not only for the present allottee but nontaxable and inalienable as long as it shall be occupied as a home by any one of that family. That seems to tie it up a great while, but the treaty with the Seminoles gave 40 acres to members of the Seminole Nation, that was nontaxable and inalienable in perpetuity, and the courts construed that to mean that whenever the allottee dies it then becomes taxable.

I am opposed to this bill in its present form because it does not protect and at the same time give a responsibility that the Indian ought to have. Now, to illustrate, you extend his restrictions on 160 acres of land. I think I know this Indian problem pretty well, because I at one time had a large Indian clientele.

When you extend these restrictions it is true you extend homestead restrictions. I would prefer that you make it 80 or 100 acres in the Choctaw and Chickasaw country and permit them to select it, and if I had my way about it I would make him live on that land, till it, and cultivate it, but I can not do that, and Congress can not do it because he will not stay on it.

Mr. SPROUL. It is not material if Congress does not have such power.

Mr. MCKEOWN. You can pass that law but you can not make him stay out there. Here is what the Indian complains about. He says this: "I have here 320 acres." That is the average allotment in the Choctaw and Chickasaw country. You take off the restrictions from 160 acres under the supervision of the Secretary of the Interior, through the Bureau of Indian Affairs, but in taking those restrictions off that 160 acres the department controls the funds and the Indian has no opportunity to exercise any business control over it, and to-day under the law in Oklahoma a full-blood Indian with 320 acres of land can not legally contract for burial expenses or physicians' fees for himself or any member of his family. If you extend these restrictions, which no doubt you will do and which you ought to do—I do not see the haste for it at this time, but that is a matter with Congress—the surplus land of these Indians you propose to restrict, you ought to permit the competent ones to have an opportunity to have their restrictions off without any supervision by this department. Here is what takes place.

Mr. HILL. Will not that happen under this bill?

Mr. MCKEOWN. No; it will not happen under this bill, because the department will continue to hold their funds.

Mr. HILL. You said competent Indians.

Mr. MCKEOWN. I mean the ones they remove restrictions from. There are very few cases where they remove restrictions and give the Indian a chance to sell his land himself or to have the funds when they sell it.

Another thing I will call your attention to is that we have an Indian agent who does not have very much authority, who goes out and looks at the land, and if he sells a piece of land for an Indian the funds are restricted. The Indian makes an application and he has to make two or three trips to the Indian agent's office to see if his check has come, when it is sold to make improvements on his homestead. The Indian if he gives him a chance will eat up or live up that money, and from time to time he comes to the Indian agent and wants money to pay grocery bills, and he prevails upon the Indian agent as he would on you or me or anybody else. There is no question but what the removal of the restrictions indiscriminately by act of Congress, as it was done in 1908, has not been to the benefit of the Indians and for the reason that you measured the removal by the degree of blood and said these Indians should have their restrictions removed because they did not have half Indian blood. The result is that a lot of them sold their lands and are now without land.

What I would like to insist upon here is to see this bill amended and continue the restriction on at least 80 acres in the Choctaw and Chickasaw country, and you can make it apply to the rest of it. A man ought to have at least 80 acres for each member of the family. Let them have the trust period, issue a competence certificate by the department up here as they do with those other Indians. They have all got their patents. Then put the extension of their restrictions upon the President.

Mr. HILL. You would like to see the bill amended so that each Indian would get not over 160 acres, or 80 acres?

Mr. MCKEOWN. Yes. When you talk about the taxes, we have all got that same question in all the Western States. I am not here to discuss that question of taxation, because Oklahoma came into the Union with full knowledge and with the full idea that Congress would always regulate the question as to taxes. I want you to make it 80 acres of land, so that the head of the family when he is dead and his children come in who have no land or allotment, they will have a home to live in. About the most touching thing to me is to see a bunch of landless Indians with no place to go and they have to live among their Indian friends. There is one characteristic of the Indian. Before we ever had any governmental restriction there was no such thing as an orphan child among the Indians. If an Indian died and left a dozen children, the Indians of that neighborhood took them into their homes and raised them to manhood and womanhood as if they were their own children, and that is the way they are to-day. A well-to-do Indian down there takes care of his kinsfolk. Go to a wealthy Indian out there and you will find a dozen or a half a dozen of his relatives around almost any time if they are unfortunate and have no money.

The citizens of Oklahoma as in other States carry a heavy burden in caring for these Indians. When a full-blood restricted Indian is in need of something where does he get it? From his neighbors, a merchant or some one that is a friend. He does not send to Muskogee.

Mr. HOWARD of Oklahoma. The gentleman's statement with reference to the taxation matter left the inference with me that the gentleman is not in favor of my amendment.

Mr. MCKEOWN. I did not mean to discuss that. I was discussing this other phase of the question.

Mr. HOWARD of Oklahoma. The inference is still left from your first remarks as to your position and I wanted that cleared up.

Mr. MCKEOWN. All right. I will give you my idea about this taxation. There is no provision in this bill that will require these oil companies to pay taxes, as I see it, on the oil that they are going to take out of these unrestricted lands. You have a provision here attempting to do it, but I do not think it does it. The oil companies have escaped their just taxes in Oklahoma by claiming that they were instruments of the National Government in taking out oil from under these lands and it has been sustained in the courts that they were instruments of the Government, and because they were instruments they have not had to pay their taxes.

Mr. SPROUL. That applies to what particular Indians?

Mr. MCKEOWN. Where it is a restricted Indian allotment.

Mr. SPROUL. It does not apply to the Osages?

Mr. MCKEOWN. I am talking about the Five Tribes, which this bill deals with.

Mr. HOWARD of Oklahoma. Will the gentleman tell me how we can read into this bill any provision that will make legal the collection of the oil tax on Seminole and Cherokee homesteads at the present time?

Mr. MCKEOWN. When you made it nontaxable, that is no reason why the oil company that takes out seven-eighths of the oil ought to escape paying taxes.

Mr. HOWARD of Oklahoma. Will the gentleman yield there?

Mr. MCKEOWN. Yes.

Mr. HOWARD of Oklahoma. Does not the gentleman know that in the case of Large *v.* E. B. Howard, auditor of the State of Oklahoma, the United States Supreme Court decided that the State could not collect this tax from either the oil men or the Indians, with restrictions on the land such as the Seminoles and Cherokees had?

Mr. MCKEOWN. That is what I am trying to tell the committee, and the reason is they claim to be instruments of the United States Government to take out this seven-eighths of the oil that they take out. They are not instruments of the United States Government and ought not to be permitted to claim that to escape taxation.

Mr. HOWARD of Oklahoma. I fought that case through the United States Supreme Court on behalf of Oklahoma, and I would be pleased if the State could collect that.

Mr. LETTS. Why has not Congress legislated in regard to that matter?

Mr. MCKEOWN. I think it should.

Mr. LETTS. I see no difficulty.

Mr. HOWARD of Oklahoma. It is not put up to them.

Mr. MCKEOWN. They could. They have been held to be agents of the United States Government and ought not to be permitted to claim such exemption from taxation.

Mr. HILL. They are in the same position that the Government would be in taking out the oil.

Mr. MCKEOWN. Yes; but they should not be permitted to claim that.

Mr. LETTS. What would be a simple provision to take care of that whole situation?

Mr. PEAVEY. Suppose Congress would legislate to make it possible for the State to collect taxes on this oil that is being removed, to protect the Indians, would it exceed in benefit to the State the $10,000,000, provided in this amendment?

Mr. MCKEOWN. Mr. Howard has that figure.

Mr. HOWARD of Oklahoma. Every farmer in Oklahoma who has an oil well on his land pays a gross production tax and pays an ad valorem tax on his farm.

Mr. PEAVEY. That does not apply to restricted land.

Mr. HOWARD of Oklahoma. No; they do not have any gross production tax or ad valorem tax or anything else and will not if this bill passes, on their homesteads.

Mr. PEAVEY. My question is if they paid the tax—you are also claiming the State would get this sum of money.

Mr. HOWARD of Oklahoma. When I was State auditor this was tested out in the courts and we employed the best legal talent we could and the decision was against us, and I would be glad to see some provision in the statutes that would tax this oil.

Mr. MCKEOWN. I would suggest a simple sentence in this bill, in that connection, which says that the lessee under any oil lease approved by the department for oil, coal, or any other mineral, is not an agent and shall not be considered an agent of the Government or the department.

Mr. HOWARD of Oklahoma. Yes.

Mr. MCKEOWN. I have taken up a great deal of your time, but this is an important bill to Oklahoma.

Mr. ARENTZ. Would not this room be filled with representatives of oil companies if you suggested something of that kind?

Mr. MCKEOWN. I do not care how many of them come. This is a fair proposition. That is all we want.

Mr. HOWARD of Oklahoma. When we passed the Osage bill which put an oil tax on oil lands in 1921, up until 1931, the oil men agreed to it.

Mr. ENGLEBRIGHT. Are you or are you not in favor of this amendment that Mr. Howard has suggested?

Mr. MCKEOWN. Of course I am in favor of it, if we can get it through Congress; I will vote for it.

Mr. LETTS. As I understand your viewpoint, you recognize there are other matters that ought not to be jeopardized.

Mr. MCKEOWN. I favor cutting this amount of acreage down to 80 acres and then make it nontaxable and nonalienable until such time as the President of the United States by Executive order may take it off.

Mr. SPROUL. Will the gentleman read section 3 of the bill for the benefit of the members of the committee? It is apropos to that question.

Mr. MCKEOWN (reading):

"That all minerals, including oil and gas, produced on or after April 26, 1931, from restricted allotted lands of members of the Five Civilized Tribes in Oklahoma, or from inherited restricted lands of full-blood Indian heirs or devisees of such lands, shall be subject to all State and Federal taxes of every kind and character the same as those produced from lands owned by other citizens of the State of Oklahoma; and the Secretary of the Interior is hereby authorized and directed to cause to be paid, from the individual Indian funds held under his supervision and control and belonging to the Indian owners of the lands, the tax or taxes assessed against the royalty interest of the respective Indian owners in such oil, gas, and other mineral production."

Mr. SPROUL. Does not that cover the general point?

Mr. HOWARD of Oklahoma. That has been fought out by these lessees of this land that have these leases. You can not make a statute retroactive like that.

Mr. ARENTZ. How long do these leases run?

Mr. HOWARD of Oklahoma. As long as oil and gas are found in paying quantities.

Mr. LETTS. The legislation does not provide for any reassessment of values or reconsideration of these matters?

Mr. HOWARD of Oklahoma. None at all. They lease that land under one-eighth or one-sixth royalty, and they produce the oil, and in the case which I referred to, which was carried to the United States Supreme Court, the court held that they were agents of the Government and could not be taxed, and there are hundreds of them in Oklahoma to-day that are operating.

Mr. LETTS. Under the laws under which the leases were drawn.

Mr. ARENTZ. And there will be a great many new ones in the future.

Mr. LETTS. Some of the men representing the State of Oklahoma ought to have been here fighting about that time.

Mr. HOWARD of Oklahoma. At that time we were being forced down there to do anything we could to get out from under the Washington carpetbag Government.

Mr. MCKEOWN. I will make another suggestion. The Choctaw and Chickasaw Indians, as far as I know, are the only Indians left in the Five Tribes that have not had their tribal affairs wound up. Of course, the failure to wind them up is because the Government has not been able to dispose of their coal lands. I am in favor of the amendment of my colleague Mr. CARTWRIGHT in that there is a moral obligation on the part of the Government in dealing with these coal lands, because those Indians at one time could sell those coal lands and had an offer to buy those coal lands at $30,000,000. The Congress refused to permit the department to sell them. Now the department is unable to sell them at any price or within their appraisal. If the Government would not let them sell them and now the Government can not sell them at the present time, it follows that the Government ought to take some steps along that line.

Mr. SPROUL. The coal land would not have been subject to taxation as long as the Indians owned it, neither would the proceeds of the sale.

Mr. MCKEOWN. I am not talking about the tax, but about the settlement which I think the Indian should receive on what he has coming to him on this tribal property that remains undisposed of. That is what I am driving at—undisposed-of tribal property. The Indians at one time had a chance to sell it and the Government would not let them, and now the Government can not sell it. It ought to do one of two things—lend to the Indians sufficient money to enable the Indians to live and hold this property until it can be disposed of, or the Government ought to take it over. That is my position about that.

I hope the committee will give us a bill that we can whole-heartedly support, and I think if you can fix this so that the Indians will have 80 acres of land nontaxable and nonalienable to keep for a homestead down there for the years to come that you will benefit these Indians more than extending it to 160 acres.

DEPARTMENT OF THE INTERIOR,
Washington, May 12, 1928.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: Reference is made herein to H. J. Res. 255, entitled "Joint resolution providing for loan of $2,500,000 to Choctaw and Chickasaw Tribes or Nations of Indians, and for other purposes," and to your request of April 16, 1928, for a report thereon.

The joint resolution authorizes to be appropriated, out of any funds in the Treasury of the United States not otherwise appropriated, the sum of $2,500,000 and the making therefrom, by the Bureau of Indian Affairs, of a per capita payment to the members of the Choctaw and Chickasaw Tribes of Indians. The joint resolution provides that the said sum of $2,500,000, together with interest thereon at the rate of 4 per cent per annum, shall be reimbursable out of the property of the Choctaw and Chickasaw Tribes.

It is inferred from the joint resolution that the reason for the proposed loan is the financial distress of the members of the Choctaw and Chickasaw Nations in Oklahoma owing to the ravages of the boll weevil and the consequent failure of the cotton crop.

Reference is also made in the joint resolution to the great value of the undisposed tribal property of the Choctaw and Chickasaw Nations in the custody of the United States.

In the annual report for the fiscal year 1927, submitted by Charles L. Ellis, district superintendent in charge, Five Civilized Tribes Agency, the unsold tribal property of the Choctaw and Chickasaw Nations and the estimated value thereof were stated as follows:

Tribal school and improvements	$107,200.00
Four vacant and forfeited town lots	25.00
Unsold lands, including unallotted, timber, and surface of the segregated coal and asphalt lands, being approximately 1,200 acres of land heretofore forfeited, and 9,969.96 acres of the reserved surface of the segregated coal and asphalt lands, amounting to 11,724.65 acres	117,246.50
Unsold coal and asphalt minerals	9,403,699.36
Total estimated value of unsold tribal property of the Choctaw and Chickasaw Nations	9,628,170.86

The report further indicated that the amounts yet uncollected from the purchasers of tribal property on the deferred installments of the sales price aggregated as follows:

Amount uncollected from sale of tribal land	$391,357.80
From sale of coal and asphalt minerals	531,480.47
From sale of reserved surface of segregated coal and asphalt lands	75,996.19
From sale of town lots	656.28
From sale of reserved town lots	1,843.00
Total amount yet uncollected of the deferred installments of the sales price of tribal property sold	1,001,333.74

Steps looking to the sale, under existing law, of the coal and asphalt deposits and other tribal property of the Choctaw and Chickasaw Nations will be taken at the earliest practicable date consistent with the best interests of the tribes.

In H. R. 9858, Seventieth Congress, it was contemplated that the United States should purchase the segregated coal and asphalt deposits belonging to the Choctaw and Chickasaw Nations. I was unable to recommend favorable consideration of the proposition. Relative thereto reference is herein made to my letter of March 19, 1928, to you in regard to H. R. 9858.

The records of the Indian Office show a per capita payment from the tribal funds was made to the Choctaws and Chickasaws of $40 in 1904, of $35 in 1906, and of $20 in 1908, and that the following payments were made since 1912:

Year	Choctaw per capita	Chickasaw per capita
1912	$50	$50
1914		100
1916	300	200
1917	100	100
1918	200	200
1919	140	200
1920	100	100
1921	50	30
1924	25	

From the books of the Indian Office, it appears that there were in the United States Treasury, on March 26, 1928, to the credit of the Choctaw Nation, funds to the aggregate amount of $530,930.48; and to the credit of the Chickasaw Nation, funds to the aggregate amount of $106,928.85.

Deducting therefrom the sums necessary for the tribal government and schools for the next fiscal year and to meet outstanding obligations, there are not sufficient available tribal funds to warrant any new per capita distribution therefrom at this time to the enrolled members of the Choctaw and Chickasaw Nations. The department does not feel that it would be justified in recommending the loan of $2,500,000 by the United States to the Choctaw and Chickasaw Nations for the purpose of a per capita distribution thereof to the members of said Indian nations. Therefore the enactment of H. J. Res. 255 is not recommended.

The Director of the Bureau of the Budget advises, by letter of May 7, 1928, that the proposed legislation is in conflict with the financial program of the President.

Very truly yours,

HUBERT WORK.

WILLIAM RODERICK DORSEY AND OTHERS

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9112) for the relief of William Roderick Dorsey and other officers of the Foreign Service of the United States, who, while serving abroad, suffered by theft, robbery, fire, embezzlement, or bank failures losses of official funds, with a Senate amendment thereto, and agree to the Senate amendment.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table the bill, H. R. 9112, with a Senate amendment thereto, and agree to the Senate amendment. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, I do not know whether the gentleman keeps up with the proceedings in the House or not, but the Speaker the other day said that he did not like to recognize anyone to take up a House bill with Senate amendments thereto for the purpose of agreeing to the Senate amendments, unless the committee had ordered the chairman or the Member in charge of the matter to make such a request.

The SPEAKER. The Chair was so assured before recognizing the gentleman from Massachusetts.

Mr. GARNER of Texas. The gentleman did not make that statement, and I think it ought to be made at the time the request is made, because it would save time in each instance.

Mr. MARTIN of Massachusetts. Mr. Speaker, for the information of the gentleman from Texas I would say that I have been instructed to do this by the committee.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

REREFERENCE OF A BILL—GILPIN CONSTRUCTION CO.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for a rereference of the bill S. 1530, for the relief of the Gilpin Construction Co., from the Committee on Claims to the Committee on Naval Affairs.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, is this with the consent of the chairmen of these committees?

Mr. HAWLEY. Of both chairmen.

The SPEAKER. Is there objection?

There was no objection.

INFORMATION RESPECTING PROSPECTIVE JURORS IN PROHIBITION CASES

Mr. GRIEST. Mr. Speaker, I ask unanimous consent to insert in the RECORD the following letter from the Postmaster General.

The SPEAKER. Is there objection?

There was no objection.

The letter referred to is as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., May 9, 1928.

Hon. W. W. GRIEST,
Chairman Committee on the Post Office and Post Roads,
House of Representatives.

DEAR MR. GRIEST: In reply to a telephone inquiry from the rooms of the House Committee on the Post Office and Post Roads concerning House Resolution 179, I beg to state that there has been no action taken by direction of the Postmaster General or anyone else officially connected with the headquarters of the Post Office Department directing postmasters or employees of the service to furnish information to the United States Prohibition Service with reference to the habits or qualifications of prospective jurors. It has been customary for other departments of the Government from time to time to ask the Post Office Department to cooperate with them in the collection of certain statistical information, and wherever it has been possible for the Post Office Department to accord such cooperation without undue expense and without overtaxing its own employees, it has been given.

The Treasury Department has never to my knowledge called on us for service in connection with prohibition enforcement, and I do not see how it would be possible for us in any way to aid in a service of that character. The only case of which I have any knowledge of anyone connected with the Postal Service being asked to do anything in this respect arose at Pittsburgh, where Postmaster Gosser received a letter over the signature of John D. Pennington, Federal prohibition administrator for that district, inclosing a questionnaire concerning the habits, associations, and characteristics of certain prospective jurors. I do not know that Postmaster Gosser did anything more in this case than to send the questionnaire to this department for instructions. After reading the list of questions included, it is perfectly apparent that they could not by any possibility be answered without long investigation, and it would appear equally obvious that the matter is one in which this department ought not be expected to take a part. Postmaster Gosser has been so informed.

As above stated, this is the only case of which I know in which a request of this character has been preferred. If the committee so desires, a representative of the department will attend the hearing on this resolution, but this letter really supplies all the information the department has or could impart.

Very truly yours,

HARRY S. NEW, *Postmaster General.*

WITHDRAWING CERTAIN MONTANA LAND FROM ENTRY

Mr. LEAVITT. Mr. Speaker, by direction of the Committee on Public Lands, I ask unanimous consent to take from the Speaker's table the bill H. R. 8110, withdrawing from entry the northwest quarter section 12, township 30 north, range 19 east, Montana meridian, with a Senate amendment thereto, and agree to the Senate amendment.

The SPEAKER. The gentleman from Montana, by direction of the Committee on Public Lands, asks unanimous consent to take from the Speaker's table the bill H. R. 8110, with a Senate amendment thereto, and agree to the Senate amendment. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

BRIDGE ACROSS THE DETROIT RIVER

Mr. DENISON. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I call up from the Speaker's table the bill S. 4405 and ask for its immediate consideration, a similar bill being on the calendar.

The SPEAKER. The gentleman from Illinois calls up from the Speaker's table the bill S. 4405, a similar House bill being on the calendar.

Mr. DENISON. The bill is in the usual form, Mr. Speaker.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 4405) authorizing the Detroit River Canadian Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Detroit River at or near Stony Island, Wayne County, State of Michigan.

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, is the recapture clause in this bill? Is there no recapture clause in it?

Mr. DENISON. No.

The SPEAKER. The gentleman has the right to call it up.

Mr. DENISON. I will state to the gentleman from New York that this is identical with the Detroit River bill passed last year.

Mr. LAGUARDIA. Yes; a novel and very constructive feature in international bridges was brought about in a bill introduced by the gentleman from Michigan [Mr. CRAMTON], which will be a model for future bridge bills, so far as I am concerned, at the next session of Congress.

Mr. DENISON. That was done by agreement between the parties and is a very unusual thing.

Mr. LAGUARDIA. That was due to the foresight and skill of the gentleman from Michigan.

Mr. DENISON. Our committee approved of it.

Mr. LAGUARDIA. I am with the committee for that.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

The bill H. R. 13065 was laid on the table.

HOSPITAL RELIEF FOR UNITED STATES COAST GUARD

Mr. HOCH. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I ask unanimous consent to call up from the Speaker's table the bill H. R. 11022, with a Senate amendment, and move to agree to the Senate amendment.

The SPEAKER. The gentleman from Kansas asks unanimous consent to take from the Speaker's table the bill H. R. 11022, with a Senate amendment, and agree to the Senate amendment. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 11022) to extend medical and hospital relief to retired officers and retired enlisted men of the United States Coast Guard.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I call up the conference report on the House bill 12286, making appropriations for the Navy Department for the fiscal year ending June 30, 1929.

The SPEAKER. The gentleman from Idaho calls up the conference report on the bill H. R. 12286. The Clerk will report it.

The conference report was read.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 13, 14, 15, 16, 18, 22, 23, 32, 37, 38, 39, 41, and 48.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 8, 26, 43, 44, 47, 51, and 56, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$260,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$260,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$260,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,400"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,400"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,075,820"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$101,400"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,400"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$68,518"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,421,700"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,596,700"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,228,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,828,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,952,050"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$960,800"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$66,596,350"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$127,651,215"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,845,502"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,400,240"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,896,957"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,032,250"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu

of the sum proposed insert "$1,008,800"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$731,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$182,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$65,000; in all, $490,532"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,665,816"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 45, 46, 50, and 52.

BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
W. A. AYRES,
W. B. OLIVER,
Managers on the part of the House.

FREDERICK HALE,
L. C. PHIPPS,
CLAUDE A. SWANSON,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and embodied in the accompanying conference report, as to each such amendments, namely:

On Nos. 1, 2, 3, and 4, relating to the appropriation, "Pay, miscellaneous": Provides for two delegates to attend the International Research Council and one delegate to attend the International Hydrographic Conference, as proposed by the Senate, instead of one and two delegates, respectively, as proposed by the House.

On Nos. 5 and 6, relating to the appropriation, "Pay, miscellaneous": Appropriates $495,000 for pay of classified employees, as proposed by the House, instead of $516,523.20, as proposed by the Senate.

On Nos. 7, 8, 9, and 10, relating to the West Indian Islands: Makes a direct appropriation of $260,000, instead of $240,000, as proposed by the House, and $280,000, as proposed by the Senate, and a conditional appropriation of $20,000, as proposed by the Senate, instead of $35,500, as proposed by the House.

On Nos. 11 and 12, relating to the Naval Research Laboratory: Appropriates $85,400 for pay of classified employees, instead of $85,000, as proposed by the House, and $86,893.40, as proposed by the Senate.

On Nos. 13 and 14, relating to recreation for enlisted men: Appropriates $35,000 for pay of classified employees, as proposed by the House, instead of $36,500, as proposed by the Senate.

On No. 15, relating to the appropriation "Instruments and supplies, Bureau of Navigation": Appropriates $580,000, as proposed by the House, instead of $580,300, as proposed by the Senate.

On No. 16: Appropriates $80,000 for ocean and lake surveys, as proposed by the House, instead of $80,860, as proposed by the Senate.

On Nos. 17 and 18, relating to the Naval Reserve: Appropriates $4,075,820, instead of $4,020,000, as proposed by the House, and $4,085,820, as proposed by the Senate, and fixes the amount for pay of classified employees at $73,531, as proposed by the House, instead of $76,431, as proposed by the Senate.

On Nos. 19, 20, and 21, relating to the Naval War College: Appropriates $68,518 for pay of classified employees, instead of $68,118, as proposed by the House, and $70,893, as proposed by the Senate.

On Nos. 22 and 23, relating to the Naval Home, Philadelphia, Pa.: Appropriates $73,425 for pay of employees, as proposed by the House, instead of $75,165, as proposed by the Senate.

On Nos. 24 and 25: Appropriates $1,596,700 for pay of classified employees, field service, Bureau of Engineering, instead of $1,575,000, as proposed by the House, and $1,623,450, as proposed by the Senate.

On Nos. 26, 27, and 28, relating to the Bureau of Construction and Repair: Makes specific provision for carrying on experimental and research work, as proposed by the Senate, and appropriates $1,828,000 for pay of classified employees in the field, instead of $1,800,000 as proposed by the House, and $1,902,000, as proposed by the Senate.

On Nos. 29 and 30: Appropriates $960,800 for pay of classified employees in the field under the Bureau of Ordnance, instead of $950,000, as proposed by the House, and $974,000, as proposed by the Senate.

On Nos. 31, 32, 33, 34, 35, and 36, relating to pay, transportation, and subsistence of naval personnel: Appropriates $150,896,957, instead of $149,213,752, as proposed by the House, and $151,948,777, as proposed by the Senate, being intended to provide for an average enlisted strength during the fiscal year 1929 of 84,000 men, instead of 83,250 men, as proposed by the House, and 86,000, as proposed by the Senate, and also to meet the anticipated added expense incident to a larger number of reenlistments than contemplated by the figures of both the House and Senate.

On Nos. 37 and 38: Appropriates $9,647,000 for "maintenance, Bureau of Supplies and Accounts," as proposed by the House, instead of $9,777,000, as proposed by the Senate, and fixes the sum available for pay of classified employees at $2,975,000, as proposed by the House, instead of $3,067,000, as proposed by the Senate.

On No. 39: Restores the provision proposed by the House with respect to the manufacture of clothing in piecework shops.

On No. 40: Appropriates $2,032,250 for Medical Department on account of the proposal to raise the average enlisted strength to 84,000 men, instead of $2,030,000, as proposed by the House, and $2,054,250, as proposed by the Senate.

On No. 41: Appropriates $60,000 for "Care of the dead," as proposed by the House in agreement with the Budget estimate, instead of $75,000, as proposed by the Senate.

On Nos. 42, 43, and 44, relating to the appropriation "Maintenance, Bureau of Yards and Docks": Fixes the sum available for pay of classified employees at $1,008,800, instead of $1,000,000, as proposed by the House, and $1,035,000, as proposed by the Senate, and clarifies the text with respect to acquisition of motor vehicles.

On No. 47: Makes $165,000 of the appropriation made in the first deficiency act, fiscal year 1927, on account of hurricane damage, Naval Air Station, Pensacola, Fla., available for the erection of a concrete bridge at such station, as proposed by the Senate.

On Nos. 48, 49, and 51, relating to aviation, Navy: Fixes the sum to be applied to maintenance, repair, and operation at $9,675,000, as proposed by the House, instead of $9,740,000, as proposed by the Senate; fixes the amount for pay of classified employees at $731,000, instead of $725,000, as proposed by the House, and $782,200, as proposed by the Senate, and amends, as proposed by the Senate, the provision with respect to the construction of rigid airships so as to remove any question that one of such airships need to be commenced prior to July 1, 1928.

On Nos. 53, 54, and 55, relating to the Marine Corps Reserve: Appropriates for other than transferred and assigned men $182,000, instead of $150,000, as proposed by the House, and $243,684, as proposed by the Senate, and appropriates for assigned men $65,000, as proposed by the House, instead of $87,500, as proposed by the Senate.

On No. 56: Appropriates $250,000 for printing and binding, as proposed by the Senate, instead of $510,000, as proposed by the House.

The committee of conference have not agreed to the following amendments:

On No. 45: Appropriating $157,000 for replacing boiler house, and so forth, Engineering Experiment Station, Annapolis, Md.

On No. 46: Appropriating $65,000 for replacement of boiler plant, Naval Fuel Depot, Melville, R. I.

On Nos. 50 and 52: Appropriating $635,000 for airplanes for use of Naval Reserve.

BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
W. A. AYRES,
W. B. OLIVER,
Managers on the part of the House.

Mr. FRENCH. Mr. Speaker, I think a short statement will be sufficient to indicate to the House the result of the work of the conferees on the disagreeing votes between the Senate and the House of Representatives on the naval appropriation bill.

The bill as it passed the House carried $359,418,237. The Senate added $4,318,780.69. The report of the conference committee just read indicates that the amount added by the Senate embraces quite a number of amendments. Many of these amendments have to do with the classified personnel and are scattered throughout the bill.

The following objects, however, include the items added by the Senate:

Classified employees in the field—increase in numbers and pay	$406,501.69
West Indian Islands	40,000.00
Naval Reserve	65,820.00
Pay of the Navy and medical department	2,743,275.00
Care of the dead	15,000.00
Experiment station, Annapolis	157,000.00
Fuel depot, Melville, R. I	65,000.00
Aviation	700,000.00
Marine Corps Reserve	116,184.00
Printing and binding	10,000.00
Total	4,318,780.69

The principal item, as will be seen from the foregoing, relates to pay, and was added by the Senate to permit of an average enlisted strength of 86,000 men instead of 83,250, as proposed by the House.

After the bill had passed the Senate the Navy Department advised that more recent studies disclosed that reenlistments likely would exceed previous estimates and that longevity pay would be larger than we had been advised; and that if such proved to be the case, the Senate figures would provide for but 85,000 men and that the House figures would need to be increased by $821,685 to provide for 83,250 men, exclusive of certain overestimates totaling $728,042, which were revealed by the latest studies.

As a result of our conference we fixed the personnel at 84,000 instead of 83,250, as carried in the House bill, and 86,000 as provided by the Senate. To take care of longevity pay based upon the latest studies and to take care of 750 additional enlisted men, the bill carries for pay of naval personnel $1,683,205 more than when passed by the House and $1,051,820 less than as passed by the Senate. Since the conference was concluded a supplemental estimate of $785,437 has been received from the Budget Bureau to cover the latest figures submitted by the Navy Department touching longevity pay as applied to the enlisted personnel, which lessens just that much the disparity between the bill as agreed to in conference and the Budget estimates.

For pay of civil employees in the field, the figure agreed upon is $76,100 instead of $406,501.69, as proposed by the Senate, the additional sum being intended for additional pay for draftsmen only, and will be subject, of course, in its application to the provisions of the Welch bill, if that bill shall become law.

As finally approved by the conferees the bill carries, including the items brought back for disposition by the House, $362,145,812. This sum is $2,727,575 more than the House bill and $1,591,205.69 less than the bill carried as it passed the Senate.

If the House concurs in the action I shall propose on the amendments brought back, the bill will exceed the Budget estimates, including the supplemental estimates for pay to which I have referred, by $880,905.

Mr. McCLINTIC. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. McCLINTIC. Did the Senate reduce any of the items that were agreed upon in the House?

Mr. FRENCH. No items were reduced by the Senate.

Mr. McCLINTIC. Then the bill carries the two hundred and odd thousand dollars that was added by the House for a boathouse at Annapolis?

Mr. FRENCH. Yes.

Mr. McCLINTIC. How many more men does this bill take care of in the way of enlisted personnel?

Mr. FRENCH. Seven hundred and fifty more men, instead of 2,750 men as provided by the Senate.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. LAGUARDIA. I understood the gentleman to say that the bill, if we agree to the Senate amendments, will be $800,000 above the Budget estimates?

Mr. FRENCH. Yes; $880,905.

Mr. LAGUARDIA. How much above the bill as it left the House?

Mr. FRENCH. Two million seven hundred and twenty-seven thousand five hundred and seventy-five dollars.

Mr. LAGUARDIA. So the House bill was under the Budget estimates while the completed bill, if it is agreed to now, will be over the Budget estimates?

Mr. FRENCH. Yes. The House bill was more than $1,000,000 under the Budget estimates and nearly $2,000,000 under the estimate which includes the supplemental estimate that came in a few days ago.

Mr. LAGUARDIA. The House bill was a well-balanced bill?

Mr. FRENCH. We thought so; but when two are negotiating it takes two to come to an agreement.

Mr. LAGUARDIA. Apparently.

Mr. BLACK of New York. Will the gentleman yield me some time?

Mr. FRENCH. How much time does the gentleman want?

Mr. BLACK of New York. About three minutes.

Mr. FRENCH. I will be glad to yield the gentleman three minutes.

Mr. BLACK of New York. Mr. Speaker and gentlemen of the House, at the outset of this session we were led to believe that the administration had in mind making some substantial increase in the Navy. The Navy Department reported through the President to the House that we required a program of 71 new ships. The Naval Affairs Committee through its chairman originally presented a bill for the 71 new ships. Under the spur of the pacifists the Naval Affairs Committee forgot the President, forgot the administration, forgot the country, ran away from the 71-ship bill, and came in with the 15-cruiser bill. The 15-cruiser bill is now languishing some place in the Capitol. Nobody really expects that we will have the 15 new cruisers. The Naval Affairs Committee reported as a reason for not authorizing new submarines and destroyer leaders that already we had authority under the 1916 act to build new submarines and to build destroyer leaders. There are yet to be built under the 1916 authorization three submarines, and I had hoped that the other body would respond to the desires of the country that we increase our Navy, particularly in respect of submarines. We now have before us the conference report on the naval appropriation bill, which indicates that the other body has been as lax as we were in the building of submarines.

I am making this little talk to urge the Committee on Appropriations when they bring in the deficiency bill to bring in an appropriation which will enable us to start the construction of three submarines. If they do not do that, on this naval question the Republican Party and this administration is exactly 100 per cent bunk from the beginning of the session to the end of the session. [Applause.]

Mr. FRENCH. Mr. Speaker, I yield two minutes to the gentleman from Oklahoma [Mr. McCLINTIC].

Mr. McCLINTIC. Mr. Speaker, I have before me an article and I ask permission to extend my remarks by inserting it in the RECORD at this point.

Mr. LAGUARDIA. What is it?

Mr. McCLINTIC. It is entitled "Sees United States as bar to world peace," and was published in the Washington Star.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks by printing the article referred to. Is there objection?

There was no objection.

The article referred to follows:

SEES UNITED STATES AS BAR TO WORLD PEACE—NICHOLAS MURRAY BUTLER HOLDS GOVERNMENT CHIEF OBSTACLE TO INTERNATIONAL AMITY

The Government of the United States "for some time has been the chief obstacle to the advancing cause of international peace," Nicholas Murray Butler, president of Columbia University and of the Carnegie Endowment for International Peace, told the annual meeting of the endowment trustees here yesterday.

Crediting the State Department with enormous progress in line with the overwhelming sentiment of the people, he said: "Our public officials, and particularly our Senators, are greatly in love with formulas, declarations, and rhetorical flourishes; but when they come to close quarters with practical action they are so concerned with exceptions, reservations, and provisos that their nominally good intentions disappear in the smoke of unreality."

"We should bring an end," he continued, "to the preposterous agitation that has existed, both here and in Great Britain, for increased naval armaments, by leading the way in a revision of the laws of neutrality as these affect sea-borne commerce. The only possible excuse left for a huge naval expenditure is that of protecting a nation's commerce in time of war. It is no longer a difficult matter to protect this commerce by law. All the militaristic naval gentlemen and all the representatives of the big armament makers are, of course, violently

opposed to this humane proposal, but despite their outcries public opinion is about ready to demand it.

"A syndicated article has been going about through the press indicating that our Government shall enter into no agreements of any kind, but shall retain complete 'freedom of action and command the world's respect with flying machines, submarines, fast cruisers, and a mercantile fleet bigger and better than any other.' This is the pestiferous barbarism of a bygone age and should have no place in the thinking or the conduct of the American people.

Mr. McCLINTIC. Mr. Speaker and Members of the House, the article I have here relates to a statement made by Dr. Nicholas Murray Butler, president of Columbia University. I think it is apropos of the present situation with respect to world peace, and I am very glad to have it printed in the RECORD after the speech made by the gentleman from New York, as it presents to a certain extent the other side from his views on naval armament.

I have but little patience with that type of citizen who tries to carry water on both shoulders by advocating the cancellation of a debt owed by a foreign nation amounting to billions of dollars, and at the same time advocating a military policy that would bring about an expenditure of several hundred million dollars. In other words, such a policy penalizes the taxpayers both going and coming, and in addition would allow the foreign country benefited just this much more increased credit which could be utilized as an asset to start another war. If some candidate for the Presidency wants to strike a note in the coming campaign that will ring true to the taxpayers, let him follow the steps of President Andrew Jackson and adopt a slogan, "Make every foreign nation settle in some manner or issue no more calling cards."

It is to be regretted that we have a class of citizens whose chief aim in life seems to be the spreading of propaganda for the purpose of popularizing war and war activities. A few days ago, out by the Washington Monument, I saw a great crowd of Washington people witnessing the maneuvering of troops and the operating of machine-guns as an advertised attraction of one of the branches of our Government. Nearly every week some of the news reels show either tanks in action, Coast Guard guns, dirigible and aircraft maneuvers, military drills, destroyer squadrons, and steaming battleships, thus leaving the impression with the representatives of every foreign country and our citizens that our Nation is silently preparing for war.

How much better it would be if our leaders would exert the same kind of energy in preparing for peace! Statistics show that very few of those who handle the propaganda and the war preparations ever actually participate in a conflict, yet they have no humane reserve thoughts in the interest of the mangled corpses that eventually make the sacrifices. War is the most terrible monster that ever ran rampant over any land, and I want to say to you that in the next war, the new inventions relating to death-dealing devices will be so dreadful as to stagger the minds of humanity. There will be death rays which man will operate from high, protected zones which will cause the destruction of life at great distances; liquid fire will be poured out of the clouds by planes and dirigibles and in exploding shells; smoke bombs will completely cover up areas that are desired to be destroyed; noiseless motors will enable machinery to creep up unexpectedly, and bring about a terrific toll of life; poison gas will be unloaded on the windward side of cities, thereby striking terror to the hearts of inhabitants; lightning-projecting machines will flash death and destruction over great distances; radio generated and propelled bombs will be cast back and forth through the elements like sky-rockets, and fuelless ships will travel inestimable distances in the taking of human life.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 45: On page 31, after line 13, insert "Engineering experiment station, Annapolis, Md.: Replacement of boiler house, boiler and auxiliaries, $157,000."

Mr. FRENCH. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 46: Page 33, after line 14, insert "Naval fuel depot, Melville, R. I.: Replacement of boiler plant, $65,000."

Mr. FRENCH. Mr. Speaker, I move to recede and concur with an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Mr. FRENCH moves to recede and concur in amendment No. 46, with an amendment: In lieu of the matter inserted by said amendment insert the following: "Naval fuel depot, Melville, R. I.: Toward replacement of boiler plant (limit of cost, $150,000), $65,000."

Mr. FRENCH. Mr. Speaker, I now yield to the gentleman from New York [Mr. O'CONNELL] for a question.

Mr. O'CONNELL. I want to ask the chairman of the committee if it is the understanding that the civilian personnel are expected to receive their increases under the Welch bill? This is what the gentleman has stated. I am very greatly interested in this matter. In the event that the Welch bill fails to pass, are they to be out of luck, or will they receive consideration?

Mr. FRENCH. I will say to the gentleman we carried rather substantial increases in the bill for the increase of civilian employees but not to the extent that would be recognized, in all probability, by the Welch bill. We felt, however, that with the Welch bill under consideration at this time and having passed the House we ought not to attempt to deal with the personnel question in conference. Rather we prefer that the question be handled by the two Houses on the basis of a bill that is being considered for personnel in all departments.

Mr. O'CONNELL. I am fearful that in the event that the Welch bill should fail to pass, which would be not only unfair but deplorable, the civilian personnel would not be considered in any way at all. I am very much interested, I will say to my friend, that this class of our public servants be adequately provided for. I am for any bill that will give this class better consideration.

Mr. FRENCH. Of course, the civilian personnel, if the Welch bill should not pass, would be on the same footing as the civilian personnel of all the other departments of the Government.

Mr. LAGUARDIA. If the gentleman will permit, we could resist adjournment until something is done for these employees.

Mr. O'CONNELL. I am for that.

Mr. LAGUARDIA. All right, we will join hands on that.

Mr. KINDRED. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. KINDRED. Does the gentleman think that the increases provided for in the Welch bill would adequately cover this class of employees to the extent that the gentleman's bill would cover them?

Mr. FRENCH. I think that the provisions of the Welch bill, if that bill should become the law, would probably go beyond the provisions that were in disagreement between the two Houses on the Navy bill.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Idaho to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 50: Page 35, line 11, strike out "$15,865,000" and insert "$16,500,000, including not to exceed $635,000 for the Naval Reserve."

Mr. FRENCH. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. LAGUARDIA. Will the gentleman from Idaho yield there?

Mr. FRENCH. I shall be pleased to yield.

Mr. LAGUARDIA. This bill does not contemplate anything that was in mind or provided for in the so-called shipping bill passed the other day?

Mr. FRENCH. No; this item refers to 22 planes for the reserves that had been estimated for by the Budget, but were omitted from the bill as we reported it to the House.

First of all, we omitted the item because the House did not have authorization as we felt to consider the proposition. In the second place, we omitted the item because we felt that through administration within the department planes that might be necessary for the reserve could be detailed from the regular service.

Mr. LAGUARDIA. It is limited to planes?

Mr. FRENCH. To planes alone.

Mr. LAGUARDIA. I call attention to the fact that the Senate struck out the planes in the shipping bill.

Mr. NEWTON. Will the gentleman yield?

Mr. FRENCH. I will.

Mr. NEWTON. Will the Naval Reserve planes be available for the Naval Reserve Militia?

Mr. FRENCH. The Naval Militia may be included as a part of the reserve under the law passed some two years ago.

Mr. NEWTON. That would give them the right to make use of the naval planes within the jurisdiction?

Mr. FRENCH. I so understand.

The SPEAKER. The question is on the motion of the gentleman from Idaho to concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 52: Page 36, line 11, strike out the sum "$31,315,000" and insert in lieu thereof "$32,072,200."

Mr. FRENCH. Mr. Speaker, I move to concur in Senate amendment 52 with an amendment, as follows.

The Clerk read as follows:

Mr. FRENCH moves to recede and concur in Senate amendment 52 with an amendment, as follows: In lieu of the matter inserted by Senate amendment insert "$31,956,000."

The SPEAKER. The question is on the motion of the gentleman from Idaho to recede and concur with the amendment just reported.

The motion was agreed to.

UNAUTHORIZED INTRODUCTION OF A BILL

Mr. UPDIKE. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Indiana asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. UPDIKE. Mr. Speaker and gentlemen of the House, some one introduced the bill H. R. 13597 under my name while I was away on May 7. It is a bill to prohibit the making of photographs, sketches, or maps of vital military and naval defensive installations and equipment, and for other purposes. I had nothing to do with the introduction of this bill and did not authorize my name to be put to the bill, and I ask unanimous consent to withdraw it.

Mr. CHINDBLOM. The gentleman has not the original bill and does not know what condition it was introduced under and has not ascertained how it happened that such a bill could be introduced without authorization?

Mr. UPDIKE. I have not been able to ascertain by whom it was introduced and referred to the Military Affairs Committee. I have not been able to ascertain who introduced it or attached my name to it.

The SPEAKER. The gentleman from Indiana asks unanimous consent to withdraw the bill. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman from Indiana [Mr. UPDIKE] has just brought to the attention of the House an incident which I never heard of before, but which it occurs to me requires some investigation by somebody. The gentleman stated that while he was out of the city a bill was introduced in his name, without his authority, and without his knowledge. That is a situation that is likely to present very great embarrassment. Any repetition of it certainly should be prevented. I have no suggestion to make on the spur of the moment as to just how it should be investigated, but it is something that goes to the integrity of the proceedings of the House in a most vital way.

Mr. TILSON. Does not the gentleman think it would be better to wait until the Clerk looks up the facts? I think we should be able to discover very soon all the facts in connection with the case.

Mr. SNELL. Is not this similar to the situation that arose in the Naval Committee at this session, where they had several bills from the department that were distributed around in the name of different Members by the clerk of the committee?

Mr. CRAMTON. And without the authority of the persons whose names were written on the bills?

Mr. SNELL. Yes; that came up earlier in the session.

Mr. GARRETT of Tennessee. It certainly is a practice that should be frowned upon and stopped.

Mr. SNELL. I agree with the gentleman that it ought not to be done. As far as the House is concerned, I think it should be understood that it is not to be tolerated.

Mr. TILSON. Let us first find the facts and circumstances surrounding the case.

Mr. LOZIER. Mr. Speaker, apropos of the remarks of the gentleman from Tennessee [Mr. GARRETT], I call attention to the fact that a similar thing happened with reference to the gentleman from Oklahoma [Mr. MCCLINTIC], who brought it to the attention of the House. Some one introduced a bill in his name with which he had no connection and of which he had no knowledge. It is a practice that ought to be severely condemned.

LOCAL LABOR PREFERENCES ON UNITED STATES PUBLIC WORKS

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting two letters, one from the Secretary of the Treasury, and one from the Bureau of the Budget in reference to a bill, H. R. 11141, introduced by the gentleman from New York [Mr. BACON]. I do this because those interested in the legislation would like to see the letters and hope that consideration of the letters may help to develop the situation as to this legislation in a practical way.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. The letters are as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, April 27, 1928.

Hon. LOUIS C. CRAMTON,
House of Representatives, United States.

MY DEAR CONGRESSMAN: I have your letter of April 20, 1928, addressed to Mr. Wetmore, asking an expression of views in regard to bill H. R. 11141 which has been favorably reported to the House by the Committee on Labor. This bill requires contractors and subcontractors engaged on public works of the United States to give certain preferences in the employment of labor, the main object being that under contracts for Federal construction work preference shall be given to local labor.

In this bill for local labor exclusively, apparently the fact is overlooked that Federal construction is carried on with Federal funds contributed by citizens from all States and not from local funds; therefore, labor from a particular city or State in which construction is undertaken has no inherent claim for preference.

However, as a matter of fact a contractor, everything else being equal, prefers local labor as he thus saves not only travel expense but in some cases board. This, of course, applies only to laborers and mechanics generally, and there should be differentiation between large and small contracts.

In small jobs and specialized jobs, such as painting, installation of boiler, installation of lighting fixtures, etc., it is customary for a contractor to have the work performed by two or three men constantly employed by him, and to require him to dispense with such men specially trained and employ local men might make it impossible to perform the work satisfactorily, and at the best greatly increase the cost of the work to himself and consequently to the Government.

In large construction work, for instance a $500,000 Federal building, the contractor of necessity would have to rely on a superintendent and a limited number of foremen or mechanics who have had experience with him and with his method of procedure, and require him to dispense with such men and to employ local untrained men would be exceedingly disadvantageous. Furthermore, while unskilled labor is usually abundant, skilled labor, for instance as is required for elevator installation, the setting of marble, laying of terrazzo, acoustical treatment, and similar specialized work, is scarce and the local market does not often supply mechanics skilled in these trades.

It is also foreseen that in the attempt to comply with the provisions of the bill there would be constant disagreement as to what constitutes competency. The bill says "men who are available or qualified to perform the work." Usually the least qualified are the loudest to proclaim their competency, and if the contractor refuses to employ a man whom he considers incompetent or after employment discharges such a man, the construction engineer in charge would become involved in the controversy and a decision by the construction engineer involves the Government. If under these circumstances unsatisfactory work is performed the contractor would not be slow in disclaiming responsibility. At best a heavy additional burden would be placed on the construction engineer and the administrative work of the office, as well as the cost of construction would be increased.

It is believed that the passage of this bill will work to the disadvantage of the Government.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

BUREAU OF THE BUDGET,
Washington, May 2, 1928.

Hon. LOUIS C. CRAMTON,
House of Representatives, Washington, D. C.

MY DEAR MR. CRAMTON: On April 19 you wrote me with regard to H. R. 11141, a bill to require contractors and subcontractors engaged on public works of the United States to give certain preferences in the employment of labor, and stating that you would be glad to have an expression of views with regard to this proposed legislation.

I referred this matter to the Interdepartmental Board of Contracts and Adjustments, having in mind not only their views with regard to this proposed legislation but also to what extent it might operate as an amendment of the proposed new public contract law in the bill H. R. 5767, introduced by you.

I am sending you herewith a copy of the minutes of the meeting of the Interdepartmental Board of Contracts and Adjustments of April 27, 1928, which gives the views reached by that board on the legislation proposed in H. R. 11141.

The board has also advised me that the legislation proposed in this bill would necessitate an amendment or deletion of section 14 of bill H. R. 5767, which section deals with "hours of labor."

Sincerely yours,

H. M. LORD, *Director.*

REVIEW OF PROCEEDINGS OF THE THREE HUNDRED AND THIRTY-FIFTH MEETING OF THE INTERDEPARTMENTAL BOARD OF CONTRACTS AND ADJUSTMENTS, APRIL 27, 1928

The meeting convened at 10.30 a. m., in room 369, Treasury Building, with Mr. Carr as acting chairman and representatives of the following departments and establishments present:

Treasury, War, Navy, Agriculture, Interior, Commerce, Panama Canal, Federal Power Commission, office of Public Buildings and Public Parks, and office of the Chief Coordinator.

* * * * * * *

Major Cushing suggested for consideration H. R. 11141, being a bill to require contractors and subcontractors engaged on public works of the United States to give certain preferences in the employment of labor. This bill was read and also the report of the Committee on Labor, which unanimously recommended its adoption (Rept. No. 1140). Briefly summarized, this bill, which is an amendment to the eight hour law, would require that every Government contract involving the employment of laborers or mechanics shall contain a provision that in the employment of such laborers and mechanics by any contractor or subcontractor preference shall be given in the following order:

"(1) To citizens of the United States and of the State, Territory, or District in which the work is to be performed who have been honorably discharged from the military or naval forces of the United States, and who are available and qualified to perform the work to which the employment relates.

"(2) To citizens of the United States who are bona fide residents of the State, Territory, or District in which the work is to be performed and who are available and qualified to perform the work to which the employment relates.

"(3) To citizens of the United States.

"(4) To aliens.

"(c) That the contractor or subcontractor shall, by advertisement and through employment agencies, give effect to the preferences under paragraphs (1) and (2) of this section before employing any person under paragraphs (3) and (4) of this section."

The bill also requires the contractor or subcontractor to keep a list of the names of the laborers and mechanics employed upon such work, setting forth their citizenship and place of residence, to be available for examination by any officer or employee of the United States and provides a penalty of $5 for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor upon such work in violation of the foregoing provisions.

Mr. George O. Von Nerta was present at the meeting and submitted the following views of the office of the Supervising Architect, upon this proposed legislation:

"This bill requires contractors and subcontractors engaged on public works of the United States to give certain preferences in the employment of labor, the main object being that under contracts for Federal construction work preference shall be given to local labor.

"In this bill for local labor exclusively, apparently the fact is overlooked that Federal construction is carried on with Federal funds contributed by citizens from all States and not from local funds; therefore, labor from a particular city or State in which construction is undertaken has no inherent claim for preference.

"However, as a matter of fact, a contractor—everything else being equal—prefers local labor, as he thus saves not only travel expense but in some cases board. This, of course, applies only to laborers and mechanics generally, and there should be differentiation between large and small contracts.

"In small jobs and specialized jobs, such as painting, installation of boiler, installation of lighting fixtures, etc., it is customary for a contractor to have the work performed by two or three men constantly employed by him, and to require him to dispense with such men especially trained and employ local men might make it impossible to perform the work satisfactorily and at the best greatly increase the cost of the work to himself and consequently to the Government.

"In large construction work—for instance, a $500,000 Federal building—the contractor of necessity would have to rely on a superintendent and a limited number of foremen or mechanics who have had experience with him and with his method of procedure, and to require him to dispense with such men and to employ local untrained men would be exceedingly disadvantageous. Furthermore, while unskilled labor is usually abundant, skilled labor—for instance, as is required for elevator installation, the setting of marble, laying of terrazzo, acoustical treatment, and similar specialized work—is scarce, and the local market does not often supply mechanics skilled in these trades.

"It is also foreseen that in the attempt to comply with the provisions of the bill there would be constant disagreement as to what constitutes competency. The bill says 'men who are available or qualified to perform the work'; usually the least qualified are the loudest to proclaim their competency, and if the contractor refuses to employ a man whom he considers incompetent or after employment discharges such a man, the construction engineer in charge would become involved in the controversy, and a decision by the construction engineer involves the Government. If, under these circumstances, unsatisfactory work is performed, the contractor would not be slow in disclaiming responsibility. At best a heavy additional burden would be placed on the construction engineer, and the administrative work of the office as well as the cost of construction would be increased.

"It is believed that the passage of this bill will work to the disadvantage of the Government."

A general discussion ensued. Major Call suggested the possibility of local laborers and mechanics greatly increasing their price without competition from the outside.

Captain Montgomery asked how the provisions of the bill could be administered in the construction of a bridge across a river boundary between two States or construction such as the contemplated Boulder Dam project.

A number of the members believed that disputes would constantly arise between the contractor and the Government representative as to whether a local man was qualified properly to perform their work, and that many contractors who had skillful mechanics constantly in their employ would refuse to bid upon Government work if they knew that they might be compelled to accept local mechanics concerning whose ability and integrity they had no information.

It was also suggested that the contractor might be involved in labor disputes and strikes if he were compelled to take on local men not affiliated with labor unions.

Doctor Snoddy suggested that the bill would not be so objectionable if a proviso were inserted that would not require the employment of local men except at a reasonable price and also a proviso that would permit outside contractors to bring in skilled mechanics regularly in their employ.

At the conclusion of the discussion the board voted to indorse the views of the Office of the Supervising Architect and go on record in opposition to the bill in its present form.

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MEMORIAL ADDRESS

Mr. LOZIER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing a memorial address delivered by me at Higginsville, Mo., June 5, 1927.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. LOZIER. Mr. Speaker, under unanimous consent given to extend my remarks, I desire to print the following:

Those who followed the fortunes of the Confederacy are accustomed to observe June 3 as Memorial Day, on which they pay loving tribute to the valiant men, living and dead, who fought, suffered, and sacrificed for the Southland, its beloved traditions, and its rights under the Federal Constitution. This date was selected because it was the birthday of Jefferson Davis, President of the Confederate States of America. It has become a custom at the Confederate Home of Missouri to observe the Sunday following June 3 as Memorial Day in order that larger numbers may attend and participate in these ceremonies.

The four men who probably exerted the greatest influence in the Civil War period were Jefferson Davis, Robert E. Lee, Abraham Lincoln, and William Lloyd Garrison. These colossal characters, two of the South and two of the North, were all cast in heroic molds and all born within a span of three years; Garrison, December 10, 1805; Lee, January 19, 1807; Davis, June 3, 1808; and Lincoln, February 12, 1809. These and other outstanding leaders in the War between the States have crossed over the great divide into the silent land where their disagreements have been composed and where, I am persuaded, each now concedes and honors the sincerity, patriotism, and courage of the others. If the souls of these dauntless heroes meet and hold friendly converse

in the sunlit regions beyond the tomb, as the shades of Æneas and Dido met and talked in the somber realms of the departed, should not we who still linger behind forget our animosities, bury our hatreds, curb our passions, and joyfully strike friendly hands over the bloody chasm that divided our people in that dark period of our Nation's history?

And while we are assembled to pay a deserved tribute to the heroes of the South whose sacred ashes sleep beneath the pines, willows, and magnolias, I would not knowingly speak one word that would offend the sensibilities of those who espoused the northern cause and battled bravely to preserve the Union. On the contrary, I would honor those who wore the blue, as I honor those who wore the gray. They were brethren, divided by bloody war but reunited when peace brought her healing balm to a stricken Nation. There is honor enough for both sides, and to the soldiers of the North and the soldiers of the South a grateful and unified Nation gives unstinted praise and an overflowing measure of imperishable glory.

Since the historic muse began to keep a record of all the dark hand of destiny weaves, few events have exerted a more far-reaching influence than the War between the States from 1861 to 1865. From the time the curtain went up on human history, we find in every age innumerable acts of heroism and deeds of daring that justify honest praise and are worthy of our profound respect. But the archives of no other nation register more superb courage, more unselfish devotion to principle, more intrepid adventures, more dauntless resolution, more chivalrous deeds, more lofty patriotism to Nation and States, more sublime sacrifices, more magnanimity in victory, more fortitude in adversity, more dignified and self-respecting submission in defeat, and more honorable and sincere acquiescence in the fortunes of war, than are disclosed by the chronicles of that epoch-marking struggle between the North and the South, known in history as the great Civil War.

Our complex and composite civilization is largely the result of struggles between tribes, nations, and races for supremacy. By military combat have been determined many of the great issues and momentous problems that have mightily influenced the course of human history. Many of our priceless liberties were born, not on downy beds of peace, but on the cold and cruel iron couch of war. Many of our most cherished institutions were made possible by sanguinary conflicts, tempered by human blood and sacrifices, and beaten into shape on the accursed anvil of war.

Our civil and religious liberties are largely the fruitage of bloody battles, fought not only by our forefathers but by heroic men in past ages, of whose struggles, sacrifices, and sufferings we are the chief beneficiaries.

Nevertheless war has scourged mankind mercilessly. For death war prepares a rich feast, and for the devil it supplies an abundant harvest. It makes wounds and scars that peace and time can not entirely efface. It capriciously throws the iron dice of destiny which spell the destruction of one nation and the exaltation of another.

War is facinating only to those who have never come face to face with its desolation; who have never stumbled, shell shocked, bleeding, faint, and half blinded, over barbed-wire entanglements and sweltering fields of tombless dead; who have never heard the clash of sabers, the roar of artillery, or the rattle of musketry; never witnessed brazen-throated cannon vomiting iron indignation and molten death from their bowels of wrath; never viewed once smiling and attractive landscapes, now scourged by the withering breath of war; never gazed on cultivated fields furrowed and laid waste, and lofty hills leveled by high explosives and death-dealing shrapnel; never seen cities, villages, churches, and factories transformed into shambles and slaughterhouses, and never seen crêpe on every door, mourning at every fireside, and the death watch in every home.

When war begins, hell opens her greedy jaws and spews her withering vomit of death over an ill-fated and helpless people. The whirligig of war generates poverty, pestilence, famine, unspeakable misery, unutterable anguish, and a plague of indescribable calamities that mangle and destroy the bodies and blister and burn the conscience and souls of men. No poet can portray, no orator describe, no artist paint the orphans' tears, the lamentations of innumerable hosts, the barbarism, the smoking ruins, the despoiled cathedrals, the desecrated temples, the crumbling walls, the feast of vultures, the dance of death, and the waste of life that inevitably follow in the wake of war. Wars are won by iron and gold, by the mangling of human bodies, and the sacrifice of human lives, and obviously military victories have always been purchased at a staggering cost of blood and treasure.

While at best war is ghastly, inhuman, hideous, and always to be deplored, nevertheless many wars were fought to establish a just cause, to resist aggression, for the betterment of mankind, for the improvement of social, civic, and economic conditions, and for the protection or advancement of civilization; and in such cases the prosecution of war was amply justified. If the sword is drawn in a righteous cause, "sweet is the smell of gunpowder." By war men have broken the power of tyrants, freed themselves from unbearable oppression, successfully resisted invasion, and won the priceless boon of self-government. By wars peoples have, little by little, struggled up from serfdom to citizenship; from the miry clay of despotism into the sunlight of liberty, equality, and fraternity. By wars nations have escaped exploitation, misrule, and times without number stayed the ruthless march of conquerors.

By revolutionary wars inefficient and oppressive governments have been overturned and the blessings of civil and religious liberty secured for a progressive, forward-looking people. By some wars the path of progress has been opened, honorable and lasting peace secured, stable governments established, civic order and social justice insured, and the civilization of the world tremendously advanced. By wars self-governing republics have sprung up on the ruins of autocracies and unspeakable despotisms. By wars society is often purged of vicious forces that threaten the public welfare. By wars inferior civilizations have been supplanted by superior civilizations.

By wars shackles have been stricken from the ankles of untold millions, loads lifted from backs that were breaking under an unbearable burden of oppression; and following the smoke, carnage, miasma, gall, and wormwood of battle men were permitted to breathe the air of freedom and enjoy the sunshine and blessings of just governments.

I do not want to be understood as advocating or justifying war as a means by which international disputes shall be settled. On the contrary, I abhor war and implore a benign providence that conditions may never again require our beloved land to unsheathe the sword or determine its domestic or international controversies by the gage of battle. I believe henceforth it will not be difficult to compose our international disagreements by diplomacy and arbitration, without in the least impairing our vital interests or sacrificing our national dignity.

I do not want to be understood as saying that all wars in the past have been unrighteous, but many have been prosecuted for causes that were just, and many of these wars have contributed materially to the progress of the world and the stabilization of society, notwithstanding the tremendous woe and wastage which are the inevitable incidents of military operations.

May I cite a few incidents in which wars have done much to promote worthy ends, stabilize governmental institutions, and in other ways advance civilization? In numerous decisive battles the free democracies of Greece beat back the tide of oriental despotism, thereby determining for all time that the dominant civilization of the world for centuries should be European, not Asiatic.

Issuing forth from their almost impenetrable forests, the ancient Germans under Arminius met the well-trained Roman legions commanded by Varus, defeated them in battle, arrested the hitherto resistless advance of the Cæsars, and laid the foundation for the modern European States, thereby definitely determining that Teutonic, Frank, and Saxon institutions, and not Roman policies and ideals, should ultimately dominate medieval and modern Europe.

By military operations, as much as by diplomacy, tact, and intrigue, the turbulent vassals, warring factions, and rival provinces of France were united into a cohesive nation.

The unity and stability of the English people were largely promoted by the intestine conflicts culminating in the struggle between the rival Houses of York and Lancaster, known in history as the War of the Roses, which for 30 years desolated England, sacrificed 80 princes of the blood and a large proportion of the ancient nobility, but on the accession of the Earl of Richmond under the title of Henry VII, England emerged from this fratricidal struggle into an era of civility, science, culture, and racial solidarity purged and chastened, but with stable institutions and a united, homogeneous, progressive, and forward-looking people.

The German states, occupying the heart of Europe, for centuries the seat of culture and the patrons of art, science, literature, and philosophy, were kept apart by mutual jealousies, and because her 300 petty dynasties were not welded into a great State for 500 years they did not exert the power and influence to which their numbers, resources, genius, and accomplishments entitled them. But under the master hand of Bismarck, and following devastating provincial wars, the North German Confederation came into being, at the head of which was the progressive Kingdom of Prussia; and later, out of the womb of the Franco-Prussian War, came forth the German Empire, strong and stalwart from its birth, as Minerva sprang full grown and full armed from the brain of Jupiter.

By the fortunes of war the Italian states, divided and distracted for centuries, suffering economic and political vassalage, crushed and helpless beneath the despotism of an alien race, were freed from the yoke of Austria, thereby making possible the unification of the Italian people and the merging of the rival provinces into the stable Kingdom of Italy.

For causes as holy as any that ever moved men to action, our forefathers initiated and carried to a successful conclusion the Revolutionary War, by which the American colonists became a free and independent people, after sacrifices unexcelled in the annals of time. As a result of this epoch-marking, history-making conflict, our Federal Union was established and entered upon a career of unrivaled growth and development, as the first successful experiment by a great people in self-government. From a feeble, struggling confederation it rapidly grew to a great Republic whose present and potential power and matchless accomplishments amazed mankind. Our flag was soon carried from the Mississippi to the Pacific. The far-flung region from the Canadian plains to the Rio Grande River was added to our public domain. Within the bound-

aries of our Nation was found and prudently developed a wealth of natural resources, so vast as to stagger human comprehension. Ours was a rapidly growing, prosperous, and progressive nation, expanding by leaps and bounds in every department of human activity. Our agricultural, industrial, commercial, and financial progress was phenomenal.

But destiny did not ordain that this Republic should escape the scourge of war that has afflicted every other great nation since the beginning of time. The sails on our ship of state that were spread for peace and heaven were to be filled with winds of war and blasts from hell.

The activities of the American people were so diversified and their interests so conflicting that disagreement on economic problems and legislative policies were inevitable. This resulted in a division of the population into opposing sectional groups, each advocating the policies that would best promote the welfare of their particular section and often opposing vehemently the policies that were advantageous to rival sections. Self-interest became the yardstick by which economic policies were measured. The legislation helpful to those engaged in one occupation was frequently detrimental to other vocational groups. The rapid and intensive development of our agricultural, industrial, and commercial resources accentuated this conflict of interests and intensified rivalries between the classes for economic supremacy. The industrial, financial, and commercial classes became each year more active and demanded more and more class legislation and greater and greater special privileges. Party spirit was militant and party lines tightly drawn. Political action was largely influenced by partisan passions. Powers reserved to the States and the people were being rapidly centralized in and exercised by the Federal Government. Sectional and political lines were drawn on practically every revenue measure and governmental favoritism for certain vocational groups supplied material for never-ending disagreement and acrimonious disputation.

But all of these differences, grave and acute as they were, could, and no doubt would, have been composed, ironed out, and compromised. In these issues was no germ for war or dissolution of the Union. These and similar problems would have admitted of deliberate discussion and sane treatment, and would no doubt have been settled at the ballot box.

The great bones of contention were the slavery question and the right of States to withdraw from the Union. Like Banquo's ghost, these issues would not down. They could not be settled by an appeal to reason. The ordinary methods of adjusting political controversies were ineffective when used in an effort to settle these perplexing questions.

The institution of African slaves had flourished so long in the United States, and was so deep rooted, so closely interwoven in our national fabric, and so intimately related to our social and economic life that it would not yield to ordinary or even extraordinary legislative treatment. It was not only a moral, humanitarian, and social issue, but an economic issue as well. The southern people depended largely on slave labor for the production of their staple commodities, cotton and sugar, and believed the abolition of slavery would reduce the South to a condition of economic impotence. Slavery was essentially a sectional issue, and its treatment and solution involved sectional rivalries and sectional hatreds. The South was agricultural and had many slaves. The North was commercial and industrial and had no slaves. Slave labor in the North was not profitable, while it was a source of great wealth and profit to the southern people. At the time of the adoption of our Federal Constitution, and for a long time thereafter, there was a strong sentiment in the South in opposition to slavery, and the great southern leaders like Jefferson, Madison, and Patrick Henry, considered slavery an evil, and inconsistent with the spirit of our free institutions, and looked to its gradual extinction. But the invention of the cotton gin by Eli Whitney tremendously increased the demand for and consumption of cotton and stimulated its production which led to an increased demand for slave labor and helped to change the attitude of the southern people toward this institution. While the South was at first indifferent toward slavery, the New England shipowners were carrying on an extensive and exceedingly profitable trade in slaves, seizing helpless negroes in Africa, bringing them to the United States, and selling them to southern planters.

Some of the Southern States abolished the slave trade with Africa before the enactment of any Federal legislation on the subject. But many of the New England States engaged in the slave traffic until Congress enacted laws prohibiting the importation of slaves. Indeed many Northern shipowners continued clandestinely to import slaves from Africa, even after Congress, in 1820, passed a law declaring the slave traffic an act of piracy and a capital offense, although no conviction was had under that act until November, 1861, when Nathaniel Gorden, master of a vessel called the *Eric*, was convicted in New York and executed. After selling thousands of slaves to the southern planters, when the business became extremely hazardous, these New England reformers had a spasm of virtue and instituted a nation-wide campaign to free the slaves they had sold to the South and to destroy an institution they had, in part at least, been instrumental in building up to gigantic proportions.

But back of the slavery question and overshadowing it were some acute controversies that threatened our national peace and could not be easily compromised, among which I mention:

First. The deep-seated antagonism between the Puritan and the Cavalier;

Second. The struggle between the manufacturing and agricultural interests;

Third. Sectional rivalry;

Fourth. State sovereignty and the rapid encroachment by the Federal Government on the powers of the States and divergent views as to the relationship of the States to the General Government under the Federal Constitution, as to whether our Government is a compact or confederation of sovereign States, which any State may terminate at will, or an amalgamation or consolidation of the people of the several States into a "hard and fast" national unit with practically unlimited Federal power and from which no State can withdraw.

These theories of Government had been a constant source of controversy and irritation from the beginning of our national life. Seemingly they could not be settled by discussion or in the arena of reason. Without these other controversies, the slavery question might have been adjusted by the application of reason and common sense.

In the last analysis, the immediate and underlying cause of the Civil War was not slavery, but the doctrine of secession—that is, the right claimed by the Southern States to withdraw from the Union and be no longer subject to the Federal Government. This had long been the contention of the Southern statesmen, chief of whom was John C. Calhoun, who was probably the greatest logician and most profound statesman America ever produced. But until the slavery question became acute, the doctrine of secession was largely an academic question. Slavery was the acute issue that brought to the forefront the alleged right of a State to withdraw from the Federal compact. Without the slavery dispute, it is not probable that the Southern States would have ever gone so far on the doctrine of secession, and this question would probably have continued to be debated as a theoretical proposition by many, but its application and exercise not attempted.

Conservative leaders in both the North and South labored to find a formula by which slavery could be abolished gradually and by compensating the owners for the reasonable property value of their slaves. I am not convinced that the masses either in the North or South wanted war. I believe that a majority of the people in both sections wanted peace and ardently hoped some method might be found by which the problem could be solved satisfactorily to each section and without recourse to arms. Many influential men in the North were not willing to fight to destroy slavery, but they were willing to fight to preserve the Union. Irresponsible agitators in the North and South opposed reasonable concessions that would have postponed and probably averted recourse to arms. Passion and prejudice were fanned into a white hot flame. Anger blinded reason on both sides, and the North and South, unable to compose their differences at the ballot box or by legislative formulas, drifted farther and farther apart. The radical element in the North opposed every suggested compromise, and the Southern States, believing that the North intended to confiscate their property and overpower them, steadfastly held to their purpose to secede from the Union of States, go their own way, and work out their own destiny.

In the momentous events leading up to this fratricidal struggle we have a concrete illustration of the adage that there are some questions in the experience of every nation that can not be settled peaceably. History records many incidents where States have earnestly and honestly endeavored to adjust certain controversies by peaceful methods, but failed, and were compelled ultimately to submit these issues to the fortunes of war. Of course, these were problems involving fundamental differences, generally so revolutionary in their character that their solution tremendously influenced the course of future events.

England had her numerous intestine struggles, sanguinary beyond description, over issues that could not be solved by discussion and peaceful methods. In the bloody crucible of war English civilization was purged of many of its vices and weaknesses, a distinct type of citizenship developed and national unity insured. In like manner the unification of Germany, France, Italy, and every other great nation was attained and their national ideals molded in the hot furnace of civil war and tempered by human blood.

There are certain major theories of government that are so fundamentally repugnant and irreconcilably antagonistic to each other that in their practical application they can not be harmonized and in relation to which no permanent compromise is possible. Some governmental policies, like some colors, and like some chemicals and metals, are so essentially refractory and adverse to each other that they will not mix and can not be combined, blended, or amalgamated. Where each of these governmental policies are so hostile to each other that neither will be neutralized nor modified by the other, compromise is impossible, and sooner or later the opposing theories must resort to force to determine which policy shall survive.

Such conditions prevailed in the United States in 1861. The American people were divided into two hostile camps on questions that had

been the subject of bitter disputation for many years; questions that involved a fundamental difference as to the nature of our Federal Union; questions that affected not only the political but the social, industrial, and economic life of our people.

In the ocean of our national life two mighty currents of civilization met, each seemingly irresistible, each hostile to the other, each sustained by a militant public sentiment, sectional interests, and sectional hatreds so strong that these currents could not be turned back or diverted from their course by peaceable methods.

For a half century the American people had diligently sought a peaceable solution of the slavery issue and the question as to whether or not our Federal Government was a national unit or a compact of sovereign States from which any State might at will withdraw. These questions had been debated from every possible angle, and for decades patriotic efforts were made to compose the radical differences between the North and South on these perplexing problems. These well-intended efforts came to naught because these were questions involving such fundamental and antagonistic conceptions of government and were so vital to the social and economic life of the people that no compromise was possible, and it became quite evident that destiny had decreed that these issues could only be permanently settled by the arbitrament of war and by deluging this fair land with a flood of unutterable woe and indescribable miseries incident to a great civil war.

Many compromises had been attempted, but they only salved over the festering ulcers and did not remove the diseased tissue or sterilize the germ that produced the cancerous sores that threatened our national existence. But, according to Emerson, the sword cut the "Gordian knot in twain which all the wit of the East and West, of northern and border statesmen could not untie."

Civil wars are more desperate and destructive than conflicts between nations and races, because in domestic struggles the opposing forces are more evenly matched in courage, training, strategy, initiative, and all the arts of war. In intestine strife the soldiers in each army have a better understanding and appreciation of the resources, courage, and fighting capacity of those who make up the opposing army.

The southern soldiers well knew in advance that their northern foes were brave men who were determined to preserve the Union and who were not afraid to go against the cold steel and gamble with death on the fields of battle. On the other hand, every Union soldier who got close enough to the battle lines to smell powder, realized from the beginning the temper, courage, pluck, intrepidity, and resourcefulness of the soldiers of the South, and their resolution to strike and spare not, make every possible sacrifice, shed their rich red blood, and die uncomplainingly in the cause of the Confederacy. Neither "the Yank" or "the Johnny Reb" was deficient in courage. Each was a foeman worthy of the steel of the other. Each displayed unfaltering devotion to his convictions and to the cause he believed to be just. Each respected the courage of the other. Those who wore the gray and those who wore the blue were alike inspired by the heroism of their fathers, who suffered together at Valley Forge and fought side by side at Saratoga, Monmouth, Germantown, and Yorktown. No brave man who fought under either flag speaks contemptuously of the courage of those he met in battle. The glory and heroism of either army is not dimmed by conceding similar heroism and glory to the other army. It was not a disgrace for either army to be beaten back or defeated by the other. Those who won and those who lost alike displayed dauntless valor and unexampled fortitude.

Into this epoch-marking struggle the people of the North and South entered with undisguised reluctance and profound regrets. Though fierce passions swept over the souls of men as a majestic tempest scourges the mighty deep, all, on sober second thought, realized that the forces of hell were soon to be loosed, and that the impending blood letting, skull cleaving, brain spattering, windpipe slitting, manslaughtering, death dealing encounter would divide households, estrange lovers, disrupt lifelong friendships, rend asunder a hitherto happy and homogeneous people, enkindle age-lasting hatreds, and perhaps destroy the Republic. All knew that war, at best, was a terrible trade, a frightful thing, even in a righteous cause; and that civil wars are momentous evils and leave the deepest wounds. It is therefore not strange that thoughtful men in the North and South with assiduity labored to harness sectional passions and settle these controversies by pacific methods.

But these belated efforts to avert the disaster of war were unavailing, and at the touch of the slowly moving yet relentless hand of destiny, long sleeping, long sheathed swords sprung from their rusty scabbards, strains of martial music floated over our hills and valleys, tent cities arose, as if by magic, on dotted landscapes but lately tessellated with checkered squares of golden grain and wild flowers of surpassing beauty; men untrained in the arts of war heard the distant drum beat and call to arms, and inspired by invincible heroism, left the plow in the furrow, dropped the axe, laid down the hammer, closed their offices, counting houses, shops, mills, and factories, fondly embraced their pale-faced but dry-eyed wives, kissed the pink cheeks of babes unswept by passion and untouched by sin, serenely sleeping in white-canopied cradles; yes, these stout-hearted men shouldered their rusty muskets, cast a last loving, lingering glance at the scenes of their domestic felicity, and with firm lips from which laughter had departed, they, with stately tread, marched forth to battle for a cause they sincerely believed to be just and righteous.

Conceding the valor and devotion to duty and country of those who wore the blue, we come together to-day for the specific and commendable purpose of paying a sincere tribute to those dauntless souls who wore the gray, and with unfaltering devotion followed the glorious but failing fortunes of the Confederacy.

Who will question the honesty or challenge the sincerity of these men who sacrificed everything and unflinchingly defied their mightiest hereditary enemy—death—in the performance of their duty as they understood it, and in defense of their altars and firesides from what they considered unwarranted aggression? Where in all the ages of the world's history can be found a people who made greater sacrifices for their convictions, or exhibited more spiritual grandeur than those who fought for "the lost cause"? The men of the South were as true to their ideals as the needle of the magnetic pole. They would not sacrifice principle for expediency. They declined to purchase peace and tranquility by a surrender of their traditional attitude on political and economic problems, or by a sacrifice of what they conceived to be their rights under the Federal Constitution.

In this memorable contest the South was in a state of unreadiness, at a disadvantage from the beginning, outclassed as to resources, ill organized, ill-equipped, and fighting against overwhelming numbers. The North had the men; the North had the money and industrial and commercial assets so essential in military conflicts. But in every southern heart there was a fixed resolution to resist aggression. When the bloody, inexorable, unpitying scourge of war swept her destructive, devastating, desolating way through the sunny Southland, those who followed "the Bonnie Blue Flag" wore the rich livery of victory with a dignity and modesty that become brave men, and in the deep and troubled waters of adversity they were sustained by a courage and fortitude akin to that of the ancient Stoics and eminently worthy of emulation.

In all the stormy strife, in all that frightful wilderness of death they felt no pangs of fear, and their stalwart iron frames stood the racking waste of war, famine, and blood like giant oaks, unbending before the savage fury of a mountain tempest.

The issues that culminated in the Civil War were not one-sided. There was much to be said on each side of the question. From a purely legalistic standpoint the South had the better of the argument. By this I mean that the circumstances surrounding the adoption of our Federal Constitution and its construction and application for three-quarters of a century sustained many of the contentions advanced by the South. The institution of slavery was specifically recognized and sanctioned by the Constitution. The agitation in the North was for a change in existing law that would prohibit slavery. So on this question the South was standing by the Constitution and the North seeking to change it. The relation of the several States to the General Government and the constitutional right of a State to withdraw or secede from the Federal Union were not specifically settled by the Constitution and were matters of dispute, in relation to which there was room for honest difference of opinion. It was the contention of the northern statesmen that where the several States ratified the Constitution, they were bound not only by the provisions embodied in the instrument but by all amendments or changes thereafter made, while the southern school of political thought insisted that the States had accepted the Constitution as written and submitted, and that any radical departure from the scheme of government therein set forth which militated against the rights of any State justified such State in recalling its approval and withdrawing from the voluntary Federal compact.

While the doctrine of nullification had its chief strength in the South, the policy did not originate in the slave-holding States, but was incubated in the New England States and was adroitly asserted in the Hartford convention in its 20-day session, between December 15, 1814, and January 5, 1815. This body was composed of 22 representatives appointed by the Legislatures of Massachusetts, Connecticut, Rhode Island, and three representatives from counties in New Hampshire and Vermont. While the resolutions calling this convention stated that its purpose was not repugnant to the Federal Union, the proceedings and resolutions of the convention urged organized opposition to Federal laws. Northern historians have endeavored to justify the good faith and patriotism of the members of this convention, but they were undoubtedly actuated by secret treasonable designs against the United States Government.

Preceding the Civil War there was a rapidly growing sentiment in the North in favor of nullifying the acts of Congress relating to slavery. Wendell Phillips, William Lloyd Garrison, and other active northern leaders urged the repudiation of the Constitution of the United States and borrowing the words of the prophet Isaiah characterized it as "a covenant with death and an agreement with hell." Prior to the election of Mr. Lincoln, practically all of the nullification sentiment was in the North, the South, being satisfied with the Constitution, was its chief defender.

The war between the States is frequently mentioned as the "Great Rebellion." Many thoughtful students of history are convinced that only in a technical sense can this war be designated by the dishonor-

ing title, rebellion. It was essentially a revolution, a revolution that failed, but nevertheless a revolutionary movement, the underlying purpose of which was to arrest the progress and to ultimately destroy another revoluntionary movement within our Government, the object of which was to destroy some important existing constitutional rights and institutions.

Rebellion is an odious term; revolution an honorable title. If a military movement against an organized state or against duly constituted authorities fails, it is dubbed a rebellion, but if it succeeds, it is broadcasted as a revolution. If Washington had failed he would have gone down in history as a great rebel, but as he succeeded, he is proclaimed and honored as a revolutionist, liberator, and patriot. If Simon Bolivar had failed in his struggle to free South America from Spanish despotism, he would have been scornfully alluded to as a pestiferous rebel, and no monuments would have been reared to perpetuate his memory as a revolutionist, liberator, and patriot. If Lee and Jackson and their heroic associates and followers had succeeded in establishing the Confederacy as an independent republic, they would have gone down in history as revolutionists, liberators, and patriots, but as they failed, an uncharitable world labels them as rebels. Victory and defeat determine whether a leader who heads a revolt is a revolutionist or rebel. Many men who consecrated their efforts and sacrificed their fortunes and lives in the cause of human liberty and the betterment of mankind, have been branded as rebels, because, forsooth, they failed; while, if they had succeeded, they would have been given an honorable place in the Pantheon of the immortals. There is only a twilight zone between a rebel and a revolutionist. If a rebel is victorious, he is hailed as a revolutionist. If a revolutionist fails, he is acclaimed a rebel. Thomas Moore, the sweet singer of the Emerald Isle, thus graphically illustrates this thought:

"Rebellion! foul, dishonoring word,
Whose wrongful blight so oft has stain'd
The holiest cause that tongue or sword
Of mortal ever lost or gain'd.
How many a spirit, born to bless,
Hath sunk beneath that withering name,
Whom but a day's, an hour's success
Had wafted to eternal fame?"

Jefferson Davis and Abraham Lincoln, Robert E. Lee and Ulysses S. Grant, Alexander H. Stephens and William Lloyd Garrison—dauntless souls, great in life, sublime in death; champions of two antagonistic theories of government; advocates of policies so fundamentally conflicting as to be utterly irreconcilable; two contending groups in the greatest intestine struggle in the annals of time; an overwhelming majority of each group was sincere, patriotic, and dominated by high ideals and lofty principles; the members of each group loyal to their convictions; all battling for right as they understood it; all devoted to duty as they saw it. There is honor enough for both sides. A reunited country and a pacified and unified people charitably overlook the faults and mistakes of those who led and those who followed in that fratricidal conflict. And having played a conspicuous part in the great drama of the Civil War, these heroic men have earned enduring fame. And with charity to all and malice toward none let us exalt their virtues and lovingly concede to each an honored place among the world's immortals.

WHAT AM I BID?

The SPEAKER. Under special order of the House, the Chair recognizes the gentleman from New York [Mr. CELLER] for 10 minutes. [Applause.]

Mr. CELLER. Mr. Speaker and gentlemen of the House, I call the attention of the House to an anomalous situation which has arisen in the War Department and in other departments as well with reference to the purchase of supplies. We in this Congress have the sole right to levy taxes to raise moneys, and likewise we have the sole and only right to appropriate the money raised by those taxes. The right to supervise and control the expenditure of money is purely a legislative function, and in all parliamentary systems that function has always been deemed legislative. When we set up a comptroller, that comptroller of necessity is under our control, because he performs in a sense a legislative function.

Comptroller General McCarl in the foreword of his report for the fiscal year of 1927 says as follows:

The Congress learned during the early days of its existence, as the Parliament of England theretofore had learned, that it was necessary to prescribe with more or less particularity the method by which taxes or customs should be collected and the purpose for which appropriated money might be used by officers of the executive branch of the Government. However, investigations into the actual conduct of executive officers in the discharge of the activities which they were charged by law disclosed that the directions in the statutes, prepared with infinite pains and after far-reaching examination and most careful consideration, were not always observed. Albert Gallatin, a member of the early House of Representatives and the fourth Secretary of the Treasury, succeeded in having enacted into law a provision which is now section 3678, Revised Statutes, as follows:

"All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others."

When the Congress has appropriated money for a specific purpose, it can not be admitted under existing law that the moneys appropriated for one purpose may be diverted to some other purpose, excepting by the Congress collectively assembled itself first so authorizing. It is exclusively a legislative right, and if sought to be elsewhere exercised would be legislating by other than the constitutional body and strike at the root of representative government.

What has occurred in the War Department? All of the safeguards that we have been attempting to throw around the purchase of supplies, automobiles, and all other items entering into military affairs have been sought to be whittled away by the actions of the Secretary of War. I call attention particularly to the fact that on November 22, 1927, there was advertised a bid for 124 automobiles to be used by the Army at Camp Holabird in Maryland, 49 touring cars and 75 sedans. They were to be used for ordinary transportation purposes during peace time. A number of automobile manufacturers offered their bids. I will read some of them:

Name of car	Price	
	Touring	Sedan
Pontiac	[1]	$761.00
Nash	$742.47	851.80
Dodge	[2] 855.00	[2] 902.50
Chrysler	854.32	970.08
Oakland	912.00	970.00
Studebaker:		
Dictator	960.00	990.00
Erskine	720.00	760.00
Buick	995.00	995.00
Willys-Knight	943.13	[3] 969.03
Do	943.13	1,070.44
Durant	577.95	773.55

[1] No bid.
[2] Plus Government tax.
[3] Coach.

Strange to relate, despite the provisions of the Revised Statutes, which should govern the Secretary of War in the purchase of supplies, and despite the fact that the Durant company offered the lowest bid of $577.95 for the touring car, the successful bidder was the Chrysler at $854.34 for the same car, and whereas the Durant people offered the sedan for $773.55, the Chrysler was favored at $970. There was a difference there in the case of a touring car of $276.37 on each car, and in the case of the sedan of $196.53 on each car, a mighty big difference when you have to buy 124 cars.

Army Regulations No. 5–100, dated September 12, 1927, contain general provisions governing the procurement of supplies. Section 20, subdivisions 1 and 2 thereof, is as follows:

20. Purchases, how made: (a) competitive bidding: The basic laws requiring all supplies to be procured as a result of competitive bidding are as follows:

(1) All purchases and contracts for supplies or services, in any of the departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or services required may be procured by open purchase or contract at the places and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals. R. S. 3709 (secs. 733 and 751, Mil. Laws, 1921).

(2) Hereafter, except in cases of emergency or where it is impracticable to secure competition, the purchase of all supplies for the use of the various departments and posts of the Army and of the branches of the Army service shall only be made after advertisement. * * * but every open market emergency purchase made in the manner common among business men which exceeds in amount $200 shall be reported for approval to the Secretary of War under such regulations as he may prescribe. Act of March 2, 1901 (31 Stat. 905).

Section 21, subdivision (a), is as follows:

21. Purchases, where made.—a. Where cheapest: Hereafter, * * * all supplies for the use of the various departments and posts of the Army and of the branches of the Army service * * * shall be purchased where the same can be purchased the cheapest, quality and cost of transportation and the interests of the Government considered. * * * Act June 30, 1902 (32 Stat. 514; sec. 736, Mil. Laws, 1921).

The Secretary of War in jumping over the lower bids of Durant, Pontiac, Nash, and Studebaker gave no heed to these provisions, and particularly that provision of the Revised Statutes which provides that the successful bidder shall be the one who offers the cheapest product, with due consideration of quality, cost of transportation, and the interests of the Government. A controversy has ensued between the Comptroller General and the Secretary of War. The former has refused to approve the payment for these cars. The Comptroller General is correct in his interpretation of section 3709, Revised Statutes, which is the same as section 20, subdivision (a), of Army Regulations 5–100, mentioned before.

The Supreme Court has passed upon this section in the case of United States *v.* Purcell Envelope Co. (249 U. S. 318, 319). Justice McKenna, delivering the opinion of the court, said:

> * * * There must be a point of time at which discretion is exhausted. The procedure for the advertising for bids for supplies or services to the Government would also be a mockery—a procedure, we may say—that is not permissive but required. (Sec. 309, Rev. Stat.) By it the Government is given the benefit of the competition of the market and each bidder is given the chance for a bargain. It is a provision, therefore, in the interest of both Government and bidder, necessarily giving rights to both and placing obligations on both. And it is not out of place to say that the Government should be animated by a justice as anxious to consider the rights of the bidder as to insist upon its own. * * *

I commend this decision to the Secretary of War.

From what I can gather, despite the rejection of the claim for payment, the Chrysler Co. are going to deliver these cars. I was informed at the office of the Secretary of War that the Chrysler people are going to take their chances and take their case to the Court of Claims. Unfortunately, the comptroller can not represent the Government in such a proceeding before the Court of Claims. The Attorney General represents the Government. One Cabinet officer does not like to go against another. Political blood is thicker than water. The Government side under such circumstances can not be adequately presented nor forcibly presented.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield.

Mr. CELLER. Yes.

Mr. LAGUARDIA. Were the specifications made so as to fit the Chrysler car?

Mr. CELLER. I am coming to that. As usual in these cases, they considered the mechanical equipment and engineering qualities of the car they want; then they offer their proposals and specifications squarely to meet the car picked in advance, so as to eliminate practically all consideration and bid by any other competitive manufacturer.

Mr. LAGUARDIA. I wonder if the War Department has been taking lessons from the sewer department of Queens County, New York City?

Mr. CELLER. Apparently the matter is all underground, and I am trying to bring a little bit of it up to the surface.

The history of the purchase of cars in the War Department is interesting. It has always maintained it knows its military needs best. Let us see.

In a letter of August 26, 1926, addressed by the Secretary of War to the Comptroller General it was said:

> Of the cars upon which bids were received in this particular instance, the Dodge was the only five-passenger car which was considered suitable for the military service; that is, which met the above-cited requirements for military use. This has been proven by the car's performance with the punitive expedition in Mexico and during the World War. The personnel of the Army is trained in Dodge maintenance, operation, and supply. There is some interchangeability, although this is slight, between the older and newer models of cars. From the standpoint of military necessity, the value of the Dodge to the service warrants accepting the bid on the Dodge in this particular instance at a higher price, since the increased military advantages possessed by the Dodge car were of more value to the Government than the increased cost. Furthermore, it is not considered that the initial cost is the sole test in accepting bids. There must be taken into consideration the cost of upkeep as well as the military factors heretofore mentioned. In the instant case the specifications accompanying the proposals were drawn for the purpose of inviting competition. The bill which was most advantageous to the Government and which it was to the interests of the Government to accept was that on the Dodge cars.
>
> The Dodge bid was accepted because of the fact that the Dodge car does meet the peculiar conditions required and because of the military necessity, as set out herein.

The Quartermaster General of the Army, who is charged by law with making purchases on behalf of the Government, had recommended in letter of June 10, 1925, against the acceptance of Dodge cars in response to a bid and said:

> It is recommended that the bid of Willys-Overland (Inc.), Philadelphia, Pa., for Willys-Knight cars be approved and that restrictions imposed by Circular No. 74, War Department, 1923, which limit the approved type of five-passenger cars to the Dodge car, be waived.

Under date of June 7, 1926, the Quartermaster General of the Army made the following recommendation to The Adjutant General of the Army that a bid of the Chevrolet dealer be accepted for furnishing motor vehicles. The Quartermaster General there stated:

> The report of the engineering section at Camp Holabird indicates that the Chevrolet car is suitable for military service. The Dodge touring car and the Dodge sedan are at present the only standard five-passenger vehicles authorized for purchase by the War Department. From the test made and from the information at hand it is believed that the Chevrolet car is entirely suitable for military service and can be obtained at a material reduction in first cost and subsequent maintenance over the Dodge.

The Adjutant General of the Army approved, in letter dated June 21, 1926, this recommendation, and Chevrolet cars were purchased.

We thus have the War Department either purchasing or recommending the purchase of Dodge cars, Chevrolet cars, and Willys-Knight cars. To add to the confusion, under date of December 15, 1927, the Secretary of War reported to the Comptroller General that he was desirous of purchasing Chrysler cars and stated that said cars were suitable for military use and that it was believed the cost of upkeep, and so forth, made their purchase most advantageous to the Government. The argument that the military service best knows the type of car required for military use finds little support in view of its own recommendations and its own actions. It first concludes that the Dodge car is the only car that will meet the needs of the service. It then concludes that the Willys-Knight is suitable, later that the Chevrolet car is better than the Dodge car, and most recently it has argued that the Chrysler car is superior to them all. The enactment of this measure would merely add to the confusion.

Constant changes and improvements are being made in the different types of motor vehicles and it is impossible in the nature of the case to standardize on any particular type of commercial car.

The various motor vehicle manufacturers and their stockholders have an interest in doing business with the Government. They have a right to stand or fall on such business by the superiority of their product rather than by favoritism of a purchasing officer or predilection of that purchasing officer for some make of car. The American people, through Congress, have an interest in keeping expenditures to the minimum and in preventing favoritism, waste, and extravagance in the expenditure of public funds. The enactment of this bill is directly contrary to all of these things. It is merely another attempt to break down any congressional supervision over expenditures of public money for the purchase of motor vehicles.

I think it is fair for us to ask the question: Why was the one company, the Chrysler Co., favored in the case of 124 cars? The War Department is not alone in this kind of favoritism. I can show you instance after instance of favortism, not only with reference to automobiles, but in the case of purchase of supplies in many other bureaus. The whole business is rampant throughout the different executive departments. It is time to call a halt.

Mr. WYANT. Mr. Speaker, will the gentleman yield?

Mr. CELLER. Certainly.

Mr. WYANT. For instance, specifications for coal for the departments can be made only by certain sections of the country.

Mr. CELLER. Yes.

Mr. CRAMTON. The gentleman made a statement with respect to the declaration of the War Department that they were going to the Court of Claims. Is the gentleman going to insert the correspondence he has had with the War Department that will corroborate that statement?

Mr. CELLER. Yes. I will give the exact situation as I had it from the War Department.

I feel keenly on this subject, and it is the duty of every man and woman here to feel keenly on the subject. I intend to appear before the Court of Claims as an amicus curiæ, a friend of the court, and resist the proposition of paying certain claims of the companies that were thus unlawfully alleged successful bidders.

Mr. CHALMERS. Mr. Speaker, will the gentleman yield?

Mr. CELLER. Yes.

Mr. CHALMERS. I want to say that the condition referred to, about which the gentleman is complaining—and I sympathize with him in his complaint—has not obtained in the last

five years. The Comptroller General, Mr. McCarl, has insisted on the standardization of these specifications. He has insisted that the specifications be so general as to give complete and fair competition.

Mr. CELLER. The War Department was told to mend its ways, and promised to, but it has not done so. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. CELLER. Under leave to extend my remarks, I herewith set forth a communication from the Comptroller General to the Secretary of War under date of December 11, 1926, concerning the purchase of 51 Dodge touring cars. This letter clearly indicates the unassailable position of the Comptroller that the bidding must be squarely within the provisions of law:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, December 11, 1926.

The honorable the SECRETARY OF WAR.

SIR: Consideration has been given your letter of October 11, 1926, replying to the several letters of this office with reference to the purchase of 51 Dodge touring cars, voucher No. 193, September, 1925, account of Maj. E. Dworak.

It appears that the purchasing and contracting officer, Holabird, quartermaster, intermediate depot, Camp Holabird, Md., requested under date of May 12, 1925, bids on 51 automobiles, five-passenger, latest model, touring, complete, with standard equipment as furnished by the manufacturer and in accordance with specifications attached to and made a part of the advertisement for bids, delivery to be within 30 days after receipt of contract f. o. b. certain designated points.

The abstract of proposals shows that five bids were received and that three bidders, namely, Warrington Motor Car Co. (Cleveland Six), Chrysler Motor Corporation, and Willys Overland (Inc.) (Overland model 93, two-door Sedan) submitted lower bids than Dodge Bros. (Inc.). However, the lower bids were disregarded and the higher bid was accepted (Dodge Bros. (Inc.)) and a formal contract entered into under date of June 29, 1925, and payment made therefor in the sum of $49,065 on voucher No. 193, September, 1925, accounts of Maj. E. Dworak, which amount represented the purchase price of the 51 automobiles in question less credit for 50 old touring cars and 1 roadster.

From the examination of the specifications accompanying the request for bids, which were later incorporated and made a part of the formal contract, it is apparent that they were drawn with reference to the mechanical construction, etc., rather than with reference to the actual requirements of the service. It also appears that the award was made in accordance with War Department Circular No. 74, 1923, covering standard and approved types of motor vehicles for the United States Army, which specifically named the Dodge car as the standard five-passenger touring car.

In reply to a request from this office for information as to the authority of law for the procedure directed in the said Circular No. 74, 1923, you submitted, by letter of August 26, 1926, the following:

"You request that you be furnished information respecting the authority for Circular No. 74, W. D., 1923. It is desired to advise you that Circular No. 74, W. D., 1923, lists the standard and approved types of motor vehicles, United States Army, as approved by the Secretary of War, and should be considered as such a list and not as authority in itself for the purchase of the particular makes of vehicles named therein. The said circular was not issued pursuant to any express and specific provision of law. The War Department has heretofore refrained from seeking such express statutory authorization for fear the flexibility of same if and when secured would not be sufficient to meet the ever-changing conditions of modern warfare. It is believed that this matter can best be handled administratively.

"The reasons which make necessary the adoption of an approved list of motor vehicles for use in the military service are as follows: The requirements which motor transportation must meet to satisfy military needs are decidedly different from what nonmilitary operation may demand. Military vehicles play a tactical rôle; they must operate over all kinds of roads under all kinds of conditions; similar vehicles must be available to replace those worn out; similar vehicles must be available so as not to complicate supply and operation; and these vehicles must be maintained in the combat area by military maintenance units considerable distances from sources of supplies. The personnel of the Army must be trained in the use and repair of motor vehicles and long experience has demonstrated that the average enlisted personnel of the Army can not be satisfactorily trained in the use of a large number of different makes of vehicles. Every officer in the field having to do with the movement of troops or supplies must be able to know at once just how many trucks he needs to transport men, supplies, ammunition, etc., to the required place; how much road space he will need, and in congested combat areas this is a most essential problem; how much gasoline and oil he will need for such motor-truck train; the speed of the train so that it may be started in order to get to its destination at the time required; and many other like questions. He must be trained in these operations in peace time. His problem will be rendered exceedingly difficult if he is compelled to increase the number of different makes of trucks, with their different road spaces, different speeds, different capacities, different fuel consumption, different standards of efficiency, etc. A heterogeneous mass of different makes of cars would so complicate these problems as to make it impossible for such an officer to operate efficiently. This difference between a standardized and unstandardized motor-truck train might very possibly result in the difference between winning and losing a battle.

"Furthermore, spare parts for a heterogeneous lot of motor vehicles can not be carried by maintenance units. In military operation it is not possible to go to the corner garage for spare parts and maintenance nor select a particular garage which may maintain an exclusive make of car. The base of supplies of both spare parts and machines is frequently long distances from the place of operation, as, for instance, during the World War and during the punitive expedition in Mexico. The cars being used by the military forces must rely on only a few military maintenance organizations and, since these must be mobile, they may carry only a limited supply of spare parts. All transportation purchased in peace must be purchased with the object of being available for immediate use in war. It would be most unfortunate in the event of an emergency involving the use of the Army if a large part of the peace-time military equipment on hand should have to be scrapped.

"Because of these requirements a procedure has been set up to determine whether a car is suitable for military service. This consists of tests of an engineering nature to determine if a car is sufficiently satisfactory to warrant a tactical test. A car that is found satisfactory in this initial test is then subjected to service tests. Service tests consist of extended practical tests by combat and other using organizations to determine if the car is suitable from a tactical point of view. A car which withstands this test is considered suitable for the service. From the standpoint of military necessity no car should be purchased for the military service which has not been found suitable by these tests. However, it happened during the recent World War, particularly during the early part thereof, that the tremendous requirements of war operations made it necessary to purchase and use all available makes of motor vehicles, but this resulted in great pecuniary losses to the Government which it is most desirable to avoid.

"Of the cars upon which bids were received in this particular instance the Dodge was the only five-passenger car which was considered suitable for the military service; that is, which met the above-recited requirements for military use. This has been proven by the car's performance with the punitive expedition in Mexico and during the World War. The personnel of the Army is trained in Dodge maintenance, operation, and supply. There is some interchangeability, although this is slight, between the older and newer models of cars. From the standpoint of military necessity the value of the Dodge to the service warrants accepting the bid on the Dodge in this particular instance at a higher price, since the increased military advantages possessed by the Dodge car were of more value to the Government than the increased cost. Furthermore, it is not considered that the initial cost is the sole test in accepting bids. There must be taken into consideration the cost of upkeep as well as the military factors heretofore mentioned. In the instant case the specifications accompanying the proposals were drawn for the purpose of inviting competition. The bid, which was most advantageous to the Government and which it was to the interests of the Government to accept, was that on the Dodge cars.

"The Dodge bid was accepted because of the fact that the Dodge car does meet the peculiar conditions required and because of the military necessity as set out herein. All motor vehicles listed in Circular No. 74, War Department, 1923, were listed therein for the same reason as was the Dodge in the present instance. Hence Circular No. 74, War Department, 1923, sets out what, as the result of the tests made, the Secretary of War has determined as being the makes of motor vehicles which it is to the interest of and most advantageous to the Government to purchase over other makes because of the peculiar conditions required of the particular type and because of military necessity. Such a list is binding only on the subordinates of the War Department and is for the purpose of centralizing in the Secretary of War consideration of changes in such equipment. He can and does make changes therein. In fact, tests are being carried on all the time to ascertain whether other makes of cars do not better meet the military requirements. For example, 38 Chevrolet sedans and 25 Chevrolet touring cars were recently purchased for service tests. Should a bid be received on a make of car not listed in Circular No. 74, War Department, 1923, which is so much lower than a bid received on a car so listed as to more than overcome the increased value to the Government of the military advantages of the listed car over the unlisted car, then the bid on the unlisted car would be submitted for the determination of the Secretary of War."

With reference to the bids received under circular advertisement, the Quartermaster General of the Army made the following recommendation to the Assistant Secretary of War under date of June 10, 1925:

"1. In compliance with memorandum from your office on above subject under date of May 23, 1925, there is transmitted herewith abstract of bids received at the Holabird quartermaster intermediate depot, June 2, 1925, under Circular Proposal 25–28 for the purchase of automobiles.

"2. Accompanying the above abstract is an analysis of bids, prepared by the commanding officer Holabird quartermaster intermediate depot.

"3. It is recommended that the bid of Willys-Overland (Inc.), Philadelphia, Pa., for Willys-Knight cars be approved and that restrictions imposed by Circular No. 74, War Department, 1923, which limit the approved type of five-passenger cars to the Dodge car be waived."

The Quartermaster General was advised in first indorsement, dated June 20, 1925, from the Secretary of War, as follows:

"1. Reference the basis letter of the Quartermaster General, dated June 10, 1925, it is directed that the Dodge car be purchased under Circular Proposal No. 25–22, Holabird Q. M. Depot."

Section 3709, Revised Statutes, provides that all purchases and contracts for supplies in any of the departments of the Government, except for personal services and except in cases of emergency, shall be made after advertising a sufficient time previously respecting same. It has been frequently held by the courts and by the accounting officers of the United States that the provisions of the statute are designed to give all manufacturers, etc., equal rights to compete for Government business; to secure for the Government the benefits which flow from competition; to prevent unjust favoritism by representatives of the Government in making purchases on public account; and to prevent collusion and fraud in procuring supplies and letting contracts. (22 Comp. Dec. 302; 5 Comp. Gen. 712.) The Congress has seen fit to make no exception thereto with relation to purchases for the military—and seldom has granted exception for any cause—and until and unless the Congress in its wisdom enacts that there shall be no free competition among citizens in supplying the needs of the military, or any other branch of the Government, it is, of course, beyond the authority of this office to allow credit for payments on purchases made in contravention of the statute.

There has often been urged upon this office the claimed economies possible through what is termed standardization of equipment—the avoidance of stocks of spare parts for more than one make of machine or other equipment, the necessity of training employees in the matters of repairing and maintaining more than one make of equipment, etc.—but the conclusion of the accounting officers has been and must be, in view of the mandatory provisions of the law, that, if permitted, such course would practically nullify the law and defeat the clear purpose of the Congress in its enactment. It would permit of the selection, purchase, and use by an agency of the Government, of one make of machine, equipment, or what not, without opportunity for other, possibly equally as good and serviceable, if not better, having a fair opportunity for consideration. Surely it is not seriously contended that this office could properly sanction use of public funds so in violation of the clear purpose of the statute. But if in some instances there could be effected economies through standardization of equipment and purchases accordingly without full opportunity through competition for others perhaps equally good and serviceable, or perchance better, there is still for consideration the legislative purpose that all citizens wishing to serve the Government in such matters should have equal opportunity to do so. Mayhap such purpose, rather than possible economies, was the impelling motive in the legislation.

Under existing law governing purchases of equipment for the Government, the controlling element is the job to be done, the work necessary to be accomplished. The request for bids must fairly reflect the actual need, through specifications or otherwise, and the equipment to be had, at the lowest price, that will serve to do the job is that authorized to be purchased at public expense. If the need be of an extraordinary nature as distinguished from the usual so as to require unusual equipment, the true nature of the need should be fully disclosed so that all who wish to bid may be informed, but the specifying of minor details having nothing material to do with the need may only be viewed as an attempt to limit competition and circumvent the law. The fact that manufacturers put out certain makes does not necessarily mean that they would not bid upon specifications open to all and not descriptive of a particular make or manufacture.

It is to be noted in connection with the recommendation of the Quartermaster General of the Army in his letter of June 10, 1925, quoted, supra, that the bid of the Willys-Overland (Inc.), be accepted; that while the bid of the said Willys-Overland Co. on the Willys-Knight car was the highest of the bids received, it negatives the statements and contentions as to the military necessity and avoidance of stocks of spare parts urged in your several letters as the reasons for the purchase of the Dodge cars. In other words, the effect of the recommendation as to the purchase of the Willys-Knight car by the Quartermaster General of the Army, who, under the authority of the Secretary of War, is charged with the transportation of the Army by land and water, including the transportation of troops and supplies by mechanical or animal means, is that other automobiles besides the Dodge cars could have and would have answered the needs of the service.

It is hoped that what has been said herein will result in strict observance of the law in purchases of whatsoever class. The purchases here under consideration will not be further objected to by this office and credit in the disbursing account involved will be allowed.

Respectfully,

J. R. McCARL,
Comptroller General of the United States.

The Assistant Secretary of War, Hanford MacNider, in part, replied as follows:

In connection with your letter to the Secretary of War of December 11, 1926, A–13489, I may state that the War Department will make every endeavor to comply with the principles which you have laid down therein.

The War Department thus indicated that it would mend its ways.

The Comptroller General replied under date of January 10, 1927, in part, as follows:

It is gratifying to note from your letter of January 3, 1927, that the War Department will in the future endeavor to comply with the principles laid down in the said decision of December 11, 1926, A–13489.

But the War Department failed to keep its pledge. It has again suffered a relapse, as witness its arbitrary and unlawful attitude heretofore indicated in the case of the 124 cars for Camp Holabird.

But the War Department apparently has its fighting clothes on. It is carrying its fight to Congress. It has induced Chairman MORIN, of the Military Affairs Committee, to introduce H. R. 11413, which is as follows:

H. R. 11413, Seventieth Congress, first session

IN THE HOUSE OF REPRESENTATIVES,
February 24, 1928.

A bill to regulate the procurement of motor transportation in the Army

Be it enacted, etc., That hereafter, in procuring motor vehicles for the public service, the Secretary of War is hereby authorized, within any price limitations fixed by Congress, to award the contract to the bidder that the said Secretary finds to be the lowest responsible bidder offering to furnish the motor vehicles that will, in the judgment of the said Secretary, most advantageously meet the requirements of the Government.

In a letter dated February 23, 1928, to Representative MORIN, the Secretary of War said of this bill as follows:

It will remove from review and restriction, by the Comptroller General of the United States, those parts of specifications and contracts dealing with the types and standards of motor transportation to be procured and which the War Department has determined are the best for the needs of the service.

The purpose of this bill is to create an exception to section 3709, Revised Statutes, which I again quote:

All purchases and contracts for supplies or services, in any of the departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the exigencies do not require the immediate delivery of the articles, or performance of the service. * * *

This section of the Revised Statutes has been interpreted by the courts, the Attorney General, and the Comptroller General as requiring, except in emergencies, advertising for supplies required for the Government and the acceptance of the lowest responsible bid. The question as to which bid is the lowest responsible bid can not be finally determined by the administrative officer making the purchase. His action is subject to review, in the first instance, by the General Accounting Office and in event of suit, by the courts. This bill, H. R. 11413, would have the effect of making the determination of the purchasing officer of the most advantageous bid final and conclusive.

It is contrary to the genius of our Government to, in ordinary cases, make the determination of any administrative officer final and conclusive on the United States. Congress is a great board of directors of the business activities of the United States. The people, through Congress, provide the money for the conduct of the Government and the responsibility is that of Congress to see that there is wise, honest, and efficient expenditure of that money. This is no new theory of government. For many years the Post Office Department audited its own accounts, that is, the action of the Postmaster General was final and conclusive in postal matters. Conditions became such in 1834 that the Postmaster General urged the establishment of an independent audit and settlement of the claims arising in his department. He said in this report of December 5, 1834, that—

It seems required, by a due regard to system, uniformity and proper accountability that neither those empowered by law to decide on the

necessity of certain services or purchases nor those who make the purchases and contract should also adjust the accounts rendered for them; but that the auditors themselves, whether the claims originated under the authority of heads of bureaus or of departments, should have the exclusive power, in the first instance, to judge of the reasonableness and just amount due, looking to all evidence in the case and to the laws and prospective regulations that apply to it.

The military services have never willingly submitted to the review of their decisions by an independent agency. Congress unmistakably provided for such review in the act of March 30, 1868 (15 Stat. 54), and in considering a recommendation by the Secretary of War that this statute be repealed, the House Committee on Revision of the Laws reported adversely on the recommendation and stated, among other things, that:

In the judgment of the committee the present system of public accounting (which has worked so satisfactorily with few interruptions for more than half a century) is not to be disturbed, and that the act of March 30, 1868, which was designed to prevent such interruptions in the future is just and wise, and that no necessity exists for its repeal or modification.

This report is reprinted in CONGRESSIONAL RECORD, No. 26, pages 4341 to 4342, and the independent audit and settlement of all claims was consolidated and strengthened in the Dockery Act of 1894 and the Budget and accounting act of June 10, 1921. Unable to secure a general exemption, these services are now seeking exemptions in special cases. They argue in this case that it is necessary to standardize motor vehicles; that they are the best judge of the proper vehicle for their services; and that their determination in the matter should not be reviewed by the General Accounting Office or the courts.

Let us see what the War Department has done. It is clear that the officers of that department are at sea as to the make of car best suited for their needs.

The War Department is not the only offender in this regard. I submit herewith three letters each from the Comptroller General. The first addressed to the Governor of the Panama Canal concerning protest in the purchase of motor trucks by the governor. The second from the Comptroller General to the Secretary of the Navy concerning the purchase of a fire truck. The third to the Secretary of the Treasury concerning the purchase of an armored truck for the Treasury.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, March 9, 1926.

The GOVERNOR PANAMA CANAL,
Washington Office, Washington, D. C.

SIR: I have a letter dated February 27, 1926, from the general purchasing agent, Panama Canal, presumably at your direction, with further reference to the protest made by the Autocar Sales & Service Co., Washington, D. C., that the Panama Canal in purchasing motor trucks draw their specifications so as to prevent competition. You state in part that—

"Referring to the second paragraph of the Autocar Sales & Service Co.'s letter to you of October 30, 1925, criticizing the general practice of the Panama Canal in purchasing motor trucks, and calling attention especially to Circular Invitation No. 1705, dated October 23, 1925, as a representative instance of specifications that eliminate competition in making such purchases, the facts of the instant case are as follows:

"In connection with the purchase of motor trucks under W-130280, hereinbefore referred to, the Panama Canal had made an investigation and study of its motor-truck service with a view to improvement in its efficiency and economy of maintenance and operation. In canvassing bids received under that order the specifications of the Federal Motor Truck Co. were considered as being well adapted to the Panama Canal service and the price offered was relatively low. It was thought that it might be desirable to make a trial and comparison between these trucks and the Dodge trucks then in general use at the Isthmus. Accordingly, bids were invited by Circular 1705 for three truck chassis upon the specification of the Federal Motor Truck Co., including the sleeve valve in engine, which is a distinctive feature of that truck.

"This circular also contained the standard provision hereinbefore quoted on page 2 of this letter, and bids were in fact received from three companies other than the Federal Motor Truck Co., to whom award was made. The specifications of the lower-priced trucks offered varied from the specifications in essential points, and, therefore, were not satisfactory for the service required.

"The disinterested effort of the Autocar Sales & Service Co. to improve Government procedure for purchasing motor trucks is duly appreciated, but this office is unable to see wherein the present procedure of the Panama Canal for such purchases is unsound in business principle or in any way prejudicial to the best interests of the Government."

It has been held in numerous decisions by this office and the courts that the provisions of section 3709, Revised Statutes, are designed to give all manufacturers, etc., equal right to compete for Government business, secure to the Government the benefits which flow from competition, to prevent unjust favoritism by an officer of the Government in making purchases on public account, and to raise a bar against collusion and fraud in procuring supplies and letting contracts. The provisions of the statute are mandatory and its requirements are to be strictly enforced, and no procedure amounting to noncompliance with its terms is authorized.

It is to be noted that you state that the specifications accompanying Circular Invitation No. 1705, dated October 23, 1925, are the specifications of the Federal Motor Truck Co. It has been consistently held that the naming of a particular make of truck, etc., in the advertisement for proposals to the exclusion of others of equal quality is not a compliance with section 3709, Revised Statutes (1 Comp. Gen. 59, id. 134, id. 698; 11 Comp. Dec. 36; 27 id. 896). The same rule would apply in the matter here presented for the reason that the attaching to and making a part of the advertisement for bids the specifications of a particular make of truck practically excludes other makes and prevents competition.

Specifying minor details has nothing to do with the need for a truck and apparently the only purpose resulting thereby is to limit competition. If such a procedure is permitted, it would practically nullify the law requiring advertising as a condition precedent. Not only is such a procedure unauthorized as being in direct conflict with section 3709, Revised Statutes, but it leads to dissatisfaction among bidders and should be discontinued.

I would therefore suggest that the methods of purchase by the Panama Canal must be corrected so that bids be not asked under specifications so worded as to limit to a particular make, as in the instant matter.

Respectfully,

J. R. MCCARL,
Comptroller General of the United States.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, March 19, 1927.

The honorable the SECRETARY OF THE NAVY.

SIR: There has been received your letter of February 15, 1927, file L4-2(8)/QM (270201), replying to letter from this office dated February 1, 1927, relative to the award of contract for furnishing a motor-driven fire truck, ladder, and hose cart, for the use of the Mare Island Navy Yard, to the International Motor Co., New York, for the sum of $10,500 as evidenced by contract No. 1890, dated October 19, 1926, instead of to the lowest bidder, Peter Pirsch & Sons Co., Kenosha, Wis., for the sum of $9,470.

It appears that bids were requested for the furnishing of one motor-driven combination fire truck, ladder, and hose cart with pump completely equipped, the specifications therefor being as follows:

"Except as otherwise specified, the apparatus shall conform, as far as applicable, including painting and cushion tires, to the requirements of 'Specifications 58-F-1a and addendum,' issued by the Navy Department January 2, 1925, copies of which may be obtained upon application to the supply officer of any navy yard, the Navy Purchasing Offices, New York, N. Y., and San Francisco, Calif., or to the Bureau of Supplies and Accounts. Bids will only be considered on apparatus which is composed of working parts designed primarily for fire-fighting purposes, and on a make which has been in use long enough to have established its reliability to a sufficient extent to secure a service rating from the National Board of Fire Underwriters. Bids will be considered on four or six cylinder engines and on a centrifugal or rotary pump.

"A four-cylinder engine and a rotary pump is preferred and, other things being equal, will be given preference. Likewise, preference will be given to the apparatus which is composed of important working parts of the same manufacture."

Bidders were also advised that alternate bids would be considered on similar equipment, provided such bids were accompanied by full detailed information in duplicate as to all details of apparatus offered. Eight bids were received in response to this request of which only two are here material.

Peter Pirsch & Sons Co. proposed to furnish the required truck, etc., for the sum of $9,470, and the International Motor Co. submitted a bid of $10,500. The lowest bid was rejected, and, as hereinbefore stated, the contract was awarded to the International Motor Co. Protest of the award was filed in this office by the lowest bidder, the substance of which was communicated to you by letter addressed you on February 1, 1927, and your letter of February 15, 1927, is in answer to said protest.

The acceptance of the higher bid appears to have been due to the fact that more of the various working parts of the apparatus offered by the International Motor Co. were of the same manufacture than were those of the machine offered by Pirsch & Sons Co., and because

it was concluded that service would be more readily obtainable for the International Motor Co.'s machine than for that offered by Pirsch Bros. Co., and as an additional reason for the award it is suggested that no bidder is in a position to guarantee adequate service for 15 years or more of a truck composed of assembled motive parts. The possibility that the manufacture of some of the parts used by Pirsch & Sons Co. in the manufacture or assembling of their truck may be discontinued in the future is also urged as a reason for the rejection of its bid.

The question, therefore, resolves itself into whether the clause in the specifications stated by you to have been "placed in the schedule for the purpose of excluding assembled apparatus from consideration" to the effect that "preference will be given to the apparatus which is composed of important working parts of the same manufacture" is such a limitation and restriction upon bidding as to violate the spirit of section 3718, Revised Statutes, reading as follows:

"All provisions, clothing, hemp, and other materials of every name and nature for the use of the Navy, and the transportation thereof, when time will permit, shall be furnished by contract, by the lowest bidder, * * *. The person offering to furnish any class of such articles, and giving satisfactory security for the performance thereof, under a forfeiture not exceeding twice the contract price in case of failure, shall receive a contract for furnishing the same."

The object of the statute referred to is to give the Government the advantage of the lowest price obtainable for the furnishing of an article through the widest possible competition and to allow all manufacturers and dealers an equal opportunity to furnish goods for the requirements of the Government. The fact that one bidder proposes to furnish goods manufactured by it in its own plant is not in itself sufficient reason to warrant the exclusion of other dealers who propose to furnish goods of equal or better quality. A similar risk is run that replacements may be difficult to obtain several years hence in the one case as in the other. All or many parts are unlikely to require replacement or renewal at the same time—but if so, it might be argued that there is safety in numbers and many parts requiring replacement or renewal would more certainly be obtainable without the possibility of delays if all were only obtainable of one manufacturer. But be this as it may, it is common knowledge that with few exceptions manufacturing to-day in the United States has reached such a state of mass production and specialization that the dealer engaged in placing a completed article on the market frequently finds it more satisfactory to rely either on its subsidiary corporations or other manufacturers for furnishing the component parts of its product than to attempt construction of the article from raw material in its own plant. Indeed, it appears that the company to whom the contract here in question was awarded relies on other manufacturers to furnish essential parts of its completed article.

Upon the facts appearing, I am constrained to hold that the contract with the International Motor Co. was improperly awarded and payment thereunder may not be made from public funds.

It is not clear whether delivery of the fire equipment has been made under the contract. The bid called for delivery within 120 days after date of contract or bureau order. The contract is dated December 16, 1926, and 120 days thereafter would make the delivery date about April 15, 1927. Such a period of time has elapsed since the contract date; it may be assumed that work thereunder has materially progressed. This is referred to because usually questions concerning acceptance of other than low bid present a situation in which the thing has been delivered and apparently present an equity in the contracting party to receive payment. Even if delivery has been made, however, it can have no bearing upon the legality of the procedure in making the award. At most, equity may be involved, but as in all such situations that is a question almost wholly whether the Congress should choose to consider the matter and give relief. Where other than a low bidder receives an award it must be with the knowledge in that accepted bidder that his bid was not the low bid and it was thus peculiarly brought to the attention of such a one that the award may be questioned and particularly so where a Government contract is involved. The limits of authority of Government officials must be strikingly assumed as in the knowledge of an accepted bidder other than the low bid. I am constrained, therefore, to say that whether in the present matter the apparatus has been delivered or work thereon has materially progressed, it presents no reason for other than now denying legality of the award to that bidder.

Respectfully,

J. R. McCARL,
Comptroller General of the United States.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, July 9, 1927.

The honorable the SECRETARY OF THE TREASURY.

SIR: I have your letter of June 29, 1927, as follows:

"Under date of April 11, 1927, the Bureau of Engraving and Printing advertised for proposals on two armored delivery trucks of 2½ tons capacity, conforming to certain specifications. Sealed proposals were received and opened on April 29, 1927, pursuant thereto. These armored cars are intended for use in delivering currency and other securities to various points in the city of Washington. Four bids were received, as follows:

Gustav Schaefer Wagon Co., offering General Motors truck, Model K–52–S, chassis	$12,500.00
Gustav Schaefer Wagon Co., offering Pierce Arrow Model X–A chassis	13,450.00
American Coach & Body Co., offering White Model 51 chassis, $13,564, less one-half of 1 per cent for payment within 15 days, or	13,496.18
Gustav Schaefer Wagon Co., offering White Model 51 chassis	13,500.00

"The proposals for the first two of the foregoing bids did not conform to the bureau's specifications. The variations are mentioned below:

"G. M. C. Model K–52–S: While the General Motors Truck Co. in its letter of May 31, 1927, attached, states that the G. M. C., Model K–52–S, chassis is a standardized current stock model, the Washington representative of the company was unable to give any information concerning this model chassis. The Director of the Bureau of Engraving and Printing advises that the General Motors Co. does not advertise this model, and it appears that the company plans to change its 2½-ton truck in order to meet the bureau's specifications. In these circumstances the bureau would not be receiving a stock model 2½-ton chassis, as required by the specifications, but instead would be receiving a special truck devised to meet the specifications. The director of the bureau regards it as essential that he receive a standard truck, so that there will be no difficulty with respect to the securing of replacement parts at some future date.

"Paragraph 13 of the specifications calls for the frame on the chassis to be not less than 6-inch channel. The frame of Model K–52–A is made of 5⅞-inch channel. In a letter dated May 31, 1927, the General Motors Truck Co. states that the Model K–52–S on which the Schaefer Co. failed to submit any data is the same as Model K–52–A, except that the 5⅞-inch channel frame has an insert section 5¾ inches by $\frac{3}{16}$ inch fastened to it, and that it has a larger engine with cylinders of 4½-inch bore by 6½-inch stroke, developing a minimum of 40 brake horsepower. The Model K–52–A is rated at 37 (actual) brake horsepower. These changes which the General Motors Co. offer to make convert their Model K–52–A into a special model, or one that is not standard.

"Paragraph 18 of the specifications provides that the cylinders have water passages cast integrally with the cylinder walls. The engine offered by the General Motors Co. has removable liners in the cylinders.

"Paragraph 28 of the specifications calls for a geared centrifugal pump in connection with the cooling system. The General Motors Co. engine uses a belt-driven pump.

"With the exception of the changes noted in the foregoing paragraphs, the chassis offered in this bid meets the bureau's specifications.

"Pierce-Arrow Model X–A: The next lowest proposal is that of the Gustav Schaefer Wagon Co., based on a Pierce-Arrow Model X–A chassis.

"Paragraph 3 of the specifications requires that the chassis be a standardized, current stock model, and also that it shall be rated by its manufacturer for a load, exclusive of body weight and accessories, of not less than 2½ tons. Pierce-Arrow Model X–A is rated by its manufacturer as a 2-ton truck chassis. Since the opening of the bids, the Washington representative of the Pierce-Arrow Motor Car Co. and the Gustav Schaefer Wagon Co. have submitted letters to the effect that the X–A 2-ton chassis offered would be built up to their X–B 3-ton chassis standard, with the exception of the difference of material in the frame. The difference in material referred to is that the S–A 2-ton chassis is of 30–35 carbon steel, heat treated, and the X–B 3-ton is of chrome nicket steel, heat treated. This change would require the addition of one leaf to each of the rear springs, and making these changes, therefore, would convert this chassis into a model that is not a standard stock model with the Pierce-Arrow Co.

"The third and fourth bids meet the specifications of the bureau in every respect.

"In order that the award of the contract may be made in conformity with the findings of your office, the Director of the Bureau of Engraving and Printing wants to know whether, in view of the specifications, he should award the contract to a bidder who offers a current stock model on which certain mechanical changes have been made in order to meet the specifications; whether or not the mechanical changes are objectionable; or whether the award must be made to the bidder whose current stock model meets the specifications in every respect without alterations."

Under existing laws governing purchase of equipment for the Government, the controlling element is—the job to be done—the work necessary to be accomplished. The request for bids should fairly reflect the actual need, through specifications or otherwise, and the equipment to be had at the lowest price that will serve the purpose is that authorized to be purchased at public expense.

The matter of the purchase of automobiles and the drawing of specifications to accompany the advertisement for bids has been the subject of numerous decisions by this office, and it has uniformly been held

that for all ordinary uses all makes and grades of automobiles are for consideration in determining which will best meet the needs of the service, and that bids should be requested on specifications drawn not by designation of a particular make or to cover the mechanical construction of a particular make, but should show only such details as to construction and performance requirements as can satisfactorily be shown necessary to meet the needs of the service. (5 Comp. Gen. 771; id. 963.) An examination of the specifications in the instant matter discloses that they were drawn with greater detail than necessary or proper in that they cover mechanical construction of the engine and other nonessential details.

It appears that what the Government requires in this case is two armored automobile trucks of sufficient power, durability, etc., for use in delivering currency and other securities from the Bureau of Engraving and Printing to various places in the city of Washington, D. C. The make or model of an automobile such as "stock model" is not the controlling element as to the acceptance or rejection of a bid. In other words, if the automobile offered at a lower price conforms to the essential requirements of the specifications and will satisfactorily meet the needs of the service, the fact that it is not a "stock model" or that it has a belt-driven pump instead of a centrifugal pump in connection with the cooling system, as specified, and other minor mechanical differences, is not sufficient justification for the rejection of the lower bid and acceptance of the higher.

The bid of the Gustav Schaefer Wagon Co. offering General Motors truck, model K–52–S chasis, at a price of $12,500 is the lowest of the bids received, and it appears that the machine offered meets in every respect the needs of the service, and also conforms to the essential requirements of the specifications, differing only in minor mechanical details.

Accordingly, the said bid should be accepted.

Respectfully,

J. R. McCARL,
Comptroller General of the United States.

CLAIMS OF SETTLERS IN LAKE COUNTY, FLA.

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on Public Lands, I call from the Speaker's table the bill H. R. 5695, with a Senate amendment, and move to agree to the Senate amendment.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 5695) authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, and in sections 7, 8, 17, 18, 19, 30, and 31, township 19 south, range 27 east, Tallahassee meridian, Lake County in the State of Florida.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

CONVICT-MADE GOODS

Mr. KOPP. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7729.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7729. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Maine [Mr. BEEDY] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7729, with Mr. BEEDY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7729, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except paroled convicts or prisoners, or in any penal and/or reformatory institutions, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery in such State or Territory be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise.

Mr. NEWTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. NEWTON: Page 1, line 4, after the word "part," insert "under leasing or contract labor system."

Mr. NEWTON. Mr. Chairman, I am in sympathy with the general purpose sought to be accomplished by this legislation. There can be no question but what abuses have existed. I have not had an opportunity to go over the evidence in the rather exhaustive hearings in as minute detail as I would like, but I judge from such examination as I have been able to make that substantial abuses still exist which ought to be corrected by legislation. Undoubtedly much of this can and should be corrected through legislative action in the States. The fact that we in Congress are considering approaching it from a national viewpoint, should not deter those outside of Congress sponsoring this legislation from urging the various States where abuses exist to take appropriate action to correct them.

We abolished the contract-labor system in the State prison at Minnesota 18 years ago. We have a prison there where the prisoners are employed in industrial activities. It stands without a rival in the country to-day. Yesterday I am sure you gentlemen heard the remarks of the gentleman from Minnesota [Mr. CARSS] and the gentleman from Minnesota [Mr. CLAGUE] in that connection. I shall not repeat. In our State prison we manufacture farm machinery and twine. We do an annual business in these lines of $3,000,000. It is generally accepted as a fact that it was the Minnesota State prison embarkation in the manufacture of binder twine that broke up the trust many years ago. The neighboring States buy our twine. They are glad to get it. In 1927 we sold twine as follows:

Wisconsin, 820,500 pounds	$102,562.50
North Dakota, 2,230,700 pounds	292,211.70
South Dakota, 759,750 pounds	89,270.62
Iowa, 662,260 pounds	78,815.55
Nebraska, 854,200 pounds	100,368.50
Montana, 251,150 pounds	32,649.61

There was sold in the State of Minnesota during the same year nearly 17,000 pounds of binder twine for which the State received over $2,000,000.

We manufacture farm machinery. We sold binders, mowers, rakes, and trucks in Wisconsin, North Dakota, South Dakota, Iowa, Nebraska, and several States. The total business amounted to about $500,000. Our business in our own State, along the farm-machinery line, amounted to nearly $500,000. These goods are known to have been made in a prison and are marked as prison made. There is no question but what it is prison labor. There is no question but what it comes in competition with free labor. We pay our prisoners from 25 cents to $1.30 per day. The dependents of these prisoners receive a substantial portion of the amount of the wage, and where that is insufficient the State helps out these dependents from its own treasury. We are doing a very wonderful work there and a work which should be encouraged.

Mr. Chairman, this bill as it is drawn permits any one of these adjoining States to pass legislation which would prevent the sale of the products of this prison within the borders of the State. This restriction applies not only to the product of contract labor within a prison but to the products of all prison labor. I believe that prisoners should be employed whether they are employed on a farm, upon the public highways, in the manufacture of binder twine, farm machinery, or anything else. The products of their labor come into competition, directly or indirectly, with the products of free labor. That is unfortunate, but it is true from the standpoint of the prisoner, from the standpoint of society, and from the standpoint of economy, these men ought to be kept busy while they are in prison. Care should be taken in selling the products of prison labor so as not to unduly interfere with the products of free labor. Our State is doing this. The production should be done, however, under suitable conditions. Generally speaking, it is not done where the contract labor system prevails. That is the reason that we abolished the contract system. It is the contract system and its abuses that have led to the demand for some sort of legislation of this character.

This bill goes beyond the abuse. It proceeds further than it should. If enacted into law, some of these States might take action to prevent the sale of convict-labor goods even when they were made under the unusual conditions prevailing in the Minnesota State Prison. Therefore, I think the bill should be amended so that it will apply only to goods manufactured or produced under a so-called leasing or contract labor system. That is the purpose and intent of my amendment.

Mr. Chairman, there is another reason why we should approach the consideration of this question carefully and not extend the provisions more than to the products of the contract labor system. There can be no question but what this measure is of doubtful constitutionality. I say doubtful because in my judgment the question is very close.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. NEWTON. I will be glad to yield to my friend from Ohio.

Mr. COOPER of Ohio. I doubt the statement the gentleman has made when he says this bill will prohibit the sale of convict-made goods in other States of the Union.

Mr. NEWTON. The gentleman misunderstood. I did not say that. I said this bill will permit any State legislature to prohibit the sale within its borders of anything that may be manufactured in a State penitentiary.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. JACOBSTEIN. That is only provided the State itself does the same thing?

Mr. NEWTON. Certainly; but it permits it to be done.

Mr. CASEY. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. CASEY. Does the gentleman contend the State has not the right to do that now?

Mr. NEWTON. I doubt very much whether the State has that right. I am not certain whether it ought to be permitted to have that right.

Mr. CASEY. But the gentleman is not ready to say whether it has or not.

Mr. NEWTON. No; I have a doubt.

Here is the constitutional question as I see it and I have not had the time to go into it thoroughly. In the forming of our Government certain powers were granted to the Federal Government, including the right to regulate interstate commerce. Those not granted were reserved to the States or the people. Among the powers reserved was the police power. The States reserved the right to protect its people in matters affecting morals, public health, and so forth. Certain States prohibited the sale of alcoholic liquors, as they had a right to do. Liquor dealers outside of the State shipped liquor into the State, thereby circumventing the States in their legitimate functions. Congress felt that the commerce clause of the Constitution should not be used for that purpose and in 1890 passed the Wilson Act. This was upheld in the case of Rohrer (140 U. S. 545). It divested these goods of their interstate character upon arrival in the State of destination, permitting them upon arrival to be subject to the police power of the State. It was a police power proposition. There is a grave question in my mind whether under the police power the States themselves have the right to forbid the sale of prison-made goods within their borders where there is not involved a question of morals or public health.

Mr. CASEY. Would they have the right under the police power to prohibit anything from coming into the States from the outside?

Mr. NEWTON. Clearly not. As I understand it the police power covers intoxicating liquor, deleterious food, or other public health propositions, or those going to the question of morals.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. NEWTON. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. CASEY. Will the gentleman yield further?

Mr. NEWTON. Yes.

Mr. CASEY. The gentleman says that probably the States have the right, in the exercise of their police powers, to prohibit anything from coming into the States that deals with health or morals. Suppose we raise that question here, as to goods manufactured by prisoners who have tuberculosis or venereal diseases, and in that way raise the health question. Would that then be within the police powers of the States?

Mr. NEWTON. That would be the case if the prohibition as to sale applied to goods manufactured by tuberculars, where it would be rather clear that there was a question of public health. It would not be the case if that were done merely under the guise of a public health regulation. This is of course assuming Congress has passed legislation like the Wilson Act.

Mr. CASEY. Suppose we said it was done for that purpose?

Mr. NEWTON. A mere arbitrary statement of that kind would not suffice.

Mr. COOPER of Ohio. Will the gentleman yield further?

Mr. NEWTON. Yes.

Mr. COOPER of Ohio. I do not know whether this is a fair question or not but I would like to ask the gentleman if he will support the bill if his amendment is adopted.

Mr. NEWTON. I think I will; yes.

Mr. COOPER of Ohio. Well, would that change the constitutionality of the proposition?

Mr. NEWTON. I do not think so. However, I said it was of doubtful constitutionality. I do not believe in the contract labor system. I am in doubt about the constitutionality of this measure. But it is a doubt and unless I am convinced that it is unconstitutional I shall vote for it. However, the bill is drawn so as to take in far more than the evils of the contract labor system. Under the circumstances it seems to me it ought to be amended so as to be confined to that rather than to go beyond it.

Mr. COOPER of Ohio. I do not think that is the fundamental thing in this bill. I think the fundamental thing in this bill is whether or not each State of the Union has the right to regulate the sale of prison-made goods. It does not say anything about the contract system in this bill.

Mr. NEWTON. No; and that is the reason the gentleman and I differ. I claim the bill goes too far.

Mr. CARSS. Will the gentleman yield?

Mr. NEWTON. I yield to my colleague.

Mr. CARSS. The gentleman states that unless his amendment is adopted the States might pass laws prohibiting the sale of convict-made goods in their States provided they were made under the contract system?

Mr. NEWTON. Yes.

Mr. CARSS. How would you remedy it? They could also, under that same line of logic, prohibit the importation and sale of goods made in such prisons as we have in Minnesota, so I can not see where the gentleman's proposed amendment would remedy the situation at all.

Mr. NEWTON. Possibly I did not understand the gentleman. The proposed amendment restricts the bill to goods, wares, and merchandise manufactured, produced, or mined under the "leasing or contract labor system." It is only as to goods manufactured by virtue of that kind of leasing or contract system that the law would then apply. It would not extend to goods manufactured in any prison where the leasing or contract system did not exist.

Mr. CARSS. Does the gentleman claim that would prevent subsequent action on the part of legislatures?

Mr. NEWTON. Certainly; it would very clearly restrict this bill. The goods that are not included in this bill, the goods that are manufactured in a State penitentiary not under a contract, would not be divested of their interstate character.

Mr. LOWREY. Will the gentleman yield to me a moment now?

Mr. NEWTON. Yes.

Mr. LOWREY. I have sent to the clerk's desk an amendment in line with the amendment of the gentleman, and yet I believe it goes a little further and I believe it is a little better. After the word "institution" in line 6, I propose to insert the words, "which allows prisoners to work under a contract or lease system." This forbids any prison that practices the contracting or leasing system to sell its goods. I mean by that statement that it puts the goods under the same ban that the bill does.

Mr. NEWTON. I have no special pride of authorship. What I am trying to get at is to make this bill apply to those goods that are made under a contract labor system.

Mr. LOWREY. While we are all condemning the contract labor system, would not the gentleman be willing to make it apply to the goods of any prison that practices the contract system?

Mr. NEWTON. No; I am inclined to think we are on more solid ground if we confine it to the goods that are manufactured under that system.

Mr. COOPER of Ohio. Mr. Chairman and gentlemen of the committee, I trust the amendment of the gentleman from Minnesota is not adopted. If this amendment is adopted, it kills the very purpose of the bill.

This bill does not say anything about the contract system. There is not a word about prison-contract labor in this bill. The whole purpose of the bill is to give each State of the Union the right to regulate the sale of convict-made goods. There are several States in the Union that have laws regulating the sale of convict-made goods. If the amendment of the gentleman from Minnesota is adopted, it means that Minnesota can still ship its prison-made goods, its farm machinery, and its binder twine, or anything else that it may make in the prisons of Minnesota, into these States. I hope the amendment will not be adopted, because it will kill the very purpose and object of the bill.

Mr. GARRETT of Tennessee. Mr. Chairman, may we have the amendment again reported?

The Clerk read the Newton amendment.

Mr. JACOBSTEIN. Mr. Chairman and members of the committee, the gentleman from Minnesota [Mr. NEWTON] who introduces this amendment misses the entire point of this proposed legislation. We do not seek in this bill to say what shall be made or what shall not be made in prisons, or the method of producing these convict-made goods. Anyone who thinks that Congress is trying to usurp authority which properly belongs to the States, does not understand this pending legislation.

As a member of the committee I have followed it for several years. The purpose of this legislation is to give to the States more authority to control the marketing of prison-made goods.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. JACOBSTEIN. Let me first complete my statement, and then I will be pleased to yield.

Under this bill the States will have more power and more authority to deal with goods manufactured in prisons and shipped in interstate commerce, whether they are made by contract system or by the State itself, and therefore the point of the amendment offered by the gentleman from Minnesota is aside from the mark.

This legislation is permissive legislation. There is nothing mandatory about it. No State need pass any legislation. A State that does not want to do anything need do nothing under this bill. The State, however, under this bill that desires to protect itself against the sale of articles manufactured in Minnesota or any other State whether it be contract labor or by the State government itself, will be free to protect itself. Furthermore, as the law will not go into operation for two years the States will have ample opportunity to readjust themselves to changed conditions.

The purpose of this legislation, gentlemen, is simply to enable each State to protect the free labor of that State against unfair competition in the sale of goods made by prison labor shipped in from other States.

I now yield to the gentleman from Kentucky.

Mr. VINSON of Kentucky. The gentleman says the legislation proposes to give more rights or more powers to the States.

Mr. JACOBSTEIN. Yes; I honestly believe it does.

Mr. VINSON of Kentucky. Does the gentleman admit that in the giving of added rights or added powers, which this bill seeks to do, it takes away certain powers and certain rights of other States?

Mr. JACOBSTEIN. I think it does, but since all States are given new power no one State is discriminated against. It gives my State the right to say that goods coming into New York State shall stand on the same bottom as prison-made goods manufactured within New York State, and if the goods from Mississippi manufactured in a prison come into New York State they must subject themselves to the same laws that apply to the same class of goods manufactured in prisons within New York State, and that is all.

Mr. VINSON of Kentucky. But under the present law the State may ship in interstate commerce such commodities into New York.

Mr. JACOBSTEIN. That is right, but I fail to see how that has any bearing on the merits of this bill.

Mr. VINSON of Kentucky. If New York, under this law, prevents the shipment of those commodities and this law gives New York State an added right, does it not take away rights from the sister States?

Mr. JACOBSTEIN. Of course, if you increase the rights of one State to-day under this bill you necessarily restrict the rights of the other States. But, of course, it is not true that under this bill any State can prevent the shipment into it goods made by prison labor. It does no such thing, and no State can exercise such power. It merely enables the States to impose conditions on convict-made goods shipped into these States similar to restrictions imposed on goods made in prisons within the State.

Mr. VINSON of Kentucky. And to that extent taking away certain rights of other States.

Mr. JACOBSTEIN. Yes; that is the whole purpose of this legislation—giving authority and taking away authority—but without discrimination as between the States, to correct a great evil.

It is giving every State in the Union the right to impose conditions on the sale of goods manufactured in prisons in other States and planned to ship into your State. That is a sound proposition. I hope the Cooper bill will pass, because it is in the interest of free labor. It will help destroy a vicious system known as the contract labor system, which exploits prison labor at the expense of free labor.

Mr. BUSBY. Will the gentleman yield?

Mr. JACOBSTEIN. I will.

Mr. BUSBY. This bill would seek to nullify the clause in the Constitution without repealing that clause.

Mr. JACOBSTEIN. What clause is that?

Mr. BUSBY. The clause that provides that Congress shall have the power to regulate commerce among the several States.

Mr. JACOBSTEIN. It is under that very power that Congress seeks to divest the interstate-commerce character from this particular class of commodities. If Congress did not have that right it could not be considering such legislation as before us to-day.

The passage of this bill will not deprive convicts of the opportunity of employment. I hate to think it will do that and believe it will not. Idleness in prisons is a terrible thing. Many States, including my own, New York, have developed the "State-use" system, which keeps the prisons busy but does not put the convict-made commodities on the open market in competition with free labor.

I believe the bill is constitutional, following the precedent established in the Wilson bill of 1890 and the Webb-Kenyon Act. The slight doubt of its constitutionality should not deter us from voting for this bill. This measure has the approval of organized labor. A large group of manufacturers and welfare organizations too. I am a member of the Labor Committee, which has had this measure under consideration for nearly four years. I have listened with an open mind to both sides of the question. I am convinced this is a good, a sound, and a just proposal, and I hope and believe the House will pass it by an overwhelming vote.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, the purpose of the amendment offered by the gentleman from Minnesota has been fully answered by the gentleman from Ohio [Mr. COOPER]. I am surprised that the gentleman from Minnesota, who is a very good parliamentarian, did not take the direct way and move to strike out the enacting clause because that would be the effect of his amendment.

Now, I want to call the attention of the House to the fact that the question of constitutionality is generally invoked by the opponents of a bill when they have no argument on the merits. The constitutionality of this measure has been suggested by the gentleman from Iowa, the gentleman from Connecticut, the gentleman from Minnesota, and I am surprised we have not heard it set up by some one from West Virginia, because those States are the principal States that feature convict-manufactured goods.

While I am not an authority on the Constitution and do not claim to be, I leave that to some other Member of the House—I believe I can make as many mistakes on the constitutionality of any law as any expert in the House. [Laughter.]

That being so, I want to call the attention of my colleagues to the leading case on the subject which you will find in 135 United States, page 100. It is the case of Leisy *v.* Hardin.

That is the case that definitely held the limit of the power of the States to prohibit interstate commerce in certain commodities.

It has been suggested on the floor that the States have that power in reference to liquor and other articles under the police power of a State. That is not so, because in the Leisy case it was definitely stated that the statute of the State of Ohio prohibiting the sale, storage, and possession of liquor was invalid as to goods shipped in interstate commerce.

The matter of the power of the State in prohibiting the sale, traffic, or even entry into the State of any article or commodity the proper subject of interstate commerce first came up when several of the States commenced enacting prohibition laws.

That is, laws forbidding the traffic and possession of liquor within the boundary of the State. I do not believe that before that time there was occasion to question the power of the Federal Government in the regulation of interstate commerce. At least the conflict between the regulation of commerce within the State and the application of such regulation to any article or commodity that came from another State did not arise until that time. The question naturally arose after the enactment of State laws prohibiting the sale of alcoholic beverages within the State while such sale was lawful in other States and such beverages were shipped into the State having State prohibition. The law was definitely laid down in the so-called original package cases. In the case which I have just cited, Leisy *v.* Hardin (135 U. S. 100) the law was so clearly defined that there can be no question since that decision as to the power of the Federal Government in the regulation of interstate commerce and the limitation of the State in interfering in any way, and I want to emphasize "in any way" because of some of the statements that were made on the floor, to which I will refer in a minute. This case declared void and unconstitutional a statute enacted and approved by the State of Iowa. It was there held, to quote the law briefly, that a statute of a State prohibiting the sale of any intoxicating liquors is, as applied to a sale by the importer and in the original packages or kegs, unbroken and unopened, of such liquors manufactured in and brought from another State, unconstitutional and void, as repugnant to the clause of the Constitution granting to Congress the power to regulate commerce with foreign nations and among the several States. This is the law in reference to the power of the Federal Government to regulate interstate commerce whether the commerce be liquor, convict-labor products, or whatever the subject of the commerce may be. It is the law to-day. I believe that examining the law in reference to the bill under consideration that we must determine what the rights of the Federal Government are and those of the State in the subject of interstate commerce. I note that many of my colleagues have cited both the Wilson Act and the Webb-Kenyon Act as the law on the question. It must be remembered, however, established in the so-called original package cases in the case which I have just cited that made necessary the enactment of both the Wilson Act and the Webb-Kenyon Act. Therefore we are confronted with the law that holds that a State can in no way interfere regardless of its own local laws and the purpose of these laws in the traffic of any article that is the subject of interstate commerce. After the law was so established and so definitely, Congress was asked and it did enact a law in which it waived, so to speak, its power and control over liquor and permitted the State to enforce its law over liquor, but only by virtue of the express permission of Congress to do so. For instance, the case clearly held that—

> The power vested in Congress "to regulate commerce with foreign nations and among the several States, and with the Indian tribes," is the power to prescribe the rule by which that commerce is to be governed and is a power complete in itself, acknowledging no limitations other than those prescribed in the Constitution. It is coextensive with the subject on which it acts and can not be stopped at the external boundary of a State, but must enter its interior and must be capable of authorizing the disposition of those articles which it introduces, so that they may become mingled with the common mass of property within the territory entered.

Here the court cites Gibbons *v.* Ogden (9 Wheat. 1), Brown *v.* Maryland (12 Wheat. 419). Now, in reply to my colleagues who have suggested that the State has exclusive power within its boundaries over any matter affecting health, morals, and safety, permit me to state that such is not the law. Even as to those matters permitting the exercise of the extreme police power of the State, that extreme power is limited if it runs in conflict with the power of the Federal Government over interstate and foreign commerce. Here is the law:

> And while, by virtue of its jurisdiction over persons and property within its limits, a State may provide for the security of the lives, limbs, health, and comfort of persons and the protection of property so situated, yet a subject matter which has been confided exclusively to Congress by the Constitution is not within the jurisdiction of the police power of the State unless placed there by congressional action. (Henderson *v.* Mayor of New York, 92 U. S. 259; Railroad Co. *v.* Husen, 95 U. S. 465; Walling *v.* Michigan, 116 U. S. 466; Robbins *v.* Shelby Taxing District, 120 U. S. 489.)

All cited in the Leisy case. Now, that answers fully the argument made by some of the gentlemen and also the doubt that was expressed by some as to the real power of the State to act regardless of congressional action. In other words, even a liquor law the enforcement of which is carried on under the police power of the State was limited and ineffective as to liquor coming from another State, and therefore the necessity of the Wilson Act, which was enacted by Congress three months after the decision in the Leisy case, which I have cited and from which I have been quoting. So it is with any article manufactured in whole or in part from convict labor. The law of the State may prohibit it. In fact, my State, for instance, and many other States, specifically prohibits the sale of convict-made goods in our own State, yet the State of New York is helpless and can not prevent the sale of convict-made goods, such as the shirts from Wethersfield Prison, Connecticut, or the brooms from Iowa prisons, the twine from the Minnesota penitentiary, and so on. Now, all that this bill does is this: It waives the rights and the power of the Federal Government in the regulation of interstate traffic in so far as it affects and concerns prison-made goods. In keeping with the law as laid down by the Supreme Court, which held that any matter which has been confided exclusively to Congress by the Constitution is not within the jurisdiction of the police power of the State "unless placed there by congressional action," we are now placing it within the power of the State by action of Congress, as expressed in this bill.

Mr. JACOBSTEIN. Does not the gentleman think that New York State ought to have the right to make prison-made goods subject to the laws of New York State, even though not manufactured under the contract system? The purpose of the amendment offered by the gentleman from Minnesota——

Mr. LAGUARDIA. Oh, the amendment of the gentleman from Minnesota is destructive. We may as well vote to strike out the enacting clause.

Mr. CONNERY. Then the gentleman does not believe, as I do not, that Congress is limited in its regulation of interstate commerce merely to the police power?

Mr. LAGUARDIA. Oh, no; it was so held in the Iowa case.

Mr. CONNERY. That is what I wanted to bring out.

Mr. LAGUARDIA. It was the Leisy case that brought out the enactment of the Wilson law.

Mr. CONNERY. Gentlemen yesterday were claiming it was merely under the police power that Congress had the right to regulate interstate commerce.

Mr. LAGUARDIA. What I could not understand is State rights champions objecting to this bill, which surrenders certain rights of the Federal Government to the States.

Mr. BUSBY. I can explain that. You surrender the rights of all the other States to trade in New York when you say that New York can keep the other States out, and yet New York will proceed to trade in the other States. It is the mutual right that one State has to commerce in the other States. That is the explanation.

Mr. LAGUARDIA. And let me say to the gentleman that under the law of the gentleman's State, and under the law of my State, and under the Federal law, a convict is divested of all civil rights. He can not go out and contract for his own labor; he can not make a contract if he has been convicted of a felony. Therefore we ought to take from the State the right to constitute itself an agent of these convicts, in competition with free labor. [Applause.]

Mr. KVALE. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. KVALE. The gentleman is somewhat familiar with the conditions in our State and with our wonderful penitentiaries?

Mr. LAGUARDIA. Oh, no penitentiary can be wonderful. I am sure the gentleman will join me in the hope to see the time when the economic conditions of this country will be such that our penitentiaries will be almost entirely empty.

Mr. KVALE. I will go as far as the gentleman any time along those lines, but as a penitentiary it is wonderful. If this bill is enacted into law, what part of the bill, what sentence, phrase, or word will in any way so injure the farmers of my State directly or indirectly, now or at any time in the future, as claimed by some people?

Mr. LAGUARDIA. Oh, the gentleman knows that the poor overworked farmer is brought in on almost every bill, very often by both those for and against a measure. I hope to see the time that the poor farmer will not be blamed for everything that is wanted or not wanted in Congress.

There can be no doubt, as I read the law, of the constitutionality of this bill. It is in keeping with the decisions of the Supreme Court and follows the general principles contained in previous acts of Congress enacted after the decisions of the Supreme Court. This bill will permit, by reason of the express assent of Congress, States from treating convict-made goods in accordance with their own State statutes whether such goods are made within its own boundary or comes from another State.

I agree that the amount of convict-made goods is not so great and that perhaps it has been exaggerated, but the principle and the purpose of the bill are sound and wholesome in keeping with progressive legislation, and as the bill is drawn, meeting the

law on the subject and following precedent, there is no reason why it should not pass this House with an overwhelming majority.

Mr. CROWTHER. Mr. Chairman, I move to strike out the last word. I do not desire and I am not qualified to discuss the constitutionality of this measure. I am going to talk along another line for just a few minutes. I notice that in the House we frequently quote the Supreme Court, but I do not ever remember a Supreme Court decision that quoted the opinion of Members of the House of Representatives on the question of constitutionality. I say that with all deference to my colleagues of the legal profession.

Mr. BUSBY. I will cite——

Mr. CROWTHER. I do not yield.

Mr. BUSBY. No wonder the gentleman does not learn anything.

Mr. CROWTHER. I do not yield to the gentleman.

Mr. BUSBY. Will the gentleman yield now?

Mr. CROWTHER. Yes.

Mr. BUSBY. The recent Myers case, decided by Chief Justice Taft, quoted the doings and the sayings of the Congress, and on those doings and sayings that court based the opinion of the court. [Applause.]

Mr. CROWTHER. The gentleman will admit that that is rather unusual and very exceptional. That really was a reference to the Congress and not an individual Member who gave his opinion on constitutionality.

Mr. BUSBY. It surely was, yes, and I invite the gentleman's examination of that opinion.

Mr. CROWTHER. I do not believe the opinion was given by the distinguished gentleman from Mississippi.

Mr. BUSBY. No; nor by the equally distinguished gentleman from New York.

Mr. CROWTHER. I do not pretend to be able to render such an opinion, and I pay all deference to my colleagues who are members of the legal profession and wish I had half their ability. The gentleman from Mississippi is taking the matter entirely too seriously, however. This bill has been before Congress for a great many years, and the question of its constitutionality has been discussed not only in this session but in many others. It is of vital interest to the people who work in this country. I believe as some gentleman said the other day that I am vitally more concerned regarding the hardship and suffering of the men and women who are put out of employment by the keen competition of prison products than I am about prisoners who are incarcerated as a penalty for their crimes. [Applause.] The proponents of this bill have never denied the absolute necessity of men and women who are in jail being kept in active employment. That has been used as an argument against the enactment of any law on this subject, but we never have denied that, and I think every man and woman possessing good common sense realizes the absolute necessity of keeping these men and women in active employment while they are confined in jails.

I have in my immediate territory seven or eight broom factories that are vitally affected by this bill. There has not been very much said about the broom industry. There is used in this country about 50,000 tons of broomcorn, which is cut up annually for brooms and whisk brooms. At one time the factories in my immediate territory raised all their own broomcorn alongside the Mohawk River, on the banks, where there was a rich overflow of silt every spring when the ice broke up and banks overflowed. We used to import some broomcorn into this country, and in the importation of that broomcorn we brought the corn borer to this country, which has caused from $10,000,000 to $17,000,000 of appropriations to be made for its extermination. Out of the 50,000 tons of broomcorn that is cut up, nearly 40 per cent is made up into brooms in the jails.

Members have asked what percentage of shoes were made in the prisons. Those figures were given in the hearings and they were very misleading. It was said that only one-fourth of 1 per cent, or perhaps 1 per cent of the shoes made, were made in the prisons. The only fair comparison is to consider the kind of shoes that are made in jails. It is not fair to say that the kind of work shoe that is made in the prisons should be compared with the shoes made in outside industry for other purposes. You must compare the quantity with the quantity of the same type of shoes made in private industry.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CROWTHER. May I have five minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CONNERY. The only argument brought before the committee was, What will we do with the men who are working? I think that was the only argument.

Mr. CROWTHER. Yes. These eight broom factories, all in my district, employed three years ago a total of over 1,000 people, and 5,000 people, counting five to a family, were dependent on that industry. We can not raise broomcorn along that strip of land now, as the land has become too valuable for market gardening and general farm purposes. In Nebraska and Kansas and Missouri most of it is now raised. The central shipping point, I understand, is Wichita, Kans.

Mr. HOWARD of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. HOWARD of Oklahoma. You did not mention Oklahoma as producing three-fourths of the total crop.

Mr. AYRES. The gentleman from Oklahoma is mistaken. Wichita, Kans., is the central producing point.

Mr. CROWTHER. Yes. I referred to Wichita, Kans., as the central shipping point, but Oklahoma does produce a tremendous crop. Our brooms are made and sold as the best in the world. They sell for about $8 a dozen to the wholesaler. Prison-made brooms are put into the department and chain stores at about $4 a dozen. The result is that instead of 1,000 or 1,100 people being employed, as was the case three years ago, now there are a little over 500 employed. For the past two years they have had a pay envelope representing only three days' work a week, due very largely to this unfair competition of prison-made brooms.

Mr. CONNERY. Is the gentleman going to speak of the blind?

Mr. CROWTHER. Yes. There are thousands of blind, not only in my State but in various States of the Union, to whom this industry is a great benefit, giving them a fair weekly wage as a reward for the skill they have developed as broom makers. It reduces the earning capacity of these unfortunates, just as it does all others engaged in this industry. You know that the industrial competition to-day is exceedingly keen between legitimate concerns doing business and striving to pay good wages and still leave a margin of profit for the stockholders. If you shut down the mills, they can not pay dividends; and if the factory is running at only half time the pay envelope of the worker will scarcely provide his family with necessities.

This bill is eminently just and fair in its purpose. I hope that exact justice will be done to the men and women in all occupations and branches of business in this country in fair and legitimate labor by doing away with this competition, which is so eminently unfair in the case of these products made in prisons and thrown on the market. [Applause.]

Mr. LOZIER. Admitting that there is a duty that we owe to the prisoners, is it not also true that we have a greater duty to the outside labor with which the convict labor comes into competition?

Mr. CROWTHER. Yes. I agree with the conclusions of the gentleman from Missouri [Mr. LOZIER], and I trust the membership of this House will by an overwhelming vote pass the bill and that it may finally become the law of the land.

Mr. RAGON. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Arkansas is recognized.

Mr. RAGON. I shall give this bill my support, although I do not accord to it the great importance that is given to it by some. There is one feature of it that I want to call to the attention of the House. I expected the committee to offer an amendment to eliminate that objectionable feature. I do not know whether they have it yet in their mind to do so or not, but the amendment has particularly to do with agricultural products.

Mr. BUSBY. Mr. Chairman, will the gentleman yield?

Mr. RAGON. Yes.

Mr. BUSBY. If I may be permitted to say——

Mr. RAGON. I do not want the gentleman to take up my time.

Mr. BUSBY. It has been agreed that an amendment will be offered by the author of the bill, striking out the word "produce," which would naturally have the effect that the gentleman refers to.

Mr. RAGON. I understood there was to be an amendment offered, but it has not been offered.

Mr. BUSBY. Yes; we want to keep faith.

Mr. RAGON. I will emphasize the importance of that amendment by illustrating what will happen in my State. Our convicts do nothing to sustain themselves except to grow cotton.

Sixty-five per cent of the cotton crop is exported and it comes in competition with no one. Now, to cause the State of Arkan-

sas to do away with a $1,000,000 investment and to turn the 1,300 to 1,500 men we have there loose as an expense upon the State would be an injustice to the taxpayers of that State, which I do not think the Congress or anyone else should impose upon them.

Mr. BROWNING. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. BROWNING. Will the gentleman tell us why the elimination of competition with labor should be any more in one branch than it is in another, and why agricultural products should not be protected from prison labor like everything else?

Mr. RAGON. That is not what is troubling my mind now. There is no competition with labor in the cotton feature.

Mr. BROWNING. It affects the gentleman and that is the reason he is troubled about it?

Mr. RAGON. But 65 per cent of your cotton is exported.

Mr. BROWNING. But the world market can take only so much.

Mr. RAGON. If the gentleman wants me to answer a question let me have it and then give me the chance to answer.

Mr. RAMSEYER. Will the gentleman yield?

Mr. RAGON. I would prefer to answer one gentleman at a time, but I yield.

Mr. RAMSEYER. What is the difference between excepting the cotton grown on your prison plantations in Arkansas and excepting binder twine made in Michigan or Minnesota? If we are going to protect your prison farm why not protect the manufacture of binder twine in Michigan?

Mr. RAGON. I am not going into those things because they involve a rather complicated question about which it was not my purpose to speak.

Mr. RAMSEYER. No; it is a simple question.

Mr. RAGON. No; it is not simple from my standpoint. I am looking at the thing through to the end. I am interested in this thing because of my people. I do not want to bring up sob stories about the flood every time a question comes up, but the flood we had last spring almost ruined the State and it will not recover from it for 10 years, and my point is that if you take a $1,000,000 institution and render it impotent in the support of those convicts then you impose a burden upon the taxpayers of that State that will aggregate better than a half million dollars a year, which our people can not pay. That does not apply to your twine business and it does not apply, perhaps, to what the gentleman from Tennessee is interested in. I am talking about the people who are going to have to pay taxes in order to support these convicts and I say it is an injustice to impose that burden upon those taxpayers.

Mr. SCHAFER. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. SCHAFER. If a majority of the cotton crop is exported, I do not see why the gentleman should be alarmed about this bill, because no State in the Union will regulate or prohibit the shipment of export cotton.

Mr. RAGON. But some of our cotton is sold in the States. I think Massachusetts, for instance, is a rather liberal purchaser of our cotton.

Mr. SCHAFER. But would the gentleman want the cotton farmer in his State, who has to pay $2, $3, $4, or $5 a day and board to his employees, to have his products come in competition with cheap labor at 50 cents a day?

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. RAGON. Mr. Chairman, I believe I am justified in asking for three additional minutes.

The CHAIRMAN. Without objection, the gentleman from Arkansas will be recognized for three additional minutes.

There was no objection.

Mr. RAGON. The gentleman from Michigan has just suggested to me that the amount of cotton that would be purchased by these prisons is only a small drop in the bucket compared to the manufacture of twine and other manufactured products. That might affect the price of your twine, but it would not happen in the case of cotton at all, because I think you will find that the hardship that is worked on the cotton that is produced by the State prisons would be in the injustice it would work upon the taxpayers of the individual States, so for that reason I hope the amendment to be offered by the gentleman from Ohio will be adopted.

Mr. KINCHELOE. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. KINCHELOE. If I understand the theory of this bill it is to prevent the products of convict labor from coming into competition with the products of free labor in the various States. If an amendment to exempt agricultural products is adopted then the farmer will be the only one who is going to come in competition with the products of convict labor.

Mr. RAGON. The farmer?

Mr. KINCHELOE. Yes; the man who raises cotton.

Mr. RAGON. I think Arkansas raises over 1,500,000 bales of cotton and only 2,000 bales of it is raised on the convict farms. There is no use in making the argument that this would affect the farmer.

Mr. KINCHELOE. I am stating that to that extent it affects the cotton farmers of the United States if the theory of the bill is correct.

Mr. RAGON. Yes; as 2,000 bales would compare with over 1,500,000.

Mr. LOWREY. Will the gentleman yield for a suggestion?

Mr. RAGON. Yes.

Mr. LOWREY. In regard to cotton and in regard to grain and in regard to flax and some of these other things, they are raw materials that go into other States for processing and manufacturing. They go to the flour mills and to the factories and therefore furnish raw material for the labor for which these gentlemen are pleading.

Mr. RAGON. Sure.

Mr. LOWREY. And therefore they might be excepted on the ground that they will help the labor in the various factories.

Mr. RAGON. Yes.

Mr. CONNERY. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. CONNERY. The gentleman spoke of Massachusetts being a market, for instance, for the cotton of Arkansas, what reason would Massachusetts have for enacting a law forbidding your cotton to come into Massachusetts? We have not any cotton growers in the State.

Mr. RAGON. I think that is perhaps true, but what is the use of having the possibility. There may be some other States with a different view. There might be some cotton-producing States in the South which might enact laws that would have a different view.

Mr. CONNERY. When you speak of your cotton raised by convicts are you not discriminating against your free labor down there?

Mr. RAGON. Not a bit in the world. The comparison is too small. The only thing I rose to do was to give you an illustration of what would happen in my own State with reference to the revenues of the State and with reference to the burden put on the taxpayers of the State. This bill carried to its fullest purport would cost the State of Arkansas $300,000 each year and you can not afford to further burden an overburdened people.

The pro forma amendment was withdrawn.

Mr. KOPP. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 10 minutes.

Mr. RAMSEYER. Reserving the right to object, does this close debate on the section and all amendments thereto?

Mr. KOPP. No; on the pending amendment and any amendment to the pending amendment.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on the pending amendment and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. RAMSEYER. Mr. Chairman and gentlemen of the committee, may I have your attention for a few moments? I spoke on this bill yesterday and I really did not intend to speak again. Yesterday, before I spoke, there was a suggestion made to exempt agricultural products. The mere suggestion of that, I thought, would cause every Representative from an agricultural section to revolt; in fact, I do not see how any person in the House who has any regard or respect for the business of farming can be in favor of a proposition like this.

I wish we had no prisoners. I am against prisoners, and I am against prison labor, but we have got prisoners and we have got them in increasing numbers from year to year. We have them on our hands, and everybody agrees we must keep these prisoners at work on something. The suggestion is made that in a few moments, after this amendment is disposed of, somebody will offer an amendment to the bill to strike out the word "produced."

The way the bill reads now is "that all goods, wares, and merchandise manufactured, produced, or mined," and so forth. Striking out the word "produced" leaves the words "manufactured or mined," which means that by indirection you prohibit in commerce all products except those produced on farms. You may say you are not prohibiting the transportation of these goods in interstate commerce, but you are enacting a law here which by subsequent enactments or with present enactments of the States will accomplish exactly the same thing as though you actually prohibited prison-made goods from interstate commerce.

Now, what are you doing? You are undertaking to prohibit from interstate commerce things that are manufactured or

mined where you have organized labor, and you are going to exempt farm products in order that the States that now keep their prisoners employed in manufacturing things will have no choice except to shift them and push them on into producing agricultural products, cattle, hogs, cotton, dairy products, such as milk, butter, and cheese, sending them all over the country in competition with the already existing overproduction that we have on the farms. There can be no question but what if you strike out the word "produced" you are striking at nothing except agriculture.

Some one has suggested that you are striking out the word "produced" because it has an indefinite meaning. The word "produced" has a very definite meaning. It means, according to Webster's Dictionary, "to bring forth, as young, or as a natural product or growth; to give birth to; to bear; generate; yield; furnish; as, the earth produces grass, trees produce fruit."

Strike out "produced" and then you protect or undertake to protect the labor in the factory, while you shift the burden on agriculture where the farmers are unorganized. I am sure the bill in this form would not have the approval of the Federation of Labor.

You have them back of this bill now. I know their interest in agricultural legislation, and they wish to cooperate with the farmers and do not want the farmer to bear any greater burden than they have to. But here you intend to push an added burden on the farmer. I am sure this bill if amended in that way would not have the support of the most selfish manufacturer in New England. I am sure the bill would not have the support of the general Federation of Women's Clubs or representatives of the prison reform organizations. Ladies and gentlemen of the House, I hope that when this amendment is offered you will for once at least show some respect to agriculture and the men who have to toil on the farms to keep the people supplied with food and vote down such amendment. [Applause.]

Mr. BROWNING. Mr. Chairman and members of the committee, every Member of the House whose State is in the business of producing anything in the shape of salable products by prison labor can make the same plea that is made by the gentleman from Arkansas [Mr. RAGON]. I want to protest that it is just as proper for the State of Tennessee to ask that we exempt the manufacturer of work shirts which are made in our penitentiary as is the gentleman from Arkansas to exempt the production of cotton. And really more so, because the only way that the farmers can have protection is to have their products protected from prison labor. There is no other protection for them. If you are going to except cotton I know of many cotton farmers that will be anxious to go to jail to work for the State government in order to get their bread and clothes rather than to compete with prison labor in the production of cotton. It is insisted that only a small amount of cotton is involved. But, gentlemen, the smallness of the amount does not affect the principle in any way whatever. I insist that if there is any class of people in need of protection from unfair discriminations it is the farmer, and if you are going to protect anybody from prison labor why not give him the benefit of it, however small.

Mr. LOZIER. Will the gentleman yield?

Mr. BROWNING. I yield to the gentleman.

Mr. LOZIER. If this amendment be adopted what assurance have the agricultural classes that these growers of cotton will not diversify and produce potatoes, corn, and dairy products and hundreds of other things which will go into actual competition with the products of the farmer.

Mr. BROWNING. Yes; and not only diversify, but they might multiply it a thousand times.

Mr. LOZIER. Is not this an affront to the agricultural classes of America? [Applause.]

Mr. BROWNING. Well, it affronts me.

Mr. CASEY. Is the gentleman speaking on the amendment, or a suggested amendment?

Mr. BROWNING. It is the suggested amendment to strike out the word "produce."

Mr. CASEY. That is not before the committee.

Mr. BROWNING. It is not?

Mr. CASEY. Well, I am opposed to it.

Mr. BROWNING. I thank the gentleman, and I think the majority of the House will be opposed to it.

Mr. CONNERY. If the gentleman will yield, I want to say that I am heartily with him, and I also concur in what the gentleman from Iowa has said. The word "produce" should be left in because we in New England are as much interested in the farmer as in any class of people.

Mr. BROWNING. The farmer has an interest in this bill. The farmers of America are having difficulty enough now. Some of us are hard pressed to oppose this bill because of the destruction of the great manufacturing plants of our States that have been built up under the system and which will be rendered partially useless. If we exempt cotton we might as well abandon the whole principle of the bill. If the principle is right apply it to everybody, and that is the only way we can do justice in passing a measure under these circumstances. [Applause.]

The CHAIRMAN. The time of the gentleman has expired, the pro forma amendments are withdrawn, and the question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

Mr. COOPER of Ohio. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. COOPER of Ohio: Page 1, beginning in line 3, after the word "manufactured," strike out the word "produced."

Mr. COOPER of Ohio. Mr. Chairman and members of the committee, I offer this amendment at the request of the proponents of the bill.

I had a conference with the proponents of the bill, manufacturers who are interested in it, who stated that if we had any amendments at all adopted we should strike out the word "produced." I submit it to the committee, and it is for the committee to accept or reject it.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Ohio. Certainly.

Mr. McKEOWN. Would not the taking of this word out of the bill tend to put the States into the agricultural business?

Mr. COOPER of Ohio. Nothing is said about agricultural products in this bill at all. I merely am striking out the word "produced."

Mr. BRIGHAM. Has the gentleman submitted this amendment to the farm organizations to get their opinion?

Mr. COOPER of Ohio. No; I have not had the time to do that.

Mr. BRIGHAM. Does not the gentleman think that would have been the proper procedure?

Mr. COOPER of Ohio. The farm organizations, as far as I know, have never been interested in this bill in any shape or form. No representative of farm organizations appeared before the committee.

Mr. BRIGHAM. If the gentleman's bill is going to discriminate against agriculture, does not he think the farm organizations would be interested?

Mr. COOPER of Ohio. I am not so sure that the striking out of this word "produced" would discriminate against agriculture, which I do not want to do.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Ohio. Yes.

Mr. HUDDLESTON. Some of us would like to support this legislation from the standpoint of principle. How can we do so when we make such exceptions as this that the gentleman proposes?

Mr. COOPER of Ohio. As I said before, the proponents of the bill are very anxious to have it considered and passed here at this session of Congress. Unless this amendment is adopted, I am told that the bill will have a very poor chance of passing the Senate during this session.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. CONNERY. Mr. Chairman, I dislike very much to rise in opposition to the amendment of my distinguished colleague Mr. COOPER of Ohio. Early this morning I talked with the gentleman from Ohio and with the chairman of the committee on the matter of the elimination of the word "produced." I understood at that time that one of the reasons for its elimination is because Members from the agricultural sections of the country felt that it should be eliminated, and that the word is misleading. I wish to say now that that is the reason why at that time I told the Members I had no objection to the word being taken out. Since that time, after listening to the gentleman from Iowa [Mr. RAMSEYER] and the gentleman from Tennessee [Mr. BROWNING], and other Members who come from sections of the country interested in agriculture, I say that I believe the word "produced" should be left in the bill. [Applause.]

I do not see any reason why we should discriminate against any class of the people or any section of the country. The gentleman from Iowa [Mr. RAMSEYER], in his talk, looked over at me and referred to the "most selfish manufacturer in New England," stating that he did not believe the word "produced" should be taken out. I would like to say to the gentle-

man from Iowa that I am not a manufacturer from New England, although sometimes I wish I were.

Mr. RAMSEYER. Oh, there was nothing personal in my remark. If I was looking at the gentleman at the time, it was because my eyes had wandered over and were glancing at the Democrats.

Mr. CONNERY. I know that there was nothing personal in the remark, but I want the gentleman to know that the people of New England—manufacturers and workers alike, and especially the members of the American Federation of Labor there, and all union labor—are interested in the welfare of the farmer.

The workers in the cities of Lawrence and Lynn and Peabody and Haverhill and Fall River and New Bedford and other industrial cities in New England are interested in the farmer and his welfare. I will say no more, as I have explained my position with reference to members of my committee, and say I believe the amendment should not pass, and I believe the word "produced" should be left in the bill.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. CASEY. I want to call the gentleman's attention to the language I used in my remarks yesterday on this question. It is as follows:

> It is not the amount of goods produced that concerns us so much as it is the principle involved, which we are all opposed to.

Mr. CONNERY. I agree with the gentleman. It is the principle that is involved, and that is what we are opposed to. We do not want convict-made goods of any kind put in competition with goods made by free labor. I dislike to vote against the amendment of my distinguished colleague from Ohio [Mr. COOPER], who has worked so hard and conscientiously over a long period of time to obtain action on this bill, but I feel that I must do so.

Mr. KOPP. Mr. Chairman, I ask unanimous consent that the debate on the pending amendment close in five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. LAGUARDIA. Reserving the right to object, I want two minutes.

Mr. BANKHEAD. Reserving the right to object, I want to ask the chairman of the committee a question. I want to ask the chairman of the committee if it is the intention and purpose of the committee in agreeing to the elimination of this word "produced" to except agricultural products from the provisions of this bill?

Mr. KOPP. The committee has not had a meeting on this question.

Mr. BANKHEAD. What was the conclusion of the chairman?

Mr. COOPER of Ohio. I was not present.

Mr. BANKHEAD. What would be the effect of the adoption of the amendment? I will ask the gentleman from Ohio this direct question, because I think it is important: Does the gentleman understand that the adoption of his amendment means the elimination of agricultural products from the terms of this bill?

Mr. COOPER of Ohio. I do not.

Mr. BANKHEAD. What does the gentleman understand?

Mr. COOPER of Ohio. I said a moment ago that the manufacturers interested in the bill and the American Federation of Labor suggested to me that the word be stricken out. I said I would introduce the amendment. What they have in the back of their heads I do not know.

Mr. BANKHEAD. Is it the gentleman's opinion that it exempts agricultural produce?

Mr. COOPER of Ohio. I do not know.

Mr. BANKHEAD. That is what I want to find out.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the debate on the pending amendment close in five minutes.

Mr. KOPP. I move, Mr. Chairman, that the debate on the pending amendment close in 10 minutes.

The CHAIRMAN. The gentleman from Iowa moves that the debate on the pending amendment close in 10 minutes. The question is on agreeing to that motion.

The motion was agreed to.

Mr. BUSBY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUSBY. The debate has been limited to 10 minutes. Is it the purpose of the Chair to yield all this time to one side of the argument?

The CHAIRMAN. No. The Chair can not do that.

Mr. BUSBY. That is what I wanted to know. The three gentlemen asking for time are all on one side.

Mr. SCHAFER rose.

The CHAIRMAN. For what purpose does the gentleman from Wisconsin rise?

Mr. SCHAFER. I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. SCHAFER. Mr. Chairman, I hope this amendment will be defeated. The Labor Committee of this House has carefully considered this legislation for some time and reports it to the House by practically a unanimous vote. Now because of a few rumbling words of opposition, the proponents of the bill present an amendment which they say is desired by the farmers of the country.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. COOPER of Ohio. I took this up with the members of the committee who reported the bill, and they approved it.

Mr. SCHAFER. All right; even if they did approve it, they have no more right as a matter of principle to approve an amendment of this kind at this late hour than the gentleman has. The committee held extensive hearings and carefully considered the bill, and I can not see how they can defend this amendment at this late hour. They might just as well support an amendment to strike out the enacting clause.

Although I have the honor to represent a city district, my record on farm legislation will favorably compare with the records of Members who represent rural districts. [Applause.] You say this will protect the farmer. You say it will prevent an injustice being done to him. Let me tell you that if this amendment is adopted, you will not help the producer of farm products but injure him. You will say that this Congress is willing to give to the States the right to protect the labor and industries of their people from unfair competition of cheap convict labor, but they can not protect the farmer who produces and the farm labor. If this amendment is adopted, notice will be sent to every prison in the country that if they desire the product of cheap convict labor to compete with free labor and not be subject to regulation by the various States, all that is necessary is to change your system so that the convict labor in the future will be employed to produce farm products.

I can not support this amendment, which will place another handicap on the already overburdened farmers of the country.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER. No; I have only one minute left. I agree with the gentleman from Iowa [Mr. RAMSEYER] in his opposition to this amendment. Those Members representing city districts as well as those from farming districts should vote against this amendment which discriminates so unjustly against the farmer. The principle upon which this bill is based does not permit the exception provided in the amendment. The gentleman from Iowa [Mr. RAMSEYER] is better qualified to speak for the farmers on this amendment than any manufacturer with whom the gentleman from Ohio [Mr. COOPER] has conferred this morning.

Mr. COOPER of Ohio. Is the gentleman from Iowa supporting this bill?

Mr. SCHAFER. I understand he is opposed to this amendment.

Mr. COOPER of Ohio. Is he supporting this bill?

Mr. SCHAFER. His speech in opposition to the pending amendment was a wonderful argument in support of the bill without the amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BUSBY rose.

The CHAIRMAN. Is the gentleman from Mississippi in favor of the amendment?

Mr. BUSBY. I am.

The CHAIRMAN. The gentleman from Mississippi is recognied for five minutes.

Mr. BUSBY. Mr. Chairman and gentlemen of the committee, I am sure we have magnified the importance of convict labor. I read in the Senate hearings the statement made by Mr. John J. Hannan, president of the State board of control of the State of Wisconsin, and that is the State from which the gentleman who has just spoken comes.

Mr. SCHAFER. But the gentleman does not agree with Mr. John J. Hannan, and the people of Wisconsin do not agree with Mr. John J. Hannan, either.

Mr. BUSBY. That statement was to the effect that only 100,000 convicts throughout the country are employed in business which would be affected by this legislation, and that only 50,000 of that number are employed in activities where the products go into other States. That is a very small number of people. Did you ever stop to think that 10 or 15 years ago there were more

than 4,000,000 aliens coming into this country each year, and that under the present immigration law we are admitting each year legally 165,000 aliens, and perhaps that many more are bootlegged into the country? All these labor in competition with our citizen laborers who are already in America. This proposition of convict labor is being overmagnified in importance, and the importance should not be given to it that has been given it by the gentleman from Wisconsin.

They say this proposition being considered is against the farmer. Why, the only States it would affect are States such as my State, Arkansas, and other Southern States that have built up the management of convicts around the system of growing cotton. You can not grow truck and produce or run a milk plant or a cheese factory with convict labor. You have got to work this proposition en masse.

Mr. SCHAFER. Will the gentleman yield?

Mr. BUSBY. No; I can not yield just now.

Mr. SCHAFER. Why could you not operate a cheese factory with convict labor?

Mr. BUSBY. That might be possible in Wisconsin, but I am talking about States where they operate in a different way.

I am sure this amendment will not affect anybody who is interested in the farmer. I have seen farm advocates here on the floor since this amendment has been proposed that I have not seen before. They have been speaking for the farmer, and when they do that I get suspicious, and I think they are wearing a cloak they ought not to wear.

Mr. BURTNESS. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. BURTNESS. Does the gentleman take the position that it might not injure agriculture or that you stand on any principle at all if you force some penitentiaries to go out of one line of business and then give them an incentive to proceed along agricultural lines in producing agricultural products?

Mr. BUSBY. I am certain it would not influence the agricultural situation one particle, because of the smallness of the number of convicts employed in producing agricultural products, but it would influence the State penal systems materially, and for that reason we of Mississippi, who are receiving and have received $729,000 profit out of the operation of our convicts during the last four years, would very much dislike to see you step in and close the doors of our own institutions, and compel us to support the convicts in idleness and to tax our farmers to do this.

Mr. BURTNESS. I can see the gentleman's position from that standpoint, and will the gentleman answer one other question?

Mr. BUSBY. Yes.

Mr. BURTNESS. Can the gentleman give us any reason why the bill should apply to some and not apply to all, and does not the same argument the gentleman makes with reference to his situation apply with reference to any other situation?

Mr. BUSBY. In answer to the gentleman, I will say that this is a raw-product proposition entirely. There is no skilled-labor feature entering into it, and therefore I am not surprised that the labor organizations are entirely behind the move to strike out of the bill this particular word "produced" that is proposed to be stricken out by the amendment. There is no skilled-labor element that enters into it, and for that reason I am sure we should adopt the amendment.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. LAGUARDIA rose.

The CHAIRMAN. Is the gentleman from New York opposed to the amendment?

Mr. LAGUARDIA. I am.

The CHAIRMAN. The gentleman from New York is recognized for one minute.

Mr. LAGUARDIA. Mr. Chairman, there is no difference in convict labor, whether it produces a shirt, a broom, or a turnip. The purpose of this bill is to prevent the products of convict labor entering into the general markets of the country. You can not justify this bill by seeking to eliminate any one branch of convict labor. If you do that the very purpose of the bill is destroyed, and, as I pointed out before, if we close the doors to manufactured goods made by convicts we will simply open a new avenue of using this convict labor under the contract system. Those in favor of the general principle and purpose of the bill, to prevent the interstate commerce of convict-made goods, should vote down the amendment and stand by the bill. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio, which, without objection, the Clerk will again report.

There was no objection.

The Clerk again read the amendment offered by the gentleman from Ohio [Mr. COOPER].

The question was taken; and on a division (demanded by Mr. BUSBY and Mr. MCDUFFIE) there were—ayes 37, noes 140.

So the amendment was rejected.

Mr. COOPER of Ohio. Mr. Chairman, I offer an amendment, which I send to the desk.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COOPER of Ohio: Page 2, line 6, after the word "otherwise," insert "*Provided, however,* That nothing in this act shall be construed to apply to the products of any Federal penal or correctional or reformatory institution manufactured or produced for use by the Federal Government."

Mr. KOPP. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

Mr. SUMNERS of Texas. Mr. Chairman, reserving the right to object, I submit to the gentleman that that is not a fair discussion of an important amendment of this sort, and I object.

Mr. KOPP. I am not trying to unduly close debate on the section, but I do not think this amendment needs much debate.

Mr. COOPER of Ohio. Mr. Chairman——

Mr. KOPP. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Iowa rise?

Mr. KOPP. Mr. Chairman, I simply want to say that the committee will accept this amendment.

[Cries of "Vote!" "Vote!"]

Mr. SUMNERS of Texas. We are not going to vote right now.

Mr. COOPER of Ohio. Mr. Chairman, I have offered this amendment for the reason that to-day all goods manufactured or produced in our Federal prisons are used only for Government purposes.

Mr. ABERNETHY. Will the gentleman yield?

Mr. COOPER of Ohio. This amendment provides that any goods manufactured in our Federal penal institutions that are used for Government purposes only shall not be subject to the provisions of the bill.

Mr. ABERNETHY. Will the gentleman yield?

Mr. COOPER of Ohio. Yes.

Mr. ABERNETHY. I am going to support the legislation, but I want to say to the gentleman that just this week I got a complaint from an iron manufacturer who manufactures various kinds of implements, complaining that the Government at a plant near Washington was selling products in competition with him. If we are going to keep the States from competing in this business, how can we by any proper reasoning put the Government in the same business?

Mr. LAGUARDIA. The Government does not sell the products.

Mr. COOPER of Ohio. No; the Government does not sell its products. This amendment merely provides that the products made in our Federal penal institutions that are used for Federal purposes, that do not go on the market in competition with other goods, shall not be subject to the provisions of the bill.

Mr. ABERNETHY. If you are going to shut out the States, why let the Government in?

Mr. COOPER of Ohio. Some States are using prison products for their own State purposes. Ohio at the present time has a law providing that its prison-made goods shall be used only for State purposes.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. COOPER of Ohio. Yes.

Mr. HUDDLESTON. Let me suggest that so long as the Government conducts the business as it now does, and does not sell any of its product, this amendment is wholly unnecessary. The Government is already out from under this bill, and the gentleman's amendment would perhaps open up the field for the Government to enter it.

Mr. COOPER of Ohio. I will say to the gentleman from Alabama that I am following the suggestion of the Attorney General of the United States, who is of the opinion that the purpose of the bill might in some way interfere with our Federal penal institutions and he himself has suggested that an amendment of this kind be offered.

Mr. CONNERY. Will the gentleman yield?

Mr. COOPER of Ohio. Yes.

Mr. CONNERY. I will also say to the gentleman that the Federal penitentiaries have diversified their industries and they are not interfering in any way with the people on the outside.

Mr. OLIVER of Alabama. If the gentleman will permit, of course, the reason for the Attorney General making that statement is quite apparent. The Federal prisons are located in different States.

Mr. COOPER of Ohio. Yes.

Mr. OLIVER of Alabama. And they send from one prison things manufactured there for use in the other prisons.

Mr. COOPER of Ohio. Yes; for instance, the Federal prison at Leavenworth makes shoes and clothing, I believe, for the Army and the Navy. This amendment protects the Federal Government from coming under the provisions of this act as to goods that are shipped from the various penitentiaries, which are used only for Federal purposes.

Mr. BURTNESS. But only in the event they are sold to some other agency of the Federal Government.

Mr. COOPER of Ohio. Yes.

Mr. RAMSEYER. I wish to reinforce what the gentleman from Alabama [Mr. HUDDLESTON] has stated. If the gentleman is correct in his statement that goods manufactured in Federal penal institutions are not sold, I do not see the necessity of this amendment at all. I think it is entirely useless.

Mr. COOPER of Ohio. As I have stated, it is offered at the suggestion of the Attorney General of the United States.

Mr. RAMSEYER. Just what did he say?

Mr. COOPER of Ohio. He said he was afraid the broad language of the bill might interfere in some way with our Federal prison institutions and suggested that there be an amendment offered like this I have offered.

Mr. BUSBY rose.

The CHAIRMAN. Is the gentleman from Mississippi opposed to the amendment?

Mr. BUSBY. I am.

Mr. COX. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Iowa moves that all debate on this amendment and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. BUSBY. Mr. Chairman, I just want to accentuate the thought of the gentleman from Alabama [Mr. HUDDLESTON] that as the present Federal penal institutions' business is being handled there is really no necessity for this amendment, and those of you who stood a while ago proclaiming your strength by your vote, that you stood for this bill and the principles of the bill, now I hope you will stand for the principle, making no exception in favor of the Federal Government, notwithstanding the fears of the Attorney General.

Mr. ABERNETHY. Mr. Chairman and gentlemen of the House, I am going to support this legislation over the protest of the prison authorities of my State. They say it is very detrimental to our prison system, failing to recognize the fact that prison-made goods should not come in competition with other manufactured goods. If that reasoning is correct, why should the Government go into the business you are preventing the States from going into? There is no more reason for this than there is for any State selling prison-made goods. When the Government uses prison-made goods it takes away the opportunity for the manufacture and sale of goods by other people, and I hope you will vote down this amendment. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. COOPER].

The question was taken; and on a division (demanded by Mr. COOPER of Ohio), there were 75 ayes and 82 noes.

So the amendment was rejected.

Mr. LOWREY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 2, line 6, after the word "otherwise," insert: "provided, that this restriction shall not apply to raw material brought into the said State or Territory for purpose of processing or manufacture."

Mr. RAMSEYER. Mr. Chairman, a parliamentary inquiry. Was the time limited on the pending amendment or on the section?

The CHAIRMAN. On the pending amendment. The gentleman from Mississippi is recognized for five minutes.

Mr. LOWREY. Mr. Chairman and gentlemen of the House, I believe it is generally agreed that the object of this bill is to prevent competition of convict labor with free labor. It has been suggested, if we pass the pending amendment, it would tend to turn convicts from the labor they are now doing in factories to making cheese and dairying products, and so forth. My amendment provides simply that wherever the convict-produced goods are shipped into a State as raw material for the purpose of manufacturing and processing they shall not fall under this law.

In all kinds of manufacturing we have to have raw material and the furnishing of that raw material is a benefit rather than a detriment to labor in the factories and to processing and manufacturing plants.

Now, there is a good deal of interest manifested in the question of the production of cotton on the farm, and some have mentioned the production of grain on a convict farm. This simply admits that cotton and grain for processing and manufacturing.

Mr. KNUTSON. Will the gentleman yield?

Mr. LOWREY. Yes.

Mr. KNUTSON. Can the gentleman conceive of any activity that the prisoners might be connected with that would not compete with free labor?

Mr. LOWREY. I am coming to that. We have to employ prison labor some way or somewhere, and we can not employ them without in some measure bringing them in competition with free labor. It seems to me that nothing could come nearer solving the question than along this line of furnishing raw material for processing and manufacture, and hence I have offered this amendment.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. LOWREY. Yes.

Mr. CASEY. Do I understand the gentleman's amendment will exempt iron ore and such other raw material as that produced by convict labor?

Mr. LOWREY. I had not thought of iron ore, especially. To be candid, I was thinking of agricultural materials that go into processing.

Mr. CASEY. Will not the language of the gentleman's amendment include iron ores, coal, and other raw materials that may be manufactured or produced by convict labor?

Mr. LOWREY. It would probably include ores to be processed or manufactured. I do not think it would include coal.

Mr. BROWNING. Why should it not include iron and coal and everything else if it includes farm products? What is the objection?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. KINCHELOE rose.

Mr. KOPP. Mr. Chairman, I ask unanimous consent that all debate upon the section and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KINCHELOE. Mr. Chairman and gentlemen of the committee, it is because this is such an important proposition that I take the floor at this time. We need not deceive ourselves. If you adopt this amendment, you might just as well have eliminated the word "produced" when that amendment was offered a moment ago. If I understand the bill, the purpose of it is to prevent the products of convict labor from coming into competition with the products of free labor in the States. If that is what is to be accomplished, and it is a good thing, then let us accomplish it. Why should the manufactured products of convict labor be forbidden to come into competition with the manufactured products of free labor and the products of convict labor in the form of raw materials be not prohibited from competition with raw material produced by free labor?

The author of this bill may be correct that there are very few penitentiaries in the United States to-day producing raw material that would come in competition with the raw material produced by free labor, but I know, and so do you, and we need not fool ourselves, that practically every penitentiary in every State in the Union except the Atlantic seaboard that now has contract labor, the products of which are coming into competition with the products of free labor, when they have to adjust themselves will adjust themselves to raise farm products, which will increase a thousandfold the amount of raw material being produced by the penitentiaries to-day. I would like some one to give me a good reason why you pick out the farmer as the only laborer in America who will have to come in competition with the products of convict labor, which will be the result of this amendment be adopted. If you are going to readjust for the benefit of one class of labor, and if it is a good thing to do for that class of labor that works in the factory, then it is equally a good thing to protect the farmer. If you are going to put the farmers in competition with the products of convict labor, why not put all in competition with the products of convict labor? We all know that when these penitentiaries that now have convict labor and manufacture goods which come into competition with the products of free

labor have to adjust themselves under this law, they can so adjust themselves to raise hundreds of thousands of bushels of corn, or wheat, or cotton, or anything else that can be shipped and come into competition with the free products of the farmer.

Mr. KNUTSON. Can the gentleman think of any activity that the prisoners can be put into that will not come into competition with free labor somewhere along the line?

Mr. KINCHELOE. No. But why single out the farmer and make him the only one to come into competition with convict labor?

Mr. KNUTSON. I am not doing that, but the only way that you can prevent convict labor from coming into competition with free labor in some way is to allow the convicts to sit idle in their cells or furnish them with golf clubs.

Mr. KINCHELOE. The gentleman's question is directed against the whole bill?

Mr. KNUTSON. Absolutely.

Mr. KINCHELOE. I am not talking about that. I say that if convict-made goods are to come into competition with one class of labor, they ought to come into competition with all classes of labor.

Mr. KETCHAM. And is it not true that with the invention of machinery and the application of it to farm problems the phraseology the gentleman offers will be a real menace to agriculture?

Mr. KINCHELOE. And in addition to that the big landowners can go and get convicts and put them on their lands and raise thousands of bushels of corn and wheat and everything else which, if this amendment is adopted, will come in competition with the farmers' products.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

The question is on the amendment of the gentleman from Mississippi.

The amendment was rejected.

Mr. KOPP and Mr. ANDRESEN rose.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa, the chairman of the committee.

Mr. KOPP. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, insert, after line 6, a new section, as follows:

"SEC. 2. This act shall take effect two years after date of its approval."

Mr. GARRETT of Tennessee. Mr. Chairman, I offer an amendment to the committee amendment to strike out the word "two" and insert the word "three."

Mr. KOPP. Mr. Chairman, on behalf of the committee I accept the amendment offered by the gentleman from Tennessee.

Mr. CHINDBLOM. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CHINDBLOM. The gentleman from Minnesota [Mr. ANDRESEN] was on his feet to offer an amendment to section 1. The Chair recognized the gentleman from Iowa, who said he offered a committee amendment. The committee amendment, which is the addition of a new section, is not in order until all amendments have been offered to section 1.

The CHAIRMAN. The Chair is not able to read the mind of the gentleman from Iowa [Mr. KOPP], and concluded that the gentleman from Iowa wanted to offer an amendment to section 1. The Chair thinks the point of order is well taken. The Chair recogonizes the gentleman from Minnesota to offer an amendment.

Mr. ANDRESEN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. ANDRESEN: Page 1, line 4, after the comma, following the word "mined," insert "excepting farm machinery and binder twine."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. ANDRESEN].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. ANDRESEN. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 25, noes 100.

So the amendment was rejected.

Mr. KOPP. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report. The Chair understands that the gentleman from Iowa accepts the amendment offered by the gentleman from Tennessee?

Mr. KOPP. That is correct.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. GARRETT] to the committee amendment.

Mr. DOWELL. Mr. Chairman, section 2 has not yet been read for amendment.

The CHAIRMAN. Section 2 has been reported.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of Tennessee to the committee amendment: Page 2, line 7, strike out the word "two" and insert in lieu thereof the word "three."

Mr. GARRETT of Tennessee. Mr. Chairman, I ask the indulgence of the committee for a moment, although the gentleman from Iowa [Mr. KOPP] has accepted the amendment I have offered. It seems to me that there ought not to be any hesitation on the part of the proponents of this measure to accept this amendment. It is insisted by all the prison authorities of most of the States, so far as I am advised, that the passage of this legislation will create a revolution in the handling of prison labor, and will make necessary radical changes.

I am not out of sympathy with the desire of manufacturers and producers and the labor they employ to be rid of the competition which prison labor affords under the present conditions. But, after all, what will become of the prisoners? What can be done with them? It is surely not desirable to reduce them to a state of idleness. Some method of employment must be found, and the prison authorities agree that it is going to take more than two years to work out the problem.

Personally the commissioner of institutions in my own State, a gentleman who is making a great record, feels that it ought to be five years. I should be very glad if I could prevail upon the committee which sponsors this bill to accept a five-year term. They have advised me—certain members of it have advised me—that they could not do so, and I am offering the very best that it seems possible to get.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. RAMSEYER. Why can they not accept five, but can accept three? What testimony have they that contradicts the testimony of the warden of the Tennessee Penitentiary, when he states that it will take at least five years to work out this problem? Now, if it will take five years, why give three years, which would simply aggravate the situation?

Mr. GARRETT of Tennessee. I know of no testimony which the committee has which will contradict the statement contained in the telegram I have.

Mr. RAMSEYER. Does the gentleman know why the committee adopted two years instead of one year?

Mr. GARRETT of Tennessee. No. I have never heard the reason for it, except I suppose it was the thought of the committee to give some reasonable amount of time for the present authorities of the States to readjust themselves to these conditions.

Mr. RAMSEYER. The committee probably supposed that would give time for the present authorities to adjust themselves. I think we ought to have some statement from people of experience as to the length of time they need to readjust themselves to the conditions imposed by this bill.

Mr. GARRETT of Tennessee. Let me explain my situation to the gentleman. I favor the five years.

Mr. RAMSEYER. Why did the gentleman change on that?

Mr. GARRETT of Tennessee. I have been to the committee on this matter of legislation. They agree to accept three years, or certain members of the committee did.

Mr. RAMSEYER. The gentleman feels that it is not long enough?

Mr. GARRETT of Tennessee. I fear it is not. But I am keeping faith with the committee.

Mr. RAMSEYER. The taxpayers should be considered also.

Mr. CONNERY. If my memory is correct on this subject, when the matter came up the committee determined on one year. We asked some of these prison wardens regarding the feasibility of one year, and they suggested two years. I am willing to vote for three years and give them a little longer.

Mr. CARSS. Mr. Chairman, I ask unanimous consent for two minutes in which to make a statement.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CARSS. I agreed with the gentleman from Tennessee [Mr. GARRETT] that I would not oppose this amendment, but I want to state for the benefit of the House that when we had these prison wardens before us they testified that they had known for the last 25 years that this legislation was coming, and they had taken no steps to set their houses in order and

readjust themselves for such legislation, if it were put on the statute books. I do not think they should have had any time, but we agreed to give them two years. I was not opposed even to three years.

Mr. RAMSEYER. Is it not important that they should readjust themselves for anticipated legislation?

Mr. CARSS. Yes. They saw it coming, and if they are so wedded to this contract system, they should have set their houses in order.

Mr. KOPP. Mr. Chairman, I move to close debate on this section and all amendments thereto.

The CHAIRMAN. The gentleman from Iowa moves to close debate on this section and all amendments thereto. The question is on agreeing to that motion.

Mr. RAMSEYER. Mr. Chairman, in order that we may get the reasons of the committee for making this time limit of three years I move as an amendment to the motion made by the gentleman from Iowa that debate close in 20 minutes.

The CHAIRMAN. The question is on the motion as amended, that debate on this section and all amendments thereto close in 20 minutes.

The question was taken; and on a division (demanded by Mr. RAMSEYER) there were—ayes 44, noes 132.

So the amendment was rejected.

Mr. RAMSEYER. Mr. Chairman, I move that debate close in five minutes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa that debate on this section and all amendments thereto close in five minutes.

The question was taken; and on a division (demanded by Mr. RAMSEYER) there were—ayes 54, noes 128.

So the amendment was rejected.

Mr. RAMSEYER. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. RAMSEYER. Now, Mr. Chairman, I want to utilize these two minutes in getting information. I think every Member of the House is sincere in wanting to know why this time limit was made two years and overnight the committee agreed to accept an amendment for three years. This amendment involves millions of dollars in investments by States in prisons and are you just trading around simply in order to get votes in support of the bill? I can not conceive that that is the situation.

Mr. KOPP. Does the gentleman want me to answer that question?

Mr. RAMSEYER. That is exactly what I want, and I yield to my colleague from Iowa for that purpose.

Mr. KOPP. After hearing the evidence in this matter the committee had a difference of opinion as to whether it would require two years or three years for the States to readjust themselves.

Mr. McDUFFIE. If the gentleman will yield, in some of the States the legislatures will not meet for three or four years and there can not be a readjustment.

Mr. RAMSEYER. I do not want the gentleman to tell us about the vote in the committee.

Mr. KOPP. I am not going to do that, but, as I said, there was a difference of opinion.

Mr. RAMSEYER. Expert opinion?

Mr. KOPP. Yes; expert opinion that came before us. Then there was another feature. Nearly all legislatures meet at intervals of two years and so there should be some time after the last legislature meets for a readjustment.

Mr. RAMSEYER. Before they can do anything the legislatures must act, and then they ought to have two or three years after the meeting of the legislatures in order to readjust themselves.

Mr. KOPP. That was not thought necessary by the committee.

Mr. RAMSEYER. The prison wardens can not do this of their own accord. The legislatures must act first and then the wardens and boards in charge of prisons should have some time to readjust their business to comply to this bill. Mr. Chairman, I offer an amendment.

Mr. CHINDBLOM. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CHINDBLOM. The point of order is that the question before the committee is the motion of the gentleman from Iowa [Mr. KOPP].

Mr. BROWNING. Mr. Chairman, I offer a substitute.

The CHAIRMAN. There is a motion pending before the Chair. The question now is on the motion made by the gentleman from Iowa that all debate on this section and all amendments thereto do now close.

The motion was agreed to.

Mr. RAMSEYER. Mr. Chairman, I offer a substitute to the pending amendment. In section 2 change the word "two" to "five," so it will read:

This act shall take effect five years after the date of its approval.

The CHAIRMAN. There are two amendments pending, the committee amendment and the amendment to the amendment. If the amendment which the gentleman offers is to the original committee amendment it is in order but if it is to the amendment to the amendment it is not in order, being in the third degree. Will the gentleman make that clear to the Chair?

Mr. RAMSEYER. I offered it as a substitute, but I am perfectly willing to have it go in as the Chair suggests, so that it may be in order.

The CHAIRMAN. The gentleman from Iowa offers an amendment as a substitute for the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAMSEYER as a substitute for the committee amendment: In line 7, strike out the word "two" and insert in lieu thereof the word "five," so it will read:

"SEC. 2. This act shall take effect five years after the date of its approval."

The CHAIRMAN. The question now is on the amendment to the committee amendment as offered by the gentleman from Tennessee [Mr. GARRETT].

Mr. DOWELL. Mr. Chairman, a point of order. The amendment itself clearly shows it is not a substitute but is an amendment to the amendment, and is therefore out of order. The amendment itself clearly shows it is an amendment to the amendment.

The CHAIRMAN. The amendment was offered in the nature of a substitute, and the Chair therefore overrules the point of order.

The question is on the amendment to the committee amendment offered by the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Chairman, should not the vote first come on the Ramseyer amendment?

The CHAIRMAN. The Chair will state there is now pending before the committee a committee amendment, an amendment to that amendment, and a substitute to the original committee amendment. In this state of affairs the first vote comes on the amendment to the committee amendment as offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 189, noes 18.

So the amendment to the committee amendment was agreed to.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Iowa [Mr. RAMSEYER].

Mr. McCLINTIC. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCLINTIC. If I understand it correctly, the substitute, if adopted, would make the time five years instead of three years.

The CHAIRMAN. The gentleman is correct.

The question was taken; and on a division (demanded by Mr. RAMSEYER) there were—ayes 74, noes 151.

So the substitute was rejected.

The CHAIRMAN. The question now comes on the committee amendment as amended.

Mr. BROWNING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BROWNING. May I ask the Chair if it would be in order to now move to amend so as to make it four years instead of three years?

The CHAIRMAN. That can be offered as a substitute amendment.

Mr. BROWNING. Then I offer that as a substitute amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Tennessee [Mr. BROWNING] offers a substitute amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BROWNING as a substitute for the committee amendment: Strike out all of the committee amendment and insert in lieu thereof the following:

"SEC. 2. This act shall take effect four years after the date of its approval."

The question was taken; and on a division (demanded by Mr. BROWNING) there were—ayes 62, noes 149.

So the substitute was rejected.

The CHAIRMAN. The question now is on the committee amendment as amended by the amendment offered by the gentleman from Tennessee.

The committee amendment, as amended, was agreed to.

Mr. KOPP. Mr. Chairman, I move that the committee do now rise and report the bill back to the House, with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BEEDY, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. Under the rule the previous question is ordered. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BUSBY, Mr. McDUFFIE, and Mr. CONNERY asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 303, nays 39, answered "present" 1, not voting 87, as follows:

[Roll No. 80]

YEAS—303

Abernethy	Dickinson, Iowa	Johnson, Okla.	Palmisano
Adkins	Dickinson, Mo.	Johnson, S. Dak.	Parker
Allen	Dickstein	Johnson, Tex.	Parks
Almon	Doughton	Jones	Peavey
Andresen	Douglas, Ariz.	Kading	Porter
Arentz	Douglass, Mass.	Kahn	Pou
Arnold	Doutrich	Kearns	Prall
Aswell	Dowell	Kemp	Pratt
Ayres	Drewry	Kent	Quin
Bacon	Driver	Ketcham	Ragon
Beck, Wis.	Dyer	Kiess	Rainey
Beedy	Edwards	Kincheloe	Rankin
Bell	Elliott	Kindred	Ransley
Berger	England	King	Rathbone
Black, N. Y.	Englebright	Kopp	Reece
Bohn	Eslick	Korell	Reed, Ark.
Bowman	Estep	Kurtz	Reed, N. Y.
Box	Evans, Calif.	Kvale	Robinson, Iowa
Brand, Ga.	Evans, Mont.	LaGuardia	Rogers
Brand, Ohio	Faust	Lampert	Romjue
Briggs	Fitzgerald, W. T.	Langley	Rowbottom
Britten	Fitzpatrick	Lanham	Rubey
Browne	Fletcher	Lankford	Rutherford
Browning	Foss	Lea	Sabath
Buchanan	Frear	Leatherwood	Sanders, N. Y.
Buckbee	Free	Leavitt	Sanders, Tex.
Burtness	Frothingham	Leech	Sandlin
Burton	Fulbright	Letts	Schafer
Byrns	Fulmer	Lindsay	Schneider
Campbell	Gambrill	Lowrey	Sears, Nebr.
Canfield	Garber	Lozier	Shallenberger
Cannon	Gardner, Ind.	Luce	Shreve
Carew	Garner, Tex.	McClintic	Simmons
Carley	Garrett, Tenn.	McKeown	Sinclair
Carss	Garrett, Tex.	McLaughlin	Sinnott
Carter	Gasque	McLeod	Sirovich
Cartwright	Gifford	McMillan	Snell
Casey	Goodwin	McReynolds	Somers, N. Y.
Celler	Gregory	McSwain	Speaks
Chalmers	Green	McSweeney	Spearing
Chase	Greenwood	MacGregor	Sproul, Ill.
Chindblom	Griest	Magrady	Steagall
Christopherson	Griffin	Major, Ill.	Stedman
Clarke	Guyer	Major, Mo.	Steele
Cochran, Mo.	Hadley	Mansfield	Stobbs
Cochran, Pa.	Hall, Ill.	Mapes	Strong, Kans.
Cohen	Hall, Ind.	Martin, La.	Strong, Pa.
Cole, Iowa	Hall, N. Dak.	Martin, Mass.	Summers, Wash.
Collier	Hammer	Mead	Sumners, Tex.
Collins	Hancock	Menges	Swank
Colton	Hardy	Michaelson	Swing
Combs	Hastings	Michener	Tarver
Connery	Haugen	Miller	Tatgenhorst
Cooper, Ohio	Hawley	Milligan	Taylor, Colo.
Cooper, Wis.	Hersey	Mooney	Taylor, Tenn.
Corning	Hill, Wash.	Moore, Ky.	Temple
Cox	Hoch	Moore, Ohio	Thatcher
Crail	Hogg	Moore, Va.	Thompson
Cramton	Holaday	Moorman	Thurston
Crisp	Hooper	Morehead	Timberlake
Crosser	Hope	Morgan	Tinkham
Crowther	Howard, Okla.	Morrow	Treadway
Cullen	Huddleston	Nelson, Me.	Underhill
Curry	Hull, Morton D.	Nelson, Mo.	Updike
Dallinger	Hull, Wm. E.	Newton	Vestal
Darrow	Hull, Tenn.	Niedringhaus	Vincent, Mich.
Davenport	Irwin	Norton, Nebr.	Vinson, Ga.
Davey	Jacobstein	Norton, N. J.	Wainwright
Davis	Jeffers	O'Brien	Ware
Dempsey	Jenkins	O'Connell	Watres
Denison	Johnson, Ill.	O'Connor, La.	Watson
De Rouen	Johnson, Ind.	O'Connor, N. Y.	Weaver
Welch, Calif.	White, Me.	Williams, Tex.	Wright
Weller	Whitehead	Wilson, La.	Wyant
Welsh, Pa.	Williams, Ill.	Winter	Zihlman
White, Colo.	Williams, Mo.	Woodruff	

NAYS—39

Aldrich	Deal	Houston, Del.	Selvig
Allgood	Fenn	Kerr	Sproul, Kans.
Bankhead	Freeman	Knutson	Tilson
Bland	French	McDuffie	Tucker
Brigham	Furlow	Merritt	Vinson, Ky.
Burdick	Glynn	Montague	Warren
Busby	Hale	Oliver, Ala.	Wason
Chapman	Harrison	Peery	Whittington
Clague	Hickey	Purnell	Woodrum
Cole, Md.	Hill, Ala.	Ramseyer	

ANSWERED "PRESENT"—1

Hudson

NOT VOTING—87

Ackerman	Connolly, Pa.	Kelly	Robsion, Ky.
Andrew	Dominick	Kendall	Sears, Fla.
Anthony	Doyle	Kunz	Seger
Auf der Heide	Drane	Larsen	Smith
Bacharach	Eaton	Lehlbach	Stalker
Bachmann	Fish	Linthicum	Stevenson
Barbour	Fisher	Lyon	Strother
Beck, Pa.	Fitzgerald, Roy G.	McFadden	Sullivan
Beers	Fort	Maas	Swick
Begg	Gibson	Manlove	Taber
Black, Tex.	Gilbert	Monast	Tillman
Blanton	Golder	Moore, N. J.	Underwood
Bloom	Goldsborough	Morin	White, Kans.
Boies	Graham	Murphy	Williamson
Bowles	Hare	Nelson, Wis.	Wilson, Miss.
Bowling	Hoffman	Oldfield	Wingo
Boylan	Howard, Nebr.	Oliver, N. Y.	Wolverton
Bulwinkle	Hudspeth	Palmer	Wood
Bushong	Hughes	Perkins	Wurzbach
Butler	Igoe	Quayle	Yates
Clancy	James	Rayburn	Yon
Connally, Tex.	Johnson, Wash.	Reid, Ill.	

So the bill was passed.

The following pairs were announced.

On the vote:

Mr. Nelson of Wisconsin (for) with Mr. Gibson (against).
Mr. Hughes (for) with Mr. Dominick (against).
Mr. Igoe (for) with Mr. Smith (against).
Mr. Linthicum (for) with Mr. Hare (against).

General pairs:

Mr. Manlove with Mr. Oldfield.
Mr. Bacharach with Mr. Hudspeth.
Mr. Murphy with Mr. Tillman.
Mr. Begg with Mr. Blanton.
Mr. Reid of Illinois with Mr. Wingo.
Mr. Ackerman with Mr. Drane.
Mr. McFadden with Mr. Connally of Texas.
Mr. Butler with Mr. Stevenson.
Mr. Lehlbach with Mr. Bowling.
Mr. Beck of Pennsylvania with Mr. Wilson of Mississippi.
Mr. Clancy with Mr. Gilbert.
Mr. Swick with Mr. Kunz.
Mr. Connolly of Pennsylvania with Mr. Quayle.
Mr. Perkins with Mr. Yon.
Mr. Wurzbach with Mr. Boylan.
Mr. Johnson of Washington with Mr. Howard of Nebraska.
Mr. Wood with Mr. Underwood.
Mr. Hudson with Mr. Sullivan.
Mr. Golder with Mr. Bulwinkle.
Mr. Fish with Mr. Fisher.
Mr. Boise with Mr. Larsen.
Mr. Eaton with Mr. Oliver of New York.
Mr. Seger with Mr. Moore of New Jersey.
Mr. Stalker with Mr. Sears of Florida.
Mr. Barber with Mr. Lyon.
Mr. Fort with Mr. Goldsborough.
Mr. James with Mr. Doyle.
Mr. Hoffman with Mr. Auf der Heide.
Mr. Bowles with Mr. Black of Texas.
Mr. Morin with Mr. Bloom.

Mr. PALMISANO. Mr. Speaker, I want to state that if the gentleman from Maryland [Mr. LINTHICUM] had been present he would have voted "aye."

Mr. HOWARD of Nebraska. Mr. Speaker, I was not present, but I was coming. [Laughter.]

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

On motion of Mr. KOPP, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. NEWTON. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota.

There was no objection.

HISTORICAL MUSEUM AT FORT DEFIANCE, OHIO

Mr. LUCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 82, providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio, insist on the House amendment, and agree to the conference asked for.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table Senate

Joint Resolution 82, insist on the House amendments, and agree to the conference asked for. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. LUCE, Mr. ALLEN, Mr. DAVENPORT, Mr. GILBERT, and Mr. BULWINKLE.

EXTENSION OF REMARKS—CONVICT-MADE GOODS

Mr. KOPP. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days to extend remarks on the Hawes-Cooper bill just passed.

The SPEAKER. The gentleman from Iowa asks unanimous consent that all Members may have five legislative days in which to extend remarks on the bill just passed. Is there objection?

There was no objection.

Mr. MAJOR of Illinois. Mr. Speaker and Members of the House, the bill now before the House known as the Hawes-Cooper bill is not a new legislative proposal but one which has been before Congress for years. The bill either in its present or similar form has been favorably reported three times by a committee of the House, and has each time passed the House. A similar bill has often been reported by the Committee on Interstate Commerce of the Senate, but for some reason or other a vote has never been had in both branches at the same session.

I became interested in this proposal during the Sixty-eighth Congress, when the Committee on Labor, of which I was a member, held extensive hearings. Before that committee and before the present Labor Committee every interested person has had an opportunity to be heard and every feature of the matter was thoroughly considered. It perhaps is not out of place for me to say the last time I talked to the late Edgar Wallace, legislative representative of the American Federation of Labor, only a few days before his death, was with reference to this bill. He was a strong advocate of the measure and entertained high hopes that it would become a law during this session. It now seems likely his hope is to be consummated, but not until death has removed him from a busy and useful life devoted to the welfare of organized labor and mankind generally.

THE BILL

Be it enacted, etc., That all goods, wares, and merchandise manufactured, produced, or mined wholly or in part by convicts or prisoners, except paroled convicts or prisoners, or in any penal and/or reformatory institutions, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery in such State or Territory be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise.

Under our present situation the States are powerless to prevent prison-made goods and merchandise from coming in conflict with those produced by free labor. The State of Illinois, for instance, may regulate or control or prohibit the products of its own prisons from being placed on the market in competition with products of free labor, but is powerless to exercise that authority over prison-made merchandise of other States. In other words, the States whose legislatures try to curb this pernicious evil can only act in vain.

Each State is at the mercy of the other 47 States of the Union and has no way of protecting itself from being a dumping ground for the prison-made goods of the other States. Of the many evils growing out of our present system of prison management, the most monstrous of all no doubt is what is known as the contract system where those confined within the prison are hired to a contractor at a wage in many instances of a few cents per day. The factory is furnished by the State with the light and heat and all the other essentials which go to make up the overhead expense. The contractor then is permitted to sell products thus made in competition with the manufacturer who must furnish his own factory, his own light, his own heat, and pay a wage in conformity with our standard of living. This means restricted wages and reduced employment. Surely the man or woman, girl or boy, who travels the path of rectitude in an honest and honorable endeavor to earn a livelihood for their self and family should not have his or her opportunity of employment denied or his or her wages restricted by being required to compete with the man or woman who has gone wrong and is so unfortunate as to be required to spend their days in prison.

It is claimed by some that this is a State problem and Congress should have nothing to do with it. I agree prison management is for the States and that is the reason this bill should be enacted into law. It enables each State to handle the matter as it sees fit. The bill prohibits nothing, interferes in no way with prison management in the respective States, and makes no pretense of directing the manner in which the convict-labor question shall be handled. Those things are all left to the States as at present but it does clothe the States with the very essential power of handling the situation as its agencies may see fit, and making its laws effective not only to the goods and merchandise produced in its own prisons but to that produced in other States as well. In my opinion this bill is meritorious and I hope it will pass and become a law.

Mr. HOLADAY. Mr. Speaker, the Cooper-Hawes "Prison-made goods" bill provides that all goods, wares and merchandise produced by convicts in any penal institution, transported into another State for use or sale, shall upon arrival in such State be subjected to the laws of such State.

Each State now has the power, and many States are exercising their power, to regulate the sale of convict-made goods that are produced in that State, but a State does not have the power to regulate the sale of convict-made goods made in another State and shipped into that State through interstate commerce.

This bill proposes to give to each State the right to regulate the sale of convict-made goods wherever produced.

CONVICT LABOR AND STATE-USE SYSTEM

It is now almost universally conceded that convicts of all kinds should work at some form of useful labor during their imprisonment. The important problem arises how convicts may be employed at useful work without diminishing the demand for the labor of men outside of penal institutions.

The manufacture of commodities by enforced labor of convicts enables prison authorities or contractors, if they are allowed to do so, to sell these commodities at prices with which firms employing paid labor can not possibly compete, and so tends to lower the wages of free wage earners and penalize their righteousness by taking from them or lowering the market of employing firms.

The same is true where the service of convicts is contracted for in competition with free labor.

Even where the product of service of convict labor is not sold in competition with the product or service of free labor, but is confined to making necessaries for prisoners and governmental institutions, convicts are still required to do work, which if not done by them, would have to be done by free labor. On the other hand, to keep convicts in idleness is physically and spiritually bad for the convicts and is not good for the community.

To deal with the convict-labor problem constructively, therefore, the convict must produce in the way that interferes in the slightest possible degree with the markets of commodities or service rendered by free labor.

SYSTEMS NOW IN USE

To have an intelligent understanding of the convict-labor problem it is essential to know the several systems of employment of convicts in use by the several States. These systems may be classified into six groups. These systems are as follows:

CONTRACT SYSTEM

Under the contract system the State feeds, clothes, houses, and guards the convicts. A contractor engages for the labor of the convicts, which is performed within or near the prison. A stipulated amount per capita is paid for the services of the convict, the contractor supplying his own material and superintending the work.

PIECE-PRICE SYSTEM

The difference between the above and the piece-price system is small. The contractor supplies the raw material and pays a fixed amount for the work done on each piece or article manufactured by the convicts. The prison officials dictate the daily quantity of work required.

LEASE SYSTEM

Under the lease system the State enters into a lease with the lessee, who agrees to receive the convict and feed, clothe, and guard the convicts, to keep them at work, and to pay the State a fixed sum for their labor.

PUBLIC ACCOUNT SYSTEM

In the public account system the State enters the field of manufacturing on its own account. It buys the raw material and puts the product on the market and assumes all the risk of conducting a manufacturing business.

STATE-USE SYSTEM

Under the State-use system the State conducts a business as in the public account system, except that the goods produced are only sold to the State or a political subdivision thereof.

PUBLIC WORKS AND WAYS SYSTEM

The public works and ways system is very similar to the State-use system, except that the labor is applied to the con-

struction and repair of the prison or of other public buildings, roads, parks, and other permanent public structures.

The contract system, the piece-price system, and the lease system are susceptible of grave abuses and have been abandoned by many States.

The general tendency among a considerable percentage of the States is to develop the State-use system and the public works and ways system.

Under either of the last-mentioned systems, the competition of convict labor with free labor, and the competition of convict-made products with the products of private manufacturers, is reduced to a minimum.

Under the provisions of this bill each State will be enabled to decide for itself the policy of manufacture and sale of prison-made products within its own limits. With this protection I believe the individual States will gradually work out a system that will provide some compensation for the labor of their convicts, some of this compensation to be applied to the care of the convict's dependents and the remainder paid to the convict when he is discharged in order that he may have a small sum of money to assist him in again taking his place in society.

This measure protects free labor and free industry and at the same time is a constructive step toward more humane and just opportunities for the unfortunate man and his more unfortunate dependents.

INLAND WATERWAYS CORPORATION

Mr. RAMSEYER. Mr. Speaker, I call up House Resolution 198, a privileged resolution from the Committee on Rules.

The Clerk read as follows:

House Resolution 198

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 13512, to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. RAMSEYER. Mr. Speaker, this resolution which has just been read makes in order the consideration of the bill H. R. 13512, which among other things increases the authorized appropriations for the Inland Waterways Corporation from $5,000,000 to $15,000,000. The bill consists of two sections. The first section is an amendment to an existing section in the law and the second section in the bill is an amendment to another section of existing law. The second section has six paragraphs to it, designated from (a) to (f), inclusive. Paragraph (a) and paragraph (f), the report states, are existing law, while the other paragraphs, (b), (c), (d), and (e), are additions to existing law.

I have no desire to discuss the merits of the pending bill. I just wish to call attention to two things touching procedure here in the House, and I would like the special attention of members of the Committee on Interstate and Foreign Commerce on the matters I am about to discuss.

One day several months ago, after some discussion in the House, it became the accepted policy of the House that bills reported to amend existing statutes should carry cross references to the new United States Code. This bill does not carry them, but I called the attention of members of the Committee on Interstate and Foreign Commerce to this omission when they were before the Rules Committee, and they agreed to see to it that the bill was properly amended to carry the cross references to the United States Code.

A few years ago when I presented a rule making in order the consideration of a bill in charge of this Committee on Interstate and Foreign Commerce I called attention to another matter of procedure which the committee then agreed should be followed, and that is that when a bill is reported amending existing statutes that the report should show by stricken-through type, italics, or otherwise just what changes were proposed to be made in existing law. Sometimes the Committee on Interstate and Foreign Commerce follows that practice. I have not reported a bill from the committee of which I am a member for five or six years that did not show in the report just in what way we proposed to amend the sections of existing law, so that Members could see on reading the report just what changes were to be made in existing law.

In view of the fact that we have been rather unsuccessful in getting voluntary action along this line from the committees, after months of labor and consultation with Members of the House and the legislative council and the parliamentary clerk, I drafted a new rule which I am going to read. It is short. I do not intend to comment upon it to-day, but I do think that it is highly important and would add much to the orderly consideration of bills if the committees were required by the rule to show in their report just in what way the statute or statutes under consideration is or are to be amended. A number of State legislatures require that to be shown in the bill. The State of New York and the State of Vermont at least require bills whose purpose it is to amend existing statutes to show by stricken-through type what is to be lifted out of existing law and by italics or other typographical designation what is to be added to existing law. I am advised by members of the legislatures from those two States that it adds very much to the orderly procedure and the careful consideration of bills.

Mr. BLACK of New York. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. BLACK of New York. The Committee on Revision in adopting the code adopted the New York system in respect to bills. The New York system brings out what the gentleman would like to have brought out. When we amend existing law in New York State by striking out any of the existing law we put the part stricken out in brackets and then leave the other in the old type. If we add new matter, we put that in italics. Everything appears plainly on the face of the bill.

Mr. RAMSEYER. I have bills showing that from the Legislature of New York in my office. I think it is a wise practice. However, here we sometimes have such long bills, complicated bills, such as the revision of the revenue laws or the tariff laws or the transportation laws, that it might be confusing to use only devices followed by the Legislatures of New York and Vermont. So my rule is drawn so broad as to take care of every situation that may arise in committees of the House.

Let me read this proposed rule:

House Resolution 164

Resolved, That Rule XVIII of the Rules of the House of Representatives be amended by inserting a new paragraph following paragraph 2, which shall be known as paragraph 3 and shall read as follows:

"3. Whenever a committee reports a bill or a joint resolution repealing or amending any statute or portion thereof it shall include in its report or in an accompanying document—

"(1) The text of the statute or part thereof which is proposed to be repealed; and

"(2) A comparative print of the bill and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions proposed to be made."

I introduced this resolution on April 13, 1928, about a month ago. I have not pressed it before the Committee on Rules, but I think that either in the closing days of this session or at the opening days of the next session I shall insist on the consideration of the proposed rule by the Committee on Rules. I am simply calling attention to it now, so that Members of the House who are listening to me may think about it, and if they have any suggestions to make in regard to the proposal I wish they would submit them to me.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. ABERNETHY. I notice that this is a bill of some length. Could the gentleman give the House in concrete form just what changes have been made?

Mr. RAMSEYER. That will be done in general debate by members of the committee who have had that matter under consideration for years.

Mr. KINDRED. I notice in the minority views that they discuss at some length what seemingly is a deficit in the operation of this corporation.

Mr. RAMSEYER. If the gentleman's question goes to the bill, I wish he would withhold it until the Members discuss it in general debate.

Mr. KINDRED. Very well.

Mr. RAMSEYER. Mr. Speaker, I reserve the remainder of my time and yield 10 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker, I regard this piece of legislation presented here by the Committee on Interstate and Foreign Commerce as one of the most important pieces of legislation that we have considered at this or any other session of Congress. It relates to a question of supreme importance to all interests in that section of the country where the streams are upon which these barge lines are to be operated. As will be pointed out to you by the members of the committee in general discussion of the bill, it is a matter of particular importance to the agricultural interests of the great Mississippi Valley and the Northwestern States.

This barge-line system, as most of you know, came into the hands of the Government for Government operation as a result of the return of the railroad companies of the country to private operation after the World War. Under the general provisions of the railroad transportation act, which was in effect during the war, the Government took over and undertook to operate the very inadequate facilities that were in hand for the operation of inland water transportation. It was, of course, totally inadequate for any real experiment or for any effectual use; but when we came to turn the railroads back this surplus waterway property was found in the control of the Government, and in the wisdom of Congress it was determined to make an experiment in the nature of Government operation of these inland waterways facilities, which the Government owned. A Government-owned corporation was formed with a capital stock of $5,000,000, and the operation of the barge-line system was put under the control of the War Department. With the facilities they had in hand—crude, meager, inadequate—the War Department made a remarkable showing under the adverse circumstances of a temporary operation of this waterway system.

The experiment thus far made by the Government has been sufficient to show that if you will give to this inland waterway transportation an additional appropriation of $10,000,000 for the purpose of providing adequate facilities for transportation, this proposal can be converted under Government operation, if you please, into one of the greatest advantages we have ever had, particularly to the agricultural interests of the Mississippi Valley as well as to the commercial interests to some other sections of the country. The evidence before the committee, as it will be presented to you, will show that by virtue of the competitive freight facilities offered by this inland waterway transportation the average freight cost on each bushel of wheat raised in that great section of the country contiguous to the Mississippi and its tributaries is actually reduced by from 2 to 3 and more cents on every bushel of wheat, and the farmer saves that much on every bushel; and the evidence is that that benefit actually goes back into the pockets and the profits of the farmer.

I have forgotten the exact figures, but they will be presented to you later. They will largely show that by the operation of this barge-line system there is saved to the shippers of the country through this competitive system in actual freight rates many millions of dollars to the producers and business interests of the country.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. ABERNETHY. Will the gentleman tell me whether or not the area to be served by this barge line has been increased by this bill, or is it still confined to the Mississippi River?

Mr. BANKHEAD. No. That is one of the main features of the bill. Not only the Warrior River and the lower Mississippi to New Orleans are involved, but under contemplation is the improvement of the upper Mississippi tributaries as far as Minnesota; and in that great reach of northwest territory as soon as we have spent the money we are now spending to make those streams navigable these barge-line facilities will be made available.

Mr. ABERNETHY. I will say to the gentleman that I will support the gentleman's bill——

Mr. BANKHEAD. It is not my bill.

Mr. ABERNETHY. I will support it because it favors the gentleman's section, but I do want to say for the benefit of the gentleman from Alabama and of the country that General Ashburn, the man who is back of this legislation, allowed the transportation to be taken off the inland waterway from Baltimore to the South, and he has done nothing to restore it. Now, you are extending it there, and we are spending millions of dollars on the inland waterways of the Atlantic coast, and you are asking to have $5,000,000 more for this corporation of General Ashburn's, and yet you are doing nothing to restore the waterway that he caused to be abandoned.

Mr. WAINWRIGHT. Right there, I do not think General Ashburn has had anything to do with that.

Mr. ABERNETHY. He has had all to do with it. I have a record here that I do not want to bring into this debate, but I think this matter should be investigated before we spend $5,000,000 more. He allowed a barge line to be destroyed on the inland waterways.

Mr. WAINWRIGHT. I think the gentleman is doing General Ashburn a great injustice.

Mr. BANKHEAD. I am not familiar with the controversy; but, be it as it may, I do not think it should be used to retard this enterprise for the benefit of the country.

Mr. LAGUARDIA. Is it not true that this transportation was taken away, as indicated by the gentleman from North Carolina, at the request of the local people down there?

Mr. BANKHEAD. I do not wish that our attention to the merits of the bill should be diverted by an outside issue. The gentleman from North Carolina can raise the issue at another time or place, or possibly by an amendment to this bill, if it is germane. I am in sympathy with the gentleman in the loss of his transportation facilities if they were improperly taken away from him.

Mr. NELSON of Missouri. Mr. Speaker, will the gentleman yield there?

Mr. BANKHEAD. Yes.

Mr. NELSON of Missouri. I understood that the statement was made that the establishment of the barge line would mean a saving of 2 or 3 cents a bushel on wheat?

Mr. BANKHEAD. Yes.

Mr. NELSON of Missouri. In speaking at Kansas City, at the great meeting we had three years ago, Mr. Hoover, the Secretary of Commerce, said it would make a saving of 7 cents a bushel.

Mr. BANKHEAD. That is a remarkable statement which is now put in the RECORD by the gentleman from Missouri, and if it is true—and I have no doubt it is true if he states it after examination—you can see what a tremendous saving there will be on the transportation of these agricultural products.

Mr. NEWTON. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. NEWTON. I will say to the gentleman that would be the case in wheat originating in the northern part of the country. Transportation by way of the river would mean a saving of about 9 cents.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. BANKHEAD. May I have two minutes more?

Mr. RAMSEYER. I yield to the gentleman two minutes more.

Mr. BANKHEAD. I did not intend really to undertake to discuss the merits of this proposal. I am sure, if you will listen to the statements concerning this proposal, you will be convinced that with this expenditure, with a small amount of Government credit, a tremendous advantage will be given to the business interests of that section of the country, and it will demonstrate that Government operation of a utility, at least temporarily, if properly exercised, can be effectively and successfully accomplished, because they are already making profits to the Government by this proposal. It will also demonstrate that if the time ever comes when it will be feasible and proper for the public interest, this barge-line system can be taken over by private enterprise and successfully operated as public carriers.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield there?

Mr. BANKHEAD. Yes.

Mr. WRIGHT. What streams are affected by this barge line?

Mr. BANKHEAD. The principal streams at the present time are the Warrior River and the Alabama River in Alabama. I will ask my colleague Mr. MCDUFFIE what is the canal between the Warrior and New Orleans?

Mr. MCDUFFIE. The Mississippi proper, from Mobile and New Orleans. It is called the Mississippi Sound and Lake Ponchartrain. The other rivers are the Tombigbee and Warrior, and then on the Mississippi from St. Paul down to New Orleans.

Mr. BANKHEAD. Yes. And it is extended to the lower Mississippi and its tributaries.

Mr. RAMSEYER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. PARKER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13512) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of

the transportation act, and for other purposes," approved June 3, 1924.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13512. The question is on agreeing to that motion.

Mr. PARKER. Pending that motion, and before going into committee, Mr. Speaker, I would like to make a unanimous-consent agreement as to the division of time. I propose one hour to a side, half of the time to be controlled by myself and one-half to be controlled by the gentleman from Connecticut, in opposition to the bill. The only Member in opposition is the gentleman from Connecticut [Mr. MERRITT].

Mr. EDWARDS. Reserving the right to object, Mr. Speaker, how long does the gentleman expect to run this afternoon?

Mr. PARKER. We hope to finish the bill to-night. We hope we will not have to use all the time.

The SPEAKER. The gentleman from New York asks unanimous consent that the time be divided equally between himself and the gentleman from Connecticut, as permitted by the rule. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from New York.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13512, with Mr. FROTHINGHAM in the chair.

The Clerk read the title of the bill.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. PARKER. Mr. Chairman, I yield 25 minutes to the gentleman from Illinois [Mr. DENISON]. [Applause.]

Mr. DENISON. Mr. Chairman and gentlemen of the committee, I hope I may have the attention of those of you who are here, because the bill presents legislation of very great importance to the country.

This bill presents for your consideration a very important business of the Government. There is no politics in it. There is nothing that involves any question of constitutionality; it is a plain business proposition of trying to do something to enable the Government to run more successfully a great business enterprise until its purpose has been accomplished.

The first question that presents itself is: What is the Inland Waterways Corporation? I shall discuss that for just a moment and then I will discuss the question of what the purpose of the Inland Waterways Corporation is. Then I shall briefly discuss the purpose of this legislation.

During the war, when the railroads found themselves unable to carry on the transportation business of the country, the Government seized all of the facilities of the railroads. The Government took them over and continued their operation by the Government. Among other facilities that were taken over, were a great many barges, towboats, tugs, and other water craft that were on the New York Barge Canal and on other inland waters of the country. When the Government found itself in possession of all these various facilities the Director General of Railroads appointed a manager to take charge of these water craft and operate them in order to relieve the railroads as much as possible of the extra work that they had to perform in carrying on the war. These facilities were gotten together and operated on the Warrior River for about 440 miles from Mobile up to the neighborhood of Birmingham, Ala.; also on the lower Mississippi from St. Louis to New Orleans. The manager who was operating under the Director General of Railroads did the best he could during the war period, and then when the war was over these facilities were still operated under the Director General of Railroads until the transportation act was passed in 1920. That act provided for the return of the railroads to their owners, and we had to make some disposition of the barges, towboats, and other water craft that were taken over during the war. Section 201 of the transportation act provided for the disposition of these various water craft, and that section is set out in the report in full. It directed that all of these facilities be turned over to the Secretary of War and that he should continue to operate them and carry out all the contracts that had been entered into during the war.

The Secretary of War operated these barges and towboats on the Warrior River and on the lower Mississippi until the act of June 3, 1924, was passed, which act provided for the organization of the Inland Waterways Corporation. Prior to that time they had been operated by the Secretary of War through a bureau here in Washington, but it was found they could not be operated through that bureau along business lines or upon business principles, because it was subject to all the delays and difficulties that accompany any attempt to carry on any sort of business by a Government bureau. So in order to put it upon a better business basis the act of June 3, 1924, was considered by our committee, reported to the House, was passed, and became a law. That act provided for the creation of the Inland Waterways Corporation. It was given a capital stock of $5,000,000, all of which was taken by the Government. It provided that this corporation, of which the Secretary of War is the head, should take over all of the water craft that belonged to the Government; it provided for its appraisal, its set-up as a corporation, and instructed it to continue to operate these facilities on the lower Mississippi River and on the Warrior River. It also provided for the operation of a system of barges on the upper Mississippi from St. Louis to St. Paul and Minneapolis.

Now, before that time it had been operated at a loss. The facilities which were taken over during the war were, of course, in many instances, unfit for service. We had to improve them as much as possible and then we had to enter into contracts for the construction of additional barges and towboats and undertake to carry out the policy declared in section 500 of the transportation act.

Since 1924 these facilities have been operated by the Inland Waterways Corporation on business principles, and gradually the losses that had been theretofore sustained have been getting less and less, until finally the operations have resulted in a substantial profit to the Government, to say nothing of the very substantial savings in freight rates to the shippers of the country.

We have now reached the point where we have to do something more in order to properly carry out the provisions of the transportation act. In my time I want the Clerk of the House to read section 500 of the transportation act in order that the Members may have directly before them the purposes for which this corporation was organized, and also the main purpose for which this legislation is presented to the House. I ask the Clerk to read section 500 of the transportation act.

The CHAIRMAN. Without objection, the Clerk will read the section referred to.

There was no objection.

The Clerk read as follows:

SEC. 500. It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation service and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation.

It shall be the duty of the Secretary of War, with the object of promoting, encouraging, and developing inland waterway transportation facilities in connection with the commerce of the United States to investigate the appropriate types of boats suitable for different classes of such waterways; to investigate the subject of water terminals, both for inland waterway traffic and for through traffic by water and rail, including the necessary docks, warehouses, apparatus, equipment, and appliances in connection therewith, and also railroad spurs and switches connecting with such terminals, with a view to devising the types most appropriate for different locations, and for the more expeditious and economical transfer or interchange of passengers or property between carriers by water and carriers by rail; to advise with communities, cities, and towns regarding the appropriate location of such terminals, and to cooperate with them in the preparation of plans for suitable terminal facilities; to investigate the existing status of water transportation upon the different inland waterways of the country, with a view to determining whether such waterways are being utilized to the extent of their capacity, and to what extent they are meeting the demands of traffic, and whether the water carriers utilizing such waterways are interchanging traffic with the railroads; and to investigate any other matter that may tend to promote and encourage inland water transportation. It shall also be the province and duty of the Secretary of War to compile, publish, and distribute, from time to time, such useful statistics, data, and information concerning transportation on inland waterways as he may deem to be of value to the commercial interests of the country.

The words "inland waterway" as used in this section shall be construed to include the Great Lakes.

Mr. ABERNETHY. Will the gentleman yield?

Mr. DENISON. I yield to the gentleman.

Mr. ABERNETHY. I desire to state to the gentleman that in view of the people who are favoring this bill, men like yourself and the gentleman from Illinois [Mr. WILLIAM E. HULL], the chairman of the committee, and others who have been consistent friends of waterways throughout the country, I do not feel justified in opposing the proposed legislation, and I shall

not oppose it. I will support the bill, but I do want to call the attention of the gentleman and the committee to a bill that was passed sometime ago, which was introduced in the Senate by Senator Wadsworth and into the House by the gentleman from New York, Mr. Corning. This required the New York Barge Canal Co. to operate two barges from Baltimore to Morehead City and to Beaufort in consideration of the fact that the New York Barge Canal Co. had been relieved of $900,000. I have great respect for General Ashburn. I think he is a very fine officer, but I do not think that this agreement has been carried out, and following up the situation which is presented here, I want to call the attention of the gentleman to the fact that we have a great waterway system from Boston to Beaufort at present and it will soon run from Boston to Florida, with not a single or solitary piece of transportation on it. We had a Government-owned line operated by General Ashburn. It was allowed to be sold and the people who bought it were relieved of $900,000. I can not afford to take the position of a dog in the manger and I am not going to do it, but I want to call the attention of the gentleman and the members of the great committee on Interstate and Foreign Commerce to the fact that this agreement that was entered into with me has not been kept, as I view it; but I shall not oppose the proposed legislation in view of the fact that my friends here, who are the friends of waterways and have stood by me in the past, are for the bill, because I believe that when you start in with a set of good fellows on a great program you should stay with them, and for this reason I am going to support the bill.

Mr. DENISON. I appreciate very much the attitude of the gentleman from North Carolina, and I may say that I believe this proposed legislation will do more to bring about what the gentleman wants done than anything that can be done. Let me go ahead now briefly with a discussion of this matter.

Mr. McDUFFIE. May I interrupt the gentleman to say, with the gentleman's permission, that I do not want the impression left that the whole responsibility is left on General Ashburn, who is the executive head of this corporation. General Ashburn does not altogether fix the policy of this corporation. The Secretary of War and the board provided for by this Congress fix the policy with respect to the operation of the barge line.

Mr. DENISON. Yes.

Gentlemen, we have more navigable waterways in this country than there is in any other country in the world. We have plenty of rivers that can take care of a great deal of the commerce of the United States when they are finally developed and when transportation gets back on them, and everyone knows who knows anything about transportation that the cheapest transportation in the world is transportation on the water. The cheapest transportation in the world to-day is the transportation on the Great Lakes of this country. Whenever we can get transportation on our inland waterways the people who are burdened with heavy freight charges will be relieved just to that extent.

I think it is the duty of Congress, it is our duty here, to not only improve these waterways as rapidly as we can, but it is our duty to carry out a policy that will bring transportation back on the rivers when we get them developed.

We have expended in the past the sum of $250,000,000, about, in improving the rivers of this country. Two hundred and fifty million dollars in improving the rivers! What for? Has this been merely an idle gesture? Has the money been lost? It will be lost unless we get commerce back on the rivers.

We have been carrying on this work of improving the rivers for years, and we are now reaching the period in our history where some of them are approaching completion and yet we find that commerce is not returning to them. Now, why is this? I am going to tell you why it is.

In the first place, the lower Mississippi, from Cairo to New Orleans, is about completed. The Monongahela River is completed, and the Warrior River, from Birmingham to Mobile, is completed with 17 locks and dams. The Ohio River will soon have been completed with 53 locks and dams. It will be a canal from Pittsburgh to Cairo, and when this is done the prediction is it will be covered with commerce in a few years. They are now working on the last two dams.

But we find that private capital is reluctant to go back into transportation facilities on the rivers. Why is this? I will tell you why it is. There are several reasons for it, and unless these difficulties are removed they will prevent private capital from investing in transportation facilities and will prevent the return of commerce to the rivers.

Now, what are the things that are preventing this? One is that we have not yet quite completed the channels sufficiently for safe transportation on the rivers; private capital will not invest in expensive facilities for transportation on the rivers until we complete the channels, so that commerce can be transported with at least substantial regularity and safety. Why? When a barge or a load of barges gets hung up on a sand bar the expense is very heavy and private capital hesitates to go into such business until it is assured it will be reasonably free from such interferences.

Now, during the period when we have the rivers practically but not fully completed it has been thought wise for the Government to carry on this experiment in developing suitable types of barges and towboats for various rivers in order that we may pave the way and blaze the trail for private capital to invest in the industry. That is one reason.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. MORTON D. HULL. Will you ever get the channels clear so that you will have an uninterrupted traffic?

Mr. DENISON. Yes.

Mr. MORTON D. HULL. Are you not going to have new sand bars forming all the time?

Mr. DENISON. We will always have to carry on maintenance work, but we will soon have it so that there will be an ample channel to permit transportation to continue on the rivers with practical regularity.

But let me discuss the principal difficulty in inducing private capital to invest in water transportation. In the first place, we will never again have the old steamers that could run up to the shore anywhere and throw a rope around a tree and load or unload its freight. The railroads are carrying that kind of freight and will continue to do so. We will never have the packet steamers back on the rivers. We will have to develop and use the new form and type of towboats and barges. Now, we are developing suitable barges and towboats. One of these great barges will carry as much freight as a long train of freight cars will carry. When you couple them up into a fleet one towboat will carry on one trip as much freight as three or four hundred freight cars.

Commerce can be carried and is being carried by the Government at a profit at 4 mills per ton mile. The average rail rate is 11 mills per ton mile. When we get suitable types of barges and the channels improved so as to avoid occasional losses we could carry freight much cheaper than 4 mills per ton mile at a profit.

I started to tell you why private capital will not invest at the present time. The second reason is that when you use barges of this type you have to have suitable terminals; and it requires expensive terminals, terminals that cost $400,000 or $500,000. Mobile has spent a million dollars on its terminal on the Warrior River.

Mr. McDUFFIE. Mobile has just completed a $10,000,000 scheme of terminal, and the coal terminal cost about $450,000.

Mr. DENISON. Dubuque, Iowa, has a terminal that cost $400,000 or $500,000; Minneapolis and St. Paul have similar ones costing about as much; St. Louis and East St. Louis have similar ones; while Memphis and New Orleans have larger terminals. The municipalities will not bond themselves and spend hundreds of thousands of dollars building these expensive terminals until they know there will be facilities on the river to carry the freight.

On the other hand private capital will not invest in towboats and barges until there is assurance that suitable terminals will be available. So we reach a condition of impasse where we can not get anywhere. The result is commerce can not return to the rivers, and the benefits of cheaper water transportation are postponed.

On account of that situation the Government is going on with this work. We are going ahead and furnish such transportation as we can with the facilities we have and with such additional facilities as Congress will provide, during the period while municipalities are constructing terminals and private capital is preparing to invest in water transportation.

Mr. CROWTHER. Will the gentleman yield?

Mr. DENISON. I will yield.

Mr. CROWTHER. The gentleman is making a very interesting statement in regard to getting private capital interested in this transportation. We have had the same experience in New York with reference to the Barge Canal that cost $300,000,000. We could not get the facilities for breaking bulk at New York and it is extremely difficult to get tonnage on the canal that really ought to be carried.

Mr. DENISON. Exactly. We declare a policy in this bill and say to the municipalities up and down the Mississippi River and certain of its tributaries and the Warrior River that we are going to continue the business of furnishing such transportation as we can and we ask them to cooperate by constructing suitable terminals; when the terminals are completed private capital, we think, will readily invest in transportation on the rivers.

We promise you that we will keep carrying on this business until you can build these terminals, after which time we will dispose of them to private capital.

Mr. LAGUARDIA. Is it the purpose of this bill, besides maintaining the ways and digging the channels, to operate the tow lines as a pioneer work and take the losses, but that as soon as traffic is sufficient to operate them at a profit to turn them over to private individuals?

Mr. DENISON. Not at all. That is not the purpose of it.

Mr. LAGUARDIA. Is that the result?

Mr. DENISON. No. This bill does not have anything to do with improving the channels. That is a matter for the War Department.

Mr. LAGUARDIA. This is an operating company?

Mr. DENISON. Yes.

Mr. LAGUARDIA. Is it the intention to operate this company and to develop the trade up to the point where it can be operated at a profit and then turn it over to a private corporation?

Mr. DENISON. That is what we want to do if we can. As long as conditions exist so that private capital can not go into it and make anything out of it, private capital will not do so; it is not business; so there is an interim period when somebody has to carry on the work as a pioneer and demonstrate that it can be done in order to induce private capital to go into it, and if the Government can do that, then the money that the Government has spent will be well spent. With the few barges and the few boats which the Government has been operating on these rivers during the last year we have saved the shippers in freight rates $2,300,000. That represents the actual saving to the farmers and others who are using these limited facilities.

Mr. LAGUARDIA. I concede this is a useful experiment, but some of us believe that when the Government does go into this transportation business, which is necessary as the argument shows, that it should continue in it.

Mr. DENISON. There are some who think the Government ought to stay in the business, but there is a difference of opinion about that. I am one of those who do not believe that the Government ought to stay in the business. I do not think the Government has any right in business, for the sake of business. I think the Government ought to carry on this work when private capital can not and will not go into it, in order to demonstrate that it can be done successfully and profitably to the shippers; and that then the Government ought to get out of the business. If we can remove these things that stand in the way of private investment, the Government can depend on private capital to come in and carry on the business.

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. MORTON D. HULL. We authorized a subscription of $5,000,000 worth of stock several years ago, and now it is proposed to make it $15,000,000.

Mr. DENISON. Yes; this provides $10,000,000 more.

Mr. MORTON D. HULL. For what purpose is the additional $10,000,000 to be used?

Mr. DENISON. This bill provides for $10,000,000 additional for the corporation and that money will be invested in additional towboats and barges. We are now holding ourselves out to provide this transportation and give the people the benefit of it, but the trouble is that the freight piles up on the docks and we have no facilities to take care of it. The farmers in Kansas City make sales of their wheat in Europe on the basis of its being delivered to the ships at New Orleans at barge-line rates.

It sometimes involves great amounts. When the time comes to ship the wheat, and they present it for shipment, we have not enough barges and towboats to take care of more than a small part of it, and the shippers, therefore, have to suffer the loss.

Mr. WAINWRIGHT. Mr. Chairman, as I understand it, this barge line is being operated to-day only on the Mississippi south of St. Louis and on the Warrior River.

Mr. DENISON. It is now operating from St. Louis to Minneapolis and St. Paul, as well as from St. Louis to New Orleans.

Mr. WAINWRIGHT. Oh, it is operating on the upper reaches of the river?

Mr. DENISON. Yes. Through the persuasion of our friend from Minneapolis Mr. NEWTON, who has been very much interested in this business, it has been extended to St. Paul and Minneapolis; and just the few facilities that we have to operate on the upper reaches of the Mississippi have resulted in a great saving to the shippers of the Northwest.

Mr. JENKINS. In view of the fact that the Ohio River is the most thoroughly improved river, what is the reason for excluding the Ohio River?

Mr. DENISON. For the reason that private capital is ready to invest in operations on the Ohio River, and additional private capital is getting ready to do so, and they do not want the Government to come there and operate in competition with them; and we do not want the Government to do it. Whenever we can get private capital to invest in facilities for the lower or upper Mississippi River the Government ought to withdraw from the service and let private interests take charge of it.

Mr. WRIGHT. This proposes to extend this service to any tributary or connected waterway of the Mississippi River.

Mr. DENISON. Yes; under certain conditions.

Mr. WRIGHT. I understand. Why do you restrict it to the tributaries of the Mississippi alone? This is Government operation, and why restrict it to the tributaries of the Mississippi alone? Is not that discriminatory?

Mr. DENISON. No; it is not. The system has from the first been working on the Mississippi River, and some of the tributaries of the Mississippi are more nearly completed than are any of the other rivers of the country; for that reason and because the service can be extended to the tributaries of the Mississippi River in direct coordination with the main-river line, the bill authorizes such extensions under the conditions mentioned. The conditions under which this service may be extended to its tributaries are laid down in this act.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. DENISON. I yield.

Mr. BRIGGS. Reference is made to connecting waterways with the Mississippi River. Does that include the coastwise canal?

Mr. DENISON. If it connects with the Mississippi River it will be included.

Mr. BRIGGS. Does it include that?

Mr. DENISON. I am not familiar with the geography down there. I do not know whether it does or not.

Mr. BRIGGS. It is connected with the Mississippi River and runs on through.

Mr. DENISON. I can only say to the gentleman from Texas that if the canal connects with the Mississippi River it would be included in the provisions of the bill.

Mr. MERRITT rose.

The CHAIRMAN. The gentleman from Connecticut is recognized for one hour.

Mr. MERRITT. I shall not use so much time as that.

Mr. Chairman, I am afraid that our side is not very numerous on this occasion. But I think that it is important that you gentlemen should understand what is proposed here. The gentleman from Illinois [Mr. DENISON] has explained the genesis of this corporation. It came by reason of the war, and I point out to you that it was only under war conditions that the Government undertook in the first place to run this barge line.

It has been the policy of this Government always, or practically always, to spend money for developing the harbors and waterways of this country. But when those harbors and rivers were made fit for navigation it was the uniform policy to have the operation of these waterways conducted by private capital and private enterprise, so that you should appreciate the fact that this corporation, which it is now proposed to expand, represents a new policy on the part of the Government.

General Ashburn testified that the property which was turned over to the Inland Waterways Corporation after it was unsuccessfully operated by the Secretary of War at a cost of about a million dollars a year represented an expenditure of about $13,000,000. Since that time the United States has invested $5,000,000 in the capital stock, and about $6,000,000 in other ways, making up deficits, and so forth. So that, according to General Ashburn's testimony, the capital account of this corporation to-day is about $24,000,000 or $25,000,000.

Now, I do not mention that by way of criticism of anybody, because the original equipment which was turned over to that corporation was bought at the very high prices of the war, and much of it was not suitable, and much of it had to be scrapped. I only point it out to complete the picture, to show you the investment that has been made up to date.

General Ashburn testifies that under the operation of this Inland Waterways Corporation, which began in 1924, making no allowance for interest on this $25,000,000, the operating accounts are about equal. There has been little profit or loss, but it is shown that there is no money now for increased equipment. He therefore proposes that the United States, in addition to this $26,000,000 which the corporation now represents, shall invest $10,000,000 more.

That is interesting and important, I think, for the committee to keep in mind, when they consider the suggestion in the bill and the suggestion by the gentleman who opened this case [Mr. DENISON] that under certain conditions, when the Government has demonstrated that the operation is a success, it should be turned over to private capital. That means, of course, that in order to be turned over to private capital you have got to have private capital to take it over.

The gentleman who testified before the committee and who is very familiar with all the facts stated that at the present rate it would take about 25 years to develop these rivers, and that is reasonable because the project provides for a line of barges from New Orleans to St. Paul on the Mississippi, and on the Missouri up to Sioux City, and on the Warrior River up to Birmingham, Ala., and through the Illinois River to Chicago.

Now, I do not think it will need any argument for you gentlemen to understand that if this legislation is passed and this service is inaugurated, there will be constant demand—properly so, also, if it is started—for increased equipment, because the service can not possibly make enough profit to keep itself running and keep the boats in repair and also pay for new equipment. So at the end of 10 or 15 years, which was the shortest period that any man thought the development could be made in, the capital account would be so great that it seems to me it will be very doubtful, to put it mildly, that any private enterprise would want to operate it.

What are you starting out to do here, gentlemen? You will notice also that the gentleman from North Carolina [Mr. ABERNETHY] thought that if a line of barges on the Mississippi River should be run by the United States, then a line should also be run down on the coastwise canal. Of course, that is one of the fundamental difficulties arising from Government operation, that there will be constant demands, political demands—I say it in no offensive sense—because when one part of the country is served, other parts will say they also have a right to be served. If this policy is not so unsuccessful as to be abandoned, you will get the United States into the transportation business on a tremendous scale. This corporation, run by the United States, will be one of the biggest corporations and perform one of the greatest parts in transportation of any concern in the country. What you are starting out on here, gentlemen, is this new policy of putting the Government into the transportation business. I think it is time for us to pause long enough at least to think of what we are trying to do here.

With Muscle Shoals before us to-morrow, putting the United States into the manufacturing business, and with what we have done to-day in the way of interference with the States as to prison labor, we are fast drifting, it seems to me, toward a socialistic state.

Mr. McSWAIN. Will the gentleman yield?

Mr. MERRITT. Yes.

Mr. McSWAIN. In view of the fact that the gentleman has referred to Muscle Shoals, I am curious to know whether the railroad interests manifested any opposition before the committee to the creation of a Government agency to operate in competition with the privately owned and operated transportation system ordinarily known as the railroads? I am curious to see the psychology of the situation as to transportation in comparison with the fertilizer situation.

Mr. MERRITT. What was the gentleman's question?

Mr. McSWAIN. Whether the railroads made any fight against this proposition before the committee or anywhere else.

Mr. MERRITT. The railroads appeared before the committee and pointed out certain changes in the bill which they thought desirable. They did not want to be compelled to make joint rates under certain conditions, but they said that so far as the use of the rivers was concerned they did not want to put themselves in the position of any opposition.

Mr. SEARS of Nebraska. Will the gentleman yield?

Mr. MERRITT. Yes.

Mr. SEARS of Nebraska. We have just voted $250,000,000 to be furnished to the shipbuilders for ocean traffic, three-fourths of the cost of the new ships to be paid for by the Government.

Mr. MERRITT. Oh, no; to be loaned to them.

Mr. SEARS of Nebraska. I said furnished; I did not say how, but loaned, with the suggestion that $250,000,000 more was going to be asked for. Now, the question recurs to my mind as to whether the gentleman would prefer something akin to that with reference to this proposition; that is, to loan money to companies which will be organized for the purpose of carrying on river traffic, and for the purpose of building barges rather than to have Government operation.

Mr. MERRITT. I would very much prefer that.

Mr. SEARS of Nebraska. And would the gentleman favor equal appropriations for river navigation as he would for ocean navigation?

Mr. MERRITT. Absolutely.

Mr. SEARS of Nebraska. I think that would cover all of our troubles, if we should adopt that theory.

Mr. MERRITT. I think the suggestion of the gentleman would take away what to me is the great evil of this operation. I am not concerned primarily with the initial investment, or, perhaps, with other investments. I am in favor of money being spent on the improvement of waterways and always have been.

Mr. HUDSON. Will the gentleman yield?

Mr. MERRITT. Yes.

Mr. HUDSON. I take it the gentleman would be in favor of establishing a revolving fund whereby private corporations might try out the success of this proposition.

Mr. MERRITT. Absolutely.

Mr. HUDSON. Which is a far different proposition than the proposition now before us?

Mr. MERRITT. Yes. To men who are so familiar with these matters I need not point out that when the Government begins to run these lines and reach all these points there will be a constant demand for a reduction of rates.

They will talk as they do about the Postal Service. They will say this service is for the public's use and it is not important whether the Government makes any money or not; the thing is to carry these things for the benefit of the public. Then you will have a tremendous number of Government employees, and you know from experience that any Government agency always employs a much greater percentage of men, that they do not get as much efficiency out of them and that the basis of promotion does not tend to efficiency and initiative, as it does under private ownership. This is no criticism of any government or any party, but you are bound in any government-owned operation not to get the efficiency, not to get the enterprise, not to get the invention, and not to get the initiative which you get in privately owned affairs. So I say it is much better to wait and let this service grow by natural economic forces than it is to try to start it as a grown institution by Government money.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. MERRITT. Yes.

Mr. WAINWRIGHT. How can the gentleman expect it will grow unless it is furnished with some means to permit of its growth?

Mr. MERRITT. The means are the Mississippi River and the channel. There is as much reason why the Government, having dredged out the harbors of Long Island Sound, should not put lines of barges on Long Island Sound as there is for putting barges on the Mississippi.

Mr. WAINWRIGHT. If the Government has the barges on Long Island Sound and wants to extend the business and the business is to grow, how can it grow unless somebody supplies it with the means to furnish the wherewithal for the growth?

Mr. MERRITT. The gentleman will notice that this project is to improve any tributary on the Mississippi, as this clause from the bill will show:

(b) When the improvement of any tributary or connecting waterway of the Mississippi River, not including the Ohio River, shall have been advanced to the point where within two years thereafter there will have been substantially completed a sufficient and dependable channel for the safe operation of suitable barges and towboats thereon; and when the Chief of Engineers of the United States Army shall certify that fact to the Secretary of War, the Secretary of War shall thereupon cause a survey of such tributary or connecting waterway to be made for the purpose of ascertaining the amount of traffic, the terminal facilities, and the through routes and joint tariff arrangements with connecting carriers, that are or will, within such years, probably be available on such tributary or connecting waterway. As soon thereafter as such survey shall have been completed and a sufficient and dependable channel for the safe operation of suitable barges and towboats shall have been substantially completed, the Secretary of War may, if he finds from such survey that water transportation can, in the public interest, be successfully operated on such tributary or connecting waterway, extend the service of the Inland Waterways Corporation thereon as soon as the corporation shall have suitable facilities available therefor.

The reason they did not include the Ohio River is because, owing to the improvement of the Ohio River, a tremendous private business has already developed. The business on that river now from Pittsburgh is tremendous. It is not a common carrier business, it is true, but it is also true that when the final locks are completed it is certain there will be a carrier business developed on that river.

As I say, the promise is held out and the statement is made, and I do not doubt honestly, that these gentlemen who are developing this enterprise desire that private capital shall get control of it; but you will notice in the majority report what is necessary before the Secretary can lease or sell the transportation facilities. The report states on page 4:

These conditions are: (1) When the Secretary of War shall find that navigable channels are substantially available in the rivers where the corporation operates, adequate for reasonably dependable transportation service thereon; (2) when the Secretary of War finds that adequate terminals for joint rail and water service are substantially available on such rivers; (3) when the Interstate Commerce Commission finds and reports to the Secretary of War that such through routes and joint tariffs with rail carriers have been published and filed under the provisions of the interstate commerce act as will make generally available the privileges of joint rail and water transportation upon terms reasonably fair to both rail and water carriers; and (4) when the President approves such lease or sale.

Now, it is perfectly evident this is going to take years. The testimony shows that the lowest estimate is 10 or 15 years. At the end of this time, of course, you will have an enormous capital investment, and, as I suggested before, you will have a wide connection with all the towns and villages along the river and you will have an army of Government employees. You will have political forces of one sort or another intertwining over the entire Mississippi Valley. I am not a good prophet, but I prophesy that if the Government once starts in this business it will never get out of it, and I think it will be such a great corporation that it will seriously interfere with the structure of this Government.

I do not want to take any further time, because I do not mean to criticize the bill. I think if the project is to be carried out the bill is a good one, but my objection is to the great tendencies at present in this Government and to the tremendous expense involved.

I remember, and many of you gentlemen remember, the great hue and cry that was made years ago when we had a billion-dollar Congress; but in this Congress lately it seems to me we are disposing of about a billion dollars a week, and to use a slang phrase, we make that old billion-dollar Congress look like thirty cents.

There must come a time when we will have to regard Government expenses and Government commitments, and for this reason I think we should pause and not push this bill through and not involve the Government in this great transportation enterprise from which it will never emerge. [Applause.]

Mr. PARKER. Mr. Chairman, we have had one speech for the bill and one against it. The majority of the committee seem to be very much in favor of the bill and there is very little opposition, with all due respect to the gentleman from Connecticut. I ask unanimous consent that the rest of the general debate be dispensed with and that gentlemen be allowed one day in which to extend their remarks in the RECORD.

Mr. NELSON of Missouri. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on this bill and to include a brief article from the Post-Despatch of St. Louis showing the potential tonnage on the Missouri River.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri [Mr. NELSON]?

There was no objection.

Mr. NELSON of Missouri. Mr. Speaker, a bill reported from the Flood Control Committee, of which I am a member, and carrying an appropriation of $325,000,000, has just been passed by Congress and approved by the President. That measure is designed to make the Mississippi River and its tributaries safe. The bill now under consideration is to provide an additional appropriation of $10,000,000 for the Inland Waterways Corporation and so make a larger part of the Mississippi and its tributaries serviceable.

The Missouri farmer, in common with the farmers of other States which constitute the great grain and meat producing center of the Nation, is at a disadvantage because of long hauls and high freight rates. This handicap is partially offset by the productivity of the soil and the high degree of intelligence of those who till it. But a fertile soil well tilled will not in itself suffice. Prosperity is measured by the purchasing power of the profit. Where too large a per cent of the receipts represented in the sale of farm produce goes to pay transportation charges the profit is reduced and in some instances entirely wiped out. So the farmer is interested in reasonable freight rates. This is true also of the manufacturer, the merchant, and almost everybody else. But because farm produce is bulky and represents, in the main, the raw rather than the finished product, the freight bill is necessarily big.

Now, whatever will move the farm nearer to the market will help. In this farm "moving" we take into consideration the use of railways, highways, and waterways. Good transportation facilities, where it is possible for the farmer to make use of them, actually take the farm closer to the city and thus reduce the cost of the haul. As this cost is lowered, the distance, relatively speaking, between the point of produce and the sale, is decreased. In other words, whatever makes for lower transportation rates, provided they insure reasonable returns to those supplying same, helps both producer and consumer. This bill represents real farm aid. It is also industrial aid. In its passage city and country should cooperate.

The eighth Missouri district, which I serve, has long played an important part in transportation. Into it come the Old Trails Road, traversed by Daniel Boone; and here too, the Santa Fe Trail, stretching away 700 miles to the southwest, had its beginning. More than a hundred years ago the first steamboat came up the Missouri River as far as Boonville, and in later years the Missouri became a great carrier of commerce. With the extensive work now being done between St. Louis and Kansas City it is hoped that within two years river transportation may be restored. I would make it plain that this would not represent the return of the old-fashioned, picturesque steamboats. This has gone from the river forever. Instead, there will be business-like barges carrying in small groups entire train loads of freight.

Just here let me say that in a recent survey made to determine the probable amount of freight available, Jefferson City with 48,547 tons and Boonville with 57,255 tons show the largest estimated business between St. Louis and Kansas City. These towns are thoroughly awake to the importance of river traffic. At Boonville, especially, much excellent work in behalf of bringing about a thorough understanding of river possibilities has been done by O. F. Kelley, an enthusiastic river supporter. Missouri has long been referred to as the "Steamboat State," so that her interest in river traffic is not new.

Speaking before the Missouri River Improvement Conference held at Kansas City in October, 1925, Secretary of Commerce Hoover said:

We must plan and provide greatly increased transportation facilities for the forty millions added population that we must serve within the next quarter of a century. And if our conceptions be broad enough and big enough we shall find in our inland waterways a measure of forward action to the solution of all these problems.

Speaking further of the Mississippi system with its possible 9,000 miles of trunk lines and feeders, Mr. Hoover said:

This transportation system will greatly serve the vast heart of American agriculture. In this conception your project for the further improvement of the Missouri between St. Louis and Kansas City has a most important setting.

One of the most significant statements made by the Secretary of Commerce in the address referred to had to do with the comparative cost of water-borne wheat. The convention was told:

And all these forces and inventions have restored our water carriage to the cheapest of all forms of transportation for many types of goods. Broadly, if we have back loading, 1,000 bushels of wheat can be transported 1,000 miles on the Great Lakes or on the sea for $20 to $30; it can be done on a modern equipped Mississippi barge for $60 to $70, and it costs by rail from $150 to $200. These estimates are not based upon hypothetical calculations but on the actual going freight rates. The indirect benefits of the cheaper water transportation to the farmer are of far wider importance than the savings on individual shipments might indicate. In those commodities where we are dependent upon exports for a market (and upon some domestic markets) the price level will be determined at the point where the world streams of that commodity join together in great markets.

Thus the price of wheat is made at Liverpool and anything that we can save on transportation to Liverpool is in the long run that much in addition to the farmer's price. And it is not an addition solely to the actual goods which he may have shipped to that market, but it lifts the price level in our domestic market on the whole commodity in this same ratio. Thus if we can save from 5 to 7 cents a bushel additional by the completion of the Mississippi and Great Lakes systems we will have added a substantial amount to the income of every farmer in the Middle West.

I referred a moment ago to the official survey recently made to show the potential tonnage available when the proposed barge line on the Missouri River is established. The St. Louis Post-Dispatch of May 13 contains an article dealing with the report of T. L. Gaukel, head of the local office of the Department of Commerce. This is article is as follows:

Hundreds of shippers from St. Louis to Yankton, S. Dak., were interviewed in a two months' survey. The local offices of the department, here and in Kansas City, were the headquarters. The work was done by four agents of the transportation division, under direction of Norman F. Titus, who directed similar surveys on the Mississippi and Warrior Rivers. Another survey has been ordered on the Ohio to determine the tonnage now available between Pittsburgh and New Orleans.

Potential Missouri River tonnage is shown in the report as more than 1,000,000 tons a year higher than the estimate for the upper and lower Mississippi. This bears out the contention of advocates of a barge line for the Missouri, and the views of some practical river men, who have declared that the Missouri might be made the most profitable link of the great Mississippi Valley river system.

Kansas City, with 2,869,815 tons a year, shows the greatest potential tonnage, followed by Omaha with 2,021,455 tons; Sioux City with 1,281,214 tons, and St. Joseph with 1,045,664. St. Louis is fifth, with a potential offering of 656,594 tons a year.

Coal and coke for the Missouri River district is by far the greatest single possibility at St. Louis, accounting for 500,000 tons of the annual 656,594. Both Kansas City and Omaha, however, offer slightly more of these commodities, which are second in a list of 40, with total coal and coke potential estimated at 2,303,044 tons a year.

Grain and grain products head the list of commodities, with a total offering of 3,465,222 tons a year. St. Louis naturally offers only 50,000 tons of this item annually, while the great agricultural district about Kansas City offers 1,259,750 tons a year and the section above Kansas City offers 2,117,987.

Iron and steel is the third commodity, with total offerings of 739,917 tons a year, of which St. Louis offers 54,025 tons a year, while Kansas City offers ten times as much. As indicated, grain, coal, and coke lead the 40 items by a very wide margin.

To again make use of the Missouri River and other navigable streams in the transportation of freight will tend to restore prosperity to the farmer, who for a number of years has been so hard hit. The farmer sells with the freight off and buys with the freight added, so that whatever reduction in freight is brought about, either in what he sells or what he buys, will represent a saving. Nor will benefits be confined to the farm. As a result of lower freight rates manufacturing will be encouraged and our middle western country will be put in a position to compete with the coast country, to which many manufacturing interests have been forced to go because of high freight rates or inadequate transportation facilities in the Mississippi Valley. The railroads will not be injured. More industries mean more people. This means added freight, express, and passenger business. One of our real problems is to provide transportation facilities, waterways, railways, and highways, which the country will demand within the next two or three decades. There is every reason why this bill now under consideration should pass.

Mr. TREADWAY. Mr. Speaker, I understood the gentleman from New York [Mr. PARKER] to ask that all Members may have one day in which to extend their remarks. I may suggest that to-morrow will be a very busy day on the floor.

Mr. PARKER. Then I will ask that the Members may have five legislative days in which to extend their remarks.

The CHAIRMAN. The Chair would suggest that that request should be made in the House and not in the committee.

Is there objection to the request of the gentleman from New York that further general debate be dispensed with?

There was no objection.

The Clerk read as follows:

SEC. 2. That section 3 of said act be, and the same is hereby, amended to read as follows:

"SEC. 3. (a) Until otherwise directed by Congress, the corporation shall continue the operation of the transportation and terminal facilities now being operated by or under the direction of the Secretary of War under section 201 of the transportation act, 1920, as amended, and shall continue to operate the facilities now being operated or that may hereafter be operated by it under the provisions of this act; and shall, as soon as there is an improved channel sufficient to permit the same, initiate and continue the water carriage heretofore authorized by law upon the Mississippi River above St. Louis.

"(b) When the improvement of any tributary or connecting waterway of the Mississippi River shall have been advanced to the point where within two years thereafter there will have been substantially completed a sufficient and dependable channel for the safe operation of suitable barges and towboats thereon; and when the Chief of Engineers of the United States Army shall certify that fact to the Secretary of War, the Secretary of War shall thereupon cause a survey of such tributary or connecting waterway to be made for the purpose of ascertaining the amount of traffic, the terminal facilities, and the through routes and joint tariff arrangements with connecting carriers, that are or will, within such years, probably be available on such tributary or connecting waterway. As soon thereafter as such survey shall have been completed and a sufficient and dependable channel for the safe operation of suitable barges and towboats shall have been substantially completed, the Secretary of War may, if he finds from such survey that water transportation can, in the public interest, be successfully operated on such tributary or connecting waterway, extend the service of the Inland Waterways Corporation thereon as soon as the corporation has suitable facilities available therefor.

"(c) It is hereby declared to be the policy of Congress to continue the transportation services of the corporation until (1) there shall have been completed in the rivers where the corporation operates, navigable channels, as authorized by Congress, adequate for reasonable, dependable, and regular transportation service thereon; (2) terminal facilities shall have been provided on such rivers reasonably adequate for joint rail and water service; (3) there shall have been published and filed under the provisions of the interstate commerce act, as amended, such joint tariffs with rail carriers as shall make generally available the privileges of joint rail and water transportation upon terms reasonably fair to both rail and water carriers; and (4) private persons, companies, or corporations engage, or are ready and willing to engage, in common-carrier service on such rivers.

"(d) When the Secretary of War shall find that navigable channels and adequate terminals are substantially available as provided in paragraph (c) of this section, and when the Interstate Commerce Commission shall report to the Secretary of War that joint tariffs with rail carriers have been published and filed as provided in said paragraph, the Secretary of War is hereby authorized to lease for operation under private management, or to sell to private persons, companies, or corporations, the transportation facilities belonging to the corporation: *Provided*, That the facilities of the corporation shall not be sold or leased (1) to any carrier by rail or to any person or company directly connected with any carrier by rail; or (2) to any person, company, or corporation who shall not agree, as part of the consideration for such sale or lease, that the facilities so sold or leased shall be continued in the common-carrier service in a manner substantially similar to the service rendered by the corporation; or (3) until the same has been appraised and the fair value thereof ascertained and reported to the President by the Interstate Commerce Commission, and the sale or lease thereof has been approved by the President.

"(e) Any person, firm, or corporation, including the Inland Waterways Corporation, engaged or about to engage in conducting a common-carrier service upon the Warrior River or the Mississippi River, or any tributaries thereof, may apply to the Interstate Commerce Commission and, upon a hearing and showing as required under section 1 of the interstate commerce act, as amended, obtain a certificate of public convenience and necessity, and the Interstate Commerce Commission shall thereupon, by order, direct all connecting common carriers and their connections to join with such water carrier in through routes and joint rates with reasonable rules, regulations, and practices, as provided in subsection 3 of section 15 of the interstate commerce act, as amended, and the commission shall, in such order, fix reasonable minimum differentials between all rail rates and joint rates in connection with said water service to apply until changed by order of the commission; except that said joint routes, rates, rules, regulations, and practices may be changed by mutual consent of the water carriers and the other participating carriers. The commission shall further require the interested common carriers to enter into negotiations for the purpose of establishing equitable divisions of the aforesaid joint differential rates within 30 days after such joint rates are established, and if the carriers are unable to agree upon equitable divisions within 120 days from date of publication the commission shall, by order, determine and establish reasonable divisions to become effective coincident with the effective date of the joint rates. The commission is hereby given authority upon complaint, at once, and if it so orders without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning (1) the reasonableness or lawfulness of any through route or joint rate filed pursuant to such order of the commission; or (2) the reasonableness of any minimum differentials between all rail rates and joint rates in connection with any water service; or (3) the reasonableness of any division of joint rates ordered by the commission under the provisions of this act; and after full hearings the commission may make such order with reference to any such matters as it may find to be proper and in the public interest. At any such hearing the burden of proof concerning the unreasonableness or unlawfulness of any through route, joint rate, minimum differentials between all-rail rate and joint rate in connection with water service, or division of joint rates shall be upon the carrier or carriers making the complaint; and the commission shall give the hearing and decision of such questions preference over all other questions pending before it, except such questions as are given like preference by law, and decide the same as speedily as possible: *Provided*, That if the Inland Waterways Corporation sells or leases its transportation facilities, or any part thereof, to any person, firm, or corporation to be operated as a common carrier, such person, firm, or corporation shall be entitled to a certificate of public convenience and necessity upon making application therefor; and all

through traffic arrangements and joint tariffs with rules, regulations, and practices in connection therewith published by the Inland Waterways Corporation and filed with the Interstate Commerce Commission and participated in by other carriers shall remain in full force and effect between such carriers and the person, firm, or corporation purchasing or leasing such transportation facilities from the Inland Waterways Corporation and operating the same as common carriers until changed by order of the commission, except that such through-traffic arrangements and joint tariffs, with rules, regulations, and practices therewith, may be changed by mutual consent of the water carrier and the other participating carriers. Joint rail and water rates as herein used shall be deemed to include every movement of traffic in which a water line can participate.

"(f) The operation of the transportation and terminal facilities under this act shall be subject to the provisions of the interstate commerce act, as amended, and to the provisions of the shipping act, 1916, as amended, in the same manner and to the same extent as if such facilities were privately owned and operated; and all vessels of the corporation operated and employed solely as merchant vessels shall be subject to all other laws, regulations, and liabilities governing merchant vessels."

The following committee amendments were read:

Page 3, line 2, after the word "River," insert a comma and the words "not including the Ohio River"; line 22, strike out the word "has" and insert the words "shall have" in lieu thereof.

Page 4, line 3, strike out the word "reasonable" and insert the word "reasonably" in lieu thereof, and after the word "dependable" strike out the comma; line 25, after the word "directly," insert the words "or indirectly."

Page 5, line 2, after the word "not," insert the words "give satisfactory assurance and"; line 4, strike out the word "shall" and insert the word "will" in lieu thereof; line 14, after the word "and," strike out the comma and the word "upon"; strike out all of line 15; line 16, strike out the words "interstate commerce act, as amended"; line 17, after the word "necessity," insert the words "in accordance with the provisions of section 1 of the interstate commerce act, as amended."

Page 6, line 1, after the word "commission," change the semicolon to a period; strike out the words "except that said," and insert the word "Such" in lieu thereof; line 2, after the word "changed," insert the words "by order of the commission or"; line 3, strike out the words "mutual consent" and insert the word "agreement" in lieu thereof.

Page 7, line 10, after the word "facilities," strike out the comma and the words "or any part thereof."

The committee amendments were agreed to.

Mr. TREADWAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 3, line 24, strike out all of paragraph (c).

Mr. TREADWAY. Mr. Chairman, in reading the report of the committee on this measure I find that this paragraph is advocated as establishing "a policy of Congress." Now, it seems to me that this is a very serious thing for us to undertake. It is not direct legislation, but says it is the policy of Congress, to do what? Four things.

First. That it shall be arranged that the navigable channels shall be completed in the rivers. This has nothing in the world to do with the rights or powers of the Interstate Commerce Committee. That is one of the items in the river and harbor type of legislation. Therefore it does not seem to me that this declaration of policy should be in this bill.

Second. That terminal facilities shall have been provided on such rivers reasonably adequate for joint rail and water service. That is one of the direct specifications that will be found in all river and harbor legislation. What is the use of establishing a navigable channel in a river if the adjacent property is not available for landing of the ship or barge? It will be found always in legislation proposed by the River and Harbor Committee at the request and insistence of the Corps of Engineers.

Third. That joint rates shall be established under the Interstate Commerce Commission. I shall not speak on that, because I know very little about the joint-rates proposition. I have no doubt it has to do with the policy of Government that such joint rates should be effective.

Fourth. And that is the one item I think is the most vital to this paragraph (c), and that is that these barge lines shall be operated by the Government until some private company or corporation comes along willing to take it off the Government's hands. In other words, as the gentleman from Connecticut so well explained in the general debate, you are putting the Government into the barge business, running barges indefinitely, and probably forever. It reads very simple, very plain, and very nice; it is to be the policy to run these barges by the Government until some private person, company, or corporation asks to take them over. There is no question in the world about the permanency of our going into the barge business on the Mississippi River.

Mr. DENISON. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. DENISON. I think the gentleman from Massachusetts misunderstands. It says "until a private person, company, or corporation are ready and willing to engage in the common-carrier service on such rivers." What would the gentleman have us do with it? We do not want to junk it. We want to sell it.

Mr. TREADWAY. You want to put millions more into it just as we did at Muscle Shoals. You will be asked to-morrow to add to the $125,000,000 that we put into Muscle Shoals and make it, as we have there, a political football. I have always been opposed to the Muscle Shoals from the very first day I went down on an inspection party and have continued to be, and I am glad that I have. We have wasted $125,000,000 at Muscle Shoals and are asked to put in a great deal more because, forsooth, we want to get something out of it. The same principle is involved here. You are asking the Government not to decrease but to add to the expenditures of the Government in this matter. You have $5,000,000 in the barge system on the Mississippi River now, and you want to dispose of it later on to private interests. To do that you are going to put $10,000,000 more into it, and probably $10,000,000 more after that, and so on.

Mr. WYANT. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. WYANT. I was as much opposed to the Government going into business as the gentleman from Massachusetts, but we have $28,000,000 invested in this property. What solution does the gentleman have to offer whereby we may get rid of this and not lose the entire $28,000,000?

Mr. TREADWAY. I go on the business principle in Government affairs that I do in my own business. I may be wrong. If a mistake is made or a poor investment secured, take your loss. Do not continue to send good money after bad.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. NEWTON. Mr. Chairman, the Mississippi Valley contains the greatest potential waterway system in the world. In order to develop it the Government has spent several hundred million dollars. When the World War broke out, the commerce upon these waterways had dwindled down until it was infinitesimal. The necessity for extending and improving our transportation system prompted the Government to attempt to restore transportation upon these rivers. The United States Railroad Administration made a start. A start having been made, Congress in the transportation act declared it to be its policy to develop these waterways. The barge service that was started by the Railroad Administration was transferred to the War Department. What progress was made was slow. In 1924, to further promote this service upon our rivers, we passed the Inland Waterways Corporation act, creating a governmental corporation with a capital of $5,000,000, which took over the Government barge lines and has since been operating them.

The obstacles to be overcome in initiating this service have been tremendous. Notwithstanding this, and the fact that the corporation has only been in existence less than four years, remarkable progress has been made.

The Inland Waterways Corporation is now operating upon the Warrior, the lower Mississippi, and upper Mississippi Rivers. It has in assets $17,000,000. Upon the Warrior River it is operating several fleets of towboats and barges. On the lower Mississippi River it is operating several fleets of towboats and barges. The upper Mississippi service was not instituted until August of last year. They are now operating on the upper river 4 towboats and a fleet of 60 barges. A lower-river barge when filled to capacity will carry 2,000 tons, or the equivalent of 70 box cars. The upper-river barges are necessarily smaller, but they will carry when loaded to capacity 350 tons, or the equivalent of 11 box cars. This service is being patronized by a very large number of concerns. The products carried, and I am including both down and up stream tonnage, are grain, flour, sugar, sisal, burlap, implements, paint, furniture, paper products, steel products, hardware, soap, shoe machinery, automobile tires, hand trucks, radiators, stoves, shoes, coffee, ammunition, candy, chemicals, glassware, chinaware, clothing, and so forth. I am advised by the manager of the upper line that they have all of the tonnage that they can carry.

When it is considered that I secured a provision for initiating this service upon the upper river in the act of 1924 with the assistance of Judge Graham, of Illinois, and that there was not

a dependable channel until the fall of 1925, it will be seen what a remarkable progress has been made upon the upper river.

The purpose or intention of those of us who advocated the passage of the Inland Waterways Corporation act was to make this purely a governmental-demonstration proposition. There was no thought whatever of permanently projecting the Government into the business of transportation upon our inland waterways. I want to interpolate here and to again express my own appreciation of the splendid efforts that the gentleman from Illinois [Mr. DENISON] has made during the several years in promoting the Government barge line. Without his untiring work in 1924 we would never have had the Inland Waterways Corporation act.

We want to keep this a demonstration proposition. In order to do so, we want to make a proper demonstration. That will enable us to get the Government out of the business that much quicker. It was apparent at a meeting of barge-line officials and shippers last August that additional equipment was needed. There was also a demand for extending the service to some of the tributaries of the Mississippi River. For example: The Illinois and lower Missouri Rivers will have a dependable channel in two or three years. The St. Croix River, in Minnesota, and the Hennepin Canal, in Illinois, already have dependable channels. It would be beneficial both to the barge line and the shippers if use could be made of these tributaries. This bill will provide $10,000,000 additional capital to furnish this much-needed additional equipment and it also provides for the extension of the service to these tributaries.

No barge line can live upon its port-to-port business. Generally speaking, neither can a railroad live upon the business that it initiates upon its own line. Joint traffic arrangements between the barge line and the railroads are absolutely essential. This requires adequate and suitable terminals. As an evidence of the interest of the people on the Mississippi River in this demonstration, I want to say that the cities of Minneapolis and Dubuque have already constructed municipal terminals at considerable expense to themselves. These terminals have suitable rail connections. The cities of St. Paul, Rock Island, and Moline have, by popular vote, authorized the construction of adequate terminals with suitable rail connections. When those terminals are completed, the municipalities upon the upper Mississippi River will have an investment in terminals amounting to $2,500,000 to $3,000,000.

The existing law provides for joint rates between the barge line and the railroads. Congress very clearly has indicated its desire to foster the development of water transportation. There has been a great deal of delay, and it seems to me unnecessary delay at times, in putting into effect these joint rates. The testimony before the committee evidenced a lack of willingness at times on the part of some of the railroads to cooperate with this Government barge line. The sooner a joint-rate structure is put into effect, the quicker this demonstration will be at an end. It has, therefore, become more and more apparent to those of us who want to see this demonstration successfully made that Congress must provide a more expeditious way for instituting these joint traffic arrangements between the barge lines and the railroads. This bill does this.

Furthermore, there is another reason. With joint rates, the shippers and receivers in the interior, off the river, get the benefit of this transportation. Without joint rates, they do not get the benefit. Now that Congress has again expressed its policy in reference to this development of water transportation, I hope that in the future we will have more cooperation from the railroads of the country. If we do not get it, I believe that these provisions will substantially expedite proceedings compelling joint traffic arrangements and a suitable division of the rates.

There is another reason for adding to the equipment. Last fall the total capacity of the barge line on the upper river could have been used for the carrying of grain only. The port-to-port rate for carrying wheat from Minneapolis to New Orleans is 14.8 cents per 100 pounds. The rail rate from Minneapolis to New York for export is 37.16 cents. The rail-lake-and-rail rate is 29.77 cents. Note the very substantial difference in the rate. The ocean carrying charge from New Orleans to Liverpool is about 6 cents more than the charge from New york to Liverpool. There can be no question, therefore, but what a successfully operated barge line with capacity for carrying a very substantial quantity of wheat will save the northwestern farmer 10 cents per bushel on all wheat that is exported.

The total tonnage carried by the barge lines operated by the inland waterways has increased since 1925 from approximately 500,000 tons a year to 1,200,000 tons.

To-day there are something like 42 States of the Union originating freight which eventually finds its way for shipment upon the barge line. Something like the same number of States received commodities shipped a portion of the way over the Government barge line. There can be no question but what the benefits of this cheaper transportation inures not only to those upon the Mississippi River itself, but throughout the entire country.

The existing law sets no limit upon the demonstration period. The bill before us clearly recognizes that this is a demonstration and authorizes the Secretary of War, subject to approval by the President, to lease or sell the barge line whenever certain conditions are met. These conditions set forth the policy of Congress in reference to the continuance and termination of the Government's experiment or demonstration. Those conditions are as follows:

First. Navigable channels, adequate or reasonably dependable and regular transportation service.

Second. Terminal facilities reasonably adequate for joint rail and water service.

Third. Such joint traffic between barge lines and rail carriers as to make generally available the advantages of rail and water transportation.

Fourth. Private persons or interests ready and willing to engage in common-carrier service on such rivers.

There is a further restriction on the sale. Any person purchasing the same must agree, as a part of the consideration for such sale or lease, that the barge line shall be continued in the common-carrier service substantially similar to the service rendered by the Government barge line.

Yet these are the provisions which the gentleman from Massachusetts [Mr. TREADWAY] seeks to strike out.

Mr. Chairman, the Government entered into the business of water transportation and came into the possession of barges and boats during the war. It was following the war when Congress was asked to make disposition. We did so, first in the transportation act. I quote from the transportation act, 1920, section 500, wherein Congress set forth the policy, as follows:

SEC. 500. It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation, service, and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation.

It shall be the duty of the Secretary of War, with the object of promoting, encouraging, and developing inland waterway transportation facilities in connection with the commerce of the United States to investigate the appropriate types of boats suitable for different classes of such waterways; to investigate the subject of water terminals, both for inland waterway traffic and for through traffic by water and rail, including the necessary docks, warehouses, apparatus, equipment, and appliances in connection therewith, and also railroad spurs and switches connecting with such terminals, with a view to devising the types most appropriate for different locations, and for the more expeditious and economical transfer or interchange of passengers or property between carriers by water and carriers by rail; to advise with communities, cities, and towns regarding the appropriate location of such terminals, and to cooperate with them in the preparation of plans for suitable terminal facilities; to investigate the existing status of water transportation upon the different inland waterways of the country, with a view to determining whether such waterways are being utilized to the extent of their capacity, and to what extent they are meeting the demands of traffic, and whether the water carriers utilizing such waterways are interchanging traffic with the railroads; and to investigate any other matter that may tend to promote and encourage inland water transportation. It shall also be the province and duty of the Secretary of War to compile, publish, and distribute, from time to time, such useful statistics, data, and information concerning transportation on inland waterways as he may deem to be of value to the commercial interests of the country.

The words "inland waterway" as used in this section shall be construed to include the Great Lakes.

The gentleman from Massachusetts [Mr. TREADWAY] voted for the transportation act, and in doing so he approved section 500. [Applause.] In order that we might carry on the business in better shape we passed the Inland Waterways Corporation act in 1924, and it came out of our committee unanimously, with a New England man chairman of the committee. We did that so that we could place this Government operation of barges on a more businesslike basis. I quote:

An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes

Be it enacted, etc., That for the purpose of carrying on the operations of the Government-owned inland, canal, and coastwise waterways system to the point where the system can be transferred to private operation to the best advantage of the Government, of carrying out the mandates of Congress prescribed in section 201 of the transportation act, 1920, as amended, and of carrying out the policy enunciated by Congress in

the first paragraph of section 500 of such act, there is hereby created a corporation, in the District of Columbia, to be known as the Inland Waterways Corporation (hereinafter referred to as the "corporation").

Mr. MERRITT. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. MERRITT. The gentleman will remember that in the testimony before the 1924 act, and in the speeches, it was set forth that this was to be an experimental line, with the idea of turning it over to private parties. Is it not true that General Ashburn said the other day that he could sell this line now?

Mr. NEWTON. I do not think there is any doubt whatsoever but that the line on the lower portion of the Mississippi River could be sold to-day. We have demonstrated that that portion of the Government operation is a paying proposition. But the lower portion of the Mississippi River is only a part of the Mississippi River system. In the act of 1924 Congress made it mandatory to establish this service on the upper river wherever there was a navigable channel. We started it last August with a fleet of 3 towboats and about 15 barges. We filled them full, upstream and downstream, all last fall. We have now got 60, and, as I have said, there is more tonnage awaiting us than we can accommodate.

I am surprised that the gentleman from Massachusetts should seek to strike out the section that he has moved to strike out, for in that section we seek to limit the demonstration. We set forth that the policy of Congress shall be to maintain and operate these lines only until certain conditions have come to pass. It is not unlimited, as it is in the law to-day. We have done this in order to meet the objections of gentlemen who do not want to see the Government permanently in business. We provide, first, that there must be navigable channels, and Congress provides for that upon the recommendation of the Committee on Rivers and Harbors, and secondly that there must be terminal facilities. The municipalities of the country are bonding themselves to put in municipal terminals. Minneapolis has half a million dollars in it. The city of Dubuque, a city of 50,000 people, has put in a municipal terminal at a cost of half a million dollars. That is being done also by the cities of Moline and Rock Island. They have taken Congress at its word, and have gone to work and put in these terminals.

When these terminals are complete, then we will have that condition. Another condition is a joint traffic arrangement. You can not run a barge line or any other water transportation successfully without joint transportation arrangement with railroads. Neither a barge line nor railroad can exist on the business it originates on its own line.

Mr. HOCH. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. HOCH. I believe the provisions of the law in paragraph (e) will do more to cause private interests to go into this business than any other thing we can do.

Mr. NEWTON. The gentleman is correct. If we had had that provision in the law in 1920–1922, when we first started operating this line, we would by this time be able to sell the barge line as a going and successful concern.

The only other condition is that there be a private party ready and willing to take it over. Of course, the Government is going to operate it until it gets somebody to sell it to. It is not going to junk it. All of these provisions are reasonable.

Mr. SNELL. If you can sell it right now, why not sell it?

Mr. NEWTON. The gentleman does not want to sell the paying portion only, which is the Lower Mississippi. He would not sell this before the rest of the river has been properly developed?

Mr. SNELL. Oh, there is only a part that you can sell at the present time?

Mr. NEWTON. Yes; that is all.

Mr. SNELL. The gentleman read a portion of a section of the transportation act. Does he think that that section really commits us to running barges on the Mississippi River?

Mr. NEWTON. There is no question but that it does.

Mr. DENISON. It does not do it permanently, but temporarily.

Mr. NEWTON. If the gentleman will read section 500, along with section 201, with the various paragraphs of section 201, he will agree with me, I am sure, that it does put the Government into the business of operating a barge line as a demonstration proposition.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CHALMERS. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota may have two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHALMERS. As the friend of water navigation on the Great Lakes, I am glad to say, for the satisfaction of the gentleman from Minnesota and other members of the committee who are here, that our Committee on Rivers and Harbors will consider a project to-morrow for deepening the authorized channel of the Mississippi River in the locality that is to be selected from Grafton down to the mouth of the Missouri, and will report it to the House probably next week. That will make the depth of that portion of the Mississippi River uniform with the 9-foot depth that is contemplated all through.

Mr. NEWTON. I thank the gentleman from Ohio for the progress that has been made.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. HUDSON. If we give to this company or corporation that is now operating the barge line $15,000,000, would not that be the best way out of it?

Mr. NEWTON. I do not think that there is a private company that is now ready to take over the entire system. I know we have made remarkable progress in carrying so much tonnage upon the Mississippi River in less than three years' time. Gentlemen, if there has ever been a proposition presented to this House as a demonstration that has shown the progress that this has, I have yet to be reminded of it. [Applause.]

Mr. CHRISTOPHERSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from South Dakota is recognized for five minutes.

Mr. CHRISTOPHERSON. Mr. Chairman, I am in hearty accord with a program for enlargement and extension of our Mississippi River barge line, and while the district I have the honor to represent does not border on the Mississippi River, South Dakota is, nevertheless, vitally interested in the improvement of our inland waterways. I, therefore, wish to briefly allude to the importance to us of river navigation and making of our rivers highways of commerce.

The broad and majestic Missouri, one of the great waterways of our land, with its source in the Rocky Mountains, divides South Dakota into two nearly equal sections. It is the highway over which Lewis and Clark made their way into the then unknown fastnesses of the Rocky Mountains. Later the early settlers made their way up this river to the interior of our country, and for many years it was the principal means of transportation for the people of that section.

In time the railroads came, and with the low rates prevailing up to the time of the late war transportation over this river became negligible. But in 1920 we returned the railroads to their owners and the Interstate Commerce Commission granted to the roads a very substantial increase in rates, which went into effect in the fall of that year.

My State of South Dakota, rich in natural resources, with fertile and productive soil, nearly every acre of which is tillable, lies far in the interior of our land. We have the long haul for the raw commodities to market and the long haul for the manufactured wares back to the State. The exactions because of the high railroad rates were a most potent factor in the depression that spread over the Mid West in the year 1921. In October of that year I said, in substance, on the floor of the House that these rates would paralyze the agricultural industry, and subsequent events showed that I did not overstate the situation.

Transportation is vital to every community; it has marked the progress of civilization. Along the rivers and lakes and wherever this means of transportation was at hand, there, history reveals, the most rapid progress was attained. I just mention this to call attention to the importance not only of transportation, but transportation at a reasonable rate and charge for the service.

The only hope I see for South Dakota and other Mid-West States to obtain a reasonable rate is by water competition. Here we have this splendid waterway, the broad Missouri, with its tremendous volume of water, ever ready to carry the commerce of our State to-and-fro at a reasonable rate. The day when this river is made navigable, as readily can be done, there will be competition and a general reduction of transportation charges.

The possibilities of the Missouri River as a highway for commerce is beyond one's comprehension. This river and its tributaries is the greatest inland waterway system in the world. One of our Government boards reported that if this system were improved as the board now know how to do it, it would have the capacity of 600 single-track railroads. Think of this capacity for beneficial use!

Touching and serving the very heart of our Nation, the greatest agricultural district in the world, with a population of more than 25,000,000, it would directly affect a hundred million tons

of in and out going freight each year. For the more than a billion bushels of grain produced annually in the Northwest it would give to the producer an added 6 cents per bushel, which in itself will run into the millions of dollars, not to mention the saving on other commodities as well. It would stimulate production, extend industry, and make for the general prosperity of all.

The railroads, which are now opposed to river improvements, would benefit by the new era and the generally improved conditions. To my mind the railroads have in late years pursued a short-sighted policy; kept an eye solely to high rates rather than tonnage and volume of business. Let us inaugurate a program that will increase tonnage, and with such increase will come added prosperity to the producer as well as the carrier who will transport the same.

I wish to appeal to my friends from both the east and west coasts. Help us to make navigable the inland waterways of our land. Since the building of the Panama Canal this is a most important and necessary development of the interior of our country. It will add to our happiness and our prosperity and it will be a prosperity you will share. We will buy more of your manufactured wares and we will ship you more of our raw material. The development of our inland waterways will mark a new era in the progress of our Nation.

I hope the program for barge-line service and improvement of our inland waterways, including that section of the mighty Missouri in the State of South Dakota, making the same a highway of commerce, making use of a natural facility that an All-Wise Providence placed at the disposal of those far from the sea. [Applause.]

Mr. PARKER. Mr. Chairman, I move that all debate on this section and all amendments thereto be now closed.

Mr. WRIGHT. I have never made a point of no quorum in this House, and I ask unanimous consent to make it 20 minutes so as to give gentlemen an opportunity.

The CHAIRMAN. The gentleman from New York moves that the debate on this section and all amendments thereto be now closed. The question is on agreeing to that motion.

Mr. PARKER. I will make it a unanimous-consent request, Mr. Chairman.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the debate on the pending section and all amendments thereto be closed. Is there objection?

Mr. TARVER. I object. There is no quorum present. There are other gentlemen here who desire an opportunity to discuss this matter. I make the point of order that there is no quorum present.

Mr. PARKER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FROTHINGHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13512) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924, and had come to no resolution thereon.

EXTENSION OF REMARKS—INLAND WATERWAYS CORPORATION

Mr. MILLIGAN. Mr. Speaker and Members of the House, the bill proposes to increase the capital stock of the Inland Waterways Corporation from $5,000,000 to $15,000,000. This additional capital is to be used by the corporation for additional barges and towboats that are needed, where the corporation is now operating and to extend the service to the tributaries of the Mississippi River, except the Ohio River, when the channels are completed and sufficient freight is available. This extension is authorized by the Secretary of War, when, within two years thereafter, there will have been a dependable channel completed and a survey shows a sufficient amount of traffic, adequate terminal facilities, and necessary tariff arrangement with the connecting rail carriers. If the survey shows these conditions to exist and if the Secretary of War believes such extension is in the public interest, such action shall be taken.

Operations by the Government can only be terminated when certain conditions set out in the bill have been met, to wit, navigable channels and adequate terminals completed, and there have been published and filed under the provisions of the interstate commerce act such joint tariffs with rail carriers making available joint rail and water transportation on terms fair to both carriers and private persons, companies, or corporations engaged or willing to engage in common-carrier service on such rivers.

These conditions having been complied with, the Secretary of War is authorized to lease for operation or to sell, on approval of the President, to any person, company, or corporation, not directly or indirectly connected with any carrier by rail, provided such person, company, or corporation can give satisfactory assurance and agree as part of the consideration of the sale or lease that such facilities will be continued in the common-carrier service, similar to the service rendered by the corporation.

The bill authorizes the Interstate Commerce Commission to issue certificates of public convenience and necessity in accordance with the interstate commerce act. Also authorizes the Interstate Commerce Commission to direct all connecting common carriers and their connections to join with water carriers in through routes and joint rates, and to fix reasonable minimum differentials between all-rail rates and joint rail and water rates, and to require the rail and water carrier to enter into negotiations to establish equitable division of joint rates within 30 days after such joint rates are established.

If the carriers can not agree upon a division within 120 days, the commission shall establish reasonable divisions of such rates. Any carrier may file a complaint with the commission against such division and have a hearing before the commission, such hearing shall be given preference over other matters before the commission, except those questions given preference by law.

I believe by the passage of this bill we will have sufficient capital and adequate authority for the Government to complete the demonstration of the feasibility of inland water transportation. We have expended about $250,000,000 on these inland-river channels. It is estimated that $60,000,000 more will complete all of these channels and bring them up to where they can be used for river transportation.

This is a large investment, and to abandon the demonstration now would be like building a track and roadbed for a railroad and not provide trains to run over it.

It is said by those who oppose this bill that the Government should not go into the transportation business. That is not the question here. The Government is already in this business. The question is, how can the Government get out of this business? The quickest way will be to successfully complete this demonstration so that it can be sold, or leased, to private capital.

Private capital will not invest in this business until the demonstration has been successfully completed.

The cities along the rivers will not build adequate terminals unless they are certain that the service will be permanent. This bill will assure them of the establishment and continuation of the service.

A few of the railroads have cooperated with the waterways corporation in establishing through routes and joint rates, but a majority have refused to do so. This has been a great handicap, and with this condition existing private capital could not be expected to invest with this serious opposition of the railroad that no private concern could be expected to combat successfully.

The completion of these channels is an assured fact under the program that has been adopted by Congress. When these conditions have been met the Secretary of War, with the approval of the President, is authorized to lease or sell these facilities. I, for one, will be as glad as anyone here to see the time come when we can turn these transportation lines over to private interests with the assurance of continued service.

The operation on the lower Mississippi has proven that these barge lines can be operated on a paying basis. In 1926 the lower Mississippi division made a profit of $519,411.51; in 1927 a profit of $261,436.16. The smaller amount of profit in 1927 was due to losses caused by the hurricane near New Orleans and the excessive flood in that year; also the reconditioning of certain barges and towboats.

The losses on the Warrior division for 1927 was reduced $108,375. For the month of November of last year it showed a profit of $6,181, and General Ashburn predicts that by the end of this calendar year the Warrion division will be on a paying basis.

The upper Mississippi is a new line, and General Ashburn could not give the committee definite information, but was of the opinion that there was a possibility that the operations for 1928 may show a profit.

Under the estimates of General Ashburn these three divisions should total considerable profit for the calendar year of 1928.

This additional and cheaper transportation is needed and demanded by the country. A survey was made by the Department of Commerce, and we find that 7,000,000 tons of freight are available and waiting upon the upper Mississippi and in

Illinois. In the Missouri River territory there is 8,000,000 tons of freight available for water transportation. The available tonnage from Kansas City to St. Louis, as shown by a survey made by the Chamber of Commerce of Kansas City, is 5,912,190 tons. This survey shows a tabulation of the approximate saving to the shipper by the use of the barge line of $4,881,405 per annum. Kansas City alone has an elevator capacity for 40,832,000 bushels of wheat. Last year they shipped, a greater part of which went into export, 8,718,775 barrels of flour, all of wh ch could have moved by barge line.

Kansas City is anxious to take advantage of water transportation. They have a fund of $850,000, which they are ready to put into boats and barges and add to the Government equipment for the Missouri River. This month Kansas City voted a bond issue of $600,000 to build terminal facilities. The people of Missouri are alive to the need for water transportation and awaiting the opportunity to take advantage of it. They are ready and willing to cooperate with the Government in order to make it successful from the start.

The Missouri River Valley is in greater need of water transportation than any other section of the Nation. We are a great agriculture district, and are farther from the markets of the world than any grain-producing territory in the world. Therefore we are more affected by the freight rates on products than any other section of the country.

The development of the Missouri River barge line means an increase of about 6 cents per bushel to the producer of wheat in this vast agriculture territory. It means a reduction by at least 20 per cent in the freight rates that are now paid; this reduction will be reflected in the price the farmer receives for his products.

The people of the Mississippi and Missouri River Valleys are entitled to additional and cheaper transportation. These States embracing this rich and fertile area contain almost 60 per cent of our country's entire population. These people produce 70 per cent of our total agricultural products, 45 per cent of our manufactured products, and 70 per cent of our total exportable products originate in this area. In view of these facts, why have not the inhabitants of this vast and productive area a just cause? Is it not wise to afford these people cheaper and better transportation facilities by improving, completing, and establishing these barge lines that will traverse the States that produce 57 per cent of our wheat, 55 per cent of our corn, 68 per cent of our oats, 73 per cent of our rye, and 65 per cent of the barley that is produced in the United States?

I hope you will pass this bill and revive water transportation on our inland waterways that is needed and demanded by our people.

Mr. COMBS. Mr. Speaker and gentlemen of the House, the Middle West is in a peculiar economic position. In the very heart of the county, it is less accessible to the markets of either the Atlantic or the Pacific seaboards than are those sections to each other, since they have been tied together by the Panama Canal. The Middle West is a landlocked area, isolated by freight-rate barriers, which not only prevent our industrial competition with the other sections of the country, but impose such a terrific burden upon us in the marketing of our agricultural commodities that our farmer has difficulty in competing with the grain growers of Canada or even remote Australia.

Let us see, briefly, what this barge-line service would do. There are available to move by river transportation almost 6,000,000 tons shipped to and from Kansas City. It has been estimated conservatively that by using the barge-line service a total saving of $4,881,000 could be effected annually in this one section. We would be able to save approximately 9 cents a bushel on our wheat from Kansas City to New Orleans. The seven States through which the Missouri River flows or is adjacent to last year produced 420,000,000 bushels of wheat. At a saving of 9 cents per bushel, the producers or farmers of this area would save, should the barge-line service be available to all, over $37,000,000 per year. At the present time it costs our people 41 cents a bushel to deliver Kansas wheat to Liverpool, the world market, as against 34 cents to deliver Australian wheat to Liverpool.

There could be no more cogent argument advanced for this bill than that it will help place our farmers on a parity with the other great agricultural countries of the world.

Yet the cry goes up from the railroad interests that in so doing we are placing the Government in business and using public moneys to help an individual class. Have the railroads never been the beneficiaries of Government aid? In addition to the regulations of the Interstate Commerce Commission, which fix a rate of return on railroad investment that the public must pay, the railroads have been granted 131,048,444 acres of public domain. The amount of money that has been contributed to the railroads of the country has been variously estimated at from two to eight billion dollars. Nearly all of our railroads were built by the aid of land grants.

One road which has been especially bitter in its opposition to the use of public funds for the development of waterways has been the recipient of approximately 5,000,000 acres of land and has received subsidies, bond aid, and other assistance from the Federal and State and local governments to the amount of approximately $18,000,000. This same railroad now owes the railroad administration of the Government approximately $8,000,000, all of it taxpayers' money, spent and I believe properly spent in the development of our transportation facilities. I do not begrudge the railroads one cent that they have received from the Nation, but I fail to see with what color of logic they can with one hand accept the beneficences of the Government and with the other seek to deny this aid to an equally valuable instrumentality of transportation.

Mr. O'CONNOR of Louisiana. Mr. Speaker and Members of the House, the President of the United States has signed the flood control bill. It will always be regarded as one of the great achievements of the administration of Mr. Coolidge. It is a great, constructive legislative program.

In the magnitude of the operations that will be conducted under and in conformity with this program even the construction of the Panama Canal must take second place. But the people of the Mississippi Valley must not be misled or deluded into the thought that their work in the way of solving the Mississippi problem is at an end. As long as rain and snow fall from above us on the places beneath between the Alleghenies and the Rocky Mountains and from far over the Canadian boundary line shall we have, in the springtime, particularly, great volumes of water seeking in accordance with the law that governs them the lowest spots and terrain in the journey to the Gulf of Mexico and out into the Atlantic Ocean. The lowest spot is a great stretch, winding its way tortuously, so that at times it looks like a coil within a coil and sometimes like a great spiral, horizontally moving on to its ultimate destination. That is the Mississippi River and all of the rivers that flow into it from east and west and are called its tributaries. In the House caucus room there was exposed by the Committee on Flood Control during its many notable hearings in a great effort to solve the problem a skeleton of the Father of Waters and its many attendants. It attracted great attention because it focused the mind at once upon the vastness of the territory drained by this wonderful system and at once the thought sprang into the mind of the beholder, Why is it that these rivers traversing the heart of the continent are not so cared for that they would make for the support of the greatest water transportation fleet that the world has ever known? That query will not down. Like Banquo's ghost, it will not down. It will be asked by generation after generation of Americans until the affirmative, satisfying answer is given—a complete, navigable waterway covering this tremendous reach of territory upon which will float myriads of vessels, barges, rafts, and towboats that will carry to and fro the commerce of the multitude of people that will increase the already large population found upon the farms and in the cities of the valley.

Mr. Speaker, vast as our imports and exports are they are relatively but a small part of our total commerce, foreign and domestic. And while that foreign commerce is greatly to be wished and much to be cared for, still if the necessities of some tremendous requirements demanded it we could live within ourselves and bid defiance to the rest of the world. Should we ever be pushed to it from any threat from beyond the Atlantic or the Pacific we could, with a waterway system properly developed to meet the great demands that would be made upon it, so arrange our lines, without any great economic disturbance, to live among ourselves. Our domestic commerce would maintain the Republic, financially, commercially, and socially until troubled nights of danger were over. For that domestic commerce, great as it is to-day, may be doubled, trebled, and quadrupled within the next 10 years. For, Mr. Speaker, our civilization will not have justified itself until every home in America, and throughout the world for that matter, is a home in the finest and noblest sense of the word, a home with sufficient rooms to make for that home life which is essential to the life of America. Every home should have a bathroom, be lighted by electricity for heating and cooking purposes. Our waterfalls throughout the country will some day be utilized to make for that power which will transmit electric energy to every household in the Republic. Upon the walls should be pictures that will ennoble the thought of the boys and girls in that home. Every parlor should be ornamented with statuary to stimulate the imagination of children to do noble things. There should be rugs and carpets upon the floor. There should be musical instruments; and upon every table there should be an abundance of foodstuff so as to make for a great, healthy,

vigorous America. It should be a land flowing with milk and honey so that its citizenry, men and women, will be willing to fight for it as a land, that they will have an even better cause than now to love for the great blessings that will spring from its life.

The point I wish to make is that our domestic commerce is yet in its infancy and that its proper promotion, particularly in the way of encouraging finer homes, will make for a demand upon our factories that will keep their wheels revolving and humming, making sweetest music to the ears of a vast number of employees who will be happy in the good wages they will receive and the fact that they are adding to the pleasures of their countrymen by the generous output from their mills. This will make for enormous commerce, and I make the prediction, Mr. Speaker, that as a result of the operations of the Inland Waterway Corporation that the day is not far distant when railroads as the major factor in our transportation system will as a result of sheer economic necessity go into the operation of great barges, flats, and towboats as a part of their transportation machinery. It would not be surprising if in the course of years our whole transportation system were not so changed as to be almost unthinkable from what it is to-day. Many bold thinkers already envision a future in which railroads will run at right angles to all of our great rivers and in this altered plan the highways will be made to render a service so as to make for the greatest low-cost transportation system obtainable. The Republic will be driven to this by economic law and as a result of a laudable ambition to remain in the vanguard of the civilization of the present time—

Do well thy work—it shall succeed,
In thine or in another's day,
And thou that lack the victor's need,
Thou shall not want the toiler's pay—

is the stirring thought that has been in the minds of Americans from colonial times, a thought which acted upon has brought us to the wonderful place we have reached. But I say we are still at sunrise. Noon is far away, and we will go on toiling unremittingly so that our children's children will enjoy the fruits of our labors and work for the tremendously brilliant future that lies ahead of them. Yes, Mr. Speaker, the signing of the flood control bill is a great day, but we must not forget that it is an authorization bill, and that under the provisions of another law, that creating the Bureau of the Budget, the Chief of Engineers will submit estimates from year to year for the work that will have to be done and that the Committee on Appropriations will write appropriation bills in accordance with the recommendations of the bureau. We must not forget that this is a world of change, congressionally as well as otherwise, and that there may be attempts made to so amend this great bill as to render its provisions nugatory. We must as watchmen upon the towers be ever upon the alert to not only prevent its emasculation but to improve it so as to make for that waterway system that has been in the minds not of dreamers but of statesmen like Herbert Hoover.

The inland waterway bill does not make for the Government going into business. It is a great experiment, which its proponents know will last as an experiment only for a few years, when it will undergo a change of hands as a result of its successful operation and private enterprise will pay handsome for its then equipment. Great credit is due to the men who have advocated the operation of this line from the Twin Cities down to New Orleans and thence over to Mobile and Birmingham. They have planted a tree which will bear golden fruit.

The territory pictured by me of the Mississippi Valley comprises two-thirds of the total national area. It domiciles over half of the entire population. Its contributions to the national wealth are 68 per cent of exportable products, 52 per cent of manufactures, and 70 per cent of agricultural products of the Nation.

In this territory is contained the industrial center of the Nation, at the foot of Lake Michigan; the agricultural center, near the confluence of the Mississippi and Illinois Rivers, and the center of population in southwestern Indiana, close to the Illinois line.

For this chief wealth-producing section of the United States and of the world, the natural arteries of transportation are the Great Lakes and the Mississippi-Illinois-Ohio River systems, flowing into the Gulf of Mexico.

The Federal Government has spent nearly $430,000,000 on waterways in the Mississippi Basin. Of this, over $100,000,000 were appropriated to the development of the Mississippi from its mouth to the Ohio, and about one hundred million more to the improvement of the Ohio and its immediate confluence. As a result of this national effort the Mississippi is navigable by barge of nine-foot draught from Cairo to the Gulf, and the Ohio from the industrial centers of western Pennsylvania to its confluence with the Mississippi.

At an expenditure of $60,000,000 the people of the Sanitary District of Chicago have dredged and improved the northern link of the Illinois-Mississippi waterway from Chicago to Joliet. The State of Illinois, at the cost of $20,000,000 more, has partly completed and has under construction the continuing link from Joliet to Utica.

In the heart of this system of waterways—a clot, blocking off the circulation of lake traffic from the rivers to the south and east—is the undredged section of the Illinois-Mississippi Rivers from Utica to Cairo. The opening of this artery involves the expenditure by the National Government of less than $5,000,000, plus an undetermined sum of perhaps $25,000,000 for compensating works to maintain and restore lake levels. The improvement itself consists of deepening to 9 feet the two rivers between Utica and Cairo, removing four locks and dams in the Illinois, and assuring a constant and adequate flow of water from Lake Michigan into the Mississippi.

Adequate navigation of the Mississippi from St. Louis and of the Ohio-Mississippi from Pittsburgh to the Gulf and the Great Lakes is dependent upon the construction of this link.

The Government has appropriated approximately $40,000,000 for deepening the Missouri from Kansas City to St. Louis and the Mississippi from Minneapolis to the latter metropolis. The project will change the present 3½-foot depth to one of 6 feet.

Total Federal appropriations for the improvement of coastwise harbors aggregate more than $500,000,000. The cost of the Panama Canal was nearly $400,000,000. These expenditures were borne by all of the people, yet because of the undeveloped link in the Lakes to Gulf waterway, agriculture and industry in this great central empire are withheld from their full share in the benefits of these improvements, and the shippers of this section are forced to compete disadvantageously with those of the eastern centers.

An illustration of this inequality is in the fact that machinery can be shipped from points in the Middle West by rail to the eastern seaboard, thence by water through the Panama Canal to Pacific ports, more cheaply than it can be sent by rail, direct from the point of manufacture, to its western destination.

About 7,000,000 tons of cargo passed through the Panama Canal in 1919; in 1924 this tonnage had increased to between 27,000,000 and 30,000,000. The Ohio-Monongahela-Allegheny Rivers system carried about 38,000,000 tons in 1923. The Mississippi-Warrior Rivers service, under adverse conditions, in the first years of operation transported 4,000,000 tons of freight. In about this same period one railroad operating between Chicago and the Gulf increased its freight tonnage from 38,000,000 to over 55,000,000.

In the immediate territory traversed by the projected Illinois-Mississippi improvement, 25,000,000 tons of freight a year are immediately available for the waterway, which will have an annual capacity of 60,000,000 tons.

The city of Chicago alone uses annually about 38,000,000 tons of coal, with consumption increasing at the rate of 1,000,000 tons a year. Over half of this coal is mined in southern Illinois, within one day's motor-truck haul of the Illinois River. The construction of the Illinois-Mississippi deep waterway will lower the cost of this coal in the Chicago district by about $1 a ton, with a commensurate reduction in the cost of coal shipped by this 9-foot channel to such Lakes cities as Milwaukee, Duluth, Superior, and Detroit. As another indicant of the tonnage available for shipment by this waterway, 200,000,000 bushels of grain are raised yearly in Illinois within hauling distance of the river.

Every congressional district in the States of South Dakota, Minnesota, Illinois, Wisconsin, Indiana, Michigan, Iowa, Nebraska, Ohio, and Missouri utilized the Mississippi barge line during its first five years of operation. The water rates being 20 per cent lower than corresponding rail rates, this barge line saved for shippers, directly $3,392,000—and indirectly an indeterminate sum through reduction in the rates of competing railroads.

The industrial and agricultural centers of the Allegheny watershed and of the South can be linked by water routes with the Great Lakes only by the construction of the deep waterway between Utica and Cairo.

Over half of the Nation's population can secure the full benefits of the Panama Canal investment only through this construction.

The Federal Government, by the small expenditure involved, can enhance immeasurably the value of the $550,000,000 in-

vestment in Mississippi Basin waterways, and can give to all of the people of the United States the most comprehensive system of water transportation in the world.

The matter is in the hands of the National Congress, and Congress will answer patriotically with the vision of statesmen. Millions will silently think, "Well done, thou good and faithful servant."

Mr. NEWTON. Mr. Speaker, in the consideration of H. R. 13512, the gentleman from Illinois [Mr. DENISON] offered an amendment to line 23, on page 4, after the word "facilities," by inserting the words "or unit thereof." Time for debate had been limited. There was not an opportunity for me to discuss the amendment. The intent and purpose of the amendment is to permit the Secretary of War, subject to approval by the President, to sell or lease not only the facilities of the corporation, but the facilities belonging to a unit or system of the corporation. The corporation contains two systems: The Warrior River system and the Mississippi River system and its tributaries. The Warrior River would be a unit under this amendment and likewise the Mississippi River and its tributaries would constitute a unit. The lower river, for example, would not be a unit. It would merely be a part of a unit. That would likewise be the case of the upper river or the Missouri River. I am authorized to say that the gentleman from New York [Mr. PARKER], the distinguished chairman of the committee, is in agreement with these views. This question of authorizing the sale of the activities upon a particular portion of the Mississippi River was gone into by the Committee on Interstate and Foregn Commerce very carefully. The lower river is now a paying proposition. It will be more and more so. It would be a mistake to separately sell the lower river for that reason, if for no other. Furthermore, there is the question of interrelations between the lower-river service and the upper-river service. Some of the barges on the upper river can be sent clear through to New Orleans. That is likewise true of barges commencing at New Orleans. They can at times go clear through to Minneapolis. The committee was very clearly of the opinion that it would be a mistake to authorize sales of parts of the facilities or the activities upon a particular portion of the river or tributaries thereof. By this amendment the Secretary of War is permitted, subject to approval by the President and when the conditions specified in the bill are met, to sell the Warrior River system as a unit or the Mississippi River system as a unit, but not otherwise.

Mr. WILLIAM E. HULL. Mr. Speaker, transportation is to-day the most important legislative feature before Congress for the relief of the Central West.

The Panama Canal destroyed opportunities of the 28 States lying between the Allegheny and Rocky Mountains, because it gave cheap transportation by water from the Atlantic coast to the Pacific coast and vice versa.

The building of the deep waterway between Lake Michigan and the Gulf of Mexico, with its branches extending up the Mississippi River to St. Paul, the Missouri River to Sioux City, the Ohio River to Pittsburgh, and the Intracoastal Canal to Galveston, makes the inland waterway a factor in transportation to compete with the Panama Canal, and puts the Central West on a parity with other parts of the Nation.

The waterways have been established, the projects have been adopted, and will be completed during the next three years.

This bill, known as the barge line bill, is more important to this great section of the country than any other legislation that can be passed. It adds $10,000,000 to the Inland Waterways Corporation for the building of barges and towboats; it extends the service up the Illinois River from Grafton to Chicago and connects with the Great Lakes; it extends transportation through the Hennepin Canal, connecting the Illinois River with the Mississippi River, thus making a direct line from Peoria to St. Paul, or from Chicago to St. Paul.

The most important feature of this legislation is the compelling of the railroads to make a joint rail, river, and rail rate.

By passing this legislation you will put the river transportation on a basis to secure its just rights in the division of rates with the railroads and this will make it a success. I hope that the Congress of the United States will see the importance of passing this legislation.

Mr. TREADWAY. Mr. Speaker, the principles involved in the Boulder Dam bill and the Mississippi barge bill are so nearly identical that I desire to record my protest against the passage of both measures in one brief statement.

The basic feature of both bills is the putting of the Government into business, to which I am opposed both from the standpoint of good business and from that of proper governmental functions. We have drifted too far in the direction of furnishing financial aid to business, which is not attractive to private enterprise. There is no more occasion for the Government setting up a corporation, of which it is the sole stockholder, to build and operate barges on the Mississippi River than on the Hudson River, Long Island Sound, or any other waterway of the country. The Government's duty toward business conducted by water ends when it has constructed navigable channels and maintains proper lighthouses and other aids to navigation. To go further than this and establish the Government in the business of furnishing means of transportation is to exceed all just, legal, and constitutional needs.

Elements of socialism seem to predominate in legislation of this character. The establishment of such precedents can only mean broadening the scope of requests for the Government to engage in business in cases where those interested can readily see there will be no financial return to them or to the sections benefited by the expenditure. The line between Government agencies and private enterprise is so distinct and plain that I for one will continue to support the old-fashioned method of carrying on the Government for the people and regulating public service, but leaving the business itself to private enterprise and private investment.

So much has been said over a period of 15 years about Muscle Shoals and so many different methods have been devised to involve the Government in its operation and provide the necessary capital that it is unnecessary to rehearse the arguments at this time. Those who years ago wanted to foist Muscle Shoals onto the shoulders of the Government tried devious and sundry ways unsuccessfully, but eventually, through misconceived exigencies of the war, and with the active support of President Wilson their purpose was accomplished. Since that time the Treasury has furnished $125,000,000 of capital and the end is not yet. We are now asked to set up another business corporation, furnish the capital and pocket the losses, the principal excuse being the needs of the farmer. The political significance of this fallacious argument is perfectly apparent. I am glad to quote a telegram from the type of farmer who tills the soil in western Massachuestts. It reads as follows:

> Muscle Shoals bill in present form not sound business. Farmers here do not want that kind of assistance. Please work to defeat the measure.

They are self-respecting men and women and are not willing to appear either as mendicants or as applicants for charity from the Government.

The Mississippi barge bill and the 1928 Muscle Shoals bill are identical in that they are both based on a misconception of the relationship between the Government and the people. I am opposed to the principle and will vote against the bills and any similar type of legislation seeking to set the Government up in business.

LEAVE OF ABSENCE

Mr. MURPHY, by unanimous consent (at the request of Mr. MORGAN) was granted leave of absence, for three days, on account of illness.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

H. R. 8126. An act to repeal the sixty-first proviso of section 6 and the last proviso of section 7 of "An act to establish the Mount McKinley National Park, in the Territory of Alaska," approved February 26, 1917;

H. R. 13032. An act to amend the act of February 8, 1895, entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters";

H. R. 13037. An act to amend section 1, rule 2, rule 3, subdivision (e), and rule 9 of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895 (ch. 64, 28 Stat. L., sec. 645); and

H. J. Res. 184. Joint resolution designating May 1 as Child Health Day.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 766. An act to fix the compensation of registers of local land offices, and for other purposes;

S. 1662. An act to change the boundaries of the Tule River Indian Reservation, Calif.;

S. 2084. An act for the purchase of land in the vicinity of Winnemucca, Nev., for an Indian colony, and for other purposes;

S. 2340. An act to transfer to the city of Duluth, Minn., the old Federal building, together with the site thereof;

S. 3026. An act authorizing the construction of a fence along the east boundary of the Papago Indian Reservation, Ariz.;

S. 3365. An act to authorize allotments to unallotted Indians on the Shoshone or Wind River Reservation, Wyo.;

S. 3456. An act allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President;

S. 3556. An act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes;

S. 3565. An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes;

S. 3699. An act for the relief of the land-grant railroad operated between the station formerly known as East Portland, in the State of Oregon, and Roseville, in the State of California;

S. 4034. An act authorizing the Calhoun Bridge Co., an Illinois corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Illinois River at or near Grafton, Ill.;

S. 4045. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Newport-Asheville (N. C.) road near the town of Del Rio in Cocke County, Tenn.;

S. 4059. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River;

S. 4060. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky.;

S. 4061. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.;

S. 4062. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near Egners Ferry, Ky.;

S. 4253. An act authorizing H. L. McKee, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Sabine at or near Port Arthur, Tex.;

S. 4254. An act authorizing the State of Texas and the State of Louisiana to construct, maintain, and operate a free highway bridge across the Sabine River at or near Pendleton's Ferry;

S. 4288. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the South Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.;

S. 4289. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.;

S. 4290. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.;

S. 4291. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.;

S. 4292. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.;

S. 4293. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.;

S. 4294. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the North Fork of the Cumberland River at Burnside, Pulaski County, Ky.;

S. 4295. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near the mouth of Indian Creek in Russell County, Ky.;

S. J. Res. 119. Joint resolution granting an easement to the city of Duluth, Minn.;

S. J. Res. 125. Joint resolution authorizing the President of the United States to accept a monumental urn to be presented by the Republic of Cuba, and providing for its erection on an appropriate site on the public grounds in the city of Washington, D. C.; and

S. J. Res. 129. Joint resolution to provide for eradication of pink bollworm and authorizing an appropriation therefor.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills of the House of the following titles:

H. R. 126. An act to add certain lands to the Missoula National Forest, Mont.; and

H. R. 8105. An act to provide for the membership of the Board of Visitors, United States Military Academy, and for other purposes.

LEAVE TO ADDRESS THE HOUSE

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that on Saturday, after the reading of the Journal and the disposal of business on the Speaker's desk, I may be permitted to speak for 50 minutes on the Yosemite National Park and the Hetch-Hetchy grant to the city of San Francisco.

The SPEAKER. The gentleman from Michigan asks unanimous consent that on Saturday, after the reading of the Journal and the disposal of the business on the Speaker's table, he may have the privilege of addressing the House for 50 minutes. Is there objection?

Mr. SNELL. Reserving the right to object, we have important matters coming up in the latter part of this week.

Mr. CRAMTON. I have consulted with the gentleman from Connecticut [Mr. TILSON]. That seems likely to be the best place for me to take this time. I feel sure I could get the time on the deficiency bill, but it might be that it would be a drag on that bill and would not be desirable.

Mr. TILSON. It is very important to finish the deficiency bill on Friday if possible. I should hate very much to take 50 minutes out of the time on Friday, for it might be just enough to prevent the completion of the bill. If, however, we have to run over into Saturday in any case, then there will be ample time, and it will not matter whether the gentleman takes his 50 minutes before or after the bill is finished. Since this arrangement will interfere least of all, I am for it on Saturday.

The SPEAKER. Is there objection?

There was no objection.

POST OFFICE NIGHT DIFFERENTIAL BILL

Mr. MEAD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the night differential bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MEAD. Mr. Speaker, of all of the activities of the Government, the one that touches most intimately every business, every industry, yes, even every citizen of the United States, is the Postal Service. It reaches out and binds 120,000,000 people, spread throughout the vast domain of the United States and its possessions, into a Nation. The welfare and progress of our industrial, commercial, and social life are dependent upon its efficiency.

It is no idle boast but an indisputable fact that it is the best and most efficient service anywhere on earth, and at the same time the American Postal Service is conducted at the lowest unit cost of any postal service in the world. This is so because of the high grade of intelligence, the conscientious zeal, and the intense loyalty among the men and women who make up the postal personnel.

Every day over 70,000,000 pieces of mail—letters, parcels, and newspapers—are deposited in the post offices of the United States. The slogan of the Postal Service is, "Keep the mails moving," and from the time a piece of mail is deposited until it is delivered, it is the aim and the practice of this great army to keep it steadily on the move so that it will reach its destination within the shortest possible time.

Because over 75 per cent of the mail is deposited after 4 o'clock in the afternoon it is necessary for a great many of the post-office clerks to work far into the night in order that it may be properly routed and dispatched on the first train, boat, or airplane that will hasten it toward its destination.

These men are the trained distributors that must learn intricate schemes of distribution involving a mass of train schedules, types of service, and connecting or junction points. Each distributor must know instantly the proper dispatch for each of from 3,000 to 10,000 post offices. He must also enter in his scheme the daily changes and familiarize himself with them. He is examined at least once yearly upon his knowledge of these schemes and upon his proficiency in them depends his chances

for promotion or retention in his salary grade. All of this study and practice must be done upon his own time.

Our modern business world demands a 24-hour postal service. There must, therefore, always be night work in the post offices. It should, however, be reduced to the absolute minimum. When that is done, those men who are still required to work unnatural hours should receive consideration in the form of a shorter working tour or increased wages or both.

Private industry recognizes the hardship of night work and almost invariably grants shorter hours or increased pay or both for such work. During the war, the War Labor Board, a Government agency, invariably granted a differential in favor of the night worker. In the Government Printing Office and in the navy yards and arsenals, night workers received a higher compensation. In the Postal Service itself, as early as 1810, an extra allowance was made to postmasters in offices where there was distribution at night.

Regarding the reduction of night work, the representatives of the Post Office Department have assured the committee that everything possible is being done to reduce it to the minimum. Mr. Leo E. George, president of the National Federation of Post Office Clerks, an organization embracing over 40,000 clerks in first and second class post offices, at the hearings on this subject before the Post Office Committee in the Sixty-ninth Congress, said in part:

It is generally recognized that night work is undesirable from every standpoint; that it deprives the worker of his normal mode of living, ostracizes him, so to speak, from his friends and family, and prohibits his taking his rightful part in the social and civic activities of his community; that it is more tiring than daywork and detrimental to the worker's health; that it is less efficient than day work.

We realize that the Postal Service is a 24-hour service, and that therefore there will always be some night work in the Postal Service. We believe, however, that the amount of night work can be materially reduced.

During 1920 the National Federation of Post Office Clerks instituted a nation-wide campaign in behalf of early mailing. Thousands of circulars were distributed among the large mailers of the country urging the sending to post offices of large mailings during the early hours of the day rather than at the close of the business day, as is the usual custom.

The Post Office Department under Postmaster General Hays took up the early-mailing campaign, with some slight temporary success. It was found, however, that such a campaign to be effective must be continued incessantly. Some postmasters have undertaken such a continuous campaign and solicit regularly the cooperation of the mailing public through the medium of circular letters or bulletins or personal calls. Business houses in general, however, continue to send their mail to the post offices at their own convenience, usually at the close of the business day.

The present First Assistant Postmaster General, Mr. Bartlett, has shown a friendly interest in this problem, and under his administration there has been some curtailment of night work. Yet, according to the testimony of the superintendent of Post Office Service, Mr. Spilman, before the Committee on Appropriations, over 60 per cent of post-office work is still performed at night.

During the consideration of the postal salary bill in the Sixty-eighth Congress, Postmaster General New recommended a differential in pay for night workers. In his report for the fiscal year 1925, he made the same recommendation.

Mr. Thomas F. Flaherty, secretary-treasurer of the National Federation of Post Office Clerks, in his report to the convention of that organization held at Kansas City, Mo., September 7–11, 1925, is quoted as follows:

The department at this time is committed to a pay differential for night workers. The views of the department are made known in the following letter from the Postmaster General, in reply to my request that the department recommend a time differential:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., April 7, 1924.

Mr. THOMAS F. FLAHERTY,
Secretary-Treasurer, National Federation of Post Office Clerks,
Washington, D. C.

MY DEAR MR. FLAHERTY: I have your letter of April 3, 1924, asking that the department recommend to Congress the inclusion in any salary reclassification bill which may be considered, a provision for a time differential in favor of employees assigned to night work. This matter has been the subject of discussion and consideration in the department for some time.

While it is recognized that some distinction should be made in favor of the employee whose hours of duty are at night, the question of which of two methods of accomplishing this is the better, considering the interests of the employee and the service, is difficult of satisfactory conclusion in the absence of any experience. It is understood that the two methods—one providing shorter hours for the same rate of pay, and the other, increased rate of pay for the usual period of service—are in use in the industrial world. There appear to be advantages in favor of both plans, but after careful consideration of the matter, I have included in the draft of a bill submitted for consideration of the committees of Congress, a proviso for extra pay for work between 6 o'clock p. m. and 6 o'clock a. m., as follows: Eight cents per hour to employees whose salaries are $2,100 and $2,200 per annum; 7 cents per hour to those whose salaries are $1,900 and $2,000; 6 cents to those whose salaries are $1,700 and $1,800; and 5 cents to employees whose salaries are $1,600 or less. These rates are approximately 10 per cent of pay per hour.

Very truly yours,

HARRY S. NEW,
Postmaster General.

The delegates should consider carefully the preference of the department for a pay differential. It must be conceded that the placing of a punitive rate on night work will reduce its volume because the department, desirous of lowering operating costs, will eliminate much unnecessary night work. But the placing of a time differential will have the same effect. For the department will prefer to employ its clerks for 60 minutes an hour rather than 45 minutes an hour whenever possible, and to do so the unnecessary night work will be eliminated.

Therefore, so far as the volume of night work is concerned, both plans will tend to reduce it to the bare necessities and thereby release many employees from night work. They are on a parity in this respect.

But the time differential has the further advantage of reducing the work requirements for those who must perform the necessary night duties—and we will always have a certain amount of night work by the very nature of the postal industry. A time differential, by reducing the number of hours of work to be performed by those who must toil at night, will to that extent conserve the health and lives of the postal workers and is therefore to be preferred to the other proposed remedy.

I have quoted these statements to enlighten the membership of the House as to the attitude of the department as well as the men involved in this legislation.

While a time differential is preferred by the employees affected, and I believe would be a better form of relief as well as less costly to the department, the House has approved H. R. 5681, providing for a wage differential, and there should be no delay in granting to these faithful, overworked employees this small rocognition for the hardships of night work.

HAVE WE KEPT THE FAITH?

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on matters of legislation generally.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker and colleagues of the House, the record of the first session of the Seventieth Congress will soon be history, and while the achievements and failures of this session are due largely to the administration leaders, yet we can not escape the fact that the record of this House as a whole is only a combination of the records of 435 individual members.

Our forefathers very wisely decreed that a journal of all the votes and proceedings of Congress should be kept and published from time to time. Later this report of the official acts of Congress was increased to publish every word uttered on the House floor and in committee of the whole by each member, so that all might know the exact truth concerning the official record of each Representative. Thus we have the CONGRESSIONAL RECORD, which official report is no small incentive for Members to keep the faith with the people who elect us as their Representatives at the National Capital. The people are entitled to know the absolute truth about the record of their Representatives here in Washington, and every voter should take advantage of every possible opportunity to learn the facts about the records of those who represent them.

This being my first term in the Congress, and knowing that a new Member is not expected to be heard too much on this floor, I have not presumed to address the House very often nor at great length. On the other hand, I have not failed to speak my sentiments on several important matters of legislation pending before the Congress. On January 6, I felt called upon to address this honorable body in demanding a thorough investigation of the sinking of the submarine *S–4*, where 41 brave men lost their lives. I also demanded safety devices and every possible precaution be made to prevent future naval tragedies.

The late Lieut. Commander Roy K. Jones of the *S–4* was reared in Kingfisher County, Okla., the son of Mr. and Mrs. John M. Jones, of Hennessey. And, Mr. Speaker, one of the saddest failures to be recorded against this session of Congress is the fact that no complete and impartial investigation of the tragedy of the *S–4* has been made.

A few weeks later I spoke again during the debate on the floor in opposition to a bill proposing to pension reserve-bank officials, some of whom receive $25,000 to $50,000 per year. At that time I declared it inconsistent to talk economy at home and support such measures in Congress.

During consideration of a general bill to amend the World War adjusted compensation act, proposing to eliminate a lot of red tape in the present law and in which was included my bill to extend the time for war veterans and their dependents to file their claims for adjusted compensation, I again took the floor briefly in favor of our disabled soldiers, their wives, widows, and dependent children.

I have supported the American Legion's legislative program, including the Tyson-Fitzgerald bill for the retirement of disabled emergency officers on a parity with Regular Army officers. I made a few remarks favoring this bill.

For several years I have advocated the passage of the universal draft law, proposing to draft money, materials, and industries, as well as man power in case of future wars. My interest in the passage of such a measure did not die after my election to Congress, but I have done everything in my power for this bill. Hundreds have written me indorsing my speech in Congress favoring the conscription of every available resource in case of armed conflict. It is my purpose to carry on this fight for the universal draft law until it is ultimately written into the law of our land. What if such a law should dry up the springs of ill-gotten gains of American millionaire munition makers? It will turn those same streams of industry from death-dealing to life-giving channels.

When the McNary-Haugen farm-relief measure was before this body for consideration, I had the honor of closing the debate for friends of the bill. I urged you gentlemen to support this farm legislation, believing it to be a great step in the right direction. I did not hold up the McNary-Haugen bill as a panacea for all existing evils and inequality of the present deplorable conditions of agriculture, but gave the measure my full support and urged its passage, hoping that it would aid materially in relieving the dire distress of our farmers. To have turned my back on the only farm bill which had the slightest chance of passage would not have been, in my opinion, keeping faith with the farmers of Oklahoma, who have reposed in me their confidence and support for the past several years.

My last remarks delivered on the floor of this House were made concerning unjust freight rates and the Fordney-McCumber high tariff, both of which have robbed the farmer and business man, especially of the South and West, of millions of dollars.

During the Seventieth Congress I have not introduced a great number of bills, but practically all those I offered have received every consideration at your hands.

Among my bills which this House has been kind enough to pass was one authorizing an appropriation of $40,000 for a much-needed dormitory at Riverside Indian School in Caddo County. This school had not been given a new building for more than 40 years. I also have bills pending to enlarge the Kiowa Indian Hospital and Fort Sill Indian School, in Comanche County, and the Concho Indian School, at Concho, Okla.

Another measure of vital importance to the taxpayers of Oklahoma is my House Joint Resolution 267, which, if passed, would compel the Government to pay the actual cost of educating restricted Indian children in the public schools of our State. At the present time there are more than 57,000 Government wards in the public schools of Oklahoma and the Federal Government is not now, nor has it ever been, paying but a small part of the actual cost of the education of these Indian children. I hereby give notice, Mr. Speaker, that I shall continue to press this resolution until the Government gives our people of Oklahoma a square deal.

No more just bill passed the Seventieth Congress than my measure, H. R. 4084, known in Congress for the past several years as the Lawton fire bill. It appropriates $75,000 to citizens of Lawton, Okla., who were made homeless through no fault of their own at a time when the Government was using all of Lawton's water supply. Representatives of the Government, who were negligent, were absolutely responsible for the loss of this property.

This House has been kind enough to pass other small measures for my district, and others are still pending in Congress. For all the kind consideration I have received at the hands of this House I am deeply grateful.

In checking the compensation claims for the disabled former service men and their wives, widows, and orphans I find I have been able to secure payments to them from the Government since March 4, 1927, to date, totaling the sum of $48,135.85, and have many other meritorious claims pending. I have succeeded in collecting many other claims for those in distress, including 14 pension claims for aged, dependent, and needy citizens. Some of those collected have been pending several years.

When I assumed my duties as Congressman from the sixth district of Oklahoma I learned that the Indian Bureau at Washington had been making plans for several months to combine the Indian agencies at Concho, Cantonment, and Colony, and it had been practically decided that the combined agency would be located in another district. Immediately I got busy, and with the cooperation of the live, progressive citizens of Canadian, Blaine, and Kingfisher Counties, who sent in hundreds of protests to the Interior Department against the proposed plan, the combined agency has been definitely located at Concho, in Canadian County, where it is going to remain.

I supported the tax reduction bill, as forced through the House by a majority of the Democrats and Progressive Republicans, to relieve the small business man of unjust burdens of Federal taxation. Included in this bill is the elimination of the Federal automobile tax, which touches not only our business men, but every automobile owner in America. After Secretary Mellon let it become known that the tax bill, as passed by the House, was unsatisfactory to the industrial East in general, and Wall Street in particular, the United States Senate revised the bill considerably and now it no doubt is more acceptable to the whims of one of the world's wealthiest men.

I have openly opposed the administration's war in Nicaragua, believing it is a war carried on at the behest of Wall Street. I maintain that the lives of the American boys lost in Nicaragua are worth infinitely more than all the money the American millionaires have invested in Nicaraguan properties. Many of my friends differ with me concerning this and other matters, but I feel that the people I am trying to represent are entitled to know my position on this and every other public question.

Mr. Speaker, I have consistently opposed the widespread agitation, backed by foreign propaganda, to relieve the foreign governments of their just debts to America. European governments have already been relieved of entirely too much of these debts.

In August, 1927, I was accorded the honor of attending, as a delegate from the United States, the twenty-fourth annual conference of the Interparliamentary Union, held in Paris, France, where I met representatives of 41 nations of the Old World. I was profoundly impressed with the thought that our debtor nations of the Old World are more interested in being relieved of their just debts to America than in maintaining the peace of the world. While I was in Rome a few weeks later a high official of the Italian Government intimated very strongly to me that unless America canceled all of the balance the Italian Government owes us, that country, as well as others, may repudiate her war debts. I stated on that occasion, and do not hesitate to repeat to-day, that if Italy, or any other country, attempts to repudiate her debt, she will ruin her credit, and it takes both money and credit to wage a war.

Only recently the President of France was reported as being very much displeased with the French war-debt settlement and we are told that Congress will soon be called upon, not only by France and Italy, but by all the foreign governments indebted to us, for a more favorable debt settlement to them. Now, we have given Italy 74 per cent of her debt, which she justly owes, and have canceled 51 per cent of that which France borrowed from us at a time when she could not borrow a dollar elsewhere. Still neither government is satisfied and the American is held up and ridiculed in Europe as being a gouger and a Shylock. For my part, Mr. Speaker, I will insist, so long as I am a Member of Congress, that the crowned heads of Europe be given to understand that they will be expected to pay every dollar they owe the American people.

Again, Mr. Speaker, I have vigorously opposed the staggering demands of the Navy Department for the largest peacetime building program in the history of the world. In my first utterance on the floor of the House, in connection with the terrible *S–4* disaster, I said in part:

I have no quarrel with the Navy, nor am I a so-called pacifist. I want not only a reasonably strong Navy, but an efficient one. And it is an open secret that we have neither. Yet Congress has been extremely liberal in the way of appropriations for support of the Navy. The other day we appropriated more than $13,000,000, without a roll call, to raise a few guns and repair a couple of old, slow, delapidated warships which would be practically useless in case of war, because the Navy Department insisted on spending the money. No

doubt these old, out-of-date, cumbersome ships will be taken out and sunk within a few years.

As a Member of Congress I have supported those measures which I have felt were for the best interest of all the people, regardless of the politics or creed of those who happened to be sponsoring the respective bills. In addition to the important measures already mentioned, I supported both the flood-control measure and the Muscle Shoals bill, believing them to be meritorious measures. Among the other important bills I have advocated and which appears doomed to defeat is a resolution introduced by Senator CARAWAY, of Arkansas, known as the antilobbying bill.

I am thoroughly convinced, Mr. Speaker, that the greatest menace to democratic government to-day is the professional lobbyist. So long as I am in public life I shall continue to oppose these carbuncles on society, these grafters who swarm about the Capitol, many of whom have the privilege of this floor, and employ every conceivable method of influencing their pet legislation for the special interests.

As we come to the close of the first session of the Seventieth Congress I find I have not succeeded in all the matters I had hoped to accomplish. It seems that I have only skimmed the surface, but have the satisfaction of knowing I have stayed on the job every day and have done my very best to honestly represent all the people of the sixth congressional district. More and more have I been brought to realize that a new man in Congress is greatly handicapped. And yet, I have found my many years of legislative experience in the State Senate of Oklahoma of incalculable value to me as a Member of the United States Congress, the greatest legislative body in the world.

In addition to this résumé of my record during my first term in Congress, permit me to say in conclusion that I have been impressed with the thought that in order to be a reasonably efficient Congressman it is essential for one to be a willing "errand boy." I am enjoying my work of doing errands for the good people of the sixth district and the many fine letters of appreciation from my friends at home, especially from those to whom I have been able to bring sunshine to their homes, are full compensation and reward. I would rather have it truly said of me that I had been instrumental in bringing sunshine and happiness into several homes where gloom and despair abounded, than to be known as the ablest Member of Congress or have all the wealth of the world, and yet know in my heart I had not kept the faith toward my fellow man.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 16, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, May 16, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote the stability of commerce, industry, agriculture, and employment; to assist in realizing a more stable purchasing power of the dollar (H. R. 11806).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize the Secretary of the Navy to proceed with the construction of certain public works (H. R. 13319).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To provide for the use of net weights in interstate and foreign commerce transactions in cotton, to provide for the standardization of bale covering for cotton (H. R. 10303).

COMMITTEE ON INSULAR AFFAIRS

(10.30 a. m.)

To provide for the popular election of the Governor of Porto Rico (H. R. 12173).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

To designate a building site for the National Conservatory of Music of America (H. R. 12290).

Authorizing conveyance to the city of Hartford, Conn., of title in site and building of the present Federal building in that city (S. 4035).

To provide a building for the Supreme Court of the United States (H. R. 13665).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

To provide steel cars in the Railway Mail Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 207. A resolution providing for the consideration of H. R. 11725, a bill for the apportionment of Representatives in Congress; without amendment (Rept. No. 1665). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 208. A resolution providing for the consideration of H. R. 5773, a bill to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes; without amendment (Rept. No. 1666). Referred to the House Calendar.

Mr. REED of New York: Committee on Education. S. 1731. An act to provide for the further development of vocational education in the several States and Territories; without amendment (Rept. No. 1667). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRITTEN: Committee on Naval Affairs. S. 2802. An act to provide for the appointment of midshipmen at large by the Vice President of the United States; without amendment (Rept. No. 1668). Referred to the Committee of the Whole House on the state of the Union.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 11481. A bill to make certain portions of Bayou Bartholomew in Arkansas nonnavigable; with amendment (Rept. No. 1669). Referred to the House Calendar.

Mr. CORNING: Committee on Interstate and Foreign Commerce. H. R. 12895. A bill granting the consent of Congress to the New York Development Association (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River near Alexandria Bay, N. Y.; with amendment (Rept. No. 1670). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 13177. A bill granting the consent of Congress to the boards of county commissioners of the counties of Escambia and Santa Rosa, in the State of Florida, their successors and assigns, to construct, maintain, and operate, or to cause to be constructed, maintained, and operated, under franchise granted by them, a free bridge across the Santa Rosa Sound in the State of Florida; with amendment (Rept. No. 1671). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 13267. A bill authorizing the South Carolina and the Georgia State Highway Departments to construct, maintain, and operate a toll bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Ga.; with amendment (Rept. No. 1672). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 13292. A bill to extend the time for completing the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.; with amendment (Rept. No. 1673). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 13318. A bill authorizing the Val Verde County Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Langtry, Tex.; with amendment (Rept. No. 1674). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 13399. A bill authorizing the Baltimore Gas Engineering Corporation, a Maryland corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Dunbar, W. Va.; with amendment (Rept. No. 1675). Referred to the House Calendar.

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 13482. A bill authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Kansas City, Kans.; with amendment (Rept. No. 1676). Referred to the House Calendar.

Mr. ROBINSON of Iowa: Commitee on Interstate and Foreign Commerce. H. R. 13501. A bill authorizing Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representatives, and assigns, to construct and operate a

bridge across the Des Moines River at or near Croton, Iowa; with amendment (Rept. No. 1677). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 13502. A bill authorizing the State of Minnesota to construct, maintain, and operate a free highway bridge across the St. Croix River at or near Stillwater, Minn.; without amendment (Rept. No. 1678). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 13503. A bill granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Hastings, Minn.; with amendment (Rept. No. 1679). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 13540. A bill granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at a point between the mouth of Saline River and the Louisiana and Arkansas line; without amendment (Rept. No. 1680). Referred to the House Calendar.

Mr. CROSSER: Committee on Interstate and Foreign Commerce. H. R. 13591. A bill authorizing the Ripley Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ripley, Ohio; without amendment (Rept. No. 1681). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 13592. A bill authorizing H. A. Rinder, his successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.; with amendment (Rept. No. 1682). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 13593. A bill granting the consent of Congress to the city of Dundee, State of Illinois, to construct, maintain, and operate a foot bridge across the Fox River within the city of Dundee, State of Illinois; with amendment (Rept. No. 1683). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 13651. A bill granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Choctawhatchee River in Dale County on the highway now under construction from Dothan to Enterprise; with amendment (Rept. No. 1684). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 13652. A bill authorizing Elmer J. Cook, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md., and a point opposite in Baltimore County, Md.; with amendment (Rept. No. 1685). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 13687. A bill authorizing H. M. Wheeler, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Black River at or near Jonesville, La.; with amendment (Rept. No. 1686). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 13689. A bill granting the consent of Congress to the State of Arkansas through its State highway department, to construct, maintain, and operate a toll bridge across White River at or near Augusta, Ark.; with amendment (Rept. No. 1687). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 13705. A bill authorizing H. M. Wheeler, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ouachita River at or near Harrisonburg, La.; with amendment (Rept. No. 1688). Referred to the House Calendar.

Mr. CORNING: Committee on Interstate and Foreign Commerce. H. R. 13707. A bill authorizing Elisha N. Goodsell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y., and a point at or near Alburg, Vt.; with amendment (Rept. No. 1689). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. S. 4203. An act authorizing J. H. Haley, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near a point where Olive Street Road, St. Louis County, Mo., if extended west would intersect the Missouri River; without amendment (Rept. No. 1690). Referred to the House Calendar.

Mr. ENGLEBRIGHT: Committee on the Public Lands. H. R. 11719. A bill to revise the boundaries of the Lassen Volcanic National Park, in the State of California, and for other purposes; with amendment (Rept. No. 1691). Referred to the Committee of the Whole House on the state of the Union.

Mr. ENGLEBRIGHT: Committee on the Public Lands. H. R. 12347. A bill granting all right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot to the city of Monterey, Calif.; without amendment (Rept. No. 1692). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLEOD: Committee on the District of Columbia. H. R. 13461. A bill to provide for the acquisition of land in the District of Columbia for the use of the United States; with amendment (Rept. No. 1693). Referred to the Committee of the Whole House on the state of the Union.

Mr. MERRITT: Committee on Interstate and Foreign Commerce. H. R. 13644. A bill authorizing the Secretary of Commerce to sell at private sale a portion of the Pointe Aux Herbes Lighthouse Reservation, La.; without amendment (Rept. No. 1694). Referred to the Committee of the Whole House on the state of the Union.

Mr. ENGLEBRIGHT: Committee on the Public Lands. S. 4135. An act to conserve the water resources and to encourage reforestation of the watersheds of Los Angeles County by the withdrawal of certain public lands included within the Angeles National Forest from location and entry under the mining laws; without amendment (Rept. No. 1695). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Alabama: Committee on Military Affairs. S. 4235. An act to amend section 12 of the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926; with amendment (Rept. No. 1696). Referred to the Committee of the Whole House on the state of the Union.

Mr. MERRITT: Committee on Interstate and Foreign Commerce. S. 4302. An act to authorize the Secretary of Commerce to convey the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., as a memorial to commemorate the Battle of Fort Fisher; without amendment (Rept. No. 1697). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RANSLEY: Committee on Military Affairs. H. R. 11422. A bill for the relief of Samuel J. D. Marshall; without amendment (Rept. No. 1663). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 11772. A bill for the relief of Charles Smith; without amendment (Rept. No. 1664). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on the Public Lands. H. R. 4589. A bill to authorize the granting of certain privileges in the Lewis and Clark National Monument, and for other purposes; with amendment (Rept. No. 1698). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 10457. A bill for the relief of Norman Dombris; without amendment (Rept. No. 1699). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 13777) authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near Burr's Ferry; to the Committee on Interstate and Foreign Commerce.

By Mr. HUDSPETH: A bill (H. R. 13778) authorizing Alex Gonzales, his legal representatives and assigns, to construct, maintain, and operate a bridge across the Rio Grande near the town of Ysleta, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mrs. KAHN: A bill (H. R. 13779) authorizing Carquinez Toll Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Carquinez Straits at or near Port Costa, Calif., to a suitable point at or near Benicia, Calif.; to the Committee on Interstate and Foreign Commerce.

By Mr. SWANK: A bill (H. R. 13780) providing for the construction of a bathhouse in Platt National Park at Sulphur, Okla., and authorizing an appropriation therefor; to the Committee on the Public Lands.

By Mr. LAGUARDIA: A bill (H. R. 13781) to amend section 380 of title 28 of the United States Code (Judicial Code, sec. 266, amended); to the Committee on the Judiciary.

Also, a bill (H. R. 13782) to provide compensation for disability or death resulting from injury to employees in certain employments in interstate or foreign air commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. MORIN: A bill (H. R. 13783) to provide for the policing of military roads leading out of the District of Columbia; to the Committee on Military Affairs.

Also, a bill (H. R. 13784) allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President; to the Committee on Military Affairs.

By Mr. SABATH: A bill (H. R. 13785) relating to returning aliens from temporary visit abroad; to the Committee on Immigration and Naturalization.

By Mr. GASQUE: A bill (H. R. 13786) to amend the World War adjusted compensation act, as amended; to the Committee on Ways and Means.

By Mr. LAGUARDIA: A bill (H. R. 13787) relating to the courts of the Canal Zone; to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNOR of New York: A bill (H. R. 13788) to amend section 266, amended, of the Judicial Code (U. S. C. 380); to the Committee on the Judiciary.

By Mr. UPDIKE: A bill (H. R. 13789) to prevent professional prize fighting and to authorize amateur boxing in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. WELCH of California: A bill (H. R. 13790) to promote labor and industry in the United States by expanding in the foreign fields the service now rendered by the United States Department of Labor in acquiring and diffusing useful information regarding labor and industry, and for other purposes; to the Committee on Labor.

By Mrs. LANGLEY: A bill (H. R. 13791) relating to the naturalization of certain aliens; to the Committee on Immigration and Naturalization.

By Mr. BROWNE: A bill (H. R. 13792) appropriating money for a hospital for the Menominee Indians out of their funds in place of hospital burned; to the Committee on Appropriations.

By Mr. SCHNEIDER: A bill (H. R. 13793) relating to records of arrival of certain immigrants, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. HICKEY: Joint resolution (H. J. Res. 304) providing for the observance and commemoration of the 150th anniversary of the death of Brig. Gen. Casimir Pulaski, and establishing a commission to be known as the United States Pulaski Sesquicentennial Commission; to the Committee on the Library.

By Mr. MARTIN of Louisiana: Joint resolution (H. J. Res. 305) to make a correction in H. R. 9568, Seventieth Congress, first session; to the Committee on the Public Lands.

By Mr. HAWLEY: Resolution (H. Res. 209) for the consideration of H. J. Res. 247, a joint resolution to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the futherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. BACON: Memorial of the Legislature of the State of New York, memorializing Congress to provide a suitable institution in New York in which to confine those charged with or convicted of crimes against the Government of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANNON: A bill (H. R. 13794) for the relief of Olivia Mary Miller; to the Committee on Ways and Means.

By Mr. CELLER: A bill (H. R. 13795) for recognition of meritorious service performed by Lieut. Commander Edward Ellsburg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes; to the Committee on Naval Affairs.

By Mr. COCHRAN of Missouri: A bill (H. R. 13796) for the relief of Arthur H. Lorenzen; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 13797) granting an increase of pension to Mary E. Paup; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 13798) granting a pension to Lewis Richards; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 13799) for the relief of Arthur W. Bradshaw; to the Committee on Claims.

By Mr. DENISON: A bill (H. R. 13800) granting a pension to Charles Marion Williams; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 13801) for the relief of John Bowie; to the Committee on Claims.

By Mr. HARE: A bill (H. R. 13802) granting a pension to John W. Cole; to the Committee on Pensions.

By Mr. LONGWORTH: A bill (H. R. 13803) granting retirement annuity to Frederick R. Sparks; to the Committee on the Civil Service.

By Mr. McFADDEN: A bill (H. R. 13804) granting an increase of pension to Adelia Chilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13805) granting an increase of pension to Sarah Shoemaker; to the Committee on Invalid Pensions.

By Mr. LEA: A bill (H. R. 13806) granting an increase of pension to Mary E. H. Smith; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 13807) granting an increase of pension to Mary A. Blakeley; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 13808) granting an increase of pension to Eliza A. Sharrah; to the Committee on Invalid Pensions.

By Mr. REED of Arkansas: A bill (H. R. 13809) for the relief of Naomi B. Hale; to the Committee on World War Veterans' Legislation.

By Mr. ROBSION of Kentucky: A bill (H. R. 13810) for the relief of Rebecca Green; to the Committee on Claims.

By Mr. SHREVE: A bill (H. R. 13811) granting an increase of pension to Christian P. Fiehler; to the Committee on Pensions.

By Mr. SOMERS of New York: A bill (H. R. 13812) for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy; to the Committee on Naval Affairs.

By Mr. STALKER: A bill (H. R. 13813) granting an increase of pension to Harriet A. Harker; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 13814) granting a pension to Elizabeth Palmer; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 13815) for the relief of Coats-Fordney Logging Co.; to the Committee on Ways and Means.

Also, a bill (H. R. 13816) for the relief of Osmond H. Tower; to the Committee on Military Affairs.

Also, a bill (H. R. 13817) granting a pension to Amelia Nye; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13818) granting a pension to Jemima Robinson; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 13819) for the relief of Lewis M. Haupt; to the Committee on Claims.

By Mr. WOOD: A bill (H. R. 13820) authorizing the appointment of Virgil E. Whitaker as a first lieutenant in the Volunteer Marine Corps Reserve; to the Committee on Naval Affairs.

By Mr. WYANT: A bill (H. R. 13821) for the relief of M. R. Welty; to the Committee on Claims.

Also, a bill (H. R. 13822) for the relief of Alfio Castorina; to the Committee on Claims.

Also, a bill (H. R. 13823) for the relief of R. C. Thompson; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7612. By Mr. BACON: Petition of Board of Estimates and Apportionment of the City of New York, suggesting amendment to section 380 of the Federal Judicial Code; to the Committee on the Judiciary.

7613. Also, petition of Flatbush Chamber of Commerce, protesting against House bill 8127 to transfer the Corps of Engineers of the United States Army to the Department of the Interior; to the Committee on Expenditures in the Executive Departments.

7614. Also, petition of Nassau-Suffolk Civil Engineers (Inc.), protesting against House bill 7480, a bill to authorize the transfer of the geodetic work of the Coast and Geodetic Survey to the Department of the Interior, and for other purposes; to the Committee on Interstate and Foreign Commerce.

7615. Also, petition of executive committee of the New York State Bar Association, protesting against enactment of Senate bill 3151, amending section 24 of the Judicial Code of the United States; to the Committee on the Judiciary.

7616. By Mr. CARTER: Petition of Local Union No. 710, Carpenters and Joiners of America, urging the passage of the Box bill limiting Mexican immigration; to the Committee on Immigration and Naturalization.

7617. By Mr. CRAIL: Petition of approximately 200 citizens of Los Angeles County, Calif., favoring national flood control; to the Committee on Flood Control.

7618. By Mr. CULLEN: Resolution of Flatbush Chamber of Commerce, in re House bill 8127; also resolution of Board of Estimate and Apportionment, New York City, in re contract with the Interborough Rapid Transit Co. and legislation that will insure the inviolability of contracts; to the Committee on Interstate and Foreign Commerce.

7619. By Mr. DENISON: Petition of various citizens of Murphysboro, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

7620. By Mr. W. T. FITZGERALD: Petition of Hon. W. T. FITZGERALD, RICHARD N. ELLIOTT, E. M. BEERS, C. G. SELVIG, FRED W. MAGRADY, DANIEL A. REED, FRANK L. BOWMAN, VICTOR L. BERGER, EDGAR R. KIESS, JOHN M. NELSON, ELBERT S. BRIGHAM, KATHERINE LANGLEY, MELL G. UNDERWOOD, WILLIAM L. CARSS, JOHN N. NORTON, J. F. FULBRIGHT, JAMES M. FITZPATRICK, RALPH F. LOZIER, and ARTHUR H. GREENWOOD, members of the Committee on Invalid Pensions, requesting the Hon. CLARENCE MACGREGOR and members of the Committee on Accounts of the House of Representatives to give early and favorable consideration to House Resolution 186, entitled "A resolution for the payment of additional compensation to the clerk and Norman E. Ives, expert examiner, of the Committee on Invalid Pensions," and report the same back to the House without amendment; to the Committee on Accounts.

7621. By Mr. FITZPATRICK: Petition of the Board of Estimate and Apportionment of the City of New York, to enact such amendment or amendments to the law as will prevent the continuance of the practice resorted to by the Interborough Rapid Transit Co., and, in particular, that section 380 of the Federal Judicial Code be limited so as not to apply to a case where both parties are residents of the same State unless and until it is shown to the Federal courts that the parties to the action could not obtain justice by recourse to the State courts; to the Committee on the Judiciary.

7622. By Mr. HAWLEY: Petition of residents of Roseburg, Oreg., asking for increases of pension to veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

7623. By Mr. KINDRED: Resolution of the Flatbush Chamber of Commerce, Brooklyn, N. Y., recording their disapproval of bill (H. R. 8127) providing for the transfer to the Department of the Interior of the several boards, bureaus, commissions, and work named therein, among which are river and harbor improvement, including the Board of Engineers on Rivers and Harbors and the duties of the Chief of Engineers appertaining thereto, etc., and respectfully urging the United States Congress to defeat the same; to the Committee on Rivers and Harbors.

7624. Also, petition of the Bayway Terminal, urging the Congress of the United States not to pass during the present session the Vinson bill (H. R. 13646) providing for southern delivery of cotton on contracts for the future delivery of cotton made on New York Cotton Exchange; that the bill is highly damaging to their interests, and should not be railroaded through the present session of Congress; to the Committee on Agriculture.

7625. By Mr. KVALE: Petition of members of the Farmers' Educational and Cooperative Union of America, Kandiyohi County Local No. 99, Renville, Minn., urging passage of Senate Joint Resolution 1; to the Committee on the Judiciary.

7626. Also, petition of Mrs. A. Dalquist, legislative chairman, and 74 members of Auxiliary to Johnson-Roll-Dougherty Post, American Legion, Glenwood, Minn., unanimously urging enactment of the Tyson-Fitzgerald bill and the Johnson universal draft bill; to the Committee on Military Affairs.

7627. Also, petition of members of Farmers' Educational and Cooperative Union of America, Kandiyohi County Local No. 99, Renville, Minn., opposing the Ransdell bill (S. 871); to the Committee on Interstate and Foreign Commerce.

7628. Also, petition of Mrs. C. P. Ruliffson, Russell, Minn., urging passage of House bill 9588; to the Committee on the Judiciary.

7629. By Mr. LEA: Petition of 36 residents of Marin County, Calif., urging passage of Civil War pension legislation; to the Committee on Invalid Pensions.

7630. By Mr. O'CONNELL: Petition of E. W. Larkin, customs inspector; Peter M. Damm; Josephine Damm; Wesley G. Potts; and Daniel J. McCarthy, all favoring the passage of the Bacharach bill (H. R. 13143) to increase the salaries of customs employees; to the Committee on Ways and Means.

7631. Also, petition of the Bayway Terminal, New York City, opposing the passage of the Vinson bill (H. R. 12646), entitled "Cotton futures trading act"; to the Committee on Agriculture.

7632. Also, petition of the Apothecaries Hall Co., Waterbury, Conn., opposing the passage of the Muscle Shoals bill; to the Committee on Military Affairs.

7633. Also, petition of the Board of Estimate and Apportionment, City of New York, favoring an amendment to section 380 fo the Federal Judicial Code be limited so as not to apply to a case where both parties are residents of the same State unless and until it is shown to the Federal court that the parties to the action could not obtain justice by recourse to the State courts; to the Committee on the Judiciary.

7634. Also, petition of the Flatbush Chamber of Commerce, Brooklyn, N. Y., opposing the passage of House bill 8127, for the transfer to the Department of the Interior of several boards, bureaus, etc.; to the Committee on Expenditures in the Executive Departments.

7635. Also, petition of American Foundation for the Blind, Brooklyn, N. Y., favoring the passage of the Hawes-Cooper bill; to the Committee on Labor.

7636. Also, petition of Sweet-Orr & Co., New York City, favoring the passage of the Hawes-Cooper bill (H. R. 7729); to the Committee on Labor.

7637. Also, petition of the Metropolitan Broom Manufacturers' Association, Brooklyn, N. Y., favoring the passage of the Hawes-Cooper convict labor regulation bill; to the Committee on Labor.

7638. Also, petition of Binney & Smith Co., New York City, opposing the passage of the Shipstead-LaGuardia bill (H. R. 7759); to the Committee on the Judiciary.

7639. By Mr. O'CONNOR of New York: Resolution of the Board of Estimate and Apportionment of the City of New York, on behalf of 6,000,000 people residing within the boundaries of the said city, requesting Congress to enact amendment or amendments to the law, and in particular that section 380 of the Federal Judicial Code be limited so as not to apply to a case where both parties are residents of the same State unless and until it is shown to the Federal court that the parties to the action could not obtain justice by recourse to the State courts; to the Committee on the Judiciary.

7640. By Mr. PRALL: Resolution adopted by the Board of Estimate and Apportionment of the City of New York, at its meeting held at City Hall, Thursday, May 10, 1928, re the Interborough Rapid Transit Co.; to the Committee on Interstate and Foreign Commerce.

7641. By Mr. QUAYLE: Petition of George Gordon Battle, of New York, opposing the Vinson bill (H. R. 13646), the cotton futures trading act; to the Committee on Agriculture.

7642. Also, petition of Peabody, Smith & Co. (Inc.), of New York, favoring the restoration in the pending revenue bill of the provisions of the 1926 act relating to the filing of consolidated returns by affiliated corporations; to the Committee on Ways and Means.

7643. Also, petition of Associated Millinery Men (Inc.), of New York City, favoring the passage of Senate bill 668, for the repeal of the war-time Pullman surcharge; to the Committee on Ways and Means.

7644. Also, petition of Benton Rothbard Co. (Inc.), of New York City, favoring the passage of Senate bill 668, for the repeal of the war-time Pullman surcharge; to the Committee on Ways and Means.

7645. Also, petition of Grand Lodge, Knights of Pythias, of New York, favoring the passage of Senate bill 668, for repeal of the war-time Pullman surcharge; to the Committee on Ways and Means.

7646. Also, petition of George S. Silzer, chairman of the Port of Authority of New York, opposing the passage of the Vinson bill (H. R. 13646); to the Committee on Agriculture.

7647. Also, petition of the Gen. Harrison Gray Otis Post, No. 1537, Veterans of Foreign Wars, Pasadena, Calif., favoring the passage of House bill 6523; to the Committee on Military Affairs.

7648. Also, petition of Lawyers Trust Co., of New York City, opposing Muscle Shoals bill; to the Committee on Military Affairs.

7649. Also, petition of New York State Bar Association, opposing the passage of Senate bill 3151, amending section 24 of

the Judicial Code of the United States with respect to the jurisdiction of the United States courts; to the Committee on the Judiciary.

7650. Also, petition of Flatbush Chamber of Commerce (Inc.), of Brooklyn, N. Y., opposing the passage of House bill 8127; to the Committee on Rivers and Harbors.

7651. By Mr. SABATH: Resolution adopted by the Cook County Council at the regular meeting April 4, 1928, urging the Navy Department to name cruiser *No. 26* U. S. S. *Chicago*, in honor of the city of Chicago; to the Committee on Naval Affairs.

7652. By Mr. STALKER: Petition of Clayton E. Whipple and other citizens of Dryden, N. Y., urging the enactment of House bill 12241 for the further development of vocational education; to the Committee on Education.

7653. By Mr. WINTER: Resolution re House bill 9956, from Advertising Club of Casper, D. W. Greenburg, president, Casper, Wyo., and A. Fisher, president Wyoming Certified Potato Growers Association, Torrington, Wyo.; to the Committee on Irrigation and Reclamation.

SENATE

WEDNESDAY, *May 16, 1928*

(Legislative day of Thursday, May 3, 1928)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Sheppard
Barkley	George	Locher	Shipstead
Bayard	Gerry	McKellar	Shortridge
Black	Gillett	McLean	Simmons
Blaine	Glass	McNary	Smoot
Borah	Goff	Mayfield	Steck
Bratton	Gould	Metcalf	Steiwer
Brookhart	Greene	Moses	Stephens
Broussard	Hale	Neely	Swanson
Bruce	Harris	Norbeck	Thomas
Capper	Harrison	Norris	Tydings
Caraway	Hawes	Nye	Tyson
Copeland	Hayden	Oddie	Vandenberg
Couzens	Heflin	Overman	Wagner
Curtis	Howell	Phipps	Walsh, Mass.
Cutting	Johnson	Pine	Walsh, Mont.
Deneen	Jones	Pittman	Warren
Dill	Kendrick	Reed, Pa.	Waterman
Edge	Keyes	Sackett	Watson
Fess	King	Schall	Wheeler

Mr. JONES. I was requested to announce that the Senator from South Dakota [Mr. MCMASTER] is detained in committee.

Mr. GERRY. I desire to announce that the Senator from Louisiana [Mr. RANSDELL] is necessarily detained in the Committee on Agriculture and Forestry.

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

ORDER FOR SESSION THURSDAY EVENING

Mr. CURTIS. Mr. President, I submit the following unanimous-consent request.

The VICE PRESIDENT. The request will be read.

The Chief Clerk read as follows:

Ordered (by unanimous consent), That on Thursday, May 17, 1928, at not later than 6 o'clock p. m., the Senate shall take a recess until 8 o'clock p. m. and that at the evening session, which shall not continue later than 10.30 o'clock p. m., the Senate proceed to the consideration of bills on the calendar under Rule VIII.

Mr. CURTIS. As I drew the order it read 11 o'clock p. m. However, some Senators suggested that the hour be changed to 10.30, and I was perfectly willing to make the change.

The VICE PRESIDENT. Without objection, the order is agreed to.

RAILWAY RATES ON GRAIN

The VICE PRESIDENT laid before the Senate a communication from the acting chairman of the Interstate Commerce Commission, transmitting, in response to Senate Resolution 208, agreed to April 30, 1928, a report concerning the relative rates on grain in the United States and in Canada, which was ordered to lie on the table and to be printed.

PETITIONS AND MEMORIALS

Mr. WARREN presented resolutions adopted by the Wyoming Certified Potato Growers Association, of Torrington, Wyo., favoring the passage of legislation providing for aided and directed settlement on Federal reclamation projects, which were referred to the Committee on Irrigation and Reclamation.

Mr. SHORTRIDGE presented petitions of sundry citizens of the State of California praying for the passage of the bill (S. 4054) to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of the State of California praying for the passage of the bill (S. 3405) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain widows, minor children, helpless children, and dependent parents of such soldiers and sailors, and for other purposes, which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of the State of California praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. NORBECK, from the Committee on Pensions, reported additional amendments intended to be proposed to the bill (H. R. 13511) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, heretofore reported by him from that committee with amendments.

Mr. BORAH. I ask permission to submit a report as in executive session for the Executive Calendar.

The PRESIDING OFFICER (Mr. COUZENS in the chair). The report will be placed on the Executive Calendar.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. GREENE, from the Committee on Enrolled bills, reported that this day that committee presented to the President of the United States the following enrolled bills and joint resolutions:

S. 766. An act to fix the compensation of registers of local land offices, and for other purposes;

S. 1662. An act to change the boundaries of the Tule River Indian Reservation, Calif.;

S. 2084. An act for the purchase of land in the vicinity of Winnemucca, Nev., for an Indian colony, and for other purposes;

S. 2340. An act to transfer to the city of Duluth, Minn., the old Federal building, together with the site thereof;

S. 3026. An act authorizing the construction of a fence along the east boundary of the Papago Indian Reservation, Ariz.;

S. 3365. An act to authorize allotments to unallotted Indians on the Shoshone or Wind River Reservation, Wyo.;

S. 3456. An act allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President;

S. 3556. An act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes;

S. 3565. An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes;

S. 3699. An act for the relief of the land-grant railroad operated between the station formerly known as East Portland, in the State of Oregon, and Roseville, in the State of California;

S. 4034. An act authorizing the Calhoun Bridge Co., an Illinois corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Illinois River at or near Grafton, Ill.;

S. 4045. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Newport-Asheville (N. C.) road near the town of Del Rio, in Cocke County, Tenn.;

S. 4059. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River;

S. 4060. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky.;

S. 4061. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.;

S. 4062. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near Egners Ferry, Ky.;

S. 4253. An act authorizing H. L. McKee, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Sabine at or near Port Arthur, Tex.;

S. 4254. An act authorizing the State of Texas and the State of Louisiana to construct, maintain, and operate a free highway bridge across the Sabine River at or near Pendleton's Ferry;

S. 4288. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the South Fork of the Cumberland River at Burnside, Pulaski County, Ky.;

S. 4289. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Neelys Ferry in Cumberland County, Ky.;

S. 4290. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.;

S. 4291. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.;

S. 4292. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.;

S. 4293. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.;

S. 4294. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the North Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.;

S. 4295. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near the mouth of Indian Creek, in Russell County, Ky.;

S. J. Res. 119. Joint resolution granting an easement to the city of Duluth, Minn.;

S. J. Res. 125. Joint resolution authorizing the President of the United States to accept a monumental urn to be presented by the Republic of Cuba, and providing for its erection on an appropriate site on the public grounds in the city of Washington, D. C.; and

S. J. Res. 129. Joint resolution to provide for eradication of pink bollworm and authorizing an appropriation therefor.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WARREN:

A bill (S. 4473) granting an increase of pension to Henrietta B. Doak (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 4474) authorizing the South Carolina and the Georgia State Highway Departments to construct, maintain, and operate a toll bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Ga.; to the Committee on Commerce.

By Mr. DENEEN:

A bill (S. 4475) granting an increase of pension to Rella M. Lasater; to the Committee on Pensions.

A bill (S. 4476) for the relief of David A. Wright; to the Committee on Claims.

By Mr. NYE (for Mr. FRAZIER):

A bill (S. 4477) to amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes," approved May 15, 1928; to the Committee on Commerce.

By Mr. COPELAND:

A bill (S. 4478) to promote the public health of all who are engaged in the service or defense of the United States in the Army and Navy and all employees of the Government, and to encourage the dairy industry in the interest of the general welfare; to the Committee on Agriculture and Forestry.

By Mr. REED of Pennsylvania:

A joint resolution (S. J. Res. 155) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Jose J. Jimenez, a citizen of Venezuela; to the Committee on Military Affairs.

AMENDMENT TO SECOND DEFICIENCY APPROPRIATION BILL

Mr. WATERMAN submitted an amendment proposing to pay $600 to J. Mark Trice for services rendered to Senate committees, intended to be proposed by him to the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

SARATOGA RECLAMATION PROJECT

Mr. PHIPPS submitted an amendment, intended to be proposed by him to the bill (S. 4305) to provide for the storage for diversion of the waters of the North Platte River and construction of the Saratoga reclamation project, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate Nos. 45 and 50 to the said bill and concurred therein; and that the House had receded from its disagreement to the amendments of the Senate Nos. 46 and 52 and concurred therein, each with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9411) for the relief of Maurice P. Dunlap.

The message further announced that the House had passed a bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, in which it requested the concurrence of the Senate.

PRISON-MADE GOODS

Mr. EDGE. I observe that the Senator from Missouri [Mr. HAWES] is not in the Chamber. He announced to me that when House bill 7729 to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases was received from the House he would ask unanimous consent that the House bill be substituted on the calendar for Order of Business 355, Senate bill 1940, the bill introduced and reported by the Senator from Missouri [Mr. HAWES]. The two bills are precisely the same, and, if there is no objection, I simply ask that the House bill take the place on the calendar of the Senate bill, without any action beyond that. I make this request for the Senator from Missouri.

Mr. KING. I should like to ask the Senator from New Jersey if he can speak for all the Senate as to whether there will be objection to substituting the bill which has just been received from the House for the Senate bill reported from the Committee on Interstate Commerce?

Mr. EDGE. The House bill is not given any advanced status, but simply takes the place of the Senate bill on the calendar, and it can be objected to at any time when it is reached on a call of the calendar. I make this request for the Senator from Missouri [Mr. HAWES].

The bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases was read twice by its title.

The PRESIDING OFFICER (Mr. MCLEAN in the chair). The Senator from New Jersey asks that the House bill take the place of the Senate bill on the calendar. Without objection, it is so ordered.

POSTAL RATES (S. DOC. NO. 105)

Mr. MOSES. I submit a conference report on the postal rates bill, which I ask may lie on the table, be printed, and printed in the RECORD.

The report was ordered to lie on the table and to be printed, and it is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12030) to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates,

and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 24, and 25.

That the House recede from its disagreement to the amendments of the Senate numbered 21, 22, 23; and number 8 with amendments so as to make the amendment read as follows:

"That section 202, Title II, act of February 28, 1925, is amended by the addition of a paragraph 4, to read as follows:

"(4) *Provided*, That in the case of duplications entered as second-class matter when the number of individual addressed copies or packages to the pound is more than 32 and not in excess of 48, the rates of postage thereon shall be double the rates prescribed in paragraphs (1), (2), and (3-a) of the act of February 28, 1925; when the number of individual-addressed copies or packages to the pound is more than 48 and not exceeding 64, the rates of postage shall be three times the regular rates, and for each additional 16 individually addressed copies or packages or fractional part of such number of copies or packages there may be to the pound the rates of postage shall be correspondingly increased over the regular rates."

And the Senate agree to the same.

The committee of conference have not agreed on amendments 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

GEO. H. MOSES,
L. C. PHIPPS,
Managers on the part of the Senate.
W. W. GRIEST,
C. W. RAMSEYER,
THOS. M. BELL,
Managers on the part of the House.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On May 15, 1928:

S. 3740. An act for the control of floods on the Mississippi River and its tributaries, and for other purposes.

On May 16, 1928:

S. 757. An act to extend the benefits of certain acts of Congress to the Territory of Hawaii;

S. 2978. An act authorizing the Secretary of War to donate certain buildings to the city of Tucson, Ariz.;

S. 3456. An act allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President; and

S. J. Res. 135. Joint resolution making an emergency appropriation for flood protection on White River, Ark.

REPORT OF THE DIRECTOR GENERAL OF RAILROADS

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Interstate Commerce:

To the Congress of the United States:

I transmit herewith for the information of the Congress the report of the Director General of Railroads covering the period from January 1, 1927, to January 1, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 16, 1928.*

INTERNATIONAL JURIDICAL CONGRESS ON WIRELESS TELEGRAPHY (S. DOC. NO. 106)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State requesting that the Congress be asked to enact legislation authorizing an appropriation in the sum of $12,350, to pay for the expenditures involved in the participation by the United States in the International Juridical Congress on Wireless Telegraphy, to be held at Rome, beginning October 1, 1928.

I recommend that the Congress enact legislation authorizing an appropriation for the sum mentioned, in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 16, 1928.*

INDORSEMENT OF SENATOR M'KELLAR BY SHELBY COUNTY, TENN., DEMOCRATS

Mr. OVERMAN. Mr. President, a few days ago the Democrats of Shelby County, Tennessee, met in convention and indorsed Senator MCKELLAR for renomination and reelection to the Senate.

The resolution indorsing him has been published, and I ask unanimous consent that it may be inserted in the RECORD.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Without objection, it will be so ordered.

The matter referred to is here printed, as follows:

The Democrats of Shelby County, the home county of Senator MCKELLAR, indorse his record in the Senate and recommend his renomination by the Democrats of Tennessee for the office of United States Senator.

We take pleasure in calling attention to his work during the present session of Congress as a reason for our action in indorsing his record and asking for his renomination and reelection.

First. His successful work for flood relief in the Mississippi Valley. When others urged a compromise by agreeing that the local authorities should pay 20 per cent of the cost of protection from floods, Senator MCKELLAR was one of those who stood steadfast for no local contributions, and he and others standing with him won the fight making flood relief a purely national undertaking, and to the great relief of the already overburdened taxpayers of the valley.

Second. Senator MCKELLAR was the first southern Senator to come out openly for the McNary-Haugen bill. He favored it when there were few Senators for it. Now he is backed by an overwhelming majority of Democratic Senators and Members of the House. The CONGRESSIONAL RECORD shows that he took the lead in securing the provisions protecting cotton, and his amendments constitute a large part of the McNary-Haugen bill.

Third. He did splendid work for the benefit of the farmers in the manufacture of cheaper fertilizers and for the benefit of the light and power users in the Muscle Shoals controversy. As a Member of the House, Senator MCKELLAR introduced and secured the passage of the first amendment for the development of Muscle Shoals, and since that time he has consistently held that this property belongs to all the people, having been built with the people's money. While the present measure before the Congress is called the Norris bill, Senator MCKELLAR'S amendments placed in the bill constitute much of the completed bill.

Fourth. Senator MCKELLAR'S bill for the construction of rural post roads, not now securing Federal aid, has been favorably reported by the Senate committee and will eventually pass. For 12 years Tennessee, largely through Senator MCKELLAR'S efforts—he and Congressman BYRNS having been on the committee which drafted the first Federal aid to the roads bill—has been receiving about $1,700,000 a year for road purposes. And should this last McKellar road bill become a law Tennessee will receive about $1,200,000 more for roads annually.

Fifth. This year Senator MCKELLAR voted for and supported the Tyson-Fitzgerald bill for the retirement of emergency officers. Laws for the benefit of the ex-service men have received his approval—World War veterans, Spanish War veterans, and Civil War veterans. His vote for and support of the ex-service men's readjusted compensation act has been uniformly commended.

Sixth. Having voted for the woman's suffrage amendment, he has actively supported measures for the advancement of women, intending to carry out the intent of that amendment.

Seventh. All just and fair labor measures that have been brought to the Congress have received his support. Throughout his career he has believed in putting the man above the dollar and believed that those who toil with their hands should receive the equal protection of the laws.

Eighth. In 1925 the Republicans raised postal rates, resulting not only in injury to mail users but in great loss in the revenue of the Government. Senator MCKELLAR'S bill to restore the old rates, especially favoring the 1920 rates for newspapers, the 1-cent rate on post cards and circulars, and a removal of the 2-cent service charge on parcel post, has been reported favorably by the Senate committee, and it is believed will become the law.

Ninth. Postal employees of the Government have likewise received large benefits by reason of many measures which Senator MCKELLAR has espoused for the betterment of the Postal Service.

Tenth. He is on the Civil Service Committee and aided in reporting out the civil service retirement bill, now pending in the Senate.

Eleventh. Senator MCKELLAR voted to deny Smith and Vare their seats in the Senate because of corrupt practices indulged in by them in securing their elections. Even the Republicans of Illinois have indorsed the Senate's action so far as Smith is concerned.

Twelfth. Federal taxes have been repeatedly reduced and Senator MCKELLAR has voted and worked for all tax-reduction measures. He favors the repeal of automobile taxes.

Thirteenth. A short time ago the Senate Committee on the Judiciary reported Senator MCKELLAR'S bill to amend the Federal corrupt practices act by making it apply to primary elections, reporting the said bill without amendment, and, unless this bill is blocked in the House, it

may become the law at this session. He has been the constant advocate of honest elections.

Fourteenth. Senator MCKELLAR has strongly disapproved the administration's policy in keeping our marines in a state of war in Nicaragua, in which 29 of them recently lost their lives, in violation of the law and Constitution. He believes that we should withdraw our troops from Nicaragua and encourage friendly relations with Nicaragua. He regards the action of the administration in supervising elections in Nicaragua as unconstitutional and ill-advised, and believes that it is not our duty nor our business to govern Nicaragua.

Fifteenth. Having earned his own way through college, he is greatly interested in all educational matters, and speaks for and votes for education on every opportunity.

Sixteenth. He vigorously fought for the merchant marine bill, passed by the Senate and sent to the House. He believes it is the only way to develop and retain our foreign trade.

This year, in conjunction with his Tennessee colleagues in both House and Senate, he has made a remarkable record for Tennessee, having secured:

An allocation of $900,000 for the building of a new post-office building in Memphis.

An allocation of $215,000 for a new post-office building at Kingsport.

An allocation of $85,000 for a new post-office building at McMinnville.

An appropriation of $75,000 for building of a concrete road connecting Lookout Mountain Park with Chickamauga Park at Chattanooga.

An appropriation of $95,000 for a national park at Murfreesboro.

An authorized appropriation of $50,000 for a national park at Fort Donelson.

An appropriation of $10,000 for a schoolhouse on the Shiloh Park Reservation.

An appropriation of $1,700,000 for Federal aid to roads in Tennessee.

A small appropriation for Smoky Mountain Park.

An allotment of $150,000 for navigation on the Tennessee River.

An allotment of $100,000 for an additional survey of the Tennessee River.

An allotment of $20,000 for forest roads and trails on public lands in East Tennessee.

An allotment of $185,000 for the maintenance and operation of Government works on the Cumberland River.

A conditional provision in the flood control bill for a levee from Tiptonville to the Obion River, which will probably cost in the neighborhood of $1,200,000.

An allocation of $152,000 for a dining hall and recreation hall at the Veterans' Hospital in Memphis. The dining hall is about completed and the recreation hall will be built shortly.

As a member of the Committee on the Library, a favorable report on Senator TYSON'S bill appropriating $300,000 for a memorial to Presidents Polk, Jackson, and Johnson at Nashville.

Under the Smith-Hughes and other educational acts an appropriation of $310,000 for education in Tennessee.

If his post roads bill passes, which has been favorably reported, it will mean more than a million dollars more from the Federal Government to Tennessee annually.

He is the ranking Democrat on the Post Offices and Post Roads Committee and high up on the Appropriations Committee. His place on both of these committees has been of immense value to the people of Tennessee, as the foregoing statement shows. It would take many years to obtain committee assignments of such commanding importance.

Senator MCKELLAR has, in addition, looked after all pension claims and business claims of every kind which his constituents made upon him.

For his personal character and ability; for his unswerving loyalty; for his devotion to the interest of all the people of Tennessee; for his splendid record of service to the Nation; for his being a progressive and untiring defender of Democratic principles; and, above all, for being a real man and a true Democrat, we, the Democrats of his home county in convention assembled, indorse him and his record, and present his name to the Democrats of Tennessee for renomination, and to the people of Tennessee for reelection to the Senate of the United States.

SENATOR NEELY'S MOTHERS' DAY ADDRESS

Mr. MCKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial in to-day's issue of the New York Times, entitled "The Senate at its best," the editorial having particular reference to the address of the senior Senator from West Virginia [Mr. NEELY] in the Senate on Mothers' Day.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE SENATE AT ITS BEST

Many people have an entirely wrong idea of United States Senators. They are thought of as men immersed only in politics or business, caring for nothing except tariffs or taxes, very hard-boiled, and without the finer sentiments which redeem our poor humanity. But where else could such a flood of tender emotion have been let loose as flowed through the Senate Chamber last Saturday in anticipation of the celebration of Mothers' Day? We have had occasion before this to praise the literary accomplishments of Senator NEELY, of West Virginia. But on this occasion he outdid himself. Not to speak of the way in which he ransacked poetry in order to adorn his speech, it contained no end of prose lyrics like the following:

"We laud the virtue, extol the spirit of self-sacrifice, and eulogize the loving kindness of every mother living; and in imagination, with bowed heads, grateful hearts, and generous hands, lay new wreaths of the freshest, the fairest, and the most fragrant flowers upon the graves of all the mothers who have gone from the fitful land of the living into the silent land of the dead.

"Mother's hands made the first dress that baby ever wore. Mother's deft fingers made playthings for the little one that filled his eyes with wonder and his heart with joy.

"A splinter in baby's finger, a briar in baby's foot, or a bruise on baby's toe became an affliction of such momentous consequence that only mother could heal it; only mother could banish its ache; only mother could exile its pain; only mother could smile away the tears it caused to flow down baby's cheeks."

THE MERCHANT MARINE

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. BLAINE obtained the floor.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. BLAINE. I yield.

Mr. BORAH. I may have been absent yesterday afternoon when it took place, but I should like some time before we enter upon a discussion of the conference report to ask the Senator in charge of the report to state to us what changes were made as regards the Senate bill in conference. What changes were made in conference?

Mr. JONES. Mr. President, the bill as the Senate passed it is incorporated in the conference report except that while the Senate bill required the unanimous consent of the Shipping Board for the sale of ships, the House amended the provision so as to permit the sale of ships to be made upon the consent of five members of the Shipping Board. That change was agreed to in conference. Substantially every other provision in the bill as it passed the Senate is incorporated in the conference report.

In addition to that the House put in further provisions looking to the encouragement of private capital to go into shipbuilding and ship-operating business. The House increased the loan fund, or rather provided for its increase up to $250,000,000, Congress to make the additional appropriation. Under the act of 1920 the proceeds of the sale of ships go into the fund up to the amount of $125,000,000. That is continued in the present bill with a further provision that such appropriations are authorized, as may be necessary, to bring it up to $250,000,000 and make it a revolving fund.

It is also provided that the act of 1920 be amended so as to provide that loans may be made up to three-fourths of the value of a ship instead of 50 per cent or two-thirds.

Mr. BORAH. Am I to understand that the $250,000,000 may be utilized in the way of loans and that a loan may run up to within three-fourths of the value of the ship?

Mr. JONES. Yes.

Mr. BORAH. Is not that an extraordinary loan?

Mr. JONES. It is, of course, a pretty liberal loan. The Shipping Board is authorized, however, to require additional security if it deems it wise to do it. That proposition was reported unanimously by the House committee; in fact, all the proposed amendments were reported by unanimous vote of the Merchant Marine Committee of the House, and the bill was passed in the House, I think, with these amendments without a roll call or division. They authorized loaning up to three-fourths of the value of the ships, and the loan is made at the current Government rate of interest.

In addition to that there is a provision for ocean mail service under which the Postmaster General, under certain conditions which are specified in the bill, is authorized to make contracts for a 10-year period for the carrying of mails, a postal subvention, and it is hoped that under that arrangement there will be sufficient encouragement to induce private capital to build ships of from 10 knots up to 24 knots and over.

The vessels are divided into seven classes: The lowest class includes vessels as slow as 10 knots and of not less than 2,500 tons. The compensation to such vessels is $1.50 per nautical mile.

Then, as I say, the scale increases throughout the seven classes, running up as high as 24-knot vessels of 20,000 tons and over. The highest compensation is $12 per nautical mile.

Mr. NORRIS. How would that compare with the present rate which we are paying?

Mr. JONES. We are now paying special rates, fixed by the Postmaster General under yearly contracts. A good part of our mail is carried by foreign shipping, especially British. We are now paying millions to foreign ships for carrying our mails. This is in effect aid from us to maintain foreign shipping.

Mr. COPELAND. Mr. President, will the Senator from Washington yield to me?

Mr. JONES. Yes.

Mr. COPELAND. The proposed rate will not be greatly different from the present rate, but conditions will be more favorable, because the Postmaster General will be able to enter into 10-year contracts. At the present time, under a rider put on an appropriation bill, the contract can be only for the limit of the appropriation, which is only one year.

Mr. JONES. It can be for only one year.

Mr. COPELAND. But the favorable thing about the ocean mail contract arrangement under this bill is that it may be for a period of 10 years.

Mr. JONES. Then the vessels are required to carry mail messengers. There is also a further provision in the proposed act as passed by the House of Representatives requiring Government officials to travel on American ships. This is merely a summary of the principal changes or additions made by the House.

Mr. BLAINE. Mr. President, I am very glad that the Senator from Washington has made clear some of the changes which have been made in the conference report.

Mr. JONES. There are only about three changes made in the conference report; that is, the conferees agreed to the House amendment with, I think, but three changes. One change was with reference to the requirement in regard to the crew, and especially as relates to the steward's department. The House required three-fourths of the crew, exclusive of the licensed officers and exclusive of the steward's department, to be American citizens. The conferees have changed that in this way: We provide that for the first four years after the enactment of this act 50 per cent of the crew, exclusive of the licensed officers, who, under the law, must be American citizens—the crew including the steward's department, there being no distinction between the steward's department and the remainder of the crew—shall be American citizens, and after four years then two-thirds of the crew must be American citizens.

Mr. EDGE. As a matter of fact, such a provision does not appear in any other maritime law. I understand that Great Britain and the other countries frequently permit almost 100 per cent of the crew to be foreigners.

Mr. JONES. That is true, and aside from this provision there is practically no legislation that we have requiring a certain number of the crew to be American citizens, except as to licensed officers. Then the conferees omitted the provision relating to the Naval Reserve. Then we omitted the provision under which Filipinos could be included in the crew up to any extent. That was put in on the floor of the House. Aside from those three items, the conferees have accepted the amendment adopted by the House.

Mr. BLAINE. That was my understanding as to the difference between the bill passed by the House and the conference report.

Mr. NORRIS. Mr. President, if the Senator from Wisconsin will permit, I should like to ask the Senator from Washington a question.

Mr. BLAINE. I yield to the Senator from Nebraska.

Mr. NORRIS. The Senator from Washington refers to a provision now in the bill requiring a certain class of officials of the Government, as I understand, to travel in American vessels. Was that necessary? Do not Government officials now travel in that way?

Mr. JONES. No; many do not.

Mr. NORRIS. I had supposed that right after the World War, when we had had a lesson in patriotism and everybody was supposed to be 100 per cent American, Government officials certainly would not travel in foreign ships.

Mr. JONES. One would think so; but they have been doing it.

Mr. NORRIS. It really amounts, then, to putting a provision in the bill that Government officials shall be patriotic?

Mr. JONES. The Senator may construe that as he pleases. That provision was put in in the House and the conferees accepted it. I myself think it is a pretty good provision.

Mr. NORRIS. I supposed our Government officials were all patriotic and that they would be insulted if it was suggested that they were not.

Mr. NEELY. Mr. President, will the Senator from Wisconsin yield to me for a moment?

Mr. BLAINE. I yield.

Mr. NEELY. The Senator from Washington has stated that under the bill in its present form the Postmaster General is authorized to make contracts for carrying the mail for as much as $12 a nautical mile. Will the Senator translate that into more readily understandable English and inform us how much mail will be carried per nautical mile for $12?

Mr. JONES. That will depend largely upon the quantity of mail which may be available or which may be on hand awaiting transport to any particular port.

Mr. NEELY. Does that mean that if there should be but one sack of mail to be carried, a steamship may receive $12 a nautical mile for carrying that one sack from this country to Europe?

Mr. JONES. That is possible, but not at all probable. Compensation at the rate of $12 a nautical mile only goes to fast vessels, of course, vessels of 24 knots and of not less than 20,000 tons. Vessels of that kind are going to run between large ports, with large business, and there will be a large amount of mail. As a matter of fact, the Postmaster General estimates that on the building of these ships, because of the development of business, and so on, the postal receipts will more than pay the additional compensation; and I believe he is right.

Mr. FLETCHER. Mr. President, if I may interrupt the Senator just on that point, I wish to say that, of course, the suggestion is that this is, in effect, a subsidy or, as some may call it, a mail subvention. Granted that it has the characteristics of a subsidy, it can only be regarded as an enlargement of a policy which we adopted in 1891. The act of 1891 provided for carrying the ocean mail on vessels at a certain rate per nautical mile; and in 1920 the merchant marine act provided for the carrying of mail on these ships at a price that might be fixed by the Postmaster General. So that this is rather an extension and enlargement of the policy adopted in 1891. Call it a subvention if you will, but the experience of the Government in that connection might be profitably referred to.

In 1891 we provided for such a subvention, and two ships, the *St. Louis* and *St. Paul*, were constructed and placed under our flag in the trans-Atlantic business. Those two ships were constructed with the idea of being aided by ocean mail contracts. At first it looked as if it were an enormous amount to pay for those ships—$3 or more a nautical mile—whether they carried one letter or a thousand letters. The compensation was based entirely upon the mileage, and it did look as if the Government was going to an enormous expense to provide a fund out of which these ships might be paid. We practically had no other ships under our flag at that time. I believe, all told, we then had four ships sailing across the Atlantic under the American flag, including the *St. Paul* and the *St. Louis*, which were built to take advantage of this subvention. At first we paid them $3 a mile, and they did not anywhere near carry enough mail to enable the revenue derived by the Post Office Department to pay the cost; but before their contract expired they were so loaded with mail that they had scarcely any room at all for express or cargo. The business expanded, the use of the vessels for mail purposes increased; and that is what is predicted will happen under this bill. Our experience in that connection ought to be borne in mind. At first it looked like an enormous expense to the Government, but before the contracts expired the vessels were losing money on the contract hand over fist.

Mr. NORRIS. Mr. President, if the Senator from Wisconsin will permit me, I should like to ask a question of the Senator from Florida.

Mr. BLAINE. I yield.

Mr. NORRIS. Can the Senator from Florida tell us what the total expense per nautical mile is in the operation of one of these vessels?

Mr. FLETCHER. Mr. President, I will not undertake to say as to that. I could make a guess at it, but it would be only a guess. They have got it down pretty fine; they know what the fuel cost is and what the total expenses are.

Mr. NORRIS. To what particular ports in Europe are these ships to go? Are there any designated points?

Mr. FLETCHER. The Postmaster General will indicate to the Shipping Board where the mail is needed to be carried, and the proposed route, and then the Shipping Board will let

him know what ships are available and can be provided for that service.

Mr. NORRIS. Can the Senator give us the number of nautical miles, approximately, that a ship would travel in going, let us say, from New York to Rome, in Italy?

Mr. FLETCHER. I think about 4,000 miles. It would be about 2,400 miles across the Atlantic to Cherbourg, for instance, or to Plymouth.

Mr. NORRIS. Then, in going from New York to Italy, would the vessel earn $12 per nautical mile?

Mr. FLETCHER. There is no expectation that we will have 24-knot ships going to Italy.

Mr. NORRIS. Where are the 24-knot ships going to go?

Mr. FLETCHER. Probably to England and ports in continental Europe.

Mr. NORRIS. Let us say to Liverpool. How many nautical miles would a ship travel in going from New York to Liverpool?

Mr. FLETCHER. About 2,400, I think.

Mr. NORRIS. And a vessel of a certain grade would get $12 for each mile traveled?

Mr. FLETCHER. Yes. Of course, it would be an unusually fast ship of a large type and would carry fast mail.

Mr. NORRIS. It would receive something over $30,000 for the trip. Are the ships to be paid for bringing the mail back?

Mr. COPELAND. They are paid for carrying the mail only one way.

Mr. NORRIS. Very well; so that the amount paid to such a ship would be something over $30,000 for each trip that it made?

Mr. FLETCHER. Yes.

Mr. NORRIS. Mr. President, I should like to know from some of the experts what the total cost of the operation of the ships would be.

Mr. COPELAND. About twice that.

Mr. FLETCHER. It would be at least twice that.

Mr. JONES. The faster and larger the ships, the greater the expense of operating the ships.

Mr. NORRIS. Can the Senator tell us what the cost of operation would be?

Mr. JONES. No; I can not tell the Senator what the cost of operation of a ship like that would be.

Mr. NORRIS. So the Senator can not inform us as to the proportionate part of the cost of operation of these ships that we would pay from the Treasury of the United States?

Mr. JONES. I think the proportionate part would be rather small. That is, I do not think it would be more than a third, and possibly less.

Mr. NORRIS. Not more than a third of the cost of operation?

Mr. JONES. Yes. It might not be that much; it may be less. I could not say as to that.

Mr. BLAINE. Mr. President, the senior Senator from New York [Mr. COPELAND] yesterday, with a great deal of ecstasy, made this remarkable statement in connection with the conferees' report. He said:

> I think this bill will terminate the Shipping Board within a reasonable time. That is the reason why I have enthusiasm for it.

The Senator from Washington [Mr. JONES] replied:

> There is certainly more of a prospect to put the Shipping Board out of existence under the terms of this bill than under the terms of existing law.

That proposition the Senator from Washington frankly concedes, which leads me to the conclusion that that is the purpose of the law as it will be when this conference report is adopted. So, Mr. President, I want to direct my remarks to the great discrimination that is being exercised against agriculture and the great favoritism in subsidies and in governmental favors in the interest of industry and transportation.

An analysis of the conference report can lead to but one conclusion on that proposition. I therefore desire to analyze just briefly the results that will flow from the adoption of the conference report.

It has been suggested that the conference report embodies the bill as it passed the Senate with the exception of the requirement with reference to the disposal of the Government-owned ships.

Mr. President, that is not the only issue involved, in my opinion, as between the conference report and the Senate bill. Additional subsidies and subventions are given to industry and transportation under the conference report.

The Senate on January 31 last, by a record vote, defeated an amendment which had been proposed to strike out of the bill the requirement that there must be a unanimous and recorded vote of the members of the Shipping Board before vessels could be disposed of, and to insert in lieu of that provision a vote of only four. That amendment was defeated by a vote of 52 to 31, showing that this body was emphatic in its expression of opinion in retaining the unanimous vote of the Shipping Board.

Another amendment was proposed——

Mr. COPELAND. Mr. President, will the Senator yield there?

Mr. BLAINE. Let me state this record vote first, if the Senator please; then I shall be glad to yield.

On the same day it was proposed to strike out the provision relating to the unanimous vote of the Shipping Board regarding the sale of vessels owned by the United States, and to permit the sale by a vote of five. That amendment was defeated by a substantial majority, 47 Senators being recorded against the proposal and 37 in favor of it. That was a second expression of this body against the elimination of the unanimous-vote provision for the disposal of these ships.

I now yield to the Senator from New York.

Mr. COPELAND. Mr. President, the Senator will recall that when those votes were taken the Senate had no choice between continued governmental ownership and operation of Shipping Board ships, on the one hand, and destruction of the merchant marine on the other. There was no provision in the Senate bill for naval subventions or mail subventions or loans or encouragement of privately owned ships. The Senate had to choose between continuing the Shipping Board and abolishing absolutely our merchant marine.

I am frank to say now, as I view it, that if I had to choose between permanent Government ownership and operation and no American merchant marine, I should oppose the sale of any ships; and I think the Senate acted very wisely. But, if I may say so to the Senator, we have a very different situation now. We have before us a bill which provides for the continuance of the operation of the governmental ships so long as it seems wise to do so, and at the same time a provision for the building of privately owned and operated merchant ships.

Mr. BLAINE. Mr. President, the Senator's statement is interesting and lends to the emphasis of what the Senate did on those two roll calls. In the face of that knowledge, with the knowledge of the existing law, notwithstanding those facts, this body voted overwhelmingly against the sale by the Shipping Board of vessels owned by the United States unless there was a unanimous vote.

Mr. COPELAND. Mr. President, if the Senator will yield, that was because it had no other choice. It had either to make sure that those ships should not go out of Government ownership or to take the flag off the seas.

Mr. BLAINE. Mr. President, in reply to that suggestion I want to suggest to the Senator that I have searched the RECORD and read the debate when the Senate bill was before this body, and I find that the Senate had every opportunity to vote upon any amendment that any Member desired to present. There was no Member who chose to do as the Senator suggested, and therefore the Senate emphatically declared that the policy as provided for in that bill should be a policy of continued Government operation of the merchant marine under the Shipping Board.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. MCLEAN in the chair). Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. BLAINE. I yield to the Senator.

Mr. NORRIS. With the Senator's permission, I should like to add to what he has just said that at the time we voted on those amendments it was in order here in the Senate to offer an amendment similar to what is now in the conference report. In other words, it would have been perfectly in order to couple with any other amendment that any Senator wanted to offer a ship-subsidy proposition such as is in the bill now. I want to ask the Senator if it is not fair to presume that no such amendment was offered at that time because it was known, or at least believed, that the Senate was opposed to a ship subsidy, and that such an amendment would not have had any chance whatever of receiving a majority of the roll call?

Mr. BLAINE. Yes, Mr. President.

Mr. COPELAND. Mr. President, will the Senator permit an interruption?

Mr. BLAINE. Just a moment. I want to add to the Senator's suggestion the fact that the Senator from Washington, who had charge of the Senate bill, very frankly and very emphatically told the Members of this body that there was no chance to pass a ship subsidy bill, and therefore he recommended the passage of the bill by the committee.

Mr. NORRIS. Mr. President, the Senator from Washington said in presenting the bill that it was quite evident, because of

other attempts that had been made, that Congress was opposed to a ship subsidy bill; and, therefore, he accepted the bill as it was.

Mr. BLAINE. Exactly.

Mr. COPELAND. Will the Senator yield?

Mr. BLAINE. I yield.

Mr. COPELAND. Now, let us have the record before us. As a matter of fact, I introduced the ocean contract amendment which is now in the conference report; that is to say, the report is practically identical with the amendment which I offered here. Many Senators, including the chairman of the committee, said they thought it unwise to put that amendment on the bill, because there was no hope of passing it through the House. Many Senators took that position, and I venture to say that that was the position of the chairman of the committee—that while he was in favor of such measures as would encourage a privately developed merchant marine, he did not think it was possible for them to pass the House; and that was the argument which was used here which finally induced me to withdraw the amendment.

Now, however, it has been shown that the House does favor this plan; and we have the conference report before us in such shape that if we adopt it we will continue to operate the Government ships, and at the same time we will challenge American shippers, and say, "You have been arguing that if we would do thus and so you would build ships. Here is your opportunity. The challenge is given you. Now, if you do not make good and build these ships, the Government is going to continue to own and operate merchant ships."

That is exactly my own position, enthusiastic as I am for private operation. If private shippers do not take advantage of what is offered them now, then there is nothing else for us to do except to go on with our merchant marine; because, as far as I am concerned, I want the American flag on the sea, whether it is on a Government-owned ship or on one privately owned.

Mr. BLAINE. Mr. President, I understand that the amendment to which the Senator refers was offered by the Senator in the committee.

Mr. COPELAND. It was offered on the floor of the Senate; and finally, if the Senator will recall, I made a little talk in which I said, "I know when I am licked. Therefore, I ask unanimous consent that this amendment and the other amendments be withdrawn."

Mr. LA FOLLETTE and Mr. NORRIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. BLAINE. I yield first to my colleague.

Mr. LA FOLLETTE. Mr. President, I merely wish to say as one member of the Committee on Commerce that I do not wish the Senator's statement to stand that all members of the committee were opposed to his amendment merely on the ground of expediency. I for one was opposed to the amendment because I regarded it as a disguised subsidy.

Mr. BLAINE. Now I yield to the Senator from Nebraska.

Mr. NORRIS. I myself can not understand, if Senators wanted the kind of an amendment which the Senator says he offered, why there should be any reason for the Senate to refuse to put it in the bill, because it could not meet any worse fate in the House than being defeated. But now we are confronted with a situation in which, as the Senator from New York says, the Government will still operate ships, and we have provided a method in the bill by which we will pay out of Government money practically enough to operate private ships, and loan the balance of the money at a rate of interest away below that at which we loan to anybody else, or at least to agriculture, and let them, by means of this Government subsidy, put our own ships off the ocean.

Mr. BLAINE. Mr. President, I think the issue is clear and that the senior Senator from New York recognizes that the conference report does provide for a mail subvention.

Mr. COPELAND. Of course, I deny that.

Mr. BLAINE. I want to analyze what that subvention or subsidy is going to cost the American people annually.

Mr. COPELAND. I hope the Senator will yield for one moment. I deny that it is a subsidy. It is a payment for services rendered. If the Senator from Wisconsin desires to have the United States Government continue to pay British ships several million dollars a year for the carriage of American mail, the Senator from Wisconsin can vote that way, but I never will, so long as I have a chance to have those mails carried in American ships.

Mr. BLAINE. Mr. President, the effect of the Senator's argument is that we must tax the American people to pay this subsidy to private interests to carry the mail of the United States under the American flag. Let me suggest to the Senator from New York that if he were not so enthusiastic about the abolition of the Shipping Board and its functions, he would be more enthusiastic for the American flag flying over American ships owned by the American people.

Mr. COPELAND. If the Senator will yield; I am enthusiastic that the money of this Government should be paid to help support American ships, and at the present time the people of this country are taxed in order that the Post Office Department may pay several million dollars a year to foreign ships.

Mr. BLAINE. Mr. President, if there is to be any subsidy paid to carry American mails, let that subsidy be paid to the Shipping Board in the operation of the fleet under its control. Moreover, the Shipping Board has been operating many vessels in foreign ports. There is no reason why a contract for the carrying of the American mail should ever have been made with British interests to carry American mail under a British flag.

This conference report provides for a graduated scale of compensation for carrying mail. It classifies the vessels from class 1 to class 7. They are classified according to the gross registered tonnage and the speed at sea. Under the conference report the first-class vessels will be paid $12 per nautical mile, and I understand that is quite regardless of the amount of mail transported, either as to its bulk or its weight. The payment is upon the nautical-mile basis. The lowest-speed vessel will receive $1.50 for transporting the mails, the second class $10, the third class $8, the fourth class $6, the fifth class $4, and the sixth class $2.50.

Under the present law the vessels are not classified according to tonnage or speed, but are classified as first, second, and third class. The first class is the speedier vessel, and under the present law receives only $4 per mile for transporting the United States mail. The first-class vessel under the present law corresponds to the first-class vessel described in the conference report, so that under the conference report the amount that will be paid to the first-class vessels is three times that of the present law.

Under the present law a second-class vessel receives $2 per mile for carrying the mail of the United States, the third-class vessel under the present law receives $1 per mile. The third-class vessel under the present law and the seventh-class vessel described in the conference report correspond. Therefore the intermediate classes between 1 and 7 are similar to the second class in the present law, which gets a rate of $2 per mile.

The Senator from Washington yesterday, as the RECORD indicates, said that the increase for carrying United States mail would be from $7,000,000 to $10,000,000. I doubt if $10,000,000 will pay the increased cost.

There is no claim made that the present rate paid for carrying mail to foreign countries is not compensatory. The whole scheme and purpose of this conference report is to grant these privileges, this subvention, this subsidy, to private interests, and the cost thereof, and the increased cost, will be paid by the American taxpayer.

Moreover, additional favors are given to transportation interests. The conference report provides that the rate of interest shall not exceed the lowest rate of interest of any existing outstanding obligation of the United States, except postal savings funds which were issued subsequent to April 6, 1917. The best information I can obtain upon that proposition is that the rate of interest for the loan is 3 or 3¼ per cent.

There will be, in order to carry out the authority granted by this bill, an appropriation of $125,000,000 from the Public Treasury, which will go into the loan fund. That loan fund, with the accumulations that are received by the Shipping Board, will eventually and very soon amount to $250,000,000, which may be loaned to private interests at a rate of interest ranging from 3 to 3¼ per cent for the building of vessels to engage in foreign trade. Under the present law the rate of interest for that same purpose is 4¼ per cent. It therefore means a reduction in the rate of interest of 1 per cent from the present rate.

Under the present law the rate of interest demanded of those who borrow from the loan fund to construct vessels for coastwise purposes is 5¼ per cent. The interest rate, therefore, under this conference report, is reduced 2 per cent in comparison with the rate of interest that must be paid by private interests who borrow from the loan fund in order to construct vessels for the coastwise trade.

Let us examine the discrimination that exists with respect to that interest problem. Under the present law the most advantageous loan the agricultural interests of this country may receive, through Government sources or sources organized and supported by the Government, is at a rate of 5 per cent per annum. If a farmer desires to borrow money to purchase his farm, or to retire an indebtedness, he must pay not only

5 per cent per annum, but he must also subscribe for stock to the extent of 5 per cent of the amount of the loan. More than that, under the law he is liable, in case of failure of the loan organization, to pay 5 per cent of the loan into the fund.

The result is, therefore, that he is obligated to pay 5 per cent. If he borrows $10,000, five per cent is deducted from the $10,000, so he does not receive the full amount. If the organization becomes insolvent he is personally liable for a 5 per cent assessment. On top of all that he must pay a percentage for obtaining the loan, all the costs of the abstract and examination of the abstract, with the result that he pays in the aggregate almost 5½ per cent for a loan for agricultural purposes.

Moreover, he can borrow only 50 per cent of the value of his real estate. He can borrow only 20 per cent of the value of his improvement, his buildings. He can not borrow any money on long terms for equipping his farm with machinery or stock and all other necessary equipment.

Under the conference report the private shipping interests are given a loan out of the loan fund at a rate of interest of about 3 to 3¼ per cent. They are permitted to borrow to the extent of three-quarters of the cost of the construction of the vessel, including the equipment. The equipment of those vessels is subject to very rapid deterioration. Under the conference report private interests may borrow sufficient money to build their vessels, and out of the increased subvention or subsidy retire the 25 per cent of their equity in the property and thereafter enjoy the entire accumulation of the subvention with an investment wholly by the Government and without an investment of one single dollar of their own money.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Wisconsin yield to the Senator from New Jersey?

Mr. BLAINE. I yield.

Mr. EDGE. The Senator, I take it, is favorable to the maintenance and development of an American merchant marine, as he voted for the original bill, as I recall it. In view of that fact, does he think his illustration is entirely pertinent and proper? Will it not cost the Government, if they do maintain and develop a merchant marine, 100 per cent, at whatever the current rates of interest may be for the Government, if the Government does it entirely itself? In this case they are trying to encourage private interests to build ships and help build up a merchant marine, upon which basis the taxpayer of the country will at least save a clear 25 per cent even though the entire 75 per cent is loaned to the private builder of ships.

Mr. BLAINE. I think the Senator's logic is erroneous.

Mr. EDGE. I am quite ready to be corrected if it is.

Mr. BLAINE. If the Government operates the vessels as a government, every single dollar of profit will go into the Treasury of the United States.

Mr. EDGE. Then the Senator is optimistic enough to hope that the Government will administer it at a profit, is he?

Mr. BLAINE. I think it can be administered at a profit.

Mr. EDGE. All history would certainly demonstrate to the contrary.

Mr. BLAINE. I think not. I say that all history demonstrates that where a governmental agency has zeal in the administration of public ownership, public ownership has succeeded. But wherever the governmental agency is under the control of influences the purpose of which is to make government unsuccessful, then government ownership has failed. Bureaus and boards and commissions too often reflect the political opinion of the power that gave them their appointment. In private industry, if there was no zeal shown for success of the business, if the president of the organization, the board of directors, those who are responsible for the operations of the organization or the private undertaking, lacked zeal as it is lacking to-day in the Shipping Board and in the White House, the business would go bankrupt.

The increased cost of carrying the mail is not the only subvention or the only subsidy that is being granted. The vessels are to be manned by officers of the United States, one-half of whose salary is to be paid out of the Treasury of the United States.

Moreover, the increase of $10,000,000 for carrying mail, together with the reduction in interest from the normal rate, amounting to $5,000,000, gives an annual subvention or subsidy of $15,000,000 to private shipping companies.

The result of the conference report is that the American taxpayer must annually, not once, but every year, contribute between $15,000,000 and $16,000,000 as a subvention or subsidy or favor to private shipping companies. Remember, this is not for one year. When the appropriation for the loan is made it is one bulk appropriation, but the subvention or subsidy is a continuous, continuing tax from year to year upon the American taxpayer.

Under the present law the cost of carrying the United States mails to foreign countries, exclusive of the coastwise transportation for the fiscal year 1927 was $7,183,584.99. The conference report, if adopted, will more than double the cost of transportation of the mails.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. BLAINE. I yield.

Mr. COPELAND. Last year the Post Office Department paid the United States Lines $608,000 to carry mails on the *Leviathan*. This figures out $12.50 per mile. The *Leviathan* made 14 eastbound voyages and received approximately $43,500 per voyage. So when the Senator talks about the great subsidy that is going to be paid, his comments are not in accord with the actual experience of the Government.

Mr. BLAINE. I have been quoting from the report of the Postmaster General. I assume that the Senator does not claim the report is inaccurate. The figures are contained in his annual report for the fiscal year 1927. While there was a hang-over from the prior year of $943,981.89, I have stated the cost of transportation for the fiscal year 1927.

Moreover, under the conference report the Postmaster General, whenever, in his opinion, the interests of the Postal Service may be served, may enter into a contract with vessels of the first class for the payment of compensation in excess of the maximum compensation authorized by the bill.

There is no question that the proposal is exactly what the private interests have been seeking for years, and yet the Congress of the United States may now submit to their demands. It is a subvention, a subsidy. It is indefensible. The President of the United States through his spokesman informed Congress that he will disapprove or veto the farm relief bill, and the Senator from Washington stated quite conclusively yesterday that the President would approve of this bill. So whenever agriculture seeks relief, asking no subvention, no subsidy, willing to impose upon itself the necessary tax to carry on the proposals of the McNary-Haugen bill, relief is to be denied; but when industry and transportation, when private interests come to Congress asking for subventions and subsidies we are told that kind of legislation will be approved.

Mr. President, I hope that if this conference report shall be adopted the chairman of the Committee on Agriculture and Forestry, the distinguished Senator from Oregon [Mr. MCNARY] will immediately ask that the conference report on the farm relief bill be considered so that if the two reports shall be adopted by this body they may be transmitted at the same time to the President for his approval or disapproval.

Mr. MCNARY. It will be done.

Mr. BLAINE. Then, Mr. President, if the pronouncements that have come from the White House shall be carried out, the Republican National Convention at Kansas City, if the Republican Party desires to remain in control of this Government, will find it to its advantage to advance the candidacy for President of some one other than one who announces as his only policy adherence to the Coolidge policies. When the Coolidge policies constitute a denial of the rights and the interests of agriculture and the granting of subventions and subsidies to private industry and to private transportation, Mr. President, the intelligence of the American agriculturist will respond, in my opinion, to deny that party any place in the executive administration of this Government.

However, this is not a party question. What I have said may be applied to the Democratic Party. I should like to see a contest made as to whether or not agriculture is to be further denied relief while, on the other hand, industry and transportation are to receive additional subventions and additional subsidies. I hope the conference report will be rejected.

Mr. JONES (and others). Vote!

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BLAINE. I ask for the yeas and nays.

Mr. NORRIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Bratton	Copeland	Dill
Barkley	Brookhart	Couzens	Edge
Bayard	Broussard	Curtis	Edwards
Black	Bruce	Cutting	Fess
Blaine	Capper	Dale	Fletcher
Borah	Caraway	Deneen	George

Gerry	Kendrick	Nye	Steiwer
Gillett	Keyes	Oddie	Stephens
Glass	King	Overman	Swanson
Goff	La Follette	Phipps	Thomas
Gould	Locher	Pine	Tydings
Greene	McKellar	Pittman	Tyson
Hale	McLean	Reed, Pa.	Vandenberg
Harris	McMaster	Sackett	Wagner
Harrison	McNary	Schall	Walsh, Mass.
Hawes	Mayfield	Sheppard	Walsh, Mont.
Hayden	Metcalf	Shipstead	Warren
Heflin	Moses	Shortridge	Waterman
Howell	Neely	Simmons	Watson
Johnson	Norbeck	Smoot	Wheeler
Jones	Norris	Steck	

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

Mr. NORRIS. Mr. President, we have before us now in this conference report our old friend the ship-subsidy proposition. It has been before Congress for a great many years. It was supposed, I think, by most Members of the Congress, that it was finally disposed of, and that no attempt would be made to pass such a law through Congress.

When this bill was before the Senate the Senator from Washington [Mr. JONES] very frankly stated on the floor of the Senate that it was quite apparent that Congress would not pass a ship subsidy bill, and that while he preferred such a bill to the one he then reported, he assumed—and everybody, I think, believed he was correct in his assumption—that it would be useless to try to pass a ship subsidy bill, and the other bill was passed instead. It went to the House, and has now returned in the shape of a conference report which, as I look at it and as I understand it, possesses all the evils that were ever possessed by any ship subsidy bill that was ever before Congress.

It is to be regretted that if this question was to come before the Senate for consideration, it did not come in the shape of a bill subject to amendment, instead of a conference report that can not be amended.

When the bill was here originally, I think the Senator from Washington fairly stated the question as applied to this kind of legislation; and we passed the bill with the understanding, I believe it is fair to say, that no such thing as a ship subsidy bill should grow out of it. If Senators wanted to pass through the Senate a ship subsidy bill, they ought to have made the fight at that time, instead of bringing it in here in the shape of a conference report that can not be amended, and that must be either voted up or down, without any possibility of change.

We are confronted now for the first time in a conference report with a proposition that we shall pay to shipowners a subvention, as it is called in polite terms; but admitted by everybody, I think, who is inclined to be fair to be a ship subsidy.

Mr. President, it was only a few years since an attempt was made, during President Harding's administration—and that was the last time that I remember when the attempt was made—to pass a ship subsidy bill through the Senate. It was a fair, straightforward contest between those who favored it and those who were opposed to it. We all remember that it was in a lame-duck Congress, and that there was organized here a filibuster that succeeded in beating the bill. No attempt was made to pass that bill during the long session, when those deals that can be made in a lame-duck session would have been out of order, and could not have been made. No attempt was made to pass that bill in the following Congress. It was conceded that it could not pass. Now we are confronted, in the closing days of the session, with a ship subsidy bill to which no Senator has the right, under parliamentary procedure, even to suggest or offer an amendment; and we must take it with all its evils as a whole, or we must reject it.

So far as I am concerned, Mr. President, I find no difficulty in reaching the conclusion that this conference report ought to be rejected; and I supported the bill as it originally passed the Senate.

It is said in defense of the conference report that it contains the provisions that were in the Senate bill as it passed the Senate providing for the Government building and operation of ships; but I want to call the attention of the Senate to the fact that although those provisions may be contained in the conference report, they are practically nullified. In other words, we have said: "We will build Government ships. We will operate them by the Government through the Shipping Board. We will operate those that we now own and have already constructed out of public funds; but we will give a subsidy to private parties, who will be able to put the Government-owned ships out of business."

We go, it seems to me, to the foolish length of building ships by the Government and providing, through the medium of the Shipping Board, for their operation upon the seas, and then we say to private parties, "We will furnish you Government money to build ships to compete with them, and after you have built them out of Government funds, at a rate of interest lower than that at which we have loaned money to anybody else, we will pay you a great part of the expense of their operation."

How can you expect Government ships to contest in the commercial world with that kind of a subsidy given to private parties? In other words, we are going to the foolish length of using public money to operate Government ships and then going to the additional length of giving somebody else Government money with which to put those ships out of business.

I would much rather have this conference report with nothing in it except the subsidy part of it than to have the rest of it in that we know, from the very nature of things, is going to result in failure.

Mr. President, I can not myself understand how any Senator who is opposed to a ship subsidy can support this conference report; and even though I were in favor of a ship subsidy, it seems to me I would be fair enough to say that this subsidy that we are granting is going to put out of business the Government ships which we already own, which we have built with Government money, and which we are operating at the expense of the taxpayers.

How can we justify ourselves for taking Government money in one hand to do something and then taking Government money in another hand to ruin the business of the first hand? How can we justify the use of public money to build a Government ship and then take public money and build another ship and give it to a private party and furnish him Government money to operate it in opposition to our own ship?

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. COPELAND. What is the Senator going to do when a Government ship wears out? He is going to use Government money to rebuild it, is he not?

Mr. NORRIS. Yes.

Mr. COPELAND. That is exactly what we are facing. We have a Government fleet of vessels which are practically worn out, so we have to face either the assistance of a privately owned merchant marine or the appropriation of funds to replace ships which are now privately owned.

Mr. NORRIS. What is the use of taking money to repair an old ship if we are not going to operate it after we have it repaired? What is the use of building a Government ship with the taxpayers' money if we are going to take out of the same taxpayers' money enough financial aid to a private party to put the first ship out of business? We had better stop it at once, it seems to me, as a matter of economy and fairness. We ought not to go into both of these operations.

Mr. HOWELL. Mr. President——

The PRESIDING OFFICER (Mr. BLACK in the chair). Does the Senator from Nebraska yield to his colleague?

Mr. NORRIS. I do.

Mr. HOWELL. Is it not a fact that the result of repairing our vessels has been that after we have expended enormous sums thereon, within a year or two the board has sold them for half of what the repairs cost?

Mr. NORRIS. Yes, Mr. President.

Mr. HOWELL. Is not that substantially a subsidy to private interests? Is not that what has been going on here year after year?

Mr. NORRIS. And we thought, Mr. President, that in the bill that passed the Senate we had put a stop to that by providing that these ships could not be sold except by the unanimous vote of the board. The conference report now before us amends that by providing that the ships can be sold upon the affirmative vote of five members of the board.

What is the answer to it all? Why, the answer is made by the Senator from New York: "We want to put the American flag upon the ocean. We are going to pull down the American flag and take it off the ocean as far as Government ships are concerned, but we are going to supply the American flag to private parties who get the benefit of Government funds to enable them to put that flag upon the ocean on that kind of ships."

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. COPELAND. The position of the Senator from Nebraska is that he wants to sink the American flag, because unless there is a replacement of ships there will not be any ships to carry the American flag.

Mr. NORRIS. The Senator has drawn a conclusion there that he is welcome to draw if he wants to. I had a better opinion, however, of his intelligence than to think he would

draw the conclusion from what I said that I wanted to sink the American flag.

Mr. COPELAND. I based it on what the Senator said.

Mr. NORRIS. The proposition to build Government ships was not my proposition, although I supported it. It came from this committee, as the Senator from Washington said; he had tried every other scheme, and he felt that there was only one way left, and that was for the Government to build them and have the Shipping Board operate them. If that is done, and a ship wears out, we will repair it. If it is completely worn out, we will build another one in its place, and build more if we need them in the business. That is a matter of detail. That is a matter which it seems to me is one of the smallest details of the business.

Mr. COPELAND. It is rather an expensive detail, is it not?

Mr. NORRIS. Exactly; but it is not so expensive to build one ship as to build one ship for the Government and give the money to a private party to build another ship and then let him have enough money to operate the ship and put the Government ship out of business. That is more expensive yet.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. COPELAND. Certainly the Senator does not contemplate that the Government will never get back the money it loans for the building of privately owned ships, does he?

Mr. BORAH. Mr. President, does the Senator think we will get it back?

Mr. COPELAND. I certainly do.

Mr. BORAH. Does the Senator know a business institution in the world that would loan its money on ships at three-fourths of the value and expect to get the loan back?

Mr. COPELAND. If the Senator from Nebraska will permit me to reply; does not the Senator from Idaho desire to have the American flag on the seas? The only way in the world that we can accomplish that result is by doing as other governments do. Every other country in the world is doing the same thing that is provided here.

Mr. BORAH. Of course, if the Senator should carry out his propostion to its logical conclusion, he would simply argue that we should donate this $250,000,000. That is one proposition. But that is a proposition the Senate was denied an opportunity to pass upon. We passed a wholly different measure. The author of the bill which we passed conceded that the other proposition could not pass. Now there comes back to us in the shape of a conference report the subsidy proposal, for which the Senator is now contending. He does not contend that we would get the money back now. He says, however, that in order to keep the flag upon the seas we should donate the money. If that is the proposition, it ought to come to us in an original bill and let us deal with it.

Mr. COPELAND. Of course, that is not the proposition. That is not involved in the bill. It is a loan to these ships on which they pay interest, and they are to pay back the principal. It is not contemplated for one moment that this is a donation on the part of the Government.

So far as the other matter is concerned, the Senator might address his question to the chairman of the committee, who said that his reason for not advocating a measure embodying the ocean mail contract, increasing the loans, and so forth, was that he did not believe the House would pass it, and there were many Senators who voted for the bill believing that it provided the only solution, that there was no hope of going forward with an enterprise which would put privately owned ships upon the ocean.

Mr. BORAH. Does not the Senator admit that this is a distinct subsidy, and not only a subsidy but a reckless subsidy?

Mr. COPELAND. I do not; on the contrary, I deny it. Of course, what the Senator is talking about now, I assume, is the ocean mail contract. Is that what he has in mind?

Mr. BORAH. In part; yes.

Mr. COPELAND. The money received under that is in payment for services rendered. I said a few moments ago, as regards our own ship, the *Leviathan*, that last year the Post Office Department paid the United States Lines $608,000 for the carriage of mail on the *Leviathan*. Those figures meant a rate of about $12.50 per nautical mile. That means a contribution, if the Senator wants to put it that way, of $43,500 per voyage. But it was not that. It was a payment for services rendered, and that is exactly what this contemplates. The advantage offered by this bill is that the Postmaster General is permitted to make 10-year contracts. We could not induce private capital to go ahead and build a ship on the basis of a 1-year contract. It is because these privately owned lines know that they have 10-year contracts, and the operation of the ships during that time, that it is possible to encourage the building of privately owned ships.

Mr. NORRIS. Mr. President, let us consider these loans for a moment. This bill, coming to us for the first time in the form of a conference report, provides that loans can be made upon these ships up to the amount of three-fourths of their value, and I understand that includes their equipment. I wonder if there is a business institution in the world that will loan money upon a ship and its equipment on those terms at three-fourths of the value of the ship and the equipment, at the rate of interest that will be paid on these loans? The equipment wears out and must be renewed. It is a good deal like the furniture in a hotel; it will have to be replaced from time to time. The Senator says the loans will all be repaid. I do not believe they will be unless they are able to pay it out of the subsidy we give them. They may be able to do that.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. NORRIS. We can make it so profitable, by giving them a large enough subsidy, that they can pay us back with our own money. I yield to the Senator.

Mr. COPELAND. Does the Senator imagine for a moment that a corporation big enough to build ships would invest $25,000,000 of its own money, as against $75,000,000 advanced as a loan by the Government, with the expectation in mind that it was going to default on the payments and lose the $25,000,000?

Mr. NORRIS. No.

Mr. COPELAND. No; I guess not.

Mr. NORRIS. It is not necessary to draw on one's imagination for that. I presume that 99 per cent of the loans that ever have been made in the history of the world, where the borrower has afterwards failed, have been originally made on the theory and the belief of the man who borrows the money that he was going to repay it. It is very seldom a man goes into such a transaction with the deliberate idea of robbing the man who loans him money.

Mr. COPELAND. Will the Senator yield again?

Mr. NORRIS. I yield.

Mr. COPELAND. The Senator from Nebraska is an ardent advocate of Government ownership and operation of ships. No ship can be built, under the provisions of this bill, with a loan from the Government, without the Shipping Board passing upon the case to determine whether it is a wise investment. Suppose the corporation did default; what would happen? The Government would take over the ship at three-fourths of the price it would cost the Government to build such a ship, and have the ship for operation by the Government.

Mr. NORRIS. Does the Senator expect the Government to do business that way? Has he an idea that the Government is going to get a lot of ships through the passage of this bill? Does he think the Government is going to get ships at three-fourths of the value of the ships through the operation of this bill? Nobody believes any such thing as that.

Mr. COPELAND. The Senator wants the Government to have ships, to build ships, and to buy ships. That is his plan.

Mr. NORRIS. I am not hunting for a victim to put up the money and have the Government take the ships away under the technicality of a mortgage. I do not want to do business that way, and I do not believe the Senator does. It is a pure question of business; how much money would a business man loan on security of this kind? A ship with its furniture, its equipment, would cost $1,000,000, we will say. The Government is expected to loan on it three-fourths of that amount.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. NORRIS. I would like to answer one Senator at a time, I would be perfectly willing to yield to the Senator, but the Senator from New York never permits me to answer one question before he asks another, and though I like to have him ask his questions, I would like to have an opportunity to answer them.

Mr. COPELAND. The Senator from Nebraska is so fertile, and he has so many brilliant ideas, that it is hard for the Senator from New York to keep up with him.

Mr. NORRIS. I have yielded to the Senator and I will continue to do it, because out of it all we may get some valuable information.

Going back now to where I started, let us consider the business proposition of the Government of the United States loaning money upon a ship and its equipment up to three-fourths of its value, personal property, not real estate. If we were loaning it on a piece of real estate, that would always be there, and could not be carried away or destroyed. Even then we would not do it as business men. But these ships are personal property. Will a banker loan to a farmer money upon his automobile up

to three-fourths of what the automobile cost new? Would anybody think of doing that unless it were a case where it was either getting that or nothing? A banker would not think of doing business on that basis. If he did, he would fail before long. Would one loan upon a building, even at three-fourths of its value? Would one loan upon the real estate itself up to three-fourths of its value? The Government refuses to do that with the farmer who wants a loan. It will not loan him three-fourths of the value of the land. As I remember the law, if the improvements are given any consideration in the mortgage, they are only considered at 25 per cent of their value, less than half of what they would cost. I yield now to the Senator from New Jersey.

Mr. EDGE. In reference to this particular feature of the bill permitting a loan up to a maximum of 75 per cent, that figure is only approximately 9 per cent more than the one in the bill the Senator from Nebraska voted for a few weeks ago, which made the figure 66⅔ per cent. I am just wondering if the Senator's objection to this particular feature, not discussing some of the other features, but only this one, has been developed because of the fact that the committee saw fit to raise the construction fund to a maximum of 9 per cent beyond the figure in the bill the Senator supported.

Mr. NORRIS. That has something to do with it. I am speaking of it now as a pure business proposition, and I invite Senators who think it is a good business proposition to give me instances where business men have made loans upon this kind of property up to 75 per cent of the value or the cost of the property. I would be glad to find out whether that has been done in the business world. I would be glad to know where the Government has done it, except in a case of this kind. It does not do it with the farmer. It does not do it when it makes a loan upon land, security which everybody knows is stable and less fluctuating than a thing like a ship, which floats upon the water, or even a house, or animals, or wagons, or automobiles, or anything of that kind. Every business man knows that it is a poor business proposition to loan upon property of that kind up to 75 per cent of its value, and it is not done in the business world.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. NORRIS. I yield.

Mr. SHIPSTEAD. The Senator talks about loaning money to the farmers. The Senator, of course, knows that the Government does not do anything of the kind. They established a bank, the stock of which was subscribed to by farmers, and every loan that bank makes is guaranteed by every farmer who belongs to the association through which the money is obtained. Every farmer who is a member of that association guarantees the loan of every other farmer who borrows money from the Federal land bank, making additional security. It would seem to me that if that idea should be carried out every shipowner who borrowed money from the Government out of the Government Treasury would be required to be a guarantor of the loan to every other shipowner. As I understand it, this money is loaned directly out of the Federal Treasury. That is not true of the Federal land bank. Bonds are issued against the loans, and are sold to investors. As I understand it, this is a direct loan out of the Treasury of the United States.

Mr. EDGE. Mr. President, will the Senator from Nebraska permit me to ask a question of the Senator from Minnesota?

Mr. NORRIS. I yield.

Mr. EDGE. Does not the Senator see any distinction or difference between an activity where the Government recognizes and Congress recognizes that the merchant marine can be augmented by new ships, replacements, where the Government, now being in the business, is compelled to make a decision between paying 100 per cent in order to have the merchant marine a going concern, or encouraging some citizens of the country to pay 25 per cent and the Government loaning 75 per cent to bring about the same results; in other words, make the necessary replacements for the maintenance of an American merchant marine? Does he see any distinction between that and the ordinary loaning of money to citizens or interests in which the Government itself is in no way engaged?

Mr. SHIPSTEAD. I do not see anything wrong with the loaning of Government funds in and of itself, providing it is done on a sound business basis and to an industry that is important to the national welfare. I think that the shipping industry is important. I want the United States to have a merchant marine. I did not intend to argue against the idea of loaning that money, if it is found to be necessary and economically sound. I did not hear all the argument of the Senator. I just wanted to call attention to the fact of the analogy that was drawn between the loaning of money under the Federal farm loan act and taking it directly out of the Treasury of the United States, which is on an entirely different basis.

Mr. EDGE. If I may take the Senator's time another moment——

Mr. NORRIS. Certainly.

Mr. EDGE. I thoroughly agree with the statement, as I followed it, that the Senator from Nebraska presents that, generally speaking, it would not be a defensible proposition to loan 75 per cent in the ordinary way, illustrated by the loans he suggested. The only possible defense of it—I am quite sure that should be clear—is just what I attempted to say to the Senator from Minnesota, that either the Government must pay 100 per cent, because we are all, I think, of the same accord that we must have an American merchant marine, or we can encourage private interests and advance 25 per cent. On that basis I think it is justifiable, but I agree with the Senator that it would not be on perhaps any other basis.

Mr. NORRIS. I want to thank the Senator from New Jersey for the candor with which he meets the proposition. He admits to begin with—and I think that is what I started out to demonstrate—that as a business proposition we can not defend it. Now, let us stop that, so far as that one proposition is concerned. It can not be defended, therefore, on a business basis.

Mr. EDGE. Except by adding the other requirements to it.

Mr. NORRIS. Of course, that is not a business basis. The Senator gives as a reason for his support of it something that is not business. It is perhaps higher than business. It is rather a patriotic idea that he has that we want to build an American merchant marine. He admits we are doing something here to get it that we can not defend on any business basis. That brings us to an understanding, so far as that one proposition is concerned.

Now, in answer to the suggestion of the Senator from Minnesota, I think what he said, so far as the operation of the farm loan bank is concerned, is correct, but I am speaking in broad terms. Through the instrumentality of the farm loan system we are loaning money to the farmers. We are charging them a rate of interest that will be practically twice as high as we are going to charge the shipowners when they build these ships. That, it seems to me, can not be defended either on a business basis or patriotic basis or any other kind of a basis. We are picking out one class of citizens, not so necessary, either, to human life and human happiness as are the men who toil in the field and raise the food that feeds the world. We are charging them a rate of interest upon security which, on a business basis, is far superior to that contemplated by the conference report, a rate of interest practically twice as high as we are going to charge men who are already possessed of millions, in order that they may go into business with Government money and perform a Government service for which they are going to be paid, under the law, a Government price.

Mr. SHIPSTEAD. Mr. President, will the Senator yield again?

Mr. NORRIS. I yield.

Mr. SHIPSTEAD. In addition to that we give them another privilege or favor that we do not extend to the farmer. In the first place, we compel the farmer to pay a high rate of interest, and in addition to that we pass an immigration law so that he must pay a higher price for his labor. In fact, for all practical purposes we have said, "You have to hire American citizens to do your work." That means he has to pay more. I have not any fault to find with that. But to the Shipping Trust we say, "You can hire cheap foreign labor. You do not have to pay American wages. You can hire foreigners to compete with American labor. We will loan you money at a very much lower rate of interest than we loan to anybody else, and in addition to that you may employ foreign labor. The immigration act does not apply to your business. You can hire people from the Mediterranean, you can hire Chinese coolies, you can hire labor wherever you can get it the cheapest." That is another favor that we extend to the shipping interests.

Mr. NORRIS. Yes. I think that is in the bill, although perhaps it is not as unlimited as the Senator from Minnesota suggests.

Mr. JONES. We strengthen that very much in this report. We require 50 per cent to be Americans during the next four years, and, after that, two-thirds of the crew must be Americans.

Mr. NORRIS. But at least there is something in what the Senator from Minnesota has suggested. The man who employs this side of our eastern or western shores must employ men

who are lawfully within the dominion of the United States, citizens of the United States, but the Shipping Board for several years, so far as one-half of the men they employ are concerned, can go outside of that limitation to select anyone they desire to select, and permanently can so select one-third of their employees, all of whom may be and perhaps will be people who are not citizens of the United States.

Mr. SHIPSTEAD. Mr. President, may I interrupt the Senator to add another observation?

Mr. NORRIS. Certainly.

Mr. SHIPSTEAD. When we do that we are training men for other countries as seamen; we are training them for the navies of other nations, instead of training them to go to sea for the United States and as naval reserves or men for the American Navy.

Mr. NORRIS. That is true, Mr. President, but I would like to call the attention of the Senator from Minnesota to the fact that to that extent we are training men to serve in the navies of other nations, we are doing it under the American flag.

Mr. SHIPSTEAD. Why, of course.

Mr. NORRIS. Some people have no objection to training others for foreign nations to fight us in time of war if we will do it under the American flag. That is the emphasis—put the American flag on the seas and let the taxpayers pay the bill. Let us drive off of the seas all of the Government-owned and operated merchant ships, and when we get them off they will take the flag with them, and then we will let a few millionaires, who are going to do it mainly out of Government funds, build ships to drive the Government-owned ships off the seas.

The Senator from New York [Mr. COPELAND] said that there is no subsidy in the bill; that it is a payment for services rendered. He used that expression several times, "payment for services rendered." Early in the debate, through some questions I asked the Senator from Florida [Mr. FLETCHER] and the Senator from Washington [Mr. JONES], it was developed that to one class of these ships which are going to be subsidized there would be paid as subsidy money over $30,000 for making a trip from New York to Liverpool. If that ship carries one letter, a 2-cent letter, from New York to Liverpool, we would pay them that $30,000 for carrying it. That is "payment for services rendered." Of course, that is an exaggerated illustration. It is a possibility under the law, however, as we are going to pass it. But there is no doubt that the price paid for carrying the mail is going to be exorbitant. I think those who will consider the question thoroughly will admit that it is exorbitant. They admit that a subsidy is going to be necessary from their standpoint.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Sentaor from New York?

Mr. NORRIS. I yield.

Mr. COPELAND. Does the Senator consider it exorbitant when the same Government and the same Post Office Department pay 50 per cent more than that to one of the Government-owned ships?

Mr. NORRIS. Yes; I should think so.

Mr. COPELAND. That is exactly what is happening.

Mr. NORRIS. I do not know about that. It may be that the mail we are sending is a good deal like the patriotic officials of the Government, that we have to pass a law in order to compel them to travel on an American ship. That is in the bill, too. It seems to me that the Senator makes his comparison with a condition which the bill, as passed through the Senate, was intended at least to remedy; that we would not have been paying to these foreign ships this exorbitant price if the bill that we passed through the Senate became a law and went on the statute books. Then the mails would have been carried in ships provided for in the bill, owned and operated by the Government of the United States, under the American flag. So I do not think it is fair to say that unless we give this subsidy to private owners, to those who will build ships under the bill and under the subsidy, a British ship or a Japanese ship or a German ship or a French ship will carry it at a bigger price. We do not have to give it to those foreign ships. We do not have to give it to a British ship if we have an American ship. The bill as it passed the Senate provided for American ships and their operation.

I believe that if we are going to use Government money in any kind of a business operation, in any kind of an enterprise, the Government ought to own it rather than to take the same money and give it to somebody else in order to make private profit out of it. I have not been conspicuous as an advocate of the building of Government ships, as the Senator said. I have not participated in that matter. I have not been on the committee which had to do with it. I have not introduced any bills providing for it. But if we start with the presumption that we are going to keep American ships on the sea and that some way must be provided out of the Treasury of the United States to keep them there, I prefer to have the Government own them rather than to use the Government money without any ample return, giving it to private people to build the same ships and operate them for private profit.

Mr. KING. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. KING. Perhaps it is not pertinent to the line of thought which the Senator is now developing, but I want to invite his attention to one phase of the bill which, to me, is exceedingly obnoxious. He spoke of the shipping bill of 1920. Here is one of the reasons why I voted against that bill and opposed it. By our coastwise navigation laws we have given a complete monopoly to coastwise and intercoastal trade that American capital might build ships, engage in the coastwise trade, and may have a complete monopoly. It may charge fifty times as much as the service is worth and as much as the cargo could be carried for by some tramp steamer or the best steamer in the world from some other country. It has such an ironclad monopoly that no one can interfere. Notwithstanding the fact that we have some sixteen millions of tonnage of coastwise trade, an enormous tonnage, an adequate tonnage, and a very fine tonnage, too, may I say, we propose to give those people the benefit of these loan features. Though they have a monopoly and there is no competition, they can get three-quarters of the cost of their ships and equipment from this $250,000,000 revolving fund on any new ships which they may build or any reconditioned ships which they now have.

Mr. NORRIS. Mr. President, I should like to ask the Senator from Washington is that provision in the conference report?

Mr. JONES. That is the provision in the act of 1920, except as to the modification of three-fourths of the value; and they pay not less than 5¼ per cent interest.

Mr. NORRIS. They pay 5¼ per cent interest?

Mr. JONES. Not less than that.

Mr. NORRIS. Does this bill propose to change that?

Mr. JONES. It proposes to change the amount of the loan to three-fourths, but otherwise it is the same as the act of 1920.

Mr. NORRIS. The only change made as to the coastwise ships is that an increased amount may be loaned for such ships?

Mr. JONES. That is all, and that is not specific; that is, it is not mentioned specifically, but it is carried in the provision that loans may be made up to three-fourths of the value of the ship.

Mr. NORRIS. In the case of coastwise shipping?

Mr. JONES. As to all shipping which may ask for a loan.

Mr. NORRIS. But loans made to ships for the overseas trade built under this bill may be at a lower rate of interest than that?

Mr. JONES. Yes; but coastwise ships have to pay at least 5¼ per cent.

Mr. KING. Mr. President, however, if the Senator will pardon me, they have resort to this fund. We have been announcing with a good deal of earnestness and jubilation that we wanted to develop our foreign trade; that the primary purpose of this bill was to develop our foreign trade, to build ships that would cross the Atlantic, and, as the Senator from New York [Mr. COPELAND] said yesterday, be seen upon the seven seas; and yet we are proposing to provide that this fund shall be available for this monopoly, which, in my opinion, has exercised upon many occasions the power which it possesses in a very ruthless way.

Mr. NORRIS. I presume there is not any doubt but that it exercises its power, and I speak of that without faultfinding, for I presume that anybody similarly situated would do that as a matter of business. When the coastwise shipping has a monopoly, of course, it puts on "all the traffic will bear"; that is perfectly natural; and although another ship of a foreign nation may be passing, going between the same ports, it is unable to get any of the business, no matter what the price may be that the coastwise American shipping may charge for the service.

Mr. CARAWAY. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. I yield to the Senator from Arkansas.

Mr. CARAWAY. Of course there is not any provision in this bill that affects that monopoly. That is not a new thing.

Mr. NORRIS. That is true.

Mr. CARAWAY. I do not presume there is anyone in the Senate who would vote to open our coastwise trade to foreign competition; I feel certain of that; but what I started to say is this: We have spent hundreds of millions of dollars trying

to establish American shipping, but we have not been very successful in doing it. It struck me that if we could induce business people to put up 25 per cent—and they must do that; at the very minimum they will risk 25 per cent of their money on a venture to put our flag back on the seas—we would find it very much more economical than the methods we have adopted heretofore under which we put up all the money. It struck me that we were at least traveling along the line that sound business would suggest.

Mr. NORRIS. When we put up all the money it is our ship; when we put up three-fourths of the money it is the other fellow's ship.

Mr. CARAWAY. I am aware of that; and when we put up all the money and conduct the business whatever loss occurs is the loss of the Government.

Mr. NORRIS. Yes; and in case of war and we have to have a ship it costs us nothing if we own it, but we have to buy it if we do not own it, although we furnish three-fourths of the money to build it.

Mr. CARAWAY. I am just presenting the view that appeals to me. I am not trying to combat the Senator's viewpoint. We have millions of dollars worth of ships that we never were able to use and were not able to sell. Every dollar we put into them we lost and we were not able to establish and keep our ships upon the seas.

Now, here is a bill under which some business men believe we can induce private capital to furnish a part of the money and put in its time, its energy, and its knowledge of the shipping business. We will not have to pay as we have to do when we are running Government ships; we do not risk anything but the loan, because private interests will risk the price of the ships, the cost of operation, and the overhead, which involve enormous amounts. It looks to me as if it is an economical thing to do, if we believe it is worth while to put the Government money into a venture in the effort to try to keep American shipping on the seas. That is the way it appeals to me.

Mr. NORRIS. Mr. President, if we should build the ships and own them, we, of course, would have to pay for their operation, but any income that might be derived would come to us, and not to the other fellow. In case of war—and I presume that is one of the great objects of having a merchant marine; while Senators talk only of seeing the American flag on the seas, I do not believe that is the real motive here; we want to place many ships on the sea so that we may use them as auxiliaries to the Navy. Whether we have private parties do it or whether the Government does it, the result, perhaps, so far as having the ships is concerned, is the same, but which method will be most economical for the Government? Will it be better for us to furnish three quarters of the money to build the ships through a loan, which, in my judgment, in a year or two will be less than 3 per cent, and let the private individual own the ships, or will it be better to have the Government put up a hundred per cent and own the ships and operate them through the Shipping Board, in which case whatever income may be derived will belong to the Government and in case of war or difficulty we will have the ships to begin with? In the other case we will pay, as our experience shows, much more than the ship originally cost and much more than it is worth. Then, if we are opposed to having the Government own anything, when the war is over, if the ship is not destroyed, we will give it to somebody for a song and let him sing the song and select it himself. That is the business end of it, it seems to me, as it will work out.

Mr. FESS. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. FESS. The Senator made a statement a while ago which I think differentiates his viewpoint from mine, and, if it will not interrupt him, I should like to make a very brief statement of the view I have in contrast with the view which he has just expressed.

Mr. NORRIS. Very well.

Mr. FESS. It appears to me that, wherever it can be done, the Government ought to avoid entering into business enterprises if they can be carried on by private industry. That is my first fundamental proposition. The second one is that in case the Government undertakes to do a thing that involves a loss, such as operating a merchant marine—and all of us agree that at a certain stage, at least, it will be operated at a loss in competition with other nations which operate their shipping on a cheaper basis—other things being equal, if the loss suffered by the Government would be greater by operating the ships itself than by granting what might be called a subsidy to private enterprise, whether it would not be wiser to grant a subsidy to private enterprise and thereby suffer any loss that might accrue in a less degree?

The third proposition is this: Is it not conceivable that under American efficiency and business methods we have reached a point where a merchant marine may be operated on a basis of profit? I have feared from the beginning that, owing to the lack of urge on the part of the Government to guard against losses, as compared to private enterprise, the Government would not be so much concerned about operating free of loss as would private enterprise, because the Government is able to continue to operate at a great loss, as the loss could be made up by the Treasury. A private enterprise, on the other hand, can not do that; and, therefore, if there is not profit, the business will not be conducted.

My position is that, other things being equal, the Government ought to stay out of a business that private enterprise can carry on; second, that if there is to be a loss in the beginning, the Government may suffer a less loss by granting what may be called a subsidy than by paying the loss out of the Treasury as the result of operating the business itself; and the last point is, whether we are not assured of a permanent merchant marine on a profitable basis under private enterprise that we will not be assured of under Government operation.

Mr. NORRIS. Mr. President, I wish to take up the three suggestions the Senator has made. The first one I find no fault with, and I wish to discuss it briefly. The Government ought to stay out of business whenever private enterprise will do the work and can do it better than or as well as the Government. It is conceded that there is not any private enterprise that is going to build a merchant marine. They have had all these years in which to do it, and they have not done it, and it is conceded that private parties will not do it. So we get rid of that to start with. It is claimed by everybody—and I am not an expert; I have to take the other man's word for it—that unless the Government does something directly as a government or gives a subsidy to somebody for doing the same thing we will not have any merchant marine; that private individuals will not build it; they can not afford to do it, so it is said.

Mr. FESS. Mr. President, I think I am ready to concede that statement so long as our present legislation lasts—that is, so long as we require private enterprise to operate under present laws.

Mr. NORRIS. The Senator would not repeal, for instance, the law as to coastwise shipping and open that character of shipping to the ships of the world?

Mr. FESS. No; I would not. I am willing to concede that without some assistance private enterprise is not likely to build up a merchant marine, because it is practically impossible to do so.

Mr. NORRIS. Mr. President, there is not any dispute, then, about the first proposition. The Government should not go into the business unless it is necessary, and we all admit that it is necessary to do something if we are going to have a merchant marine.

The Senator's second proposition is that it may involve a less loss to pay this bonus to begin with than to build the ships and operate them by the Government. That may be true. Nobody knows. The Senator has not said that if we should have war next week or next year it would be the most expensive business proposition on earth to give this subsidy for private people to build the merchant marine. Everybody would concede that, because we would have to condemn the ships; we would have to take them over; we would have to pay not only the value of the ships which we took but we would have to pay the damages that were suffered by the owners of the ships by reason of interfering with and ruining their business. We know how that goes when the Government takes over something. It pays more than it is worth, as a general rule; and I am not particularly finding fault with it. If the Government takes over somebody's ship, it ought to pay him for the value of the ship; and if the ship is in a certain line of business, and that is worth something, it ought to pay the damages besides. That is all right.

Nobody knows how much it is going to cost, because no one can tell whether we are going to have a war to-morrow or next year, or whether we will ever have one; but on that score it is conceded—it must be—that the proper business proposition would be for the Government to build and operate the ships in the first place.

Now, let us take the other proposition, that it might be cheaper or we might have more of a merchant marine in the end, and keep it up better, if we should grant this subsidy.

That might be. It depends on the amount of the subsidy; but we have left out of the equation one consideration: What is it going to cost the Government? There is not any doubt but that we could use money enough and make the subvention high enough so that we could build up the greatest merchant marine

on earth. We could build up a merchant marine greater than the combined shipping of all the other nations in the world. Suppose we provided by law that we would pay $100 a mile for carrying the mail for every ship that private parties built, and that we would furnish 100 per cent of the cost of the ship, and let them give us a mortgage on the ship at 1 per cent interest. We would get a pretty big merchant marine right off the bat; so it would be possible, by the right kind of a law of that sort, to get a wonderfully big merchant marine; but what would the taxpayers say? What would they have a right to say? And even in that case if we got into a war we would be up against the proposition of paying an exorbitant price for the very ships that we built with our own money.

To my mind, if we have to furnish the taxpayers' money to build the ships, then we ought to build them in the name of the taxpayers and operate them in the name of the taxpayers; and no private party can complain, because he admits that without getting a subsidy he would not go into the business. The only fellows who would kick would be the owners of foreign shipping, and I take it we are not trying to legislate for them here.

Mr. President, these comparisons that are so often made under existing law with what would be done under the subsidy provisions of this bill leave out of the question the fact that it is tacked onto a bill that itself, it is conceded, would bring about a merchant marine. I think it was conceded by everybody that the bill which passed the Senate would give us a reasonable merchant marine. We were going to get it under that bill. Now, we have put on that bill something that kills that part of it; and we ought not to make a comparison and say, "Unless we give a subvention as we have it here we will have to pay as the Senator from New York says we now pay to foreign shipping for carrying the mail." Under the bill which passed the Senate we would have carried the mail in Government ships, and when we take it all into consideration, Mr. President, it does not seem to me that there can be any doubt about the matter.

I am not advocating this position on the theory that the Government ought to go into the business. I should be glad to have it stay out. I have not been advocating that except as a necessity. I thought the Senator from Washington [Mr. JONES] stated it plainly. Private people will not do it. We are confronted with the proposition that if we want a merchant marine we will have to pay for it out of public funds; and I am opposed to using public funds to turn over to private individuals for private profit. I do not believe it can be defended upon a sound economical basis. It does not seem to me that it is the right use of public funds. It seems to me we have not any right to do it. We are using for an illegal purpose, as I look at it, the money of those who toil and pay the taxes. We ought not to turn over public funds to private individuals in order that private individuals may make a profit out of the transaction.

Moreover, Mr. President, we are doing for this class of people something that we never have done, and do not propose to do, for any other class of people. I have called the attention of the Senate to the comparison with agriculture. Following this conference report—I presume it will follow—we have a conference report on the so-called McNary-Haugen bill, which provides for assistance to agriculture; but it contains a specific provision that the farmers who get the benefit of the bill pay the cost of it themselves. I concede that men have a perfect right to disagree as to its merits; but the subsidy there, while perhaps advanced from Government funds in the first place, is paid for in the end by the men who toil and produce the things that are governed by that bill. Yet—so far, at least—we are denied any relief for agriculture, for that class of our people who are doing something which—without intending to cast any reflection upon shipping—is more necessary, more important to the American people and to the consumers of our country than those who are going to build and man ships.

If this conference report, if it must be agreed to—and I am told that it is going to be—I should like to see it go to the President in the same envelope with the conference report on the McNary-Haugen bill and let the President consider them together.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The question is on agreeing to the conference report.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Locher	Schall
Barkley	George	McKellar	Sheppard
Bayard	Gerry	McLean	Shipstead
Black	Gillett	McMaster	Shortridge
Blaine	Glass	McNary	Simmons
Borah	Goff	Mayfield	Smoot
Bratton	Gould	Metcalf	Steck
Brookhart	Greene	Moses	Steiwer
Broussard	Hale	Neely	Stephens
Bruce	Harris	Norbeck	Swanson
Capper	Harrison	Norris	Thomas
Caraway	Hawes	Nye	Tydings
Copeland	Hayden	Oddie	Tyson
Couzens	Heflin	Overman	Vandenberg
Curtis	Howell	Phipps	Wagner
Cutting	Johnson	Pine	Walsh, Mass.
Deneen	Jones	Pittman	Walsh, Mont.
Dill	Kendrick	Reed, Mo.	Warren
Edge	Keyes	Reed, Pa.	Waterman
Edwards	King	Robinson, Ark.	Watson
Fess	La Follette	Sackett	Wheeler

The PRESIDING OFFICER. Eighty-four Senators having responded to their names, a quorum is present. The question is on agreeing to the conference report.

Mr. HALE. Mr. President, I ask unanimous consent to call up the conference report on the naval appropriation bill.

Mr. JONES. Mr. President, I can not agree to yield for anything while the conference report on the shipping bill is pending.

Mr. KING. Mr. President, the interpretation placed upon the conference report by Senators shows that it is not free from ambiguity and that the bill which the report provides will inevitably lead to contradictory constructions and opposing policies. The Senator from New York [Mr. COPELAND] yesterday announced his great enthusiasm for the bill, and urged the adoption of the report. He gave as the paramount reason for his support of the bill that it would soon result in the Government going out of the shipping business. His position, as I understood it, when the bill was before the Senate some weeks ago, was that he favored a privately owned and operated merchant marine, but that if private capital did not engage in the construction and operation of ships he would support a policy calling for the Government to own and operate a merchant marine fleet. He now contends, that under the conference report provisions private capital, with the aid given by the bill, will construct ships for foreign service and, as he said, operate the same upon "the seven seas."

The Senator from Florida, in his statement yesterday, became vigorous and vehement in behalf of the bill, and declared that he gave his support to the conference report because he desired to retain the Shipping Board and to keep the Government in the shipping business. He stated that the most vital part of the bill, as reported by the conference, was section 1, which stated—

> that the policy and the primary purpose of section 1 of the merchant marine act of 1920 are confirmed.

He interprets the act of 1920 as committing the Government irrevocably to the policy of owning and operating a merchant marine. The Senator from Washington [Mr. JONES] who is the chairman of the Committee on Commerce, and who reported the bill to the Senate in January last, declared in his report that—

> We are at the parting of the ways on our merchant marine problem. * * * There seems to be no way by which we can get an American merchant marine constructed and owned by the Government. Concede for the sake of the argument all the objections that may be urged to the Government conducting the shipping business, we must choose between a Government merchant marine or no merchant marine at all.

We find, therefore, the chairman of the committee and one of the leading members of the committee interpret the bill and the conference report to mean that the Government is to continue in the shipping business and is to own and operate ships, not only for our foreign commerce but to be employed in our coastwise trade. The Senator from New York, as I have stated, places a different interpretation upon the bill and the report and insists that under the terms of this bill we will soon have a privately owned merchant marine.

With these differences of opinion upon the part of those who were members of the committee drafting the bill and conducting it through its various parliamentary stages it is certain that sharp differences of opinion will arise upon the part of the public and the bureaucratic machinery of the Government which will have to do with enforcing the law, as to its meaning and effect. It will mean, undoubtedly, that if the Shipping Board or the administration favor keeping the Government in the shipping business such a course will be pursued. Reasons will be offered,

undoubtedly, for the adoption of such a policy. It will be contended that the advantages to be derived from the Government owning and operating ships are so great as to warrant, if not require, an indefinite continuation of such policy. Knowing, as I do, the characteristics of bureaucracy and of the abortive efforts to get rid of bureaus and Federal agencies and administrative boards, it is safe to predict that the Shipping Board, like the "old man of the sea," will be upon the back of the Federal Government for many, many years to come.

However, this prediction may fail if an administration shall come into power that is favorable to special interests and subsidies in various forms, and imposes its will upon Congress. Of course, the measure before us is not unchangeable, and if an administration of the character just alluded to shall control, greater bounties and subventions and benefits may, and probably will, be granted to private persons who may seek to engage in marine activities.

I confess that after a somewhat careful examination of the conference report and of the bill which the conferees have submitted, that I am not certain as to what the bill means or what it will accomplish. As I interpret it, however, it is neither fish, flesh, nor fowl. It is ambiguous, indefinite, and uncertain. It will be provocative of controversy and result in shifting and changing policies which, in the end, will prove most unsatisfactory and disadvantageous to the Government and to the country.

Mr. President, the United States prior to the Civil War had an imposing merchant marine, and American ships carrying American products were found in all parts of the world. No nation could compete with Americans in the construction of ships. We built them more cheaply and operated them more efficiently than did any country in the world. There is no reason why we can not compete with the world to-day in the building of ships, and surpass them in their operation. My recollection is that in 1903 the Commerce Reports, published by the Government, stated that steel steamers could be built on the Great Lakes more cheaply than on the Clyde. American labor is more efficient than European labor. Our factories and mills and manufacturing plants produce commodities cheaper than they are produced in most parts of Europe. We manufacture automobiles and other commodities and undersell the rest of the world.

It has often been charged—and I think there is ground for these charges—that we have been more concerned with shipbuilders than in shipbuilding and that Congress has too often been responsive to the demands of the owners of various shipyards and not sufficiently concerned in the building of ships to engage in foreign trade and commerce.

Legislation has been influenced by the steel interests and the shipbuilding interests, and they have interposed obstacles to the building up of a suitable merchant marine. The demands for extortionate tariff duties have not been ignored and unwise navigation laws have been placed upon the statute books, driven through Congress by sordid and selfish if not predatory interests, which result in driving American ships from the seas. If it were a fact that the growth of our merchant marine is handicapped because ships can be built at less cost in foreign lands, we could very quickly modify existing laws and provide for the purchase by American citizens of foreign-built vessels to be registered under the laws of the United States and to be operated under the American flag. At the present time no American can acquire a foreign-built ship and have it registered under our laws as an American ship and operated under the American flag. It is a fact which should be considered in the consideration of the shipping problem.

American capital following the Civil War found so many avenues for profitable investment in the building of railroads and manufacturing plants, and in internal and domestic activities that attention was diverted from ship construction and the merchant business generally. We ceased to be, for the time being, "sea minded" and were pushing with enthusiasm and feverish zeal the internal development of our country. Moreover, we were extending our foreign trade and commerce. We were finding markets for our surplus products in European countries, and payment in part for our exports were realized in meeting shipping charges. In other words, our agricultural and other products found foreign markets and payment in part for the same was made to the American exporters by furnishing ocean transportation.

I recall that Mr. Meeker in his book entitled "Shipping Subsidies" states, in substance, that it seems reasonably certain that with an organization for large production American shipyards could build ships as cheaply as English yards. Mr. President, the experiences of the Government since 1918 in the construction and operation of ships can bring no gratification to any American. We have expended more than three and one-half billion dollars in the last 9 or 10 years in the building and operation of American ships. This, of course, does not include the huge sums expended in the construction and operation of naval vessels. The Shipping Board's budget reveals the expenditure of this stupendous sum, and it also reveals losses substantially as great.

I do not think that all of the ships of the Shipping Board could be sold for $200,000,000. In other words, the billions of dollars which have been expended are now represented by ships of the inconsiderable value of $200,000,000. The operating expenses have consumed substantially all of the capital invested and also several hundred millions of dollars directly appropriated to meet annual deficits. In 1926 the Government operated in transoceanic trade 293 vessels. Privately owned vessels to the number of 170 were engaged in foreign trade during the same year. But, notwithstanding the revenues derived from the ocean carrying trade, the Shipping Board continued to absorb its capital and demand appropriations from the Federal Treasury to meet deficits.

Mr. Hoover in an address delivered by him in 1924 referred to the evils of governmental ownership of railroads and ships and the failures resulting from its efforts to engage in private business. He referred to the fact that certain utilities were not efficiently operated by the National or State Governments, as they were not "planned or equipped for the task." He stated that—

> The fathers purposely made our Government to a different model, for a different task. They thought liberty and individual rights worth safeguarding even at some cost in efficiency. But this very fact necessarily leaves to private enterprise many things which other nations can, if they prefer, do through government—after a fashion. On the governmental side the result has been one of which we are as proud as other peoples are envious. On the business side the accomplishment far surpasses anything they know. Through the one we have liberty; through the other, enterprise and decisiveness. * * *
>
> The very first fundamental obstacle to Government ownership that our form of government presents is the relation of the States to the Federal Government. For in our plan we conceive that liberty requires a great measure of decentralization in authority.

Mr. Hoover, in this strong address, refers to the evils of bureaucracy and speaks of the "dead hand of bureaucracy." He states that the Government can not operate as economically as private enterprise. That Secretary Hoover properly appraises the disadvantages arising from bureaucratic control of matters that belong to the field of private endeavor is apparent from the following statements contained in his address:

> * * * * * * *
>
> The very first fundamental obstacle to Government ownership that our form of government presents is the relation of the States to the Federal Government. For in our plan we conceive that liberty requires a great measure of decentralization in authority. * * *

In speaking of our experiment in the shipping business he says:

> * * * Our national shipping is a daily sample of all the arguments I have given, and more. We paid $3,000,000,000 of the taxpayers' money for a fleet—some part of it was truly for war purposes—but we have written it down 90 per cent in six years to $300,000,000; and if the accounts were based upon true costs with interest and depreciation we should find that we are losing over $100,000,000 of the taxpayers' money a year in operating it. Yet private shipping is earning profits. Nor is this the fault of the Shipping Board; it is inherent in the system.

President Coolidge, in his message to Congress on the 6th of December, 1927, speaking of our merchant marine, states that—

> Public operation is not a success. No investigation, of which I have caused several to be made, has failed to report that it could not succeed or to recommend speedy transfer to private ownership.

Mr. President, I believe the views of Mr. Hoover and of President Coolidge just referred to are sound, and that if the measure before us was drawn in harmony with those views it would be for the best interests of the United States and the American people. If we enacted wise navigation laws and adjusted some of the tariff duties as those duties relate to ships and ship construction and repair, an adequate merchant marine would be constructed, subsidies would not be required, and Government operation would not only be unnecessary but would be disadvantageous to a uniform and proper foreign ocean service system. Mr. President, the bill before us indicates that the Government is to continue owning, building, and operating ships. The Shipping Board is to recondition and repair vessels, and may remodel and improve those in its possession and under its control, without restrictions, and to meet what the board may

conceive to be "competition in the foreign trade of the United States."

The Shipping Board is to replace vessels owned by the United States, and in the possession or under the control of the board, and to construct up-to-date cargo, combination cargo and passenger, and passenger ships to give the United States what they conceive to be an adequate merchant marine. The board is also directed to present to Congress recommendations for new vessels which the board deems necessary for permanent operation under the United States flag in foreign trade. A construction loan fund of $250,000,000 is provided. There are no adequate limitations with respect to such loans and to whom they are to be made, and no adequate protection given the United States. However, the board has discretion to impose restrictive terms in making loans so as to defeat the apparent purpose of the loan provisions of the bill. The board is to determine when loans are made; what ships are to be built, whether in private shipyards or navy yards, and the types of ships to be constructed; how "they are to be fitted and equipped, and the character of engines and machinery and commercial appliances." In other words, the board has such unlimited authority that they may impose conditions so oppressive and obnoxious as to discourage the building of ships by private persons with funds obtained from the Public Treasury. Loans to the extent of three-fourths of the cost of the ships, or for their reconditioning or remodeling, may be made at rates of interest which are extremely low.

As I have heretofore stated, the bill is so uncertain and susceptible of such different construction and so framed as to permit of divergent policies that it is difficult to predict just what the effects of the measure will be. If it is designed to encourage private shipbuilding by governmental loans, the terms of the bill are liberal and generous, but liberal and generous at the expense of the Government. If those enforcing the law take the bureaucratic view, they can pursue a policy which will make the measure wholly inoperative, in so far as it relates to the building of ships by private persons under the loan features of the measure.

Another objectionable feature in the bill is that which perpetuates a provision of the act of 1920, extending the loan feature to ships to be built or reconditioned or improved, for the coastwise trade alone. Senators know that the Government has given a complete monopoly to those engaged in the coastwise trade. Our coastwise tonnage is very great and is adequate for present needs. With a monopoly enjoyed by those in the coastwise trade, it is highly improper, in any aspect of the case, to provide loans for the building of ships to be used in our intercoastal trade. It has been proclaimed that this bill is to provide ships for our foreign trade, not our coastwise trade, and yet the measure before us extends the same loan features for coastal ships as for those that are to sail the seas.

The subvention features of the bill are not sufficiently restricted and the subventions provided are the equivalent of subsidies.

Mr. President, the measure before us I regard as unwise, unjust to the Government and to the American people. The bill, in my opinion, fails to provide a merchant marine or accomplish anything of benefit to the American people. With my present views, I shall not support the motion to adopt the conference report.

Mr. BROOKHART. Mr. President, I am just beginning to awaken somewhat to the issue that is being presented to the Senate and to the country by this conference report. I remember back in 1922 we were convened in extra session on the 20th day of November for the purpose of enacting a ship subsidy bill. That question had been somewhat an issue in the election that year. Everywhere that a candidate had stood for ship subsidies he had been defeated in the election. The people did not approve of that policy.

In my platform during that campaign I stood in opposition to ship subsidy. After the election so many of those who favored the ship subsidies were found to have been defeated that it was absolutely certain a ship subsidy bill could not be passed if it went over to the new Congress. Thereupon the President convened Congress in extraordinary session for the purpose of passing that bill with a lame-duck Congress.

Mr. President, we were under a new economic theory in those days. It was President Harding who first announced the slogan of "Less government in business and more business in government." Since then we have had experiences of more business in government. We had the experience of Forbes with business in the government of the Veterans' Bureau, grabbing and corrupting the aid that the Government owed to the defenders of its life. That was one instance of business in government.

We had business in government with an Attorney General of the United States, Harry M. Daugherty, and Jess Smith conducting the business office just a few doors from the office of the Attorney General, an organized business of bribery in the Government of the United States.

We had business in government in the Department of the Interior, when Albert B. Fall bargained away the resources of the people of the United States to this business reaching out for the control of the Government, assisted, it now appears, by the head of the Post Office Department and the chairman of the Republican National Committee.

Are we going back to that old Harding slogan of more business in government and less government in business? I am not, for one. I am for the Government doing its own business and kicking this corrupt power of business clear out of the Government. If we are going back to that old theory, then I say that Will Hays ought to be the temporary chairman of the Republican National Convention, Harry M. Daugherty ought to be the permanent chairman, and Albert B. Fall ought to be the chairman of the resolutions committee.

They could set up this theory of business in government. They could tell us what it means and what it leads to. They could point to its glories and to its triumphs.

Now we are back here again putting business in government in the conference report now before us. I do not like the looks of the situation. I want to ask the chairman of the committee what are the differences between this bill and the bill over which we fought and which we successfully defeated by a filibuster in February of 1923?

Mr. JONES. There is a very material difference. The bill now before us does not go to any extent along the lines laid down in that bill. Of course, I do not shy at the word "subsidy" myself. This bill provides for what is called a mail subvention. I am perfectly willing myself to call it a subsidy, but it does not go any further than that; that is, it does not provide what is ordinarily termed a subsidy.

Mr. BROOKHART. It is an indirect instead of a direct subsidy, so far as mail contracts are concerned?

Mr. JONES. No; I would not put it that way. I think it is pretty direct, so far as I am concerned, but there is not what we ordinarily term a subsidy to induce the building of cargo ships.

Mr. BROOKHART. What does the Senator estimate will be the amount of the mail subsidy?

Mr. JONES. I understand if it is carried out to about the extent that we would like to see it and the ships are built that we hope will be built and the routes would be all that we hope will be established, it will probably be from $7,000,000 to $10,000,000. But it is estimated by the Post Office Department that the increase of business will bring about a great increase in the postal business, and the revenues from the Postal Service will very likely take care of the mail subvention.

Mr. BROOKHART. If the mail increases, the subsidy will increase in like proportion, will it not?

Mr. JONES. No.

Mr. BROOKHART. The subsidy is a definite fixed amount, is it not?

Mr. JONES. Yes, in a way. It is so much per nautical mile traveled by the ship.

Mr. BROOKHART. The bill which we defeated in 1923 provided about $50,000,000 of subsidy; did it not?

Mr. JONES. No; I think that was estimated to cost about $30,000,000.

Mr. BROOKHART. That is correct. This provides about $10,000,000.

Mr. JONES. Yes; from $7,000,000 to $10,000,000.

Mr. BROOKHART. So far as those two items are concerned, there is no difference in principle in the two bills?

Mr. JONES. Speaking for myself, I do not see any particular difference; but there are those who make a distinction between a mail subvention and a subsidy pure and simple.

Mr. HOWELL. Is it not a fact that the bill previously considered provided only for mail subventions?

Mr. JONES. Oh, no; the Senator is entirely wrong about that. The other bill to which the Senator referred provided for what we ordinarily and commonly call a subsidy for the building of cargo ships.

Mr. HOWELL. But it could not be paid to any ship except a ship which carried mail.

Mr. JONES. Oh, yes; it could.

Mr. HOWELL. Upon what theory?

Mr. JONES. We did not confine it to ships carrying mail. The bill was not framed on the theory that it only applied to those ships that carried mail. This bill is so framed. There is the real difference.

Mr. HOWELL. I would like to ask if it was not urged that the only theory upon which a subsidy could be granted to vessels was the fact that they carried United States mail?

Mr. JONES. No; I do not think so at all.

Mr. HOWELL. Then it was held that a subsidy or bounty was perfectly legal and lawful under the Constitution?

Mr. JONES. We tried to get a bill through on that theory, but we did not get it to a vote.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New York?

Mr. BROOKHART. I yield.

Mr. COPELAND. The bill the Senator was against was a bill proposing a subsidy on tonnage and had no reference to services rendered, as here. The distinction I make in my mind is that this is a payment for services rendered, while the other bill was a subsidy pure and simple.

Mr. BROOKHART. But this is a subsidy payment of more than the services are worth, and I see no difference between that kind of a subsidy and a direct payment out of the Treasury. What difference is there in principle?

Mr. COPELAND. I do not think the Senator is right, if he will permit me to say so. The Postmaster General under this bill is authorized to make contracts up to a maximum which is fixed in the bill, and what for? For services rendered in carrying the mail.

Mr. BROOKHART. And that maximum is deliberately fixed; as the Senator from Washington very frankly and honestly says it is fixed, so it amounts to a subsidy. It is more than the service is worth. I do not think the Senator from New York ought to try to camouflage or cover up that fact.

Mr. COPELAND. I do not wish to camouflage anything.

Mr. BROOKHART. That is not fair to the Senate.

Mr. COPELAND. I do not wish to camouflage anything, because there is an honest difference of opinion, and always has been, between the Senator from Washington and myself about the bill. My contention is that it provides for services rendered. The favorable thing about it and the thing that commends itself to the shipping interests and the thing which will encourage them to build the ships and operate under it is that they can make long-term contracts. They will know that for a period of 10 years they are going to have so much income. How much that income will be is a matter of adjustment between the shipping interests concerned, the Shipping Board, and the Postmaster General. My conviction is that it is a payment for services rendered; that the favor in it, if there is one, is that we consent to a long-term contract, which we did not before. No shipping interest, of course, will build a vessel when it has only one year of certainty as to the carriage of mail between New York and some point in South America; but under this arrangement there will be a contract agreement between the Shipping Board and the Postmaster General on the one hand, and the shipping interests on the other hand, that for a period of 10 years they shall receive so much for the carriage of the mail.

Mr. BROOKHART. That sounds very nice, but the Senator from Washington—and I have not any doubt about his fairness or about his accuracy in this matter—says that these contract prices are paid to the extent of about $10,000,000 in subsidy, and he was not even willing to say it was an indirect subsidy, a payment for services, as the Senator from New York said. It is so plain and he wants to be so fair about it and says it is a direct subsidy for that purpose. I myself think that it is.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. BROOKHART. I yield.

Mr. SIMMONS. I desire to ask the Senator in charge of the conference report a question. As I understand it, the $10,000,000 spoken of by the Senator from Iowa and the Senator from Washington means that the Federal Government will pay the American ships purchased from the Shipping Board or built outside, as it may be, floating the American flag, for carrying the mails $10,000,000 more than we would have to pay for the same service if the mails were carried under foreign flags. Is that true?

Mr. JONES. Oh, no; that is not what I meant at all.

Mr. SIMMONS. That is what I want to know, whether the Senator meant that.

Mr. JONES. That is not what I meant. That is the amount which it is estimated will have to be paid, if all the ships are built that we really expect to be built under the bill, for the mail that they carry. If they carry the mail which has heretofore been carried by foreign ships, of course we will have an offset to that extent.

Mr. SIMMONS. Can the Senator tell what that offset would amount to? I want to see how much we would be paying the American ships in excess of what we would pay the foreign ships rendering the same service.

Mr. JONES. We are paying the foreign ships now, I think, something over $3,000,000. If we should carry all of that mail on our own ships, of course that $3,000,000 would be an offset.

Mr. SIMMONS. That would reduce it to $7,000,000.

Mr. JONES. The estimate is from $7,000,000 to $10,000,000.

Mr. SIMMONS. The consideration, and the only consideration, the Government would receive for that $7,000,000 in excess of what we would pay foreign ships is that the American ships shall be so conditioned that they will be equipped as naval auxiliaries in time of war.

Mr. JONES. That is one of the conditions.

Mr. SIMMONS. Is not that a basic consideration?

Mr. JONES. It is a very material consideration.

Mr. SIMMONS. That is the only substantial consideration, and that is in itself a very substantial consideration.

Mr. JONES. It certainly is.

Mr. BROOKHART. In order to become a little more familiar with the facts and have a little more accurate information, I ask the chairman of the committee what other loan provisions are made with reference to private parties? I was not present when he probably explained that in presenting the conference report.

Mr. JONES. The loan provision in the bill is about as follows: I want the Senator to remember that under the act of 1920 we provided for a loan construction fund which might amount to $125,000,000. It was to be made up of receipts from the sale of ships during the first five years. It did not, in fact, amount to $125,000,000, but we have extended the time. The bill now provides for a loan construction fund up to $125,000,000 and also contains a further provision that appropriations are authorized to the extent of bringing that loan fund up to $250,000,000. That, of course, depends entirely upon whether or not Congress acts along that line. But we are authorized to make the appropriations to bring the fund up to $250,000,000, and then it is made a revolving fund.

The bill provides that loans may be made out of that fund up to three-fourths of the value of ships, and the rate of interest in brief is the lowest rate on Government obligations since a certain date in 1917.

Mr. BROOKHART. I would like to ask the Senator now if that is not putting the Government into the money-loaning business?

Mr. JONES. The Senator can construe that just the same as I can. We authorize the loans to be made to persons who will build ships of a certain class on certain approved plans.

Mr. BROOKHART. Is it any more putting the Government in the business to have it own and operate these ships than it is to go into the money-lending business or underwriting the shipbuilding business?

Mr. JONES. I do not know just what the Senator has in mind. I have stated frankly what are the provisions of the bill.

Mr. BROOKHART. Let us see. The conference report says in section 1 that "the policy and the primary purpose declared in section 1 of the merchant marine act are hereby confirmed."

Mr. JONES. That refers to the merchant marine act of 1920.

Mr. BROOKHART. That policy was to turn the ships back to private ownership, was it not?

Mr. JONES. The first provision of the act of 1920 provided that the Government should build those ships, and so on, with the ultimate aim of having them in private hands.

Mr. BROOKHART. When the present bill came up in the Senate we changed that policy and the Senate declared for Government ownership and operation of the ships as a policy.

Mr. JONES. Practically we changed it, and yet theoretically we did not, because in that bill we provided for the sale of the ships, but by unanimous vote of the Shipping Board.

Mr. BROOKHART. Only by unanimous vote, and that, we believed, would practically end the sale of the ships.

Mr. JONES. I myself did not think so, but a great many did.

Mr. BROOKHART. Then in the conference report we substantially abandon the policy for which the Senate declared in passing the bill.

Mr. JONES. I do not think so. We have provided, however, that a sale may be made upon a vote of five members of the Shipping Board.

Mr. BROOKHART. Are the provisions of the bill as it passed the Senate retained?

Mr. JONES. Substantially the provisions of the bill as it passed the Senate are retained, except in that one respect of the consent to the sale being by five members of the Shipping Board instead of by unanimous vote of the Shipping Board. All the other substantial provisions of the bill as it passed the Senate are retained, and the policy of the bill as it passed the Senate is simply supplemented by these other provisions,

looking more directly to the private building, ownership, and operation of ships.

Mr. BROOKHART. Is there any provision in the bill as to where the new ships to be built by private parties through Government loans shall be constructed?

Mr. JONES. I do not believe there is an express provision with reference to that.

Mr. BROOKHART. Is there anything to prevent the building of ships in foreign yards at a lower expense than they can be built in the United States, and then, together with the subsidy, putting ships constructed in the United States out of business?

Mr. JONES. I was mistaken in the statement which I made a moment ago. I rather thought I was after I made it. This is the language of the bill as embodied in the conference report:

The board may use such fund—

That is, the loan fund—

to the extent it thinks proper, upon such terms as the board may prescribe, in making loans to aid persons citizens of the United States in the construction by them in private shipyards or navy yards in the United States of vessels of the best and most efficient type.

So that if we make a loan for the building of a ship the building must be done in domestic yards.

Mr. BROOKHART. In United States yards?

Mr. JONES. Yes.

Mr. BROOKHART. In a private yard or in a Government yard?

Mr. JONES. It may be done in a private yard or it may be in a navy yard.

Mr. BROOKHART. There is no provision or regulation of the price at which the Shipping Board may sell these Government ships after they are built?

Mr. JONES. The ships which may be built through the loan fund will not be Government ships.

Mr. BROOKHART. I understand, but I am now talking about those that are either owned at present by the Government or built by the Government.

Mr. JONES. No. The only provision we have affecting their sale is the requirement that there shall be five concurring votes in the Shipping Board to effect a sale.

Mr. BROOKHART. Then ships could be built by the Government itself and could afterwards be sold to private parties at a lower price than the cost of construction, and in that way a subsidy be paid to private interests?

Mr. JONES. I can not conceive that five members of the Shipping Board would permit anything like that.

Mr. BROOKHART. Have not the Government ships that have been sold by the Shipping Board been uniformly sold at much less than their real value?

Mr. JONES. I would not say that they had been sold at less than their real value; they have been sold at much less than their real cost; but there is quite a difference between the real cost and real value of these ships for commercial purposes at the time they were sold.

Mr. HOWELL. I should like to ask if it is not a fact that the Mediterranean fleet was sold for $7.50 a ton?

Mr. JONES. I do not know. I know there were several sales made at very low figures, and yet I do not say the ships were sold at a lower price than they should have been sold. I do not know all the conditions that confronted the Shipping Board. I have had my opinion with reference to some of the sales that have been made, but the Senator must remember that as the law now stands, and as the law has been in the past, three members of the Shipping Board out of four could and can sell Government ships.

Mr. HOWELL. Yes; and did not the Senate provide that no ship could be sold without a vote of seven members of the Shipping Board, and now the Senate conferees propose to recede from that position?

Mr. JONES. That is true; I have just stated that we have cut it down to five; in other words, not three out of five, but there must be five votes out of a membership of seven. That is certainly much better than the law as it now is and as it will continue to be unless we agree to this conference report. Under the law as it now is, unless this conference report shall be adopted, three out of five members of the Shipping Board could sell the ships; in other words, four constitute a quorum and three a majority of it. I myself do not want that continued.

Mr. BROOKHART. Mr. President, I think now I have the general situation somewhat in mind. It seems to me that we have reached a point where we are perfectly willing to put the Government into business for the purpose of aiding in the creation of a new bunch of shipbuilding millionaires. It seems to me that we are ready at once when it is to serve some special or private interest to go into the Treasury of the United States for almost any amount. It is proposed to authorize the appropriation of $250,000,000 without batting an eye for the benefit of a few private millionaire shipbuilders of the United States; and yet with six and one-half million farmers in this country brought to the verge of bankruptcy by the adoption of such national policies as that relating to railroad transportation, that relating to banking questions, that relating to tariff legislation and to public utility and patent legislation, if we propose to adopt a similar policy with reference to agriculture it must be vetoed.

Mr. President, so far as I am concerned there will be no subsidy from the United States Treasury for any special private interest. I believe the Government itself ought to do its own business. I believe in a merchant marine; I should like to have merchant ships carrying our own products to the markets of the world, but I want the Government to do that thing itself if it can not be done by private parties without the aid of the Government.

There is no basic necessity for the action proposed; life and death do not depend upon Government subsidies to private shipbuilders. Therefore there is no reason of necessity for looting the Treasury in this way. I wish to say that the Senator who votes for this kind of a subsidy and votes against a measure for the relief of agriculture is unfair to every principle of Americanism, is unfair to every idea of equality as laid down in the very beginning of our Government and advocated in every age through which our Government has passed. But that is our situation here now. The Government is going into the money-lending business at the lowest possible interest rate to private parties for profiteering upon the whole country.

Mr. McMASTER. Mr. President——

Mr. BROOKHART. I yield to the Senator from South Dakota.

Mr. McMASTER. I have not been able to hear all the discussion on the conference report. How much money does the Government propose to lend under the bill as now presented by the conferees?

Mr. BROOKHART. It is authorized to lend up to $250,000,000.

Mr. McMASTER. That is, loans may be made up to that amount to shipping companies for the purpose of building ships?

Mr. BROOKHART. If I understood the figures of the Senator from Washington correctly, $125,000,000 are provided, but the Government is authorized to lend up to $250,000,000.

Mr. McMASTER. What percentage of the value of the ships may be loaned?

Mr. BROOKHART. The Government may loan up to 75 per cent of the value of the ships.

Mr. McMASTER. At what rate of interest?

Mr. BROOKHART. At the lowest Government rate of interest. The Federal land banks can lend up to 50 per cent of the value of the farms of the United States.

Mr. BLAINE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. BROOKHART. I yield.

Mr. BLAINE. The Federal land banks can lend up to 50 per cent of the value of the real estate and 20 per cent of the value of the improvements.

Mr. BROOKHART. I should modify my statement to that extent. The Senator from Wisconsin is correct.

Now I desire to ask why it was that this bill was not presented in its full view in the first instance? Why did we not in the first instance have an opportunity to meet these vital questions and discuss this absolute change of front as to policy. The bill passed the Senate in a form satisfactory to every progressive mind in the Senate. It was a plain, straight Government construction and Government operation bill as it passed the Senate. The Government should transact its own business.

Let me digress, Mr. President, to say that the coming question is whether or not the Government will transact its own business or whether it will submit to be looted by private business and to having the resources of all the people placed at the command of private interests for greed and gain. Yet this great question was in no way presented to the Senate. We passed a bill with a different declaration of policy and framed on a different theory. It went to the House, and now it comes back here, and the first opportunity we have to consider the question of again putting the Government into business for

the aid of private parties is on a conference report. It is unfair to the country.

I had my experience with the people of my State upon this issue in 1922. I was sustained by an overwhelming majority when I stood against subsidies of this kind. Other Senators running for reelection were defeated in many of the States because they stood for a ship subsidy. I do not think the sentiment of the people of this country has changed since those days. I think they see it now as they did then; and I think they will stand ready to defeat those who change this policy by a vote on this conference report.

So far as I am concerned, I am ready to fight this proposition to the same extent that I did in 1923. I think it ought to be defeated. If it can not be defeated by a vote, I think we should defeat it by debate until the end of the session. We did that before. So far as I am concerned, I do not believe in a filibuster without a just cause. I would not have filibustered the other bill; but after the issue had been made in the election, after those who favored this policy had been defeated, and when it was known that the new Congress would be against a ship subsidy bill of any kind, then the attempt was made even by an extra session of Congress to force that bill through by the votes of Senators and Representatives who had been defeated in the election. I counted that a filibuster against the people of the United States, and I was ready to meet it upon its own ground. I did meet it in that way; and, assisted by a considerable number on this side of the Chamber and by a large number on the other side of the Chamber, we defeated that bill by debate; and the debate did not end until the 22d day of February, 1923, beginning practically, as it were, on the 20th of November, in the extra session.

I am ready to debate this question now until after all these conventions. I am ready to debate it until after all these conventions. I am ready to debate it until this matter is defeated. I want the Boulder Dam bill to pass at this session, too; but I do not believe this is a fair way to dispose of the rights of the American people.

Unless the Senator from Wisconsin [Mr. BLAINE] had started this discussion and called attention to what happened in this conference, almost without consideration this thing would have slipped over; and this policy, defeated and rejected by the American people, would have passed and become a part of the future triumphs of the Wall Street crowd that is destroying every interest of the common people in this country.

It is proposed to make a 75 per cent loan on these ships; and they will be built by a subsidiary, irresponsible corporation. No responsible party will sign that mortgage or that contract. The responsible party will be in the background, safe and sound, regardless of what may happen. There is no adequate security there. It is a looting of the Treasury. It is on a par with Teapot Dome itself. We have had enough of this Teapot Dome business in the United States; and I want to say to the Republican Party, as a final word, that you can not go forward with these policies; you can not go forward with the looting of the Treasury in the interest of the big financial crowd that rules this country, with a policy that denies equality to the farmers of the country and equality to the labor of the country, that denies equality to the little business concerns of the country, that sends 177,000 little corporations even to the verge of bankruptcy; you can not point to the prosperity of the few millionaires you are creating by this policy of the United States Treasury, and call that prosperity, and elect anybody President of the United States in the next general election.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HOWELL in the chair). The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McKellar	Shipstead
Barkley	George	McLean	Shortridge
Bayard	Gerry	McMaster	Simmons
Black	Gillett	McNary	Smoot
Blaine	Glass	Mayfield	Steck
Borah	Goff	Metcalf	Steiwer
Bratton	Gould	Moses	Stephens
Brookhart	Greene	Neely	Swanson
Broussard	Hale	Norbeck	Thomas
Bruce	Harris	Norris	Tydings
Capper	Hawes	Nye	Tyson
Caraway	Hayden	Oddie	Vandenberg
Copeland	Heflin	Overman	Wagner
Couzens	Howell	Phipps	Walsh, Mass.
Curtis	Johnson	Pine	Walsh, Mont.
Cutting	Jones	Pittman	Warren
Deneen	Kendrick	Reed, Mo.	Waterman
Dill	Keyes	Robinson, Ark.	Watson
Edge	King	Sackett	Wheeler
Edwards	La Follette	Schall	
Fess	Locher	Sheppard	

The PRESIDING OFFICER (Mr. BROOKHART in the chair). Eighty-two Senators having answered to their names, a quorum is present. The question is on agreeing to the conference report.

Mr. BLAINE. Mr. President, I move that the report be recommitted to the committee of conference with instructions to strike out all of that part of the report relating to the increased subvention for carrying the mails and also that part relating to the increase in the loan fund and the authorization for an appropriation; and upon that motion I call for the yeas and nays.

Mr. JONES. Mr. President, I make the point of order that the motion is out of order. The committee of conference has really been dissolved. The report has been made to the House and acted upon by it, and there is no committee of conference to which the matter can be referred.

Mr. KING. Mr. President, it seems to me that the Senate possesses the prerogative to act upon a conference report transmitted to it. It may reject the report in its entirety; it may recommit, or approve it with modifications.

May I be pardoned for repeating my statement, because when I began the Senator from Iowa was in the Chair, and now the Vice President has returned.

I was observing, in response to the suggestion made by the Senator from Washington, that the motion of the Senator from Wisconsin was proper under the rules. We have before us a conference report. The Senator from Wisconsin has moved to recommit the report with instructions to eliminate therefrom the provision dealing with so-called subventions. In other words, his motion is that we disagree to the report, that is, that we approve of the report with the elimination of the provision to which I have just adverted, and desire further conference upon the matters of disagreement. The Senate, I submit, has control of the report when it is brought before it by the conferees. To say that the Senate may not express its disapproval of some provision of the report is to deny to a legislative body prerogatives which, it seems to me, it possesses inherently, and which it has the authority to assert. No one can deny the Senate's power to reject this conference report. May I not go further and send it back to the conferees, or at least, if there are no longer conferees, ask for a further conference? There may be some merit in the point made that the committee on conference has dissolved of its own motion before its duties were fully discharged; before its report was acted upon.

Conceding for the moment that the conference committee has voluntarily disintegrated, the Senate could, upon disagreeing to the report, appoint further conferees, and ask the House to name conferees, in order that the disagreements might, if possible, be removed. It seems to me that the Senate has the right to advise the House that the conference has not been accepted; that the Senate insists upon its disagreement, and requests a further conference. The motion of the Senator from Wisconsin [Mr. BLAINE] is tantamount to such action. And if the House signified its willingness to accord another conference, obviously the Presiding Officer of the Senate, under the usual practice, would have the right to name conferees.

We are really in a situation where the matter can be treated de novo. We are in a situation where the Senate disagrees to a conference report and asks for further consideration by a committee selected by the House and a committee named by the Senate, to see if the disagreements between the two bodies may be ironed out. So I respectfully insist that the mere fact that the conferees have dispersed does not cripple the Senate and deny it the right to act upon the conference report in any way it pleases.

Certainly, the Senator from Washington concedes that we have the right to disagree to the conference report. What would it mean we should disagree? It would mean that the House would be advised of the fact of disagreement, and either body could then initiate proceedings looking to the appointment of conferees with a view to reaching an agreement upon the disputed points.

Mr. JONES. Mr. President, without conceding the right to make the motion, I am perfectly willing to withdraw the point of order and let the matter come to a vote.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Wisconsin [Mr. BLAINE].

Mr. LA FOLLETTE. I ask for the yeas and nays.

Mr. WALSH of Montana. Mr. President, I would like to ask a question of the chairman of the committee. In the bill, as passed by the Senate, we made no provision for payment for the carrying of the mails; so that is new matter?

Mr. JONES. That is new matter, put in by the House.

Mr. WALSH of Montana. Was it carried in the bill as passed by the House?

Mr. JONES. Yes; it was an amendment made by the House to the Senate bill.

Mr. WALSH of Montana. The House measure is merely a substitute for the Senate bill?

Mr. JONES. Yes.

Mr. WALSH of Montana. It strikes out everything, and substitutes an entirely new bill?

Mr. JONES. In one sense it is an entirely new bill. It embodies all the provisions of the bill as passed by the Senate, and some additional provisions.

Mr. WALSH of Montana. So that really the Senate has never had an opportunity, except as the opportunity is now accorded it, to discuss the subject of this subvention for carrying the mail?

Mr. JONES. Except as it might have done so before the bill was sent to conference.

Mr. SIMMONS. Mr. President, what is the motion?

The VICE PRESIDENT. The motion of the Senator from Wisconsin is to recommit the conference report with certain instructions.

The yeas and nays were ordered.

The legislative clerk proceeded to call the roll, and Mr. ASHURST responded in the negative.

Mr. SIMMONS. I understand it is not only a motion to recommit, but it is a motion to recommit with instructions.

I want to know what the instructions are.

The VICE PRESIDENT. Will the Senator from Wisconsin restate the instructions?

Mr. BLAINE. The instructions are to strike out from the conference report those provisions relating to the increased subventions for carrying the mail, and also the provision relating to increasing the loan fund and the appropriation authorized—to strike out the subsidy and the additional loan feature.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

Mr. BLAINE. Certainly.

Mr. ROBINSON of Arkansas. If the motion to recommit with the instructions referred should prevail, would it probably result in the prevention of the passage of the proposed legislation during the session?

Mr. BLAINE. My judgment is that it would not.

Mr. ROBINSON of Arkansas. I ask the question because I have heard a number of Senators express the opinion that it would defeat the proposed legislation.

Mr. BLAINE. I think not. I think there would be no obstruction.

Mr. HOWELL addressed the Chair.

Mr. LA FOLLETTE. Mr. President, I make the point of order that the roll call is in progress and that debate is out of order, the Senator from Arizona having responded to his name.

The VICE PRESIDENT. The point of order is well taken, and the clerk will proceed with the roll call.

The legislative clerk resumed the calling of the roll.

Mr. BAYARD (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. REED]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. BRATTON. I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. I understand that if he were present he would vote as I intend to vote, and therefore I shall vote. I vote "nay."

Mr. KENDRICK (after having voted in the negative). I have a general pair with the Senator from Connecticut [Mr. BINGHAM], who is absent. I am informed that if present he would vote as I have voted, and therefore I allow my vote to stand.

Mr. WHEELER. I have a general pair with the Senator from Idaho [Mr. GOODING], who is absent. Not knowing how he would vote if present, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. WATSON (after having voted in the negative). I have a pair with the senior Senator from South Carolina [Mr. SMITH], who is absent. I am unable to secure a transfer, and therefore I withdraw my vote.

Mr. WALSH of Montana (after having voted in the affirmative). I have a pair with the Senator from Vermont [Mr. DALE], which I transfer to the Senator from Mississippi [Mr. HARRISON], and allow my vote to stand.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL]; and

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE].

I also desire to announce that the senior Senator from Pennsylvania [Mr. REED] is detained from the Senate on official business. If present, he would vote "nay."

The result was announced—yeas 24, nays 54, as follows:

YEAS—24

Black	Heflin	McMaster	Sheppard
Blaine	Howell	Mayfield	Shipstead
Borah	King	Norbeck	Steck
Brookhart	La Follette	Norris	Thomas
George	Locher	Nye	Tydings
Harris	McKellar	Reed, Mo.	Walsh, Mont.

NAYS—54

Ashurst	Edwards	Keyes	Shortridge
Barkley	Fess	McLean	Simmons
Bratton	Fletcher	McNary	Smoot
Broussard	Gillett	Metcalf	Steiwer
Bruce	Glass	Moses	Stephens
Capper	Goff	Neely	Swanson
Caraway	Gould	Oddie	Tyson
Copeland	Greene	Overman	Vandenberg
Couzens	Hale	Phipps	Wagner
Curtis	Hawes	Pine	Walsh, Mass.
Cutting	Hayden	Pittman	Warren
Deneen	Johnson	Robinson, Ark.	Waterman
Dill	Jones	Sackett	
Edge	Kendrick	Schall	

NOT VOTING—16

Bayard	du Pont	Harrison	Smith
Bingham	Frazier	Ransdell	Trammell
Blease	Gerry	Reed, Pa.	Watson
Dale	Gooding	Robinson, Ind.	Wheeler

So the Senate refused to recommit the conference report with instructions.

Mr. HOWELL. Mr. President, some 10 years or more ago the Government invested about $3,000,000,000 in a commercial shipping enterprise, under the control of the United States Shipping Board. It is reported that the assets of this board now do not exceed some $250,000,000. A greater portion of all this vast sum has vanished, a loss to the people of the country, and in my opinion a loss largely due to the policies adopted by the Shipping Board and the administration. Whereas we have been endeavoring to conduct a commercial business, we have flouted the primary principles of business in doing so. As soon as a shipping line became profitable it was sold. Lines that were unprofitable were operated. Whenever bids were made for lines that had been established, they were sold at ridiculously low prices.

I have in mind one particular case. The Government established and was operating a line from New York to Mediterranean ports. If I remember aright, it included in the neighborhood of 18 vessels. Undoubtedly those vessels at the time they were sold could not have been replaced for $50 a dead-weight ton.

They were sold for $7.50 a dead-weight ton, one-fourth down and the balance payable in 10 annual installments. What did that mean? It meant the Government received, from a corporation with little net assets, a contract to purchase the vessels at $7.50 a dead-weight ton, whose reproduction value could not have been less than $50 a dead-weight ton. That Senators may understand that I am not exaggerating: In July, 1924, the most ordinary specification freighter could not be purchased in British markets for less than about $38 a dead-weight ton. The ships in question were not ordinary specification freighters. Yet they sold them for $7.50 a ton—$1.87 down, the balance payable at the rate of 56 cents per ton per year. Yet the annual depreciation on these vessels was nearly $2 per annum per dead-weight ton.

It is such policies that largely have frittered away the $3,000,000,000 of the American people invested in our commercial shipping enterprise. I believe this is one of the most depressing episodes in the history of governmental business. It is asserted that the Government can not successfully conduct business. It can, in my opinion, if it is conducted for blood. But how has this business been conducted? A former head of the Shipping Board, when asked whether the reason the Shipping Board is losing money was not due to the fact that it is trying to run a commercial business without hurting its competitors, stated, "It is far worse than that. It is attempting to run a commercial business aiding its competitors." That statement typifies in a few words the policy that has guided the Shipping Board.

The chairman of the Commerce Committee came before the Senate with a report from his committee and stated in effect that he was satisfied the only way American shipping could be maintained on the seas was for the United States to continue in the business, but upon different terms. One of the principal changes he proposed was that the Shipping Board could not sell ships for a song unless a large proportion of the Shipping

Board approved of the sale. The Senate finally amended the bill so that sacrifice of shipping could not be repeated without a unanimous vote of the Shipping Board. There are seven members, and it was provided in the Senate bill that if a vessel were sold there would have to be seven votes in favor of the transaction. The bill was opposed by the shipping interests. It went to the House and has been amended, and comes back to us now with a provision that ships can be sold upon a vote of five members.

Why did we make that provision? Do Senators realize that the Senate bill and the bill as it comes here now authorized an unlimited appropriation for the building of new vessels? It was felt, when the provision was made, that something should be done to prevent the new ships being sold, almost immediately, for a song. The anchor to leeward was the unanimous vote of the Shipping Board. That provision respecting appropriations is still in the bill, but the bill comes back with a provision that five members of the Shipping Board can sell the new vessels at any time, yes; within six months or less after completion, for one-half or one-quarter of what they cost.

The bill also provides for the reconditioning of vessels. The history of the Shipping Board shows that it has reconditioned vessels at great expense and then sold them for half, or less than half, the cost of repairs. Why? The policy of the Shipping Board seems to have been to give to the shipping interests of the country a subsidy notwithstanding Congress had refused it. How? By selling them ships at bargain prices. In my opinion it is little less than robbery of the American public that has been indulged in.

Mr. President, the bill also provides for the loaning of $250,000,000 or more to shipping interests—upon what terms? Upon terms that no private interest would consider for a moment; upon terms that the United States Government will not grant to farmers. When the Federal Farm Loan Board was created and a Government loan was placed in its hands, initially, for the establishment of land banks, it was provided that if any farmer borrowed money he must join an association, and that every member of that association had to guarantee every loan made; furthermore, that there should be 12 banks in the country, and that each of the 12 banks should reciprocally guarantee the loans of every other bank.

Now it is proposed to place in the hands of the Shipping Board, to be loaned to the private shipping interests of the country, more than $250,000,000, to be loaned how? Are shipping corporations to be called upon to form associations and guarantee each other's loans? Oh, no; they would not want it that way. Why? Because corporations with little capital will be formed for each contract. They will proceed to borrow from the Government and if an enterprise succeeds the Government will be repaid, but if an enterprise fails the Government, of course, will hold the sack. They are to be able to borrow three-quarters of the cost of new vessels or the cost of reconditioning of an old vessel. If we think best to loan money to the shipping interests, we should compel them to form associations just as borrowing farmers are required to form associations.

Not only that, but it is proposed to let them have money at rates that only the best security can command, and that is United States Government obligations, tax free. The bill provides that these relatively large sums of money can be loaned to shipping interests at the rate, in effect at the time of application, upon any Government obligation outstanding, issued subsequent to 1917.

Prior to 1917 we issued Government securities at rates as low as 2 per cent. Seldom has the country been so prosperous as it is to-day. Seldom has money been so plentiful as to-day, and hence we can expect that possibly Government securities may be issued at rates as low as 2 per cent, and then the shipping companies will get Government money at 2 per cent.

But how about the farmer? A farmer must have the guarantee of all his neighbors. He has to pay not less than 5 per cent at the present time for his money. What is the Government paying to-day? Upon about $12,000,000,000 of Liberty bonds it is paying 4¼ per cent, and yet we propose to let shipping institutions, without adequate security, without guaranteeing each other's loans, have Government money for from 3 to 3⅛ per cent and possibly down as low as 2 or 2½ per cent. Is there any wonder that our agricultural interests feel that they are continually discriminated against, that industry and every other line of endeavor is to have protection, is to have consideration, but not the farmer?

Mr. President, this conference report should not be adopted. I presume I am speaking to no purpose, but nevertheless I can not but say we are forgetting, in connection with a great business the Government is carrying on, the primordial principles that govern private business, and that render such business successful. It may be that those who advocate these provisions and that the Government should get out of business, believe that thereby they will ultimately get the Government out of the shipping business; however, in so doing they will be putting the Government into the loaning business, and putting it in the loaning business upon about the same indefensible, losing basis whereon our shipping business has been conducted. They will be putting the Government into the loaning business upon such a basis that the Government will not, can not, get its money back.

Then, what more will we be doing? We will provide a bounty also to the very interests that will borrow this money, practically without security. True, in so doing we will be giving them but the same privilege which the manufacturing interests of the country are enjoying through the tariff.

Senators will recall that Hamilton held that a tariff and a bounty were practically the same thing, and that he thought a bounty the more desirable of the two. So we are proposing to do for the shipping interests exactly what we are doing for our manufacturing interests. We propose to give them a bounty, a subsidy, a subvention, in addition to these huge loans and low interest rates. However, when we have contemplated giving the farmers of the country a bounty, we have been assured by the administration that it is opposed not only to an equalization fee but also to a bounty. In short, we are adopting a policy for shipping that we are assured can not be adopted—nor anything comparable therewith—for the farmer, and we are doing it right out offhand.

Yes; we are providing for a subvention in the way of mail contracts for the very interests to which we are to loan our money that will cost the Government as estimated from seven to ten million dollars annually, but there is no limit to what it may be.

The proponents of this legislation will tell us about similar subventions which are granted by Great Britain in connection with its shipping; but, Mr. President, the total of these do not exceed $4,000,000 a year, as I understand. It is urged that we shall get this money back in the form of additional business for the post office, but, in my opinion, this suggestion is but cheerful optimism.

What we will also be doing, Mr. President, is to create another great interest to influence Congress that will be here on the ground constantly. We shall be taking a backward step. Under no circumstances, in my opinion, ought this conference report be adopted in its present form. The Senate should insist upon the safeguards it threw around the measure when it went to the House, and accept nothing less.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The question is on agreeing to the conference report.

Mr. BLAINE. Mr. President, it seems to me that the time has come when the Government should cease contributing out of the public funds to the transportation companies engaged in the shipping business. I have taken the trouble and the time to ascertain how much money Congress has appropriated for shipping projects. As I understand, the maximum shipping program, as of October, 1918, provided for 3,148 ships, of 17,493,286 tons. In 1918, after the armistice was signed, orders for the building of 963 ships, of 4,808,365 tons, were canceled. That left 2,185 ships, of 12,684,921 tons.

I understand that the active fleet under the control of the Shipping Board as of 1924 was made up of vessels aggregating 2,712,877 tons, and that there was under the control of the Shipping Board at the same time an inactive fleet of over 6,000,000 tons.

Under the jurisdiction of the Emergency Fleet Corporation, whose functions were later taken over by the Shipping Board, 2,185 ships, of 12,684,921 tons, were actually constructed, while to-day the Shipping Board has an active fleet of only 2,712,877 tons. The ships represented by the difference between the two figures have gone somewhere. The tonnage has been lost to ocean transportation. Herein lies another subvention, another subsidy that has been granted to private shipping interests.

Professor Van Dorn, of Columbia University, in discussing the Emergency Fleet Corporation, states that on July 1, 1924, the total fleet still under the control of the corporation consisted of 1,294 vessels, aggregating 8,907,326 deadweight tons. That information is taken from the Eighth Annual Report of the United States Shipping Board of June 20, 1924, and the quotation will be found on page 94.

He further says:

> Deducting from this the active fleet of 2,712,877 tons, we have left a total inactive fleet of approximately 6,000,000 tons. In other words, seven years after the war two-thirds of our Government fleet is still inactive.

Then, sir, why should the American people be called upon to pay a subvention or a subsidy of over $15,000,000 a year, when there are 6,000,000 tons in capacity of an inactive fleet, ships owned by the Government of the United States, not in operation—ships many of which, no doubt, could be reconditioned and placed in foreign service? Why, then, call upon the American people to extend this gratuity of $15,000,000 a year to private shipping interests when the Government of the United States has the equipment or may obtain the equipment to carry every ton of freight, inbound or outbound, to and from every American port, and over which ships would fly the American flag?

There need then be no subvention, no subsidy. The Senator from Iowa [Mr. BROOKHART] has discussed this problem of "getting the Government out of business," the slogan of the past. Well, it depends upon what kind of business the Government gets into whether or not it should get out. When the Government got into the business of almost giving away to the R. Stanley Dollar shipping interests five of the finest ships that ever sailed to the Orient, that is the kind of business the Government should get out of.

Five of these splendid American ships, built by the American Government out of funds taken from the pockets of the taxpayers of America, were purchased by R. Stanley Dollar at a price of only $1,125,000 apiece. The Dollar Line paid but one-third in cash, and the balance of the purchase price is owing by the Dollar Line at a rate of interest of only 4½ per cent, and the Dollar Line agrees to operate those ships for a period of only five years. Members of the Shipping Board have testified that those five splendid ships sold to the Dollar Line would cost about $25,000,000 if they were reproduced new. In other words, these five ships were sold at $1,125,000 apiece when their original construction cost would be over $25,000,000.

Professor Van Dorn, of Columbia University, quoting a part of the testimony given by Commissioner Thompson, said:

> The price paid was only one-fourth of, or $15,000,000 less than, the amount it would cost to build the vessels at this time—

Referring to the time when he was making his statement—

> and one-sixth of, or $25,000,000 less than, the original cost of the vessels.

He further stated:

> The San Francisco-Orient Line is showing no money loss in operation, therefore not necessitating any sale at this time at sacrifice value to stop any losses requiring moneys from the Treasury of the United States.

Professor Van Dorn, in analyzing the sale of these ships and the consequences that arose because of that sale, says:

> A further argument made against the sale of these ships to the Dollar interests was that it created a monopoly of American passenger lines in the Pacific. The Dollar Steamship Co. is already the owner of seven of the *President* type of vessel, purchased from the Shipping Board in 1923. With these it operates a round-the-world service from San Francisco, part of the route parelleling the Pacific Mail Line. In addition, the Dollar Steamship Co. is the managing operator of the Admiral Oriental Line, whose ships ply from Seattle to the Far East. The acquisition of the Pacific Mail ships thus gives it complete control of all American passenger lines to the Orient.

Those are statements of facts; and the American people have been called upon to pay and have paid by way of a gratuity, a gift, a subsidy in favor of the Dollar Line, at least $15,000,000.

Professor Van Dorn, in discussing the policy involved and the price America paid, says:

> The factors which have produced this situation are twofold: First of all, the enormous building program undertaken during the war created a world surplus of shipping, even after deducting the huge war losses. World commerce was unable to absorb the excess tonnage.

There is no doubt but there were quantities of ships sufficient to take care of the foreign commerce of America; and in discussing the sale of the American ships to the Dollar Corporation Mr. Van Dorn makes these conclusions:

> Whatever advantages and economies may be achieved by giving to one company a monopoly of the Pacific passenger trade, this much seems clear, that for these benefits the Shipping Board paid an extremely high price.

The result was not only that the American taxpayer gave to the Stanley-Dollar Line $15,000,000 in value but as well that transaction resulted in the creation of a monopoly—a monopoly controlled by one single organization of the shipping interests in the ocean transportation of the Pacific. This conference report, if adopted, is going to result in additional payments to the Dollar Line, which has already profited to the extent of $15,000,000 at the expense of the American people.

I do not believe that this conference report is defensible, and I am not surprised that scarcely a voice is raised in defense of it. I am not surprised that Members of this body who will support the report remain silent. The apology for it is that shipping in American bottoms has been driven from the seas. I can not agree with that statement, and if it were true, I could not bring myself to the conclusion that the American people are to be taxed for the benefit of private industry or private transportation in order to induce them to engage in foreign commerce. If that is the theory of government, if the policy indicated by this bill is to prevail, why not buy farms for the million or two million farmers who were driven from the farms because of the depression in 1920? Why not loan them money at 3 per cent interest for the purchase of farms and equipment of the farms, and then offer them a gratuity, a subvention, a subsidy, that would absorb the other 25 per cent, assuming that the loan is made on the basis of three-fourths of the value of the property purchased? That is what this bill does for the private shipping interests.

If it is right, if it is the function of government, to make these contributions to private transportation agencies, then it is the duty of government to make a similar contribution to everyone who may be driven from his business because of trade depression or an economic necessity. The same reason prevails for the giving of gratuities to the smaller manufacturers, a large percentage of whom have failed in the last few years; for giving gratuities to the grocers, who are constantly being driven out of business by the chain store; for giving a gratuity to the 4,000,000 unemployed in this country—unemployed because the machines and the improvements of the machines have displaced them in industry.

If this policy is to be pursued, then, Mr. President, we owe to everyone, when he is driven from his occupation, a gratuity which will mean a sufficient income for his prosperity, whether he is engaged in farming, in merchandising, manufacturing, in labor, or in professional services. That is the policy proposed by this conference report.

I do not understand that American shipping in American bottoms, in vessels of American registry, has been driven from the seas. An examination of the facts does not justify such a statement. These transportation agencies have been more successful, on the whole, than have been the agricultural workers of America—the farmers of America. Shipping companies have been as successful, on the whole, as has been industry.

There is no demand from the country for a subsidy and a subvention for the shipping interests. I find that in the years 1921 to 1926 there has been a considerable amount of inbound and outbound foreign cargo tonnage. I have here the report of the American merchant marine, volume 2, an independent report made by Mr. Lawrie, economist of the Bureau of Operations, United States Shipping Board. I find from an analysis of that report—and I shall quote from the report—that American bottoms are carrying a considerable portion of American commerce. Of course, there is no one who will contend that all the commerce from all the foreign countries, the inbound commerce, must be carried in American vessels flying the American flag. If that is the contention, then the British Government can make the same contention, that all inbound foreign tonnage destined for Great Britain should be carried in British ships, and the Italian Government, with as good reason, would contend that all inbound foreign commerce to all the Italian ports should be carried in Italian bottoms, vessels flying the Italian flag. What Great Britain and Italy, therefore, would demand if that were to determine the natural flow of commerce or rather the arbitrary flow of commerce—every other nation would demand—France, Germany, Holland, the Scandinavian countries, Spain, Portugal, all of the maritime countries, European, Asiatic and South American.

That is not the basis upon which to calculate the amount of tonnage that rightfully belongs to the vessels of the respective nations. America can not expect to monopolize the commerce of the seas, and for one I hope she does not monopolize the commerce of the seas, for the very moment that time would come then, sir, the nations of the world would join together against America in a defensive, commercial compact and that would mean war. I believe that American vessels are entitled to their reasonable share of the commerce upon the seas.

The very suggestion that there should be a subsidy, the very suggestion that there should be a subvention or gratuity to American ships, is an acknowledgment of their incompetency to meet the commerce competition of the world.

Here in America ships can be built more rapidly than in any other nation. American ingenuity, American invention, American skilled labor in the building of modern ships capable of carrying the maximum tonnage to-day can produce finished vessels with a rapidity undreamed of by any foreign nation.

I do not believe that American industry and American transportation interests are incompetent, but when they ask for this subsidy, this subvention, this gratuity, they are demanding that to which they have no right.

This development in America of the shipyards industry is of only recent origin. Professor Van Dorn briefly discusses the problem. The Federal department having in charge investigations with respect to safety in occupations and safety in engineering has gone into the question and gives some of the factors that make American industry efficient. The question of industrial accidents is one of the factors that enters into the problem. The mere matter of enhanced wages to American mechanics is not a factor, because the machine has made it possible to displace human labor, and therefore the labor element instead of increasing in the aggregate cost decreases in the aggregate cost—true, increasing as to the individual employee but decreasing in the aggregate cost of industry on account of labor. In other words, the labor factor in industry is becoming less and less as human labor is being displaced by the machine.

The senior Senator from Utah [Mr. SMOOT] a few days ago gave an illustration along that very line. Let me recite some of the factors, as given by Professor Van Dorn, which enter into the efficiency of American industry that make it possible to build ships that compete with foreign industry.

The Federal department found certain defects. They were known, it is true, but they were catalogued by the department. They found that certain injuries were most frequent, such as eye injuries caused by flying particles of steel, and that placed a tremendous burden upon industry. A constant danger arising from riveting, reaming, clipping, caulking, and drilling was a factor. I give these two only for illustration. Industry has found a way by which substantially all of these casualties may be avoided—simple ways, inexpensive ways—such as the protection of the eye by the wearing of goggles, the protection of flywheels and emery wheels, by simple and inexpensive devices tremendously reducing cost. They also found that the physical welfare of the worker affects his productivity. Not only the physical welfare, but as well the mental attitude of the worker affects his productivity. Means were sought to avoid these accidents. In investigating the question of workmen's compensation in order to draft a bill suitable for the employees of the District of Columbia, I found that industry, due to the installation of safety and protective devices, had to a large extent reduced the cost of their operations by the prevention of accidents.

We have in the past few years developed a tremendous efficiency. It is this efficiency of American workers and American industries that enables it to meet foreign competition. In this spirit of rivalry that was developed, the mechanic and the machinist became interested in their own development; and there at once entered into their work the very human element of competition, human contest, just as there enters into a game of football or baseball the desire to win, to excel, to be swifter than some one else. This is what happened. Professor Van Dorn uses this as an illustration:

Word was sent out—

This was in the shipping yards, it was not in industry generally, but the illustration is taken from the shipping yards—

Word was sent out that a man in Baltimore had driven 685 rivets in a day.

An unknown and almost unbelievable number.

A few days later a man in the same yard drove 1,414 rivets in eight hours. The first man then came back with a record of 2,720 rivets in nine hours. This was soon surpassed by a New Jersey worker who drove 2,919 rivets in eight hours.

The Englishmen heard about this and they entered the contest—

And word was sent back that an Englishman in a London shipyard had hammered 4,267 rivets in nine hours.

Then prizes were offered.

The prize was won by a negro in a Baltimore yard, but his record was broken the following day by a worker in Oakland, Calif., who drove 5,620 rivets in nine hours.

That merely illustrates how America excels.

Before the war—

Doctor Van Dorn says—

it required from nine months to a year and a half to build a modern steel vessel of from 3,500 to 9,000 tons. During the war the same vessels were built in from one to four months. In one yard the average time from keel laying to delivery was less than 70 days. One steel ship, the *Crawl Keys*, a vessel of 3,350 tons, was constructed at Ecorse, Mich.—

In the State of the distinguished Presiding Officer at this time [Mr. COUZENS in the chair]—

in 29 days. The record among wooden ships is held by the *Aberdeen*, a 4,000-ton vessel, built at Grays Harbor, Wash., in 27 days.

* * * * * * *

The record month was September, 1919, during which 145 ships, of 788,053 tons, were delivered. Thus in one month we completed more than twice the tonnage produced in this country during the whole of 1916.

Mr. CURTIS. Mr. President, will the Senator yield to me in order that I may make a request for unanimous consent?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Kansas?

Mr. BLAINE. I yield.

ORDER FOR CONSIDERATION OF CONFERENCE REPORTS

Mr. CURTIS. I ask unanimous consent that the Senate proceed immediately to the consideration of the conference report on the so-called McNary-Haugen bill and vote on it without further debate, and that, at the conclusion of the vote on that measure, the Senate vote, without further debate, on the conference report upon the shipping bill that is now pending.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the agreement is entered into.

FARM RELIEF—CONFERENCE REPORT

Mr. BLAINE. Mr. President——

Mr. McNARY. I understood the Senator had yielded the floor.

Mr. BLAINE. Mr. President, I do not know the parliamentary status. I presume that I yielded for the Senator from Kansas to make a request for unanimous consent. I understand that the agreement proposed by the Senator from Kansas has been entered into.

The VICE PRESIDENT. The agreement has been entered into.

Mr. BLAINE. Then, I yield the floor.

Mr. McNARY. I submit the conference report on the so-called McNary-Haugen bill, being Senate bill 3555, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Under the unanimous-consent agreement, the consideration of the conference report is in order. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"DECLARATION OF POLICY

"SECTION 1. In order to stabilize the current of interstate and foreign commerce in the marketing of agricultural commodities and prevent suppression of commerce with foreign nations in such commodities and unjust discrimination against such foreign commerce, it is hereby declared to be the policy of the Congress to promote the orderly marketing of agricultural commodities in interstate and foreign commerce, and to that end, through the execution of the provisions of this act, to provide for the control and disposition of surpluses of such commodities, to preserve advantageous domestic markets for such commodities, to prevent such surpluses from unduly depressing the prices obtained for such commodities and from causing undue and excessive fluctuations in the markets for such commodities, to minimize speculation and waste in marketing such commodities, and to further the organization of producers of such commodities into cooperative associations.

"FEDERAL FARM BOARD

"SEC. 2. (a) A Federal Farm Board is hereby created which shall consist of the Secretary of Agriculture, who shall be a member ex officio, and twelve members, one from each of the twelve Federal land-bank districts, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

"(b) The terms of office of the appointed members of the board first taking office after the approval of this Act, shall expire, as designated by the President at the time of nomination, four at the end of the second year, four at the end of the fourth year, and four at the end of the sixth year, after the date of the approval of this act. A successor to an appointed member of the board shall be appointed in the same manner as the original appointed members, and shall have a term of office expiring six years from the date of the expiration of the term for which his predecessor was appointed.

"(c) Any person appointed to fill a vacancy in the board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(d) Any member of the board in office at the expiration of the term for which he was appointed, may continue in office until his successor takes office.

"(e) Vacancies in the board shall not impair the powers of the remaining members to execute the functions of the board, and a majority of the appointed members in office shall constitute a quorum for the transaction of the business of the board.

"(f) Each of the appointed members of the board shall be a citizen of the United States, shall be the producer of some one or more agricultural products or shall be interested in and truly representative of agriculture, shall not actively engage in any other business, vocation, or employment than that of serving as a member of the board, and shall receive a salary of $10,000 a year, together with necessary traveling expenses and expenses incurred for subsistence or per diem allowance in lieu thereof, within the limitations prescribed by law, while away from the principal office of the board on business required by this act, or if assigned to any other office established by the board, then while away from such office on business required by this act.

"GENERAL POWERS

"SEC. 3. The board—

"(a) Shall annually designate an appointed member to act as chairman of the board.

"(b) Shall maintain its principal office in the District of Columbia, and such other offices in the United States as it deems necessary.

"(c) Shall have an official seal which shall be judicially noticed.

"(d) Shall make an annual report to Congress.

"(e) May make such regulations as are necessary to execute the functions vested in it by this Act.

"(f) May (1) appoint and fix the salaries of a secretary and such experts, and, in accordance with the classification act of 1923 and subject to the provisions of the civil service laws, such other officers and employees, and (2) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the functions vested in the board.

"(g) Shall meet at the call of the chairman, or of the Secretary of Agriculture, or of a majority of its members.

"(h) Shall keep advised, from any available sources, of crop prices, prospects, supply, and demand, at home and abroad, with especial attention to the existence or the probability of the existence of a surplus of any agricultural commodity or any of its food products, and it may advise producers through their organizations or otherwise in matters connected with the adjustment of production, distribution, and marketing of any such commodity, in order that they may secure the maximum benefits under this act.

"(i) Shall advise producers through their organizations or otherwise in the development of suitable programs of planting or breeding, so that burdensome crop surpluses may be avoided or minimized, in order that they may secure such benefits.

"COMMODITY ADVISORY COUNCILS

"SEC. 4. (a) Prior to the commencement of a marketing period in respect of any agricultural commodity the board is directed to create for such commodity an advisory council, which shall be a governmental agency composed of seven members fairly representative of the producers of such commodity. Members of each commodity advisory council shall be selected annually by the board only from lists submitted by the cooperative associations and by other organizations representative of the producers of the commodity in each State that produced in the preceding five crop years, according to the estimates of the United States Department of Agriculture, an average of three per cent or more of the average anuual total domestic production of the commodity, and from lists submitted by the governors and by the heads of the agricultural departments of such States. Members of each commodity advisory council shall serve without salary but may be paid by the board a per diem compensation not exceeding $20 for attending meetings of the council and for time devoted to other business of the council and authorized by the board. Each council member shall be paid by the board his necessary traveling expenses to and from meetings of the council and his expenses incurred for subsistence, or per diem allowance in lieu thereof, within the limitations prescribed by law, while engaged upon the business of the council. Each commodity advisory council shall be designated by the name of the commodity it represents, as, for example, 'The Cotton Advisory Council.'

"(b) Each commodity advisory council shall meet as soon as practicable after its selection at a time and place designated by the board and select a chairman. The board may designate a secretary of the council, subject to the approval of the council.

"(c) Each commodity advisory council shall meet thereafter at least twice in each year at a time and place designated by the board, or upon call of a majority of its members at a time and place designated in the call, notice of such call being sent by registered mail at least 10 days before the date of the meeting.

"(d) Each commodity advisory council shall have power, by itself or through its officers, (1) to confer directly with the board, to call for information from it, or to make oral or written representations to it, concerning matters within the jurisdiction of the board and relating to the agricultural commodity, including the amount and method of collection of the equalization fee, and (2) to cooperate with the board in advising the producers through their organizations or otherwise in the development of suitable programs of planting or breeding so that burdensome crop surpluses may be avoided or minimized, in order to secure the maximum benefits under this act.

"(e) Prior to the commencement or termination of a marketing period with respect to any agricultural commodity and prior to the publication of the amount of any equalization fee with respect to any agricultural commodity, the board shall submit to the advisory council for the commodity a statement of the respective findings or estimate which the board is required to make and of the evidence and facts considered by the board in making such findings or estimate. Within 15 days after receiving such statement, the advisory council shall consider such findings or estimate and shall notify the board of its determination made with respect thereto. No marketing period with respect to any agricultural commodity shall be commenced or terminated and no equalization fee with respect to the commodity shall be collected, unless the advisory council for such commodity has determined (1) that the findings or estimate which the board is required to make are supported by the evidence and facts considered by the board, and (2) that the board has considered substantially all the material facts and evidence available for making the findings or estimate.

"LOANS

"SEC. 5. (a) The board is authorized to make loans, out of the revolving fund hereinafter created, to any cooperative association or corporation created and controlled by one or more cooperative associations, upon such terms and conditions as, in the judgment of the board, will afford adequate assurance of repayment and carry out the policy declared in section 1, and upon such other terms and conditions as the board deems necessary. Such loans shall be for one of the following purposes:

"(1) For the purpose of assisting the cooperative association or corporation created and controlled by one or more cooperative associations, in controlling a seasonal or year's total surplus, produced in the United States and either local or national in extent, that is in excess of the requirements for the orderly marketing of any agricultural commodity or in excess of the domestic requirements for such commodity.

"(2) For the purpose of developing continuity of cooperative services from the point of production to and including the point of terminal marketing services, if the proceeds of the loan are to be used either (A) for working capital for the cooperative association or corporation created and controlled by one or more cooperative associations, or (B) for assisting the cooperative association or corporation created and controlled by one or more cooperative associations, in the acquisition, by purchase, construction, or otherwise, of facilities and equipment, including terminal marketing facilities and equipment, for the preparing, handling, storing, processing, or sale or other disposition of agricultural commodities, or (C) for furnishing funds to the cooperative association or corporation created and controlled by one or more cooperative associations for use as capital for any agricultural credit corporation eligible to receive discounts under section 202 of the Federal farm loan act, as amended, or (D) for furnishing funds to the cooperative association or corporation created and controlled by one or more cooperative associations for necessary expenditures in

federating, consolidating, merging, or extending the membership of cooperative associations or corporations created and controlled by one or more cooperative associations. The cooperative association, or corporation created and controlled by one or more cooperative associations, shall repay the loan, together with the interest thereon, within a period of not more than 20 years, by means of a charge to be deducted from the proceeds of the sale or other disposition of each unit of the agricultural commodity handled by the association or corporation, unless some other method of repayment is agreed upon by the board and the association or corporation.

"(b) Any loan under this section shall bear interest at the rate of 4 per cent per annum. The aggregate amount of loans under this section, outstanding and unpaid at any one time, shall not exceed $200,000,000, but—

"(1) The aggregate amount of loans for all purposes under paragraph (2) of subdivision (a), outstanding and unpaid at any one time, shall not exceed $25,000,000; and

"(2) The aggregate amount of loans for the purpose of expenditures in federating, consolidating, merging, or extending the membership of cooperative associations or corporations created and controlled by one or more cooperative associations, outstanding and unpaid at any one time, shall not exceed $1,000,000.

"INCREASED PRODUCTION

"SEC. 6. If the board finds that its advice as to a program of planting or breeding of any agricultural commodity as hereinbefore provided has been substantially disregarded by the producers of the commodity, or that the planting or breeding of any agricultural commodity for any year is substantially greater than a normal increase, as determined by the board, over the average planting or breeding of such commodity or the preceding 5 years, the board may refuse to make loans for the purchase of such commodity.

"CLEARING HOUSE AND TERMINAL MARKET ASSOCIATIONS

"SEC. 7. The board may assist in the establishment of and provide for the registration of, in accordance with such regulations as it may prescribe, (1) clearing-house associations adapted, in the opinion of the board, to effect the more orderly production, distribution, and marketing of any agricultural commodity, to prevent gluts or famines in any market for such commodity, and to reduce waste incident to the marketing of such commodity, and (2) terminal market associations adapted, in the opinion of the board, to maintain public markets in distribution centers for the more orderly distribution and marketing of any agricultural commodity. Only cooperative associations or corporations created or controlled by one or more cooperative associations shall be eligible for membership in any clearing-house association or terminal market association registered under this section. Rules for the governance of any such association shall be adopted by the members thereof with the approval of the board.

"MARKETING AGREEMENTS

"SEC. 8. (a) From time to time upon request of the advisory council for any agricultural commodity, or upon request of leading cooperative associations or other organizations of producers of any agricultural commodity, or upon its own motion, the board shall investigate the supply and marketing situation in respect of such agricultural commodity.

"(b) Whenever upon such investigation the board finds—

"First. That there is or may be during the ensuing year a seasonal or year's total surplus, produced in the United States and national in extent, that is in excess of the requirements for the orderly marketing of any agricultural commodity or in excess of the domestic requirements for the commodity;

"Second. That the operation of the provisions of section 5 (relating to loans to cooperative associations or corporations created and controlled by one or more cooperative associations) will not be effective to control such surplus because of the inability or unwillingness of the cooperative associations engaged in handling the commodity, or corporations created and controlled by one or more such cooperative associations, to control such surplus with the assistance of such loans; and

"Third. That the durability, the conditions of preparation, processing, and preserving, and the methods of marketing of the commodity are such that the commodity is adapted to marketing as authorized by this section;—

then the board, after publicly declaring its findings, shall arrange for marketing any part of the commodity by means of marketing agreements with cooperative associations engaged in handling the commodity or corporations created and controlled by one or more cooperative associations. Such marketing shall continue during a marketing period which shall terminate at such time as the board finds that such arrangements are no longer necessary or advisable for carrying out the policy declared by section 1.

"(c) A marketing agreement shall provide either—

"(1) For the withholding by a cooperative association, or corporation created and controlled by one or more cooperative associations, during such period as shall be provided in the agreement, of any part of the commodity delivered to such cooperative association or associations by its members. Any such agreement shall provide for the payment from the stabilization fund for the commodity of the costs arising out of such withholding; or

"(2) For the purchase by a cooperative association, or corporation created and controlled by one or more cooperative associations, of any part of the commodity not delivered to such cooperative association or associations by its members, and for the withholding and disposal of the commodity so purchased. Any such marketing agreement shall provide for the payment from the stabilization fund for the commodity of the amount of the losses, costs, and charges arising out of the purchase, withholding, and disposal, or out of contracts therefor, and for the payment into the stabilization fund for the commodity of profits (after repaying all advances from the stabilization fund and deducting all costs and charges, provided for in the agreement) arising out of the purchase, withholding, and disposal, or out of contracts therefor.

"(d) The board may, in its discretion, provide in any such marketing agreement for financing any withholding, purchase, or disposal under such agreement, through advances from the stabilization found for the commodity. Such financing shall be upon such terms as the board may prescribe, but no such advance shall bear interest.

"(e) If the board is of the opinion that there are two or more cooperative associations or corporations created and controlled by one or more cooperative associations capable of carrying out any marketing agreement, the board in entering into the agreement shall not unreasonably discriminate against any such association or corporation in favor of any other such association or corporation. If the board is of the opinion that there is no such cooperative association or corporation created and controlled by one or more cooperative associations capable of carrying out any marketing agreement for purchase, withholding, and disposal, then the board may enter into the agreement with other agencies but shall not unreasonably discriminate between such other agencies.

"(f) During a marketing period fixed by the board for any commodity, the board may enter into marketing agreements for the purchase, withholding, and disposal of the food products of such commodity, and all provisions of this section applicable to marketing agreements for the purchase, withholding, and disposal of the commodity, shall apply to the agreements in respect of its food products.

"(g) Any decision of the board relating to the commencement, extension, or termination of a marketing period shall require the affirmative vote of a majority of the appointed members in office.

"(h) The powers of the board under this section in respect of any agricultural commodity shall be exercised in such manner, and the marketing agreements entered into by the board during any marketing period shall be upon such terms, as will, in the judgment of the board, carry out the policy declared by section 1.

"(i) The United States shall not be liable, directly or indirectly, upon agreements under this act in respect of agricultural commodities, in excess of the amounts available in the stabilization, premium insurance, and revolving funds.

"EQUALIZATION FEE

"SEC. 9. (a) In order to carry out marketing and nonpremium insurance agreements in respect of any agricultural commodity without loss to the revolving fund, each marketed unit of such agricultural commodity produced in the United States shall, throughout any marketing period in respect of such commodity, contribute ratably its equitable share of the losses, costs, and charges arising out of such agreements. Such contributions shall be made by means of an equalization fee apportioned and paid as a regulation of interstate and foreign commerce in the commodity. It shall be the duty of the board to apportion and collect such fee in respect of such commodity as hereinafter provided.

"(b) Prior to the commencement of any marketing period in respect of any agricultural commodity, and thereafter from time to time during such marketing period, the board shall estimate the probable losses, costs, and charges to be paid under marketing agreements in respect of such commodity and under nonpremium insurance agreements in respect of such commodity as hereinafter provided. Upon the basis of such estimates, the board shall from time to time determine and publish the amount

of the equalization fee (if any is required under such estimates) for each unit of weight, measure, or value designated by the board, to be collected upon such unit of such agricultural commodity during any part of the marketing period for the commodity. Such amount is referred to in this Act as the 'equalization fee.' At the time of determining and publishing any equalization fee the board shall specify the time during which the particular fee shall remain in effect and the place and manner of its payment and collection.

"(c) Under such regulations as the board may prescribe, any equalization fee determined upon by the board shall be paid, in respect of each marketed unit of such commodity, upon one of the following: The transportation, processing, or sale of such unit. The equalization fee shall not be collected more than once in respect of any unit. The board shall determine, in the case of each class of transactions in the commodity, whether the equalization fee shall be paid upon transportation, processing, or sale. The board shall make such determination upon the basis of the most effective and economical means of collecting the fee with respect to each unit of the commodity marketed during the marketing period.

"(d) When any equalization fee is collected with respect to cattle or swine, an equalization fee equivalent in amount, as nearly as may be, shall be collected, under such regulations as the board may prescribe, upon the first sale or other disposition of any food product derived in whole or in part from cattle or swine, respectively, if the food product was on hand and owned at the time of the commencement of the marketing period: *Provided*, That any food product owned in good faith by retail dealers at the time of the commencement of the marketing period shall be exempt from the operation of this subdivision.

"(e) Under such regulations as the board may prescribe, the equalization fee determined under this section for any agricultural commodity produced in the United States shall in addition be collected upon the importation of each designated unit of the agricultural commodity imported into the United States for consumption therein, and an equalization fee, in an amount equivalent as nearly as may be, shall be collected upon the importation of any food product derived in whole or in part from the agricultural commodity and imported into the United States for consumption therein.

"(f) The board may by regulation require any person engaged in the transportation, processing, or acquisition by purchase of any agricultural commodity produced in the United States, or in the importation of any agricultural commodity or food product thereof—

"(1) To file returns under oath and to report, in respect of his transportation, processing, or acquisition of such commodity produced in the United States or in respect of his importation of the commodity or food product thereof, the amount of equalization fees payable thereon and such other facts as may be necessary for their payment or collection.

"(2) To collect the equalization fee as directed by the board and to account therefor.

"(g) The board, under regulations prescribed by it, is authorized to pay to any such person required to collect such fees a reasonable charge for his services.

"(h) Every person who, in violation of the regulations prescribed by the board, fails to collect or account for any equalization fee shall be liable for its amount and to a penalty equal to one-half its amount. Such amount and penalty may be recovered together in a civil suit brought by the board in the name of the United States.

"(i) As used in this section—

"(1) In the case of grain the term 'processing' means milling of grain for market or the first processing in any manner for market (other than cleaning or drying) of grain not so milled, and the term 'sale' means a sale or other disposition in the United States of grain for milling or other processing for market, for resale, or for delivery by a common carrier—occurring during a marketing period in respect of grain.

"(2) In the case of cotton the term 'processing' means spinning, milling, or any manufacturing of cotton other than ginning; the term 'sale' means a sale or other disposition in the United States of cotton for spinning, milling, or any manufacturing other than ginning, or for delivery outside the United States; and the term 'transportation' means the acceptance of cotton by a common carrier for delivery to any person for spinning, milling, or any manufacturing of cotton other than ginning, or for delivery outside the United States—occurring during a marketing period in respect of cotton.

"(3) In the case of livestock, the term 'processing' means slaughter for market by a purchaser of livestock, and the term 'sale' means a sale or other disposition in the United States of livestock destined for slaughter for market without intervening holding for feeding (other than feeding in transit) or fattening—occurring during a marketing period in respect of livestock.

"(4) In the case of tobacco, the term 'sale' means a sale or other disposition to any dealer in leaf tobacco or to any registered manufacturer of the products of tobacco. The term 'tobacco' means leaf tobacco, stemmed or unstemmed.

"(5) In the case of grain, livestock, and tobacco, the term 'transportation' means the acceptance of the commodity by a common carrier for delivery.

"(6) In the case of any agricultural commodity other than grain, cotton, livestock, or tobacco, the board shall, in connection with its specification of the place and manner of payment and collection of the equalization fee, further specify the particular type of processing, sale, or transportation in respect of which the equalization fee is to be paid and collected.

"(7) The term 'sale' does not include a transfer to a cooperative association for the purpose of sale or other disposition by such association on account of the transferor; nor a transfer of title in pursuance of a contract entered into before, and at a specified price determined before, the commencement of a marketing period in respect of the agricultural commodity. In case of the transfer of title in pursuance of a contract entered into after the commencement of a marketing period in respect of the agricultural commodity, but entered into at a time when, and at a specified price determined at a time during which a particular equalization fee is in effect, then the equalization fee applicable in respect of such transfer of title shall be the equalization fee in effect at the time when such specified price was determined.

"STABILIZATION FUNDS

"SEC. 10. (a) For each agricultural commodity as to which marketing agreements are made by the board there shall be established, in accordance with regulations prescribed by the board, a stabilization fund. Such fund shall be administered by and exclusively under the control of the board, and the board shall have the exclusive power of expending the moneys in such fund.

"(b) There shall be deposited to the credit of the stabilization fund for any agricultural commodity (1) advances from the revolving fund as hereinafter authorized, (2) profits arising out of marketing agreements in respect of the commodity, (3) repayments of advances for financing the purchase, withholding, or disposal of the commodity, and (4) equalization fees collected in respect of the commodity and its imported food products.

"(c) In order to make the payments required by a marketing or nonpremium insurance agreement in respect of any agricultural commodity, and in order to pay the salaries and expenses of experts, the board may, in its discretion, advance to the stabilization fund for such commodity out of the revolving fund such amounts as may be necessary.

"(d) The deposits to the credit of a stabilization fund shall be made in a public depositary of the United States. All general laws relating to the embezzlement, conversion, or to the improper handling, retention, use, or disposal of public moneys of the United States shall apply to the profits and equalization fees payable to the credit of the stabilization fund and to moneys deposited to the credit of the fund or withdrawn therefrom but in the custody of any officer or employee of the United States.

"(e) There shall be withdrawn from the stabilization fund for any agricultural commodity (1) the payments required by marketing or nonpremium insurance agreements in respect of the commodity, (2) the salaries and expenses of such experts as the board determines shall be payable from such fund, (3) repayments into the revolving fund of advances made from the revolving fund to the stabilization fund, together with interest on such amounts at the rate of 4 per cent per annum, and (4) service charges payable for the collection of equalization fees.

"INSURANCE

"SEC. 11. (a) In order that a cooperative association handling any staple agricultural commodity may with reasonable security make payments to its members at the time of delivery of such commodity by the members, fairly reflecting the current market value of such agricultural commodity, the board is authorized to enter into an agreement, upon such terms and conditions as it may prescribe, for the insurance of such cooperative association against price decline as hereinafter provided. Such insurance agreement may be entered into by the board only with respect to any such agricultural commodity which, in the judgment of the board, is regularly traded in upon an exchange in sufficient volume to establish a recognized basic price for the market grades of such commodity, and then only when such exchange has accurate price records for the com-

modity covering a period of years of sufficient length, in the judgment of the board, to serve as a basis upon which to calculate the risks of the insurance.

"(b) Any such agreement for insurance against price decline shall provide for the insurance of the cooperative association for any twelve months' period commencing with the delivery season for the commodity against loss to such association or its members due to decline in the average market price for the commodity during the time of sale by the association from the average market price for the commodity during the time of delivery to the association. The measure of such decline, where a decline occurs, shall be the difference between the average market price weighted for the days and volume of delivery to the association by its members, and the average market price weighted for the days and volume of sales by the association. In computing such average market prices the board shall use the daily average cash prices paid for the basic grade of such commodity in the exchange designated in the agreement. Any such agreement shall cover only so much of the commodity delivered to the association as is produced by the members of the association and as is reported by the association for coverage under the agreement.

"(c) Whenever in the judgment of the board the use of such insurance agreements in respect of any commodity will stabilize the market substantially in the interest of the producers of the commodity whether or not members of a cooperative association dealing in the commodity, then the board, during the continuance of any marketing period for the commodity as provided in section 8, may enter into nonpremium, or if the board deems it advisable, premium insurance agreements with cooperative associations dealing in the commodity. Whenever in the judgment of the board the use of such insurance agreements will not so stabilize the market, then the board may enter into premium insurance agreements only with the cooperative associations.

"(d) Payments required under nonpremium insurance agreements in respect of any commodity shall be made out of the stabilization fund for the commodity. Payments under premium insurance agreements in respect of any commodity shall be made out of the premium insurance fund for the commodity to be established by the board under such regulations as it may prescribe.

"(e) For insurance under a premium insurance agreement the cooperative association shall pay a premium, to be determined by the board prior to the making of the insurance agreement, upon each unit of the commodity reported by the association for coverage under the insurance agreement. Such premium shall be calculated with due regard to the past price records in established markets for the commodity. The premiums applicable to the commodity in the successive twelve months' periods shall be adjusted with due regard to the experience of the board under preceding insurance agreements. There shall be deposited in the premium insurance fund for any commodity the premiums paid by cooperative associations under premium insurance agreements in respect of the commodity, and advances from the revolving fund in such amounts as the board deems necessary for the operation of the fund. There shall be disbursed from the premium insurance fund for any commodity (1) the payments required by any premium insurance agreement in respect of the commodity, and (2) repayments into the revolving fund of advances made from the revolving fund to such premium insurance fund, together with interest on such advances at the rate of 4 per cent per annum.

"REVOLVING FUND

"SEC. 12 (a). There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $400,000,000: *Provided*, That at least $200,000,000 of such sum shall be made available by the board solely for use in making advances to the stabilization funds for agricultural commodities in respect of which marketing periods are commenced; and in the allocation of such amount among the stabilization funds of the several commodities, the board shall take into consideration the values of the respective commodities.

"(b) All moneys appropriated in pursuance of the authorization made by this section shall be administered by the board and used as a revolving fund in accordance with the provisions of this Act. The Secretary of the Treasury shall deposit in the revolving fund such portions of the amounts appropriated therefor as the board from time to time deems necessary.

"EXAMINATIONS OF BOOKS AND ACCOUNTS OF BOARD

"SEC. 13. Expenditures by the board from the stabilization or premium insurance funds shall be made by the authorized officers or agents of the board upon receipt of itemized vouchers therefor, approved by such officers as the board may designate. All other expenditures by the board, including expenditures for loans and advances from the revolving fund, shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the board. Vouchers so made for expenditures from the revolving fund or from any stabilization or premium insurance fund shall be final and conclusive upon all officers of the Government; except that all financial transactions of the board (including the payments required by any marketing or insurance agreement) shall, subject to the above limitations, be examined by the General Accounting Office, at such times and in such manner as the Comptroller General of the United States may by regulation prescribe. Such examination in respect of expenditures from the revolving fund or from any stabilization or premium insurance fund shall be for the sole purpose of making a report to the Congress and to the board of expenditures and agreements in violation of law, together with such recommendations as the Comptroller General deems advisable concerning the receipts, disbursements, and application of the funds administered by the board.

"COOPERATION WITH EXECUTIVE DEPARTMENTS

"SEC. 14. (a) It shall be the duty of any governmental establishment in the executive branch of the Government, upon request by the board, or upon Executive order, to cooperate with and render assistance to the board in carrying out any of the provisions of this act and the regulations of the board. The board shall, in cooperation with any such governmental establishment, avail itself of the services and facilities of such governmental establishment in order to avoid preventable expense or duplication of effort.

"(b) Upon request by the board the President, by Executive order, (1) may transfer any officer or employee from any department or independent establishment in the executive branch of the Government, irrespective of his length of service in such department or independent establishment, to the service of the board, and (2) may direct any governmental establishment to furnish the board with such information and data pertaining to the functions of the board as may be contained in the records of the governmental establishment; except that the President shall not direct that the board be furnished with any information or data supplied by any person in confidence to any governmental establishment, in pursuance of any provision of law or of any agreement with the governmental establishment.

"(c) The board may cooperate with any State or Territory, or department, agency, or political subdivision thereof, or with any person.

"GENERAL DEFINITIONS

"SEC. 15. (a) As used in this act—

"(1) The term 'person' means individual, partnership, corporation, or association.

"(2) The term 'United States,' when used in a geographical sense, means continental United States and the Territory of Hawaii.

"(3) The term 'cooperative association' means an association of persons engaged in the production of agricultural products, as farmers, planters, ranchers, dairymen, or nut or fruit growers, organized to carry out any purpose specified in section 1 of the act entitled 'An act to authorize association of producers of agricultural products,' approved February 18, 1922, if such association is qualified under such act.

"(b) The provisions of sections 8, 9, and 10 shall not apply to perishable fruits and vegetables.

"(c) Whenever any agricultural commodity has regional or market classifications or types which in the judgment of the board are so different from each other in use or marketing methods as to require their treatment as separate commodities under this act, the board may determine upon and designate one or more such classifications or types for such treatment.

"ADMINISTRATIVE APPROPRIATION

"SEC. 16. For expenses in the administration of the functions vested in the board by this act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000, to be available to the board for such expenses (including salaries and expenses of the members, officers, and employees of the board and the per diem compensation and expenses of members of the commodity advisory councils) incurred prior to July 1, 1929.

"SEPARABILITY OF PROVISIONS

"SEC. 17. If any provision of this act is declared unconstitutional or the applicability thereof to any person, circumstance, commodity, or class of transactions in respect of any commodity, is held invalid, the validity of the remainder of the act and the applicability of such provision to other persons, circumstances, commodities, and classes of transactions shall not be affected thereby.

"COOPERATIVE ASSOCIATIONS ACT

"SEC. 18. (a) Nothing in this act is intended or shall be construed to repeal or modify any provision of the act entitled 'An act to authorize association of producers of agricultural products,' approved February 18, 1922.

"PENALTIES

"SEC. 19. (a) The provisions of sections 123 and 124 of the Penal Code, approved March 4, 1909, as amended, shall apply to any member, officer, or employee of the board; and, in addition, it shall be held a violation of section 123 of such code if any member, officer, or employee of the board at any time speculates, directly or indirectly, in any agricultural commodity.

"(b) It shall be unlawful (1) for any cooperative association, or corporation created and controlled by one or more cooperative associations or other agency if such agency is acting for or on behalf of the board under any marketing agreement, or (2) for any director, officer, or employee of any such association, corporation, or agency, to which information has been imparted in confidence by the board, to disclose such information in violation of any regulation of the board. Any such association, corporation, or agency, or director, officer, or employee thereof, violating any provision of this subdivision, shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

"SHORT TITLE

"SEC. 20. This act may be cited as the 'surplus control act.'"

And the House agree to the same.

CHAS. L. MCNARY,
JOS. E. RANSDELL,
F. R. GOODING,
ARTHUR CAPPER,
Managers on the part of the Senate.

G. N. HAUGEN,
FRED S. PURNELL,
T. S. WILLIAMS,
D. H. KINCHELOE,
Managers on the part of the House.

Mr. ROBINSON of Arkansas. Mr. President, a parliamentary inquiry. Is debate on the conference report precluded by the agreement which has been entered into?

The VICE PRESIDENT. The agreement entered into, on the request of the Senator from Kansas, provides that the conference report shall be voted on without further debate.

Mr. ROBINSON of Arkansas. That is my understanding.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. COPELAND. Mr. President, I should like to ask a question. What became of the provision with respect to perishable fruits and vegetables?

Mr. MCNARY. They were removed from the operation of the equalization fee, comformable to the statement I made to the Senator some time ago.

Mr. DILL. Just what does that mean?

Mr. MCNARY. It means that the equalization fee will not apply to perishable fruits and vegetables, but the producers of such commodities may have access to the loan features of the bill, if they so desire.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

THE MERCHANT MARINE

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 744) to further develop an American merchant marine, to insure its permanency in the transportation of the foreign trade of the United States, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. BROOKHART. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. I am informed that if he were present he would vote as I intend to vote. I am therefore at liberty to vote, and vote "yea."

Mr. WHEELER (when his name was called). I am paired with the Senator from Idaho [Mr. GOODING], and therefore withhold my vote. If at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. KENDRICK. On this question I have a pair with the Senator from Connecticut [Mr. BINGHAM]. I am informed that if present he would vote as I am about to vote, so I will vote. I vote "yea."

Mr. EDWARDS. I have a pair with the Senator from New Hampshire [Mr. KEYES]. I transfer that pair to the Senator from Louisiana [Mr. RANSDELL], and will vote. I vote "yea."

Mr. JONES. I desire to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Florida [Mr. TRAMMELL].

Mr. WATSON (after having voted in the affirmative). I have a pair with the senior Senator from South Carolina [Mr. SMITH], which I transfer to the junior Senator from Connecticut [Mr. BINGHAM], and will permit my vote to stand.

Mr. REED of Pennsylvania (after having voted in the affirmative). I have a general pair with the Senator from Delaware [Mr. BAYARD]. I transfer that pair to the Senator from Maine [Mr. GOULD] and will allow my vote to stand.

Mr. MCKELLAR (after having voted in the negative). I inquire if the senior Senator from Ohio [Mr. FESS] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. MCKELLAR. I have a pair with the senior Senator from Ohio. In his absence I withdraw my vote.

Mr. BLAINE. I was requested by the junior Senator from North Dakota [Mr. NYE] to announce that his colleague the senior Senator from North Dakota [Mr. FRAZIER] has a general pair with the junior Senator from South Carolina [Mr. BLEASE, and that if the senior Senator from North Dakota were privileged to vote he would vote "nay."

Mr. WALSH of Montana. I am paired with the Senator from Vermont [Mr. DALE]. I transfer that pair to the Senator from Mississippi [Mr. HARRISON] and will vote. I vote "nay."

Mr. BROUSSARD. I desire to announce that my colleague [Mr. RANSDELL] is necessarily detained in attendance upon the sessions of the subcommittee of the Committee on Agriculture. If present, he would vote "yea" on the adoption of this conference report.

The result was announced—yeas 51, nays 20, as follows:

YEAS—51

Barkley	Edwards	McNary	Simmons
Bratton	Fletcher	Metcalf	Steck
Broussard	Gillett	Moses	Steiwer
Bruce	Glass	Neely	Stephens
Capper	Goff	Oddie	Swanson
Caraway	Greene	Phipps	Tyson
Copeland	Hale	Pine	Vandenberg
Couzens	Hawes	Pittman	Wagner
Curtis	Johnson	Reed, Pa.	Walsh, Mass.
Cutting	Jones	Robinson, Ark.	Warren
Deneen	Kendrick	Sackett	Waterman
Dill	Locher	Schall	Watson
Edge	McLean	Shortridge	

NAYS—20

Black	Harris	McMaster	Sheppard
Blaine	Heflin	Mayfield	Smoot
Borah	Howell	Norbeck	Thomas
Brookhart	King	Nye	Tydings
George	La Follette	Reed, Mo.	Walsh, Mont.

NOT VOTING—23

Ashurst	Fess	Hayden	Robinson, Ind.
Bayard	Frazier	Keyes	Shipstead
Bingham	Gerry	McKellar	Smith
Blease	Gooding	Norris	Trammell
Dale	Gould	Overman	Wheeler
du Pont	Harrison	Ransdell	

So the conference report was agreed to.

SENATORIAL NOMINATION AND ELECTION IN NEW JERSEY

Mr. CARAWAY. Mr. President, I send to the desk and ask to have read and adopted a resolution to which I wish to call the attention of the Senator from New Jersey [Mr. EDGE].

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 232), as follows:

Resolved, That the special committee of five, consisting of three Members selected from the majority political party, of whom one is a Progressive Republican, and of two Members from the minority political party appointed by the President of the Senate, and which special committee was created by the adoption of Senate Resolution 195 on May 19, 1926, and January 11, 1927, of Senate Resolution 324, by the first and second sessions of Congress (Sixty-ninth), is hereby authorized and instructed immediately to investigate what moneys, emoluments, rewards, or things of value, including agreements or understandings of support for appointment or election to office, have been promised, contributed, made, or expended, or shall hereafter be promised, contributed, expended, or made, by any person, firm, corporation, or committee, organization, or association, to influence the nomination of any person as a candidate of any political party or organization for membership in the United States Senate, or to contribute to or promote the election of any person as a Member of the United States Senate from the State of New Jersey at the general election to be held in November, 1928. Said committee shall report the names of the persons, firms, or corporations, or committees, or-

ganizations, or associations, that have made or shall hereafter make such promises, subscriptions, advancements, or payments, and the amount of them severally contributed or promised as aforesaid, including the method of expenditure of said sums or the method of performance of said agreements, together with all facts in relation thereto.

Said committee is hereby empowered to sit and act at such time or times and at such place or places as it may deem necessary; to require by subpœna or otherwise the attendance of witnesses, the production of books, papers, and documents; and to do such other acts as may be necessary in the matter of said investigation.

The chairman of the committee or any member thereof may administer oaths to witnesses. Every person who, having been summoned as a witness by authority of said committee, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

Said committee shall promptly report to the Senate the facts by it ascertained.

Mr. CARAWAY obtained the floor.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. EDGE. Did I understand correctly from the reading that this resolution is confined to the one State of New Jersey, which I have the honor of representing in part?

Mr. CARAWAY. Yes, sir.

Mr. EDGE. No doubt the Senator will develop later the charges, or allegations, or whatever they may be, which in his judgment necessitate offering the resolution. As I understand, the resolution revives the so-called Reed committee, or, rather, extends their scope of activity, if I may put it that way.

Mr. CARAWAY. That is it; yes, sir.

Mr. EDGE. I am wondering why the resolution should be confined to any one State.

Mr. CARAWAY. Mr. President, the resolution under which the committee was created directed it to investigate the elections in some particular States only. Its power was extended for that purpose. It was charged at one time that the committee wanted to go on a fishing expedition. In refutation of that charge, the committee was only authorized and empowered to go into those States in which some charge was made.

I do not know how accurate this information about the State of New Jersey may be; but it is contained in news stories and editorials of leading Republican papers in the State of New Jersey, a number of which are included in the statement which I handed to the clerk. I expected to have to read some of those editorials. I will ask the clerk just to read the headlines of the editorials, unless the Senate should decide that they want the entire editorials read; and I ask that the editorials be printed in the RECORD.

The VICE PRESIDENT. Without objection, the clerk will read the headlines, and the articles will be printed in full in the RECORD.

The Chief Clerk read the headlines of the following articles:

ATLANTIC ASKS LOOSENING OF KEAN DOUGH BAG—SENATE ASPIRANT HASN'T COME THROUGH AND NO PROMISES ARE MADE—LARSON SUFFERS, TOO.

(This is the first of several articles dealing with preprimary activities around the State. Most of the campaigning is for the Republican nomination for United States Senate and governor. The Democrats, having no major contests, are holding back for the general-election campaign.)

(Staff correspondent)

ATLANTIC CITY, April 26.—This is the spring of Republican discontent in Atlantic County. To put it bluntly, Hamilton F. Kean, candidate for the United States senatorial nomination, counted upon to supply a plentiful war chest for the primary campaign, is not meeting expectations.

There may be injustice in the attitude developing toward Mr. Kean in Atlantic County. So far as can be learned, Mr. Kean never said publicly he would give Enoch L. Johnson or anyone else $200,000, or any other amount, to handle his interests in the county. Also, it is possible that Mr. Kean, frightened by all this talk of dough bags and glittering gold, has suddenly discovered there are strings on his purse and has tightened them.

But the Atlantic County Republicans are not interested in causes. It is the effect that is causing an anti-Kean reaction, and word has been, or will be, carried to Mr. Kean that a bogey man will get him if he don't watch out; that there is considerable sentiment for Edward C. Stokes, and that the chief drawback of the former governor is his campaign alliance with Senator EDGE, a condition that may be forgotten unless Mr. Kean sees the light. In other words, the Atlantic Republicans want some money, and they want it quick.

LARSON SUFFERS, TOO

Likewise, the situation is disappointing some of the boosters of Senator Morgan F. Larson, one of the quartet seeking the gubernatorial nomination. The Kean money was expected to finance the Larson campaign here. As a result, the Middlesex solon is getting a lot of lip service but little more, and the Kean stock is slipping.

In the meantime, Robert Carey is making inroads on the Larson strength. The former judge has the support of the Committee of One Hundred, a reform organization that believes Atlantic City can be an attractive resort without a redlight district and gambling. The churches are not actively identified with the crusaders for cleanliness, but they are not unsympathetic. Also, Mr. Carey here, as in some other parts of the State, has been given the indorsement of a considerable element of organized labor.

The Stokes movement, like that for J. Henry Harrison for governor, is suffering by lack of organization. Both Stokes and Harrison are likely to benefit by the indorsement of Clarence E. Cole, former Democratic judge, has given them, but Mr. Harrison must share this with Mr. Carey, and coming in the midst of Mr. Carey's epistolary row with Common Pleas Judge William H. Smathers, defender of the Hague Democratic organization, it probably will be most effective in the case of the Hudson man.

CITY COMMISSION FIGHT ON

The senatorial and gubernatorial situation and Enoch Johnson's part in them may be interesting to the rest of the State, but so far as the Republican organization in this city is concerned, it is doing a lot of concentrating on the city commission election May 8, one week before the primaries. Involved in this to a very large extent is the supposedly red-hot fight between Senator Emerson L. Richards and Robert M. Johnston for the Republican senatorial nomination.

Mr. Richards and Mr. Johnston insist that their scrap is on the up and up, their scrap is a regular knockdown and drag-out row, with the future of each at stake, but there are some folks down this way who profess to smell a mouse, or, to change the metaphor, who believe they detect a large red herring being drawn across the city commission trail. If it is possible, they say, to get the voting populace sufficiently excited over the Richards-Johnston row, the present commission will glide into office without serious opposition.

The Republican organization version of the situation differs, however. It is admitted that "Noch" Johnson and Charles I. Lafferty, the county's Democratic boss, have a working agreement by which the latter is willing to again accept one place of the city commission's five through the reelection of Harry T. Headley, now director of streets and public improvements, but it is held that this was a matter of expediency on the part of the astute Mr. Johnson.

OTHER VIEW

As Mr. Johnson's friends explain it, he couldn't afford to have two fights on his hands at once and that, fearful of the debilitating effect of the Richards-Johnston contretempts, he went into a huddle with Mr. Lafferty and made concessions, a development that under any circumstances should prove interesting to that steadily decreasing portion of the electorate that takes seriously recurrent talk of sworn enmities between Republican and Democratic politicians.

Mr. Richards, getting a standing start following the David Baird conference at Camden that virtually ushered him out of the race for the gubernatorial nomination, now has the backing of Mr. Johnson—"Noch"—and a large part of the Republican organization, as declared by a vote of 58 of the 60 members of the county committee. Likewise, he is getting the support of the ward and township committees and clubs throughout the county, which to the minds of some of the Republicans who think for themselves, means that at the propitious moment—after the city commission election, of course—a quiet word will be whispered by Mr. Johnson into the ear of Mr. Johnston and the latter will calmly retire from the senatorial race in the interests of party harmony.

It is this mouse-smelling, red-herring discerning, thinking element of the party that may cause Mr. Johnson and Mr. Lafferty some trouble in their city commission coalition. It is concentrating on Louis Steinbrecker, Republican, for one of the commission places, and, despite the indorsements given Mr. Headley by most of the city's Republican ward organizations, it may win. It is a long shot, but reverting to the present lack of financial assistance from Mr. Kean, things have been known to happen that were not reckoned upon even by men of the political astuteness of Mr. Johnson.

L. S. G.

STOKES ASKS OPPONENTS TO BARE CAMPAIGN PAY ROLLS

(Special to Jersey Observer)

TRENTON, May 10.—Listing of pay rolls and contributions to politicians or political enterprises by Saturday next is urged by former Gov. E. C. Stokes in an open letter to-day to Hamilton F. Kean and former United States Senator Joseph S. Frelinghuysen, his opponents for the Republican senatorial nomination.

The letter was not addressed to Mrs. Lillian F. Feickert, president of the New Jersey Women's Republican Club, and Edward W. Gray, also candidates for the nomination.

The suggestion is offered for the protection of the honor of the State and to avoid scandals such as occurred in Illinois and Pennsylvania, said Stokes.

Following are the Stokes suggestions:

"First, a list of all of the workers on our respective pay rolls. The amount of their compensation and of any who are receiving money for disbursements of any kind whatsoever, and the amount of money they are receiving.

"Second, the amount of contributions that have been received by any of us during the last four years that would affect or influence our senatorial prospects, or given to organizations or candidates with the understanding implied or expressed that their support was to follow, and the names of any and all on our respective pay rolls, together with the amount severally paid them during this period."

Stokes asserted that the public was entitled to the information and added that several of the active participants in the campaign are well known as persons who "are not altruists." He then inferred that he had reference to several politicians active in support of candidates or seekers of the nomination.

[From the Newark News]

PAY ROLL PUBLICITY REQUEST PERTINENT

Interesting reading will be provided for the voters of New Jersey if the urge by Edward C. Stokes leads the other four candidates for the Republican nomination for United States Senator to join him in giving full publicity to their campaign pay rolls. The figures would not be dry ones under the Stokes plan. There might be a touch of high finance, a bit of low-life manipulation, some scenes usually confined behind closed doors, a sketch of employment-bureau methods, and an act dealing with a four-year-long game of politics.

The former governor mentions no names, but his descriptive powers are so graphic that many a discerning citizen will be able to recognize the features of the portraits limned by the political artist. In fact, the pictures might be distinct enough to provide the basis for issuance of subpœnas by the Senate committee investigating campaign expenditures. Under certain circumstances that committee is surely going to be deeply interested in the New Jersey senatorial campaign outlay in cash and credit.

The campaign for the Republican nomination has not been confined to this year or last. Some of the figures in the struggle began their activities four years ago, and they have kept going right up to the present, sometimes behind the scenes and sometimes in the spot light. Mr. Stokes wants to know whether these actors worked for love or money, for the public welfare or for private gain. Mr. Stokes's questions are fair and pertinent. There is still time for the filing of answers.

[From the Newark Evening News]

CAMPAIGN COST REPORTS SEEM TOO CONSERVATIVE

Expense accounts filed before primary day by the Republican aspirants for the gubernatorial and United States senatorial nominations would be more enlightening if they covered a longer campaigning period. All of the candidates were practically in the field much earlier than the date when they named their campaign managers and began to keep accounts of money received and expended.

In the senatorial race the leading spender, as officially reported, is Hamilton F. Kean. Mr. Kean's figures show he spent some $39,000, or more than five times the total reported by Mr. Stokes and $2,000 more than Mr. Frelinghuysen. The expense accounts rendered by the other two candidates, Edward W. Gray and Mrs. Lillian F. Feickert, are comparatively negligible. Nobody familiar with the campaign activities in the senatorial race this year can be convinced that the totals represent the full investment.

For instance, Mr. Kean has been actively on the job for at least four years, and he has put in a lot of valuable time and has had many "willing workers," who usually demand remuneration for their services. Mr. Stokes, on the other hand, has been reproached by some of his supporters because he has not been more liberal in his campaign outlay. Mr. Frelinghuysen, like Mr. Kean, has spent his own money, refusing to accept outside assistance.

Under the provisions of the corrupt practices act the five Republican senatorial candidates might have spent $250,000 to win the nomination. The fact that their total of expenses reaches only to $88,769, according to the official statements, indicates a monetary restraint for which some of them are not notable. Their outlay is quite in contrast with the fact asserted by United States Senator EDWARD I. EDWARDS that he has not put a penny out in seeking for renomination.

The four candidates for the Republican gubernatorial nomination averaged higher in their declared expenditures. Robert Carey led with $32,000 plus, or nearly $1,000 more than J. Henry Harrison, with Cornelius Doremus third on the cash list and Senator Morgan F. Larson low man at $22,769. The total outlay by the four, as reported, was $112,097, which is quite a considerable amount compared with William L. Dill's paltry $417 outlay to land the uncontested and Hague-promised Democratic gubernatorial nomination, but it is not so large as was indicated by the activities of the seekers after the nomination.

It may be pointed out that the grand total of the expenditures of the five Republican senatorial aspirants and the four seekers after the gubernatorial prize was a bit over $200,800, but this will not dispel the doubts that this sum really covers the actual outlay.

Mr. CARAWAY. These editorials are from Republican papers in New Jersey. Mr. Stokes, one of the candidates for the Senate on the Republican ticket in that State, asked his opponents to bare their pay rolls, to disclose how much they had collected, and from whom and to whom money had been paid.

It was the charge and is the charge in New Jersey, whether false or not, that one candidate for the Senate there on the Republican ticket has carried on for four years a very expensive campaign looking to his nomination. The charge was made, as I understand, that at one time he offered one person $200,000 for his influence in this race.

Going back as far as April 2, there appeared in the Newark Evening News of that date—which I am informed is, I started to say, a very reputable Republican newspaper, but at least I will say a very influential Republican newspaper published in New Jersey—the following headline:

Stokes's candidacy is menace to "auctioneers."

"Auctioneers" is in quotations. The substance of the editorial is that Stokes was trying to conduct a campaign of argument and reason, that his opponents were conducting a campaign of purchase, and his campaign was becoming a menace to those who tried to buy.

Under date of April 10, 1928—and I am reading only the headlines of the editorial—there appears an editorial in the same paper entitled "Friends fall out before primaries," which deals with the same question.

Under date of Saturday, April 21, 1928, is a headline, "Aroused voters able to rebuke corruption." The editorial insists that there ought to be some legislation to define and limit campaign expenditures.

Under date of May 11, 1928, is a headline, "Pay-roll publicity request pertinent." That is in the same paper, and the editorial reads:

[From the Newark Evening News, May 11, 1928]

PAY-ROLL PUBLICITY REQUEST PERTINENT

Interesting reading will be provided for the voters of New Jersey if the urge by Edward C. Stokes leads the other four candidates for the Republican nomination for United States Senator to join him in giving full publicity to their campaign pay rolls. The figures would not be dry ones under the Stokes plan. There might be a touch of high finance, a bit of low-life manipulation, some scenes usually confined behind closed doors, a sketch of employment-bureau methods, and an act dealing with a four-year-long game of politics.

The former governor mentions no names, but his descriptive powers are so graphic that many a discerning citizen will be able to recognize the features of the portraits limned by the political artist. In fact, the pictures might be distinct enough to provide the basis for issuance of subpœnas by the Senate committee investigating campaign expenditures. Under certain circumstances that committee is surely going to be deeply interested in the New Jersey senatorial campaign outlay in cash and credit.

The campaign for the Republican nomination has not been confined to this year or last. Some of the figures in the struggle began their activities four years ago, and they have kept going right up to the present, sometimes behind the scenes and sometimes in the spot light. Mr. Stokes wants to know whether these actors worked for love or money, for the public welfare or for private gain. Mr. Stokes's questions are fair and pertinent. There is still time for the filing of answers.

No answers were filed. It is not worth while that I should state to the Senate that Mr. Stokes is a former Governor of New Jersey, a man of high character, a man who tried to wage a fight for nomination to the United States Senate based solely upon the merits of the respective candidates. He thought, and evidently this journal thought, that the election was being corrupted, and he wanted the other candidates to tell what they expended and what promises they made. They did not see fit to answer him, and it is thought that it would be pertinent and wise that the Senate should make inquiry, and the resolution is introduced for that purpose, and I ask unanimous consent for its immediate consideration.

Mr. EDGE. Mr. President, I am quite sure every Senator will admit that the allegations, or charges, or warnings, or whatever term should be used, as they have appeared in the newspaper articles referred to are, indeed, very, very vague. Generally speaking, I believe I would be absolutely justified in resisting a suggestion for an investigation or an inquiry based on the

type of information that has been put into the RECORD by the Senator from Arkansas.

However, I am positive that the people of New Jersey will welcome any fair and impartial inquiry. It would be absolutely impossible to have any actual charges of any illegal act occurring in the election, because it has been only 12 or 15 hours since the polls closed. This inquiry is therefore apparently asked on the basis of more or less factional or partisan suggestions made in the heat of a warmly contested campaign with four men and one woman running for the senatorial nomination.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. EDGE. I yield.

Mr. CARAWAY. I was sure the Senator would take the position that he has taken, that if it is the belief that there was any corrupt use of money he would want that fact developed.

Mr. EDGE. There is no question about that. With my willingness to have the investigation, however, I am simply drawing attention, as I feel it is my duty to draw attention, to some of the facts which can not be disputed.

Any contest between five active aspirants in a party primary, whether in New Jersey, or Arkansas, or any other State of the Union, will undoubtedly develop much criticism, many things will be said, many insinuations will be made, and many innuendoes and inferences suggested that have absolutely no basis in fact.

I repeat, however, that I am positive the people of New Jersey do not for one moment want even vague charges to go unchallenged or without an investigation, if carried on in a fair and impartial manner. If these allegations or suggestions are found unwarranted—which I am positive will be the result of such an inquiry—then it will simply make doubly assured the election in New Jersey of the entire Republican ticket.

The people of New Jersey will not only welcome the committee but will do everything they possibly can to make their work easy, and I am sure will give them all the information desired or possible to secure.

PROHIBITION ENFORCEMENT

Mr. BRUCE. Mr. President, yesterday I had a friendly bout with the junior Senator from Alabama [Mr. BLACK] in which he contrasted the drink morals of the State of Alabama with those of the State of New York, very much to the disadvantage of the latter. It so happens that some statistics bearing upon that contrast have been brought to my attention to-day, and I desire to bring them to the attention of the Senate.

Last year in the city of New York there were 20 arrests for drunkenness per 10,000 population, and the publication which I am holding in my hand, a copy of an issue of the Periscope, in addition to stating that, gives certain very interesting statistics with reference to the number of arrests for drunkenness in three of the leading cities of Alabama in the year 1925. The publication says:

> The Moderation League could obtain the statistics of only three cities in Alabama.

Presumably the conditions were so bad in the other cities and towns of Alabama that the police chiefs of those cities and towns were unwilling to give the statistics relating to arrests for drunkenness.

The average for the three, that is to say, for these three cities in Alabama from which the Moderation League was able to get reports of chiefs of police, is 231 arrests per 10,000. Think of that; 20 arrests per 10,000 in the great city of New York and an average of 231 arrests per 10,000 in those three cities in the State of Alabama from which the Moderation League was able to obtain statistics. Then this publication proceeds to give in detail the number of arrests per 10,000 in each of the three cities, Birmingham, Troy, and Mobile, as follows:

	1920 population	1925 arrests for drunkenness	Arrests per 10,000
ALABAMA			
Birmingham	178,806	4,706	264
Troy	5,696	55	98
Mobile	60,777	923	152
Total	245,279	5,684	231

Mr. BLACK obtained the floor.

Mr. CARAWAY. Mr. President, will the Senator from Alabama yield just a moment?

Mr. BLACK. Yes.

Mr. CARAWAY. Will not the Senator permit the resolution to be adopted? I think there is no opposition to it.

Mr. BLACK. I yield.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. REED of Missouri. Mr. President——

Mr. BLACK. I only yielded on the supposition that the question was to be voted upon.

Mr. CARAWAY. I told the Senator from Alabama that the resolution would be adopted without debate.

Mr. REED of Missouri. I will state my reason for rising, and then the Senator can use his judgment.

Mr. HEFLIN. I think the Senator from Missouri had better let the matter go over until my colleague shall have concluded.

Mr. BLACK. Mr. President, I would like to speak now. Since this question has been brought up—it has already consumed too much of the time of the Senate—it makes it necessary for me to make two or three statements.

In the first place, I want to apologize to the Senate for having felt called upon at all on yesterday to consume any of the time which should be spent in legislation in replying to charges made by the Senator from Maryland, who seems, for some reason, to have a particular antagonism for the South. He showed that several months ago, when the question of the fourteenth amendment came up. The lone voice raised against the South was that of the Senator from Maryland, born in the State of Virginia. He has taken occasion a great many times to repeat his charges, and therefore, and for that reason only, did I rise on yesterday, and do I rise to-day. So far as I am concerned, when I shall have finished, I will be through. It is my judgment that this is not the place to decide the prohibition question, except when we have a measure involving that question on which to vote. We ought to be attending to the business of the people, not wasting and frittering away the time with useless speeches for campaign purposes. So much for that.

In the first place, Senators have had experience in their home communities, and they know that when saloons were in existence in this country it was customary to send a man who was drunk home. It was the custom in my town; it was the custom in other places; and several years ago I read an article in the Saturday Evening Post from an observer who had been in Scotland, stating that there they made it an invariable rule never to arrest a drunk unless it was impossible to get him in a cab and send him home. That was true also in the United States under the saloon régime.

When prohibition came into effect in the South we arrested persons who were drunk. Up to that time, from my own experience and knowledge, they were arrested only when they were so boisterously drunk that it was impossible to do anything with them.

The State of New York, as all of us know, has never accepted the prohibition law as the law of America. Neither has the State of Maryland. A few weeks ago some ladies coming through Maryland stopped at a hotel, which served, without question, as a part of the menu, liquors prohibited by the Constitution of the United States of America. That is because of the fact that New York and Maryland are in a practical state of rebellion to-day against the Constitution of the United States.

Carrying out that idea, we know that policemen in New York do not arrest for drunkenness. I have been there, and other Senators have been there. I have talked with the policemen.

Mr. COPELAND. Was not the Senator arrested?

Mr. BLACK. I was not, Senator. Even if I had been drunk I would not have been arrested. Perhaps the Senator knows more about that than I do, and he may be better qualified to speak on that than I. I know, as everybody knows who has been there and talked with the policemen there, that it is common talk that they not only do not arrest for drunkenness but, carrying out the policies of the administration that believes in and preaches nullification of the Constitution, they do not arrest either for drunkenness or for selling liquor.

It is foolish to attempt to compare statistics in the city of New York with statistics in the State of Alabama, where they attempt to enforce the law. Away with your statistics of which you seem to be so fond. When nothing else can be done the Senator from Maryland rises in his place to interrupt the business of the people of the Nation to give statistics gathered by the Moderation League, a league which has as its basic principle the platform of the inalienable right of people to get drunk, to shoot up the community, to kill the members of their own family, and absolutely destroy the morality of the Nation. And then he quotes from the Minute Men, or the League for

Moderation, which has for its aim and purpose the moderate carrying on of the drinking of liquor, as he terms it.

I just wanted to say these things and this with reference to what the Senator said yesterday. Not content with statistics, he delves into rumor and charges Alabama, the State in which I live, with certain crimes—at least, I presume he calls them crimes. I did not reply to this and had not intended to do so if he had not brought it up again. He says that he heard that somebody said that somebody else said that the Minute Men said that the Moderation League had reported that a drunkard had said that down in Alabama a Catholic man had married a Protestant girl and the father had killed the Catholic man, and that the father was acquitted.

I have been living in Alabama all my life. Never, until that was mentioned on the floor of the Senate, have I heard of such a thing being true, and I do not believe it now. Even if the father had killed the man, by what right does the spokesman for States' rights dare to stand on this floor and invite rumor and say that Alabama is to be castigated and condemned because an honest jury of honest men may, under the evidence in the case, acquit a man of the charge of murder? I say to the Senator from Maryland or anybody else that when he or any other member of the Moderation League or the Minute Men, or any of the organizations which he seems to represent, condemns Alabama on account of the fact that a jury in an orderly court has acquitted a man, he is stepping beyond his rights either as a citizen or as a Senator. Alabama is not responsible to the Senator for its action. Alabama does not kneel at his shrine to ask whether or not a man shall be acquitted before a jury. Alabama has never yet gone to Maryland and attempted to tell them that they must be held up to public contumely and shame because of the fact that an honest jury in its honest belief should have seen fit to acquit a man of the charge of murder, or any other charge.

How a man who claims to be a living exponent of State rights can claim that he has even the remotest privilege to stand on the floor of the Senate and condemn a State for the acquittal of a man charged with murder is more than a plain, ordinary citizen, who is not versed in scholastic lore and historical facts and literary epigrams, can understand.

Then, again, the Senator from Maryland said that Alabama, next to Indiana, is the worst klan-ridden State in the Nation. I do not know whether the Senator has ever been in Alabama or not. Maybe he has been. We welcome him there if he wants to come. We hold nothing against Maryland.

Mr. BRUCE. Mr. President, will the Senator from Alabama assure me of my personal safety if I go?

Mr. BLACK. Is that all the Senator wanted to ask? I think, gentlemen of the Senate, that in spite of the fact that the Senator from Maryland has seen fit to hurl unfounded charges, based on rumor, and has stooped to rumors with reference to charging the people of Alabama with things which he can not prove, that he will be as safe in Alabama as he was down in Virginia and other Southern States at the time when he, in budding innocence, perhaps loved the South. I think the Senator from Maryland—and he knows it as well as he knows he is living—would be as safe in Alabama as he was in his mother's arms when he nursed at her breast. When he gets up on the floor of the Senate and makes insinuations of that kind simply because of some kind of hatred that rankles in his breast for that section of the Nation which gave him birth, that section to which he owes his life, that section in which rest the ashes of his parents, it is more than a plain ordinary Senator from Alabama can understand.

The next charge the Senator from Maryland makes is that a Catholic priest had to come all the way from Alabama to Maryland to ask him for protection. He said a man had been charged with a crime and that he could not get protection by going to the officers of his State. I desire to say to the Senator from Maryland that there is no man in Alabama, high or low, rich or poor, priest or preacher, Catholic or Baptist or Methodist, Jew or Gentile, who can not come to this Senator from Alabama and present his case and have it weighed as impartially and as fairly as though he belonged to the church to which I have vowed my allegiance.

I deny that the Senator from Maryland had any right to place any such unfounded and baseless charge upon the records of the United States Senate. I deny further that any man in Alabama can not get a fair trial before a jury. For 20 years I have stood and looked in the faces of jurors of that State. My time has not been spent altogether in the musty pages of musty books. I have sought, so far as I could, to study that greatest of all things, human nature and human life.

I believe that I understand the sentiment of the people in Alabama, who born with the spirit of the old South, nurtured in its cradle, loving and affectionate for the things which they cherish, are true to those noble traditions which made Virginia, the native State of the Senator from Maryland, noble long before he was born. Alabamians are still loyal to the old-fashioned principles of old-fashioned Americanism. These principles may not suit the fastidious and learned knowledge of the Senator from Maryland. It is his privilege to dislike them if he sees fit. But I do claim that in the name of common decency, in the name of common justice, in the name of common honesty, no man has a right to rise on the floor of the United States Senate and on unfounded rumors charge that Alabama is composed of a citizenship of scalawags and scoundrels.

I make no charge of that kind against Maryland. I believe Maryland is composed of good, honest people and citizens in the main, just as any other State. True, they have their crimes, and we have them in Alabama; but I want to say that in Alabama, notwithstanding the abuse of the officials by the Senator from Maryland, those officials do not go around the State preaching anarchy and lawlessness. When the Constitution of these United States was amended and certain duties were placed upon the States of the Nation, Alabama came up like a law-abiding State, as did her governor, irrespective of his own convictions, and stood behind the law. Instead of the officials of Alabama spending their time attempting to batter down the fortress of good citizenship and law and order, and instead of attempting to break down the law by insidious propaganda, they have stood for the enforcement of the law.

The Senator from Maryland may place in the RECORD all he wants to place there, but so far as I am concerned I am through when I say this: I am not going to be engaged in any more controversy with a man who places in the RECORD vague and unfounded rumors and who is willing to indict a whole State without any evidence to support the statements he makes.

It is an easy thing for a Senator from one State to get up and make an unfounded blanket charge against citizens who do not have to vote to see whether or not he remains here. But the brave and courageous man is the man who looks in the face of his own constituents and, if he has any charges to hurl at anybody, makes them against those who have a right to pass on whether he is right or whether he is wrong.

I regret that I have found it necessary to respond in this manner to these baseless charges against my native State, the State I love with all my heart, but I can not do otherwise, since I am one of Alabama's spokesmen.

I say to the Senate, without going into statistics, because I do not care to go into statistics of liquor organizations—I do not care anything about them—that Alabama is proud of her record. I say to the Senator from Maryland, sir, if you can go back to Maryland and look into the faces of men who are as honest, as patriotic, as loyal, as law abiding as the citizens of the State which you seem to hate, then you can well take pride in representing the citizenship of Maryland. But in the name of fairness and honesty I do ask that the next time you make a charge against Alabama or any other Southern State, you at least do yourself and the people the justice of knowing first whether that charge is true or false.

Mr. BRUCE. Mr. President, one thing at any rate is perfectly obvious, and that is that the bolt I shot went home. Never since I was a boy in south side Virginia, and occasionally happened to shoot a partridge through the head, did I ever see anything that I have shot go so completely and confusedly up into the air as the junior Senator from Alabama. I gave about two minutes to figures of arithmetic, and the Senator from Alabama has given about half an hour to figures of rhetoric. And yet in all that time he has not undertaken to deny the truth of the one statement I made; that is to say, that notwithstanding his effort yesterday to blacken the fair name of the State of Maryland and of the city of New York, for every 20 arrests for drunkenness per 10,000 population in the city of New York last year there were 231 arrests for drunkenness per 10,000 inhabitants in the only three cities in the State of Alabama that dared to give to the Moderation League statistics with respect to arrests for drunkenness at all.

The irresponsive manner in which the Senator from Alabama referred to me reminded me of a ludicrous incident that happened a great many years ago in the city of Baltimore. One of our estimable mayors went up to Maine when prohibition was supposed to prevail there, though, of course, it did not. When he came back he was charged by one of his factional enemies with having taken a drink while he was in Maine.

If he was really innocent, it was the simplest thing in the world for him to come out and deny that he took a drink while he was in Maine and had violated the obligations of comity which he owed to a sister State of Maryland. It would have been possible for him, perhaps, if he had been innocent, to have gotten some friends who were in Maine with him to deny that he had taken a drink while he was there, but nothing

of the sort was done. What he did was to induce some of his friends in Baltimore to publish a card in the Baltimore newspapers, stating not that he had not taken a drink when he was in Maine, but that from their knowledge of his general character they were certain that it was simply impossible for him to have violated the respect which he owed to a sister State of Maryland by taking a drink in that State when its constitution prohibited the sale or the use of liquor within its borders. Just as irresponsive I say as that card was to the accusation against that mayor is the inflammatory and incoherent speech which has just been made by the Senator from Alabama in reply to me.

He undertook to contrast unfavorably the morals of the city of New York and the State of Maryland with the morals of the State of Alabama to the great advantage of the latter State. I have said nothing upon mere hearsay in relation to Alabama.

Mr. BLACK. Mr. President, if the Senator will yield, let us see if he knows this to be true:

As I am informed, a year or so ago when the daughter of a resident of Alabama married a young Catholic——

Mr. BRUCE. Do not go any further. I have had that statement made to me upon authority that I think is as good as yours.

Mr. BLACK. You say you know it?

Mr. BRUCE. How can I in one sense know anything except what I know of my own personal knowledge?

Mr. BLACK. I do not think you can.

Mr. BRUCE. That statement was made to me upon what I believe to be absolutely credible testimony; and so far as that priest having been dealt with as he was, I know that of my own personal knowledge, because Father Eaton, of Mobile, and Bishop Toolen, of Alabama, feeling that it was impossible for them to secure any representation in public life for the protection of the good name of their church in Alabama did come to me in the State of Maryland and asked me to do everything in my power, which I most cheerfully did, to see that that priest had a fair trial.

Mr. BLACK. If the Senator will yield there, did they ask him to see that he had a fair trial or to keep him from coming back to Alabama?

Mr. BRUCE. To see that he had a fair trial.

Mr. BLACK. In Alabama?

Mr. BRUCE. In my opinion, if he had gone back to Alabama in the Ku-Klux community where he had been he could not have hoped to have a fair trial.

Mr. BLACK. Do you know what community he was in? Do you know whether it was a Ku-Klux community, or do you just assume that it was?

Mr. BRUCE. It was alleged that it was.

Mr. BLACK. Who alleged it?

Mr. BRUCE. A large part of Alabama is a Ku-Klux community; indeed, it is such a Ku-Klux community, though this may be mere hearsay, that I have heard it said that the junior Senator from Alabama owes his seat in the Senate to the Ku-Klux vote.

Mr. BLACK. If the Senator will let me reply to that, that statement, like the others he made, is absolutely untrue. I got all the Ku-Klux votes I could get——

Mr. BRUCE. Yes.

Mr. BLACK. And all the Catholic votes I could get, and all the Jew votes I could get, and all the Baptist votes I could get, and all the others, and I have no apology to make for it, and I am here representing them.

Mr. BRUCE. I understood you were ready to resort to any expedient to get them.

Mr. BLACK. I am sorry I can not state here exactly what I think about that statement, and so I suppose the best thing to do is to let it go.

Mr. BRUCE. I think so. I think you show to better advantage when you keep your seat than when you rise to your feet.

I know, as I have said, whereof I am speaking. Those Catholic ecclesiastics did not say that that priest was innocent; they did not know they said whether he was innocent or guilty. All that they asked was that he should have a fair trial, which they did not believe he could obtain in the State of Alabama or in a Ku-Klux infested portion of the State of Alabama.

Mr. BLACK. If the Senator will yield again, where does the Senator want to try him—in Maryland—for a crime he committed in Alabama? I presume you wanted to take him to your town and defend him there.

Mr. BRUCE. No State in this country can hold itself as justly exempt from the criticism of other States when it comes to flagitious crimes or detestable scandals committed or existing in that State. Think of the Senator from Alabama imputing to the State of Maryland or to the State of New York lawlessness or a disposition to nullify the Federal Constitution. No such condition or disposition exists in the State of New York and the State of Maryland. Certainly, if the eighteenth amendment is nullified, which is not the case, in the State of Maryland, it is equally true that the fourteenth and fifteenth amendments are nullified in the State of Alabama, otherwise surely the vast negro population which exists in that State would be represented by some mayor or some governor or by some Member of the United States Senate or the House.

Mr. BLACK. Am I to understand that the Senator wants to let the negroes vote down there? Is that what he is talking for?

Mr. BRUCE. I have gone over that.

Mr. BLACK. The Senator seems gradually to be going over that way.

Mr. BRUCE. It is impossible for you to subject me to any misunderstanding in that relation. I wish you to know that, while I am of southern birth and as loyal to all the best traditions and principles of conduct of the South as any man who can be found within its borders, I have no word of palliation for either the sumptuary intolerance, the sectarian intolerance, or the racial intolerance that have in recent years become such painful features of the public life of some of the States of the South as well as of States in other parts of the Union.

Ah, in no forum could you find it more difficult to support the proposition that everything in Alabama is as it should be than in the Senate of the United States, because we recall that only a short time ago Alabama was represented in this Chamber by a man worthy to hold a seat in any parliamentary assembly in the world—Senator Oscar W. Underwood. He gave up his seat because in his own State he had been subjected to such an ignoble proscription at the hands of public opinion as it was impossible for anyone in any other State of the Union to understand. There, I say, was a true statesman, a man with all the breadth of vision, with all the stainless integrity, with all the statesmanlike qualities that characterize a true statesman.

There were, perhaps, other men in this Chamber who were held in a higher degree of esteem than he on one side or the other of this Chamber; but I venture to say that there was not a solitary man in it who was held in the same high esteem that he was on both sides of it. It would have been an honor to the State of Maryland to have been represented by him——

Mr. BLACK. I agree with that statement.

Mr. BRUCE. It would have been an honor to the State of New York to be represented by him in the Senate; it would have been an honor to any State of the Union to have been represented by him in the Senate. Ah, but he did not suit the political genius of latter-day Alabama, the State where in three cities alone there were in 1925, 231 arrests for drunkenness per 10,000 of population, and where the Ku-Klux Klan and its outrages are in full flower—in such full flower that the attorney general of Alabama only a short time ago resigned from the klan, saying that it had become such an instrument of lawlessness that he could no longer remain a member of it.

I should like the junior Senator from Alabama to tell me how many of the indictments which were obtained against midnight prowlers and marauders for flogging innocent men, women, and children were thrown out of the courts of Alabama. I have seen it stated that Attorney General McCall, of Alabama, abandoned some 100 indictments because he felt that the influence of the klan made it impossible for him successfully to prosecute them.

Mr. CURTIS. Mr. President——

Mr. BLACK. I understood the Senator from Maryland to ask me a question.

Mr. CURTIS. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from Kansas will state the point of order.

Mr. CURTIS. I understand that under the rules of debate it is out of order for a Senator to refer to a State of the Union in an offensive way; and I hope the Senators will observe that rule.

Mr. BRUCE. I shall be very glad to observe it; but I did not violate it until it had been violated, and grossly violated, by the Senator from Alabama.

Mr. CURTIS. I did not hear the Senator's speech.

Mr. BLACK. I have not violated it at all. I was replying to what the Senator said about Alabama yesterday when I was out of the Chamber.

Mr. BRUCE. Well, I have practically completed all I wanted to say. I merely want to add that I am not undertaking to frame an indictment against the whole people of the State of Alabama, because the enlightened press of that State is doing

its very best at the present time to shake off the Ku Klux incubus which rests upon the breast of Alabama; and the enlightened elements of its population are giving all the aid and comfort to it that they can.

SENATORIAL NOMINATION AND ELECTION IN NEW JERSEY

The Senate resumed the consideration of Senate Resolution 232, submitted by Mr. CARAWAY.

Mr. CARAWAY. I ask that the question be put on the adoption of the resolution.

The VICE PRESIDENT. Is there objection?

Mr. REED of Missouri. Mr. President, I do not want to object to a vote on the resolution. I simply want to make a statement.

This resolution, as drawn, proposes to delegate the work referred to in the resolution to the special committee that has been engaged in similar work, of which I have the honor to be chairman.

Speaking for myself, I do not want this job. I should like to be excepted from the resolution if it is to go to the committee.

I have spoken to two other members of the committee, and they have expressed themselves to me as not wanting to undertake this work. We want to wind up the work we have, and to be properly discharged.

I hope that clause of the resolution will be stricken out. At least I want the Senate to understand that I do not want to be ordered to go on with the work mentioned in the resolution.

Mr. HEFLIN. Mr. President——

Mr. CARAWAY. Will the Senator from Alabama let us see if we can not get a vote on the resolution? It will not take more than a second.

Mr. HEFLIN. I understand that we have to come back here at 8 o'clock.

Mr. CARAWAY. I know it. Therefore let us get the resolution passed.

Mr. HEFLIN. If we can vote on it right now, very well.

Mr. CARAWAY. There is not to be any further discussion of it.

Mr. WATSON. Mr. President, does the Senator from Missouri say he will not serve on the committee if the resolution is agreed to?

Mr. CARAWAY. No; he did not say that.

Mr. REED of Missouri. I say I do not want to do it. I am not going to say that I will not do anything that the Senate commands me to do; but I am saying now that if the resolution goes through I shall ask in some way to be relieved.

Mr. CARAWAY. Mr. President, I ask for a vote on the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

PROHIBITION ENFORCEMENT

Mr. HEFLIN. Mr. President, I am going to detain the Senate for only a moment.

I was not here on yesterday when my colleague [Mr. BLACK] had a colloquy with the Senator from Maryland [Mr. BRUCE]. I concur in what my colleague has said to-day. He has very ably replied to the unwarranted attacks of the Senator from Maryland.

It seems, from the general conduct of the Senator from Maryland in speaking in season and out upon the whisky question in this body, that he has come to represent that question in the country, and that they come to him with all of the hatched-out statistics they can find, and he belches them forth upon the Senate and the country, consuming time on such a topic, as my colleague has well and ably said, when we should be going on with legislative matters. Now he has gone out of his way to reflect upon our State. The Senator from Alabama, my colleague, did not start that controversy. The Senator from Maryland started it; and he is viciously attacking people everywhere who do not agree with him upon the whisky question.

The Senator from Maryland has also shown beyond question by his own statement that the Roman Catholic machine of my State have selected him to be their leader and mouthpiece in matters here. When a priest was indicted down there for a felony—one of the worst crimes ever committed in the State, an attack on a member of his own church, the wife of a soldier—when he was indicted down there where the crime was committed, the Senator opposed our getting that Catholic priest back from Canada to try him for his crime in Alabama.

Mr. BRUCE. Mr. President, may I interrupt the Senator?

Mr. HEFLIN. I yield.

Mr. BRUCE. The Senator knows, however, that the Federal grand jury in the State of Alabama refused to return a true bill against him.

Mr. HEFLIN. Yes; I referred to that once before and stated that the chairman of the Republican National Committee in the State was a lawyer in the case, that he controls the Republican patronage in the State, and that the district attorney was recommended for appointment by him; and he secured his appointment through this chairman who represented Priest O'Connor, and got a good fee for his services here at the Capital. Not only that, Mr. President, but this priest, Eaton, of Mobile, that the Senator talks about, and the Catholic bishop, and other Catholics got together and decided that man, Priest O'Connor, must not go back to Alabama. They said that the Catholic Church in Alabama would use all the power it had to keep him from coming back; that they had investigated the matter, and that he was innocent. Think of that! They had not heard the evidence in the case. They took the priest's side. So the Senator was defending a Catholic Church court trial, and trying to keep this priest from being tried in an American court of justice. So when this priest and bishop went to him in Maryland they seemed to know where to go to get somebody who claimed to be a Protestant to speak for them in this body, for the purpose of interfering with the instrumentalities of justice in other States—where a Catholic was involved.

Mr. President, the Senator talks about my former able colleague who used to sit here, and whom I have always been fond of personally. If you ask me for my candid opinion, I will tell you that when Senator Underwood lined up the Alabama delegation for the Al Smith program in the Democratic National Convention of 1924, at New York, he hurt himself greatly with the Democrats of Alabama.

The Senator from Maryland every day is giving the people of his State additional reasons for being irritated and offended at his conduct. He seems to be attacking every Protestant institution than he can lay his hands on. He is always ready to stand up and champion the cause of the Roman Catholic political machine that he seems to be doing obeisance to in Baltimore and elsewhere. He does not seem to remember that in Baltimore City, a Democratic city, they beat the Democratic nominee, a Roman Catholic, for mayor last year by 17,000 votes, and that in the city of Boston they beat the Catholic candidate, and in Chicago they beat the Catholic nominee; and in Detroit, Mich., where a Roman Catholic mayor had machine guns leveled on Ku-Klux Klan paraders, men, women, and children, the Protestants and Jews outside joined with the klansmen and they defeated that mayor and drove him into ignominious defeat.

The Senator from Maryland stands here hurling these slurs and insults in the face of the South, attacking the great secret orders of the Protestant organization; but you never hear him say anything against the lawless liquor interests of the Nation, or against the Knights of Columbus and the Roman Catholic political machine, who tried to involve us in war with Mexico.

He says nothing against these; but he seems to have become the mouthpiece of the other element. Let him hug these things to his heart and get all the consolation he can out of them. If he keeps this up, when it is all over he will say what Joe Brown, of Georgia, said after his debate in the Senate with John J. Ingalls, when Ingalls had romped on him as my colleague did to-day on the Senator from Maryland. The Georgia delegation asked him what he was going to do about it; they thought he ought to have a personal encounter with Ingalls. Senator Brown swelled out his chest and said, "Do? Do nothing. He brought it all on himself." [Laughter.]

PENSIONS AND INCREASE OF PENSIONS

Mr. NORBECK. Mr. President, I present the conference report on the Civil War widows' pension bill. The bill now carries considerably less than when it passed the Senate. The Senate receded to some extent.

I ask for the immediate consideration of the report.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). The report will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10159) entitled "An act granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same.

PETER NORBECK,
PORTER H. DALE,
DANIEL F. STECK,
Managers on the part of the Senate.
W. T. FITZGERALD,
R. N. ELLIOTT,
E. M. BEERS,
MELL G. UNDERWOOD,
RALPH F. LOZIER,
Managers on the part of the House.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the report?

There being no objection, the report was considered by the Senate and agreed to.

NAVAL APPROPRIATIONS

Mr. HALE. I ask that the Chair lay before the Senate the action of the House of Representatives on the amendments of the Senate to the naval appropriation bill.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
May 15, 1928.

Resolved, That the House recede from its disagreement to the amendments of the Senate Nos. 45 and 50 to the bill (H. R. 12286) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes," and concur therein.

That the House recede from its disagreement to the amendment of the Senate No. 46, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Naval fuel depot, Melville, R. I.: Toward replacement of boiler plant (limit of cost $150,000), $65,000."

That the House recede from its disagreement to the amendment of the Senate No. 52, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment insert "$31,956,000."

Mr. ROBINSON of Arkansas. Mr. President, was the conference agreement unanimous?

Mr. HALE. The conference report was agreed to yesterday. Under the rules of the House certain matters had to be voted on over there; that is all.

I move that the Senate concur in the amendments of the House to the amendments of the Senate Nos. 46 and 52.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had adopted a concurrent resolution (H. Con. Res. 36) requesting the President to return to the House of Representatives the bill (H. R. 9568) to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes, so as to permit the correction of an error in the enrolled bill, in which it requested the concurrence of the Senate.

LAND IN LOUISIANA—RETURN OF ENROLLED BILL

Mr. TYDINGS. Mr. President, referring to the concurrent resolution that just came over from the House, the bill is now in the hands of the President; and the author of the bill tells me a mistake has been incorporated in it which will affect the title to a piece of land. I have been requested by the author of the bill in the House to ask for the immediate consideration of the concurrent resolution, in order that the bill may be recalled before the President affixes his signature to it, containing, as it does, the error to which I have referred.

The VICE PRESIDENT laid before the Senate a concurrent resolution (H. Con. Res. 36) from the House of Representatives, which was considered by unanimous consent and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President is requested to return to the House of Representatives the bill (H. R. 9568) entitled "An act to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes," for the purpose of permitting the correction of an error in the enrolled bill.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 8 o'clock p. m.

The motion was agreed to; and (at 5 o'clock and 43 minutes p. m.) the Senate, under the order previously entered, took a recess until 8 o'clock p. m.

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

The VICE PRESIDENT. Under the unanimous-consent order for this evening's session the clerk will call the calendar for the consideration of unobjected bills.

ORDER FOR RECESS AT CLOSE OF EVENING SESSION

Mr. JONES. Mr. President, I ask unanimous consent that when the Senate concludes its business for to-day it shall take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Without objection, it is so ordered.

THE CALENDAR

The bill (S. 2447) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as first in order on the calendar.

Mr. BRATTON. Over.

The VICE PRESIDENT. The bill will be passed over.

RECOMMITTAL OF PENSION BILL

The bill (S. 1939) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, was announced as next in order.

Mr. NORBECK. Mr. President, I ask that the bill be recommitted to the Committee on Pensions.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

BILL AND JOINT RESOLUTION PASSED OVER

The bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate was announced as next in order.

Mr. LA FOLLETTE. Over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war was announced as next in order, and that it had been reported adversely from the Committee on the Judiciary.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The joint resolution will be passed over.

INVESTIGATION OF ALL PHASES OF CROP INSURANCE

The bill (S. 2149) authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized and directed to establish a unit with suitable personnel in the Bureau of Agricultural Economics of the Department of Agriculture for studying and investigating all phases of crop insurance and for making the results thereof available.

SEC. 2. This unit is authorized—

(1) To acquire, analyze, and disseminate economic, statistical, and historical information regarding the progress, organization, and methods of writing crop insurance in this country and abroad.

(2) To gather, tabulate, and analyze all available data pertaining to crop insurance, such as crop yields, crop damage, climatic, and/or other data needed and useful in measuring the natural and economic hazards incident to the growing of farm crops in the various sections of the country.

(3) To study and devise plans and methods for writing crop insurance.

(4) To promote the knowledge of crop-insurance principles and practices, and to cooperate in promoting such knowledge with educational, cooperative, commercial, and other agencies, whether governmental or private.

(5) To publish and disseminate information the acquisition of which is authorized hereby.

SEC. 3. The Secretary of Agriculture may make such rules and regulations as may be deemed advisable to carry out the provisions of this act, and may cooperate with any department or agency of the Gov-

ernment, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and may call upon any other Federal department, board, or commission for assistance in carrying out the purposes of this act; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing laws, and make such expenditure for rent, outside the District of Columbia, printing, telegrams, telephones, books of reference, books of law, publications, newspapers, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this act in the District of Columbia and elsewhere, and there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $50,000, to be available for expenditure during the fiscal year beginning July 1, 1928, and the appropriation of such additional sums as may be necessary thereafter for carrying out the purposes of this act is hereby authorized.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

Mr. COPELAND. Mr. President, we have an understanding regarding this bill, and I ask that it may go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

Mr. ROBINSON of Arkansas. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1940) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases was announced as next in order.

Mr. PHIPPS and Mr. METCALF. Over.

The VICE PRESIDENT. The bill will be passed over.

COLUMBIA BASIN RECLAMATION PROJECT

The bill (S. 1462) for the adoption of the Columbia Basin reclamation project and for other purposes was announced as next in order.

Mr. PHIPPS. Mr. President, I desire to perfect the pending amendment. In rereading it, it was found that it was wise to modify it. I ask to have the amendment perfected. I do not think there will be any objection to the bill with the amendment.

The VICE PRESIDENT. The Senator's modified amendment will be stated.

The CHIEF CLERK. On page 1, line 7, after the word "Interior," strike out the balance of the line, all of lines 8, 9, and 10, and on page 2, all of lines 1, 2, 3, 4, 5, and 6, and insert the following: "be investigated as to feasibility and cost, and the appropriation of funds to make such surveys, investigations, and studies as may be necessary to enable the Secretary of the Interior to determine the economic feasibility of this project, and the best method for prosecuting the same, is hereby authorized from funds in the Treasury of the United States not otherwise appropriated."

Mr. BRATTON. Mr. President, may I ask the Senator from Colorado if the amendment is agreeable to the Senator from Washington [Mr. DILL]?

Mr. PHIPPS. I thought the Senator from Washington was on the floor.

Mr. ROBINSON of Arkansas. I ask that the bill may go over for the present.

Mr. PHIPPS. I ask that the amendment in the form in which I have modified it may be the pending amendment.

Mr. ROBINSON of Arkansas. The Senator has a right to modify his amendment.

The VICE PRESIDENT. The bill will be passed over.

DIVISION OF SAFETY, DEPARTMENT OF LABOR

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety was announced as next in order.

Mr. METCALF. Over.

Mr. SHORTRIDGE. Mr. President, I rise merely to remark that I hope when this measure is called again those who as of now object will have looked into the report of the committee and will agree with me and the committee that the bill should pass. It is in the interest of men and women and children who toil in factories and mines and elsewhere and is designed to reduce the hazards inherent in industry resulting in loss of life and limb and health. I do earnestly hope that there will be no objection when it comes up again.

Mr. METCALF. I only ask for a Senator who is now absent that it go over.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands, and fixing salaries of certain officials, was announced as next in order.

Mr. LA FOLLETTE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1831) to authorize the Secretary of War and the Secretary of the Navy to class as secret certain material, apparatus, or equipment for military and naval use, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions, was announced as next in order.

Mr. DENEEN. Over.

The VICE PRESIDENT. The bill will be passed over.

CHARLES R. SIES

The bill (S. 151) for the relief of Charles R. Sies was announced as next in order.

Mr. SHORTRIDGE. Mr. President, I ask that House bill 4012, Calendar 959, be substituted for the Senate bill.

Mr. ROBINSON of Arkansas. Is the House bill identical with the Senate bill?

Mr. SHORTRIDGE. Exactly.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The Senate as in Committee of the Whole proceeded to consider the bill (H. R. 4012) for the relief of Charles R. Sies, and it was read, as follows:

Be it enacted, etc., That Chief Pay Clerk Charles R. Sies, United States Navy, retired, shall be advanced on the retired list to passed assistant paymaster with the rank and retired pay and allowances of a lieutenant on the retired list of the Navy. Such rank shall take effect on March 4, 1925, and such pay and allowances shall be paid from and after such date.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, Senate bill 151 is indefinitely postponed.

BILLS PASSED OVER

The bill (S. 2859) for the relief of Francis J. Young was announced as next in order.

Mr. KING. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2864) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products—namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, was announced as next in order.

Mr. TYSON. I ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1093) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. METCALF. Over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 57) requesting the President to immediately withdraw the armed forces of the United States from Nicaragua was announced as next in order, and as having been reported adversely from the Committee on Foreign Relations.

Mr. METCALF and Mr. PHIPPS. Over.

The VICE PRESIDENT. The bill will be passed over.

ADJUSTMENT IN RATE STRUCTURE OF COMMON CARRIERS

The joint resolution (S. J. Res. 99) to amend joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges, was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That S. J. Res. 107, approved January 30, 1925 (Public Resolution No. 46, 68th Cong.), directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges, be amended by inserting in the last paragraph after the words "including livestock" the words "and of fisheries."

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2532) to provide for the designation of clerks or employees of the Department of the Interior to serve as registers and receivers in the land offices in Alaska was announced as next in order.

Mr. LA FOLLETTE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term shall have expired was announced as next in order.

Mr. REED of Pennsylvania. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, was announced as next in order.

Mr. ASHURST. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1263) to amend section 4 of the interstate commerce act was announced as next in order.

Mr. JONES. Over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 173) expressing it as the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 1748) relating to the qualifications of jurors in the Federal courts was announced as next in order.

Mr. BRATTON. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3151) to limit the jurisdiction of district courts of the United States was announced as next in order.

Mr. REED of Pennsylvania. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1794) establishing additional land offices in the States of Montana, Oregon, Idaho, and South Dakota was announced as next in order.

Mr. PHIPPS. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 279) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, was announced as next in order.

Mr. FLETCHER. Over.

Mr. PHIPPS. Is there objection to the bill, may I inquire?

The VICE PRESIDENT. The Senator from Florida objected.

Mr. FLETCHER. Several Senators are absent just now who wish to have the bill go over.

Mr. PHIPPS. I would like to have it go over without prejudice. It is a case where we have been for years appropriating by items in the Senate.

Mr. ROBINSON of Arkansas. I understand the bill has gone over. I shall have to call for the regular order.

The VICE PRESIDENT. The bill will go over, and the clerk will state the next bill on the calendar.

The bill (H. R. 8298) authorizing the acquisition of a site for the farmers' produce market, and for other purposes, was announced as next in order.

Mr. BRATTON. Over.

The VICE PRESIDENT. The bill will be passed over.

AMENDMENT OF GENERAL LEASING ACT

A bill (H. R. 10885) to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437), was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I observe that the bill has not been referred to a committee. I ask for an explanation of it.

The VICE PRESIDENT. The Chair is informed that an identical bill was reported from the committee, and that this bill was passed once before and reconsidered.

Mr. LA FOLLETTE. Under the circumstances, inasmuch as there does not seem to be any member of the committee here to explain it, I ask that it may go over without prejudice.

Mr. BRATTON. I think I can state to the Senator what the bill does.

Mr. LA FOLLETTE. I withhold my request.

Mr. BRATTON. I have not made a careful examination of the bill, but I am assured that what it actually does is to take soda of potash out of the general leasing act and put it under this special act, thereby placing it in the same classification with other minerals of a similar nature.

Mr. LA FOLLETTE. I would like to have the bill go over until I can get a chance to look into it.

The VICE PRESIDENT. The bill will be passed over.

MAY GORDON RODES AND SARA LOUISE RODES

The bill (S. 126) for the relief of May Gordon Rodes and Sara Louise Rodes, heirs at law of Tyree Rodes, deceased, was announced as next in order.

Mr. KING. Over.

Mr. SHORTRIDGE. Mr. President, will the Senator be good enough to withhold his objection?

Mr. KING. Very well.

Mr. SHORTRIDGE. The bill is for the relief of the widow and daughter of a citizen. It was carefully considered by the Committee on Claims. Our Government made use of the patent of the deceased, whereby the committee finds that the Government saved perhaps some $17,000,000. It is true that the claim was for $142,000; but after a thorough examination and study of the case—and days were devoted to the subject—the committee reported in favor of allowing $35,750. I think I am warranted in saying that the committee was unanimous in believing it to be a just claim against our Government.

I express the hope that the bill may pass the Senate, to be considered by the House. My advice is that the House committee has reported or will report as did the Senate committee as to the merits of the case and as to the amount to be awarded the widow and daughter of the citizen.

Mr. STEPHENS. Mr. President, will the Senator yield for a moment?

Mr. SHORTRIDGE. Certainly.

Mr. STEPHENS. I do not know whether the Senator has called attention to this fact, but it is in evidence in the case that, due to this process, the Government saved the sum of about $17,000,000. I am on the committee and I am very familiar with the case. I know the facts. I have talked with several lumber people about the matter who are very familiar with the entire transaction; and I am very sure it is a meritorious case. The entire committee favored the passage of the bill in the sum mentioned in the amendment, and I hope it will pass.

The VICE PRESIDENT. Is there objection?

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 126) for the relief of May Gordon Rodes and Sara Louise Rodes, heirs at law of Tyree Rodes, deceased.

The bill had been reported from the Committee on Claims with an amendment, in line 7, to strike out "$143,000" and insert in lieu thereof "$35,750," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to May Gordon Rodes and Sara Louise Rodes, heirs at law of Tyree Rodes, deceased, the sum of $35,750, in full compensation for damages sustained by said Tyree Rodes, deceased.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2505) granting increase of pension under the general law to soldiers and sailors of the Regular Army and Navy, and their dependents, for disability incurred in service in line of duty, and authorizing that the records of the War and Navy Departments be accepted as to incurrence of a disability in service in line of duty, was announced as next in order.

Mr. KING. Mr. President, I would like to ask the Senator from South Dakota if this is the bill we had up for consideration the other evening?

Mr. NORBECK. No; this bill has never been discussed on the floor of the Senate. It has been considered by the committee. The purpose is to change some rates that apply to those who are regular soldiers, or of the Regular Establishment, we might say. Some forty-odd years ago these rates were fixed by law. For instance, the pension of a minor child is $2 a month. If the child's father was in the Spanish War, it gets $4 a month, and if he was in the World War, it gets $6 or $8 a month. This bill changes the rate from $2 to $4 a month. It makes several changes along that line. The bill carries about $670,000 in increases.

But I want to move to strike out section 3. I would like to perfect that amendment. Then I am willing to have the bill go over if I may do that. I want to strike out section 3

because it provides that the records of the War Department and Navy Department shall be taken as to injuries and disabilities, and that really is taking it out of the Pension Bureau.

Mr. KING. Will the Senator pass it over until to-morrow? To-morrow evening I shall join with him in asking to have the bill taken up.

Mr. NORBECK. Let me have the amendment agreed to, striking out section 3, if I may, and then I am willing that that course shall be taken.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions, with amendments.

Mr. NORBECK. I move that section 3 be stricken out and section 4 renumbered.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. Strike out section 3, as follows:

SEC. 3. That a record of the War or Navy Departments stating that a wound or injury was incurred, or disease contracted, in line of duty shall be accepted as sufficient proof of origin in service in line of duty, provided that said disability was not the result of the person's vicious habits.

The amendment was agreed to.

Mr. NORBECK. Then I move to add the following words to section 4: "*Provided*, That said disability shall not be the result of the person's vicious habits."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 3, line 13, after the word "pensions," add the words "*Provided*, That said disability shall not be the result of the person's vicious habits," so as to make the section read:

SEC. 4. That the increase of pension under this act to all persons whose names are now on the roll shall commence at the rates herein provided on the 4th day of the month next after the approval of this act, and any further increase of pension other than for permanent disability shall commence from the date of the official medical examination made after formal application for increase has been filed in the Bureau of Pensions: *Provided*, That said disability shall not be the result of the person's vicious habits.

The amendment was agreed to.

The VICE PRESIDENT. The bill as amended will be passed over.

CELEBRATION OF ARMISTICE DAY

The joint resolution (S. J. Res. 25) to declare the 11th day of November, celebrated and known as Armistice Day, a legal holiday was announced as next in order.

Mr. BORAH. Let that joint resolution go over.

Mr. MAYFIELD. Mr. President, was objection made to the consideration of Senate Joint Resolution 25?

Mr. KING. The joint resolution has been adversely reported.

Mr. MAYFIELD. Sometimes we consider measures which have been adversely reported.

The VICE PRESIDENT. Objection was made, and the joint resolution will go over.

Mr. MAYFIELD. I ask the Senator from Idaho not to object to the joint resolution, which proposes to declare the 11th day of November, celebrated and known as Armistice Day, a legal holiday. I do not think the joint resolution will bring about any discussion, and all I ask on it is merely a yea-and-nay vote. I ask the Senator to withdraw his objection and give us a vote on the joint resolution.

Mr. BORAH. The joint resolution has been reported adversely and would lead to some discussion. If proper discussion should be had on the joint resolution, I should not object to voting on it, but I shall have to object to its consideration to-night.

The VICE PRESIDENT. Being objected to, the joint resolution will go over.

BILLS PASSED OVER

The bill (S. 1720) extending the classified civil service to include postmasters of the third class, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 742) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. BRATTON. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6669) fixing the salary of the Public Printer and of the Deputy Public Printer was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

CROMWELL L. BARSLEY

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6152) for the relief of Cromwell L. Barsley, which had been reported from the Committee on Military Affairs with an amendment on page 2, line 2, after the word "shall," to strike out the words "be held to have accrued prior to the passage of this act" and to insert "accrue or be allowed on account of the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Cromwell L. Barsley, who was a member of Company D, Fifth Regiment United States Volunteers, and Thirty-fourth Regiment United States Volunteer Infantry, and Company D, Nineteenth Regiment Infantry, United States Army, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Nineteenth Regiment Infantry, United States Army, on the 23d day of December, 1907: *Provided*, That no bounty, back pay, pension, or allowance shall accrue or be allowed on account of the passage of this act.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMPLOYEES OF PROHIBITION BUREAU

The bill (S. 1995) placing certain employees of the Bureau of Prohibition in the classified civil service, and for other purposes, was announced as next in order.

Mr. BRATTON. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

REGULATION OF THE PRACTICE OF THE HEALING ART IN THE DISTRICT

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia.

The VICE PRESIDENT. The bill has heretofore been considered. The pending amendment is that proposed by the Senator from Maryland [Mr. BRUCE], which will be stated.

The CHIEF CLERK. On page 25, following line 11, it is proposed to insert the following:

Any person who was engaged in the practice of chiropractic in the District of Columbia on or before January 1, 1928, may deliver to the commission within 90 days after the approval of this act a written application for a license to practice chiropractic in the District of Columbia, together with satisfactory proof that the applicant is not less than 21 years of age and of good moral character, and had previously obtained a diploma from some legally incorporated school or college of chiropractic, and had been actively engaged in the practice of chiropractic for the past 10 years, or had previously obtained a diploma from some legally incorporated school or college of chiropractic recognized by the International Congress of Chiropractic Examining Boards.

When the commission is satisfied as to the qualifications of the applicant as aforesaid, it shall issue to him a license to practice chiropractic. Each license so to do shall show that it was issued on the basis of years of practice in the District of Columbia and without examination.

Also to amend by adding the word "other" at end of line 14, page 25.

The VICE PRESIDENT. Without objection the amendment is agreed to.

Mr. DILL. Mr. President, was the amendment proposed by the Senator from Maryland [Mr. BRUCE] adopted?

The VICE PRESIDENT. The amendment was agreed to.

Mr. DILL. Then, I object to the further consideration of the bill.

Mr. COPELAND. I ask the Senator from Washington, does he object to the passage of the bill because of the amendment proposed by the Senator from Maryland?

Mr. DILL. I object to the bill because of the amendment. If the amendment shall not be adopted, I will not object to the bill, but if the amendment is adopted I shall object to it.

Mr. BRUCE. We can not possibly discuss the bill to-night.

The VICE PRESIDENT. Under objection the bill will go over.

BILL PASSED OVER

The bill (S. 1215) for the relief of Helen F. Griffin was announced as next in order.

Mr. KING. Let that bill go over.

THOMAS J. ROFF

The bill (S. 1552) for the relief of Thomas J. Roff was announced as next in order. The bill had been reported from the Committee on Claims adversely.

Mr. KING.. I move that the bill be indefinitely postponed.

The VICE PRESIDENT. Without objection, the bill is indefinitely postponed.

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 2901) to amend the national prohibition act, as amended and supplemented, was announced as next in order.

Mr. PHIPPS. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal was announced as next in order.

Mr. LA FOLLETTE. I ask that the joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2097) to provide for the protection of municipal watersheds within the national forests was announced as next in order.

Mr. BRATTON. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

RESERVE DIVISION OF THE WAR DEPARTMENT

The bill (S. 3458) to create the reserve division of the War Department, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I desire to ask the Senator from Pennsylvania [Mr. REED] a question. The last time this measure came up the Senator stated that he had an amendment to propose which I understood him to say would eliminate citizens' military training camps and the Reserve Officers' Training Corps from the provisions of this bill.

Mr. REED of Pennsylvania. Mr. President, the National Guard and the Reserve Officers' Association have not yet been able to agree upon a recommendation in regard to this bill. So far as I am concerned, I stand for the bill as it came from the committee; but I am bound to say that the National Guard officers object to the bill as it stands.

Mr. LA FOLLETTE. As I understand, they would not object to the bill if the amendment which the Senator from Pennsylvania said he intended to propose were adopted.

Mr. REED of Pennsylvania. No. Frankly, I think they would be wise to allow the bill to go through with the elimination of the Reserve Officers' Training Corps and the citizens' military training camps, but they have not been willing to do that. The committee has reported the bill in the form in which it stands, and so I am not authorized to offer those amendments.

Mr. FLETCHER. Mr. President, I have been receiving a number of letters from National Guard officers protesting against the passage of the bill. Evidently there is no agreement as yet about any amendment.

Mr. REED of Pennsylvania. No; and none of us wish to take sides between the National Guard and the reserve officers. I am very hopeful that they will work out an agreement, but until they do so, perhaps the Senate will want to reserve its judgment.

The VICE PRESIDENT. The bill will be passed over.

ASSISTANTS TO DISTRICT ENGINEER COMMISSIONER

The bill (S. 1624) to authorize the payment of additional compensation to the assistants to the engineer commissioner of the District of Columbia was announced as next in order.

Mr. KING. Over.

Mr. PHIPPS. Mr. President, may I ask the Senator to withhold his objection for a moment?

Mr. KING. Very well.

Mr. PHIPPS. I merely wish to say, for the information of the Senator who made the objection, that this would apply to two majors in the service who are assigned as assistants to the Engineer Commissioner of the District of Columbia. Those officers are exceedingly well equipped for the duties which they perform, and are practically indispensable in the matter of arranging about the paving and opening of streets and other municipal work.

Mr. ROBINSON of Arkansas. What is their present compensation?

Mr. PHIPPS. Their compensation at the present time is about $4,500.

Mr. CAPPER. It is $4,400.

Mr. ROBINSON of Arkansas. What increase is proposed?

Mr. PHIPPS. This bill proposes to increase their compensation to $6,000.

Mr. KING. Mr. President, I wish to say to the Senator that I have given examination and some little thought to this bill. Of course, I appreciate the importance of the work of these officers, and it is not because of a lack of appreciation of the value of their services that I have interposed the objection; but there is a principle involved which I think should be determined before we pass any more laws which permit officers of the Army, or of the Navy, for that matter, who are receiving the compensation provided by law to be assigned to other positions and receive additional compensation. It creates feeling and friction, and recriminations result. It may be that it is wise to permit officers to be employed in other branches of the service while they are still holding their commissions in the Army and still receiving the benefits which appertain to their office and give to them additional compensation for work which they perform for the Government; but until we establish that as a policy I am opposed to the selection of a few and granting to them additional compensation. So I renew the objection.

The VICE PRESIDENT. The bill will be passed over.

SALARIES OF DISTRICT COMMISSIONERS

The bill (S. 1625) to fix the salaries of the members of the Board of Commissioners of the District of Columbia was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PRISON-MADE GOODS

Mr. HAWES. Mr. President, during my temporary absence from the Chamber, Order of Business 355, being the bill (S. 1940) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, was reached and objection was made. I should like to inquire where the objection came from.

The VICE PRESIDENT. As the Chair recalls, the Senator from Colorado [Mr. PHIPPS] made objection to the consideration of the bill.

Mr. HAWES. Mr. President, I should like to ask unanimous consent that the bill be considered at this time.

Mr. BRUCE. Mr. President, I object. I ask that that bill go over. I am very sorry to have to make the objection, but I think there ought to be some explanation of the purposes of that bill.

Mr. HAWES. Mr. President, the best explanation I can give of the bill is that it has been very heartily approved by the Senator from Maryland. He voted for it in the committee.

Mr. BRUCE. Yes.

Mr. HAWES. He heard the full discussion and approved of the bill very heartily.

Mr. BRUCE. And the Senator from Maryland reserves the right to change his mind whenever additional arguments and facts are presented which may make him feel that he is justified in doing so. I may vote for this bill, but there are some points I desire to have cleared up about it, and until that can be done I ask that the bill go over.

Mr. PHIPPS. Mr. President, I objected to the consideration of the bill.

Mr. HAWES. I think I still have the floor; I did not lose it, I think.

Mr. BRUCE. I object to the consideration of the bill, Mr. President, and ask that it go over.

Mr. HAWES. Mr. President, I ask the courtesy of the Senator from Maryland to proceed for not more than five minutes.

The VICE PRESIDENT. Is there objection to the Senator from Missouri proceeding for not more than five minutes?

Mr. BRUCE. Mr. President, I really think after the reference the Senator made to me a few moments ago that he is hardly in a position to appeal to my sense of courtesy. At the same time, I am very placable, and while I may be quick to resent injuries at times, I am also very quick to forgive them, and I will be glad, so far as I am concerned, if the Senator may have five minutes.

The VICE PRESIDENT. The Senator from Missouri is recognized for five minutes.

Mr. HAWES. Mr. President, this bill was presented to the Interstate Commerce Committee of the Senate in January. Thirty days' notice of a hearing was given; extensive hearings were held on the 7th day of February; additional hearings were held on the 17th of February, and the bill was reported to the Senate by the committee on the 28th day of February without opposition. On yesterday the House passed a similar bill by a vote of 304 to 40.

The bill is supported by the American Federation of Labor, it is supported by the independent manufacturers, and it is supported by the Federation of Woman's Clubs. It is the only bill, Mr. President, in which union labor has any interest that

has a possible chance of passing Congress at this session, and I can not understand why the Senator from Maryland, who voted for the bill in the committee, should object to its consideration now.

May I ask the Senator from Colorado on what he bases his objection?

Mr. BRUCE. Mr. President, if I may interrupt the Senator for a moment, with his permission, in the first place, some constitutional objections to the validity of this bill have been presented to me which were not brought to my attention at that time when the bill was under consideration by the committee. As I have said, I may vote for this bill; my prepossessions have been in favor of the bill from the beginning; but I do desire an opportunity to consider not only certain constitutional objections but other objections which have been urged upon me since the bill was in the committee. Surely there is nothing very unreasonable about that. I should like to gratify the Senator, if it were not for the circumstances I have stated.

Mr. HAWES. Mr. President, will the Senator from Colorado tell me if his objections to the bill are fundamental?

Mr. PHIPPS. I should like to ask the Senator from Missouri if it is not the purpose of the bill to prevent or at least to restrict the shipment of prison-made goods from one State into another State?

Mr. HAWES. No, sir.

Mr. PHIPPS. That is my understanding of the bill.

Mr. HAWES. No, sir; the bill provides—but I am afraid I can not enter into a discussion of it now.

Mr. PHIPPS. May I ask the Senator to permit me to give the bill a little further study. I may have been misinformed or I may not have studied it as carefully as I should. If the bill shall go over, I will be glad to look into it further.

Mr. HAWES. I am sure if the Senator will look into it he will approve of it, as the Senator from Maryland approved of it in the committee.

SALARIES OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA

Mr. COPELAND. Mr. President, when order of business 797, being Senate bill 1625, was reached, some Senator made objection. I wish he would withhold his objection for a moment. The bill relates to the salaries of the Commissioners of the District of Columbia. The bill did not originate with the commissioners; it originated with the civic and business organizations of the city, and I am sure that if Senators will give thought to the matter they will realize that it is not possible for a full-time commissioner to live decently in the city of Washington on a salary of $7,500. The purpose of this bill——

Mr. JOHNSON. May I inquire what the salary is?

Mr. COPELAND. Seven thousand five hundred dollars.

Mr. JOHNSON. Let us concern ourselves with some $1,200 people first. [Manifestations of applause in the galleries.]

The VICE PRESIDENT. The occupants of the galleries will be in order.

Mr. COPELAND. Mr. President, I am in the fullest accord with the Senator in desiring to take care of the $1,200 employees and every other underpaid employee.

The VICE PRESIDENT. Objection is made. The bill will be passed over.

Mr. FESS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. FESS. When a bill is objected to, and the regular order is called for, is debate in order?

The VICE PRESIDENT. Debate is not in order, unless some Senator has the floor.

Mr. FESS. I am making the parliamentary inquiry in the interest of expedition to-night. If an objection is made, and then the regular order is called for, is debate in order?

The VICE PRESIDENT. Debate is not in order.

The Secretary will state the next bill on the calendar.

BILL PASSED OVER

The bill (S. 1945) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and for other purposes, was announced as next in order.

Mr. METCALF. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

CURE FOR CANCER

The bill (S. 3554) to authorize the Public Health Service and the National Academy of Sciences to investigate the means and methods for affording Federal aid in discovering a cure for cancer, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

Mr. NEELY. Mr. President, the Senator from Utah [Mr. SMOOT] has informed me that he objects to this bill. But he and I have agreed upon certain amendments which I shall at the proper time propose, and the adoption of which will in my opinion make the bill acceptable to him.

I now give notice that I shall address the Senate to-morrow as soon as I can obtain recognition on the subject: "Cancer, humanity's most deadly scourge."

The VICE PRESIDENT. The bill will be passed over.

BILL PASSED OVER

The bill (S. 1718) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the Governments of the Latin American Republics in highway matters was announced as next in order.

Mr. McKELLAR. Let that go over.

Mr. PHIPPS. Mr. President, this bill went over once before on an objection that was charged to me, I think by mistake. I should like to ask the Senator if he will withhold his objection for a few minutes?

Mr. McKELLAR. I think we had better legislate about American roads first. Somebody objected to the road bill, Senate bill 1945.

Mr. PHIPPS. I do not want to waste the time of the Senate, Mr. President.

MARKETING OF PERISHABLE AGRICULTURAL COMMODITIES

The bill (S. 1294) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce, was considered as in Committee of the Whole.

Mr. BORAH. Mr. President, before any Senator objects to the consideration of this bill I desire to perfect the bill by offering an amendment.

I will say, in explanation of the amendment, that there has been an effort upon the part of those interested on both sides of the controversy to agree upon amendments. I have incorporated all of those amendments in one amendment, and have offered it as a substitute for the original bill. The amendment is satisfactory to everyone, as I understand, except the author; but, as I said, being unable to secure anything more, I desire to offer this amendment for the purpose of perfecting the bill.

The VICE PRESIDENT. The amendment, in the nature of a substitute, will be stated.

The CHIEF CLERK. As a substitute amendment, the Senator from Idaho offers the following:

Strike out all after the enacting clause and insert the following:

"(1) The term 'person' includes individuals, partnerships, corporations, and associations;

"(2) The term 'Secretary' means the Secretary of Agriculture;

"(3) The term 'interstate or foreign commerce' means commerce between any State or Territory, or the District of Columbia and any place outside thereof; or between points within the same State or Territory, or the District of Columbia but through any place outside thereof; or within any Territory or the District of Columbia;

"(4) The term 'perishable agricultural commodity' means fresh fruits and fresh vegetables of every kind and character;

"(5) The term 'commission merchant' means any person engaged in the business of receiving in interstate or foreign commerce any perishable agricultural commodity for sale, on commission, or for or on behalf of another;

"(6) The term 'dealer' means any person engaged in the business of buying or selling, other than at retail, any perishable agricultural commodity in interstate or foreign commerce: *Provided*, That this act shall not apply to producers selling products of their own raising in less than carload quantities, or to retailers buying in less than carload quantities, but does include producers selling and retailers buying any such commodity in such commerce in carload quantities or the equivalent thereof;

"(7) The term 'broker' means any person engaged in the business of negotiating sales and purchases of any perishable agricultural commodity in interstate or foreign commerce for or on behalf of the vendor or the purchaser, respectively.

"APPLICATION TO COOPERATIVE ASSOCIATIONS

"SEC. 2. This act shall not apply to any agricultural cooperative association in its dealings with its members.

"UNFAIR CONDUCT

"SEC. 3. It shall be unlawful—

"(1) For any commission merchant or broker to make any fraudulent charge in respect of any perishable agricultural commodity received in interstate or foreign commerce;

"(2) For any dealer to reject or fail to deliver in accordance with the terms of the contract without reasonable cause any perishable agricultural commodity bought or sold or contracted to be bought or sold in interstate or foreign commerce by such dealer;

"(3) For any commission merchant to discard, dump, or destroy without reasonable cause any perishable agricultural commodity received by such commission merchant in interstate or foreign commerce;

"(4) For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement concerning the condition, quality, quantity, or disposition of, or the condition of the market for, any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold or contracted to be bought or sold in such commerce by such dealer; or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account promptly in respect of any such transaction in any such commodity to the person with whom such transaction is had.

"LICENSES

"SEC. 4. (a) After the expiration of six months after the approval of this act no person shall at any time carry on the business of a commission merchant, dealer, or broker without a license valid and effective at such time. Any person who violates any provision of this subdivision shall be liable to a penalty of not more than $500 for each such offense and not more than $25 for each day it continues, which shall accrue to the United States and may be recovered in a civil suit brought by the United States.

"(b) Any person desiring any such license shall make application to the Secretary. The Secretary may by regulation prescribe the information to be contained in such application. Upon the filing of the application, and annually thereafter, the applicant shall pay a fee of $10.

"SEC. 5. (a) Whenever an applicant has paid the prescribed fee the Secretary, except as provided in subdivision (b) of this section, shall issue to such applicant a license, which shall entitle the licensee to do business as a commission merchant and/or dealer and/or broker unless and until it is suspended or revoked by the Secretary in accordance with the provisions of this act, but said license shall automatically terminate unless the annual fee is paid within 30 days after notice has been mailed that payment is due.

"(b) The Secretary may refuse to issue a license to an applicant if after notice and hearing he is of the opinion (1) that the applicant has previously been responsible in whole or in part for any violation of the provisions of section 3 for which a license of the applicant, or the license of any partnership, association, or corporation in which the applicant held any office or had any share or interest, was revoked, or (2) in case the applicant is a partnership, association, or corporation, that any individual holding any office or having any substantial interest or share in the applicant has previously been responsible in whole or in part for any violation of the provisions of section 3 for which the license of such individual, or of any partnership, association, or corporation in which such person held any office, or had any share or interest, was revoked.

"(c) The Secretary shall require that each licensee display on his stationery his license number.

"LIABILITY TO PERSON DAMAGED

"SEC. 6. (a) If any commission merchant, dealer, or broker violates any provision of section 3 he shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of such violation.

"(b) Such liability may be enforced either (1) by complaint to the Secretary as hereinafter provided, or (2) by suit in any district court of the United States of competent jurisdiction; but this section shall not in any way abridge or alter the remedies now existing at common law or by statute, and the provisions of this act are in addition to such remedies.

"COMPLAINT AND INVESTIGATION

"SEC. 7. (a) Any person complaining of any violation of any provision of section 3 by any commission merchant, dealer, or broker may, at any time within nine months after the cause of action accrues, apply to the Secretary by petition, which shall briefly state the facts, whereupon, if, in the opinion of the Secretary, the facts therein contained warrant such action, a copy of the complaint thus made shall be forwarded by the Secretary to the commission merchant, dealer, or broker, who shall be called upon to satisfy the complaint, or to answer it in writing, within a reasonable time to be prescribed by the Secretary.

"(b) Any officer or agency of any State or Territory, having jurisdiction over commission merchants, dealers, or brokers in such State or Territory, and any employee of the United States Department of Agriculture or any interested person, may file, in accordance with rules and regulations of the Secretary, a complaint of any violation of any provision of section 3 by any commission merchant, dealer, or broker, and may request an investigation of such complaint by the Secretary.

"(c) If there appears to be, in the opinion of the Secretary, any reasonable grounds for investigating any complaint made under this section, the Secretary shall investigate such complaint; and may, if in his opinion the facts warrant such action, have said complaint served by registered mail or otherwise on the person concerned and afford such person an opportunity for a hearing thereon.

"(d) After an opportunity for a hearing on a complaint, the Secretary shall determine whether or not the commission merchant, dealer, or broker has violated any provision of section 3.

"SUSPENSION AND REVOCATION OF LICENSE

"SEC. 8. Whenever the Secretary determines, as provided in section 7, that any commission merchant, dealer, or broker has violated any of the provisions of section 3—

"(1) If such violation is the first violation the Secretary shall reprimand the offender and may also publish the facts and circumstances of such violation and/or suspend the license of the offender for a period not to exceed 10 days; or

"(2) If such violation is not the first violation, the Secretary may publish the facts and circumstances of such violation and/or suspend the license of such offender for a period not to exceed 90 days, except that if the violation is a flagrant and repeated violation of such provisions, the Secretary may revoke the license of the offender.

"ACCOUNTS AND RECORDS

"SEC. 9. Every commission merchant, dealer, and broker shall keep such accounts, records, and memoranda as fully and correctly disclose all transactions involved in his business, including the true ownership of such business by stockholding or otherwise; and if such accounts, records, and memoranda are not so kept after the time prescribed by the Secretary, the person concerned shall be liable for a penalty of $500, which shall be recovered by civil action in the name of the United States in the circuit or district court holden within the district where the violation may have been committed or the person resides or carries on business.

"EFFECTIVE DATE AND FINALITY OF ORDER

"SEC. 10. (a) Any order of the Secretary under this act other than an order for the payment of money shall take effect within such reasonable time, not less than 10 days, as is prescribed in the order, and shall continue in force until his further order, or for a specified period of time, accordingly as it is prescribed in the order, unless such order is suspended, modified, or set aside by the Secretary or is suspended or set aside by a court of competent jurisdiction. Any such order, of the Secretary, if regularly made, shall be final unless before the date prescribed for its taking effect application is made to a court of competent jurisdiction by the commission merchant, dealer, or broker against whom such order is directed to have such order set aside or its enforcement, operation, or execution suspended or restrained.

"(b) If any commission merchant, dealer, or broker does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may within one year of the date of the order file in the district court of the United States for the district in which he resides or in which is located the principal place of business of the commission merchant, dealer, or broker, or in any State court having general jurisdiction of the parties, a petition setting forth briefly the causes for which he claims damages and the order of the Secretary in the premises. Such suit in the district court shall proceed in all respects like other civil suits for damages except that the findings and orders of the Secretary shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs in the district court nor for costs at any subsequent state of the proceedings unless they accrue upon his appeal. If the petitioner finally prevails, he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit.

"INJUNCTIONS

"SEC. 11. For the purposes of this act the provisions of all laws relating to the suspending or restraining of the enforcement, operation, or execution, or the setting aside in whole or in part of the orders of the Interstate Commerce Commission are made applicable to orders of the Secretary under this act and to any person subject to the provisions of this act.

"GENERAL PROVISIONS

"SEC. 12. The Secretary may report any violation of this act for which a civil or criminal forfeiture or penalty is provided to the Attorney General of the United States, who shall cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay. The costs and expenses of such proceedings shall be paid out of the appropriation for the expenses of the courts of the United States.

"SEC. 13. For the efficient execution of the provisions of this act, the provisions (including penalties) of section 9 of the act entitled 'An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes,' approved September 26, 1914, are made applicable to the jurisdiction, powers, and duties of the Secretary in enforcing the provisions of this act and to any person subject to the provisions of this act, whether or not a corporation. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry or investigation necessary to his duties under this act in any part of the United States.

"SEC. 14. The Secretary may make such rules, regulations, and orders, including reparation in appropriate cases as may be necessary,

and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, binding, telegrams, telephones, law books, books of reference, publications, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this act in the District of Columbia and elsewhere, and as may be appropriated for by Congress; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for such purpose. This act shall not abrogate nor nullify any other statute, whether State or Federal, dealing with the same subjects as this act; but it is intended that all such statutes shall remain in full force and effect except in so far only as they are inconsistent herewith or repugnant hereto.

"SEC. 15. In construing and enforcing the provisions of this act the act, omission, or failure of any agent, officer, or other person acting for or employed by any commission merchant, dealer, or broker, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure of such commission merchant, dealer, or broker as that of such agent, officer, or other person.

"SHORT TITLE

"SEC. 16. This act may be cited as the 'Fresh fruit and vegetable licensing act.'"

Mr. KING. Mr. President, I object to this bill. It is a very important one. I shall be glad to take it up a little later.

Mr. BORAH. I am not asking to take up the bill to-night. I am simply asking that the substitute be accepted, and then that the bill may go over.

Mr. KING. I have no objection to that.

Mr. COPELAND. Mr. President, I have no objection to the adoption of the substitute, in order that it may be printed; but, as the Senator from Idaho knows, I have some objections to certain provisions of the bill. I understand that the Senator from Utah has objected to the consideration of the bill anyhow.

Mr. BORAH. I did not understand that the Senator from Utah had objected to acting upon the amendment.

Mr. KING. No.

Mr. FLETCHER. The Senator now offers the amendment in the nature of a substitute, and then the matter will go over.

The VICE PRESIDENT. Without objection, the amendment in the nature of a substitute, will be agreed to; and the bill will be passed over.

BILLS PASSED OVER

The bill (S. 1762) granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio Estuary, in the county of Alameda, in said State, was announced as next in order.

Mr. METCALF. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 391) to regulate the use of the Capitol Building and Grounds was announced as next in order.

Mr. BLAINE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 11074) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

EMPLOYMENT OF MINORS WITHIN THE DISTRICT OF COLUMBIA

The bill (H. R. 6685) to regulate the employment of minors within the District of Columbia, was announced as next in order.

Mr. BRATTON. Let that go over.

Mr. COPELAND. Mr. President, did some one object to the consideration of this bill?

Mr. BRATTON. The Senator from Delaware [Mr. BAYARD] was unavoidably detained from the Chamber to-night, and requested me to object on his behalf.

Mr. COPELAND. To House bill 6685?

Mr. BRATTON. Yes. The objection that I made was on his behalf solely.

Mr. CAPPER. Mr. President, I understand that objection has been raised to the consideration of House bill 6685.

Mr. BRATTON. Yes; an objection was made at the request of the Senator from Delaware [Mr. BAYARD], who is unavoidably detained from the Chamber. It was made solely on his behalf. Personally, I have no objection to the bill.

Mr. CAPPER. I have been trying for more than a month to get action on this bill. There is a unanimous demand for it from the District of Columbia. The labor organizations, the citizens' associations, the civic associations are all asking for the passage of this bill. We have had no legislation on child labor in the District of Columbia for over 20 years.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. CAPPER. Yes.

Mr. COPELAND. I may say to the Senator that I have every reason to believe that to-morrow night we can pass this bill. The Senator from New Mexico [Mr. BRATTON] is under obligation to interpose the objection because the Senator from Delaware [Mr. BAYARD] is absent; but I have talked with the junior Senator from Utah [Mr. KING] and with others who have been in opposition to the bill, and I have every reason to believe that if the Senator will let it go over until to-morrow night we can pass the bill at that time.

Mr. CAPPER. With that understanding, I will not press the matter to-night.

REARRANGEMENT, ETC., OF SENATE WING OF THE CAPITOL

The bill (S. 814) to rearrange and reconstruct the Senate wing of the Capitol was announced as next in order.

Mr. COPELAND. Mr. President, I ask that this bill be indefinitely postponed. I am happy to say that provision has been made for rearranging and reconstructing the Chamber, so that this bill is no longer necessary.

The VICE PRESIDENT. Without objection, the bill will be indefinitely postponed.

BILLS PASSED OVER

The bill (S. 3089) to increase the efficiency of the Military Establishment, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. I ask that that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2274) for the relief of William H. Chambliss was announced as next in order.

Mr. KING. Mr. President, I have asked the State Department and also the Shipping Board for certain information with regard to this bill. As soon as that is obtained I shall not interpose an objection to its consideration; but for the present I do object.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4174) to establish a woman's bureau in the Metropolitan police department of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1749) providing for the development of hydroelectric energy at Great Falls for the benefit of the United States Government and the District of Columbia was announced as next in order.

Mr. KING. Let that go over. I do not mean by that that I have any objection; but there are some amendments, and the measure is one of considerable importance, and could not be discussed under the five-minute rule.

The VICE PRESIDENT. The bill will be passed over.

EDWARD A. BLAIR

The bill (S. 1633) for the relief of Edward A. Blair was considered as in Committe of the Whole and was read, as follows:

Be it enacted, etc., That the President is authorized to appoint Edward A. Blair a second lieutenant of the United States Marine Corps and to retire him and place him upon the retired list of the Marine Corps with the retired pay and emoluments of that grade.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3874) authorizing appropriations of funds for construction of a highway from Red Lodge, Mont., to the boundary of the Yellowstone National Park near Cooke City, Mont., was announced as next in order.

Mr. PHIPPS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

CONSTRUCTION AT MILITARY POSTS

The bill (H. R. 11134) to authorize appropriations for construction at military posts, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, before objection is made to the consideration of this bill, I should like to explain that it is the necessary usual authorization which must be made in order that next year's Budget shall take account of the proper housing of the enlisted and noncommissioned personnel of the Army, and take account of the increase in the Air Corps which the Congress has already authorized. Every item in the bill, as reported by the committee, meets with the approval of the Budget. Most of the items have to be met out of sales of surplus real estate of the War Department.

There is nothing unusual in the bill excepting the action of our committee in striking out the authorization for Scott Field, Ill., which would authorize the Army to continue in the lighter-than-air experimentation. The committee is not in favor of that expenditure, and therefore amended the House bill so as to strike that out. In every other respect the bill meets with the approval of the department and of the Budget.

Mr. PHIPPS. Mr. President, may I ask the Senator if that amendment and the amendment on the bottom of page 3 have been adopted?

Mr. REED of Pennsylvania. I do not believe that any amendments have been adopted.

Mr. PHIPPS. I would suggest the adoption of the amendments. The Senator need not anticipate objection to the bill.

Mr. DENEEN. Mr. President, I object.

Mr. REED of Pennsylvania. I hope the Senator from Illinois will not object.

Mr. DENEEN. There is a difference of opinion about Scott Field. We would like to have that matter further considered.

Mr. REED of Pennsylvania. We can discuss that by itself; but if the Senator objects to the consideration of this bill it means that all progress in housing of the Army has to go over for another year.

Mr. DENEEN. We will be able to take it up to-morrow night and discuss it more in detail at that time.

The VICE PRESIDENT. Objection being made, the bill will be passed over.

Mr. FLETCHER. One minute, please. The Senator realizes that if the committee amendment eliminating Scott Field is adopted the matter will go to conference, and there is a chance to have it adjusted there.

Mr. LA FOLLETTE. I call for the regular order.

Mr. FLETCHER. I do not think the Senator will get the bill passed with Scott Field in it. It will go to conference, if the amendment is adopted, with the effect that I have stated. It is a very important bill, and we ought to act on it. It is a matter that covers the entire country.

Mr. LA FOLLETTE. I ask for the regular order.

Mr. REED of Pennsylvania. Mr. President, will the Senator bear with us for a minute? I simply want to carry on what the Senator from Florida started to say. If the bill is passed in the form in which it is reported out, the amendment——

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry. Has not an objection been interposed to the consideration of this bill?

The VICE PRESIDENT. It has. The regular order is demanded.

Mr. REED of Pennsylvania. Mr. President, speaking on the next bill, I want to say that no greater injury can be done to the Army of the United States than to prevent the authorization of these new buildings, nor can any greater injury be done to American labor than to prevent their opportunity for carrying these contracts into effect.

Mr. LA FOLLETTE. I call for the regular order.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 4179) to amend the corrupt practices act by extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States, and for other purposes, was announced as next in order.

Mr. ODDIE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. COPELAND subsequently said: Mr. President, what became of Senate bill 4179, to amend the corrupt practices act?

The VICE PRESIDENT. It was objected to.

Mr. COPELAND. I hope the Senator from Tennessee [Mr. McKELLAR] will follow up that matter, so that we can have a vote on it.

Mr. McKELLAR. Mr. President, was there an objection to Senate bill 4179?

The VICE PRESIDENT. There was.

Mr. McKELLAR. Who objected to the consideration of the bill?

Mr. ODDIE. I objected. I desire an opportunity to study the bill further.

The bill (S. 2069) to extend the provisions of section 1814 of the Revised Statutes to the Territories of Hawaii and Alaska was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3770) authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz., was announced as next in order.

Mr. PHIPPS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2330) authorizing reconstruction and improvement of a public road in Wind River Indian Reservation, Wyo., was announced as next in order.

Mr. WHEELER. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

MICHEAL ILITZ

The bill (H. R. 6908) for the relief of Micheal Ilitz was considered as in Committee of the Whole.

The VICE PRESIDENT. The amendment reported by the Committee on Military Affairs has heretofore been agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

HARLIE O. HACKER

The bill (S. 3690) to correct the military record of Harlie O. Hacker was considered as in Committee of the Whole.

Mr. KING. Mr. President, may I have the attention of the Senator from Wisconsin? Is this a case of a person seeking to have a charge of desertion removed in order that he may obtain a pension?

Mr. BLAINE. Mr. President, I will say that the records of the War Department show, I think conclusively, that the person seeking the relief was at the time he was charged with desertion mentally incapable of exercising any choice. In other words, the department reports that he was a constitutional psychopath, an inadequate personality, and that condition arose in the line of duty. Therefore his desertion was such as not to be held against him.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 5, to strike out "Harley" and insert "Harlie"; on line 6, to strike out "Infantry" and insert "Tank Battalion"; and on line 9, to strike out "company" and insert "battalion," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Harlie O. Hacker, late of Company B, Sixteenth Tank Battalion, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said battalion and regiment on the 7th day of May, 1923: *Provided*, That no bounty, pay, or allowance shall accrue by virtue of the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Harlie O. Hacker."

TAX REDUCTION

The bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes, was announced as next in order.

The VICE PRESIDENT. The bill will be passed over.

PAY OF OFFICERS IN THE REGULAR ARMY

The bill (S. 3569) to equalize the pay of certain classes of officers of the Regular Army was announced as next in order.

Mr. KING. Mr. President, I would like to have the Senator from Texas [Mr. SHEPPARD], who reported this bill, make an explanation of it.

Mr. SHEPPARD. Mr. President, the Army base pay bill of 1922 established the principle of one increase in pay for every

officer after a certain period of service following appointment or promotion in rank. The theory of the bill was that on account of the long periods elapsing for most officers between promotions in rank, principally majors and captains, an increase in pay would form the only recognition which could be expected by many officers for long and faithful service.

By an oversight the bill failed to give certain emergency World War officers who had come into the Army under the act of 1920 the benefit of these periodical increases when they do not receive a promotion in rank. Under the law of 1920 these officers had to be over 48 years old to be colonels, over 45 to be lieutenant colonels, over 36 to be majors. The average age of those officers appointed majors was about 43 years, while hundreds of officers already in the Army became majors at 26, 27, 28, and 29 years of age; 1,200 under 36 years. Their omission, however, from the privilege of period increase in pay, added to the fact that on account of age they can never expect promotion, makes their present condition hopeless. About 1,200 officers are in this situation.

About 1,200 officers would be affected by this measure. The bill simply gives them the period increase which the pay bill of 1922 intended that they should have.

Mr. KING. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. KING. I notice in the report, on page 6, the recommendation is adverse from Mr. Dwight F. Davis, Secretary of War.

Mr. SHEPPARD. He adds, however, that unless strong reasons are given to the contrary, he will oppose it. He is not unqualifiedly opposed to the bill.

Mr. ROBINSON of Arkansas. And the Senator is giving the strong reasons.

Mr. KING. He states:

I do not favor the enactment of Senate bill 3569 for the following reasons.

Then he assigns a number of reasons.

Mr. SHEPPARD. But he goes ahead and states that unless strong reasons are given to the contrary he will oppose the bill.

Mr. METCALF. Mr. President, the Senator from Connecticut, who is absent, asked me to present an amendment to this bill; but I am not familiar enough with it, so I will ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER

The bill (H. R. 8988) for the relief of Milton Longsdorf was announced as next in order.

Mr. ROBINSON of Arkansas. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 3241) for the relief of Seymour Buckley was announced as next in order.

Mr. ROBINSON of Arkansas. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

SATURDAY HALF HOLIDAYS FOR GOVERNMENT PRINTING OFFICE

The bill (S. 2440) to provide that four hours shall constitute a day's work on Saturdays throughout the year for all employees in the Government Printing Office was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That four hours shall constitute a day's work on Saturday throughout the year for all employees under the supervision of the Public Printer, and that when the needs of the service require work in excess of four hours all per hour employees shall be granted compensatory wages and all other employees compensatory time.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TEACHERS' SALARIES

The bill (S. 4063) to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the following quoted provisions of Article I covering salary class 2, teachers in junior high schools, are hereby repealed.

"CLASS 2.—TEACHERS IN JUNIOR HIGH SCHOOLS

"A teacher in the junior high schools who possesses the eligibility requirements of teachers in the elementary schools and who in addition has met the higher eligibility requirements established by the Board of Education for teachers in junior high schools shall be paid in accordance with the following schedules:

"A teacher in the junior high school who possesses the eligibility requirements of teachers in the senior high and normal schools shall be paid in accordance with the following schedules," so that the salary schedule as amended shall read as follows:

"CLASS 2.—TEACHERS IN JUNIOR HIGH SCHOOLS

"Group A.—A basic salary of $1,600 per year, with an annual increase in salary of $100 for eight years, or until a maximum salary of $2,400 per year is reached.

"Group B.—A basic salary of $2,500 per year, with an annual increase in salary of $100 for three years, or until a maximum salary of $2,800 per year is reached.

"Group C.—A basic salary of $1,800 per year, with an annual increase in salary of $100 for 10 years, or until a maximum salary of $2,800 per year is reached.

"Group D.—A basic salary of $2,900 per year, with an annual increase in salary of $100 for three years, or until a maximum salary of $3,200 per year is reached."

SEC. 2. That the Board of Education is hereby authorized to establish the eligibility requirements and prescribe such methods of appointment or promotion for teachers in the junior high schools as it may deem proper, subject to provisions of law covering such matters now in effect or which may hereafter be enacted.

SEC. 3. That the following provision of section 9 of Article V of the act of June 4, 1924, "*Provided further*, That no person who has not received for at least one year the maximum salary of Group A in any class, or Group C of class 2 shall be eligible for promotion to Group B of any class or Group D of class 2," shall not apply during the fiscal year 1928 to the teachers affected by the provisions of paragraph (d) of section 6 of the same act.

SEC. 4. Amend paragraph (q) of section 6 of Article IV by adding the following:

"*Provided further*, That in the case of trade teachers in regularly organized trade schools the Board of Education is authorized to credit approved experience in the trades in the same manner and to the same extent as though it were experience in teaching."

SEC. 5. That this act shall take effect on its passage.

Mr. KING. Mr. President, I would like to ask the chairman of the Committee on the District of Columbia what change is made in existing law? The Senator knows we gave a great deal of attention to the existing law, and provided salaries which were, I think, very generous, in the main.

Mr. CAPPER. Mr. President, the bill does not make any increases in salaries. It was submitted to the Director of the Budget, and he reports that it is in line with the President's program. The bill corrects certain administrative defects and will insure a more efficient administration of the laws of the District as they apply to the teaching force.

Mr. KING. May I say to the Senator that he knows that some members of the committee have been receiving many complaints about the public schools, and if this will increase the efficiency, I am sure it ought to receive our approval.

Mr. CAPPER. I do not doubt for a moment but that it will work to the benefit of the schools.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONTRACTORS UNDER THE TREASURY DEPARTMENT

The bill (H. R. 11951) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926, was announced as next in order.

Mr. KING. I ask for an explanation of the bill.

Mr. ROBINSON of Arkansas. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

INTERNATIONAL CONFERENCE ON THE SAFETY OF LIFE AT SEA

The joint resolution (S. J. Res. 131) providing for the participation by the United States in the International Conference for the revision of the convention of 1914 for the safety of life at sea, was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the sum of $100,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of participation by the United States in the international conference for the revision of the convention of 1914 for the safety of life at sea, to be held in London, England, in 1929, including travel and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), compensation of employees, stenographic and other services by contract if deemed necessary, rent of offices, purchase of necessary books and documents, printing and binding, printing of official visiting cards, and such other expenses as may be authorized by the Secretary of State.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEETING OF PRESIDENTIAL ELECTORS

The bill (H. R. 7373) providing for the meeting of electors of President and Vice President and for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Privileges and Elections with amendments, on page 1, at the end of line 4 and at the beginning of line 5, strike out the words "second Monday in December" and insert in lieu thereof the words "first Wednesday in January"; in line 14, on page 4, strike out the words "fourth Monday in December of the year in which," and insert in lieu thereof the words "third Wednesday in the month of January after"; and, in line 25 of said page, strike out the word "Monday" and insert in lieu thereof the word "Wednesday," so as to make the bill read:

Be it enacted, etc., That the electors of President and Vice President of each State shall meet and give their votes on the first Wednesday in January next following their appointment at such place in each State as the legislature of such State shall direct.

SEC. 2. That it shall be the duty of the executives of each State, as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment, to communicate by registered mail under the seal of the State to the Secretary of State of the United States a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by section 1 of this act to meet, six duplicates original of the same certificates under the seal of the State; and if there shall have been any final determination in a State in the manner provided for by law of a controversy or contest concerning the appointment of all or any of the electors of such State, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate under the seal of the State to the Secretary of State of the United States a certificate of such determination in form and manner as the same shall have been made; and the certificate or certificates so received by the Secretary of State shall be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection; and the Secretary of State of the United States at the first meeting of Congress thereafter shall transmit to the two Houses of Congress copies in full of each and every such certificate so received at the State Department.

SEC. 3. That the electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State.

SEC. 4. That the electors shall dispose of the certificates so made by them and the lists attached thereto in the following manner:

First. They shall forthwith forward by registered mail one of the same to the President of the Senate at the seat of government.

Second. Two of the same shall be delivered to the secretary of state of the State, one of which shall be held subject to the order of the President of the Senate, the other to be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection.

Third. On the day thereafter they shall forward by registered mail two of such certificates and lists to the Secretary of State at the seat of government, one of which shall be held subject to the order of the President of the Senate. The other shall be preserved by the Secretary of State for one year and shall be a part of the public records of his office and shall be open to public inspection.

Fourth. They shall forthwith cause the other of the certificate and lists to be delivered to the judge of the district in which the electors shall have assembled.

SEC. 5. That when no certificate of vote and list mentioned in this act from any State shall have been received by the President of the Senate or by the Secretary of State by the third Wednesday in the month of January after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the Secretary of State shall request, by the most expeditious method available, the secretary of state of the State to send up the certificate and list lodged with him by the electors of such State; and it shall be his duty upon receipt of such request immediately to transmit same by registered mail to the President of the Senate at the seat of government.

SEC. 6. That when no certificates of votes from any State shall have been received at the seat of government on the fourth Wednesday of the month of January, after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the Secretary of State shall send a special messenger to the district judge in whose custody one certificate of votes from that State has been lodged, and such judge shall forthwith transmit that list by the hand of such messenger to the seat of government.

The amendments were agreed to.

Mr. ROBINSON of Arkansas. I think there should be an explanation made of the provisions of this bill. It appears to be rather an important measure.

Mr. BRATTON. Mr. President, if the Senator from Arkansas will yield I will explain briefly what the bill does.

Mr. ROBINSON of Arkansas. I yield.

Mr. FESS. Mr. President, will the Senator yield?

Mr. BRATTON. I yield.

Mr. FESS. When this matter was up at the last call of the calendar I objected to its consideration. I have examined the bill since, and I withdraw my objection.

Mr. BRATTON. Mr. President, the bill does this, briefly: It dispenses with the necessity of presidential electors coming to the Capital in person to bring the returns. It provides for the creation of six certificates. Two of them are to be filed with the secretary of state of the State. One is to be filed with the United States district judge of the district in which the capital of the State is located. Two of them are to come to the Secretary of State here at Washington. That accounts for five copies.

The sixth copy goes by mail to the President of the Senate. The provision is that if the certificate mailed to the President of the Senate fails to arrive it is his duty to call upon the Secretary of State here for a duplicate. If that duplicate is not available, it is the duty of the President of the Senate to send to the secretary of state of the State for the duplicate copy. If that is not available, he sends a messenger to the United States judge to bring the certificate in his possession here in person. It is in the interest of economy and is perfectly safe as an administrative measure. I think there can be no objection to the bill.

Mr. PHIPPS. Has it the support of the committee?

Mr. BRATTON. It has; of the Committee on Privileges and Elections.

Mr. ROBINSON of Arkansas. What is the approximate cost incurred because of the electoral messengers?

Mr. BRATTON. That I can not state to the Senator. Whatever it is is dispensed with through this measure. It is in the interest of economy, and is perfectly safe so far as its administration is concerned. I can conceive of no valid objection to the bill.

Mr. ROBINSON of Arkansas. Very well.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NAVAL CONSTRUCTION

The bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

REVISION OF PENAL LAWS

The bill (S. 3127) to amend section 217 as amended of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, was considered as in Committee of the Whole.

Mr. KING. Mr. President, I would like to ask if the Committee on Post Offices and Post Roads made a unanimous report on this bill.

Mr. PHIPPS. I can only say that I was present at the meeting of the committee. We had a quorum, and there was no objection to the bill. It was thought to be a proper measure. I do not know that all of the members of the Committee on Post Offices and Post Roads were favorable to it.

Mr. FLETCHER. What does it accomplish?

Mr. PHIPPS. It is another measure to prevent shipment through the mails of poisonous compounds, animals, insects, reptiles, and articles that would injure the mails or other property, whether sent as first-class matter or not.

Mr. BLAINE. Mr. President, if the Senator will yield, I will state to the Senator from Utah that when this bill was reached on the last call of the calendar I took occasion to object to its consideration. In the meantime I have made very close investigation, and I find that the only new matter legislated upon is contained in lines 9 to 14, page 2, reading as follows:

but the Postmaster General may permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property.

There is nothing stricken from the law. That language is added to the law.

Mr. ROBINSON of Arkansas. What are the circumstances which prompt the modification of the present law?

Mr. BLAINE. I am not a member of the committee; I was just explaining the investigation I made. I therefore have no further objection.

The proposition is to permit the transmission by mail, for instance, of insecticides, fungicides, and other poisons used by wheat growers and cotton growers and potato producers and all those who produce grain and crops that are constantly infected with pests that can be destroyed by the use of poison. That is the main purpose. And under certain rules and regulations issued by the Post Office Department those articles, which are not outwardly or of their own force dangerous or injurious to life, health, or property, may be transmitted through the mails.

Mr. ROBINSON of Arkansas. It appears that the Postmaster General recommended this amendment of the law in his annual report.

Mr. LA FOLLETTE. May I say to the Senator that I think all the parties interested in this measure went over it very carefully, and the language which is now incorporated in the bill, I think, meets all objections which were raised; and I believe that the report of the committee is unanimous.

Mr. ROBINSON of Arkansas. I have no objection to the consideration of the bill.

Mr. KING. I have no objection. However, I want to invite the attention of the Senator from Wisconsin to the last two lines on page 3. It does seem to me that the penalty is too severe for merely defacing or injuring some mail matter. The penalty of 20 years or $10,000 fine as a maximum would not be too much for an attempt to kill, but merely for defacing an envelope it does seem to me that penalty is too great. But if the existing law carries the same penalty I shall not insist upon its being amended. Otherwise, I should.

Mr. LA FOLLETTE. It is my information that this is merely a reenactment of the existing law so far as the penalty provisions are concerned.

Mr. KING. Let me say to the Senator that that shows the unwisdom of making a sort of a shotgun, omnium gatherum provision, as they have here. An attempt to kill is put in the same category with merely defacing the mails, and the same penalty is applied, 20 years in the penitentiary or a fine of $10,000. It is a very unwise provision.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2751) to amend section 213, act of March 4, 1909 (Criminal Code, title 18, sec. 330, U. S. C.), affixing penalties for use of mails in connection with fraudulent devices and lottery paraphernalia, was announced as next in order.

Mr. FESS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3902) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia was announced as next in order.

Mr. PHIPPS. Let that go over.

Mr. COPELAND. Mr. President, was there objection to the consideration of the bill?

The VICE PRESIDENT. The Senator from Colorado [Mr. PHIPPS] objected, and the bill will be passed over.

PAY AND ALLOWANCES OF ENLISTED PERSONNEL

The bill (S. 3692) to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended, was announced as next in order.

Mr. SHORTRIDGE. Mr. President, I ask that the bill may be passed over temporarily. I make that request on behalf of the Senator from Washington [Mr. JONES], who perhaps may wish to offer an amendment. He is not opposed to the measure as drawn, but wishes to add to it by way of amendment, and I ask that it may go over, to be taken up this evening upon his return.

The VICE PRESIDENT. The bill will be passed over.

TRANSCONTINENTAL POST ROAD

The bill (S. 1900) to provide for the construction of a post road and military highway from a point on or near the Atlantic coast to a point on or near the Pacific coast, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I objected to the consideration of this bill the other evening. I stated that some amendments had been suggested. I have not had time to prepare them. I invite the attention of the Senate to the importance and magnitude of the bill. I am willing that we shall take it up and have it read section by section and vote upon it.

Mr. BROUSSARD. Over.

The VICE PRESIDENT. The bill will be passed over.

BILL PASSED OVER

The bill (S. 3890) to amend section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes," was announced as next in order.

Mr. VANDENBERG. Over.

The VICE PRESIDENT. The bill will be passed over.

BILL INDEFINITELY POSTPONED

The bill (S. 3210) providing for the men who served with the American Expeditionary Forces in Europe as engineer field clerks the status of Army field clerk and field clerk, Quartermaster Corps, of the United States Army, when honorably discharged, was announced as next in order, and that it had been reported adversely from the Committee on Military Affairs.

Mr. REED of Pennsylvania. I move that the bill be indefinitely postponed.

Mr. HEFLIN. Who is the author of the bill?

The VICE PRESIDENT. The Senator from Maryland [Mr. BRUCE].

The motion was agreed to, and the bill was indefinitely postponed.

BILL PASSED OVER

The bill (H. R. 4652) for the relief of Charlie R. Pate was announced as next in order.

Mr. KING. Over.

The VICE PRESIDENT. The bill will be passed over.

GRANT OF LAND AT HOT SPRINGS, N. MEX.

The bill (S. 2572) granting certain land in the town of Hot Springs, N. Mex., to the State of New Mexico, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the portion of block 95 marked "Reserve" on the plat of the town site of Hot Springs, N. Mex., be, and is hereby, granted to the State of New Mexico: *Provided*, That if the Secretary of the Interior shall at any time find that the said tract, for the term of one year, has been used for other purposes than those connected with the maintenance of bathhouses, hotels, or other improvements for the accommodation of the public the grant hereby made shall be void and of no effect, and the Secretary of the Interior may thereafter dispose of said "Reserve" in accordance with existing law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3136) creating the Roswell land district, establishing a land office at Roswell, N. Mex., and for other purposes, was announced as next in order.

Mr. PHIPPS. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 717) to provide for the deportation of certain alien seamen, and for other purposes, was announced as next in order.

Mr. METCALF. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 584) for the relief of Frederick D. Swank was announced as next in order.

Mr. HOWELL. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 5894) for the relief of the State Bank & Trust Co. of Fayetteville, Tenn., was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

CONSTANCE D. LATHROP

The bill (H. R. 6195) granting six months' pay to Constance D. Lathrop was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That Constance D. Lathrop, widow of the late Commander Patrick Theodore Moore Lathrop, United States Navy, is hereby allowed an amount equal to six months' pay at the rate said Patrick Theodore Moore Lathrop was receiving at the date of his death.

SEC. 2. That the payment of the amount of money hereby allowed and authorized to be paid to said Constance D. Lathrop is authorized to be made from the appropriations for beneficiaries of officers who die while in the active service of the United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF FRANK E. RIDGELY

The bill (H. R. 7142) for the relief of Frank E. Ridgely, deceased, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the late Commander Frank E. Ridgely, United States Navy, who was retired May 24, 1925, by reason of physical disability which originated in the line of duty between April 6, 1917, and March 3, 1921, while holding the higher temporary rank of captain, United States Navy, shall be regarded as having been retired in such higher rank as authorized by section 25 of the act approved March 4, 1925 (43 Stat. L. 1278), for officers retired prior to March 4, 1925: *Provided*, That this act shall not entitle any person to additional pay, allowances, gratuity, or pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

QUARTERS FOR CHIEF OF NAVAL OPERATIONS

The bill (S. 4402) authorizing the Secretary of the Navy to assign to the Chief of Naval Operations the public quarters originally constructed for the Superintendent of the Naval Observatory in the District of Columbia was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy, in his discretion, is hereby authorized to assign to the Chief of Naval Operations the public quarters constructed under the authority of a provision contained in the act of March 2, 1891 (28 Stat. L. 806), for the official residence of the Superintendent of the Naval Observatory in the District of Columbia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET W. PEARSON AND JOHN R. PEARSON

The bill (S. 1618) for the relief of Margaret W. Pearson and John R. Pearson, her husband, was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

Be it enacted, etc., That the Court of Claims of the United States be, and hereby is, given jurisdiction to hear and determine the claim of Margaret W. Pearson and John R. Pearson, her husband, of Jacksonville, Fla., and to render judgment against the United States for compensation for the use, occupancy, and possession of a tract of land belonging to the said Margaret W. Pearson and John R. Pearson, her husband, situated in Duval County, Fla., during the period from December 10, 1920, to November 5, 1921; and for waste or damage to the inheritance, if any, attributable to the United States while in possession of said land.

SEC. 2. Said claim shall not be considered as barred because of any existing statute of limitations with respect to suits against the United States; nor because of any tort committed by any agent of the United States resulting in damage or waste to the inheritance; nor because of noncompliance with section 3744, Revised Statutes.

Mr. KING. Mr. President, may I inquire of the Senator from Alabama why the statute of limitations is removed?

Mr. BLACK. For the reason that considerable litigation has already been incurred. The wrong method of procedure was adopted. While that was in process of disposition the statute of limitations operated, and it was not thought that the Government should claim the statute of limitations by reason of a mistake in procedure. There is no question but that the Government occupied the premises without any lease for a number of months, and we limited the bill so as to permit a recovery, if any, only for the length of time the Government held the property after the original lease had expired.

Mr. KING. I would like to ask the Senator whether in his opinion the claimant availed himself of all opportunities, and if all legal remedies were prosecuted against the Government?

Mr. BLACK. He endeavored very diligently; in fact so diligently that I think he claimed too much.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT B. MURPHY

The bill (S. 3327) for the relief of Robert B. Murphy was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Navy, their widows, children, and dependent relatives, Robert B. Murphy shall be held and considered to have been honorably discharged as a seaman, United States Navy, on May 28, 1899, but no pension, pay, nor bounty shall be held to have accrued prior to the passage of this act.

SEC. 2. The Secretary of the Navy is hereby authorized and directed to grant to such Robert B. Murphy a discharge certificate showing that he is held and considered to have been honorably discharged as of such date.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY M'CORMICK

The bill (H. R. 5897) for the relief of Mary McCormick was considered as in Committee of the Whole. The bill had been reported from the Committee on Naval Affairs with an amendment on page 1, line 9, after the word "death," to insert the words, "*Provided*, That the said Mary McCormick establishes that she was actually dependent upon her son, Arthur James McCormick, at the time of the latter's death," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to cause to be paid from the appropriation "Pay of the Navy, 1925," to Mary McCormick, mother of Arthur James McCormick, late seaman, first class, United States Navy, the sum of $356.40, being an amount equal to six months' pay at the rate received by said McCormick at the date of his death: *Provided*, That the said Mary McCormick establishes that she was actually dependent upon her son, Arthur James McCormick, at the time of the latter's death.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

BILL AND JOINT RESOLUTION PASSED OVER

The bill (H. R. 8559) to amend section 58 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," was announced as next in order.

Mr. ROBINSON of Arkansas. Over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 9) to establish a joint commission on insular reorganization was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I should like to have an explanation of the joint resolution. In the absence of its author I ask that it may go over without prejudice.

The VICE PRESIDENT. The joint resolution will go over without prejudice.

THOMAS JEFFERSON SHROPSHIRE

The bill (H. R. 6185) for the relief of Thomas Jefferson Shropshire was announced as next in order. The bill had been reported from the Committee on Military Affairs adversely.

Mr. REED of Pennsylvania. Mr. President, I move that the bill be indefinitely postponed.

Mr. ROBINSON of Arkansas. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. ROBINSON of Arkansas subsequently said: Mr. President, I withdraw my objection to the consideration of the motion of the Senator from Pennsylvania with reference to the indefinite postponement of Calendar 1132.

Mr. REED of Pennsylvania. I can explain that in a word.

Mr. ROBINSON of Arkansas. The Senator need not explain it. I have withdrawn my objection. I have no objection to it.

Mr. BROOKHART. Let the bill go over. I object.

The VICE PRESIDENT. The bill will take its place on the calendar and go over under objection.

SILVER BELL OF CRUISER "NEW ORLEANS"

The bill (H. R. 5826) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver bell

in use on the cruiser *New Orleans*, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., for preservation and exhibition the silver bell which was in use on the cruiser *New Orleans: Provided*, That no expenses shall be incurred by the United States for the delivery of such silver bell.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. H. ANTHONY, JR.

The bill (S. 3427) authorizing the Secretary of the Navy to make a readjustment of pay to Gunner W. H. Anthony, jr., United States Navy (retired), was considered as in Committee of the Whole. The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 7, after numerals "1920" to strike out the words "for active service to this date, and thereafter such amount as would be due him resulting from this active service," and insert in lieu thereof the words, "for any active service performed while on the retired list," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to examine into the service performed by Gunner W. H. Anthony, jr., United States Navy (retired), and to pay him such amount as would be due him on January 14, 1920, for any active service performed while on the retired list.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT CAMPBELL

The bill (H. R. 4687) for the relief of Albert Campbell was announced as next in order.

Mr. KING. Let the bill go over.

Mr. COPELAND. Mr. President, I hope the Senator will withhold his objection. The man is dead and this is to correct his record. It was a sincere prayer of my colleague from New York, Thaddeus Sweet, who was killed the other day in an airplane accident, that this bill might be passed. It involves no money. The Department has recommended that the only way the record can be corrected is by an act of Congress. I hope the Senator will withdraw his objection and let the bill be passed.

Mr. KING. The record shows that the man was a deserter without excuse. If the death of the man justifies removing the charge of desertion, if that is not incompatible with the public interest, I shall not object; but it does seem to me it is rather an unwise way to deal with the question. I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That in the administration of the pension laws Albert Campbell shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of Company B, One hundred and fifty-seventh Regiment New York State Volunteers on the 11th day of October, 1863: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COAL AND ASPHALT, CHOCTAW AND CHICKASAW NATIONS

The bill (S. 3867) to extend certain existing leases upon the coal and asphalt deposits in the Choctaw and Chickasaw Nations to September 25, 1932, and permit extension of time to complete payments on coal purchases, was considered as in Committee of the Whole. The bill had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized, in his discretion and under such rules, regulations, terms, and conditions as he may prescribe, to extend to September 25, 1932, existing developed mining leases of the segregated coal and asphalt lands and deposits of the Choctaw and Chickasaw Nations which by their terms would expire prior to that date: *Provided*, That application is made by the owners of the leases for such extension of time: *And provided further*, That no lease shall be extended until the owner of such lease shall have paid all royalties due thereunder.

SEC. 2. That the act of Congress approved February 8, 1918 (40 Stats. L. 433), as amended and modified by the act of Congress approved February 22, 1921 (41 Stats. L. 1107), authorizing the sale of the leased and unleased coal and asphalt deposits in the segregated mineral land of the Choctaw and Chickasaw Nations, Oklahoma, be, and the same is hereby, amended and modified as follows:

"That the purchasers of any coal or asphalt deposits in the segregated mineral land of the Choctaw and Chickasaw Nations heretofore sold to them are hereby required to pay, within 60 days from the approval of this act, to the superintendent of the Five Civilized Tribes Agency, or such other official as the Secretary may designate, for the benefit of the Choctaw and Chickasaw Nations, all balances of principal and interest due from said purchasers on the purchase price: *Provided*, That in any case, upon application of the purchaser and showing made by him in support thereof, the Secretary of the Interior may, in his discretion and under such rules, regulations, terms, and conditions as he may prescribe, extend to such purchaser the time within which the purchaser may pay the balances of principal and interest due from him: *Provided, however*, That the time so allowed shall not in any case extend beyond the period of four years from the date of the approval of this act: *And provided further*, That said purchaser shall be required to pay in equal monthly installments, during the extended periods, the balances of principal and interest due from him: *Provided further*, That each purchaser, before allowing an extension, shall furnish the Secretary of the Interior security for payment of the amounts due under such extension, and upon application and showing made by said purchaser, the Secretary of the Interior may allow such purchaser to pay said balances in quarterly or semiannual installments: *Provided further*, That upon failure of any purchaser to pay any installment within one month after the same becomes due under the terms of the time extension, the Secretary of the Interior is hereby authorized to and shall declare the sale of the coal and asphalt deposits forfeited and canceled in accordance with the terms and conditions under which the sale was made, and, upon such forfeiture and cancellation, all amounts paid by such purchaser, principal and interest, shall become the property of the tribes. It is herein further provided that when application is made by any purchaser for extension of time within which to make payment of deferred installments of the purchase price and interest thereon, and before action is taken thereon by the Secretary of the Interior under the provisions of this act, the governor of the Chickasaw Nation and the principal chief of the Choctaw Nation, or other legal representatives of said Indian nations, shall be notified thereof and afforded an opportunity to be heard or to file a written statement of their views in the case: *Provided*, That if any developed coal or asphalt lease shall expire and the owner of the lease shall not apply for the renewal thereof, or if the sale of any developed coal or asphalt lease shall be declared forfeited and canceled, the Secretary of the Interior is hereby authorized to take possession of said leased deposits and lease the same until September 25, 1932, or take whatever steps may be necessary to preserve and protect such property."

Mr. KING. Mr. President, will the Senator from Oklahoma [Mr. PINE] explain whether this, in his opinion, is advantageous for the Indians? We have had so many claims that the Indians have been despoiled of their possessions that I am anxious to know about it.

Mr. PINE. The Indians favor the bill. I introduced a bill at their request and at the request of the coal operators. The amendment was prepared by the department. The committee substituted the amendment for the original bill which I introduced. It is approved by everybody who is interested in it.

Mr. KING. We have not the time to read all the bills and I do not want to delay proceedings unduly. I ask the Senator, if judgment is rendered in favor of the Indians or if they obtain a considerable sum from the leases, whether adequate steps are taken for the protection of the funds?

Mr. PINE. The money will be placed in the hands of the department to be looked after for the Indians.

Mr. KING. I have no objection.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the extension of the time of certain mining leases of the coal and asphalt deposits in the segregated mineral land of the Choctaw and Chickasaw Nations, and to permit an extension of time to the purchasers of the coal and asphalt deposits within the segregated mineral lands of the said nations to complete payments of the purchase price, and for other purposes."

ADVANCEMENT OF CREEK NATION FUNDS

The bill (S. 3868) authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to one of the attorneys for the Creek Nation, and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the

Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money now standing to the credit of the Creek Nation of Indians in the Treasury of the United States, the sum of not exceeding $18,000 to be, by the Secretary of the Interior, paid out in his discretion to attorneys for the Creek Nation of Indians employed under the authority of the act of Congress approved May 24, 1924 (43 Stat. L. 139), the payments to be made in such sums as may be necessary to reimburse the attorneys for such proper and necessary expenses as may have been incurred or may be incurred in the investigation of records and preparation, institution, and prosecution of suits of the Creek Nation of Indians against the United States under the above-mentioned act of May 24, 1924: *Provided, however,* That the claims of the attorneys shall be filed by said attorneys with the Secretary of the Interior and shall be accompanied by the attorneys' itemized and verified statement of the expenditures for expenses and by proper vouchers, and that the claims so submitted shall be subject to the approval of the Secretary of the Interior: *And provided further,* That any sums allowed and paid under this act to the attorneys shall be reimbursable to the credit of the Creek Nation out of any amount or amounts which may hereafter be decreed by the Court of Claims to said attorneys for their services and expenses in connection with the Creek tribal claims and suits under the above-mentioned act of May 24, 1924.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to the attorney for the Creek Nation, and for other purposes."

PROMOTIONS IN THE ARMY

The bill (H. R. 12814) to increase the efficiency of the Air Corps was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, this bill represents a compromise by those Senators who have interchanged opposing views about the proper way to deal with stagnation on the promotion list of the Army which resulted from admitting about 6,000 officers at the time of the World War.

There are many things that some of us would like to see go into the law to which our friends on the other side of the controversy do not agree. There are many things they would like to see, including a complete revision of the promotion list, with which we do not agree. The junior Senator from Alabama [Mr. BLACK] has introduced a bill which will call for a revision of the promotion list. I myself have introduced a bill which will call for promotion examinations and what is called a plucking board, and a number of things with which he and those who are grouped with him do not agree.

The present bill represents only those elements of relief which the Senator from Alabama and his friends—I should say his friends in thought, because I, too, am his friend—and which those who think with me agree should be adopted. It will go part way in relieving the distress that now exists in the promotion list because of the congestion of World War officers. There are many things he would like to add to the bill. There are many things I would like to add to it. But the only provisions that are in the bill as it is reported from the committee are such as are satisfactory to them and to us.

The bill as it now stands on the calendar is unanimously reported by the committee, meets with the approval of the War Department and, so far as I am able to discover, with the general approval of the officers of the Army. I hope the bill will pass with that understanding, that it does not represent all that any of us would wish but it does represent that which each of us admits is just.

Mr. BLACK. Mr. President, so far as the bill goes I agree with it, but I do not think it goes far enough. I think it offers a very small portion of the relief which should be granted. I voted to have the bill reported out favorably, with the reservation to offer amendments on the floor. I have proposed an amendment, which is now on the table. Unless that amendment is accepted I could not agree to the passage of the bill.

Mr. REED of Pennsylvania. Would the Senator be willing to leave it to a vote of the Senate?

Mr. BLACK. I would be delighted to take it up after discussion.

Mr. REED of Pennsylvania. Of course, the Senate will not permit us to waste much time discussing it.

Mr. BLACK. I would not permit it to be taken up now without an opportunity to discuss it.

Mr. REED of Pennsylvania. Could not the Senate take up this bill now and then later, when we come to the other bill, have a full discussion of it?

Mr. BLACK. I shall be glad to have both bills come up, and agree to limit the discussion to 15 minutes on each bill at any time.

Mr. REED of Pennsylvania. The Senator will not permit what he admits to be just to go through unless he carries with it that which he claims to be just.

Mr. BLACK. In other words, I do not propose to have the burden of not passing the legislation put on me, because I am willing, as I stated to the Senate committee, to submit my bill and this bill together with a 15-minute explanation or 30-minute explanation or an hour of explanation, but I do want a vote of the Senate. I am perfectly willing to have that done any time and will agree to 10 minutes or 15 minutes of explanation.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BLACK. I object unless my amendment is accepted.

Mr. KING. Mr. President, if we may deviate from the rule—I do not know whether we can or not—I would ask unanimous consent that both bills be considered together, of course taking a vote upon each separately, allowing 20 minutes, if it is agreeable to the Senate, for discussion.

Mr. REED of Pennsylvania. No; I can not agree to that.

Mr. KING. I withdraw the request.

The VICE PRESIDENT. The bill goes over on objection.

Mr. REED of Pennsylvania. Mr. President, before the bill goes over will not the Senator from Alabama agree that the committee amendment may be agreed to and then the bill go over? I refer to the amendment which the Senator approved in committee. Then the final passage of the bill may be delayed as long as the Senator desires.

Mr. BLACK. A very serious objection has been suggested to me by a Member of the House, who claims that the bill as reported with the amendments will result in the absolute destruction of his bill. I believe I should prefer to wait until I can take it up a little further.

Mr. FLETCHER. It applies to the Air Corps. Does the Senator object to the Senate committee amendment?

Mr. BLACK. I would rather not have the bill considered until I have time to talk to him, the gentleman to whom I have referred, because he sent me word that he wanted to talk with me about the bill.

The VICE PRESIDENT. The bill will be passed over.

THE RINGGOLD ROAD IN GEORGIA

The bill (S. 2991) to provide for the paving of the Government road extending from Chattanooga and Chickamauga National Military Park in the State of Georgia to the town of Ringgold, Ga., constituting an approach road to the Chattanooga and Chickamauga National Military Park was announced as next in order.

Mr. HARRIS. Mr. President, for a number of years the War Department has been endeavoring to take over the roads and highways which run through Government reservations and approaches to reservations. The road referred to in this bill is in a terrible condition, and it will cost the War Department a good deal to improve it. A similar bill has passed the House unanimously, and the committees of both Houses unanimously recommend its passage. I will add that it is recommended by the War Department. I ask that House bill 11724 be substituted for the Senate bill and that the House bill may be now considered.

Mr. KING. Mr. President, before consenting to the further consideration of the bill, I should like to ask the Senator from Georgia if the War Department approves of the bill?

Mr. HARRIS. The War Department approves of the bill.

Mr. KING. Another question: Was not an appropriation carried in the general Army appropriation bill for this particular road?

Mr. HARRIS. No; not at all.

The VICE PRESIDENT. Is there objection to substituting the House bill referred to by the Senator from Georgia for the Senate bill? The Chair hears none. Without objection, the Committee on Military Affairs will be discharged from the further consideration of the House bill. Is there objection to the consideration of the House bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11724) to provide for the paving of the Government road, known as the Ringgold Road, extending from Chickamauga and Chattanooga National Military Park, in the State of Georgia, to the town of Ringgold, Ga., constituting an approach road to the Chickamauga

and Chattanooga National Military Park, which was read, as follows:

Be it enacted, etc., That the Secretary of War is authorized to improve and pave the Government road, known as the Ringgold Road, commencing at the Chickamauga and Chattanooga National Military Park and extending to Ringgold, Ga., in the length of approximately 7.8 miles, for which an appropriation of not to exceed $117,000 is hereby authorized out of any money in the Treasury not otherwise appropriated: *Provided,* That no part of the appropriation herein authorized shall be available until the State of Georgia or any county or municipality or local subdivision thereof, or any State or county or municipal highway commission, or equivalent public authority, shall contribute at least an equal amount for the same purpose and the Secretary of War is hereby authorized to expend such sum as may be contributed by said local interests concurrently with the appropriation herein authorized in the improvement and pavement of said road: *Provided further,* That should the State of Georgia or any county or municipality or legal subdivision thereof, or any State or county or municipal highway commission, or equivalent public authority desire that the position of said road be changed in any particular from the present Government-owned right of way, and should such local authorities acquire title to the land necessary to effect such changes, the Secretary of War may expend the funds herein authorized for the improvement and pavement of such road as changed: *And provided further,* That no part of the appropriation herein authorized shall be expended until the State of Georgia or the counties or municipalities thereof concerned have accepted title to the present Government-owned road known as Ringgold Road and have obligated themselves in writing to the satisfaction of the Secretary of War that they will maintain said road as built under the provisions of the act approved March 3, 1925 (43 Stat. 1104), immediately upon the completion of such improvements as may be made under this appropriation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. Senate bill 2991 should be indefinitely postponed.

The VICE PRESIDENT. Without objection, Senate bill 2991 will be indefinitely postponed.

SITE OF THE BATTLE OF KETTLE CREEK, GA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9965) to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., where, on February 14, 1779, Elijah Clarke, of Georgia, and Colonel Pickens, of South Carolina, overtook the Tories under Colonel Boyd, killing him and many of his followers, thus ending British dominion in Georgia, which was read, as follows:

Be it enacted, etc., That the sum of $2,500 be, and is hereby, authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of erecting a tablet or marker on the grounds of the Battle of Kettle Creek, in Wilkes County, Ga., where, on February 14, 1779, Elijah Clarke, of Georgia, and Colonel Pickens, of South Carolina, overtook the Tories under Colonel Boyd, killing him and many of his followers, thus ending British dominion in Georgia, said tablet or marker to be placed on the portion of this battle ground now owned by the Daughters of the American Revolution, said sum to be dispensed by the Secretary of War after he shall have approved the plans of said tablet or marker.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GEORGE subsequently said: Mr. President, the Senate having passed Calendar 1140, the bill (H. R. 9965) to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., where, on February 14, 1779, Elijah Clarke, of Georgia, and Colonel Pickens, of South Carolina, overtook the Tories under Colonel Boyd, killing him and many of his followers, thus ending British dominion in Georgia, I ask that the Committee on Military Affairs be discharged from the further consideration of Senate bill 3050 for the same purpose, and that the Senate bill be indefinitely postponed.

The VICE PRESIDENT. The Senator from Georgia asks that the Committee on Military Affairs be discharged from the further consideration of Senate bill 3050 and that the bill be indefinitely postponed. Without objection it is so ordered.

GRATUITY TO DEPENDENT RELATIVES OF OFFICERS, ETC.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5548) to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses, whose death results from wounds or disease not resulting from their own misconduct, which was read, as follows:

Be it enacted, etc., That the provision contained in the act approved June 4, 1920 (41 Stat. L. 824; sec. 943, title 34, U. S. C.), is hereby amended to read as follows:

"943. Allowance on death of officer or enlisted man or nurse, to widow, child, or dependent relative: Immediately upon official notification of the death from wounds or disease, not the result of his or her own misconduct, of any officer, enlisted man, or nurse on the active list of the regular Navy or regular Marine Corps, or on the retired list when on active duty, the Paymaster General of the Navy shall cause to be paid to the widow, and if there be no widow to the child or children, and if there be no widow or child, to any other dependent relative of such officer, enlisted man, or nurse previously designated by him or her, an amount equal to six months' pay at the rate received by such officer, enlisted man, or nurse at the date of his or her death. The Secretary of the Navy shall establish regulations requiring each officer and enlisted man or nurse having no wife or child to designate the proper dependent relative to whom this amount shall be paid in case of his or her death. Said amount shall be paid from funds appropriated for the pay of the Navy and pay of the Marine Corps, respectively: *Provided,* That if there be no widow, child, or previously designated dependent relative, the Secretary of the Navy shall cause the amount herein provided to be paid to any grandparent, parent, sister, or brother shown to have been actually dependent upon such officer, enlisted man, or nurse prior to his or her death, and the determination of such fact by the Secretary of the Navy shall be final and conclusive upon the accounting officers of the Government: *Provided,* That nothing in this section or in other existing legislation shall be construed as making the provisions of this section applicable to officers, enlisted men, or nurses of any forces of the Navy of the United States other than those of the regular Navy and Marine Corps, and nothing in this section shall be construed to apply in commissioned grades to any officers except those holding permanent or probationary appointments in the regular Navy or Marine Corps: *Provided,* That the provisions of this section shall apply to the officers and enlisted men of the Coast Guard, and the Secretary of the Treasury will cause payment to be made accordingly."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOSS OF TIME BY ENLISTED MAN IN NAVAL SERVICE

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5644) to enable an enlisted man in the naval service to make good time lost in excess of one day under certain conditions, which was read, as follows:

Be it enacted, etc., That every enlisted man in the naval service who, without proper authority, absents himself from his ship, station, or duty for more than one day, or who is confined for more than one day under sentence, or while awaiting trial and disposition of his case, if the trial results in conviction, may be permitted to serve, after his return to a full-duty status, for such a period as shall, with the time he may have served prior to such unauthorized absence or confinement, amount to the full term of his enlistment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EQUALIZATION OF PAY OF OFFICERS OF SUPPLY CORPS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5718) to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service which was read, as follows:

Be it enacted, etc., That paragraph 5, section 1, of the act approved June 10, 1922 (42 Stat. L. ch. 212, p. 626), entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," be, and the same is hereby, amended to read as follows: "The pay of the fourth period shall be paid to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade who are not entitled to the pay of the fifth or sixth period; to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who have completed 14 years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army, or who were appointed to the Regular Army to fill vacancies created by the increase of the commissioned personnel thereof in 1920; to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who have completed 17 years' service except those whose promotion is limited by law to this grade and who are not entitled under existing law to the pay and allowances of a higher grade; and to lieutenant commanders and lieutenants of the Staff Corps of the Navy, and lieutenant commanders, lieutenants, and lieutenants (junior grade) of the line and engineer corps of the

Coast Guard whose total commissioned service equals that of lieutenant commanders of the line of the Navy, drawing the pay of this period": *Provided*, That this amendment shall be effective from July 1, 1926: *Provided*, That no back pay or allowance shall accrue by reason of the passage of this act.

Mr. KING. Mr. President, I should like an explanation of that bill.

Mr. HALE. Mr. President, the bill seeks to equalize the pay of 11 officers of the Supply Corps with their line running mates.

Under the provisions of the pay act of June 10, 1922, lieutenants of the staff corps with total commissioned service equal to that of lieutenant commanders of the line drawing pay of the fourth pay period are allowed to draw the pay of that period.

This provision was inserted for the purpose of placing staff corps officers on a parity for pay purposes with their running mates of the line, but due to the fact that these 11 officers of the Supply Corps were advanced to the rank of lieutenant commander with their running mates in the line, this parity for pay purposes is lost by reason of their advancement from the rank of lieutenant to that of lieutenant commander. In other words, with their promotions they get $1,100 less than they had when they were in the lower rank. That was occasioned by a mistake of the law, which, on the recommendation of the department, we seek to rectify by this bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADVANCE OF PUBLIC FUNDS TO NAVAL PERSONNEL

The Senate as in Committee of the Whole proceeded to consider the bill (H. R. 11621) to authorize the Secretary of the Navy to advance public funds to naval personnel under certain conditions, which was read as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized, in accordance with such regulations as may be approved by the President, to advance public funds to naval personnel when required to meet expenses of officers and men detailed on emergency shore duty: *Provided*, That the funds so advanced shall not exceed a reasonable estimate of the actual expenditures to be made and for which reimbursement is authorized by law.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AWARD OF CAMPAIGN BADGE TO CAPT. JAMES P. WILLIAMS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4920) authorizing the Secretary of War to award a Nicaraguan campaign badge to Capt. James P. Williams, in recognition of his services to the United States in the Nicaraguan campaign of 1912 and 1913, which had been reported from the Committee on Military Affairs with amendment, on page 1, line 3, after the words "Secretary of," to strike out "War" and to insert "the Navy," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to award a Nicaraguan campaign badge to Capt. James P. Williams, now a captain in the United States Army, Headquarters and Headquarters Troop, One hundred and fifty-sixth Cavalry Brigade, United States Army, reserve, for services rendered the United States Government in the Nicaraguan campaign of 1912 and 1913: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued by virtue of the passage of this act.

Mr. KING. Mr. President, I should like to ask the Senator from Maine [Mr. HALE] if we were carrying on war in Nicaragua then; if we are to reward this man for his valorous conduct as a military officer in a military expedition; and if we were not carrying on war, for what is he to receive this badge of honor?

Mr. HALE. Mr. President, whether or not we were carrying on war during that campaign in 1912 and 1913, this man rendered service to the Government. Other men who performed similar service who were in the Marine Corps were given decorations, but this man was not in the Marine Corps and was given no such recognition. Under the terms of this bill a similar decoration is to be given to him, as though he had been in the Marine Corps.

Mr. REED of Missouri rose.

Mr. ROBINSON of Arkansas. What service was he in?

Mr. REED of Missouri. That is what I rose to ask—what service was he in and what service did he render?

Mr. HALE. He was a guide and an interpreter. Since that time, I will say, he has gone into the Regular Army and is now a captain in that branch of the service.

Mr. KING. I should like to ask the Senator from Maine how it will be possible by giving him some recognition, without a limitation, to increase his pension?

Mr. HALE. I did not hear the Senator's question.

Mr. KING. I ask the Senator, Will the awarding of this badge increase his pension or allowances?

Mr. HALE. It has nothing whatever to do with a pension.

Mr. KING. Then, may I inquire of the Senator why this provision was put in the bill?—

Provided, That no bounty, back pay, pension, or allowance shall be held to have accrued by virtue of the passage of this act.

Mr. HALE. Simply to make perfectly sure that there shall not be anything of that sort.

Mr. KING. It seems to me to be very strange legislation.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill authorizing the Secretary of the Navy to award a Nicaraguan campaign badge to Capt. James P. Williams, in recognition of his services to the United States in the Nicaraguan campaign of 1912 and 1913."

MOTOR MINE YAWLS FOR THE WAR DEPARTMENT

The bill (S. 2947) to provide for the construction or purchase of two motor mine yawls for the War Department was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $10,000 to be expended by the Secretary of War for the construction or purchase of two motor mine yawls for replacement purposes, at a cost not to exceed $5,000 each.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

L BOATS FOR THE WAR DEPARTMENT

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2951) to provide for the construction or purchase of two L boats for the War Department, which was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $50,000 to be expended by the Secretary of War for the construction or purchase of two L boats for replacing boats of a similar type destroyed, at a cost not to exceed $25,000 each.

Mr. KING. Mr. President, I should like to ask the Senator from Pennsylvania—and I dislike to consume the time—in view of the fact that we have such a large number of vessels in the possession of the Shipping Board, most of which are not being employed upon the seas but are tied up in harbors, why do we not utilize some of those instead of spending fifteen or twenty thousand dollars for the purchase of more?

Mr. REED of Pennsylvania. Mr. President, if we could use destroyers for this service the suggestion of the Senator from Utah would be very apropos. These L boats, as they are called, are very light-draft boats. They are about 60 or 65 feet long and draw not over 6 feet of water. They are used in connection with mine planting by the Coast Artillery. They are specially designed, and the two provided for in this bill are necessary to take the place of two which were destroyed during the past year. I agree with the Senator that wherever we can use what we have we ought not to buy new ones.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SEAGOING RETRIEVER FOR AIR CORPS

The bill (S. 2952) to provide for the construction or purchase of one heavy seagoing Air Corps retriever for the War Department, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $40,000 to be expended by the Secretary of War for the construction or purchase of one heavy seagoing Air Corps retriever for use at France Field, Canal Zone.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN FORT APACHE INDIAN RESERVATION, ARIZ.

The bill (S. 4346) to authorize an appropriation for the purchase of certain privately owned lands in the Fort Apache Indian Reservation, Ariz., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there is hereby authorized an appropriation of $6,200, or as much thereof as might be required, from the tribal fund "Indian money proceeds of labor" on deposit in the Treasury of the United States to the credit of the Indians of the Fort Apache Reservation, Ariz., for the purchase of the land and appurtenances thereof located within the exterior boundaries of that reservation and belonging to the Aztec Land & Cattle Co., title thereto to be taken in the name of the United States in trust for said Indians.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS FOR CHIPPEWA INDIANS, MINNESOTA

The bill (H. R. 12067) to set aside certain lands for the Chippewa Indians in the State of Minnesota, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Commissioner of Indian Affairs having recommended to the Secretary of the Interior on February 8, 1899, that certain Chippewa Indian lands be withheld from entry and settlement, described as follows: The southwest quarter and the south half of the southeast quarter, section 21, township 145, range 26 west of the fifth principal meridian, in Minnesota, consisting of 240 acres, and reserved as a village site made to the Indians residing on the reservation of the Mississippi Chippewas, known as the Chippewa Reservation and approved by the Secretary of the Interior on February 9, 1899, are hereby permanently reserved for said village site for said Indians.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SENECA OIL SPRING RESERVATION, N. Y.

The bill (H. R. 12446) to approve a deed of conveyance of certain land in the Seneca Oil Spring Reservation, N. Y., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That a certain instrument of conveyance dated December 30, 1927, from the Seneca Nation of Indians to the Seneca Oil Spring Association (Inc.), granting by quitclaim title a tract of land having a radius of 75 feet from the center of the oil spring located on the Oil Spring Reservation, N. Y., and a right of way 3 rods wide to such spring from the public highway now passing through the reservation, is hereby confirmed and the approval of the Assistant Secretary of the Interior Department of February 28, 1928, thereof is hereby validated: *Provided,* That the purpose for which the land is hereby conveyed shall be for the preserving of the spring as a historical monument only, and title to said land shall revert to the Seneca Nation of Indians if said land is ever placed to any other use.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WHITE RIVER AND OTHER INDIANS IN UTAH, COLORADO, AND NEW MEXICO

The bill (S. 2482) for the relief of the White River, Uintah, Uncompahgre, and Southern Ute Tribes or Bands of Ute Indians in Utah, Colorado, and New Mexico, was considered as in Committee of the Whole. The bill had been reported from the Committee on Indian Affairs with an amendment on page 4, line 8, after the word "judgments," to insert the following proviso: "*Provided,* That if the Secretary of the Interior shall find that any attorney or attorneys rendered any services to the Uintah and White River Bands of Ute Indians under a contract executed September 24, 1921, by said Indians, which contract was not approved as provided by section 2103 of the Revised Statutes prior to December 20, 1927, he shall fix such compensation on the quantum meruit basis, to be paid to said attorney or attorneys as in his opinion is reasonable, and the same shall also be paid by the Secretary of the Treasury as herein provided." So as to make the bill read:

Be it enacted, etc., That to carry into effect the provisions of the act of Congress of May 27, 1902, relating to the lands in the former Uintah Indian Reservation in the State of Utah, occupied by the Uintah and White River Tribes or Bands of Ute Indians, and ceded by them to the United States, and to secure also a final adjudication of all claims of whatsoever nature which the said White River and Uintah Bands or Tribes and the Uncompahgre and Southern Ute Bands or Tribes of Ute Indians residing in Utah, New Mexico, and Colorado, may have or claim to have against the United States, jurisdiction is hereby conferred on the Court of Claims, notwithstanding lapse of time or statutes of limitation, to hear and determine and render final judgment, with right of appeal as in other cases, on the claims and rights, whether legal or equitable, of each and all of said tribes or bands of Ute Indians, including any claim or claims arising under any act of Congress, or any treaty or Executive order, with jurisdiction on the part of said court to determine the value of all lands which have been set apart and reserved from the ceded Ute Indian lands as forest reservations or for other public uses under existing laws and proclamations of the President, as if disposed of under the public-land laws of the United States, as provided by said agreement or other agreement or treaty, and by acts of Congress, including claims arising out of water rights, irrigation, and rights in mineral and in other lands, and to find and adjudge the amount of money due therefor; and the court shall set off against any sum found due said Ute Indians, or any of the above-named tribes or bands thereof, any sum or sums that shall be properly chargeable against said Ute Indians or any tribe or bands thereof, except such sums as have been paid for a specific purpose and an adequate consideration: *Provided,* That such set-offs shall also include all gratuities to said Indians from the United States.

Any suit or suits filed hereunder shall be commenced by petition, subject to amendment, to be filed in the Court of Claims within five years after the approval of this act by the attorney or attorneys employed by the said Indians under contract as required by section 2103 of the United States Revised Statutes. Such petition shall be verified by the attorney or attorneys and shall set forth all the facts on which the claim or claims for recovery are based and shall be signed by the attorney or attorneys employed and no other verification shall be necessary: *Provided,* That in case two or more tribes or bands are joined as plaintiffs in any suit authorized by this act, the court shall have jurisdiction to hear and determine the several as well as the joint rights of the parties plaintiff and render judgment accordingly.

A copy of the petition in such suit shall be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States.

The compensation to be paid the attorney or attorneys of record shall be fixed by the Secretary of the Interior on a quantum meruit for the services rendered, not to be in excess of the amounts stipulated in the contract or contracts of employment or in excess of a sum equal to 10 per cent of the amounts recovered against the United States, together with all necessary and proper expenses incurred in the preparation and prosecution of the suit or suits, to be paid to the attorney or attorneys employed by said tribes or bands of Indians by the Secretary of the Treasury out of any moneys in the Treasury arising from the sale of said ceded lands or from the proceeds of said judgment or judgments: *Provided,* That if the Secretary of the Interior shall find that any attorney or attorneys rendered any services to the Uintah and White River Bands of Ute Indians under a contract executed September 24, 1921, by said Indians, which contract was not approved as provided by section 2103 of the Revised Statutes prior to December 20, 1927, he shall fix such compensation on the quantum meruit basis, to be paid to said attorney or attorneys as in his opinion is reasonable, and the same shall also be paid by the Secretary of the Treasury as herein provided.

All amounts which may be found due and recovered for under the provisions of this act, less attorneys' fees and expenses, shall be deposited in the Treasury of the United States to the credit of the proper tribe or band and shall draw interest at the rate of 4 per cent per annum from the date of the judgment or decree.

Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Ute Bands of Indians to such treaties, papers, correspondence, or records as may be required in the prosecution of any suit or suits instituted under this act.

The Court of Claims shall have full authority by proper process and orders to bring in and make parties to any such suit or suits any other bands or tribes of Indians deemed by it necessary or proper to the final determination of the controversy.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF TURTLE MOUNTAIN CHIPPEWAS

The bill (S. 3676) authorizing the Turtle Mountain Chippewas to submit claims to the Court of Claims was considered as in Committee of the Whole. The bill had been reported from the Committee on Indian Affairs with an amendment, on page 2, section 1, line 7, after the word "thereon," to insert "The said courts shall consider all such claims de novo, upon a legal and equitable basis and without regard to any waiver, decision, finding, or settlement heretofore had in respect to any such claims," so as to make the bill read:

Be it enacted, etc., That all claims of whatsoever nature which the Turtle Mountain Chippewas may have against the United States which have not heretofore been determined by the Court of Claims may be submitted to the Court of Claims with the right of appeal to the Supreme

Court of the United States by either party for determination of the amount, if any, due said tribe from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation of any of the funds or lands of said tribe or band or bands thereof, or for the failure of the United States to pay said tribe any money or other property due; and jurisdiction is hereby conferred upon the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all legal and equitable claims, if any, of said tribe against the United States, and to enter judgment thereon. The said courts shall consider all such claims de novo, upon a legal and equitable basis and without regard to any waiver, decision, finding, or settlement heretofore had in respect of any such claims.

SEC. 2. If any claim or claims be submitted to said courts they shall settle the rights therein, both legal and equitable, of each and all the parties thereto, notwithstanding lapse of time or statutes of limitations, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums heretofore paid or expended for the benefit of said tribe or any band thereof. The claim or claims of the tribe or band or bands thereof may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the passage of this act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States party defendant, and any band or bands of said tribe or any other tribe or bands of Indians the court may deem necessary to a final determination of such suit or suits may be joined therein, as the court may order. Such petition, which shall be verified by the attorney or attorneys employed by said Turtle Mountain Chippewas or any bands thereof, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed and no other verification shall be necessary. Official letters, papers, documents, and public records, or certified copies thereof may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribe or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribe or bands of Indians.

SEC. 3. Upon the final determination of such suit, cause, or action the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribe or bands of Indians under contracts negotiated and approved as provided by existing law, and in no case shall the fee decreed by said Court of Claims be in excess of the amounts stipulated in the contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and no attorney shall have a right to represent the said tribes or any band thereof in any suit, cause, or action under the provisions of this act until his contract shall have been approved as herein provided. The fees decreed by the court to the attorney or attorneys of record shall be paid out of any sum or sums recovered in such suits or actions, and no part of such fees shall be taken from any money in the Treasury of the United States belonging to such tribe or bands of Indians in whose behalf the suit is brought unless specifically authorized in the contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior as herein provided: *Provided*, That in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES E. LOWE

The bill (H. R. 4660) to correct the military record of Charles E. Lowe was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Charles E. Lowe, who was a private in Company F, Thirty-seventh Regiment United States Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service February 12, 1900, and to have received the gunshot wound in right hand in line of duty, and to have served "honest and faithful" as noted on his original discharge certificate: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION AND WIDENING OF FOURTEENTH STREET, DISTRICT OF COLUMBIA

The bill (S. 3440) to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia, and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street, was announced as next in order.

Mr. SACKETT. I ask that that bill go over.

Mr. BRUCE. I trust that the objection will be withdrawn.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question about that bill?

Mr. BRUCE. Certainly.

Mr. REED of Pennsylvania. Am I correct in understanding that the bill would authorize the opening of Fourteenth Street through the present grounds of the Walter Reed Hospital?

Mr. BRUCE. Yes; but at a grade approved by the War Department, and without the street carrying any electric cars or trucks.

Mr. REED of Pennsylvania. Does not the Senator think, in view of the fact that at Walter Reed Hospital there are a great many neuropsychiatric patients and many convalescent patients who use the grounds, that that would be a very serious impairment of the usefulness of the hospital?

Mr. BRUCE. I do not think so. All these questions were thoroughly considered by the committee at the last session of Congress and also at this session. This bill was reported favorably by the committee at the last session and was passed by the Senate.

Mr. SACKETT. I ask that the bill go over.

Mr. ROBINSON of Arkansas. What was the report of the hospital authorities?

Mr. BRUCE. The report of the hospital authorities?

Mr. ROBINSON of Arkansas. Yes; what view did they take of it?

Mr. BRUCE. There was some opposition to it.

Mr. HEFLIN. Regular order.

The VICE PRESIDENT. The bill will be passed over.

MARY L. ROEBKEN

The bill (S. 200) for the relief of Mary L. Roebken was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with amendments, on page 1, line 5, after the words "sum of," to strike out "$5,000" and insert "$2,500"; in line 6, after the name "Roebken," to insert "and Esther M. Roebken, in full settlement of all claims"; in line 7, after the word "damages," to strike out "sustained to her person"; in line 10, after the name "Roebken," to insert "and Esther M. Roebken"; and in the same line, before the word "riding," to strike out "was" and insert "were," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated the sum of $2,500 to Mary L. Roebken and Esther M. Roebken, in full settlement of all claims for damages growing out of a collision of an Army ambulance, operated by the United States, with a Ford car in which said Mary L. Roebken and Esther M. Roebken were riding on Sixteenth Street, in the city of Washington, D. C., on June 20, 1924.

The amendments were agreed to.

The next amendment was, at the top of page 2, to insert a new section, as follows:

SEC. 2. That no part of the amount appropriated in this bill in excess of 8 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered or advances made in connection with said claim. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Mary L. Roebken and Esther M. Roebken."

F. C. WALLACE

The bill (H. R. 8440) for the relief of F. C. Wallace was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $2,910.87 to F. C. Wallace, of Bettendorf, Iowa, on account of the loss by fire of a frame building and personal property sustained while the Wallace Aero Co. was aiding a stranded Air Service officer to recondition his plane in order to enable him to return to his proper station.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIGHTHOUSE RESERVATION IN CHICAGO

The bill (S. 4309) to authorize the Secretary of Commerce to dispose of a certain lighthouse reservation and to acquire certain land for lighthouse purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on Commerce with amendments. The first amendment was in section 2, page 4, line 2, after the word "pier," to strike out "at" and insert "for," so as to make the section read:

SEC. 2. The said conveyance of the aforesaid property to be given in exchange for and dependent upon the city of Chicago conveying to the United States of America the fee simple title, as evidenced by a quitclaim deed and abstracts acceptable to the Attorney General of the United States, to the following tract of land, described by metes and bounds as follows:

Beginning at the point of intersection of the west side of the dock on the east side of the Ogden Slip with the north line of the tract of land conveyed by the city of Chicago to the United States of America by deed dated August 10, 1920, and recorded December 8, 1921, as document 7347325 in book 16850, page 532; running thence east on the north line of said tract a distance of 80 feet; thence north at right angles to the north line of said tract 217 feet; thence west on a line parallel to and 217 feet north of the north line of said tract 100 feet, more or less, to the west side of said dock on the east side of the Ogden Slip; thence south and southeasterly on the west side of said dock to the place of beginning, the said tract of land conveyed by the city of Chicago to the United States of America, being described as follows: A parcel of land adjacent to the north Government pier, and bounded on the east by Lake Michigan, approximately 500 feet long in an easterly and westerly direction and 100 feet wide, described as commencing at the junction of the north side of the United States Government pier (running east from the Ogden Slip) with the east side of the north and south municipal pier for place of beginning, said place of beginning being 700 feet, more or less, south measured at right angles from a point in north line of East Illinois Street extended 1,500 feet, more or less, east of the east line of Peshtigo Court; thence northerly along the said north and south pier 108 feet; thence westerly at an angle from the south to west of 91 degrees, a distance of 506 feet, more or less, to the west side of the dock on east side of the Ogden Slip; thence southerly at an angle from east to south 74 degrees 30 minutes along the concrete dock 103 feet, more or less, to the United States Government pier; thence easterly at an angle from north to east 106 degrees 40 minutes along the United States Government pier for a distance of 480 feet, more or less, to place of beginning.

The amendment was agreed to.

The next amendment was, on page 4, after line 4, to insert a new section, as follows:

SEC. 3. That in the exchange herein provided the city of Chicago shall provide suitable access or right of way to the property to be conveyed to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 4926) for the relief of the Pocahontas Fuel Co. (Inc.) was announced as next in order.

Mr. ROBINSON of Arkansas. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4376) for the relief of Harry M. King was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

HAVERT S. SEALY AND PORTEUS R. BURKE

The bill (H. R. 3470) granting relief to Havert S. Sealy and Porteus R. Burke was announced as next in order.

Mr. ROBINSON of Arkansas. I ask that that go over.

Mr. BROUSSARD. Will the Senator be good enough to withhold the objection for a moment?

Mr. ROBINSON of Arkansas. I withhold it.

Mr. BROUSSARD. I should like to make a brief explanation of this bill. When the flood in the Mississippi reached my section of the State there happened to be threatened a United States experimental station which was located in that vicinity. The manager of the station used the property belonging to the claimants in this bill which was across the river from the experimental station. When the waters rose he moved one of his employees into the home of the claimants under this bill. The employee erected a stove in the pantry of the house, over the protest of the caretaker. As the result of putting up the stove with an improper connection, and, despite the protest of the caretaker, the house, which was a two-story brick structure, was destroyed by fire. The claimants got a favorable report from the management of this farm, from the Secretary of Agriculture, and from the committee.

Mr. ROBINSON of Arkansas. I withdraw my objection.

Mr. BROUSSARD. They asked for $35,000. The House reduced the amount to $10,000. I should like to see the bill passed for this amount.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the word "New," to strike out "Ibernia" and insert "Iberia," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $10,000, to Havert S. Sealy and Porteus R. Burke, of New Iberia, La., in full compensation against the Government for destruction by fire of a residence on the Rosedale Plantation, situated in the Parish of Iberia, La., on the 1st day of June, 1927, due to the fault and negligence of an agent of the Department of Agriculture.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL AND RESOLUTIONS PASSED OVER

The bill (H. R. 1616) for the relief of Carl C. Back was announced as next in order.

Mr. ROBINSON of Arkansas. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 113) favoring a restriction of loans by Federal reserve banks for speculative purposes was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The resolution (S. Res. 159) to investigate the affairs and management of the Federal Land and Intermediate Credit Bank of Columbia, S. C., was announced as next in order.

Mr. NORBECK. Mr. President, in view of the fact that the author of this resolution is absent I suggest that it go over.

The VICE PRESIDENT. The resolution will be passed over.

DRY VALLEY ROAD, GEORGIA

The bill (S. 3881) to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of War is authorized to improve and pave the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, in the length of approximately 4 miles, for which an appropriation of not to exceed $60,000 is hereby authorized out of any money in the Treasury not otherwise appropriated: *Provided*, That should the State of Georgia or any county or municipality or legal subdivision thereof, or any State or county or municipal highway commission, or equivalent public authority desire that the position of said road be in such manner as would involve an expenditure of more than $60,000, the Secretary of War is hereby authorized to expend such sum as may be contributed by said local interests concurrently with the appropriation herein authorized in the improvement and pavement of said road: *Provided further*, That should the State of Georgia or any county or municipality or legal subdivision thereof, or any State or county or municipal highway commission, or equivalent public authority desire that the position of said road be changed in any particular from the present Government-owned right of way, and should such local interests acquire title to the land necessary to effect such changes, the Secretary of War may expend the funds herein authorized for the improvement and pavement of such road as changed: *And provided further*, That no part of this appropriation shall be expended until the State of Georgia, or the counties or municipalities thereof concerned, have obligated themselves in writing to the satisfaction of the Secretary of War that they will accept title to the present Government-owned road known as the Dry Valley Road and will maintain said road as built under the provisions of the act approved March 3, 1925 (43 Stat. L. 1104), immediately upon the completion of such improvements as may be made under this appropriation.

Mr. HARRIS. Mr. President, this bill is somewhat similar to the other bill that I referred to to-night. The War Depart-

ment has been trying to get rid of these Government roads on account of the great expense of their upkeep. This bill will turn the road over to the State of Georgia, and after that the State will have to bear all the expense of maintaining it. The bill is recommended by the War Department, and has the unanimous report of the committee.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANK HARTMAN

The bill (H. R. 6569) for the relief of Frank Hartman was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, if the Senate will look at the bill I think they will agree that the second section is not necessary. The first is a direction to pay and the second is an authorization. Certainly there is no sense in passing both.

Mr. DILL. Mr. President, I am perfectly willing to strike out one of the provisions.

Mr. REED of Pennsylvania. I do not mean to ask that the bill go over. It seems to be a perfectly proper claim; but in order to make it proper legislation I move that section 2 be stricken out.

Mr. DILL. I have no objection to that.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. REED of Pennsylvania subsequently said: Mr. President, when House bill 6569 was up, I objected to section 2 of the bill. In order to avoid any possible doubt, I move a reconsideration of the vote by which the bill was passed, and move to amend by inserting in line 4, after the word "pay," the words "out of any money in the Treasury not otherwise appropriated."

Mr. DILL. I am glad the Senator returned to that bill. I had just come over to this side of the Chamber for the purpose of taking up that subject with him.

The VICE PRESIDENT. Without objection, the vote whereby the bill was passed will be reconsidered. The question is on the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SIOUX BENEFITS

The bill (H. R. 9046) to continue the allowance of Sioux benefits was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

YANKTON SIOUX TRIBE OF INDIANS

The bill (S. 2792) reinvesting title to certain lands in the Yankton Sioux Tribe of Indians was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That all claim, right, title, and interest in and to certain lands on the Yankton Sioux Indian Reservation in the State of South Dakota, now reserved for agency, schools, and other purposes (embracing 1,000 acres, more or less) pursuant to the act of Congress dated August 15, 1894 (28 Stat. p. 286), be, and is hereby, reinvested in the Yankton Sioux Tribe of Indians subject to the continued use of such lands for agency, schools, and other purposes, until they are no longer required for such purposes: *Provided, however*, That this act shall not be construed to make any such land available for allotment purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KING subsequently said: Mr. President, may I have the attention of the Senator from South Dakota [Mr. McMASTER]? The bill which we passed a moment ago calls for the reinvestment—whatever that means—of the title to certain lands in the Yankton Sioux Tribe of Indians.

Mr. McMASTER. Yes.

Mr. KING. My attention has recently been called by a number of Indians who have visited my office to the fact that in many instances lands, the title to which was vested in them, have been sold for taxes, and they have suffered great disadvantages by the policy which the Government has pursued. I was wondering whether this bill would subject these lands to any inconvenience or any incumbrance or any menace not now existing.

Mr. McMASTER. Mr. President, the statements made by the Senator from Utah are correct in regard to certain Indian lands; but this particular bill does not apply to that class of lands. This bill applies to a certain 1,000-acre tract the title to which is now in the Government of the United States. When this land was ordered placed on the homestead file the Indians were supposed to receive $3.75 an acre, which they did receive; but the Government made $165,000 profit, and retained these 1,000 acres for Government buildings. This is simply to reinvest this land, to give the title back to the Indians, not for allotment but for reservation purposes, buildings, and so forth.

PINE RIDGE SIOUX INDIANS OF SOUTH DAKOTA

The bill (S. 4231) to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 8, to strike out "may be prescribed" and insert "he may prescribe"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from funds on deposit in the Treasury of the United States to the credit of the Pine Ridge Sioux Indians of South Dakota, a sum sufficient to make a $10 per capita payment to said Indians, under such rules and regulations as he may prescribe.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAGRANGE GROCERY CO.

The bill (H. R. 7895) for the relief of the Lagrange Grocery Co. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WEST POINT WHOLESALE GROCERY CO.

The bill (H. R. 7897) to ratify the action of a local board of sales control in respect of contracts between the United States and the West Point Wholesale Grocery Co., of West Point, Ga., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAGRANGE GROCERY CO.

The bill (H. R. 7898) to ratify the action of a local board of sales control in respect of contracts between the United States and the Lagrange Grocery Co., of Lagrange, Ga., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

E. H. JENNINGS AND OTHERS

The bill (H. R. 9620) for the relief of E. H. Jennings, F. L. Johanns, and Henry Blank, officers and employees of the post office at Charleston, S. C., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE W. BOISSEAU

The bill (H. R. 5930) for the relief of Jesse W. Boisseau was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRIZE FIGHTING AND AMATEUR BOXING IN THE DISTRICT OF COLUMBIA

The bill (S. 4085) to prevent professional prize fighting and to authorize amateur boxing in the District of Columbia, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That whoever shall in the District of Columbia voluntarily engage in a pugilistic encounter shall be imprisoned for not more than five years. By the term "pugilistic encounter," as herein used, is meant any voluntary fight by blows by means of fists or otherwise, whether with or without gloves, between two or more men, for money or anything of value, except a suitably inscribed wreath, diploma, banner, badge, medal, or timepiece, not exceeding the value of $35, or upon the result of which any money or anything of value is bet or wagered, or to see which an admission fee of more than $2 is directly or indirectly charged.

SEC. 2. (a) There is hereby created for the District of Columbia a boxing commission to be composed of three members appointed by the Commissioners of the District of Columbia. No person shall be eligible for appointment to membership on the commission unless such person at the time of appointment is and for at least three years prior thereto

has been a resident of the District of Columbia. The terms of office of the members of the commission first taking office after the approval of this act shall expire at the end of two years from the date of the approval of this act. A successor to a member of the commission shall be appointed in the same manner as the original members and shall have a term of office expiring two years from the date of the expiration of the term for which his predecessor was appointed; except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. The members of the commission shall receive no compensation for their services. The Commissioners of the District of Columbia shall furnish to the boxing commission such office space and clerical and other assistance as may be necessary.

(b) Subject to the approval of the Commissioners of the District of Columbia, the commission shall have power (1) to cooperate with organizations engaged in the promotion and control of amateur boxing, (2) to supervise and regulate amateur boxing within the District of Columbia, and (3) to make such orders, rules, and regulations as the commission deems necessary for carrying out the powers herein conferred upon it.

(c) No person shall hold a boxing exhibition in the District of Columbia without a permit from the commission, but the commission shall not issue any such permit except to a club, university, college, school, or other organization or institution which the commission finds is interested in the promotion of amateur athletics. Each such permit shall be limited to a period of one day, except that in case of any interscholastic boxing meet or similar contest a permit may be used for the duration of such meet or contest. No such permit shall be issued to any person unless such person agrees to accord to the commission the right to examine the books of accounts and other records of such person relating to the boxing exhibition for which such permit is issued, and such permit shall so state on its face. A permit may be revoked at any time in the discretion of the commission.

(d) No individual shall engage in any boxing exhibition in the District of Columbia without a license from the commission. Such license shall entitle the licensee to engage in amateur boxing exhibitions in the District of Columbia for the period specified therein, but the commission shall not issue any such license to any individual if the commission finds that such individual has at any time or place engaged in any professional prize fight or in any boxing exhibition for which he received money as compensation or reward, and the commission shall revoke any such license if at any time, after notice and hearing, it makes such finding in respect of the licensee, and may revoke any such license at any time for violation by the licensee of any order, rule, or regulation of the commission, or for other cause.

(e) Any permit or license issued by the board shall not be valid for the purpose of holding or engaging in, respectively, any boxing exhibition which does not conform to the following conditions: (1) Such exhibition may consist of one or more bouts, but no such bout shall continue for more than four rounds; (2) no round shall exceed two minutes; (3) there shall be an interval of one minute between each round and the succeeding round; and (4) each contestant shall use gloves of not less than 8 ounces each in weight.

(f) The commission may charge for permits and for licenses such fees as will, in its opinion, defray the cost of issuance thereof and other necessary expenses of the commission.

(g) Any person who (1) holds any boxing exhibition in the District of Columbia without a permit valid and effective at the time, or (2) engages in any boxing exhibition in the District of Columbia without a license valid and effective at the time, or (3) violates any lawful order, rule, or regulation of the commission shall, upon conviction thereof, be fined not more than $1,000 or imprisoned not more than one year, or both.

(h) The term "person," as used in this act includes individuals, partnerships, corporations, and associations.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RESOLUTION PASSED OVER

The resolution (S. Res. 213) to investigate certain circumstances connected with the matter of additional tax assessments upon Hon. JAMES COUZENS was announced as next in order.

Mr. METCALF. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

R. WILSON SELBY

The bill (S. 1364) for the relief of R. Wilson Selby was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of R. Wilson Selby, of Middleburg, Va., one United States coupon note in the denomination of $100 of the Victory Liberty loan 4¾ per cent notes of 1922–1923, with interest at the rate of 4¾ per cent per annum, from June 15, 1920, to May 20, 1923, the said note, together with coupons due December 15, 1920, to May 20, 1923, inclusive, having been destroyed by fire, charred fragments of which have been presented to the Treasury Department: *Provided*, That the said note shall not have been previously presented or ascertained to be in existence and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *And provided further*, That the said R. Wilson Selby shall file in the Treasury Department a bond in the penal sum of double the amount of the principal of said note and the unpaid interest which had accrued when the principal became due and payable in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any loss on account of the note or the coupons thereof hereinbefore described.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, KANSAS CITY, KANS.

The bill (S. 4345) authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Kansas City, Kans., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Interstate Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Kansas City, Kans., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Interstate Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Interstate Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Kansas, the State of Missouri, any public agency or political subdivision of either of such States within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to pro-

vide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Interstate Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of Kansas and Missouri, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Interstate Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Interstate Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WHITE RIVER BRIDGE NEAR CLARENDON, ARK.

The bill (S. 4344) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River near Clarendon, Ark., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 7, after the word "Arkansas," to strike out "within five miles of the ferry on the highway between Clarendon and Stuttgart in the county of Monroe, in the State of Arkansas"; and on page 3, after line 2, to insert:

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge and approaches thereto across the White River, at a point suitable to the interests of navigation, at or near Clarendon, Ark., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient (1) to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches; (2) the interest on borrowed money necessarily required and financing charges necessarily incurred in connection with the construction of the bridge and its approaches; and (3) to provide a sinking fund sufficient to retire the bonds issued and sold in connection with such original construction. All revenue received from the bridge shall be applied to the foregoing purposes, and no bonds issued in connection with the construction of the bridge and its approaches shall be made to mature later than 25 years after the date of issue thereof.

After a fund sufficient to retire such bonds in accordance with their provisions shall have been so provided the bridge shall thereafter be maintained and operated as a free highway bridge upon which no tolls shall be charged. An accurate and itemized record of the original cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, the interest charges paid, and the tolls charged and the daily revenues received from the bridge shall be kept by the State Highway Commission of Arkansas, and shall be available at all reasonable times for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River at or near Clarendon, Ark."

KANAWHA RIVER BRIDGE

The bill (S. 4353) authorizing Huntington Clarksburg Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Winfield, Putnam County, W. Va., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 1, line 8, before the word "Kanawha," to strike out "Great," so as to make the bill read:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the Huntington Clarksburg Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Kanawha River, at a point suitable to the interests of navigation at or near Winfield, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing the bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of West Virginia, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 4. The Huntington Clarksburg Bridge Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway department of the State of West Virginia a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of the State of West Virginia shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Huntington Clarksburg Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive

for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Huntington Clarksburg Bridge Co., its successors and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing Huntington Clarksburg Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Winfield, Putnam County, W. Va."

DES MOINES RIVER BRIDGE, CROTON, IOWA

The bill (S. 4357) authorizing Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representatives, and assigns, to construct and operate a bridge across the Des Moines River at or near Croton, Iowa, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 2, line 14, after the word "compensation," to strike out "theefor" and insert "therefor," so as to make the bill read:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representatives, and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Des Moines River, at a point suitable to the interests of navigation, at or near Croton, Iowa, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the condition and limitations contained in this act.

SEC. 2. There is hereby conferred upon Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representaties, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Henry Horsey, Winfield Scott, A. L. Ballegoin, and Henry Schee, their heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Iowa, the State of Missouri, any public agency or political subdivision of either of such States within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 10 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of Iowa and Missouri a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representatives, and assigns, shall make available all of their records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Des Moines River at or near Croton, Iowa."

MISSOURI RIVER BRIDGE, NIOBRARA, NEBR.

The bill (S. 4381) authorizing H. A. Rinder, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 5, line 12, after the words "all of," to strike out "its" and insert "his," so as to make the bill read:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, H. A. Rinder, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Niobrara, Nebr., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon H. A. Rinder, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained

and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said H. A. Rinder, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Nebraska, the State of South Dakota, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. H. A. Rinder, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of Nebraska and South Dakota, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said H. A. Rinder, his heirs, legal representatives, and assigns, shall make available all of his records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to H. A. Rinder, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BEAR CREEK, MD., BRIDGE

The bill (S. 4401) authorizing Elmer J. Cook, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md., and a point opposite in Baltimore County, Md., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 2, line 1, after the word "Maryland," to strike out "and a point opposite in Baltimore County, Md.," so as to make the bill read:

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, Elmer J. Cook, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Bear Creek, at a point suitable to the interests of navigation, at or near Lovel Point, Baltimore County, Md., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Maryland, any political subdivisions thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interests in real property necessary therefor, by purchase or condemnation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge and its approaches the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Maryland under the provisions of section 2 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. Elmer J. Cook, his heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War, and with the highway department of the State of Maryland, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of the State of Maryland shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Elmer J. Cook, his heirs, legal representatives, and assigns shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all rights, powers, and privileges conferred by this act is hereby granted to Elmer J. Cook, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may by sold, assigned, or transferred, or who shall acquire the same

by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing Elmer J. Cook, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md."

SALARIES OF POSTMASTERS

The bill (S. 1679) amending the act of February 28, 1925, reclassifying the salaries of postmasters, was considered as in Committee of the Whole.

Mr. PHIPPS. Mr. President, in making the report of the Senate committee amendments, an error was made on page 2, line 6, where the figures "$6,000" was changed to read "$5,500." I should like to perfect the Senate amendments by reinserting the figures "$6,000." I will say that that is the present rate of salary paid.

All of the items up to line 6, inclusive, are the present-day salaries. The Senate committee has made the advances from that point in $500 steps, as a rule, instead of $1,000 steps, as suggested in the original bill.

Mr. KING. Mr. President, this is a bill for the purpose of increasing the salaries of postmasters?

Mr. PHIPPS. Those of the larger cities, where no increases were granted at the time of the last revision. In a city like New York, for instance, it is proposed to pay a salary of $10,000 per year. I find that in New York the present rate is $8,000 per year. This bill as now proposed, according to the figures of the department, makes a total increase of $49,500 for these larger offices in the United States, and it takes care of 52 postmasters in the larger cities.

Mr. KING. The Senator knows that if we increase those, there will be a demand for an increase of all.

Mr. PHIPPS. No; I do not agree with the Senator in that. The others were increased and these were not.

Mr. KING. Well, we will have an opportunity to consider the bill again. Let the bill go over.

Mr. PHIPPS. There is no objection to completing the consideration of the amendments?

Mr. KING. None.

The VICE PRESIDENT. The amendments of the committee will be stated.

The first amendment was on page 2, line 6, after "$1,500,000," to strike out "$6,000" and insert "$5,500."

The amendment was rejected.

The remaining amendments were, on page 2, line 7, after "$3,000,000," to strike out "$7,000" and insert "$6,500"; in line 8, after "$7,000,000," to strike out "$8,000" and insert "$7,500"; in line 9, after "$10,000,000" to strike out "$9,000" and insert "$8,500"; in line 10, after "$20,000,000," to strike out "$10,000" and insert "$9,000"; in line 11, after "$40,000,000," to strike out "$11,000" and insert "$9,500," and in line 12 to strike out "$12,000" and insert "$10,000," so as to make the bill read:

Be it enacted, etc., That the second paragraph under the heading "Reclassification of postal salaries," in section 1 of title 1 of the act of February 28, 1925, reclassifying the salaries of postmasters be, and the same is hereby, amended to read as follows:

"First class—$40,000, but less than $50,000, $3,200; $50,000, but less than $60,000, $3,300; $60,000, but less than $75,000, $3,400; $75,000, but less than $90,000, $3,500; $90,000, but less than $120,000, $3,600; $120,000, but less than $150,000, $3,700; $150,000, but less than $200,000, $3,800; $200,000, but less than $250,000, $3,900; $250,000, but less than $300,000, $4,000; $300,000, but less than $400,000, $4,200; $400,000, but less than $500,000, $4,500; $500,000, but less than $600,000, $5,000; $600,000, but less than $1,500,000, $6,000; $1,500,000, but less than $3,000,000, $6,500; $3,000,000, but less than $7,000,000, $7,500; $7,000,000, but less than $10,000,000, $8,500; $10,000,000, but less than $20,000,000, $9,000; $20,000,000, but less than $40,000,000, $9,500; $40,000,000 and upward, $10,000."

The amendments were agreed to.

The VICE PRESIDENT. As requested, the bill will be passed over.

BILL PASSED OVER

The bill (S. 3938) relating to the District Court of the Canal Zone was announced as next in order.

Mr. BRATTON. Mr. President, may we have an explanation as to the manner in which this bill amends existing law?

Mr. FESS. Mr. President, on behalf of the junior Senator from Colorado [Mr. WATERMAN], I ask that the bill go over. The junior Senator from Colorado requested me to ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

R. P. WASHAM AND OTHERS

The bill (H. R. 10503) for the relief of R. P. Washam, F. A. Slate, W. H. Sanders, W. A. McGinnis, J. E. Lindsay, and J. T. Pearson, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH F. FRIEND

The bill (H. R. 6842) for the relief of Joseph F. Friend was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASSESSMENT AND COLLECTION OF TAXES IN THE DISTRICT

The bill (S. 4441) to amend the laws relating to assessment and collection of taxes in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, on page 5, line 8, after the figures "1902," to strike out "and returns made during March, 1928, shall stand for the returns of the following fiscal year" and insert "*Provided*, That this section shall be effective on July 1, 1929," so as to make the bill read:

Be it enacted, etc., That the remedies provided in the act of July 1, 1902, for the collection of taxes on tangible personal property, shall be available also for the collection of taxes on intangible property.

In addition to the statutory remedies, all common-law and all equitable remedies shall also be available, either separately or concurrently with statutory remedies, as may be deemed advisable, for the collection of all taxes and special assessments of any kind whatsoever.

SEC. 2. Where real estate is levied upon for the nonpayment of personal taxes of any kind, and the best price offered at an auction sale is not sufficient to pay taxes, interest, and penalties, said real estate may be sold under decree of the equity court as provided by law.

SEC. 3. From and after the close of the current calendar year, motor vehicles taxable by the District of Columbia shall be assessed at their value as of January 1, each year, by the Board of Personal Tax Appraisers, subject to revision on appeal by the Board of Personal Tax Appeals, at the rate fixed for the taxation of other tangible personal property for the fiscal year ending the following June 30. The first assessment made under this section shall be at one half such rate, to cover only the period from the following July 1 to December 31. The tax so assessed shall constitute the personal-property tax on such vehicles for the ensuing calendar year, and no motor vehicle registration tag for any tax year shall be issued for motor vehicles subject to taxation on January 1 each year by the District of Columbia until the amount of such tax has been paid in full: *Provided*, That this section shall not apply to motor vehicles constituting the stock in trade of dealers, which shall be taxed as now provided by law. The Commissioners of the District of Columbia shall make such rules and regulations as may be necessary or desirable to enforce the provisions of this section.

SEC. 4. Section 2 of the act of Congress of July 3, 1926, entitled "An act to amend sections 5 and 6 of the act of Congress making appropriations to provide for the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes," be, and the same is hereby, amended so as to read as follows:

"SEC. 2. Any person maintaining a place of abode in the District of Columbia on the 1st day of July of a taxable year, and for the three months prior thereto, shall be considered as a resident for the purpose of assessment on intangible property wherever located, unless evidence shall be submitted to the assessor of the District of Columbia, satisfactory to him, that such intangible personal property or the income thereof is taxed to said person in some other jurisdiction, or that the assets of a corporation or association represented by shares or certificates constituting such intangible personal property are taxed by the State in which such corporation or association is chartered or organized and in which such person has a legal residence, in lieu of a tax upon such shares or certificates: *Provided*, That Cabinet officers and persons in the service of the United States Government elected for a definite term of office shall not be considered as residents of the District of Columbia for the purposes of this section."

SEC. 5. Section 5 of the said act of 1926 is hereby amended to read as follows:

"SEC. 5. Real-estate taxes and personal taxes of all kinds, excepting the tax on motor vehicles as herein provided, shall hereafter be payable semiannually in equal installments in the months of September and

March. If either of said installments on real or personal property shall not be paid within the months when the same is due, said installments shall thereupon be in arrears and delinquent, and there shall be added and collected with said tax a penalty of 1 per cent per month upon the amount thereof for the period of such delinquency, and such installment or installments, with the penalties thereon, shall constitute a delinquent tax to be collected in the manner now provided by law.

"If any person neglects or refuses to file a return of personal property as required by law, and the assessor certifies to the board of commissioners that, in his opinion, the best information obtainable does not afford a satisfactory basis for assessment, the board of commissioners may, by petition to the Supreme Court of the District of Columbia for mandamus against such person, compel the filing of a sworn return, and in such case the court shall require the person at fault to pay all expenses of the proceeding."

SEC. 6. Section 6 of the said act of 1926 is hereby amended to read as follows:

"SEC. 6. That returns of all property other than automobiles shall be made in the month of July in the fiscal year in which the assessment is levied and the value of such property shall be made as of the first day of that month except that merchants shall continue to return their average stock in trade as provided in said act of 1902: *Provided*, That this section shall be effective on July 1, 1929."

SEC. 7. Section 7 of the said act of 1902 is hereby amended to read as follows: "That the Board of Personal Tax Appeals shall meet on the first Monday of September of each year and continue in session until the first Monday in March of the following year, or until such time as their work shall have been completed."

SEC. 8. That all acts or parts of acts inconsistent herewith are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JESS T. FEARS

The bill (S. 4454) for the relief of Jess T. Fears was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Jess T. Fears, of Greer, Ariz., out of any money in the Treasury of the United States not otherwise appropriated, the sum of $60 in full compensation for a loss sustained by him by reason of a horse, owned and used by him in the performance of his official duties as forest ranger, being killed by unknown parties.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CON MURPHY

The bill (S. 4187) for the relief of Con Murphy was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 to Con Murphy for personal injuries sustained by him while in the performance of his duty as janitor in the custodian service, Federal Building, Cheyenne, Wyo.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HIGGINS LUMBER CO. (INC.)

The bill (H. R. 8031) for the relief of Higgins Lumber Co. (Inc.) was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESS PUBLISHING CO.

The bill (H. R. 4839) for the relief of the Press Publishing Co., Marianna, Ark., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN P. STAFFORD

The bill (H. R. 5322) for the relief of John P. Stafford was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF FRATERNAL BENEFICIAL ASSOCIATION LAW OF THE DISTRICT

The bill (S. 3844) amending the fraternal beneficial association law for the District of Columbia as to payment of death benefits was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 749 of Subchapter XII of the Code of Law for the District of Columbia is hereby amended so as to read as follows:

"SEC. 749. Fraternal beneficial associations defined: A fraternal beneficial association is hereby declared to be a corporation, society, order, or voluntary association, formed or organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit, having a lodge system with ritualistic form of work and representative form of government, making provision for the payment of benefits in case of death. Each such association may make provision for the payment of benefits in case of sickness, temporary or permanent physical disability, either as a result of disease, accident, or old age: *Provided*, That the period in life at which physical disability benefits on account of old age commences shall not be under 70 years, or the age of expectancy from the time of entering, subject to their compliance with its laws. Any such association may create and maintain a reserve, emergency, or benefit fund in accordance with its laws. Any such association having a reserve, emergency, or benefit fund may, in addition to the benefits hereinbefore named, pay withdrawal benefits, not exceeding the contributions of such member, to a member unable or unwilling to continue membership, provided such membership shall continue not less than three successive years. Such association may also, after 10 years of membership, apply its funds and accumulations as its laws provide or the association and members agree. The fund from which the payments of such benefits shall be made and the fund from which the expenses of such association shall be defrayed shall be derived from assessments, dues, and other payments collected from its members or otherwise. The payment of death benefits shall be to the families, heirs, blood relatives, affianced husband, affianced wife, father-in-law, mother-in-law, son-in-law, daughter in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepchildren, stepbrother, stepsister, children or parent by legal adoption, member's estate, a charitable, benevolent, educational, or eleemosynary institution, or to persons dependent upon the member or upon whom the member is dependent. Such association shall be governed by this subchapter, and shall be exempt from the provisions of insurance laws of the United States relating to the District of Columbia, and no law hereafter passed shall apply to them unless they be expressly designated therein: *Provided, however*, That the fact that any such association has outstanding agreements with its members for the payment of benefits other than those hereinbefore specified, if it is making no new contracts of that character and is retiring those already existing, shall not exclude such association from the operation of this subchapter."

SEC. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JUVENILE INSURANCE BY FRATERNAL BENEFICIAL ASSOCIATIONS IN THE DISTRICT OF COLUMBIA

The bill (S. 3694) regulating juvenile insurance by fraternal beneficial associations in the District of Columbia was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, on page 2, line 5, after the figure "6," to strike out "or such other mortality table as may be approved by the superintendent of insurance" and insert "or the society may use a table based upon its own juvenile experience of at least 10 years and covering not less than 100,000 lives with a rate of interest not greater than 4 per cent per annum, or upon a higher standard," so as to make the bill read:

Be it enacted, etc., That this act shall be known as the juvenile fraternal act.

SEC. 2. That any fraternal benefit society authorized to do business in the District of Columbia may provide in its laws, in addition to other benefits provided for therein, for insurance and/or annuities upon the lives of children, at any age, upon the application of some adult person, as the laws of such society may provide. Any such society may, at its option, organize and operate branches for such children, and membership in local lodges and initiation therein shall not be required of such children, nor shall they have any voice in the management of the society.

SEC. 3. That contributions to be made upon such certificates shall be based upon the Standard Industrial Mortality Table or the English Life Table No. 6, or the society may use a table based upon its own juvenile experience of at least 10 years and covering not less than 100,000 lives with a rate of interest not greater than 4 per cent per annum, or upon a higher standard.

SEC. 4. Any society issuing such benefit certificates shall maintain on all such certificates the reserve required by the standard of mortality and

interest adopted by the society for computing contributions as provided in section 3.

SEC. 5. Any society shall have full power to provide for means of enforcing payment of contributions, designation of beneficiaries, and changing such designations, and in all other respects for the regulation, government, and control of such certificates and all rights, obligations, and liabilities incident thereto and connected therewith, not at variance with the provisions of this act.

SEC. 6. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. KING. Mr. President, I ask the Senator from Wisconsin, in view of the fact that there is pending before the Committee on the District of Columbia a general insurance bill, dealing with insurance companies, whether these piecemeal measures are necessary, and may there not be some conflict arising between this legislation and the measure which the Senator has in charge, and which is before our committee?

Mr. BLAINE. Mr. President, the insurance code which is under consideration by the Committee on the District of Columbia in no way deals with fraternal benefit associations. They are particularly excluded, and it would be entirely impracticable to include those associations in the general code that is proposed. For that reason these separate bills have been introduced, and are recommended for passage.

Mr. KING. I have no objection.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT JUDGE, NORTHERN DISTRICT OF MISSISSIPPI

The bill (S. 1965) to authorize the appointment of a district judge for the northern district of Mississippi was announced as next in order.

Mr. NEELY. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

ADDITIONAL CIRCUIT JUDGE, SECOND JUDICIAL CIRCUIT

The bill (S. 1976) for the appointment of an additional circuit judge for the second judicial circuit was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, an additional circuit judge for the second judicial circuit.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL JUSTICE, SUPREME COURT, DISTRICT OF COLUMBIA

The bill (S. 4127) to provide for the appointment of an additional justice of the Supreme Court of the District of Columbia, and for other purposes, was announced as next in order.

Mr. BRATTON. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

SALARY INCREASES

The bill (H. R. 6518) to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," was announced as next in order.

Mr. BROOKHART. Mr. President, this is the pay bill of the Government employees, and since we are so near the foot of the calendar, and since we are reaching it so much earlier than we expected, I would ask that it be passed until we complete the call of the calendar. Then we will have time to take it up and consider it, I think, satisfactorily to every one.

The VICE PRESIDENT. Is there objection?

Mr. SHORTRIDGE. Mr. President, that is entirely agreeable to me, provided that when we reach the end of the calendar as printed we may recur for a moment to the bill which I asked to have go over temporarily, and if at that time the Senator from Washington shall not have returned to the Chamber, he authorized me to say that he has no objection to the passage of the bill.

Mr. BROOKHART. I have no objection.

Mr. SHORTRIDGE. Then I shall be very glad to accede to the request of the Senator from Iowa.

The VICE PRESIDENT. Is there objection to the request of the Senator from Iowa? The Chair hears none, and the bill will be passed over without prejudice to be taken up as suggested by the Senator from Iowa and the Senator from California.

JOHNS-MANVILLE CORPORATION

The bill (S. 1547) for the relief of the Johns-Manville Corporation was announced as next in order.

Mr. KING. Mr. President, I have a request from a Senator that this bill shall go over.

The VICE PRESIDENT. The bill will be passed over.

MAJ. CHARLES F. EDDY

The bill (S. 3942) for the relief of Maj. Charles F. Eddy was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the account of Maj. Charles F. Eddy, Finance Department, United States Army, on account of the loss of public funds amounting to $2,872.85, for which he was responsible, and which were intrusted to Warrant Officer Clark T. Browning, United States Army, at Fort Bragg, N. C., on or about January 14, 1928, who embezzled these funds and deserted the service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STOCK-RAISING HOMESTEADS

The bill (S. 3949) to amend section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (Public, No. 290, 64th Cong.), was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 2, line 7, after the word "made" insert a comma and the words "but any mineral location or entry made hereunder shall be in accordance with certain rules, regulations, and restrictions as may be described by the Secretary of the Interior," so as to make the bill read:

Be it enacted, etc., That the following be added as an additional proviso to section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (Public, No. 290, 64th Cong.):

"*Provided further*, That the withdrawal from entry of lands necessary to insure access by the public to watering places reserved hereunder shall not apply to deposits of coal and other minerals in the lands so withdrawn, and that the provisions of section 9 of this act are hereby made applicable to said deposits in lands embraced in such withdrawals heretofore or hereafter made, but any mineral location or entry made hereunder shall be in accordance with such rules, regulations, and restrictions as may be prescribed by the Secretary of the Interior."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN P. WHIDDON

The bill (S. 4234) authorizing the purchase of certain lands by John P. Whiddon was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to John P. Whiddon, of Inverness, Fla., patent for lots 7 and 8, and lots 4 and 5, section 9, township 19 south, range 20 east, Tallahassee meridian, Fla., upon payment for the same at the rate of $1.25 per acre.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SETH DEAN

The bill (S. 4327) to relinquish the title of the United States to land in the claim of Seth Dean, situate in the county of Washington, State of Alabama, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That all the right, title, and interest of the United States in and to section 41, all in township 3 north, range 1 east, St. Stephens meridian, Washington County, Ala., containing 640 acres, as shown on a plat of survey made by Thomas Freeman, surveyor of United States land south of Tennessee, approved January 26, 1849, and segregated thereon as the claim of Seth Dean be, and the same is hereby, released, relinquished, and confirmed by the United States to the equitable owners of the equitable titles thereto, and to their respective heirs and assigns forever, as fully and completely, in every respect whatever, as could be done by patents issued according to law: *Provided*, That this act shall amount only to a relinquishment of any title that the United States has, or is supposed to have, in and to any of said lands, and shall not be construed to abridge, impair, injure,

prejudice, or divest in any manner any valid right, title, or interest of any person or body corporate whatever, the true intent of this act being to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the equitable owners of said lands by reason of long continuous possession under color of title with claim of ownership, or otherwise, under the laws of the State of Alabama, including the laws of prescription and limitation, in the absence of the said interest, title, and estate of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONTEZUMA NATIONAL FOREST, COLO.

The bill (H. R. 6854) to add certain lands to the Montezuma National Forest, Colo., and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LASSEN VOLCANIC NATIONAL PARK

The bill (H. R. 11405) to acquire an area of State land situate in Lassen Volcanic National Park, State of California, by exchange, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEED OF LAND TO BUHL, TWIN FALLS COUNTY, IDAHO

The bill (H. R. 12192) authorizing the Secretary of the Interior to accept a deed to certain land and issue patent therefor to the city of Buhl, Twin Falls County, Idaho, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 13511) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was considered as in Committee of the Whole.

The first amendment of the Committee on Pensions was, on page 103, after line 21, to strike out:

The name of Sarah B. Metcalf, widow of Thomas D. Metcalf, late of Company C, One hundred and twenty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 109, to strike out:

The name of Elizabeth A. Blazer, widow of David Blazer, late of Company C, Thirtieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 218, after line 23, to insert:

The name of William F. Bell, late of unassigned company, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Olive M. Cooley, widow of Hiram A. Cooley, late of Company A, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Malissa J. McCombs, widow of George McCombs, late of Troop I, Ninth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lydia Kelly, widow of Hugh Kelly, late of Company B, Thirteenth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eliza Hastings, widow of William H. Hasting, late of Company K, Forty-fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Caroline Schneider, widow of Otto Schneider, late of Troop G, Fourth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura N. Works, widow of Barton Works, late of the First Regiment Vermont Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Agnes L. Brown, widow of Portus L. Brown, late of Company G, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Josephine G. Meyers, widow of Abraham G. Meyers, late of Company H, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Hattie Quebec, dependent daughter of Joseph Quebec, late of Company K, Thirteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary E. Johnson, widow of James H. Johnson, late of unattached Third Independent Division, Massachusetts Militia Infantry, and pay her a pension at the rate of $30 per month.

The name of Mabel Helen Bean, helpless child of George H. Bean, late of Company G, Eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Rosa A. Morris, widow of Samuel Morris, late of Company I, One hundred and first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary E. McElheney, widow of James McElheney, late of Company B, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of George W. Keeney, late of Company B, Twelfth Regiment Maryland Volunteer Infantry, and Company C, First Regiment Eastern Shore (Maryland) Volunteer Infantry, and pay him a pension at the rate of $40 per month.

The name of Andrew J. Chapman, late of Capt. B. L. Stepenson's company, One hundred and twenty-sixth Regiment West Virginia State Guards, and pay him a pension at the rate of $50 per month.

The name of Mary M. White, widow of Francis M. White, late of Company E, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan C. Smith, widow of William L. Smith, late of Company I, One hundred and twenty-ninth Regiment Ohio Infantry, and Company D, Seventieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha J. Rogers, widow of A. J. Rogers, late of Company K, Eleventh Regiment, and Company K, Tenth Regiment, West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma J. Berry, widow of David E. Berry, late of Company E, One hundred and thirty-sixth Regiment Pennsylvania Volunteer Infantry, and Company C, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Delilah Mintier, widow of William A. Mintier, late of Company E, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret Louise Shannon, widow of George R. Shannon, late of Troop F, Sixteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Clara F. Strawn, widow of Christopher C. Strawn, late of Company I, Eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clarissa E. McCormick, widow of John C. R. McCormick, late of Company K, Eleventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Annie Wilcox, widow of Thomas M. Wilcox, late of Company K, Eleventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lida E. Freer, helpless and dependent daughter of George W. Freer, late of Company E, Twelfth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Ella Eshleman, widow of Theodore Eshleman, late of Captain Monroe's independent company, Ninth Indiana Legion, and pay her a pension at the rate of $20 per month.

The name of Rose E. Grimes, widow of William H. Grimes, late of Company H, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucy E. Sisson, widow of James K. Sisson, late of Company F, One hundredth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary F. Hall, former widow of Henry H. Hall, late of Company D, Fifty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ida F. Hixson, widow of Perry Hixson, late of Troop M, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Etta Mack, widow of Charles M. Mack, late of Company B, Thirteenth Regiment Illinois Volunteer Infantry, and Company K, Twenty-fourth V. R. C., and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Stella Gray, helpless daughter of Hiram Gray, late of Company G, One hundred and seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Sidwin S. Shaft, late of Company G, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of W. F. Johnston, late of the United States Military Telegraphers' Corps, Civil War, and pay him a pension at the rate of $50 per month.

The name of Caroline Ricketts, widow of Thomas T. Ricketts, late of Company C, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louise M. Sutherland, widow of Augustus H. Sutherland, late of Company K, Twentieth Regiment, and Company G, Sixteenth Regiment, Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Carrie G. Stevens, widow of John M. Stevens, late of Company K, Fifty-fourth Regiment, and Company C, One hundred and thirty-fourth Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of William F. Branstetter, late of Capt. William Kerr's Pike County (Mo.) Volunteer Militia, and pay him a pension at the rate of $50 per month.

The name of Martha A. Sheldon, widow of Capt. Charles H. Sheldon, late of Companies I and E, Seventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ellen H. Morrison, widow of Thomas Morrison, late of the United States Military Telegraphers' Corps, Civil War, and pay her a pension at the rate of $30 per month.

The name of Virginia J. Betteys, widow of Franklin M. Betteys, late of Company B, Twelfth Missouri Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Marion Miller Knoblock, widow of Jacob Knoblock, late of Company C, Eighty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Annie Beaulac, former widow of Duncan Smith, alias John Smith, late of Company D, Third Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Frank N. Hildreth, helpless son of Jason Hildreth, late of Company K, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Nell Koenig, helpless child of Frederick Koenig, late of Company E, Fourteenth Regiment Indiana Volunteer Infantry, and Company A, Fourth Regiment United States Volunteers, and pay her a pension at the rate of $20 per month.

The name of Jane Stockwell, widow of Amos Stockwell, late of Company E, Third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lydia M. Pingree, widow of Lieut. Col. Samuel E. Pingree, late of Company F, Third Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Ella Flores, widow of Narcisso D. Flores, late of the United States Marine Corps, and pay her a pension at the rate of $30 per month.

The name of Leah A. Bouldin, widow of William S. Bouldin, late of Company E, Fortieth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Minnie L. White, widow of Daniel M. White, late of Troop E, First Regiment New Hampshire Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ellen Webster, former widow of Charles P. Cook, late of Company G, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Honora J. Hoffliger, widow of Philip J. Hoffliger, late of Company I, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna M. Blanchard, widow of Timothy Blanchard, late of Troop C, First Regiment Vermont Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret Craig, former widow of David B. Irwin, late of Company I, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Hunt, widow of Manning F. Hunt, late of Company H, One hundred and nineteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Frank Lambert, helpless son of Dwight W. Lambert, late of Troop L, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The name of Sarah E. Robertson, widow of Lewis W. Robertson, late of Company B, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nellie Wilson, widow of James Wilson, late of Company K, Thirty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah J. Cato, widow of Nathan L. Cato, late of Capt. Alfred Montgomery's Company C (six months), Seventy-ninth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Lavina J. Welch, widow of Richard J. Welch, late of Capt. John R. Cochran's Company C, Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Mary Ann Fowler, widow of William Fowler, late of Capt. John R. Cochran's Company C (six months), Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Mary James, widow of Levi B. James, late of Capt. John R. Cochran's Company C (six months), Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Permelia E. Yount, widow of Levi S. Yount, late of Capt. John R. Cochran's Company C (six months), Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Frances C. Upchurch, widow of Robert Upchurch, late of Company A, Fifty-sixth Regiment Missouri Enrolled Militia, and pay her a pension at the rate of $30 per month.

The name of Maria Mather, widow of John W. Mather, late of Troop C, Ninth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Phoebe Henry, widow of Wilson B. Henry, alias Wilson B. Owens, late of Company F, One hundred and twenty-fifth Regiment United States Colored Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lillian I. Bartlett, widow of Alonzo M. Bartlett, late of Company B, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Dickey, former widow of Reuben Wotten, late of Company E, Twentieth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie L. Durham, former widow of Tolford Durham, late of Company A, Fourth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, in addition to the $20 per month allowed the helpless son, William F. Durham.

The name of Juanita Da Costa Humphrey, widow of Charles F. Humphrey, late of Company E, Fifth Regiment United States Artillery, and major general (retired), United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah E. Harrison, widow of Benjamin J. Harrison, late of Company E, Twelfth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia A. Zinn, widow of Henry C. Zinn, late of Company E, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lelia M. Marple, widow of John M. Marple, late of Company A, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Emily J. Hendricks, widow of James K. Hendricks, late of Capt. William Turner's independent company, West Virginia State Troops, and pay her a pension at the rate of $30 per month.

The name of Virginia Canterbury, widow of James F. Canterbury, late of Capt. William Turner's independent company of scouts, West Virginia State Troops, and pay her a pension at the rate of $30 per month.

The name of Emily Asbury, widow of John Asbury, late of Capt. William Turner's independent company, West Virginia State Guards, and pay her a pension at the rate of $30 per month.

The name of Ida Orem, widow of Henson Orem, late of Company I, Eleventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan M. Yount, widow of John M. Yount, late of Capt. John R. Cochran's company (six months), Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Orrie A. Harvey, widow of Eugene W. Harvey, late of Company E, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susanna S. Paxson, widow of Lewis C. Paxson, late first lieutenant and adjutant Eighth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret Seward, widow of Joel Seward, late of Company K, Eighteenth Regiment, and Company E, Thirty-seventh Regiment, Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Betsey Smith, widow of Samuel Smith, late of Company K, Fortieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary E. May, widow of Thomas S. May, late of Company A, First Regiment Vermont Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Thomas Brooks, helpless and dependent child of William Brooks, late of Company H, Forty-seventh Regiment United States Colored Infantry, and pay him a pension at the rate of $20 per month.

The name of Sarah E. Carver, former widow of Nelson Carver, late of Company D, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and First Independent Battery, Wisconsin Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia Martin, widow of Cyrus M. Martin, late of Company F, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy Taylor, widow of Milton E. Taylor, late of Company C, One hundred and thirty-fourth Regiment and Company I, Twenty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Scott, widow of Peter Scott, late of Company F, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Pleasant R. W. Harris, late of Troop K, Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Margaret J. Webb, widow of Albert G. Webb, late of Troop E, Tenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Fry, widow of Isaac Fry, late of Company I, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clara L. Campbell, widow of William O. Campbell, late of Battery G, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Demerise Cyr, widow of Joseph Cyr, late of Company G, Fifteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mahala Buckmaster, widow of Charles Buckmaster, late of Company E, Fourteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Helen F. Livingston, widow of William H. Livingston, late of Company C, First Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Catharine F. Stuart, widow of George Washington Stuart, late of Troop F, Eighth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia I. Gritzmacher, widow of Frederick Gritzmacher, late of Troop E, Ninth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth E. Norris, widow of George Norris, late of Company A, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet Van Houten, widow of Harry F. Van Houton, late of Company A, Thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ruth Nelson, widow of Noah Nelson, late of Company I, Twelfth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Marietta Hawley, widow of Samuel K. Hawley, late of Company C, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Girard, widow of William A. Girard, alias Emil Girard, late of Troop K, Sixth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Roxana Raymond, widow of William E. Raymond, late of Company F, Eleventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Frances Louise Simmons, widow of Christopher Simmons, late of Company A, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna C. Havens, widow of Lieut. Wilbur F. Havens, late of Company D, Seventeenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Annie E. Mooney, widow of James E. Mooney, late of Company A, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth J. Craig, widow of John W. Craig, late of Company K, Ninetieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alicia Newton, widow of Charles Newton, late of Company F, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louise B. Fuller, widow of Benjamin Fuller, late of Company F, Eleventh Regiment Veterans Reserve Corps, and Company H, Second Regiment United States Veteran Sharpshooters, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Nellie F. Amsden, widow of Charles G. Amsden, late of Company B, Twenty-second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Angelina Childers, widow of John Childers, late of Company C, Fourteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ina Silsby, widow of George Silsby, late of Company C, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ella H. Libby, widow of Nathan P. Libby, late of Company C, Nineteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amanda J. McAlister, widow of William N. McAlister, late of Company L, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Cook, widow of Bennett Cook, late of Company E, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louisa E. Kelley, widow of Wesley B. Kelley, late of Company A, Seventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha Hasty, widow of Ephraim Hasty, late of Company K, Third Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $30 per month.

The name of William P. Moore, helpless son of Burton L. Moore, late of Troop C, Fourth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $20 per month.

The name of Paulina C. Hazelrigg, widow of William N. Hazelrigg, alias Robert L. Gillilan, late of Company B, Fourth Regiment Provisional Missouri Militia, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Caroline Ebbert, widow of David H. Ebbert, late of Company I, Fourteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nellie Winters, widow of William H. Winters, late of Troop K, Sixth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Rogers, widow of Allen Rogers, late of Troop I, Seventh Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $30 per month.

The name of Rachel C. Dalrymple, former widow of John W. Patton, alias Jesse Wilson, late of Company C, One hundred and eighteenth Regiment Illinois Volunter Infantry, and pay her a pension at the rate of $30 per month.

The name of Abbie M. McKenzie, widow of John McKenzie, alias James McKinzie, late of Company G, Sixty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah R. Labarron, widow of Franklin Labarron, late of Company E, Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Asbell, widow of Josiah Asbell, late of Company A, Seventeenth Regiment Indiana Volunteer Infantry, and Company K, Twenty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jane Hosler, widow of Thomas Benton Hosler, late of Company B, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jacob Ellis, helpless child of William H. Ellis, late of Company B, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Elizabeth Green, widow of William Green, late of Company A, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Casseday, widow of George W. Casseday, late of Troop I, Second Regiment Minnesota Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucy A. Nelson, widow of Charles P. Nelson, late of Troops C and H, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah V. Burke, widow of Thomas Burke, late of Company B, Fiftieth Regiment Missouri Enrolled Militia, and pay her a pension at the rate of $30 per month.

The name of Squire Pauley, late of Captain William Turner's Independent company of Raleigh County Scouts, West Virginia State Troops, and pay him a pension at the rate of $50 per month.

The name of Lucy A. Rowles, widow of Benjamin Rowles, late of unassigned company, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie Richardson, widow of John P. Richardson, late of Company A, Fifth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rosalie Grotz, widow of Andrew Grotz, late of Company K, Twenty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary R. Pendleton, widow of Emery O. Pendleton, late of Company I, Fifteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret E. Morris, widow of William Morris, late of Company B, One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Isabella F. Potts, former widow of James Fleming, late of Company A, First Regiment New York Volunteer Mounted Rifles, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah E. McGinnis, widow of Joseph B. McGinnis, late of Company C, Third Regiment West Virginia Mounted Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Bridget Meehan, widow of Daniel Meehan, late of Troop H, First Regiment Connecticut Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eliza A. Moore, widow of John A. Moore, late of Company B, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alice Emerson, widow of George Emerson, late of Company I, Fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth M. Cleary, widow of Robert W. Cleary, late of Company C, Thirty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Carrie Stillwell, widow of John G. Stillwell, late of Company H, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catherine G. Shore, former widow of James M. Cornell, late of Troop H, Third Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Salome A. Eshelman, widow of Mathew M. Eshelman, late of Company G, One hundred and fifty-fifth Regiment Ohio Volunteer Infantry, and Company F, One hundred and forty-seventh Regiment Ohio National Guard Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Kate A. Morse, widow of William B. Morse, late of Troop L, First Regiment Maine Volunteer Cavalry, and the Fourth Battery, First Regiment Maine Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret Talbert, widow of Reuben Talbert, late of Company B, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah R. L. Church, widow of John P. Church, late of Battery I, First Regiment Michigan Volunteer Light Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah Jane Selvy, widow of David Selvy, late of Company E, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Agnes Austin, widow of Credoral B. Austin, late of Troop L, Eighth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah C. Crandall, widow of Wallace M. Crandall, late of Company K, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Kate E. Harris, widow of Francis M. Harris, late of Company H, Twenty-fourth Regiment New Jersey Volunteer Infantry and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Jones, widow of Thomas J. Jones, late of Company C, Sixteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary B. Lake, former widow of John W. Lake, late of Company I, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Theresia Steffin, widow of John Steffin, late of Company A, Fifty-third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy Coomer, widow of George C. Coomer, late of Troop L, Sixth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Addie Stilts, widow of John Stilts, late of Company A, Third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Georgia C. Krebbs, widow of Daniel Krebbs, late of Company D, First Regiment Maryland Potomac Home Brigade Infantry, and pay her a pension at the rate of $30 per month.

The name of Nellie A. Worden, helpless and dependent daughter of William H. Garner, late of Company C, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Margaret Kerns, widow of Mathew A. Kerns, late of Company A, Sixty-sixth Regiment Ohio Volunteer Infantry, and Company B, Fourteenth V. R. C., and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Minnie A. Conwell, former widow of Allen A. Adams, late of Company G, Cass County (Mo.) Mounted Home Guards, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Calvert, widow of John Calvert, late of Company A, Eighteenth Regiment United States Colored Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha O. Imel, widow of John H. Imel, late of Company D, Twenty-third Regiment Illinois Volunteer Infantry, and Troop K, First Regiment United States Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rebecca McCart, widow of Benjamin McCart, late of Troop L, Fifth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lottie Noe, widow of David P. Noe, late of Company C, Forty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Eliza M. Oliphant, widow of Samuel D. Oliphant, late of Troop A, Seventh Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clarissa Shanks, widow of John Shanks, late of Company G, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Smith, helpless daughter of John J. Smith, late of Company G, One hundred and fiftieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Nancy O. Sproull, widow of James M. Sproull, late of Troop G, First Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha L. Tedrick, widow of Joseph K. Tedrick, late of Company A, Second Regiment Colorado Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Esther A. Urie, widow of David R. Urie, late of Company A, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sylvina R. Van Valkenburg, widow of Dudley Van Valkenburg, late of Troop C, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura B. Young, widow of Nathaniel E. Young, late of Company C, Seventeenth Regiment Kansas Volunteer Infantry, and pay her a pensoin at the rate of $40 per month in lieu of that she is now receiving.

The name of Georgia A. Carpenter, widow of Major Hiram Henry Carpenter, late of Company G, Sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Edith A. Lindsey, widow of David E. Lindsey, late of Company F, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Dora E. Davis, helpless daughter of William T. Davis, late of Company B, Sixth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary J. Howard, widow of John C. Howard, late of Company F, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan A. Charles, widow of Benjamin F. Charles, late of Troop L, First Regiment Vermont Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Fitzgerald, widow of Michael Fitzgerald, late of Company K, Third Regiment and First Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Virginia C. West, widow of Simon B. West, late of Company H, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anastasia Early, widow of John Early, late of the United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of De Etta Wheeler, widow of Alfred A. Wheeler, late of Company E, One hundred and seventy-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Annie M. Plummer, widow of William T. Plummer, late of Company I, Forty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Milous Day, late of Company D, First Regiment of Capital Guards, Kentucky Infantry, and pay him a pension at the rate of $50 per month.

The name of Sarah A. McEwen, widow of John McEwen, late of Troop B, Ringgold's battalion, Pennsylvania Cavalry, and Troop C, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Addie Butler, widow of Amos B. Butler, late of Company B, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth J. Mingues, widow of Henry Mingues, late of Company A, Sixtieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah Ramsey, widow of Robert Ramsey, late of Troop K, Ninth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary F. Gott, widow of William B. Gott, late of Troop K, Eleventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rose E. Connor, widow of Thomas Connor, late of Company B, Thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucy E. Rumer, widow of William D. Rumer, late of Company A, Fifty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha E. H. Fisher, widow of John A. Fisher, late of Company A, Second Regiment Ohio Volunteer Infantry, and Company D, Twenty-third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lourana Patterson, widow of John Patterson, late of Company E, Eleventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hilda L. Patch, widow of Robert H. Patch, late of Company F, Thirteenth Regiment Pennsylvania Volunteer Infantry, and Company A, Thirty-fifth Regiment Pennsylvania Emergency Militia Infantry, and pay her a pension at the rate of $30 per month.

The name of Angelina H. F. Regan, former widow of Joseph J. Fortier, late of the Medical Department, United States Army, and pay her a pension at the rate of $30 per month.

The name of Elizabeth M. Hayden, widow of John W. Hayden, late of Company K, Sixth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy C. Clayton, widow of John S. Clayton, late of Troop H, Fourth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rachel Thompson, widow of Andrew J. Thompson, late of Company A, First Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lida Haskill, widow of James L. Haskill, late of Company F, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of George E. Fargo, son of Thomas H. Fargo, late of Company B, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of William Fargo, son of Thomas H. Fargo, late of Company B, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Edith L. Love, widow of Edwin Y. Love, late of Company K, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna E. Stouffer, widow of Abraham D. Stouffer, late of Troop L, First Patriotic Home Brigade, Maryland Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hannah McClannahan, widow of Thomas McClannahan, late of Company H, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elize J. White, widow of William A. White, late of Company K, Twenty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna T. Kildow, widow of Samuel Kildow, late of Company C, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Gloshen, widow of Frederick Gloshen, late of Troop H, Fifth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie Webb, widow of John Webb, late of Troop L, Third Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of William T. Smith, late of Company G, Thirteenth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Ella A. Harper, widow of George W. Harper, late of Company C, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Minerva Hatch, widow of Orlando M. Hatch, late of Company K, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy Abbott, widow of John B. Abbott, late of Company B, Twelfth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alice A. Garner, former widow of Reuben L. Parrott, late of Troop A, Fifteenth Illinois Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth A. Johnson, widow of John D. Johnson, late of Battery H, West Virginia Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth A. Youmans, widow of Edward B. Youmans, late of Company F, Ninety-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Esther A. Ela, widow of John Q. Ela, late of Company D, First Battalion Massachusetts Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret K. Walker, widow of Edward S. Walker, late of Companies E and A, First Regiment Kansas Volunteer Infantry, and Troop H, Second Kansas Cavalry, and pay her a pension at the rate of $30 per month.

The name of Jinia F. King, helpless and dependent daughter of James K. King, late of Company F, Thirteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Hannah E. Cordes, widow of Frederick G. Cordes, late of Company G, Thirteenth Regiment Pennsylvania Volunteer Reserve Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alice M. Woods, widow of Edward W. Woods, late of Company I, Fourth Regiment Maine Volunteer Infantry, and Company K, Twenty-sixth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rachel Huff, dependent daughter of George Huff, late of Company I, Twelfth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Samantha J. Wykoff, widow of Josephus Wykoff, late of Company K, Ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha A. McLin, widow of John H. McLin, late of Company K, One hundred and seventeenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Josephine I. Harrington, widow of Frederick L. Harrington, late commissary sergeant, Second Regiment California Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Catharine Alter, widow of David Alter, alias William Breckbill, late of Company K, Fifty-fourth Regiment Pennsylvania Emergency Militia, and Company E, Dale's Battalion Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elmira M. Story, widow of Charles A. Story, late of Company D, Third Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Evaline M. Thrall, widow of Stephen P. Thrall, late of Company D, Twentieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nellie Fryatt, widow of Peter Fryatt, late of Company F, Ninety-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ellen R. Dobbs, widow of Isaac Dobbs, late of Company G, Seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susanah Wilson, widow of William D. Wilson, late of Troop K, Seventh Regiment Missouri Volunteer State Militia Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ella Carland, widow of James H. Carland, late of Company G, First Regiment Missouri Volunteer Light Artillery and Company G, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ann E. Tilson, widow of Byron L. Tilson, late of Company G, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura J. Coon, former widow of Smith O. Scofield, captain and assistant quartermaster United States Infantry, unattached, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha Ann Vanbuskirk, widow of Josiah Vanbuskirk, late of Company D, Forty-third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Miriam E. Livingston, widow of Adam S. Livingston, late of Company E, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Caroline A. Damon, widow of James H. Damon, late of Company C, One hundred and thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellenora K. Underwood, widow of Gilpin B. Underwood, late of Company G, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Fredericka S. Albee, former widow of George E. Strong, late of Thirty-sixth Regiment, Forty-first Regiment, and Twenty-fourth Regiment United States Colored Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary E. Emerson, widow of Joseph J. Emerson, late of Company I, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alvina Murray, widow of James Murray, late of Battery F, Fifth Regiment United States Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Imildiah J. Chase, widow of William W. Chase, late of Company A, Eighteenth United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Phebe J. Irion, widow of Henson C. Irion, late of Company G, Seventy-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Cynthia E. Van Giesen, widow of Thomas J. Van Giesen, late of Company G, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Benjamin Garland, late of Company I, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month.

The name of Sarah Hooper Robinson, widow of Charles S. Robinson, late of Seventh Independent Battery, Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Rosa Owens, widow of Marshall Owens, late of Company A, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary M. Farwell, widow of Henry Farwell, late of Company E, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Chadock, widow of Charles E. Chadock, late of Company K, Second Regiment Virginia Infantry, and Company K, Sixth Regiment West Virginia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth F. King, widow of William D. King, late of Company D, Second Regiment Eastern Shore Maryland Infantry, and Company K, Fourth United States Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ella Allger, widow of Edison Allger, late of Company A, First Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The name of Margaret R. Smith, widow of Hiram S. Smith, late of Company K, Thirteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sina Igelmann, widow of Herman H. Igelmann, late of Troop H, Fourth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Florence E. Houser, former widow of Thomas L. Jamison, late of Company C, Eighty-sixth Regiment Ohio Infantry, and Company A, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy Detrick, widow of John B. Detrick, late of Capt. S. Bond's company of Independent Scouts for Hardy County, West Virginia State Troops, and pay her a pension at the rate of $30 per month.

The name of Annie Shirley, widow of Wilford Shirley, late of Company A, Seventeenth Regiment Veterans' Reserve Corps, and Company A, Eighty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Jemima E. Johnson, former widow of Milton Johnson, late of Troop D, Third Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Nellie Dorchester, widow of John C. Dorchester, who served as an operator in the United States Military Telegraph Corps during the Civil War, and pay her a pension at the rate of $30 per month.

The name of Clara Huffman, widow of Eli Huffman, late of Company F, One hundred and fifty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Delfina A. Simmons, widow of John T. Simmons, late of Company E, Third Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ella Miller, widow of William Henry Miller, late of Company C, Twenty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna L. Faulkner, widow of Morgan L. Faulkner, late captain, Company I, Eighty-eighth Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie T. Clark, widow of George A. Clark, late of Company A, Tenth New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Delia H. Holmes, widow of Samuel T. Holmes, late of Company H, Twenty-fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Edith P. Lamson, former widow of Horace Curtis, late of Company A, Thirteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Adalaide L. Davis, widow of Edward S. Davis, late of Company I, Eleventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth J. Ross, widow of John Ross, late of Capt. Stephenson's Clay County company, West Virginia Volunteer State Guards, and pay her a pension at the rate of $30 per month.

The name of Clara L. Dowling, widow of Edward J. Dowling, late of Troop B, Second Regiment United States Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth G. Griswold, widow of Martin E. Griswold, late of Company F, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucretia M. Hannan, widow of Jeremiah J. Hannan, late of Company D, Fifty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rose Toward, widow of Charles P. Toward, Third Battery, First Battalion Maine Light Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary A. Sterling, widow of Adam Sterling, late of Battery L, Second Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Sinclair, widow of Wayman Sinclair, late of Company D, South Cumberland Battalion Kentucky State Troops, and pay her a pension at the rate of $30 per month.

The name of Margaret Griffin, widow of John A. Griffin, late of Company D, Seventeenth Illinois Infantry, and Company E, Fifty-third Regiment United States Colored Infantry, and pay her a pension at the rate of $30 per month.

The name of Amelia Applegate, widow of Andrew B. Applegate, late of Company E, Seventy-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Wentworth, widow of George Wentworth, late of Company B, First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Abbie E. Emmons, widow of Luther A. Emmons, late of Company A, Maine Coast Guards Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hannah J. Vaught, widow of Stephen Vaught, late of Company D, Seventeenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Alice Nichols, widow of Charles Saint J. Nichols, late of Company C, Sixty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Vina Brooks, widow of Joseph Brooks, late of the First Independent Battery Vermont Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Clara H. Shedd, widow of Lorenzo W. Shedd, late of Company F, Ninth Regiment Vermont Volunteer Infantry, also Company C, Ninth United States Colored Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna Arnold, widow of William T. Arnold, late of Company H, Ninth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lydia A. Patterson, widow of Joseph Patterson, late of United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Clayton, widow of John R. Clayton, late of Company G, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Esta Bonham, widow of Powhatan L. Bonham, late of Company A, Seventh Regiment West Virginia Volunteer Cavalry, and Company A, Eighth Regiment West Virginia Infantry, and pay her a pension at the rate of $30 per month.

The name of Florence W. Liston, widow of Thomas E. Liston, late of Company C, Fifteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Asylda Moreau, former widow of Mathias Le May, late of Company F, Fourth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary H. J. Abbott, widow of Andrew J. Abbott, late of Company B, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary J. McIntyre, widow of George McIntyre, late of Company M, Seventy-second Regiment, and Company K, One hundred and eighty-third Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Harriett G. Baker, widow of James H. Baker, late of Company F, Second Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Wagner, widow of George G. Wagner, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Frary, widow of William H. Frary, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of George H. Bain, helpless and dependent son of Albert Bain, late of Company A, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Mary Gocke, widow of Louis Gocke, late of Battery A, First Regiment West Virginia Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucy A. Freeman, widow of Maitland J. Freeman, late of Company D, Seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Oakey F. Albright, invalid and helpless child of Conrad Albright, late of Companies A and H, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Catherine Fluehr, widow of Frank Fluehr, late of Companies C and D, Seventy-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Hortense J. S. Church, widow of Joseph Church, late of Battery F, First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah J. Pummel, widow of Joseph A. Pummel, late of Company B, Fifty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Harriett Morgan, former widow of Frank R. McGlasson, acting assistant surgeon, United States Army, and pay her a pension at the rate of $30 per month.

The name of James F. Taylor, helpless and dependent child of Julius H. Taylor, late of Troop D, Second Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The name of Mary M. Baldwin, former widow of Simeon M. Baldwin, late of the Seventh Company, Seventy-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lou Milburn, widow of Fletcher Milburn, late of Company D, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie A. McClaury, widow of S. Hamilton McClaury, late of Cogswell battery Independent Light Artillery, attached to Fifty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma L. Kennedy, former widow of John F. Coburn, late of Company K, One hundred and thirty-fourth Regiment Indiana

Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah S. Ewing, widow of Archibald C. Ewing, late of Company K, Fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie Earnest, widow of Jasper Earnest, late of Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maggie J. Miller, widow of Josephus Miller, late of Troop K, Third Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah Shuck, widow of William Shuck, late of Troop C, Purnell Legion, Maryland Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma M. Backus, widow of Edmund B. Backus, late of Company D, Twenty-first Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie Lyle, widow of Boyd Lyle, late of Company I, Fifty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Catherine Sullivan, widow of Thomas E. Sullivan, late of Company C, Eleventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Daisy Lee Demaree, helpless daughter of William W. Demaree, late of Company A, Fifty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Carrie Bissell, widow of Hiram H. Bissell, late of Company F, Third Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louisa Shott, widow of Charles Shott, late of Company C, Eighth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Hackelman, widow of Pleasant A. Hackelman, late of Company K, Forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sibal E. Richardson, widow of Samuel M. Richardson, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Amanda Alexander, former widow of Henry H. Lucas, late of Company E, Fifty-sixth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Susanna Fetzer, widow of George E. Fetzer, late of Company H, One hundred and twentieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emily R. Albee, former widow of Frank M. Diehm, late of Company F, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Joseph T. Pike, helpless and dependent son of Aaron R. Pike, late of Company A, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Maud E. Harper, widow of Stephen A. Harper, late of Company E, Third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha A. Wilson, widow of Marida Wilson, late of Company G, Thirty-seventh Regiment Kentucky Mounted Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret J. McQuerry, helpless daughter of Perry McQuerry, late of Company B, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy Henson, widow of John H. Henson, late of Company A, Forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Eliza J. McKee, widow of Robert McKee, late of Company E, Fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lottie F. Bentley, widow of Samuel A. Bentley, late of Troop D, Second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary E. Barnes, widow of Moses B. Barnes, late of Company E, Twenty-ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Hulda V. Anderson, widow of William D. Anderson, late of Company A, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie Corbly, widow of Francis M. Corbly, late of Company D, Seventieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eliza Kellams, widow of George W. Kellams, late of Company E, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary W. McClung, former widow of Milton Aiken, late of Company D, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louisa E. Howard, widow of Jeremiah Howard, late of Company I, First Regiment Nebraska Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Charlotte I. Tucker, widow of Henry H. Tucker, late of Company E, Thirty-first Regiment Ohio Volunteer Infantry, and Company B, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucie Irvin, widow of Benjamin F. Irvin, late of Troop G, Fiftieth Regiment New York Volunteer Engineers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary V. Bettinger, former widow of Henry W. Smith, late of Company E, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary K. Johnson, widow of Thomas Johnson, alias Gunderson, late of Company C, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Annie F. Desmond, widow of Richard Desmond, late of the United States Marine Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ida E. Newton, widow of Henry H. Newton, late of Company A, Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Minnie Berry, widow of William A. Berry, late of Company I, Twenty-ninth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Caldonia D. Compton, widow of John F. Compton, late of Company H, Twenty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maria Cottrill, widow of Henry Cottrill, late of Company D, Fourth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of William Huckshorn, late of Captain Peter R. Dollman's company, Chariton County Volunteer Missouri Militia, and pay him a pension at the rate of $50 per month.

The name of E. Gertrude Rutherford, former widow of Isaiah A. Rutherford, late of Company B, Seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie Seckel, widow of George Seckel, late of Troop M, Ninth Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Sargent, widow of Henry B. Sargent, late of Company K, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lucy A. Van Deman, widow of James W. Van Deman, late of Company A, Forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Drusilla Hadlock, widow of Charles P. Hadlock, late of Company K, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah E. Douglas, widow of William C. Douglas, late of Company C, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Mahoney, widow of John Mahoney, late of Company F, Seventeenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Kittie Armstrong, widow of Nelson W. Armstrong, late of Company H, Fifth Regiment California Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alice A. Post, widow of Isaac J. Post, late of Company K, One hundred and forty-fifth Regiment New York Volunteer Infantry, and Twenty-eighth Independent Battery, New York Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Mary A. Crowley, widow of Samuel W. Crowley, late of Company B, Seventh Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lydia M. Knight, former widow of Oscar L. Brayton, late of Battery F, Third Regiment United States Volunteer Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie M. Strong, widow of Lewis M. Strong, late of Company K, Third Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Helen E. Rouhan, widow of James Rouhan, late of Troop A, First Regiment Vermont Cavalry, and Troop G, Second Regiment United States Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lucinda Davis, widow of Charles A. Davis, late of Company E, Third Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Minnie D. Round, widow of Stephen D. Round, late of Company K, Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy C. Clemons, former widow of Earl P. Carney, late of Company E, Fifth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Olive A. Carpenter, widow of Joel V. Carpenter, late of Company C, Ninth Regiment Vermont Volunteer Infantry, and Company D, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maria Dean, widow of Arthur Dean, late of Company G, One hundred and thirty-fifth Regiment Ohio National Guard Volunteer Infantry, and Company E, One hundred and ninety-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eva H. McColley, widow of Jacob M. McColley, late of Company B, Thirty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy Bowden, widow of Thomas S. Bowden, late of Company B, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Caroline S. Masters, widow of Thomas H. Masters, late of Company F, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of John L. Wyskiver, helpless son of John Wyskiver, late of Company K, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Sarah J. Helton, widow of Martin Helton, late of Troop E, Third and Sixth Regiments, Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lina Cahall, widow of Richard T. Cahall, late of Company G, Third Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Margaret Reilly, widow of Hugh Reilly, late of Company K, Eighty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ollie Young, widow of Robert C. Young, late of Company E, Eighty-fourth Regiment Illinois Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary P. Wilson, widow of William L. Wilson, late of Troops M, D, and E, Second Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Catherine Healy, widow of Patrick Healy, late of Company I, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jane A. E. Murch, widow of Cyrus L. Murch, late of Company B, Sixth Regiment Maine Volunteer Infantry, and United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth C. Goodykoontz, widow of John W. Goodykoontz, late of Company K, Forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Zada E. Stone, widow of Thilhgman Stone, late of Company F, Eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Malinda S. S. Dunbar, widow of Joseph Dunbar, late of Company D, Fourth and Nineteenth Regiments Maine Volunteer Infantry, and Battery D, First Regiment Maine Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma S. Caskey, widow of William Caskey, late of Company A, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Gault, widow of Joseph Gault, late of Company I, One hundred and second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Corella C. Bowers, former widow of John H. Taber, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hattie Bell, widow of Moses Bell, late of Company E, One hundred and first United States Colored Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah C. Morris, widow of James Morris, late of Company A, Fifth Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maggie J. Stroud, widow of Dudley Stroud, late of Company K, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sarah J. Huffman, remarried widow of George W. Drumm, late of Company I, Eighty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ida C. Tracy, widow of George W. Tracy, late of Company E, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary C. Baker, widow of George W. Baker, late of Capt. John R. Cochran's Company C, Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Sarah F. Calkins, widow of James V. Calkins, late of Company E, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Everline M. Isaacs, widow of Charles E. Isaacs, late of Company B, Sixth Regiment Massachusetts Militia Infantry, and Unassigned First New Hampshire Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha King, widow of Theodore F. King, late of the United States Military Telegraph Corps, and pay her a pension at the rate of $30 per month.

The name of Hattie E. Hall, widow of Albert E. Hall, late of Company C, Twenty-fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hattie Spenard, helpless (blind) daughter of Benjamin Spenard, late of Company G, Eleventh Regiment Vermont Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary L. Gilligan, widow of Arthur E. Gilligan, late of Troop C, Third Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Leonice T. Holmes, widow of Thomas J. Holmes, late of Company G, Eleventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Helen M. French, widow of Edwin French, late of Company K, Twenty-second Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Greta J. Lundstrom, widow of Gustus Lundstrom, late of Company C, Forty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amanda Dickinson, widow of Charles Dickinson, late of Company A, One hundred and thirty-seventh Illinois Volunteer Infantry, and Companies G and K, Seventy-eighth and Thirty-fourth Regiments Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hannah F. Summers, widow of Burr Summers, late of Company C, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Grace Catlett, helpless child of Isaac C. Catlett, late of Company E, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Valeria S. Shook, widow of David W. S. Shook, late of Company C, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia A. Hensel, former widow of William McCoy, late of Company C, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clara E. Walker, widow of James F. Walker, late of Company G, Tenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Thurman Constable, helpless son of William F. Constable, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Anna Constable, helpless daughter of William F. Constable, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary Michael, widow of Bennett F. Michael, late of Company A, Fifty-second United States Colored Infantry, and Company G, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth H. Meredith, widow of William D. Meredith, late of Company D, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy J. Hogan, widow of Thomas Hogan, late of Company C, Fifty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet Williams, widow of Monroe Williams, late of Company F, Seventy-ninth Regiment United States Colored Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lilian A. Fisk, widow of Edward A. Fisk, late of Company B, Thirteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alice C. Risley, widow of Samuel A. Risley, late of Company C, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy C. Helm, widow of John Helm, late of Company F, Sixteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Frances B. Elsberry, widow of Thomas Elsberry, late of Company A, Third Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Etta York, widow of Nathan N. York, late of Company M, First Regiment Vermont Volunteer Heavy Artillery, and Company B, Sixth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

The name of Emily J. Murdock, widow of Henry Murdock, late of Company H, Thirty-sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Kate Taylor, widow of Job Taylor, late of Company B, Second Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Soffia Riddle, widow of Henry Riddle, late of Company H, Eighteenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Castaria L. Bemis, widow of Oliver D. Bemis, late of Company K, Fifth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Annie Colomy, widow of Augustus A. Colomy, late of Battery D, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Ella P. Rollins, widow of William H. Rollins, late of Company K, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Harding, widow of William A. Harding, late of Company D, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Della W. Lampson, widow of Edwin B. Lampson, late of Company L, First Regiment District of Columbia Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Anna Heise, widow of Frederick William Heise, late of Company G, Seventeenth Regiment Indiana Mounted Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah A. Murray, widow of Patrick J. Murray, late of Company K, Thirteenth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan Robbins, widow of Marquis D. L. Robbins, late of Companies A and H, Seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lavenia A. Drennen, widow of George A. Drennen, late of Company E, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma Reser, former widow of Albert Ellis, late of Company A, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Spilker, widow of John F. Spilker, late of Company G, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Marie L. Couture, widow of Alexis Couture, late of Company A, First Regiment Colorado Volunteer Cavalry, and pay her a pension at the rate of $50 per month in addition to the rate of $20 per month for helpless child, in lieu of that she is now receiving.

The name of Larella Severs, widow of George W. Severs, late of Company F, One hundred and sixty-eighth Regiment Ohio Volunteer National Guard Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna Russ, widow of Christian Russ, late of Company F, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ella Oldham Nash, former widow of Henry T. Oldham, late of Company A, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Laura M. Fertich, widow of William H. Fertich, late of Troop G, Ninth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Catherine Folsom, widow of Alonzo D. Folsom, late of Companies K and D, Eleventh Regiment Vermont Volunteer Infantry and First Regiment Vermont Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Catherine Dyer, helpless child of Thomas Dyer, late of the United States Navy, and pay her a pension at the rate of $20 per month.

The name of Harriett J. White, widow of John E. White, late of Company I, Twenty-second Regiment, and Company K, Fifty-ninth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Gambold, widow of Josephus B. Gambold, late of Company A, Twenty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah S. Fenton, widow of James K. Fenton, late of Company I, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rachel A. Winchel, widow of Smith Winchel, late of Company D, First Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Leonard Brier, helpless son of Asbury Brier, late of Company H, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Emma M. Watson, widow of Thaddeus A. Watson, late of Company F, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan E. Robinson, widow of Herod Robinson, late of Battery A, First Regiment Maine Volunteer Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Anna L. Peck, widow of Merit B. Peck, late of the United States Navy, and pay her a pension at the rate of $30 per month.

The name of Annie Madden, widow of Michael Madden, late of Company A, Twenty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eliza J. Saxon, widow of William L. Saxon, late of Thirteenth Battery, Indiana Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Lydia M. Harris, widow of Albanus Harris, late of Company A, One hundred and thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ella C. Hackett, widow of George D. Hackett, late of Third Battery, Vermont Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Carrie W. Nash, widow of Joseph E. Nash, late of Company H, Seventeenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Selina Hollin, widow of John Hollin, late of Company K, First Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Harriet E. Watson, widow of Morgan B. Watson, late of Company C, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Goetsinger, former widow of Buel Brandow, late of Company B, Thirty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emeline Sawyer, widow of Samuel Sawyer, alias Samuel Suffle, late of Company I, Seventeenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sadie H. Oliver, widow of William F. Oliver, late of Company B, Eleventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Matilda Melson, former widow of James M. Melson, late of Company C, Twenty-eighth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louisa Piercey, widow of Granville H. Piercey, late of Company H, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Malissa Hughes, widow of John A. Hughes, late of Company C, Twelfth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Vie Morrison, widow of James W. Morrison, late of Company C, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Exona Warriner, widow of Iverson L. Warriner, late of Company E, Twelfth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Nation, widow of Seth Nation, late of Company A, Eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Justine Smith, widow of Albert Smith, late of Company F, Twenty-third Ohio Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eliza J. Griffith, widow of Tillman R. Griffith, late of Company B, Eighty-sixth Ohio Volunteer Infantry, and Company F, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Minerva Crosley, widow of Robert Crosley, late of Company E, Eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha V. Emery, widow of Charles A. Emery, late of Company H, First Regiment Iowa Volunteer Cavalry, to include helpless child Amos E., and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, subject to the provisions and limitations of the pension laws.

The name of Laura A. Burnham, widow of George E. Burnham, late of Company D, Eighty-third Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sirena A. Moore, widow of Joshua Moore, late of the Seventh Regiment Independent Battery Ohio Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary F. Buckles, helpless and dependent daughter of Joseph Buckles, late of Company I, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Emma A. Burton, widow of Carlos Burton, late of Company K, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Caroline Nichols, widow of Amsy A. Nichols, late of Capt. Harris's Company A, Osage County Regiment Missouri Home Guards, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Frances O. Thompson, widow of Julius G. Thompson, late of Company B, Fourth Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret Younkes, widow of Michael Younkes, alias Michael Youngs, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of George L. Spain, blind son of Robert T. Spain, late of Company B, Eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Mary Daub, widow of Christian Daub, late of Company F, One hundred and eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary B. Edwards, widow of John Edwards, late colonel Eighteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lorena A. Weaver, widow of Charles C. Weaver, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nellie E. Luchy, widow of George Luchy, late of Company F, Sixth Vermont Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Augusta Berg, widow of John Berg, alias John Berger, late of Battery G, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Hawkins, widow of William Hawkins, late of Company B, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma J. Jarvis, former widow of David N. Rogers, late of Company B, Eleventh Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ruhamah Shafer, widow of Andrew J. Shafer, late of Company I, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Eliza A. Conner, former widow of William Parker, late of Company H, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amelia G. Underwood, widow of Thomas R. Underwood, late of Companies K and C, First Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rosalie T. Draper, widow of James H. Draper, late musician of regimental band, Fifty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret L. Maloy, widow of Richard D. Maloy, alias Richard Monroe, late of Company E, Forty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amanda C. Manners, widow of Alexander Manners, late of Company K, Fifth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lellie Dowdney, widow of Abraham Dowdney, late of Company C, One hundred and thirty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Julia A. Elwell, widow of Philander H. Elwell, late of Company C, Twelfth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rebecca A. Buschbaum, former widow of Thomas J. Butterworth, late of Company I, Eleventh Regiment, and Company K, Fifty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eva A. Hill, widow of William E. Hill, late of Company C, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lavenia A. Hall, widow of John Hall, late of Company I, Seventy-eighth Regiment Ohio Volunteer Infantry, and United States Signal Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna Dodge, former widow of Henry L. Tuttle, late of Company K, Twenty-fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Theresa A. Whipple, widow of William Whipple, late of Company A, Second Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha A. Smith, widow of Jacob B. Smith, late of Company D, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Ann Shepard, widow of George H. Shepard, late of Company H, Twelfth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah J. Skillings, widow of Albert C. Skillings, late of Company F, First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna B. Hutchinson, widow of Albert H. Hutchinson, late of Company G, Ninth Regiment Rhode Island Infantry, and the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Meyer, widow of George Meyer, late of Company K, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Francis Warren Lavely, helpless child of Henry Lavely, late of Company B, Eightieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Eliza A. Porter, widow of William F. Porter, late of Company B, Fifty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Georgie A. Willey, widow of Frederick W., alias William F., Willey, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Gooding, widow of John Gooding, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Belle Orr, widow of George W. Orr, late of Company H, Fifteenth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Anna Anderson, former widow of William H. Coffin, late of Company D, Forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lenna Longanecker, former widow of Peter Longanecker, late of Company D, Forty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah E. Morse, widow of Langdon Morse, late of Company K, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Honora Dorsey, widow of Patrick H. Dorsey, late of Second Battery, Kansas Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie L. Starling, widow of Col. Edmund A. Starling, late colonel of the Thirty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie Tallerday, widow of David S. Tallerday, late of Company E, Fourteenth Ohio Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lenoir L. Boyd, former widow of Edmond W. Dayton, late of Company D, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Reese Davis, late of Company C, Fifty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $90 per month in lieu of that he is now receiving.

The name of Frances A. Robinson, widow of Benjamin F. Robinson, late of Company M, Seventeenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha McFadden, widow of John McFadden, late of Troop E, Third Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah C. Morse, helpless daughter of Willard Morse, late of Company F, Eleventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Minerva A. Hutton, widow of Adam Hutton, late of Company G, Fifth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Smith, widow of William Smith, late of Company F, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Aurelia A. Snyder, widow of William H. R. Snyder, late of Company F, Fourth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Kendall, widow of George H. Kendall, late of Company I, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Josephine Mulligan, widow of Thomas A. Mulligan, late of Company B, One hundred and forty-first Regiment Ohio National Guard Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Shinn, the widow of Oliver W. Shinn, late of Company B, Sixth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura L. Hammond, widow of William J. Hammond, late of Company B, Eighth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of May I. Gatley, widow of Richard K. Gatley, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Etta McLoud, widow of Morillo McLoud, late of Company G, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Octavia Bickmore, widow of Mayo Bickmore, late of Company C, Nineteenth Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet M. Gridley, widow of Charles L. Gridley, late of Battery I, Second Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth A. Smith, widow of Charles E. Smith, late of Company F, Twenty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amanda Kinder, dependent and helpless child of Thomas Kinder, late of Capt. John R. Cochran's Company C, Enrolled Missouri Militia, and pay her a pension at the rate of $20 per month.

The name of Malissa Wilson, former widow of James Wilson, late of Battery B, First Regiment West Virginia Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Katie P. B. Farver, widow of Henry W. Farver, late of Company A, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary L. Mosby, widow of James C. Mosby, late of Company D, Third Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Frances Bales, widow of Daniel Bales, late of Company C, First Battalion, Fifteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Adelaide A. Ryerson, widow of George W. Ryerson, late of Company A, Third Regiment Maine Volunteer Infantry, Company G, First Maine Volunteer Heavy Artillery, and Company G, Seventeenth Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month and an additional pension of $20 per month for the helpless and dependent son, Leonard C. Ryerson: *Provided*, In the event that Leonard C. Ryerson, helpless and dependent son, dies, the additional pension of $20 per month shall cease: *And provided further*, That in the event of the death of Adelaide A. Ryerson that the name of Leonard C. Ryerson shall be placed on the pension roll subject to the provisions and limitations of the pension laws at the rate of $20 per month.

The name of Sarah Stanley, widow of Eleazer Stanley, late of Company A, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elmeda E. Bowen, widow of Jeremiah Bowen, late of Company I, Fourth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan E. Dawson, widow of Henry R. Dawson, late of Company D, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Katherine H. Califf, widow of Joseph M. Califf, late lieutenant of Companies A and F, Seventh Regiment United States Colored Infantry, and brigadier general, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Idella McFarland, widow of Dewitt C. McFarland, late of Company G, Third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Virginia G. Shirley, widow of Thomas Shirley, late of Company G, Thirty-seventh Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy Jane Hudson, widow of John W. F. Hudson, late of Company H, Ninety-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Matilda M. Huddleston, widow of James P. Huddleston, late of Company A, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Orley A. Vawn, widow of George W. Vawn, late of Company H, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie Aldrich, widow of Thomas Aldrich, late of Company E, Eleventh Rhode Island Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Fidelia Potts, widow of John W. Potts, late of Company A, Second Regiment Maryland Potomac Home Guards Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Etta P. Bryan, widow of Madison J. Bryan, late of Company E, Fifth Regiment Iowa Volunteer Infantry, and Company G, Fifth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments were agreed to.

Mr. KING. Mr. President, may I ask the Senator from South Dakota the number included in this list, and the aggregate amount which will be added?

Mr. NORBECK. This is the bill about which the Senator was talking to me this afternoon. It carries about half a million dollars. There are twelve or fourteen hundred names in it. The increases are very moderate, and the committee has worked very carefully, and has held them down in pretty good shape.

Mr. KING. To which war does it refer?

Mr. NORBECK. To the Civil War.

Mr. KING. I have no objection.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that the Senate recur to the consideration of Calendar No. 1138, House bill 12814, to increase the efficiency of the Air Corps.

The VICE PRESIDENT. There is only one more bill on the calendar.

Mr. REED of Pennsylvania. I understand, but I also understood that there was a unanimous-consent agreement for the taking up of some other bill when that one is finished. I wanted to put my request in before we reached that. The Senator from Alabama [Mr. BLACK] agrees that if he may present his amendment and have a vote on it, he will not interpose any further objection to the passage of the bill. Inasmuch as the committee was unanimous, inasmuch as everyone has agreed to the passage of the bill, and agreed on its necessity, I hope the Senator will let us consider it. I would be willing to agree to a limitation of 10 minutes for each side on all debate on the bill.

Mr. KING. The understanding is we will complete the calendar before that request is granted?

Mr. REED of Pennsylvania. Yes; complete the call of the calendar before taking up Calendar No. 1138.

Mr. BROOKHART. Mr. President, could that not go over until we complete the call of the calendar?

Mr. REED of Pennsylvania. Yes; that is the condition on which I make the request, that we complete the calendar and then go to that.

Mr. HEFLIN. I ask for the regular order. We can do that after we get through with the calendar. We have some other resolutions to take up a little later on.

Mr. REED of Pennsylvania. I am asking that we complete the call of the calendar, and then take up Calendar 1138.

Mr. COPELAND. Mr. President, have we not an understanding that we are going to take up the bill affecting the salaries to-night? I would not want to see anything interfere with that.

Mr. McKELLAR. As I understand the Senator from Pennsylvania, Calendar No. 1200, the salary bill, comes before the bill to which he is now referring.

Mr. REED of Pennsylvania. I thought that bill had been passed over.

Mr. McKELLAR. But we are to return to it.

Mr. COPELAND. I do not think we ought to pass over the salary bill.

The VICE PRESIDENT. The salary bill will be considered after the consideration of the next bill on the calendar, which is the last bill to be called.

SEVERAL SENATORS. Regular order!

ENGINEER FIELD CLERKS, AMERICAN EXPEDITIONARY FORCES

Mr. BRUCE. Mr. President, I ask the Senate to reconsider the vote by which the adverse report on Senate bill 3210 was adopted, and that the bill be allowed to remain on the calendar.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

ADDITIONAL BUILDINGS FOR LIBRARY OF CONGRESS

The bill (H. R. 9355) to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAY AND ALLOWANCES, MILITARY SERVICE

Mr. SHORTRIDGE. Mr. President, I now ask that we return to Calendar No. 1038, Senate bill 3692, to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended. The Senator from Washington has now returned to the Chamber.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with amendments, on page 2, line 9, after the word "officers," insert the following: "with creditable records"; on page 3, after line 22, insert a new section, section 4, in the following language:

SEC. 4. That nothing contained herein shall be construed so as to reduce the pay, allowances, emoluments, or other benefits, including the benefits of the act of June 10, 1926 (44 Stat. L. 725), that any person now in the service is receiving at the date of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended, is hereby further amended by striking out in paragraph 12 of section 1 of said act the following clause, lines 12, 13, 14, and 15 of said paragraph, volume 42, Statutes at Large, page 627, "Commissioned warrant officers on the active list with creditable records shall, after six years' commissioned service, receive the pay of the second period, and after 12 years' commissioned service, receive the pay of the third period," and inserting in lieu thereof the following:

"Commissioned warrant officers with creditable records on the active list shall receive pay as follows: During the first 10 years of commissioned service, the pay of the second period; after 10 years of commissioned service, the pay of the third period; after 20 years of commissioned service, the pay of the fourth period."

SEC. 2. That section 7 of said act is hereby amended by substituting a colon for the period, volume 42, Statutes at Large, page 629, line 4, and adding the following proviso at the end of said paragraph:

"*Provided further*, That when the total base pay, pay for length of service, and allowances for subsistence and rental of quarters authorized in this act for any commissioned warrant officer shall exceed $5,000 a year, the amount of the allowances to which such officer is entitled shall be reduced by the amount above $5,000; and the pay and allowances of a commissioned warrant officer receiving the pay and allowances of the second pay period shall not exceed $3,158 a year for the first three years of commissioned service, $3,258 a year for the next three years of commissioned service, $3,358 a year for the next three years, and $3,458 a year for from 9 to 10 years' commissioned service."

SEC. 3. That section 10 of said act is hereby amended by striking out in paragraph 1, lines 1, 2, 3, 4, and 5 of said paragraph, volume 42, Statutes at Large, page 630, the following:

"That on and after July 1, 1922, the monthly base pay of warrant officers of the Navy and Coast Guard shall be as follows: During the first 6 years of service at sea, $153; on shore, $135; during the second 6 years of service at sea, $168; on shore, $147; after 12 years' service at sea, $189; on shore, $168," and inserting in lieu thereof the following:

"That hereafter the monthly base pay of warrant officers of the Navy and Coast Guard shall be as follows: During the first 6 years of service, $153; during the second 6 years of service, $168; after 12 years' service, $189."

SEC. 4. That nothing contained herein shall be construed so as to reduce the pay, allowances, emoluments, or other benefits, including the benefits of the act of June 10, 1926 (44 Stat. L. 725), that any person now in the service is receiving at the date of the passage of this act.

The amendments were agreed to.

Mr. SHORTRIDGE. Mr. President, I understand the Senator from Washington wants to offer an amendment.

Mr. JONES. I desire to offer an amendment, which I send to the desk.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. The Senator from Washington proposes to add a new section, as follows:

SEC. 5. That the Director of the Coast and Geodetic Survey shall have the relative rank and the pay and allowances of rear admiral, lower half of the Navy.

Mr. HALE. Mr. President, I have no objection to the amendment of the Senator from Washington.

Mr. KING. Is this a bill for the purpose of advancing people in the Coast Guard Service to the rank of admiral and rear admiral? I thought it was a bill for the purpose of readjusting the compensation of certain persons in the Coast Guard Service.

Mr. JONES. Let me explain. Under existing law the Director and the field engineer of the Coast and Geodetic Survey have relative rank as officers of the Navy. They are embraced in the title of this act.

The director of the survey is the only head of a bureau in the Department of Commerce who is getting less than $7,500 a year. Every other one is getting at least $7,500 a year. I think the Senator is fully acquainted with the ability and the work of Col. E. Lester Jones. He is the man who is at the head of the Coast and Geodetic Survey at this time. He has about 1,500 employees under him. There are two under him who get the same pay he now receives, and there are 7 or 8 or 9 under him who get more pay than he receives now. It does not seem to me that that is right. The services of Colonel Jones, I am sure, equal the service of the head of any bureau of the Department of Commerce, or any other department, for that matter. I know the Senator has been acquainted with him for a long time. I have been brought in close touch with him, and I think if any of the heads of these bureaus deserve compensation equal to that of the heads of bureaus of other departments, Colonel Jones does. In addition to serving as the head of the Coast and Geodetic Survey, he is on the International Boundary Commission, for which he gets no increased pay. He does not even get his traveling expenses in connection with the International Boundary Commission.

Mr. KING. The Senator misapprehended my inquiry. I did not understand that this was a measure for the purpose of advancing persons in the Coast Guard and the Geodetic Survey to higher positions.

Mr. JONES. I am not thoroughly familiar with the other features of this bill, but it seemed to me from the title that this amendment was very appropriate.

Mr. FLETCHER. Will not the Senator state his amendment? I quite agree with all he says.

Mr. JONES. I will ask that the amendment be read.

The Chief Clerk read the amendment.

Mr. JONES. As I said, the law now places these officers on an equality in rank with those in the Navy.

Mr. SWANSON. Mr. President, when the Coast Guard and the Geodetic Survey were made a part of the Navy, I think I was chairman of the Committee on Naval Affairs. We fixed the pay and allowances of the head of the Coast and Geodetic Survey at those of a captain. There has been no possibility of any increase. All the other chiefs of bureaus in the Navy get the pay of rear admirals. All this amendment does is to extend to Colonel Jones what the chiefs of all other bureaus receive.

Mr. HALE. No, Mr. President; I think the Senator is in error in that. The chiefs of bureaus in the Navy get the pay of rear admiral of the upper half.

Mr. SWANSON. This is limited to the lower half. This would provide for less than the others get.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF SALARY RATES IN THE CIVIL SERVICE

The VICE PRESIDENT. Under the unanimous-consent agreement the Senate reverts to Calendar No. 1200, and the Chair now lays the bill before the Senate.

The bill (H. R. 6518) to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," was considered as in Committee of the Whole. The bill had been reported from the Committee on Civil Service with amendments.

The first amendment of the Committee on Civil Service was, under the heading "Professional and scientific service," on page 2, line 16, before the figures "$2,400," to strike out "and" and after the same figures to insert a comma and "$2,500, and $2,600," so as to read:

Grade 1 in this service, which may be referred to as the junior professional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, simple and elementary work requiring professional, scientific, or technical training as herein specified but little or no experience.

The annual rates of compensation for positions in this grade shall be $2,000, $2,100, $2,200, $2,300, $2,400, $2,500, and $2,600.

The amendment was agreed to.

The next amendment was, on page 3, line 2, before the figures "$3,000," to strike out "and," and after the same figures to insert a comma and "$3,100, and $3,200," so as to read:

Grade 2 in this service, which may be referred to as the assistant professional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, individually or with a small number of subordinates, work requiring professional, scientific, or technical training as herein specified, previous experience, and, to a limited extent, the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be $2,600, $2,700, $2,800, $2,900, $3,000, $3,100, and $3,200.

The amendment was agreed to.

The next amendment was, on page 3, line 13, before the figures "$3,600," to strike out "and" and after the same figures to insert a comma and "$3,700, and $3,800," so as to read:

Grade 3 in this service, which may be referred to as the associate professional grade, shall include all classes of positions the duties of which are to perform, individually or with a small number of trained assistants, under general supervision but with considerable latitude for the exercise of independent judgment, responsible work requiring extended professional, scientific, or technical training and considerable previous experience.

The annual rates of compensation for positions in this grade shall be $3,200, $3,300, $3,400, $3,500, $3,600, $3,700, and $3,800.

Mr. JONES. Mr. President, I want to ask the Senator in charge of the bill a question. I have received two or three letters from employees of the Government claiming that the bill discriminates against the lower paid employees of the Government. I have not had the opportunity to examine it carefully to see whether that is correct. One letter came to me saying that there is a joker in the bill which discriminates against the lower paid employees. I will state for myself that I think the lower paid employees in the District of Columbia are the ones who should have consideration. I am not objecting to the terms of the bill relating to those higher paid, but I hope that the Senator is certain that the bill really does justice to the lower paid employees. I would like to have a statement from the Senator.

Mr. BROOKHART. With the Senate amendments I think there is no doubt that we have taken care of that proposition fully.

Mr. McKELLAR. Indeed, that is the very purpose of the Senate amendments. It is to equalize and benefit the lower paid employees of the Government.

Mr. JONES. I am glad to know that.

Mr. FLETCHER. Mr. President, what does the Senator mean by "Senate amendments"? Does he mean the amendments reported by the Senate committee?

Mr. BROOKHART. Yes.

Mr. FLETCHER. They are not yet adopted.

Mr. McKELLAR. The amendments referred to by the Senator from Iowa are the very amendments that the Senator from Florida and the Senator from Washington are talking about.

Mr. FLETCHER. They are the amendments reported by the committee?

Mr. McKELLAR. Yes.

Mr. BROOKHART. If the Senator from Washington will get the report——

Mr. BLAINE. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. BROOKHART. I yield.

Mr. BLAINE. The complaints which the Senator from Washington has received, I rather assume, are complaints that related to the bill as it read before the Senate committee recommended its amendments.

Mr. JONES. Yes; I think that is true.

Mr. BLAINE. I received the same complaints and objections and suggestion that there was a joker, and the joker was pointed out; but I think all those objections have been overcome.

Mr. DILL. Mr. President, I want to ask the Senator from Iowa a question. We have reached now the amendment on page 3, line 14, as I understand, which proposes to insert two new increases, one of $3,700 and the other of $3,800. We are told that the total required under the Senate bill will endanger its being signed by the President because of too much money being necessary to carry out the terms of the bill. I want to ask the Senator whether, if that be the case, it would not be well not to amend the higher-paid positions, but leave those as the House bill left them and leave some of those positions without increases in order not to increase the total amount to a point where the President might veto the bill.

Mr. BROOKHART. I am glad to answer the Senator's question and when the bill is explained I think he will see why all these amendments should be adopted.

I invite now attention to the report, page 4, to the schedule that is printed there. Since all the amendments come under the same explanation, I will start with the first one in group 1, under professional and scientific services.

The existing law is set out there, with the compensation of the various steps under grade 1. If the Senator will count them, he will see there are seven of them. Under the Welch bill as it came from the House those were reduced to five in number. They are the five that are underneath the last five of the existing law. That produced this sort of confusion. Steps 1 and 2 are crowded up, and so are all the others, but steps 6 and 7 have no place to go. They will stay in No. 5 of the new classification. The two of $2,500 and $2,600 are the two that were added by the committee amendment. We did that in order to make the same number of steps in the new law as were used in the old law. That gives a uniform advancement to all of the employees and there is no confusion by grading seven steps instead of five.

Under the Welch bill as it came from the House that $2,300 in the old law, next to the last, would go up to $2,400, but the $2,400 would stay where it was. That is the injustice which the Senator from Washington [Mr. JONES] mentions. It was the highest step of the lowest grades where the discrimination occurred.

Mr. McKELLAR. The Senate committee amendment makes it mandatory.

Mr. BROOKHART. The Senate committee amendment makes it mandatory for these increases. They average $140 to $200 in the first grade. There is a similar proportion that runs through all the Senate amendments. We have treated everybody in proportion and alike as nearly as possible.

The Senator from Michigan [Mr. COUZENS] had in the tax bill some higher-paid cases in the Treasury Department. They were taken out of the tax bill and put into this bill. We have not disturbed those, because there seemed to be special reason for the adoption of those salaries.

We have just added enough steps to those to make it uniform and get rid of all the confusion of every kind. We know from the way we have amended it exactly where everybody is coming out, but if we crowd seven steps into five, then we would have to figure, by astronomy and astrology and I do not know what, to find out where everybody went and what salary he would get. There was some dissatisfaction with that arrangement, of course.

Mr. GEORGE. Mr. President——

Mr. BROOKHART. I yield to the Senator from Georgia.

Mr. GEORGE. I direct the Senator's respectful attention to the provisions on page 23 of the bill. He will recall that in committee we believed it to be necessary to add the same number of steps at the top of the grade as were taken off at the bottom of the grade, so that in making the adjustments the heads of the departments and those charged with the task might without any difficulty comply with the provisions in rating the positions of the employees affected and so that they might retain in the classification schedule the same relative positions as they hold at the time the law goes into effect. By the addition of the steps at the top of the group that provision of the law will be easily administered, and it will make certain to the employees just what increase in salary they will get, without depending upon the uncertainty involved in a decision of the chief clerk and the classification board.

Mr. BROOKHART. The Senator's suggestion is absolutely correct. The provisions on page 23, in reference to the relative positions, are such that it was feared they could not be administered at all under the arrangement of the bill as it came from the House, but it is perfectly simple and perfectly easy with the Senate committee amendments.

Mr. DILL. Mr. President, will the Senator come back to my question which I asked at the beginning of the discussion, as to whether, in view of the fact that it is said the Senate amendments will increase the cost of the bill to such an extent that it may be vetoed, it would not be wise not to make the increases made in the Senate committee amendments of $3,700 and $3,800, and also in the higher grades that are increased by the Senate committee amendments?

Mr. BROOKHART. There are only a few employees in those grades, and it would not make much difference in the total amount, but I think that I can explain to the Senator a little later that we will not have that difficulty about the cost of the bill.

Mr. DILL. I want to say to the Senator that I have no objection to those in the higher grades receiving a proportionate increase, but if the bill is to hang upon the question of passage or defeat, or whether it will be signed or vetoed by the President is to depend upon whether or not it increases the cost to $18,000,000, then I hope the bill may be so worded as to increase the lower-paid employees and allow the others to wait.

Mr. BROOKHART. I am in accord with the Senator's suggestion in that proposition, but I will explain to him the situation about the cost of the bill, so I think that question will not arise in any serious way.

Mr. REED of Missouri. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. BROOKHART. Certainly.

Mr. REED of Missouri. I want to see the bill passed, and passed as it ought to be passed—upon its merits. I am growing a little tired of word being sent over to Congress via grapevine every few days that if Congress dares to do certain things a veto will be interposed. I think we have a Government of three coordinate branches, each independent of the other; that each branch ought to assume its own responsibilities and pursue its own course of right without interference by any other branch, without any kind of coercion or threat by any other branch. I am in favor of Congress, in connection with this bill and every other bill, doing the thing that in its judgment seems right and taking the responsibility for its acts. I am in favor then of the Executive pursuing the course that to him seems right, and taking the responsibility for his acts.

The idea of Congress legislating, to use a very poor figure of speech, under the Executive gun, and pursuing a course that is not in accordance with its own judgment lest a veto might come, is obnoxious to the very spirit of the Government and is destructive of the independence of Congress. It is just as unjustifiable as if Congress were to send word to the President that if he dared veto a certain bill they would cut off his salary or would resort to some other coercive measure. That is not the business of the Congress; it is not the proper thing to do; and it is just as improper for us to change our course of legislation because of an Executive threat.

I would not take the time of the Senate at this hour of the evening to make these remarks if this intimation had come with reference to this single bill, but we have had it repeatedly through the entire session. So far as I am concerned, I propose to vote for what I think I ought to vote for, taking the responsibility for my own act; and if the President then sees fit to veto a bill that the majority of Congress have concurred

in, he must accept that responsibility. It is time to cease the practice of Executive interference with legislative conduct; and I repeat that any such attempt is quite as unjustifiable on the part of the Executive as it would be if the Congress undertook to coerce the Executive.

I am not charging the Executive has done these things, but it has been talked throughout this session with reference, not only to this bill, but to many other bills, "If you do not make some changes, a veto will come." That has been so persistent that I have arrived at the conclusion that this word is sent down here for the purpose of directing and interfering in matters of legislation. Let us do the thing on this bill and on every other bill that in our judgment is right, and let the Executive pursue his own course and accept his own share of the responsibility.

Mr. COPELAND. Mr. President——

Mr. BROOKHART. Before I yield to the Senator from New York, I want to say that, so far as I am personally concerned I am in entire accord with everything the Senator from Missouri [Mr. REED] has said; but I wish, further, to say that, so far as the committee is concerned, there has been no threat or suggestion come to us from the Executive. If there is any thought of vetoing this bill, we know nothing about it. The committee has proceeded upon the merits of the question and has every confidence that it will receive that kind of consideration when it reaches the Executive.

Mr. REED of Missouri. If the Senator from Iowa will pardon me for a moment longer, I desire to say that my remarks were prompted by the statement made by my good friend from Washington [Mr. DILL], who undoubtedly spoke as he did because he thought the interest of the bill might demand that kind of consideration.

Mr. DILL. Mr. President, may I say that I wish we might have a President, and I should not object if it were the Senator from Missouri, who would set such an example as the Senator has so well suggested this evening. I am perfectly willing that the Congress shall do as the Senator suggests; but I recognize the situation, as every other Senator should, that we are nearing the closing days of the session. This bill may or may not become a law, depending upon the judgment that we use under the circumstances; and a substantial increase to those who are receiving extremely low salaries is of such great importance to them that I have not worried particularly about the theory of government in this bill, which we so often disregard in the case of other legislation.

Mr. BROOKHART. Mr. President, I should like to proceed briefly with the explanation, and then have the remaining committee amendments considered.

Mr. COPELAND. I desire to ask a question before the Senator proceeds, because I should like to have him answer it in his remarks. I should like to say, first, that I am in the fullest accord with what the Senator from Missouri [Mr. REED] has said. Certainly it is our duty to do what we think is right, and then the President must do as he thinks best. I should like to ask the Senator from Iowa if he will, in his explanation, point out why on page 4 of the report, in the first group, in grade 5, I observe in the Welch bill the rates are lower than in the existing law; and that occurs also in grades 6 and 7, and on the next page, page 5.

Mr. BROOKHART. In the case of grades 5 and 6 there has been a division of the old grades; they do not exactly compare, and when we take the two together there have been added grades that really increase all of them. The salary of nobody is reduced.

Mr. COPELAND. That does not mean, then, that there is an actual decrease anywhere?

Mr. BROOKHART. No; the bill affirmatively provides against any decrease in salary.

Mr. COPELAND. I want to be sure that there is an increase everywhere.

Mr. BROOKHART. There is no doubt about that.

Mr. COPELAND. Because, certainly, one in reading the report would get the impression that in certain grades there was a decrease rather than an increase.

Mr. BROOKHART. There might be that impression from the way that is arranged, but it does not work out that way, because, as the Senator will notice, there are new grades added down below.

Mr. COPELAND. Then it does mean that in every grade, all along the line, there will be an increase?

Mr. BROOKHART. Absolutely.

Mr. COPELAND. I am glad to hear that.

Mr. BROOKHART. There is no doubt about that.

Mr. NEELY. Mr. President, will the Senator from Iowa yield to me for just a moment?

Mr. BROOKHART. I will yield for a moment.

Mr. NEELY. Mr. President, if the Senate is to render the Federal employees any relief at this session, it must be done in the next 37 minutes, because this session to-night must end at 11 o'clock. I, therefore, beg the friends of the Federal employees to let the Senator from Iowa proceed with his explanation to the end, and let us vote on this bill before the clock strikes 11.

Mr. BROOKHART. I will finish my explanation in a very few moments if I am not interrupted. The only other question, I think, which I need answer at this time is the question asked by the Senator from Washington as to the cost of the bill. It is estimated by the Budget Bureau that the cost will be twenty-three million and odd thousand dollars. They have explained how they made that estimate. They took the average allowed under the old law and the average allowed by the Welch bill, added them up, subtracted one from the other, and reached the figure $23,000,000.

The appropriations under the old law have never permitted the payment of the full average provided under the old law, and when that is taken into consideration it reduces the $23,000,000 estimate down to about $20,000,000, which is approximately the sum this bill will cost. It will probably cost a little more than that, because after we arrived at these figures, we added 5 cents an hour for the charwomen and some others who work hard and are really most entitled to an increase.

If I am mistaken in the figures and if the cost will go beyond the point we claim it will go, we will correct the matter in conference. We can not secure that evidence to-night, but I have the evidence, and I think it is quite conclusive, in support of the position that I have taken. Therefore, Mr. President, I should like to proceed with the committee amendments.

The VICE PRESIDENT. Without objection, the committee amendment last stated is agreed to.

Mr. HALE. Mr. President, I should like to ask the Senator a question. On page 23 of the bill, at the beginning of section 2, the following language appears:

> Upon the passage of this act the board shall forthwith make a survey of the classes of civilian positions in the various field services, exclusive of the Postal Service, Foreign Service, and employees in the mechanical and drafting groups whose wages are now or have heretofore been fixed by wage boards or similar authority.

Do I understand that the particular classes referred to are left out at their own request?

Mr. BROOKHART. Yes. That provision is inserted for the purpose of securing information. We did not have accurate information as to the number of employees in some of the services referred to, and that provision is really to enable a census to be taken of such employees.

Mr. HALE. I have heard some complaints from employees in the mechanical group who say that they wanted to come under the provisions of this bill. Is that true?

Mr. BROOKHART. Those excluded were left out at their own request.

The VICE PRESIDENT. The next amendment of the committee will be stated.

The next amendment was, on page 3, line 22, before the figures "$4,400," to strike out "and," and after the same figures to insert a comma and "and $4,600," so as to read:

> Grade 4 in this service, which may be referred to as the full professional grade, shall include all classes of positions the duties of which are to perform, under general supervision, difficult and responsible work requiring considerable professional, scientific, or technical training and experience, and the exercise of independent judgment.
>
> The annual rates of compensation for positions in this grade shall be $3,800, $4,000, $4,200, $4,400, and $4,600.

The amendment was agreed to.

The next amendment was, on page 4, line 7, before the figures "$5,200," to strike out "and," and after the same figures to insert a comma and "and $5,400," so as to read:

> Grade 5 in this service, which may be referred to as the senior professional grade, shall include all classes of positions the duties of which are to perform, under general administrative supervision, important specialized work requiring extended professional, scientific, or technical training and experience, the exercise of independent judgment, and the assumption of responsibility for results, or for the administration of a small scientific or technical organization.
>
> The annual rates of compensation for positions in this grade shall be $4,600, $4,800, $5,000, $5,200, and $5,400, unless a higher rate is specifically authorized by law.

The amendment was agreed to.

The next amendment was, under the heading "Subprofessional service," on page 6, line 13, before the figures "$1,320," to strike out "and," and after the same figures to insert a comma and "and $1,380," so as to read:

Grade 1 in this service, which may be referred to as the minor subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, the simplest routine work in a professional, scientific, or technical organization.

The annual rate of compensation for positions in this grade shall be $1,020, $1,080, $1,140, $1,200, $1,260, $1,320, and $1,380.

The amendment was agreed to.

The next amendment was, on page 6, line 23, before the figures "$1,560," to strike out "and," and after the same figures to insert a comma and "and $1,620," so as to read:

Grade 2 in this service, which may be referred to as the undersubprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, assigned subordinate work of a professional, scientific, or technical character, requiring limited training or experience, but not the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be $1,260, $1,320, $1,380, $1,440, $1,500, $1,560, and $1,620.

The amendment was agreed to.

The next amendment was, on page 7, line 7, before the figures "$1,740," strike out "and," and after the same figures to insert a comma and "and $1,800," so as to read:

Grade 3 in this service, which may be referred to as the junior subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, subordinate work of a professional, scientific, or technical character, requiring considerable training or experience, but not the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be $1,440, $1,500, $1,560, $1,620, $1,680, $1,740, and $1,800.

The amendment was agreed to.

The next amendment was, on page 7, line 17, before the figures "$1,920," to strike out "and," and after the same figures to insert a comma and "and $1,980," so as to read:

Grade 4 in this service, which may be referred to as the assistant subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, subordinate work of a professional, scientific, or technical character, requiring considerable training or experience, and, to a limited extent, the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be $1,620, $1,680, $1,740, $1,800, $1,860, $1,920, and $1,980.

The amendment was agreed to.

The next amendment was, on page 8, line 4, before the figures "$2,040," to strike out "and," and after the same figures to insert a comma and "$2,100, and $2,160," so as to read:

Grade 5 in this service, which may be referred to as the main subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, subordinate work of a professional, scientific, or technical character requiring a thorough knowledge of a limited field of professional, scientific, or technical work, and the exercise of independent judgment, or to supervise the work of a small number of employees performing the duties of an inferior grade in the subprofessional service.

The annual rates of compensation for positions in this grade shall be $1,800, $1,860, $1,920, $1,980, $2,040, $2,100, and $2,160.

The amendment was agreed to.

The next amendment was, on page 8, line 16, before the figures "$2,400," to strike out "and," and after the same figures to insert a comma and "$2,500, and $2,600," so as to read:

Grade 6 in this service, which may be referred to as the senior subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, subordinate but difficult and responsible work of a professional, scientific, or technical character, requiring a thorough knowledge of a limited field of professional, scientific, or technical work, and the exercise of independent judgment, or to supervise the work of a small number of employees holding positions in grade 5 of this service.

The annual rates of compensation for positions in this grade shall be $2,000, $2,100, $2,200, $2,300, $2,400, $2,500, and $2,600.

The amendment was agreed to.

The next amendment was, on page 9, line 2, before the figures "$2,700," to strike out "and," and after the same figures to insert a comma and "$2,800, and $2,900," so as to read:

Grade 7 in this service, which may be referred to as the principal subprofessional grade, shall include all classes of positions the duties of which are to perform, under general supervision, subordinate but responsible work of a professional, scientific, or technical character requiring a working knowledge of the principles of the profession, art, or science involved, and the exercise of independent judgment, or to supervise the work of a small number of employees holding positions in grade 6 of this service.

The annual rates of compensation for positions in this grade shall be $2,300, $2,400, $2,500, $2,600, $2,700, $2,800, and $2,900.

The amendment was agreed to.

The next amendment was, on page 9, line 14, before the figures "$3,000," to strike out "and," and after the same figures to insert a comma and "$3,100, and $3,200," so as to read:

Grade 8 in this service, which may be referred to as the chief subprofessional grade, shall include all classes of positions the duties of which are to perform, under general supervision, subordinate but difficult and responsible work of a professional, scientific, or technical character, requiring a thorough working knowledge of the principles of the profession, art, or science involved, and the exercise of independent judgment, or to supervise the work of a small number of employees holding positions in grade 7 of this service.

The annual rates of compensation for positions in this grade shall be $2,600, $2,700, $2,800, $2,900, $3,000, $3,100, and $3,200.

The amendment was agreed to.

The next amendment was, under the heading "Clerical, administrative, and fiscal service," on page 10, at the end of line 2, before the figures "$1,560," to strike out "and," and after the same figures to insert a comma and "and $1,620," so as to read:

CLERICAL, ADMINISTRATIVE, AND FISCAL SERVICE

The clerical, administrative, and fiscal service shall include all classes of positions the duties of which are to perform clerical, administrative, or accounting work, or any other work commonly associated with office, business, or fiscal administration.

Grade 1 in this service, which may be referred to as the underclerical grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, the simplest routine office work.

The annual rates of compensation for positions in this grade shall be $1,260, $1,320, $1,380, $1,440, $1,500, $1,560, and $1,620.

The amendment was agreed to.

The next amendment was, on page 10, at the end of line 10, before the figures "$1,740," to strike out "and," and after the same figures to insert a comma and "and $1,800," so as to read:

Grade 2 in the service, which may be referred to as the junior clerical grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, assigned office work requiring training or experience but not the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be $1,440, $1,500, $1,560, $1,620, $1,680, $1,740, and $1,800.

The amendment was agreed to.

The next amendment was, on page 10, at the end of line 20, before the figures "$1,920," to strike out "and," and after the same figures to insert a comma and "and $1,980," so as to read:

Grade 3 in the service, which may be referred to as the assistant clerical grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, assigned office work requiring training and experience and knowledge of a specialized subject matter or the exercise of independent judgment or to supervise a small section performing simple clerical operations.

The annual rates of compensation for positions in this grade shall be $1,620, $1,680, $1,740, $1,800, $1,860, $1,920, and $1,980.

The amendment was agreed to.

The next amendment was, on page 11, at the end of line 6, before the figures "$2,100," to strike out "and," and after the same figures to insert a comma and "and $2,200," so as to read:

Grade 4 in this service, which may be referred to as the main clerical grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, responsible office work requiring training and experience, the exercise of independent judgment or knowledge of a specialized subject matter or both, and an acquaintance with office procedure and practice, or to supervise a small stenographic section or a small section performing clerical operations of corresponding difficulty.

The annual rates of compensation for positions in this grade shall be $1,800, $1,860, $1,920, $1,980, $2,040, $2,100, and $2,200.

The amendment was agreed to.

The next amendment was, on page 11, line 20, before the figures "$2,400," to strike out "and," and after the same figures to insert a comma and "$2,500, and $2,600," so as to read:

Grade 5 in this service, which may be referred to as the senior clerical grade, shall include all classes of positions the duties of which

are to perform, under general supervision, difficult and responsible office work requiring considerable training and experience, the exercise of independent judgment or knowledge of a specialized subject matter or both, and a thorough knowledge of office procedure and practice, or to supervise a large stenographic section or any large section performing simple clerical operations or to supervise a small section engaged in difficult but routine office work.

The annual rates of compensation for positions in this grade shall be $2,000, $2,100, $2,200, $2,300, $2,400, $2,500, and $2,600.

The amendment was agreed to.

The next amendment was, on page 12, line 10, before the figures "$2,700," to strike out "and," and after the same figures to insert a comma and "$2,800, and $2,900," so as to read:

Grade 6 in this service, which may referred to as the principal clerical grade, shall include all classes of positions, the duties of which are to perform, under general supervision, exceptionally difficult and responsible office work requiring extended training and experience, the exercise of independent judgment or knowledge of a specialized and complex subject matter, or both, and a thorough knowledge of office procedure and practice, or to serve as the recognized authority or adviser in matters requiring long experience and an exceptional knowledge of the most difficult and complicated procedure or of a very difficult and complex subject, or to supervise a large or important office organization engaged in difficult or varied work.

The annual rates of compensation for positions in this grade shall be $2,300, $2,400, $2,500, $2,600, $2,700, $2,800, and $2,900.

The amendment was agreed to.

The next amendment was, on page 12, line 23, before the figures "$3,000," to strike out "and," and after the same figures to insert a comma and "$3,100, and $3,200," so as to read:

Grade 7 in this service, which may be referred to as the assistant administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, responsible office work along specialized and technical lines requiring specialized training and experience and the exercise of independent judgment, or as chief clerk to supervise the general business operations of a small, independent establishment or a minor bureau or division of an executive department, or to supervise a large or important office organization engaged in difficult and specialized work.

The annual rates of compensation for positions in this grade shall be $2,600, $2,700, $2,800, $2,900, $3,000, $3,100, and $3,200.

The amendment was agreed to.

The next amendment was, on page 13, line 9, before the figures "$3,300," to strike out "and," and after the same figures to insert a comma and "$3,400, and $3,500," so as to read:

Grade 8 in this service, which may be referred to as the associate administrative grade, shall include all classes and positions the duties of which are to perform, under general supervision, difficult and responsible office work along specialized and technical lines requiring specialized training and experience and the exercise of independent judgment, or to supervise a large or important office organization engaged in work involving specialized training on the part of the employees.

The annual rates of compensation for positions in this grade shall be $2,900, $3,000, $3,100, $3,200, $3,300, $3,400, and $3,500.

The amendment was agreed to.

The next amendment was, on page 13, line 24, before the figures "$3,600," to strike out "and," and after the same figures to insert a comma and "$3,700, and $3,800," so as to read:

Grade 9 in this service, which may be referred to as the full administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, exceptionally difficult and responsible office work along specialized and technical lines, requiring considerable specialized training and experience and the exercise of independent judgment, or as chief clerk, to supervise the general business operations of a large independent establishment or a major bureau or division of an executive department, or to supervise a large or important office organization engaged in work involving technical training on the part of the employees.

The annual rates of compensation for positions in this grade shall be $3,200, $3,300, $3,400, $3,500, $3,600, $3,700, and $3,800.

The amendment was agreed to.

The next amendment was, on page 14, line 11, before the figures "$3,900," to strike out "and," and after the same figures to insert a comma and "$4,000, and $4,100," so as to read:

Grade 10 in this service, which may be referred to as the senior administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, the most difficult and responsible office work along specialized and technical lines, requiring extended training, considerable experience, and the exercise of independent judgment, or to supervise a large or important office organization engaged in work involving considerable technical training and experience on the part of the employees.

The annual rates of compensation for positions in this grade shall be $3,500, $3,600, $3,700, $3,800, $3,900, $4,000, and $4,100.

The amendment was agreed to.

The next amendment was, on page 14, line 23, before the figures "$4,400," to strike out "and," and after the same figures to insert a comma and "and $4,600," so as to read:

Grade 11 in this service, which may be referred to as the principal administrative grade, shall include all classes of positions the duties of which are to perform the most difficult and responsible office work along specialized and technical lines requiring extended training and experience, and the exercise of independent judgment, or to supervise a large or important office organization engaged in work involving extended training and considerable experience on the part of the employees.

The annual rates of compensation for positions in this grade shall be $3,800, $4,000, $4,200, $4,400, and $4,600.

The amendment was agreed to.

The next amendment was, on page 15, line 9, before the figures "$5,200," to strike out "and," and after the same figures to insert a comma and "and $5,400," so as to read:

Grade 12 in this service, which may be referred to as the head administrative grade, shall include all classes of positions the duties of which are to perform the most difficult and responsible office work along specialized and technical lines requiring extended training and experience, the exercise of independent judgment, and the assumption of full responsibility for results, or to supervise a large and important office organization engaged in work involving extended training and experience on the part of the employees.

The annual rates of compensation for positions in this grade shall be $4,600, $4,800, $5,000, $5,200, and $5,400, unless a higher rate is specifically authorized by law.

The amendment was agreed to.

The next amendment was, under the heading "Custodial service," on page 17, line 21, before the word "cents," to strike out "45" and insert "50"; and in line 22, before the word "cents," to strike out "50" and insert "55," so as to read:

Grade 2 in this service, which may be referred to as the office-laborer grade, shall include all classes of positions the duties of which are to handle desks, mail sacks, and other heavy objects, and to perform similar work ordinarily required of unskilled laborers; to operate elevators; to clean office rooms; or to perform other work of similar character.

The annual rate of compensation for positions in this grade shall be $1,080, $1,140, $1,200, $1,260, $1,320, and $1,380: *Provided*, That charwomen working part time be paid at the rate of 50 cents an hour and head charwomen at the rate of 55 cents an hour.

The amendment was agreed to.

The next amendment was, on page 19, line 5, before the figures "$1,620," to strike out "and"; and after the same figures to insert a comma and "and $1,680," so as to read:

Grade 4 in this service, which may be referred to as the undercustodial grade, shall include all classes of positions the duties of which are to perform, under general supervision, custodial work of a responsible character, such as supervising a small force of unskilled laborers, directly supervising a small detachment of watchmen or building guards, firing and keeping up steam in heating apparatus and operating the boilers and other equipment used for heating purposes, or performing general semimechanical new or repair work requiring some skill with hand tools.

The annual rates of compensation for positions in this grade shall be $1,320, $1,380, $1,440, $1,500, $1,560, $1,620, and $1,680.

The amendment was agreed to.

The next amendment was, on page 19, line 16, before the figures "$1,800," to strike out "and," and after the same figures to insert a comma and "and $1,860," so as to read:

Grade 5 in this service, which may be referred to as the junior custodial grade, shall include all classes of positions the duties of which are to have general supervision over a small force of watchmen or building guards, or to have direction of a considerable detachment of such employees, to supervise the operation and maintenance of a small heating plant and its auxiliary equipment, or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be $1,500, $1,560, $1,620, $1,680, $1,740, $1,800, and $1,860.

The amendment was agreed to.

The next amendment was, on page 19, line 26, before the figures "$1,980," to strike out "and," and after the same figures to insert a comma and "and $2,040," so as to read:

Grade 6 in this service, which may be referred to as the assistant custodial grade, shall include all classes of positions the duties of which are to assist in the supervision of large forces of watchmen and building guards, or to have general supervision over smaller forces, to supervise a large force of unskilled laborers, to repair office appliances, or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be $1,680, $1,740, $1,800, $1,860, $1,920, $1,980, and $2,040.

The amendment was agreed to.

The next amendment was, on page 20, line 12, before the figures "$2,200," to strike out "and," and after the same figures to insert a comma and "and $2,300," so as to read:

Grade 7 in this service, which may be referred to as the main custodial grade, shall include all classes of positions the duties of which are to supervise the work of skilled mechanics; to supervise the operation and maintenance of a large heating, lighting, and power plant and all auxiliary mechanical and electrical devices and equipment; to have general supervision over large forces of watchmen and building guards; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be $1,860, $1,920, $1,980, $2,040, $2,100, $2,200, and $2,300.

The amendment was agreed to.

The next amendment was, on page 20, line 23, before the figures "$2,400," to strike out "and," and after the same figures to insert a comma and "$2,500, and $2,600," so as to read:

Grade 8 in this service, which may be referred to as the senior custodial grade, shall include all classes of positions the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a small building, or to assist in the direction of such employees when engaged in similar duties in a large building, or to perform other custodial work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be $2,000, $2,100, $2,200, $2,300, $2,400, $2,500, and $2,600.

The amendment was agreed to.

The next amendment was, on page 21, line 10, before the figures "$2,700," to strike out "and," and after the same figures to insert a comma and "$2,800, and $2,900," so as to read:

Grade 9 in this service, which may be referred to as the principal custodial grade, shall include all classes of positions the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a large building, or to assist in the direction of such employees when engaged in similar duties in a group of buildings; or to perform other custodial work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be $2,300, $2,400, $2,500, $2,600, $2,700, $2,800, and $2,900.

The amendment was agreed to.

The next amendment was, on page 21, line 21, before the figures "$3,000," to strike out "and," and after the same figures to insert a comma and "$3,100, and $3,200," so as to read:

Grade 10 in this service, which may be referred to as the chief custodial grade, shall include all classes of positions the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a group of buildings, or to perform other custodial work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be $2,600, $2,700, $2,800, $2,900, $3,000, $3,100, and $3,200.

The amendment was agreed to.

The next amendment was, under the heading "Clerical-mechanical service," on page 22, line 11, after the word "be," to strike out "50" and insert "55"; and in the same line, before the word "cents," to strike out "55" and insert "60," so as to read:

Grade 1 shall include all classes of positions in this service the duties of which are to perform the simplest operations or processes requiring special skill and experience.

The rates of compensation for classes of positions in this grade shall be 55 to 60 cents an hour.

The amendment was agreed to.

The next amendment was, on page 22, line 17, after the word "be," to strike out "60" and insert "65"; and in the same line, before the word "cents," to strike out "65" and insert "70," so as to read:

Grade 2 shall include all classes of positions in this service the duties of which are to operate simple machines or to perform operations or processes requiring a higher degree of skill than those in grade 1.

The rates of compensation for classes of positions in this grade shall be 65 to 70 cents an hour.

The amendment was agreed to.

The next amendment was, on page 22, line 23, after the word "be," to strike out "70" and insert "75," and in the same line, before the word "cents," to strike out "75" and insert "80," so as to read:

Grade 3 shall include all classes of positions in this service the duties of which are to operate machines or to perform operations or processes requiring the highest degree of skill, or supervise a small number of subordinates.

The rates of compensation for classes of positions in this grade shall be 75 to 80 cents an hour.

The amendment was agreed to.

The VICE PRESIDENT. That completes the committee amendments.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a pair with the junior Senator from Indiana [Mr. ROBINSON]. I am informed that if he were present he would vote as I intend to vote. I therefore feel at liberty to vote and vote "yea."

Mr. COPELAND (when Mr. WAGNER'S name was called). My colleague [Mr. WAGNER] is necessarily detained from the Senate. If he were present, he would vote "yea."

Mr. WALSH of Montana (when his name was called). I have a pair on this question with the Senator from Vermont [Mr. DALE]. I am advised, however, that if he were present he would vote as I shall vote. I accordingly vote "yea."

The roll call was concluded.

Mr. HALE. My colleague [Mr. GOULD] is absent from the Chamber. If he were present, he would vote "yea."

Mr. REED of Pennsylvania (after having voted in the affirmative). I have a general pair with the Senator from Delaware [Mr. BAYARD]. I believe that he would vote "yea" on this question, but I am not sure about it; so I transfer that pair to the Senator from Vermont [Mr. GREENE], and will allow my vote to stand.

Mr. NEELY. My colleague, the junior Senator from West Virginia [Mr. GOFF], is unavoidably absent. He is in favor of this bill, and I am authorized to say that if he were present he would vote "yea."

Mr. WALSH of Massachusetts. The junior Senator from Maryland [Mr. TYDINGS] is unavoidably detained from the Chamber. If he were present, he would vote "yea."

Mr. BROUSSARD. My colleague [Mr. RANSDELL] is unavoidably absent. If present, he would vote "yea."

Mr. ASHURST. My colleague, the junior Senator from Arizona [Mr. HAYDEN], is unavoidably absent. If present, he would take great pleasure in voting "yea."

Mr. SWANSON. My colleague [Mr. GLASS] is unavoidably detained from the Senate. If present, he would vote "yea."

Mr. HEFLIN. The Senator from New Jersey [Mr. EDWARDS] is unavoidably absent. I understand that if he were present, he would vote "yea."

Mr. NYE. I desire to announce the necessary absence of my colleague [Mr. FRAZIER]. If present, he would vote "yea."

Mr. JONES. I desire to announce the necessary absence of the Senator from New Hampshire [Mr. KEYES]. If present, he would vote "yea."

Mr. HEFLIN. I desire to announce that the Senators from North Carolina [Mr. SIMMONS and Mr. OVERMAN] are necessarily absent. If present, they would vote "yea."

The result was announced—yeas 48, nays 0, as follows:

YEAS—48

Ashurst	Dill	Locher	Reed, Mo.
Barkley	Fess	McKellar	Reed, Pa.
Black	Fletcher	McMaster	Robinson, Ark.
Blaine	George	McNary	Sheppard
Bratton	Hale	Mayfield	Shortridge
Brookhart	Harris	Metcalf	Stephens
Broussard	Harrison	Neely	Swanson
Bruce	Hawes	Nye	Tyson
Capper	Heflin	Oddie	Vandenberg
Copeland	Jones	Phipps	Walsh, Mass.
Cutting	Kendrick	Pine	Walsh, Mont.
Deneen	La Follette	Pittman	Waterman

NOT VOTING—46

Bayard	Borah	Curtis	Edge
Bingham	Caraway	Dale	Edwards
Blease	Couzens	du Pont	Frazier

Gerry	Johnson	Robinson, Ind.	Thomas
Gillett	Keyes	Sackett	Trammell
Glass	King	Schall	Tydings
Goff	McLean	Shipstead	Wagner
Gooding	Moses	Simmons	Warren
Gould	Norbeck	Smith	Watson
Greene	Norris	Smoot	Wheeler
Hayden	Overman	Steck	
Howell	Ransdell	Steiwer	

So the bill was passed.

PROMOTIONS IN THE ARMY

Mr. REED of Pennsylvania. I ask unanimous consent that the Senate now revert to Order of Business 1138, House bill 12814, the Army promotion list bill.

Mr. BLACK. Mr. President, as I understand, the request of the Senator includes the idea that we will vote to-night on the amendment and the bill?

Mr. REED of Pennsylvania. I hope so; and I am perfectly willing, so far as I am concerned, to divide the time fairly with the Senator from Alabama.

Mr. BLACK. If we can vote on both, I have no objection; but I would not want, for instance, if the amendment should be carried, then to have the matter go over, so it would not be disposed of.

Mr. REED of Pennsylvania. The bill could not pass without the Senator having a chance to offer his amendment.

Mr. BLACK. I understand that.

Mr. ROBINSON of Arkansas. Mr. President, under the order under which we are proceeding, I understand that an objection can be made at any time before the bill is finally disposed of.

Mr. REED of Pennsylvania. That is true, Mr. President.

Mr. BLACK. The idea I have is this: If we go through the proceeding, and should adopt the amendment, I want the agreement to include the fact that we will go on with the bill.

Mr. FLETCHER. We can go on until 11 o'clock.

Mr. BLACK. Then, if I can get the amendment up and get it passed, and the bill should be allowed to go over indefinitely, we could not be any nearer a conclusion than we are now.

Mr. REED of Pennsylvania. I am sorry; I am not asking for agreements with anybody. I am trying to get consideration for a bill on which everybody is agreed, and I am willing to give full consideration to the Senator's amendment; but I can not stipulate in advance that the Senate will be willing to pass the bill after they have heard the debate, no matter what happens.

Mr. BLACK. Then I ask unanimous consent that we go ahead and dispose of this bill and the amendment, and vote on it by 11 o'clock.

The VICE PRESIDENT. Is there objection. It will be necessary to have a quorum call.

Mr. SWANSON. The Senator said "11 o'clock." He had better say "five minutes to 11," because at 11 o'clock we automatically adjourn.

Mr. JONES. Mr. President, I want to ask the Senator from Pennsylvania if this is such a bill that we can afford to make an agreement of that sort?

Mr. REED of Pennsylvania. This bill means so much to the Army that I am almost willing to jeopardize the success of the bill by making the agreement in order to get it considered. The amendment of the Senator from Alabama in my judgment would go far toward ruining the morale of the commissioned officers of the Regular Army; but I am depending on the good sense of the Senate, after they have heard it explained, not to adopt that amendment.

Mr. JONES. I want to ask the Senator if the amendment that he refers to is the bill that was reported by the Senator from Alabama, about which I am receiving so many communications?

Mr. BLACK. Yes, sir; that is the amendment.

Mr. JONES. I should object myself to any agreement of that sort.

Mr. REED of Pennsylvania. I hope, Mr. President, we can go ahead with the consideration of the committee amendment, and that, in the time that we have, we may hear an explanation of what it is that the Senator from Alabama proposes.

The VICE PRESIDENT. Is there objection to reverting to House bill 12814? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12814) to increase the efficiency of the Air Corps, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and to insert:

That the aggregate number of commissioned officers of the Regular Army and Philippine Scouts on the active list shall not exceed the number now or hereafter expressly authorized by law, and all such officers, except officers of the Medical Department, chaplains, and professors, shall be designated as promotion-list officers. The number of promotion-list officers in each of the grades below brigadier general shall be such as results from the operation of the promotion system prescribed in this act, and shall not be otherwise limited: *Provided*, That except as otherwise in this act specifically prescribed, the number of promotion-list colonels, lieutenant colonels, and majors shall not exceed 6 per cent, 8 per cent, and 26 per cent, respectively, of the maximum authorized number of promotion-list officers of all grades, and the number of promotion-list field officers shall not be less than 26 per cent of the maximum authorized number of promotion-list officers of all grades.

SEC. 2. That, subject to such examination as shall have been required by authority of law, promotion-list officers in the grades of second lieutenant, first lieutenant, captain, major, and lieutenant colonel shall be promoted to the respective next higher grade when their names appear first in their grade upon the promotion list, and when, under provisions of this act, they are credited with 3, 10, 15, 20, and 26 years of service, respectively: *Provided*, That the promotion of lieutenant colonels, majors, and captains credited with 26, 20, and 15 years of service, respectively, shall be deferred so long as necessary to prevent the maximum percentages hereinbefore prescribed for the respective next higher grades being exceeded, and, in so far as necessary to maintain the prescribed minimum of field officers, captains credited with less than 15 years of service shall be promoted in the order of their standing upon the promotion list.

SEC. 3. That to provide the Air Corps for the time being with the minimum necessary number of colonels, lieutenant colonels, majors, and captains, officers commissioned in the Air Corps in the respective next lower grades who are on duty requiring them to participate regularly and frequently in aerial flights may be temporarily promoted in the order of their relative standing upon the promotion list in such numbers as will cause the total number of officers then commissioned and serving in the Air Corps in the grade of colonel to be not to exceed 2 per cent, in the grade of lieutenant colonel not to exceed 4 per cent, in the grade of major not to exceed 15 per cent, and in the grade of captain not to exceed 30 per cent, of the total number of officers commissioned in the Air Corps: *Provided*, That no officer shall be temporarily promoted more than one grade. Officers in any grade serving under temporary commissions shall be in addition to the maximum limiting percentage for such grade hereinbefore prescribed in this act. Officers temporarily promoted under provisions of this act shall maintain their positions on the promotion list, shall not vacate their permanent commissions, shall be regularly promoted as prescribed in this act for all other officers, and each temporary appointment shall terminate upon acceptance of the corresponding permanent commission. Officers of the Air Corps holding temporary commissions in any grade shall take rank in the Air Corps next after officers of the same grade regularly commissioned therein.

SEC. 4. Length of service for promotion under this act shall be computed as follows:

First, each promotion-list officer originally commissioned in the Regular Army prior to July 2, 1920, without prior Federal commissioned service, whose active commissioned service shall have been continuous since acceptance of original commission, shall be credited with the full period from the date of such original commission;

Second, each promotion-list officer commissioned in the Regular Army or Philippine Scouts prior to July 2, 1920, who is not included in the category defined in the preceding subparagraph shall be credited with a length of service equal to that accredited to the officer of said category whose name appears nearest above his on the promotion list;

Third, each promotion-list officer originally commissioned in the grade of second lieutenant in the Regular Army or Philippine Scouts after July 1, 1920, shall be credited only with the period of service from the date of such original commission: *Provided*, That each promotion-list officer not included in any of the foregoing categories and each officer of said categories whose original relative position on the promotion list shall have been changed or affected by sentence of court-martial, by special enactment, by discontinuity of his active service, or by suspension from promotion, shall be credited with such length of service for promotion as the Secretary of War shall determine to be appropriate to his relative position on the promotion list.

SEC. 5. That all prior statutory provisions governing the termination of active service of officers shall, except as otherwise specifically prescribed in this act, continue in full force and effect and be administered as now provided by law: *Provided*, That the limited and unlimited lists of retired officers of the Regular Army and Philippine Scouts are hereby merged into one list to be known as the Regular Army officers' retired list, which shall comprise the names of all such officers who shall have been lawfully retired from active service, and hereafter the number of officers who may be retired and carried on said list from time to time shall be such as shall result from the administration of the various statutes authorizing such retirement without other limitation: *Provided further*, That, excepting section 190, Revised Statutes of the United States, all laws or parts of laws

restricting the freedom of persons on the retired lists of the Regular Army, who are otherwise eligible to accept any civil office or employment, or affecting their retired status or retired pay on account of holding any civil office or employment and receiving the compensation thereof, are hereby repealed in so far as they apply to said persons; and any such persons who may be employed in any civil office or position under authority of the United States shall be entitled to receive the full compensation allotted to such office or position without regard to such person's retired pay: *Provided further,* That when any officer of the Regular Army or Philippine Scouts shall have served 35 years or more, including all service counted toward eligibility for voluntary retirement under existing laws, including this act, he shall, if he makes application therefor to the President, be retired from active service and placed upon the retired list: *Provided further,* That when any officer of the Regular Army or Philippine Scouts shall have served 40 years as a commissioned officer in active service in the Army of the United States, or is 60 years old, he may, without action of a retiring board, be retired from active service, at the discretion of the President, and placed upon the retired list: *Provided further,* That in computing eligibility for voluntary retirement of officers of the Army each officer shall in addition to all service now credited under existing laws be credited with additional constructive credit equal to one-half the time, if any, that he shall have been actually detailed to duty involving flying, except in time of war: *Provided further,* That flying officers of the Air Corps who become physically disqualified for flying duty shall be eligible for retirement for physical disability.

SEC. 6. That during each fiscal year promotion-list officers who were originally appointed in the Regular Army or Philippine Scouts prior to July 1, 1920, or as of that date, may file applications to be transferred from the active list in the manner hereinafter provided, and the President is hereby authorized, on or before June 30 of each fiscal year, to designate for transfer from the active list from among such applicants who shall have been recommended for such transfer by a board of general officers, such number as shall not exceed 1 per cent of the maximum authorized number of promotion-list officers of all grades.

Officers designated for transfer from the active list under provisions of this section shall be ordered to their homes as soon as practicable after such designation and, upon expiration of such leave of absence with full pay as may be granted under existing law, shall be transferred to the retired list with retired pay at the rate of 2½ per cent of active pay, multiplied by the number of complete years of service, but not exceeding 30 years, with which credited for pay purposes, excepting non-Federal service: *Provided,* That each computation of service and pay of an officer designated for transfer from the active list under this section shall be as of the date of such designation: *Provided further,* That any officer originally appointed in the Regular Army as of July 1, 1920, at an age greater than 45 years, may, if he so elects, in lieu of retired pay at the rate hereinbefore provided, receive retired pay at the rate of 4 per cent of active pay for each complete year of commissioned service in the United States Army, not exceeding 75 per cent of active pay.

Officers designated in any fiscal year for transfer from the active list shall, for purposes of computations under provisions of this act, be deemed to have been transferred from the active list during the fiscal year in which designated, notwithstanding the deferment of separation as herein authorized.

SEC. 7. That except as specifically provided in this act, nothing therein shall be held or construed to discharge any officer from the Regular Army or to deprive him of the commission which he holds therein, or to reduce the rank or pay, active or retired, of any officer therein. The provisions of this act shall be effective beginning July 1, 1928, and all laws and parts of laws, in so far as the same are inconsistent herewith or are in conflict with any of the provisions hereof, are hereby repealed as of that date.

Mr. JONES. I wish the Senator from Pennsylvania would explain the bill and the amendment.

Mr. REED of Pennsylvania. Yes; I shall be glad to do so.

In 1920 the national defense act authorized an increase in the enlisted strength and the commissioned strength of the Army; and the maximum of the commissioned strength was fixed at 12,000 officers. There were then commissioned in the Regular Army less than 7,000 officers, and it became necessary to take in additional officers amounting to more than 5,000 in number. We had almost 150,000 officers of experience in the World War; and the opportunity was offered to them to come in and, by competitive examination, stand for new commissions in this increase of the Army. The act under which they were invited to come in provided that captains and first and second lieutenants should be grouped together and ranked in the order of their commissioned experience.

A very large number of those temporary officers came in and took the examination. They took it at many places—some of them on the Rhine, some of them here, some of them in the Philippines, some in San Francisco—and while the effort was made to have all of those examinations uniform, necessarily the men were marked by different boards of officers. Necessarily the candidates were differently qualified.

I think it is fair to say that the members of our Army in France were more strictly marked, on the whole, than were those of the Army here. They were marked by officers who had led these men in combat, who had tried them out.

However that might be, it was realized that whatever injustices might result would be atoned for by the grouping of these company officers, so-called, all together, without distinction of captains or lieutenants, in the order of their commissioned experience. That really was necessary, because some branches of the Army, like the Judge Advocate General's Department, did not have any lieutenants at all; and there was one actual case where an officer was commissioned two days before the armistice as a captain in the Judge Advocate General's Department. Obviously, it would be unjust to rank him ahead of a first lieutenant of Infantry who had served through many battles and been in command of men for many months. However, that was the law, and it was very plain.

Over 5,000 officers were admitted at that time, almost all of approximately the same age, and all of them within 18 months of one another in the length of their experience. That group of officers constitutes on the promotion list what is known as the "hump." It is obvious that those who are at the upper end of the "hump" will go on in normal promotion, will become colonels, will be eligible for appointment as general officers, and will go through the normal course of an officer of the Army; while those at the bottom, perhaps equally meritorious, will be so clogged in promotion by this great group of officers of the same age that some of them actually will retire as captains when they reach the age of 64.

The effort to ameliorate that condition has engaged the attention of the Military Affairs Committees of both the Senate and the House for the last five or six years. Many suggestions have been made. Almost all of them are unsatisfactory to somebody.

It is suggested by the Senator from Alabama [Mr. BLACK], in a bill which he has introduced and in the amendment which he is about to offer, that the promotion list ought to be all taken apart again from the way it was made eight years ago, and that the captains ought to be put ahead, and then the first lieutenants, and then the second lieutenants, and that they ought to be separately ranked on the promotion list in accordance with the grades under which they were commissioned in 1920.

The trouble with that is that it upsets an arrangement that has been standing for those eight years. It fixes their rank now on the promotion list in accordance with the entirely fortuitous circumstance of the rank they were given by the examining board back in 1920; and we can not get an appreciation of the consequences that it will work until we take some particular cases.

I know the time is limited, and I do not mean to filibuster against my own bill; but I want the Senate to bear with me just a moment while I give some typical cases that will happen; and I am going to give the names, because the officers themselves will not in the least mind my doing so.

Here is Capt. George P. Hays; age, 36; appointed from Oklahoma; graduated from the first training camp. In October, 1917, he accepted appointment as a second lieutenant of Field Artillery in the Regular Army. He had not yet reached a captaincy on June 30, 1920.

The amendment of the Senator from Alabama would drop that man 800 files on the promotion list, although he has been awarded the congressional medal of honor for distinguished gallantry in action above and beyond the call of duty in action against the enemy in July, 1918. He had seven horses shot from under him while establishing contact with neighboring command posts and batteries. In his new position under this proposed amendment he would have put ahead of him about 350 officers of less service than his and about 500 of equal service, and there would be a group 1,200 numbers ahead of him of 20 officers who had not even been commissioned at the time that man won the medal of honor. Of those 20 officers, 17 are in staff branches, 9 quartermasters, 4 in the Finance Department, 1 in ordnance, 1 in chemical warfare, 2 Judge Advocate General, 1 Air Corps, 1 Infantry, 1 Engineers. That is a typical case. I could go on on; I have a package of them. I could give 50 such cases. That is the reason in brief why so many of us object to the bill of the Senator from Alabama.

Mr. SWANSON. What does the Black amendment do?

Mr. REED of Pennsylvania. It takes the whole promotion list apart, builds it over again, putting all the captains on top, then first lieutenants, then the second lieutenants, so that a captain of two days' service before the armistice would rank a

first lieutenant who had been in the Army from April, 1917, when the war was declared.

Mr. SWANSON. What does the committee bill provide?

Mr. REED of Pennsylvania. The War Department suggested, and it was considered by the committee but not accepted by any of us that we have a system of plucking boards and promotion examinations which would accelerate departures from the list, and in that way speed up promotions. We were not willing to trust any group of officers with such arbitrary power, but we did agree with the Senator from Alabama, and he agreed with us, that there was a way which, taken in conjunction with either his plan or ours, might be used, and might be used by itself. That is the language as reported in the committee amendment, which is unanimously reported by the Committee on Military Affairs. It provides, in substance, that we shall have a certain percentage of these 12,000 officers who may be colonels, not over 6 per cent; a certain percentage, not over 8 per cent, who may be lieutenant colonels; a certain percentage, not over 26 per cent, who may be majors, and so on. It provides that according to the years of their commissioned service these officers shall be promoted, so that if an officer has been three years a second lieutenant he shall be promoted to be a first lieutenant, regardless of what the condition of the promotion list is. If an officer has been 10 years first lieutenant, including the preliminary 3 years as a second lieutenant, he shall be promoted to be a captain. After 15 years' total service, he shall be promoted to be a major. After 20 years he is to be promoted to be a lieutenant colonel, and after 26 years to be a colonel; of course, beyond that, promotions by selection.

Mr. SWANSON. Will we not soon have twice as many colonels as we have now, and have the Army top-heavy?

Mr. REED of Pennsylvania. We do not want to be top-heavy, and we realize that more than 40 per cent of field officers makes our Army unwieldly, although many of them are available for training, and have independent detached assignments. So we control that process by putting on these limited percentages of 6, 8, and 26 for these promotions.

I can say this of the committee bill: That it falls short of what I think is necessary for complete correction of this condition. The Senator from Alabama, I think, would say the same thing, except that neither of us can agree with the other about what it is on which it falls short.

We are both agreed that what the committee bill does is wise. The Senator from Alabama wants to go further and reopen the promotion list. I want to let it stand as it is, and institute this system of promotion examinations and the plucking board.

That is why the committee, after wrestling with this all through the winter, reported out a bill which includes only those elements on which everybody is agreed, and that is the committee amendment now before the Senate.

Mr. SWANSON. How many does the Senator propose to pluck a year, so many from each grade?

Mr. REED of Pennsylvania. We do not pluck anybody. We have stricken out all that part of the bill. We have negatived that suggestion of the department.

Mr. SWANSON. You do not retire anybody?

Mr. REED of Pennsylvania. We do not force anybody out of the Army except as is done at present.

Mr. SWANSON. Does the Senator know how many colonels we will have in 10 years time?

Mr. REED of Pennsylvania. Not over 6 per cent.

Mr. HARRIS. Mr. President, has the War Department ever worked out a plan that would prevent this injustice?

Mr. REED of Pennsylvania. No; Mr. President, they never have. They say that to open the promotion list now would cause more injustice than it would correct; and I agree with them.

Mr. BLACK. Mr. President, I realize, of course, that there are not enough Senators here to vote on a measure of this importance to-night. But I will take only three or four minutes, although I feel that my bill should have come up first, because it came out some weeks ago.

This bill was reported unanimously, because I thought I saw in it a chance to get promotion legislation, not because I thought it met the situation, for I do not. There are two things wholly separate and distinct. One of them is a rearrangement of the promotion list, the other is getting rid of the hump in the promotion list. They have no connection with each other whatever, except that by reason of the hump many of the World War officers who served have been put back behind younger men, so that their promotion is hopelessly blocked, and that happened in this way: An examination was held. It was a fair examination. The rules were promulgated at great length. Men were invited to come into the Army. They were told, "If you stand an examination, you shall have a commission of the kind you apply for, if you meet the test."

Many men applied, most of whom had served. They were granted commissions of first and second lieutenants and captains, some of them majors. Immediately on their getting their commissions, however, the War Department interpreted the law to mean that they should all be scrambled up together. In the main, the older officers had been made captains. That was in line with the instructions from the War Department, that the older men should be at the top, as was right, so that promotion might not be stopped. The younger men being at the top, and not retiring until they get to be 62, the result is that when there is a large group of older men below them the older men are permanently blocked. They will retire as captains and majors. But if that can be worked around so that those men who stood the examination for captain will be on top, as they were promised they would be, then they will retire at the age of 62. My insistence is that this Government has no right, it is not fair and it is not honest, to invite men to come into the Army and say, "Meet the test," and then immediately take the bread out of their mouths that they have earned by the sweat of their brows.

Mr. McKELLAR. Mr. President, I want to call the Senator's attention to the fact that I was on the committee when the promotion act of 1920 was passed, and I remember working on it at the time. The act itself was a very fair act, but the Regular officers of the Army misconstrued it and treated it virtually as if no law ever passed, and inserted in lieu thereof a law of their own in regard to the matter, which brought about the very condition of which the Senator is now speaking. I protested against it with all the fervor of which I was capable at the time, and denounced it as an outrageous affair, and I still think so, and I am glad the Senator, even if it is at this late date, is taking measures to correct it.

Mr. BLACK. That is the point I wanted to get to. These men stood the examinations and they were made captains. They were entitled to their places as captains. I say that if it had been 40 years, they have had something taken away from them which was theirs, and the injustice ought to be remedied. That is the difference between me and those who believe the other way. Talk about rearranging the promotion list; certainly it was rearranged, but it was not rearranged to give to men that which they earned which was taken away from them without fault of their own and given to others.

The Senator has referred to instances of men getting the distinguished-service cross. There is a man down in North Carolina who got the distinguished-service cross, who was given as distinguished a decoration as could be given in the Army. He is 45 years of age. He is a captain and he will die a captain if this rearrangement is not made, while these provisional second lieutenants, who shot up like sky rockets overnight, without standing an examination, have gotten the benefit of that which was earned by the captain to whom I have referred.

The PRESIDING OFFICER (Mr. JONES in the chair). The question is on agreeing to the committee amendment. The Chair understands the Senator from Alabama does not propose to offer his amendment.

Mr. BLACK. Mr. President, I object to taking any further action on this bill, because it is too late to take action on it with the small number of Senators who are now present.

ADDITIONAL REPORTS OF THE COMMITTEE ON THE LIBRARY

Mr. FESS, from the Committee on the Library, to which were referred the following bills and joint resolutions, reported them severally without amendment and submitted reports thereon as indicated:

A bill (S. 3848) creating the Mount Rushmore national memorial commission and defining its purposes and powers (Rept. No. 1176);

A bill (H. R. 7903) to authorize the erection at Clinton, Sampson County, N. C., of a tablet or marker in commemoration of William Rufus King, former Vice President of the United States;

Joint resolution (S. J. Res. 132) to create a commission to secure plans and designs for and to erect a memorial building for the National Memorial Association (Inc.), in the city of Washington, as a tribute to the negro's contribution to the achievements of America (Rept. No. 1177); and

Joint resolution (H. J. Res. 263) authorizing the president and fellows of Harvard College to erect on public grounds in the District of Columbia a monument to Maj. Gen. Artemas Ward.

Mr. FESS also, from the Committee on the Library, to which was referred the bill (H. R. 9194) authorizing the Secretary of the Interior to acquire land and erect a monument on the site

of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873, reported it with an amendment and submitted a report (No. 1178) thereon.

MOUNT RUSHMORE NATIONAL MEMORIAL COMMISSION

Mr. FESS. It is quite obvious that we can not vote on the Army promotion bill to-night, and I ask unanimous consent to call up a report I have just submitted from the Committee on the Library and that it be immediately considered. It is Senate bill 3848.

There being no objection, the bill (S. 3848) creating the Mount Rushmore National Commission and defining its purposes and powers was considered as in Committee of the Whole and it was read, as follows:

Be it enacted, etc., That a commission is hereby created and established, to be known as the Mount Rushmore national memorial commission (hereafter referred to as the commission), to consist of 12 members, who shall be appointed by the President. The members shall serve at the pleasure of the President, who shall fill all vacancies that from time to time occur.

The members of the commission shall serve without compensation, except that their actual expenses in connection with the work of the commission may be paid from any funds appropriated for the purposes of this act or acquired by other means hereafter authorized: *Provided*, That the secretary may be paid such reasonable stipend for his services as may be determined by the commission. Such expenses shall be paid by the treasurer of the commission upon the order of the secretary thereof, and then only when approved and countersigned by the chairman of the executive committee.

SEC. 2. The commission when appointed shall organize by electing a chairman, a vice chairman, a secretary, and a treasurer: *Provided*, That a treasurer may be selected outside of the commission and may be a bank or trust company. Such treasurer shall execute a bond so conditioned and in such amount as shall insure the protection of funds coming into his possession.

The commission may also create from its own membership an executive committee of five, which shall exercise such powers and functions within the purview of this act as may be authorized by the commission.

SEC. 3. The purpose of the commission is to complete the carving of the Mount Rushmore national memorial to consist of heroic figures of Washington, Jefferson, Lincoln, and Roosevelt, together with an entablature upon which there shall be cut a suitable inscription to be indited by Calvin Coolidge, and to landscape the contiguous grounds and construct the entrances thereto. Such memorial is to be constructed, according to designs and models by Gutzon Borglum, now owned or contracted for by the Mount Harney Memorial Association of South Dakota.

SEC. 4. The commission is authorized—

(a) To receive and take over all property, contracts, rights, and moneys now in the hands of and possessed by the Mount Harney Memorial Association, including memoranda, records, sketches, models, and the incompleted figures on Mount Rushmore.

(b) To receive, solicit, and collect funds and pledges to cover the expense of finishing such memorial, and to pay out the same upon properly receipted vouchers to persons entitled.

(c) To designate solicitors to collect funds and pledges for the prosecution of its work and pay such solicitors such expenses and compensation as it may deem proper.

(d) To employ the services of such artists, sculptors, landscape architects, and others as it shall determine to be necessary to complete said memorial, including the landscaping of the grounds and construction of the entrances thereto.

(e) To procure, by purchase or gift, such tools, machinery, structures, and equipment as are necessary and proper to complete such memorial with expedition and economy; and generally,

(f) To exercise such powers and functions as are necessary and proper to carry out the purposes of this act.

SEC. 5. That one-half of the cost of such memorial and landscaping shall be borne by the United States, and an appropriation of not to exceed $250,000 is hereby authorized for the purpose. Upon requisition of the executive committee herein provided for, the proportionate share of the United States shall be advanced to the treasurer of said commission from time to time by the Secretary of the Treasury out of any available appropriation, and in sufficient amounts to match the funds collected from other sources by said commission, whether such funds are in the hands of its treasurer or have already been expended upon such memorial by the commission or by its predecessor, the Mount Harney Memorial Association: *Provided*, That the Secretary of the Treasury shall first be satisfied that the funds received from sources other than the United States are actually available in the hands of the treasurer of the commission or have been properly expended in carrying out the purposes of this act.

SEC. 6. That such commission, on or before the 1st day of December of each year, shall transmit to Congress a report of its activities and proceedings for the preceding year, including a full and complete statement of its receipts and expenditures.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TABLET FOR WILLIAM RUFUS KING

Mr. FESS. On behalf of the junior Senator from North Carolina [Mr. OVERMAN] I ask unanimous consent for the present consideration of the bill (H. R. 7903) to authorize the erection at Clinton, Sampson County, N. C., of a tablet or marker in commemoration of William Rufus King, former Vice President of the United States. The junior Senator from North Carolina is very anxious to have this bill passed. It authorizes an appropriation of $2,500 to erect a marker in honor of William Rufus King, who was once a Member of this body, was President pro tempore of the Senate and Vice President of the United States—the only man in the history of the country who took the oath of office outside of the country.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to erect a tablet or marker in commemoration of William Rufus King, former Vice President of the United States, at the place of his birth, Clinton, Sampson County, N. C., on ground furnished by such town, after the plans and specifications for such tablet or marker have been submitted to and approved by the Commission of Fine Arts.

SEC. 2. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,500, or so much thereof as may be necessary, to carry out the provisions of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONUMENT TO MAJ. GEN. ARTEMAS WARD

Mr. FESS. I also ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 263) authorizing the president and fellows of Harvard College to erect on public grounds in the District of Columbia a monument to Maj. Gen. Artemas Ward.

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital be, and he hereby is, authorized and directed to select a suitable site and to grant permission to the president and fellows of Harvard College to erect, as a gift to the people of the United States, on public grounds of the United States in the city of Washington, D. C., a monument in memory of Maj. Gen. Artemas Ward commemorative of the services rendered by him to his country during the war of Independence: *Provided*, That the site chosen and the design of the memorial shall be approved by the Commission of Fine Arts, that it shall be erected under the supervision of the Director of Public Buildings and Public Parks of the National Capital, and that the United States shall be put to no expense in or by the erection of the monument.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate Joint Resolution 141, being identically with the joint resolution just passed, will be indefinitely postponed.

RECESS

Mr. McKELLAR. The hour of 11 o'clock has arrived.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senate stands in recess until 12 o'clock noon to-morrow.

The Senate thereupon (at 11 o'clock p. m.), pursuant to the order previously entered, took a recess until to-morrow, Thursday, May 17, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 16 (legislative day of May 3), 1928

MEMBER OF UNITED STATES SHIPPING BOARD

Hutch I. Cone, of Florida, to be a member of the United States Shipping Board for a term of six years from June 9, 1928, vice William S. Benson, term expired.

MEMBER OF FLOOD CONTROL BOARD

Carleton W. Sturtevant, of New York, to be a member of the board created by the act of Congress entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes," approved May 15, 1928, to consider the engineering differences between the project adopted by that act for the flood control of the Mississippi River in its alluvial

valley and for its improvement from the Head of Passes to Cape Girardeau, Mo., and the plans recommended by the Mississippi River Commission in its special report dated November 28, 1927, and after such study and such further surveys as may be necessary, to recommend to the President such action as it may deem necessary to be taken in respect to such engineering differences.

UNITED STATES MARSHAL

Henry C. Laubenheimer, of Illinois, to be United States marshal, Northern District of Illinois, vice Palmer E. Anderson, deceased. (Mr. Laubenheimer is now serving under appointment by the court.)

POSTMASTERS

ALABAMA

Andrew J. Bass, jr., to be postmaster at Trussville, Ala., in place of A. J. Bass, jr. Incumbent's commission expires May 20, 1928.

George B. Pickens to be postmaster at Moundville, Ala., in place of G. B. Pickens. Incumbent's commission expired March 21, 1928.

Eason K. Wood to be postmaster at Calera, Ala., in place of W. B. Ozley. Incumbent's commission expired May 23, 1926.

ARIZONA

Walter Runke to be postmaster at Flagstaff, Ariz., in place of R. J. Connor. Incumbent's commission expired January 9, 1928.

ARKANSAS

Douglas O. Dover to be postmaster at Cove, Ark., in place of D. O. Dover. Incumbent's commission expires June 6, 1928.

CALIFORNIA

Lulu M. Dunn to be postmaster at Capitola, Calif., in place of L. P. Temple, resigned.

Harry E. Meyers to be postmaster at Yuba City, Calif., in place of H. E. Meyers. Incumbent's commission expires June 6, 1928.

Alexander R. Thomas to be postmaster at Ukiah, Calif., in place of A. R. Thomas. Incumbent's commission expired April 19, 1928.

Lewis E. Leavell to be postmaster at Novato, Calif., in place of L. E. Leavell. Incumbent's commission expired March 7, 1928.

M. Earle Adams to be postmaster at Healdsburg, Calif., in place of G. T. Pearson. Incumbent's commission expired January 9, 1928.

John H. Dodson to be postmaster at El Cajon, Calif., in place of J. H. Dodson. Incumbent's commission expired January 9, 1928.

Lola F. Thornton to be postmaster at Durham, Calif., in place of L. F. Thornton. Incumbent's commission expires May 31, 1928.

Lola P. Neff to be postmaster at Biggs, Calif., in place of L. P. Neff. Incumbent's commission expired April 8, 1928.

W. Wallace Watson to be postmaster at Beaumont, Calif., in place of W. W. Watson. Incumbent's commission expired January 9, 1928.

COLORADO

William V. Kerr to be postmaster at Eads, Colo., in place of W. V. Kerr. Incumbent's commission expires June 4, 1928.

John E. Harron to be postmaster at Alamosa, Colo., in place of E. J. Fisher. Incumbent's commission expired December 18, 1927.

ILLINOIS

Wallace Leach to be postmaster at Wayne City, Ill., in place of R. P. Garrison, removed.

Walter J. Walsh to be postmaster at McHenry, Ill., in place of N. F. Steilen, removed.

Harold H. Myers to be postmaster at Leaf River, Ill., in place of J. F. Harrison, deceased.

Wallace G. Harsh to be postmaster at Peotone, Ill., in place of W. G. Harsh. Incumbent's commission expired February 24, 1927.

Minnie E. Prange to be postmaster at New Douglas, Ill., in place of J. F. Johnson. Incumbent's commission expired January 7, 1928.

Walter H. Sass to be postmaster at Monee, Ill., in place of W. H. Sass. Incumbent's commission expired January 3, 1927.

Daisy F. Lynk to be postmaster at Mokena, Ill., in place of D. F. Lynk. Incumbent's commission expired January 28, 1928.

Edwin B. Gardner to be postmaster at Mazon, Ill., in place of E. B. Gardner. Incumbent's commission expires June 6, 1928.

Secondo V. Donna to be postmaster at Braidwood, Ill., in place of S. V. Donna. Incumbent's commission expired January 13, 1927.

INDIANA

Charles Nicholson to be postmaster at Wheatland, Ind., in place of Charles Nicholson. Incumbent's commission expires June 5, 1928.

KANSAS

Lloyd Van Metre to be postmaster at Sublette, Kans., in place of M. B. Stanard, removed.

Henry B. Lawton to be postmaster at Kiowa, Kans., in place of W. V. Stranathan, resigned.

Michael Fischer to be postmaster at Tipton, Kans., in place of Michael Fischer. Incumbent's commission expires June 4, 1928.

Hiram W. Joy to be postmaster at Quinter, Kans., in place of H. W. Joy. Incumbent's commission expires June 4, 1928.

Gerald G. Smith to be postmaster at Burr Oak, Kans., in place of G. G. Smith. Incumbent's commission expires June 6, 1928.

MAINE

Louis F. Higgins to be postmaster at Ellsworth, Me., in place of L. F. Higgins. Incumbent's commission expires June 6, 1928.

MARYLAND

Esther C. Baker to be postmaster at Woodbine, Md., in place of C. W. Pickett, resigned.

Harry M. Carroll to be postmaster at Federalsburg, Md., in place of C. W. Jefferson. Incumbent's commission expired September 30, 1923.

MASSACHUSETTS

Stephen C. Luce to be postmaster at Vineyard Haven, Mass., in place of S. C. Luce. Incumbent's commission expires June 4, 1928.

Philip Morris to be postmaster at Siasconset, Mass., in place of A. E. C. Barrett. Incumbent's commission expired April 2, 1928.

Charles H. Sawyer to be postmaster at Northampton, Mass., in place of C. H. Sawyer. Incumbent's commission expires May 19, 1928.

MICHIGAN

Hazel M. Foster to be postmaster at Baldwin, Mich., in place of H. M. Foster. Incumbent's commission expired April 2, 1928.

MINNESOTA

Lillian A. Peterson to be postmaster at Villard, Minn., in place of P. G. Peterson, removed.

Anthony L. LaFreniere to be postmaster at Grand Rapids, Minn., in place of W. W. Tyndall, resigned.

Nettie A. Terrell to be postmaster at Elysian, Minn., in place of B. M. Westhaver, removed.

MISSOURI

John B. Wilson to be postmaster at Maysville, Mo., in place of J. B. Wilson. Incumbent's commission expired March 14, 1928.

George R. Steiner to be postmaster at Belle, Mo., in place of W. G. Gieck. Incumbent's commission expired January 4, 1927.

NEBRASKA

Harry E. Welch to be postmaster at Edgar, Nebr., in place of C. C. Rickel, deceased.

Frederick A. Mellberg to be postmaster at Newman Grove, Nebr., in place of F. A. Mellberg. Incumbent's commission expired January 7, 1928.

NEW HAMPSHIRE

Eleazer F. Baker to be postmaster at Suncook, N. H., in place of E. F. Baker. Incumbent's commission expired December 18, 1927.

Ralph E. Messer to be postmaster at Bennington, N. H., in place of R. E. Messer. Incumbent's commission expires June 4, 1928.

NEW YORK

Elsie V. Webb to be postmaster at Union Springs, N. Y., in place of E. V. Webb. Incumbent's commission expired February 29, 1928.

NORTH CAROLINA

Clarence S. Prevette to be postmaster at Blowing Rock, N. C., in place of G. C. Robbins, resigned.

NORTH DAKOTA

Austin R. Johnson to be postmaster at Wildrose, N. Dak., in place of C. O. Trytten. Incumbent's commission expired January 9, 1928.

OKLAHOMA

Chester P. Keil to be postmaster at Fort Towson, Okla., in place of Governor Everidge, removed.

Helen M. Lutes to be postmaster at Bennington, Okla., in place of Alpha Rutherford, resigned.

Leslie C. Mendenhall to be postmaster at Seiling, Okla., in place of L. C. Mendenhall. Incumbent's commission expires June 6, 1928.

Hubbard Ross to be postmaster at Fort Gibson, Okla., in place of Hubbard Ross. Incumbent's commission expires June 4, 1928.

Samuel H. Bundy to be postmaster at Bethany, Okla., in place of S. H. Bundy. Incumbent's commission expired May 5, 1928.

PENNSYLVANIA

John H. Renstrom to be postmaster at Fayette City, Pa., in place of J. W. Howes, resigned.

Jerold J. O'Connell to be postmaster at Valley Forge, Pa., in place of J. J. O'Connell. Incumbent's commission expired January 8, 1928.

Thomas V. Partridge to be postmaster at Houtzdale, Pa., in place of T. V. Partridge. Incumbent's commission expired April 21, 1928.

Edward R. Dithrich to be postmaster at Coraopolis, Pa., in place of L. P. Keith. Incumbent's commission expired April 3, 1928.

Edward L. Beechey to be postmaster at Clymer, Pa., in place of Blair Rorabaugh. Incumbent's commission expired January 16, 1928.

George A. Simon to be postmaster at Arnold, Pa., in place of R. M. Hartman. Incumbent's commission expired February 1, 1928.

SOUTH CAROLINA

Nettie C. Moore to be postmaster at Honea Path, S. C., in place of N. C. Moore. Incumbent's commission expired March 27, 1928.

SOUTH DAKOTA

Lucy Wright to be postmaster at Hoven, S. Dak., in place of A. M. Wright, deceased.

TENNESSEE

Garfield Russell to be postmaster at New Pagewell, Tenn., in place of B. H. Livesay, resigned.

Lonnie A. Jernigan to be postmaster at Manchester, Tenn., in place of A. V. Boyce. Incumbent's commission expired March 22, 1928.

Belle Whittenberg to be postmaster at Ooltewah, Tenn., in place of F. M. Figgins. Incumbent's commission expired September 22, 1926.

Rennie G. Connelly to be postmaster at Lyles, Tenn., in place of R. G. Connelly. Incumbent's commission expired April 7, 1928.

TEXAS

Mabel E. Bryant to be postmaster at Rockport, Tex., in place of M. E. Bryant. Incumbent's commission expired May 14, 1928.

E. Leon Donner to be postmaster at Hereford, Tex., in place of J. A. Wear. Incumbent's commission expired January 16, 1928.

WISCONSIN

Frederic D. Keithley to be postmaster at Land O'Lakes, Wis. Office became presidential July 1, 1927.

Adolph R. Mill to be postmaster at Kaukauna, Wis., in place of A. R. Mill. Incumbent's commission expires June 4, 1928.

Frank M. LeCount to be postmaster at Hartford, Wis., in place of F. M. LeCount. Incumbent's commission expires June 4, 1928.

Gertrude C. Grinde to be postmaster at Dallas, Wis., in place G. C. Grinde. Incumbent's commission expires June 4, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 16 (legislative day of May 3), 1928

APPOINTMENTS IN THE ARMY

George Edward Kraul to be captain, Infantry.

Omer Antonio Couture to be second lieutenant, Medical Administrative Corps.

Edward James Gearin to be second lieutenant, Medical Administrative Corps.

Ralph Beveridge Robinson to be second lieutenant, Medical Administrative Corps.

APPOINTMENTS, BY TRANSFER, IN THE ARMY

Ernest Hill Burt, captain, Judge Advocate General's Department.

John Fulton Reynolds Scott, captain, Judge Advocate General's Department.

Frank Eugene Shaw, captain, Judge Advocate General's Department.

Clarence Charles Fenn, captain, Judge Advocate General's Department.

William Thomas Johnson, first lieutenant, Infantry, to Finance Department.

Earle Everette Cox, first lieutenant, Cavalry, to Finance Department.

Irving Joseph Phillipson, major, The Adjutant General's Department, to Infantry.

Joe L. Loutzenheiser, second lieutenant, Cavalry, to Air Corps.

PROMOTIONS IN THE ARMY

Joseph Warren Stilwell to be lieutenant colonel, Infantry.

Jay Drake Billings Lattin to be major, Signal Corps.

Mahlon Milton Read to be captain, Coast Artillery Corps.

Allen Ferdinand Grum to be captain, Ordnance Department.

William Augustus Davis Thomas to be first lieutenant, Field Artillery.

Eugene Lynch Harrison to be first lieutenant, Cavalry.

Bernard Aye Tormey to be first lieutenant, Field Artillery.

POSTMASTERS

CONNECTICUT

Anna C. Tucker, Sandy Hook.

HAWAII

Joseph Herrscher, Hana.
Alice J. Brown, Paia.
Joseph F. Xavier, Puunene.

KANSAS

William T. Perry, Belleville.
Arnold C. Heidebrecht, Burrton.

MAINE

Vernon H. Lowell, Bowdoinham.
Arthur A. Dinsmore, Dover-Foxcroft.
Francis L. Talbot, East Machias.
Luther G. Cushing, Freeport.
Jabez M. Pike, Lubec.
John W. Knapp, Stratton.

MASSACHUSETTS

David L. Kelley, Fairhaven.
Albert S. Hopkins, Norton.
Everett W. Carpenter, Palmer.

MICHIGAN

J. Gail Show, Elsie.
Benjamin W. Somers, Hesperia.
Emma F. Lyon, Hillsdale.
James B. Haskins, Howard City.
Fred C. Putnam, Kalamazoo.
Howard L. Barber, Merrill.
Howard L. Vaughan, Ovid.
Emma Moote, White Cloud.

NEW HAMPSHIRE

Alice M. Sloane, Conway.
James P. Farnam, Hanover.
John H. Falvey, Henniker.
Harry D. Eastman, North Conway.

NEW MEXICO

William G. Lujan, Dawson.
Charles J. Kelly, Deming.

NEW YORK

Clayton M. Card, Amenia.
Berton G. Johnson, Cooperstown.
Joseph W. Cermak, East Northport.
Clinton H. Card, Fredonia.
Albert F. Becker, Livonia.
John E. Harris, Montauk.
James H. Huntington, Naples.

NORTH CAROLINA

Sue M. Vick, Bailey.
Joseph S. Mitchell, Draper.
Perry T. Roane, Kelford.
Thomas A. Kennedy, Troutmans.

OHIO

Charles E. Spiers, Atwater.
Pearl W. Athey, Belpre.
Nestor J. Taylor, Beverly.
Roy S. Grunder, Creston.
Harry R. Hurn, Gallipolis.
George H. Maxwell, Lexington.
Benjamin Hegemann, Minster.

Frank M. Murphy, Murray City.
Edwin H. Garver, Navarre.
David J. Thomas, Niles.
Mabel E. Dierker, Pemberville.
Edward P. Harker, Rossford.
Ernest H. Ruffner, Williamsburg.

OKLAHOMA

Dosia Parsons, Mountain View.
John H. Durnil, Picher.
Howard E. Sowle, Vici.
Fred Godard, Wellston.

OREGON

Fitzhugh G. Lee, Junction City.
James W. Dunn, St. Benedict.
William C. Foster, Tillamook.

PENNSYLVANIA

Seth E. Sterner, Montgomery.
Thomas B. Painter, Muncy.

TENNESSEE

Herschel H. Tatlock, Covington.
Samuel W. Ingersoll, Decherd.
James Rogers, Dyer.
Lee M. Jeffers, Oakdale.
Carlos C. Davis, Redboiling Springs.
Alvin L. Henderson, Tracy City.

TEXAS

Mabel F. Selkirk, Blessing.
Herbert D. F. Nienstedt, Burton.
Frances C. Elam, Edgewood.
William A. Reese, Groveton.
Bassett R. Miles, Luling.
Claudia B. Seay, Toyah.
Humphrey M. Fowler, West.

UTAH

Boyd J. Barnard, Bingham Canyon.
Mattie S. Larsen, Castle Dale.

WEST VIRGINIA

Charles Jarrell, Whitesville.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *May 16, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Spirit of the Most High God, this is a solemn moment. We believe that the impulse which we have to offer Thee our praise is Thy voice within, so we turn to that throne which is forever glorified by our Saviour's death. Father in Heaven, magnify Thyself in our hearts and deeds. Enable us to covet the best things and treasure them. May we set ourselves toward this day with happy hearts, glad faces, and new desires. God help us to love the little child, the mother's prayer, and the beggar's soul. With ready hearts and willing hands, may we help the old world along and look not with disdain upon the truants who are far from home and Heaven. Hear us for Thy blessing upon the land we love best, and be our refuge and everlasting friend. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendment of the House of Representatives to a bill of the following title:

S. 1341. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The message also announced that the Senate had passed without amendment a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4448. An act to amend section 4 of the act entitled "An act to extend the period of restrictions in lands of certain members of the Five Civilized Tribes, and for other purposes," approved May 10, 1928.

HOUSE CONCURRENT RESOLUTION 36

Mr. MARTIN of Louisiana. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Louisiana asks unanimous consent for the present consideration of a concurrent resolution, which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 36

Resolved by the House of Representatives (the Senate concurring), That the President is requested to return to the House of Representatives the bill (H. R. 9568, 70th Cong., 1st sess.) to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes, for the purpose of permitting the correction of an error in the enrolled bill.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MAURICE P. DUNLAP

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 9411, for the relief of Maurice P. Dunlap, and agree to the Senate amendment.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table House bill 9411, with a Senate amendment, and agree to the Senate amendment. The Chair will ask the gentleman from Maryland whether he is authorized to take this action by the committee?

Mr. LINTHICUM. I am.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

CADET ADRIAN VAN LEEUWEN

Mr. MORIN. Mr. Speaker, I ask unanimous consent that the bill (H. R. 7887) placing Cadet Adrian Van Leeuwen on the retired list be recommitted to the Committee on Military Affairs.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that House bill 7887 be recommitted to the Committee on Military Affairs. Is there objection?

There was no objection.

MUSCLE SHOALS

The SPEAKER. This being Calendar Wednesday, the unfinished business is Senate Joint Resolution 46. The House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of Senate Joint Resolution 46, providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, with Mr. NEWTON in the chair.

The Clerk read the title of the resolution.

Mr. BYRNS. Mr. Chairman——

Mr. MORIN. Mr. Chairman, I offer a clarifying committee amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MORIN: On page 25, line 15, after the word "that," strike out the words "an increased" and insert in lieu thereof "the maximum."

Mr. MORIN. Mr. Chairman, that is a clarifying amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. McREYNOLDS. Will the gentleman from Pennsylvania yield to me to offer an amendment?

Mr. MORIN. Yes.

Mr. McREYNOLDS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. McREYNOLDS. I asked the gentleman from Pennsylvania to yield for the purpose of offering an amendment.

The CHAIRMAN. There is an amendment pending which the gentleman from Pennsylvania has presented. Does the Chair understand that the amendment which the gentleman from Tennessee desires to offer is an amendment to the committee amendment offered by the gentleman from Pennsylvania?

Mr. McREYNOLDS. No; it is not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the amendment may be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk again read the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. MORIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MORIN: On page 25, line 13, after the word "of," strike out the word "equalizing" and insert in lieu thereof the word "increasing."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. McREYNOLDS. Mr. Chairman, I have passed up an amendment to the Clerk's desk, and the gentleman from Pennsylvania has yielded to me.

The CHAIRMAN. The Chair will be very glad to recognize the gentleman on his amendment; but in view of the fact that the chairman of the committee is on his feet asking for recognition upon an amendment, the Chair will first, in accordance with custom, recognize the gentleman from Pennsylvania.

Mr. BYRNS. Mr. Chairman, I make this point of order, that a Member can not pass up an amendment and claim recognition over others who are asking for recognition.

The CHAIRMAN. In accordance with custom, the Chair is recognizing the gentleman from Pennsylvania.

Mr. BYRNS. I think the Chair is clearly right; but I want to call the attention of the Chair to this fact, that I was on my feet.

I am not objecting to the recognition of the gentleman from Pennsylvania [Mr. MORIN], but I was on my feet asking for recognition when the gentleman from Pennsylvania took me off my feet. I insist that after the gentleman from Pennsylvania has been recognized I should be recognized in view of the fact I was first on my feet.

The CHAIRMAN. The Chair wants to recognize gentlemen in proper order, but the gentleman from Pennsylvania had sent to the Clerk's desk certain amendments, and the Chair recognized the gentleman.

Mr. BYRNS. I make no complaint about that, Mr. Chairman.

Mr. McREYNOLDS. Will the gentleman from Pennsylvania yield for one question?

Mr. MORIN. I yield.

Mr. McREYNOLDS. Has the gentleman seen my amendment?

Mr. MORIN. Yes; I have a copy of the gentleman's amendment and, Mr. Chairman, I will accept it as a committee amendment and offer it for the committee.

The CHAIRMAN. The Clerk will report the amendment which the gentleman from Pennsylvania has just offered.

The Clerk read as follows:

Amendment offered by Mr. MORIN: On page 25, line 17, after the period, strike out all down to and including the period on page 26, line 2.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. LINTHICUM) there were—ayes 64, noes 26.

So the amendment was agreed to.

Mr. MORIN. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MORIN: On page 13, line 5, after the word "name," change the period to a comma and add "but only for the enforcement of contracts and the defense of property."

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania.

Mr. FROTHINGHAM. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. FROTHINGHAM. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair will recognize the gentleman in opposition to the amendment.

Mr. FROTHINGHAM. Mr. Chairman, I think this is a very undignified way to legislate, without having any explanation of the amendments at all. An amendment was just adopted here with very few people in the committee knowing what it means. It seems to me when these amendments are offered, whether they are committee amendments or amendments of individuals, we have the right for one hour to debate them here, and there ought to be some explanation of the scope of the amendment and its purpose.

Mr. MORIN. If the gentleman desires to debate the amendment, he has that privilege. We do not desire to debate the amendment because we do not want to consume unnecessary time. The amendment simply struck out of the bill certain language which the committee thought it unnecessary to have in the bill.

Mr. FROTHINGHAM. Why is it unnecessary? If the committee does not wish to give any explanation of these amendments, all right. We should know that that is to be their attitude when they are asked for an explanation.

Mr. BACON. Perhaps they have not an explanation to give.

Mr. QUIN. The gentlemen must understand that we have only one hour of debate left on the bill.

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. Can the gentleman return to page 13 without unanimous consent?

The CHAIRMAN. The Chair will state that the amendment to the Senate bill is one amendment to which an amendment may be offered from line 1, page 1, to any point thereafter.

Mr. O'CONNOR of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'CONNOR of New York. Is the time which is being consumed in offering these amendments taken out of the one hour of allotted time?

The CHAIRMAN. No; the time that is consumed in presenting an amendment is not taken out of the hour.

Mr. O'CONNOR of New York. Will the Chair state whether or not the time consumed by the gentleman from Massachusetts [Mr. FROTHINGHAM] is taken out of the hour?

The CHAIRMAN. That was taken out of the hour.

Mr. WAINWRIGHT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WAINWRIGHT. Do I understand it will be in order to debate, under the five-minute rule, any of the pending amendments that have not yet been adopted to the bill?

The CHAIRMAN. The Chair will state, and the Chair would like to have the attention of the members of the committee, that one week ago the debate was confined to one hour upon the bill and all amendments thereto. The Chair feels that there are a number of gentlemen who have substantial amendments to offer, and, of course, if they are recognized they will be entitled to five minutes in support of their amendment. Then the Chair will endeavor to recognize those in opposition to the amendment, but debate under the five-minute rule on a pro forma amendment would necessarily be out of order, because it would be an amendment in the third degree.

Mr. WAINWRIGHT. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WAINWRIGHT. The most substantial amendment pending before the committee is the so-called Snell substitute. Is the gentleman from New York to understand that all debate upon the Snell substitute has come to an end and that that can not be discussed?

The CHAIRMAN. The Chair is of the opinion that debate is not exhausted upon the Snell substitute, because, as the Chair recalls it, there has been no speech either for or against it.

Mr. WAINWRIGHT. Mr. Chairman, I rise in opposition to the Snell substitute.

The CHAIRMAN. There is pending before the committee an amendment which has been reported and which is ready to be voted upon, unless the gentleman from Pennsylvania [Mr. MORIN] desires recognition.

Mr. MORIN. Mr. Chairman, I desire to say that I am offering clarifying amendments. It does not in any way change the bill in effect. If I were to take five minutes on each amendment and another Member five minutes in opposition, we would consume 40 minutes. I do not desire to delay the House, as these amendments are only to clarify the bill.

Mr. CLARKE. Will the gentleman yield?

Mr. MORIN. Yes.

Mr. CLARKE. Who prepared these amendments? Were they submitted to the committee?

Mr. MORIN. These amendments were prepared in the Committee on Military Affairs.

Mr. McSWAIN. If the gentleman from Pennsylvania will allow, they were prepared more than a week ago and have been in possession of the committee for more than a week.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Page 12, line 18, after the word "hereby," insert "authorized to be appropriated, and when appropriated to be."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Page 14, line 19, after the word "sale," insert the word "concentrated."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Pennsylvania [Mr. MORIN].

The Clerk read as follows:

Page 23, line 12, insert after the word "sale," "until such shall be needed for the manufacture of concentrated fertilizer or its ingredients in no case."

Strike out the word "not" at the beginning of line 13.

Mr. SCHAFER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The Chair can not recognize the gentleman, as that is an amendment in the third degree.

Mr. LINTHICUM. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, first we ought not to include anything further in the bill authorizing the manufacture of fertilizer, and second, I think we ought to have here in the House a proper consideration of these amendments. The committee says that these are perfecting amendments. They may be perfecting amendments, but, I dare say, that there is not a dozen Members on the floor of the House who know what this amendment means or what the other amendments mean. We are not considering them in their proper manner. This is of vast concern. It puts out of business an industry that has invested $300,000,000. It takes from the Government $140,000,000 and turns over to the corporation to be formed $10,000,000, and it gives to the corporation $1,300,000 which the United States is receiving as income from Muscle Shoals.

Mr. DYER. Mr. Chairman, I make a point of order that the gentleman is not speaking to the amendment.

Mr. LINTHICUM. I am speaking to the amendment because it deals with the manufacture of fertilizer, and I am talking about the manufacture of fertilizer and the further extension of the power under this bill.

The CHAIRMAN. The Chair wants to say this: The committee has limited debate to one hour. There are a number of substantial amendments being offered and under the rule are entitled to debate. Therefore the Chair feels that gentlemen speaking against any particular amendment should confine themselves strictly in opposition to that particular amendment. The gentleman from Maryland will proceed in order.

Mr. LINTHICUM. Mr. Chairman, we are considering the Military Affairs Committee's substitute for the Norris Senate Joint Resolution 46. This substitute coming out of the Military Affairs Committee has been reported favorably by the committee without ever giving its opponents an opportunity to be heard. It undertakes to place the United States Government into the fertilizer business in opposition to an industry which has some $300,000,000 invested in their various enterprises.

The fertilizer industry since the deflation after the World War has lost more than $200,000,000 in business, and is to-day just about able to hold its own, and is entering upon what we had hoped was an era of prosperity. It could compete with any Government enterprise if it had an equal opportunity, but it is not proposed to give it an equal opportunity, because the Government enterprise is to have, as I have said, $10,000,000 cash out of the Treasury of the United States which these very fertilizer industries by virtue of taxation helped to accumulate in that Treasury. The corporation is to have turned over to it $140,000,000 of Government property without expense, and without the payment of any interest thereon and without taxation.

The income now derived from water power of $1,300,000 per annum can easily be increased by long contracts to $3,000,000 or $4,000,000 per annum. All this property belonging to the National Government—to the taxpayers of the country—to the fertilizer industries as well as others, is to be turned over to this Government enterprise to enter into competition with individual producers. What is to become of all the stockholders, big and little, of this fertilizer industry? What is to become of their plants and equipment? Who are to employ their workmen, mechanics, clerks, managers, and so forth? Is not this the taking of private property without due process of law and without compensation? Is it not really the invasion of eminent domain by which property is taken without just compensation?

If the Government is to enter upon this socialistic scheme in reference to the manufacture of fertilizer, if Congress will go that far in order to operate or employ Muscle Shoals, is it not a menace to all other private enterprises? Can the stockholders of any great enterprise throughout the country feel secure in their holdings when the Government is willing to take such a vigorous stand in reference to one of the basic industries of the country?

I am unalterably opposed to the Government entering into business in competition with private industries. I had hoped the Republican slogan, "Less government in business and more business in government," would appertain at least to the party which benefited by that slogan. This bill authorizes clear competition—operating with money furnished by the United States Treasury. To promote this competition the corporation is authorized to give away from 5 to 15 per cent of its total product. Muscle Shoals was organized for the purpose of producing nitrates in time of war, and in time of peace to produce nitrates to be used in fertilizer, and all additional electrical power was to be sold and the money covered into the United States Treasury.

The actual wording of the national defense act is this—

For the production of nitrates or other products needed for ammunitions of war and useful in the manufacture of fertilizers and other useful products.

There is not one word in there which would indicate that the Government contemplated embarking upon the manufacture of fertilizers. The idea I had in mind from this was that the Government would manufacture nitrates that could be sold and used in fertilizer, which would not only help the farmer by reducing the price of nitrates, but would help the fertilizer manufacturers by giving them a cheaper basic product.

Why apply the whole energy and plant to the manufacture of fertilizers, driving that industry to the wall, when under the defense act and the words "other useful products" the Government might well enter upon other enterprises which perhaps would not do the vast injury the centering upon one commodity would do, but nevertheless would be just as socialistic and just as foreign to our system of Government as anything could possibly be?

This bill will convert the whole plant into the production of fertilizers, nitrates, and their by-products. If successful, it will drive the fertilizer industry to the wall, so that in peace times you will have produced fertilizer perhaps cheaper than the present manufacturers can produce it, because of the fact that you have the millions of money and property belonging to the National Government—because there are no overhead charges, taxes, or interest on the money invested—rather has it an income from the power itself in addition to the vast property turned over by the National Government aggregating $140,000,000, together with $10,000,000 in cash, a total of $150,000,000.

Suppose you make a great success by virtue of this Government property and Government money, and the fertilizer industry becomes a wreck and no longer able to compete. What will the farmers do in the event of war when the property is taken over for the production of nitrates for war purposes and the fertilizer industry has ceased to exist? A sad plight for the farmer under such a circumstance. I should pity him, indeed, because it would not be his fault; he has made no effort to have the Government undertake such a vast proposition, and as has been stated by one member of the committee, not a farmer has advocated the bill, nor did one appear before the committee asking for its enactment into law.

The opponents, the manufacturers of fertilizer, as I have said, are ingloriously called a Fertilizer Trust by the advocates of this bill, thrust aside and given no chance to lay their case, which involves their all, before the committee. Suppose the fertilizer man should criticize the Government operation, should demonstrate that it actually is costing the Government more to produce fertilizer than it is bringing. Suppose he should go so far as to say that his fertilizer is better than that pro-

duced by the Government, and should bring expert testimony to show this to be a fact. Where would he land under the provisions of this bill? Why, he would be indicted, if found guilty of these acts, would be cast into prison perhaps for 15 years, or perhaps he would have to pay a fine of $25,000 for having advocated his goods and his processes in competition with that of the National Government.

There has been a constant effort put forth to have the people believe that the fertilizer industry is profiteering on the farmer, when the real fact of the matter is that for the past seven years it has been compelled to sell its goods at cost and many times less than cost, and to-day is receiving only 9 per cent above pre-war prices, while all other industries and producers, including agriculture, are receiving from three to four times that much increase on their prices.

I do not believe that Government manufacture of fertilizer, even though it should succeed and be able to make it cheaper than the industries are making it, will benefit many farmers. It can certainly not be sold to the far-off farmer, with the added freight rates, any cheaper than the local fertilizer man is selling it to-day. There is bound to be discrimination among the farmers, because the Government goods can certainly not be sold to a very far-reaching radius because of high railroad rates at the present time.

The fertilizer industry has endeavored to establish its plants throughout the country and along water transportation to save the very freight rates of which I speak and make short-distance delivery. I hold no brief for the fertilizer industry. I am interested in it because it is one of the vital industries of the great metropolis of Baltimore, because it is unfair to socialize one great industry, destroy its property rights, render its stock valueless, injure stockholders and owners throughout the country.

I am opposed to the bill because I am quite sure, even with the valuable property and rights transferred to it, it can not succeed, and means, in the vernacular, the throwing of good money after bad. My view is that this plant should be used in times of peace for the manufacture of power, and that this power should be sold to the highest bidder; that it should be so equipped that in time of war it can manufacture nitrates, rendering us independent of all the world. As we are compelled to import all nitrates, it might be well to manufacture nitrates to be used in fertilizer. I want to see this great property completed, but I do not wish to see its completion at the ruin of a vast number of our citizens. I am opposed to socialism, and I regard this as a great step in that direction. When Congress decides to become socialistic, when the day comes that we shall have embraced sovietism, God forbid, then socialize all industries; but do not set the precedent in that sad direction merely because we own some property and do not know what to do with it. Let the Government keep out of business except for governmental purposes.

We have created commissions for the construction of great buildings in this country; we have placed in the hands of the War Department millions of dollars for the deepening of our rivers and channels; we have established many departments and bureaus for the handling of Government business. Why not establish some commission to handle this valuable property and leave it to that commission to take charge of it and work out the problem in a business, governmental, and equitable manner, subject to the approval of Congress?

I sincerely trust this committee will be wise enough not to launch upon this half-baked, half-thought-out proposition, which sets a precedent for government in business. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Pennsylvania.

Mr. SNELL. Mr. Chairman, I ask unanimous consent to proceed for one minute out of order.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for one minute out of order. Is there objection?

There was no objection.

Mr. SNELL. Mr. Chairman, it seems to me that we are proceeding in a very childlike and unreasonable way in considering this legislation. I believe for the good of the legislation itself the gentleman from Pennsylvania should withdraw his motion of last week and give us two hours to debate the amendments, so that Members and the people may know what we are doing. No one knows what we are doing. Everything is confusion and we should proceed in an orderly manner. Of course, if the House wants to go on in this way I am satisfied. I am asking this in the interest of good legislation and not to delay the passage of the bill. I am doing it in the interest of orderly procedure, and I wish the Chairman would join with me in bringing this about.

Mr. DYER. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. MORIN: Page 29, in line 2, after the word "or," insert "wrongfully and unlawfully."

The CHAIRMAN The question is on agreeing to the amendment offered by the gentleman from Pennsylvania

The amendment was agreed to.

Mr. BYRNS. Mr. Chairman, I ask for recognition.

Mr. REECE rose.

The CHAIRMAN. The Chair will ask the gentleman from Tennessee to defer, as the gentleman from Tennessee [Mr. REECE], a member of the committee, is asking recognition.

Mr. BYRNS. Mr. Chairman, I submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BYRNS. These amendments which come from the committee, which are not being debated, can be as well offered after the hour's debate has been concluded as now.

Mr. LAGUARDIA. They are completed now, I understand.

Mr. BYRNS. Why should the committee take up the time within this hour when vital amendments are ready to be offered?

The CHAIRMAN. The time taken in presenting the amendments is not taken out of the hour.

Mr. REECE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. REECE: At the end of section 17, on page 26 insert: "*Provided*, That $2,000,000 of the capital stock authorized in this section shall be made available with which to begin the construction of the said Cove Creek Dam during the calendar year 1929: *Provided, however*, That the said amount shall be returned to the capital assets of the corporation out of the appropriations which hereafter may be made for the construction of said Cove Creek Dam."

Mr. CHINDBLOM. Mr. Chairman, on that I reserve the point of order. There is so much noise that I could not hear the reading of the amendment distinctly, but it occurred to me that it is probably subject to the point of order upon the ground that it makes an appropriation. I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Tennessee.

There was no objection, and the Clerk again reported the Reece amendment.

Mr. CHINDBLOM. Mr. Chairman, I make the point of order that the amendment is in effect an appropriation.

The CHAIRMAN. The Chair will hear the gentleman from Illinois on the point of order.

Mr. CHINDBLOM. I make the further point of order that it is not germane to the section to which it is offered.

The CHAIRMAN. The Chair will hear the gentleman from Tennessee on the point of order.

Mr. REECE. Mr. Chairman, section 17 provides an authorization which shall constitute the capital stock of the proposed corporation, and it further provides an authorization for the construction of Cove Creek Dam. The amendment provides that when the appropriations which constitute the capital stock of the proposed corporation are made, $2,000,000 shall become available with which to begin the construction of the dam.

The CHAIRMAN. The Chair calls the attention of the gentleman to the fact that his amendment relates to section 17, which is the section in the bill that calls for the construction of the Cove Creek Dam.

Mr. CLARKE. Mr. Chairman, I ask unanimous consent to have the amendment again reported, because it is not clear in my mind, due to the confusion in the Chamber, whether this refers to Cove Creek or gold brick.

Mr. SNELL. Mr. Chairman, I object.

The CHAIRMAN. The Chair calls the attention of the gentleman from Tennessee to the fact that while this section pertains to the construction of Cove Creek Dam, the amendment has to do with certain capital stock and the making of that capital stock available to begin the construction of the dam. There is nothing in section 17 of the committee amendment to the Senate bill which in any way has anything to do with the capital stock of the corporation.

Mr. REECE. The section makes an authorization for the construction of Cove Creek Dam, and my amendment seeks to authorize that part of the construction which is authorized

in a previous section shall be made available for this purpose when so appropriated.

The CHAIRMAN. The Chair again calls the attention of the gentleman from Tennessee to the fact that there is nothing in the section at all which relates to capital stock. It does authorize an appropriation, but there is nothing pertaining to capital stock. The gentleman's amendment clearly relates to the capital stock and makes $2,000,000 of the amount available for this purpose.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LAGUARDIA. Would that amendment be germane to section 4, which provides for capital stock?

The CHAIRMAN. The Chair will rule on that point when the time comes, if it does come. The Chair is of opinion that the point of order should be sustained.

Mr. CHINDBLOM. Mr. Chairman, may I add the suggestion that it adds to the powers of the corporation and should have come under that section.

The CHAIRMAN. The Chair sustains the point of order on the ground that it is not germane to the section.

Mr. REECE. Mr. Chairman, I offer another amendment at the same point in the bill, which should read——

Mr. CLARKE. Mr. Chairman, I make the point of order that the gentleman from Tennessee is out of order, because all amendments should be submitted in writing.

The CHAIRMAN. If the gentleman insists upon that point of order, the Chair must sustain the point of order.

Mr. SNELL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The CHAIRMAN. The Chair will first recognize the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS. Mr. Chairman, I move to strike out sections 17 and 18 of the committee amendment.

The CHAIRMAN. The gentleman from Tennessee moves to strike out sections 17 and 18. The Clerk will report his amendment.

The Clerk read as follows:

Amendment offered by Mr. BYRNS: Beginning on line 1, page 25, strike out all of section 17 and section 18, ending on line 2, page 27.

The CHAIRMAN. The gentleman from Tennessee is recognized for five minutes.

Mr. BYRNS. Mr. Chairman, if my motion prevails, it will result in eliminating from the pending bill all reference to Cove Creek Dam, in Tennessee, and the authorization carried in this bill for the construction of that dam.

Every one concedes, I think, that Muscle Shoals should be used primarily for the benefit of agriculture. I have been doing what I could ever since the completion of the dam to secure this result. It will be recalled that immediately after the war it was proposed to scrap the $17,000,000 that had been expended toward the construction of the dam and the more than $100,000,000 spent on the two nitrate plants. It fell to my lot as a member of the Committee on Appropriations to lead the fight in the House for the money necessary to complete the dam. We are all anxious to see some disposition made of this property belonging to the United States Government at Muscle Shoals, but I am unwilling to vote for this bill which has been reported by the Committee on Military Affairs without hearings and without previous notice to the delegation from the State of Tennessee, whose sovereign proprietary and revenue rights are invaded.

It proposes to take from the State of Tennessee its legal rights, and is nothing more nor less than a gross usurpation of those rights. It seeks to deprive the State of Tennessee of its sovereign right to control and direct the use of its own natural resources which are held by the State in trust for the people, and, if passed, it will result in depriving its taxpayers of millions of dollars annually in revenue for all time to come.

Let no Member who votes for it be deceived as to the true intent of this bill. In order to put the Federal Government not only in the fertilizer business but also in the power business it proposes that the Federal Government shall enter into the State of Tennessee without the consent of the State and build a dam on Cove Creek for the storage of water and the generation of power. The State is to have no voice in the regulation, control, and distribution of the power thus generated. Neither the State nor the industries located within the State are to share in the benefits of this power, because the bill proposes to build a transmission line to carry this power into the State of Alabama to be used for the benefit of industry located at Muscle Shoals and to be sold by the Government. It proposes to collect revenue from the increased power resulting at the lower dams in Tennessee and to pay the same into the Treasury of the United States in perpetuity, although such revenue justly and properly belongs to the State of Tennessee. It has been estimated that this revenue will amount to more than $2,000,000 annually. Tennessee is being asked to surrender this amount to the Federal Government for all the years that are to come without any resulting benefits therefrom.

I know that an amendment was adopted here a few moments ago which strikes out of this bill certain language providing for contributions from these dams to be built on the lower part of the river; but I submit to you, gentlemen, that that amendment amounts to nothing, because under the Federal water power act the Federal Government already had the right to make an assessment upon those dams for the benefit of the Federal Treasury. That language was mere surplusage, and its elimination does not affect the situation in so far as the rights and interests of Tennessee and her citizens are involved in this bill. Let no Member be deceived by this eleventh-hour action of the chairman in offering this amendment. It concedes nothing to the State. The point is that Tennessee is to be deprived of these possible revenues, and particularly of any benefits of the power generated at Cove Creek, because it is to be denied any right to have a voice in its location. Not only that, but the bill takes from the taxable value of the county in which this dam is to be located more than 54,000 acres of land which will be flooded, without compensating benefits.

There never was a grosser usurpation of the sovereign rights of a State than is sought to be made under the terms of this bill. To carry out its purpose the proposed bill takes this particular dam out from under the express authority and terms of the Federal water power act, which provides that the States shall have a voice in the granting of a permit for power sites within the States and prescribing the conditions under which dams may be constructed. If these sovereign rights of Tennessee can be violated, as it is proposed to violate them here, then the same thing may be done in any sovereign State. It is not a local problem; it is a national problem. I appeal to the fairness of the House not to take this action until Congress has declared a national policy. [Applause.]

The gentleman from Alabama [Mr. HILL], whose State is so greatly benefited at the expense of a sister State, admitted that such a national policy should be declared but he urged that this bill should be passed now and such a policy established at a later date. In other words, he made the astounding proposition that Congress take away the rights of Tennessee at this time for the benefit of his own State and later pass an act which would prevent such action in the future. All this is to be done under the guise of aiding navigation, when everyone knows that this is the plainest sort of subterfuge. You are asked to pass this bill which will legislatively declare this gross usurpation to be for the benefit of navigation and thus hamper and possibly defeat Tennessee in its effort to protect its rights in the courts. For everyone knows that it is the general practice of the courts not to controvert a fact legislatively declared even though it may be susceptible of proof that such declaration was not justified.

The passage of this bill will tend to delay water-power development in east Tennessee. The appropriations for the construction of Cove Creek Dam will depend upon future Congresses, and we all know how long such construction is frequently delayed, especially when it involves an expenditure of $37,400,000, which is the amount estimated as the cost of the dam. Pending construction, I think it exceedingly questionable whether private interests will be willing to build all of the lower dams until advised just what charges will be fixed and just what the policy of the Government will be toward releasing the water stored at Cove Creek.

The committee has made no report or estimate of the total cost of the plan proposed at Muscle Shoals and including Cove Creek, and Congress is being asked to approve this bill in the absence of approximate estimates as to the total cost. The other day in response to a question from me the gentleman from Georgia [Mr. WRIGHT] stated that the installation of a phosphoric-acid plant would cost perhaps $10,000,000, and that in his judgment no further appropriation would be necessary by Congress. In the hearings before the joint committee, however, Mr. Bell, representing the Cyanamid Co., represented that the whole expenditure for ammonium phosphate plants to absorb 40,000 tons of cyanamide in making the capacity production of ammonium phosphate would cost $35,000,000 without any working capital at all and that the phosphoric-acid plant would cost about $8,000,000. This represents the cost at total capacity, and it is, therefore, open to very serious question as to whether or not the committee has provided for the full capacity of fertilizer under a Government-operation plan by an authorized appropriation of only $10,000,000. Congress should have been

furnished with more definite information on this subject and time should have been afforded in the consideration of this bill in order that all these questions might have been cleared up. Instead of that it is being rushed through without giving Members time and opportunity to discuss and consider it. The truth is that neither the Committee on Military Affairs nor anyone else knows to what extent it will involve the Government.

The CHAIRMAN. The time of the gentleman from Tennessee has expired

Mr. McREYNOLDS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee in opposition to the amendment.

Mr. McREYNOLDS. Mr. Chairman and gentlemen of the committee, if there is anything I dislike to do it is to differ with my good friend Mr. BYRNS, whom I greatly admire and for whose opinion I have the greatest respect. But when he makes the statement that the striking out from this bill the provisions in reference to the other dams below Cove Creek and says that that does not affect the purpose of the bill I must disagree.

I am in a different position from my friend Mr. BYRNS, who comes from middle Tennessee. I come from east Tennessee. I live in Chattanooga, on the banks of the Tennessee River, and many of these dams are in my district and their developments are being held up.

The object and purpose of the amendment offered by me, and which has been adopted, was to strike from this bill in section 17 that part of said section which undertakes to direct the Federal Water Power Commission to assess contributions against all who build dams below Cove Creek on the Clinch River and the Tennessee River.

It is likely that the Federal water power act passed in July, 1920, would give the commission this authority; but that is a general act and this is a specific requirement. In the general act the Federal Water Power Commission has the discretion of determining these charges upon an equitable basis. The words in this act make the charges obligatory and specific. With this section stricken out it leaves the State of Tennessee and the rights that we claim in the same position as we are now. To have passed this bill without this section being eliminated would mean that no permits would be issued for these various dams below Cove Creek until the Cove Creek Dam was built.

I am in full sympathy with the amendment offered by our distinguished leader, Mr. GARRETT, on last Wednesday, which had for its purpose the rights of the State of Tennessee in these water-power projects; but that amendment we lost, so it seems to me that the section to which I have referred being eliminated, leaves us, from a legal standpoint, in the same attitude as we are at present under the Federal water power act. At least it does not complicate matters further by other legislation which tends to take from us our rights as a State.

It would have been well to have opposed and defeated the Federal water power act at the time of its passage; and if so, this conflict of authority between the State and the National Government would not have been so serious.

I am very sorry, indeed, to have to take a different position from some of my good friends in the Tennessee delegation, but I am somewhat differently located and interested in the advantages that might be acquired by this legislation.

Many of the dams that we desire to be developed are in my immediate section, and the building of the Cove Creek Dam would result in great benefit to my district. I am very anxious to see the Muscle Shoals proposition disposed of, and so are the people of my section. On account of our location and the headwaters for this great dam originating in east Tennessee furnishing the greater portion of the water for the Tennessee River, we are naturally tied up with Muscle Shoals. We can get no developments of the dams in east Tennessee until this Muscle Shoals proposition is disposed of. We want action; we want to be released; we want to take advantage of the wonderful natural resources that we have, but this we have been unable to do on account of our situation.

The Government has spent some $850,000 in the survey of the Tennessee River and its tributaries, and many dams have been located outside of these few that are specified on the Clinch and Tennessee Rivers, but not a single permit has been issued for the development of any of them. You will doubtless remember that when the Rivers and Harbors Committee would make their reports including certain amounts for this survey they would often refer to these wonderful dam sites and predict that this section would become the Ruhr district of America. The natural resources that we possess are worth nothing unless we are given an opportunity to develop them. Our sister States in the South have not been so handicapped. Between the years of 1922 and 1926, inclusive, there have been either preliminary permits or licenses issued by the Federal Water Power Commission for water-power developments in the following States, as follows:

	Horsepower
Alabama	683,800
Florida	96,000
Georgia	94,000
Kentucky	451,300
North Carolina	75,800
South Carolina	204,400
Virginia	100,000
Tennessee	None.

Under these conditions, is it not time for our people to become restless when the progress of our State is being handicapped? You can see from this our great anxiety for the disposition of Muscle Shoals. I feel with this section cut out of the bill that the rights of the State of Tennessee as to the dams below Cove Creek will remain just as they are now and probably the State of Tennessee and the Federal Government can settle these rights.

As to the Cove Creek Dam, I am frank to say that I think the Federal Government has the right to build a dam there, because such storage dam would affect flood control and navigation, which would give it constitutional authority. This dam should be built by all means, as it is the key to the whole situation. If built, as it should be built, it will be a storage dam and will cover 54,000 acres of land. The Tennessee River gets very low during the summer season, and this water would be held and turned loose when needed, thereby greatly benefiting navigation, and with two other dams built between Muscle Shoals and Chattanooga, where I live, we would have 9 feet of water for navigation on the Tennessee River. During winter and spring, when we have our heaviest rains, the water would be held, and the $250,000 damages along the Tennessee River that we have yearly would be averted. Speaking more especially of the city where I live—Chattanooga—it would lower the high-water mark 5.8 feet and thereby stop the great losses and suffering that sometimes occur and make available for uses much valuable property. It would also increase the horsepower of all dams below it from 100 to 110 per cent. If I remember correctly, the Government will get the benefit of increase of horsepower at Muscle Shoals of 124 per cent. It will not only increase the horsepower of these various dams, but it will decrease the cost of horsepower, which will make the dams more inviting and should give the public the benefit of cheap electricity, which would mean the rapid growth and development of our section of the country. As an illustration of the decrease in the cost of horsepower, let me cite you the figures of the Government engineer for two places: Construction cost per horsepower, without benefit of storage, White Creek, $1,464; with storage, $366. Construction, without storage, Chickamauga, $777; with storage, $262. Anyone who makes any study of this whatever can see the importance of Cove Creek Dam's construction. Should it be built by the Federal Government or by private capital? In the first place, it is extremely doubtful whether or not private capital would ever build it. I feel that I am violating no confidence when I state that I have been so advised by a person who is in a position to know. I am of the opinion that if it is ever built it will have to be built by the Government; and the Government should do it. If the Government owns and operates it, it will be used for flood control and navigation, and will also deal fairly with all those who build dams below; if a corporation builds it, it will be used strictly for power purposes, and will give said corporation control of the dams below, which would be a monopoly.

For the reasons stated, and the great advantages that would particularly result in my district, and which I think would be of great service to my State, I shall support this bill with this elimination.

Congress has been trying to dispose of Muscle Shoals for something over seven years, but has been unable to do so. We have tried to agree upon leases, without avail; and during this session of Congress only one corporation made any effort or offer to lease this property, and their proposition was so unreasonable that the Military Affairs Committee of the House refused to bring it out. Something must be done. The people demand it, and the interests of the people warrant it. The present bill is not what I would like, but legislation is generally a matter of compromise. I have always opposed putting the Government in business, and I know that the majority of this House has the same views; but the answer to that is that there has been no solution of this problem, and it looks as if there can be no solution and that the Government is already in business at Muscle Shoals; then why not make it a business that is profitable and one that will serve the great mass of the people who need assistance? The controlling feature in this bill with me is the releasing for development the wonderful dam sites in east Tennessee.

The CHAIRMAN. The time of the gentleman from Tennessee has expired. All time has expired.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. BYRNS].

The question was taken; and on a division (demanded by Mr. CONNOLLY of Pennsylvania) there were—ayes 56, noes 79.

So the amendment was rejected.

Mr. REECE rose.

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. REECE. Mr. Chairman, I rise for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. REECE: At the end of section 4, on page 12, insert: "*Provided*, That $2,000,000 of the said capital stock shall be made available during the calendar year 1929 for the construction of Cove Creek Dam, as hereafter provided, when so appropriated."

Mr. CHINDBLOM. Mr. Chairman, I make a point of order, first, that the amendment is not germane to the section; and second, that it is in effect an appropriation.

Mr. LAGUARDIA. Mr. Chairman, I would like to be heard on the point of order.

Mr. CHINDBLOM. Mr. Chairman, on the question of germaneness, this is not the section that deals with the powers of the corporation. This section deals only with the amount of the capitalization and the matter of its acquisition. It does not deal at all with the purposes for which the capital stock is used. There is another section which deals with that.

Mr. LAGUARDIA rose.

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. LAGUARDIA. Mr. Chairman, I rise in opposition to the point of order. Section 4 is the section which authorizes the capital stock and it provides how it shall be made available. The amendment offered by the gentleman from Tennessee simply provides that of the $10,000,000 a part thereof, to wit, $2,000,000, shall be used for a specific purpose, as provided in the bill. It is not an appropriation, as the gentleman from Illinois suggests, for the simple reason that it is limited. The capital stock provided here is for what? For the purposes of the corporation, and surely it is germane, where the total capital stock is provided for, to take a part of it for a specific purpose as provided in the bill.

Mr. CHINDBLOM. Mr. Chairman, in response, I beg to suggest that section 4 does not state any purpose as to how the $10,000,000 is to be used. It simply provides for the acquisition and for the amount of the capital.

Mr. LAGUARDIA. What does the gentleman believe it is for if not for the purposes of the corporation?

Mr. CHINDBLOM. Section 4 does not state the objects of the corporation.

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard on the point of order?

Mr. REECE. No; not on the point of order.

The CHAIRMAN. The Chair is of the opinion that the point of order is well taken. The section to which it is offered, section 4, pertains only to capital stock. The amendment provides that $2,000,000 of the capital stock shall be made available during a certain period for a particular purpose. The Chair is of the opinion the amendment is not germane to the section to which it is offered and therefore sustains the point of order.

Mr. McMILLAN, Mr. COLLINS, and Mr. LINTHICUM rose.

Mr. McMILLAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McMILLAN: Page 14, line 19, after the word "sell," strike out the word "fertilizers" and insert in lieu thereof the words "fixed nitrogen."

Mr. McMILLAN. Mr. Chairman and gentlemen of the committee, as you know, I have only five minutes in which to discuss this amendment, and if you will bear with me for these few minutes I will call to your attention what I conceive to be an amendment that carries out the original provisions of the Muscle Shoals act of 1916, and that is to amend the bill to provide for the manufacture of nitrates.

It is assumed and agreed by everybody here that we want to make some disposition of this problem. I am one of those who has that opinion; but let us not come in here with some half-baked scheme to-day with the idea of putting the Government into competition with private business and legitimate industry. My contention is that with respect to this proposition we should confine it to the manufacture of nitrates. This is a product that the Military Affairs Committee of this House and Congress itself has said is needed in time of war, and in time of peace we can manufacture these nitrates for the benefit of the farmers of this country.

You have heard stated on this floor that we import nitrates from foreign countries, and under my amendment we will save at least $10,000,000 for the agricultural interests of our country.

My amendment simply provides that we confine this to the manufacture of nitrates and nitrogenous fertilizers and cut out this great big scheme of launching the Government into private business under a policy which I think the rank and file of the people of this country are against.

My friends, this amendment is offered in all seriousness, and I appeal to the membership of this House that on this occasion you go ahead and comply with the original act of 1916 and manufacture nitrates at this time for the benefit of the country in war times and in peace times for the benefit of the agricultural interests of our country.

Mr. WRIGHT. Will the gentleman yield?

Mr. McMILLAN. I am sorry I can not yield, as I have only two more minutes.

My friends, I appeal to you in behalf of my amendment. There is not a man on this floor who can foresee or foretell when this country will have an emergency and confronted with war. We may wake up any morning and find a war threatening our country. If this is true—listen to me—if this is true and you have run out the fertilizer industry of this country by such legislation as is here proposed, what are your farmers going to do on that morning when the Government, under section 12 of this bill, has the right, as it ought to have, to come in and take over the operation of Muscle Shoals—for what purpose? For the purpose of the manufacture of munitions of war. I ask you, then, what is going to become of the agricultural interests, with the private fertilizer industries gone? I say to you, my friends, it is true you may have explosives for our soldiers to shoot, but I appeal to you—and, I think, very logically so—that while you will have explosives you will be lacking fertilizer to raise the bread that our soldiers should consume.

I tell you, my friends, this matter of going into competition with private business is a very big and broad problem to which, as one Member of this House, I am very much opposed.

I believe that confining this activity to the manufacture of nitrates and relieving the farmers of $10,000,000 to $12,000,000 of royalties paid to foreign countries annually will serve the purpose and we will enact some legislation here that the people of the country will heartily approve. [Applause.]

I want it distinctly understood that this amendment is offered purely for the purpose of securing legislation that will become a law and at the same time give the farmer some relief with reference to fertilizers. I can understand why those gentlemen located near Muscle Shoals should oppose this amendment, because they will be certain to get their fertilizers, and then they will probably be able to get them cheaper than we can in South Carolina, but what is the use of trying to pass a bill that has no chance in the world to become a law and allow this Muscle Shoals problem to remain, as my colleague [Mr. FULMER] has heretofore said, a political football to be kicked around from year to year. If my amendment is passed the Government should be able to make all of the nitrates needed by the farmers of this country, and they should be able to get nitrate of soda for at least $25 per ton. If so, this will mean something to agriculture that is worth while, and this is what I want to see done.

Another reason I am offering this amendment is, as I have already indicated, which is to the effect that unless we can get something of this kind it is generally understood that the President will veto the bill, which he has already indicated he would do under the existing provisions of the bill, and I sincerely trust that those who are really interested in securing cheaper and better fertilizers for the farmers of this country will support my amendment, because it will certainly give us cheaper nitrates and nitrogenous fertilizers, and this is what I am working for. [Applause.]

Mr. QUIN. Mr. Chairman, I rise in opposition to the amendment.

I want every man in this committee to understand what this amendment means. It is an amendment proposed by the fertilizer factories of the United States in order to keep Muscle Shoals from being operated for the benefit of agriculture. [Applause.] That is exactly what it means.

The fertilizer factories of this country would be happy to have only nitrates manufactured at Muscle Shoals. Why is all this howl made here when, with 8,000,000 tons of fertilizer used on the farms of the United States, this Congress, which is sup-

posed to be the honest representative of the great mass of the people, is endeavoring to put a Government plant into operation capable of making only 2,000,000 tons of finished fertilizer?

This amendment is intended to kill the project. Every man who votes for this amendment that has been offered here is slapping the farmers of the United States in the face and kicking them in the ribs [laughter and applause], and the gentleman who offered the amendment knows it. He has offered at the behest of the fertilizer factories. Are you representing men who are engaged in making fertilizer or are you representing the people of the United States who must buy fertilizer, sow it on the ground, work in the rain and sun 13 months in the year to make food and raiment to sustain and clothe the American people? [Laughter and applause.] This is the man for whose benefit this legislation is brought here, and when you vote for such amendments as the gentleman from South Carolina has offered here, you are killing the bill.

Mr. SCHAFER. Will the gentleman yield?

Mr. QUIN. This is a fertilizer bill. This is, in a measure, a strict interpretation of section 124 of the national defense act, which meant not what the gentleman from South Carolina said, but meant for the plant to be operated for the purpose of making fertilizers in times of peace.

Mr. SCHAFER. Is the gentleman in favor of the Government entering into all types of business in this country like they are doing in Soviet Russia?

Mr. QUIN. I am in favor of the Government operating the plant that it owns. It built this plant, and the United States Congress voted to pay for it, and stated what we should do with it in time of peace, and that was to make fertilizer, and that is what I am voting for here. The Government ought to use it to do something for the people, and I am shocked that my good friend from Wisconsin, representing a splendid progressive citizenship, would vote against this bill. Every laboring man and every farmer in the United States will rise up and call this Congress blessed if it passes this measure. It would be a great progressive help to the farmer that would in my judgment be a consummation devoutly to be wished by the farmer and the great mass of people in this Republic. [Applause.]

Mr. WRIGHT. The gentleman from South Carolina said that the Congress authorized the manufacture of nitrates only when it authorized the construction of this plant. I call the gentleman's attention to the fact that the purpose there stated was for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

Mr. QUIN. I was on the committee and I know it was for the manufacture of fertilizer in time of peace. That is what this bill is for and I hope the House will stand by the committee. [Applause.]

The CHAIRMAN. All time on this amendment has expired, and the question is on the amendment of the gentleman from South Carolina [Mr. McMILLAN].

The question was taken; and on a division (demanded by Mr. McMILLAN) there were 112 ayes and 75 noes.

Mr. WRIGHT and Mr. McMILLAN demanded tellers.

Tellers were ordered, and the Chair appointed Mr. MORIN and Mr. McMILLAN as tellers.

The committee again divided; and the tellers reported that there were 141 ayes and 89 noes.

So the amendment was agreed to.

Mr. McMILLAN. Mr. Chairman, I have other amendments in order to make the bill consistent.

The Clerk read as follows:

Amendment by Mr. McMILLAN: Page 10, line 18, after the word "manufacture," strike out "mixing, selling, or distribution of commercial fertilizer" and insert in lieu thereof the words "selling or distribution of fixed nitrogen."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. McMILLAN. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Page 11, line 4, after the words "of producing," strike out "fertilizer" and insert the words "fixed nitrogen."

The amendment was agreed to.

Mr. McMILLAN. Mr. Chairman, I am offering these amendments to make the bill consistent with my first amendment which was adopted. I offer the further amendment.

The Clerk read as follows:

Page 11, line 6, after the word "said," strike out "fertilizers" and insert in lieu thereof "products."

Mr. JAMES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and gentlemen, the adoption of these amendments, of course, means that there will be no fertilizer for the farmer. You are going to manufacture nitrogen that you can not sell. You are not going to give the farmers anything. Under the Snell bill, unless he materially amends it, and under the bill before the committee, you are going to turn this nitrogen plant over to Doctor Cottrell, and here is what he says about this proposition:

Mr. WRIGHT. You would not think that it was practicable to go there, with the plant as it is now, and undertake to put out 40,000 tons of nitrogen in the form of nitrate of ammonia, would you?

Doctor COTTRELL. No, sir.

Mr. WRIGHT. You think that would be a losing proposition?

Doctor COTTRELL. We would simply have it accumulating on our hands. That is what it would amount to.

Mr. WRIGHT. There would be no sale for it in that form?

Doctor COTTRELL. No, sir; not immediately for agricultural purposes.

Mr. WRIGHT. Very well.

So, gentlemen, by voting this amendment into the bill you give the farmer no fertilizer.

Mr. HILL of Alabama. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair has announced that a motion to strike out the last word is not in order, because it is an amendment in the third degree.

Mr. McMILLAN. Mr. Chairman, how much time is there left for debate under the original agreement?

The CHAIRMAN. Less than a half hour. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was agreed to.

Mr. McMILLAN. Mr. Chairman, I offer another amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. McMILLAN: Page 12, line 4, after the words "production of," strike out "fertilizer" and insert "fixed nitrogen."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

Mr. HILL of Alabama. Mr. Chairman, I rise in opposition to the amendment. We may just as well know what we are doing by the adoption of these various amendments. As the gentleman from Michigan [Mr. JAMES] has well told the committee, if we proceed to adopt these amendments there will be no fertilizers for the farmers of this country manufactured at Muscle Shoals. In my judgment there will be little for the farmers at Muscle Shoals if these amendments are adopted. If we deny fertilizers to the farmers at Muscle Shoals, we reverse a policy that has been the policy of the Congress of the United States since 1916. If gentlemen will read the debates held on this floor at the time that the construction of the plants at Muscle Shoals was authorized, they will find that at that time it was the declared intent of the Congress that those plants should manufacture and turn out finished fertilizers for the farmers. As far back as 1919 Mr. A. G. Glasgow, the nitrate director of the War Department, sought to get private parties to take over the plants at Muscle Shoals to manufacture finished fertilizers for the farmers. For weeks, days, months—yes; literally years—the Military Affairs Committee of this House and the Committee on Agriculture of the Senate have labored, have toiled in an effort to get some one to go to Muscle Shoals there to make finished fertilizers for the farmers. This House has three times said that these plants were to be used to manufacture finished fertilizers for the farmers. This House by a substantial majority passed the McKenzie bill, which provided for the acceptance of the offer of Henry Ford, under which offer Mr. Ford was to turn out finished fertilizers for the farmers. A little later in 1925 this House passed the Snell resolution providing for the Muscle Shoals inquiry commission, and in that resolution the House again stated that it was the intent of the House that the plants at Muscle Shoals should be used for manufacturing finished fertilizers for the farmers. For a third time the House made that same declaration in 1926 when it passed the joint resolution providing for the joint committee of the two Houses of Congress to negotiate for bids for the lease of the plants at Muscle Shoals.

Likewise on three different occasions the Senate of the United States has declared its intent that the plants at Muscle Shoals should be used for turning out finished fertilizers for the farmers. And now, after all these years, after these three declarations by the House and these three declarations by the Senate, are we to reverse that policy, are we to go back upon the original dedication of these plants to the turning out of finished fertilizers? Let us not deceive ourselves.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. HILL of Alabama. I can not yield. I have only five minutes.

Let us not deceive ourselves. Those who come from the great farming districts, and who declare that they want to do something for the farmer, are now refusing to give him relief when they vote to take finished fertilizers out of this bill. I was surprised to see this amendment coming from my good friend from South Carolina [Mr. MCMILLAN], because I know that in one year's time the farmers of the State of South Carolina have expended $50,000,000 for the purchase of their fertilizers.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

The question is on the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

Mr. MCMILLAN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. MCMILLAN: Page 17, line 3, after the words "distribute the," strike out "fertilizers" and insert "nitrogen products."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ALMON. Mr. Chairman, I rise in opposition to the amendment. If this amendment is adopted, it takes the very heart out of the bill.

Every Muscle Shoals bill which has been before Congress and passed either House of Congress has provided for the manufacture of fertilizer. That means a complete fertilizer. Now, this amendment of the gentleman from South Carolina [Mr. MCMILLAN] proposes to strike out the word "fertilizer" and insert in lieu thereof "fixed nitrogen." We have promised the farmers all along that fertilizer would be made at Muscle Shoals when the plant was put into operation. Now, when this and other amendments offered by the gentleman from South Carolina [Mr. MCMILLAN] provided for in this bill will be limited to the production of fixed nitrogen I believe that we should keep faith with the farmers and provide in this bill for the making by the Government of a complete concentrated fertilizer at Muscle Shoals. We have been insisting and demanding all along that this be done, but now it seems that the fertilizer lobby has induced a sufficient number of Congressmen to vote to limit the production of the Government to fixed nitrogen and not allow the making of a complete fertilizer, as is provided in the Morin bill as reported by the Committee on Military Affairs. Those who are opposing the making of a complete fertilizer by the Government on the ground that it would be Government operation in competition with private capital and industries engaged in the manufacture of fertilizer in this country are mistaken. It means that the Government is going into its own business, the operation of its own plant for the benefit of its own people and in competition with foreign capital, the Chilean nitrate monopoly, with headquarters in London. [Applause.]

We have met in this historic House this afternoon to vote on and decide one of the most important issues which has been before Congress in many years. We are acting in the capacity of a jury to decide an issue made up between the strong and the weak. On one side is the great foreign monopoly, the Chilean corporation, the power monopoly, and the Fertilizer Trust. On the other side are those engaged in agriculture, the tillers of the soil, who earn their bread by the sweat of the brow. We have heard much talk recently about the Government going into business in competition with private industry. It has been overworked. This bill does not mean the Government going into competition with private industry; it simply means that the Government is going to carry on its own business for the benefit of its own people. If it means competition with any interest, it is with foreign interest, and not only foreign interest but a great foreign trust and monopoly, one which has bled the tillers of the soil for more than 40 years to the extent of at least $11,000,000 per year. [Applause.]

Our soil is being depleted and must be replenished with nitrogen. It is said by those who should know that there are 21,000,000 tons of nitrogen over every square mile. All other countries except ours have been, and are, operating great air-nitrogen plants for taking this essential plant food known as nitrogen from the air and fixing it into a solid substance to be used by the farmers as a fertilizer.

The fertilizer mixers do not produce nitrates, but buy it and the most of it is Chilean nitrate, and, as I have said heretofore, this forces the American farmer to pay tribute to a foreign country to the amount of $11,000,000 per year. So the Morin bill means competition not only with foreign capital but a great foreign monopoly which not only controls the price of Chilean nitrate but nitrate in all other forms.

The Congress in 1916, realizing its neglect of agriculture by providing for such plants, authorized and appropriated the money with which to construct such a plant; and it was thought then that it would be in operation in a very short time, but the selfish monopolistic interests of the power and fertilizer combinations have up to this hour defeated the will of the people; and we have continued to permit this great fertilizer octopus to furnish the American farmer with this high-priced inferior grade of fertilizer for which he pays tribute to a foreign Government to the extent of at least $11,000,000 per annum, and freight rates over more than 6,000 miles for a so-called fertilizer containing 85 per cent dirt and 15 per cent nitrogen. After eight years of continuous labor and effort on the part of our committee to which this subject was assigned they have brought to us by an almost unanimous report a bill carrying out the law of 1916, and one that will protect the farmers against the further imposition of this unreasonable and unjust fertilizer system. The committee has heard the evidence, had it reduced to writing containing several volumes of printed matter. The committee has also filed its report and has advised us as to what they thought should be done. So the issue has been made up and the evidence introduced, and it becomes our duty to render within the next few minutes a verdict involving the best interest and welfare of those who till the soil and feed and clothe the Nation. May we be given the wisdom and the courage to decide this issue between the strong and the weak in such a way and such a manner as to do justice to all. Ours is the greatest country on the globe. Our people have demonstrated that we are the greatest Nation of people in existence. Our form of Government is unequalled by any other in the galaxy of nations.

May we be able to resist the arguments of the lobby representing the pernicious trusts and monopolies and hear the appeal of the men and women on the farms crying out for farm relief, and who are not able to come here nor send a lobby. [Applause.] Some of the representatives they sent here to protect their interests have joined the ranks of the lobby opposing their best interest. They must look to us and to us alone to protect their interest.

Shall we produce our own nitrates by taking it from the air at the Government's air-nitrogen plant at Muscle Shoals or continue to buy it in the form of Chilean nitrate? As I have said heretofore, the war air-nitrogen plants in Germany are being operated for fertilizer purposes and the German farmers no longer pay tribute to the Chilean nitrate monopoly, but on the other hand Germany has become a large exporter of fertilizer and some of it is being imported into this country. Shall we continue to pay tribute to this foreign monopoly or shall our Government operate its plant at Muscle Shoals and save the farmers many, many millions of dollars? That is the issue to be settled at this time.

I shall be greatly disappointed if this bill is amended in such a way that the Government corporation provided for in the Morin bill will not be authorized to make a complete highly concentrated fertilizer. This is what I have stood for all along, so I appeal to you to vote down this and all other amendments which will prohibit the Government from making a complete high-grade fertilizer that can be sold to the farmers at a very much lower price than they are now paying. However, if it is changed I will have the satisfaction of knowing that I have done the best that I could to secure for the farmers of the country the very best and cheapest fertilizer possible. Some members of the House seem to have changed their views in regard to the bill since the arrival of the fertilizer lobby, but I shall stand firm in the interest of the farmers I have the honor to represent. I would not be disloyal and unfaithful to the people who have honored and trusted me for all the gold and silver and ranches of Albert Fall. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

The CHAIRMAN. The Chair desires to state that in view of the fact that the gentleman from South Carolina has sent up quite a number of perfecting amendments, he thinks it would be better not to offer those now until the hour of debate has been concluded.

Mr. MCMILLAN. Then, in order to save time, I will ask unanimous consent that all these amendments may be considered en bloc.

Mr. COLLINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: Page 22, line 2, after the word "by," strike out "a reputable firm of certified public accountants" and insert in lieu thereof the words "the General Accounting Office"; on page 23, line 4, after the word "violated," insert "after the amount of damages has been fixed by the United States Court of Claims in proceedings instituted and conducted for that purpose under rules prescribed by the court."

The CHAIRMAN. The latter amendment is merely read for the information of the committee. The gentleman from Mississippi is recognized in explanation of his amendment.

Mr. COLLINS. Mr. Chairman and gentlemen of the committee, the first amendment is offered so that the General Accounting Office shall make annual audits of this Government-owned corporation instead of the reputable firms of certified accountants.

Mr. ARENTZ. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ARENTZ. A few moments ago the Chair said the whole debate was over, and that the hour had passed, and that all debate on this amendment and other amendments had closed.

The CHAIRMAN. The Chair desires to inform the gentleman that we are running under the rules of the House and under the rule and order of the committee, limiting the debate to one hour. The debate a moment ago was exhausted on the particular amendment.

Mr. ARENTZ. Who specified that time?

The CHAIRMAN. That was provided by the rule of the House.

Mr. ARENTZ. Did you divide the time between the two sides, or how? For in several instances the Chair declared at an end all debate on certain sections and all amendments thereto.

The CHAIRMAN. The Chair limits the time allowed to each Member to five minutes. The debate has closed on the particular amendment. The gentleman from Mississippi [Mr. COLLINS] will proceed.

Mr. COLLINS. Mr. Chairman, the amendment merely strikes out the words "a reputable firm of certified public accountants," and authorizes the annual auditing to be done by the General Accounting Office of the United States Government. This bill creates a Government corporation, and the General Accounting Office, another Government agency, ought to do the auditing. The expense of auditing will be less and the work better done. All of us know of the splendid work that is done by the General Accounting Office, and its usefulness can well be utilized in this case.

That is the first amendment.

Mr. JOHNSON of Texas. We can not hear the gentleman.

Mr. COLLINS. I will state it again. The first amendment permits the auditing of this Government-owned corporation to be done by the General Accounting Office rather than by a firm of certified public accountants. It is a governmental corporation, and some governmental agency ought to do the auditing; and the General Accounting Office has been set up for this purpose and similar purposes.

The next amendment deals with the question of damages that may arise when the plants to be operated are taken over by the Government in the case of war or national emergency. Section 12 permits the Government under these circumstances to take over the property of this corporation or any part of it for the use of the Government, and provides for the payment of damages that may be suffered by any party whose contract for the purchase of electric power or fertilizers or fertilizer ingredients is thereby violated.

There will necessarily be damages on account of the taking over. Under the terms of the act as it now stands there is no agency set up to determine the amount of these damages. The amendment that I offer authorizes the Court of Claims to fix the amount of the damages under rules to be prescribed by the court.

Mr. Chairman, I am in favor of this legislation. I think it is an excellent bill. It will have my support even if these amendments fail. I think, however, the amendments are meritorious, and if adopted will contribute to economic management. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. LAGUARDIA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. LAGUARDIA. Mr. Chairman, this is an opportunity I have long sought. While I do not doubt the absolute good faith of the gentleman from Mississippi [Mr. COLLINS] who has just offered the amendment, I want to say that amendments have been offered to-day not because gentlemen wanted to help the bill, but because it was sought to destroy this bill. [Applause.]

It seems to me that when the American Congress is confronted with an unholy alliance between the Power Trust and the Fertilizer Trust, the American people have not a look-in or a chance. [Applause.]

The arrogance and brazen attitude of the lobbyists have been talked about in the cloakrooms and in the lobby; and just at the time the Federal Trade Commission has been exposing the indecent conduct of the Power Trust we find the House in the humiliating position of bowing and accepting their dictates. [Applause.]

I want to say, gentlemen, that the conduct of the lobby of the Power Trust and the conduct of the lobby of the Fertilizer Trust is living proof that the world's oldest profession is not limited to any one sex. [Applause.]

Why, gentlemen, when the Senate bill came over here, and the intent was to utilize this great plant and make power, we had the Power Trust opposing it; when it was sought to use one of the finest plants in the world to make fertilizer, then we found the Fertilizer Trust against it. Now we have a combination of the two. We have constantly heard a complaint against the high cost of fertilizer, yet we find Members who pretend to have the welfare of the farmers at heart bowing in humble submission and voting for amendments which destroy the purpose of the bill.

Gentlemen, for six years efforts have been made to get this great plant into the hands of private operators. Some of you gentlemen may talk about Government operation, but only yesterday you had a bill here which provided for the operation of the inland waterways barge line, and what was stated on the floor? The gentleman from Illinois [Mr. DENISON] stated frankly that the purpose was to let the Government operate as long as it was a losing proposition, and then, when the operation was on a profit-paying basis, it is to be given over to private operation. It requires no imagination to know just what will be said when that time comes. It will be argued that the Government lost money; that it is unable to operate; and after it is turned over to private operation it will thereafter always be used as an example against Government operation. It will be entirely forgotten that it took the Government to initiate the plan, develop it to the point of profitable operation, and then to be grabbed and gobbled by a private corporation to enjoy the profits. Yes; when that time comes I dare say that every one of the so-called conservatives will be ready with their made-to-order speeches against Government operation. I can not understand how these greedy, exploiting corporations can always manage to find enough "me-too" men to vote for their bills.

It was the same with the railroads. At the time this country was confronted with an emergency that required the greatest efficiency in the operation of the railroads the companies came cringing to Washington admitting that they were not able to perform the task. The Government took the railroads over and demonstrated the waste and loss of private operation. It took the Government to show how terminals could be used in common, how duplicate freight lines could be eliminated, and no matter what may be said the Government operated the railroads efficiently during a period of crisis when the operation was under every possible disadvantage.

I believe, and I do not hesitate to say so, in Government or State operation of water power for generating electricity. I believe that this gift of God to the people of the country belongs to all of the people and should be utilized for their benefit and not monopolized by any corporation for the purpose of exploiting the masses of consumers. As between the cost of Government operation and the cost to the people of excessive, exorbitant rates imposed by public utilities corporations the people of the country will save hundreds of millions of dollars under Government operation.

There is hope in this bill. There is still hope that we will be able to defeat its going into the hands of any private concern. Oh, there are many hanging around like hungry wolves hoping that this bill will be defeated, so that they will have another chance to grab Muscle Shoals. There is still hope that we will be able to save this priceless plant for the American people. There is hope that we may make it a model to establish what should be the reasonable and fair price for power and the reasonable and fair price for fertilizer. Under the McMillan amendment, which I am sure can not survive after the bill gets

through conference, the farmer will derive no benefit, but the Fertilizer Trust will be able to get cheaper nitrates to increase their present exorbitant profits. It will not be long before the farmer realizes that. For that reason I am sure that such an arrangement will never be permitted to remain in the bill. But, gentlemen, let us pass the bill to-day and get it into conference. From the conference I am sure after the American people realize what is going on public opinion will be so crystallized that there will come a bill protecting the interest of the American people and carrying out their wishes and not the wishes of the power and fertilizer lobby that have been infesting Washington during the present session of Congress.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on the first amendment offered by the gentleman from Mississippi [Mr. COLLINS].

The amendment was agreed to.

The CHAIRMAN. The question is now on the second amendment offered by the gentleman from Mississippi, which, without objection, the Clerk will again report.

There was no objection.

The Clerk again read the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee [Mr. REECE], a member of the committee.

Mr. REECE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. REECE: After section 17, on page 26, add a new section, 17–a, to read as follows:

"When the capital stock herein provided is appropriated the board of directors of the said corporation shall make available not to exceed $2,000,000 with which to begin the construction of the Cove Creek Dam during the calendar year 1929."

Mr. REECE. Mr. Chairman, the purpose of my amendment is to unlock the development of water power in the Tennessee Valley. The engineers estimate that the Tennessee Valley is capable of producing more than 2,000,000 horsepower of hydroelectric energy.

There is at this time a demand for this hydroelectric power by reason of the industrial development which is going on in east Tennessee. Private enterprise is ready to develop it, and has applications pending before the Federal Water Power Commission for permits to do so. The commission, however, has refused to grant permits for the construction of any dams until the policy relating to Cove Creek has been settled. The Cove Creek Dam, as you have been told, is to be used as a giant reservoir to impound the water for the purpose of regulating the flow of the Tennessee and the Clinch Rivers. Under the provisions of this bill the Government is being authorized to construct Cove Creek Dam, but it provides no time in which the construction of it shall begin, in consequence of which the development of water power may continue to be held in abeyance.

The amendment which I have submitted authorizes, when the capital stock of the Muscle Shoals Corporation has been appropriated, that not to exceed $2,000,000 shall be made immediately available with which to begin the construction of Cove Creek Dam, as provided in section 17 of the bill. If the bill is adopted and becomes a law, the Government has said it is going to construct the dam, but no appropriation may be made available for that purpose for a period of years; consequently we will continue to be held up in the development of our water power in the Tennessee Valley, which is the greatest asset we have in our State.

We do not care whether the Government constructs the Cove Creek Dam or not. We would prefer that private enterprise construct the dam, but if the Government is going to step in and say it is going to construct it, then I say some provision ought to be made for its early construction, so that other dams on the Tennessee River shall likewise be made available for construction by private enterprise. Applications are pending from private capital for the construction of all of these dams, but the Federal Water Power Commission will not grant permits for the construction of them, as I have said, until the policy relating to the Cove Creek Dam has been decided.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. REECE. Yes.

Mr. OLIVER of Alabama. I think the gentleman recognizes the fact that the construction of the Cove Creek Dam will expedite navigation on the Tennessee.

Mr. REECE. Certainly. It will expedite navigation on the Tennessee and likewise take care of flood control on the Tennessee.

I have discussed this amendment with various members of the committee, and it is my understanding they have no objection to it, and I certainly hope it may meet the approbation of the members of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. REECE].

The amendment was agreed to.

Mr. SNELL. Mr. Chairman, I am presenting some perfecting amendments to my substitute, and I desire to have them read and then I ask to be recognized on the amendments.

The CHAIRMAN. Without objection, the Clerk will report the amendments.

The Clerk read as follows:

Amendment offered by Mr. SNELL to his substitute: Page 6, line 14, after the word "production," strike out the words "including a reasonable rate" and insert in lieu thereof the word "exclusive."

Mr. BANKHEAD. Mr. Chairman, will the gentleman from New York yield for a parliamentary inquiry?

Mr. SNELL. Certainly.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BANKHEAD. There was so much confusion in the Hall that some of us could not hear the proposal of the gentleman from New York. I wish the gentleman would restate it.

Mr. SNELL. I asked to have the amendments which I have presented read, and then I desire to discuss them all at one time.

Mr. BANKHEAD. Amendments to the gentleman's substitute?

Mr. SNELL. Yes; they are perfecting amendments to my substitute.

Mr. BANKHEAD. I reserve a point of order against that at this stage of the proceedings, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BANKHEAD. I do not think, until we have concluded the consideration of the committee substitute, it is in order to offer amendments to the gentleman's substitute or to discuss them.

The CHAIRMAN. There is pending now, and has been since a week ago, the substitute that was offered by the gentleman from New York, and the gentleman is now offering certain amendments and has requested to have the amendments read at this time for the information of the committee.

Mr. SNELL. Then I desire to be recognized in support of them. There is nothing out of order or unusual about that.

Mr. BANKHEAD. A parliamentary inquiry, Mr. Chairman. Will this time be taken out of the one hour originally allotted?

The CHAIRMAN. The time which the gentleman consumes will be taken out, but not the time used in propounding the parliamentary inquiry.

Mr. BANKHEAD. I mean the time the gentleman proposes to use in debating his amendment. Will that be taken out of the one hour fixed by the committee?

The CHAIRMAN. It will be.

Mr. HASTINGS. Mr. Chairman, may I inquire how much time remains of the one hour?

The CHAIRMAN. About 12 minutes. The Clerk will continue reading the amendments.

The Clerk read as follows:

Page 7, lines 3 and 11, after the word "Agriculture," insert "or other designated agent."

Page 2, line 22, after the word "except," strike out "for a continuous output of 15,000 kilowatts" and insert "such amounts of either primary or secondary power as may be required from time to time under sections 9 and 10 herein."

Page 5, line 2, after the word "Agriculture," insert "or other designated agent."

Also, page 5, line 17, after the word "Agriculture," insert "or other designated agent."

Page 6, line 5, after the word "Agriculture," insert "or other designated agent."

Page 6, line 9, after the word "Agriculture," insert "or other designated agent."

Mr. SNELL. Mr. Chairman, whatever time I have taken in discussion of this bill has been taken in an honest attempt to present some constructive plan for the use and disposition of the property that we own now at Muscle Shoals.

Some reference has been made to the substitute which I have offered. I say here now on my reputation as a Member of Congress that whatever there is in the substitute that is good belongs to me; whatever there is in the substitute that is bad, or if it is all bad, belongs to me. I did not present my sub-

stitute to any one of the various lobbies that infest this Capitol. I never presented it to anyone until it became public property, and I did this purposely, because I expected some man would charge me with having had it written by some other person. I do not know my supposed friend Tom Martin, that my friend ALMON spoke about the other day, but the gentleman does him an injustice if he says or suggests that he wrote my bill, because he never saw it, and I never saw him.

Mr. ALMON. I did not say he did. I said that would be my guess.

Mr. SNELL. Now, in regard to my amendments, the only criticisms I have heard so far in regard to my substitute that were legitimate criticisms were that it did not provide enough power to do what I want done. I think this is perhaps a reasonable criticism and I have offered a perfecting amendment that will provide whatever power is necessary in order to carry out the provisions of sections 9 and 10 of the bill. In my judgment a large amount of the secondary power can be used for the provisions carried in this bill.

As to the question of interest charge, I have also stricken that out and made it without interest.

Another criticism that was raised by my friend from Michigan [Mr. JAMES]—and he raised it again here to-day—was that under the provisions of my substitute the Secretary of Agriculture would have to do the work of making these experiments and of manufacturing the nitrates or fertilizer, provided fertilizer was manufactured under my bill. I have amended the substitute to meet this criticism by providing "or any other designated agent." This means the President of the United States can designate the American Cyanamid Co., if he wants to, to make the experiments in the cyanamide plant at Muscle Shoals.

Mr. JAMES. Will the gentleman yield?

Mr. SNELL. For a short question; yes.

Mr. JAMES. Will the gentleman explain lines 4 and 5 on page 2?

Mr. SNELL. I have not the time to do that, and the gentleman knows it.

Mr. JAMES. That is the gist of it.

Mr. SNELL. Now, as a matter of fact, the only charge that has been made against my substitute has been that it is a power bill. Let me simply say, gentlemen, that if selling power and taking the revenue from such sale and using the revenue to perfect the manufacture of nitrates, in order that we may give the farmers of this country cheaper fertilizer, means a power bill, then my bill is a power bill, and that is all the "power" there is in it, because it does not do a single thing for any of them except that.

Under the amendments which have been adopted the only thing Members of the House can do—provided they want to manufacture fertilizer at Muscle Shoals—is to vote for my substitute. Furthermore, the substitute I have offered does not provide for any additional appropriation. It does away with the conflict between the States as to the control of power, and in a word simply uses the property we own at Muscle Shoals at the present time for the benefits that it was originally created for, and that is the experiments in the manufacture of nitrates and for the sale of power. I feel that this is a real practical substitute and I hope it will be adopted by the House. [Applause.]

Mr. JACOBSTEIN. Will the gentleman yield for a question?

Mr. SNELL. I yield to the gentleman from New York.

Mr. JACOBSTEIN. What might be behind the telegram that I have received this morning from the New York Farm Bureau Federation which says that unless the Snell bill is used to make fertilizer——

Mr. SNELL. Oh, I know nothing about it. I have received 50 telegrams to-day and I know they are all propaganda, because my initials were wrong in every telegram. [Laughter.]

Mr. McSWAIN. Mr. Chairman and gentlemen of the committee, the issue now is very sharply drawn. I say with all due respect to the gentleman from New York—and I do respect him sincerely—that the bill that he has introduced, knowing the situation as I have acquired knowledge of it in the committee for the last five years—and I am going to ask members of the committee who are acquainted with the situation whether I am correct in this or not—that the substitute offered by the gentleman from New York will function in actual practice under the powers delegated to the Secretary of War to lease power and under the power delegated to the Secretary of Agriculture to make so-called experiments in agriculture will be a complete frustration of the original aim of section 124 of the national defense act and will amount purely and simply to a power proposition. [Applause.] Not only that, but it will amount to the delivery of power into the hands of the Alabama Power Co. at its own sweet price.

That company alone is in position to take the power and bid for it, and therefore will alone be in a position to fix the price.

Mr. SNELL. My bill provides for the Federal Government to lease the lines or build their own.

Mr. McSWAIN. Who is going to administer the law? The Secretary of War and his representative and the Secretary of Agriculture and his representative and we know their psychology and what will be the outcome.

Mr. SNELL. The gentleman does not think the Secretary of War will be changed next year?

Mr. McSWAIN. When it comes to administering this bill it will be done by some major or captain who will administer it in the name of the War Department.

Now, gentlemen, the issue is plain. Under the bill as it has been amended by the efforts of the gentleman from South Carolina I am satisfied that it meets all of the requirements of the fertilizer companies, because they will get cheaper nitrogen. The farmer will get some benefit from the bill as amended. The fertilizer companies will be sure to go into competition with each other and give thereby the benefit to the farmer in the reduced price of nitrogen.

Furthermore, this bill, if we vote out the committee substitute, and if we vote down the Snell bill and send the bill to conference, it will be in conference, and any inconsistencies and conflicting provisions between the Norris bill can be ironed out and the bill as brought back by the conferees will settle, I hope, forever the question of Muscle Shoals, which has been agitating Congress for the past 10 years. So we are asking you to vote down the power proposition of my friend from New York and let us send this bill, which has been very badly mutilated but is still in the race, to conference when we may get something for the benefit of the farmers through the manufacture of nitrogen and nitrogen products. [Applause.]

So friends of the farmers will help vote down the Snell bill and support the committee bill as amended.

Mr. WELSH of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. WELSH of Pennsylvania: Page 17, line 5, after the word "States," add "and such fertilizers, after distribution among the several States, shall be subject to the tax that may be imposed by the several States upon fertilizers produced therein."

Mr. GARRETT of Texas. Mr. Chairman, I make the point of order against the gentleman's amendment. It is not germane to the bill. It seeks to invoke the taxing power of the Government. That is not in this bill at all. The gentleman seeks to deal with the power of the Federal Government to levy taxes, or with the States to do the same thing. I make the point of order that it is not germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 16, line 12——

Mr. RAMSEYER (interrupting the reading). Mr. Chairman, I rise to a point of order. The gentleman from New York [Mr. WAINWRIGHT], a member of the committee, has been demanding recognition.

The CHAIRMAN. The Chair can not recognize gentlemen simply because they are members of the committee. The Chair recognizes gentlemen who offer amendments and those who oppose amendments that have been offered. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 16, line 12, after the word "power" strike out the period, insert the following: "*Provided*, That preference shall be given to States, counties, and municipalities in the sale of such surplus power."

The CHAIRMAN. The gentleman is recognized for one and one-half minutes.

Mr. LAGUARDIA. Mr. Chairman, this section provides for the distribution of surplus power to States, counties, municipalities, corporations, partnerships, and individuals. My amendment provides that preference should be given to the States, counties, and municipalities in accordance with the express wishes of the gentleman from New York and in accordance with the purpose of the bill. If this power is to be used in order to bring down the cost of power, unless we adopt this amendment, which is taken from the Norris bill, we will simply be producing power to turn over to the Alabama Power Co. This amendment should be adopted.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WAINWRIGHT rose.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. WAINWRIGHT] for one and one-half minutes.

Mr. WAINWRIGHT. Mr. Chairman, the way in which the committee bill has now been amended, leaves comparatively little to choose between it and the Snell substitute. They are both pure Government operation measures, both provide for Government operation of both the dam and the nitrate plants, but in my judgment of the two the committee bill offers the more effective medium for Government operation. It provides for the operation of the various plants through the medium of a Government corporation, which is preferable to delegating that responsibility to the Secretary of War and the Secretary of Agriculture as is provided in the substitute. The committee bill also provides for a fund to conduct the operation.

Mr. FROTHINGHAM. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. I can not yield. It provides a working capital to conduct the operation whereas under the Snell bill both the Secretary of Agriculture and the Secretary of War would start without a cent at their disposal. If we are really now to turn to Government operation as the alternative to abandoning these plants, we must at least put this corporation in funds to conduct the business. If gentlemen are now willing to favor Government operation of these plants at Muscle Shoals, then the committee's bill, in my judgment, affords the better method. Much as I would like, if I consulted my personal preference, to support the plan offered by a gentleman for whom I have so high a regard as my distinguished colleague from New York, I can now find no sufficient reason for breaking away from my committee and supporting this Snell substitute.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The amendment was agreed to.

Mr. SNELL. Mr. Chairman, I now offer the amendment for a vote which I presented for information.

The CHAIRMAN. The Chair would suggest that there are several amendments to the committee amendment, which would probably be better disposed of in the first instance. The Chair recognizes the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 27, line 3, strike out section 19.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. McMILLAN. Mr. Chairman, I have several perfecting amendments which I desire to offer.

The CHAIRMAN. The gentleman from South Carolina offers certain perfecting amendments in line with the amendment already adopted by the committee. The Clerk will report the amendments.

The Clerk read as follows:

Amendment offered by Mr. McMILLAN: Page 17, line 6, after the words "price of," strike out the words "fertilizers and."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. MORIN) there were—ayes 128, noes 84.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. McMILLAN: Page 17, line 18, after the words "users of," strike out "commercial fertilizer" and insert in lieu thereof "fixed nitrogen."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 18, line 3, after the word "sell," strike out "the fertilizers, or the fertilizer" and insert in lieu thereof "fixed nitrogen or its ingredients."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 18, line 14, after the words "and sell," strike out "fertilizers" and insert in lieu thereof "fixed nitrogen."

Mr. OLIVER of Alabama. Mr. Chairman, what amendments are these?

The CHAIRMAN. These are all amendments introduced by the gentleman from South Carolina [Mr. McMILLAN]. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 19, line 2, strike out "concentrated fertilizers" and insert in lieu thereof "fixed nitrogen."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 19, line 7, after the word "nitrogen," strike out the comma and the remainder of the paragraph and insert a period after the word "nitrogen."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 19, line 18, after the word "of," strike out "said fertilizers in" and insert in lieu thereof "fixed nitrogen."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 19, line 20, after the words "use of," strike out "said fertilizers" and insert "of the same."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 20, strike out all of lines 6, 7, 8, and 9.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 23, line 3, after the words "power or," strike out "fertilizers or fertilizer" and insert the words "fixed nitrogen or its."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 23, line 7, after the words "used in," strike out the word "fertilizer" and insert the word "nitrates."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WRIGHT. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Georgia demands a division.

The committee divided; and there were—ayes 108, noes 86.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 27, lines 12 and 23, strike out the word "fertilizers" and insert in lieu thereof "fixed nitrogen."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. There being no other amendments to the committee amendment, the Clerk will report the first amendment to the Snell substitute.

Mr. SNELL. Mr. Chairman, I think it would be better to put that in the order in which it comes in the bill.

The Clerk read as follows:

On page 2, line 22, after the word "except," strike out "for a continuous output of 12,000 kilowatts" and insert in lieu thereof "such amount of either primary or secondary power as may be required from time to time under sections 9 and 10 herein."

The CHAIRMAN. The question is on agreeing to the first amendment to the Snell substitute.

The question was taken; and on a division (demanded by Mr. HILL of Alabama) there were—ayes 117, noes 95.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 5, line 2, after the word "Agriculture," insert "or other designated agent."

In line 17, the same amendment.

Page 6, line 5, the same amendment.

Page 6, line 9, the same amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 6, line 14, after the word "production," strike out the words "including a reasonable rate" and insert in lieu thereof the word "exclusive."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 7, lines 3 and 11, after the word "Agriculture," insert "or other designated agent."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HOCH. Mr. Chairman, I offer an amendment which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOCH to the Snell substitute: On page 3, line 7, strike out the period after the word "used," insert a semicolon, and add the following: "*Provided*, That in any contract of sale of power under this act the purchaser shall agree that any resale of such power to the ultimate consumer shall be at a price that is reasonable, just, and fair, as determined by the Federal Power Commission."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The question now recurs upon the Snell substitute as amended to the committee amendment.

The question was taken; and on a division (demanded by Mr. MORIN) there were—ayes 119, noes 151.

So the Snell substitute was rejected.

The CHAIRMAN. The question is now upon the committee amendment as amended to the Senate resolution.

The question was taken; and on a division (demanded by Mr. MORIN) there were—ayes 153, noes 61.

So the committee amendment as amended to the Senate resolution was agreed to.

Mr. MORIN. Mr. Chairman, I move that the committee do now rise and report the resolution back to the House with the amendment, with the recommendation that the amendment be agreed to and that the resolution as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. NEWTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration Senate Joint Resolution 46, providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the resolution as amended do pass.

Mr. MORIN. Mr. Speaker, I move the previous question on the resolution and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

Mr. GARRETT of Tennessee. Mr. Speaker, on that I ask for the yeas and nays.

The SPEAKER. The gentleman from Tennessee demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Thirty-six gentlemen have risen; not a sufficient number.

So the yeas and nays were refused.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the resolution.

The resolution was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the resolution.

The question was taken; and on a division (demanded by Mr. MORIN) there were—ayes 251, noes 165.

So the resolution was passed.

On motion of Mr. MORIN, a motion to reconsider the vote by which the resolution was passed was laid on the table.

EXTENSION OF REMARKS—MUSCLE SHOALS

Mr. McSWAIN. Mr. Speaker, in view of the conflict of opinions relating to the action of both the House and the Senate upon Muscle Shoals, I offer some suggestions and observations for the clarification of the issues and to let the public know just what the issues now are, and just what the Congress has in mind with reference to Muscle Shoals.

NATIONAL DEFENSE

It can not be too often repeated nor too much emphasized that the primary object of Muscle Shoals is the safeguarding of the national defense. When in 1916 the Congress enacted the great national defense act which incorporated section 124, it was based upon the truth that without nitrates with which to manufacture explosives, our country would be utterly helpless in time of war. We have within the bounds of America, though rich in many mineral resources, absolutely no natural deposits of nitrates. Consequently, we have been forced to rely throughout our history upon Chilean nitrates. Even when the Panama Canal is open, Chile is a long way off from the Atlantic seaboard; and if an enemy fleet or enemy airplanes should destroy the locks of the Panama Canal, we would be cut off from Chilean nitrates and our battleships would be futile and our Armies helpless without explosives. Furthermore, during the World War it took 20 per cent, which is one-fifth, of all of our American shipping to transport nitrates from Chile to the United States. This cost us $550,000,000, of which $97,000,000 went to the Chilean Government itself as an export duty. The American taxpayers in time of war and the American farmers in time of peace have virtually maintained the Chilean Government by this export duty, without the imposition of any taxes by the Chilean Government upon the people of Chile.

DOMESTIC SUPPLY OF NITROGEN

It was therefore natural and reasonable that all thinking men should realize the necessity of having a domestic supply of nitrogen. For that reason section 124, providing for the establishment of such a plant as Muscle Shoals, was enacted in 1916. For the same reason General Pershing in his final report, dated March 29, 1920, called attention to the Muscle Shoals nitrate plant and commented upon the happy circumstance that this essential feature of making war may be used for the commercial manufacture of nitrogen in time of peace so as to return a reasonable profit on the investment and at the same time keep the plant in good condition for military purposes.

In fact, the truth is that the more nitrogen we fix in time of peace to be used as fertilizers and for other commercial purposes, the better equipped must our plant be in experience and in training, for the fixation of nitrogen in time of war. Furthermore, we can not afford to depend upon private industry to supply us with nitrogen in time of war. It is true that two or three private plants in this country are in operation, but no such nitrogen goes into fertilizer at the present time. Furthermore, the amount of nitrogen consumed in time of war increases more and more with each war, and we may anticipate that the next war, which will drop bombs from airplanes in vast quantities, will employ larger guns than ever and will use hand grenades and various other forms of explosives, and so will consume much more nitrogen, perhaps many times more per unit of time and per soldier, than any previous war. For illustration: The American Expeditionary Forces in its 110 days of fighting in France used more explosives than did all the Union Armies during the four years of war between the States of the

North and the States of the South. Furthermore, the single battle in France of St. Mihiel used more explosives than did the Revolutionary Armies during the seven years of fighting. In fact, the small American Army is now using each year more nitrates as explosives, in the form of powder and other charges, just for target practice and experimental shooting, than did the American Armies use in fighting during any one year of the Revolutionary War.

MUSCLE SHOALS IS A WAR PLANT

So it is manifest that Muscle Shoals is an indispensable asset of national defense, just as a navy yard in Charleston, just as an artillery camp at Fort Bragg, N. C., just as an infantry camp at Fort Benning, Ga., just as the arsenal at Rock Island, just as the airplane factory at Dayton, Ohio, and just like any other activity of either the Army or the Navy in the cause of national defense. As previously stated, the $700,000,000 a year that we are spending for the Army and the Navy, for sailors and soldiers, for battleships and cannon, for pistols and rifles, would be worse than thrown away without an ample and abundant supply of nitrates with which to discharge the cannon, to fire the rifle, and to construct the bomb weighing 2,000 pounds or more to be dropped from the airplane.

WHERE AGRICULTURE COMES IN

But it so happens that this same nitrogen, so essential and indispensable for war, is the most vital plant food and that which is most needed in the American soils and especially in the soils of the Atlantic States and the South Atlantic States, which have been longest in use. Nitrogen is the vital and valuable part in nitrate of soda. It is the valuable part in every form of compost, or cottonseed meal, or fish scrap, or packer trimmings. This nitrogen is necessary to produce the vegetation and the grain, which in turn feed and fatten the animal, which in turn supports and sustains the life of man. Fortunately, therefore, this element of nitrogen, which constitutes 80 per cent of the atmosphere we breathe, may be employed in times of peace to multiply the products of the soil and thereby multiply animal life. This inert nitrogen we breathe, when fixed in combination with other elements such as oxygen, calcium, and various chemical combinations, is what the farmer needs most to hasten and hurry his crops to maturity. There is no by-product of the navy yard that is useful to the farmer; there is no by-product of the Army arsenal that is useful to the farmer; there is no by-product of any other military activity useful to the farmer. But, fortunately, the by-product of keeping Muscle Shoals in first-class condition for the manufacture of nitrates for war is highly valuable to the farmer and can make him independent of the producers of Chilean nitrates and of the Government of Chile that has lived upon the product of the labors of the American farmer.

WILL THE FARMER GET ANY BENEFIT?

While the action of the House of Representatives prohibits the manufacture of a finished fertilizer at Muscle Shoals and confines the activities of the corporation organized by the bill to the fixation of nitrogen and to the production of other forms of nitrogen, yet the farmer is bound to get much benefit from the production in mass quantities of nitrates at Muscle Shoals. How and why? For illustration, if the corporation operates to its capacity the existing plant, it can fix at least 40,000 tons of nitrogen per year, and perhaps 50,000 tons. This nitrogen can be sold and will be sold at less than one-half of what the fertilizer manufacturers are now paying for the nitrogen they import from Chile.

Since they can obtain this essential and highly valuable ingredient of fertilizers from Muscle Shoals at less than one-half of the present prices they are now paying for nitrogen, they must and will give the farmer the benefit of this reduced cost of producing finished fertilizers. There will be competition among the various manufacturers, bidding for the farmer's trade, and in this way the farmer will benefit. But if the fertilizer manufacturers should fail to permit this reduction in the costs of nitrogen to be reflected in the prices of the finished fertilizers, the farmers have it within their power to compel the fertilizer manufacturers to come to terms. The farmers can cooperate and combine their requirements and buy carload lots of nitrogen at Muscle Shoals. In the same way they can buy carload lots of phosphoric acid and of kainit containing potash, and the cooperative association can rig up a rather inexpensive mixing plant, and combine these three ingredients in the right proportions and distribute them among the cooperative associations. Furthermore, other States can follow the example of South Carolina and authorize some State officer just as South Carolina has authorized the warehouse commissioner to buy fertilizers or fertilizer ingredients and sell them to the farmers at actual cost. Thus the States can come in, and using the cheap nitrogen purchased at Muscle Shoals, help their farmers to cut in a very substantial way the present prices of fertilizers.

PLAN PROPOSED IS PRACTICAL

Mr. Speaker, I have been amazed at some of the propaganda literature which has been put out by the National Fertilizer Association. This literature tries to make the impression that the proposal contained in the substitute of the House Military Affairs Committee, and known as the Morin bill, is radical and novel and unexpected, and therefore constitutes a harmful surprise to the fertilizer industry. Let us look at the facts.

The Norris bill is in several respects more far-reaching and more destructive of the fertilizer industry than the Morin bill. Just why the fertilizer manufacturers did not raise a howl of protest against the Norris bill when it was in the Senate and after it passed the Senate, while it was before the Committee on Military Affairs, is difficult for me to understand. The Norris bill authorized the construction and operation of fertilizer factories not only at Muscle Shoals, "but anywhere in the United States." Thus, the number was unlimited and might be placed anywhere in the United States. The Norris bill did not confine activities at Muscle Shoals to mere experimentation, but authorized the "production of fertilizers in the largest quantities practicable and shall be disposed of at the lowest prices practicable." Furthermore, under the Norris bill all the money derived from the sale of power would constitute a special fund to be used for "the developing, manufacturing, and introducing of improved fertilizers and fertilizer practices for the purpose of reducing the cost of production and of increasing the efficiency of such fertilizers on American soils." This was a dedication of the proceeds of the sale of power for all time to come. Contrast that with the Morin bill.

Under the Morin bill the proceeds of power are to be used only during the first five years, which will manifestly be the experimental period when the cost of production per unit will be higher. Thereafter, for the next five-year period, one-half of the proceeds of power sale only shall be used in reducing the cost of producing fertilizers, and thereafter the fertilizer business shall not only be absolutely self-sustaining, but shall pay a profit upon the capital stock employed of 4 per cent.

The Norris bill does not contemplate any dividend upon the $10,000,000 capital stock which it authorized. Thus under the Norris bill the manufacture of fertilizer might become and could become a nation-wide activity. There could be a Government factory for the manufacture of finished fertilizers under the Norris bill in every State in the Union and in different parts of the same State. However much power might be produced and sold and however much revenue might be derived from the sale of power at Muscle Shoals, the same would be employed for all time to come in cheapening the costs of producing fertilizer. This provision in the Norris bill would be a perpetual and unlimited subsidy. For my part I believe that fertilizers after the experimental period is past should be upon a self-sustaining basis. The evidence before the special commission appointed by the President in 1925 was that it would take a campaign of education lasting from three to five years to instruct and educate the farmers in the proper and profitable use of concentrated fertilizers. Therefore the period of five years fixed in the Morin bill for the distribution of 5 per cent of the product is reasonable and the amount authorized to be donated is reasonable in the cause of education.

FEDERAL CORPORATION USUAL AND REASONABLE

Mr. Speaker, the effort has been made to produce the impression that the proposal of a corporation governed by five directors, as contained in the Morin bill, is radical and revolutionary. The very contrary is the case. The fact is that on April 19, 1920, Secretary of War Newton D. Baker appeared before the Military Affairs Committee in support of H. R. 10329, which was a bill contemplating the creation of a corporation almost identical with the proposal in the Morin bill. That bill will be found at page 831 of part 4 of the Muscle Shoals hearings printed in 1927. Furthermore, the commission, appointed by the President of the United States on March 26, 1925, in its report recommended virtually the same thing.

The majority of the commission, including John C. McKenzie, formerly an honored member of the House of Representatives, and former chairman of the Committee on Military Affairs and living in the State of Illinois; former Senator Nathaniel B. Dial, from South Carolina; and Mr. R. F. Bower, of Virginia, recommended that if no satisfactory private lease of the property could be negotiated, that a Government owned and controlled corporation be set up and the commission outlined in its report the structure of such corporation, and the Committee on Military Affairs followed that suggestion very closely in framing the Morin bill. Furthermore, Federal corporations to exercise Federal powers are too common to cause any surprise

or shock. Since the establishment of the first national bank of the United States in 1793 to this good day, the Federal Government has used the power to incorporate organizations to carry on Federal projects. The various Federal land banks, the Intermediate credit banks, the Mississippi Barge Line, the Emergency Fleet Corporation, the United States Shipping Board, the War Finance Corporation, the United States Housing Corporation, the Panama Canal Railroad, and other corporate agencies that do not now come to my mind, are abundant proof that the proposal to operate Muscle Shoals by a corporation under the management of five directors is no reason to claim surprise.

FERTILIZERS ORIGINALLY CONTEMPLATED

Again, Mr. Speaker, a diligent and energetic effort has been made by the National Fertilizer Association to make the impression that the determination of the Committee on Military Affairs, as contained in the Morin bill, to manufacture fertilizers at Muscle Shoals, was an unexpected proposal and a great surprise to the fertilizer industry. There can be no just reason for any such contention. In the first place, as previously shown, the Norris bill, which had passed the Senate by more than a 3 to 1 vote, was a more broad fertilizer proposition than the Morin bill.

In the next place, in the act of June 3, 1916, known as the national defense act, in section 124 the word "fertilizers" was expressly used twice. The common and usual understanding of "fertilizers" is not a single element of plant food, but two or more elements mixed and finished in proper proportions and ready for use by the farmer. Again, on April 24, 1922, the Committee on Military Affairs made its report, which became a part of the public records of the country, and section 2 of that report provided that whoever might "use the property at Muscle Shoals" should be "obligated in the strictest terms to the manufacture and sale to the public of fertilizers in time of peace."

This report was signed by such men as Hon. FRANK L. GREENE, now Senator from Vermont; Hon. JOHN F. MILLER, still a Representative from the State of Washington; Hon. Richard Wayne Parker, then a Member of Congress from New Jersey; the Hon. PERCY E. QUIN, from Mississippi; and the Hon. WILLIAM C. WRIGHT, from Georgia.

Then, on March 26, 1925, the President of the United States appointed a commission to investigate Muscle Shoals, and that commission, consisting of five men, included the Hon. John C. McKenzie, formerly a Member of Congress from Illinois; and the Hon. N. B. Dial, formerly a Senator from South Carolina. That commission appointed by the President made its report, dated November 14, 1925, and the concluding paragraph of that report is as follows:

> It is with great reluctance that we turn toward Government operation, being well advised of all of the infirmities inherent in such an undertaking. The great investment of the Government at Muscle Shoals, however, the importance of its continued maintenance as a part of our national defense, the crying need of agriculture for more and cheaper fertilizer, and the favorable opportunity for meeting that need, all compel us to disregard our prejudices, for we are convinced that to permit longer this great investment to stand idle when it can be of such great service to our people would be little less than a public calamity.

This commission of the President in 1925 plainly advised the public, including the National Fertilizer Association, that the Government might any day turn to the manufacture of "fertilizers" to supply the "crying need of agriculture for more and cheaper fertilizers."

Again, a committee consisting of seven members of the Military Affairs Committee was appointed to hear and consider proposals for the lease of the Muscle Shoals property in 1927, and that committee made a report on March 3, 1927, which was approved by the full committee, and reported to the House and printed in the CONGRESSIONAL RECORD, and became a part of the records of the Nation. That report contained the following paragraphs:

> 1. That the property shall at all times be subject to the absolute right and control of the Government for the production of nitrates or other ammunition components of munitions of war and that nitrate plant No. 2 must be kept available therefor by the purchasers, lessees, or users of the property.
>
> 2. That the purchasers, lessees, or users of the property shall be obligated in the strictest terms to the manufacture and sale to the public of fertilizers in time of peace.
>
> 3. That any proposal for the purchase, lease, or use of the Muscle Shoals property of the United States Government must be for the entire property except the so-called Gorgas plan and the transmission line therefrom.
>
> 4. In the consideration of any offers for Muscle Shoals that it be a prerequisite that such offer contain a stipulation that the lessee, operating agency, or owner, as the case may be, be required to return to, or account for to, the Government either in cash or by way of reduction in the price of the fertilizer manufactured, the profits from the sale of power which would have been used in the manufacture of fertilizer in case there had been no discontinuance in the manufacture thereof; that the manufacture of fertilizer may be discontinued only when there shall be such excess accumulation of fertilizer stocks as shall be in excess of the reasonable or prospective demands for such fertilizer, and such manufacture shall be resumed upon reduction to a reasonable degree of such accumulated stock of fertilizer.
>
> 5. That any bid must contain a provision for the forfeiture of the power rights and fertilizer provisions if there is any failure to produce nitrates in the amount of at least 40,000 tons per year, provided that such forfeiture as may not be due to the neglect, misconduct, or fault of the lessee, shall not include the loss of the reasonable value of the property at the time of the forfeiture, but the lessee shall be reimbursed by the Government for the reasonable value of such property then and there belonging to the lessee and essential to the operation of the plants.

Furthermore, when the Henry Ford proposal was before the Congress, surely every man, woman, and child in the United States heard that proposal discussed, and the main and essential feature thereof was that Henry Ford proposed to manufacture "cheap fertilizers" at Muscle Shoals, and proposed to carry on experiments to see if the electric furnace and electrochemistry could not do for the "fertilizer business" what they have done for industry, and especially for the automobile industry; that is, to see if it would not be possible to produce in vast and unprecedented quantities plant food in concentrated form that could be shipped to great distances with slight freight costs and at very low prices, so that agriculture might receive the benefit and assistance of modern science.

The Ford offer bill passed the House of Representatives and went to the Senate, and, while the same never passed the Senate, the Senate did pass a bill which provided for the manufacture of fertilizers. Furthermore, the Hon. Oscar Underwood, then a Member of the Senate, was the author of a bill that contemplated the manufacture in mass quantities of "fertilizers" at the lowest possible costs.

RESULT OF REVIEW

Therefore, Mr. Speaker, this brief review of the history of the legislation relating to Muscle Shoals must show that from the very beginning the plan and purpose was to manufacture "fertilers," and that plan was kept constantly before the country by the Ford offer bill of 1922 and by the recommendations of the President's commission in 1925 and by every other step that has been taken by Congress looking to the disposal of Muscle Shoals property. Therefore it can not be fairly and justly claimed that there was any surprise in the proposal of the Morin bill to manufacture fertilizers. If the fertilizer manufacturers did not appear before the House Military Affairs Committee and demand hearings with respect to the Norris bill, how could it be expected or anticipated that they would desire to be heard on the Morin bill? As a matter of fact, everybody must understand that the Morin bill is technically and in a parliamentary sense, as well as in a broad and logical sense, a mere amendment to the Norris bill. The Norris bill proposed to use the power at Muscle Shoals to "manufacture fertilizers," either directly by the operation of the machinery at Muscle Shoals or indirectly by the use of the money derived from the sale of power at Muscle Shoals to establish "fertilizer factories in any part of the United States." When that bill came before the House committee it was either to be turned down in toto or to be amended in part or to be amended by a substitute.

The committee decided to set up a practical, businesslike corporation with restrictions and limitations that should have made the Norris bill far more acceptable to the House of Representatives. The committee bill, known as the Morin bill, took the operation of the Muscle Shoals property and the various other fertilizer factories that it contemplated out of the hands of the Secretary of Agriculture, who is a mere Cabinet officer, perhaps with no business experience, and certainly too busy with politics and general administration to pay any proper attention to the Muscle Shoals property. The Morin bill placed the administration in the hands of five competent business men, constituting a continuing board of directors, who would be paid on a per diem basis and not on a yearly salary basis. Furthermore, the Morin bill confined the activities for the manufacture of fertilizers to Muscle Shoals alone and cut out all reference to fertilizer plants elsewhere in the United States. Furthermore, the Morin bill did not approve that part of the Norris bill which contemplated the dedication of the net proceeds from the sale of power at Muscle Shoals to the subsidizing of fertilizers forever. On the contrary, the Morin bill provided that such subsidy should be continued during the period of starting up and ex-

perimentation, to wit, the first five years, and that one-half thereof should be continued for the next five years, and that thereafter the fertilizer business should be put upon an absolutely self-sustaining basis, and, furthermore, should pay dividends upon the capital stock, and that thereafter the total net proceeds from the sale of all power should be turned into the Federal Treasury to reimburse the Government for its original investment at Muscle Shoals.

PATENT RIGHTS

Much scare-head propaganda has been circulated against the Morin bill, charging that it violates the rights of patentees for the benefit of the farmers. If those who instigate such propaganda would read section 19 of the bill, they would find that the authority mentioned in that section has been the law since the act of Congress approved June 25, 1910, which act was amended on July 1, 1918, and if they will follow the construction of that act by the Supreme Court, they will find that in the case of Crozier *v.* Krupp (224 U. S. p. 290) the Supreme Court sustained this act of Congress and fully expounded the relation of the Government of the United States to the rights of patent holders. It must be remembered that the Government itself, by act of Congress, confers whatever rights patentees may have, and therefore it is in the power of the Government to confer those rights upon condition; and one of the conditions is and has ever been the right of the Government itself to use the process or machine described in the patent without any power in the patentee to restrain such exercise by the Government. Before the act of 1910 there was no relief for patentees except to present a bill in the form of a claim to Congress. By the act of 1910 such patentees were given the right to bring an action for compensation in the Court of Claims.

CRIMINAL PENALTIES

Also much propaganda has been employed to frighten the timid because of the criminal clauses contained in the Morin bill. An entirely strained, unnatural, and unreasonable construction was put upon a part of the language contained in subdivision C of section 20, and the propagandists tried to make it appear that if any agent or salesman for a fertilizer manufacturer went out to sell his goods in competition with the goods manufactured by the Government at Muscle Shoals and should claim that his goods were superior or cheaper and should thereby tend to discourage purchases from the Muscle Shoals corporation, and thus finally tend to defeat its purposes, such agent or salesman would be liable to a heavy fine or long term of imprisonment.

I respectfully submit, after an experience at the bar extending through 29 years, that no such possible construction would even be thought of by any judge before whom any case might be brought. The Subdivision C of section 20 deals with a case where any person, for financial reward, enters into any conspiracy or collusion, express or implied, with the purpose of defrauding the corporation or to defeat its purposes, then such person shall be deemed guilty of a crime and be liable to a heavy fine or long imprisonment. Now, the words "defeat its purposes" must be construed in connection with the "receiving of financial benefit," and in connection with the prohibition against "conspiracy" and in connection with the provision to "defraud the corporation." When the context is considered, it means that "if any person shall for profit enter into a conspiracy to defeat the purposes of the Muscle Shoals corporation," he shall be guilty of a crime. In order to make sure that no strained and unnatural construction could ever be put upon its language, the committee offered an amendment which was accepted by the House, so that the conspiracy to defeat the purposes of the corporation must be "wrongful and unlawful" in order to constitute a crime.

TEAPOT DOME SCANDALS IMPOSSIBLE

The purposes of section 20 are to prevent any scandals at Muscle Shoals. Without these criminal teeth in the law there would be danger from the selfish and disloyal cupidity of the employees of the corporation. It is entirely within the range of human probability that such employees may be subjected to great temptation, either from the fertilizer manufacturers, or from the purchasers of fertilizers, or from the purchasers of electric power, or from other persons, firms, and corporations having business transactions with the Muscle Shoals corporation. Therefore, the committee was very careful to safeguard the corporation by including these criminal clauses. The committee well knows that the mere fear of discharge by an unfaithful employee after discovery is not a sufficient deterrent to insure honesty. But if the employee knows that he will face the penitentiary for disloyalty, then he will be ten times more careful and thus ten times more honest in fact than he might otherwise be.

COVE CREEK DAM CLAUSES

Mr. Speaker, there has been much discussion about sections 17 and 18 authorizing the construction of a great reservoir dam in Clinch River in the State of Tennessee and called the Cove Creek Dam due to the fact that it is situated near a point where Cove Creek enters the Clinch River. It must be remembered that the Madden bill, which was pending in Congress in the Sixty-ninth Congress and also in the Seventieth Congress, contemplated not only the tying up of the Cove Creek Dam for at least eight years, even if it should ever be built by the American Cyanamid Co. or the Government. But the Madden bill also tied up four dams in Clinch River below the Cove Creek Dam. We received only a very mild protest against the said provisions of the Madden bill. Two members of the committee are from the State of Tennessee and were present when the State of Alabama presented its claims before the committee in 1927, and the committee never understood that the State of Tennessee was making any special claim to any of the power to be developed at Cove Creek, such as the State of Alabama has made to the power at Muscle Shoals. The committee was compelled to assume that the State of Tennessee was cooperating in the development of the Tennessee River within the bounds of Tennessee, just as it had always cooperated in the development of the Tennessee River within the bounds of the State of Alabama. The committee knew that vast sums of money had been authorized and expended in the survey of the Tennessee River Basin within the limits of the State of Tennessee. These surveys by the Corps of Engineers, extending through many years and at great expense, have estimated a total possible horsepower development within Tennessee of over 2,000,000. Furthermore, the committee has convincing testimony from various experts that the construction of the proposed dam at Cove Creek on Clinch River will practically double the power produced at the Wilson Dam at Muscle Shoals.

This doubling of power is due to the fact that the flood waters of the Clinch River will be retained and impounded, and will be discharged as needed in order to regulate and render more uniform the flow of water in the Clinch River below the dam, and thus in the Tennessee River below its junction with the Clinch River. The prime power developed at Cove Creek will be very limited, only about 8,000 horsepower, with a maximum installation to take care of flood conditions of about 200,000 horsepower. But all the power above the minimum of prime power will be secondary power and of little commercial value. The result of thus impounding the waters of the Clinch River will be to exert a very powerful control over the flood waters of the Clinch River and of the Mississippi River below the Cove Creek Dam. It will thus safeguard the cities along the Tennessee River, such as Chattanooga and all the towns and villages and industries as well as low farm lands. The problem of flood control is an urgent and imperative duty of Congress. Both the House and the Senate recently voted a policy as to flood control to the effect that it is a national obligation and should be paid for in full out of the Federal Treasury.

IMPROVEMENT OF NAVIGATION

Undoubtedly the result of building the Cove Creek Dam will be to increase the navigability of the Tennessee River. It will prevent the excessive and destructive flood waters which are also preventive and destructive of regularity of navigation and destructive of the very agencies of navigation, to wit, boats, barges, landings, and wharves.

Furthermore, to render uniform the flow in the Tennessee River will deepen its channels and make possible the floating of commerce upon the river even during dry seasons, and thus insure regularity of commerce. It had occurred to the committee, therefore, that to confer upon the State of Tennessee and her citizens the enormous blessing of protecting her cities, towns, and villages and industries and farm lands from destructive floods, and to render her great river navigable so that the valuable mineral and forest products as well as manufactured products, might find their way to the markets, would be highly appreciated by the people of the State of Tennessee.

As has been stated, the Cove Creek Dam, with the navigation facilities and power house and transmission line, would involve a total expenditure of nearly $40,000,000 of Federal money. But more than that, to construct said Cove Creek Dam and to operate it so as to double the power developed at Muscle Shoals will also double the power that can be developed at any one of the 11 dams that can be built between Cove Creek Dam and Muscle Shoals. Thus the attractiveness to private capital to go in and construct said 11 dams is greatly enhanced and in fact doubled.

By an amendment in the House the obligation on the part of the builders of the dams below Cove Creek to contribute

to the maintenance and operation of the Cove Creek Dam was stricken out. Furthermore, an amendment was inserted providing that the Cove Creek Dam should be commenced pursuant to appropriations by Congress some time within the calendar year 1929 and that the rights of the State of Tennessee shall not be prejudiced by the passage of this act.

It is true that under the division of sovereign powers between the Federal Government and the State of Tennessee there is a certain right in the State of Tennessee with reference to navigable streams within her borders. But it must be admitted that the rights of the State of Tennessee are subordinate to the right in the Federal Government to control navigable streams in the interest of interstate commerce and for the control of destructive floods.

Furthermore the rights of the State of Tennessee and of every other State in the Union, as well as the rights of private individuals, are subordinate to the supreme and sovereign right of the Nation to defend herself in war. Now, the war power is a continuing and perpetual power. The war power does not come into existence merely when war is declared by Congress.

The war power exists in times of peace to prepare the Nation and the resources of the Nation, both human and material, for the possible emergency of war. Hence, there is just as much power in the Federal Government in peace to build a dam in the State of Tennessee for the purpose of doubling the power to be developed at Muscle Shoals in the State of Alabama, as there is and was in time of war for the Federal Government to build the Wilson Dam at Muscle Shoals. If the Federal Government can build one dam in the State of Alabama, it can build two dams in the State of Alabama, even if the second dam is for the purpose of aiding and assisting the first dam to develop power. There may be two dams with only one power house. If the Federal Government has the power to build two dams in the State of Alabama in order to develop power at one power house, so the Federal Government has the power to build one dam in Alabama and another dam in the State of Tennessee, so that the dam in the State of Tennessee may double the power developed in the power house in the State of Alabama.

The Federal war-making power knows no State lines, and no State can raise its hand to restrain or forbid or limit the Federal war-making power, either in peace or in war. The net result of the claim of the State of Tennessee to the effect that she is entitled to claim some benefits of a direct financial kind, whereby her own State revenues may be increased, amounts to the following proposition: That in the exercise of the Federal duty to control flood waters, the Federal Government, even though it pays 100 per cent of the expenses, must also pay to the State a tribute for the privilege of exercising flood control within the State. Furthermore, the proposition of the State of Tennessee amounts to this:

That in order to enable the Federal Government to exercise its control over interstate commerce, and therefore over navigation, the Federal Government must pay such tribute to the State of Tennessee as that State requires as its condition for granting its consent to the Federal Government to control interstate commerce within the State of Tennessee. Furthermore, the proposition advanced by the State of Tennessee amounts to this: That to enable the Federal Government to exercise its right to prepare to make war, by making the most vital and essential commodity for war, to wit, explosives, and therefore to enable the Government to defend its life by preparing to resist the invasion of foreign foes, the Federal Government must obtain the consent of the State of Tennessee for the establishment by the Federal Government within the State of Tennessee of one of its great instrumentalities and agencies of national defense. If these conditions of the State of Tennessee could be sustained, then the supremacy of the Constitution and of the laws of the United States would end. If the State of Tennessee can fix the conditions and limitations under which the Federal Government can prepare to make war, and under which the Federal Government can regulate interstate commerce within its borders, then every other State can impose the same or similar restrictions, conditions, limitations, burdens, tributes, and taxes, and therefore the Federal Government itself will prove to be a powerless, helpless creature of the imagination, incapable of defending its own life.

ADVANTAGES TO TENNESSEE

It does seem that since Tennessee is to receive the benefits of flood control and the advantages of navigation upon the upper waters of the Tennessee River, that these benefits will more than sufficiently offset for the surrender by her of her abstract rights in the bed of the stream and in the water flowing over the bed of the stream. But, in addition, the State of Tennessee receives other benefits. The 11 dam sites below the Cove Creek Dam will be doubled in value, since their power-producing abilities are doubled.

Since these dam sites will become so valuable they will be quickly developed by private capital. Such multiplied power development, resulting in cheap electric power, will bring a quick and vast development in industry along the Tennessee Valley. This development will bring hundreds of millions of dollars into the State of Tennessee for investment, and will increase her population at least a million people within 10 or 15 years. These additional investments, and this increased and expanded industry, and this growth of population, should be the strongest possible inducement for the State of Tennessee to open wide the door of invitation to the Federal Government to build the Cove Creek Dam. It can not be expected that private capital will build Cove Creek Dam in such a way as to produce the indirect benefits of flood control and increased navigability of the river below the dam. It is no concern of private capital to bring about flood control of streams nor to render streams more navigable. Private Capital and private operation at Cove Creek Dam would be for the production of power only. If the same concern that owned and operated Cove Creek Dam for power alone were operated in sympathy with and for the benefit of the 11 dams below Cove Creek, then there might be times when the stream below Cove Creek Dam, and especially the Clinch River, would not be navigable at all; and the navigability of the Tennessee River itself might be seriously affected. Furthermore, Cove Creek Dam might be operated in private hands in such a way as to magnify and increase the serious problem of flood control. Hence, if the Federal Government should not build the Cove Creek Dam, then the State of Tennessee and her citizens might lose the benefits of flood control, and might miss completely the improvement of navigation in the Tennessee River. Futhermore, private capital might never build the Cove Creek Dam. That being so the 11 dam sites below Cove Creek Dam would remain rather unattractive to private capital. Therefore if the Federal Government does not enter the field it may be many, many years before that section of Tennessee affected by the Cove Creek Dam would begin to develop industrially and commercially. With the power of the Federal Government and her nearly $40,000,000 poured into that section to start the wheels of industry turning and to begin to draw the tides of population, and to set in motion the investment of private capital, the rapid and enormous development of that section of the Tennessee Basin is assured.

WHAT IS THE CONCLUSION OF THE WHOLE MATTER?

From the foregoing considerations we must conclude that the businesslike and practical thing to do is to retain that feature of the Morin bill setting up a corporation governed by five directors appointed by the President and confirmed by the Senate, and direct them to proceed with the fixation of nitrogen at Muscle Shoals, with power to sell any surplus electric current, but bearing in mind that the demands for nitrogen fixation may increase in the future, so the contracts for the sale of electric power should be for short periods of time or with an option on the part of the Muscle Shoals corporation to cancel the contract upon one year's notice, so as to release the power for the manufacture of nitrogen to be used as a fertilizer ingredient. The board can devise rules whereby the prices of finished fertilizers will reflect the reduced cost of nitrogen. The board can carry on experiments and develop other and more economical processes for fixing nitrogen and work out plans for mixing the nitrogen with other fertilizer ingredients so as to give the farmers full instructions just how to get the fullest benefit of the cheap nitrogen to be manufactured at Muscle Shoals.

RETAIN COVE CREEK

The conferees should retain the Cove Creek proposition in the bill not only to double the power at Muscle Shoals but also for the benefit of the people of the State of Tennessee in controlling flood waters and to make the Tennessee River navigable as a business proposition. To deny to the Federal Government, as the State of Tennessee virtually is seeking to do, the power to build Cove Creek Dam for the three purposes of national defense, flood control, and navigation would be to deny the supremacy of the Constitution of the United States and of the laws made in pursuance thereof. To deny to the Federal Government the power to build a dam at Cove Creek in Tennessee for the purpose of increasing the power developed at Muscle Shoals, in the State of Alabama, would be the same as if the State of Alabama denied the power of the Federal Government to build Wilson Dam.

To deny the power of the Federal Government to build Wilson Dam for the purpose of fixing atmospheric nitrogen in order to secure the national defense, would be to deny the right of the National Government to make gunpowder, and would there-

fore carry the right to deny to the Federal Government the power to manufacture rifles and cannon and battleships and airplanes. It is not in the power of any State, whether of Tennessee or Alabama, to limit by taxation or otherwise the activities of the Federal Government in aid of national defense or in aid of interstate commerce. Neither the State of Tennessee nor the State of Alabama can question the motives of the Federal Government when it declares that it is exercising a constitutional power. No State can deny the right of the Federal Government to prepare for war in time of peace. No State can say that the Federal Government can build a dam to operate a plant to manufacture explosives in time of war, and at the same time deny the Federal Government the power to build and operate said plant in time of peace. It will not suffice to admit that the war power exists in time of war and does not exist in time of peace to prepare for war. The complete answer would be that the war power would be futile unless there existed the power to prepare, by training men and constructing guns and building battleships and manufacture explosives, before the commencement of war. To admit the right of the State of Tennessee to tax Federal property, constructed in the State of Tennessee for the purpose of performing the constitutional functions of national defense and aiding navigation and controlling flood waters, would be to admit the impotency and incompetency of the Federal Government to preserve its very existence. To admit such a power in a State thus to tax Federal property would paralyze at one blow the integrity and vigor of the Federal constitutional government. Such admission would include, as a logical consequence, the right of the States to tax post offices, to tax salaries of Federal officers, to tax customhouses, to tax mints, to tax navy yards, arsenals, and munition plants, and to impose conditions upon the Federal Government for exercising any of its powers within the domain of a State.

I must make it plain beyond adventure of misunderstanding that there never has been the slightest disposition to disregard, or fail to respect, the rights of the State of Tennessee, or of Alabama, or of any other State. The original draft of the Morin bill and the reported bill, both contained the requirement that the Cove Creek Dam shall be so operated as to increase the low flow of water in the Clinch River and in the Tennessee River, thus aiding navigation, and thus doubling the value of the dam sites below Cove Creek Dam. It was manifest that the flood-controlling influence of the Cove Creek Dam would be for the direct benefit, financial, and humanitarian, of the people of Tennessee. Since the dams below Cove Creek are not required to contribute toward the expenses of the Cove Creek Dam, said dam sites are practically doubled in value and their speedy construction insured. It thus occurred to the committee, having two Tennessee Members on the committee, that the expenditure of nearly $40,000,000 by the Federal Government at Cove Creek would be conferring immediate and enormous financial benefits upon the State of Tennessee and her people. We still think that marvelous industrial development will follow quickly and surely after the construction of Cove Creek Dam. With navigable waters, with ample locks and navigation facilities, with numerous power plants, it is certain that hundreds of millions of dollars of money will quickly flow into that part of Tennessee for investment in various forms of industry. To prove my sincerity in making this statement of kindly feeling and friendship for the State of Tennessee and her splendid people, I declare how happy I would be, how proud of my accomplishment, and how sure of the approval of my constituents, if I could inform the people of South Carolina that the Federal Government would spend approximately $40,000,000 dollars within our borders, and that as a result of such expenditure hundreds of millions of private capital would quickly flow into our State, and at least a million other citizens would come to live with us, to manage, and to work in our new industries! I feel sure that upon such an announcement all our people would rejoice, and no man would think for a moment of taxing the property in which the Federal Government had invested $40,000,000 for the benefit of our own people, and if any man should think of such a thing, he would not dare utter it for fear that such declaration would deter the responsible officers of the Federal Government from making that enormous investment. We have been very proud to secure the promise of an appropriation of $420,000 to construct a Federal Building in Spartanburg, S. C., and to have prospects of obtaining $25,000 for a monument at the Cowpens battle field, and no South Carolinian will ever think of taxing this Federal property, but on the contrary will offer not only encouragement, but aid and assistance to the Federal Government in the exercise of these powers.

Mr. LOWREY. Mr. Speaker, I am certainly for the Morin bill. The Military Affairs Committee and many more of you already know that I am very vigorously advocating its final passage. I have a peculiar interest in it. The committee which drafted it has done me the honor to adopt not only the general plan and policy of my own Muscle Shoals bill, which I introduced in the Sixty-ninth Congress, and again in this Congress, but has even adopted many of the details of my bill, following the very language of it through paragraph after paragraph. I thank the committee, and I am gratified at having been able to contribute so much to the solution of this most difficult Muscle Shoals problem.

When the Morin bill is finally passed, as I believe it will be, we shall have waded through the mire of misleading statements and distorted facts and half truths and plain lies propagated by selfish and greedy and unscrupulous interests, and shall have reached a sane and practical and happy solution of this problem that has vexed and perplexed Congress for eight years. And we shall have made a proper disposition of this great Muscle Shoals plant upon which there has been expended more than $140,000,000 of public money, and which is located at one of the most important and valuable water-power sites that God has given to the people of this great Nation.

We have made a necessary provision for the national defense, along the lines of the original intention of Muscle Shoals. During the World War we were entirely dependent on Chile for nitrates, a necessary ingredient of explosives. Those Chilean nitrates cost us $550,000,000, nearly four times as much as the Muscle Shoals plant has cost, and it took one-fifth of our total tonnage of ships to carry those nitrates from Chile to America. If our ships had been driven from the seas by the German U boats, or if our Panama Canal had been captured or destroyed, we would have been deprived of a supply of gunpowder and explosives, and our armies and ships and guns would have been helpless and useless. Another war now would find us in very much the same situation. We are still without any appreciable supply of domestic nitrogen, and are still importing huge quantities of nitrates for fertilizer and peace-time uses from Chile and other foreign countries. Those who have put out the pernicious propaganda that Muscle Shoals is now incapable of the production of nitrates in large quantities on an economical basis have—deliberately or not—been guilty of endangering our national security. Under the Morin bill, Muscle Shoals will become a domestic and Government controlled source of supply of nitrogen for the use of our Army and Navy, without which the money we spend on Army and Navy is worse than wasted.

We have also done something for the farmer. Will you Members who claim to want to aid agriculture listen to this? The element of nitrogen is just as necessary to the farmer as to the soldier. It is the basis of all fertilizer, and an absolute necessity to plant life. Germany has turned her war-time nitrate plants to the production of nitrates for fertilizer, has given her farmers cheap plant food in abundance, making her lands which have been in cultivation for centuries produce more to the acre than our freshest and richest farms, and is actually shipping into this country the same kind of nitrates that the Muscle Shoals plant is capable of producing. We are paying to the Chilean Government $10,000,000 per year in export duties alone, besides the actual price of the nitrates and the freight on them. Why should our farmers have to pay exorbitant prices to a foreign nitrate monopoly and a premium to a foreign government on every pound of fertilizer they buy? We have a plant, built and paid for with the people's money, standing idle instead of supplying our farmers with fertilizer, because private interests hold up the bugaboo of the "Government in business." I believe in encouraging private endeavor. And I believe that minorities have rights that are sacred, and that in following the democratic principle of majority rule we should carefully avoid any ruthless disregard for the interests of a minority. The bill as reported by the committee put the Government further into the fertilizer business than my original bill did, but the amendments proposed by the gentleman from South Carolina take it back to my plan to have the Government produce nitrates, in competition, if you please, with foreign producers of that element of fertilizer, but not in competition with local fertilizer factories which are strictly mixers of fertilizer. Who objects to our competing with a company whose offices are in London?

Again, we have entered a wedge to split the solidarity of the power interests of this country. The size and the strength and the viciousness of the power monopoly that exists is just becoming fully understood since the Federal Trade Commission began to look into its activities. An industry which has carried on such an insidious propaganda program as has the power industry, going even to the extent of slipping textbooks into the schools which would teach our children that it is right and proper for the Electric Power Trust to have monopolistic control

in every community and wrong and improper for the Government to undertake to shake off its strangle hold by operating a Government-owned power plant, has placed itself beyond the pale of our consideration. An industry which has spent a hundred thousand dollars in one State, and perhaps four times that amount in another State, in order to elect men to the United States Senate who will do its bidding, is an enemy of the people and need not appeal to me. I am not concerned that the Morin bill may hurt that industry. I shall be happy that we have saved a great Government-owned electric power plant from the grasping greed of syndicates and trusts and turned it to the real service of providing for our people electric power at reasonable cost to make their burdens lighter, their homes happier, and their lives better worth living.

Mr. TAYLOR of Tennessee. Mr. Chairman and my colleagues of the House, I have invariably supported every measure that has been offered in the House to this date for the disposition of the Government's Muscle Shoals properties that would guarantee fertilizer production in time of peace to our farmers. I voted for the Ford offer and I supported the joint resolution creating a committee of the two Houses to negotiate a lease of the Government's power and nitrate plants at Muscle Shoals that would be "as good or better" than the Ford proposition. While primarily I am opposed to Government operation of the Muscle Shoals plants, in order to finally dispose of the Muscle Shoals controversy and begin to realize some benefits from the tremendous investment the Government has made at Muscle Shoals I am willing to vote for the committee's Government operation bill, provided it is amended in certain particulars.

It is my understanding that certain members of the Military Affairs Committee of the House, in the closing days of the last session of Congress, called on the Secretary of War—and so far as I know these Members voiced the sentiment of the majority of the committee—and requested the Secretary as chairman of the Federal Power Commission not to grant any preliminary permit to any power company for the building of the Cove Creek Dam. As a result of this request, I am advised that the power commission did refuse to act on applications made by power companies to develop this property.

The proposed Cove Creek Dam is in my congressional district, and hence my very great interest in the project. When it is built it is proposed to install 200,000 horsepower. This dam will be 225 feet high; the area of the reservoir will be nearly 55,000 acres, which is almost 85 square miles. The capacity of the reservoir will be 86,000,000,000 cubic feet, or approximately 500,000 acre-feet. This dam will more than double the primary power at every proposed dam below Cove Creek. The proposed Cove Creek Dam will cost from twenty to thirty million dollars, and its regulated flow will more than double the primary power at Wilson Dam. Therefore the increased value to the Government's power property at Wilson Dam abundantly justifies the Government in making this development.

The committee's bill, however, does not definitely provide for the prompt building of Cove Creek Dam, and this is the source of my objection. Section 17 of the committee's bill authorizes the Secretary of War, with appropriations hereafter to be made available by Congress, to construct this dam, but this is entirely too vague and uncertain. Who on this floor can guarantee the action of a future Congress? No Member of this House can, with any degree of reason, guarantee this appropriation. What then does the committee's bill actually do with respect to Cove Creek? The bill in very definite terms ties up Cove Creek Dam indefinitely.

I understand it to be the intention of the Military Affairs Committee in this bill to protect the public and save the people to be served with power from the Cove Creek Dam from exploitation by the power companies. I believe I have the right, and I know I have a duty to perform in the interest of the people of my district, to ask the great committee responsible for this bill to amend section 17 by providing that not less than two million of the ten million which the bill makes available be employed to start forthwith the work of constructing the Cove Creek Dam, and let Congress at its next session return this two million to the corporation created in this bill. And if the committee will not agree to such a just and reasonable amendment, let the committee consent to strike from the bill entirely those sections dealing with the proposed Cove Creek Dam. If Congress will not agree to as promptly as possible build the Cove Creek Dam, then let Congress release Cove Creek to the people of Tennessee, who are ready, willing, and anxious to assume right and responsibility of its development. This is common equity and justice is all we ask.

Although opposed to Government operation, if the bill can be amended to make the necessary funds available to immediately start the construction of Cove Creek Dam, or if in the alternative Cove Creek is stricken from the bill, I will vote for the committee's bill; and in this position I believe I reflect the sentiment of the majority of the delegation from my State. If Congress is unable to legislate for a satisfactory disposition of Muscle Shoals, and industrial development is to be held up longer, even after 10 years of delay, shall this also operate to tie up Cove Creek and other dam sites on the Tennessee River and thus obstruct and stifle all industrial development and opportunity to which this section is justly entitled? I appeal to your sense of fair play, and I know you will agree with me that such rank discrimination is not only unreasonable but unjust as well.

Let the House either agree that the Government shall immediately start the construction of Cove Creek Dam under the terms of this bill, or let the House release Cove Creek Dam and let it be built by the power companies desiring to build it. I favored the Madden bill and regret that the House was not given an opportunity to vote on it. I was for the Madden bill because it provided that the Government should proceed as promptly as possible with the construction of the Cove Creek Dam.

I agree with my colleagues from Tennessee that the sovereign rights of the State of Tennessee ought to be respected by the Federal Government in its plans for Government development and operation of power plants in Tennessee. If, however, the House is unwilling to respect Tennessee's sovereign rights, and the Military Affairs Committee demands that the State of Tennessee shall surrender her rights, then let the House at least be willing to build Cove Creek Dam and not take away Tennessee's rights and do nothing at Cove Creek but tie up the dam and prevent anybody else from building it.

Again, let me say I will vote for the bill, opposed to Government operation as I am, provided the bill is amended so Cove Creek Dam can be built now. This promise to build it if and when Congress decides to make the necessary appropriation to build it does not appeal to me. In the name of the people of my district I appeal to the House either to agree to build Cove Creek Dam now for the Government and by the Government, or release your strong hold on Cove Creek Dam and let the people of my State see if they can not arrange this important development. The Military Affairs Committee owes it to itself, it owes it to this House, it owes it to my district, it owes it to Tennessee, it owes it to the South, either to put up the money to build Cove Creek Dam or get out of the way and let somebody else put up the money to do so.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES

Sundry messages in writing from the President of the United States were presented to the House of Representatives by Mr. Latta, one of his secretaries, who also announced that on the following dates the President approved and signed bills and a joint resolution of the House of Representatives of the following titles:

On May 14, 1928:

H. R. 1529. An act for the relief of the heirs of John Eimer;

H. R. 2658. An act for the relief of Finch R. Archer;

H. R. 3372. An act for the relief of George M. Browder and F. N. Browder;

H. R. 3442. An act for the relief of Clifford J. Sanghove;

H. R. 3936. An act for the relief of M. M. Edwards;

H. R. 4229. An act for the relief of Jennie Wyant and others;

H. R. 4925. An act for the relief of John M. Savery;

H. R. 5981. An act for the relief of Clarence Cleghorn;

H. R. 6436. An act for the relief of Mary E. O'Connor;

H. R. 7061. An act for the relief of William V. Tynes;

H. R. 7475. An act to provide for the removal of the Confederate monument and tablets from Greenlawn Cemetery to Garfield Park;

H. R. 8808. An act for the relief of Charles R. Wareham;

H. R. 10276. An act providing for sundry matters affecting the naval service;

H. R. 11245. An act to cancel certain notes of the Panama Railroad Co. held by the Treasurer of the United States; and

H. R. 12875. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes.

On May 15, 1928:

H. R. 6856. An act relating to the payment or delivery by banks or other persons or institutions in the District of Columbia of deposits of moneys and property held in the names of two or more persons, and for other purposes;

H. R. 10141. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and

Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 13171. An act authorizing the Secretary of the Treasury to accept a franchise from the Government of the city of New York to change the routing of the pneumatic-tube service between the customhouse and the present appraisers' stores building, and for other purposes.

On May 16, 1928:

H. J. Res. 256. Joint resolution authorizing the United States Bureau of Public Roads to make a survey of the uncompleted bridges of the Oversea Highway from Key West to the mainland, in the State of Florida, with a view to obtaining the cost of the construction of said bridges, and report their findings to Congress;

H. R. 1537. An act for the relief of William R. Connolly;

H. R. 3467. An act for the relief of Giles Gordon;

H. R. 4396. An act for the relief of Jesse R. Shivers;

H. R. 5398. An act for the relief of the heirs of the late Dr. Thomas C. Longino;

H. R. 5806. An act to authorize the purchase of real estate by the War Department;

H. R. 6652. An act to fix the pay and allowances of chaplain at the United States Military Academy;

H. R. 11577. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes;

H. R. 11808. An act to authorize an appropriation for the purchase of land at Selfridge Field, Mich.; and

H. R. 12379. An act granting the consent of Congress to Howard Seabury to construct, maintain, and operate a dam to retain tidal waters in an unnamed cove which is situated and extends from Cases Inlet into section 28, township 21 north, range 1 west, Willamette meridian, in Pierce County, State of Washington.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had concurred in the following concurrent resolution:

House Concurrent Resolution 36

Resolved by the House of Representatives (the Senate concurring), That the President is requested to return to the House of Representatives the bill (H. R. 9568) entitled "An act to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes," for the purpose of permitting the correction of an error in the enrolled bill.

WITHDRAWAL OF PAPERS

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent to withdraw from the files of the House, without leaving copies, the papers in the case of Mary E. Bradshaw (H. R. 7709), no adverse report having been made thereon.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXTENSION OF REMARKS

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to proceed out of order for five minutes.

Mr. McSWAIN. Mr. Speaker, I reserve the right to object, merely for the purpose of asking unanimous consent that all Members may have five legislative days in which to extend their remarks on the bill just passed, the Muscle Shoals bill.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that all Members may have five legislative days in which to extend their remarks on the bill just passed. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MILITARY SERVICE OF REPRESENTATIVE CONNERY

Mr. CONNERY. Mr. Speaker, ladies and gentlemen of the House, on last Friday during the debate on the disabled emergency officers' bill the gentleman from Alabama [Mr. HUDDLESTON] in a speech stated as follows:

> No man, not even including my friend from Massachusetts [Mr. CONNERY], ever rejected a commission because the compensation was not on the basis he desired. I never heard, before my friend spoke yesterday, of any man rejecting a commission and preferring to fight in the ranks. I have myself been a private soldier, and I know what devolves upon a private soldier in war, and if I did not have great faith in my friend from Massachusetts I should suspect his veracity when he assures me that he declined a commission.

A little later the gentleman said:

> I want the Members of the House to feast their eyes on one man [Mr. CONNERY] who refused to accept the honor of a commission, who refused to accept the salary, who refused to accept the social position and the best of everything that the Army had to offer, and instead chose to cast his lot among the lowly and the louse-bitten.

I will ask the Clerk to read a letter from my former commanding officer, Edward L. Logan, who during the war was Col. Edward L. Logan, of my regiment, the One hundred and first Infantry of the Twenty-sixth Division, American Expeditionary Forces, and who until last month was major general commanding the new Twenty-sixth Division, and was retired with the rank of lieutenant general. Colonel Logan was my colonel during the war.

The Clerk read as follows:

OFFICES OF EDWARD L. LOGAN,
Boston, Mass., May 15, 1928.

Congressman WILLIAM P. CONNERY,
Washington, D. C.

MY DEAR CONGRESSMAN CONNERY: My attention has been called to a statement made by Congressman HUDDLESTON, of Alabama, in which he has flippantly and doubtingly referred to your refusal to accept my nomination of you to go to the officers' school for a commission. This matter was so well known in the regiment—that I had on several occasions offered you this opportunity—that I had long since supposed it was a matter which could never be raised in question by anyone, and I was astounded upon reading the CONGRESSIONAL RECORD to find that the offer many times made, and as often refused by you, should have been questioned during the course of the debate.

I know you have every reason to know how proud I am of the service which you rendered to the officers and men of the regiment during all the war, in the fearless and efficient performance of your duties as a soldier and as the color sergeant of the regiment, and I have several times since your return had occasion to state how generous you were with your time and with your talents in making happy the lot of the enlisted men who served with you in the One hundred and first Infantry.

There was never a time when nominations were made for the officers' school that I would not have been happy and proud to have nominated you, and the only reason that you did not accept these nominations when tendered to you was your most unselfish and generous desire to remain in intimate and patriotic service and comradeship with the enlisted men of the One hundred and first Infantry, with whom you had crossed the seas.

Indeed, after the armistice, at a meeting of the officers held in March, I quite recall stating to them, and in your presence, of this conspicuous unselfishness on your part, and you may be sure that you have always my affection and esteem, not only for the splendid service which you rendered as an enlisted man and color sergeant of the regiment but for this generous refusal of the honors which might easily have been yours.

I am sorry that the Congressman from Alabama is apparently unable to appreciate the patriotic viewpoint which you so splendidly maintained in subordinating your service and ambitions as an enlisted man rather than accepting the honors and emoluments of an officer.

You might, however, call to his attention the conspicuous examples rendered by a nephew of the president of Harvard College, James H. Lowell, a distainguished lawyer of our city here, who likewise refused this opportunity of promotion, and of the grandson of a great United States Senator of Vermont, Richard C. Evarts, also a distinguished Boston lawyer, who, too, declined.

I could cite further the unselfishness of Jimmie Loughlin, who, when offered an opportunity to receive a commission, said that he figured he could do very much better service for the cause by remaining an enlisted man in the headquarters company of the regiment.

I suggest that perhaps you might like to call the attention of Congressman HUDDLESTON of Alabama to these examples of self-sacrifice of New England soldiers, of which you and these other men are but examples.

With my kindest regards to you and best wishes, and with the hope that I can be of service to you at any time, I remain,

Affectionately yours,

EDWARD L. LOGAN.

[Applause.]

Mr. CONNERY. Mr. Speaker, I had no desire whatever to have this letter read before the House for the purpose of self-praise or self-gratification, but I wanted the gentleman from Alabama [Mr. HUDDLESTON] to know that when I said I could have been an officer during the war, I spoke the truth.

I thank you, gentlemen. [Applause.]

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

Mr. MORIN. Mr. Speaker, reserving the right to object, I am not going to object, but we have several bills that we would like to take up to-day. This is Calendar Wednesday and the Committee on Military Affairs is entitled to the day, but I shall not object to this request.

Mr. HUDDLESTON. Mr. Speaker, I congratulate the gentleman from Massachusetts [Mr. CONNERY] not only on his patriotic record but on the "swiftness" of his witness. He certainly is a fine witness, but he a little bit overswore himself when he testified that the gentleman was not alone, as I had thought he was, in having rejected a commission, and that there were two others who were equally patriotic. I should have expected he would say that the gentleman was the only one he had ever known who was so patriotic.

I do appreciate the patriotism and self-sacrifice of any man who chooses to serve in the ranks instead of as a commissioned officer. I have had experience as a private soldier and I know what the difference is, and I want to say that the man who has done this can not be overpraised.

I am sure my friend Mr. CONNERY did not misunderstand the friendly and jocular—not "flippant"—spirit in which I called attention to his patriotism. No other Member misunderstood and no intelligent person could have done so. If it were not that this witness is his witness, and of my respect for Mr. CONNERY, I should say that not only is he a voluble witness but is asinine to have so misunderstood me. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. BERGER. Mr. Speaker, I have probably taken less time of the House than any one here and therefore I ask unanimous consent, in order that I may explain various bills that have been introduced, that I may have 45 minutes in which to address the House next Saturday.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that on next Saturday after the disposition of matters on the Speaker's table and following the special orders, he may be permitted to proceed for 45 minutes. Is there objection?

There was no objection.

BILLS REPORTED BY COMMITTEE ON AGRICULTURE

Mr. HAUGEN. Mr. Speaker, acting upon suggestions made, I ask unanimous consent to extend my remarks, by having printed in the RECORD, a brief résumé of bills reported by the House Committee on Agriculture in the nine years in which the Republicans have been in the majority, and of which I have had the honor to be chairman.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HAUGEN. H. R. 7413, Public, No. 22, by Mr. HAUGEN, Sixty-ninth Congress, which required the marking of the net weight on wrapped hams and bacon, thus guaranteeing full weight to the consumer and obviating deception; also requiring the inspection and marking of horse meat shipped in interstate commerce, which brings horse meat under the meat inspection law and affords protection to the consumer; also amending the United States warehouse act, and extending the Weeks Act by providing appropriation to purchase forest lands under that act. Also one repealing the so-called daylight savings act which worked such inconvenience, hardship, and injustice to the farmers, and city people as well, which was vetoed by the President, and finally passed over the President's veto.

H. R. 7893, Public, No. 450, Sixty-sixth Congress, by Mr. HAUGEN, a most important amendment to the food control act, to permit collective bargaining by any cooperative association of farmers, dairymen, gardeners, or other producers of farm products, which relieved farmers from persecution and unwarranted prosecution so unjustly imposed upon them from coast to coast; relieving them from fighting lawsuits at great expense, to justify or defend their right to make collective sales; for instance, farmers in California and Chicago in making collective sales of milk, were arrested, put through the third degree, were tried and finally acquitted, and in Ohio men in good standing were taken out of their beds in the middle of the night and placed in jail, and, as stated by Mr. John Miller in his testimony, they were put in hospital wards reeking with vermin, and served food that they could not taste or touch. In January, 1918, officers of farm organizations were indicted, required to give bail at a cost of from $200 to $300 premium to the surety companies, and it cost them $15,000 to fight their way out of the trouble. What was true in that case was also true in others. So far as I know, in every instance, all were acquitted. Evidently the prosecution was not to prevent profiteering, but simply to persecute.

H. R. 8624, Public, No. 63, Sixty-sixth Congress, by Mr. HAUGEN, the District of Columbia rent act, establishing a rent commission to regulate rents in the District of Columbia, to hear complaints, and to adjust controversies, thus saving the tenants from the clutches of the profiteers.

H. R. 444, Public, No. 109, by Mr. HAUGEN, Sixty-sixth Congress, dealing with the supply and price of sugar. Had the President availed himself of the opportunity to buy the Cuban sugar crop with the money and organization made available and at his command at the price offered, he would have saved the consumer from paying the exorbitant prices exacted. We would have had not only an ample supply of sugar but sugar at one-half the price the consumers were compelled to pay.

It has reported and passed numerous bills extending loans to aid farmers and for purchase of seed in drought and storm stricken sections.

It has reported and passed numerous bills authorizing the acquisition of experiment stations.

H. R. 12272, Public, No. 234, Sixty-sixth Congress, by Mr. HAUGEN, the agricultural appropriation bill for 1921, reported by the committee, eliminated and reduced many useless appropriations, while on the other hand it increased many items of importance under which valuable work is being done by the department. As a whole, it carried a reduction of $2,185,327 under the bill of 1920.

The committee reported out the cold storage bill (H. R. 9521), Sixty-sixth Congress, by Mr. HAUGEN, which was passed by the House, and which limited the time foods could be held in cold storage to one year, also regulating the sanitary conditions of cold-storage warehouses, and requiring report on all foods held in cold storage.

Also H. R. 10311, Sixty-sixth Congress, by Mr. HAUGEN. To prevent the use of slack-filled packages, which has passed the House three times. A bill to protect the consumers against the use of containers misleading the consumers by exacting from them prices based on appearance rather than the true quantity, also to protect the manufacturers and dealers against unfair competition from the trade dealing in slack-filled packages.

Also H. R. 14667, Sixty-sixth Congress, reported out. To regulate grain exchanges, to require grain exchanges to admit to membership on reasonable terms cooperative societies and declare them to be public markets subject to public regulation.

Also H. R. 8086, Public, No. 513, Sixty-seventh Congress. To prohibit the shipment of filled milk in interstate and foreign commerce, stop the practice of mixing condensed skimmed milk and coconut oil or other fats or oils in imitation or semblance of milk, cream, or skimmed milk, thereby protecting the producers and consumers from the purchase of filled milk very often upon gross misrepresentation as to its food qualities.

Also H. R. 7401, by Mr. STEVENSON, Sixty-seventh Congress. Wheat grades, prescribing standards and grades for spring wheat, so that great losses by the farmers due to the practice of buying on grade at elevators and terminal markets where the grading was usually below the real milling value, and to determine the condition and quality of the commodity.

Also H. R. 11396, Public, No. 293, by Mr. HAUGEN, Sixty-seventh Congress. To regulate foreign commerce in the importation into the United States of honeybees to prevent the importation of diseased bees from foreign countries, thereby protecting an industry in this country amounting to millions of dollars per year.

Also H. R. 11843, Public, No. 331, by Mr. Tincher, Sixty-seventh Congress. Grain futures act, for prevention and removal of obstructions and burdens upon interstate commerce in grain by regulating transactions on grain-future exchanges, thereby minimizing speculation, manipulation, and control of prices of farm products by transactions on the exchanges.

H. R. 12053, Public, No. 519, by Mr. HAUGEN, Sixty-seventh Congress. A bill to define butter, and to provide standards therefor. Sets up a single standard of butter for the enforcement of the food and drugs act. The definition and standard set is as follows: "Butter" shall be understood to mean the food product usually known as butter and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter, and containing not less than 80 per cent by weight of milk fat.

H. R. 14302, Public, No. 539, by Mr. FULMER, Sixty-seventh Congress. Establishes and provides for the use of official cotton standards, to prevent deception, and provides for proper application of the standards set, improves conditions and methods of classification in the buying and selling of cotton, so that commercial risks are minimized.

H. R. 13352, by Mr. Little, Sixty-seventh Congress, reported by committee. Authorizes the Secretary of Agriculture to purchase, store, and sell wheat and secure and maintain to the producer a reasonable price for wheat, and to the consumer a reasonable price for bread, and to stabilize wheat values, which would

result in the farmer getting at least the cost of production and the consumer secure his bread at a reasonable price.

H. R. 6320, Public, No. 51, by Mr. HAUGEN, Sixty-seventh Congress, the packers and stockyards act. To regulate interstate and foreign commerce in livestock, livestock products, poultry, poultry products, and eggs, and for other purposes; to place under Government regulation and supervision of the Secretary of Agriculture, by giving exclusive jurisdiction over the stockyards as well as the packers, to encourage, to protect, to build up worthy and legitimate enterprise and activities in connection with the great packing industry, and thus safeguard the interests of the public and all elements of the packing industry from producer to consumer; to insure proper rates for the care of cattle at the stockyards and for feed furnished and of minor injustices caused shippers and producers. The Secretary is empowered to subpœna, conduct hearings, cause the production of books, papers, and documentary evidence, require attendance of witnesses to prevent packers and stockyards and all persons dealing on the stockyards from engaging in unfair, unjustly discriminatory practices or devices; to regulate and prescribe practices in stockyards to prevent abuses, award damages in redress; to regulate and prescribe rates, fees, and charges for services, including fees of commission men, yardage, feeding, watering, weighing, and handling livestock; to prescribe manner and form for keeping books and accounts; and provides penalties ranging from $500 to $10,000, or imprisonment of not less than six months nor more than five years, or both, and provides for the registration of all persons handling or carrying on business of a market agency or dealer at stockyards, and provides fines for failure so to do; provides penalties for violation of regulations relative to fees, rates, or other charges, and provides for court review of the Secretary's findings. Undoubtedly a most far-reaching measure, and extends further than any previous law into the regulation of private business, with the exception of the war emergency measures and possibly the interstate commerce act.

H. R. 5791, Public, No. 89, by Mr. HAUGEN, Sixty-eighth Congress. A bill to free certain Southern States from the cattle tick.

H. R. 5946, Public, No. 87, by Mr. HAUGEN, Sixty-eighth Congress. A bill for the protection of wild game. The bill is to protect the wild-game refuges and extend the protection afforded wild bird life on Government reservations to wild game, such as buffalo, elk, and other big-game animals.

H. R. 7111, by Mr. KETCHAM, reported out of committee and passed the House. A bill to provide American agriculture by making more extensively available and expanding the service rendered by the Department of Agriculture in gathering and disseminating information regarding agricultural production, supply, and demand in foreign countries, and promoting sale of farm products abroad; in other words, to give to the farmer all the information possible, not only with regard to agricultural production and demand at home, but foreign production and demand, which so largely affects the price received for his products.

H. R. 7113, Public, No. 156, by Mr. HAUGEN, Sixty-eighth Congress. A bill to establish a dairy bureau in the Department of Agriculture for research, investigation, and dissemination of information relating to the dairy industry, and regulatory advice regarding the sale of dairy products.

H. R. 4088, Public, No. 268, Sixty-eighth Congress. A bill to establish the upper Mississippi wild life and fish refuge, comprising 300 miles of bottom lands, along the upper Mississippi, as a breeding place for migratory birds, wild birds, game animals, fur-bearing animals, and for the conservation of wild flowers and aquatic plants. The bill is a conservation measure of great interest in the preservation of wild life of all kinds and preserves the greatest natural fish-spawning regions in the United States.

H. J. Res. 127, Public Resolution 127, by Mr. HAUGEN, Sixty-eighth Congress. Transfers to the Department of Agriculture control of reindeer in Alaska, which have become the chief source of food supply.

H. R. 8981, by Mr. BRAND, Sixty-eighth Congress. Reported out of committee a bill to establish standard weights for loaves of bread, and to prevent fraud in respect thereto, to prevent contamination thereof, to protect the consumers of bread from short-weight loaves.

S. 4224, Public, No. 565, by Mr. Lineberger. For the protection of forest lands, for reforestation of denuded lands, for the extension of national forests in order to promote the continued production of timber on lands suitable therefor.

H. R. 7893, Public, No. 450, by Mr. HAUGEN, Sixty-ninth Congress. Establishes a division of cooperative marketing in the Department of Agriculture, which division, through research, educational, and service work, renders assistance to cooperative associations through the dissemination of crop and market information.

H. R. 7818, Public, No. 180, by Mr. HAUGEN, Sixty-ninth Congress. A bill amending the packers and stockyards act, so that any State, where the weighing of livestock at a stockyard is conducted by a duly authorized agency of the State, such department or agency may register as a market agency with the Secretary of Agriculture, and thereby become amenable to the requirements of the packers and stockyards act of 1921, which makes it possible for the department to control the operations of loading services at the stockyards in precisely the same way as control of operations of other market agencies in stockyards.

H. R. 271, by Mr. WOODRUFF, Sixty-ninth Congress, passed Senate and House. Making appropriations for carrying out the Weeks Act, for the protection of watersheds of navigable streams, and increases the act to cover cut-over and denuded lands in the program of reforestation under the Weeks Act.

H. R. 3890, Public, No. 799, by Mr. LUCE, Sixty-ninth Congress. Establishes a national arboretum, which is of special benefit to the agricultural interests, horticulture, and forestry, as the arboretum is to maintain a permanent living collection of trees and plants for the purpose of scientific research and education.

S. J. Res. 78, Public Resolution No. 14, by Mr. HAUGEN, Sixty-ninth Congress. Amends the plant quarantine act to allow the States to quarantine against shipment therein or through the States of plants or plant products and other articles found to be diseased or infected.

H. R. 11768, Public, No. 625, Sixty-ninth Congress. To regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry in the United States and protect the public health. The bill is to protect the health of the consumer and to prevent poor milk from outside, lowering the health standards which our farmers have been forced to meet over a long period of struggle on the part of the health authorities.

H. R. 10510, Public, No. 712, by Mr. HARE, Sixty-ninth Congress. A bill to prevent the destruction or dumping without good and sufficient cause of farm products by commission merchants and others, to require them to properly and correctly account for all farm products. The bill prevents commission merchants and others from destroying, abandoning, or dumping fruits, vegetables, or other perishable farm products, and to prevent commission merchants and others receiving such products on consignment from making fraudulent report to the shipper concerning the handling, condition, quality, quantity, sale, or disposition of the products.

H. R. 15649, Public, No. 594, by Mr. PURNELL, Sixty-ninth Congress. A bill to provide for the eradication or control of the European corn borer. The bill made appropriations available for the eradication of the corn borer, considered a serious pest and menace to the Corn Belt of the United States.

H. R. 9396, Public, No. 802, Sixty-ninth Congress. A bill to insure farmers' cooperative associations, comprised of producers, the right to own seats on boards of trade and exchanges, and thereby enjoy the benefits of economical and beneficial marketing. The bill extends to all boards of trade upon which agricultural products are sold, the same regulatory requirements respecting farmers' cooperative associations that is applied by the grain futures act.

H. R. 16470, by Mr. O'CONNOR, Public, No. 657, Sixty-ninth Congress. Amends United States cotton futures act. A bill to place the three cotton futures markets in the United States on the same basis in settlement of their contracts.

H. R. 405, by Mr. GARBER, Public, No. 278, Seventieth Congress. Providing for horticultural experiment and demonstration work in the southern Great Plains area, and contemplates a type of work to meet the need where families coming into the high plains to live from more eastern regions waste time, effort, and money in an effort to grow fruit and shade trees, and the establishment of effective shelter belts, so that fruits and vegetables may be raised to meet the current needs and to advantage.

H. R. 484, by Mr. HAUGEN, Public, No. 327, Seventieth Congress. To amend section 10 of the plant quarantine act, which gives authority to stop in movement quarantined articles which are pest carriers. Such movement in violation of plant quarantines is usually in ignorance of the restrictions, but involves the greatest danger of long-distance spread of pests. The amendment gives power to stop, inspect or search, and to seize, destroy, or otherwise dispose of articles moving interstate in violation of plant quarantines or entering the country in violation of the act or quarantines thereunder. The act provided for punishment, but punishment is of little value without this amendment, as it is of importance to dispose of or destroy infected commodities to prevent the spread.

H. R. 9495, by Mr. KETCHAM, Seventieth Congress. To provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of prior acts. The bill provides for the further development of cooperative extension work in agricultural and home economics with men, women, boys, and girls, inaugurated under the Smith-Lever Act, passed May 8, 1914. The bill provides funds for enlarging the extension service, will build up the efficiency of farming, and lower the cost of production. It will encourage cooperation, the growing of high-quality products, and the marketing of the same in an efficient manner. It aids considerably in providing further education of farm boys and girls.

H. R. 53, by Mr. GILBERT, Seventieth Congress, passed House March 7, 1928. To provide for the collection and publication of statistics of tobacco by the Department of Agriculture. The purpose of the bill is to make available to farmers, cooperative associations, and the tobacco trade generally more definite information as to the character and quantity of unmanufactured tobacco held by dealers and manufacturers. Tobacco is ordinarily carried over for a period of from two to four years in order to age properly and the lack of accurate statistics of stocks thus accumulated has an unfavorable influence on the market. Without definite information as to these stocks it is difficult, if not impossible, for tobacco farmers to regulate their planting.

H. R. 487, by Mr. HAUGEN, Seventieth Congress, passed House March 14, 1928. To amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein." See H. R. 10311.

H. R. 7459, by Mr. MORGAN, passed House March 7, Senate May 10, Seventieth Congress. To authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes. The purpose of the bill is to make funds available for carrying on and extending the marketing-research work of the Department of Agriculture with respect to wool, making it possible to emphasize particularly the standardization of wool, so that the work for that commodity will be more comparable to work which has been done for other major commodities, such as fruits and vegetables, dairy products, meats, hay, and so forth. The purpose of the bill is to make possible an extensive educational work, by putting the standard grades into actual use, so that the wool producer can be educated to become familiar with the market value of his clip, which will contribute to the production of higher quality wool, through improvement of flock, and result in greater returns to the producer.

H. R. 8130, by Mr. REED, reported to House April 11, 1928, Seventieth Congress. Authorizing the creation of game refuges on the Ouachita National Forest. The lands now embraced in the Ouachita National Forest were once the home of an abundant supply of game and birds. The creation of game refuges serve as breeding places for wild life and permit restocking.

H. J. Res. 26, by Mr. HAUGEN, passed House April 2, 1928, Seventieth Congress. Authorizing Secretary of Agriculture to dispose of real property located in Hernando County, Fla., known as Brooksville Plant Introduction Garden. In 1911 the Government secured title to this property for the purpose of growing, testing, propagating, and distributing oriental bamboos, and for experimental work in such new crops for the South as found adapted to experimental work as dasheen, tropical yams, chayotes, arrowroot, edible cannas, and various other crop plants. Active work at the plant was discontinued in 1923, and there being no further use for the property, authority was granted the Secretary to dispose of the same.

H. J. Res. 81, by Mr. FULMER, passed House January 16, 1928, Seventieth Congress. For amendment of the act of March 3, 1927, authorizing an annual appropriation to carry out cooperative experiments contemplated by the act. Authorizes appropriation to enable the Secretary of Agriculture to cooperate with the State of South Carolina Agriculture Experiment Station. Corrects language in the original act, so as to make this work continuing.

H. J. Res. 89, by Mr. HAUGEN, passed March 7, 1928, Seventieth Congress. Authorizes Secretary of Agriculture to dispose of real property in Loudoun and Clarke Counties, Va., no longer required for observatory and laboratory purposes. Authorizes the disposition of property no longer required by the department and costing the United States about $2,000 per year in upkeep.

H. J. Res. 112, passed House January 16, 1928, Seventieth Congress. Amends the act of May 29, 1884, as amended, the act of February 2, 1903, act of March 3, 1905, as amended, to include poultry within their provisions. The acts amended by this resolution provide for investigation as to the existence of contagious diseases of livestock and authorizes the Secretary of Agriculture to establish rules and regulations concerning their transportation and empowers quarantine against contagious diseases of livestock. Makes the above acts applicable to poultry.

H. J. Res. 140, by Mr. HAUGEN, passed House March 7, 1928, Seventieth Congress. Amend sections 1 and 2 of the act of March 3, 1891, which provides for the inspection, safe handling, and safe transport of export cattle and amends the same so as to include horses, sheep, goats, and swine.

H. R. 10374, by Mr. WOODRUFF, passed House March 14, 1928, passed Senate May 10, 1928, Seventieth Congress. For the acquisition of lands for an addition to the Beal Nursery at East Tawas, Mich. Provides for additional lands for planting a future timber supply, and as a demonstration of practical forestry. Additional land needed to fill out the program of supplying trees and seeds to plant in the national forest, and fill out the planting program.

S. 1181, by Mr. WOODRUFF, passed House and Senate, Seventieth Congress, and through conference. Authorize appropriation to be expended under the provisions of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States for the protection of the watersheds of navigable streams," and so forth, and is designed to create a fiscal policy covering the purposes of the Clarke-McNary Act, which amended the act of March 1, 1911, known as the Weeks Act. Approximately 5,000,000 acres of pine lands are to be secured under the above-mentioned acts, and the bill makes it possible to set up an established policy for obtaining and maintaining such lands to build up artificial reforestation, which is an exceedingly slow program, requiring more than 40 years for completion.

H. J. Res. 200, by Mr. ANDRESEN, passed House April 11, 1928, Seventieth Congress. Amend section 10 of the act entitled "An act to establish the upper Mississippi River wild-life and fish refuge." The bill makes it possible to continue the purchase of acreage to make up the total acreage intended for the refuge. Approximately 85,000 acres remain to be acquired, and the bill makes it possible to secure the additional acreage at higher values than the original bills provided for.

H. R. 10958, by Mr. HAUGEN, Seventieth Congress. To amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine." The purpose of the amendment is to clarify the language of the act and include fish oils and fats, so as to bring a third class of fat compounds in addition to the two specifically enumerated in the existing law within the definition of oleomargarine, and therefore within the taxing and regulating power of the Bureau of Internal Revenue. Markets of the United States in the past few years have been flooded with fat compounds made from coconut oil, imported, and peanut oil, under names and disguised as cooking compounds, but, in fact, are salted, colored, and put up in semblance of butter and often flavored with synthetic-butter flavor. The new definition is sufficiently inclusive to bring about a wholesome and complete protection of the public against the purchase of these compounds as or for butter or oleomargarine. To protect the producer in his legitimate market for his product, and the consumer against the fraudulent sale of a substitute lacking in nutritive value at exorbitant price.

H. J. Res. 215, Public Resolution 25, by Mr. HAUGEN, Seventieth Congress. To authorize the Secretary of Agriculture to accept a gift of certain lands in Clayton County, Iowa, for the purposes of the upper Mississippi River wild life and fish refuge act, Public Resolution 25. Enable the Secretary to accept a gift of 488 acres, which embraces the famous Pikes Peak, an excellent lookout point. It fits in with the upper Mississippi wild life and game refuge act and goes far in accomplishing the aim of a bill introduced by Mr. HAUGEN in 1917 to establish a national park near Prairie du Chien, Wis., and McGregor, Iowa, to provide a suitable park on our Nation's greatest river and set aside a historic and picturesque spot on our greatest river, the Mississippi, the Father of Waters, with its grandeur and scenery to rival that of the Rhine, the Italian lakes, and the fjords of Norway, and properly referred to by many as the Switzerland of America, one of the richest in scenic beauty. Historic Pikes Peak, dominating the landscape, most famous of the Mississippi hills, was the first land seen by white men on the discovery of the upper Mississippi, and overlooked the stirring events which took place about the confluence of the Wisconsin and the Mississippi Rivers in the beginning of our history. It was a favorite vantage point of the Indians and often a battle ground. In 1805 Lieut. Zebulon Pike, the great explorer, shelved his boat on the pebbly shore at the foot of the hill which has since borne his name, climbed to the top, and planted there the first American flag raised in the Northwest.

H. R. 11579, Public, No. 270, by Mr. JONES, Seventieth Congress. Relating to investigation of new uses of cotton. This bill authorizes the Secretary of Agriculture and the Secretary of Commerce to engage in technical and scientific research in American-grown cotton and its by-products and their present and potential uses, including new and additional commercial and scientific uses for cotton and its by-products, and to diffuse such information among the people of the United States.

S. 2569, Public, No. 178, by Mr. WARREN, Seventieth Congress. Providing for horticultural experiment and demonstration work in the semiarid or dry-land regions of the United States. It will serve a territory of great area in the high plateau and mountainous country which is in great need of shade and ornamental fruit and shelter belt trees, shrubs, vines, and vegetables.

S. 2030, by Mr. COPELAND. Reported to House May 11, 1928, Seventieth Congress. To provide for research into the causes of poultry diseases for feeding experimentation, and for an educational program to show the best means of preventing disease in poultry. It is the intention of the bill, that an extensive investigation should be made into the causes of influenza, infectious bronchitis, white diarrhea, and other diseases of poultry from which great losses occur to the producers each year.

S. 3194, Public, No. 304, by Mr. COLTON, Seventieth Congress. To establish the Bear River migratory bird refuge. Authorizes the Secretary of Agriculture to construct at Bear River Bay dikes, ditches, spillways, etc., for the establishment of suitable refuge and feeding and breeding grounds for migratory wild fowl. The river marshes, extending about Bear River, comprise the greatest area of this character in the Rocky Mountains, and form the gathering place for millions of wild fowl, such as ducks and geese during the north and south migrations. During each breeding season vast numbers of wild fowl rear their young in this area. Due to diversion of water for irrigation purposes the shallow waters in many parts of these marshes, during summer and fall of each year, become concentrated solutions of alkali resulting in myriads of fowl being poisoned and perish in enormous numbers. The construction of dikes, ditches, etc., will stop this loss.

H. J. Res. 237, by Mr. BUCHANAN, Seventieth Congress, passed House and Senate May 12, 1928. To provide for eradication of the pink bollworm and authorizing appropriation therefor. Makes money available to eradicate the pink bollworm, a very serious pest to cotton growth, ranking with the boll weevil in damage.

S. 757, passed House May 8, passed Senate March 14, 1928. To extend the benefits of certain acts of Congress to the Territory of Hawaii. Provides that future annual appropriations made to carry out the provisions of certain acts to establish and endow agricultural experiment stations provide for the participation of Hawaii in the benefits of such acts.

H. R. 12632, by Mr. PURNELL, passed House April 11, passed Senate April 24, 1928. To provide for the eradication or control of the European corn borer. Authorizes appropriations to continue the work started last year for the eradication of the European corn borer, considered a serious pest and menace to the Corn Belt of the United States.

H. R. 12878, by Mr. WOODRUFF, reported to House April 21, 1928. To insure adequate supplies of timber and other forest products for the people of the United States, to promote full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture. It will develop methods of utilization of waste matters from our pulp mills and plants, which have polluted our streams and destroyed our fish. It will make it possible for the country to use in a better way that vast section of our country which we call the forest area, and which comprises more square miles than do the lands now devoted to agriculture.

H. R. 13646, by Mr. VINSON of Kentucky, reported to House May 11, 1928, Seventieth Congress. For the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton futures exchanges, and so forth. Transactions in cotton involving the sale thereof for future delivery as contracted on cotton exchanges are affected with a national public interest. Such transactions are carried on in large volumes by the public generally and by persons engaged in the business of buying and selling cotton in interstate commerce, and the prices of such transactions are generally quoted and disseminated throughout the United States and in foreign countries as the basis of determining the price to the producer and consumer of cotton, and the transactions on such cotton exchanges are extremely subject to speculation, manipulation, and control, and that sudden and unreasonable fluctuations in the prices thereof often occur as the result of such speculation, manipulation, and control, and the fluctuations are an obstruction to and a burden upon interstate commerce in cotton, and the bill removes and prevents such practices.

S. 3555, by Mr. HAUGEN, passed Senate April 9, passed House May 3, 1928, Seventieth Congress, sent to conference May 4, and conference report agreed to in House on May 14. Establishes a Federal Farm Board to aid in the orderly marketing, and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce. The bill is similar in principle to the farm relief bill passed in the last session of the Congress, and the aim of the bill is to enable the farmer to market his commodities in his own way, at an American price level, and to afford him the benefit of a system which is the equivalent of the numerous protective laws that have been enacted, such as that restricting immigration, the Federal reserve act, and tariff acts, the Adamson Act, and many others. To give the farmer the benefit of the protective laws already established to make them effective to the farmer, as they are generally made effective to organized industry and labor.

To make the protective laws effective to the farmers as they are generally made effective to organized industry. For instance, the tariff is made effective to organized industry by pooling the whole production, by selling a portion of the product at the American price level, the world price plus the tariff and other expenses incident to importation of the foreign commodity, and to sell in the world market at the highest net price obtainable, and to equalize the price and pay the producer the equalized price, thus materially advancing the average price to every producer.

To create and finance a marketing board, and vest it with power to withhold or collect an equalization fee in an amount sufficient to equalize the price and the cost of marketing, so that each producer may contribute his ratable share of the cost of marketing and receive his proportionate share of the profits from marketing, so that the producer may have the opportunity to sell on the domestic market at the American price level, and to sell on the foreign market at the highest net obtainable price, and in this way materially advance the average price to each producer, and to wrest from exporters and operators on exchanges the power which they exercise in the manipulation of prices and the doctoring of grades, and thus reestablish the foreign market for agricultural commodities which was destroyed through the practice of manipulation of prices, doctoring of grades, and mixing of grain with dirt, screenings, and rubbish and selling it at grain prices. To mete out justice to agriculture and promote prosperity not only to agriculture but to all other citizens, and to do, as was requested by representatives of labor appearing before the committee, pleading with the committee, to report out legislation that might restore the purchasing power of the farmer, so that they might go back to work, and, as stated by Mr. Wallace, of the American Federation of Labor:

> The farmers are our customers; when they have no money we can not work. We are the farmers' customers. Hence I think it is to the interest of all the workers. I can not see any hope for improvement except the farmers can buy. Those are the people on whom we depend. What does it profit us if we can get meat for 10 cents a pound, if we haven't the 10 cents?

To relieve the depressed condition in agriculture. To do for the farmers what was done for others by the enactment of the Federal reserve act, the railroad act, the Adamson law, the restricted immigration act, and the many acts extending aid, assistance, and relief to numerous other activities; to afford the farmer the advantages, aid, and opportunities extended to others. In short, a fair and square deal to all; nothing more, nothing less.

RESTRICTIONS IN LANDS OF CERTAIN MEMBERS OF THE FIVE CIVILIZED TRIBES

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4448) to amend section 4 of the act entitled "An act to extend the period of restrictions in lands of certain members of the Five Civilized Tribes, and for other purposes, approved May 10, 1928.

The Clerk reported the bill.

The SPEAKER. Is there objection?

Mr. McKEOWN. I object.

MUSCLE SHOALS

Mr. MORIN. Mr. Speaker, I move that the House insist on its amendment to Senate Joint Resolution 46, relating to Muscle Shoals, and ask for a conference.

The SPEAKER. The Chair doubts whether that is in order.

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman from Pennsylvania is quite within his rights. It is not a usual procedure, but a perfectly parliamentary procedure. It is seldom that the House has made such a request, but it has frequently been done in the Senate. If the Chair will indulge me, so far as I have been able to ascertain, the practice began in the Senate in the passage of the Dingley revenue bill in 1897. Following that it was the practice on revenue bills for many years. The present occupant of the chair I am sure will remember that what became known as the Payne-Aldrich bill, to the making of which he contributed so great a part, passed the Senate, and immediately on its passage the Senate moved to insist on its amendments and ask for a conference. So the gentleman from Pennsylvania is quite within his parliamentary rights in making the motion. As I say, it has frequently happened in the Senate, but not very frequently on the part of the House.

The SPEAKER. It occurs to the Chair that it is rather lacking in courtesy to the Senate. The Chair does not remember of its being done in the House since he has been a Member of the House.

Mr. GARRETT of Tennessee. I think it has occurred several times in the House, and frequently in the Senate.

The SPEAKER. The Chair is unable to see any particular advantage there would be in it—it might save possibly a day. It seems to the Chair that it is a little short of improper. The fact that it has been done in the Senate is no reason why it should be done in the House.

Mr. GARRETT of Tennessee. It is not without precedent. The parliamentary situation created is that upon a conference report the other body would have to act before the House acts. That is the parliamentary situation it creates.

The SPEAKER. There is no disagreement yet between the House and the Senate.

Mr. GARRETT of Tennessee. The House is proposing to make it.

The SPEAKER. It depends upon whether the Senate may or may not agree to the House amendment. It is assuming that by no possibility can the Senate agree to the House amendment, and the Chair does not know that.

Mr. GARRETT of Tennessee. I simply repeat that it is not unprecedented.

The SPEAKER. The Chair would prefer not to recognize the gentleman from Pennsylvania to make that motion.

Mr. MORIN. Mr. Speaker, I withdraw it for the time being.

Mr. Speaker, I call up the bill H. R. 13446, a bill to amend the national defense act, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

THE NATIONAL DEFENSE ACT

The SPEAKER. The gentleman from Pennsylvania calls up the bill (H. R. 13446) to amend the national defense act, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act for the promotion of rifle practice throughout the United States," approved February 14, 1927 (44 Stat. 1095), which adds an additional paragraph to section 113 of the national defense act, is hereby amended to read as follows: "That there shall be held an annual competition, known as the national matches, for the purpose of competing for a national trophy, medals, and other prizes to be provided, together with a small-arms firing school, which competition and school shall be held annually under such regulations as may be prescribed by the Secretary of War."

SEC. 2. The national matches contemplated in this act shall consist of rifle and pistol matches for the national trophy, medals, and other prizes mentioned in section 1 above, to be open to the Army, Navy, Marine Corps, National Guard, or Organized Militia of the several States, Territories, and District of Columbia, the Reserve Officers' Training Corps, and the citizens' military training camps, rifle clubs, and civilians, together with a small-arms firing school to be connected therewith and competitions for which trophies and medals are provided by the National Rifle Association of America; and for the cost and expenditures required for and incident to the conduct of the same, including the personal expenses of the members of the National Board for the Promotion of Rifle Practice, the sum necessary for the above-named purposes is hereby authorized to be appropriated annually as a part of the total sum appropriated for national defense: *Provided*, That no competitor shall be entitled to commutation of rations in excess of $1.50 per day, and when meals are furnished no greater expenses than that sum per man per day for the period the contest is in progress: *Provided further*, That in lieu of traveling expense and commutation of rations while traveling the sum of 5 cents per mile may be paid to civilian competitors, and such travel pay for the return trip may be paid in advance of the performance of the travel.

SEC. 3. For the incidental expenses of the National Board for the Promotion of Rifle Practice, including books, pamphlets, badges, trophies, prizes, and medals to be expended for such purposes, the sum of not more than $7,500 is hereby authorized to be appropriated annually.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO ADDRESS THE HOUSE

Mrs. KAHN. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes on Saturday next after the completion of the special orders heretofore granted.

The SPEAKER. The gentlewoman from California asks unanimous consent to address the House on Saturday morning next for 30 minutes after the completion of the special orders heretofore agreed to. Is there objection?

There was no objection.

PHILIPPINE CONSTABULARY

Mr. MORIN. Mr. Speaker, I call up the bill (S. 3463) to recognize commissioned service in the Philippine Constabulary in determining rights of officers of the Regular Army, on the Union Calendar, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman calls up the bill S. 3463, and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in determining the pay period and rights of retirement in the case of officers of the Regular Army, active duty performed as an officer of the Philippine Constabulary shall be credited to the same extent as service under a Regular Army commission or other active duty recognized under the provisions of section 127a of the national defense act of June 3, 1916, as amended by the act of June 4, 1920.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. McKEOWN. Mr. Speaker, will the gentleman from Pennsylvania yield to me for a moment?

Mr. MORIN. Certainly.

Mr. McKEOWN. Is the gentleman going to call up the Wainwright bill?

Mr. MORIN. No; we are not going to call up the Wainwright bill to-day.

ADDRESS OF HON. CORDELL HULL

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an address made by my colleague Hon. CORDELL HULL over the radio last evening.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, under the leave to extend my remarks I include the following address:

POLITICAL ISSUES OF 1928

The Nation will be governed during the next four years by either the Democratic or the Republican Party. The Democratic Party tenders its services this year with a reaffirmation of its original creed and the promulgation of a broad program of truly national issues. The claims of the Republican Party, in control of all branches of the Government since 1920, must rest upon its official record of omission and commission during this period. Each political party has a creed and serves the Nation by applying that creed to new and changing problems and conditions. The Democratic Party draws its inspiration and derives its principles from the philosophy of Thomas Jefferson. They lie at the base of popular government, here and everywhere. Lincoln said: "The principles of Jefferson are the definitions and axioms of free society, and it is no child's play to save them from complete overthrow in this Nation." The course of the Democratic Party was originally charted on lines broad enough, foundations deep enough, and structure sound enough for all time. Its ancient doctrine of equal rights will be as pertinent centuries hence as it is to-day.

Since the death of Lincoln the creed of the Republican Party has been bottomed on the doctrines of Alexander Hamilton—doctrines

which that party dares not openly profess, but consistently practices every day in the year. The Jefferson philosophy was but slightly conceived until he gave it full development in the Declaration of Independence, the bill of rights, and his first inaugural address. The opposing philosophies of Jefferson and Hamilton, however, have been at war in some form since the days of the Athenian commonwealth. No finer opportunity to judge the effects of their practical operation is to be found than by contrasting the political, moral, and official standards and achievements of the recent Wilson administration of eight years with those of the subsequent administrations of Harding and Coolidge.

The first and outstanding problem of the American people, therefore, is to make a vigorous and searching reexamination into the manner in which representative government has functioned in this country during these two eight-year periods of most recent rule by the respective political parties, and by their votes in November decide definitely whether the ideas of Hamilton or those of Jefferson shall guide the future course of this Republic. If the people are not to be deceived or misled in the course of this inquiry and appraisal, they must look to the practices of the political parties when in power rather than to their professions, to performance rather than promise.

The end of eight years of Republican leadership and rule finds the American people less attentive to governmental duties and tasks than at any time in the Nation's history. There is a hopeless confusion about fundamentals. The spirit of our institutions—the spirit of America—is at its lowest ebb. Extreme political and moral debasement and a hopeless decline of official standards are the distinguishing characteristics of the Republican administrations since 1920. The Government has been in the deadly clutches of a commercialized political system, the success of which involved bribery extending from the administrative officials at Washington back to the wholesale corruption of State electorates. Corruption seems to have become essential to the government of the Nation by the dominant leaders of the Republican Party, who have not only tolerated such corruption but denounced those seeking to expose it. The inescapable issue of whether morals have lost their power with the people is thus presented to every voter by the Harding and Coolidge administrations. This slimy trail of prostitution since 1920 has been the inevitable result of government by class—a class that furnished tens of millions for the wholesale debauchery of both voters and high officials in return for vast governmental favors and special advantages. They alone are the governing class under the single doctrine of sordid materialism, which is rooted in selfishness and wholly repugnant to the original ideas on which the Government was founded. Human rights, human welfare, national character, high ideals, morals, and Christian vitality, on which alone freedom and civilization can securely rest, have been viewed with purely minor consideration by those in charge of the Government since 1920. These indispensable doctrines and policies were of the essence of the recent Wilson administration in both profession and practice.

The shameless Republican record of the past eight years has thus been a disgrace and a menace to popular government, whereas the marvelous achievements of the Democratic administrations during the like preceding period will stand out in history like mountain peaks for the next 250 years. A relatively few persons of large pecuniary interests, who are primarily interested in building up their fortunes and families, have constituted the directing force of the Republican Party and the Government since 1920. Their controlling thought is to buy elections and then shape legislation and government so as to favor their private interests. They never visualize the broad and fundamental principles of popular government. They have for some years been able to deceive the people by the wholesale circulation of myths and other misleading propaganda.

They divert attention from their unspeakable record by shouting such myths as Coolidge economy, debt reduction, protection to American labor, and prosperity. They well know that Democratic economic policies would insure sounder and wider prosperity. They boldly controvert in practice the Democratic view that while prosperity in itself is excellent, honesty and morals are better things than prosperity. They brazenly assume credit for total public debt reduction of $8,084,000,000 to July 1, 1927, although they know that the Wilson administration supplied either the money or the cash assets with which to effect $6,332,000,000 of this total reduction. They know that their claim of economy in reducing public expenditures is a bogus and concocted one in the light of the official figures, which, excluding postal expenditures, show a total of $3,677,000,000 for 1923, and virtually the same level of $3,626,000,000 for 1928, comprising the past six-year period. They know that more than 75 per cent of American labor is engaged in industries not sheltered by tariffs and receives far higher wages than that in tariff-protected industries, such as the textiles, and yet they constantly reiterate the monstrous libel that ultra-high tariffs are responsible for those high living standards and high wages in the automobile and other industries not protected.

More of the great Jeffersonian doctrines of liberalism are challenged to-day than in Jefferson's own time. The very creed itself is flouted, undermined, and put in issue. The insolent forces of corruption and governmental favoritism tender Democrats such acute individual issues in addition as the following: Corruption in politics and in government, justice to agriculture, the unchecked growth of paternalism and bureaucracy, the loss of all vision and high ideals, the lack of basic policies, suppression of crime, a modernized tariff and trade policy, indefinite presidential tenure, the collapse of foreign policy, restoration of rule by the people, the bold attempt to conduct popular government on the single doctrine of sordid materialism, and general administrative reform.

The Democratic Party this year should resolutely enter upon a great crusade for the political, moral, and spiritual regeneration of the Nation, for the rebirth, revival, and restoration of those fine concepts, aims, and ideals so vital to the permanency of this great democratic Republic. Then will the people rise up and exclaim with the prophet of old: "Let justice roll down like waters, and righteousness like a mighty river."

RETIREMENT OF LICENSED ENGINEERS, ARMY TRANSPORT SERVICE

Mr. MORIN. Mr. Speaker, I call up the bill (H. R. 10478) providing retirement for persons who hold licenses as navigators or engineers who have reached the age of 64 years and who have served 25 or more years on seagoing vessels of the Army Transport Service, on the Union Calendar, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 10478, on the Union Calendar, and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter licensed officers of the Army Transport Service who have reached the age of 64 years and who have served 25 years or more on Army transports, who have become physically unfit for service in line of duty, shall be retired.

SEC. 2. Those persons retired as specified in section 1 of this act shall receive compensation equal to three-fourths of the average annual pay received for the past five years of service: *Provided*, That such retirement pay shall not include any amount on account of subsistence or other allowance.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WAINWRIGHT-M'SWAIN BILL

Mr. McSWAIN. Mr. Speaker, if the gentleman will permit, it is evident that several gentlemen did not hear the announcement made by the chairman of the committee with respect to the Wainwright-McSwain bill a short time ago. This is a very controversial subject, and it will be called up this afternoon by the chairman.

HEADSTONES OVER GRAVES OF SOLDIERS WHO SERVED IN CONFEDERATE ARMY

Mr. MORIN. Mr. Speaker, I call up the bill (H. R. 10304) authorizing the Secretary of War to erect headstones over the graves of soldiers who served in the Confederate Army and to direct him to preserve in the records of the War Department the names and places of burial of all soldiers for whom such headstones shall have been erected, and for other purposes, on the Union Calendar, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman calls up the bill H. R. 10304, on the Union Calendar, and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized to erect headstones over the graves of soldiers who served in the Confederate Army and who have been buried in national, city, town, or village cemeteries or in any other places, each grave to be marked with a small headstone or block which shall be of durable stone and of such design and weight as shall keep it in place when set and shall bear the name of the soldier and the name of his State inscribed thereon when the same are known. The Secretary of War shall cause to be preserved in the records of the War Department the name, rank, company, regiment, and date of death of the soldier and his State; if these are unknown it shall be so recorded.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS AT BATH, N. Y.

Mr. MORIN. Mr. Speaker, I call up the bill (H. R. 12953) to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept title to the State camp for veterans at Bath, N. Y., and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 12953, on the Union Calendar, and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Board of Managers of the National Home for Disabled Volunteer Soldiers, when directed by the President, is authorized to accept on behalf of the United States, free from all encumbrances and without cost to the United States, title in fee simple to the land, including buildings and structures, constituting the camp for veterans at Bath, N. Y. Upon acceptance of such land by such board of managers, such land, buildings, and structures shall become a branch home of the National Home for Disabled Volunteer Soldiers.

Mr. LAGUARDIA. Mr. Speaker, I want to call the attention of the chairman of the committee to the fact that attached to this home is a cemetery, and there is a separate bill for the Government to take over the cemetery. The cemetery bill was on the Consent Calendar the other day and was objected to for the reason that I did not believe it would be good to establish a precedent for the Federal Government to take over small State cemeteries. Inasmuch as this cemetery is connected with the home, I would suggest to the committee to take the bill with the cemetery and make it section 2 of this bill. That would not establish a dangerous precedent.

Mr. STALKER. That would be satisfactory to me. Mr. Speaker, I offer as section 2 of the bill H. R. 12953 a provision derived from a portion of the bill H. R. 7464.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Mr. STALKER offers an amendment at the end of the bill, to be inserted as a new section, as follows:

"SEC. 2. That the Secretary of War is hereby authorized to accept a conveyance, free of cost to the United States but subject otherwise to the provisions of section 355 of the Revised Statutes, of the cemetery at the New York State Camp for Veterans, containing approximately 20 acres, and located near Bath, State of New York, to be maintained as a national cemetery."

Mr. STALKER. I have eliminated the last proviso.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. LUCE. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Massachusetts moves to strike out the last word.

Mr. LUCE. Mr. Speaker, this measure ought not to be passed without the attention of the House being called to a situation involved. Members of the Committee on World War Veterans' Legislation have since the opening of the session sought to secure from the Committee on Military Affairs some joint consideration of the problem concerned.

Recently when a bill was presented relating to hospital construction, from the Committee on World War Veterans' Legislation, it proved impossible to secure consideration unless a section was taken out, which would have resulted in some action on this problem. As a result, I introduced as a separate bill the section in question. One on the same subject had early in the session been introduced by the chairman of the Committee on World War Veterans' Legislation. Both bills went to the Committee on Military Affairs, and I was informed that the matter had been referred to a subcommittee, but this subcommittee has not yet given the Committee on World War Veterans' Legislation an opportunity to be heard.

Mr. JAMES. I may say to the gentleman that our committee has had no request from the Committee on World War Veterans' Legislation on that or any other bill.

Mr. LUCE. I fear the gentleman is mistaken. Unless my recollection deceives me, I addressed a letter to the chairman of the committee asking for a hearing on the matter. I am talking about the result of the elimination of a section of the hospital bill that came from the World War Veterans' Committee. Whether what the gentleman says is correct or not, I ask the committee now to face this question.

This hospital at Bath, which it is proposed to take over, at one time housed 2,000 veterans of the Civil War. It now contains less than 200. Yet it is proposed by this bill to turn this hospital over to the Managers of the Soldiers' Homes.

Mr. STALKER. A representative of General Wood visited the home and approved of the buildings and grounds and specifically said they did have need of those buildings.

Mr. LUCE. The figures of occupancy of the soldiers' homes would not, in my opinion, justify that statement. I am not saying a word against taking over this home, but urge its need by the Veterans' Bureau for the treatment of veterans of the World War. It is not needed at the moment for the mere housing of veterans.

Mr. STALKER. There is a hospital there which at all times will be available for the World War veterans.

Mr. LUCE. That is just the hospital that we want to get.

Mr. STALKER. It will be available to them when this bill is passed.

Mr. LUCE. There are already at least two hospitals practically full of veterans of the World War which are under the control of the Managers of the Soldiers' Homes. Here it is proposed to put in charge of these managers another hospital, one that ought to be under the control of the Veterans' Bureau.

Mr. STALKER. The Veterans' Bureau were not disposed to take it over, whereas the Managers of the Soldiers' Homes did desire to take it over. It has the approval of the Budget Bureau.

Mr. LUCE. I am familiar with those circumstances. The gentleman submits to me nothing new. The point is that there is at this soldiers' home a hospital which very quickly could be made to accommodate 400 neuropsychiatric veterans of the Veterans' Bureau.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. LUCE. May I have three minutes more?

The SPEAKER. Is there objection?

There was no objection.

Mr. LUCE. This hospital is needed because there is in western New York and western Pennsylvania no Veterans' Bureau neuropsychiatric hospital. It would be a convenience to a considerable number of patients and their relatives or friends as well as an economy to the Government if the hospital might at once be taken over by the Veterans' Bureau.

I did not rise to object to the bill but to represent the desirability of some speedy cooperation between two committees of the House whose jurisdiction in some measure overlaps, in order to study amicably and effectively the problem which the steady decrease of veterans of the Civil War brings to us. That problem demands a speedy solution. I am not here asking that the present management of the homes be abolished. What the Committee on World War Veterans' Legislation desires at once is that the hospitals of the soldiers' homes be put under the command and in the control of the Veterans' Bureau.

Mr. STALKER. But the gentleman will agree that the hospital is available for the veterans of the World War.

Mr. LUCE. It is an unfortunate situation when a hospital occupied by veterans of the World War is under the control of the trustees of the soldiers' homes and not completely under the control of the Veterans' Bureau, as it should be. That does not work for efficiency, for economy, or for the convenience of all concerned.

This matter demands attention, and I am taking the floor simply to impress, if I can, upon gentlemen of the Military Affairs Committee the desirability of paying heed to the request of the Committee on World War Veterans' Legislation that their views in this matter may be considered.

Mr. STALKER. If the gentleman will permit, General Hines did not request that this hospital be taken over for the Veterans' Bureau.

Mr. LUCE. I am quite aware of that fact, but the Committee on World War Veterans' Legislation has a right to an opinion of its own.

Mr. STALKER. That is very true.

Mr. LUCE. It enacts the legislation for these matters and it has the duty, which it tries to perform, of studying the hospital situation throughout the country.

Mr. STALKER. My correspondence with the Veterans' Bureau shows that they have many empty beds and do not need it at this time.

Mr. LUCE. Then the gentleman has greatly misinterpreted what they have said if he has understood that there is not a lack of beds for neuropsychiatric patients. The fact is that there is a crying need for more of such beds. We have just passed through this House a bill appropriating $15,000,000,

nearly all of which is for the purpose of providing beds of this sort, and sharp complaint is made because, in the belief of many veterans themselves, we have not provided for enough such beds. Although we ourselves feel the immediate need will be met by the provision we are making, it is a need sure to grow and there is sure to be use for such additional facilities as the Bath hospital offers.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. STALKER].

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The bill H. R. 7464 was laid on the table.

INDEBTEDNESS DUE THE UNITED STATES FROM ENLISTED MEN

Mr. MORIN. Mr. Speaker, I call up Senate bill 1829, to authorize the collection, in monthly installments, of indebtedness due the United States from enlisted men, and for other purposes, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up Senate bill 1829 and asks unanimous consent that it may be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That under such regulations as the Secretary of War shall prescribe, when it has been administratively ascertained that an enlisted man of the Army is indebted to the United States or any of its instrumentalities, the amount of such indebtedness may be collected in monthly installments by deduction from his pay on current pay rolls: *Provided,* That the aggregate sum of such deductions for any month shall not exceed two-thirds of the soldier's rate of pay for that month: *And provided further,* That whenever any part of the pay of a soldier for a certain month shall have been legally forfeited by sentence of court-martial, or otherwise legally authorized to be withheld, then no deduction under this act shall be so applied as to reduce the actual pay received by the soldier for that month below one-third of his authorized rate of pay therefor: *And provided further,* That the Secretary of War, under such regulations as he shall prescribe, may cause to be remitted and canceled, upon honorable discharge of the enlisted man from the service, any such indebtedness incurred during the current enlistment and remaining unpaid at the time of discharge: *And provided further,* That nothing in this act shall be construed to prevent collections of such indebtedness on final statements from pay, in the proportions hereinbefore indicated, or from clothing-allowance savings.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

READJUSTMENT OF PAY AND ALLOWANCES OF THE COMMISSIONED AND ENLISTED PERSONNEL OF THE ARMY, NAVY, MARINE CORPS, COAST GUARD, COAST AND GEODETIC SURVEY, AND PUBLIC HEALTH SERVICE

Mr. MORIN. Mr. Speaker, I call up H. R. 12110, to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up H. R. 12110 and asks unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended, is hereby further amended by striking out in paragraph 5 of section 1 of said act, relating to the pay of the fourth period, the following words appearing in lines 11, 12, and 13 of said paragraph (vol. 42, Stat. L. 626): "except those whose promotion is limited by law to this grade and who are not entitled under existing law to the pay and allowances of a higher grade."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PERCENTAGES OF ENLISTED MEN OF THE ARMY IN THE SIXTH AND SEVENTH GRADES

Mr. MORIN. Mr. Speaker, I call up H. R. 13250 to authorize the Secretary of War to fix the percentages of enlisted men of the Army in the sixth and seventh grades, and for other purposes, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up H. R. 13250, and asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. McSWAIN. Mr. Speaker, reserving the right to object, I desire to comment very briefly upon this bill. While I am in favor of the bill and think it will greatly encourage enlisted men to continue their service in the Army, yet I do not think it will entirely correct the evil of desertion that prevails in the Army. I think it is quite a reflection upon the American Army that from 8 to 12 per cent of its enlisted personnel has deserted every year since 1920.

In this connection, Mr. Speaker, I ask unanimous consent to extend my remarks, and to include therein a statement prepared by a very responsible citizen of the State of Maryland, Mr. R. H. Phillips, in connection with this matter of desertions in the Army.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McSWAIN. Mr. Speaker, I am printing in this connection a statement made by Mr. R. H. Phillips, of Kensington, Md., in connection with the subject of desertions from the United States Army.

This statement shows very emphatically how at least one American citizen is impressed by the large percentage of desertions from the Army. Personally I think it is a crying shame and little short of a disgrace. The military profession is old and honorable, and there must be something fundamentally wrong when about 10 per cent of the rank and file of the soldiers desert annually.

Young men do not desert from their schools nor from their business positions. On the contrary, young men are earnestly seeking to get into schools and to obtain business positions. The Army ought to be put on such a plan that young men would seek of their own notion to enlist in the Army, just as they are constantly seeking to obtain civil-service appointments. They should go into the Army with the purpose and intention of making it a life business, just as the officers do. Of course, there will be many cases where the individuals will find themselves unfitted for the service and will find the service unfitted for them; but they certainly should be able to endure the conditions for two or three years rather than place a stigma upon their good names for life.

This subject deserves the most earnest and serious consideration of the responsible officers in the War Department and should enlist the attention of Members of Congress directly charged with the responsibility of national defense.

STATEMENT BY R. H. PHILLIPS, KENSINGTON, MD.

Thousands of young men are enlisted as privates in the Regular Army of the United States. The recruiting sergeants deceive them as to the actual conditions of Army life and service. Within a few months after they sign the muster rolls of the Army hundreds of these young men, dissatisfied with Army life, quit the service, are entered on the roll as "absent without leave," and become thenceforth outlaws, outcasts, renegades, and termed "deserters," who dare not return to their homes or communicate with kindred, or associate with anyone who ever knew them for fear of capture and being compelled to endure tyrannical and despotic penalties for quitting the service in time of peace and public order. Such outcasts speedily become criminals due to environment as outcast and outlaw. And thus are recruited the criminal classes of America, who soon become expert in every variety of lawlessness.

Is it not reasonable to regulate a military administration of the Government that permits such hideous mistreatment of youngsters who

leave country homes and drift into cities seeking employment, and are deceived into entering military service in time of peace, and simply quit because they don't like the job, as it is a universal idea in this free Republic instilled in childhood that if a man dislikes a job he may quit at will?

If the President, as Commander in Chief of the Army and Navy, performed his simple, practical, plain duty instead of having his time occupied in making the White House a rendezvous of curiosity seekers and camera exploiters, and conducted the administration of the American Government in a plain and practical way, he would see that a discharge order would be entered on muster rolls of the Army for all youngsters who are absent without leave after absence from the service a week or 10 days.

The American people believed after the armistice at the end of the Great War that there would be a severe reduction of military activities, extravagances, and standing-army personnel, at least such reduction as was provided for in 1876, a few years after the close of the Civil War, when the entire standing army was reduced to 25,000 enlisted men, even when there was a vast area west of the Mississippi occupied by warlike Indians, requiring many military posts and stations on the Indian frontiers.

At present America is at peace with the world, and yet keeps on the pay rolls about 12,000 idlers and unemployed, with commissions as officers in the Regular Army, and is maintaining at an expenditure of nearly $400,000,000 per annum a standing army of practically 120,000 privates. Such a standing army is a disgrace in time of peace to American principles and traditions, but if such an extravagance is to be tolerated, there should be no such inhuman, despicable, and tyrannical treatment of youngsters who quit Regular Army service and are forced to concealment among American citizens, to become renegades and refugees.

If Congress in its wisdom would require the Regular Army to be employed in useful work in time of peace, as building roads or docks, as was done in days of Rome, Americans would not suffer such disreputable Army conditions.

The founders of the Government established a strict provision to regulate Army appropriations that they be limited to two years' duration. This seems to require that Army commissions should expire by strict limitation two years from date. If this were followed, the pruning knife would be applied to the personnel of the Army at two-year intervals, with the result of great benefit to the taxpayer and proper Army administration.

NEW YORK, N. Y., *May 19, 1928.*

SIR: I have read your report on new uniforms for the Army. If the committee wants to diminish the number of desertions they should pass laws stopping the few unscrupulous Army officers from hounding men and having them court-martialed on fake charges and have the recruiting service tell the truth about Army life. On the Bowery of this city there is a recruiting office in a labor agent's office. The said labor agent has been robbing all the laborers he sends to positions, and by having the recruiting office there it will stop enlistments at that place.

I am on the pension roll under certificate No. 1466453. Served in the Volunteer Army 1898–99, Regulars 1901 to 1915.

I remain, very sincerely,

GEORGE P. LACEY, *General Delivery.*

FLINT, MICH., *March 27, 1928.*

Hon. JOHN J. MCSWAIN, M. C.,
Capitol Building, Washington, D. C.

DEAR MR. MCSWAIN: I was very much interested in reading two articles or summaries of an address delivered by you either to Congress or before the committee. This was with reference to vocational schools for enlisted men in the Army.

For your information, the writer is a native of Orangeburg County, S. C., and a graduate of the high school at Charleston. For 10 years he resided at Cheyenne, Wyo., where Fort D. A. Russell is located, and where you had in mind the location of such an institution. I have no interest in the matter whatever, except from the standpoint of good citizenship, but I want to say to you that your thoughts and suggestions express my sentiments exactly. I have thought along these lines for several years, especially when I was secretary of the chamber of commerce at Cheyenne, and observed the enlisted men closely, noting particularly that the majority of them had no ambitions or aspirations except to "soldier" because their future did not seem bright. For that reason I was well pleased when the much-maligned Josephus Daniels, as Secretary of the Navy, made it possible for the sailors either to learn a vocation or become ensigns or naval officers.

I trust that you will become successful in your efforts and that you will have the cooperation of all branches of the Government in your laudable undertaking.

Very sincerely yours,

S. S. PEARLSTINE.

LETTER FROM A REAL SOLDIER

APRIL 6, 1928.

Hon. J. J. MCSWAIN,
House of Representatives, Washington, D. C.

DEAR CAPTAIN MCSWAIN: Your letter and the copy of the CONGRESSIONAL RECORD containing your bill and remarks on same was received some time ago. I read your bill and remarks very carefully, and it is my opinion that if such an institution could be established it would be the very best thing that has ever been done for the Army.

The establishment of such an institution would stimulate enlistments wonderfully, and we would get more recruits from the better classes; that is, more youngsters just out of high school would enlist with a view to fitting themselves for commissions in the service. As things are now in the service, I can not and would not advise any youngster to enlist who is a graduate of a high school or has a future of any kind assured him. An ambitious youngster can do much better and go farther in civil life.

Of course, your proposed bill, creating a school for young soldiers to prepare themselves for commissions, will not be of any material benefit to myself or the other old-timers in the service, but as we all love the service (or we wouldn't be here) and are interested in everything that is for its betterment, we say "more power to you," and may the Lord hasten the day when such an institution will be in operation.

I was in hopes that Congress would see fit to pass some sort of bill at this session for the relief of we old-timers who were commissioned during the war and are still struggling along in the enlisted grades, but it seems that nothing of the sort is going to occur. Don't get the idea that we blame our Congressmen entirely for this failure to pass such legislation. We know that the most of the blame belongs with our General Staff, who have opposed this session the following measures that would have meant some relief: A bill reducing the retirement to 25 years. A bill increasing the allowance of enlisted men on the retired list. And they have continually opposed every proposed measure to make us warrant officers, but supported the bill making all civilian field clerks warrant officers! Can you beat that? Thanking you for the interest you have displayed in my affairs and for answering my letters and wishing you success in all of your undertakings, and especially in your efforts to improve the service by establishing a school for enlisted men to prepare themselves for commissions.

Sincerely yours,

——— ———.

LETTER FROM A GENTLEMAN IN SOUTH CAROLINA

MARCH 20, 1928.

Hon. JOHN J. MCSWAIN,
Washington, D. C.

DEAR SIR: I have a son who at an early age manifested a very intense desire to become an Army officer. He was so anxious that at the age of 17 he joined the Army with my consent, and it had been reported to him by the recruiting officer that he would be sent to a military school and would stand a chance to go to West Point.

After enlisting, the chances to go to West Point soon began to appear very remote, and everything else was very different from what was reported to him and to me, as to the kind of education he could get. Falling sick and spending a good part of his time in the hospital, he became very much dissatisfied and finally I sacrificed and raised the money to enable him to buy his discharge. That was all very unpleasant to me, as well as a financial burden, because he does not spring from a line of "quitters."

After he served one year at Fort Humphreys, Va., and obtained an honorable discharge, he went to school one year at the Porter Military Academy at Charleston and was coached for three months preparatory to his contesting for a scholarship to the Citadel at Charleston. He was unsuccessful in his efforts to obtain a scholarship, and due to my financial situation as a farmer he has had no chance to complete his education elsewhere.

He is now working in the daytime in Charleston and taking a night course at the College of Charleston.

Now, what I want to ask you is, Can you so amend your bill (H. R. 12042) that a boy such as my son can enter the Army school you proposed in your bill? My son is still very anxious to finish his military education and to become an officer in the Army. But if he has to enlist again and serve two years in the Army, he would then be over 25 years old.

If you could not do this to your bill, can you suggest some other way whereby my boy may obtain an education and a commission in the Army?

It seems he will never be satisfied out of the Army, and I believe that he would make good if he could just get in on some such footing as the other young men had. It doesn't seem fair for some boys to have so many chances in the world and my boy, who has been so anxious to be an Army officer, and has worked so hard to get an edu-

cation, and is still so anxious to do everything in his power, should be denied this greatest desire of his heart.

Please let me hear from you at your earliest convenience.

Yours respectfully,

———— ————.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the aggregate authorized number of enlisted men of the Regular Army, including the Philippine Scouts, in the sixth and seventh grades shall be as now or hereafter prescribed by law, and shall be distributed between such grades in such proportions as the Secretary of War may, from time to time, direct, and within the limits so fixed enlisted men may, under such regulations as the Secretary of War may prescribe, be transferred from the seventh grade to the sixth grade, and vice versa, upon recommendation of organization commanders.

SEC. 2. This act shall be effective July 1, 1928, and all laws and parts of laws, in so far as they are inconsistent with this act, are hereby repealed as of that date.

With the following committee amendment:

Page 1, line 5, after the word "grades," strike out the words "shall be as now or hereafter prescribed by law, and."

The committee amendment was agreed to.

Mr. WAINWRIGHT. Mr. Speaker, in view of the observations of the gentleman from South Carolina [Mr. McSWAIN], and inasmuch as this is a fairly important bill affecting the enlisted men of the Army, I think a word of explanation from me as its introducer may be necessary.

We are hearing a great deal about measures to be taken to benefit the commissioned personnel of the Army and to relieve the congestion in promotion and to do away with the evils growing out of what is termed "the World War hump." This bill deals not with the commissioned personnel of the Army but with the enlisted men and is intended to benefit their prospects and to benefit their condition.

This bill provides that the present limit of 25 per cent of enlisted men in the sixth grade—the sixth grade being those who receive $30 a month—shall be removed so that the President may increase this number. This will mean that a considerably greater proportion of the enlisted men of the Army will be receiving $30 rather than the present basic pay of $21. It will mean that an enlisted man will have the prospect of being raised from the $21 class to the $30 class at a very much earlier period in his enlistment. It is intended, and undoubtedly will, do a great deal to encourage good service, to encourage men to stay in the Army, and to recruit a better class of men, because the prospect can be offered to them that very shortly after they have entered the service, just as they do in the Navy, they can be raised from the $21 class to the $30 class.

This bill is one of the recommendations of the so-called General Personnel Board that was appointed at the request of the Military Affairs Committee a year ago to consider the whole question of promotion and retirement in the Army. This board of distinguished generals of the Army has wisely and properly determined that while it was dealing with the question of the commissioned personnel it had better see if something could not be done for the enlisted personnel, and this is the answer, and this is the measure that they recommend. There is no question that this bill will have a very beneficial effect upon the entire enlisted personnel of the Army, and it is a most meritorious measure and certainly should be enacted into law.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RECOGNITION OF SERVICES OF ELLSBERG, HARTLEY, AND HAWES

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an address I made before the Naval Affairs Committee.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, under the permission to extend my remarks in the RECORD I include the following extracts from the hearings before the House Committee on Naval Affairs of April 20, 1928:

A bill for recognition of meritorious service performed by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to appoint Edward Ellsberg, late a naval constructor in the Volunteer Naval Reserve, United States Navy, with the rank of admiral, upper half.

SEC. 2. That the thanks of Congress be, and the same are hereby, tendered to Edward Ellsberg, United States Navy, for his services in raising the U. S. submarine *S–51*.

SEC. 3. That the President of the United States be, and is hereby, authorized to appoint Lieut. Henry Hartley, United States Navy, a lieutenant commander in the Navy, to date from July 5, 1926, in recognition of his services as commanding officer of the submarine rescue ship *Falcon* in connection with the salvage of the U. S. submarine *S–51*.

SEC. 4. That the President of the United States be, and is hereby, authorized to appoint Chief Boatswain Richard E. Hawes, United States Navy, an ensign in the Navy, to date from July 5, 1926, in recognition of his services and personal bravery in connection with the salvage of the U. S. submarine *S–51: Provided*, That the said Chief Boatswain Richard E. Hawes shall suffer no loss of pay or allowances as a result of such promotion.

STATEMENT OF HON. EDWARD T. TAYLOR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. TAYLOR. Mr. Chairman and members of the committee, when I heard of the introduction of this bill by Mr. CELLER I promptly went to his office and asked permission to join him in saying a few words to this committee. I want to tell you a brief human-interest story.

Soon after I was elected to Congress the first time, in 1908, two vacancies occurred at Annapolis, and the matter being quite extensively mentioned by the press throughout the State, I was besieged with a large number of applicants for those two appointments. I was Congressman at large and I decided to make the selections by a competitive examination. As I recollect it, there were 35 applicants from all over Colorado to take that examination. I had each of our four large State educational institutions select one of their professors, and they and the State superintendent of public instruction and some eminent physicians conducted that examination. Five of the applicants were eliminated on account of physical defects, and the remainder took a severe mental examination. I did not know any of them. When the results were announced one young fellow stood far above all the rest, and I appointed him to the Naval Academy at Annapolis.

At the end of the first year he was the top man; at the end of the second year he was again the top man; at the end of the third year he was again the top man; and at the end of the fourth year he was again the top man and graduated at the head of his class in June.

I went over to Annapolis to attend the graduation exercises and saw President Woodrow Wilson call Edward Ellsberg the first one and present him with the first-prize diploma for standing at the head of his class. He had not only the highest rating in scholarship, but, as you probably know, the Daughters of the American Revolution annually offer a silver cup to the boy at Annapolis who has the highest rank in seamanship and international law. Young Ellsberg won that prize. Also Col. R. M. Thompson, formerly head of the United States Navy League, gives an annual prize for the cadet at Annapolis who has the highest proficiency in navigation. Ellsberg won that prize also. The academy gives an annual medal for fencing, and Ellsberg won that prize also. The academy also gives an annual medal for the championship in dueling, and Ellsberg won that prize. The academy also awards some medals for the best English essay work, and Ellsberg won several of those medals. In short, this officer has won everything in the way of efficiency that he has ever gone after, from his boyhood to this time. The only things excepting promotions he has not won or at least deserved, are those that he has not cared to try for. I have here with me the CONGRESSIONAL RECORD for June 6, 1914. At page 9973 of that volume of the CONGRESSIONAL RECORD of June 6, 1914, I read as follows:

"Mr. FITZGERALD. I yield to the gentleman from Colorado [Mr. TAYLOR].

"Mr. TAYLOR of Colorado. Mr. Chairman, I do not desire to speak on the pending bill, but to briefly mention another matter. I had the pleasure yesterday of visiting the United States Naval Academy at Annapolis and attending the graduating exercises of the class of 1914.

"That class started four years ago with 231 members and graduated only 154. There were 3 Colorado boys in the class, and all 3 of them were within the 10 honor graduates of the class.

"Midshipman Edward Ellsberg, of Denver, graduated with the highest honors and was the first one to be presented with his diploma by President Woodrow Wilson. Young Ellsberg not only graduated at the head of the class of 1914, but he led his class during the entire four years' course and was the honor man at the end of each year. In addition to the distinction of making the highest record in scholarship during the entire four years, he won several very highly-prized medals. He won the splendid silver cup annually donated by the Daughters of the American Revolution for the one in each graduating class who attains the highest proficiency in seamanship and international law. He also won the honorary prize of a navigating sextant presented annually by Col. R. M. Thompson, of the class of 1868, for the highest proficiency in navigation; also a medal for fencing, another for the championship in dueling, and two or three others for the best English essay work.

"Another boy, Midshipman Frederick E. Pelton, of Denver, stood fourth in the class one year, fifth another, sixth another, and graduated eighth in the class.

"I am supremely proud to say to the House that those two Colorado boys were my first appointments to Annapolis. [Applause.] They were the two highest in a competitive examination which I held during my first term in Congress.

"The other Colorado boy that graduated with honors was Abraham Marron, also of Denver, appointed by the late Senator Charles J. Hughes, jr. His standing was ninth in the class. I believe I am safe in saying that no State in this Union has ever equaled this record.

"It speaks well for our school system and is an inspiration to the youth of our State. Colorado is proud of these boys, and they are entitled to this mention and this record, because the course at that academy is most awfully hard work.

"By reason of their rank, Midshipman Ellsberg was allowed to select his ship, and he chose the new battleship *Texas*, while, I understand, young Pelton and Marron chose the battleship *Maryland*, to which they will be assigned.

"This is the first time in the history of our State that Colorado has carried off the highest honors at Annapolis. Some 25 years ago Gen. Irving Hale, from Colorado, was the honor man at West Point, and he has been a credit to our State ever since; and I am confident that these three Colorado boys will likewise during the future years be an honor to our country, to the Navy, and to the Centennial State." [Applause.]

Mr. TAYLOR. I made that brief speech to the House on June 6, 1914. The newspapers at that time stated that Colorado only had 1 per cent of the membership of that academy and that this one boy had won 30 per cent of all the honors at Annapolis.

Mr. BRITTEN. That speaks well for your competitive examination.

Mr. TAYLOR. Yes, sir; and also for our Colorado school system. I will insert a very brief mention of his various assignments, as follows:

SUMMARY OF SERVICES OF EDWARD ELLSBERG, LIEUTENANT COMMANDER, UNITED STATES NAVY

Graduated from the Naval Academy on June 5, 1914.

Served on the U. S. S. *Texas* as ensign in the following capacities: Assistant navigator, assistant torpedo officer, assistant turret officer, division officer, broadside battery.

Recommended by commanding officer, Capt. A. W. Grant, for special postgraduate training.

Detached *Texas* January, 1916, and ordered to postgraduate school at Annapolis for naval-construction course.

Ordered to postgraduate school at Massachusetts Institute of Technology in October, 1916, for further instructions.

Detached Massachusetts Institute of Technology on outbreak of war in April, 1917, ordered for duty at navy yard, New York.

Had charge of refitting U. S. S. *Olympia* after her wreck.

Promoted to lieutenant (junior grade) in June, 1917, and transferred to construction corps.

Had charge of repairing U. S. S. *Huntington*, after grounding on reef. Commended therefor by commanding officer and construction officer.

Promoted to lieutenant (senior grade) late in 1917.

Had charge of refitting ex-German vessels *Prinzess Irene* and *Kaiser Wilhelm II*, to transports *Pocahontas* and *Agamemnon*. Both jobs finished ahead of schedule.

Outside superintendent on construction of U. S. S. *Tennessee*, the largest ship ever built at New York Navy Yard.

Ordered to Massachusetts Institute of Technology in September, 1919, to finish interrupted course in naval architecture.

Promoted to lieutenant commander (temporary rank) in 1919, and permanently to lieutenant commander later.

Received degree, master of science, Massachusetts Institute of Technology, in June, 1920. Thesis, Design of a Submarine Boat.

Ordered to the navy yard at Boston, Mass., in June, 1920, as planning superintendent. Refitted steamship *George Washington* for Shipping Board.

Designed low-pressure evaporating system, known as the Denver type, installed on cruisers *Denver* and *Galveston* and several other cruisers and tankers. System highly successful and resulted in commendation from commandant at Boston and commanding officers of vessels involved.

Ordered to navy yard at New York, in June, 1924, as outside superintendent. At request of Shipping Board, was ordered to special duty to redesign ventilation and forced draft system of the *Leviathan*. The system was designed and installation made early in 1925. Proved extremely satisfactory, and resulted in commendation from Shipping Board and Navy Department.

In October, 1925, was ordered as salvage officer U. S. submarine *S–51*, sank September 25, 1925. Served as such until the raising of *S–51* was completed on July 5, 1926. Became an expert diver and personally supervised the diving work, both on surface and on bottom. Invented an improved under-water cutting torch of great importance for that kind of work.

Recommended for promotion by Capt. E. J. King, officer in charge of salvage squadron, and by Rear Admiral Plunkett, commandant of the navy yard at New York.

Awarded distinguished-service medal by the Navy Department for work on the *S–51*.

Submitted to the Navy Department a very elaborate and detailed report on salvage operations on submarine *S–51*, with numerous recommendations and drawings, for important improvements in salvage methods and equipment. That report is entitled "Navy Department, Bureau of Construction and Repairs, Technical Bulletin No. 2–27," and is a volume of over 100 pages, with many extensive drawings.

After submitting that report he resigned as senior lieutenant commander in the Construction Corps to enter civil life, in December, 1926, to become an engineer in the industrial field.

Invented a stabilized type of pontoon for future submarine salvage. The Navy Department rebuilt six *S–51* pontoons to this design.

He stopped his work immediately when he learned of the sinking of the submarine *S–4*, December 17, 1927, and rushed to Boston and volunteered as a civilian, and within an hour and a half he was back in the Navy again.

Commissioned a lieutenant commander in the Volunteer Naval Reserve by the Navy Department, and ordered to Provincetown and put in charge of the diving operations at the scene of the wreck, and served in that capacity during the rescue period of two weeks on the same kind of work as on the *S–51*. He immediately dived on the *S–4* himself and learned and reported the nature of the damages and possibility of salvage. He came very near losing his life in that diving work on the bottom of the ocean in the mud on the wreckage of *S–4*.

I understand he is the only regular Annapolis officer in the history of our Navy who has become a proficient diver, and has personally gone right along with the divers and personally directed operations on the bottom of the ocean.

The *S–4* was finally raised, using the methods and pontoons developed by Lieutenant Commander Ellsberg, thereby making the work much easier and quicker than it was on the *S–51*.

His lectures and numerous articles for the press and magazines throughout the country graphically describing these two appalling catastrophes are thrilling chapters in the history of our Navy.

I want to especially mention his splendid article in the World's Work for March, 1928, entitled "Safety for our submarines—What we must have—Better mechanisms—More caution."

He is given the credit of being the highest authority in the United States on the question of salvaging disabled undersea boats.

He returned to civilian work in January, 1928, and was commended by the Secretary of the Navy for his work on the *S–4*.

I have never seen Ellsberg from the day he graduated at Annapolis on June 5, 1914, until 10 minutes before we came into this room for the hearing this morning. And have had no opportunity to talk with him about his career in the Navy during all these nearly 14 years. What little I know about it I have learned from the New York, Washington, and Denver newspapers, and from magazine articles and conversation with his friends. He was raised in Denver, graduated from one of her high schools, and went to our State university. His parents have lived there from the early days and his mother is living in Denver now. His father died about two years ago, I think. He has never asked me to do anything for him, or written me anything about his record. He does not know anything about, and is not at all responsible, for anything I say here.

I confess I feel somewhat derelict in not having introduced this bill myself two years ago. A few months after Commander Ellsberg raised the submarine *S–51*, he resigned from the Navy and accepted a very important and lucrative engineering position in private life, and he is in that civilian position now.

He was requested by the Navy Department to write a series of three articles for the public press, in connection with the salvaging of the two submarines *S–51* and *S–4*. These articles were widely published throughout the press of the United States, in the issues of December 24, 25, and 26, 1927. In Washington they appeared in the Evening Star. I have them here if the committee desires to see them. He did that work at the request and with the approval of the Navy Department, while he was on the U. S. S. *Falcon* at the scene of the disaster.

His entire record has been one of exceptionally efficient and distinguished services to the Navy and to our country.

I also desire to insert a copy of a very exceptional and most remarkable letter from the Secretary of the Navy, dated January 5, 1928. You all understand that this officer is the one to whom the country gave the credit for raising the submarine *S–51*. All the newspapers of the United States, I think, gave him the principal credit for doing that great work. Of course, I may be wrong, and I do not want to cast any discredit upon the efforts of others who did heroic work. But there are about a million people in Colorado, and I think many more millions throughout this country, who will always feel that if the recommendations of this officer had been followed, after the raising of the *S–51*, and especially if he had been given complete command of the salvage opera-

tions in connection with raising the submarine *S–4* instantly after she went down, the results might possibly have been very different.

Secretary Wilbur's letter is as follows:

DEPARTMENT OF THE NAVY,
Washington, January 5, 1928.

MY DEAR COMMANDER ELLSBERG: Upon the completion of your trying experience in the rescue and salvage work on the ill-fated U. S. submarine *S–4*, I desire to express my sincere appreciation and the appreciation of the Navy Department for your patriotic and unselfish action, by which the wealth of experience gained by you in the United States Navy was whole-heartedly and splendidly given in the work incident to the loss of the *S–4* and the lives of the 40 officers and men who constituted her crew and inspection party.

Upon hearing the news of the accident you were in Westfield, N. J., in a civilian status, having resigned from the naval service upon the termination of the salvage work of the U. S. submarine *S–51*. Without hesitation you immediately got in touch by telephone with the officials of the Navy Department and offered your assistance in the work to be done. You were told that your offer was heartily appreciated and to immediately proceed to the navy yard, New York, to confer with Rear Admiral Plunkett, the commandant. Upon arrival there you were immediately enrolled in the United States Naval Reserve and proceeded to the scene of the accident by train and destroyer.

Your experience as a result of the *S–51* salvage work stood you in good stead and you were able to prove of invaluable assistance to Rear Admiral Frank H. Brumby, United States Navy, in charge of the rescue and salvage work, and to his chief assistant, Capt. E. J. King, United States Navy, with whom you had been associated on similar work. You also found assigned to the hazardous work many of the Navy divers with whom you had worked in past years.

During the rescue and salvage work you labored unceasingly with the divers, lending to the problem in hand unselfish and devoted work of the highest order. In addition to supervising the diving operations you personally donned the dress of a diver and made a thorough survey of the conditions on the ocean's bottom at the resting place of the S–4. You risked your life in this work, performed under terrible conditions of cold and wind and sea.

In addition to the supervisory and actual work which you so ably performed, you were of assistance in placing before the people of the country an accurate account of the conditions and work performed through a series of newspaper articles. These were valuable in that they gave the layman knowledge which he lacked of submarine problems and deep-sea diving; a picture of the situation which helped him to grasp some of the tremendous obstacles which continually confronted the brave men who were daily risking their lives in pursuit of their duty.

I have tried to summarize from the facts at my command of the work you have done, not because it was your duty to do so, but because, as a former naval officer possessed of a high sense of loyalty and duty, you saw fit to step forward and out of your civilian status to resume again the work familiar to you. For this work well done, cheerfully done, and loyally done I thank you in behalf of the Navy.

Sincerely yours,

CURTIS D. WILBUR.

Mr. BRITTEN. That certainly is a nice letter.

Mr. TAYLOR. It is a most wonderful letter, of which the commander and all his friends are supremely proud. My thought is that Congress ought to prove to the world that this Republic is not ungrateful. This patriotic and very exceptional officer does not need an advanced rank. He can make a living and a splendid record any place in the world by his own superior ability and energy. But his proper recognition would be an inspiration to the youth of this country. I don't believe this committee has ever heard of a record that equals his from the time he entered the academy to this very moment.

He has rendered some of the greatest and most valuable services to our Navy. In fact, the whole Navy and our country are under obligations to him which neither this pending bill nor anything else can ever repay.

I am interested in doing things that are worth while and that will serve as an incentive and impetus to the youth of our country. Some of you Members may recall that I recently introduced and passed a bill to change the name of the Ancon Hospital in the Canal Zone to the Gorgas Hospital, in honor of Maj. Gen. William C. Gorgas. General Gorgas has been dead eight years now, and there is no memorial or statue or monument or tablet or anything to perpetuate his memory. He was the economic savior of Cuba and the redeemer of the Tropics. He made it possible to build the Panama Canal by eradicating yellow fever from the Isthmus of Panama, and afterwards from the world. He is one of the greatest benefactors to humanity that has ever lived. I feel that Congress did a great act for the youth of the world by paying that tribute to General Gorgas and making that great and beautiful hospital a memorial to him forever.

I merely refer to that as an illustration of sentiment, of national pride, of incentive to heroism, to great service, to patriotism, that I think Congress should encourage. While, of course, we should not go to an extreme, yet, for really great and heroic services to our country, I think these kinds of bills are eminently worth while to our country. I believe that Congress should show its appreciation of this kind of high-class service as an inspiration to the youth of our country. It does not cost Uncle Sam a dollar, and I earnestly hope that the committee will fittingly recognize Commander Ellsberg's distinguished service to our country. I know the State of Colorado would be supremely proud to have Congress pay some appropriate and deserved recognition to this officer.

Mr. BRITTEN. What is the date of his resignation?

Mr. TAYLOR. December, 1926. I may say in passing that Commander Ellsberg did not come here at all at his own request. Mr. CELLER and I asked him to come here from New York to be present if any member of this committee desired to ask him any questions.

Mr. BRITTEN. I am wondering whether there should be anything in this legislation providing for a so-called extra number.

Mr. TAYLOR. I do not know the Navy system of promotion at all. I am just presenting to you a statement of facts. I don't know what the extra numbers are, or the difference between the upper and the lower half.

Mr. BRITTEN. We provide by law now a specific number for the upper grade.

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Mr. VINSON. Let me ask Mr. Taylor this question: We all recognize the distinguished service performed by Lieutenant Commander Ellsberg. If he had not resigned, what would be your viewpoint with reference to Congress enacting a law of this character?

Mr. TAYLOR. I do not know anything about the practice of this committee or the rules of the Navy in matters of this kind. I am presenting a very exceptional record of achievement and appealing to your committee to report out a bill that will suitably show our country's appreciation of that great service. Whether an officer is in or out of the service it seems to me if he made the record that Ellsberg did at the academy and ever since graduation, especially a record like Mr. Ellsberg's wonderful work in raising the submarine *S–51* and submarine *S–4*, I feel that Congress should give him a fitting and worthwhile promotion in rank, or a congressional medal, or something of real importance, and not just say, "Thank you." I feel very strongly that Congress should appropriately recognize the kind of distinguished service Commander Ellsberg has rendered in order that that recognition may not only show a suitable appreciation to him, but also prove an incentive to the youth of our country and a proper encouragement to the boys in the Navy. Frankly, I think the Navy is entirely too conservative. I firmly believe they would have a higher morale, a better feeling, and more enthusiasm, spirit, and ambition, and less desertions if the higher authorities would show a little more encouragement and kind approval of good work, rather than making an adverse report on as meritorious a bill as was ever introduced in Congress.

Mr. VINSON. If the commander were still in active service, would you give him a distinguished-service medal for performing this extraordinary service? Congress did give him a distinguished-service medal.

Mr. TAYLOR. Congress has not given him anything.

Mr. VINSON. The Navy Department has given him a distinguished-service medal, which is permitted by the Congress. If he were still in the service, do you think it would be right for Congress to pass a law granting to him, or to any other officer who has performed a valuable service of this character, a promotion of this kind?

Mr. TAYLOR. I am not familiar, only in a very general way, with the policy or practice of your committee or of Congress or the Navy in this matter of awarding a higher rank for very hazardous and distinguished and successful services, either in the line of duty or after an officer is out of the service. I do not know whether you ever recognize that any man possibly could perform such extraordinary service to his country as would warrant Congress in giving him an expression of approval. If you do, then certainly Commander Ellsberg is most deserving of a substantial and worthy promotion, because no officer in the Navy during our entire history has ever had a record that parallels the record of this officer. I have been here in Congress nearly 20 years, and I feel perfectly safe in making that statement. When the *S–4* was sunk he was a private citizen. There was no obligation upon him to instantly drop his important engineering work and leave his wife and little daughter and rush all night to the scene of the disaster and get there at 3 o'clock in the morning in frightful weather and immediately put on diving togs and dive down to the wreck and examine it and get entangled in the wreckage and come within an ace of losing his life, and come up and tell the Navy and the world the exact condition of the submarine and how it could be raised. Why didn't some Navy officer in the service do that? There are probably a good many reasons why they didn't.

Mr. VINSON. Assuming that the commander had remained in the Navy and done all these great things which he has done and rendered great assistance in the effort to raise the submarine *S–4*, would you think it the right thing to do for Congress for all that service, while he is in the Navy, by legislation to raise him from lieutenant commander to the rank of rear admiral of the upper half?

Mr. TAYLOR. I will ask Mr. Celler to answer that question.

Mr. VINSON. I am asking you to answer that from a legislative viewpoint—as a legislative policy.

Mr. TAYLOR. "From a legislative viewpoint" I look at it from the human side; and as a "legislative policy" I am in favor of recognizing, encouraging, and rewarding patriotism, loyalty, and devotion to our flag and to the Navy. I think Congress should do that if the Navy don't. I do not know whether you recognize distinguished services or not. I am simply making a patriotic appeal to this committee to do something that is preeminently just and that would prove an inspiration to the youth of our country, to show some suitable appreciation of a very exceptional and truly wonderful record. I think that is eminently in the interest of the Navy. Human nature is just the same in the Navy as out of it. There is a human and a common-sense side to this matter. I am surprised and disappointed at what seems to me an utter lack of any proper appreciation shown in the department's report on this bill. We are all only grown-up children and we never get too old to appreciate an act or a kindly word of approval. That applies to both Congress and the Navy. Where there is clearly a richly deserved reward of merit, if the Navy can not or does not act, I believe Congress should. Of what practical benefit is the splendid and eloquent letter of commendation by Secretary of the Navy Wilbur on January 5, 1928, when Acting Secretary of the Navy Robinson on March 5, 1928, reports that Ellsberg is entitled to practically no consideration by Congress?

Mr. VINSON. I am trying to find out what you, as a Member of the House, think about this matter. From your point of view, if a naval officer is in the service and renders such services as Commander Ellsberg has rendered, what would you do for him legislatively?

Mr. TAYLOR. I would have Congress grant this promotion in rank to Ellsberg. I have shown that from the day he entered Annapolis there is not a parallel case to his in the history of our Government. If that is true you are certainly justified in granting this recognition for that 15 years' service, both in justice and fairness to him, and also as an inspiration to other officers and men who have done, or who may do a great service in the future. I have for several years understood that he is one of the greatest construction engineers in the Navy. I don't know how many other officers there are in the Navy who have a master's degree from the Boston Institute of Technology. If there are any that have that degree and anything like Ellsberg's record of efficiency, there is one thing dead certain, his rank is much higher than a lieutenant commander.

Mr. VINSON. My question has to do with the condition if he should now by a member of the Navy.

Mr. TAYLOR. While the form or manner of promotion might be different, he has rendered these many very great services to our country, and our country should properly and ungrudgingly recognize that obligation, whether he is now in the Navy or not. I do not see why there should be any difference.

Mr. VINSON. I think it makes a great difference.

Mr. TAYLOR. I do not think it does. If our country is ever going to have an efficient submarine corps that can compete with the world, we have got to get some more Ellsbergs, if it is possible, and in my judgment it will not be possible, if they are treated the way I think Ellsberg has been treated. That's not the way to build up a navy. I wish the committee could read the record of his services during and since the war. You would be thrilled with admiration for his modest, unselfish, always energetic and phenomenally efficient and inspiring work. He is not here begging for anything. Our country needs him a thousand times more than he needs a higher rank in the Reserve Corps. Us Congressmen who know him and know his unparalleled services to our country are here asking as a matter of right, of justice, of fair dealing, and for the upbuilding of the Navy, and for the welfare of our country in future years that you authorize the President to appoint Edward Ellsberg, formerly a naval constructor, in the Naval Reserve, United States Navy, with the rank of rear admiral, upper half, which will not cost the Government a dollar, and when the next submarine is sunk within the next three years there will be available, if needed, a thoroughly capable officer to instantly take command of the rescue work.

I want to interpose the suggestion that in my judgment the services of Lieutenant Commander Ellsberg have been worth $1,000,000 a year to the Government from the time we entered the World War to the present. I think he is the best equipped and greatest construcion engineer the Navy has had during that period. I feel confident his record on the submarines conclusively proves that.

I do not want this bill to become involved in any controversy for which the commander is in no wise responsible. And I am not at all personally familiar with the facts. But I do feel, like I think a large number of the Members of the House feel, that the statements made regarding these submarines by Representative ANTHONY J. GRIFFIN, of New York, in his four different speeches in the House, which appear in the CONGRESSIONAL RECORD of January 20, 1926, and March 26 and 31, 1928, and May 17, 1928, respectively, are worthy of very serious consideration by Congress.

Mr. Chairman, in conclusion, your committee need have no apprehension whatever of unduly setting a precedent in this case that others may try to avail themselves of, because there certainly was no one in Ellsberg's class during the four years he was at Annapolis, and I feel positive the records show there has been no one in his class in the Navy during the nearly 14 years since he graduated. And if any other officer ever does equal that record, he certainly ought to be promoted very much sooner and more than we are asking for Commander Ellsberg.

Colorado was proud of this boy when he graduated at Annapolis with all those honors, and my State has been proud of him ever since, and we are all more proud of him than ever since his superb work on the sunken submarines *S–51* and *S–4*.

Mr. CELLER. I am not so much interested in the amount of rank accorded this man as I am in getting some congressional recognition for him.

Mr. TAYLOR. That is right—that is all we are asking for, some suitable and appropriate recognition by Congress of that wonderful and supremely patriotic service.

* * * * * * *

Commander Ellsberg performed every sort of job at these submarine disasters. He learned how to dive.

He invented the very pontoons that were used in the raising of the sunken submarine *S–4*. He personally inspired all the divers with his own courage. He did not ask those men to do anything that he himself was not willing to do. In all sorts of weather he himself went down into the sea and made the necessary observations. On several occasions his own life was dispaired of, particularly when working with the *S–4*.

Permit me to place in the record an article, with reference to his prowess and courage, that appeared in the New York Times:

"COMMANDER ELLSBERG SINKS DEEP IN SEA MUD—BARELY EXTRICATES HIMSELF IN HIS DIVING SUIT

[Special to the New York Times]

"PROVINCETOWN, MASS., December 22.—Lieutenant Commander Ellsberg, incased in 200 pounds of diving suit and paraphernalia, was let down over the side of the *Falcon* this afternoon and met below with an experience that might have cost him his life. After a descent of a few feet he found the escape air valve on his helmet was too tight. He signaled to be pulled up. In the air he made an adjustment and went down again to examine the air lines running into the 'S. C.' tube.

"'I found them all right,' he said hours later after he had come out of the decompression chamber.

"'I walked back. About 20 feet aft of the torpedo compartment the superstructure had been torn away, but the hull itself was intact. In crossing this space I slipped and went down, but recovered my footing again.'

"Groping along, Ellsberg came in contact with the 4-inch gun on the deck of the submarine. He found the gun twisted so that its blunt muzzle poked over the port side.

"Making his way over the slimy barrel of the gun, Commander Ellsberg worked aft to find that the bridge on the conning tower had been torn away.

"'Up to this time,' he said later, 'I had found no hole and then I found it—and fell into it. I did not go way down, but in pulling myself out I ripped a hole in my suit and water began to trickle in.'

"Once more on his feet, his air lines saved by purest luck from being cut on the jagged edges of the hole, Commander Ellsberg slipped and tumbled off the deck down the rounded sides of the submersible into the mud on the port side.

"'I went right down into the mud, was buried in it, and it seemed as if I was there for good. They asked me if I wanted any help and I certainly did.'

"The men on the phones on the deck of the *Falcon* instructed Diver Carr, working on the other side of the submarine, to help Commander Ellsberg, but while Carr was working his way over the boat to his chief Ellsberg had extricated himself.

"'I had to do something so I tightened my exhaust a little and increased the pressure in my suit. It evidently worked, for I started up.'

"Slowly the men on the deck took in the air and life lines in order that this amateur diver might not come up too fast. Hands reached over the rail to bring him in. Even then, he said later, he did not realize that he was out of the water."

His amazing courage was not for a moment or for a day. It was continuous death-defying courage extending over many months. Each day he and Hartley and Hawes willingly, unflinchingly faced death. It was not the momentary courage displayed in battle. Here was battle lasting weeks and months.

Commander Ellsberg himself is here and I should be glad for you to interrogate him and hear him for a few moments.

I could go on and on and tell you so much about his wonderful achievements, but I will not take your time further at this time. I think it is by this time discernible that his work is quite outstanding indeed.

Mr. BRITTEN. Will you insert in the record those reports you just referred to?

Mr. CELLER. Certainly.

Mr. TAYLOR. I will also insert some other data that I have, and revise and extend my remarks, with your permission.

Mr. BRITTEN. That will be all right.

Mr. CELLER. I will insert in the record what the officer in charge of operations at the sunken submarine *S–51* said about Lieutenant Hartley and Boatswain Hawes and Lieutenant Commander Ellsberg:

L11–1(B) SUBMARINE BASE (U. S. S. "CHEWINK"),
New London, Conn., July 19, 1926.

From: Capt. Ernest J. King, United States Navy (officer in charge, salvage operations, *S–51*).

To: Commandant third naval district.

Subject: Report on personnel engaged in salvage operations, *S–51*.

References:

(a) Navy Regulations, article 802.

(b) Navy Regulations, article 712 (1) (2).

Inclosures: (34).

1. This report on personnel engaged in the salvage operations on *S–51* is submitted in advance of the general and detailed reports of the operations themselves.

2. It is obvious that the successful outcome of the salvage of the *S–51* could only have taken place through the efforts of the personnel assigned to the work and that, while all hands did their utmost from beginning to successful conclusion, there are certain officers and men whose deeds have earned them a special mention and special recognition. While all hands would have done exactly the same, no matter what the outcome of the operations, it should be taken into account that the operations were completely successful.

3. Before naming the officers and men who distinguished themselves and brought added prestige to the Navy, it is considered desirable to say that none but those present constantly on the job can realize and appreciate what it meant in slogging, dogged, hard work, day in and day out, from early morning until late at night, for weeks on end, when the chief diversion was the daily coming of the tug *Penobscot* with mail and food. Other diversions were afforded by the hazards of the work, by disappointments as to progress, and by unforeseen and unexpected difficulties, but these chiefly affected the officers directing the work and the men themselves had little but their strong sense of duty in a worthwhile job to keep them alert, which they always were.

4. The salvage operations occupied two periods—October 12 to December 7, 1925 (about 8 weeks), until divers' air hoses froze up solid with ice while on the bottom and required suspension of the work—and April 25 to July 7, 1926 (about 10½ weeks), when the *S–51* was delivered at the navy yard, New York, N. Y.—in all, 18½ weeks (4½ months).

5. As senior officer present and as officer in charge of salvage operations, I deem it my duty to say that the perseverance, resourcefulness, determination, pluck, and efficiency of all hands merit the highest praise and is deserving of suitable recognition in the instance hereinafter set forth. I think the clearest indication of the spirit that prevailed was evidenced when the wreck grounded on Man of War Rock in the East River, in sight of the destination, when the universal attitude was, "Well, there's one more difficulty to overcome. Let's get at it!" The results speak for themselves.

6. It is not too much to say that, while all officers and men did their utmost at all times, two of the officers and a certain few of the divers and of the crew of the *Falcon* played paramount and outstanding prominent parts in the operation.

7. The two officers who were "indispensable" and to whose efforts the success of the operation is chiefly, primarily, and unmistakably due are, first, Lieut. Commander Edward Ellsberg, Construction Corps, United States Navy, assigned as salvage officer; and, second, Lieut. Henry Hartley, United States Navy, commanding U. S. S. *Falcon*, assigned as salvage vessel.

8. Lieut. Commander Edward Ellsberg was in direct personal charge of every phase of the work on the hull of *S–51*. I have no hesitation in saying that the Construction Corps would have the greatest difficulty in furnishing another officer who could have done what he did. Not only was his technical knowledge and resource adequate for every difficulty, but he displayed the highest order of leadership. He set an example to the divers by learning to dive and by actually descending to the *S–51* on the bottom no less than three times during the period April–July, 1926. Again, on July 7, 1926, while working on top of No. 3 port pontoon with the aid of a derrick, a wire strap gave way, and the men on the pontoon were in great danger, but Lieutenant Commander Ellsberg (who was one of them) saved himself and turned immediately to the saving of the pontoon (on which the whole job depended at that time), even to the extent of shoving thumbs into broken vent pipes, with the pontoon awash, until wooden plugs could be secured. His ingenuity was inexhaustible, his perseverance in the face of countless setbacks was unfailing, and his determination animated and inspired all hands. One of his contributions to the salvage work was the perfection of a high-speed underwater cutting torch, and he is responsible for the development of the technique of lowering and placing pontoons with accuracy and facility hitherto not known. It is desired to repeat that to his efforts and skill the successful salvage of the *S–51* is primarily and unmistakably due. Lieutenant Commander Ellsberg is now one of the senior lieutenant commanders of his corps, and I wish strongly to recommend his advancement to the rank of commander and the award to him of a distinguished-service medal in recognition of his work on the salvage of *S–51*.

9. Lieut. Henry Hartley was in command of the *Falcon*, which was salvage vessel, was necessarily present whenever actual work was being done on the wreck of the *S–51*. In fact, the *Falcon* was the first vessel to move in the morning and the last to secure at night. Lieutenant Hartley's seamanship was of the highest order, his devotion to duty unceasing, his judgment sound, and his advice in all matters was invaluable; his handling of the *Falcon* going in and out of the moorings over the wreck (congested with buoys, lines, and air hoses) was invariably correct. I do not see how the *Falcon* could have been more usefully and efficiently commanded. Lieutenant Hartley is now 42 years old, and stands about 550 on the list of lieutenants, but I am convinced that he is in every way competent to be a lieutenant commander, and strongly recommend his advancement to that rank, and the award to him of a distinguished-service medal in recognition of his work on the salvage of the *S–51*. The comment and recommendation of the salvage officer, Lieutenant Commander Ellsberg, in regard to Lieutenant Hartley, appears as an inclosure, and is heartily concurred in.

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17. Boatswain Richard Hawes, of U. S. S. *Falcon*, by his attitude of willing cheerfulness in the face of discouraging conditions, by his acts on the day of the accidental rising of the bowing of *S–51* on June 22, 1926, and in securing No. 2 port pontoon on the evening of July 5, 1926, and on numerous other occasions, displayed the finest attributes of courage, devotion to duty, and leadership. He is strongly recommended for promotion to the rank of chief boatswain and for the award of a Navy cross. The report and recommendations of the commanding officer, *Falcon*, Lieut. Henry Hartley, United States Navy, appear herewith as an inclosure, and are strongly concurred in.

18. ----------

ERNEST J. KING.

I will also insert the article referred to in the World's Work, which is a very learned presentation of the submarine situation and should be very instructive and useful to Congress, as follows:

"[From the World's Work, March, 1928]

"SAFETY FOR OUR SUBMARINES—WHAT WE MUST HAVE—BETTER MECHANISM, MORE CAUTION

"(By Edward Ellsberg, lieutenant commander, United States Naval Reserve. Commander Ellsberg won the distinguished service medal for his work in raising the wrecked *S–51* and took active part in the early steps to rescue the living on the *S–4*. Therefore, he writes with authority on the question of salvaging disabled undersea boats. At Annapolis he won the highest scholastic honors in the class of 1914)

"The loss of the *S–4* and the lingering death of Lieutenant Fitch and his five companions trapped in her torpedo room have driven home to the country what may come in the wake of a submarine disaster. The *S–4* is merely the latest in a long string of submarine disasters both in our own and in foreign navies. I still vividly remember the day, 13 years ago, in the mess room of the *Texas*, when our radio officer burst in and announced breathlessly: 'The Navy has lost its first submarine.' The *F–4* had just vanished while submerged off Honolulu. She was the first, but in her wake have gone, among others, *R–6*, *O–5*, *S–5*, *S–48*, *S–51*, and *S–4*. In other navies, a similar story.

"Submarines are sunk for the same reasons that trains are wrecked—carelessness, defective machinery, and collision. Submarines are far more dangerous to their crews than are ordinary vessels. This results from the fact that, to permit submerged operation, they must be packed with special machinery and literally lined with pipes and valves. If something goes wrong with any of this mass of machinery and piping, the boat may never rise again.

"The submarine designer is faced with a hard problem. In the given tonnage assigned for the boat he must include a specially strong and reenforced hull to withstanding crushing when submerged; he must provide one kind of engines, Diesels, for propulsion on the surface and carry the fuel oil for them; he must then provide a different type of power, electric motors, for underwater propulsion and install 220 huge storage batteries to supply the current; he must include tanks for filling with water for submerging and a heavy bank of compressed-air tanks for expelling the water so that the boat can rise; he must provide torpedoes, torpedo tubes, and a gun so that the vessel may have some value as a ship of war; and he must include auxiliary tanks, adjusting tanks, trimming tanks, bow and stern diving rudders, and the most intricate system imaginable of water lines, high-pressure air lines, low-pressure air lines, oil lines, electric lines, and ventilation lines. When all this is included, it is easy to see how the submarine can submerge, but it seems amazing that she ever comes up again even when everything is working perfectly.

"After the absolutely necessary items to allow the submarine to dive and to attack are provided for, the designer has little buoyancy left for either the comfort or the safety of the crew. In the small weight and space remaining, the designer tries to strike a balance between safety features and the absolutely necessary items to permit the crew to live and navigate their craft.

"As designers included more and more machinery to increase the reliability of operation, the radius of action, the power of attack, and the habitability, the boats grew larger and larger. They became less likely to sink because of defective design, but the very thing that brought this about—namely, increase in size—also made it more and more difficult to salvage them when they did sink. Submarines began to venture out of harbor, where they were likely to sink in water both deep and exposed to storms; and they were so heavy that bow and stern lifting eyes could no longer be properly installed to take the weight of the flooded boat in lifting. At the same time, the weight became so large that even two of the largest floating derricks available at most ports, such as New York, were unable to budge one end of a damaged submarine. Such an attempt failed on the *S–51*. As an added complication, the derricks could not safely be taken out of harbor to try a lift except on calm days, so a large submarine sunk at sea had outgrown salvaging methods.

"The French Navy several years ago designed a special lifting vessel with twin hulls to raise submarines. The design was copied by the Germans, who built the *Vulcan*, a catamaran type of ship with two parallel hulls joining into one bow, the idea being to lift the damaged submarine up between the two hulls by numerous lines to be passed under. The *Vulcan* type, while it appealed to the fancy as a fine solution, suffered from practical defects that prevented complete success. Submarines grew to such a size that the *Vulcan* could not handle them, and larger *Vulcans* from both financial and technical standpoints were not feasible to construct. They were limited then to submarines of such size as are now obsolete.

"The greatest drawback, however, comes from the large number of lifting lines that were required from the *Vulcan* to the submarine to be lifted. In the open sea, with motion on the ship, it is a hopeless task to get the lines from the surface secured without getting them snarled and kinked; even if this could be accomplished, it is too much to expect to keep the load evenly distributed while the surface vessel pitches and rolls, and heavy strains far beyond normal suddenly applied will snap the cables in succession. This has happened in numerous instances to floating derricks when passing swells have rocked them. The *Vulcan* type, therefore, has never worked except in calm and sheltered waters, and in such cases harbor derricks are quite as suitable and more likely to be at hand.

"Nor has the *Vulcan* ever raised a flooded or nearly flooded submarine of any size. Several German boats that had only slight amounts of negative buoyancy, with their whole crews alive inside but unable to make the boats rise, were assisted up by lines from the *Vulcan* under ideal conditions for salvage, but in similar cases no American crew has ever failed to raise one or the other end of their boats and escape without the help of any *Vulcans*. In the one instance of which I have a record, where a German submarine was sufficiently flooded to make her an appreciable dead weight, the *Vulcan* failed to justify herself. The submarine was sunk in shallow water in Kiel Harbor. The *Vulcan* was close at hand, and the boat was small. The water was smooth, diving was continuously possible and easy. Several of the crew, including the commander, were still alive in the control room. In spite of this ideal situation for salvage work and the supposedly large number of safety devices in German submarine boats, the men were all dead long before the *Vulcan* succeeded in getting sufficient lines attached to try a lift. Shortly after this occurred, German submarines outgrew the *Vulcan* altogether; the Germans showed what they really thought of the design of such a vessel by not repeating the type in a larger ship.

"The British, meanwhile, from 1900 onward, were losing more submarines than anyone else. They had the *Vulcan* and its prototypes under their noses, but with their usual respect for the practical in ship design, they decided to build no Vulcans and depended for lifting on surface pontoons or scows. Some of their disabled submarines were recovered, and others were lost with their entire crews, but on the whole the British record was better in rescue and salvage than that of their continental neighbors. The best British performance was in the case of the *K–13*, a large boat that went down with a flooded engine room, but with the control room and the whole forward half of the boat dry and light. Here the water was but 90 feet deep and remained calm; the light bow being up about 20 feet off the bottom. In this case, divers were able to work continuously, attached a pipe to a valve on the hull, and sent down food and air. Steel cables were passed under the bow, this being rendered easy since the bow was well clear of the ocean floor. Meanwhile, all ballast tanks forward were blown dry by air supplied from above, and surface pontoons lifted the lightened bow enough after 57 hours to cut a hole in it and release about half the crew who were still alive. The bow then slipped out of the slings and sank again.

"Carelessness is a major cause of submarine accidents. It takes practically every man in the crew while diving or running submerged to operate the intricate machinery and valves. The failure of only one man to perform his part properly may lead to disaster and the death of the whole crew. In the case of the British *K–13* just mentioned, which was a steam-driven boat, a fireman forgot to close the valve on the smokestack when the boat dived. Half the crew, including the forgetful fireman, were promptly drowned. Carelessness or oversight in handling vents caused the accidents to the American submarines *F–4*, *R–5*, *S–5*, and *S–48*. The *S–5* and *S–48* are two outstanding instances of how our sailors in half-flooded but otherwise undamaged submarines have by their own efforts raised one end of their craft above the surface to allow their escape. In a number of other instances, where the boat was disabled but not partly flooded, the crews have managed to raise the whole boat themselves, and thereby have done unaided what the Germans with their *Vulcan* have considered quite a feat.

"Aside from sinkings due to carelessness in submerging, collisions with other vessels have been the most frequent cause of disaster. The *O–5* and *S–51* were sunk by collisions while they were on the surface; the British *M–1*, the Italian *Venieros*, and our own *S–4* were sunk while running submerged. On the surface a submarine has the same rights and must observe the same rules as any other vessel; submerged, she has no rights at all and it is up to her to keep clear of all other vessels. A submarine submerges for purposes of concealment; she is then wholly out of sight or shows only the top of her periscope, which is intended to be invisible. Consequently it is asking too much in time of peace to expect merchant vessels to keep clear of ships they can not see or whose course and speed, if a periscope is sighted, they can not properly judge.

"Safety for submarines when submerged depends partly on the carefulness of the crew and partly on the instruments provided for seeing and listening while below the surface. It is an old rule in the submarine service that a boat should either navigate at least 60 feet down, so that surface vessels can pass over her safely, or else should be at periscope depth, where she can look around and observe surface craft. Any intermediate depth is dangerous. But even this rule failed in the case of the *S–4*, which had two periscopes showing, but evidently failed to see the *Paulding* bearing down on her as she planed to the surface.

"Our submarines are equipped with listening devices of various types—the *S–4* had an SC tube mounted over the torpedo room for this purpose. With this or similar arrangements it is possible to hear the propellers of an approaching vessel, and every submarine below 60 feet and until her periscope breaks surface is supposed to listen for vessels on the surface before rising high enough to endanger herself. It is questionable that the SC tube on the *S–4* was manned during her last trip, as she was not below periscope depth and evidently relied on her periscopes.

"With 50 or more submarines in commission, some making long cruises, it is impracticable to have tenders waving red flags over the ocean to indicate that somewhere within a few miles there is a submarine. This practice is just as obsolete for modern submarines as would be an attempt to enforce now the old law (still on the books in some localities) that requires a man with a red flag to precede any engine-propelled vehicle on a highway. As a matter of fact, such a tender is more a danger to the submarine than a safeguard, as she constitutes a ship that is always close around to be dodged. It is, perhaps, forgotten now that the last salvage job at Provincetown that the Navy was called on to perform occurred in 1910, when the submarine *Bonita* held diving practice off Cape Cod, while the U. S. S. *Castine* flew the red flag to warn all ships to keep clear. The *Bonita* rammed the *Castine*, and the unfortunate tender promptly sank. Luckily the submarine escaped. Since that day submarine captains have preferred to dive unattended.

"We can rest assured that in spite of everything, as long as there are submarines there will be submarine accidents. And if this is so, it is necessary to consider the submarines themselves to make it possible for the crew to save themselves and as much of the boat as they can from flooding in case of an accident; then to make it possible for them to breathe while they try to raise their boat; to include means of providing air, food, and heat from the outside while the rescue efforts proceed; to render lifting the boat by surface held as quick and sure as humanly possible; and, lastly, to provide a means of escape should lifting be impossible. (Such escape is extremely hazardous to the crew and should be attempted only as a last resort.)

"Most submarines are divided into five water-tight compartments—torpedo room, battery room, control room, engine room, and motor room. Hinged water-tight doors with heavy dogs to hold them closed are provided in each bulkhead. These doors are habitually open for purposes of access and communication while submerged. It is of the utmost importance that the doors be quickly closed in case of trouble, and that the bulkheads hold tight against leakage. On the majority of our submarines this is not now possible. On the *S–51*, rammed while on the surface, the crew was not able to close a single door against the volume of water that rushed in through the hole in the battery

room made by the *City of Rome's* bow. Everyone inside quickly drowned.

"On the *S–4* the hole made by the *Paulding* was much smaller, the water entered the battery room less quickly. The six men in the torpedo room managed to close the door at the forward end of the battery room, while the men in the control room succeeded in shutting the afterdoor to the same compartment. The damaged compartment was thus isolated, and the remainder of the ship should have stayed dry and in the hands of the crew. Under such circumstances Lieutenant Commander Jones, left in possession of the control room, should have been as well off as either *S–5* or *S–48*. But he was unable to remain. Chlorine gas or water (probably both) leaking in through the forward bulkhead, which is pierced by numerous cables and lines, soon forced the captain and crew to leave the control room and take refuge aft, where they closed and dogged down tight the door leading to the control room.

"Had Lieutenant Commander Jones been able to retain possession of his control room, the history of the *S–4* would have been vastly different. This room is the heart of the ship. Here are the connections to the compressed-air banks with which he could have expelled all his fuel oil and all the water from his undamaged ballast tanks; he could certainly have brought the stern of his boat to the surface, if not the whole boat; and in any case so lightened up the bow that a slight pull from the special lifting cable in the *Bushnell's* stern would have brought up the *S–4's* bow. He could have fed air gradually from the banks to his own men and to the 6 men forward; and finally, had it been necessary, the 33 men with him could have passed up one by one through the escape trunk, to be assisted to the surface by divers. All this could have happened had the forward bulkhead of this room stayed tight against gas and water. It was possession of the control room that allowed the crews of the *S–5* and the *S–48* to lift their boats and save themselves; and it was the loss of the control room that meant death to the crews of the *S–51* and the *S–4*.

"Consequently, the type of door on a submarine bulkhead and the tightness of the stuffing boxes around the numerous electric cables, pipes, and rods going through the bulkheads are of primary importance. The control room doors, at least, should be of the sliding 'long-arm type,' which require no releasing of catches, and which will cut through a heavy stream of water and still close. Leakage of chlorine gas through supposedly tight bulkheads nearly killed the crew of the *S–5*; fortunately, they got the stern of their boat up before chlorine forced them to abandon the control room. The crew of the *S–4* were apparently not so lucky.

"A trapped submarine crew needs both a supply of fresh oxygen and the removal of the carbon dioxide from the foul air to live very long. Fresh oxygen can be obtained either from the compressed air in the ship's banks—provided the crew has access to the control room—or from oxygen flasks stored in each compartment. The *S–4* had one such flask in each compartment—with the men evenly distributed through the boat this should suffice for about 72 hours. But fresh oxygen is not enough. If the quantity of carbon dioxide generated by breathing rises to 7 per cent, unconsciousness and death quickly follow. Consequently, if nothing is done to remove the foul air from the compartment, the results are fatal.

"For purification purposes, all submarines should—and most of ours during the war did—carry a supply of soda lime in each compartment. When this is exposed, it absorbs the carbon dioxide, and a moderate quantity will purify the air for several days. The *S–4* had no soda lime aboard, though it appears that her commanding officer had previously asked for it. Soda lime in the after compartments might have prolonged life till after the divers came on Sunday; forward it might well have prolonged life till the weather moderated and diving was again possible on Wednesday.

"All our submarines have what is known as the compartment salvage air line; this starts from an external valve in the side of the conning tower and runs the length of the boat, with a branch leading into each compartment and discharging into it through a nonreturn valve and a gag valve. The intention is that the gag valves shall be left open so that, in case of accident, aid can be supplied from the outside. In the flooded compartments, this air is supposed to enter and expel the water, but, as it is practically certain that the damage that caused the flooding will extend to the top of the compartment, any air entering such a compartment will promptly escape and do no good.

"In the compartments where men are alive, if the outside air line is connected up, the men are supposed to take air when they want it and then close the valve in their room. However, the nonreturn valve prevents bad air from leaving the room, and it shortly happens that if the men take air this way, they will build up a pressure in their room that will soon equal the outside water pressure. The trapped men will then be subjected continuously to the same pressure as the diver; the latter can stand it only a few hours; the submarine survivors will probably not be able to stand it that long before they contract severe pneumonia from the heavy pressure and very quickly die.

"I can not recollect a case in the history of our submarine disasters where the compartment salvage air line has ever been of use. On the *S–51* it was cut in half by the stem of the *City of Rome;* on the *S–4* the survivors also reported it flooded on Sunday night. The compartment salvage air line should be removed immediately from all submarines, and replaced by either one or two valves attached directly to the hull in way of every room on the ship. In this way, even with one valve per compartment, fresh air could be supplied by a hose from the surface, bad air could be vented out, and the men in the room subjected only to a little above atmospheric pressure, under which they could survive indefinitely. Hot soup for food could be run through the same hose. Such an arrangement was urged on the Navy Department after the *S–51* disaster by at least one inventor. It was not then adopted, but no more time should now be lost.

"Quick lifting of the boat is the most important feature in rescue work. Derricks and salvage ships are useless in such cases as *S–51* and *S–4*, where rough water and deep water prevail. As an instance of this, when the *S–51* sank off Block Island, the weather was good enough for divers to work steadily for the next five days, passing heavy wire slings under the *S–51's* stern, which was just clear of the mud. Nevertheless, the commercial salvage company that was hired at that time, and had its two largest derricks at Point Judith, 15 miles away, considered the weather too bad for derricks and refused to send the derricks out to the wreck until the fifth day, by which time it was certain all hands were dead.

"Pontoons can be used in any weather in which diving is possible. Derricks require that the water be smooth, or they will probably carry away their booms if they do not capsize. Pontoons are the quickest and surest method. After the *S–51* job we designed a new type of pontoon that can be lowered and secured in less than an hour. (Most of the Navy pontoons have since been converted to this type.) It is possible for the *Falcon* to lower and secure a pontoon in less than an hour; six pontoons can be secured in less than 12 hours, and are enough to lift half of a completely flooded *S* boat; 12 pontoons can be secured in 24 hours and will lift the entire boat, even if completely flooded. But to do this requires 20 experienced divers, a well-drilled crew on the *Falcon*, and a quick means of attaching chains.

"In using any external lifting means attachments to the submarine are necessary. Our boats have none. On the *S–51* it was necessary to dig tunnels under the boat to get the lifting chains under. With the ordinary means (a fire hose) our first tunnel took several weeks to dig, and several divers nearly lost their lives when the tunnel caved in on them. We then employed an improved nozzle, which allowed us to cut tunnels faster; the time was reduced to two days for a moderate length tunnel under the *S–4*. But even with this nozzle tunnelling is still slow and dangerous, and I marvel that men can be found who in cold blood will hazard the perils of burrowing in the darkness and the cold at the bottom of the sea through sand and mud beneath a buried submarine. For salvage work this method, while slow and dangerous, is at least feasible. For rescue work, when the lives of a trapped crew may depend on a quick lift, it is ridiculous.

"The strain in lifting on each chain of a pontoon is only 40 tons. It is easy to provide permanent padeyes on the side of every submarine, properly spaced to take pontoon chains. For an S boat 12 such padeyes on each side will permit attaching 12 pontoons in 24 hours; the weight of all the padeyes is less than 6 tons. The need for tunnelling is eliminated; the divers can quickly shackle the pontoon chains to the submarine and with a proper salvage crew and 24 hours of moderate weather the boat will be afloat again. But it must be remembered that to do this requires sufficient divers, a salvage ship well drilled and not too far away, and a set of pontoons somewhere in the vicinity.

"Deep-sea diving is vastly different from diving in shallow water. Our Navy has developed the art; practically every deep-water diver in this country was trained in the Navy or by Navy instructors. Except for ex-Navy men, there are probably not half a dozen qualified deep-sea divers in this country. But even in the Navy such divers are not so common as they should be. For the *S–51* job it took more than a week to gather up 12; meanwhile we could find only 4 qualified civilians. Trained divers in large numbers constitute a major safety factor for submarines. A salvage ship like the *Falcon* should always carry at least 12 divers in her crew. By constant drill, both with divers and pontoons, the captain of the *Falcon* will be able to swing into action when a submarine sinks with the speed and precision of a battleship going into action against the enemy.

"How far the *Falcon* was from this state of readiness can be judged from the fact that on the day the *S–4* sank there was only one qualified diver attached to her crew—Chief Boatswain's Mate Carr. The *Falcon* had not handled a pontoon since the day the *S–51* came up a year and a half before. The pontoons themselves were scattered—six in New York and four in Norfolk—not enough in either place to raise a submarine. The four in Norfolk had not yet been converted to the new design and were slow and dangerous to handle. For proper preparation there should be a complete set of 12 pontoons in every major district where submarines operate. Two hundred pontoons, more than 16 complete sets, can be built for less than the cost of one moderate-sized *Vulcan*. These 16 sets scattered over our Atlantic and Pacific coasts will insure that pontoons are close at hand wherever submarines operate.

"The Navy has two salvage ships, the *Falcon* and the *Widgeon*, one in the Atlantic and one in the Pacific. These boats, converted mine sweepers, are ideal for the purpose, being small enough to handle easily and moor quickly in a seaway. They can hold position when a larger ship would be swept away by the wind, but though much crowded, they can carry all necessary machinery. Under Lieutenant Hartley the *Falcon* has done wonders, but really to fulfill her purpose such a ship must be given ample opportunity for drill. In addition, there should be at least four such ships properly to cover the areas where submarines work.

"And finally, in case a boat can not be raised, or the crew must be taken out before the raising equipment can arrive, the last desperate means must be provided to allow the crew to escape from the boat as it lies at the bottom of the sea. An airlock is the answer. This is a small trunk with one hatch below opening to the boat and another, either at the top or side, opening to the sea. The members of the crew enter the lock from below, one at a time, and close the lower hatch. Then either by compressed air or by admitting water to the lock, they raise the pressure inside till it balances the outer sea pressure, when the hatch to the sea can be opened. The man inside is then supposed to float up with the air released from the lock. The other members of the crew inside then close the outer door by a wire attached to it, drain out the water from the lock, open the lower hatch, and the next man enters.

"This is the theory. The practice is far different. In deep water the pressure would so collapse a man's lungs that he would have no buoyancy and would sink instead of rise. In deep water such escape has never been effected. In shallow water, it might be done. The only instance I know of where it was successful occurred on the British *K–13* when the captain and first officer attempted to escape to give warning of the loss of the boat and her condition. Here the top of the conning tower was only 50 feet below the surface, and the pressure was not great. One officer rose successfully; the other was killed in the attempt.

"Each submarine has an air lock in the conning tower, but it often happens that the crew can not get to that. In addition, there should be one at each end of the boat, so that a crew, forced to get out or die from chlorine or because of lack of air to last them till divers or rescuers can arrive, can at least take this last desperate gamble with death. If divers are at hand but can not lift the boat, then the locks can be used with comparative safety. In such a case, the diver stands outside the lock, holding an extra diving helmet heavily weighted down and with air hose attached and blowing, ready to slip it over the head of each man as he comes out, before lifting him to the surface. In this way, one at a time, divers can rescue the entire crew of a submarine, provided the crew can get to air lock. To make this possible, all submarines should have at least three, one at each end, as well as the present one in the conning tower."

Mr. CELLER. Secretary of Navy Wilbur, in a letter to me September 24, 1926, said, "Raising the *S–51* was good, arduous work ably performed." He goes on to say:

"Advancement in rank is reserved in other than very exceptional cases for especially meritorious service in war. It is the practice, however, to advance in rating enlisted men for efficient service in time of peace."

Raising the *S–51* (and subsequently the *S–4*) was an exceptional case. Furthermore, it is time to recognize distinguished and meritorious service in peace time. Admiral Plunkett recognized that Ellsberg's achievement was of the highest merit and recommended accordingly advancement in rank. Furthermore, advancement went to Peary and Byrd and Lindbergh for peace-time service.

Admiral Plunkett, under date of April 17, 1928, writes me that his original recommendations in regard to Lieutenant Commander Ellsberg, Lieutenant Hartley, and Chief Boatswain Hawes, whose splendid work raised the *S–51*, were still good and that—

"I was fully convinced that they had done a magnificent job. Much of the work they did was beyond what could ordinarily be expected of officers and men, and they had not hesitated to risk their lives in their efforts to solve the difficult problem which faced them."

Furthermore, Ellsberg in the *S–51* expedition served in every capacity. He was salvage officer charged with technical responsibility for the expedition; he supervised and directed every diver on every dive made on the job; he acted as a draftsman in working out the designs; he acted as a seaman in handling the pontoons and the boats on the surface; as an inventor he perfected the existing inefficient underwater cutting torch so that it became a reliable salvage instrument; as a diver he did a fair proportion of the actual cutting with underwater torch on the *S–51*. He made several dives on the *S–51* in emergencies when conditions were so bad that no other diver would go down, and the reason that the divers stuck to the job when conditions were desperate and success looked hopeless to them was mainly because he went down to the bottom of the sea with the divers and each diver knew that he was never asked to tackle a job that Ellsberg was not ready to undertake himself if necessary (no other naval officer in charge of a salvage job has ever before done this); and he personally worked out the salvage method and persuaded the Navy Department (with Admiral Plunkett's enthusiastic backing) to let the Navy do the job instead of entering into a ridiculous contract with a private salvage company whereby the Navy was to furnish at its own expense practically everything (including divers) and then pay the private company a fantastic price (more than the job cost the Navy) for the privilege of having the private company supervise the job.

The morale of any military organization is improved by promotion for achievement, not by stating that it is contrary to department policy to reward exceptional service. The Navy Department is quick to punish officers for their lapses, and demotion through loss of numbers quickly follows catastrophe through negligence or bad judgment. If the department's policy is to demote officers for their faults, fairness and consistency require that it approve the promotion of such officers as go outside the ordinary routine to risk everything to achieve success in hazardous and exceptional undertakings.

The raising of the *S–51* from its grave in the open sea was an undertaking generally considered impossible in engineering and naval circles both in the United States and in foreign countries. (It was authorized by the Navy Department not because success seemed possible, but to appease a storm of public criticism raised by numerous disasters to the Navy at the time—the destruction of the *Shenandoah*, the loss of Commander Rodgers and the *PN–9* off Honolulu, the Trenton explosion.) The only comparable operation ever attempted in the raising of a large submarine from deep water in the open sea (the *S–5* off Delaware in 1920) was a total failure after nine months of work and was abandoned when the public had forgotten the matter.

The successful accomplishment on the *S–51* brought luster to America and to the Navy.

The raising of the *S–4*, made possible primarily because of Ellsberg's work, again proclaimed to the world an outstanding achievement.

Recognition by Congress of this type of service is essential.

Mr. CELLER. We must remember that Lieutenant Commander Ellsberg would have been in the ordinary course of events elevated to the rank of commander if it had not been for the enactment of the equalization bill. In a sense we can almost admit that he would have been a commander so that there would not probably be any recognition in his advancement to the rank of commander.

Mr. BRITTEN. Commander Ellsberg, it has just been suggested that some members of the committee might like to report a bill that would make you a commander in the active Navy. Would you prefer that sort of recognition; would you care to return to the Navy as a commander?

Lieutenant Commander ELLSBERG. I have always prized my service in the Navy very highly and if I ever have another chance to do something for the Navy I will seize it. What I have done since resigning was for our Navy and the men in it.

However, I must decline from two points of view. The first is that I think it would be unfair to my old classmates at Annapolis who are now in the Navy to take a man who has resigned the service and been out for several years and restore him. Even though that man had not sought reinstatement, still it would cause hard feeling to bring him back into the Navy at an advanced rank. You might say that such action was being taken for a special reason, but nevertheless, having been out of the Navy, there would probably, even though unwittingly, be in the minds of those officers a feeling that somebody was being taken from civil life and put ahead of them.

My second point of view is industrial. I did not seek to leave the Navy. After working on the submarine *S–51* job two months and when the prospects of success were very dark, indeed, I received an offer from a commercial concern, which offer I had not sought, to become their chief engineer. They desired that I resign immediately and take over their work. I considered the proposal a while and told the concern that I simply must finish the job in connection with the submarine *S–51*. With their consent I remained in the Navy six or seven months after that, and at considerable loss to their work, in order to finish the job in connection with the *S–51*.

I do not mind saying that I think it would be unfair to my associates in the industrial world now, those who have stood by me and behind me in the past and given me this opportunity, to tell them that now that Congress offers me an opportunity to get back into the service at an advanced rank I am going to leave them and go back to the service.

I regret to say that from both the Navy and the industrial side I hardly think it would be fair to anybody if I should return to the Navy. On the other hand, if I should remain in the Volunteer Naval Reserve Force my services would be available to the Navy in times of emergency, just as they were available in this last catastrophe. I do not mind saying that I think that such is the best solution. That is the answer to your question, Mr. Chairman.

There are a few other remarks I would like to make later, with your permission.

Mr. BRITTEN. You may proceed right now, if you will.

Mr. MILLER. That is a remarkable statement by the gentleman.

Mr. HALE. It certainly is a fine statement.

Mr. MILLER. It is magnanimous from every point of view.

Lieutenant Commander ELLSBERG. It is difficult, as you gentlemen appreciate, of course, for anybody to speak about himself, therefore I shall speak principally about Lieutenant Hartley and Boatswain Hawes. I have worked with those two officers on two different jobs in situations that presented great danger. I have a very vivid recollection of Boatswain Hawes risking his own life in trying to make successful the salvage of the sunken submarine *S–51*, and that at a time when success seemed very remote indeed. I would hate to think that because some years in the past he took an examination for ensign and failed on three subjects that anybody should say now he is not fit to be an ensign in the regular Navy. I hope you will consider that.

As regards Lieutenant Hartley, he came into the service as an enlisted man long ago when I was a small child. He became a quartermaster. During the war, because of his qualifications, he was made a temporary officer, and afterwards he was given a permanent commission. I know of no officer who has come from the ranks who is better qualified to be an officer than is Lieutenant Hartley. He is in every way qualified to be an officer of the Navy. But he is not a young man. He is probably 10 or 12 years older than I am. His service in the Navy can not last much longer, because under the action of law, I think, he will be forced out after a certain number of years in the service.

Lieutenant Hartley was a lieutenant during both of these salvage operations. His knowledge of seamanship and his knowledge of weather and his handling of the *Falcon* on several occasions prevented her being lost and the submarine from being sunk again.

On one particular occasion we were coming down the East River after the submarine *S–51* had been raised. We were in sight of the navy yard and thought all our difficulties were over. The *Falcon* was towing astern of the *S–51* and constantly pumping air into her to keep her afloat.

There was a distance of only 150 feet between the two vessels. We had taken on a civilian pilot stationed on the leading tugboat to take us down the East River. The pilot left his course, tried to pass between two reefs, and stranded the *S–51*. She stopped dead. You can imagine how short a time it takes for a ship to travel 150 feet and we were only that far astern of the submarine. We had only six seconds, but in that time Lieutenant Hartley had his engines going "Full speed astern" and had swung to port enough to miss the *S–51*. I tell you that if he had hit the *S–51* in the stern, the *S–51* would have sunk, a total wreck. There would have been no possibility of raising her. She would be there to-day, a danger to navigation. Instead of that, Lieutenant's Hartley's skill allowed us to bring her safely in.

Lieutenant Hartley, moreover, is a diving expert. He used to be a diver. However, he was too old to do any diving in connection with salvage operations of the *S–51* and the *S–4*.

When you consider that he is not an Annapolis man and is consequently much older than lieutenants from Annapolis, you can see that promoting him 5 or 10 numbers does not mean much. You would do nothing but absolute justice by rewarding him, whether it meant 400 numbers two years ago or 200 numbers now, by making him a lieutenant commander as of the date suggested in this bill. I am sure that you will find no criticism of that action by officers or enlisted men of the Navy.

Hartley's value to the Navy is far beyond the value of the average lieutenant, even though Hartley did not come from Annapolis. When the next submarine disaster comes, I am of the opinion that the Navy will have to rely upon Lieutenant Hartley, and it ought to give him some appropriate rank. If he were given the rank of lieutenant commander there would not be so many officers with higher rank around him to interfere with his operations when he goes out in charge of salvage work on the *Falcon*. So much for Hartley.

As regards myself, I can only say a little. I think Admiral Leigh has made a few slight errors unwittingly. I was actually the senior lieutenant commander in the line of promotion in the Construction Corps at the time of the accident to the *S–51* and at the time of my resignation in December, 1926. However, the Navy register, published before that, may have shown me as No. 2 on the list of lieutenant commanders in the Naval Construction Corps. The only man ahead of me had been passed over repeatedly by all selection boards and could not have been properly considered in line for promotion when the *S–51* was raised. I was therefore No. 1 on the list. Two or three vacancies occurred in the Construction Corps the very next month. You passed the equalization bill in June, which abolished all future vacancies, and we raised the submarine *S–51* in July. Then one naval constructor with rank of captain died and another rear admiral retired. If you had not passed the equalization bill, that would have made two vacancies, to one of which I would have been promoted even if I had never done anything special. If I had, so to speak, simply done my ordinary duty and kept out of trouble I would have been promoted to commander very shortly after July 1, 1926. I would have been promoted even if I had never seen a submarine disaster or had anything to do with trying to raise one.

Therefore, if it is a question of promotion of one rank, it seems to me that I should be promoted from commander to captain in the Naval Reserve Force, and that would mean nothing to officers on the active list.

I feel that if the Navy Department has not, as a result of the World War, actually recommended any officers for promotion, the fault is the Navy Department's and not that of the officers concerned. It would seem to show that the American Navy is proceeding upon a wrong principle. Nothing will so bolster up the morale and achieve results as a prompt recognition of exceptional service. A famous general who appreciated that more than anybody else, so it seems, took the rabble and the mob and made of them the best army of its day. I refer to Napoleon. If a man of extraordinary qualifications did anything well in the army of Napoleon, he was promptly promoted, so that when trouble happened Napoleon had a man on the job who could handle it.

I expect that to apply to both Lieutenant Hartley and Boatswain Hawes. I trust that you will consider this.

Perhaps our military policy is all wrong. If so, it is not the fault of the officers who have done the things that Admiral Leigh has recited. It is the fault of the Navy Department, it seems to me.

I should like to know whether the department as the result of the World War, recommended anybody for promotion? Perhaps it has not, but in spite of that several people have been retired by the Congress in an advanced rank.

As has been stated, Commander Byrd was a lieutenant when he left the service and after retirement he became a lieutenant commander. Then Congress, by its own action, made him a commander on the retired list. His was an outstanding case.

I will say for the men who worked on these two submarine jobs that for a man to expose his life under the conditions that we faced on the *S–51* and the *S–4*, on the surface and on the bottom of the sea required a greater amount of courage over a longer period than it does, we will say, for a person in the heat of action on a battle field or on a battleship to perform an act of bravery that may suitably be rewarded by a medal. It requires a cold courage over a long period to keep a man going in the face of danger for the several months required for the carrying through of a job like salvaging the *S–51* and the *S–4* successfully.

As for myself, I can earn my living on the outside, but Boatswain Hawes and Lieutenant Hartley will stay in the Navy until they are retired. Earnestly, I should like to see them get, not just a few numbers, but a substantial recognition that will be worth something to them and will be an example and inspiration to the officers and men who are in the Navy.

I do not think of anything else I have to say, unless gentlemen of the committee care to question me.

Mr. BRITTEN. Inasmuch as it is 12.30, let us adjourn to meet at the call of the chairman.

Thereupon at 12.30 o'clock p. m., Friday, April 20, 1928, the committee adjourned to meet at the call of the chairman.

MUSCLE SHOALS

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and to incorporate therein a short editorial appearing in the Wisconsin Agriculturalist and a letter from the president of the Milwaukee Association of Commerce on the Muscle Shoals legislation.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SCHAFER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following short editorial appearing in the Wisconsin Agriculturist, and a letter from the president of the Milwaukee Association of Commerce on the Muscle Shoals legislation:

MILWAUKEE ASSOCIATION OF COMMERCE,
May 14, 1928.

Hon. JOHN C. SCHAFER,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: It is our understanding that the House of Representatives on Wednesday, the 16th instant, will take further action in regard to the Muscle Shoals bill, Union Calendar No. 324, S. J. Res. 46.

Our national affairs committee, composed of representative Milwaukee business leaders, and the chairman of which is Max W. Babb, Allis-Chalmers Manufacturing Co., has to-day carefully considered this bill by request of the Chamber of Commerce of the United States and of Wisconsin business interests.

As a result the Milwaukee Association of Commerce is opposed to this proposed legislation on the premise that it is unwise and unsound for the Government to engage in the business of manufacturing and selling commercial fertilizer in competition with private industry.

It is our belief, furthermore, that the Government should without exception refrain from undertaking any phase of business which can be successfully conducted by private enterprise.

It is our earnest hope, therefore, that you will deem it consistent to oppose the passage of this legislation not only for the reasons above stated but because of our understanding that in the event this legis-

lation is not enacted at the present session of Congress, the Chamber of Commerce of the United States will cause a complete investigation to be made of the matter and the result of which will doubtless be made available to the Congress.

Assuming that such action might be consistent on your part, we should be glad also to have you cause the comment herein to be read into the CONGRESSIONAL RECORD.

Yours very truly,

O. F. STOTZER.

[From the Wisconsin Agriculturist, May 19, 1928]

MUSCLE SHOALS FERTILIZER BILL

Many schemes have been projected to utilize the power plant at Muscle Shoals. Disposition of the plant has been before Congress ever since the close of the World War.

The bill now before Congress has been hailed with joy by some farm leaders and politicians because it seeks to put the Federal Government in the fertilizer business. It proposes to provide working capital, amounting to $10,000,000 so that a corporation may utilize the full power of the Muscle Shoals plant for making fertilizer which shall be sold for cost, spot cash at the plant. It also authorizes the corporation to sell power, the proceeds to be applied to reducing the cost of fertilizers made. It also proves that new sources of rock phosphate may be acquired and operated.

Will such a measure help farmers in general? We do not think so. Most farmers do not buy fertilizers for spot cash. Most farmers prefer to deal with their local agents. Most farmers probably could not secure their supplies from the Shoals plant because Government operation in business has not proved its efficiency.

The plan sets a dangerous precedent. Why not have the Government take charge of the farms as well as the fertilizer business? Perhaps it could succeed as well as it did with the railroads, but probably not. The experience with Government railroad management is not a strong recommendation for Government in business.

The investment in the fertilizer business is some $300,000,000, and many thousands of people are employed. The production at Muscle Shoals would not supply the domestic demand, but the unfair competition of production at public expense would seriously affect the manufacturers who are now doing a good job and handling the business satisfactorily and at a fair cost. It is sincerely to be hoped that Government interest in fertilizer or any other business will not go beyond the realm of sensible regulation.

RANK OF OFFICERS IN THE ARMY AND NAVY

Mr. MORIN. Mr. Speaker, I call up the bill (H. R. 9961) to equalize the rank of officers in positions of great responsibility in the Army and Navy, and ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Chief of Staff of the Army, from the date of assuming said office until date of relinquishment thereof, shall have the rank and title of general. The Chief of Staff of the Army and the Chief of Naval Operations shall take rank between themselves according to date of appointment as such and shall both take rank above all other officers on the active list of the Army and Navy.

SEC. 2. That the President be, and is hereby, authorized to designate not to exceed 12 officers of the Army for the command of major territorial or tactical commands of the Army, and, after being so designated from the date of assuming such command until relinquishment thereof, not more than three of such officers shall each have the rank and title of general and the others shall each have the rank and title of lieutenant general; and the ranks and titles of general and lieutenant general in the Army, as authorized in this act, shall correspond with the ranks and titles of admiral and vice admiral, respectively, in the Navy, rank and precedence as between officers of the Army and Navy of corresponding ranks and titles to be determined by date of appointment therein: *Provided*, That in time of peace officers for the command of major territorial or tactical commands, as authorized by this act, shall be designated from among the general officers of the line.

SEC. 3. That in time of peace every general officer of the line temporarily holding a higher rank and title under this act, shall be entitled while holding such higher rank and title, to the pay and allowances of a major general and to a personal money allowance per year as follows: While holding the rank and title of lieutenant general, $500; while holding the rank and title of general, $2,200.

SEC. 4. That nothing in this act shall create any vacancy in any grade in the Army or increase the total number of officers authorized by law: *Provided*, That this act shall become effective when the present Chief of Staff of the Army shall vacate said office.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That hereafter the Chief of Staff of the Army, while holding office as such, shall have the rank and title of general, and shall receive the pay and allowances of a major general, and in addition thereto, the personal money allowance prescribed by law for the officer of the Navy serving as Chief of Naval Operations. The Chief of Staff of the Army and the Chief of Naval Operations shall take rank between themselves according to dates of appointment as such."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DEFINITION OF TERMS "CHILD" AND "CHILDREN" AS USED IN THE ACTS OF MAY 18, 1920, AND JUNE 10, 1922

Mr. MORIN. Mr. Speaker, I call up the bill (H. R. 12449) to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922, and ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the words "child" and "children" as used in section 12 of the act approved May 18, 1920 (41 Stat. 604), and in section 4 of the act approved June 10, 1922 (42 Stat. 627), and in section 12 of the act approved June 10, 1922 (42 Stat. 631), as amended by the act approved June 1, 1926 (44 Stat. 680), shall be held to include legitimate natural children, stepchildren, and adopted children.

With the following committee amendment:

On page 1, line 10, strike out the comma after the word "children" and the word "stepchildren."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

NATIONAL MILITARY PARK AT BATTLE FIELD OF MONOCACY, MD.

Mr. MORIN. Mr. Speaker, I call up the bill (H. R. 11722) to establish a national military park at Monocacy, Md., and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to commemorate the Battle of Monocacy, Md., and to preserve for historical purposes the breastworks, earthworks, walls, or other defenses or shelters used by the armies therein, the battle field at Monocacy, in the State of Maryland, is hereby declared a national military park whenever the title to the lands deemed necessary by the Secretary of War shall have been acquired by the United States and the usual jurisdiction over the lands and roads of the same shall have been granted to the United States by the State of Maryland.

SEC. 2. The Secretary of War is hereby authorized to cause condemnation proceedings to be instituted in the name of the United States under the provisions of the act of August 1, 1888, entitled "An act to authorize condemnation of lands for sites for public buildings, and for other purposes" (25 Stat. L. 357), to acquire title to the lands, interests therein, or rights pertaining thereto within the said Monocacy Battle Field National Military Park, and the United States shall be entitled to immediate possession upon the filing of the petition in condemnation in the United States District Court for the District of Maryland: *Provided*, That when the owner of such lands, interests therein, or rights pertaining thereto shall fix a price for the same which, in the opinion of the commission hereinafter referred to and the Secretary of War, shall be reasonable, the Secretary may purchase the same without further delay: *Provided further*, That the Secretary of War is hereby authorized to accept, on behalf of the United States, donations of lands, interests therein, or rights pertaining thereto required for the Monocacy Battle Field National Military Park: *And provided further*, That no public money shall be expended for title to any lands until a written opinion of the Attorney General shall be had in favor of the validity of title thereto.

SEC. 3. The Secretary of War is hereby authorized to enter into leases with the owners of such of the lands, works, defenses, and buildings thereon within the Monocacy Battle Field National Military Park, as in his discretion it is unnecessary to forthwith acquire title to, and

such leases shall be on such terms and conditions as the Secretary of War may prescribe, and may contain options to purchase, subject to later acceptance, if, in the judgment of the Secretary of War, it is as economical to purchase as condemn title to the property: *Provided,* That the Secretary of War may enter into agreements upon such nominal terms as he may prescribe, permitting the present owners or their tenants to occupy or cultivate their present holdings, upon condition that they will preserve the present breastworks, earthworks, walls, defenses, shelters, buildings, and roads, and the present outlines of the battle fields, and that they will only cut trees or underbrush or disturb or remove the soil, under such regulations as the Secretary of War may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority: *Provided further,* That if such agreements to lease cover any lands the title to which shall have been acquired by the United States, the proceeds from such agreements shall be applied by the Secretary of War toward the maintenance of the park.

SEC. 4. The affairs of the Monocacy Battle Field National Military Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, consisting of Army officers, civilians, or both, to be appointed by the Secretary of War, one of whom shall be designated as chairman and another as secretary of the commission.

SEC. 5. It shall be the duties of the commissioners, under the direction of the Secretary of War, to superintend the opening or repair of such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all breastworks, earthworks, walls, or other defenses or shelters, lines of battle, location of troops, buildings, and other historical points of interest within the park or in its vicinity, and the said commission in establishing the park shall have authority, under the direction of the Secretary of War, to employ such labor and service at rates to be fixed by the Secretary of War, and to obtain such supplies and materials as may be necessary to carry out the provisions of this act.

SEC. 6. The commission, acting through the Secretary of War, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the Monocacy Battle Field National Military Park: *Provided,* That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated "Monocacy Battle Field National Military Park Fund," which fund shall be applied to and expended under the direction of the Secretary of War, for carrying out the provisions of this act.

SEC. 7. It shall be lawful for the authorities of any State having had troops engaged at the battle of Monocacy to enter upon the lands and approaches of the Monocacy Battle Field National Military Park for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided,* That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, including the design and inscription for the same, shall be submitted to the Secretary of War and shall first receive written approval of the Secretary, which approval shall be based upon formal written reports to be made to him in each case by the commissioners of the park: *Provided,* That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of War may be used by any other State.

SEC. 8. If any person shall, except by permission of the Secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection of ornament of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof, before any United States commissioner or court, justice of the peace of the county in which the offense may be committed, or any other court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine, in the discretion of the said United States commissioner or court, justice of the peace, or other court, according to the aggravation of the offense, of not less than $5 nor more than $500, one half for the use of the park and the other half to the informant, to be enforced and recovered before such United States commissioner or court, justice of the peace, or other court, in like manner as debts of like nature are now by law recoverable in the several counties where the offense may be committed.

SEC. 9. The Secretary of War, subject to the approval of the President, shall have the power to make and shall make all needful rules and regulations for the care of the park and for the establishment and marking of lines of battle and other historical features of the park.

SEC. 10. Upon completion of the acquisition of the land and the work of the commission the Secretary of War shall render a report thereon to Congress, and thereafter the park shall be placed in charge of a superintendent at a salary to be fixed by the Secretary of War and paid out of the appropriation available for the maintenance of the park.

SEC. 11. To enable the Secretary of War to begin to carry out the provisions of this act, including the condemnation, purchase, or lease of the necessary land, surveys, maps, marking the boundaries of the park, opening, constructing, or repairing necessary roads, pay and expenses of commissioners, salaries for labor and services, traveling expenses, supplies, and materials, the sum of $50,000 is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, to remain available until expended, and disbursements under this act shall be annually reported by the Secretary of War to Congress.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider by Mr. MORIN was laid on the table.

RESERVE DIVISION OF THE WAR DEPARTMENT

Mr. MORIN. Mr. Speaker, I call up the bill (H. R. 11683) to create the reserve division of the War Department, and for other purposes, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request that it be considered in the House as in Committee of the Whole?

Mr. SPEAKS. Mr. Speaker, I regret very much to object to the present consideration of this bill. Owing to its importance and far-reaching possibilities, I feel that it should go over until the subject can have more time for deliberate consideration. No hearings have been held on the bill by the House Military Committee and I have been informed that certain organizations desire to present their views on the proposal.

Mr. JAMES. There have been hearings on the bill in the Senate.

Mr. SPEAKS. But no hearings in the House. The Senate hearings were not satisfactory, owing to the absence of persons desiring to oppose the bill.

Mr. JAMES. There were no requests for hearings, and they said they did not want hearings because the evidence had all been produced in the hearings in the Senate, and they said it was very urgent that the bill be passed at the present session.

Mr. SPEAKS. Because of the interest displayed in the bill by my friend from Michigan, I hesitate to object. However, I feel it a duty under the circumstances to ask that it go over for the present. I wish it understood that I am not unfriendly to the reserves.

Mr. JAMES. Of course, the gentleman from Ohio understands that if I were to insist upon my rights we might consume about two hours in a discussion of this bill. Many other bills are following this one in which Members of the House are interested, including a bill sponsored by the gentleman from Ohio, which I favor, and as I do not want Members of the House to suffer because of my insisting upon my rights, I will therefore withdraw the unanimous-consent request that my bill be considered in the House as in Committee of the Whole.

Mr. WAINWRIGHT. Mr. Speaker, I will offer an amendment which may cure the difficulty raised by the gentleman from Ohio, and with which amendment I would be glad to vote for the bill; and if it is not adopted I should oppose it. I move to strike out, on page 2, line 12——

Mr. GARNER of Texas. The bill is not before the House for consideration yet.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania that it be considered in the House as in Committee of the Whole?

Mr. SPEAKS. I was prepared, Mr. Speaker, to offer the amendment suggested by the gentleman from New York, but considering conferences I have had with representatives of groups greatly interested in the bill, I feel under the necessity of objecting for the present.

The SPEAKER. Objection is heard.

Mr. MORIN. Mr. Speaker, I withdraw the bill.

REQUIRING CERTAIN WAR DEPARTMENT CONTRACTS TO BE IN WRITING

Mr. MORIN. Mr. Speaker, I call up the bill (H. R. 12352) to require certain contracts entered into by the Secretary of War, or by officers authorized by him to make them, to be in writing, and for other purposes.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 12352, on the House Calendar, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter whenever contracts in excess of $500 in amount which are not to be performed within 60 days are made on behalf of the Government by the Secretary of War, or by officers authorized by him to make them, such contracts shall be reduced to writing

and signed by the contracting parties. In all other cases contracts shall be entered into under such regulations as may be prescribed by the Secretary of War.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RECOGNIZING AVIATION ACCOMPLISHMENTS

Mr. MORIN. Mr. Speaker, I call up the bill (S. 4235) to amend section 12 of the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926, on the Union Calendar, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up the bill S. 4235, on the Union Calendar, and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 12 of the act approved July 2, 1926, entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," be, and the same is hereby, amended by inserting after the words "in an aerial flight" the following: "and to citizens of foreign countries, visitors to the United States, who have distinguished themselves by extraordinary achievement in an aerial flight or flights made at least in part within the bounds of the United States or its possessions."

With the following committee amendment:

After line 2, page 2, insert the following as a new section:

"SEC. 2. That the first paragraph of section 127a of the national defense act, as amended and approved June 4, 1920, is hereby amended to read as follows:

"'SEC. 127a. Miscellaneous provisions: Hereafter no detail, rating, or assignment of an officer shall carry advanced rank, except as otherwise specifically provided herein: *Provided*, That in lieu of the 50 per cent increase of pay provided for in this act any officer who has heretofore been announced in War Department orders as having qualified on or before December 31, 1913, as a military aviator or any officer upon whom the rating of military aviator has heretofore been conferred for having specially distinguished himself in time of war in active operations against the enemy, shall, while on duty which requires him to participate regularly and frequently in aerial flights, receive the pay, allowances, and additional pay as provided by the act of June 3, 1916, and the act of July 24, 1917, for the rating of military aviator. At any time after the passage of this act any officer who has heretofore been announced in War Department orders as having qualified as a military aviator on or before December 31, 1913, shall, if he make application therefor to the President, be retired from active service and be placed upon the retired list. The retired pay of any officer who has heretofore been announced in War Department orders as having qualified as a military aviator on or before December 31, 1913, shall be 75 per cent of all the pay and allowances, including flying pay, of the grade in which he is retired. No extra pay or allowances shall accrue under the provisions of this section for services rendered prior to the passage thereof.'"

Mr. HILL of Alabama. Mr. Speaker. I offer the following amendment to the committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 3, line 7, after the period add a new section to be known as section 3, to read as follows:

"SEC. 3. That the President be, and he is hereby, authorized to present the distinguished-flying cross to Lieuts. Lowell H. Smith, Leslie P. Arnold, E. H. Nelson, and John Harding, jr., of the United States Army, in recognition of their extraordinary achievement in making the first round-the-world flight by airplane, covering a distance of approximately 28,000 miles."

Mr. GARNER of Texas. Mr. Speaker, I reserve a point of order against the amendment. Has any consideration been given this matter by the committee?

Mr. HILL of Alabama. No. Let me say this on the point of order. The committee has brought in an amendment to amend the title so as to read:

An act for recognizing aviation accomplishments.

If this be an act for recognizing aviation accomplishments, it certainly is in order to offer an amendment to the act which would confer the distinguished-flying cross on the four Army aviators who made the first round-the-world flight, covering a distance of some 28,000 miles. On the merits of the proposition, let me say that at the time these four Army flyers accomplished this extraordinary feat, we did not have the distinguished-flying cross. These four aviators accomplished this great feat in 1924. It was not until the passage of the Air Corps act in March, 1926, that we brought into being the distinguished-flying cross. These flyers were given other recognition. As I recall, they were tendered the thanks of Congress, but they did not get the distinguished-flying cross because it was not in existence at the time.

Mr. GARNER of Texas. Does the 1926 act authorize the President of the United States to bestow the distinguished-flying cross at his discretion?

Mr. HILL of Alabama. No; there is a limitation, and, as I understand it, that limitation limits the President's authority to conferring the cross on men who are now in the Army. Some of these flyers have left the Army.

Mr. GARNER of Texas. Mr. Speaker, I withdraw the point of order.

Mr. CHINDBLOM. Mr. Speaker, permit me to suggest to the gentleman from Alabama that the name of one of the aviators be stated in full—Eric H. Nelson.

Mr. HILL of Alabama. I have no objection to that.

Mr. CHINDBLOM. I think the first name should be stated. It is stated in the other cases.

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent to amend my amendment by striking out the letter "E." and inserting in place of it the word "Eric," so that it will read "Eric H. Nelson."

The SPEAKER. Is there objection?

There was no objection.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. HILL of Alabama. Yes.

Mr. WAINWRIGHT. May I ask the gentleman whether Lieutenants Maitland and Hegenberger have had the distinguished-flying cross bestowed upon them for their great flight to Hawaii?

Mr. HILL of Alabama. I do not know; but under the present law the President of the United States has the authority to confer the cross on these two flyers. I think it has been bestowed, but I would not say for sure. These flyers are still in the service, and in my judgment should have the cross.

Mr. WAINWRIGHT. If it has not been done, it is eminently fit that it should be done.

Mr. HILL of Alabama. Absolutely.

Mr. REECE. What does the gentleman think about the propriety of also authorizing the distinguished-flying cross to be awarded to the World War aces?

Mr. HILL of Alabama. I think we ought to take that matter up as a separate proposition. Speaking of the World War aces, I do not know offhand how many we have, and I doubt if the gentleman himself could name them here this afternoon. I hope the gentleman will not inject that into this bill at this time.

Mr. REECE. I shall probably not press the suggestion, but we seem to be giving a great deal of attention to the bestowal of decorations and honors on those who have distinguished themselves in peace-time aviation. It has reached a point where I am much impressed with the fact that we did very little to honor men who distinguished themselves and added glory to their country during the World War, and we are now precluded from honoring those great flyers. We had as great flyers during the war as we have now. Their achievements were just as wonderful as those that have been made by peace-time flyers, and I regret that some of these honors can not be bestowed upon them. For instance, there is Eddie Rickenbacker, our ace of aces, for whom we have done but little and who deserves any honor which may be in our power to give. There can be no more daring flight, flights that are comparable with those war-time flights, that have been made in peace time.

Mr. HILL of Alabama. I will say to the gentleman that I will do everything I can to secure recognition for those flyers.

Mr. GARNER of Texas. Mr. Speaker, I reserved a point of order for the purpose of calling attention to the fact that we are here this afternoon with very few Members present, and are passing these bills by unanimous consent, and whenever you begin to enlarge the scope of these bills without their having had committee consideration we are very likely to pass some amendments that might not be entirely acceptable to the membership of the House. I will not make the point of order, but I suggest to the gentleman from Pennsylvania [Mr. MORIN], in view of the fact that we are passing these bills virtually by unanimous consent, that he ought not to call up any that will provoke controversy. At the proper time I want to see all of our brave flyers properly rewarded.

Mr. KETCHAM. How does it happen that Lieut. Leigh Wade, who, if I have the matter correctly in mind, was a member of this very party, is omitted from this list?

Mr. HILL of Alabama. This is the list of those who started out on the flight and finished it.

Mr. KETCHAM. He finished his flight.

Mr. HILL of Alabama. I am not so advised by the War Department.

Mr. KETCHAM. He started and finished the flight with great credit. He is a constituent of mine, and I would not like to see bills passed honoring all these men without including his name.

Mr. HILL of Alabama. Mr. Speaker, under the circumstances, I ask unanimous consent to withdraw the amendment.

The SPEAKER. Without objection, the amendment will be withdrawn. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "An act for recognizing aviation accomplishments."

A motion to reconsider the last vote was laid on the table.

TWO L BOATS FOR THE WAR DEPARTMENT

Mr. MORIN. Mr. Speaker, I call up the bill H. R. 10363, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 10363, and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10363) to provide for the construction or purchase of two L boats for the War Department.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $50,000 to be expended by the Secretary of War for the construction or purchase of two L boats, for replacing boats of a similar type destroyed, at a cost not to exceed $25,000 each.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

TWO MOTOR MINE YAWLS FOR THE WAR DEPARTMENT

Mr. MORIN. Mr. Speaker, I call up the bill H. R. 10364, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 10364, and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10364) to provide for the construction or purchase of two motor mine yawls for the War Department.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $10,000 to be expended by the Secretary of War for the construction or purchase of two motor mine yawls for replacement purposes, at a cost not to exceed $5,000 each.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

SEAGOING AIR CORPS RETRIEVER FOR THE WAR DEPARTMENT

Mr. MORIN. Mr. Speaker, I call up the bill H. R. 10365, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 10365, and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10365) to provide for the construction or purchase of one heavy seagoing Air Corps retriever for the War Department.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $40,000, to be expended by the Secretary of War for the construction or purchase of one heavy seagoing Air Corps retriever for use at France Field, Canal Zone.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

ELIGIBLES FOR GENERAL STAFF CORPS

Mr. MORIN. Mr. Speaker, I call up the bill S. 1828, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up the bill S. 1828, and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 1828) to amend the second paragraph of section 5 of the national defense act, as amended by the act of September 22, 1922, by adding thereto a provision that will authorize the names of certain graduates of the general service schools and of the Army War College, not at present eligible for selection to the General Staff Corps eligible list, to be added to that list.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the second paragraph of section 5 of the national defense act, as amended by the act approved June 4, 1920, and further amended by the act of September 22, 1922, be, and the same is hereby, amended to read as follows:

"After the completion of the initial General Staff Corps eligible list, the name of no officer shall be added thereto unless upon graduation from the General Staff School he is specifically recommended as qualified for General Staff duty, and hereafter no officer of the General Staff Corps, except the Chief of Staff, shall be assigned as a member of the War Department General Staff unless he is a graduate of the General Staff College or his name is borne on the initial eligible list: *Provided,* That nothing herein shall operate to debar the name of any graduate of the Army War College, the Command and General Staff School, or the former General Staff College, General Staff School, Army Staff College, the Staff College, the School of the Line, the Army School of the Line, or the Infantry-Cavalry School from being added to the General Staff Corps eligible list if the manner of the performance of his duties and quality of his work is such as to indicate that he has since become well qualified for General Staff duty, and he is so recommended by a board of general officers: *And provided further,* That the name of any National Guard or reserve officer who has demonstrated by actual service with the War Department General Staff during a period of not less than six months, as hereinafter provided for, that he is qualified for General Staff duty, may, upon the recommendation of a board consisting of the general officers of the War Department General Staff, assistants to the Chief of Staff, be added to said eligible list at any time. The Secretary of War shall publish annually the list of officers eligible for General Staff duty, and such eligibility shall be noted in the annual Army Register. If at any time the number of officers available and eligible for detail to the General Staff is not sufficient to fill all vacancies therein, majors or captains may be detailed as acting General Staff officers under such regulations as the President may prescribe: *Provided,* That in order to insure intelligent cooperation between the General Staff and the several noncombatant branches, officers of such branches may be detailed as additional members of the General Staff Corps under such special regulations as to eligibility and redetail as may be prescribed by the President, but not more than two officers from each such branch shall be detailed as members of the War Department General Staff."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COWPENS BATTLE GROUND

Mr. MORIN. Mr. Speaker, I call up H. R. 12106, to create a national military park at Cowpens battle ground, and I ask

unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up H. R. 12106 and asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to preserve that part of the Cowpens battle grounds near Ezell, Cherokee County, S. C., where Gen. Daniel Morgan, commanding, participated in the Battle of Cowpens on the 17th day of January, 1781, the Secretary of War be, and he is hereby, authorized and directed to acquire, by purchase, gift, condemnation, or otherwise, not less than 10 nor more than 21 acres of land for the preservation of said battle field, to the end that it may be declared to be a national military park and shall be designated by a proper monument or marker.

SEC. 2. To enable the Secretary of War to carry out the provisions of this act, to purchase the necessary lands, to make necessary surveys, maps, markers, pointers, or signs marking boundaries, for opening, constructing, or repairing necessary roads and streets and constructing markers or monument, for salaries for labor and services, for traveling expenses, supplies, and materials, the sum of $25,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to remain available until expended, and the disbursements under this act shall be reported by the Secretary of War to Congress.

With the following committee amendments:

On page 1, in line 9, strike out the word "less" and insert the word "more"; in the same line strike out the words "nor more than twenty-one"; in line 10, strike out the words "for the preservation of said battle field, to the end that it may be declared to be a national military park."

On page 2, in line 1, strike out the words "and shall be designated by a proper monument or marker" and insert the words "on which he shall erect or cause to be erected a suitable monument to commemorate said battle"; in line 8, strike out the words "markers or" and insert the words "markers and a suitable."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

TARGET RANGE AT AUBURN, ME.

Mr. MORIN. Mr. Speaker, I call up Senate bill S. 2463, to amend an act entitled "An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.," approved May 19, 1926, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up Senate bill 2463 and asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.," approved May 19, 1926, is amended by inserting after the figures "$3,000," where they appear in said act, the words "and the sum or sums necessary to be expended for the investigation of title, and for the required survey and plan of said tract of land," so that said act as amended shall read as follows:

"That the Secretary of War be, and he is hereby, authorized to purchase the tract of land adjoining the United States target range at Auburn, Me., comprising 84 acres, more or less, the property of the heirs of John Barron, for the purpose of adding to said rifle range, and to purchase said property the Secretary of War is authorized to expend a sum not to exceed $3,000 and the sum or sums necessary to be expended for the investigation of title, and for the required survey and plan of said tract of land, from funds allotted to the State of Maine by the United States from the appropriation 'Arming, equipping, and training the National Guard,' for the fiscal year ending June 30, 1927."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ADJUSTMENT OF CLAIMS FOR ARMORY DRILL PAY

Mr. MORIN. Mr. Speaker, I call up Senate bill S. 4216, to authorize the adjustment and settlement of claims for armory drill pay, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up Senate bill 4216 and asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle claims for pay for services rendered during the fiscal years 1917, 1918, and 1919, or any portion thereof, for which appropriations are now being made pursuant to sections 67 and 92 of the national defense act, approved June 3, 1916, as amended, and certify such settlements to Congress from time to time.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

READJUSTMENT OF PAY AND ALLOWANCES OF THE COMMISSIONED AND ENLISTED PERSONNEL OF THE ARMY, NAVY, MARINE CORPS, COAST GUARD, COAST AND GEODETIC SURVEY, AND PUBLIC HEALTH SERVICE

Mr. MORIN. Mr. Speaker, I call up the bill (H. R. 12624) to amend section 17 of the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up H. R. 12624 and asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 17 of the act approved June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended, is hereby further amended by inserting after the words "provided in this act," and before the next proviso, line 3 of said section, the following: "which pay shall include increases for all active duty performed since retirement in the computation of their longevity pay and pay periods."

And after the phrase, "receive full pay and allowances," at the end of the last line of said section, by changing the period to a comma and inserting thereafter the following: "and when on active-duty status, shall have the same pay and allowance rights while on leave of absence or sick as officers on the active list, and if death occurs when on active-duty status, while on leave of absence or sick, their dependents shall not thereby be deprived of the benefits provided in act approved December 17, 1919, as amended, and in the act of June 4, 1920: *Provided*, That no back pay or allowances shall accrue by reason of the passage of this act."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PERMANENT CONSTRUCTION AT MILITARY POSTS

Mr. MORIN. Mr. Speaker, I call up Senate bill (S. 3752) to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up Senate bill 3752 and asks unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of an act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes, be, and the same is hereby, amended to read as follows:

"SEC. 3. The Secretary of War is hereby authorized, directed, and empowered, in the event it be found that any citizen of the United States, or the ancestors, the assignors, or the predecessors in title of a citizen, either separately or by tacking, shall have for a period of 20 or more years immediately preceding the approval of this act resided upon and occupied adversely or improved any part or parcel of the aforesaid designated property; or exercised ownership thereof based upon a deed of conveyance, purporting to convey a fee-simple title and executed 20 years or more prior to the passage of this act, and therefore made by one claiming title to such part or parcel, to have such part or parcel so claimed separately surveyed if requested in writing by a claimant within 60 days after the service of written notice on such person or his tenant or agent that the United States claims such land, and to thereafter convey title to the claimant by quitclaim deed upon payment of 10 per cent of the appraised value thereof: *Provided*, That any claimant who fails or refuses for more than 60 days after the notice herein provided to make written application for survey and submit satisfactory record and other evidence required by the Secretary of War to substantiate the claim that he is entitled to a quitclaim deed under the provisions of this section shall forever be estopped from exercising any claim of title or right of possession to the property: *Provided further*, That the Secretary of War may, in his discretion, extend to citizens of the United States who have themselves or whose predecessors in interest have occupied and improved portions of such reservations under leases from or with the consent of the War Department for more than 15 years prior to the approval of this act, an option to buy the portions of such reservations so occupied and improved at the appraised value of the land exclusive of improvements placed thereon; and the Secretary of War is hereby authorized to convey title to such persons by quitclaim deed upon payment of the appraised value of any such portions: *Provided further*, That in carrying out the provisions of this section the Secretary of War shall not incur any expense other than that incident and necessary to giving the notices required and surveying and platting such of the property as may be claimed by a citizen of the United States."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WATER-PIPE LINE AT FORT M'KINLEY, ME.

Mr. MORIN. Mr. Speaker, I call up the bill (S. 3057) authorizing the Secretary of War to transfer and convey to the Portland Water District, a municipal corporation, the water-pipe line, including the submarine water main connecting Fort McKinley, Me., with the water system of the Portland Water District, and for other purposes, and ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to transfer or cause to be conveyed to the Portland Water District, a municipal corporation of Portland, Me., organized and existing under the laws of the State of Maine, the Government-owned water-pipe line, including the submarine main connecting the Fort McKinley Military Reservation, located on Great Diamond Island, Me., with the water system of the said Portland Water District on the mainland and to enter into a contract with the said Portland Water District for the furnishing of potable water to Fort McKinley, upon such terms as the Secretary of War may deem expedient, including payment to the said Portland Water District of an annual charge, payable quarterly, for the putting of the water line in good condition and the relocation of the submarine main so as to furnish at all seasons of the year ample supply of potable water to the Fort McKinley Military Reservation, and that said annual charge to be agreed upon and the rates to be paid for the water furnished shall be paid from appropriations heretofore made and to be made for "Water and sewers at military posts."

With the following committee amendment:

On page 2, line 13, strike out the word "Posts" and the period and insert the following:

"Posts: *Provided*, That before exercising the authority conferred by this act, the Secretary of War shall require and receive from the Portland Water District, of Portland, Me., the execution and delivery of an obligation in such terms and with such surety as shall satisfy the Secretary of War that the Portland Water District will at all times in the future maintain a good and sufficient water line to Fort McKinley, and will furnish by means of said water line, an abundant supply of suitable water for use for all purposes at Fort McKinley, at fair and reasonable prices."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FIRST HEAVIER-THAN-AIR FLYING MACHINE

Mr. JAMES. Mr. Speaker, I call up the resolution (H. J. Res. 224) to ascertain which was the first heavier-than-air flying machine, and ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the resolution as follows:

Resolved, etc., That the President of the United States be, and is hereby, authorized and directed to appoint a commission of five distinguished citizens of the United States to whom Orville Wright, and all other persons in any way interested, shall be publicly invited to present evidence as to which was the first successful heavier-than-air flying machine.

SEC. 2. That said commission shall serve without compensation but shall be permitted actual expenses, including one round trip travel pay from their respective homes to Washington, D. C., and subsistence not exceeding $10 a day for not exceeding 10 days while in Washington.

SEC. 3. That the Secretary of War is hereby directed to furnish the necessary clerical and stenographic assistance for the use of said commission; and the testimony, records, documents, and minutes of proceedings of said commission shall be preserved by the Air Corps of the United States Army.

SEC. 4. That the report and conclusions of said commission shall be filed with the President of the United States not later than November 1, 1928, and shall in turn be transmitted to the Congress on the first Monday in December, 1928, and 10,000 copies thereof shall be printed and equally allotted to the Members of Congress through the folding room.

SEC. 5. That an appropriation not exceeding $2,000 is hereby authorized to carry out the provisions of this joint resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

APPORTIONMENT OF REPRESENTATIVES

Mr. DALLINGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter, with an accompanying article, from Prof. Edward B. Huntington, of Harvard University, on the apportionment of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DALLINGER. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following letter, with an accompanying article from Prof. Edward B. Huntington, of Harvard University, on the apportionment of Representatives:

CAMBRIDGE, *March 31, 1928.*

Hon. FREDERICK W. DALLINGER,

House of Representatives, Washington, D. C.:

The question of the comparative merits of various methods of apportionment has often been supposed to be of such mathematical complexity as to discourage investigation by individual Congressmen.

Since 1921, however, a method has become available which is much simpler and more direct than any of the processes heretofore used. It is now possible, for the first time, for each individual Congressman to satisfy himself by a direct test that an actual apportionment for which he votes—no matter where it came from nor how it was computed—can not be improved by any transfer of a Representative from any State to any other State.

It is no longer necessary to determine in advance any arbitrary "ratio for division," or to discuss any "quotients" or "remainders." To settle any dispute between two States the only data now required are the populations of the two States directly concerned, and the proposed assignments to each.

This modern method is the method of equal proportions. It has been indorsed by the advisory committee to the Director of the Census, and by the consensus of opinion of practically all other competent scientific authorities. It was specified in the only apportionment bill which came before Congress last year, and at that time (according to Hasbrouck's recent book on Party Government, p. 126) it was "pretty generally favored over the method of major fractions, which had been the basis of the 1911 apportionment." Since it is still comparatively new, however, and therefore probably not wholly familiar to many Members of Congress, I take the liberty of handing you a short pamphlet containing a simple explanation of it in nontechnical language.

An exhaustive mathematical analysis, readily accessible in the technical journals, has shown that the method of equal proportions is the only method which has no bias in favor of either the large States or the small States. The so-called method of major fractions has a systematic bias in favor of the large States. (An extreme example of how great this difference might be is shown on p. 8.) There is another method which has an equally strong bias in favor of the small States. Between these two stands the method of equal proportions, holding the balance even among all the States, as the Constitution clearly intended.

My own interest in this problem is a purely scientific one, and I hope that the inclosed pamphlet may help to clarify a situation that has become much confused by needless discussion of obsolete technical details. If there are any questions about the mathematical aspects of this problem which you would care to ask, I shall be happy to answer them.

Very truly yours,

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A SIMPLE EXPLANATION OF THE METHOD OF EQUAL PROPORTIONS

By E. V. Huntington, Harvard University

IMPORTANCE OF THE PROBLEM

The question of how best to adjust the fractions which unavoidably occur in the apportionment of Representatives in Congress has been a baffling perplexity to successive Congresses for more than a hundred years.

Up to about 1921 there was practically no information available concerning the tests which a good apportionment should satisfy. Various empirical processes of computation had to be employed, most of which were later discarded. Since 1921, however, a scientific study of the problem has made it possible to state in clear and simple nonmathematical language all the tests between which Congress must make its choice; so that now for the first time Congress is in possession of adequate information on which a sound decision can be based.

Moreover, it is now for the first time that the problem has become an urgent one. In former decades any State that felt aggrieved could be pacified by increasing the total number of Representatives. But under the present proposal to limit the size of the House to 435 Members any gain for one State will necessarily mean a loss for some other State, so that the need for a sound and fair method of apportionment is obvious.

Cases can occur in which the use of a wrong method would affect every State in the Union, half the States having more Representatives and half the States having fewer Representatives than they are justly entitled to.

The problem is this: Suppose an actual apportionment of 435 Representatives on the basis of the 1930 census is laid before Congress for approval. How shall Congress determine whether this is a good apportionment or whether some change should be made in it? Since the size of the House is fixed, the only possible change is by a transfer of a Representative from some State to some other State. Suppose such a transfer is suggested, say, from State A to State B. How shall Congress decide whether or not this transfer is an improvement which ought to be made?

Among the numerous tests that have been studied many quite plausible tests proved to be "unworkable," because they failed to lead to a definite decision. (There should be no loophole left for the exercise of any "discretionary power.") Among the "workable" tests there are two that are of special interest, test 1 and test 2.

The first test is suggested by the following obvious fact: In a theoretically perfect apportionment the population per Representative in any State would, of course, be exactly equal to the population per Representative in any other State. In an actual case, however, the population per Representative may be 220,000 in one State and 200,000 in another State. Now, 220,000 is 10 per cent larger than 200,000, or, in other words, the percentage difference between these two numbers is 10 per cent; and it is clear that the smaller this difference the better is the apportionment as far as these two States are concerned. This suggests at once the following test:

Test 1: If the percentage difference between the population per Representative in any State and the population per Representative in any other State can be reduced by a transfer of a Representative from one State to the other, then this transfer should be made.

This test can be applied by anyone without the use of any mathematics beyond the simplest arithmetic.

For example, suppose the dispute is between two States, A and B, having populations as shown in the following table:

State	Population	First proposal		Second proposal	
		Number of Representatives	Population per Representative	Number of Representatives	Population per Representative
A	1,602,000	5	320,400	6	267,000
B	1,011,000	4	252,750	3	337,000
Difference.....per cent..			26.8		26.2

"Under the first proposal, A has five Representatives and B has four. To find the population per Representative—that is, the average size of the "congressional district"—we divide the population of each State by the number of Representatives, getting 320,400 for State A and 252,750 for State B. State A therefore feels aggrieved, and contends that a Representative should be transferred from B to A, as in the second proposal.

"Under the second proposal, A has six Representatives and B has three. The population per Representative is 267,000 for A and 337,000 for B, so that B is now the aggrieved State.

"Which proposal should be preferred? Applying test 1, we find that 320,400 is greater than 252,750 by 26.8 per cent, while 337,000 is greater than 267,000 by only 26.2 per cent. (To find the 'percentage difference' between two numbers, we take the difference between the two numbers and divide by the smaller.) Since 26.2 is less than 26.8, the second proposal is better than the first.

"In a similar way, the desirability or undesirability of a transfer between any other two States can be immediately decided by applying test 1."

Now the remarkable fact, revealed by the modern mathematical analysis, is this: For any given size of the House, and any given populations of the States, an apportionment can always be found which can not be improved (in the sense of test 1) by any transfer from any State to any other State. Moreover, it is not necessary to go through the labor of applying the test to each pair of States separately, since a short-cut process (by which the apportionment would actually be computed in the Bureau of the Census) is known, which is guaranteed to produce the desired result.

A SECOND TEST OF A GOOD APPORTIONMENT

A second test which Congress may wish to consider is obtained by replacing the ratio of "population per Representative" in a State by the inverse ratio, namely, the "number of Representatives per unit of population." In a theoretically perfect apportionment, this ratio would be the same in any State as it is in any other State. In a practical case, however, it might vary from, say, 4 Representatives per million inhabitants in one State to 4.4 Representatives per million inhabitants in another State—the percentage difference being in this case 10 per cent. The smaller this difference, the better the apportionment, as far as these two States are concerned. Thus a second test is suggested, as follows:

Test 2: If the percentage difference between the number of Representatives per million inhabitants in any State and the number of Representatives per million inhabitants in any other State can be reduced by a transfer of a Representative from one State to the other, then this transfer should be made.

This test also can be readily applied by anyone.

For example, suppose the dispute is between two States, A and C, having the populations shown in the following table:

State	Population	First proposal		Second proposal	
		Number of Representatives	Number of Representatives per 1,000,000 inhabitants	Number of Representatives	Number of Representatives per 1,000,000 inhabitants
A	1,602,000	5	3.1211	6	3.7453
C	2,187,000	8	3.6580	7	3.2007
Difference.....per cent...			17.2		17.0

Since 17 is less than 17.2, the second proposal is better than the first.

With regard to test 2 as well as test 1, it has been shown mathematically that an apportionment can always be found which can not be improved (in the sense of test 2) by any transfer from any State to any other State, and a short-cut process of computation is known. Both of these tests, therefore, are "workable" tests.

THE METHOD OF EQUAL PROPORTIONS

As between these two tests, there seems little to choose. One is about as simple and natural as the other; and if Congress had to decide between them it would, indeed, be a difficult choice.

Fortunately, however, it is not necessary to face this dilemma, since the modern mathematical analysis has shown that the two tests are equivalent; that is, an apportionment which satisfies either test 1 or test 2 will automatically satisfy the other also.

The method of apportionment which satisfies both test 1 and test 2 is known as the method of equal proportions. A compact description of this method is obtained by combining test 1 and test 2 in the following statement, the truth of which has been mathematically established:

The method of equal proportions is the only method which makes both the ratio of population to Representatives and the ratio of Representatives to population as nearly as possible the same in all the States.

This, it might be said, is the method for which Congress has been seeking for over a hundred years. It has been indorsed by the advisory committee to the Director of the Census in an elaborate report published in the Journal of the American Statistical Association for December, 1921, and by the overwhelming consensus of all other qualified scientific authorities. In the light of present-day knowledge of the subject, all the other methods which have been employed in the past must be regarded as obsolete. The method of equal proportions is the best scientific solution of this highly technical problem.

(Readers who may be interested in the mathematical theory of this subject, or in the technical details of the process of computation, will find full references in a recent article by E. V. Huntington in the Transactions of the American Mathematical Society, vol. 30, pp. 85–110, January, 1928; or in an earlier article in the Journal of American Statistical Association for September, 1921, pp. 859–870. But none of these mathematical details are of any importance for Congress.)

TWO CONFLICTING METHODS

Although test 1 and test 2 leave nothing to be desired, as simple and natural tests which a good apportionment should satisfy, there are two other tests (test 1a and test 2a) which, for the sake of argument, are here mentioned. These alternative tests differ from test 1 and test 2 only in replacing the idea of percentage difference by the less appropriate idea of absolute difference.

In similar problems in other fields the percentage difference has long been recognized as more significant than the absolute difference. For example, in an election contest, if we say that A has 10 per cent more votes than B, we have a fairly clear picture of the relative strength of the candidates; while if we said that A had absolutely 10 more votes than B we would have no idea of the relative strength. In a total of 250,000 votes, an absolute difference of 10 votes would indicate a very close contest; while in a total of 12 votes, an absolute difference of 10 votes would indicate a sweeping victory.

Similarly, in the problem of apportionment, the percentage difference, as between the "congressional districts" of two States, for example, is more significant than the absolute difference. (This was first pointed out by Dr. Joseph A. Hill, of the Bureau of the Census, in 1910.)

If one insists upon using the absolute difference, however, the tests read as follows:

Test 1a: If the absolute difference between the population per representative in any State and the population per representative in any other State can be reduced by a transfer of a representative from one State to the other, then this transfer should be made.

For example, in the dispute between States A and B, the first proposal is, according to this test, better than the second, since 67,650 is less than 70,000.

State	Population	First proposal		Second proposal	
		Number of Representatives	Population per Representative	Number of Representatives	Population per Representative
A	1,602,000	5	320,400	6	267,000
B	1,011,000	4	252,750	3	337,000
Absolute difference			67,650		70,000

Test 2a: If the absolute difference between the number of Representatives per million inhabitants in any State and the number of Representatives per million inhabitants in any other State can be reduced by a transfer of a Representative from one State to the other, then this transfer should be made (provided that every State shall have at least one Representative).

For example, in the dispute between States A and C, the first proposal is, according to this test, better than the second, since 0.5369 is less than 0.5446.

State	Population	First proposal		Second proposal	
		Number of Representatives	Number of Representatives per 1,000,000 inhabitants	Number of Representatives	Number of Representatives per 1,000,000 inhabitants
A	1,602,000	5	3.1211	6	3.7453
C	2,187,000	8	3.6580	7	3.2007
Absolute difference			.5369		.5446

Both test 1a and test 2a prove to be "workable"; but, unlike the original tests, these new tests lead to two conflicting results. Method 1a is called the method of the harmonic mean; method 2a is called the method of the arithmetic mean (which is the same as the so-called method of major fractions).

The method 1a favors the small States more than does the method of equal proportions, while the method 2a favors the large States more than does the method of equal proportions. This is illustrated in the following example, in which 16 Representatives are to be apportioned among the three States, A, B, C:

State	Population	Method 1a	Method of equal proportions	Method 2a
C	2,187,000	7	7	8
A	1,602,000	5	6	5
B	1,011,000	4	3	3
Total		16	16	16

The only method of apportionment which shows no bias in favor of either the large States or the small States is the method of equal proportions.

In the light of these facts, none of which were known before 1921, Congress is now in a position to make its choice between these three methods.

The method of equal proportions, defined by test 1 or test 2, is the method on which all scientific authorities are practically unanimous.

If Congress desires to favor the small States, it may adopt method 1a; if it desires to favor the large States, it may adopt method 2a.

To support method 1a on scientific grounds it would be necessary to contend (1) that the absolute difference is more significant than the percentage difference; and (2) that the ratio of population to Representatives is alone important, no attempt being made to equalize the ratios of Representatives to population among the several States.

To support method 2a on scientific grounds, it would be necessary to contend: (1) That the absolute difference is more significant than the percentage difference; and (2) that the ratio of Representatives to population is alone important, no attempt being made to equalize the ratios of population to Representatives among the several States.

As between methods 1a and 2a the choice presents a dilemma which is not easy to solve, as there seems to be no clear reason why either of the two ratios should be insisted on to the exclusion of the other. If the method of equal proportions is adopted, this dilemma need not be faced, since there is no such conflict between test 1 and test 2.

The method of equal proportions is the only method which makes both the ratio of population to Representatives and the ratio of Representatives to population as nearly as possible the same in all the States.

SUPPLEMENTARY NOTE ON THE SO-CALLED METHOD OF MAJOR FRACTIONS

The so-called method of major fractions, which was devised by Prof. W. F. Willcox in 1910 and used in the apportionment for that year, did not provide a test by which a dispute between two States could be decided directly. What it did provide was a process of computation which has been very much misunderstood.

It is often supposed that the method of major fractions begins by computing the exact number of Representatives to which a State would be entitled in a theoretically perfect apportionment and then proceeds by rejecting all fractions less than one-half and adding one Representative for each fraction greater than one-half.

This is not a correct description of the method of major fractions. The "exact quota" to which a State would be entitled in a theoretically perfect apportionment plays no part in the process. The actual assignment under this process may differ from the "exact quota" by

more than one whole unit. "Nearness to the quota" proves, in fact, to be one of the "unworkable" tests.

Professor Willcox himself admitted in an official communication to Congress in 1911 that the method by which his results were reached "is somewhat difficult to explain." To use his own words, he begins with a mysterious "ratio * * * assumed arbitrarily as a starting point," and divides the population of each State by this arbitrary ratio. "If the ratio be then diminished," he says, "the decimal in each quotient will be slightly increased. * * * If the ratio be further reduced * * * the decimals continue to increase with each change of ratio. * * * The State whose decimal first reaches 0.500 * * * is accordingly entitled to the next Representative."

According to this description, the "title" which a State has to a certain number of Representatives is made to depend on the value of a ratio "assumed arbitrarily." In speaking of a particular case, Professor Willcox says: "The nearer the ratio is put to 239,940, the weaker becomes the admitted claim of Illinois." And in another place (1916) he says the "claim" of any State "matures" when the ratio has reached a certain value. The so-called "ratio" finally selected is obtained by a laborious process of trial involving all the 48 States; it is not the result of dividing the total population by the total number of Representatives.

Now, it is clear that the just "claim" or "title" of any State to any number of Representatives ought to depend only on the given populations of the States and the given size of the House, and not on any extraneous and arbitrary value. Professor Willcox's sliding ratio was merely an ingenious mathematical device, which bears no easily explainable relation to what any State is "justly" entitled to.

Fortunately, it is not necessary to go into the details of the process of computation for this or any other method. The result of the process is the important thing for Congress to examine. The modern theory has shown that the process used by Professor Willcox will always lead to a result identical with the result of one of the two conflicting methods mentioned above, namely, method 2a, so that a direct comparison between his method and the method of equal proportions can now be made.

The arguments that can be brought up for or against the method of major fractions are therefore precisely the same as the arguments for or against the method 2a, as outlined above.

In particular, method 2a has a systematic bias in favor of the large States (just as method 1a has a systematic bias in favor of the small States), when compared with the method of equal proportions.

The mistaken notion that the method of major fractions is "easier to understand" than either of the other two methods is based on a complete misunderstanding of what the method of major fractions really is.

The table is a hypothetical but perfectly possible case, showing the number of States that might be affected if the method of major fractions were used instead of the method of equal proportions. The populations assumed differ only slightly from the actual populations given by the 1920 census. In the first column the assignment is exactly the same as at present. In the second column 22 large States have gained and 22 small States have lost. In other words (leaving out of account the four States which have only one Representative each), the choice of method may affect the political fortunes of every State in the Union.

A possible case, showing how much the large States might gain and the small States lose under the method of major fractions as compared with the method of equal proportions:

State	Imaginary population (near 1920 census)	Method of equal proportions	Method of major fractions	Gain	Loss
Alabama	2,539,763	10	11	1	
Arizona	314,423	1	1		
Arkansas	1,571,848	7	6		1
California	3,507,290	14	15	1	
Colorado	846,257	4	3		1
Connecticut	1,329,985	6	5		1
Delaware	236,000	1	1		
Florida	846,305	4	3		1
Georgia	3,023,514	12	13	1	
Idaho	362,530	2	1		1
Illinois	6,651,495	27	28	1	
Indiana	3,023,563	12	13	1	
Iowa	2,539,835	10	11	1	
Kansas	1,571,897	7	6		1
Kentucky	2,539,860	10	11	1	
Louisiana	1,814,220	7	8	1	
Maine	604,442	3	2		1
Maryland	1,330,033	6	5		1
Massachusetts	3,990,994	16	17	1	
Michigan	3,749,130	15	16	1	
Minnesota	2,539,787	10	11	1	
Mississippi	1,571,921	7	6		1
Missouri	3,507,242	14	15	1	
Montana	362,626	2	1		1
Nebraska	1,088,145	5	4		1
Nevada	183,032	1	1		
New Hampshire	362,578	2	1		1
New Jersey	3,265,402	13	14	1	
New Mexico	362,505	2	1		1
New York	10,279,451	42	43	1	
North Carolina	2,539,884	10	11	1	
North Dakota	604,417	3	2		1
Ohio	5,925,904	24	25	1	
Oklahoma	2,056,084	8	9	1	
Oregon	604,466	3	2		1
Pennsylvania	8,828,269	36	37	1	
Rhode Island	604,369	3	2		1
South Carolina	1,571,824	7	6		1
South Dakota	604,393	3	2		1
Tennessee	2,539,739	10	11	1	
Texas	4,716,585	19	20	1	
Utah	362,602	2	1		1
Vermont	362,481	2	1		1
Virginia	2,297,947	9	10	1	
Washington	1,329,960	6	5		1
West Virginia	1,320,057	6	5		1
Wisconsin	2,781,675	11	12	1	
Wyoming	234,000	1	1		
	105,210,729	435	435	22	22

PROHIBITION

Mr. HARDY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. HARDY. Mr. Speaker, the eighteenth amendment, providing for prohibition, has been in effect since January 20, 1920—only about eight years.

Its opponents complain that it is a failure because it has not been fully enforced and the country dried up and therefore ought to be repealed or nullified.

The Ten Commandments were laid down on tablets of stone some 4,000 years ago, and the principles pronounced therein have been enacted into laws of every civilized country of the world. The daily press of the country gives evidence that every commandment is being violated in every city practically every day.

Is there a great propaganda for the repeal of the Ten Commandments or the laws legalizing them? There is not. The people have long been accustomed to such laws. The memory of man runneth not back to the time when they were not the accepted ethics of civilized society.

National prohibition is a new thing—only about 8 years old. Many of the great minority who opposed it in its making are opposing its enforcement, are asking for its repeal or modification. There are many living who built up fortunes in the manufacture of liquors and in the legalized liquor trade. Many of these have fond dreams of the failure of prohibition and a return to the profitable days of license.

It is easy for promoters of wet organizations and schemes for propaganda to raise large sums of money for their exploitations. The minority, which wants a change in the laws, makes the big noise. The great majority, satisfied with things that are, say little.

Tons of propaganda from these wet organizations and promoters of wet funds pass over Congressmen's desks every year. The waste-paper privilege for the House Office Building is enhanced thereby.

The whole Federal machinery for enforcement is new. It is still in the making. Mistakes have been made. Improvements are being made. Lines are being tightened. Personnel is being improved. Public sentiment is being crystallized on law enforcement.

Prohibition has been a success in the main. There are violations, of course, and always will be. Show me a law on the statute books that has no violators. Even murder, the greatest crime of all, fills a good proportion of the front page of every daily newspaper every day.

Enforcement is being bettered both locally and nationally, and much depends upon the local community. To be properly enforced any law must have the backing of local sentiment. There have been communities, still are, perhaps, in which gamblers could not be convicted by a local jury. There certainly are communities to-day in which bootleggers can not be convicted by local juries, no matter how convincing the evidence may be. New York City is one of these. I could name others closer home. To get convictions you must have local sentiment. You must have a citizenship from which juries are drawn that will convict on proper evidence.

It is no fault of the law that in some communities convictions can not be had for bootlegging. The laws of the Nation

are strong and effective. The laws of most of the States are as strong or stronger than the Federal laws. The Colorado statutes on the liquor question are more drastic than the Volstead Act. The laws of New York are practically nothing at all.

Again I want to emphasize the fact that national prohibition is a new thing—only 8 years old. A very short period of time, indeed, in considering the history of a country or the effect of a new law.

Conditions are improving rapidly. Sentiment for law enforcement is growing. Dry leaders are beginning to realize the fact that the battle was not entirely won when the eighteenth amendment was adopted.

Go back a little in the history of the movement. For 50 years before national prohibition was adopted there was a stirring agitation for temperance and prohibition. Societies and organizations were active everywhere. Sentiment was being created and sustained.

After the eighteenth amendment was adopted and the Volstead Act passed there was a feeling that the whole case had been won and settled for all time. There was a temporary lull in agitation, a let-up of sentiment-creating effort, a falling off in membership and activities of dry sentiment-building societies and organizations.

Now is coming the revival, and in it is a hopeful sign. Great leaders of public thought are taking up the battle for law enforcement. Great fraternal orders, lodges, and organizations are promoting law enforcement. The pulpit and the press are advocating the principle that a good country is a law-abiding country. Big business, corporations, and individuals are asking and insisting that the laws must be enforced.

Look ahead 25 years. A generation will have passed since the saloon sign has been seen in America. Those who have had money invested in and have grown rich through legalized liquor traffic will have passed on. Those who champ at the bits for that "personal liberty" of which they have been deprived, of standing with one foot on a brass rail and drinking at a bar, will have forgotten its charm for them.

A new generation will be in charge of affairs—business, social, and official. A generation of men and women who know not of public drinking places, of legalized liquor traffic. This coming generation will look back upon this "personal-liberty" talk in connection with legalized liquor traffic as this present generation looks back upon that "personal-property" talk of those of a former generation which believed so firmly in the slavery traffic, and with much the same feeling of disgust.

I have great confidence in the future, born of my observation of the past. I bought the newspaper I still own at my home town, Canon City, Colo., 33 years ago. The town then had eight licensed saloons. In my boyish enthusiasm I concluded that we would make that town dry. I recall that it was a shocking idea to the community at first, and certainly was not popular. But in time we won. Through my newspaper I have advocated the dry side in every election, city, State, and national, since July 1, 1895; had a little part in carrying the elections which made Colorado dry; and I was elected to Congress in time to vote for the Volstead Act in 1919. And have voted for all subsequent amendments.

I have watched the popularity of the dry movement grow through all these years. Gradually the country was voted dry, beginning with villages, towns, and cities, then counties and States, and finally the Nation.

Every decade has marked a great advance, and I am convinced that the country is drier, in fact and in sentiment, than it has ever been in the history of the Nation. The membership of the Congress is drier than it was 10 years ago, or even 6 years ago.

THE DRY AMENDMENT AND ITS ADOPTION

This is the simple wording of the eighteenth amendment to the United States Constitution:

ARTICLE XVIII

SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from, the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

This is the way every amendment to the Constitution must be proposed and adopted:

First. Proposed by a two-thirds vote of each branch of Congress, the United States Senate and the House of Representatives.

Second. Then the amendment so proposed must be ratified by the State legislatures of three-fourths of the States of the Union.

That was exactly what has been done by this amendment and by all others that have been added to the Constitution.

If any person thinks he sees a possibility of this country going back to a wet basis let him analyze that procedure carefully. It would be necessary to get two-thirds of each branch of Congress to vote in favor of a wet amendment and then to get 36 of the States to ratify it. Some job, I will say.

The eighteenth amendment was voted on in the United States Senate August 1, 1917, the vote being 65 to 20.

It passed the House of Representatives on December 17, 1917—vote being 262 to 128.

The Congress which proposed this amendment was elected in November, 1916, five months before this country was engaged in the Great War. It was a well-advertised fact that this Congress would vote on this dry amendment when it was elected.

The ratification by the States came along very rapidly. From January 8, 1918, to January 20, 1919, the necessary three-fourths of the States of the Union—the 36 necessary—had ratified the amendment. This made it effective January 20, 1920.

Later 10 other States ratified the amendment, making a total of 46 States. Only 2 States failed to ratify, these being Rhode Island and Connecticut. The total vote of Senators and Representatives in the 46 State legislatures which ratified was 5,102 for ratification to 1,245 against.

This was no sudden nor new thing up for consideration. Prohibition had been agitated for a hundred years. Maine voted dry in 1846 and again in 1851. Kansas adopted a dry constitutional amendment in 1880, North Dakota in 1889, Georgia and Oklahoma in 1907, Mississippi and North Carolina in 1908. Other States came along, so that before national prohibition became effective under the eighteenth amendment 33 States and 4 Territories had adopted state-wide prohibition.

As a matter of fact, before the eighteenth amendment became effective in January, 1920, 95 per cent of the area of the United States, containing more than 70 per cent of the population of the country, had voted itself dry under State prohibition and local-option laws.

COLORADO HAS VOTED ON QUESTION SEVERAL TIMES

Since the Nation adopted the eighteenth amendment several of the States have tried out the sentiment of the people by a referendum on some phase of the question or another. Almost invariably the States have given a larger vote each time for prohibition.

The growing dry sentiment in Ohio is quoted often. In different state-wide elections on the question its record is as follows:

1914: "Wet" by	84,152
1915: "Wet" by	55,408
1917: "Wet" by	1,307
1918: "Dry" by	25,759
1919: "Dry" by	41,853
1922: "Dry" by	189,472

The experience in Colorado has been interesting. The drys lost the first effort to vote the State dry in 1912, but carried the proposition and made Colorado dry in 1914.

Here is the official vote in the State for the several State elections in which prohibition has been an issue.

Election of 1912: This was the first state-wide election on the prohibition question. The title on the ballot read: The state-wide prohibition amendment to the constitution, adding Article XXI:

For	75,877
Against	116,774
Wet majority	40,897

Election of 1914: An amendment to the constitution of the State of Colorado by adding thereto a new article to be numbered and designated as "Article XXII—Intoxicating liquor," prohibiting the sale of intoxicating liquor and the manufacturing and importation of intoxicating liquor for purpose of sale or gift:

Yes	129,589
No	118,017
Dry majority	11,572

Election of 1916: Proposed constitutional amendment—manufacture and sale of beer:

Yes	77,345
No	163,134
Dry majority	85,789

Election of 1918: Bone-dry amendment:

Yes	113,636
No	64,740
Dry majority	48,896

Election of 1926: Amending Article XXII relative to intoxicating liquors:

Yes	107,749
No	154,672
Dry majority	46,923

GOVERNMENT APPROPRIATIONS HAVE BEEN LIBERAL

The Federal Government has been active in prohibition enforcement, and the Congress has been liberal with appropriations to carry on this work. In 1927 the Bureau of Prohibition was created for the better administration and enforcement of the prohibition and narcotic laws. A commissioner is in charge of the bureau. The country is divided into 25 districts, including one district in Porto Rico and one in Hawaii. An administrator is in charge of each district. Under these are about 4,500 employees, agents, and so forth. Many of these employees are being put under the civil service.

In the short space of time that has elapsed since prohibition was enacted it is natural that many intricate problems have been found to be worked out. Eight years ago many warehouses and many cellars were full of liquor. There have been some leaks. The bonded supply of whisky in warehouses has been cut down by withdrawals from 50,000,000 gallons to less than 20,000,000 gallons. As the supply dries up the leaks will be fewer and the enforcement easier. This division has had its problems with denatured alcohol, with supplies in bond, with fake physicians' prescriptions, with illicit manufacture and sales, with smuggling and border patrol. The Government has problems to work out that the good citizens back home can little realize nor appreciate. But the bureau is meeting them with intelligence and vigor. Administration and enforcement is being improved every year.

The Coast Guard has been very active in helping to enforce prohibition by preventing the landing of illicit cargoes of liquor at coast points. The story the commandant of the Coast Guard told before the Appropriations Committee sounds like a romance of the sea.

Little is known of the Coast Guard in the interior of our country. It is a development of many years. It has other duties to perform, but its major function in recent years has been to prevent liquor smuggling. In that it has been very effective.

The Coast Guard has in it a fleet of ships. The fleet includes 16 cruising cutters, 25 destroyers taken over from the Navy for prohibition patrol duty, 37 harbor launches, and 370 smaller patrol and picket boats—a total of 448 ships and boats.

To man this fleet there are 12,253 officers and men.

The Coast Guard has practically cleaned up "Rum Row," which used to be anchored off the east coast, and is making it harder every year for vessels to land and discharge cargoes of liquor on American shores. Last year the Coast Guard seized 169 vessels and boats in this illicit business.

The border patrol of the customs service is helpful in law enforcement and it is estimated that about one-third of the activities of the Department of Justice may be charged to prohibition enforcement.

The appropriation for the next fiscal year, the year ending June 30, 1929, for prohibition enforcement runs over $36,000,000. They are divided up as follows:

Bureau of Prohibition	$11,478,700
Coast Guard prohibition-enforcement activities	15,064,930
Customs for border patrol	787,500
Department of Justice—that portion chargeable to prohibition enforcement	8,900,000
Total	36,231,130

PRACTICAL RESULTS OF FEDERAL ENFORCEMENT EFFORTS

It just happens that I have been on that section of the Appropriations Committee which considers the appropriations for these prohibition-enforcement units. It is an interesting story, this, that comes to the committee from the Bureau of Prohibition, the customs service, and the Coast Guard. There is stuff here for a thrilling recital. I can give, however, only a few brief facts and figures.

I have been convinced of the thorough sincerity and patriotism of those in charge. I believe the different units are in excellent hands and work in harmony. I know that they are getting practical results.

Here are a few figures that tell the story better than flowery praise can do:

Collections from fines and penalties for prohibition violations in year of 1927

Fines and forfeitures	$4,143,040.02
Civil penalties incident to illicit manufacturing of intoxicating liquor	$1,018,969.71
Total	$5,162,009.73
Number of convictions, 1927 (being 70.3 per cent of all cases tried)	36,546

Totals, years 1920 to 1927

Fines and forfeitures	$30,037,190.62
Civil penalties	$8,353,698.24
Total	$38,390,888.86
Automobiles seized	31,153
Arrests made	408,167
Convictions secured	233,046

Seizures under prohibition act year ending June 30, 1927

Distilleries	14,512
Stills	11,881
Still worms	8,024
Fermenters	173,656
Automobiles	7,137
Value of automobiles	$3,529,296
Boats seized	353
Value of boats seized	$316,323
Total appraised value of property seized and destroyed	$12,498,385
Total appraised value of property seized and not destroyed	$12,041,953
Persons arrested by Federal agents	64,986
Persons arrested by State officers assisted by Federal agents	13,506

Kind of liquor seized

	Gallons
Spirits	1,462,532
Malt liquor	5,971,903
Wine	389,568
Cider	156,512
Mash	21,085,658

WAR MINERAL CLAIMS

Mr. SPROUL of Kansas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bills H. R. 11411 and S. 1347.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. SPROUL of Kansas. Mr. Speaker and Members of the House, the Committee on Mines and Mining has reported both H. R. 11411 and S. 1347 in the same form. This is a most interesting bill. The subject matter grows out of an act passed March 2, 1919. That act dealt with two distinct classes of business losses associated with the prosecution of the World War. Let us get a clear and distinct understanding of these classes of business losses.

The first part of the act of March, 1919, provided for the payment of losses growing out of contracts, express or implied. It recognized a legal obligation on the part of the Government to those who had been operating under contracts, express or implied. Special provision for determination and settlement of the claims was made, providing an appeal in the event such was desired. All of those claims have been settled and paid.

The act of March, 1919, section 5, took notice of another class of losses. Certain mine operators claimed to have sustained special losses from ending of the war and consequent price deflations. However, no contracts, express or implied, had been made with the Government by the mine operators; but finally the Congress, in section 5 of the act of March, 1919, authorized the Secretary of the Interior to investigate and pay the net losses of the so-called mine operators. But in the act it was expressly provided that such payments were made on condition that no appeal should be allowed or taken from the judgment and determination by the Secretary of the Interior of the amounts of net losses sustained; his judgment was to be final. And no District of Columbia courts were allowed jurisdiction to hear or pass upon any such claims. These were the second class of net losses from the war that the Government paid.

Under this act of March, 1919, more than $7,000,000 of the $8,000,000 in claims were paid. These mine operators who claim to have sustained more than $8,000,000 in net losses were perfectly satisfied with section 5 of the bill, which reads that "The Secretary shall be the sole judge of the amounts of the net losses and that there shall be no appeal and that no other courts shall have jurisdiction." They understood that what the Government was paying was a mere gift or donation and that it was not owing according to the ordinary business operations.

But now, after six or eight years, this very same class of preferred mine operators come back to Congress with strong lobbies asking for another bill and more money. What does this bill provide for? It sets aside all settlements and payments made by the Secretary under the act of March, 1919. It resurrects and brings to life all these many claims which have been settled, and it provides that the claimants may keep the money

which has been paid to them and which they have accepted in full settlement; may ignore those settlements and may yet appeal to the Court of Claims, and there have the right to have their claims opened up altogether and reconsidered and the question passed upon as to whether they sustained more net losses than for which they have been paid. And if the court should find that they sustained more net losses than they have been paid the Government should pay any remaining difference. And in the meantime the claimants may keep all the money the Government has paid them, whether wrongfully or not. Claimants are not required to bring their money back into court which has been paid them in settlement of their claims until after it is finally determined whether they are entitled to more money or less money.

In the first place this second class of claims never should have been paid. The claims were 100 per cent without merit. Why? Because there are thousands of other mine operators and business men and farmers who have lost equally heavily as a result of the war and in the same general way. Because the Government did not owe anything on these claims. They were not based on any kind of contract, and the hearings so disclosed. Because the payment of these claims was a mere donation or gift from the Government. For the Government to pay such claims as this is for it to discriminate against the farmers of the country, against the various other kinds of mine operators in the country, against many different kinds of business concerns in the country, all of whom lost equally heavily with this special class of mine operators.

No Member of this House can satisfactorily explain to the farmers of his district, to other mine operators of his district, to other business men of his district why it was that he voted to take so many millions of dollars out of the Treasury to pay a bunch of mine operators whom the Government did not owe a penny under contract of any kind. Every Member of this House should think on these questions. Why should we be prejudiced in favor of one particular class of mine operators whom the Government did not owe a penny? Why should we give out of the people's money so many millions of dollars to this special class of business men?

The Supreme Court of the United States says that "the payment of money to this class of mine operators is nothing more than a gift or donation." Why should we not give and donate to all farmers, business men, and other mine operators to recompense them for their losses sustained in aiding the World War cause?

To pass this bill means that ten or twelve hundred claims may find their way into the Court of Claims, there to be investigated, 10 years after the war, to determine the amount of net losses; and no one to represent the Government. It means, of course, that the Government continues to lose millions on top of millions of money.

I respectfully ask each Member of the House to carefully read the report of the Secretary of the Interior to Senator ODDIE. For your benefit, please read it carefully; when you do, I am satisfied you will talk against and vote against the passage of this meritless bill.

Section (2), body of H. R. 11411:

SEC. 2. In cases where final decisions of the Secretary of the Interior have been heretofore rendered, appeal to the Court of Claims shall be made within six months after the passage of this act; and in all cases where final decisions of the Secretary of the Interior have not heretofore been rendered, appeals from such decisions to the Court of Claims shall be made within 90 days after such decisions shall have been rendered by said Secretary: *Provided*, That no acceptance or acquittance by any claimant of or for any settlement made heretofore by the said Secretary shall prevent or estop any appeal to the said Court of Claims, as herein provided for.

REPORT OF THE SECRETARY OF THE INTERIOR

DEPARTMENT OF THE INTERIOR,
Washington, January 18, 1928.

Hon. TASKER L. ODDIE,
Chairman Committee on Mines and Mining,
United States Senate.

MY DEAR SENATOR ODDIE: Receipt is acknowledged of your request for a report on S. 1347, Seventieth Congress, which bill is now before your committee for consideration.

The bill proposes to strike from the war minerals relief act, approved March 2, 1919, as amended, under which the entire 1,268 claims have, during the past eight years, been investigated and disposed of, the provision which makes the decision of the Secretary of the Interior conclusive and final, and the further provision that the law shall not be construed to confer jurisdiction upon any court to entertain a suit against the United States. It adds a new section, vesting the Court of Claims with jurisdiction to hear and determine any claim which has been, or which may in the future be, disposed of by the Secretary of the Interior, provided only that appeal be taken within 90 days after the passage of the act, or the subsequent decision of the Secretary of the Interior, as the case may be.

The history of war minerals relief legislation and administration leads me to the belief this bill should not be enacted. When Congress passed the war minerals relief act (the Dent Act) it dealt with two classes of claimants. The class having express or implied contracts with the Government was directed to go to the War Department for settlement, with the right of appeal to the Court of Claims. The class having no contracts, express or implied, was directed to be adjudicated by the Secretary of the Interior, with no right of appeal to any court, that official's decisions to be conclusive and final. The distinction between the two classes of claimants, as made by Congress, obviously was for the reason that the claims in one class, having a legal status, because of express or implied contracts, called for a legal court of review, while the claims in the other class, being based wholly upon moral considerations, were to be investigated and paid by an officer of the Government, without intervention by the courts. The Supreme Court of the United States has interpreted the war minerals relief act and set out the reasons why the right of appeal to any court was withheld by Congress. In the case of Work *v.* Rives the opinion of Chief Justice Taft contained the following:

"The above summary of section 5 clearly shows that Congress was seeking to save the beneficiaries from losses which it would have been under no legal obligation to make good if a private person. It was a gratuity based on equitable and moral considerations. (United States *v.* Realty Co. 163 U. S. 427, 439; Allen *v.* Smith, 173 U. S. 389, 402.) Congress did not wish to create a legal claim.

"It was not dealing with vested rights. It did not, as it did with the claims for supplies and services directly furnished the Government under the first and second sections of the act, make the losses recoverable in a court, but expressly provided otherwise. It dealt with the subject with the utmost caution. It hedged the granting of the equitable gratuity with limitations to prevent the use of the statute for the recovery of doubtful or fraudulent claims or merely speculative losses. It vested the Secretary with power to reject all losses except as he was satisfied that they were just and equitable and it made his decision conclusive and final. Final against whom? Against the claimant. He could not resort to court to review the Secretary's decision. This was expressly forbidden. By the fifth proviso, however, the Government was permitted, through any of its agencies or even by a committee of Congress duly authorized to review the settlement by the Secretary and by necessary implication to reverse it. If the Government was defrauded it was authorized to sue to recover any money paid under the award.

"Congress was occupying toward the proposed beneficiaries of section 5 the attitude rather of a benefactor than of a debtor at law. Congress intended the Secretary to act for it, and to construe the meaning of the words used to describe the elements of the net losses to be ascertained and to give effect to his interpretation without the intervention of the courts. This statute presents a case of as wide discretion as was held to have been vested in the Secretary of the Navy in the Decatur case."

S. 1347, before you, proposes now, after the work of administration, covering many years, has been concluded, and when more than seven millions of dollars have been paid to claimants, to create legal claims; to make of the Government a debtor at law rather than a benefactor. Having shared in a gratuity, claimants, given a legal status by this bill, may bring the Government into court and compel the court to review the Government's actions in the bestowing of its own gratuities.

Under S. 1347 the entire 1,268 claims may be taken to the Court of Claims. That practically all will find their way there is more than probable. Claimants will have little or nothing to lose. The bill is, in fact, an invitation to appeal. There is but one requirement and that is that the simple act of filing an appeal be performed within 90 days. It is then incumbent upon the court to duplicate much of the work that has been performed by the Secretary of the Interior in order that a decision may be rendered. If the decision should be adverse to the claimant, the Government and not the claimant would bear the financial cost. Under such conditions, even the claimant who had accepted his award and departed satisfied, would be induced to appeal his claim. The revival of these claims, as proposed by the bill, after years spent in their examination and adjustment, under a remedial act, would heap upon the Court of Claims labor and expense which, in my judgment, can not be justified.

When Congress passed the war minerals relief act the circumstances and events out of which the moral obligation to these claimants grew were fresh in the minds of its Members. If Congress had felt the Government was a debtor at law, the losses undoubtedly would have been made recoverable in a court. Having declared otherwise, and all claims having been examined and disposed of in conformity to the act as passed, I can not now approve a bill which is in direct opposition to the letter and spirit of that act.

I recommend that S. 1347 be not enacted.

I am advised by the Director of the Bureau of the Budget that the proposed legislation is in conflict with the financial program of the President.

Members of the House, our Government can not continue year after year to spend money by the millions without regard to our sincere obligations and without regard as to where the money comes from. It seems to me that we should be very thoughtful about these matters; that we should be sure that we owe the debt before we pay it.

We should not create the debt by legislative enactment and without any consideration. Why should we not treat such claims as those involved in this bill just like such claims would be treated by a municipality, a city, or county, or township? No municipal organization would pay claims of the character as those involved in this bill. It does not merit the support of this body, and I trust it will not receive such.

WARRANT OFFICERS OF THE REGULAR ARMY

Mr. MORIN. Mr. Speaker, I call up the bill (H. R. 8314) to amend an act of Congress approved March 4, 1927 (Pub., No. 795, 69th Cong.), to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War.

The SPEAKER. The gentleman from Pennsylvania calls up the bill (H. R. 8314) which the Clerk will report.

The Clerk read the bill, as follows:

H. R 8314, Seventieth Congress, first session

A bill to amend an act of Congress approved March 4, 1927 (Public, No. 795, 69th Cong.), to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to appoint as warrant officers of the Regular Army any person whose service as commissioned officer in the Army during the World War, added to their service as quartermaster clerk, amounted to 12 years or more of service prior to June 4, 1920, and who were not eligible for appointment as field clerks, Quartermaster Corps, under the provisions of the act of August 29, 1916, because of the interruption of their 12 years' requisite service as quartermaster clerks to render commissioned service in the World War: *Provided*, That in determining length of service for longevity pay and retirement they shall be credited with and entitled to count the same military service as authorized for warrant officers, and all classified service rendered as clerks in the Military Establishment: *Provided further*, That the limitation in the act of June 30, 1922, on the number of warrant officers, United States Army, shall not apply to the appointees hereunder.

With the following committee amendments:

On page 1, line 5, strike out the word "person" and insert in lieu thereof the word "persons"; in the same line strike out the words "service as"; and in line 6, strike out the word "officer" and insert the word "service."

On page 2, in line 1, strike out the word "quartermater" and insert the word "quartermaster"; and after the word "War," insert a colon and the following proviso: "*Provided*, That for the purposes of this act, the period of commissioned service during the World War prior to June 4, 1920, be deemed equivalent to a like period of detached service away from permanent station or duty beyond the continental limits of the United States."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CONSTRUCTION OF MILITARY POSTS

Mr. MORIN. Mr. Speaker, I call up the bill (H. R. 6480) to authorize appropriations for construction of military posts and for other purposes and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated $8,600 for the construction and installment in the Canal Zone of a concrete storehouse, with such utilities and appurtenances thereto as in the judgment of the Secretary of War may be necessary.

The bill was ordered to be engrossed and read the third time; was read the third time, and passed.

A motion to reconsider was laid on the table.

CONSTRUCTION AT THE UNITED STATES MILITARY ACADEMY, WEST POINT

Mr. MORIN. Mr. Speaker, I call up the bill (H. R. 11623) to authorize the construction at the United States Military Academy, West Point, N. Y., and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $126,334 for completing the construction of the new cadet mess hall, cadet store, dormitories, and drawing academy, including equipment, at the United States Military Academy, West Point, N. Y.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SUPERINTENDENTS OF NATIONAL CEMETERIES AND NATIONAL PARKS

Mr. MORIN. Mr. Speaker, I call up the bill (H. R. 10809) to provide qualifications for the superintendents of national cemeteries and national military parks.

The Clerk read the bill, as follows:

Be it enacted, etc., That a person to be eligible for appointment to, or eligible to hold, the position of superintendent of a national cemetery or a national military park shall have been an enlisted man or commissioned officer who has been honorably discharged or mustered out of the military or naval service of the United States, and that after the passage of this act no salary shall be paid any such superintendent who does not have these qualifications.

With the following committee amendments:

Line 4, strike out the words "a national cemetery or"; and in line 8, after the word "after," insert "one year from the date of."

The committee amendments were agreed to.

Mr. REECE. Mr. Speaker, I offer the following amendment: Line 3, strike out the words "or eligible to hold"; and in line 8, after the word "State," strike out the comma, insert a period, and strike out the remainder of line 8 and lines 9 and 10"; and amend the title by striking out the "s" in the word "superintendents" and the words "national cemeteries and."

Mr. CHAPMAN. If these amendments are adopted, does it eliminate ripper feature of the bill?

Mr. REECE. Yes.

Mr. BROWNING. As I understand, the bill as amended does not affect anybody holding office at present?

Mr. REECE. No.

Mr. HILL of Alabama. Do the superintendents have to be reappointed?

Mr. REECE. They are appointed for indefinite tenure.

Mr. HILL of Alabama. They do not after four years have to be reappointed? Unless removed for cause they hold their position for life?

Mr. REECE. They hold indefinitely.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. REECE. Yes.

Mr. CRAMTON. I have just come on the floor. As I understand, the bill is so worded that it requires that the superintendents of the national military parks must be former service men?

Mr. REECE. That is correct.

Mr. CRAMTON. There is legislation pending with reference to their administration that proposes to transfer them to the National Park Service. I am not at all sure that legislation of the kind that the gentleman suggests would do in that case. Everyone is in sympathy with the purpose that is named in the bill, but in the actual administration it is quite possible that a good deal of difficulty might be encountered in some specific cases.

For instance, if the National Park Service takes over the administration of these important military parks—and for one I am not anxious that it should—it may be that they may want an experienced park man to take over one of these parks for a period in order to work out some problems, and that appointment could not be made under this inflexible law. I wonder if the bill could not be laid aside. I am opposed to the bill.

Mr. REECE. Mr. Speaker, I think the gentleman is not justified in his apprehensions. The same provisions are now applicable to national cemeteries. There is no question but that ex-service men can be found for any of these superintendencies who are thoroughly qualified to administer the parks.

Mr. CRAMTON. Has the gentleman any question that proper administration would insure such men being secured?

Mr. REECE. That has not been the experience in the past. There are two military parks in Tennessee, and both of them

have superintendents who are not ex-service men. Under the amendment that I am offering they are not disturbed.

Mr. CRAMTON. So the gentleman is accepting the situation as to them; but as to uncertain cases that may arise in the future, where great inconvenience might be caused, the gentleman is not prepared to make an exception.

Mr. REECE. If I may be permitted to say so, it seems to me that it is ridiculous to have a national military park which has been made possible by the blood of ex-service men presided over by anyone else except an ex-service man. When there are 4,000,000 ex-service men in the United States, I am sure that one of them can be found who is qualified to properly administer a park.

Mr. CRAMTON. Then why does the gentleman consent that two such parks shall continue to be so administered in his own State?

Mr. REECE. I am accepting that situation in order not to make the bill retroactive and maybe do some one an injustice.

Mr. McREYNOLDS. And is it not a fact that one of these gentlemen who is a superintendent of the park has been in the civil service for 35 years and has been connected with this park for 25 years, and that the other gentleman who is a superintendent is in the civil service and has been there for 13 years?

Mr. REECE. Oh, yes; but one of the gentlemen, I think, was blanketed under the civil service, and an ex-service man was put out when he was put in.

The SPEAKER. The question is on the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

INSTRUCTION OF CHINESE SUBJECTS AT WEST POINT

Mr. MORIN. Mr. Speaker, I call up House Joint Resolution 39, which I send to the desk and ask to have read.

The Clerk read as follows:

House Joint Resolution 39

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to permit two Chinese subjects, to be designated hereafter by the Government of China, to receive instruction at the United States Military Academy at West Point: *Provided,* That no expense shall be caused to the United States thereby, and that the said Chinese subjects shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give their utmost efforts to accomplish the courses in the various departments of instruction, and that the said Chinese subjects shall not be admitted to the academy until they shall have passed the mental and physical examinations prescribed for candidates from the United States, and that they shall be immediately withdrawn if deficient in studies or in conduct and so recommended by the academic board: *And provided further,* That in the case of the said Chinese subjects the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

INSTRUCTION OF SIAMESE SUBJECTS AT WEST POINT

Mr. MORIN. Mr. Speaker, I call up House joint resolution (H. J. Res. 40) authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam, which I send to the desk and ask to have read.

The Clerk read as follows:

House Joint Resolution 40

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to permit two Siamese subjects, to be designated hereafter by the Government of Siam, to receive instruction at the United States Military Academy at West Point: *Provided,* That no expense shall be caused to the United States thereby, and that the said Siamese subjects shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give their utmost efforts to accomplish the courses in the various departments of instruction, and that the said Siamese subjects shall not be admitted to the academy until they shall have passed the mental and physical examinations prescribed for candidates from the United States, and that they shall be immediately withdrawn if deficient in studies or in conduct and so recommended by the academic board: *And provided further,* That in the case of the said Siamese subjects the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

REGULATING SALES BY UTILITIES IN ARMY

Mr. MORIN. Mr. Speaker, I call up the bill (H. R. 7938) to regulate sales by utilities in the Army, on the Union Calendar, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman calls up the bill H. R. 7938, on the Union Calendar, and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in operating any utility under the War Department selling services or supplies, the cost of the services or supplies so sold shall include all customary overhead costs of labor, rent, light, heat, and other expenses properly chargeable to the conduct of such utility.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FLOOD CONTROL

The SPEAKER. House bill 8219 will be laid on the table, a similar flood control bill having been passed and become a law.

PRESIDENT'S MESSAGE—REPORT OF DIRECTOR GENERAL OF RAILROADS (H. DOC. NO. 306)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

I transmit herewith for the information of the Congress the report of the Director General of Railroads covering the period from January 1, 1927, to January 1, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 16, 1928.*

PRESIDENT'S MESSAGE—INTERNATIONAL JURIDICAL CONGRESS ON WIRELESS TELEGRAPHY (S. DOC. NO. 106)

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State requesting that the Congress be asked to enact legislation authorizing an appropriation in the sum of $12,350 to pay for the expenditures involved in the participation by the United States in the International Juridical Congress on Wireless Telegraphy to be held at Rome beginning October 1, 1928.

I recommend that the Congress enact legislation authorizing an appropriation for the sum mentioned in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 16, 1928.*

MUSCLE SHOALS

Mr. MORIN. Mr. Speaker, I renew my motion that the House insist on its amendments to the Senate Joint Resolution 46 and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania moves that the House insist on its amendments to Senate Joint Resolution 46 and asks for a conference.

Before putting the motion the Chair would like to make this statement: When the gentleman from Pennsylvania offered the motion a little while ago the Chair expressed doubt as to whether the motion was in order. The gentleman from Tennessee [Mr. GARRETT] submitted that the motion was in order under the precedents of the House. The Chair stated that he had no recollection during his term as a Member of this House of such a motion being offered. The Chair finds as a matter of fact that once during his service in the House this motion was made. It was as far back as 1907. The Chair can find no other precedent except one that occurred in 1891, and in neither case was any opinion given by the occupant of the chair in 1907. The Chair reads from Hinds' Precedents, volume 5, the following:

6294. On February 27, 1891, the House had passed with an amendment the bill of the Senate (No. 3738) to place the American merchant marine engaged in the foreign trade upon an equality with that of other nations.

Mr. John M. Farquhar, of New York, moved that the House request a conference with the Senate on the bill and amendment.

Mr. William M. Springer, of Illinois, made the point of order that the motion was not in order, the Senate not having disagreed to the amendment.

The Speaker pro tempore overruled the point of order on the ground that under the established practice of the House the same was permissible.

The Chair is unable to find that there was any precedent for that. The Chair again reads from Hinds, volume 5:

6300. On June 25, 1906, the House passed with an amendment the bill (S. 4403) to amend the immigration laws.

After a vote on the passage of the bill Mr. JAMES E. WATSON, of Indiana, moved that the House ask for a conference.

This motion was agreed to.

So the Chair was practically correct in saying that the matter had never come up where it was decided during his service in the House.

The Chair is of the opinion that such a proceeding is contrary to established rules of parliamentary procedure. It is true it has occurred a number of times in another body, the object being to alter the ordinary proceedings in conference; that is, to have one body act where it would not naturally act. The Chair also finds that in both cases, so far as the House was concerned, this procedure was on the last day of the session. The Chair can see some reason why such a motion could be submitted on the last day. The Chair is clearly of the opinion, however, that it is against the rules and the proper practice of parliamentary procedure. The object of a conference is to harmonize disagreements. In this case there is no disagreement. We have no assurance that the Senate is not in agreement.

However, in view of these two precedents, the Chair does not care to assume the responsibility of refusing to recognize the gentleman from Pennsylvania. The Chair will give further attention and consideration to this matter and will reserve judgment, the next time such a motion is made, as to whether he will decline to recognize a gentleman making this motion. The question is on agreeing to the motion of the gentleman from Pennsylvania.

The question was taken, and the motion was agreed to.

Mr. MORIN. Mr. Speaker, if it is agreeable to the Speaker, I will give him the names of the conferees to-morrow morning.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to file a conference report on the District of Columbia appropriation bill up to midnight to-night. We are in agreement on everything except the matter of fiscal relations. On that we are in disagreement. I would like to call up the conference report to-morrow morning if this consent is granted.

Mr. GARNER of Texas. What is the gentleman's request?

Mr. SIMMONS. I ask unanimous consent to file a conference report on the District of Columbia bill until midnight to-night.

The SPEAKER. Is there objection?

There was no objection.

SENATE BILL REFERRED

A bill of the following title was taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 3593. An act to authorize the leasing or sale of lands reserved for agency, schools, and other purposes on the Fort Peck Indian Reservation, Mont.; to the Committee on Indian Affairs.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 5695. An act authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, and in sections 7, 8, 17, 18, 19, 30, 31, township 19 south, range 27 east, Tallahassee meridian, Lake County, in the State of Florida;

H. R. 8110. An act withdrawing from entry the northwest quarter section 12, township 30 north, range 19 east, Montana meridian;

H. R. 9112. An act for the relief of William Roderick Dorsey and other officers of the Foreign Service of the United States, who, while serving abroad, suffered by theft, robbery, fire, embezzlement, or bank failures losses of official funds; and

H. R. 11022. An act to extend medical and hospital relief to retired officers and retired enlisted men of the United States Coast Guard.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1341. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; and

S. 4405. An act authorizing the Detroit River Canadian Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Detroit River at or near Stony Island, Wayne County, State of Michigan.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 8126. An act to repeal the sixty-first proviso of section 6 and the last proviso of section 7 of "An act to establish the Mount McKinley National Park, in the Territory of Alaska," approved February 26, 1917;

H. R. 13032. An act to amend the act of February 8, 1895, entitled, "An act to regulate navigation on the Great Lakes and their connecting and tributary waters";

H. R. 13037. An act to amend section 1, rule 2, rule 3, subdivision (e), and rule 9 of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895 (ch. 64, 28 Stat. L. sec. 645); and

H. J. Res. 184. House joint resolution designating May 1 as Child Health Day.

ADJOURNMENT

Mr. MORIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 54 minutes p. m.) the House adjourned until to-morrow, Thursday, May 17, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, May 17, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote the stability of commerce, industry, agriculture, and employment; to assist in realizing a more stable purchasing power of the dollar (H. R. 11806).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize the Secretary of the Navy to proceed with the construction of certain public works (H. R. 13319).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

To ascertain if the State Department is adequately equipped in both its foreign and domestic services (H. Res. 87).

To provide for the reorganization of the Department of State (H. R. 13179).

COMMITTEE ON RIVERS AND HARBORS

(10 a. m.)

To consider a report from the Chief of the Army Engineers on the proposal to deepen the Great Lakes channel.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To provide overtime pay for employees in the Bureau of Animal Industry of the Department of Agriculture (H. R. 6509).

EXECUTIVE COMMUNICATIONS, ETC.

529. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report from the Chief of Engineers, United States Army, on preliminary examination and survey of Port Jefferson, N. Y. (H. Doc. No. 305); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MERRITT: Committee on Interstate and Foreign Commerce. H. R. 12533. A bill to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes; without amendment (Rept. No. 1700). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROY G. FITZGERALD: Committee on Revision of the Laws. H. R. 13621. A bill to authorize preparation and publication of supplements to the Code of Laws of the United States with perfecting amendments; printing of bills to codify the laws relating to the District of Columbia and of such code and of supplements thereto, and for distribution; without amendment (Rept. 1705). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROY G. FITZGERALD: Committee on Revision of the Laws. H. R. 13622. A bill to amend and supplement the Code of the Laws of the United States of America; without amendment (Rept. No. 1706). Referred to the House Calendar.

Mr. SMITH. Committee on the Public Lands. H. R. 13144. A bill to cede certain lands in the State of Idaho, including John Smiths Lake, to the State of Idaho for fish-cultural purposes, and for other purposes; with amendment (Rept. No. 1707). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. S. J. Res. 130. A joint resolution suspending certain provisions of the law in connection with the acquisition of lands within the Alabama National Forest; without amendment (Rept. No. 1708). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HALE: Committee on Naval Affairs. H. R. 9009. A bill for the relief of Francis Leo Shea; with amendment (Rept. No. 1701). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 11905. A bill for the relief of Commodore J. M. Moore, United States Coast Guard, retired; without amendment (Rept. No. 1702). Referred to the Committee of the Whole House.

Mr. SMITH: Committee on the Public Lands. H. R. 310. A bill authorizing an addition to the Cache National Forest, Idaho with amendment (Rept. No. 1703). Referred to the Committee of the Whole House.

Mr. BUCKBEE: Committee on the Post Office and Post Roads. H. R. 13451. A bill to authorize the Postmaster General to hire vehicles from letter carriers for use in service; without amendment (Rept. No. 1704). Referred to the Committee of the Whole House.

Mr. SINCLAIR: Committee on War Claims. H. R. 6350. A bill for the relief of Bertram Lehman; without amendment (Rept. No. 1710). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. H. R. 6174. A bill for the relief of May Gordon Rodes and Sara Louise Rodes, heirs at law of Tyree Rodes, deceased; with amendment (Rept. No. 1711). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SINNOTT: A bill (H. R. 13824) authorizing L. L. Montague, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near Arlington, Oreg.; to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES: A bill (H. R. 13825) to authorize appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.

By Mr. MOREHEAD: A bill (H. R. 13826) authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Union, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER: A bill (H. R. 13827) to prohibit the making of photographs, sketches, or maps, of vital military and naval defensive installations and equipment, and for other purposes; to the Committee on Military Affairs.

By Mr. MEAD: A bill (H. R. 13828) to provide a shorter workday on Saturday for postal employees; to the Committee on the Post Office and Post Roads.

By Mr. O'CONNELL: A bill (H. R. 13829) to provide a shorter workday on Saturday for postal employees; to the Committee on the Post Office and Post Roads.

By Mr. SABATH: A bill (H. R. 13830) amending section 33 of the Judicial Code; to the Committee on the Judiciary.

By Mr. HOLADAY: A bill (H. R. 13831) relative to the dam across the Kankakee River at Momence, in Kankakee County, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. HICKEY: A bill (H. R. 13832) to incorporate the Army and Navy Union of the United States of America; to the Committee on the Judiciary.

By Mr. RATHBONE: Joint resolution (H. J. Res. 306) requesting the President to direct all agencies of the Government that financial settlements can only be secured through the ordinary channels of law and duly authorized arbitration agencies; to the Committee on Foreign Affairs.

By Mr. McFADDEN: Concurrent resolution (H. Con. Res. 37) to print 3,000 additional copies of the hearings during the Sixty-ninth Congress on the bill (H. R. 7895) relating to the stabilization of the price level of commodities; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CASEY: A bill (H. R. 13833) granting a pension to Leslie M. Sparling; to the Committee on Pensions.

By Mr. CORNING: A bill (H. R. 13834) granting a pension to Josephine F. Thomas; to the Committee on Invalid Pensions.

By Mr. ENGLAND: A bill (H. R. 13835) granting a pension to John Fitzwater; to the Committee on Pensions.

By Mr. HICKEY: A bill (H. R. 13836) granting an increase of pension to Elizabeth Roberts; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 13837) granting a pension to Rachel A. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13838) granting a pension to Rose Inez Smith; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 13839) granting a pension to A. C. Rader; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 13840) granting a pension to Catherine Belcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13841) granting a pension to Charles Booker; to the Committee on Pensions.

Also, a bill (H. R. 13842) granting an increase of pension to Annie Brooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13843) granting an increase of pension to Mary Reed Johnson; to the Committee on Pensions.

By Mr. TEMPLE: A bill (H. R. 13844) granting an increase of pension to Mary M. Miller; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7654. Petition of the department of California of the United States Spanish War Veterans, in twenty-fifth annual encampment assembled at San Diego, Calif., requesting the passage of House bill 12032; to the Committee on Military Affairs.

7655. By Mr. BOYLAN: Resolution adopted by the Board of Estimates and Apportionment of New York City, in re transit situation in New York City; to the Committee on Interstate and Foreign Commerce.

7656. By Mr. CASEY: Petition in favor of Civil War pension bill, signed by William Bostick and 112 residents of Luzerne County, Pa.; to the Committee on Invalid Pensions.

7657. By Mr. ESTEP: Petition of Military Veterans' Association of Federal Employees of Allegheny County, Daniel J. Judge, commander, Joseph Goldman, adjutant, room 213, Federal Building, Pittsburgh, Pa., urging passage of McKellar bill (S. 860); to the Committee on the Post Office and Post Roads.

7658. By Mr. FITZPATRICK: Petition of the Maritime Association of the Port of New York, opposing the passage of the Vinson bill (H. R. 13646), entitled "Cotton futures trading act"; to the Committee on Agriculture.

7659. By Mr. GOODWIN: Petition of J. F. Lindquist and 18 other citizens of Onamia, Minn., in behalf of an increase in the pension for the Union veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7660. By Mr. GRIEST: Petition of Christiana Woman's Christian Temperance Union, of Christiana, Pa.; to the Committee on the Judiciary.

7661. By Mr. HILL of Washington: Petition of C. A. Neyland, of Spokane, Wash., and 25 others, protesting against House

bill 78, and all other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia .

7662. Also, petition of Mrs. J. H. Reiter, of Spokane, Wash., and 12 others, protesting against House bill 78, and all other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7663. Also, petition of Mrs. J. W. Lee, of Spokane, Wash., and 306 other persons, protesting against House bill 78, and all other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7664. By Mr. KINDRED: Resolution of the members of the first assembly district Regular Democratic Club, indorsing the action of the Veterans of Foreign Wars in the movement to have the Star Spangled Banner formally recognized by Congress as the national anthem of the United States; to the Committee on the Judiciary.

7665. By Mr. LETTS: Petition of Lulu McCune and other citizens of Iowa City, urging the passage of House bill 11410; to the Committee on the Judiciary.

7666. By Mr. LINDSAY: Petition of Flatbush Chamber of Commerce (Inc.), 887 Flatbush Avenue, Brooklyn, N. Y., recording disapproval of the proposed bill (H. R. 8127) providing for transfer of river and harbor improvement to the Interior Department, and respectfully praying for defeat of the same; to the Committee on Expenditures in the Executive Departments.

7667. Also, petition of Board of Estimate and Apportionment, City of New York, petitioning Congress to enact legislation, particularly amending section 380 of the Federal Judicial Code, preventing discriminatory action by United States Federal courts; to the Committee on the Judiciary.

7668. By Mr. O'CONNELL: Petition of N. J. Crane, customshouse, N. Y., favoring the passage of Bacharach bill; to the Committee on Ways and Means.

7669. Also, petition of the Merchants Association of New York, opposing the passage of the Muscle Shoals bill; to the Committee on Military Affairs.

7670. Also, petition of John Dowd, president the Marine Association of the Port of New York, opposing the passage of House bill 13646, known as the cotton futures trading act; to the Committee on Agriculture.

7671. By Mr. PERKINS: Petition signed by residents of Bergen County, N. J., advocating the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

7672. By Mr. QUAYLE: Petition of the Board of Estimate and Apportionment, City of New York, favoring an amendment to section 380 of the Federal Judicial Code, be limited so as not to apply to a case where both parties are residents of the same State unless and until it is shown to the Federal courts that the parties to the action could not obtain justice by recourse to the State courts; to the Committee on the Judiciary.

7673. Also, petition of Binney & Smith Co., of New York City, opposing the passage of the Shipstead-LaGuardia bill (H. R. 7759); to the Committee on the Judiciary.

7674. Also, petition of Gardiner H. Miller, vice president New York Cotton Exchange, opposing the Vinson bill (H. R. 13646), entitled "Cotton futures trading act"; to the Committee on Agriculture.

7675. Also, petition of Irving Marcus, of Brooklyn, N. Y., favoring the passage of House bill 688, for the repeal of the war-time Pullman surcharge; to the Committee on Ways and Means.

7676. Also, petition of the Merchants' Association of New York, opposing the passage of Muscle Shoals bill; to the Committee on Military Affairs.

7677. Also, petition of Bayway Terminal of New York, opposing the Vinson bill (H. R. 13646), entitled "Cotton futures trading act"; to the Committee on Agriculture.

7678. Also, petition from John Dowd, president of the Maritime Association of the Port of New York, opposing the passage of the Vinson bill (H. R. 13646) entitled "Cotton futures trading act"; to the Committee on Agriculture.

7679. Also, petition of George F. Merritt, of Queen Village, Long Island, N. Y., favoring passage of the O'Connell bill, giving all postal employees a Saturday half holiday; to the Committee on the Post Office and Post Roads.

7680. By Mr. TEMPLE: Resolution of Woman's Christian Temperance Union, of Claysville, Washington County, Pa., in support of the Lankford Sunday rest bill for the District of Columbia (H. R. 78) or similar measures; to the Committee on the District of Columbia.

7681. By Mr. WOOD: Petition of residents of Goodland, Ind., asking that the Civil War pension bill become a law at the present session of Congress; to the Committee on Invalid Pensions.

7682. By Mr. WYANT: Petition of Woman's Christian Temperance Union, of Avonmore, Coulton, Vandergrift, and New Kensington, Pa., favoring passage of Stalker-Jones bill to provide for increased penalties for violation of prohibition laws; to the Committee on the Judiciary.

SENATE

THURSDAY, *May 17, 1928*

(Legislative day of Thursday, May 3, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

PROSPERITY RESERVE—PUBLIC WORKS PLANNING

Mr. VANDENBERG. Mr. President, before this session of Congress adjourns I hope we are going to be able to pass Senate bill 2475, which is the bill introduced by the senior Senator from Washington [Mr. JONES] and reported by the Committee on Commerce, proposing the principle of a prosperity reserve. But even after that is passed it is still going to be necessary, as I hope we are going to do, to pass also the resolution submitted by the senior Senator from Wisconsin [Mr. LA FOLLETTE], which proposes a scientific and deliberative study, during the summer and fall, of the development of means for meeting unemployment crises and general economic depression.

I ask unanimous consent to submit a resolution, with a syllabus attached, bearing upon this ultimate situation. I ask that the resolution be printed in the RECORD with the syllabus and referred to the Committee on Education and Labor.

There being no objection, the resolution (S. Res. 233) and syllabus were referred to the Committee on Education and Labor, and ordered to be printed in the RECORD, as follows:

Whereas it is sound public policy to stabilize prosperity against periods of unemployment and industrial depression; and

Whereas the long-range planning of essential public works if suitably financed can provide necessary opportunities for employment and for general economic stimulus if these public works, sound in themselves, be increased in periods which specifically disclose unemployment and depression; and

Whereas it is to the economic gain of the Government to take advantage of relatively low costs prevailing at such times and to undertake enhanced public works in such periods, provided such works are useful and advisable regardless of the emergency, and provided further that the works may be financed without an increase in current taxation; and

Whereas the Government has long considered such a program, as evidenced by the so-called Kenyon bill presented to the Senate in the first session of the Sixty-seventh Congress and the so-called Jones bill (S. 2475), presented to the present session of the Seventieth Congress and by the President's unemployment conference in 1921 under the chairmanship of Secretary of Commerce Hoover; and

Whereas the serious difficulty heretofore encountered in such a prospectus has been the inadvisability of increasing taxation in times of depression to finance these public works, because increased taxation is a factor which itself negatives the advantages otherwise intended as a means to offset depression; and

Whereas the Government is entitled temporarily to suspend its sinking-fund payments for the retirement of the public debt during these occasional periods of declared emergency and pending the restoration of a normal index, because the average retirement of the public debt at the present legalized annual rate in excess of $300,000,000, plus the proceeds of foreign-debt payments, is ample even though occasionally interrupted as proposed herewith: Therefore be it

Resolved, That the Committee on Education and Labor or any special subcommittee therefrom which may be particularly charged with an investigation of means to stabilize employment, is instructed to inquire into the situation herein set forth and to report to the Senate its findings, in connection with any other findings thus reported, upon the long-range planning of public works and the concentration of actual construction, financed by the temporary transfer of funds otherwise allocated by law to the sinking fund, in definitive periods of unemployment and industrial depression.

SYLLABUS ACCOMPANYING SENATE RESOLUTION 233

The fact that there is no contemporary economic depression involving unemployment to a definitive extent warranting special relief is an excellent reason why the present is a time when preparedness for such crises may be deliberately surveyed.

This resolution, addressed to the creation of a safely financed "prosperity reserve," is builded upon the fundamental proposition that the Government can create helpful stimulus in periods of depression and unemployment by concentrating useful public works in such periods, provided the application of this remedy does not itself involve baneful elements which negative the values and advantages sought.

The basic principle is not new. As stated in the resolution, it will be found in part in previous proposals submitted to the Congress. It is discussed at length by witnesses appearing before the Senate Commerce

Committee in hearings on S. 2475 and reported in part 1 of the hearings of April 12, 1928.

The danger in the application of the principle is twofold: (1) That unnecessary or illy advised public works may be ordered in these emergencies, thus making an uneconomic orgy out of what purposes to be an economic essentiality; (2) that the financing of these extra public works may create an increased taxation, which, contemporary with depression, may multiply new discouragements while attempting to alleviate old ones.

The first element of danger may be answered by the scientific long-range planning of essential public works which are of sound capital account regardless of a transient economic index. In the face of America's vast needs upon this score it is not impossible to budget these essential public works in diverse fields over long periods of time, thus establishing a validated prospectus which may be drawn upon whenever a given industrial index falls below an established safety line. When these works are thus confined and thus validated, the first of these listed dangers disappears. In this connection it should be noted that the British recourse to so-called relief works for kindred purposes has suffered the weakness of dealing "in makeshift undertakings." (See Monthly Labor Review for April, 1928, of the Bureau of Labor Statistics of the United States Department of Labor at p. 4.) It is impossible to build a sound economic system on this basis of "makeshift undertakings." It invites an hysteria of extravagance and waste. Under such circumstances the cure is worse than the disease. But this element of danger need not be present under long-range planning which contemplates public improvements that are inherently worthy and which would be justified and which would be ultimately constructed even under normal conditions.

The second element of danger, namely, the problem of financing these public works, never has been adequately met in discussions of this problem. It is against this element that this proposal makes its most important suggestion. When "relief works" has been undertaken in Europe, it usually has been on the basis either of loans or outright subsidies through which central government has sought to encourage local authorities in financing schemes of work for the unemployed. This has been tried in England where the central government in 1920–1926 made grants of nearly $400,000,000 for loans, and contributions of $85,000,000 on the basis of a percentage of wage bills, and of $5,000,000 in part payment for collateral projects. It has been tried in Germany also where subsidies and loans to local authorities and even to private employers have been drawn upon. Since the depression which began in the fall of 1925, the various German relief work schemes have involved an expenditure of approximately $60,000,000. (See Labor Review for April, 1928, of the Bureau of Labor Statistics of the United States Department of Labor, pp. 4 to 7.)

The foregoing resolution proposes to avoid all such systems of subsidies and contributions in the operation of an American emergency program. Thus avoiding these dangerous elements, the system can also avoid the serious consequences which sometimes have followed the invocation of "relief work" in the old world.

The United States is in the fortunate position of being able, in periods of definitive depression and unemployment, to finance its long-range planning of public works by a temporary suspension in public debt retirement pending the stimulated return of normal conditions when current sinking fund appropriations may be resumed. It is proposed to suspend statutory payments into the sinking fund simultaneously with and in an extent equal to emergency appropriations on account of public works undertaken to avert unemployment. It is the contention of this resolution that it is economically sound to say that when we are making emergency appropriations for such a course, we are not in shape to indulge in the luxury of debt reduction. Put differently, it is the contention of this resolution that if and when the country faces economic depression which carries us below an established index, it suffices if we pay as we go and temporarily cease payments on debt account. This is particularly true in view of the rapid rate at which we are reducing the public debt—a rate never heretofore equaled in the history of the world.

If public works be thus financed in these periods of depression and unemployment the country can have the benefit of this vast stimulus without the necessity of a penny's increased total in current tax bills.

Debt payments are capital account payments. Permanent public improvements are also capital account payments. In other words, we simply would temporarily embrace a different yet equally valuable form of capital account payment while at the same time we would provide the economic stimulus necessary.

Witnesses who testified before the Senate Commerce Committee in behalf of the general principle of a "prosperity reserve" have discussed this fiscal program in letters printed in the CONGRESSIONAL RECORD on page 6915 for the present session.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1828. An act to amend the second paragraph of section 5 of the national defense act, as amended by the act of September 22, 1922, by adding thereto a provision that will authorize the names of certain graduates of the General Service Schools and of the Army War College, not at present eligible for selection to the General Staff Corps eligible list, to be added to that list;

S. 1829. An act to authorize the collection, in monthly installments, of indebtedness due the United States from enlisted men, and for other purposes;

S. 2463. An act to amend an act entitled "An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.," approved May 19, 1926;

S. 3463. An act to recognize commissioned service in the Philippine Constabulary in determining rights of officers of the Regular Army;

S. 3752. An act to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926; and

S. 4216. An act to authorize the adjustment and settlement of claims for armory drill pay.

The message also announced that the House had passed the bill (S. 3057) authorizing the Secretary of War to transfer and convey to the Portland Water District, a municipal corporation, the water-pipe line including the submarine water main connecting Fort McKinley, Me., with the water system of the Portland Water District, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 4235) for recognizing aviation accomplishments, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 6480. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 7938. An act to regulate sales by utilities in the Army;

H. R. 8314. An act to amend an act of Congress approved March 4, 1927 (Public, No. 795, 69th Cong.), to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War;

H. R. 9961. An act to equalize the rank of officers in positions of great responsibility in the Army and Navy;

H. R. 10304. An act authorizing the Secretary of War to erect headstones over the graves of soldiers who served in the Confederate Army and to direct him to preserve in the records of the War Department the names and places of burial of all soldiers for whom such headstones shall have been erected, and for other purposes;

H. R. 10363. An act to provide for the construction or purchase of two L boats for the War Department;

H. R. 10364. An act to provide for the construction or purchase of two motor mine yawls for the War Department;

H. R. 10365. An act to provide for the construction or purchase of one heavy seagoing Air Corps retriever for the War Department;

H. R. 10478. An act providing retirement for persons who hold licenses as navigators or engineers who have reached the age of 64 years and who have served 25 or more years on seagoing vessels of the Army Transport Service;

H. R. 10809. An act to provide qualifications for the superintendents of national military parks;

H. R. 11623. An act to authorize construction at the United States Military Academy, West Point, N. Y.;

H. R. 11722. An act to establish a national military park at the battle field of Monocacy, Md.;

H. R. 12106. An act to erect a national monument at Cowpens battle ground;

H. R. 12110. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

H. R. 12352. An act to require certain contracts entered into by the Secretary of War, or by officers authorized by him to make them, to be in writing, and for other purposes;

H. R. 12449. An act to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922;

H. R. 12624. An act to amend section 17 of the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended;

H. R. 12953. An act to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept title to the State camp for veterans at Bath, N. Y.;

H. R. 13250. An act to authorize the Secretary of War to fix the percentages of enlisted men of the Army in the sixth and seventh grades, and for other purposes;

H. R. 13446. An act to amend the national defense act;

H. J. Res. 39. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point two Chinese subjects, to be designated hereafter by the Government of China;

H. J. Res. 40. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point two Siamese subjects, to be designated hereafter by the Government of Siam; and

H. J. Res. 224. Joint resolution to ascertain which was the first heavier-than-air flying machine.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 744. An act to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes;

S. 1341. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

S. 3555. An act to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce;

S. 4405. An act authorizing the Detroit River Canadian Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Detroit River at or near Stony Island, Wayne County, State of Michigan;

H. R. 5695. An act authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, and in sections 7, 8, 17, 18, 19, 30, 31, township 19 south, range 27 east, Tallahassee meridian, Lake County, in the State of Florida;

H. R. 8110. An act withdrawing from entry the northwest quarter section 12, township 30 north, range 19 east, Montana meridian;

H. R. 9112. An act for the relief of William Roderick Dorsey and other officers of the Foreign Service of the United States, who, while serving abroad, suffered by theft, robbery, fire, embezzlement, or bank failures losses of official funds;

H. R. 9411. An act for the relief of Maurice P. Dunlap; and

H. R. 11022. An act to extend medical and hospital relief to retired officers and retired enlisted men of the United States Coast Guard.

CALL OF THE ROLL

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McLean	Shipstead
Barkley	Gerry	McMaster	Shortridge
Bayard	Gillett	McNary	Simmons
Black	Glass	Mayfield	Smoot
Blaine	Goff	Metcalf	Steck
Borah	Gould	Moses	Steiwer
Bratton	Greene	Neely	Stephens
Brookhart	Hale	Norbeck	Swanson
Broussard	Harris	Norris	Thomas
Bruce	Harrison	Nye	Tydings
Capper	Hawes	Oddie	Tyson
Caraway	Hayden	Overman	Vandenberg
Copeland	Heflin	Phipps	Wagner
Couzens	Howell	Pine	Walsh, Mass.
Curtis	Johnson	Pittman	Walsh, Mont.
Cutting	Jones	Ransdell	Warren
Deneen	Kendrick	Reed, Pa.	Waterman
Dill	King	Robinson, Ark.	Watson
Edge	La Follette	Sackett	Wheeler
Fess	Locher	Schall	
Fletcher	McKellar	Sheppard	

Mr. GERRY. I desire to announce that the Senator from New Jersey [Mr. EDWARDS] is necessarily detained from the Senate by illness in his family. This announcement may stand for the day.

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

CLAIM OF CHRISTINA ARBUCKLE, ADMINISTRATRIX

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, reporting pursuant to law, on the claim of Christina Arbuckle, administratrix of the estate of John Arbuckle, deceased, late of the city and State of New York, which, with the accompanying paper, was referred to the Committee on Claims.

PETITION

Mr. BLAINE presented a petition of 27 citizens of the State of Wisconsin praying for the passage of the so-called Jones bill, being the bill (S. 2901) to amend the national prohibition act, as amended and supplemented, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

Mr. GOULD, from the Committee on Commerce, to which was referred the bill (H. R. 11950) to legalize a pier and wharf in Deer Island thoroughfare on the northerly side at the southeast end of Buckmaster Neck at the town of Stonington, Me., reported it without amendment.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation, reported it with amendments.

Mr. SHEPPARD, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 4167) extending the time of construction payments on the Rio Grande Federal irrigation project, New Mexico-Texas, reported it with an amendment and submitted a report (No. 1181) thereon.

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the joint resolution (H. J. Res. 292) authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to begin October 20, 1928, reported it without amendment.

Mr. ASHURST, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 1142) amending the act of January 25, 1917 (39 Stat. L. 868), and other acts relating to the Yuma auxiliary project, Arizona, reported it without amendment and submitted a report (No. 1183) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills:

S. 744. An act to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes;

S. 1341. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

S. 3555. An act to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce; and

S. 4405. An act authorizing the Detroit River Canadian Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Detroit River at or near Stony Island, Wayne County, State of Michigan.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOFF:

A bill (S. 4479) to regulate the shipment in interstate or foreign commerce and transmission through the mails of devices and information for the duplication of keys for locks from the lock number; to the Committee on Interstate Commerce.

By Mr. HALE:

A bill (S. 4480) granting a pension to Annette E. Benzie (with accompanying papers);

A bill (S. 4481) granting an increase of pension to Ellen L. Walker (with accompanying papers); and

A bill (S. 4482) granting an increase of pension to Sarah F. Warren (with accompanying papers); to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 4483) granting an increase of pension to Frances M. Stone (with accompanying papers); to the Committee on Pensions.

A bill (S. 4484) for the relief of Mary McGrath; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 4485) granting an increase of pension to Kate G. Morris; to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 4486) to amend section 5219 of the Revised Statutes, as amended; to the Committee on Banking and Currency.

By Mr. HARRIS:

A bill (S. 4487) authorizing the Uvalda Booster Club, its successors and assigns, to construct, maintain, and operate a bridge across the Altamaha River at or near Towns Bluff Ferry, connecting Montgomery and Jeff Davis Counties, Ga.; to the Committee on Commerce.

By Mr. SCHALL:

A bill (S. 4488) declaring the purpose of Congress in passing the act of June 2, 1924 (43 Stat. 253), to confer full citizenship upon the Eastern Band of Cherokee Indians, and further declaring that it was not the purpose of Congress in passing the act of June 4, 1924 (43 Stat. 376), to repeal, abridge, or modify the provisions of the former act as to the citizenship of said Indians; to the Committee on Indian Affairs.

AMENDMENT TO TAX REDUCTION BILL—TARIFF ON COTTON

Mr. SHIPSTEAD submitted an amendment intended to be proposed by him to House bill 1, the tax reduction bill, which was ordered to lie on the table and to be printed.

INVESTIGATION RELATIVE TO UNEMPLOYMENT

Mr. LA FOLLETTE. Mr. President, I desire to enter a motion to discharge the Committee to Audit and Control the Contingent Expenses of the Senate from the further consideration of Senate Resolution 219, providing for an analysis and appraisal of reports on unemployment and systems for prevention and relief thereof.

The VICE PRESIDENT. The motion will be entered.

PORTLAND WATER DISTRICT, MAINE

The VICE PRESIDENT laid before the Senate the amendment of the House to the bill (S. 3057) authorizing the Secretary of War to transfer and convey to the Portland Water District, a municipal corporation, the water pipe line, including the submarine water main connecting Fort McKinley, Me., with the water system of the Portland Water District, and for other purposes, which was, on page 2, line 13, to strike out "Posts," and insert "Posts: *Provided*, That before exercising the authority conferred by this act, the Secretary of War shall require and receive from the Portland Water District, of Portland, Me., the execution and delivery of an obligation in such terms and with such surety as shall satisfy the Secretary of War that the Portland Water District will at all times in the future maintain a good and sufficient water line to Fort McKinley, and will furnish by means of said water line an abundant supply of suitable water for use for all purposes at Fort McKinley, at fair and reasonable prices."

Mr. REED of Pennsylvania. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 6480. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 7938. An act to regulate sales by utilities in the Army;

H. R. 9961. An act to equalize the rank of officers in positions of great responsibility in the Army and Navy;

H. R. 10304. An act authorizing the Secretary of War to erect headstones over the graves of soldiers who served in the Confederate Army and to direct him to preserve in the records of the War Department the names and places of burial of all soldiers for whom such headstones shall have been erected, and for other purposes;

H. R. 10478. An act providing retirement for persons who hold licenses as navigators or engineers who have reached the age of 64 years and who have served 25 or more years on seagoing vessels of the Army Transport Service;

H. R. 10809. An act to provide qualifications for the superintendents of national cemeteries and national military parks;

H. R. 11623. An act to authorize construction at the United States Military Academy, West Point, N. Y.;

H. R. 11722. An act to establish a national military park at the battle field of Monocacy, Md.;

H. R. 12106. An act to erect a national monument at Cowpens battle ground;

H. R. 12110. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

H. R. 12352. An act to require certain contracts entered into by the Secretary of War, or by officers authorized by him to make them, to be in writing, and for other purposes;

H. R. 12449. An act to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922;

H. R. 12624. An act to amend section 17 of the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended;

H. R. 12953. An act to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept title to the State camp for veterans at Bath, N. Y.;

H. R. 13250. An act to authorize the Secretary of War to fix the percentages of enlisted men of the Army in the sixth and seventh grades, and for other purposes;

H. R. 13446. An act to amend the national defense act;

H. J. Res. 39. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point two Chinese subjects, to be designated hereafter by the Government of China;

H. J. Res. 40. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point two Siamese subjects, to be designated hereafter by the Government of Siam; and

H. J. Res. 224. Joint resolution to ascertain which was the first heavier-than-air flying machine.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 2148) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes.

The message also announced that the House had passed the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, with amendments; that the House insisted upon its amendments to the said joint resolution; requested a conference with the Senate on the disagreeing votes of the two houses thereon; and that Mr. MORIN, Mr. JAMES, Mr. REECE, Mr. QUIN, and Mr. WRIGHT were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 2473) for the relief of Louie June.

MUSCLE SHOALS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. McNARY. I move that the Senate disagree to the House amendments and agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. McNARY, Mr. NORRIS, and Mr. SMITH conferees on the part of the Senate.

Mr. NORRIS. I ask unanimous consent for a reprint in bill form of the Muscle Shoals joint resolution as it passed the Senate and showing the House amendments.

The VICE PRESIDENT. Without objection, it is so ordered.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. SMOOT. Mr. President, as I understand it the pending question is the amendment relating to estate taxes. Am I right?

The VICE PRESIDENT. The Senator is correct.

Mr. SMOOT. The Senator from Connecticut [Mr. BINGHAM] desires to be here when that amendment is considered. He may be here later in the afternoon. I am going to ask unanimous consent that the amendment may be temporarily laid aside. I do not mean by that, that I am going to hold the bill up, because if all the other amendments are disposed of and the Senator from Connecticut has not returned, I shall then ask that the estate tax amendment be considered. But I do want the Senator from Connecticut to have a chance to be

here, as he offered the amendment, and therefore I ask that the amendment be temporarily laid aside. Then we can take up the other amendments.

Mr. MOSES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from New Hampshire will state the inquiry.

Mr. MOSES. We are in the stage of individual amendments now?

The VICE PRESIDENT. The Senator is correct.

Mr. MOSES. May I ask the Senator from Utah if there are many of those individual amendments which are controversial?

Mr. SMOOT. There are a few. I think the estate-tax amendment will take the greater part of the time.

Mr. MOSES. I make the inquiry because I would like to have some time during the day for the consideration of the conference report on the postal rates bill. I am entirely willing to wait and ask consent for its consideration later in the day, if it suits the convenience of the Senator from Utah.

Mr. SMOOT. I wish the Senator would do so. I would like to have the day for the tax bill, if I can.

Mr. JOHNSON. Mr. President, will the Senator advise me just what he means by laying aside the estate tax amendment temporarily? Will it be taken up this afternoon?

Mr. SMOOT. Yes. If all the other amendments are passed upon, then we will take up the estate tax amendment.

Mr. JOHNSON. So that no time will be lost.

Mr. SMOOT. No time will be lost. If all the other amendments are acted upon, then I shall ask that the estate tax amendment be taken up immediately.

Mr. JOHNSON. The desire of the Senator, if I understand him, is simply to transmute the order and proceed with amendments to the bill now, and then during the afternoon, if the other amendments shall have been concluded, to proceed with the estate tax amendment?

Mr. SMOOT. That is correct.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. SMOOT. For what purpose?

Mr. REED of Pennsylvania. For the purpose of allowing me to request the passage of four House bills which are exact duplicates of four bills which have already been passed by the Senate.

Mr. SMOOT. They will lead to no discussion?

Mr. REED of Pennsylvania. I think not.

Mr. HEFLIN. What are the bills?

Mr. FLETCHER. Mr. President, before that is done I should like to know something about the arrangement proposed. The pending amendment is the Bingham amendment?

Mr. SMOOT. It is. I ask unanimous consent that that amendment be temporarily laid aside for the reason that the Senator from Connecticut [Mr. BINGHAM] is out of town, and that we proceed with the consideration of other amendments. Just as soon as they are finished, whether the Senator from Connecticut gets back this afternoon or not, I shall ask that we proceed with the estate tax amendment.

Mr. ROBINSON of Arkansas. What is the amendment that is in order if that arrangement be entered into?

Mr. SMOOT. Any individual amendment.

Mr. ROBINSON of Arkansas. The committee amendments have been disposed of with the exception of the estate tax amendment?

Mr. SMOOT. Yes.

Mr. FLETCHER. That means the Senator will lay aside the estate tax amendment indefinitely, because we do not know how long the other amendments will take. Some of them may take a day or two.

Mr. SMOOT. My unanimous-consent request was that, until the Senator from Connecticut returns or until all the other amendments have been acted upon, the estate tax amendment be laid aside. Then we will take up the estate tax amendment at once.

Mr. SIMMONS. Mr. President, has the chairman of the committee any assurance that the Senator from Connecticut will be here this afternoon?

Mr. SMOOT. No; I have not. If there is the least question about granting my request, I shall not insist upon it; but the Senator from Connecticut having offered the amendment, and as we have other amendments to consider and no time would be lost, I did feel that it would only be the proper thing and a matter of respect shown to that Senator to let his amendment go over until at least we have concluded all the other amendments.

Mr. ROBINSON of Arkansas. I do not understand that the Senator is asking for any delay. He is merely asking to proceed out of order with other amendments.

Mr. SMOOT. That is all there is to it.

Mr. ROBINSON of Arkansas. I do not see any objection to his request.

Mr. SMOOT. I do not ask for a moment's delay in the consideration of the bill.

Mr. SIMMONS. I do not object, except that the Senator from Florida [Mr. FLETCHER] makes the statement that he understands the Senator from Connecticut will not be back to-day.

Mr. ROBINSON of Arkansas. The Senator from Utah has said that at the conclusion of the consideration of the other amendments, whether the Senator from Connecticut is here or not, he will ask the Senate to proceed immediately with the consideration of the estate tax amendment.

Mr. NORRIS. It seems to me that out of courtesy the action proposed should be taken.

Mr. SIMMONS. I have no desire to interfere with any arrangement which may have been made.

Mr. NORRIS. I have no desire to postpone it; I am just as anxious as any other Senator can be for the Senate to consider the amendment of the Senator from Connecticut, but it is only common courtesy that we lay the amendment aside for a while, if we do not thereby delay the bill.

Mr. ROBINSON of Arkansas. That is exactly the thought I had.

Mr. NORRIS. When we get through with the other amendments, if the Senator from Connecticut is not then here, we can go ahead and take it up.

Mr. SIMMONS. With that understanding I am content.

Mr. SMOOT. That is exactly what I asked.

Mr. SIMMONS. But if it is to be delayed for several days, I can not consent to that.

Mr. FLETCHER. Mr. President, I will say that if the Senator from Connecticut made the request, of course it ought to be granted. The Senator, however, assured me that we might go ahead in his absence. Does the Senator from Utah think he will be back to-day?

Mr. SMOOT. I do not know; but if he shall not come back, it will make no difference whatever, because just as soon as the other amendments shall be out of the way then this amendment will be brought before the Senate, whether the Senator from Connecticut is here or whether he is not here.

Mr. REED of Pennsylvania. Mr. President——

Mr. SMOOT. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. The four bills of which I have spoken——

Mr. NORRIS. Mr. President, let us have this matter settled before we go into something else. Are we going to lay aside this amendment or are we not?

The VICE PRESIDENT. The Chair understands the amendment has been temporarily laid aside.

Mr. HEFLIN. Mr. President, where is the Senator on whose account the business of the Senate has got to be held up until he arrives?

Mr. SMOOT. The business of the Senate will not be held up.

Mr. HEFLIN. Where is the Senator, if he he is not here?

Mr. ROBINSON of Arkansas. He is somewhere else.

Mr. HEFLIN. I understand he is somewhere else. It is 20 minutes after meeting time. The Republicans ought to attend the sessions of the Senate.

Mr. SMOOT. The Senator from Connecticut is out of the city, I will say to the Senator.

Mr. President, I had yielded to the Senator from Pennsylvania.

Mr. NORRIS. Let us settle this question first.

Mr. REED of Pennsylvania. The Senator from Utah only asked that the amendment be laid aside temporarily, and that in the meantime we proceed with other amendments.

Mr. HEFLIN. Mr. President, the Senator from Connecticut was kind enough the other day to ask that a bill in which I am interested and in which the farmers of the South are vitally interested should go over. I am going to return to him good for evil and permit, so far as I am concerned, this amendment to go over until it is the pleasure of this Republican Senator to return.

Mr. BROOKHART. Mr. President, on behalf of the Senator from North Dakota [Mr. FRAZIER], I offer an amendment to the pending revenue bill.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 196, section 412, in line 9, it is proposed to strike out "$10" and to insert in lieu thereof "$25," and in line 14 to strike out "$10" and to insert in lieu thereof "$25."

Mr. SMOOT. Mr. President, to the amendment just offered by the Senator from Iowa [Mr. BROOKHART] I have no objection; and, so far as I am concerned, I hope that it will be adopted. It simply increases the exemption in the case of

dues from $10 to $25 in order to take care of the small clubs throughout the country.

Mr. GERRY. Mr. President, if the Senator from Utah will yield, I understand that the Senator from Kentucky [Mr. BARKLEY] had an amendment on this subject. Therefore I should like if the amendment offered by the Senator from Iowa could go over for a few minutes until I can send for the Senator from Kentucky.

Mr. SMOOT. I ask the Senator from Rhode Island to allow the amendment to be agreed to, with the understanding that if any Senator desires later to reconsider the vote by which it was agreed to, the vote may be so reconsidered.

Mr. GERRY. The Senator from Kentucky, I think, is detained in connection with the work of a committee.

Mr. SMOOT. He can at any time in the afternoon make a motion to reconsider the vote by which the amendment was agreed to, if he so desires.

Mr. GERRY. Very well.

The VICE PRESIDENT. Without objection, the amendment——

Mr. NORRIS. Mr. President, before the amendment shall be agreed to, I wish to make an inquiry. There is so much confusion in the Senate that I am unable to hear what is being said. I understand that there is an amendment, pending offered by the Senator from Iowa [Mr. BROOKHART], and I should like to know what the amendment is.

Mr. BROOKHART. The amendment relates to exemption from taxation of dues of small clubs; it raises the exemption from $10 to $25.

Mr. NORRIS. Is this the same matter we had up the other day when we undertook to cut out the tax and it was suggested that instead of cutting out the taxes we should increase the exemption?

Mr. BROOKHART. I think so. The Senator from North Dakota [Mr. FRAZIER] is the author of the amendment.

Mr. NORRIS. Yes; the Senator from North Dakota was talking about it, and so was the Senator from Kentucky.

Mr. President, as I understand the amendment I have no objection to it, and I am constrained to favor it. My understanding is that under the bill as the committee have brought it in there is imposed a tax on dues of clubs, particularly golf clubs, wherever the dues or the initiation fee into the club exceeds $10, and exempting everything under $10. We had a vote on the question, as I remember, of cutting down the tax, and that was defeated. Now the Senator from Iowa, in behalf of the Senator from North Dakota, offers an amendment that raises the exemption; in other words, the dues of these country golf clubs where they are $25 or less are not to be taxed.

Mr. SMOOT. That is correct.

Mr. NORRIS. The Senator from North Carolina, I think, made a speech that convinced me that we ought to increase the exemption, because there are a good many country clubs in small towns of which the dues are more than $10 and less than $25, and, as he said, golf is a very healthful pastime.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

Mr. NORRIS. Yes.

Mr. ROBINSON of Arkansas. Why should there be a tax on the right to indulge in this wholesome, healthful entertainment, exercise, or occupation? Why should the golfer be required to pay a tax?

Mr. SIMMONS. Mr. President, may I say to the Senator from Arkansas that when a former tax bill was before the Senate we made a very earnest effort to reduce the tax, but the Senators on the other side voted us down. As the Senator from Nebraska said, I insisted then that golf had ceased to be a rich man's amusement, and had become the amusement and the exercise of a large number of people in every little town in the country, and was very healthful exercise, and ought not to be taxed out of existence.

I want to say that this amendment meets with my hearty approval. I think it will relieve to a great extent those small clubs. I should like to have the exemption raised a little bit.

Mr. NORRIS. Mr. President, I took the floor not for the purpose of opposing the amendment, but mainly to find out what it is. Since I have found out what it is, I want to say that I feel favorably inclined to it, although I do not know anything about the pastime in which these people indulge.

Mr. SIMMONS. Neither do I, Mr. President.

Mr. NORRIS. I understand it is an amendment in behalf of old age, of gray hairs, and of bald heads. It is going to relieve from taxation the old man's game of golf.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. ROBINSON of Arkansas. The Senator now is entering upon a very comprehensive field of learning, one that absorbs the attention and engages the activities of thousands, not to say millions, of his fellow countrymen. There is not any subject that more promptly invites the exercise of the imagination and more frequently stimulates the faculty of exaggeration than that which the Senator from Nebraska is discussing.

Mr. NORRIS. That accounts, then, for a lot of exaggeration I have heard from golf players. I did not know that.

Mr. ROBINSON of Arkansas. It is a subject that provokes discussion around the fireside, where the results obtained are very different from those secured on the links. Many a golfer in that presence can shoot around in par when he reaches what used to be known as the nineteenth hole or assembles with fellow golfers around the fireside who disgraces himself in the actual engagements of the game.

Mr. EDGE. Mr. President, does the Senator from Arkansas feel that the nineteenth hole has been entirely eliminated?

Mr. ROBINSON of Arkansas. The Senator from Arkansas reserves an expression of opinion on that subject. It is too difficult to discuss here; but there is not a reason that appeals to my mind why those who do not play golf should penalize by taxing those gentlemen who think they can play the game.

Mr. CARAWAY. Mr. President——

Mr. NORRIS. I hope Senators will not take up my time.

Mr. ROBINSON of Arkansas. There is a very violent issue on the horizon between the Senator from Nebraska and myself.

Mr. NORRIS. No; I think there is not any disagreement. In fact, I expected to make what I believed would be an argument in favor of the amendment. Senators are misconstruing my purpose. I have been taught since I was a boy to respect old age, and I do not want to take any action that would interfere with my early training or teaching.

Mr. WATSON. But in that the Senator has no reference to the Senator from Arkansas?

Mr. NORRIS. I have not said I had reference to anybody.

Mr. ROBINSON of Arkansas. Let me make a confession in the time of the Senator from Nebraska. Every old man who attempts it persists in the effort to learn golf. No old man ever can learn it. Few young men ever master it. It is the exercise par excellence of the middle-aged; it is the consolation of the senile; it is the despair of the ambitious. The Senator from Nebraska, whose experience has been so broad, whose attainments are so comprehensive, has missed something in life, and the time is approaching when he will be old enough to quit indoor games and undertake outdoor sports, including golf.

Mr. SIMMONS. Mr. President——

Mr. NORRIS. I believe I have the floor, and I hope Senators will let me proceed.

The VICE PRESIDENT. The Senator from Nebraska has the floor.

Mr. SIMMONS. Will not the Senator let me say a word?

Mr. NORRIS. Let the Senator get the floor after I am through.

Mr. SIMMONS. I just want to say a word in behalf of two of my colleagues.

Mr. NORRIS. I know the Senator does and I am anxious to hear him; but I am also anxious to finish my argument in favor of this amendment.

Mr. SIMMONS. I do not want to worry the Senator, but——

Mr. NORRIS. The Senator is going to say it anyway, so he can keep right on in concert with me.

Mr. SIMMONS. If the Senator will just allow me to say this, the Senator is putting his argument upon the ground of relief of the poor man. I want to tell him that there are two Senators here whom I happen to know, one of whom spends his afternoons until a late hour playing golf—he is from Arkansas—and the other spends his mornings playing golf. He gets up before sunrise. They are both poor people and they ought to be relieved.

Mr. NORRIS. Mr. President, both of them are liable to injure their health by the loss of sleep.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me, on behalf of the junior Senator from Arkansas [Mr. CARAWAY] and the senior Senator from Washington [Mr. JONES], to express my appreciation to the Senator from North Carolina?

Mr. CARAWAY. Mr. President, I hope the Senator will let me say that my colleague is what I understand is known as a Civil War golfer. He goes out in 61 and comes back in 65. [Laughter.]

Mr. NORRIS. Mr. President, if Senators will permit me now, I desire to say briefly that I have rather been convinced by what the Senator from Arkansas has said that this game of golf is not as undesirable as I supposed it was from what I

heard the Senator from North Carolina say. I believe, from what I have heard, that some time in my life, when I get to be an old man, I will undertake to learn the game myself. At the present time, however, I am only acting because of my sympathy with those who are aged and gray and baldheaded who desire to play golf without paying Uncle Sam any royalty on the game.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. COPELAND. Mr. President, I send forward an amendment, which I ask to have read.

The VICE PRESIDENT. The amendment will be read.

The LEGISLATIVE CLERK. At the proper place in the bill it is proposed to insert:

For the purposes of this act officers and employees of any State or political subdivision shall not be discriminated against because their full-time service is given to a publicly owned and operated water-supply system, street railway, or other public utility, and any taxes and penalties heretofore imposed upon such persons shall be abated, credited, or refunded.

Mr. COPELAND. Mr. President, the Senator from Michigan [Mr. VANDENBERG] has offered an amendment of the same nature. I am not particular which amendment is adopted. Perhaps the language of his amendment is better than that of this one.

The purpose of this amendment is to release employees of a municipality who are devoting their entire time to a public utility. I have in mind particularly the waterworks. In my city the employees of the city who operate the water plant are taxed, while the other employees of the city—policemen, firemen, and other employees—are not taxed. Of course, the question is whether or not these are municipal employees.

I had a colloquy with the Senator from Utah two or three years ago over the same matter, where penalties were involved, where assessments had been levied against these municipal employees, and penalties imposed upon them. As the result of the debate in the Senate, participated in by the Senator from Minnesota [Mr. SHIPSTEAD] and the Senator from Massachusetts, Mr. Butler, who was here then, these penalties were abated; but it is manifestly unfair to discriminate against an employee of a city because he is engaged in a municipal operation in connection with a public utility.

I present the amendment for the consideration of the Senate.

Mr. VANDENBERG. Mr. President, the amendment presented by the Senator from New York accomplishes precisely the same result as the amendments that I have introduced and that are pending; and I am quite content to take the issue on the amendment as presented by the Senator from New York.

The issue is a very real one in my State, particularly because of the large number of employees on the municipal street railway and in the municipal waterworks at Detroit.

Up to 1923 it was supposed that all municipal employees were exempt. After 1923, due to a ruling of the Internal Revenue Department, it was undertaken to be said that some municipal functions are governmental and some municipal functions are proprietary. Because some are supposed to be proprietary, under the dictum of the Internal Revenue Department, the employees of those departments are asked to pay a tax. The obvious inconsistency of it is evident at a fire, for instance. where the fireman who holds the hose, according to the Internal Revenue Department, is exempt from taxation, while the man who pumps the water into the hose has to pay a tax. The amendment of the Senator from New York will remove that discrimination.

Mr. DILL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Washington?

Mr. VANDENBERG. I am very glad to yield.

Mr. DILL. What about the employees of a municipal electric light and power system?

Mr. VANDENBERG. I understand that they are exempt at the present time.

Mr. DILL. Is not that a proprietary organization also?

Mr. VANDENBERG. I should think so, if any are to be proprietary.

I might say to the Senator that one of my objections to this situation is that the Internal Revenue Department is undertaking to say to the cities of America what are or are not correct municipal functions. I think, in the name of home rule, that cities are entitled to decide for themselves what municipal functions they shall operate.

I am heartily in favor of the amendment. I think it is absolutely just. It involves practically no revenue to-day, because most of these employees are in the lower brackets; but in the name of a fair release from discrimination, and in the name of municipal home rule, I think this amendment is entitled to be adopted.

Mr. COPELAND, Mr. HARRISON, and Mr. PHIPPS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Michigan yield; and if so, to whom?

Mr. VANDENBERG. I yield first to the Senator from New York.

Mr. COPELAND. I suggest that the Senator from Michigan offer his amendment now in place of mine. I am told that his amendment is in better form than mine, and brings the same issue before us. There is no pride of authorship in it, of course.

Mr. VANDENBERG. Then I will offer mine as a substitute.

The PRESIDENT pro tempore. The Senator from New York withdraws his amendment. The Senator from Michigan offers an amendment which will be stated.

Mr. VANDENBERG. There will have to be two amendments under my offer, because the matter has been drawn in that form by the experts of the Finance Committee.

I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 91, it is proposed to strike out lines 24 to 25 and lines 1 to 6 on page 92, inclusive, and in lieu thereof to insert the following:

(b) Officers and employees of States and Territories: Amounts received by officers or employees of any State or Territory, or political subdivision thereof, as compensation for personal services in such office or employment, except to the extent that such compensation is paid by the United States Government directly or indirectly. For the purposes of this subsection the terms "officers" and "employees" shall include individuals employed by a corporation at least 95 per cent of the ownership or control of which is directly or indirectly, through voting power or otherwise, vested in a State, Territory, or political subdivision thereof.

Mr. HARRISON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Mississippi?

Mr. VANDENBERG. I yield to the Senator from Mississippi.

Mr. HARRISON. May I ask, in the time of the Senator from Michigan, if the Senator from Utah will not permit this amendment to be adopted, and let it go to conference?

Mr. COUZENS. Mr. President, will my colleague yield?

Mr. VANDENBERG. I yield to my colleague.

Mr. COUZENS. I do not like the inference of the Senator from Mississippi when he suggests that the amendment be allowed to go to conference.

Mr. HARRISON. I think the sentiment of the Senate is for this proposition. I believe it was in the Finance Committee, and I had hoped that, in order to expedite the passage of this measure, we might accept the amendment and let it go to conference.

Mr. LA FOLLETTE. I suggest to the junior Senator from Michigan that we test the matter out here by a vote in order that the conferees may be assured of the fact that a majority of the Senate are in favor of the amendment.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. SHIPSTEAD. I would like to ask the Senator from Utah a question. If I remember correctly, in 1924 we passed this kind of a provision exempting these employees.

Mr. SMOOT. No.

Mr. SHIPSTEAD. It was passed in the Senate.

Mr. VANDENBERG. Mr. President, I think that statement is slightly in error. Congress abated the back tax in the bill.

Mr. COPELAND. If the Senator will yield, that related to penalties imposed.

Mr. SMOOT. In other words, there was a question as to whether those employees were taxable or not, and a penalty was imposed upon each of the taxpayers who had not made a return or paid a tax.

Mr. SHIPSTEAD. Is that all we did?

Mr. SMOOT. That is all we did.

Mr. PHIPPS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Colorado?

Mr. VANDENBERG. I yield.

Mr. COPELAND. Just a word before the Senator speaks. Let me say to the Senator from Minnesota that I think we had a right to understand, however, at that time that with the abatement of these penalties it was to be our policy to recognize that

those men were municipal employees, but the action here taken related only to penalties.

Mr. SHIPSTEAD. I so understood.

Mr. SMOOT. If the Senator will look over the RECORD, he will find in the debate that there was an objection to exempting all of these people from taxation, but the tax not only having been imposed, but the Treasury Department having imposed a penalty, in the act of 1924 we provided that those penalties should not be imposed upon these individuals, as had been done by the Treasury Department. That is as far as we went.

Mr. PHIPPS. Mr. President, I simply rose to call attention to that very situation. There was great disappointment because the action in 1924 did not clear up the situation entirely. It was generally expected that the employees of water departments would be relieved from the payment of the tax and put on the same basis as other employees of the city. In our case in Denver the waterworks are owned entirely, exclusively, by the city, and it certainly is a discrimination to have those employees subjected to tax when other employees in other departments in the city are not under obligation to pay a tax.

Mr. SACKETT. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield to the Senator from Kentucky.

Mr. SACKETT. I would like to say only this, that it seems to me the object is to make a fair bill. The reason why these employees of the water company are taxed is that the cities have found it necessary to form these corporations, owned by the city, in order to do the actual business. It does not change the status of the individual, and if you are going to omit the tax on regular city employees, these should not be penalized simply because it is found necessary to change the form of the organization, I very much hope that this tax will be abandoned.

Mr. SMOOT. Mr. President, if we enter upon this field I do not know where we are going to land. Are we going now to exempt the employees of the Philadelphia Rapid Transit Co.? That will be the next step. I do not see any difference between them and these employees.

Mr. COPELAND. Is the Senator disturbed about that?

Mr. SMOOT. Yes; I am rather disturbed about it. I do not know just how far this thing is going.

Mr. SACKETT. Does the city own that company completely? This amendment provides that there must be 95 per cent ownership, which is practically complete ownership, except for the directors' shares. The employees of such a company are in the same situation as the firemen and policemen.

Mr. COUZENS. Mr. President, will my colleague yield?

Mr. VANDENBERG. I yield.

Mr. COUZENS. I wish to say to the Senator from Utah that these cases are not identical. There is private profit in the case of the Philadelphia street railway, and there is no private profit in connection with the organizations covered by the amendment proposed by my colleague. In that kind of utility there is no private profit. In the case of the Philadelphia railways, of which the Senator speaks, there is private profit, the same as there is in the Chicago elevated, where there is a division of earnings between the city and the company.

Mr. SMOOT. I would like to have the Senator offer his other amendment, because there must be another amendment to complete this one. The pending amendment is not complete. I would like to hear what the other amendment is.

The PRESIDENT pro tempore. The Senator from Michigan offers an amendment, which will be read for the information of the Senate.

Mr. SMOOT. They both have to go together.

The LEGISLATIVE CLERK. On page 243, after line 5, insert a new section as follows:

SEC. —. SALARIES OF STATE AND MUNICIPAL OFFICERS—RETROACTIVE

Any taxes imposed by the revenue act of 1926 or prior revenue acts upon any individual in respect of amounts received by him as compensation for personal services as an officer or employee of any State or political subdivision thereof (except to the extent that such compensation is paid by the United States Government directly or indirectly), shall, subject to the statutory period of limitation properly applicable thereto, be abated, credited, or refunded. For the purposes of this paragraph the terms "officer" and "employee" shall include individuals employed by a corporation at least 95 per cent of the ownership or control of which is directly or indirectly, through voting power or otherwise, vested in a State or political subdivision thereof.

The PRESIDENT pro tempore. Without objection, the two amendments will be considered together.

Mr. SMOOT. No, Mr. President.

The PRESIDENT pro tempore. Objection is made?

Mr. SMOOT. Yes; to their being considered together. There is not one scintilla of reason why this latter amendment should be adopted.

Mr. VANDENBERG. I can not quite consent to that statement.

Mr. SMOOT. The Senator may not, but if we adopt this amendment, we might as well make the whole bill retroactive in every relief provision.

Mr. VANDENBERG. So far, for instance, as the employees of the city of Detroit are concerned, it was not until February 17 of the present year, 1928, that the issue was finally determined that they could be taxed or would be taxed.

Mr. SMOOT. Mr. President, when the 1926 act was before us, the same question arose, and was positively agreed with those who appeared before the committee that they never would ask for any retroactive feature. That is what was agreed upon.

Mr. DILL. Mr. President, if it was the intention of the legislation in 1926 to exempt these employees, and it is found now that they are not exempt, why should we not have it retroactive?

Mr. SMOOT. There was no such intention, and no such understanding, and no such talk.

Mr. DILL. Was it the intention of the committee in the consideration of the last bill to tax the salaries of the water employees?

Mr. SMOOT. Certainly it was, and it does tax them. The only relief we gave them was to make the retroactive feature apply to them.

Mr. DILL. Why did you select water employees as being those whose salaries ought to be taxed, and not the others? What is there about a man working in the water department that he should have his salary taxed?

Mr. SMOOT. The Senator is mistaken when he says it was just the water employees.

Mr. DILL. I am asking the Senator the question.

Mr. SMOOT. It covers the whole of that class of employees.

Mr. DILL. The ruling of the Revenue Department is that the water employees are not exempt.

Mr. SMOOT. That is the only class that came up to them for a ruling. They would apply the same identical ruling to-day, under the law.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield to the Senator from New York.

Mr. COPELAND. It is a very easy thing to misunderstand each other, and to misunderstand what was the purpose of the Senate. I am sure the Senator from Minnesota will bear me out in the statement that we understood in whatever legislation we succeeded in passing two or three years ago that these employees were to be exempt.

I think that was the feeling of the Revenue Department, because it is only recently that these men have been assessed taxes, beginning with 1925, and they should not be. We are all agreed—I believe a majority of the Senators agree—that these employees are municipal employees in the true sense and they should not be taxed, and if they have been taxed and if the payments have been made, the money should be returned to them. If any penalties have been imposed, they should be abated.

Mr. SMOOT. It is just the reverse. The statement was made here that they were taxable, and the only reason why the retroactive feature was inserted was because they took it for granted that they were not, and therefore did not pay the tax, and we went so far as to relieve them of any taxes which had accumulated up to that date. I remember it well. I know that is exactly what was said two years ago upon this floor. I am perfectly willing to get the record.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Nebraska?

Mr. VANDENBERG. I yield to the Senator from Nebraska.

Mr. NORRIS. It seems to me that it resolves itself into a question of justice. Are these employees who are being taxed municipal employees, and as such entitled to the same privileges and rights other employees of the city receive? It seems to be conceded that in the case of waterworks owned by the municipality, the man who is working for the waterworks, who is running the pump, for instance, should not be taxed any more than the policeman in the same city. If he has been, then, if it is our belief that that is wrong, whether it is in the future or whether it was in the past, it is common justice that he should be relieved, it seems to me. If we do not believe that they are municipal employees, then, of course, we should not abate any tax, and we should continue to tax them in the future.

If we are going to exempt one class of employees of a municipality, which we have done, I do not see why we should not exempt all of the employees, and if in the past we have taxed them, contrary to the theory we believe to be the right one, we should not try to collect that tax. As I understand it, they have gone on the theory up until recently that they were city employees, and have made no attempt to return their salaries to the collection officers of the United States on the theory that they were taxable. But recently it has been held, so the Senator from Michigan says, that they are taxable under the law. If we want to relieve that class of municipal employees, it seems to me we ought to relieve those who were taxed last year just the same as we relieve those who are going to be taxed next year.

Mr. SACKETT. Every argument that applies to this year applies to last year.

Mr. NORRIS. It seems to me they are just the same; and I do not object to it being retroactive. I do not think we ought to make fish out of one class and fowl of another. It seems to me that if if anyone working for a municipality can not under the law be taxed by the Federal Government on his income it should not make any difference in what capacity he is laboring. If I had my way, I would not relieve anybody, whether he were working for the Federal Government or a State or a municipality. I believe all ought to be taxed on their salaries alike. But it seems to be held that under our Constitution we can not tax State officers, and if we can not tax part of them I do not see how we can justly tax any of them.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Michigan yield?

Mr. VANDENBERG. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I am in full accord with the statement of the Senator from Nebraska that common justice requires us to tax everybody uniformly. There is no reason in justice why a man who operates a pump for a city should get off tax free while a man who operates a pump for the Senator or myself should have to pay a tax on his income. The trouble is that we bump into the Constitution, under which it has been held there are certain classes of employees of municipalities that we have not the constitutional power to tax. It seems to me that it is a misfortune that we have not, although I do not quarrel with the decision of the Supreme Court.

But why extend that misfortune one inch further than the Constitution compels us to go? It seems to me the moment we begin to add legislative prohibitions, begin to make legislative inequalities on top of those made by the Constitution itself, we are simply making the situation worse and unfair to that great mass of the citizens who can hide behind the Constitution and who have to bear the tax, and we are just making the bill that much more unjust than it is now.

Mr. VANDENBERG. On the other hand, we have certain municipal employees within our jurisdiction and we certainly are charged with the duty of being fair to all of them alike. Two wrongs can not make a right. If the Senator from Pennsylvania is disappointed that part of the employees are exempt, he should not disappoint the other part of the employees by being unfair to them.

Furthermore, I submit this thought to him: Most of the employees in the municipal department are interchangeable under civil service. They are at the mercy of the interchangeable feature of the civil service. Therefore, a man who is in the supply department, we will say, transferred there from the water department, is transferred from a tax exemption to a tax liability, and he is not responsible at all. He is in the same municipality, on the same standard of pay, and yet under different rules. I do not see how that can be defended on the basis of justice and equity.

Mr. SMOOT. Mr. President——

Mr. VANDENBERG. I yield to the Senator from Utah.

Mr. SMOOT. There is a difference in this regard as to the salary of those two classes of people. It is true the Constitution prevents the taxation of employees of municipalities, States, and counties, but in this case, where there is an organization virtually owned and controlled and directed by the city, even though they do own only 95 per cent, the employees of the organization have their salaries fixed according to the wages fixed in every other similar class of work.

Mr. COUZENS. Oh, no; that is not so.

Mr. SMOOT. It was so testified here in 1926 and in 1924.

Mr. COUZENS. I will say to the Senator that I know personally of definite cases where that is not so, and that is better than testimony.

Mr. SMOOT. All I say is that it was testimony presented to the committee. There was no question about it at the time. That was the difference between the two, and that being the case there should be one exempt and the other should pay a tax. The man who receives the same identical wage upon the same basis is compelled to pay a tax. Why should he not be compelled to pay it?

Mr. COUZENS. Where the water department is wholly municipally owned, and not a private corporation owned by the city, the employees are taxable.

Mr. SACKETT. That is because they have a water company privately owned in effect.

Mr. COUZENS. Oh, no.

Mr. SACKETT. But if the city should see fit to change that status and put those employees under the same provisions as the police and firemen, then they would be exempt.

Mr. SMOOT. And they would have to take the same salaries paid by the city.

Mr. SACKETT. And so they do to-day, when a corporation is fully owned by the city. It is just a matter of the city's convenience as to how they handle the water company, and we put the penalty upon the employee, because the city wants to change the status. I do not think it is a fair proposition.

Mr. SMOOT. I do not care to discuss it any further.

Mr. VANDENBERG. Let us submit it to a vote.

Mr. SMOOT. I certainly hope the Senate is not going to make a wrong retroactive provision covering a wrong.

Mr. VANDENBERG. The first vote is upon the principle of general exemption. Let us have a vote.

Mr. SIMMONS. Mr. President, I will go as far as anyone to carry out the principle of comity between the States and the Federal Government, but I think that comity should be extended only to such employees of the Federal Government and such employees of the State government and its subdivisions as are necessarily in charge of the ordinary functions of the Government and of the States. If the State should go into private business, such as building railroads, the employees are certainly not entitled to exemption. If the United States shall go into private business, I do not think the employees engaged in that business are entitled to exemption.

The matter of street railways is not a necessary part of the functions of city government. In that case the city enters into business for the purpose of making money or saving money. It is not a part of the necessary functions of a city government. Those employees certainly are not entitled to exemption. When we come to electric light companies, of course they are entitled to it because it is a part of the function of the city to supply the people with light. The same is true of waterworks. There can be no question about it, I think. But I understand this amendment is drawn so broad that the exemption would apply to any enterprise the city might undertake in the nature of street railways and things of that kind for the purpose of making money or saving money.

Mr. COUZENS. Mr. President, I would like to ask the Senator a question.

Mr. SIMMONS. I admit the line of demarcation is very difficult to draw, but the principle is clear to my mind. In order to entitle a Federal employee or a State employee or an employee of a subdivision of the State to exemption, it is necessary that he should be engaged in work that is ordinarily within the functions of the administration of the affairs committed to the charge of the city or State.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. SIMMONS. I yield.

Mr. COUZENS. The Senator knows there has been evolution. There was a time when even the lighting of streets was done by private interests at so much per lamp. That evolution has grown so that it is not only nearly every community that furnishes its own lighting for its streets, but nearly every community now furnishes its own water. In some cases it has developed to the point where the city furnishes its own transportation facilities.

Mr. SIMMONS. I think it is very questionable whether they are entitled to exemption, but I would be willing to draw the line broad and wide enough to allow that class of employees to be included. But when it comes to street railways I do not agree to that at all. We have had a decision of the supreme court in my State, where the State entered into the business of building and operating railroads. The court held that the State in that particular divested itself of its sovereignty and became subject to the general laws which apply to private citizens.

Mr. FLETCHER. The same thing was held in South Carolina in the liquor case, when the State went into the liquor business.

Mr. SIMMONS. If it is a case where the sovereign, whether State or Nation, has gone outside of the ordinary domain of the jurisdiction which is conferred upon it by its charter and engaged in private business enterprises, then the employees

stand upon the same footing with other private citizens and are not entitled to this exemption under the principle of parity.

Mr. VANDENBERG, Mr. BARKLEY, and Mr. COUZENS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from North Carolina yield; and if so, to whom?

Mr. SIMMONS. I yield first to the junior Senator from Michigan.

Mr. VANDENBERG. Does the Senator know of any municipal function more generally exercised in America to-day than that of municipal waterworks?

Mr. SIMMONS. I had just stated, if the Senator will pardon me, that it is very difficult to draw the line; but with the desire to do full justice in my mind to the State government I have been willing to make it broad enough to include lighting and waterworks, although I do not think that is absolutely one function of a city government.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. SIMMONS. I yield.

Mr. BARKLEY. The Senator from North Carolina knows with what great respect I look upon any views he may express on any subject.

Mr. SIMMONS. I thank the Senator.

Mr. BARKLEY. It is true that in many cities they have publicly owned and operated hospitals, which to some extent invade the domain of privately owned and operated hospitals.

Mr. SIMMONS. I would be liberal enough to take them in.

Mr. BARKLEY. What distinction does the Senator draw between a publicly owned lighting plant, lighting the streets for its citizens, and on the other hand a publicly owned street railway system furnishing transportation for its citizens along the publicly owned streets?

Mr. SIMMONS. I do not think it is at all within the province of the city to enter into that business except for the purpose of making money.

Mr. SMOOT. In the Metcalf case in the Supreme Court, the court took the position absolutely that the employees were taxable.

Mr. SIMMONS. I want to be as liberal as it is possible to be, but if we begin to broaden this thing it will finally have to be extended to every possible activity of a city or town that it may want to enter into, or even a county or State. Whether it be the railroad business or what not, we would have to extend the exemption to the employees engaged in that operation.

The PRESIDENT pro tempore. Does the Senator from Utah maintain his objection to combining the two amendments of the Senator from Michigan?

Mr. SMOOT. I do.

Mr. VANDENBERG. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. COUZENS. Mr. President, I understood the Senator from Utah to state, I think, that water employees are now exempt.

Mr. SMOOT. I said municipal employees are exempt, and that is all the amendments are asking for.

Mr. COUZENS. But the waterworks employees are not exempt. The Senator should not make the broad statement that the municipal employees are exempt, because that is not a true statement. They are only partially exempt.

Mr. SMOOT. I will take the decision of the Supreme Court as to what an employee of the Government is. The court said it is where they are engaged in municipal-government functions.

Mr. COPELAND. Mr. President, the Senator is referring to the case he mentioned two years ago, where a man was giving part time in the waterworks, and during only a few weeks of the year he was on the pay roll. He asked exemption, and, of course, the court said very properly that he was not entitled to exemption.

Mr. SMOOT. If the Senator has the decision he will find the rule is applicable in every case.

Mr. COPELAND. It was held that the man was not a municipal employee.

Mr. SMOOT. Certainly he was not.

Mr. COPELAND. Because he was only giving a few weeks' time to that particular duty. We had that matter argued out here two or three years ago. It does not relate in any way to the permanent employees who spend all their time at the works. It related only to a man who was doing many other jobs besides this particular one.

Mr. SMOOT. That was the case, but the Supreme Court went further than his case, and stated exactly what the situation is.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Michigan.

Mr. GEORGE. Mr. President, may we have the amendment stated?

The PRESIDENT pro tempore. The amendment will be read for the information of the Senate.

The CHIEF CLERK. On page 91, strike out lines 24 to 25 and lines 1 to 6 on page 92, inclusive, and in lieu thereof insert the following:

(b) Officers and employees of States and Territories: Amounts received by officers or employees of any State or Territory, or political subdivision thereof, as compensation for personal services in such office or employment, except to the extent that such compensation is paid by the United States Government directly or indirectly. For the purposes of this subsection the terms "officers" and "employees" shall include individuals employed by a corporation at least 95 per cent of the ownership or control of which is directly or indirectly, through voting power or otherwise, vested in a State, Territory, or political subdivision thereof.

Mr. GEORGE. Mr. President, I am not able to support this amendment, because I think the proposal to exempt from taxation the income of officers and employees of a corporation at least 95 per cent of the stock of which is owned or controlled by a municipality involves a principle that we ought never to recognize. I see, however, much force in the general position taken by the Senator from Michigan [Mr. VANDENBERG]. I do not disagree with what the Senator from North Carolina [Mr. SIMMONS] has said. Of course, the amendment is the result of court decisions, and it is recognized as established that, under our system, the General Government can not tax the local governments.

Mr. SIMMONS. Mr. President, will the Senator from Georgia pardon an interruption?

Mr. GEORGE. Yes.

Mr. SIMMONS. I call the attention of the Senator to this provision of the amendment.

For the purposes of this subsection the terms "officers" and "employees" shall include individuals employed by a corporation at least 95 per cent of the ownership or control of which is directly or indirectly, through voting power or otherwise, vested in a State, Territory, or political subdivision thereof.

It includes any enterprise they may go into.

Mr. GEORGE. I said that I could never support the amendment with that provision in it, but what I am trying to say is that it is not at all necessary, in view of court decisions, in the framing of a tax act to undertake to run fine distinctions between strictly governmental functions and nongovernmental functions.

There are many exceptions in this proposed tax act and in all tax acts. We arbitrarily exempt from taxation certain amounts and authorize certain exemptions in favor of particular classes. To undertake a fine distinction based upon the decisions of the courts, holding that so long as a political subdivision of a State is performing a strictly governmental function the incomes of its officers and employees are not subject to the Federal income tax, but that its officers and employees engaged in nongovernmental activities are subject to the tax, is to run into trouble and, as I think, work an injustice, as the Senator from Michigan has pointed out. There is no equity in imposing a tax upon one class of municipal employees and at the same time exempting the income received by another class of municipal employees. So it seems to me that it would be very much better in writing the tax act to say that employees of a State, county, or municipality should not be subject to the tax upon income derived solely from the State, county, or municipality for personal service. I would be willing to vote for that kind of amendment, as it is a more reasonable distinction if we are going to make any distinction; and under the Constitution, of course, we must make some distinction in favor of the employee engaged exclusively in the performance of a function of government in a legal sense.

Mr. SMOOT. I should be perfectly willing to accept an amendment of that kind.

Mr. COPELAND. Mr. President, let me ask the Senator from Georgia if my original amendment does not cover what he has in mind. That amendment reads:

For the purposes of this act officers and employees of any State or political subdivision shall not be discriminated against because their full-time service is given to a publicly owned and operated water-supply system, street railway, or other public utility, and any taxes and penalties heretofore imposed upon such persons shall be abated, credited, or refunded.

Mr. GEORGE. Without opportunity to study the amendment, I would not say whether it would meet the views that I have tried to express. I would much rather insert in the tax act

an exemption of such employees of municipalities as are engaged in strictly municipal business, though some of it may not be governmental in a strict technical sense, than to undertake to draw the distinction between municipal employees.

Mr. COPELAND. Let me say to the Senator from Georgia that we thought two or three years ago that we had reached an understanding on that matter. That is the reason why I am anxious that we should be very specific at this time, because otherwise we shall find that the taxing department will go ahead, as they have since 1925, and tax these employees. I am particularly interested in the water companies. They have been taxing water-company employees; there has been no relief such as we anticipated would be given by the action we took at that time.

Mr. SIMMONS. Mr. President, does the Senator mean that he wants now specifically to exempt employees employed in electric-lighting plants and waterworks?

Mr. COPELAND. Yes, sir.

Mr. SIMMONS. Does the Senator wish to stop there?

Mr. COPELAND. So far as I am personally concerned, my interest has not gone beyond that; but both Senators from Michigan are anxious to have the principle extended.

Mr. SIMMONS. I think that is in the twilight zone; but in the interest of the municipality, in the interest of the employee, and in the interest of harmony between the Federal Government and the State governments, I would be willing to treat waterworks and lighting plants as a part of the function of government in connection with city administration. I would be willing to go that far, but I would not go any farther.

Mr. VANDENBERG. Mr. President, will the Senator from Georgia yield to me for a moment?

Mr. GEORGE. I yield.

Mr. VANDENBERG. Mr. President, I wish the amendment might be adopted and go to conference to be perfected there if there is any such provision in it that is as dangerous as the Senator indicates. If we can establish the principle on the roll call, and then let the conference committee perfect it, that will be perfectly satisfactory to the author of the amendment.

Mr. SMOOT. The Senator refers to the first amendment?

Mr. VANDENBERG. To the first amendment.

Mr. SMOOT. I have no objection to that.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Michigan, and on that question the yeas and nays have been ordered.

Mr. KING. Mr. President, I am opposed to the amendments offered by the Senators from Michigan and New York. I think that the correct exposition of this question has been made by the Senator from North Carolina [Mr. SIMMONS] and by the Senator from Georgia [Mr. GEORGE]. I invite the attention of Senators to the possible precedent that may be established if the Federal Government allows too great exemptions and deductions in behalf of persons who may be connected indirectly with State or municipal governments. If we exempt from taxation the incomes of persons employed in business enterprises owned or controlled by States and their political subdivisions, and the Federal Government should enter upon the operation of railroads, as it may, the operation of ships, as it has done, and engages in general business undertakings that come within the category of private endeavor, the States may be denied the right to collect income taxes from the thousands of persons employed in such enterprises upon the theory that they are agents of the Federal Government and so immune from State taxation.

Many Federal employees receive large salaries from the Shipping Board and from other governmental agencies and corporations engaged in business concerns of a nongovernmental character. States imposing income taxes, as they have a right to, may encounter obstacles to the collection of the same if the Federal Government frees all persons from income taxes who receive compensation from States and municipalities engaged in activities of a private or nongovernmental character.

If we establish the principle that the United States will not tax the employees of cities or their agencies and corporations who are engaged in purely private business, running railroads and profit-making plants, then when the States attempt to tax Federal employees engaged in a multitude of proprietary or nongovernmental activities we will find our action here paraded as a precedent, which will come home to vex us and to impair the power of the States to derive revenue from those who should pay.

I favor granting this exemption to those employees who are engaged in purely governmental activities but not those who serve the States or municipalities who are carrying out business activities. If we shall exempt from taxation under the income tax those who are engaged in purely governmental functions for municipalities and the States, we will exempt, of course, from taxation those who are engaged in purely governmental functions who are serving the Federal Government.

Mr. LOCHER. Does the Senator consider the operation of a waterworks a municipal function?

Mr. KING. I would be willing to go that far.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Michigan [Mr. VANDENBERG]. On that question the yeas and nays have been ordered. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from Connecticut [Mr. BINGHAM]. As he is absent, I withhold my vote.

The roll call was concluded.

Mr. BRATTON. I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. I do not know how he would vote if present. Therefore, I withhold my vote.

Mr. WALSH of Montana (after having voted in the affirmative). I have a pair with the Senator from Vermont [Mr. DALE]. I transfer that pair to the Senator from Missouri [Mr. REED], and will allow my vote to stand.

Mr. WHEELER (after having voted in the affirmative). I have a general pair on this question with the Senator from Idaho [Mr. GOODING]. I transfer that pair to the Senator from Arizona [Mr. ASHURST], and will let my vote stand.

Mr. WATSON (after having voted in the negative). I am paired with the Senator from South Carolina [Mr. SMITH]. I transfer that pair to the Senator from Maine [Mr. GOULD], and will permit my vote to stand.

Mr. JONES. I have been requested to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE]; and

The Senator from New Hampshire [Mr. KEYES] with the Senator from New Jersey [Mr. EDWARDS].

The result was announced—yeas 40, nays 30, as follows:

YEAS—40

Barkley	Gerry	McMaster	Sackett
Blaine	Hale	McNary	Sheppard
Brookhart	Harrison	Mayfield	Shipstead
Capper	Hawes	Metcalf	Stephens
Copeland	Hayden	Moses	Tydings
Couzens	Howell	Norbeck	Vandenberg
Cutting	Johnson	Norris	Wagner
Deneen	La Follette	Nye	Walsh, Mass.
Dill	Locher	Oddie	Walsh, Mont.
Edge	McKellar	Phipps	Wheeler

NAYS—30

Bayard	George	Neely	Steiwer
Black	Glass	Overman	Swanson
Borah	Greene	Pine	Thomas
Broussard	Harris	Ransdell	Tyson
Bruce	Heflin	Reed, Pa.	Warren
Curtis	Jones	Simmons	Watson
Fess	King	Smoot	
Fletcher	McLean	Steck	

NOT VOTING—24

Ashhurst	du Pont	Gould	Robinson, Ind.
Bingham	Edwards	Kendrick	Schall
Blease	Frazier	Keyes	Shortridge
Bratton	Gillett	Pittman	Smith
Caraway	Goff	Reed, Mo.	Trammell
Dale	Gooding	Robinson, Ark.	Waterman

So Mr. VANDENBERG'S amendment was agreed to.

Mr. VANDENBERG. May we have a vote now on the other amendment?

The VICE PRESIDENT. The question is on the second amendment of the Senator from Michigan.

Mr. GEORGE. May the amendment be stated?

Mr. SMOOT. So that the Senate may understand it, I will state that this amendment simply makes retroactive the amendment which has just been adopted.

Mr. GEORGE. On that question I wish to be heard.

The VICE PRESIDENT. The Senator from Georgia.

Mr. GEORGE. Mr. President, I stated to the Senate that if one provision of the amendment just adopted were stricken out I could very well vote for it, not upon the ground that these employees are necessarily entitled to exemption, but upon the ground that it is difficult to draw the distinction between governmental and nongovernmental functions. I desire, however, to direct the attention of the Senate to the amendment as adopted, because it has a bearing on the pending amendment.

The amendment provides for the exemption of the salaries or incomes of officers and employees of any State or Territory or political subdivision thereof, and then declares:

For the purposes of this subsection the terms "officers" and "employees" shall include individuals employed by a corporation at

least 95 per cent of the ownership or control of which is directly or indirectly, through voting power or otherwise, vested in a State, Territory, or political subdivision thereof.

That amendment is wholly indefensible on any just ground, as I think. The head of a corporation drawing $25,000 per year, not one penny of the stock of which is owned by a municipality, may have his entire income exempted from taxation if that corporation, directly or indirectly, is controlled by the municipality by means of a voting-trust agreement, recognized in some States.

I wonder what you are going to say to the farmer who upon his little farm earns a little more than $5,000 when you exact of him an income tax, though his neighbor, who is employed by a corporation at $10,000 per annum, goes free, although the municipality does not own a dollar of the corporation's stock, but merely controls it through a voting-trust agreement.

It can not be said that this amendment is based upon the theory of exempting the small wage earner, because the wage earner, if married, has an exemption of $3,500 arbitrarily fixed in the income tax law.

Mr. VANDENBERG. How much was that exemption in 1925?

Mr. GEORGE. It was $2,500 under the act of 1924; but I am speaking of the act of 1926. Every married man has an exemption of $3,500. He must earn in excess of that amount, and not only in excess of that amount but he must earn a sum which, when reduced by all proper deductible expenses allowed by the act, gives him a net income of more than $3,500 before he is taxable.

So it is not in the interest of the small wage earner. The small wage earner is not affected. But this amendment, it seems to me, goes beyond all possible reason, because it exempts the officer of a corporation, not of a municipal corporation, but any corporation owned or controlled by a municipality through a trust voting or pooling arrangement recognized by the law of the State.

It not only does that, but it exempts from the income tax the income of one, whatever his income may be, employed by a corporation jointly owned by a municipality and individuals or other corporations. Bear in mind, he is not required to be employed by the municipality exclusively, nor paid entirely by the municipal corporation, but if he is employed by a corporation 95 per cent of which is owned by a municipality, or which is controlled by a municipality directly or indirectly, through voting power or otherwise, then his income is wholly exempt from the income tax laws of the United States.

Mr. President, from the earliest time in this country it was, of course, a matter of controversy as to whether the Federal Government could tax an agent or officer of the State, or whether the State could tax an officer or agent of the Federal Government. In an early case it was decided by the Supreme Court that the power to tax, being the power to destroy, could not be exercised by the one sovereignty against the officers or agents of the other. In view of our dual system, it must be conceded that neither sovereign could tax the other sovereign, because if that should be conceded, of course the complete sovereignty of the State or of the Nation, as the case might be, would thereby be limited, and one would be subjected to control by the other.

That has remained in our law. After the ratification of the income-tax amendment it was believed by many eminent jurists, not without reason, that all incomes had been subjected to the Federal income-taxing power because the States had consented to the amendment. The language of the amendment expressly granted the power to tax all incomes from whatever source derived.

Whether that view was right or wrong, we are familiar, of course, with the line of court decisions even since the ratification of the sixteenth amendment. But the whole controversy in this case arises in consequence of decisions which simply hold that an employee of a municipality engaged in a nongovernmental function is subject to be taxed upon his income if his income puts him within brackets where the tax applies, just as the farmer, just as the merchant, just as the lawyer, and just as the man who works for a private corporation.

In writing a tax law it is proper and legitimate, as I think, to attempt no fine distinction between nongovernmental and governmental functions, and say that since the man who is employed strictly in the performance of a governmental function can not be taxed, therefore we will recognize that he is not subject to the tax, but that the man who is engaged in a nongovernmental function should be taxed. Frequently it is impossible to distinguish between the two. The law is a progressive science. When it is admitted that it is not an exact science, it is meant that it is progressive. What is strictly a governmental function to-day may not be so a hundred years hence, and what was not strictly governmental a few years ago might, in the light of our advancing civilization, be classed as a governmental function now.

That being true, I said to the Senator from Michigan that I would be perfectly willing to make a broad distinction in the act and say that all officers and employees of the State or of the county or of the municipality should have their incomes exempt from taxation. But this amendment—and I am speaking to this amendment—goes further than that.

In conclusion, Mr. President, permit me to read the amendment:

For the purposes of this paragraph the terms "officer" and "employee" shall include individuals employed by a corporation at least 95 per cent of the ownership or control of which is directly or indirectly, through voting power or otherwise, vested in a State or political subdivision thereof.

I wish to say to the Senator that I could not answer to the farmer, or to the man who works in the store or factory, or to the man who earns his income in the sweat of his brow as an employee of a private individual or a private corporation, why I voted for this amendment, but insisted upon the payment of an income tax by him. Hence I voted against the amendment offered by the Senator. With that provision out of it, I would have supported it for the reason that I have indicated, but with that provision in it I do not see how the Senate can finally adhere to its action, and particularly how we can now make retroactive this amendment, containing this provision, as it does, as now proposed in the pending amendment.

PRESIDENTIAL CAMPAIGN EXPENDITURES

Mr. HEFLIN. Mr. President, while we are dealing with the question of taxation, it ought to be the desire of every Senator to do that which is right and just to every taxpayer. The Master laid down a principle by which we should be guided when He demanded more of the man of 5 talents than He did of the man with 2.

I do not like to impose unjust tax burdens on wealth, but wealth ought to bear its fair share of the burdens of government. Those who have most ought to pay most; those who have least should pay least. That is the principle this Government has to follow if it is going to endure.

Mr. President, there is another principle that stands above all of them, and that is the matter of keeping this Government clean and honest, out of the hands of grafters and corruptionists. We are now told about a campaign that has just been concluded in New Jersey, where Republicans high in authority are charging fraud and corruption of the rankest kind. I have helped to drive from the Senate two or three men who purchased their seats here. I dare say that the founders of this Republic never dreamed that the day would come when you could buy a seat in the United States Senate as you can buy a seat on a stock exchange, that the man who is best equipped from a financial standpoint outdistances his opponent and carries away the honors in an election for the Senate.

Now we are confronted with a situation, the most astounding, diabolical, and dangerous that has come to my notice since I have been in public life, an effort to purchase the nomination for President of the United States. Millions are being spent. The tracks of those who are using this money are being covered up to some extent, to a very large extent.

A few days ago a committee appointed by the Senate to investigate contributions made to the candidates for President in both political parties found that Mr. Hoover had spent nearly $250,000. Of course, that is not a drop in the bucket to what he has expended. They found that Governor Smith's committee had expended about $103,000. That is enough to make even the Tammany tiger laugh. In my judgment $10,000,000 would not touch the amount they have expended since 1924 in their campaign to obtain the Democratic nomination through their secret operations and persistent efforts of the Roman Catholic political machine. Ten million dollars, in my judgment, they have spent, and more.

When our committee was in New York they had before them a Mr. Van Namee. Mr. Van Namee, as I have told the Senate before, was appointed by Governor Smith on the public-utilities commission, where he holds the power of life and death over the public utilities of the State of New York. Frank Smith occupied a similar position in Illinois. He held the same power over the public utilities there. Insull, the power king, raised his electric light and power rates upon the people. Frank Smith, sitting in the seat of power, approved them. Insull gathered in the shekels, and he in return contributed to Frank Smith, if my recollection is right, over $400,000. So Governor Smith, learning, no doubt, from Frank Smith how to do this thing, has named this man Van Namee, a man he appointed to office, the man of all men that he appointed, who had imme-

diate and effective contact with big business in New York, and he has brought him down from Albany and put him in the Biltmore Hotel, with headquarters where Governor Smith himself lives, and he is in charge of the Smith campaign.

Mr. President and Senators, when he sends this man Kenny or somebody else up to some one engaged in the public-utilities business, of course they are going to contribute. They are being held up. It is just like a judge on the bench, with a man standing before him with a case in his court, calling on that man to contribute something to his campaign. Of course he will contribute something to it. These people are being held up with this power. And from this source they are going to gather in an immense sum of money. Mr. President, I had an unsigned letter from a citizen who said the way they get the contributions is to call on somebody in the public-utilities business and tell them that they are representing Mr. Van Namee, Governor Smith's campaign manager, and that they want this money for the governor, not to give it to the agent calling, nor to Van Namee, but to send it to somebody else, and they will give it to somebody else; and so no report is being made of it by Van Namee. Do you know where they learned that? In the Newberry case. When we drove Newberry from this Chamber, we found vouchers, check stubs, and receipts showing that they had spent over $200,000, as I remember. They had burned up checks and stubs that we think would have reached at least $500,000. Governor Smith and Van Namee have learned from them, and now this remarkable campaign manager for Governor Smith is giving an account of only $100,000 spent in the presidential campaign, and we are within nearly a month of the national convention. Senators, I do not believe their testimony. I think Kenny comes nearer representing the Tammany idea of politics and government than anybody else who has been before the committee. He appeared before the committee yesterday, as I understand, and refuted the statement of Mr. Van Namee. Van Namee had sworn to the committee that he borrowed $50,000 from Kenny and that Kenny gave $20,000 as a contribution. Kenny says, "It is not so. I did not loan any money at all. I gave it all to them"—$70,000 from one big contractor in New York State! Think of that!

Senators, listen to the astounding thing that developed. "Mr. Kenny, do you intend to give any more?" "I do." "How much?" "All they want." Mr. President, I have never seen that happen before in my life in politics, and I have been in politics more than 30 years, and 24 years of that time at the Capitol. I have never heard of anybody on either side who had the unmitigated gall to come here to the Capitol and tell the Congress in session and the country at large that they are going to buy, if they can, the presidential nomination. I have never seen such a bold and brazen effort in my life to bulldoze the Democrats of Congress and to intimidate the Democrats of the country into surrendering the principles on which this great Government rests and to compel them to adopt and swallow whole the Tammany practices of perversion of public office, of graft and corruption in politics.

If the time ever comes when one can purchase a place in this body and get away with it, if the time comes when one can buy the Presidency, secure the nomination by the corrupt use of money, backed by a selfish, powerful, and dangerous political machine, God help the country. The Roman Catholic political machine is the most powerful machine of its size in the country and dangerous to our free institutions. The American people have got to reckon with it. Senators, this issue has been forced upon us, upon America, and it must and will be met.

I want, I say again, to give these Roman Catholic newspapers a chance to correct the false statements that they have made about me from the time they forced this question upon the country by their un-American stand in 1926 and 1927. I am not attacking the Catholic religion. I want the individual Catholic to worship as he pleases. The Protestant feels that way. The Jew feels that way.

But the Roman Catholic hierarchy does not feel that way toward the Protestant and the Jew or other non-Catholic denominations.

What I am fighting against is the day when the Roman Catholics have planned to deny to the Protestants their religion and to the Jew his religion. The last Roman Catholic book that I know anything about, published by Doctor Ryan, of the Catholic University of America. It is called State and Church and is sent out to the faithful. In that book he points to the day when Roman Catholics are strong enough to set up a Catholic state in the United States and then he says they will proscribe other denominations. If they permit other denominations to carry on at all, the book assures us, it will be only the church members and confined to them until they die out. That is exactly what it means. He says plainly "We can not permit them to carry on general propaganda." That is, you can not have revival meetings and invite outsiders to join the Protestant Church or other non-Catholic denominations. It is strongly intimated that those already members of other denominations may be permitted to remain members until they die out and then that church will be closed.

That is what the intelligent Protestant is fighting against and what the wide-awake Jew does not want to happen. The American citizen who understands what religious liberty means does not want the day to come when a Catholic will have the power to say that the Protestant can not worship God as his father and mother before him worshiped, and that the Jew can not worship as Abraham and Isaac and Jacob and a long line of illustrious Jews have worshiped. We want to keep this country free so that everybody can worship as he or she chooses. But there is a distinct program and deep-laid plan and purpose in the minds of many Roman Catholics to control this country and to make it Catholic. I am against that with all the force that I possess and I dare to fight it in the Senate and on the hustings, and, Senators, the masses of the people are with me. There is no doubt about that. The newspapers in the main are suppressing the truth and you are not hearing from the people like I am. It is impossible for me to read as they come in the letters that I receive. I have thousands of letters in my office that I have not had a chance to read. They are coming in every mail; coming from all over the country, indorsing my position and saying that many Protestants are asleep—lulled to sleep by the deception and hypocrisy of certain Roman Catholics. God help those Protestants to wake up!

Mr. President, Governor Smith is the man selected by the Roman Catholic political machine to be the Roman candidate for President of the United States. He is the man they have picked out and agreed upon to lead their fight for the Presidency. A lady in West Virginia said to me: "Senator, if Governor Smith had been a Protestant he would have been nominated and elected." I said, "If he had been a Protestant he would not have been Governor of New York," and that is true. I repeat that he is the man that the Roman Catholic hierarchy and political machine have rallied around and done all kinds of reprehensible things to hold him in the office of governor until they got ready to make him their candidate for President of the United States.

Such trafficking and such corrupt and scandalous trading nobody has ever engaged in as that Tammany bunch has to push this man along up the ladder. They betrayed and traded off the Democratic Party in 1916 because Wilson would not go to war with Mexico in behalf of the Roman Catholic Church. They traded it off again in 1920 and voted with the Republicans, helping to defeat the Democrats, looking to the time when they could frighten and threaten the Democrats into supporting their candidate—Governor Smith. They deserted the Democratic Party in 1924, and supported the Republican ticket. In Tammany New York City on the day of the election they were so bold and brazen in their political betrayal that they had badges "Al and Cal" worn by so-called Democratic members of Tammany. I got that from an ex-Member of Congress, a Democrat from New York, who saw them himself. They were trading the party off and trying to defeat it then, but now they come with the leader of the Roman Catholic political machine and tell the Democrats of the country that if we will not let them name their candidate to lead the Democratic Party that they will do as they have done before, refuse to vote the Democratic ticket. Governor Smith is riding over the country in the private cars of contractors in New York State. He went to North Carolina in one of them. He has been to White Sulphur Springs in one of them.

It is very evident that the private special interests of the country are tied into this man's candidacy and program, and now they come and tell us real American Democrats, "We have got to nominate him."

The Roman Catholic Irish World, perhaps the biggest Catholic paper in the country, says, "If we do not nominate him we commit suicide." They will not vote the ticket. They will bolt the ticket. Roman Catholic papers throughout the country are serving notice on us in advance that if Smith is not nominated, the Catholics will not vote for the Democratic nominee. Senators, what do you think of that? The great Democratic Party, the party of Jefferson, Jackson, Cleveland, and Wilson is coming to the point where it seems that its designated leadership here has laid down to a very large extent. The Senator from Arkansas [Mr. ROBINSON] ought to come out in view of the political tactics of Governor Smith and the ugly disclosures in his campaign management for the Presidency and help to purge our party of every cloud of scandal that now

hangs above its fair name. He owes that to the party and the country. This able investigating committee of ours has gone out and brought in at the outset these startling and astounding statements and has just begun its work. It is said that witnesses testified that they contributed this money and that they are going to contribute more, that they, in spite of wholesome public opinion and the good of the country, will contribute whatever money is necessary. Is not that a remarkable and astounding statement?

My God, what is the Democratic Party coming to under its present leadership? I will tell you what it looks like, it is about to be driven to the point where, out of love for right principles, devotion to duty, and unadulterated loyalty to American ideals and institutions it will be compelled to reorganize and save the ark of American democracy from the exploitation and dangerous control of those who do not understand or who do not appreciate the great and noble mission of the Democratic Party. The Democratic Party will not turn over the control of this Government to those who would cripple, weaken, or destroy our free institutions. We know enough about the Roman Catholic political machine to make us afraid of Roman Catholic control. I pray God to give the Democratic men and women of this Nation courage to stand up in this serious trouble and say to that arrogant and foreign group: "You shall not pass." This Government is not for sale. The Presidency is not to be put upon the auction block and sold.

The Senator from Idaho [Mr. BORAH] rendered a great service to the country in a speech in Chicago in 1920. He showed how certain Republicans were trying to buy the nomination. He told of the time when old Pertinax bought the emperorship of Rome for a million and a half dollars. Why, Mr. President, this Roman bunch in America have put old Pertinax out of the picture. He is a mere piker compared to the Al Smith money bunds of Rome and Tammany.

Now, they come down to Washington and flaunt the arrogance and impudence of their ill-gotten gain in the face of those chosen to represent the Nation in the Congress and say, "Yes; we gave him money. We are going to give him more." In effect, they say, "we will give all that is necessary to buy the office of President for the leader of the Roman Catholic political machine. How much will it take?" That is what it means. And that seems to be the idea that they meant to convey to the country. Why? Because they think there are enough people in the country who are ready to be sold like a sheep in the market place for their filthy lucre. They are going to find to the contrary.

Mr. President, this morning the Washington Post contained a remarkable editorial. We are being treated to some strange politics, politics of a peculiar brand in this day and time. And let me say I am getting tired of the Republican Party leaders trying to put a nominee on us who is beaten before he starts. You know as well as I know that if Al Smith is nominated by this social-equality ring and Roman crowd at Houston he will run third in the November election. I make the prediction now that it will be 1912 over again. Wilson ran first, Roosevelt ran second, and Taft ran third. This time, if Smith is nominated, the Republican nominee may run first, though I am not sure, but if he does, the Jeffersonian Democracy's ticket will run second, and the Roman Catholic political machine's ticket, offspring of Tammany, will run third. Put that in your pipe and smoke it. [Laughter.] Oh, you smart Republican leaders are doing your best to have Governor Smith nominated at Houston. They know if they put him on us we will be crying like Paul did, "Who will deliver me from the body of this death"—political death to the party. [Laughter.]

The Roman Catholic political machine is using its machinery. They control the party in certain States that never go Democratic. The machinery of our party in those States is largely in the hands of the Roman Catholics there. So they have manipulated and gotten hold of and thrown the delegates to Smith, but he is not carrying Democratic States. The solid South, that has held the ark of the covenant through the years, has never lowered her arms in battle against corruption and the sale of office in Senate, House, or Presidency. Thank God, she is still holding the line. South Carolina on yesterday went against Smith, as Alabama, Georgia, and Texas have already done, and as Mississippi, Virginia, and Florida will do, and as soon as the people vote in North Carolina they will go against him. The Smith people are spending money down there. It will do them no good. North Carolina is not for sale.

It will go heavily against Smith, the people down there say. I have been there three times, and I am going back again. When I got there I found the Smith men saying, "Oh, well, he is nominated, and some of us thought it was just as well to go along." I said, "Nominated for what? He is not going to be nominated for President of the United States at Houston. We have got his number; we have got him blocked; he will not be nominated; he will be defeated at Houston"; and the New York World comes along and tells us if he shall be defeated, then we will face certain defeat. I would rather have defeat and go down with clean colors and honorable flags flying with no act of dishonor charged against my American ship and crew than to sail into this Tammany harbor and all that its graft and corruption mean. The chosen of the Roman Catholic political machine, a wringing wet, a Constitution nullifier, and a man who believes in social equality and permits it in New York City and State. And now the New York World boasts of it.

Mr. President, there are some things dearer to the South than party politics. The sanctity of the home is the same the world over, and the curse of God Almighty will rest upon the man who will not protect and defend it. When Governor Smith comes flaunting his Vatican flag of social equality in the face of the white people of the South, that have had to bear this burden and solve this problem, he will not get any comfort there; they will say, "Get thee behind me, you worker of iniquity; depart from me; I never knew you." Thank God, the South is not for sale. North Carolina, under the leadership of the little giant of that State [Mr. SIMMONS], and his colleague, Senator OVERMAN, will be victorious on the 26th of May, and Governor Smith's trip down there, with his satellites moving through the State, well organized and financed in precinct, county, district, and State, money unlimited, will avail him nothing, because that State is waking up. It is getting on to his game. Its people are ready for battle; they are battling now and they are not to be bartered away by certain strangely influenced Smith advocates down there.

Mr. President, the Republican Roman Catholic Washington Post this morning has an editorial calling on JIM REED to withdraw from the Presidential race and get out of the way of Governor Smith, what they call a Democratic candidate. Did Senators ever see or hear of such pusillanimous politics—a Republican newspaper publishing editorials to get one Democrat out of the way of another candidate, so-called Democrat? Is not that amusing and interesting politics? What do Senators think the people out yonder in the States will think of it—the people who think and the people who are going to act, not for the good of the Roman Catholic machine but for the good of their own Government and for the good of religious freedom in its broadest and profoundest sense, in its American sense?

If the Roman Catholic Church wants to remain in America and pursue its course as the other religious denominations do, all well and good; but if it is the purpose of that group of religionists to control this country, to establish Roman Catholicism to the exclusion of Protestantism and other denominations, above the prostrate and mangled form of Americanism, then they have got trouble coming to them. I never heard of a Protestant wanting to proscribe a Catholic; I never heard of a Jew who cared anything about how a Catholic worshiped; but when the Catholics put it in their books that when they are strong enough they are going to proscribe other religions—listen, they use this language, which I quote to you from Doctor Ryan's book—

> What chance would they have then against a Catholic state?

Senators, are we really asleep or are some of our people just "possuming"? Do Senators know what we mean by "possuming"? That is when the possum just curls up and lies down and grins and closes his eyes, and one thinks he is sleeping, but if he should reach his hand down toward his mouth the possum would bite him. There are many Protestants who are silent now, but they will soon be wide awake when they fully realize that dangerous forces are marching against the stronghold of religious freedom in America.

I would not interfere with the Catholic worshiping as he chooses; I am willing for him to do it; but I do not want him to interfere with me or with any branch of the Protestant church or any other church; that is none of his business. When he sets himself up as ordained of God to pursue and persecute and murder people who do not agree with his form of religious worship, he needs to be taught something. They went that far in France once. They murdered sixty-odd thousand Protestants and Jews; they stabbed to death babies in the arms of their mothers; they murdered old men nearly ready to be translated and the youth kneeling at the altar place praying to the God of his Protestant or Jewish father and mother. They had it in the devilish inquisition.

The history of the old church in the Old World is a history of war, persecution, intolerance, bigotry, and murder, and the overthrowing of powers that opposed Catholicism. Senators, that is wrong; that ought not to be. If they want to stay here in peace, let them treat us as they would like to be treated and

say they are not going to bother other religious institutions, and let them repudiate these books that are being written and published by Roman Catholic leaders.

Now, let me submit to you—and I address this to Gov. Alfred Smith to-day, and I am going to continue to address it to him—that one of the fundamental doctrines of the Roman Catholic Church is that the will of the Pope of Rome is the supreme law of all lands. How ridiculous! And that the supreme duty of all Roman Catholics here and elsewhere is to do the will of the Pope. Governor Smith, of New York, do you approve that doctrine?

Here is another: Pope Pius IX says that the State has no right to permit the citizen to have the religion of his choice. Think of that, you American Senators! Governor Smith, do you sanction that doctrine?

Pope Pius IX said, following that, that the Catholic Church has the right to drive out and exclude all other religions and set up the Catholic religion and establish the Catholic state to maintain and sustain it. Governor Smith, do you indorse that? If you do, you stab religious liberty in America to the heart; you are not an American if you indorse that. Every man under our flag, worthy to be called an American, believes in religious freedom. I would not permit anybody to disturb the Catholic kneeling down to worship as he thought he ought to worship. If I should come upon him and want to kill him for doing that I could have no claim to being an American. When they concoct schemes to enable them to do these outrageous things to us when they get strong enough in America it is time for somebody to stand up in this Senate and sound the note of warning.

Mr. President, Cardinal Gibbons, a very able man, lived at Baltimore and died there. He said, you can not find in recorded history a single instance where a doctrine laid down by one Pope was condemned or repudiated by another Pope. The doctrine laid down by one Pope is the doctrine of all, unchangeable and eternal. Then, Senators, they sanction the statement of Pope Pius IX that a citizen has no right to have the religion of his choice; they sanction his statement that the Catholic Church has the right to abolish all other religions and set up its own to the exclusion of all others, and that the will of the Pope is the supreme law in all lands, and it is the duty of every Catholic, his supreme duty, to obey the will of the Pope.

Is it not time for Americans to stop, look, and listen? Is it not time for some Americans here to inquire whither are we drifting? Is it not time for somebody to cry out to the people who can not get the truth from the newspapers, "Watchman, what of the night?"

In the State of Iowa, at Dubuque, the Roman Catholics captured the public-school system. They have trustees on the board. Educated in parochial schools, they send their children to parochial schools to-day, but they run the public schools. Think of that; my God, think of that! A Roman Catholic has no more business at the head of a public school than a Protestant has at the head of a parochial school. Let them run their schools, and let them run them in peace, but they have no right to grab the throat of the public-school system, which is the bulwark of our liberty, the hope of free institutions in the years to come. The Roman Catholic machine is the deadly enemy of the public-school system.

Here is Governor Smith. The Roman hierarchy has ordained it that he must be President; and let me remind you of what they have done already. They have put the cardinal's colors right here in the Presidential room of the Capitol. The green curtains that hung there for years and years, that blended in so beautifully with the other decorations and colors there, have been taken down and the blood-red cardinal velvet curtains have been hung up, and they have taken the green top off of the President's desk and put a red one on that. If you go in there at night, it is so inharmonious with the other colors that it will nearly put your eyes out; but some smooth-fingered Roman employee, I am told, has thought he would take time by the forelock and go ahead and put the cardinal's colors in there from the Vatican before Alfred Smith got in.

If those colors hang there until Alfred the anointed goes in, they will fade away and be gone before he ever sees them. [Laughter.] "Its a long, long way to Tipperary," and its a long, long way from Tammany to the White House; and Alfred won't be there. [Laughter.]

Mr. President, that is not all. They have not only put their colors in the President's Room—and I shall have something to say about that one of these days—they are not only flying the Roman cross above our flag on the battleships, but here is a one dollar bill printed by the Government. It carries without authority of law the Roman cross on it, and it has the Roman Catholic rosary right under the cross on the dollar bill. If they will do that now, what would they do if they had control of the country? What would they do if they had 50 Senators in this body? Do you know, if they had 50 Senators here, they would fix the rules so that I could not make the speech that I am making to-day. There would be trouble around here. They would fix it so that Senators could not talk about a question that they did not want them to talk about.

Here is this dollar bill. There is the cross. Here is the rosary, with the beads of pearls running all around. Here is the guide that a patriot sent with it: "Cross on the back." There it is. "Rosary in the cross." There it is.

All that has been going on. Governor Smith is not going to be nominated; and God is putting it into the hearts of patriots all over the country to send me the news so that I can put it in the RECORD, and it will be preserved there until the day comes, if it ever does, when Catholics control this Government; and then they will expunge it. They will take out the last vestige. They will not permit it to stay there then. They have destroyed every piece of literature they could find that has told the truth about their work against religious freedom and free institutions.

You know, they threatened Tom Watson, of Georgia. They annoyed him down in Georgia. He had written histories on this subject that stirred the Nation. They are being sought now and read more than ever. He is dead and gone; but they used to go around there at night and annoy him. His wife saw a man with a gun out behind a tree near the house one night at 12 o'clock. She went in his library and told him to turn out the lights. He told his neighbors what had occurred. It worried him, of course. It did not frighten him, but it made him mad to think that there was a group of people who would dare to kill him because he called attention to things that he thought were contrary to the genius and interests of American institutions. He told some friends, and they told some priests that if they hurt a hair on Tom Watson's head they had better cross themselves well, for they were going home; and they would have gone home, and they ought to have gone home if they had inspired his murder.

The idea of any religious group, Protestants, Jews, or Catholics, taking it into their own hands to murder a man because his religion differs from theirs. They have written me these threatening letters. I think they have been notified fairly well that some real American neighbors would call on them in the event I was harmed, and I fully indorse that; and I have some writings in various places to that effect if anything should happen to me. I will not permit their threats to silence me when I am trying to warn my country and save it from the dangers that threaten it. I do not intend that they shall carry on in this way without the country knowing it.

Mr. President, I am trying to do my duty to my country. I am getting letters from every State in this Union, and I am filing them away. They are going to be very interesting documents in the campaign this fall, I believe. A man told me just this morning that he had a letter from a friend in his State, who said, "Why do not you help Senator HEFLIN? He is telling some important truths"; and I am. I challenge any of you to dispute what I am saying. I challenge the whole Roman hierarchy to refute the statements that I make regarding their activities and their doctrines. I defy the Roman Catholic press from one end of the country to the other and challenge them to show that what I have said about the activities of the Roman Catholic machine is not true. They do not undertake to deny it. They just say that I am intolerant, and that I am a bigot.

That used to work in the Old World, but it will not work here. What do I care about what they think about me? When Paul was fighting a great battle and leading a great cause, they denounced him for everything they could think of, but it did not deter him in the least. They stoned Stephen and murdered him, but he did not stop his battles until the last breath was gone out of his body. They persecuted old Daniel. He defied the King and told them that he was willing to die for religious freedom, and as a result of these heroic spirits we have "the undying creed of martyred faith." If the truth is to be known, somebody has got to make these fights; and here we are, with some American people apparently asleep, with the Romans tramping all around us; they put their cross above our flag on our battleships and they pull our flag down 2 feet in order to do that; putting their cross and their rosary on the currency of the country without permission of the Government; and now coming up and putting the cardinal's colors in the presidential room. If that is not unmitigated gall, I am no judge of it. Think of it, Mr. President!

Coming back to this editorial for a moment, they are appealing to the Senator from Missouri [Mr. REED] to withdraw from the presidential race. They want him to get out of the way for Alfred. Listen to this:

They fail to see how an ardent dry locally and an avowed wet nationally can harmonize Democratic sentiment in the State.

There is where they are fighting nominating a dry man with Smith. They are so wringing wet that they want to put two wets on the ticket; and they are suggesting that if a dry is put on the ticket with Governor Smith the wets will not take him. What do you suppose the American drys are thinking about this wet Tammany program?

Senators, the moral forces of this Nation are stirred to-day as they never have been before. There is a silent army in action in this Nation; a bloodless warfare is on; but they know what they are doing. They are being organized, and they are going to hold this line. It is not in the stars for Governor Smith to be nominated or elected. He is not going to be nominated; but if by any hook or crook they corrupt men and obtain this nomination through the Roman Catholic political machine, reinforced by money, they will find themselves reckoning without their host. They will not be able to put it over. The people of this Nation are not going to have this combination go over now. It is too dangerous.

Nicaragua—Mexico. I ask Governor Smith again, "Would you invade Mexico if the Pope wanted it done, if you were President?" I have asked that question here before. He is as silent as the tomb. "Would you have obeyed the mandate of the Knights of Columbus when in convention in Philadelphia, where the Government was born, they protested against their country's program, denounced it and trampled it under foot, and called on the President to abandon his policy of watchful waiting, and simply served notice in effect that they would not stand for it any longer?" That meant war. "Governor Smith, what would you have done if you had been President?"

I want to quote a Catholic right here. He is the only one anywhere in this country who has indorsed my stand on that question. The others are hanging together just like peanuts on the roots of a peanut vine. Patrick H. Callahan, of Louisville, Ky., a very able and distinguished Catholic, told me, and said, "You can quote me," "When the Knights of Columbus passed that resolution at Philadelphia, they made asses of themselves." Now the Catholic press all over the country has condemned me for helping to defeat their war program.

I stood in my place in the Senate for seven weeks and fought that program. Many of the papers of the country did me the honor—I do not think I was entitled to it—of saying that I had done more than anybody else to defeat it. I said, "Well, I hope I have. I did all I could"; but for doing that I have been marked not only for political defeat but for physical slaughter.

One of Governor Smith's friends right in New York City now, a priest named Belford, wrote in his little periodical that he called "Religion," that they ought to hire thugs to waylay me and mob me as I went away from the Capitol. A priest sat in this gallery when I stood over there fighting that war program and hissed me when I was speaking. My God! If they will do that now, with 19,000,000 people out of one hundred and thirty-odd million, what will they do if they ever get a majority? Why, they would have these Catholics sit in the galleries hissing any Senator who dared to tell the truth about Roman Catholicism and the activities of the Roman Catholic political machine.

It is a God-blessed thing that somebody talks about them now and gets the truth in the RECORD, so that at some time in the future—I may not be here; I may have passed from the stage of action and gone on—somebody can refer to this period and read the RECORD, and tell of their conduct then, in the time when I was here doing my best to arouse our people to the dangers that threatened.

The Senator from Maryland [Mr. BRUCE], who is always ready to become their spokesman in the Senate—I am sorry he is not in here just now; he does not know that I am talking about this matter, or he would be here—he is always ready to jump on the Ku-Klux Klan. I hold no brief for the klan, but some of the finest men and women I ever knew belong to it. My father was a member of it in reconstruction days, and in those days when our negroes, drunk on their new-found freedom, were roaming the country, inspired and led on by scalawags and carpet-baggers, it was dangerous for a white woman to walk from neighbor's house to neighbor's house in the South alone. These ku-kluxers, with their single-barreled guns did picket duty day and night and walked the highways, and protected from insults and outrage our southern women. They preserved our civilization and the integrity of our race.

The Senator from Maryland attacks them every chance he gets, but you can not get him to say anything about the Roman Catholic Knights of Columbus. The Knights of Columbus have it in their oath that "We, as Catholic citizens," do so and so. What right have they to put in the words "Catholic citizens"? If they are Americans, they are American citizens, not Catholic citizens. They could say "As people of the Catholic faith and American citizens." That is the way to put it. But their new oath says "as Catholic citizens."

What would you think if I should draw the distinction and say "As a Methodist citizen"? I am an American citizen. I am an Alabama citizen. I belong to the Commonwealth of Alabama. It is my birthplace and sovereign power locally. Then I am an American citizen. We are bound together by the ties of love and loyalty, and the cling of section to section, one people, one heart, and one flag. But when a man singles out a religion and says "I, as a Catholic citizen," he acknowledges that he is a citizen of the Roman Government first. There is no getting away from that "Catholic citizen"! I am an American citizen.

Mr. President, I regret that the Senator from Maryland [Mr. BRUCE] is not here, because I want to have read in my time a very remarkable statement from him. It purports to be from him and it is circulated by Roman Catholics of St. John's parish calendar, of Clinton, Mass., printed by them, dated May, 1928. I ask the clerk to read the part beginning at the top down to where it is marked with a blue pencil, not with the cardinal's colors.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will read.

The Chief Clerk read as follows:

CATHOLIC CHURCH IS BEST FOR SOUTH

Leaving out of sight all other fields of usefulness and points of view, let me say that in one social respect, in my judgment, the Catholic Church, if we may reason from its influence in Maryland, is better qualified to promote the lasting interests of the rural South than any other church.

As we know, in the South there are two races, each very numerous, which are sharply distinguished from each other by salient physical and other characteristics. In an eminent degree the future peace and prosperity of the South depends upon the extent to which amity and a spirit of mutual sympathy and helpfulness shall be maintained between these two races. In the general promotion of these sentiments I know no more powerful influence that could be enlisted than that of the Catholic Church.

The mission that it sets before itself is so high, the voice of its hierarchy is so authoritative, that the relations between the communicants, whites and colored, are naturally enough regulated to a very striking degree by the principle of religious democracy.

I have never seen a negro worshiper in a white Protestant church since I was a boy, when a few former negro slaves would sometimes occupy seats in the galleries of white Protestant churches; but one does not have to go beyond Maryland to see at times white and colored worshipers assembled under the same roof of the same Catholic church. Every afternoon on my way from my office to Calvert Station I observe going in and out of St. Francis Xavier's Colored Church white Catholics who find in that church a convenient place for their afternoon devotions.

The effect of these religious contacts is, in my opinion, altogether good. They make both whites and negroes feel that they have a common interest in the most important of all human concerns, and that the universal fatherhood of God and the universal brotherhood of man are real things and not mere conventional phrases; and they can not but result in kindlier and friendlier relations between the races than would exist. (Senator WILLIAM CABELL BRUCE.)

Mr. HEFLIN. Mr. President, there is the distilled and obnoxious essence of social equality, by a Senator who claims that he was born in Virginia and who is now here from Maryland. I never heard Booker Washington preach a doctrine as dangerous as that. I never expected the time to come when any man born in Dixie would ever reach the point where he would be willing to lower the standard of white supremacy and be willing to mingle on the plane of social equality with the colored race. The intelligent negro, the good negro citizen, does not believe the time will ever come when negroes will have social equality. He knows it is not well to strive for it. He knows the best solution of this problem lies in the separation of the races. There are no two races that God Almighty has marked so distinctly as He has the white race and the Negro race. He intended that each should do his work as best he could in his own particular sphere.

Mr. Lincoln, in his debate with Douglas in Illinois in 1859, said, "I am opposed to permitting negroes to marry white people." He said, "As long as the two races are to remain together, I am in favor of the white race occupying the superior place."

Mr. President, the man who has a white skin who does not acknowledge that doctrine is either ignorant on the subject or he is playing mean and miserable politics, dangerous politics, to get negro votes. He is also the negro's worst enemy.

What is going to be the result of the Senator's attack upon white supremacy? Let us watch Maryland and see. Will the white people of that State submit and yield to this dangerous teaching? Are they ready to throw down the doctrine of Arthur P. Gorman and the other distinguished statesmen of other and better and brighter days for Maryland, who led the white race out of the horrors of reconstruction and carried the banner of the white man, and planted it upon the mountain top of white supremacy, so that it was flying there when Gorman died? Now comes the Senator from Maryland [Mr. BRUCE] and suggests social equality, the tearing down of separate churches for the two separate and distinct races, made so by God Himself, and having white people and negro people mingle in social equality in the same church.

There is no escape from that conclusion. To have white children and negro children mixing together in their schools, and not separate schools or separate churches. The Senator ties himself to that proposition. There is no escape from it. The South is not ready to accept that doctrine. As a Southerner, as a Democrat, as an American, and as a white man, I repudiate and condemn that doctrine. It is bad for the white race. It is bad for the negro race.

My father owned more slaves, perhaps, than anybody in our section of the State, if not in the State, when the war came on. Many of the old negroes bear the Heflin name, after their master. We have all an affectionate feeling for them, and they have for us. They have known that they are in one sphere, and we are in another in the sense that is best for both. God Almighty placed us there. He had a reason for making these races separate and distinct.

There is the suggestion in the Senator's speech which I had read of social equality and race amalgamation. He is willing to have negroes and whites thrown together in the same church to worship together. He sees, he tells us, white Catholics, men and women, going into negro Catholic churches in Baltimore to worship, and he approves it.

From what he has seen, he recommends that system to the South. He says the poor whites in the South—that is the inference—and the negroes need to be drawn closer together. My God! Some of the purest Anglo-Saxon blood in the world is found amongst the poor white people in the rural districts in the South. They are proud of their blood, of their glorious heritage. The Senator recommends that this new system of social equality, which Governor Smith's church has introduced into Maryland, should be spread all over the South.

God forbid!

What do you think of that, brave, able, and fine upstanding Senators from the South, nine-tenths of you are with me, you who answer to the name of Jeffersonian Democracy in this Chamber? What do you think of that offensive doctrine, dangerous and deadly to all that we hold dear and all that the white race in America holds dear? In the South we have separate waiting rooms at the railroad stations, one for the colored and one for the white, both of them equal in their accommodations. We have separate cars. There is no friction, no fussing and fighting about somebody getting another person's seat, or standing in the way, or a negro keeping a seat while white women have to stand in the aisle, none of that. That is all out of the way with our separate cars.

The negroes like it and the whites like it and approve it. So we are getting along very nicely. We have negro schools, and they are supported with appropriations with the white taxpayers' money. The negro has his church and has his own negro preacher. The negroes prefer to have their own preachers. They have a right to have them. And they are good negro preachers. Over here is a white man's church. Who will deny that the white people of the South have a right to have their own preacher and to have only white people to worship in that church?

The position of the Senator from Maryland is that it is best to mix the races up and let the whites and the negroes worship together as he has found them worshiping in the Roman Catholic church in Baltimore, where white men and women of the Roman Catholic faith and negro men and women all worship in the Roman Catholic Church of Baltimore City, in Maryland.

The Senator from Maryland, strange to say, goes out of his way to compliment and encourage that system. He does not stop there. He holds it up as a system worthy to be adopted elsewhere. The Catholic priests are using it. He recommends it to the South, to the sister States of dear old "Maryland, my Maryland." God knows in other, better, and brighter days patriots loved to sing that song.

> But where are they now who heard in former hours
> The voice of white-man rule in these neglected bowers?

Gone; they nearly all of them seem to be gone.

Is this the Al Smith and Roman doctrine that comes to us just before the Houston convention? The Senator from Maryland would disturb the peaceful relations between the races that now exist in the South. We are getting along better than we have for years. The good negro citizens are working with us. The white people are striving to live at peace with them, and the best negroes are striving to live at peace with us. We are growing in every way and getting along nicely together.

Now when this drive is on to capture America by the Roman Catholics and their anointed of the Pope is put forward as a presidential candidate, the Senator from Maryland, the Roman Catholic mouthpiece, here comes up and recommends social equality, the worship of negroes and whites together, and asks that that system be spread throughout the South. That is what it means. God save the South from such leadership, from such doctrine. The South does not share in the opinion of the Senator from Maryland. There are not more than two Senators on this floor from the South who will arise in their places here and indorse his stand on that subject. The Senator does not speak for the Democrats of Maryland. As a white man and a Democrat I am going to dare to speak for them. Four-fifths of the Democrats of Maryland do not indorse that Roman Catholic social-equality doctrine. The Protéstant people of Maryland, the Jews of Maryland, and I think many Catholics of Maryland, do not indorse it. I believe there are some Catholics in Baltimore and Maryland who would not be willing to throw the doors open and mix the congregations indiscriminately, negroes and whites. Let them tell me if I am wrong on that.

Let me say to the Senator, the way to solve this problem is—

> Nigger school and nigger teacher;
> Nigger church and nigger preacher.

Separate cars, separate waiting rooms; treat them right, give them justice, but keep the flag of the white man forever flying supreme. We do not have to tell him to do that. He will do it at the cost of every drop of his blood. This mongrel mixing that the Senator from Maryland suggests would destroy the white civilization in America if carried out. It would produce here what Roman Catholic rule produced in many places in Mexico—race amalgamation and degeneracy, to the hurt and injury of the best elements.

The Senator from Maryland has seen fit to attack the fourteenth and fifteenth amendments. The able Senators from Virginia [Mr. SWANSON and Mr. GLASS] replied to his recent attack on them in magnificient fashion. On yesterday the Senator from Maryland brought in the fourteenth and fifteenth amendments again in the debate with my able and brilliant colleague from Alabama. He stands in the forefront now, it seems, as the champion of this new Roman Catholic order of things with Governor Smith's approval, to spread through the South the doctrine of social equality through the Catholic Church. Let us see about that. Here is the New York World with an editorial on that subject. It is supporting Governor Smith. Listen to what it says:

> The opposition to Smith has identified him so thoroughly with the principles of religious tolerance, personal liberty, and social equality, that the refusal to nominate him would be accepted by the whole country as a rejection of those principles of social equality that a refusal to nominate him would be accepted as a rejection of those principles.

What do you say about that, Senators, you who love your fireside, you who love her who stood by you at the altar place when you held her hand and before God promised to love, cherish, and protect her? What do you think of that social-equality doctrine, the doctrine of Governor Smith and the Senator from Maryland, you who love your daughters and who want every safeguard thrown about them, where negroes have mistaken ideas put in their heads by such speeches as that and the doctrine of Governor Smith? I mean not only the doctrine I have read but the doctrine of the dance halls that exist with his approval in the State of New York, where negro men and white women dance every night, where white men and black women dance, and the Manufacturers Record in its statement about it said there were some of the details too shocking to put in print.

That happened on the floor of that dance hall in New York City under the rule and reign of Tammany and under the guiding hand and all-seeing eye of Alfred E. Smith, the governor. Why are these things permitted?

Social equality? What for? To control the negro vote of New York City and State. Why this talk of social equality in the New York World? To appeal to the negro vote in the country. I stated this when the antilynching bill was before the Senate, when they were going to impose a fine of $10,000 upon the taxpayers of a county where they executed a brutal negro who had assaulted a white woman and were going to

give that $10,000 to the family of the criminal who committed the crime, who caused the white people to go mad when the daughter or wife of a white man had been assaulted, and the negro was killed. You would have killed him. I would have killed him.

Suppose you came upon a lion devouring your daughter? You would have shot him to death. There is not a white man in the South that is worth his salt who would not kill a man if he caught him assaulting his wife or daughter or his neighbor's wife or daughter.

The way to stop lynching, I repeat, is to stop the crime that causes lynching. When you put a premium on the crime of rape you are inciting and encouraging the negro to attack lonely, helpless white women when their husbands and sons are away working in the field or elsewhere to make a living. When that bill was up in the House and southern Democrats called on Governor Smith's friends in New York, they did not give them a single vote. Now, they are coming with their black banner of social equality and recommending that to the South. I hope that every man and woman in North Carolina will know about this thing. I want them to know what the strange and dangerous doctrine is. It is not only being put into effect in New York City and New York State, but it is being preached here and in Maryland. Choose ye this day whom ye will serve, the God of white supremacy or the false god of Roman social equality.

MOTOR MINE YAWLS FOR THE WAR DEPARTMENT

Mr. REED of Pennsylvania. Mr. President, the four bills to which I have referred are little bills from the Committee on Military Affairs which the Senate last evening passed, in some cases after explanation. The first bill which I ask to have considered is House bill 10364, to provide for the construction or purchase of two motor mine yawls for the War Department. We passed a similar Senate bill in exactly the same words last evening, the Senate bill being then on the calendar.

Mr. ROBINSON of Arkansas. What is the calendar number?

Mr. REED of Pennsylvania. The bill which was passed last evening is no longer on the calendar. It was Senate bill 2947. It authorizes the purchase of two motor yawls at a total cost of not more than $10,000 for the purpose of mine laying.

Mr. ROBINSON of Arkansas. What does the Senator propose now to do?

Mr. REED of Pennsylvania. I propose to ask unanimous consent to consider the House bill which is an exact duplicate of the Senate bill which we passed last night. The House bill is now on the clerk's desk.

The VICE PRESIDENT laid before the Senate the bill (H. R. 10364) to provide for the construction or purchase of two motor mine yawls for the War Department, which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $10,000 to be expended by the Secretary of War for the construction or purchase of two motor mine yawls for replacement purposes, at a cost not to exceed $5,000 each.

Mr. REED of Pennsylvania. I ask unanimous consent for the immediate consideration of the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, the Senate bill will be indefinitely postponed.

Mr. REED of Pennsylvania. Mr. President, we have passed the Senate bill and can now ignore it.

L BOATS FOR THE WAR DEPARTMENT

Mr. REED of Pennsylvania. Mr. President, the next bill which I would like to have considered is House bill 10363, to provide for the construction or purchase of two L boats. They are short, 60-foot boats, and are used in mine planting.

The VICE PRESIDENT laid before the Senate the bill (H. R. 10363) to provide for the construction or purchase of two L boats for the War Department, which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $50,000 to be expended by the Secretary of War for the construction or purchase of two L boats, for replacing boats of a similar type destroyed, at a cost not to exceed $25,000 each.

Mr. REED of Pennsylvania. I ask unanimous consent for the immediate consideration of the bill.

Mr. ROBINSON of Arkansas. I understand the Senator to say that last night we passed a duplicate Senate bill?

Mr. REED of Pennsylvania. Yes, being Senate bill 2951.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SEAGOING RETRIEVER FOR THE AIR CORPS

Mr. REED of Pennsylvania. The next bill for which I desire consideration is House bill 10365. Last evening we passed a Senate bill, being the bill (S. 2952), on the same subject. It proposes to authorize an appropriation of $40,000 for the building of a retriever for the aircraft which may strike the water in Panama.

The VICE PRESIDENT laid before the Senate the bill (H. R. 10365) to provide for the construction or purchase of one heavy seagoing Air Corps retriever for the War Department, which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $40,000 to be expended by the Secretary of War for the construction or purchase of one heavy seagoing Air Corps retriever for use at France Field, Canal Zone.

Mr. REED of Pennsylvania. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

APPOINTMENT OF WARRANT OFFICERS IN THE ARMY

Mr. REED of Pennsylvania. The next bill for which I desire consideration is House bill 8314 providing for the appointment of warrant officers of the Regular Army.

It refers to persons who would be eligible but for the interruption of their status by their being commissioned during the World War. The Senate passed a bill in exactly the same words sometime last month. The House passed the House bill which is a perfect duplicate of the Senate bill, but it did not act on the Senate bill. There is no use of our standing on our dignity, and we might as well pass the House bill now, because the two Houses are in agreement.

The VICE PRESIDENT laid before the Senate the bill (H. R. 8314) to amend an act of Congress approved March 4, 1927 (Public, No. 795, 69th Cong.), to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War, which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to appoint as warrant officers of the Regular Army any persons whose commissioned service in the Army during the World War, added to their service as quartermaster clerk, amounted to 12 years or more of service prior to June 4, 1920, and who were not eligible for appointment as field clerks, Quartermaster Corps, under the provisions of the act of August 29, 1916, because of the interruption of their 12 years' requisite service as quartermaster clerks to render commissioned service in the World War: *Provided*, That for the purposes of this act the period of commissioned service during the World War prior to June 4, 1920, be deemed equivalent to a like period of detached service away from permanent station or duty beyond the continental limits of the United States: *Provided further*, That in determining length of service for longevity pay and retirement they shall be credited with and entitled to count the same military service as authorized for warrant officers, and all classified service rendered as clerks in the Military Establishment: *Provided further*, That the limitation in the act of June 30, 1922, on the number of warrant officers, United States Army, shall not apply to the appointees hereunder.

Mr. REED of Pennsylvania. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. NORRIS. Mr. President, before the Senator from Pennsylvania leaves, I wish to suggest to him that he ought to ask that the Senate bills which we passed last night be recalled from the House.

The VICE PRESIDENT. Without objection, the votes by which Senate bills 2947, 2951, and 2952 were passed last night will be reconsidered and, without objection, the bills will be indefinitely postponed.

Mr. NORRIS. That will be all right.

PROMOTIONS IN THE ARMY

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4235) to amend section 12 of the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926, which were on page 1, after line 12, to insert:

SEC. 2. That the first paragraph of section 127a of the national defense act, as amended and approved June 4, 1920, is hereby amended to read as follows:

"SEC. 127a. MISCELLANEOUS PROVISIONS: Hereafter no detail, rating, or assignment of an officer shall carry advanced rank, except as otherwise specifically provided herein: *Provided*, That in lieu of the 50 per cent increase of pay provided for in this act any officer who has heretofore been announced in War Department orders as having qualified on or before December 31, 1913, as a military aviator or any officer upon whom the rating of military aviator has heretofore been conferred for having specially distinguished himself in time of war in active operations against the enemy, shall, while on duty which requires him to participate regularly and frequently in serial flights, receive the pay, allowances, and additional pay as provided by the act of June 3, 1916, and the act of July 24, 1917, for the rating of military aviator. At any time after the passage of this act any officer who has heretofore been announced in War Department orders as having qualified as a military aviator on or before December 31, 1913, shall, if he make application therefor to the President, be retired from active service and be placed upon the retired list. The retired pay of any officer who has heretofore been announced in War Department orders as having qualified as a military aviator on or before December 31, 1913, shall be 75 per cent of all the pay and allowances, including flying pay, of the grade in which he is retired. No extra pay or allowances shall accrue under the provisions of this section for services rendered prior to the passage thereof."

And to amend the title so as to read: "An act for recognizing aviation accomplishments."

Mr. REED of Pennsylvania. Mr. President, that was a simple Air Corps bill as we passed it, allowing the conferring of decorations on distinguished foreigners who accomplished great feats in aviation, but the House has amended it and put in a paragraph which in no way relates to the subject matter of the bill. Therefore, I ask that the bill amendments of the House be referred to the Committee on Military Affairs.

The VICE PRESIDENT. Without objection the bill and amendments will be so referred.

CROMWELL L. BARSLEY

Mr. STEPHENS. Mr. President, I have in my hand several letters relating to the beneficiary of House bill 6152, which was passed unanimously last evening. I assume, however, that, owing to the unexpected notoriety given to Cromwell L. Barsley, I should place these letters in the RECORD. One is from the War Department in reference to his record, one is from his physician, Dr. Willis Walley, one of the most prominent physicians in my State, and one from Representative COLLIER. I ask unanimous consent that these letters may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letters referred to are as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, May 9, 1928.

Hon. HUBERT D. STEPHENS,
United States Senate.

MY DEAR SENATOR STEPHENS: This is in reply to your personal call at my office to-day for any information of record as to participation in battles, engagements, etc., of Cromwell L. Barsley, who served as a private of Company A, Fifth United States Volunteer Infantry, war with Spain; Company A, Thirty-fourth United States Volunteer Infantry, Philippine insurrection; and Company I, Nineteenth United States Infantry, 1905–1907.

The official records show that Cromwell L. Barsley served in Company D, Fifth United States Volunteer Infantry, in Cuba, from August 12, 1898, to May 3, 1899, but nothing has been found of record to show that he participated in any battles, engagements, skirmishes, etc., while a member of that organization.

While a member of Company A, Thirty-fourth United States Volunteer Infantry, this soldier served in the Philippine Islands from October 14, 1899, to March 1, 1901, and the company participated in engagements near Talavera, P. I., 3.30 a. m. November 7, 1899; Santo Domingo, P. I., 7 a. m. November 7, 1899; two in the mountains near Pozorubio, P. I., November 23, 1899; two in the mountains near Sibul, P. I., December 27, 1899; and in numerous other minor engagements and skirmishes while in the Philippines, during which time the soldier was reported present with his company.

While a member of Company I, Nineteenth United States Infantry, this soldier served in the Philippine Islands from July 24, 1905, to June 28, 1907, but nothing has been found of record to indicate that he participated in any scouts, expeditions, or actions during that period.

Very respectfully,

LUTZ WAHL,
Major General, The Adjutant General.

Dr. WILLIS WALLEY HOSPITAL,
MEDICAL AND SURGICAL CLINIC,
Jackson, Miss., January 31, 1928.

Hon. J. W. COLLIER,
Washington, D. C.

MY DEAR SIR AND FRIEND: It is very seldom I find it necessary or think I am called upon to write a Senator or Congressman and ask for any favors, since I know from experience in dabbling with State politics the great number of requests for help that must go to you; yet this is a deserving case, and I am writing to urge your active aid in taking care of the case of C. L. (Jack) Barsley, of Vicksburg, Miss.

This case, I know, is worthy and an honest one. The old man is in need. He is old and his wife at present is confined in my hospital in this city, the outlook for her recovery not bright, and I will consider it a great personal favor to me if you will give this case your careful consideration and active help; and let me hear from you in the very near future.

Please do this. I am not writing just as a matter of pleasing the old man.

With high regards and best wishes to you, I am,

Cordially yours,

WILLIS WALLEY, M. D.

WASHINGTON, D. C., *May 10, 1928.*

DEAR SENATOR STEPHENS: This letter in behalf of Barsley comes from Doctor Walley, one of the leading physicians of Jackson, whom of course you know. Henry Mackey, a Spanish-American War veteran and assessor of my county and one whom you also know very well, has especially interested himself in this case and tells me that it is a very deserving one and that the old man is much in need. I have talked with Barsley, and he seemed to me to be very much broken in health and very feeble. He is now living in my town and from all I can learn the case is a very deserving one. He bears a good reputation. I hope you will do your best to get it through the Senate.

With best wishes, I am, sincerely yours,

J. W. COLLIER.

UTILIZATION OF WATERS OF GILA RIVER IN NEW MEXICO AND ARIZONA

Mr. ASHURST. I ask unanimous consent, out of order, to submit a report from the Committee on Irrigation and Reclamation. From that committee I report back favorably without amendment the bill (H. R. 10786) authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Gila River and its tributaries above the San Carlos Reservoir in New Mexico and Arizona, and I submit a report (No. 1179) thereon. I call the attention of the Senator from New Mexico [Mr. BRATTON] to the bill.

Mr. BRATTON. I ask unanimous consent for the present consideration of the bill.

Mr. LA FOLLETTE. Let it be read.

The VICE PRESIDENT. The clerk will read the bill.

Mr. SMOOT. I consent, with the understanding that it will not lead to discussion.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and empowered to make all necessary surveys and investigations to ascertain the best methods and means of utilizing the waters of the Gila River and its tributaries above the San Carlos Reservoir for irrigation and other purposes in the States of New Mexico and Arizona. The Secretary of the Interior is further authorized and empowered to prepare plans and make estimates of the cost of constructing dams, canals, and other works necessary for the utilization of such waters.

SEC. 2. That there is hereby authorized to be appropriated for this purpose a sum of not to exceed $12,500 from any money in the reclamation fund: *Provided, however*, That the appropriation herein authorized shall not be available unless or until contributions of equal amounts shall have been provided from local sources.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 13511) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes; that the House had receded from its disagreement to the amendment of the Senate No. 36 to the said bill and concurred therein; that the House had receded from its disagreement to the amendments of the Senate Nos. 46, 56, and 57, and agreed thereto severally with an amendment, in which it requested the concurrence of the Senate; and that the House further insisted on its disagreement to the amendment of the Senate No. 1.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10159) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL—CONFERENCE REPORT

Mr. PHIPPS. Mr. President, I ask unanimous consent for the present consideration of the conference report on the District of Columbia appropriation bill. It will dispose of all items in the bill except item No. 1.

Mr. SMOOT. It is not going to lead to discussion, is it?

Mr. PHIPPS. I do not think it will.

Mr. CURTIS. Mr. President, there will be no discussion on the question of adopting the report, but there will be some discussion on the question of disposing of amendment No. 1.

Mr. PHIPPS. I think if I make a short statement with reference to amendment No. 1, there will be no discussion. Otherwise I should not ask to present it at this time.

Mr. SMOOT. If it does lead to discussion I shall ask that the report be received only and lie on the table. I have no objection to taking up the report, but I have objection if it is going to lead to discussion.

Mr. CURTIS. It is my intention, if the Senator from Colorado does not make the motion, to move to recede from the Senate amendment and agree to the House provision.

Mr. SMOOT. That is the 60–40 provision?

Mr. PHIPPS. Yes. I think it is my privilege, having been in the conference, to make the motion which I consider proper after making a statement as to the real situation. It should not take me to exceed five minutes.

Mr. CURTIS. I have no objection.

Mr. PHIPPS. My motion is the proper one and I think it should prevail, but if it leads to discussion——

Mr. SMOOT. If it leads to discussion, then I want the report to go over.

Mr. PHIPPS. I am perfectly agreeable to that.

The PRESIDING OFFICER (Mr. FESS in the chair). The conference report on the District of Columbia appropriation bill will be received.

Mr. PHIPPS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 11, 13, 14, 16, 19, 29, 34, 59, 60, 61, 62, 63, 65, 70, 72, 74, and 75.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 9, 15, 17, 18, 20, 21, 22, 23, 26, 27, 31, 32, 33, 35, 37, 38, 39, 40, 41, 42, 45, 49, 50, 51, 52, 53, 54, 55, 58, 64, 66, 67, 68, 69, 73, 76, and 79, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$42,545"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$35,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$29,600"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "not exceeding $100 for rest room for sick and injured employees and the equipment of and medical supplies for said rest room,"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Northwest: Sixteenth Street, Alaska Avenue to Kalmia Road, $80,000."

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$250,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,802,900"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,475,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$112,500"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "$10,000; in all, $21,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment after the word "equipment," insert the following: "to be immediately available"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$54,910"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$486,975"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$850,000"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 36, 46, 56, and 57.

L. C. PHIPPS,
W. L. JONES,
CARTER GLASS,
Managers on the part of the Senate.
ROBT. G. SIMMONS,
WM. P. HOLADAY,
ANTHONY J. GRIFFIN,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. SMOOT. That does not dispose of amendment No. 1, does it?

Mr. PHIPPS. No.

The conference report was agreed to.

The PRESIDING OFFICER. The Chair lays before the Senate the action of the House on certain amendments of the Senate, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,
May 17, 1928.

Resolved, That the House recede on its disagreement to the amendment of the Senate No. 36 to the bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes, and concur therein.

That the House recede from its disagreement to the amendment of the Senate No. 46, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

"The Commissioners of the District of Columbia are hereby authorized and directed to sell the property at the corner of Sixteenth and Webster Streets, heretofore acquired for a fire-engine house site, at public or private sale at not less than the purchase price paid therefor by the District of Columbia and pay the proceeds thereof into the Treasury of the United States to the credit of the District of Columbia; and the commissioners are hereby authorized and directed to erect a fire-engine house, with furniture and furnishings for a fire-engine company, at the northwest corner of Sixteenth Street and Colorado Avenue, on property belonging to the United States, and there is hereby set aside for such purpose a plot of ground running north from the junction of Sixteenth Street and Colorado Avenue, as now publicly owned, 100 feet on Sixteenth Street, thence west at right angles to the street 160 feet, thence south at right angles to the line of Colorado Avenue. The balance of the appropriations carried in the acts of May 10, 1926, and March 2, 1927, for an engine house in the vicinity of Sixteenth Street and Piney Branch Road NW., is made available for the purpose aforesaid."

That the House recede from its disagreement to the amendment of the Senate No. 56, and agree to the same with an amendment as follows: After the words "for the maintenance, under the jurisdiction of the Board of Public Welfare, of a suitable place," insert the following: "in a building entirely separate and apart from the House of Detention."

That the House recede from its disagreement to the amendment of the Senate No. 57, and agree to the same with an amendment as follows:

In lieu of the sum inserted by said amendment, insert "$25,000."

That the House further insist on its disagreement to the amendment of the Senate No. 1.

Mr. PHIPPS. I move that the Senate agree to the amendments of the House to the amendments of the Senate Nos. 46, 56, and 57.

Mr. McKELLAR. What are they?

Mr. PHIPPS. One is with reference to the use of Government land for the purpose of an engine house. We are all in perfect agreement on the amendments.

Mr. McKELLAR. They have nothing to do with the 60–40 proposition?

Mr. PHIPPS. No.

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado.

The motion was agreed to.

Mr. PHIPPS. Mr. President, with reference to amendment No. 1, I desire to state that it was the endeavor of the conferees representing the Senate to come to a settlement that would be satisfactory to both the House and the Senate. The conferees have maintained that it should be a proportionate contribution on the part of the Federal Government and on the part of the District, but have not at any time insisted definitely on a 40–60 proposition. On the other hand, the conferees on the part of the House have not at any time showed a disposition to yield from their attitude regarding the $9,000,000 lump-sum proposition. In fact, they refused to carry back to the House the statement that the conferees on the part of the Senate were willing to recommend that the percentages of 33⅓ and 66⅔ be substituted for 40–60, which would have meant a difference in money of less than $1,700,000 as the contribution to be made by the Federal Government.

I believe the conferees can get together. I therefore move that the Senate insist on amendment No. 1 and ask for a further conference, and that the Chair appoint the conferees on the part of the Senate.

Mr. CURTIS. Mr. President, I have a motion which will take precedence of the motion of the Senator from Colorado. I move that the Senate recede from its amendment and agree to the provision of the House.

Mr. PHIPPS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McLean	Shortridge
Barkley	George	McNary	Simmons
Bayard	Gerry	Mayfield	Smoot
Black	Gillett	Metcalf	Steck
Blaine	Glass	Moses	Steiwer
Borah	Goff	Neely	Stephens
Bratton	Greene	Norbeck	Swanson
Brookhart	Hale	Norris	Thomas
Broussard	Harris	Nye	Tydings
Bruce	Harrison	Oddie	Tyson
Capper	Hawes	Overman	Vandenberg
Caraway	Hayden	Phipps	Wagner
Copeland	Heflin	Pine	Walsh, Mass.
Couzens	Howell	Pittman	Walsh, Mont.
Curtis	Johnson	Reed, Pa.	Warren
Cutting	Jones	Robinson, Ark.	Waterman
Deneen	King	Sackett	Watson
Dill	La Follette	Schall	
Edge	Locher	Sheppard	
Fess	McKellar	Shipstead	

Mr. SACKETT. I desire to announce that the Senator from Montana [Mr. WHEELER] is engaged in the business of the Senate in the Committee on Interstate Commerce.

The PRESIDING OFFICER. Seventy-eight Senators having answered to their names, a quorum is present.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER. For what purpose does the Senator rise?

Mr. VANDENBERG. I ask for a vote on the pending amendment.

The PRESIDING OFFICER. The conference report is before the Senate.

Mr. LA FOLLETTE. Mr. President, I question the right of the Chair to ask a Senator for what purpose he rises. That is a practice of the House of Representatives, but it has never been in vogue in this Chamber.

The PRESIDING OFFICER. The question before the Senate is the amendment of the Senator from Kansas [Mr. CURTIS] to the motion of the Senator from Colorado [Mr. PHIPPS].

Mr. PHIPPS. Mr. President, I desire to make a very brief statement with reference to the situation as affecting the District of Columbia appropriation bill. As I have already said, the conferees on the part of the Senate have intimated to the conferees on the part of the House that, instead of a lump-sum appropriation of $9,000,000, they would recommend to the Senate the acceptance of a proportionate basis of 33⅓ per cent to 66⅔ per cent, which would mean a contribution on the part of the Federal Government that would be only $1,680,000 in excess of the amount put into the bill by the House, namely, $9,000,000. We did not say that that was an ultimatum, that we would not consider any counterproposition whatever; but we reasoned that a proportionate division would allow the Commissioners of the District of Columbia to operate to better advantage, and that on the lump-sum basis the progress of the District was being crippled.

I do not care to repeat all of the arguments that I advanced on that subject when the bill was under discussion in the Senate, when the 40–60 plan was voted into the bill by a vote of 46 to 20 in this Chamber.

Mr. President, I do not advocate that the Senate stand firmly for 40–60, but I do recommend—and as strongly as I know how—that the Senate support its conferees in standing for a proportionate contribution instead of a lump-sum contribution, which the House has been insisting upon and which would be a departure from the substantive law, which as it stands on the statute books to-day provides for 40–60 plan.

Mr. President, I believe there is a disposition on the part of the House to meet the Senate if the Members of the House are

informed as to the real conditions; but this conference report is laid before the House, and authority is asked to disagree to the Senate amendment without informing the Members of the House that there is a disposition here to compromise and meet them in a reasonable manner. Your representatives have been compelled for over a month to sit in a conference where, under instructions from certain House leaders, the conferees on the part of the House are not free to confer, are not free to act on their own judgment, and are not permitted to recommend what in their own minds they think is the right and proper thing. In that regard, I know that the conferees on the part of the House are not unanimous in standing for the $9,000,000 lump-sum proposal.

Mr. President, I believe that my motion should prevail; that the substitute motion made by the majority leader, the Senator from Kansas [Mr. CURTIS], should not be adopted; that it should be voted down; and that then my motion, to the effect that the Senate ask for a further conference, should be adopted.

Mr. CURTIS obtained the floor.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Seantor from Wyoming?

Mr. CURTIS. I yield.

Mr. WARREN. I should like to ask whether, in view of the statement the Senator from Colorado has made, there is a probability of action on the bill if we should have a further conference with the House?

Mr. CURTIS. Mr. President, I have been trying for about two weeks to bring the House and the Senate together on this amendment.

Mr. WARREN. I know the Senator has been very diligent, and I am grateful to him for his work.

Mr. CURTIS. I have talked to Members of the House, who have told me that the House will not agree at this session to a percentage basis of any kind, whether is be 60–40, 33⅓–66⅔, 75–25, or any other.

The Senator from Colorado, of course, realizes as do other Members of the Senate, that I handled the District of Columbia appropriation bill during several Congresses. When in that position I insisted on the organic act, which provided for the 50–50 proportion being carried out and lived up to. A few years ago that plan was changed, and the 60–40 proportion was adopted. Subsequently, two or three years ago, that was changed, and the lump sum was adopted. It happened to be my fortune to be on one of the conference committees which struggled with that question. We tried for weeks to get the conferees of the other body to agree with us upon a percentage basis, but they refused to do so, and the Senate at last agreed to recede and accept the House provision. That was done again last year, and if we expect to pass this bill and have it become a law, in my judgment, it is our duty to recede.

I believe the Senate should not resort to the expedient of passing joint resolutions continuing appropriations of the previous year. There is one of two courses open to us: Either we must recede or pass a joint resolution continuing the appropriations for the District of the preceding year.

There has not been such a resolution adopted by this body since it came under the control of the Republican organization in 1919, and I hope we will not go back to the plan of adopting resolutions continuing appropriations. It is not fair to the city of Washington. I see the Senator from Arkansas [Mr. ROBINSON] smiling, and I wish to say in justice that probably many of the continuing resolutions which were passed during the Democratic régime were the result of war conditions.

Mr. ROBINSON of Arkansas. I was just going to suggest that the tenor of the Senator's most recent remarks was not calculated to obtain some votes that he might otherwise count upon.

Mr. CURTIS. I think the Senator himself will agree that the adoption of resolutions continuing appropriations is a bad plan; and, as I said a moment ago, I think that those which were passed when the Democrats had control of the Senate were adopted more because of war-time conditions than otherwise. I do not think Senators on the other side of the Chamber believe in such resolutions any more than we do.

Mr. ROBINSON of Arkansas. Frankly, I had not thought that the Senate would be justified in adhering to its position on this amendment until the bill was defeated. I merely suggested to the Senator from Kansas that if he should choose to rely on the argument that since the Republicans came into control of the Senate they have never followed a bad precedent set by the Democrats, the Democrats might feel disposed to support the former precedent.

Mr. CURTIS. Occasionally we have resorted to joint resolutions continuing appropriations during former Congresses, but we have tried to get rid of such procedure. So I hope the Senator will take the suggestion in the proper spirit. I am sure he is opposed to the plan of resorting to continuing resolutions.

However, Mr. President, a vote was taken in the House on this question, and the vote was 287 to 55. That vote ought to convince the Senate that the other body will not recede and agree to the Senate amendment.

Mr. PHIPPS. Mr. President——

Mr. CURTIS. I yield.

Mr. PHIPPS. That vote was had without the conferees on the part of the House giving any information whatever that a compromise had been suggested by the Senate conferees.

Mr. President, it is not supposed——

Mr. CURTIS. Mr. President, I did not know the Senator wanted me to yield for a statement.

Mr. PHIPPS. I beg the Senator's pardon, I thought he had concluded.

Mr. CURTIS. I will conclude in a moment. I merely wish to say the question is one for the Senate to determine. I am anxious to get this appropriation bill out of the way. I hope the Congress may adjourn a week from next Saturday, and in order to do that the appropriation bills must be gotten out of the way. I hope the Senate will recede from its amendment.

Mr. ROBINSON of Arkansas. Mr. President, if the Senator from Colorado will yield to me for just a moment——

Mr. PHIPPS. Yes; I yield.

Mr. ROBINSON of Arkansas. The last declaration by the Senator from Kansas has made votes for his proposition.

Mr. SIMMONS. Mr. President, I ask the Senator from Colorado to yield to me for a minute.

Mr. PHIPPS. I yield.

Mr. SIMMONS. If this tax bill is to be laid aside for everything that comes up, and we are to adjourn a week from Saturday, then arrangements seem to have been made to have no tax measure.

Mr. PHIPPS. Mr. President, I shall be only two minutes in concluding what I want to say.

It is not a pleasant task to ask to go back into conference with Members who have had their definite instructions from two or three leaders of the House; but to-day we are in the same situation that we have been in three or four times before. We are nearing the time to adjourn; and the House has deliberately delayed this conference and delayed it so as to get us in the very situation where they had us before, when the Senate, rather than sacrifice the bill, yielded a principle. Now we are asked again to yield a principle, to defer to the House dictum, when we know that the Senate voted 46 to 20, knowing what they were doing, and we know that the House voted for a lump sum appropriation of $9,000,000 without having the information to which it was entitled.

The PRESIDING OFFICER. The question is upon the preferential motion of the Senator from Kansas [Mr. CURTIS.]

Mr. PHIPPS. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. PHIPPS. Mr. President, in order that there may be no misunderstanding, I will state that a vote "yea" means that the Senate recedes.

Mr. CARAWAY. Everybody knows that.

Mr. PHIPPS. No; I do not think so.

The Chief Clerk proceeded to call the roll.

Mr. WATSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. In his absence, and not being able to secure a transfer, I withhold my vote.

Mr. WHEELER (when his name was called). On this matter I have a general pair with the Senator from Idaho [Mr. GOODING]. Not knowing how he would vote on this question, I withhold my vote.

The roll call was concluded.

Mr. WALSH of Montana. I have a pair with the Senator from Vermont [Mr. DALE]. I transfer that pair to the Senator from Arizona [Mr. ASHURST], and will vote. I vote "yea."

Mr. BRATTON. I have a pair with the junior Senator from Indiana [Mr. ROBINSON]. I am told that if he were present he would vote as I intend to vote. I therefore feel at liberty to vote. I vote "yea."

Mr. JONES. I have been requested to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE];

The Senator from New Hampshire [Mr. KEYES] with the Senator from New Jersey [Mr. EDWARDS];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER]; and

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL].

The result was announced—yeas 50, nays 21, as follows:

YEAS—50

Barkley	Fess	McKellar	Schall
Bayard	Gerry	McNary	Sheppard
Black	Goff	Mayfield	Simmons
Blaine	Greene	Metcalf	Smoot
Borah	Harris	Moses	Steck
Bratton	Harrison	Neely	Thomas
Brookhart	Hayden	Norbeck	Tyson
Caraway	Heflin	Norris	Vandenberg
Couzens	Howell	Nye	Wagner
Curtis	Johnson	Overman	Walsh, Mass.
Cutting	King	Pine	Walsh, Mont.
Deneen	La Follette	Pittman	
Dill	Locher	Robinson, Ark.	

NAYS—21

Broussard	George	McLean	Steiwer
Bruce	Gillett	Oddie	Warren
Capper	Glass	Phipps	Waterman
Copeland	Hale	Reed, Pa.	
Edge	Hawes	Sackett	
Fletcher	Jones	Shipstead	

NOT VOTING—23

Ashurst	Frazier	Ransdell	Swanson
Bingham	Gooding	Reed, Mo.	Trammell
Blease	Gould	Robinson, Ind.	Tydings
Dale	Kendrick	Shortridge	Watson
du Pont	Keyes	Smith	Wheeler
Edwards	McMaster	Stephens	

So Mr. CURTIS's motion was agreed to.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

The VICE PRESIDENT. The question is on the amendment of the Senator from Michigan [Mr. VANDENBERG], on page 43, after line 5.

Mr. SMOOT. I should like to have the amendment stated, and then I hope a vote will be taken upon it.

Mr. VANDENBERG. I join in that hope.

The VICE PRESIDENT. The amendment will be stated.

Mr. SIMMONS. Mr. President, I simply want to say to the Senator from Utah at this time that in the absence of some emergency I hope he will not consent to any further laying aside of the tax bill.

Mr. SMOOT. I will say to the Senator that I know of no further conference reports to be presented. They are about the only things that could justify laying it aside. I heartily agree with what the Senator says. I am going to keep the bill before the Senate now until it is disposed of.

Mr. SIMMONS. We have been nearly three weeks on this bill. We could have disposed of it in less than 10 days—in less than a week, in my judgment—if its consideration had not been interrupted with other matters.

Mr. SMOOT. We can not exclude the speeches that are made for hours and hours upon other topics.

Mr. SIMMONS. Of course we can not exclude the speeches, but we can prevent other bills being taken up.

Mr. SMOOT. Not conference reports.

Mr. SIMMONS. Yes; conference reports, too. It is just as important to pass this tax bill as it is to agree to conference reports.

Mr. NORRIS. Mr. President, if Senators will quit quarreling about who is to blame for the delay, we can pass the bill.

Mr. SIMMONS. I hope the Senator from Utah will adhere to the policy he has announced.

Mr. SMOOT. If Senators will support me in it nothing else will be taken up but the tax bill.

The VICE PRESIDENT. The question is on the amendment of the Senator from Michigan [Mr. VANDENBERG]. [Putting the question.] The Chair is in doubt.

Mr. SMOOT. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a pair with the junior Senator from Indiana [Mr. ROBINSON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH], which I transfer to the junior Senator from California [Mr. SHORTRIDGE], and vote "nay."

Mr. WHEELER (when his name was called). I have a general pair on this matter with the Senator from Idaho [Mr. GOODING], which I transfer to the Senator from Mississippi [Mr. STEPHENS], and vote "nay."

The roll call was concluded.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE];

The Senator from New Hampshire [Mr. KEYES] with the Senator from New Jersey [Mr. EDWARDS]; and

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL].

Mr. KENDRICK. On this measure I have a general pair with the Senator from Connecticut [Mr. BINGHAM], and in his absence I withhold my vote.

Mr. WALSH of Montana (after having voted in the affirmative). I have a pair with the Senator from Vermont [Mr. DALE], and in his asence, not being able to obtain a transfer, I withdraw my vote.

Mr. BRATTON. I transfer my pair with the junior Senator from Indiana [Mr. ROBINSON] to the junior Senator from Maryland [Mr. TYDINGS] and vote "nay."

The result was announced—yeas 23, nays 50, as follows:

YEAS—23

Barkley	Cutting	La Follette	Sackett
Blaine	Deneen	McNary	Schall
Brookhart	Dill	Moses	Shipstead
Capper	Harrison	Norris	Vandenberg
Copeland	Howell	Nye	Wagner
Couzens	Johnson	Oddie	

NAYS—50

Bayard	Gillett	Mayfield	Smoot
Black	Glass	Metcalf	Steck
Borah	Goff	Neely	Steiwer
Bratton	Greene	Norbeck	Swanson
Broussard	Hale	Overman	Thomas
Bruce	Harris	Phipps	Tyson
Caraway	Hayden	Pine	Walsh, Mass.
Curtis	Heflin	Pittman	Warren
Edge	Jones	Reed, Mo.	Waterman
Fess	King	Reed, Pa.	Watson
Fletcher	Locher	Robinson, Ark.	Wheeler
George	McKellar	Sheppard	
Gerry	McLean	Simmons	

NOT VOTING—21

Ashurst	Frazier	McMaster	Trammell
Bingham	Gooding	Ransdell	Tydings
Blease	Gould	Robinson, Ind.	Walsh, Mont.
Dale	Hawes	Shortridge	
du Pont	Kendrick	Smith	
Edwards	Keyes	Stephens	

So Mr. VANDENBERG's second amendment was rejected.

Mr. REED of Pennsylvania. Mr. President, I send an amendment to the desk which I ask to have read.

The PRESIDING OFFICER (Mr. SACKETT in the chair). The clerk will read.

The CHIEF CLERK. On page 141, line 4, strike out the words "and rents" and insert in lieu thereof the words "rents, and the sale or other disposition of property," so as to read:

SEC. 202. GROSS INCOME OF LIFE INSURANCE COMPANIES.

(a) In the case of a life insurance company the term "gross income" means the gross amount of income received during the taxable year from interest, dividends, rents, and the sale or other disposition of property.

Mr. REED of Pennsylvania. Mr. President, I can explain the gist of this amendment in a few words, I think. Several years ago, when this chain of tax laws began to be passed, for reasons then thought sufficient, insurance companies, both life and fire, were singled out for special treatment, in that it was provided in the law precisely what should constitute their gross income. Senators will find that covered in section 202 of the bill now before them. It provides, in substance, that in the case of life or fire insurance companies—the definition for fire insurance company is in a later section, but it is the same as to this—"the term 'gross income' means the gross amount of income received during the taxable year from interest, dividends, and rents."

It will be noticed that there is no mention of that part of the premiums of the companies which constitutes income, and the amount of all premiums is allowed to go in tax free, on the theory that it all ought to be added to the reserve. With that I have no quarrel at this time. But it will be noticed also that it excludes entirely any mention of the profits which these companies may make from transactions in real estate, transactions in bonds, transactions in stocks, and other profits. Never yet, in all the time that this has been under discussion, have I heard any reason advanced why a stock company engaged in the fire insurance business should be able to gamble or speculate in stocks, or bonds, or office buildings, property of that sort, and not pay taxes on the profits that it makes, when every individual in the land, and every business corporation in the land, other than these, is so taxed.

Mr. FLETCHER. This refers to life insurance companies?

Mr. REED of Pennsylvania. There is a subsequent section relating to fire insurance companies, and my amendment includes changes at several places, so as to take care of both. It includes mutuals, as well as stock companies.

It does not seem to me that there is any reason why American citizens, whether they happen to be owners of a mutual company by being its policyholders, or whether they happen to be the owners of a stock company by owning its stock, should be able to transact that kind of business wholly tax free.

It is objected that the profits they make go into their surplus, and therefore tend to protect their policyholders, but, as a matter of fact, the profits they make go into the surplus available for dividends, either to stockholders, if it is a stock company, or to the policyholders, if it is a mutual company.

Let me show the Senate just how these companies have managed to escape a fair share of the taxation which they ought to pay. If Senators will analyze the sentence which I read, which provides that the gross incomes of these companies shall be interest, dividends, and rents, will realize that the inclusion of the word "dividends" means absolutely nothing, because dividends received by a life insurance company from domestic corporations are wholly tax free.

Dividends of any domestic corporation paid to another corporation of any kind are taxed only in the hands of the paying company, and not in the hands of the receiving company. So that it helps nothing to put the word "dividends" into this list. All that the companies pay on is the interest and the rent they get, and they do not pay on them, because if Senators will look at section 203 they will notice that there is deducted from that gross income each year a sum equal to 4 per cent of the average amount of the company's reserves during the preceding year, and the deduction of that arbitrary percentage practically annihilates the entire revenue from interest.

Mr. LA FOLLETTE. Mr. President, I ask that the Senate be in order. It is absolutely impossible to follow the debate on this tax bill because the Senate is in disorder 90 per cent of the time. I appeal to Senators who desire to hold private conversations to go into the cloakrooms.

The PRESIDING OFFICER. The Senate will be in order.

Mr. REED of Pennsylvania. This means a good many million dollars to the United States, and I really believe it is worth listening to for a minute or so.

Mr. FLETCHER. Mr. President, I want to find out what the Senator proposes to add to this language.

Mr. REED of Pennsylvania. I propose to add the words, in substance, "profits from dealings in capital securities."

Mr. FLETCHER. That is, to add to the words "interest, dividends, and rents"——

Mr. REED of Pennsylvania. I would make it read this way, "interest, dividends, rents, and the sale or other disposition of property," so that from the first part of the sentence it would read:

> In the case of a life insurance company the term "gross income" means the gross amount of income received during the taxable year from interest, dividends, rents, and the sale or other disposition of property.

Mr. COPELAND and Mr. BARKLEY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED of Pennsylvania. I yield first to the Senator from New York.

Mr. COPELAND. I want to say to the Senator that this subject is going to lead to long debate. I have in my hand letters from Haley Fiske, the president of the Metropolitan Life Iinsurance Co.; Darwin P. Kingsley, president of the New York Life Insurance Co.; and S. S. Dickinson, of the Security Mutual Life Insurance Co., long letters.

Mr. REED of Pennsylvania. Yes.

Mr. COPELAND. They will have to be read to the Senate if the Senator persists in pushing this amendment.

Mr. REED of Pennsylvania. Does the Senator think that the mention of those mighty names is going to cause me to withdraw the amendment?

Mr. COPELAND. No; but I want to say it in connection with this, which may influence the Senator. This matter, I understand, was before the committee, and the Senator was alone in his position——

Mr. KING. No; he was not, if the Senator will excuse me. The Senator is entirely wrong.

Mr. COPELAND. He was at least in a very small minority.

Mr. REED of Pennsylvania. That is not correct. The Senator has been misinformed. A majority of the committee voted against this amendment, and at the time I stated I was going to renew it on the floor, and I am going to renew it, although I think it is correct to say that every insurance company located in the State in which each Senator lives has already telegraphed and written and appealed to each Senator to vote down this "bolshevik" amendment of mine because it is a blow at an established business in America. I am trying to show the Senate, if I can obtain an audience, that it is merely putting these companies on the same basis with all of the other business corporations in the United States.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. BLACK. I have not had a letter from any company in Alabama at all about this, and I am asking, first, for this information: Does the amendment which is now pending refer to fire insurance companies or life insurance companies?

Mr. REED of Pennsylvania. The amendment I had printed covers six changes in the text of the bill. The question is the same in the case of both classes of companies, I take it, but it will require six different corrections in the insurance sections to cover both fire and life companies.

Mr. BLACK. I have in my own mind an idea of a difference in policy which should govern with reference to fire and life insurance companies, and for that reason wanted to suggest to the Senator that he discuss the comparative features as to the reasons why it might be applied upon one and not upon the other.

Mr. REED of Pennsylvania. I do not know of any reason for any distinction. Each business is wholly praiseworthy and creditable and, so far as I know, a high standard of ethics prevails in both. There is no reason why they should be singled out for adverse treatment or hostile action. Neither do I know of any reason why they should be favorites under the law any more than they are now.

Mr. BLACK. I have in mind this difference, that life insurance should be encouraged.

Mr. REED of Pennsylvania. So should fire insurance.

Mr. BLACK. It relates more nearly and more closely to the home and to the individual than fire insurance. For that reason, so far as I am personally concerned, I might be willing to vote for a tax on fire insurance companies and not on life insurance companies.

Mr. REED of Pennsylvania. Yes; I have heard that argument before. I can not see any reason why we should exempt life insurance companies, because their relationship is so close to the home, if we are going to accept bakery companies that bake people's bread. We do not exempt the people who make children's clothes and let them deal in securities tax free. We do not exempt the railroads on which they ride or any of the companies that make their necessities. All of those things go to the home and relate to the home.

Mr. SHIPSTEAD. Mr. President, will the Senator yield for a question?

Mr. REED of Pennsylvania. I yield.

Mr. SHIPSTEAD. May I ask the Senator if his proposed change would affect in any way the status of fire insurance and tornado companies under the last congressional act, so far as being exempt from taxation is concerned?

Mr. REED of Pennsylvania. The Senator means of a purely local character?

Mr. SHIPSTEAD. No.

Mr. REED of Pennsylvania. There are certain mutual insurance companies—fire, hail, and farmers' insurance companies—of a local character which are wholly exempt from any kind of income taxation. Those would not be affected at all by the amendment.

Mr. SHIPSTEAD. Will the Senator insist upon the phrase "of a purely local character"?

Mr. REED of Pennsylvania. I only do that because that is now the law. It has been in the law right along. It was in the acts of 1924 and 1921.

Mr. SHIPSTEAD. Oh, no.

Mr. REED of Pennsylvania. I think the Senator is wrong. This has nothing to do with those companies which are exempt.

Mr. JOHNSON. Mr. President, I apologize to the Senator because I was called out and I have not been able to follow entirely just the purposes of the amendment. Are we considering the first of the amendments proposed by the Senator; that is, on page 141, line 4?

Mr. REED of Pennsylvania. Yes.

Mr. JOHNSON. That is what is now being considered?

Mr. REED of Pennsylvania. That is the one we are speaking on now.

Mr. JOHNSON. As I understand it, the Senator adds simply to the definition of gross income the words "and the sale or other disposition of property"?

Mr. REED of Pennsylvania. Income derived from that source.

Mr. McKELLAR and Mr. SHIPSTEAD addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED of Pennsylvania. I will yield first to the Senator from Minnesota and then to the Senator from Tennessee.

Mr. SHIPSTEAD. I want to ask the Senator from Utah [Mr. SMOOT] if the exemption providing that mutual fire and hail and tornado insurance companies is confined to companies of a purely local character?

Mr. SMOOT. There is not a word of change in the proposed law from existing law. I will say to the Senator also that there has been none of those companies that have asked a change.

Mr. SHIPSTEAD. I know they do not want a change.

Mr. REED of Pennsylvania. I do not propose any change with reference to them. I now yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, may I ask the Senator from Pennsylvania if any hearings were held on this particular matter by the committee?

Mr. REED of Pennsylvania. We discussed it at great length within the committee, but we did not hear much of anybody this year in the Finance Committee. No representatives of insurance companies came.

Mr. McKELLAR. Was a vote had in the committee?

Mr. REED of Pennsylvania. Yes.

Mr. McKELLAR. And the amendment was defeated?

Mr. REED of Pennsylvania. Yes; it was defeated.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. EDGE. Is it not correct that the insurance companies asked to have a hearing and, in fact, had representatives in the city, but that in the meantime the committee considered the amendment and it was voted down by a vote, as I recall, of 7 to 6, and then it was assumed that it would not be necessary to have any hearings and no hearings were held? Is not that a correct statement?

Mr. REED of Pennsylvania. That is right.

Mr. EDGE. As a matter of fact, they wanted to be heard, but felt it was not necessary after the amendment was defeated in the committee.

Mr. REED of Pennsylvania. In order that the Senate may have some picture of the condition I would say that I have not been able to calculate or to learn the gross assets of all the insurance companies in the United States, but I am within the bounds of truth when I say that the 10 leading companies have assets in excess of $10,000,000,000. The Metropolitan alone reports assets of nearly $3,000,000,000. Let us look for a moment to see what share of the burden of Federal taxation this great mass of property is bearing.

All of the insurance companies in the United States last year, both life and fire, paid a total in income taxes to the United States Government of only $16,388,000, although they have, as I said, within their coffers these billions of dollars of the wealth of the country. There in itself is a contrast which challenges examination, so I have obtained, through the Joint Committee on Internal Revenue Taxation, a composite statement showing the income and the taxes paid by six large companies.

I did not want to take them separately, because it is their private affair and there is no service to be obtained by taking them individually. The companies considered were the Metropolitan, the Prudential, the New York Life, the Equitable Life, the Mutual Life, and the Ætna Life. I do not know that they are the six largest, but they are certainly among the largest in the country.

The total income of these companies under the definition that stands in the present law was $315,000,000. Of that, $308,000,000 was interest; $1,500,000, approximately, was dividends; $5,500,000 was rent. The first deduction they made from that $315,000,000 was of tax-free interest, interest on Liberty bonds, and so forth. That was $20,000,000. The next deduction was this harmless little deduction that we see at the bottom of page 141 of the bill, a deduction amounting to 4 per cent of the average of their reserve during the previous year. That amounted for the six companies to $209,000,000, which again was subtracted from their income and got away from taxation. The next was $1,500,000 of dividends, which was wholly tax free. Next was a small item for reserve for deferred dividends of $500,000,000. Next was called investment expenses, $11,500,000. Next were the taxes that they paid, amounting to $1,900,000. Next were real-estate expenses, $1,340,000. Then there was $500,000 for depreciation and $750,000 for interest on indebtedness.

Their total deductions amounted to $248,000,000, leaving a net income taxable of only $67,000,000. The total tax paid by those six great companies, whose income from interest, dividend, and rents alone was $315,000,000, was only $8,000,000.

Mr. LA FOLLETTE. Mr. President, will the Senator point out which one of those deductions would be affected by his amendment if they were adopted?

Mr. REED of Pennsylvania. None of them. I am just trying to paint the present picture and then I will go on and show what it would be if the amendment were adopted.

Mr. ROBINSON of Arkansas. Is the Senator prepared to state the amount of revenue that would be secured by the amendment he proposes?

Mr. REED of Pennsylvania. Yes; as to these companies.

Mr. KING. The same principle would apply to all the other companies?

Mr. REED of Pennsylvania. Yes; of course. The six biggest companies paid half of all the taxes paid by all the insurance companies of the United States, so it is obvious I am not unfair in picking them out; but if they had been any other kind of a corporation with an income of $315,000,000, they would have paid 13 per cent on it and their other income would have been included, besides, to increase that amount, so their tax would have been approximately $40,000,000 on that same income if they had been engaged in the business of baking bread or running a railroad or something of that sort.

Mr. ROBINSON of Arkansas. Has the Senator the figures to show the total amount of taxes that would be obtained from all companies if his amendments were agreed to?

Mr. REED of Pennsylvania. No; I have not; but we can estimate them, I think, because if these companies pay one-half of the present income tax, presumably they would pay half of the tax on profits.

Mr. EDGE. Now that the Senator has answered the question of the Senator from Arkansas, let me ask how can the Senator figure at all on what the capital loss would be to these companies?

Mr. SMOOT. That is what I would like to know.

Mr. EDGE. As a matter of fact, if the Senator's amendment were adopted, is it not reasonable to assume the same policy that seems to exist with corporations of all other characters throughout the country, to secure capital losses in one form or another, would be more or less encouraged?

Mr. REED of Pennsylvania. Yes, of course; if they were worked out as the Senator suggests, the companies would be urging this instead of opposing it.

Mr. EDGE. I am not so sure of that, and in my own time I shall be glad to discuss that phase of the question. I personally feel that the Government would lose money if the Senator's amendments should prevail.

Mr. REED of Pennsylvania. The experience with our tax on capital gains has been that during the last two years we lost money, because the losses exceeded the gains every year. But in the last two years the picture has changed entirely. In the last year for which we have the figures, 1926, the taxable gains exceed a billion dollars, and the amount brought into the Treasury by the 12½ per cent on capital gain was a very substantial amount.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. SMOOT. I think the Senator was here in 1921 when the act was passed?

Mr. REED of Pennsylvania. No; I came in 1922.

Mr. SMOOT. Then I will tell the Senator that in 1921, as Senators all know, securities held not only by insurance companies, but by all companies, were very low in amount. The insurance companies held most of them. If the capital gain and loss provisions had applied to insurance companies, at least for a number of years after 1921 they would have paid no taxes at all. Liberty bonds, stocks, and mortgages which were held by insurance companies, were all at a discount.

Mr. ROBINSON of Arkansas. Mr. President, let me understand whether the Senator means to contend that the adoption of this amendment would diminish the taxes which are paid by the insurance companies?

Mr. SMOOT. Not to-day, I will say to the Senator.

Mr. ROBINSON of Arkansas. Then, does the Senator concur approximately in the figures presented by the Senator from Pennsylvania [Mr. REED]?

Mr. SMOOT. As to the gross, yes; there is not any question about that; but there is another side to the question, which we shall discuss when we reach it.

Mr. EDGE. Mr. President, while the Senator from Pennsylvania [Mr. REED] is looking for his notes, if he will yield, following the thought of the Senator from Utah [Mr. SMOOT], I desire to ask, Is it not true that the income to the Government from these companies has increased year by year since the new method was adopted in 1921, under which, whether the com-

panies make money or lose money, in view of the fact that they must keep up their reserves, the Government is bound to secure an increased amount of taxes every succeeding year? I think we have established that fact.

Mr. REED of Pennsylvania. Mr. President, I now have the figures here as to the gains and losses. The life insurance companies last year reported $12,800,000 of profits and $2,419,000 of losses. The fire and marine insurance companies reported $15,024,000 of profits and $972,000 of losses.

Mr. SMOOT. For what year?

Mr. REED of Pennsylvania. For the year 1926. So there are $25,000,000 of profits made by these companies that we deliberately exclude from taxation, although every other company—be it a savings bank or any other financial institution—has to pay taxes on such profits.

It may be argued that these companies invest in conservative securities, and if there is a slight gain in their assets they ought to be allowed to keep it in reserve without taxation. Let me read to the Senate some of the kind of securities that they invest in. Then I should like somebody to tell me why their profits should be exempt. Here [exhibiting] is the report of the Sun Insurance Co. of Canada, which conducts a very large business in the United States. I find that they own some $200,000,000 worth of stocks, practically all of them American stocks, such as Standard Oil Co. of Indiana, Standard Oil Co. of New Jersey, several tobacco companies, United States Steel, various telephone companies, $7,000,000 of the General Electric Co., $13,000,000 of the American Telephone & Telegraph, and so on. Why a company should be permitted to invest, if it chooses to call it an investment, in stocks whose market value is so highly speculative as those of oil companies, and then retain tax free all the profits that it may make from its dealings in them, is something that is wholly beyond my comprehension.

While it is true that the Finance Committee voted down this amendment by a vote of 10 to 6, it is also true that the experts of the joint congressional committee on internal-revenue taxation have recommended strongly in favor of the amendment. They state in their report that they can see no justification for the special privilege which is given to this class of business. I myself should like very much to hear some reason advanced which can not be said to be equally applicable to any other company that does business with the people of the Nation. It is all very well to say that if we tax them the result will be higher premiums. I venture to say that there is not a word of justification for that, and if there is justification for it, then we ought to exempt the railroads so that the people may have lower fares; we should exempt telephone companies, so that telephone tolls may be less; we should exempt baking companies so that bread may be cheaper; we should exempt Swift and Armour and the other packing companies in Chicago so that meat may be cheaper. That argument can not be applied with one particle greater force to insurance companies than it can be applied to any other company carrying on a legitimate business with the people of the United States.

Mr. EDGE. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. REED of Pennsylvania. I yield the floor.

Mr. EDGE. I desire to ask the Senator this question: Does the Senator see any distinction at all between a mutual company and a stock company?

Mr. REED of Pennsylvania. No; they are composed of human beings who are American citizens, and one of them ought to pay a tax as much as the other.

Mr. COPELAND. Mr. President, I hesitate to take the time of the Senate at all on this question, but I feel under obligation to do so. I send forward to the desk and ask the clerk to read a letter written to me by Mr. Haley Fiske, president of the Metropolitan Life Insurance Co., which explains the matter from the standpoint of the insurance companies in perhaps as forceful a way as it could be presented in opposition to the able argument of the Senator from Pennsylvania.

The PRESIDING OFFICER. The clerk will read, as requested.

The legislative clerk read as follows:

METROPOLITAN LIFE INSURANCE CO.,
New York City, April 24, 1928.

Hon. ROYAL S. COPELAND,
United States Senate, Washington, D. C.

MY DEAR SENATOR COPELAND: I am addressing to you and to Senator WAGNER this letter urging your most careful consideration and I hope your vigorous opposition to the proposal of Senator REED of Pennsylvania, first offered to the Senate Finance Committee and now threatened to be offered on the floor, for an amendment to the pending revenue bill (H. R. 1). Senator REED's proposal would require the inclusion, in the ascertainment of the income of a life insurance company, of gains and losses from the sale of real estate, stocks, and bonds.

On its face and to the casual reader this would seem like a logical amendment to bring the gains and losses of life insurance companies into the same category as the gains and losses of other corporations subject to income tax. However, the fact is that life insurance companies are by sections 242 to 247 of the present revenue law taxed upon an entirely different basis and theory than are other corporations. From the first income tax law down to the revenue act of 1921 Congress and the Commissioner of Internal Revenue had struggled almost fruitlessly to devise some method of assessing the income taxes of life insurance companies in a manner parallel to that applied to other kinds of corporations. The result had been chaotic and there was interminable litigation, unsatisfactory both to the companies and to the Government. The suggestion was made, in connection with the act of 1921, that a simplification of the method to be used in the case of life insurance companies, by basing their tax upon interest, dividends, and rents, should afford a base on which the companies could easily prepare and submit their returns and which would be equally easy of audit and check on the part of the Government, by means of reference to the annual statements filed by the companies in their respective States. With this acceptable base the rate could be determined so as to yield to the Government at least the amount of tax available from life insurance companies under the old system.

This plan was adopted, and the House Committee on Ways and Means in its report at that time pointed out the advantages of the new system and said: "The new tax would yield a larger revenue than the taxes which it is proposed to replace." How true this proved to be is apparent from the fact that in 1921 life insurance companies paid a tax of $8,159,000, while in 1926 they paid a tax of $16,388,000, or more than double the amount at the beginning of such five-year period. The taxes paid by all corporations increased during the same five-year period 68.3 per cent, as against 100.2 per cent in the case of life insurance corporations.

If Senator REED's proposal were to be adopted, the whole tax system as to life insurance would be again thrown into confusion and there would be an unanswerable demand that if gains and losses from real estate, stocks, and bonds, were to be included in taxable income, then profit and loss from the general operations of the business must in all fairness be also included, and the net result would be the return of the old and extremely undesirable system.

As a matter of fact, the investments of life insurance companies in assets whose values fluctuate more or less on the market are less than 1 per cent of the total assets. Forty-three per cent of their assets is in mortgage loans on real estate and 37.5 per cent in bonds, the purpose both of the investment laws and of the investment policy of life insurance companies being to make investments in those classes of securities least subject to fluctuate and most productive of constant income. Nothing is to be gained on the part of a life insurance company by the sale of bonds in a given market when the proceeds must be immediately invested in other securities whose rate of income is determined by precisely the same market conditions.

The theory of the present law, that is, the taxation of what may be called the free net interest income of life insurance companies, had the careful consideration of Congress, the tax department, and the insurance companies and has proven eminently satisfactory. To incorporate the proposal of Senator REED into the pending revenue bill would throw out of gear the whole plan of the present law, would inevitably require other complicating amendments, and would destroy a system well calculated to secure from the life insurance business, a very great majority of which is carried on on the mutual plan, a fair proportion of the taxes sought by the Government, which should be borne by life insurance.

I most earnestly solicit your careful consideration of the views which I have expressed and I hope that, in the interest of the great institution of life insurance, the principal companies being domiciled in New York, you will conclude to oppose whatever proposal is made along the lines of the proposal made to the Finance Committee by Senator REED as above described.

Very truly yours,

HALEY FISKE, *President.*

Mr. COPELAND. Mr. President——

Mr. EDGE. Mr. President, will the Senator from New York yield?

Mr. COPELAND. I understand the Senator is about to leave the Chamber, and I yield to him.

Mr. EDGE. Unfortunately, I have an engagement which I must keep.

Mr. COPELAND. Is the Senator going to speak at some length?

Mr. EDGE. No; I shall speak rather briefly, as I usually do.

Mr. COPELAND. I yield the floor to the Senator from New Jersey, and will get it in my own right later on.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. EDGE. Mr. President, it certainly is a contradiction to provide what is termed a "tax reduction bill" and at the same time, as to one particular class of citizens, trying, if possible, to evolve some plan by which their taxes will be made higher. I might say before passing that point that the amendment, if adopted, would affect in this particular one-half of the population of the country.

I asked the question a few moments ago whether the inclusion of this amendment in the bill would, in the judgment of the Senator offering it, increase the revenue. His reply was that he felt that it would. Although he undoubtedly believes he is right, at the same time I understand Mr. Adams, one of the experts, in computing the possible income as compared to the income under the system prevailing previous to 1921, was very much in doubt whether it really would increase the income. That is the reason I make the statement that it is perhaps a contradiction, because we could assume that the life insurance companies would not be opposed to the inclusion of this amendment if it were correct that they would pay less taxes to the Government. So far as that point is concerned, it must be left open to speculation.

Prior to 1921, however, the life insurance companies, I am informed, were on the same basis as all other corporations, computing their capital losses and their capital gains as against their profits and income, and paying according to the schedules of those days.

I have here the report of one large mutual life insurance company, the Prudential of New Jersey, of the taxes they paid under the old system—the system which it is now proposed again to put into effect—from the year 1914 to the year 1921, when this new plan was worked out by the Internal Revenue Bureau, believed by them to be not only a more equitable plan, but, as I believe, a more remunerative plan to the Government.

In 1914 the Prudential paid on their net profits, under the higher schedules, of course, which were in effect $112,181.48.

In 1915 they paid—I will not read the odd figures—$82,000.

In 1916 they paid $104,000.

In 1917 they paid $182,000.

In 1918 and 1919, the years of the war, they did not pay anything. The losses offset the gains.

In 1920 they paid $630,000.

In 1921 they paid $462,000.

Then the new plan of taxing on the reserve was put into effect.

Their first tax under that new plan—the 1921 tax, paid in 1922—was $907,000, as against $462,000 the year before.

The 1923 tax was $1,135,000.

The 1924 tax was $1,341,000.

The 1925 tax was $1,595,000.

The 1926 tax was $1,688,000.

The 1927 tax—the last tax—was $1,897,000.

You will see from those figures that each year they paid approximately $200,000 more in taxes to the Government than the previous year.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. EDGE. Yes.

Mr. REED of Pennsylvania. Did I understand the Senator aright as saying that that great company did not pay 1 cent in taxation during the two war years?

Mr. EDGE. That is the report of the company, no doubt entirely accurate. Their losses during those years undoubtedly placed them in the position of owing the Government nothing. Their statement is sent as an argument which I am free to use, so apparently they are entirely prepared to defend it.

As I have already stated under this new plan—which is rather an involved one, and I will not attempt to go into details—the tax is paid upon the reserve. Under the law they are compelled to increase their reserve every year; so that automatically, whatever their losses may be from investments, the Government must receive an increased amount year by year. Even though they had a bad year, as they did in 1918 and 1919, and did not pay the Government anything, they would be compelled to pay in this same increasing ratio.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from New York?

Mr. EDGE. I do.

Mr. COPELAND. I think I am right in saying that in the years 1918, 1919, and 1920 these companies suffered losses.

Mr. EDGE. In 1920, in the case of the Prudential, they paid $638,000.

Mr. COPELAND. I am reading from the figures of the Security Mutual.

Mr. EDGE. The Senator from Pennsylvania very effectively, as he always does, pointed out the small amount of taxes paid by eight companies as compared to the assets that they have. He is entirely correct in the figures that he used. The figures that I have are tabulated from the legal reserve life insurance companies of the United States having, in the various years, from 85 to 90 per cent of the total assets of all the companies of the United States. They show that the revenue paid to the Government by those companies increased from $8,159,000 in 1921, the year this change was made in the system of computing taxation, to $16,388,000—the figures that were used by the Senator from Pennsylvania—in 1926, or a gain in revenue to the Government from 90 per cent of the insurance companies of the country in five years of over 100 per cent.

Mr. FLETCHER. Mr. President, may I make an inquiry of the Senator? This proposal does not mean to change the system that was adopted in 1921 at all, does it? As I understand, it merely adds certain sources of income that are not embraced in the present law.

Mr. EDGE. Oh, yes, Mr. President; it changes the system entirely, because it goes actually and absolutely back to the old system or reckoning capital losses, which now are not considered at all.

Mr. FLETCHER. I can not see that.

Mr. EDGE. I am quite sure the Senator from Pennsylvania will agree with my statement.

Mr. REED of Pennsylvania. I did not hear the statement.

Mr. FLETCHER. I was expressing the view that the amendment of the Senator from Pennsylvania did not change the present system of taxing these corporations.

Mr. REED of Pennsylvania. Not in the least. It simply adds this additional income, which now escapes inclusion.

Mr. EDGE. The Senator will agree that it does change it to the extent of bringing into the computation the capital losses, which they could not possibly do under the present system.

Mr. REED of Pennsylvania. Absolutely. It taxes the net gain; that is all.

Mr. EDGE. Naturally; that is all the discussion is over.

Now, let me finish these figures.

I have already demonstrated that under the new system the insurance companies have paid, without deducting capital losses, an increase of over 100 per cent in five years. I want to compare that with the payments to the Government from all other corporations in the country.

From the figures of the Federal Internal Revenue Department it appears that the total tax received on account of the Federal-income and war-profits tax paid by all corporations for the year 1921—all corporations, including insurance companies—was $757,571,432. The amount of Federal income tax paid by all corporations for the tax year 1926, five years later, was $1,181,005,366, an increase in the five-year period of 68.3 per cent. Remember, the life insurance companies during that time increased their payments to the Government over 100 per cent. By comparison, while the income from all other corporations was increasing in the five-year period 68.3 per cent, the income from life insurance companies was increasing 100.2 per cent, or 46.7 per cent faster than the revenue from all corporations.

In other words, the system under which we are now taxing the life insurance company reserves has brought into the Treasury an income of over 46 per cent more than the income brought into the Treasury from all other types of corporations who could compute and credit their capital losses; and recall that during the time these comparisons are made the taxes were reduced four times; so that, of course, the schedules at the commencement of the comparison would be on the basis of very much higher rates per thousand-dollar profit.

Mr. President, again I can understand that the question will be raised: "If they pay more now, why should they be so anxious to retain the present system?" There are several reasons which appeal to me as very forceful.

The present system secures more money for the Government. Both the companies and the Internal Revenue Bureau are familiar with its operation, and the companies charge against their expense accounts the approximate amount they know they will be compelled to pay; and they are satisfied with it. On the other hand, if capital gains and losses are to be included in income, in all fairness—I might ask the Senator from Pennsylvania why he has not considered this point—underwriting profits and losses should also be included, which they are not in the amendment offered. Again the Government would lose the certainty which it now has of a steady increase every year in the volume of the tax from life insurance companies, as well as throw the computation of the tax on these companies back into the endless confusion which existed prior to 1921. The third reason is because, in a bill which is designed to reduce taxation, Congress should not seek ways and means of imposing additional burdens upon institutions which

in the main seek to make provision for the widows and orphans of the land.

A mutual life insurance company, in my judgment—a life insurance company, particularly, and in that respect I agree with the Senator from Alabama [Mr. BLACK]—is serving a public purpose of an entirely different nature than almost any other corporation we could consider; and if it is a mutual company, as most of these companies are, it is not a question of profit to any individual. We well know what the word "mutual" means. The lower they can keep their expenses, the lower, of course, they can make their premiums, and every one is a stockholder in the company. In other words, they are mutually serving each other.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from New Jersey yield to the Senator from Pennsylvania?

Mr. EDGE. I do.

Mr. REED of Pennsylvania. It has been called to my attention that mutual companies other than life and fire are not exempt from this kind of taxation. A mutual casualty company or a mutual marine insurance company is subject to the sort of taxation that I suggest these other companies should be.

Mr. EDGE. I believe that is correct.

In conclusion, Mr. President, I again state that I can not but speculate as to whether the Government will receive more money or less. My personal opinion is that with the encouragement to consider wash-off losses, and so forth, which we well know exist all over the country, and are taken advantage of, the Government would not secure more money; but if they did secure more money, it does seem to me a contradiction, after four successful efforts to reduce taxation, to concentrate on what would affect directly half the population of the country, especially if they are in mutual companies, as most of them are, and raise their taxes.

Mr. BLACK. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Alabama?

Mr. EDGE. I do.

Mr. BLACK. As I understand, most of the companies that would be affected in the life-insurance world are mutual companies, I believe the Senator said.

Mr. EDGE. I understand so.

Mr. BLACK. If this tax is imposed, would it not in reality, so far as those companies are concerned, simply be raising the amount of premium paid by every policyholder in the United States?

Mr. EDGE. If the result of this action should be to increase taxation, it could not have any other effect.

Mr. BLACK. Then it would simply amount to taxing every clerk or mechanic or carpenter or mill owner or anyone else who has insurance in a mutual company?

Mr. EDGE. Precisely. It is computed that half of the population of the country have some type of policy in life-insurance companies.

Mr. NORRIS. Mr. President, I should like to ask the Senator from New Jersey a question.

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Nebraska?

Mr. EDGE. I yield.

Mr. NORRIS. I noticed particularly that the Senator from New Jersey, just before the Senator from Pennsylvania gave up the floor, asked him a question about mutual companies and stock companies. I am referring now both to life and fire companies and to every other kind of insurance. I judged from the Senator's question that he was under the impression that we ought to treat those companies differently; and I should like to hear the Senator on that point. I note what the Senator from Pennsylvania says, that they ought to be treated exactly the same.

I have always labored under the impression that a mutual company perhaps was entitled to different treatment from a stock company, because a mutual company has no profit; it is not organized for profit; there is not anyone making any profit out of its transactions; whereas in the case of a stock company, although it is perfectly legitimate and perfectly honorable, one of the main objects of the incorporators is to make money.

Mr. EDGE. There is that distinction. The Senator is entirely correct. I asked the question with the thought that a mutual company had somewhat a more appealing and stronger argument; but I do believe that both mutual and stock companies should be treated alike on this basis of taxation; and, as I have tried to develop, my own conviction is that the Government is better off to have this assured increasing income, whether they are stock or mutual companies, than it is to put them back in what might be termed the semitax-dodging class.

Mr. NORRIS. I would like to ask the Senator another question; and I am only seeking light on this. I have not as definite ideas as some of those who have studied the question more. The profits to be taxed, or which this amendment would tax, which are not now taxed, as I understand it, come from the investments of the companies?

Mr. EDGE. Stocks, bonds, rents, real estate, and that sort of investment.

Mr. NORRIS. Of course, in taxing those profits I assume it would be net profits, because I can easily see how, especially in years of declining markets, when the value of their investments might very materially be decreased, there might be a loss instead of a gain.

Mr. SMOOT. Mr. President, may I suggest to the Senator that mutual companies other than mutual life insurance companies are treated differently?

Mr. NORRIS. That means mutual fire insurance companies?

Mr. REED of Pennsylvania. Mr. President, a mutual fire insurance company now pays a tax on its capital gains. A mutual life insurance company is now exempt. Mutual companies other than life, as the Senator will see by looking at section 208, are taxable in the same manner as other corporations. That is affirmatively provided in the bill. All that we do is to exempt the stock companies doing every kind of insurance and the mutual life companies from capital-gain taxes; but a mutual fire or a mutual marine or a mutual casualty company pays the kind of a tax I am urging that the others should pay.

Mr. SMOOT. Mr. President, I want to say to Senators that the change in the basis of taxing all kinds of insurance companies was made in 1921. I do not think there is an item in the revenue law to which more time was given than to the effort to arrive at a basis of taxation to which all the companies would agree.

Mr. COPELAND. That was in 1921?

Mr. SMOOT. Nineteen hundred and twenty-one. The basis of it was arrived at at that time and put in that law. I think there were at least three weeks given to the insurance companies before we could get them together. The provision in the law of 1921 relating to the insurance companies was put into form by the unanimous agreement of all of the companies, mutual and otherwise. The only insurance companies, the provisions as to which have been changed since that time, are the mutual companies—that is, I mean the companies insuring against hail and things of that sort.

Mr. NORRIS. We do not tax them?

Mr. SMOOT. We do not tax them at all.

Mr. REED of Pennsylvania. Mr. President, this much ought to be borne in mind. These companies never did pay any excess-profits taxes. There is not a case on record of any insurance company that ever paid a nickel in excess-profits taxes, while other corporations were doing it. These companies, even the stock companies, were always exempt from capital-stock taxes. They never paid any of those taxes, while the other corporations were paying.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. COPELAND. The Senator bears in mind, of course, that at that particular period—1918, 1919, and 1920—we had the largest death rate that we have ever had in the history of our country. In the fall of 1918, in six weeks, 35,000 people died in New York City from influenza.

Mr. REED of Pennsylvania. But their deaths in the fall of 1918 did not affect the fact that these companies got out of paying taxes in 1917.

Mr. SMOOT. Mr. President, the Senator knows, I think, that the Government now has claims for excess-profits taxes against certain insurance companies for the period when excess-profits taxes were in force.

Mr. REED of Pennsylvania. That may be.

Mr. SMOOT. That has not yet been finally decided.

Mr. REED of Pennsylvania. But the Government has never received a nickel in excess-profits taxes from those corporations.

Mr. SMOOT. And will not, until that question is finally decided; but the claims have been made against them.

Mr. REED of Pennsylvania. One thing more. I tried two years ago, when we had the 1926 act before us, to call the attention of the Senate to the fact that these companies paid no capital-stock tax at all, and that therefore, when we raised the rate on all corporations to 13½ per cent, there was no reason why their taxes should not go up to 13½; but the Senate would not do that. It left the rate at 12½ per cent, when other corporations were paying 13½ per cent.

I have no brief against insurance companies. The insurance business is a highly praiseworthy one, and, so far as I know, at present it is run in a perfectly honest and aboveboard and proper way, and I am not trying to persecute them, but I can not see why in the world any one business should be singled out to be the pet of the tax law the way this business has been, exempted from paying excess-profits taxes, exempted from the payment of the capital-stock tax, exempted from the raise from 12½ to 13½, exempted from the taxes on capital gain.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. COUZENS. I would like to ask the Senator if, while I was out, he gave to the Senate the stock quotations on the stocks of these companies?

Mr. REED of Pennsylvania. No, Mr. President, I did not, because I do not think that affects the justice of it, after all.

Mr. COUZENS. It points out how valuable the stock of these corporations is.

Mr. REED of Pennsylvania. That is true.

Mr. COUZENS. And they are made valuable by these exemptions which the Congress gives them.

Mr. REED of Pennsylvania. I think that is one reason why the stocks are so high.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. SMOOT. I want to call the Senator's attention to one other fact.

Mr. NORRIS. Mr. President, will not the Senator let me ask the Senator from Pennsylvania a question about what he said, before the Senator from Utah gets on to some other subject.

Mr. SMOOT. This is right in line with what has been said. It will take just a moment.

If in 1921 we had not arrived at the agreement as to the taxation of insurance companies, from that year on they would not have paid a single, solitary dollar to the Government, because of the fact that they were holding the securities that they had bought, to the face value of over a billion dollars, and every one of those securities was low; they would have found them almost worthless; they would have unloaded them at a loss, and would never have paid a dollar to the Government. But in the compromise that was taken into consideration.

Mr. NORRIS. Why should they pay if they had a loss?

Mr. SMOOT. In the compromise that was made at that time we not only took out the question of losses on capital assets but of gains as well.

Mr. REED of Pennsylvania. Mr. President, I can answer that. Under the tax law of 1918 and under the 1921 law it was a scandal the way the taxpayers registered off losses in order to avoid tax liability. These companies could have done it just as other companies and other individuals did, but the law of 1921 was not the last word in wisdom, and by subsequent legislation, in 1924, we made that kind of washed sales impossible, and we did not allow taxpayers to eliminate their tax liability by that kind of performance. So that while it was a strong argument in 1921 against taking into account capital gains and losses with these companies, it has ceased to be an argument now, because it is no longer possible for them to charge off losses that are not made in good faith. The Senator, I know, will agree with me.

Mr. SMOOT. Yes; but I want to say to the Senator that the great bulk of the securities they were holding were Liberty bonds, and they were receiving 4¼ per cent on those Liberty bonds. They have been called in, and now they are receiving 3⅛ per cent on short-time certificates, which will show in next year's returns. Their gains will be cut to the extent, at least, of, I should say, 10 or 15 per cent.

Mr. REED of Pennsylvania. I would not touch that anyway, and we could not, because all of that interest is tax free, whether it is 4¼ or 3⅛.

Mr. SMOOT. I am now referring only to the fact that their profits as shown on next year's returns certainly can not be what they were before, because of the fact that they had, I think, over a billion dollars' worth of those bonds, and they have been called, and now in place of the 4¼'s they are getting a short-time certificate bearing 3⅛.

Mr. REED of Pennsylvania. Whatever interest they get on Liberty bonds does not affect their tax, because they are wholly tax free.

Mr. NORRIS. I would like to ask the Senator if it is not true that even with Liberty bonds, if they buy and sell and make a profit, they have to pay a tax on the profit?

Mr. REED of Pennsylvania. No, Mr. President.

Mr. NORRIS. They would under the Senator's amendment?

Mr. REED of Pennsylvania. They would under my amendment; yes.

Mr. NORRIS. The thing I wanted to ask the Senator before the Senator from Utah interrupted was this. The Senator speaks of a tax on capital and a tax on capital gains. How does he apply that to a mutual company, which has not any capital, and necessarily can not have any capital gains?

Mr. REED of Pennsylvania. The phrase "tax on capital gains" is a sort of a technical term that has grown up under these tax laws, and it is defined in the act to mean gains from the purchase and sale of capital assets.

Mr. NORRIS. Does a mutual company have capital assets?

Mr. REED of Pennsylvania. It has capital assets, though it has no capital stock.

Mr. SMOOT. All their reserve is capital.

Mr. REED of Pennsylvania. It has a balance sheet, and on one side it puts its assets, whether bonds or buildings, and on the other its liabilities; but it has no capital stock.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. COPELAND. May I suggest to the Senator that we have a vote on this if he is willing?

Mr. REED of Pennsylvania. I am perfectly willing to have a vote on it. Perhaps the Senator will let me finish what I was starting to say.

Mr. COPELAND. Certainly.

Mr. REED of Pennsylvania. Mr. President, it is true that this system of taxation of insurance companies was worked out after long hearings in 1921. I think it is equally true that the decisions that were made in 1921 can be improved upon now. Otherwise there would have been no reason for passing tax reduction bills in 1924, 1926, and this year. I think the experience under this has proven that a revision in this regard is necessary, and I think Senators should notice that instead of adopting the philosophy of favoring the mutual companies the present tax law does not give the mutual companies other than life insurance companies any of the benefits that it gives to stock companies.

If I were a very rich man and wanted to form a holding company in which I could put my assets and pay the least possible tax, I would buy up some small-stock fire-insurance company. It makes the finest holding company for a rich man imaginable, because all of its profits from these transactions are wholly tax free, whereas these other companies have to pay taxes on them. That is just a little tip thrown out for people who want to dodge taxes in case the Senate decides to retain the provision of the present law.

Mr. BLACK. Mr. President, if the Senator will yield, I want to ask him a question. If these amendments are divided up, and the Senator will explain to me which amendment refers to fire insurance and which to life, I will be better able to vote as I think I should vote.

Mr. REED of Pennsylvania. Yes, Mr. President; the first amendment to be voted on is that dealing only with life-insurance companies. The second amendment will deal with section 204, on page 145, really referring to page 146, where it deals with insurance companies other than life or mutual. That means all stock companies in the business of fire and marine insurance.

Mr. BLACK. That is the second.

Mr. SMOOT. It is offered all as one amendment.

Mr. REED of Pennsylvania. I should like to have these amendments voted on separately. There are six in all.

The PRESIDING OFFICER. The clerk will report the first amendment for the information of the Senate.

The CHIEF CLERK. On page 141, line 4, strike out "and rents" and insert in lieu thereof "rents, and the sale or other disposition of property."

Mr. HARRISON. Mr. President, I merely want to say a word. I am going to vote against the amendment. I do not believe that the matter has been sufficiently considered. For weeks the Committee on Finance had very extensive hearings. At the last, when there had been a good deal of delay, as we thought, and we were anxious to pass some kind of a revenue bill, this question was brought up. Along at the end of the proposition when the hearings had all been closed, the matter was suggested for the first time. It was thought that it was a matter of such importance that the insurance people should have a hearing. That was quite true. I think that was the opinion of the committee. A time was fixed, but we saw it was going to delay us and, in order to keep from delay, we reported out the bill without the hearings.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question

Mr. HARRISON. Certainly.

Mr. REED of Pennsylvania. Is it not true the Finance Committee worked first on amendments made by the House to the present law, and that as soon as amendments from the floor, so to speak, were permissible in the committee, I presented this one?

Mr. HARRISON. That is true, but the Senator will agree with me that that was right at the close of the hearings. I do not think we had over two or three meetings after the suggestion was made.

Mr. REED of Pennsylvania. Necessarily it was at the close. I was barred from offering it earlier because the committee was first considering changes made by the House in the present law.

Mr. HARRISON. I do not mean the Senator delayed it in such a way that it was too late to get a hearing, but the Senator from Connecticut [Mr. BINGHAM] felt an interest and thought that his people ought to be heard. I think a time was set, but we did not think the bill ought to be delayed on that account.

Mr. REED of Pennsylvania. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. KENDRICK (when his name was called). Making the same announcement as to my pair, I withhold my vote.

Mr. WALSH of Montana (when his name was called). I have a pair with the Senator from Vermont [Mr. DALE]. In his absence I withhold my vote.

Mr. WATSON (when his name was called). I have a pair with the senior Senator from South Carolina [Mr. SMITH], which I transfer to the senior Senator from New Jersey [Mr. EDGE], and vote "nay."

Mr. WHEELER (when his name was called). I have a general pair on this question with the Senator from Idaho [Mr. GOODING]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. BRATTON. I transfer my pair with the junior Senator from Indiana [Mr. ROBINSON] to the junior Senator from Maryland [Mr. TYDINGS] and vote "nay."

Mr. BRUCE. Mr. President, I ask to be excused from voting, as I am a director and general counsel of a life insurance company.

The VICE PRESIDENT. Will the Senate excuse the Senator from Maryland from voting? Without objection, it is so ordered.

Mr. JONES. Mr. President, I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE];

The Senator from New Hampshire [Mr. KEYES] with the Senator from New Jersey [Mr. EDWARDS]; and

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL].

The result was announced—yeas 21, nays 45, as follows:

YEAS—21

Blaine	Gerry	Oddie	Walsh, Mass.
Borah	Johnson	Phipps	Warren
Broussard	King	Pine	Waterman
Capper	McNary	Reed, Pa.	
Couzens	Moses	Shipstead	
Fletcher	Nye	Vandenberg	

NAYS—45

Barkley	George	Locher	Smoot
Bayard	Gillett	McKellar	Steck
Black	Glass	Mayfield	Steiwer
Bratton	Goff	Neely	Stephens
Brookhart	Greene	Overman	Swanson
Caraway	Hale	Reed, Mo.	Thomas
Copeland	Harris	Robinson, Ark.	Tyson
Curtis	Harrison	Sackett	Wagner
Cutting	Hawes	Schall	Watson
Deneen	Heflin	Sheppard	
Dill	Jones	Shortridge	
Fess	La Follette	Simmons	

NOT VOTING—28

Ashurst	Edwards	Keyes	Ransdell
Bingham	Frazier	McLean	Robinson, Ind.
Blease	Gooding	McMaster	Smith
Bruce	Gould	Metcalf	Trammell
Dale	Hayden	Norbeck	Tydings
du Pont	Howell	Norris	Walsh, Mont.
Edge	Kendrick	Pittman	Wheeler

So the amendment of Mr. REED of Pennsylvania was rejected.

The VICE PRESIDENT. The question is on agreeing to the next amendment submitted by the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I see no necessity for a yea-and-nay vote, and I shall not, therefore, ask for one.

The VICE PRESIDENT. The next amendment of the Senator from Pennsylvania will be stated.

The CHIEF CLERK. On page 144, line 11, strike out "and," and after line 11 insert a new paragraph, to read as follows:

(9) Capital losses: Losses sustained during the taxable year from the sale or other disposition of property; and.

On page 144, line 12, strike out "(9)" and insert in lieu thereof "(10)."

The amendment was rejected.

The VICE PRESIDENT. The next amendment of the Senator from Pennsylvania will be stated.

The CHIEF CLERK. On page 146, at the end of line 10, insert "the sum of (A)"; and in line 16, after "Commissioners," insert a comma and the following: "and (B) gain during the taxable year from the sale or other disposition of property."

The amendment was rejected.

The VICE PRESIDENT. The next amendment will be stated.

The CHIEF CLERK. On page 149, line 1, after "incurred," insert "as defined in subsection (b) (6) of this section"; and after line 1 insert a new paragraph, to read as follows:

(5) Losses sustained during the taxable year from the sale or other disposition of property.

Mr. REED of Pennsylvania. This amendment would subject stock fire insurance companies to the same tax on capital gains. It is the same tax as mutual fire insurance companies now pay. In rejecting the amendment, as the Senate will doubtless do, I want the Senate to know that it is favoring stock companies, to the disadvantage of mutual companies.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was rejected.

Mr. COPELAND. Mr. President, I have two short amendments to offer. I send forward the first one.

The VICE PRESIDENT. The clerk will report the amendment.

The CHIEF CLERK. On page 105, after line 25, insert a new section, as follows:

SEC. 121. INTERNATIONAL BRIDGES.

In the case of income derived from the operation of a bridge between the United States and a contiguous foreign country, the Secretary of the Treasury is authorized to enter into an agreement in respect of any taxable year with the proper authorities of such foreign country, making an equitable apportionment as between the United States and such foreign country of the income and deductions allocable to the operation of such bridge. If such agreement is entered into, the tax imposed by this title in respect of such income for such year shall be considered to be the tax based on the net income as computed under such agreement. Any tax computed under the section shall not be reduced by any credit as provided in section 131 (relating to the credit for foreign taxes).

Mr. SMOOT. Mr. President, so far as I can I would like to accept the amendment.

Mr. BORAH. Mr. President, may I ask if this is authorizing an agreement to be made with a foreign country by the Secretary of the Treasury?

Mr. SMOOT. I can state briefly the object of it.

Mr. BORAH. I know what the object is, but if we are going to make an agreement with a foreign country binding upon the respective countries, I should think we would want some one to make the agreement besides the Secretary of the Treasury. It would have to be made in the nature of a treaty.

Mr. SMOOT. This is only a question of taxation.

Mr. BORAH. I know it is only a question of taxation, but it is an agreement with a foreign country. I do not know of any authority by which the Secretary of the Treasury can make an agreement with a foreign country.

Mr. COPELAND. I will let this go over until to-morrow morning. I will withdraw it for the time being.

The VICE PRESIDENT. The amendment is temporarily withdrawn.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had adopted a concurrent resolution (H. Con. Res. 38) providing that the action of the Speaker of the House of Representatives and of the Vice President in signing the bill (H. R. 9568) to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes, be rescinded, and that in the reenrollment of such bill the number "58" be stricken out and the number "158" be inserted in lieu thereof, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 1828. An act to amend the second paragraph of section 5 of the national defense act, as amended by the act of September 22, 1922, by adding thereto a provision that will authorize the names of certain graduates of the General Service Schools and of the Army War College, not at present eligible for selection to the General Staff Corps eligible list, to be added to that list;

S. 1829. An act to authorize the collection, in monthly installments, of indebtedness due the United States from enlisted men, and for other purposes;

S. 3463. An act to recognize commissioned service in the Philippine Constabulary in determining rights of officers of the Regular Army;

S. 3752. An act to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926;

S. 4216. An act to authorize the adjustment and settlement of claims for armory drill pay;

H. R. 2473. An act for the relief of Louie June;

H. R. 4012. An act for the relief of Charles R. Sies;

H. R. 4660. An act to correct the military record of Charles E. Lowe;

H. R. 4687. An act for the relief of Albert Campbell;

H. R. 4839. An act for the relief of the Press Publishing Co., Marianna, Ark.;

H. R. 5322. An act for the relief of John P. Stafford;

H. R. 5548. An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose deaths results from wounds or disease not resulting from their own misconduct;

H. R. 5644. An act to enable an enlisted man in the naval service to make good time lost in excess of one day under certain conditions;

H. R. 5718. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service";

H. R. 5826. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver bell in use on the cruiser *New Orleans;*

H. R. 5930. An act for the relief of Jesse W. Boisseau;

H. R. 6152. An act for the relief of Cromwell L. Barsley;

H. R. 6195. An act granting six months' pay to Constance D. Lathrop;

H. R. 6842. An act for the relief of Joseph F. Friend;

H. R. 6854. An act to add certain lands to the Montezuma National Forest, Colo., and for other purposes;

H. R. 7142. An act for the relief of Frank E. Ridgely, deceased;

H. R. 7895. An act for the relief of the Lagrange Grocery Co.;

H. R. 7897. An act to ratify the action of a local board of sales control in respect of contracts between the United States and the West Point Wholesale Grocery Co., of West Point, Ga.;

H. R. 7898. An act to ratify the action of a local board of sales control in respect of contracts between the United States and the Lagrange Grocery Co., of Lagrange, Ga.;

H. R. 7903. An act to authorize the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States;

H. R. 8031. An act for the relief of Higgins Lumber Co. (Inc.);

H. R. 8440. An act for the relief of F. C. Wallace;

H. R. 9046. An act to continue the allowance of Sioux benefits;

H. R. 9355. An act to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes;

H. R. 9620. An act for the relief of E. H. Jennings, F. L. Johanns, and Henry Blank, officers and employees of the post office at Charleston, S. C.;

H. R. 9965. An act to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., where on February 14, 1779, Elijah Clarke, of Georgia, and Colonel Pickens, of South Carolina, overtook the Tories under Colonel Boyd, killing him and many of his followers, thus ending British dominion in Georgia;

H. R. 10503. An act for the relief of R. P. Washam, F. A. Slate, W. H. Sanders, W. A. McGinnis, J. E. Lindsay, and J. T. Pearson;

H. R. 11405. An act to acquire an area of State land situate in Lassen Volcanic National Park, State of California, by exchange;

H. R. 11621. An act to authorize the Secretary of the Navy to advance public funds to naval personnel under certain conditions;

H. R. 11724. An act to provide for the paving of the Government road, known as the Ringgold Road, extending from Chickamauga and Chattanooga National Military Park, in the State of Georgia, to the town of Ringgold, Ga., constituting an approach road to the Chickamauga and Chattanooga National Military Park;

H. R. 12067. An act to set aside certain lands for the Chippewa Indians in the State of Minnesota;

H. R. 12192. An act authorizing the Secretary of the Interior to accept a deed to certain land and issue patent therefor to the city of Buhl, Twin Falls County, Idaho;

H. R. 12446. An act to approve a deed of conveyance of certain land in the Seneca Oil Spring Reservation, N. Y.; and

H. J. Res. 263. Joint resolution authorizing the president and fellows of Harvard College to erect on public grounds in the District of Columbia a monument to Maj. Gen. Artemus Ward.

CONSTRUCTION OF MILITARY POSTS

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that the Army housing bill, H. R. 11134, may be considered at this time. I understand the Senator from Utah does not plan to take up any further amendments at this time?

Mr. SMOOT. No.

Mr. REED of Pennsylvania. There was no objection whatever to the bill on the call of the calendar last night except from the Senator from Illinois [Mr. DENEEN], who raised a question as to a committee amendment concerning Scott Field. I have talked it over with some members of the committee, and they are all willing that we should recede from the committee amendment. It will lead to no discussion. I ask that it may be passed because it is imperatively necessary in the preparation of the Budget.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. FLETCHER. I thought the amendment was a good amendment. I have no objection to the Senate taking a vote on it. I am not going to interpose any objection, but on the showing before the Committee on Military Affairs, I thought the amendment was a good amendment.

Mr. REED of Pennsylvania. I ought to say to the Senator that in agreeing to the item I feel it my duty to warn him that the Appropriations Committee is absolutely set against any appropriation for Scott Field, and the insertion of the provision in this bill does not imply any agreement to appropriate any money for it.

Mr. FLETCHER. It is merely authorized, and then the question is left to the Appropriations Committee to make the appropriation or not.

Mr. REED of Pennsylvania. Precisely.

Mr. FLETCHER. With that understanding, I am not disposed to delay the bill at all, but I know that the showing before our committee was that this was a proper amendment.

Mr. ROBINSON of Arkansas. I thought the Senator from Pennsylvania announced his purpose to ask that the amendment be disagreed to.

Mr. REED of Pennsylvania. The committee struck out the provision regarding Scott Field. Now we restore it in order to get the bill through, but there is no agreement that there shall be any money appropriated for it.

Mr. SMOOT. Is the bill up for consideration?

Mr. REED of Pennsylvania. It is.

Mr. SMOOT. I have an amendment which the department has asked me to offer to the bill. The amendment is on line 13, page 2, after the numerals "$180,000," to insert—

Fort Douglas, Utah, officers' quarters, $75,000, noncommissioned officers' qurters, $50,000.

The Senator from Pennsylvania knows about the amendment.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11134) to authorize appropriations for construction at military posts, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

The first amendment was, on page 1, line 4, after the word "exceed," to strike out "$12,964,950" and insert "$12,989,284," so as to read:

That there is hereby authorized to be appropriated not to exceed $12,989,284, to be expended for the construction and installation at military posts of such buildings and utilities and appurtenances thereto as may be necessary, as follows—

And so forth.

The amendment was agreed to.

The next amendment was, on page 2, line 22, after the numerals "$225,000," to strike out the semicolon and insert a comma and the words "noncommissioned officers' quarters," so as to read:

Camp McClellan, Ala., officers' quarters, $225,000, noncommissioned officers' quarters, $48,000.

The amendment was agreed to.

The next amendment was, on page 3, line 11, after the numerals "$40,000," to strike out "Scott Field, Ill., noncommissioned officers' quarters, $150,000."

Mr. REED of Pennsylvania. I ask that that amendment be disagreed to.

Mr. FLETCHER. I agree, with the understanding that there is no appropriation to be made for it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment of the Committee on Military Affairs was, on page 3, at the beginning of line 14, to strike out "$300,000," and insert "$250,000; completion of hospital, $50,000," so as to read:

Selfridge Field, Mich., noncommissioned officers' quarters, $100,000; officers' quarters, $250,000; completion of hospital, $50,000.

The amendment was agreed to.

The next amendment was, on page 3, line 23, after the word "reservation," to insert "for completing the construction of the new cadet mess hall, cadet store, dormitories, and drawing academy, including equipment, United States Military Academy, West Point, N. Y., $126,334."

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to insert a new section, as follows:

SEC. 2. That there is hereby authorized to be appropriated not to exceed $6,413,500, to be expended for the construction and installation at military posts of such technical buildings and utilities and appurtenances thereto as may be necessary, as follows:

Albrook Field, Canal Zone: Hangars, $200,000; Air Corps shops and warehouse, $126,000; headquarters and operations building, $40,000; radio, parachute, and armament building, $25,000; gasoline and oil storage, $75,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $600,000.

France Field, Canal Zone: Hangars, $80,000; operations building, $30,000; photo, radio, parachute, and armament buildings, $61,000; air-depot shops, $160,000; air-depot warehouse $200,000; improvement of landing field, $103,000.

Hawaiian Department, Wheeler Field: Hangars, $240,000; Air Corps field warehouse, $45,000; Air Corps field shops, $81,000; headquarters and operations building, $40,000; photo, radio, parachute, and armament buildings, $61,000; gasoline and oil storage, $15,000; paint, oil, and dope warehouse, $5,000; improvement landing field, $110,000.

Bolling Field, D. C.: Hangars, $160,000; gasoline and oil storage, $12,000; paints, oil, and dope warehouse, $5,000; improvement landing field, $100,000.

Chanute Field, Ill.: Hangars, $120,000; Air Corps shops and warehouse, $126,000; headquarters and operations building, $40,000; photo, radio, parachute, and armament buildings, $61,000; school building, $80,000; gasoline and oil storage $10,000; paint, oil, and dope warehouse $5,000.

Duncan Field, Tex.: Hangars, $80,000; air-depot shops, $243,000.

Fairfield air depot, Ohio: Air-depot shops, $243,000.

Fort Sam Houston, Tex.: Hangars, $40,000; Air Corps field shops and warehouse, $60,000; headquarters building, $20,000; photo, radio, parachute, and armament buildings, $61,000; gasoline and oil storage, $5,000; improvement landing field, $20,000.

Marshall Field, Kans.: Hangar, $40,000; Air Corps field shops and warehouse, $60,000; headquarters building, $20,000; photo, radio, parachute, and armament buildings, $61,000; gasoline and oil storage, $5,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $15,000.

Maxwell Field, Ala.: Gasoline and oil storage, $5,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $13,000.

Mitchel Field, N. Y.: Hangars, $80,000; photo building, $36,000; gasoline and oil storage, $10,000; paint, oil, and dope warehouse, $5,000.

Post Field, Okla.: Hangar, $40,000; Air Corps field shops and warehouse, $60,000; headquarters building, $20,000; radio, parachute, and armament buildings, $25,000; gasoline and oil storage, $5,000; paint, oil and dope warehouse, $5,000.

Rockwell Field, Calif.: Hangars, $160,000; Air Corps warehouse, $45,000; headquarters and operations building, $40,000; radio, parachute, and armament buildings $25,000; gasoline and oil storage, $10,000; paint, oil, and dope warehouse, $5,000.

California Air Depot: Air-depot shops, $243,000; air-depot warehouses, $500,000.

San Antonio Primary Training School, San Antonio, Tex.: Hangars, $440,000; Air Corps shops and warehouses, $126,000; headquarters and operations building, $40,000; wing headquarters building, $60,000; photo, radio, parachute, and armament buildings, $61,000; school building, $40,000; gasoline and oil storage, $9,500; paint, oil, and dope warehouse $5,000; improvement of landing field, $150,000.

Selfridge Field, Mich.: Air Corps warehouse, $45,000; photo building, $36,000; gasoline and oil storage, $10,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $50,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 2, to insert a new section, as follows:

SEC. 3. That the Secretary of War is hereby authorized to cause condemnation proceedings to be instituted for the purpose of acquiring certain tracts of land in the vicinity of Fort Kamehameha Reservation, Territory of Hawaii, hereinafter described, for use as a flying field, and that a sum not exceeding $1,145,000 is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, for the acquisition of the fee civil title to said land either by purchase or condemnation, to wit: That portion of the Queen Emma and Damon estates lying directly north of and adjoining Fort Kamehameha Reservation, east of the Fort Kamehameha-Puuloa Junction Road, south of the plantation road just north of Loco-Lelepaua and extending to the Rodgers Airport and Keehii Lagoon on the east, consisting approximately of 1,434 acres, at a cost not exceeding $420,000, and also a portion of the Halawa district consisting of about 862 acres and immediately adjoining the Queen Emma and Damon estates at a cost not exceeding $725,000.

The amendment was agreed to.

Mr. SMOOT. I now offer the amendment to which I referred a few moments ago. On page 2, line 13, after the numerals "$180,000," I move to insert "Fort Douglas, Utah, officers' quarters, $75,000; noncommissioned officers' quarters, $54,000."

The VICE PRESIDENT. Without objection——

Mr. FLETCHER. There is objection, Mr. President. That matter was before the Military Affairs Committee, and the committee decided against it. It is just a question of whether we are going on spending money on old forts or whether we are going to abandon that policy.

Mr. SMOOT. Mr. President, I wish to say to the Senator that there were some 21 officers and men removed from Fort Douglas on account of the housing conditions existing there. General Summerall was out there; he saw the conditions, and had the men removed to San Diego, where they are to remain until necessary quarters shall be built at Fort Douglas. The amendment is strongly recommended by the department.

Mr. FLETCHER. Let us have a vote.

Mr. SMOOT. I am ready for the question.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was agreed to.

The bill was reported to the Senate, as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill read a third time.

The bill was read the third time and passed.

Mr. REED of Pennsylvania. I ask unanimous consent that the Secretary may be authorized to correct the totals in the bill just passed so as to make them correspond to any changes made by amendments.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, the bill just passed proposes to authorize appropriations for construction at military posts. Among other items the bill carries an authorization for the benefit of Post Field.

Post Field is located on the Fort Sill Military Reservation in Oklahoma, and the air forces stationed at Post Field are used in conjunction with the special schools of artillery fire now located, maintained, and operated on the Fort Sill Reservation. Oklahoma is proud of this military activity conducted within her borders.

Recently there was sent to the Hon. Dwight F. Davis, Secretary of War, a communication relating to and expressing

the interest and pride that Oklahomans, and citizens of the central West generally, have in the Fort Sill institution, and I ask unanimous consent that a copy of that letter, which was written by me, may be printed in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

APRIL 28, 1928.

Hon. DWIGHT F. DAVIS,

The Secretary of War, Washington, D. C.

MY DEAR MR. SECRETARY: Supplementing the statements made at the time Senator PINE and I called on you relative to the proposal to move the Artillery School of Fire from Fort Sill to Fort Bragg, I respectfully submit the following, in opposition to such proposal and in defense of the Fort Sill location:

A few days ago, my colleague, Senator PINE, and I, accompanied by a representative of the press, visited the Fort Bragg Reservation and made an inspection of the site suggested for the removal of the Artillery School.

Since 1901, or for some 27 years, I have resided immediately adjacent to the Fort Sill Reservation; hence I am familiar with the present location of the school. This statement is based upon personal observation and knowledge of the two reservations, as well as upon records represented to be on file in your department. However, I wish it distinctly understood that in no sense is this communication to be considered an attack upon Fort Bragg, but instead I am making an appeal in behalf of the present location of the School of Fire at Fort Sill.

Fort Sill is not a political fort, and was not located through political effort or influence. As early as 1852 Captain Marcy recommended the vicinity of the Wichita Mountains as the best possible site for a military reservation, from which the Army could best check the depredations of the Indians.

It was so founded by Col. Benjamin H. Grierson, Tenth Cavalry, in 1868, under the command of Gen. P. H. Sheridan. His headquarters in the field were called Camp Wichita.

It was ordered fortified by General Sheridan, and Capt. R. H. Pratt, Tenth Cavalry, was given the detail. Soldiers, under his direction, hewed rough logs from the banks of Medicine Bluff Creek for stockade building.

Though the Government declined an appropriation, construction of permanent buildings began immediately. Troops quarried limestone on the reservation and erected the necessary quarters. The original Pueblo huts, modernized, still stand on the old post.

General Sheridan moved down from Fort Cobb the next year and named the post Fort Sill, in honor of a West Point classmate and one of his brigade commanders killed in action during the Civil War.

The School of Fire was established in 1908. Capt. Dan T. Moore, returning from a European tour of artillery schools of fire, was detailed to Fort Sill to inaugurate our first school of instruction.

The present School of Fire is the result of gradual development. Its initial purpose is to instruct officers and noncommissioned men in firing practices and problems.

Establishment of the school marked a new era. It made technical training compulsory. Officers are given opportunity to demonstrate their ability to conduct fire.

The school is for practical rather than theoretical instruction. This fact is of prime importance in considering the weather or climatic conditions. Fort Sill enjoys all-year outdoor weather.

Fort Sill is located on a Government reservation of 54,000 acres 4 miles north of Lawton, in southwestern Oklahoma, and within 300 miles of the geographical center of the United States.

Climate at Fort Sill permits outdoor training the year around; therefore it is as nearly ideal as may be found in the United States.

Terrain of the country on the military reservation more nearly approximates actual war conditions than any other available spot in the country. It possesses hill country, rolling prairie, open and wooded, and mountains, all traversed by numerous streams.

The post has excellent rail facilities, being served by the Rock Island and Frisco Railroads.

Government officials and private citizens realize the value of a cultural setting of an Army post so that the personnel may enjoy the comforts of civilization. At Fort Sill the Army personnel is fortunate. Life in the open country offers sport of every description, while the city of Lawton provides the culture desired by heads of families for wife and children.

Officers and men enjoy their life at Fort Sill. Many count the days when their tour of duty will return them to the post—calling it their home.

Lawton, 4 miles distant, has a population of 12,000 persons.

The personnel at Fort Sill give every evidence of being satisfied troops. Enlisted men, assigned to batteries, carry a greater reenlistment record than any other post. They are believed to get into less trouble than those stationed elsewhere. All batteries at Fort Sill are composed of first enlistment men, but records show almost twice as many reenlistments and fewer desertions than other posts. Two batteries, furnishing demonstrations for the School of Fire, have completed a year each without any absences without leave or a single desertion.

There has never been an unpleasant episode to mar relations between citizens and troops. The city of Lawton and all of Oklahoma are proud of Fort Sill and of the officers and private soldiers of the post. Indeed, the entire citizenship of the State is extremely jealous of this fine post, and warmly resents any meddling with its usefulness.

Lawton and Fort Sill are jointly served with water from an immense lake formed by a huge dam across a gorge of the Wichita Mountains, 14 miles from the city. At the dam is located the settling basins and clarifying houses. Twenty-four and sixteen inch pipes carry the water to the fort and city by strong gravity pressure. Lateral pipes permit Fort Sill to take water from the main before it reaches the city.

A hard-surface road, built by the city, runs to the post, while transportation service is provided by means of motor cars and busses.

Located on the military reservation to-day are the old Pueblo huts of the original fort, called the Old Post.

New Post, composed of comparatively new buildings, houses the Field Artillery.

The National Guard camp, of permanent construction, is occupied by troops from the several States during encampment periods.

The temporary wooden buildings, erected during the World War period, are now used for the home of the Field Artillery School of Fire.

Targets of natural construction dot the landscape. They are well known, are located on maps, and may be observed from numerous observation points.

Underground conduits and overhead cables carry 800 miles of telephone wire about Fort Sill. Reconstruction of these wires at any other post would be expensive. There are 6 miles of conduits, carrying 10 pairs of underground cables, used in zones where shell fire might cut communication lines. There are seven concrete telephone centrals and two wooden central controls.

Concrete gun positions at the fort number 23 sets. In addition there are 12 concrete dugouts and 23 wooden range guard houses.

Adjoining and annexed to Fort Sill is the Wichita National Forest of 65,000 acres. This Wichita National Forest lies to the west, and could be, and is, used as a shooting ground; thus providing ample range for the most powerful guns.

Its availability caused the Chief of Staff to report in 1905:

"Fort Sill is especially suitable for the station of a full regiment of Field Artillery, owing to its size, its varied terrain, availability of the Wichita National Forest, which can be used for military maneuvers."

The First Field Artillery was sent to Fort Sill and built up here, and the branches coordinating with it are instructed in conjunction with the Artillery regiment.

Military posts to-day are maintained by the Government for a twofold purpose:

First. For defense.

Second. For training.

Of all posts occupied by any branch of the Army, Fort Sill appeals most to the patriotic citizen of the present era. It was built in the memory of many persons now living. It was the chief point in the final quelling of the last important Indian uprisings.

Fort Sill occupies the most practical site for any Army post in the United States for a training ground for every branch of the Artillery. The unique combination of wide prairie and low mountain range makes the site ideal for the school of fire.

Prior to 1919 the chief of Field Artillery formulated plans for training all Field Artillery officers, and this plan is now in operation. As reorganized it includes:

Department of gunnery, firing, computation of firing data.

Department of tactics, maneuvering, handling of Artillery units, and their liaison with air and sister arms.

Department of material, implements of war, disposal, guns, motors, fire-control instruction, study of manufacturing and functioning.

Department of equitation, training of horse and man, draft, driving, and hippology.

Course for National Guard and aerial observers.

Artillerymen have found the Fort Sill terrain contains practically every feature requisite for artillery training.

Officer students begin on easy targets and moderate ranges. Gradually, targets become harder to locate, increasingly difficult to keep spotted with field glasses. They are hidden behind slopes, and officers are compelled to figure proper angles of fall to reach them.

Fire is conducted by flank, lateral, and bilateral observation.

Students maneuver their imaginary commands across papier-mâché hills, and through draws, shown on bas relief maps in the schoolroom, so when he reaches similar terrain in time of battle he can use similar tactics.

Following the period of class instruction, the student puts his organization through a practical demonstration in the field, where his every move may be noted by his instructors. Only at Fort Sill is the terrain believed to be available for such movements.

Present-day instruction principles call for a great percentage of work by visual means. Every item of technical course requires that

it be supplemented with a practical demonstration requiring a large number of batteries.

Long periods of painstaking drill must be indulged in before batteries are capable of performing as needed.

A student officer must be able to take command of a battery and have it function in a warlike problem.

One battery requires space larger than a football field to execute a wheel at a walk. As students are not apt in such drill, twice as much ground is necessary.

Eight organizations now execute mounted drill at Fort Sill. Regardless of which direction a battery goes from the stable, a broad, flat, and unincumbered drill field presents itself. Can eight batteries drill at one time at any other post in the United States?

A bird dog must be trained to hunt before he will stand a covey of quail. An artilleryman must be taught to shoot. His confidence must be developed and he must see the result of his shots. Here is the result of the practical visualization of theory.

There is not a range in the Nation more suited to instruction in gunnery than Fort Sill. In gunnery lies the basis for the existence of the school.

Most important in battle is for the artillery to deliver fire at call from its sister-in-arms—usually the infantry. All impediments must be overcome by the artillery in the fury of battle to deliver the fire demanded. From the instructional side, it would be foolish to expect to instruct an officer without permitting him to see gunfire.

Every possible type of instruction that can be given requires a treeless range to accomplish the purpose of the School of Fire. This is found only at Fort Sill.

Gunnery may be properly taught only by having each outburst observed—calling for a treeless range.

Ranges at Fort Sill have been fired on so many times every instructor is aware of every situation that might arise. Any direction away from the post, firing may be done. The post is centrally located. Batteries leaving the stables may be at the firing point selected in less than 30 minutes.

Necessary marches and maneuvers that can not be executed at any other post unless neighboring farmers are trespassed upon are held at Fort Sill. Maneuvering batteries require flat fields for unhampered driving and draft. No range except Fort Sill has these possibilities.

There are thousands of points at Fort Sill where every round of shot can be observed. Tops of hills at Fort Sill afford observation advantages. In the next war artificial elevations can not be erected to see the fire.

Students are taken frequently to Fort Sill points where they can see maneuvers of a whole battalion in the plains below and are able to see the individuals of each organization perform their respective duties. This one fact alone is invaluable in instruction given Artillery officers.

Horses continue to furnish the motive power for most batteries. Horses need forage and grain.

On the prairies of the Fort Sill Reservation grows excellent rich prairie hay. It is harvested at an average cost of $5 per ton. Last year 6,500 tons were produced.

A draft horse is allowed 14 pounds of hay per day, 420 pounds per month. At the Fort Sill figure of $5 per ton, hay for one horse costs $1 for one month.

No other post in the country produces hay in any equal quantity. At any other possible post it is estimated hay would cost the Government $20 per ton, plus the freight, which would place the cost of hay for one horse for one month around $5, as compared to $1 at Fort Sill.

In conducting a school of fire insurmountable difficulties are believed to exist at all other posts. The objections are:

Lack of open areas of sufficient size, adjacent to post, for proper maneuvering. Scrub-oak forests cover other posts. Result of fire can not be as readily observed.

Artificial observation posts have to be built in trees. Artificial targets are usually made by hanging white sheets on tree branches. Even the best artillerymen dread firing over wooded areas where natural observation posts are not available.

Lost rounds are numerous, as obstructions on terrain prevent student from observing what his data and calculation give him. It is officially stated that as many as three salvos of four rounds each are lost in deep-wooded areas before a student can employ enough strategy to find where his fire is being delivered, except at Fort Sill. It is impossible to properly teach an officer under such a condition.

Ammunition is an expensive part of firing instruction.

At some of the suggested posts, it is officially stated, as many as 12 rounds are lost in one problem before the student can determine the line of his fire. In subsequent salvos 1 out of 8 rounds is lost.

Assuming that it costs $4 per round to ship ammunition to Fort Sill there is economy in retaining the school here because rarely is even one round lsot.

The average problem takes 16 rounds to complete. If 12 rounds are lost, the equivalent in money is wasted. A problem of 16 rounds at Fort Sill will cost $64 in freight charges.

Disregard the freight charge on ammunition to other posts. They lose 12 rounds. It costs $16 per round of ammunition. Multiply $16 by the 12 rounds lost, the total cost of wasted ammunition is $192.

The interests of economy is plainly in favor of Fort Sill. Instruction at posts other than Fort Sill would be rendered only partially competent through failure to observe 10 out of 12 rounds fired.

Inclement weather and mud at other posts operates to keep batteries from venturing into the field frequently. No problem had to be called off last year at Fort Sill, and no one experienced actual discomfort because of weather conditions.

Rain dries almost immediately at Fort Sill. In the experience of one Artillery officer no carriage's progress has ever been held up by soil condition on the Fort Sill range.

Wooded areas prevent passage of great bodies of troops. Troops are lost in the existing thickets at other camps.

It is believed that no such terrain is available in our entire country save at Fort Sill. Reconnaissance and selection of position for a battery to deliver fire is important and a student must practice to become an adept. Can he be instructed properly where his troops are hidden from his view by thickets of underbrush?

It is hard for men to make believe. It is not necessary at Fort Sill. The great expanse of the continually traversable reservation thrown open to the student presents a country closely resembling that of France.

The tactics department demands a terrain closely resembling the terrain board, so that every move of students and personnel may be checked. It would be ridiculous to attempt such instruction except on the type of range afforded by Fort Sill.

Orientation may be taught satisfactorily only at one post in the country, Fort Sill. Anywhere on other possible camps, a student would have great difficulty seeing one, or possibly two points—when three are absolutely necessary and five are desired.

The firing school is a school—not a proving ground.

At other camps, less than five points are available where fire may be observed. Fire may be delivered in one direction only, while, at Fort Sill, fire may be directed from any point in any direction, and still be observed.

We believe it would be folly to condemn the Fort Sill range and abandon the existing system. It would be expensive to reconstruct the concrete gun shelters, dugouts, telephone system, and abandon the valuable work of years that has made Fort Sill the ideal range for the school of fire.

The School of Fire at Fort Sill has passed the period of experiment. Fort Sill is a tremendously important cog in the machinery needed to maintain the Army at the highest efficiency. It is a fighting school, and as such it should take high rank in importance to the service at large.

I am advised, unofficially, that at a comparatively recent date the matter of the removal of the school from Fort Sill was considered and a committee of high ranking officials made a survey of the several possible sites for the permanent location of the school. The committee was composed of Gen. Ernest H. Hinds, Field Artillery; General Sladen, United States Military Academy; Colonel Malone, Infantry School; General McGlachlin, War College; General Craig, Cavalry School; and General Ely, of Fort Leavenworth, who recommended the Fort Sill Military Reservation as the best possible location for the School of Fire.

When war was declared against Germany the famous author and publicist, Peter B. Kyne, then in the military service, was sent to the Fort Sill school for instruction, and after his term had expired he prepared an article for the Saturday Evening Post, same having been published on November 9, 1918, in which article he said:

"The School of Fire for Field Artillery * * * was established at Fort Sill, where the gentle rolling country, alternately wooded and open, offers one of the most wonderful target ranges in the world."

More recently, an Army officer instructor at the said school at Fort Sill made the following statement relative to the merits of the present location:

"Officers in the gunnery and tactics departments here, who have been at Bragg, are frankly and unanimously of the opinion that the work of those two major departments of the school will be seriously hampered by the shape of the reservation and the nature of the terrain at Bragg. Fort Sill, with its fine, natural observation points, its varied terrain, its fine facilities for watering large numbers of animals, its camp sites along Cache and Medicine Creeks, the forest reserve area conveniently at hand for use in large scale marches and maneuvers, the normally fine, clear atmosphere which affords excellent visibility over great distances practically always, and the shape of the reservation and location of the post thereon, which permits firing into all target areas from firing points located conveniently near the garrison, and a mild climate which rarely precludes the practicability of outdoor work, fulfills just about every requirement for artillery instruction year in and year out.

"One of the principal arguments advanced by proponents of the move to Bragg, is that Bragg is only a few hours from Washington, New York, etc. This, to my mind, is one of the best reasons why the school should not move. It costs the Government well up into five figures for each student that passes through this school, and every

student should consider his year at the school as one during which he may well forget the activities around the big cities and bend all his time and energy toward perfecting his professional equipment for the years that lie ahead. Fort Sill, with its comparative isolation, lends encouragement to the centering of one's interest in the activities of the school during the time he spends here."

The special board of officers above mentioned, in making their report, made some comparisons between Fort Sill and Fort Bragg and, after full consideration, recommended that the Artillery Special Schools be consolidated at Fort Sill. As some of their reasons for such recommendation, they gave the following:

"(A) Economy in overhead in officers and men.

"(D) Economy in mileage, transportation of dependents, freight of student officers of Regular Army under the supposition that Regular officers go to the Fort Sill School from the regiments mainly, and, in proportion to their authorized commanded strength. The average mileage to Fort Sill and return to station is approximately 400 miles less than the round trip to Fort Bragg.

"(F) A greater prestige of combined school. This is desirable not only for its effect upon the morale of officers of Regular Army but particularly for the National Guard and reserve officers. Board convinced that buildings at Post Field and School area are in better shape than at Bragg, and, with reasonable upkeep, would last for many years.

"(H) Fort Sill has a permanent water and sewer installation, cast-iron water mains, and the usual permanent type of sewer pipes and sewage-disposal plants. With the recent increase made in height of Lake Lawtonka Dam there will never be any further question as to either the quantity or the quality of the water supply for Fort Sill. The water mains at Bragg are of wood and are bound to deteriorate.

"Subsistence would be less at Fort Sill. Coal, oil, forage, and ordnance supplies furnished from Rock Island Arsenal cheaper at Sill.

"Approximately 20,000 acres in central area of Fort Bragg Reservation which, under condemnation proceedings, has been fixed at $650,000. It is not owned by the Government and, for the purchase of which, funds are not available. This area is not essential for work of Field Artillery School. Its location at center of reservation detracts considerably from its value for military purposes.

"Comparing the two reservations of Camp Bragg and Fort Sill for school purposes, it may be said that Camp Bragg has the advantage of having a better soil and perhaps a better climate. Fort Sill has a more open terrain and more diversity of terrain on the western part of the reservation than the Bragg reservation. This is advantageous for the battery commander's course, disadvantageous for the advanced course. The board believes that, considering all requirements of the terrain for school purposes, the Fort Sill Reservation is a better one than that at Bragg. The latter is entirely too close a country to fulfill many of the requirements for the school work.

"Camp Bragg is of war-time construction and has an estimated life of not over five years, according to the authorities at that post. Fort Sill has permanent construction, which cost approximately five and one-half million dollars, including concrete barracks and quarters for a regiment, heated from a central hot-water heating plant, concrete stables and gun sheds, and 20 other permanent sets of stone quarters.

"With reference to the cost of transportation of student officers and their families, freight, etc., a rough estimate may be assumed to be two and one-half times that of the mileage involved. No accurate data is available to the board. The mileage for the difference in distance, which is 400 miles per student per year, is $28. The total estimated saving per student at Fort Sill as compared with the transportation to Camp Bragg is therefore $70. There are at present in the Field Artillery School 150 officers. This item totals $10,500."

In the light of the foregoing history and statement of the present status of the going school at Fort Sill any suggested or proposed removal of the institution presents a number of most serious problems for consideration before final action is taken. Some of these problems might be enumerated, as follows:

1. The proposed removal of the said school from Fort Sill to Fort Bragg will bring to issue the policy of our Government in centralizing power in bureaus in Washington, and centralizing Federal institutions adjacent to the National Capital.

2. Such proposed removal will bring to issue the question as to whether or not the reasons for removal outweigh the advantages to be had at the present location.

3. The removal of said school would cause many people and numerous institutions to suffer irreparable loss; hence, such proposed removal will be considered a direct attack upon the vested interests in such institution now claimed by—

a. The adjacent local community.

b. The State of Oklahoma.

c. The Mid-West section of the United States.

d. The railways now serving Fort Sill.

e. The public utilities now serving the reservation.

f. The wholesale and retail institutions now enjoying patronage at Fort Sill.

g. The thousands of graduates of said School of Fire.

The mere suggestion that it has been proposed to remove the said Artillery School of Fire has caused widespread interest and, in the West and in certain sections of the East, such proposal has met general opposition.

Vested and fixed interests will not be content to sit idly by and see their property confiscated and practically destroyed without a protest. That great section of our country, the central and western portions of the United States, furnishes a very large part of the revenues to meet the running expenses of our Government, and, also, such section furnishes its full quota of the man power necessary for the proper defense of our Government, our people, and our property, and, because of such fact, that section of the country deserves a fair share of the Federal institutions and especially is this true when such institutions can be located, operated, and maintained as efficiently in that section as at or adjacent to the National Capitol at Washington.

In conclusion, permit me to say that we do not contend that the said school can not be moved, but rather that it should not be moved; that, under the Constitution, the Congress has the power to provide for the national defense; that we admit that the War Department has the power to recommend the removal of the said institution, but we most respectfully call attention to the fact that the Congress must furnish and provide the funds; that a removal of the said school would be doubly expensive, causing the people to lose the value of the present plant, and, in addition, causing them to be taxed to construct the new plant—a proposal, the consummation of which, is hardly in harmony with the justly popular economy program of the President.

However, since the issue of the removal of the said Artillery School of Fire has been raised, we most respectfully suggest and urge that the matter be settled at the very earliest practicable date. To this end we earnestly hope that you can make your suggested visit of inspection to the Fort Bragg proposed site and then, on behalf of Fort Sill, we respectfully invite and as earnestly urge you to visit the existing school before a recommendation is made. Such a procedure will permit your department to make a recommendation, and then, if removal is asked, the Congress, in the consideration of such recommendation and the reasons therefor, can permit an opportunity for a full investigation of the entire matter, and thus definitely and finally settle and fix the permanent location of the said school.

Again permit me to say that this communication is submitted to you, not in criticism of any other Army post or military reservation, but solely in defense of Fort Sill, and in protest against the removal of the special Schools of Artillery Fire from the Fort Sill Reservation.

Respectfully submitted.

ELMER THOMAS.

SHOOTING OF JACOB D. HANSON

Mr. COPELAND. Mr. President, I have in my hand a series of resolutions adopted by various organizations relating to the shooting of Jacob D. Hanson at Niagara Falls. The first one is from the Niagara Falls Chamber of Commerce; the second is from the Niagara Falls Clearing House Association; the third is from the directors of the East Side Bank of Niagara Falls; the next is from the Niagara Falls Hotel Association; the next is from the Youngstown Fire Co.; the next is from the Lockport Lodge of Elks, No. 41. I ask that they may be printed in the RECORD in connection with this statement.

The VICE PRESIDENT. Without objection, it is so ordered. The resolutions referred to are as follows:

The following resolution, unanimously adopted by the board of directors of the Niagara Falls Chamber of Commerce at their meeting on May 9, will be presented at the Hanson protest meeting this evening:

"Whereas while peacefully using the public highway Jacob D. Hanson, a member of this chamber of commerce and an esteemed and respected citizen has been very seriously and probably fatally injured, and should he survive will be terribly maimed for life, through the reckless action of members of the Coast Guard Service; and

"Whereas the methods employed by Federal representatives in the stopping and searching of citizens and in the indiscriminate display of firearms constitutes a serious menace to the safety of citizens using the highways in this vicinity: Be it

"*Resolved*, That the board of directors of the Niagara Falls Chamber of Commerce go on record as strongly condemning the methods of the Coast Guardmen in patrolling this region; and

"That Senator ROYAL S. COPELAND be urged to see that a full and complete congressional investigation is made, not only of the tragedy involving Mr. Hanson, but of the whole policy of Federal agencies whose reckless activities in connection with law enforcement have intimidated the residents of the Niagara frontier; and

"That the sincere sympathy of the board of directors of the Niagara Falls Chamber of Commerce be extended to Mr. Hanson and his relatives, and that the services of the chamber of commerce be offered in assisting to make Mr. Hanson as comfortable as possible."

Jacob D. Hanson, secretary of Niagara Falls Lodge, No. 346, Benevolent and Protective Order of Elks, a reputable, law-abiding, and re-

spected citizen of the city of Niagara Falls, N. Y., was on the morning of May 6 last the victim of an unjustifiable and murderous assault committed upon his person by two members of the United States Coast Guard Service stationed at or near Youngstown, N. Y., while he, the said Jacob D. Hanson, was lawfully and peacefully driving his automobile upon a public highway known as the Lewiston Road, in the county of Niagara.

Warrants for the arrest of the perpetrators of said assault have been issued by the proper authorities of the State of New York, and, as we are informed, the commander of the unit of said United States Coast Guard Service at Youngstown, N. Y., has refused to allow said warrants to be executed: Therefore be it

Resolved, That we, the member banks of the Niagara Falls Clearing House Association of Niagara Falls, N. Y., not only indignantly protest against the reckless use of firearms against the persons and automobiles of law-abiding citizens of this community by apparently irresponsible persons of the United States Coast Guard Service, or any other service, but also against the refusal on the part of any Federal officer to assist the district attorney of Niagara County in prosecuting an act committed against the State of New York; we further

Resolve, That copies of this resolution, duly certified, be sent to the Hon. Andrew W. Mellon, Secretary of the Treasury of the United States; the Hon. ROYAL S. COPELAND and the Hon. ROBERT A. WAGNER, as Members of the United States Senate, representing the State of New York; the Hon. S. WALLACE DEMPSEY, Niagara's Representative in Congress at Washington, D. C.; and to Raymond A. Knowles, the district attorney of Niagara County, N. Y.

NATIONAL BANK OF NIAGARA & TRUST CO.
NIAGARA FALLS TRUST CO.
FALLS NATIONAL BANK,
PEOPLES BANK BRANCH OF POWER CITY BANK.
POWER CITY BANK.
EAST SIDE BANK.
BANK OF LA SALLE.
MAIN & MICHIGAN UNIT OF
NATIONAL BANK OF NIAGARA & TRUST CO.

I do hereby certify that the above is a true copy of a resolution adopted by the Niagara Falls Clearing House Association, May 14, 1928.

GEORGE B. NEVILLE, *Secretary.*

Jacob D. Hanson, the secretary of Niagara Falls Lodge, No. 346, Benevolent and Protective Order of Elks, a reputable, law-abiding, and respected citizen of the city of Niagara Falls, was on the morning of May 6, last, the victim of an unjustifiable and murderous assault committed upon his person by two members of the United States Coast Guard Service stationed at or near Youngstown, N. Y., while he, the said Jacob D. Hanson, was lawfully and peacefully driving his automobile upon a public highway, known as the Lewiston Road, in the county of Niagara.

Warrants for the arrest of the perpetrators of said assault have been issued by the proper authorities of the State of New York, and, as we are informed, the commander of the unit of said United States Coast Guard Service at Youngstown, N. Y., has refused to allow said warrants to be executed: Therefore be it

Resolved, That we, the directors of the East Side Bank of Niagara Falls, N. Y., not only indignantly protest against the reckless use of firearms against the persons and automobiles of law-abiding citizens of this community by apparently irresponsible persons of the United States Coast Guard Service, or any other service; but also against the refusal on the part of any Federal officer to assist the district attorney of Niagara County in prosecuting an act committed against the State of New York; and we further

Resolve, That copies of this resolution, duly certified, be sent to the Hon. Andrew W. Mellon, Secretary of the Treasury of the United States; the Hon. ROYAL S. COPELAND and the Hon. ROBERT A. WAGNER; as Members of the United States Senate representing the State of New York; and the Hon. S. WALLACE DEMPSEY, Representative in Congress at Washington, D. C.; and to Raymond A. Knowles, the district attorney of Niagara County, N. Y.

NIAGARA FALLS HOTEL ASSOCIATION,
Niagara Falls, May 14, 1928.

Re the shooting of Jacob D. Hanson.

Resolutions passed by the Niagara Falls Hotel Association at their May meeting, held on the 14th instant at the Temperance House

Moved by A. F. Leuthe, of Leuthe's Hotel, and seconded by Howard A. Fox, of Fox Head Inn.

Resolved, That we, the members of the Niagara Falls Hotel Association, do indignantly protest against the reckless demonstration and use of firearms against the traveling public and persons in automobiles on the highways in and out of our city, promiscuously shooting at law-abiding citizens of our community, and the unjust and unlawful stopping, without cause or reason, by apparently irresponsible persons in the employment of the United States Coast Guard Service and other Government service; and be it further

Resolved, That we ask that every effort be made to bring to justice the assailants of Jacob D. Hanson, a law-abiding citizen, through the civil courts, so that they will be treated to the full extent of the law, and that the civil authorities cause an investigation as to the unlawful issuing of orders by anyone in Government capacity directing the shooting of anyone who refuses to stop at their command; and be it further

Resolved, That these resolutions be spread upon the minutes of this meeting and a copy be mailed to the following persons, to wit: Hon. Andrew S. Mellon, secretary of the Treasury; Senator ROYAL S. COPELAND, Congressman JAMES M. MEAD, Senator ROBERT F. WAGNER, and Congressman S. WALLACE DEMPSEY.

(Signed) THE NIAGARA FALLS HOTEL ASSOCIATION,
By W. E. TUTTLE, *Secretary-Treasurer.*

YOUNGSTOWN FIRE HALL,
Youngstown, Niagara Co., N. Y.

At the regular meeting of the Youngstown Fire Co. held in the village fire hall on Monday evening, May 14, resolutions of protest and indignation at the murderous attack on Jacob D. Hanson, of Niagara Falls, on Lewiston Hill by members of the Coast Guard stationed near Fort Niagara were voiced and drawn up by members of the organization. Copies of these resolutions were written for submission to United States Senators COPELAND and WAGNER, Congressman MEAD, and to the Niagara Falls Gazette and to the Buffalo daily newspapers.

They are as follows:

"Whereas the Youngstown Fire Co. embracing a considerable majority of the male adults residing in close proximity to Fort Niagara and are at all times interested in law and order in addition to fire protection that the residential section on the lower Niagara may be a safe abiding place, seek adequate relief from the terrorizing deeds of coast guardsmen under the guise of prohibition enforcement efforts;

"Whereas all of our members engage in almost daily business or social intercourse with residents of Niagara Falls, the murderous attack staged on the tortuous and ordinarily hazardous Lewiston Hill by Guardsmen Jennings and Dow on Jacob D. Hanson, a law-abiding, highly honored, and benevolent citizen of Niagara Falls in the early morning hours, Sunday, May 6, has been brought frightfully close to all firesides in this section of New York State;

"Whereas no sheriff in any county in the Empire State would permit the possession of firearms by any deputy of the apparent mental capacity of many of the coast guardsmen stationed on this frontier, as evidenced by the unjustifiable shooting of Hanson while returning home alone from a fraternal mission, protest is hereby made with the Federal Government against the use of firearms on the public highways by its officers. Be it further

"*Resolved*, That the officers involved in the dastardly and murderous shooting of J. D. Hanson shall be immediately delivered to the district attorney of Niagara County for speedy trial; and, furthermore, be it

"*Resolved*, That the men higher up in the Coast Guard Service, who may be apprehended as accessories before the brutal crime may also be acquired at an early date for trial and adequate punishment."

JOHN V. THOMPSON,
Engineer Youngstown Fire Company.
L. J. KELLEY,
Secretary.

At a regular meeting of Lockport Lodge No. 41, Benevolent Protective Order of Elks, held at its lodge rooms Thursday, May 10, 1928, after discussion and consideration, a committee consisting of Charles F. Foley, chairman, Joseph M. Kennedy and A. Bruce Hopkins was appointed for the purpose of drafting suitable resolutions and extending sympathy to our brother Elk, Jacob D. Hanson, of Niagara Falls lodge, of which Mr. Hanson is a brother and officer, and to assure Niagara Falls lodge of our sympathy and cooperation in any action which they decide to take relative to the murderous and unjustifiable assault made upon its beloved brother on the morning of Sunday, May 6, 1928: Therefore be it

Resolved, That Lockport Lodge No. 41, Benevolent Protective Order of Elks, hereby extends its deepest sympathy to our brother Elk, Jacob D. Hanson, with the wish for a speedy recovery, and assures Niagara Falls Lodge of Elks of its hearty cooperation in any plan or effort which they may deem essential to right the wrong inflicted upon Brother Hanson; to adopt such necessary resolutions or put such forces into action to the end that recurrence of such unjustifiable and atrocious assault shall cease; and be it further

Resolved, That, in the opinion of this committee, the mode of enforcement of the prohibition law is not a question of life and death even upon conviction for its violation. A law which leaves the question open to the determination or interpretation of any singular department head as to whether or not the use of firearms is necessary and essential to the enforcement of such law, is, in the opinion of this committee, a defect in the law which should be remedied.

The determination and interpretation of the law which gives any singular department head the right to issue orders to "shoot or not to shoot" and to direct the indiscriminate stopping, searching, and

shooting at our citizens on the public highways should cease. Congress itself should assume its rightful burden, that of making the law so plain that not only department heads and all officers shall plainly understand it, but that American citizens may feel safe to travel over the highways.

We heartily protest against the manner and method of enforcement which has resulted in the maiming and wounding of our brother, not alone as Elks, but as American citizens; and be it further

Resolved, That a copy of these resolutions be sent to Jacob D. Hanson, the President of the United States, United States Senators from this State, Congressman from this district, Niagara Falls Lodge of Elks, and the Grand Lodge of Elks.

LOCKPORT LODGE NO. 41, B. P. O. ELKS,
CHARLES F. FOLEY, *Chairman*.
A. BRUCE HOPKINS.
JOSEPH M. KENNEDY, *Committee*.

STEAMBOAT INSPECTORS AT HOQUIAM, WASH.

Mr. JONES. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 457) to create a board of local inspectors, Steamboat Inspection Service, at Hoquiam, Wash., and I submit a report (No. 1182) thereon. It is a very short bill, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That a board of local inspectors, Steamboat Inspection Service, consisting of a local inspector of hulls and a local inspector of boilers, be, and is hereby, created at the port of Hoquiam, Wash. Such inspector of hulls and inspector of boilers shall each be entitled, in addition to his authorized pay and traveling allowances, to his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

APPROVAL OF JOURNAL

Mr. CURTIS. I ask unanimous consent that the Journal be approved for the calendar days May 11, May 12, May 14, and May 15.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. CURTIS. I ask unanimous consent that when the Senate concludes its business to-night it take a recess until 12 o'clock noon to-morrow.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.), under the order previously entered, the Senate took a recess until 8 o'clock p. m.

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

The VICE PRESIDENT. The clerk will call the calendar under Rule VIII, under the special order.

FIRST NATIONAL BANK OF NEWTON, MASS.

The bill (S. 2447) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as first in order.

Mr. BRATTON Let the bill go over.

Mr. GILLETT. Mr. President, this bill has been four times unanimously reported from the Committee on Claims. It has twice passed the Senate. So I feel justified in moving that the Senate give consideration to the bill notwithstanding the objection of the Senator from New Mexico.

On a division, the motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the stockholders of the First National Bank of Newton, Mass., interest at the rate of 4½ per cent per annum on the judgment rendered in favor of the First National Bank of Newton, Mass., against the United States in the sum of $371,025, from March 1, 1867, to the date of payment.

SEC. 2. That the sum of $249,039.95 is hereby appropriated for the purposes set forth in section 1 out of any money in the Treasury not otherwise appropriated.

Mr. GILLETT. Mr. President, I will not take the time of the Senate in discussion of the bill if the Senate is ready to vote.

Mr. BRATTON. Mr. President, it is not my purpose to delay the Senate long in discussing the bill.

Mr. WARREN. I wish to ask a question with reference to the bill. I understand it is the bill relating to the First National Bank of Newton, Mass.?

Mr. GILLETT. It is. I shall be glad to answer the Senator's question later. The Senator from New Mexico has the floor.

Mr. BRATTON. Mr. President, the bill involves an expenditure of practically a quarter of a million dollars out of the Treasury of the United States. The claim involved is a stale one, to express it mildly. The transaction occurred in 1867. At that time the cashier of the bank entered into a conspiracy with an official of the Government. The official was short in his accounts in the subtreasury at the city of Boston. The conspiracy involved an agreement to take the property and funds of the bank out of the coffers of the bank and carry them to the subtreasury, to be used for the purpose of concealing the shortage of the officer of the subtreasury during an impending examination. Clearly it constituted a criminal act within itself. It was a conspiracy to conceal a crime which had already been committed by an officer of the Government.

The cashier of the bank was a party to the transaction and aided in its consummation. He was just as culpable as the official of the Government. Their degree of guilt can not be distinguished. The funds were taken from the bank pursuant to the criminal conspiracy, and were carried to the subtreasury for the purpose of concealing the embezzlement which had previously occurred.

I have not had time to reconsider the report this evening, but the Senator from Delaware [Mr. BAYARD] reported the bill for the Committee on Claims. He sits at my right and I shall ask him to correct me if I go astray in detailing them.

As I now recall, some of the securities were earmarked in order that they might be identified for the purpose of making certain that they would be returned to the bank after they had been used by the official of the Government in concealing his shortage or embezzlement while he was being examined by the examiner who was due in a few days thereafter. A detailed receipt was given for everything thus received in the way of money or securities.

When the examiner came, as I now recall the facts, the embezzling official confessed the shortage, and the whole thing was made known. The Government held to the money and securities for a long period of years. Then the bank made claim against the Government for the recovery of the principal of the securities and money thus acquired by the Government and thus surrendered on the part of the bank. The claim was submitted to the Court of Claims. Judgment was rendered for the principal sum. It has been paid. The bank has recovered the principal sum of all of its money and things of value with which it parted through the consent and connivance of its cashier, representing the bank, on the one hand and the officer of the Treasury, representing the Government, on the other hand.

It is now proposed through this bill to pay the bank practically a quarter of a million dollars for the interest upon the use of the money during the time the Government had it.

Admittedly the transaction was conceived through fraud. It was born of corruption. The bank was as culpable as was the Government. It it a new doctrine when one party to a fraud of that kind can come before the Congress and contend that it has clean hands and accordingly may present a claim that can rest upon no ground except moral ground. There is no legal obligation here.

I venture the assertion that even the author of the bill, the Senator from Massachusetts [Mr. GILLETT], will not contend that there is a semblance of legal liability on the part of the Government. If not, then what character of obligation is there unless it be said to be a moral one?

I submit to the Senate that the transaction bears close analogy to a proceeding in court where one gambler is attempting to recover from another gambler. Where is the court that will waste its time to hear a dispute between thieves or gamblers with reference to the loot or the fruits of their illegal transactions? But we are asked here to appropriate a quarter of a million dollars of the taxpayers' money to reimburse a corporation that was just as guilty and participated in the illegality of the transaction just as much as did the official of the Government.

It is not my purpose to filibuster against the bill. I am perfectly willing for the Senate to vote upon it. But I am curious to know upon what theory a vote can be justified in favor of the bill, when it is known to the Senate that the obligation, if there is one, emanates from a transaction which sounds in crime—one that is criminal in its nature, filthy from start to finish, had no other purpose in view than to accomplish a crime by concealing one already committed. Yet one of the parties to a transaction of that kind comes before the Senate and asks the Senate to reimburse it with the money earned by the sweat of the brows of the taxpayers of the country who were never parties to a transaction of that kind.

My attention has been called to Section XXIII of the report. I digress to inquire why this liability was not adjusted 40 years or more ago if it had sufficient merit to appeal to the conscience of the Congress? Why has it remained in this unliquidated and unsettled form during these years if it was founded upon merit either legal or moral?

Section XXIII of the report reads as follows:

XXIII. On February 24, 1872, the bank filed its petition in the United States Court of Claims against the United States to recover its funds and securities deposited as aforesaid in the office of the Assistant United States Treasurer in Boston, and on January 24, 1881, judgment was rendered for the full amount, to wit, $371,025. In delivering the judgment of the Court of Claims, Chief Justice Drake thus expressed the opinion of the court regarding the taking of the bank's assets as a "villainous scheme," and the transaction as "simply a case of a bank being robbed and of its stolen assets being put into the hands of the cashier of the subtreasury for a purpose which by no law could be held to effect a transfer of the bank's right of property in them either to him or the United States."

Mr. President, I undertake to say that if the scheme was a villainous one, as the court characterized it, participated in by villains, designed to conceal an existing crime by the commission of another crime typical of villains, there is no justification for the expenditure of a quarter of a million dollars to repay the bank for the use of its money thus acquired by the Government.

Mr. BLAINE. Mr. President——

Mr. BRATTON. I yield to the Senator from Wisconsin.

Mr. BLAINE. Mr. President, I was unable to hear what the Senator said with respect to the time when this transaction occurred. Was it four years ago?

Mr. BRATTON. It occurred in 1867.

Mr. BLAINE. It was not four years ago, then?

Mr. BRATTON. I said 40 years ago.

Mr. BLAINE. I understood the Senator to say four years ago.

Mr. BRATTON. I spoke figuratively when I said more than 40 years ago. The transaction actually occurred in 1867. During all the intervening time the Congress of the United States, with the combined judgment which its Members represented, has failed to see fit to reimburse one party to a transaction which the reviewing court characterized as a villainous one, yet we are called upon to pay interest for the use of money furnished by one villain to another villain, to be used in concealing a crime previously committed, and in doing that another crime was committed.

Mr. President, I can not give my consent to reach into the pockets of the taxpayers of this country, the farmers who earn their livelihood by the sweat of their faces, or the man who earns his wage behind the counter, or the fathers and the mothers of this country who are interested in educating their children at heavy expense in order that they may become useful citizens, for the purpose of reimbursing a bank that participated in an unholy, a criminal transaction, as this bank did.

It is merely my purpose to bring the facts to the attention of the Senate, and then I am willing to abide by the judgment of the majority of the Senate; but I do desire to have Senators understand what is involved and upon what foundation we are asked to appropriate the enormous sum of nearly $250,000. I think I have made a fair statement of what was done; I think I have been fair in my deductions as to how the transaction should be viewed in law or morality. With that explanation, Mr. President, I am content to yield the floor.

Mr. BAYARD. Mr. President, I submitted the report on this bill both at this session of Congress and during the last Congress. While it does not appear in the report, I call the attention of the Senate to the fact that a bill similar to this bill was introduced in 1885; that a bill carrying the same amount has twice passed the Senate; that a bill in the same amount once passed the House, and that a bill carrying a smaller amount also once passed the House. Therefore, the matter is not unknown to the Congress of the United States. It so happens, however, that in no one Congress was joint action taken by both Houses, either for the whole amount or a smaller amount.

To refer for a moment to what the Senator from New Mexico has said, I do not think that he has taken the proper conception of the facts in this case. He has not misstated them; I think he has given a very fair and concise statement of the facts as they appear in the record; but I think he has unconsciously glossed over a part of the case, and to that I wish to call the attention of the Senate.

This money was stolen by the cashier of the bank from the vaults of the bank, and taken, as the Senator has said, and placed in the hands of the cashier of the United States Subtreasury in Boston; but that taking by the cashier of the bank was in no wise permissible, so far as his duties were concerned; he was a robber and thief when he did it. He did it without authority; he did it without order and without the knowledge of the bank. So, when he took it, he took it as a thief and not as a bank official. As a bank official he had access to it; that was how he could lay his physical hands upon it; but the actual taking was not the legitimate act of a bank official but the act of a thief.

The Senator from New Mexico, as I have said, has glossed over that phase of it. While he tried to make it appear that the cashier of the bank was particeps criminis with the cashier of the subtreasury, nevertheless he holds the bank at fault for not having stopped this man from taking funds out of the bank vaults.

Mr. BRATTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Delaware yield to the Senator from New Mexico?

Mr. BAYARD. I yield.

Mr. BRATTON. The Senator concedes that the cashier was one of the executives and controlling officers of the bank, was he not?

Mr. BAYARD. No. The Senator concedes he was the cashier of the bank and had control of the funds of the bank, to be paid out solely for the purposes of the bank and for no other purposes.

Mr. BRATTON. He was one of the controlling officers of the bank, was he not?

Mr. BAYARD. No; he was subject to the orders of the directors.

Mr. BRATTON. As cashier he had the physical control of the assets of the bank, including these moneys and securities?

Mr. BAYARD. No; I differ from the Senator. I do not like to say it, and I say it with great courtesy, but I dislike his language. The cashier did have the physical control of the moneys of the bank, under the orders of his superiors, to wit, the directors of the bank, for the purpose of not letting that control go loose from him; but he had no orders and no power to let that money or the securities go out except in the regular transactions of the bank, as set forth under the terms of his employment by the directors.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield further to the Senator from New Mexico?

Mr. BAYARD. I yield.

Mr. BRATTON. Suppose he had used the money to lend it out at interest and had gained something for the bank. Does the Senator suppose the board of directors would have ratified the transaction and enjoyed the fruits of it?

Mr. BAYARD. Undoubtedly; if he had loaned it out, that would have been within the scope of his duties. That was what he was there for, to supervise the loaning of money.

Mr. BRATTON. In other words, when he gained something for the bank, well and good; but the moment that he loses the bank's property in this way they repudiate the transaction and stand upon the technical ground that he was not authorized to take the money out of the vaults of the bank and pass it over to an official of the Government.

Mr. BAYARD. That is where the Senator and I differ in our conception of the moral quality of this act as compared with the moral quality of the acts which he was authorized to perform by the directors of the bank. The cashier of the bank was authorized by its directors to lend money in the regular course of the banking business, and of course the bank in return would receive interest upon the loans or the discount, or whatever it might be; but in this particular case he did not lend anything. He took the money surreptitiously; he took it without permission; he did not take it for the purpose of lending it to anybody to get any return for the bank, but he took it without the bank's permission for no banking purpose whatever; he took it for the sole criminal purpose of helping another criminal to cover up his tracks in the subtreasury of the United States.

That was the sole purpose, and I can not conceive of how the Senator gets in his mind the idea that this money was in any way taken out of the bank for what, for lack of a better term, I may call a banking purpose, so far as the bank was concerned or those in interest, the stockholders of the bank and the directors. So much for that phase of it.

If Senators will carefully read the report and the findings of the Court of Claims in this case they will find stressed in the opinion of the court this particular point—and I ask the especial attention of the Senate to it—that, as the court found to be a fact, when the cashier, who was the representative of the Federal Government, received that money and put it in the Government vault he knew it was stolen money. That is one phase of it. After he made his confession and it was found that the money was there, and when the cashier of the bank turned up with his receipt—a detailed receipt showing exactly what had been turned over to the defaulting cashier of the Federal Government, the whole Government of the United States then knew, through its own proper examination, through its own proper agencies, that every dollar of that money and all the securities were stolen. In other words, from that time on the Federal Government was knowingly the receiver of stolen goods. That is a fact determined and found in the opinion of the court.

Nevertheless and notwithstanding that fact, the Government kept control of that money from 1867 until 1881, when, after the finding of the Court of Claims, the judgment was finally paid; but during that whole time it kept that money; it used it; it kept the securities from which it cut the coupons. In this connection let me say to the Senate that some of the securities were the Federal Government's own bonds and from those bonds it cut its own coupons, and cashed them and put that cash in its own pocket during that time. That is a fact. It is all in the opinion and in the findings of the Court of Claims.

Having received that money, having kept it from 1867 to 1881, knowing all that time that it was stolen property, and finally having paid it back in 1881, using it for 14 years, the Court of Claims could not under the then law, nor even under the present law without special authorization, allow interest on that claim. However, the Government did use the money during all that time, knowing it did not own the property, that it had no righteous title to it, but it kept it, knowing from the very beginning that it was stolen property. This bill is to reimburse the bank for the use of that money at the average rate of 4½ per cent during that period of 14 years.

Mr. NEELY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from West Virginia?

Mr. BAYARD. Yes.

Mr. NEELY. Why have the beneficiaries of this bill waited 61 years to ask for relief?

Mr. BAYARD. As I said a moment ago—I do not think the Senator heard the earlier part of my remarks——

Mr. NEELY. I did not hear all the Senator's statement.

Mr. BAYARD. A bill was introduced in 1884 or 1885. I think it first passed the Senate in 1885; I do not recall the exact date. I think it has passed the Senate twice, or perhaps three times, in this exact amount; it has passed the House once in this exact amount and it has passed the House once carrying a smaller amount; but in no one Congress has the same bill passed both Houses. I can not give the exact dates of the various passages. I think the last passage in either House—and the Senator from Massachusetts can correct me about it if I am wrong—was about 10 years ago. I think I am right about that, but I will not vouch for the exact time. Apparently, however, this case has been fairly well prosecuted, if I may use that term. The amount is large, nearly a quarter of a million dollars, and that in itself has been a stumbling block to the passage of the bill.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. BAYARD. I yield.

Mr. BRATTON. I notice on page 4 of the report a receipt for $336,000 signed by J. F. Hartwell, cashier. Is that the amount of the securities and moneys that were taken in the first instance?

Mr. BAYARD. I will say to the Senator—and I think his question is a perfectly fair one—that the money was taken, I think, from three separate sources. There were other deposits than the deposits which were in the bank vault; that is, there were some deposits in the city of Boston where the bank had a department or an agency, and some moneys were taken from there, and I think some securities were taken from some other place. They were not all taken from the same place. The one receipt to which the Senator refers is for the definite amount, I think, which was taken from the Newton home bank.

Mr. BRATTON. If I may impose upon the Senator for an additional question, what was the total amount given by the cashier of the bank to the official of the subtreasury?

Mr. BAYARD. It was three hundred and seventy-odd thousand dollars; I do not remember the exact amount. I have not the figures before me.

Mr. BRATTON. Then, Mr. President, the principal amount was only $371,025, as the bill recites, and we are now proposing to pay $249,039 as interest upon that sum. I am correct in stating that the bank has been repaid the full amount of the principal, am I not?

Mr. BAYARD. Whatever was the amount of the principal it has been fully repaid. I have forgotten the exact amount of the principal, but this covers the interest at 4½ per cent, which is the average rate during that whole period that the Government was paying for money, on the whole amount finally paid back by the Government.

Mr. GILLETT. Mr. President, the Senator from Delaware, it seems to me, has so adequately explained the bill that although I had expected to discuss it, yet, as I know the Senate is in haste, I will not occupy time except to say that I think the Senator from West Virginia did not fully understand that while this claim originated in 1867, suit was brought first, and that suit was not settled in the Court of Claims until 1880. Soon after 1880 this claim was begun in Congress, and was prosecuted vigorously in the eighties.

Mr. KING. Mr. President, will the Senator from Massachusetts yield for a question?

Mr. GILLETT. Certainly.

Mr. KING. Obviously, after the Court of Claims had rendered judgment, the matter was presented to Congress for payment. If Congress had believed that more than the judgment rendered in the Court of Claims was due, morally or legally, Congress would have made the appropriation at the time that it made the appropriation to cover the judgment.

Mr. GILLETT. Not at all.

Mr. KING. If Congress did not make the appropriation for anything more than the judgment, are we not entitled to the presumption that Congress felt that the bank had been adequately paid, and that there was no further obligation, either moral or legal?

Mr. GILLETT. Mr. President, Congress could not make an appropriation for anything except the judgment.

Mr. KING. Why not?

Mr. GILLETT. It could not make the appropriation until a bill had passed Congress authorizing it; and that bill was started very soon after that—I forget the exact year. It passed the Senate twice, and it has four times had the unanimous report of the Committee on Claims.

Mr. KING. If the Senator will permit an interruption again, the Senator knows that whenever a judgment has been rendered by the Court of Claims, the matter is then presented to the Appropriations Committee. That judgment undoubtedly was presented to the Appropriations Committee. The Senator knows that in the eighties the Appropriations Committee assumed more jurisdiction in the matter of claims de novo than it does now, in view of the Budget system. If the Appropriations Committee had not been satisfied that the amount which was included in the appropriation bill was all that was due, it would have recommended an additional amount; or, if the claimant believed that the amount of the judgment was inadequate, undoubtedly the claimant would have presented the matter to the Appropriations Committee of the Congress, and sought then an additional appropriation above the amount of the judgment.

Mr. GILLETT. Why, no, Mr. President; the Senator obviously misconceives the situation. The Appropriations Committee could not pay anything more than the judgment of the Court of Claims. It had absolutely no jurisdiction; and until a bill was introduced and passed Congress, there was no authorization for an appropriation.

Mr. KING. Will the Senator pardon me again?

Mr. GILLETT. Yes; but I hate to take the time.

Mr. KING. Is the Senator correct in stating that in the eighties and nineties, and indeed until quite recently, the Appropriations Committee did not have full jurisdiction over any claim that might be presented to it, whether the claim was founded upon a judgment of the Court of Claims or otherwise?

The Senator knows that the Appropriations Committee had plenary power to consider claims that were presented; and oftentimes it recommended appropriations in bills which were brought to the House or to the Senate far in excess of any judgment that had been rendered; and, indeed, it recommended, in the bills which were submitted to the Senate and to the

House, appropriations for which no judgment had been rendered in the Court of Claims or in any other legal tribunal.

Mr. BAYARD. Mr. President, may I suggest to the Senator from Utah a rather interesting fact in the payment of this particular claim as to principal, and that is that there were two payments. It was not paid in toto at first. It was paid about half, roughly speaking, the first time, and in the next Congress the balance was paid. So it would appear that the practice at that time was, first, that the Court of Claims under the law was unable to do anything more than give a definite judgment for the whole amount of the principal, and could not give a judgment for the interest, if there be interest, on it—and there was interest, of course, under the circumstances I have described, or should have been interest paid—and, on top of that, Congress in those day was very unresponsive so far as speed was concerned, and it took two Congresses to get this claim wholly paid.

So I think it evidences the temper of Congress at that period that it was not in any hurry to pay the claim; and, as I say, it took some time to do it. It may have been that the Treasury was in straits; I do not know; but the record discloses beyond a doubt that it took two bites of the cherry before the claim was finally paid after the rendition of the judgment in the Court of Claims.

Mr. KING. Mr. President, will the Senator yield?

Mr. BAYARD. I yield.

Mr. KING. I ask for information: Why does the Senator state that the Court of Claims could not render judgment for any sum in excess of that which it did render? Why does he make the statement that it could not render a judgment for interest upon a valid claim if there was a valid claim? May we not assume that the Court of Claims, taking into account all of the circumstances and conditions, felt that the amount for which the judgment was rendered was fair and just compensation for all that was due?

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. BAYARD. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. I think the rule of law is that a sovereign is not liable for interest upon any claim presented against it. In order to hold the sovereign liable for such interest it is necessary to secure the passage of a statute recognizing liability for interest.

Mr. BAYARD. I think there is no question about that. The principle involved is very well expressed by the Senator from Arkansas.

Mr. ROBINSON of Arkansas. That is the reason why the Court of Claims could not render a judgment for interest.

Mr. BAYARD. The Court of Claims, in the first place, could not legally give a judgment including the interest, and in the second place, legally could only give a judgment for the principal. The Court of Claims was absolutely circumscribed by the act empowering it to take charge of this case, and could only give thus and such a judgment; and that judgment, whatever it may be, could not include interest.

Mr. ROBINSON of Arkansas. It therefore becomes somewhat of an equitable question as to whether the Government will recognize liability for interest.

Mr. BAYARD. It is solely a question, as stated by the Senator, as to whether the Federal Government, having knowingly received stolen property, and having used that property for 14 years, is willing or unwilling to pay interest upon the use of that money.

Mr. BRATTON. Mr. President, will the Senator from Delaware yield?

Mr. BAYARD. I yield.

Mr. BRATTON. If the Senator will tolerate a further interruption, does the Senator subscribe to the statement made by the Senator from Arkansas that this claim is an equitable one, and that it has sufficient equities to appeal to the Congress to reimburse this bank for the use of its money hypothecated in fraud and corruption and to compound a felony?

Mr. BAYARD. I do not agree with all the Senator's statement; and I may say, very frankly and courteously, that I do not think his presentation of it is quite a fair one.

Mr. BRATTON. I should be glad if the Senator will point out wherein it is unfair.

Mr. BAYARD. I do not mean to be discourteous, but in this way: He says the whole thing was conceived in fraud. All right; admit all that; but the point I am trying to make is that the Government took this money, knowing it to be stolen money; it kept this money knowing it to be stolen money, and for a period of 14 long years it utilized this money, knowing all the time that it was utilizing stolen goods. I quite agree with the Senator from Arkansas and with the Senator from New Mexico that this claim is only a claim founded in equity, and, more than that, I think, in decency. The Government knew what it was doing all this time. It was using stolen money, knowing that it was stolen.

Mr. BRATTON. Mr. President, may I ask the Senator what equity one conspirator in a fraud has against another conspirator therein?

Mr. BAYARD. Mr. President, it seems to me that the Senator's proposition, as I say, is not exactly a fair presentation, for this reason:

The bank was not a party to this conspiracy. Its dishonest cashier was a party; but in being a party to the conspiracy he in no wise represented the bank in his official capacity. He took advantage of his official opportunity to lay his physical hands upon something, and used it, which officially he had no right to use in that way.

Mr. LOCHER. Mr. President, will the Senator yield for a question?

Mr. BAYARD. I yield.

Mr. LOCHER. What interest, if any, did the cashier have in this bank? What part of the bank did this cashier own?

Mr. BAYARD. I do not know that he had any interest in it beyond his official salary.

Mr. WALSH of Massachusetts. Mr. President, the merits of this bill have been so well explained by the Senator from Delaware [Mr. BAYARD] that no further explanation is necessary. I want to point out the fact that the Committee on Claims on four occasions have reported this measure, and reported it favorably. That means that the committee intrusted with the responsibility of studying the merits and demerits of this legislation have decided that in equity and in decency, as stated by the Senator from Delaware, it ought to be paid.

We ought to decide this question now once for all and either vote for this measure or vote against it. Twice already the Senate has voted favorably, and the Committee on Claims four times. These litigants ought to have a decision. It seems to me that the equities in the case clearly point to and favor the enactment of this legislation.

Mr. KING. Mr. President, will the Senator suffer an interruption?

Mr. WALSH of Massachusetts. Certainly.

Mr. KING. Has the Senator examined the bill which was passed by Congress, evidently along in the early eighties, by which the matter was referred to the Court of Claims?

Mr. WALSH of Massachusetts. Yes, sir.

Mr. KING. Does that bill restrict the Court of Claims to a finding for the principal only; or does it not submit the matter to the Court of Claims to render a judgment upon the entire controversy? I feel confident that must have been the bill, because Congress would not have wanted to settle this matter in piecemeal.

Here was a claim presented to Congress. I believe that Congress must have said in the bill, "This whole matter is referred to the Court of Claims for the bank to present its demands and the Court of Claims to hear the testimony and render a judgment for whatever is due to the plaintiffs"; and the judgment then rendered was $371,000, which was paid by the Government. Does the Senator say that the matter is in piecemeal, that it was not fully litigated, that the claim was not fully discharged by the suit?

The Senator is an able lawyer. He knows that the court does not favor piecemeal litigation and the cutting of matters in two, segregating contracts and rendering different judgments growing out of the same transaction.

Mr. WALSH of Massachusetts. It is a fact that the Court of Claims did not render any judgment for interest.

Mr. KING. How does the Senator know that the bill did not require the court to find the entire amount due, and pronounce judgment accordingly? And if the court failed to give as much as it should have done, it was res adjudicata. That ended it; and why should we take up the matter again?

Mr. ROBINSON of Arkansas. Mr. President, may I answer the Senator from Utah in that connection?

Mr. WALSH of Massachusetts. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. The proceeding was not by bill. It was upon petition in the Court of Claims. The bank filed its petition before the court, alleging the conversion of this fund; and the court found in the full amount of the claim. It did not find interest, because, in all probability, it had no authority under the law authorizing the hearing of such claims. The record is not clear upon that point, but I notice——

Mr. BAYARD. Mr. President, will the Senator from Massachusetts yield to me?

Mr. WALSH of Massachusetts. I yield to the Senator from Delaware.

Mr. BAYARD. May I state to the Senator from Utah that the bank went into the Court of Claims to sue the Government as of right under the then statute covering claims of that kind. It did not require any special act of Congress for that purpose. There was at that time a law upon the statute books allowing claimants to come into the Court of Claims, and the bank pursued that right; and, even so, under the then law it could only lay claim to the principal, and could not lay claim to interest.

Mr. KING. Is the Senator sure of that?

Mr. BAYARD. Absolutely sure.

Mr. WALSH of Massachusetts. Mr. President, I want to call attention again to the fact that I have never spoken to a member of the Committee on Claims on this matter, and I do not believe my distinguished colleague [Mr. GILLETT] has. This committee, sitting in judgment upon this claim, examining all phases of the subject, have on four previous occasions, and again during this session of Congress, given it unanimous approval.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. BRATTON. Notwithstanding that, has a fair statement of the salient facts involved in the transaction been made here this evening?

Mr. WALSH of Massachusetts. I consider that the Senator from Delaware [Mr. BAYARD] is entirely impartial, has absolutely no personal interest of any kind or description in the matter, and that he honestly and conscientiously believes this bill a meritorious one, or he would not have advocated it.

Mr. BRATTON. Oh, certainly. I did not mean even to intimate anything to the contrary. The Senator from Massachusetts will not accord the Senator from Delaware any higher compliment in that regard than I will take pleasure in according him.

Mr. WALSH of Massachusetts. I am sure that is true.

Mr. BRATTON. But the point is this: The Senator from Massachusetts is now laying stress upon the fact that the Committee on Claims has reported favorably on the bill. I ask him if a fair statement of the salient facts involved in the transaction has been made to the full Senate this evening?

Mr. WALSH of Massachusetts. I certainly believe a fair statement has been made.

Mr. BRATTON. If so, they are few. They are narrow in scope. What particular significance has the report of the committee, then, when all the facts are presented to the Senate fairly, as the Senator from Massachusetts in his usual frank manner admits?

Mr. WALSH of Massachusetts. I think the difficulty with the reasoning of the Senator from New Mexico is that somehow or other he thinks that the stockholders of this bank are responsible, and ought to assume the blame and losses for which the negligent officials are responsible.

I can not follow his reasoning in claiming that the stockholders are to blame for the neglect or criminality of an official of the bank. They are innocent parties, and they should not be held to lose because of the criminality of an official.

Mr. BRATTON. Then, Mr. President, if the genial Senator from Massachusetts will yield to another question, he undertakes to support the claim on the theory that although the cashier of the bank was a party to the criminality involved, the bank is not bound by his action.

Mr. WALSH of Massachusetts. I certainly do adhere to that. It would not be any more bound than I would be bound by an agent of mine who stole my automobile and sold it to somebody else. I would have a right to get my automobile back, and I would have a right to be repaid for any losses I sustained. I am not responsible for the acts of a criminal agent.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. BARKLEY. Instead of this being the money of the stockholders of the bank, if it had been the money of depositors or others who had placed it there in charge of the bank, and the cashier, acting in his official capacity, had stolen that and converted it to the use of this embezzling Government officer, would the stockholders be liable for the acts of the cashier in that case?

Mr. WALSH of Massachusetts. Certainly not.

Mr. BARKLEY. He would not?

Mr. WALSH of Massachusetts. That is my opinion.

Mr. BARKLEY. Does the Senator think there is any greater obligation on the part of the Government to reimburse stockholders for the money that an embezzling cashier stole from them than would be true if it had been other people's property deposited in the bank in the care of these trusted officers?

Mr. WALSH of Massachusetts. The stockholders are not so held liable.

Mr. BARKLEY. What is the present law with reference to the payment of interest on claims of this sort, if such a claim were submitted to the Court of Claims now? Would there be any authority in law to pay more than the principal involved?

Mr. WALSH of Massachusetts. I can not answer.

Mr. BARKLEY. Will the Senator from New Mexico answer that question, or will the Senator from Delaware answer it? If this were a new claim being presented under the law which now exists, would the Court of Claims have any right to consider the claim for interest?

Mr. BRATTON. It is my understanding that the Government is not liable for the payment of any interest, that the payment of interest rests upon the moral concept of the Government, or the equities of the situation.

Mr. BARKLEY. It has always been my understanding that in cases of property taken by the Government during war, or under any other conditions, although the owner may be deprived of the benefit of the property for as long a period as is involved here, there is never any interest paid, either on recommendation of the Court of Claims, or by any special act of Congress. Is that correct?

Mr. BRATTON. That is my understanding. Will the Senator from Massachusetts yield for another question?

Mr. WALSH of Massachusetts. Certainly.

Mr. BRATTON. Suppose the deposits of this bank had been $100,000 and its capital stock had been $50,000, and the $100,000 belonged to 500 depositors, and the cashier had absconded with every bit of that property, money deposited by the depositors. Could the bank have repudiated that and said that it was not liable because its cashier had absconded with money belonging to its depositors?

Mr. WALSH of Massachusetts. I think not.

Mr. BRATTON. The bank would be liable for the action of its cashier?

Mr. WALSH of Massachusetts. That is my opinion.

Mr. BRATTON. Then in taking property criminally, as we must concede, that belonged to the Government, how does the bank escape being responsible for the act of the cashier in that respect?

Mr. WALSH of Massachusetts. I think the Senator has omitted one salient fact from the circumstances in this case, that the Government held this money for 14 years, knowing that it was stolen money, and had the use of it and the benefit of it for 14 years, and if anybody connived with the bank officials to hold the money for 14 years, and then use it, they would be responsible to the stockholders.

Mr. FLETCHER. Mr. President, may I ask the Senator a question?

Mr. WALSH of Massachusetts. Certainly.

Mr. FLETCHER. I understood the Senator from Delaware to say this was not all cash, that there were some securities, and that the Government clipped the coupons from these securities and collected them.

Mr. WALSH of Massachusetts. Absolutely.

Mr. FLETCHER. So the Government collected the interest on these securities during the time it held the securities.

Mr. WALSH of Massachusetts. For 14 years it used the securities as if they were its own.

Mr. FLETCHER. The question in my mind is whether, in entering this judgment against the Government, that interest was not included, as well as the principal sum.

Mr. WALSH of Massachusetts. The Senator from Delaware says it was not. He has examined the legal authorities and the details of the case.

Mr. FLETCHER. It looks to me as if, when they came to sue in the Court of Claims, they would have set up not only the original deposit of the securities to the amount of $370,000, but whatever the Government collected on those securities in the way of interest coupons. It looked as if that would have been included in the judgment.

Mr. WALSH of Massachusetts. Does the Senator from Delaware know about that?

Mr. GILLETT. Mr. President, the Court of Claims did not have jurisdiction under a special act in this matter. The case was brought under the general jurisdiction, and at that time the Court of Claims was not authorized to award interest, its jurisdiction in the matter of interest being confined to cases of contracts expressly stipulating the paying of interest.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Arkansas?

Mr. WALSH of Massachusetts. I yield to the Senator.

Mr. ROBINSON of Arkansas. May I ask the senior Senator from Massachusetts a question?

Mr. GILLETT. Certainly.

Mr. ROBINSON of Arkansas. What was the amount originally taken from the bank and deposited in the subtreasury?

Mr. GILLETT. Three hundred and seventy-one thousand twenty-five dollars.

Mr. ROBINSON of Arkansas. Then, if the Government clipped coupons from bonds which composed a part of that amount, and the coupons so clipped were not included in the judgment, the Government had the benefit of the coupons clipped.

Mr. GILLETT. Certainly.

Mr. ROBINSON of Arkansas. And I think it ought to pay.

Mr. GILLETT. The Government had the use of the money all the time.

Mr. FLETCHER. Mr. President, evidently the Government used the money, if it was money, because they were not able to pay the judgment when it was rendered. The report says:

> Thereafter, on October 29, 1881, the sum of $260,000 was paid, on account of the judgment, by the Treasurer of the United States, that being the only amount available under the appropriation then existing. The balance of $111,025 was paid August 30, 1882.

It seems as if the Government used the money, if it was in the shape of money. But some one spoke about securities, and I thought perhaps if the Government collected interest on those securities, that would have been included in the judgment.

Mr. GEORGE. Mr. President, I wish to ask the Senator from New Mexico merely one question. As I understand it, this cashier was in collusion with the Government's agent.

Mr. BRATTON. Admittedly so.

Mr. GEORGE. Then, may I suggest to the Senator from New Mexico that it is not a question of the bank's cashier dealing with an innocent third party, in which event the bank might be liable for its act, but the Government could certainly not take advantage of any wrong which its own agent had participated in in getting these securities. I think that is the principle of law which applies.

Mr. BRATTON. That is the principle of law. On the other hand, the bank can not claim the fruits of a transaction sounding in criminality to which it was a party through its executive officer.

Mr. GEORGE. It was not a party. Its cashier was wholly beyond the scope and acting wholly outside of his powers. Had he been dealing with an innocent third party, your case might be different, but here, where the Government's agent was particeps criminis, then the act of the cashier was his individual act, and in no sense binding on the corporation.

Mr. BRATTON. If the cashier had been dealing with a third party who was innocent in the transaction, I would concede that the case would be different, but in this transaction there were two parties, and one was just as guilty as the other, and one just as culpable as the other. How one party to a transaction that is clothed in fraud and corruption and violation of the criminal laws of the country can come to the Congress and ask for a quarter of a million dollars as interest upon an original sum of $371,000 is almost inconceivable.

I want to ask the Senator from Massachusetts a question, if I may have his attention. I fail to find in the record any statement showing that the Government clipped coupons from these securities and used the money derived in that manner for which it has not accounted. Will the Senator point out where that appears in the record?

Mr. GILLETT. I can not say that it appears in the record, but they had these securities and used them. Of course, they clipped the coupons.

Mr. BRATTON. How does the Senator know that the interest was not included in the $371,000 judgment rendered by the Court of Claims?

Mr. GILLETT. Because that was the exact amount that had been paid; and the Court of Claims had no jurisdiction to give any interest.

Mr. BRATTON. At any rate, the Senator is unable to say that $249,000, or any substantial part of it, being the amount involved in this bill, is money derived from coupons clipped and sold by the Government?

Mr. GILLETT. The Government had those securities with the coupons on them, and, of course, it had the use of all this money for 14 years.

Mr. BRATTON. How much of the money was derived from the sale of coupons clipped and sold?

Mr. GILLETT. That I do not recollect. It seems to me that that does not make much difference. They had the use of the money all the time these 14 years, and whether they cut and sold the coupons or whether they paid the Government debts is immaterial.

Mr. SACKETT. Mr. President, I would like to ask the chairman of the committee if there is anything in the record to show what interest the securities bore during the time the Government held them?

Mr. BAYARD. I think in the report the securities are set out in some detail. But I will state this to the Senator: That the judgment given by the court was for the then face value of all the property taken at that time, and was not for the coupons clipped and put in the Government's pocket during the time the Government had the money. It was for the flat value of the property taken in 1867 and used, but the use of it was never accounted for.

Mr. SACKETT. Is there anything in detail showing the interest the securities bore at the time they were stolen?

Mr. BAYARD. I will say to the Senator that bonds of the Government at that time generally bore 5 to 5½ per cent. That was the average rate of interest paid by the Government upon moneys which it borrowed during that period.

Mr. GILLETT. There are references in the reports to the "7-20" bonds; that is, bonds running 20 years and bearing 7 per cent interest.

Mr. SACKETT. That may be all true, but it seems to me that we have hardly enough information, if we are going to allow a claim for interest, to establish that the securities may have borne that high a rate of interest.

Mr. GILLETT. But they certainly bore at least 4½ per cent.

Mr. SACKETT. How does the Senator know? There is no evidence before the committee that they were interest-bearing securities. They may have been stocks, or something of that kind.

Mr. BAYARD. I think if the Senator reads the report he will find that there were certain Government interest-bearing securities. But if that were not so, let me make this suggestion: Suppose every cent of it was cash. The point is that the Government used it during that period, but during that period the Government itself paid an average of 4½ per cent interest for money it borrowed from other people.

Mr. SACKETT. That is true. It seems to me if it were cash it would be a simple proposition, but when it comes to securities, I think we ought to know more about what those securities were and what they would have paid the bank if the bank had retained them.

Mr. BAYARD. Does the Senator think we ought to increase the claim?

Mr. GILLETT. It must have been at least 4½ per cent.

Mr. SACKETT. It may have been.

Mr. ROBINSON of Arkansas. On page 3 of the report, under paragraph XIII, it appears that, without the knowledge of the officials of the Newton National Bank, Dyer placed in the hands of Carter securities of the said bank to the amount of $45,000, pointing out at the time that he had no authority to commit this act. In paragraph XVIII, on the same page, it appears that—

> In the early part of February Dyer had given to Carter, as special agent in Boston of the Newton National Bank, a power of attorney to receive the interest from the Federal Government on March 1, 1867, upon Government bonds belonging to the Newton National Bank. This interest amounted to $6,325, and Carter instead of drawing it out and putting it to the credit of the Newton National Bank simply signed a receipt therefor on Hartwell's books, and Hartwell transferred the amount to his own credit on the Government books. It does not appear that Dyer was party to or had any knowledge of this transaction.

There are other paragraphs in the report that explain the items which go to make up the $371,000 plus.

Mr. SACKETT. But the very statement which the Senator reads shows there was over $6,000 of interest already put into the principal sum, does it not?

Mr. ROBINSON of Arkansas. No; the $6,325 of interest was converted interest on Government bonds.

Mr. SACKETT. But probably that is added to the amount for which judgment was rendered.

Mr. BRATTON. Obviously the $45,000 of bonds referred to in Paragraph XIII, on page 3, was included in the judgment rendered by the Court of Claims.

Mr. ROBINSON of Arkansas. Certainly.

Mr. BRATTON. Then that item is entirely eliminated. The only item left is the one the Senator from Arkansas referred to, the item of $6,000 plus, being interest on the $45,000 of Government bonds.

Mr. SACKETT. May I ask the Senator another question? Is there anything to show that these were all Government securities, and not securities of corporations of some kind?

Mr. BRATTON. I think not.

Mr. SACKETT. The Senator knows and I know that at that period of the country's history there were many railroad bonds that became defaulted, and it is perfectly possible that some of that sort of securities were included. If that is the case,

there is no right to pay interest by the Government on defaulted securities. I do not know that there were any such securities, but it is possible there may have been. It seems to me the committee should go further into the question of the securities before the Government authorizes the payment of the claim.

Mr. BARKLEY. Mr. President, I should like to ask the Senator from Massachusetts, the Senator from New Mexico, or some other Senator, if there is any other Senator who knows anything about it, how much of the money originally taken that belonged to the bank was in cash, and how much in securities?

Mr. BRATTON. Perhaps the Senator from Delaware can answer that. I am unable to do it at the moment.

Mr. ROBINSON of Arkansas. On page 4 of the report there appears this receipt:

> Deposited by Mellen, Ward & Co., of Boston, $336,000 in Governments and bills on account of deposit, to be returned on demand in Governments or bills or its equivalent.
>
> Date, February 28, 1867. J. F. Hartwell, Cashier.

That seems to be the only information available in the report, in answer to the Senator's question.

Mr. BARKLEY. That seems to indicate that a part of the property was in Government bonds and a part of it in bills, presumably cash; but there is no information contained in the report which indicates how much was cash and how much was money, or how much was derived from the clipping of coupons on any bonds they took away, and whether the amount now asked is made up by compound interest on interest collected on the Government-owned bonds. It strikes me it is rather voting in the dark about a quarter of a million dollars. I should like to get the real facts about it before I voted for a bill appropriating so much money to pay interest on a claim.

Mr. BAYARD. Mr. President, in the first place, I am sorry I can not give the detailed information the Senator wants as to the character of the securities and cash, the quantity of the securities and cash, or either or both. However, it makes no difference for the reason that the court found in an amount of the value of the securities in cash as the total taken at the time the theft was committed. The judgment of the court does not take into account anything received by the Government from the use of those securities during the 14 years that it held them. The judgment does not reflect the clipping of coupons or the cashing of any coupons. It is merely a judgment for the flat amount taken by the cashier and turned over to a Government official.

Mr. BARKLEY. How is the total amount arrived at?

Mr. BAYARD. The 4½ per cent interest was the average rate that the Government paid between the years 1867 and 1888, the date the final payment of the judgment given on the principal was asked.

Mr. BARKLEY. I can understand how that is fair to ask if the Government owes any interest on the actual money used.

Mr. BAYARD. That is all it is for.

Mr. BARKLEY. But is there anything in the report to show or does the Senator himself know how much interest these coupons bore which it is claimed the Government clipped?

Mr. BAYARD. The judgment does not include anything collected by the Government on coupons.

Mr. BARKLEY. Therefore it is possible we are paying a higher rate of interest than the securities drew.

Mr. BAYARD. There is no calculation in the interest claim based upon anything but the utilization of the whole amount of money. The utilization of the property by the Government is all that was taken into consideration. It is interest on the value of the property taken when it was taken from the bank by the cashier of the bank and turned over to the cashier of the subtreasury. That is the amount for which the judgment was rendered. I think that answers the Senator's question; I hope it does.

Mr. DILL. Mr. President, I think $249,000 is too much money to pay on the claim. I move to amend by striking out, in line 10, "$249,039.95," and inserting in lieu thereof "$100,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

On a division the amendment was rejected.

The PRESIDING OFFICER. The bill is still as in Committee of the Whole and open to amendment. If there are no further amendments to be offered, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. BRATTON. I demand the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. McLEAN]. Not knowing how he would vote, in his absence I withhold my vote. If permitted to vote, I would vote "yea."

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from Connecticut [Mr. BINGHAM]. On account of his absence, I withhold my vote.

Mr. WARREN (when his name was called). I have a pair with the junior Senator from North Carolina [Mr. OVERMAN]. In his absence, I withhold my vote.

Mr. WATSON (when his name was called). I have a pair with the senior Senator from South Carolina [Mr. SMITH]. I do not know how he would vote on this question. Nevertheless, I transfer my pair to the Senator from West Virginia [Mr. GOFF] and vote "nay."

The roll call was concluded.

Mr. BRATTON. I have a pair with the junior Senator from Indiana [Mr. ROBINSON]. I transfer that pair to the senior Senator from Alabama [Mr. HEFLIN] and vote "nay."

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from Vermont [Mr. DALE] with the Senator from Montana [Mr. WALSH];

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER];

The Senator from New Hampshire [Mr. KEYES] with the Senator from New Jersey [Mr. EDWARDS];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL]; and

The Senator from Vermont [Mr. GREENE] with the Senator from Arkansas [Mr. CARAWAY].

The result was announced—yeas 22, nays 28, as follows:

YEAS—22

Bayard	Gerry	Metcalf	Stephens
Broussard	Gillett	Moses	Swanson
Bruce	Hale	Oddie	Wagner
Copeland	Harrison	Reed, Pa.	Walsh, Mass.
Fess	Hawes	Robinson, Ark.	
George	McNary	Schall	

NAYS—28

Ashurst	Dill	Mayfield	Sheppard
Barkley	Edge	Neely	Shipstead
Blaine	Fletcher	Norris	Steck
Bratton	Harris	Nye	Thomas
Brookhart	Howell	Phipps	Vandenberg
Capper	King	Reed, Mo.	Waterman
Curtis	La Follette	Sackett	Watson

NOT VOTING—44

Bingham	Frazier	Keyes	Shortridge
Black	Glass	Locher	Simmons
Blease	Goff	McKellar	Smith
Borah	Gooding	McLean	Smoot
Caraway	Gould	McMaster	Steiwer
Couzens	Greene	Norbeck	Trammell
Cutting	Hayden	Overman	Tydings
Dale	Heflin	Pine	Tyson
Deneen	Johnson	Pittman	Walsh, Mont.
du Pont	Jones	Ransdell	Warren
Edwards	Kendrick	Robinson, Ind.	Wheeler

So the bill failed to pass.

BILLS AND JOINT RESOLUTION PASSED OVER

The PRESIDING OFFICER. The Secretary will state the next bill on the calendar.

The bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate was announced as next in order.

Mr. BLAINE. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war was announced as next in order, and that it had been reported adversely.

Mr. BRATTON. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

Mr. COPELAND. Mr. President, we have an understanding as to Senate bill 1414, and I therefore ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

CLASSIFICATION OF SERVICE POSTMASTERS

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

SEVERAL SENATORS. Over.

Mr. BRUCE. I move that the bill be taken up for consideration, notwithstanding the objection.

Mr. KING. Mr. President, may I say to the Senator from Maryland——

The PRESIDING OFFICER. The motion of the Senator from Maryland is not debatable.

Mr. KING. I ask unanimous consent that I may make a suggestion to the Senator from Maryland.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Utah will proceed.

Mr. KING. The Senator from South Carolina [Mr. BLEASE] is very much interested in this bill, but was compelled to be out of the city for a day or two, and I trust the Senator from Maryland will let the bill go over until the Senator from South Carolina shall have returned.

Mr. BRUCE. I withdraw my motion.

The PRESIDING OFFICER. The motion having been withdrawn, the bill will go over.

PRISON-MADE GOODS

The bill (S. 1940) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases was announced as next in order.

Mr. STEPHENS. Over.

Mr. HAWES. Notwithstanding the objection, I move that the bill be taken up and put upon its passage.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. KING. Let the bill be read, Mr. President.

Mr. METCALF. Would the Senator be willing not to insist on having the bill considered to-night? I promised the Senator from Connecticut [Mr. BINGHAM] and the Senator from South Carolina [Mr. BLEASE] that I would ask to have the bill go over until their return, as they wish to speak on it. I hope the Senator will agree to let the bill go over until the next time the calendar shall be called. It is nearly at the head of the calendar and probably can easily be gotten up. It is also on the preferred list of the steering committee; so that it will come up directly after the Boulder Dam bill shall have been disposed of. So, in the absence of the Senators to whom I have referred, I trust the Senator will kindly let the bill go over to-night.

Mr. HAWES. Mr. President, I will say to the Senator from Rhode Island that I should be very glad to accede to his request if a unanimous-consent agreement could be arrived at to let this bill be disposed of on Saturday next.

Mr. METCALF. I think that would be quite satisfactory. I think both the Senators I have named will be back by that time.

Mr. EDGE. How can we agree to that in the absence of the Senators referred to?

Mr. HAWES. Mr. President, may I say that there is a peculiar situation surrounding the consideration of this bill. In 1908 the House passed a bill similar to this one, and the bill was considered by a committee of the Senate. However, in order to save time I ask that the bill be considered by unanimous consent at the conclusion of morning business on Saturday next, and be voted on not later than 2 o'clock on that day.

The PRESIDING OFFICER. The Chair will inform the Senator from Missouri that if the proposed unanimous-consent agreement fixes a definite hour for a final vote it will be necessary to have a quorum call.

Mr. CURTIS. Mr. President——

Mr. MOSES. I think I can——

The PRESIDING OFFICER. The Senator from Missouri has the floor. Does he yield; and if so, to whom?

Mr. MOSES. May I suggest to the Senator that he propose the unanimous-consent agreement in this form: That the bill be taken up at the conclusion of routine morning business on Saturday, and in any event not later than 12.30 o'clock on that day——

Mr. HAWES. And that it shall be made the unfinished business.

Mr. MOSES. I do not desire that it shall be made the unfinished business, because that would interfere with the arrangement made with the Senator from California [Mr. JOHNSON] in connection with the Boulder Dam bill. While I am opposed to the bill, I am satisfied that opposition to it will be futile, for there are ample votes to pass the bill, and I think I can assure the Senator that the opponents of the bill have no desire to prolong the discussion upon it. I believe that the Senators who are absent and in whose behalf the Senator from Rhode Island [Mr. METCALF] has made the request for postponement, have no desire unduly to delay a final vote upon the bill, because I think they realize, as I do, that the Senate wishes to vote upon the bill, and is determined to pass it.

Mr. HAWES. Would that arrangement be satisfactory to the Senator from Kansas?

Mr. CURTIS. Unless the revenue bill shall be disposed of to-morrow, I can not consent to that, unless the Senator from Utah, having charge of the revenue bill, shall agree to it.

The PRESIDING OFFICER. Objection is made. The Senator from Missouri has the floor. The bill is before the Senate as in Committee of the Whole and is open to amendment.

Mr. MOSES. May I suggest to the Senator that if the unanimous-consent agreement could be made to apply to Monday, when the revenue bill will surely be out of the way, and we will have a morning hour——

Mr. JOHNSON. Mr. President, it will be impossible for me to consent to that kind of a unanimous-consent agrement.

Mr. MOSES. Does the Senator mean he would object to taking the bill up at the conclusion of the routine morning business when we have a morning hour?

Mr. JOHNSON. I do not know when we are going to have a morning hour.

Mr. MOSES. I think without question we shall have one on Monday.

Mr. JOHNSON. Perhaps we will and perhaps we will not.

Mr. NEELY. Mr. President——

The PRESIDING OFFICER. The Senator from Missouri has the floor. Does he yield to the Senator from West Virginia?

Mr. HAWES. I yield.

Mr. NEELY. Even if we should have a morning hour on Monday, we would probably have only one hour in which to discuss the bill.

Mr. JOHNSON. This is the proper time to discuss the bill.

Mr. HAWES. Mr. President, I ask unanimous consent at this time to substitute the House bill on the same subject for the Senate bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. BRUCE. Mr. President, I should like to ask the Senator whether the House bill is the same as the Senate bill?

Mr. HAWES. It is the same bill with an extension of time of one year.

The PRESIDING OFFICER. There being no objection, the Chair lays before the Senate the House bill, the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. HAWES. I do.

Mr. MOSES. I will make another suggestion to the Senator from Missouri. I am informed by the majority leader that there will be an evening session on Monday.

Mr. CURTIS. We would like to have one. I do not know whether it will be agreed to or not.

Mr. JOHNSON. Will the Senator from Missouri yield to me for a moment?

Mr. HAWES. I yield.

Mr. JOHNSON. Mr. President, the Senator's bill is on the calendar to-night. So far as I am concerned, I should like to accommodate any Senator at any time who may be interested in any bill; but here is a bill now before the Senate. Why do we not proceed with it?

Mr. MOSES. The reason has been stated, I will say to the Senator, by the Senator from Rhode Island [Mr. METCALF], who made the request that the bill go over on behalf of two Senators who can not be here to-night.

Mr. JOHNSON. This time was fixed for the hearing of these bills, and while, of course, we would all like to accommodate every Senator, all of us are here under some stress and at some inconvenience, and it is unfortunate that some Senators can not be present. But here is a bill of importance in which the Senator from Missouri is interested. It has been reached on the calendar; it is here to be heard. Why not proceed to hear it?

Mr. MOSES. Because two Senators who want to be heard in opposition to the bill are not here.

Mr. JOHNSON. Very well.

The PRESIDING OFFICER. Without objection, Senate bill 1940 will be indefinitely postponed. House bill 7729 is before the Senate as in Committee of the Whole and open to amendment, and the Senator from Missouri has the floor.

Mr. HAWES. Mr. President——

Mr. MOSES. Mr. President, am I to understand that it is impossible to enter into any kind of a unanimous-consent agreement which will accommodate the two absent Senators?

The PRESIDING OFFICER. The Chair will inform the Senator from New Hampshire that it appears so at this time.

SEVERAL SENATORS. Regular order!

Mr. HAWES. Any agreement that I can possibly make which will accommodate Senators and at the same time assure a vote on this bill I will be glad to make.

Mr. STEPHENS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. HAWES. I yield.

Mr. STEPHENS. Do I understand that the Chair has submitted the question whether this bill shall be taken up by unanimous consent?

The PRESIDING OFFICER. The Chair will inform the Senator that the bill was taken up on motion.

Mr. STEPHENS. The question on the motion has not been put as yet, has it?

The PRESIDING OFFICER. The question has been put, and the motion decided, and the bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. STEPHENS. Mr. President, I am going to say, if the Senator from Missouri will permit me, that I had a conversation with him regarding the pending measure a day or two ago. I have received some letters from my State which indicate that this measure will affect my State very materially and the processes by which it takes care of situations which are involved in this bill. I had understood that, perhaps, some agreement might be reached by which an amendment might be adopted to take care of that situation, or that I could be given assurance that my State would not be injuriously affected. Such an agreement has not as yet been perfected.

I wish to say to the Senator that I am not prepared to state at this time that I shall oppose the bill, but, unless certain amendments shall be agreed to, it is my purpose not to allow the bill to pass to-night if I can prevent its passage.

I hope under the circumstances that the Senator will adopt the suggestion made by certain other Senators that this bill may be taken up at a later date. I think by so doing, perhaps, his bill may have very much less opposition than it will have to-night. I understand the session will only run until 10.30 p. m., which time will be reached in just about an hour from now.

Mr. HAWES. Mr. President, I yielded to the Senator to ask a question.

Mr. STEPHENS. Yes; and my question is this: Is the Senator willing to let this matter be deferred until a future date within the next two or three days so that certain conferences may be had, and perhaps certain agreements may be reached that will lessen the opposition to his bill? We are going to have other night sessions. We are going to have other opportunities to consider this matter.

Mr. HAWES. I will say to the Senator that there is practically no opposition to this bill. I do not believe there are 12 votes in the Senate that oppose this bill; but it is meeting the same reception that it has met since 1908.

Mr. MOSES. Mr. President, may I make another effort to get a unanimous-consent agreement?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. HAWES. I do.

Mr. MOSES. I ask unanimous consent that this bill may be taken up on Saturday at 12.30, and that a final vote be had upon it not later than 2 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. McNARY. I object.

The PRESIDING OFFICER. Objection is made. The Senator from Missouri has the floor.

Mr. HAWES. Mr. President, I think the Senator from New Hampshire and the Senator from Rhode Island will agree that I have attempted to show them every possible courtesy.

Mr. MOSES. And I will agree, also, that we have exhausted every expedient.

Mr. McNARY. I call for the regular order.

Mr. HAWES. Mr. President, replying to the Senator from Mississippi [Mr. STEPHENS], not only should the Senate have the facts connected with the situation which relates to this bill, but the public should have them. Three times the lower House of Congress has passed bills similar to this. Three times a committee of the United States Senate has approved bills similar to this.

This identical bill has passed the lower House twice, and it passed the lower House last week by a vote of 304 to 40.

I should like to have the attention of the Senator from Mississippi.

Mr. STEPHENS. I am listening.

Mr. HAWES. Although during these times this bill has been before the Senate, and approved by committees of the Senate, the Senate never has had an opportunity to vote upon it. It has always died at the end of a session as the result of a filibuster, as the result of congestion, as the result of an opposition which was afraid to stand up and have a vote in the Senate.

This bill was heard by a committee of the Senate in a long, exhaustive session; and then, 10 days later, the prison wardens had a hearing on the same subject. The bill was reported to the Senate on the 23d of February without opposition. The same thing happened in the House; and this is the prison contractors' last stand. We will have a vote, and there is no man who has discussed this bill and understands the philosophy of the bill who will ask for an amendment to the bill.

Mr. BLAINE. Mr. President, will the Senator yield for a question?

Mr. HAWES. Yes, sir.

Mr. BLAINE. The comment which the Senator has just made leads me to make this inquiry:

This bill excepts the paroled convicts or prisoners. Should not that be amended so as to provide for paroled convicts or persons on probation, adding the words "or persons on probatin"? Many of the States have what is known as the probationary system, where sentence is imposed and the sentence suspended and the person put on probation. They are convicts; they are technically and in law prisoners; they occupy a status similar to paroled prisoners, but in fact and in law they are not paroled prisoners; they are persons on probation.

Mr. HAWES. Mr. President, I understand that the Senator is sympathetic to this bill and that his inquiry, of course, is made to benefit the bill. I will say that every line of this bill has been given very careful consideration by an organization interested in prison reform, and the phraseology used has been gone over very carefully. It has been passed upon by the House. In the first place, I should not like to have an amendment made to the bill, because it might endanger its final passage; and I do not think the amendment is necessary, because there are no States in the Union where convict sales are regulated that cover that kind of prison employment.

This bill does not write any law. It does not make any regulation. All that this bill does is to provide that when convict-made goods, or goods made by confined prisoners, reach the border of a State, they take on the character of the law of that particular State.

Mr. BLAINE. Mr. President, will the Senator yield? I fear that the Senator has missed the particular point to which I was trying to call attention.

A paroled prisoner is one who is relieved from imprisonment by a parole board, perhaps by a governor; and the products of their toil may be sold in interstate commerce.

Mr. HAWES. Yes.

Mr. BLAINE. That is, the products of the toil of men who have been sent to prison and later released on parole may be transported in interstate commerce; but the man who is convicted and is put on probation by the court before imprisonment, is nevertheless a convict, yet he may not serve a single day in prison; still, under this bill, the products of his toil could not be transported in interstate commerce. I submit that even under the statement the Senator has made, a wrong should not be committed with respect to such a person, and a discrimination made in favor of the person who has served a term and is released on parole.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. HAWES. I yield.

Mr. CURTIS. May I ask the Senator from Wisconsin if he has read line 5 on page 1, where it says "except paroled convicts or prisoners"?

Mr. BLAINE. I have the Senate bill before me, and have read that; but I am distinguishing between a paroled convict and a convict on probation. They are not in the same class.

Mr. CURTIS. I did not understand the Senator to say "on probation."

Mr. BLAINE. That definition of a paroled convict will exclude a convict placed on probation by the court, or, for instance, by a commission such as has been suggested by the Governor of New York.

Mr. HAWES. Mr. President, let me plead with the Senator. My time expires at 10.30. This may be the last opportunity of passing a bill that union labor is asking for, the representatives of free capital, and the Federation of Women's Clubs. This same defeat has gone on four different times in the Senate, not by a vote but by a delay, by a filibuster, by confusion at the eleventh hour. I know the Senator is not indulging in that.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. HAWES. Yes.

Mr. BLAINE. I want to say to the Senator that I am in sympathy with the purposes of the bill.

Mr. HAWES. I understand that.

Mr. BLAINE. My suggestion has not been made for the purpose of producing confusion, but rather to perfect the bill. I think it would be extremely unfortunate to have a bill passed that would exclude the products of the labor of the man who has not served a single day in prison, yet he is a convict, but is on probation by the court, and permit goods made by convicts under parole to be transported; and that would not be in the interest of those who are supporting this bill. I suggest that a wrong ought not to be done simply because some one may fear that the bill will not pass. Under the circumstances such as the Senator from Missouri describes—the vote of the House and the feeling of the House—if he will permit the amendment to be inserted, there is no question in my mind but that the House will agree to it.

Mr. LOCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. HAWES. I yield.

Mr. LOCHER. I should like to ask the Senator from Wisconsin what he understands is the difference between probation and parole.

Mr. BLAINE. There is a very clear distinction.

Mr. LOCHER. What is the distinction?

Mr. BLAINE. A probationary status is that of a person who has not served in prison under a sentence. A paroled status is the status of a person who has served in prison, but is released upon some authority constituted by the State wherein the parole is effected.

Mr. LOCHER. What, then, is a bench parole?

Mr. BLAINE. A bench parole at what time?

Mr. LOCHER. In numerous States the law provides that the court may give a bench parole—that is, a parole without incarcerating the defendant.

Mr. BLAINE. After sentence?

Mr. LOCHER. After sentence. It is exactly the same thing as being on probation.

Mr. BLAINE. By another name; but there are States that provide for a probationary status.

Mr. LOCHER. But it is by law. The law provides that he shall be given a bench parole without ever being incarcerated.

Mr. BLAINE. I call the attention of the Senator to the fact that in my own State the probationary status and the paroled status are entirely different; and this bill would prevent the transportation in interstate commerce of goods the product of persons on probation, and permit the transportation of goods the production of a paroled convict.

Mr. WATSON. Mr. President, how many of them are there? Does the Senator know?

Mr. BLAINE. I suggest that in Wisconsin the number on probation is about 2,000.

Mr. WATSON. When they leave prison they go out in the ordinary vocations, do they not?

Mr. BLAINE. On probation, they never go to prison.

Mr. WATSON. They do not go into prison, but they do go into all the industries?

Mr. BLAINE. One of the conditions of the probation may be that they shall work in a particular trade; and perhaps that industry may be engaged in transporting goods in interstate commerce, and under this proposed law it could not be done.

Mr. HAWES. May I say to the Senator that this bill does not affect any transportation except where there is a State regulation; and the United States Government can not write laws for the States that will not interfere in any way unless some State puts that definition upon a paroled prisoner?

May I say to the Senator that this matter has been discussed at great length on the House side and on the Senate side in committees, every word has been weighed very carefully, and the humane end of it has been emphasized? I hope the Senator will not insist upon that amendment now.

Mr. BLAINE. May I ask the Senator whether his position is that his only objection is that the amendment may delay action on the bill?

Mr. HAWES. Yes.

Mr. BLAINE. The Senator does not maintain that the amendment is not a proper amendment under the circumstances?

Mr. HAWES. I will say to the Senator that I think it is unnecessary, but I do not think that it would vitally affect the bill. I do think that any amendment to this bill threatens its life.

I call the Senator's attention to the fact that this is the fourth time bills on this subject have passed the House and have been killed in the Senate in the closing hours of the session, and I hope that will not be repeated on this occasion.

Mr. WATSON. Mr. President, I want to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. HAWES. I yield.

Mr. WATSON. I would like to ask whether or not the laws of Wisconsin prevent the sale of prison-made goods within the borders of that State?

Mr. BLAINE. They do not.

Mr. WATSON. Then this bill would not apply to that State. This bill provides only that prison-made goods shall not be transported by interstate commerce into those States which by statutory enactment prevent the sale of prison-made goods within their borders.

Mr. BLAINE. Let me suggest to the Senator that the thing works the other way. The goods manufactured by prisoners on probation in any State can not be shipped in interstate commerce under this proposed law without subjecting the goods to the laws of the States.

Mr. WATSON. What does the Senator want?

Mr. BLAINE. The same privilege for the man who is on probation as is granted to the man who is on parole, and certainly he ought to have the same privilege. He is not of the same degree of criminality as the man who has been sent to prison and then placed on parole. He is a prisoner whom the court regards as one who may rehabilitate himself without being sent to prison, under the supervision of the court and a probationary officer.

Mr. HAWES. The Senator must admit there is a great deal of merit in this bill, and I trust he will not continue this discussion if he wants the bill to pass. We are taking up all the time on a small point of dispute in which we are in disagreement with the Senator. Unless the Senator is opposed to this bill——

Mr. BLAINE. Mr. President, let me suggest to the Senator that the number on probation, wherever the probationary system is provided for in the respective States, is no doubt two to three times the number on parole, and yet the Senator proposes to give the specific benefit to men who have actually been incarcerated and take it away from those who have been put on probation, and who never served a single day in prison.

Mr. HAWES. Will not the Senator offer his amendment so that we can dispose of it one way or the other?

Mr. BLAINE. I want to submit the amendment to the Senate. Let this body determine whether the bill should be amended.

Mr. HAWES. Will not the Senator please submit the amendment?

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the junior Senator from Missouri yield to his colleague?

Mr. BLAINE. I do not care to prolong the discussion.

Mr. HAWES. I yield.

Mr. REED of Missouri. I know that the Senator from Wisconsin is in favor of the principle of this bill, and I would like to have him give me his attention just a moment. This bill does not prohibit anything unless there is a State law of prohibition. This bill is governed by what is in the State law.

The bill provides that "all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except paroled convicts or prisoners," and so forth—shall be prohibited? Not at all. But when they are transported into any State or Territory of the United States and remain there for use or consumption they become, upon their arrival, subject to the laws of that State.

Does the Senator know of any State that prohibits the sale of goods manufactured by paroled prisoners of the character he has described, probationary prisoners? I undertake to say there is no State in the Union which provides for leasing con-

victed prisoners upon probation that makes it illegal to sell goods made by them. If that is true then it follows that no harm can be done by this bill, because there is no State law prohibiting the sale of goods made by persons who have been released on probation. I think it is an absolutely fair analysis of the situation.

Mr. BLAINE. Mr. President, I will be very glad——

The PRESIDING OFFICER. Does the junior Senator from Missouri yield to the Senator from Wisconsin?

Mr. HAWES. Will not the Senator from Wisconsin please submit his amendment?

Mr. BLAINE. The senior Senator from Missouri asked me a question.

Mr. HAWES. I am sure he will forego the pleasure of the answer of the Senator if the Senator will submit his amendment and let us vote upon it.

Mr. BLAINE. I should not be subjected to an inquisition by the senior Senator from Missouri when the junior Senator from Missouri denies me the privilege of answering the question. I submit in all fairness I ought to have the opportunity to answer the question.

Mr. HAWES. Certainly; answer the question, but I hope the Senator will present his amendment.

Mr. BLAINE. I thank the junior Senator from Missouri for extending me the privilege of answering the question submitted by the senior Senator from Missouri.

I do not believe that the senior Senator from Missouri has placed the proper construction upon this bill. If the construction he places upon the bill is correct, then all that any State has to do is to refuse to legislate upon the question, and therefore be entitled to transport prison-made goods between the several States. This is what the bill provides:

That all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except paroled convicts or prisoners, or in any penal and/or reformatory institutions, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery in such State or Territory be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise.

By transposing the words "except paroled convicts or prisoners," the construction is made clear that "goods, wares, and merchandise manufactured, produced, or mined by paroled convicts or prisoners" shall not come within the prohibition of this proposed act. It excludes prison-made goods, or goods made by convicts or prisoners excepting paroled convicts or prisoners. That is my understanding of the construction that should be placed on this bill. I think it is perfectly clear, and that is why I propose to submit the amendment, after the word "prisoners" to amend by adding the words "and except convicts under probation." I move that amendment.

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New York?

Mr. HAWES. I yield.

Mr. WAGNER. One placed on probation is placed there as a result of a suspended sentence. It is an individual who has never served a sentence for the particular offense that is involved. Therefore, unless I am mistaken, he is not in the class of a convict at all, never having served a prison term, so that he is not included in any of the classes mentioned in this bill.

Mr. BLAINE. That depends entirely on the laws of the respective States. In my own State a probationary status may be under a suspended sentence, or under a sentence and on probation, and they are usually under sentence on probation.

Mr. WAGNER. After having served a term in prison?

Mr. BLAINE. No; before serving a term.

Mr. WAGNER. Then the man is not a convict.

Mr. BLAINE. If he is sentenced, he is.

Mr. WAGNER. Not unless he has served in prison.

Mr. BLAINE. Yes; he is a convict. He is found guilty, and a man who is found guilty of an offense is a convict. It is not necessary to send a man to prison to classify him as a convict. I think that is so clear that no argument is necessary.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. FESS. Mr. President, just one minute. While I would not hesitate to vote for the amendment if it would appear that it does fall within the category of the phraseology of the bill, it is quite apparent that at this stage if we amend the bill that will be the end of it, because if there are 40 people in the other body who are opposed to it the opposition of a single Member would prevent its going to conference, and it is a question as to whether it would ever come up for concurrence.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. BLAINE. I ask for the yeas and nays.

Mr. MOSES. Mr. President, I do not understand the statement made by the Senator from Ohio about a single objection preventing a matter going to conference.

The PRESIDING OFFICER. The Senator from Wisconsin has asked for the yeas and nays. Is the demand sufficiently seconded?

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

The amendment was rejected.

Mr. SHIPSTEAD. Mr. President, let me ask the Senator from Missouri a question. As I understand it, the Senator is trying to stop the leasing of prisoners, contracting labor in prison. Would the Senator have any objection to excepting all goods that are not manufactured under the leasing of prisoners, or contract labor in a prison?

Mr. HAWES. This bill does not do that. All this bill does is to permit a State to protect itself against convict-made goods coming in from some other State. The character of legislation of each State may be different. The States may take different viewpoints. This bill does not regulate anything in any State, or interfere with the management of any prison in any State. All that it does is to protect a State from the dumping into that State of convict-made goods as it will describe them in its own statutes.

Mr. SHIPSTEAD. May I ask the Senator another question?

Mr. HAWES. Certainly.

Mr. SHIPSTEAD. I am in sympathy with the general principle of the bill. I have in mind the penitentiary of Minnesota. Eighteen years ago we abolished the contract system. The prisoners work and get a daily wage. They make farm machinery, and the machinery is stamped "prison labor." They make twine and the twine is stamped as "prison goods." The fact that the State of Minnesota in its penitentiary has established that factory has served to break the power of the twine trust and we have no trouble with organized labor over that practice in Minnesota. Of course, to some extent it might come in competition with free labor in other places, but it is necessary to keep the prisoners working under sanitary conditions. We pay them a daily wage. They make from 30 cents a day up to as high as $1.50 a day and their keep. Some prisoners, I am informed, make more money than they could if they were free.

Mr. HAWES. The binding twine from the Senator's State is not prohibited entrance into any other State that I know of. It is properly labeled and the bill will not interfere with the Senator's institution, in my opinion.

Mr. SHIPSTEAD. I am glad to hear that. I am opposed to convict labor competing with free labor, but we must keep prisoners working at something or they go crazy.

Mr. STEPHENS. Mr. President, as I stated some moments ago, I do not have any particular objection to the main provisions of the bill, but there are those in my State who feel that if the bill is passed it will have a very hurtful effect upon the State of Mississippi. This is the condition that exists there. The State owns State farms. One farm at least contains several thousand acres of land.

Mr. HAWES. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. STEPHENS. In just a moment, when I complete this particular statement.

We have in the State of Mississippi, in the Mississippi Valley, several thousand acres of land. That land is utilized by the State as a farm upon which a great majority of the convicts of the State are kept and worked. It is true that those convicts produce corn, feedstuffs, hogs, mules, and so on.

Mr. HAWES. Mr. President, will the Senator yield?

Mr. STEPHENS. In a moment. But the main product of that State farm is cotton. There are several thousand bales of cotton produced there each year. I am not sure that those in my State who have written me are correct in their statements that the bill will interfere with the convict labor in my State, that the cotton which is produced by those convicts may be prohibited by this bill, if it shall become a law, from entering into the commerce of certain other States. I had a few moments a day or two ago in which to discuss this matter with the Senator from Missouri. We did not reach a conclusion at that time in regard to the proposition. I am not willing that the

bill shall pass unless ample protection is given to the people of my State in this regard.

The proceeds from the products of that farm which I have mentioned go into the State treasury. It is true that in a sense the cotton that is produced on the State farm by the convicts goes out and comes in competition with the cotton of the farmers of my State and of the Cotton Belt. But it is also true that the cotton that is produced by those convicts and put upon the market and sold goes in a very large measure to decrease the taxation of the people of my State.

Mr. President, it would not do to say that the convicts, poor unfortunates, those who are feeling the heavy hand of the law, those who are being justly punished for their violations of the law, should be kept, as was the custom in former days, in close confinement, allowed no exercise, refused the right to get out in the sunshine and have some of the pleasures of life, at least those that are conducive to good health.

I say it would not do to say that they shall be so confined that they can not have the opportunity to remain in health as best they can under the circumstances. So my State, as well as many other States, has adopted the policy of providing that these men shall go out and labor and produce something.

As I have already suggested, in the State of Mississippi we produce cotton on the State farms. I want to be absolutely frank about the proposition. I am not sure that the language includes cotton. I am not sure that the fears of certain gentlemen in my State are well founded. What I am anxious to have done is to be given positive assurance that the State of Mississippi shall not be affected by the passage of this bill. As I said, I am not sure that the language employed here affects the State of Mississippi. The bill provides that "all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts," and so forth. Now, of course, in the strict sense of the word cotton taken from the field by the convict is not manufactured, but it is produced. But even the word "produced" does not cover it. I am not at all certain that cotton produced by convicts is covered or affected by the language of the bill where it says that "all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by "convicts," and so forth.

But there are in my State men of intelligence, men of legal ability, men who are interested in the proposition, who feel quite fearful that that language is broad enough to affect the cotton produced by convicts in Mississippi. To-night, although I have great sympathy with the main ideas of the bill, I am presenting the views that have come to me from those citizens of my State, and it is not my purpose, if I can prevent it, to allow this bill to pass to-night unless there shall be adopted to it an amendment to the effect that agricultural products shall not be affected by the bill.

The Senator from Missouri [Mr. HAWES] asked me to yield to him a moment ago. I am going to yield to him at this point so that he may state his view. I want him to say whether or not he is willing to accept an amendment of the character I have suggested. If he is unwilling to do that, then, of course, I shall proceed with the discussion of this measure.

Mr. HAWES. Mr. President, will the Senator please state his amendment so that I may understand it?

Mr. STEPHENS. I will say, Mr. President, while I have not prepared the amendment as yet, my idea is that there shall be an amendment to the effect—it might be in the nature of a proviso—that agricultural products shall be excluded from the operation of the bill.

Mr. HAWES. Will the Senator please write his proviso or amendment so that I may answer his question?

Mr. STEPHENS. I shall be very glad to do that if I shall not lose the floor and let a vote come before I can prepare the amendment. [Laughter.]

Mr. REED of Missouri. Mr. President——

Mr. STEPHENS. If some other Senator will speak while I am writing my amendment, I shall be glad to proceed to write it.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. STEPHENS. I yield.

Mr. REED of Missouri. I want to submit a proposition to the Senator from Mississippi. I know he is not opposed to the principle of this bill.

Mr. STEPHENS. I am not, sir.

Mr. REED of Missouri. But I know that such opposition as he is presenting is because he has a fear that the cotton raised by convicts or picked by convicts in his State might be excluded under the terms of the bill. Neither cotton is excluded nor are any other goods, wares, or merchandise, unless the State into which they are finally sent has a law prohibiting within its borders the manufacture by convicts of the particular article shipped in. Does the Senator from Mississippi know of any State where there is a law that provides that cotton picked by convicts or raised by convicts can not be sold in the market? If there is no such case, then there is no harm in the proposed law, because it will have no effect as to cotton. I submit that suggestion to the Senator in good faith.

Mr. STEPHENS. That is very true. I may say also that there is now no law covering this proposition. If so, there would be no necessity for this bill.

Mr. REED of Missouri. Oh, yes; there are plenty of States that prohibit the sale inside their limits of goods made by convicts.

Mr. STEPHENS. That is very true, but those States are not touched by this bill; otherwise there would be no occasion for the bill.

Mr. REED of Missouri. Oh, yes. The Senator is in error and does not understand me, or I do not understand him, or, perhaps, I am in error.

Mr. STEPHENS. Perhaps we are both in error.

Mr. REED of Missouri. Yes. There are plenty of States that have laws against the products of convict labor inside their own borders.

Mr. STEPHENS. I understand that.

Mr. REED of Missouri. But having such a law, the State ships its convict-made goods which it can not sell within its own borders into another State that does not have such a law.

Mr. WATSON. And they ship them in mislabeled.

Mr. REED of Missouri. That is what this bill is aimed at; that is all it is aimed at. It is to allow the law of a State to govern with reference to goods made outside the State and shipped in the same as it covers goods that are manufactured in the State. There being no State which prohibits the sale of cotton within its borders if it is there produced by convict labor, there will be no State to which this law will apply, and no State will ever pass such a law as that, for no State desiring to employ its own convict labor in the raising of cotton would prohibit that useful occupation and, more than that, no State having use for its convicts in raising cotton would be an importer of cotton; at least, it is fair to presume that the importation would be inconsequential.

I beg of the Senator to bear in mind that, if this bill shall be amended, it will go back to the House and nobody will then be able to tell whether or not we will ever see it again.

Mr. STEPHENS. Let me say in answer to the Senator that I heard him make a very interesting statement yesterday to the effect that he is getting very tired of hearing threats that certain bills might be vetoed by the President. I agreed with him. He argued that we should not hesitate to do our full duty in regard to measures coming before us because of a prospective veto. I ask him why we should fail to do what we think is absolutely right to protect the best interests of our respective States because it may happen that somebody in the other House may later on hold this bill up if it shall be amended?

Mr. REED of Missouri. The cases are not parallel.

Mr. STEPHENS. Perhaps not.

Mr. REED of Missouri. The only fear that I have of the bill not passing the House is the lack of time, because we all know that we are going to adjourn in a few days; and in that respect it is a practical question.

Mr. STEPHENS. I will say to the Senator that the amendment I have in mind will be comparatively immaterial, and I can see no good reason why the amendment should not be adopted by the House and go to conference, where it could be worked out by the conferees.

I am going to be very frank. There only remain about 10 or 12 minutes before adjournment time. As the Senator from Arizona [Mr. ASHURST] said the other day in regard to another measure, "My heart and my backbone are both very strong." I can talk 10 or 12 minutes longer. As the Senator from Missouri very well said, I am not opposed to the main provisions of this bill, to the general idea of it, to the theory that underlies it, and I am going to suggest to those who are interested in it that, while I am on my feet and while I am retaining the floor, if they want to take the time to write out a very brief amendment along the line I have suggested I shall gladly sit down, if such an amendment can be adopted, and let this bill pass.

Mr. REED of Missouri. Suppose that such an amendment is offered and rejected, what will be the Senator's attitude then?

Mr. STEPHENS. Then a different situation would be presented [laughter], because I am going to protect my State if I can.

Mr. REED of Missouri. There is no use in writing the amendment. I should be glad to write it if that would end it.

Mr. NEELY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Mississippi yield to the Senator from West Virginia?

Mr. STEPHENS. I shall be glad to yield.

Mr. NEELY. With due respect to the able Senator from Mississippi, it is perfectly plain that there is a filibuster on against this bill, and in the remaining 10 minutes it is utterly impossible to pass it. Anybody can talk for 10 minutes, and that is going to be done. Therefore, in the interest of economy, and to avoid the unnecessary waste of the next 10 minutes, I move that the Senate adjourn.

Mr. ROBINSON of Arkansas. Does the Senator from Mississippi yield for that purpose?

Mr. STEPHENS. I have not yielded for a motion to adjourn.

Mr. NEELY. I supposed the Senator would not object to the Senate adjourning, as I understand that his purpose is simply to defeat the bill.

Mr. JOHNSON. There is a unanimous-consent agreement to take a recess until 12 o'clock to-morrow.

Mr. STEPHENS. Suppose the motion is voted down, where would I be? Somebody else would have the floor.

Mr. HAWES. Mr. President, will the Senator yield?

Mr. STEPHENS. I resent the insinuation that I am filibustering against the bill.

Mr. LA FOLLETTE. Mr. President, I make the point of order that the motion of the Senator from West Virginia is not in order, in view of the unanimous-consent agreement.

Mr. CURTIS. There is no doubt about that.

The PRESIDING OFFICER. The Chair did not entertain the motion.

Mr. HAWES. Mr. President, will the Senator yield for just one concluding statement?

Mr. STEPHENS. Yes; I will yield for a question.

Mr. HAWES. Just for a statement?

Mr. STEPHENS. I do not yield the floor, however, Mr. President.

Mr. HAWES. No; I understand.

Mr. President, the purpose has been accomplished again. This is the fourth time since 1908 that in the closing sessions of the Senate, without permitting a roll call, a bill of this identical form, or somewhat similar to it, has been defeated by just a few men. There are not 15 Senators here who are opposed to this bill.

Mr. STEPHENS. Mr. President, I do not yield for a speech.

Mr. HAWES. If the bill is defeated by a filibuster, the public should know it, and the Senate should know it.

Mr. STEPHENS. I do not yield for a speech.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. STEPHENS. I resent the insinuation that I am filibustering. I am arguing a legal proposition—a proposition that has been suggested to me by very able lawyers and good citizens of my State. I have a right, of course, to present their views, and to ask the judgment of the Senate upon the expression of views that they have given and that they are now giving through me.

The Senator has just suggested that this bill has been killed several times in the past. This is the first time I have ever said anything about it. It occurs to me that if this is a bill of such importance——

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me?

Mr. STEPHENS. If I do not lose the floor.

The PRESIDING OFFICER. The Senator will not lose the floor.

PRESIDENTIAL CAMPAIGN EXPENDITURES

Mr. ROBINSON of Arkansas. I ask unanimous consent, out of order, to introduce a resolution broadening and more clearly defining the authority of the Special Committee on the Investigation of Campaign Expenditures, and ask that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER. Without objection, the resolution will be received and so referred.

The resolution (S. Res. 234) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the powers and duties conferred upon the special committee appointed under Senate Resolution 214 and any subcommittees thereof are hereby extended so as to authorize and require the said committee to continue its investigation under said resolution and said committee is hereby authorized in addition to the authority conferred by Senate Resolution 214 to sit and act during adjournment of Congress and to ascertain all facts in relation to the receipts and expenditures of the several political committees and of party organizations and agencies and other persons, including the amounts contributed, pledged, loaned, or otherwise made available for use, either directly or indirectly, and also the methods of expenditure of said sums, and also the use of any other means or influence, including the promise or use of patronage and of governmental favors, and such other matter as will aid Congress in its further consideration of necessary remedial legislation, and to report to the Senate as soon as possible after the convening of the second session of the Seventieth Congress.

That said committee is further authorized to employ stenographic assistance, at a cost not exceeding 25 cents per hundred words, to report such hearings and proceedings as may be had in connection with any subject which may be before said committee, and such clerical and other assistance as may be deemed necessary by the committee. The cost of such stenographic, clerical, and other assistance shall be paid out of the contingent fund of the Senate upon vouchers properly approved.

That the appropriation authorized by Senate Resolution 214 shall be considered available in the performance of the further additional duties of the committee hereby conferred, and the further sum of $25,000 is authorized to be appropriated out of the contingent fund of the Senate to carry out the additional purposes hereby conferred.

PRISON-MADE GOODS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases.

Mr. STEPHENS. Mr. President, the Senator from Missouri has suggested that a few men have killed this bill. I am not trying to kill the bill. I am entirely willing that the bill shall pass. I have submitted a simple proposition that the bill shall pass, so far as I am concerned——

Mr. HAWES. What is the Senator's proposition?

Mr. STEPHENS. If an amendment is agreed to that this bill shall not affect agricultural products, specifically cotton, that are produced——

Mr. HAWES. I have asked the Senator——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. STEPHENS. I yield for a question; yes.

Mr. HAWES. I asked the Senator when he made that statement some time ago if he would put his amendment in written form. Has the Senator done so?

Mr. STEPHENS. The Senator knows I have not; and he knows that I stated at the time that if I would not lose the floor and lose the opportunity to speak again upon this bill I would gladly let somebody else talk; and I suggested then that somebody write the amendment while I am talking, along the line I suggested, that this bill shall not relate to agricultural products. We have about three or four minutes left; that can be done in a minute and a half, and this bill can pass, as far as I am concerned.

Mr. HAWES. Mr. President, will the Senator yield? I will say to the Senator from Mississippi that I do not think there is a single Senator here who wants to write that amendment but himself.

Mr. STEPHENS. That may be true, but I want it written, and this bill is not going to pass to-night unless it is written.

Mr. HAWES. The Senator has already killed the bill, anyhow; so what is the use——

Mr. STEPHENS. I deny that. It is not the fact that I want to kill the bill.

Mr. HAWES. The Senator has done it.

Mr. STEPHENS. I may have done it, because the Senator from Missouri is unwilling to give the protection to my State that many good people down there think the State deserves. If he is willing to give that protection, then the bill can pass to-night. Otherwise it can not.

Mr. HAWES. The Senator knows perfectly well that the bill can not pass to-night. I can not write an amendment to suit Mississippi. No other man wants to write that amendment but the Senator; and I have asked him to write his amendment and submit it, so that we can understand it.

Mr. STEPHENS. The Senator from Missouri is simply helping to kill time. He is killing more time right now than I am. I said to him that all I wanted was a provision that this bill shall not apply to agricultural products. Put that in the bill in 4, 5, or 6 words, and he can have his bill passed so far as I am concerned.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. STEPHENS. I do.

Mr. REED of Missouri. If the Senator will write that amendment himself, I will agree to hold the floor so that no vote will

be taken until he gets through writing it, provided he gets through before half past 10.

Mr. STEPHENS. Will the Senator speak until half past 10 if I do not get the amendment written?

Mr. REED of Missouri. Yes; I will speak that long.

Mr. STEPHENS. Then I shall have the floor later so that I can present my amendment? Very well.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. The Senator from Missouri.

Mr. REED of Missouri. I asked a question or two here——

Mr. BRUCE. Mr. President, may I interrupt the Senator to introduce a bill?

Mr. REED of Missouri. Oh, certainly. Anybody can interrupt me.

Mr. BRUCE. I suppose the Senator will accord me even more than a moment?

Mr. REED of Missouri. I will.

JENNIE BRUCE GALLAHAN

Mr. BRUCE. Mr. President, I desire to introduce a bill, and I should like to have it referred to the Committee on the District of Columbia, because a similar bill has been considered by the Committee on Claims of the Senate, and it was not favored by that committee. Afterward, the same bill was introduced in the House, and has been passed by the House. It has now gotten over here. It is in connection with that that I wish to reintroduce the bill into the Senate, and have it referred to the Committee on the District of Columbia, because, obviously, it would not be proper to refer it to the Senate Committee on Claims.

The PRESIDING OFFICER. Without objection, it will be so referred.

The bill (S. 4489) for the relief of Jennie Bruce Gallahan was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. REED of Missouri. Has the Senator any other observations he would like to make? If so, I shall be glad to yield to him.

Mr. BRUCE. My fertility of resource is very limited.

PRISON-MADE GOODS

The Senate, as in Commitee of the Whole, resumed the consideration of the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases.

Mr. REED of Missouri. Mr. President, seriously, it seems to me we have been caviling here all this evening about an immaterial matter. This bill does nothing in the world but give to each State the right to control goods shipped in from abroad that are made by convicts in the same way that they control goods made in their own States.

It simply gives the States jurisdiction, within their own borders, over goods that are shipped in, the same as they have over the goods there manufactured. That being the case, and there being no State that prohibits the shipping in of cotton of the character referred to by the distinguished Senator from Mississippi, there is no danger whatever in this bill to his State, no matter what construction may be put upon the first part or the descriptive clauses of the bill.

I hope the Senator will see the matter in that light, and that by the time we meet here again he will be prepared to let this bill go through without amendment; because, if the bill is amended, while I believe the House of Representatives would accept any reasonable amendment to it if it had time to get action on the bill, the fact remains that Congress will adjourn in a few days, and the bill is liable to be crowded out.

Now, Mr. President, I have kept faith with the Senator. Has the Senator the amendment prepared?

Mr. STEPHENS. I have the amendment; yes, sir.

Mr. REED of Missouri. Very well; I yield to the Senator.

Mr. STEPHENS. Mr. President, the Senator was kind enough to say, some moments ago, that I was not opposed to the theory of this bill, and he is correct in that.

It has been argued that an amendment would kill the bill. I do not think so. I have been very busy about a good many other matters, and I have not had an opportunity to investigate——

RECESS

The PRESIDING OFFICER. The hour of 10.30 o'clock having arrived, the Senate, under the order previously entered, will stand in recess until 12 o'clock to-morrow.

Thereupon (at 10.30 o'clock p. m.) the Senate, under the previous order, took a recess until to-morrow, Friday, May 18, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 17 (legislative day of May 3), 1928

MEMBER OF INTERSTATE COMMERCE COMMISSION

Patrick J. Farrell, of the District of Columbia, to be a member of the Interstate Commerce Commission for a term of seven years expiring December 21, 1934, vice John J. Esch.

PROMOTIONS IN THE REGULAR ARMY

To be colonels

Lieut. Col. Lorenzo Dow Gasser, Infantry, from May 10, 1928.

Lieut. Col. Jennings Benjamin Wilson, Adjutant General's Department, from May 10, 1928.

Lieut. Col. William Cury Smith, Quartermaster Corps, from May 14, 1928.

To be lieutenant colonels

Maj. Robert Melville Danford, Field Artillery, from May 10, 1928.

Maj. James Kerr Crain, Ordnance Department, from May 10, 1928.

Maj. Carr Wilson Waller, Coast Artillery Corps, from May 11, 1928.

Maj. Richard James Herman, Infantry, from May 12, 1928.

Maj. Matthew Arthur Cross, Coast Artillery Corps, from May 14, 1928.

To be majors

Capt. James Donald MacMullen, Coast Artillery Corps, from May 9, 1928.

Capt. Ralph Townsend Heard, Field Artillery, from May 10, 1928.

Capt. Charles Wright Bundy, Coast Artillery Corps, from May 10, 1928.

Capt. Charles Douglas Yelverton Ostrom, Coast Artillery Corps, from May 11, 1928.

Capt. Turner Mason Chambliss, Infantry, from May 12, 1928.

Capt. Donald Malpas Cole, Coast Artillery Corps, from May 14, 1928.

To be captains

First Lieut. Bernard Clark Dailey, Coast Artillery Corps, from May 9, 1928.

First Lieut. Eduardo Andino, Infantry, from May 10, 1928.

First Lieut. Robert Elwyn DeMerritt, Coast Artillery Corps, from May 10, 1928.

First Lieut. James Franklin Powell, Air Corps, from May 11, 1928.

First Lieut. William Dalton Hohenthal, Coast Artillery Corps, from May 12, 1928.

First Lieut. James Ralph Lowder, Coast Artillery Corps, from May 13, 1928.

First Lieut. John Thomas Schneider, Field Artillery, from May 14, 1928.

To be first lieutenants

Second Lieut. Joseph Ingham Greene, Infantry, from May 9, 1928.

Second Lieut. Abner Judson McGehee, jr., Infantry, from May 10, 1928.

Second Lieut. Valentine Roy Smith, Field Artillery, from May 10, 1928.

Second Lieut. George William Hartnell, Field Artillery, from May 11, 1928.

Second Lieut. Joseph Anthony Cella, Field Artillery, from May 12, 1928.

Second Lieut. James Boyce Carroll, Coast Artillery Corps, from May 13, 1928.

Second Lieut. John Ellsworth Adkins, jr., Field Artillery, from May 14, 1928.

PROMOTIONS IN THE NAVY

Lieut. Commander Alger H. Dresel to be a commander in the Navy, from the 28th day of February, 1928.

Lieut. Joseph W. Gregory to be a lieutenant commander in the Navy, from the 18th day of September, 1927.

Ensign Robert H. Keliher to be a lieutenant (junior grade) in the Navy, from the 5th day of June, 1927.

Passed Assistant Surgeon Thomas H. Taber to be a surgeon in the Navy, with the rank of lieutenant commander, from the 2d day of December, 1927.

The following-named pay clerks to be chief pay clerks in the Navy, to rank with but after ensign, from the 3d day of December, 1927:

Ole R. Vikre.
Robert I. Baxter.
Jared R. Huggett.
Thomas A. Grigsby.

Lieut. Robert Stanley Robertson, jr., United States Navy, to be a lieutenant commander on the retired list of the Navy, from the 26th day of April, 1928, in accordance with a provision contained in an act of Congress approved on that date.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 17 (legislative day of May 3), 1928

DIPLOMATIC AND FOREIGN SERVICE

To be Foreign Service officers, Class II

Frederick T. F. Dumont.
Willys R. Peck.
Mahlon Fay Perkins.

To be Foreign Service officers, Class IV

Walter A. Adams.
George A. Makinson.
Eugene H. Dooman.
Joseph E. Jacobs.
John P. Hurley.
O. Gaylord Marsh.

To be Foreign Service officers, Class V

Frederick P. Hibbard.
Raymond E. Cox.
Percy A. Blair.
Alfred W. Kliefoth.
Parker W. Buhrman.
Lucien Memminger.

To be Foreign Service officers, Class VI

Raymond Davis.
Donald R. Heath.
Renwick S. McNiece.
George P. Shaw.
Robert F. Kelley.
Robert D. Longyear.
Samuel R. Thompson.
Damon C. Woods.
H. Freeman Matthews.
Charles Bridgham Hosmer.

To be Foreign Service officers, Class VII

Harold M. Collins.
Lee R. Blohm.
James Hugh Keeley, jr.
Harry J. Anslinger.
Trojan Kodding.
David C. Berger.
Edward P. Lowry.
Richard P. Butrick.
William I. Jackson.
Charles A. Bay.
Herbert S. Bursley.
Samuel J. Fletcher.
Lynn W. Franklin.
Raymond H. Geist.
Stuart E. Grummon.
Charles H. Heisler.
Walter H. McKinney.
Fletcher Warren.

To be Foreign Service officers, Class VIII

William Oscar Jones.
Ralph A. Boernstein.
Leonard N. Green.
George R. Hukill.
George Atcheson, jr.
Sheridan Talbott.
Paul Mayo.
Ernest E. Evans.
Clarence E. Macy.
Paul Bowerman.
Frederick W. Baldwin.
William A. Smale.
Quincy F. Roberts.
Harvey Lee Milbourne.
Joel C. Hudson.
John N. Hamlin.
John F. Huddleston.
Harry E. Stevens.

To be consuls

William Oscar Jones.
Ralph A. Boernstein.
Leonard N. Green.
George R. Hukill.
George Atcheson, jr.
Sheridan Talbott.
Paul Mayo.
Ernest E. Evans.
Clarence E. Macy.
Paul Bowerman.
Frederick W. Baldwin.
William A. Smale.
Quincy F. Roberts.
Harvey Lee Milbourne.
Joel C. Hudson.
John N. Hamlin.
John F. Huddleston.
Harry E. Stevens.
Eldridge D. Rand.

To be Foreign Service officers, unclassified

Carlos J. Warner.
Burton Y. Berry.
John S. Littell.
William P. Cochran, jr.
Robert D. Coe.
Stanley G. Slavens.
Archibald E. Gray.
Arthur R. Ringwalt.
Morris N. Hughes.
Bertel E. Kuniholm.
Edmund O. Clubb.
Henry S. Villard.
William Edwin Guy.
Frederick H. Ward.
William W. Butterworth, jr.
Julius Wadsworth.
Robert Y. Brown.
Monroe Hall.
H. Livingston Hartley.
Edward G. Trueblood.
Garret G. Ackerson, jr.
Robert P. Joyce.
Charles S. Reed, 2d.
James E. Brown, jr.
Archer Woodford.
Cavendish W. Cannon.
Leo F. Cochran.
James L. Park.
Phil H. Hubbard.

To be vice consuls of career

Carlos J. Warner.
Burton Y. Berry.
John S. Littell.
William P. Cochran, jr.
Robert D. Coe.
Stanley G. Slavens.
Archibald E. Gray.
Arthur R. Ringwalt.
Morris N. Hughes.
Bertel E. Kuniholm.
Edmund O. Clubb.
Henry S. Villard.
William Edwin Guy.
Frederick H. Ward.
Archer Woodford.
Cavendish W. Cannon.
Leo F. Cochran.
James L. Park.
Phil H. Hubbard.
William W. Butterworth, jr.
Julius Wadsworth.
Robert Y. Brown.
Monroe Hall.
H. Livingston Hartley.
Edward G. Trueblood.
Garret G. Ackerson, jr.
Robert P. Joyce.
Charles S. Reed, 2d.
James E. Brown, jr.

To be secretaries

DIPLOMATIC SERVICE

Archer Woodford.
Thomas S. Horn.
George Wadsworth.
S. Pinkney Tuck.
Ellis O. Briggs.
George H. Butler.
Royal R. Jordan.

POSTMASTERS

ARKANSAS

John W. Reed, Plumerville.
Dalton Matthews, Vilonia.

COLORADO

Erman D. Acton, Oak Creek.
Edna A. McCormick, Sedgwick.

IDAHO

William L. Killpack, Driggs.
Keith C. Merrill, Paul.

ILLINOIS

James E. Harley, Aurora.
Alice Bacon, Buckner.
Verda M. Mulhall, Davis.
Chris C. Wendt, Dundee.
John E. Heffron, East Dubuque.
Benjamin W. Landborg, Elgin.
Robert R. Davis, Equality.
Jacob L. Pfundstein, Erie.
William M. Amos, Huntley.
Charles T. Gilkerson, Marengo.
Edward E. Gott, Norris City.
Charles H. Cottrell, Quincy.
Jesse L. Jones, Rantoul.
August Kalbitz, Red Bud.
Walter E. Dimick, Rosiclare.
Herman O. Manuel, Steger.
John Wacker, Techny.
Willis A. Myers, Wenona.
Lela Seneff, Westfield.
Harry L. Dean, Witt.

INDIANA

Claude L. Worster, North Liberty.
Ernest C. Hefner, Roanoke.

KENTUCKY

Ronald S. Tuttle, Bardstown.
Robert Vanbever, Pineville.
Homer Felts, Russellville.

LOUISIANA

Augustine M. Dugas, Centerville.
Phillip B. Allbritton, Clarks.
Robert A. Giddens, Coushatta.
Florence Shelton, Destrehan.
John A. Marchand, Gonzales.
Claude H. Wallis, Houma.
Mattie B. Peyton, Keatchie.
Lillian P. Gross, Lake Providence.
Walter C. Miller, Logansport.
Aimie B. Garrett, New Roads.
Daniel Crowe, Vivian.
Nannie H. Rogillio, Water Proof.
Ector R. Gammage, Westlake.

NEBRASKA

Millard M. Martin, Allen.
Lorena W. Doe, Arcadia.
Frank G. Smith, Ashton.
Louis H. Deaver, Cody.
Claris B. Morey, College View.
Owen T. Thompson, Farnam.
Earl F. Fishel, Guide Rock.
Claude A. Sheffner, Hay Springs.
Charles O. Lewis, Marquette.
Frank A. Bartling, Nebraska City.
Verner O. Lundberg, Nehawka.
Nettie E. Jollensten, Ogallala.

Charles E. Zink, Sterling.
Floyd M. Ritchie, Table Rock.
Carl Carlson, Valparaiso.

NEW JERSEY

Wilson S. Frederick, Dunellen.

NORTH CAROLINA

Thomas S. Keeter, Grover.
James W. Stanton, La Grange.
Joseph B. Sparger, Mount Airy.
Frank Dudgeon, Pinehurst.
Benjamin F. Griffin, Pinesville.
John N. Powell, Southern Pines.
John M. Sharpe, Statesville.

OHIO

Wilbur R. Meredith, Painesville.

PENNSYLVANIA

William H. Harper, Avondale.
Calvin E. Cook, Dillsburg.
Joseph S. Gillingham, Lincoln University.
Margaret V. Roush, Marysville.
S. Charles McClellan, Mifflin.
George A. Hill, Newtown.

VERMONT

Casper W. Landman, South Londonderry.
Lester K. Oakes, Stowe.
Claude C. Duval, West Burke.

WASHINGTON

Trygve Lien, Stanwood.
Robert J. Robertson, White Salmon.

WISCONSIN

Charles L. Calkins, Rhinelander.
Charles E. Sage, Wild Rose.

WYOMING

Benjamin G. Rodda, Gebo.

HOUSE OF REPRESENTATIVES

THURSDAY, *May 17, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We would say, Still! still! with Thee O Father of mercies! The hand that holds the earth, the sky, and the sea is the same that holds all earthly children in its palm. This new day finds us unafraid, and may we come to it with renewed vigor. Keep before us life's richest vocation and heaven's highest attainment. On the altars of our hearts make steadfast the sacred lights of faith, hope, and charity, and may they burn there with a quenchless flame. O let Thy blessing, so abundant, so free, and so divine, abide with all who are associated with this Chamber. Be with our families and all our earthly loves. In that solemn, silent moment when earth and time yield to heaven and eternity, may the golden light break from behind the everlasting hills. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 4012. An act for the relief of Charles R. Sies;

H. R. 4660. An act to correct the military record of Charles E. Lowe;

H. R. 4687. An act to correct the military record of Albert Campbell;

H. R. 4839. An act for the relief of the Press Publishing Co., Marianna, Ark.;

H. R. 5322. An act for the relief of John P. Stafford;

H. R. 5548. An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct;

H. R. 5644. An act to enable an enlisted man in the naval service to make good time lost in excess of one day under certain conditions;

H. R. 5718. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service";

H. R. 5826. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver bell in use on the cruiser *New Orleans;*

H. R. 5930. An act for the relief of Jesse W. Boisseau;

H. R. 6152. An act for the relief of Cromwell L. Barsley;

H. R. 6195. An act granting six months' pay to Constance D. Lathrop;

H. R. 6842. An act for the relief of Joseph F. Friend;

H. R. 6854. An act to add certain lands to the Montezuma National Forest, Colo., and for other purposes;

H. R. 7142. An act for the relief of Frank E. Ridgely, deceased;

H. R. 7895. An act for the relief of the Lagrange Grocery Co.;

H. R. 7897. An act to ratify the action of a local board of sales control in respect of contracts between the United States and the West Point Wholesale Grocery Co., of West Point, Ga.;

H. R. 7898. An act to ratify the action of a local board of sales control in respect of contracts between the United States and the Lagrange Grocery Co., of Lagrange, Ga.;

H. R. 7903. An act to authorize the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States;

H. R. 8031. An act for the relief of Higgins Lumber Co. (Inc.);

H. R. 8440. An act for the relief of F. C. Wallace;

H. R. 9046. An act to continue the allowance of Sioux benefits;

H. R. 9355. An act to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes;

H. R. 9620. An act for the relief of E. H. Jennings, F. L. Johanns, and Henry Blank, officers and employees of the post office at Charleston, S. C.;

H. R. 9965. An act to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., where, on February 14, 1779, Elijah Clark, of Georgia, and Colonel Pickens, of South Carolina, overtook the Tories under Colonel Boyd, killing him and many of his followers, thus ending British dominion in Georgia;

H. R. 10503. An act for the relief of R. P. Washam, F. A. Slate, W. H. Sanders, W. A. McGinnis, J. E. Lindsay, and J. T. Pearson;

H. R. 11405. An act to acquire an area of State land situate in Lassen Volcanic National Park, State of California, by exchange;

H. R. 11621. An act to authorize the Secretary of the Navy to advance public funds to naval personnel under certain conditions;

H. R. 11724. An act to provide for the paving of the Government road, known as the Ringgold Road, extending from Chickamauga and Chattanooga National Military Park, in the State of Georgia, to the town of Ringgold, Ga., constituting an approach road to the Chickamauga and Chattanooga National Military Park;

H. R. 12067. An act to set aside certain lands for the Chippewa Indians in the State of Minnesota;

H. R. 12192. An act authorizing the Secretary of the Interior to accept a deed to certain land and issue patent therefor to the city of Buhl, Twin Falls County, Idaho;

H. R. 12446. An act to approve a deed of conveyance of certain land in the Seneca Oil Spring Reservation, N. Y.; and

H. J. Res. 263. Joint resolution authorizing the president and fellows of Harvard College to erect on public grounds in the District of Columbia a monument to Maj. Gen. Artemas Ward.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House of Representatives was requested, bills of the House of the following titles:

H. R. 3470. An act granting relief to Halvert S. Sealy and Portens R. Burke;

H. R. 4920. An act authorizing the Secretary of War to award a Nicaraguan campaign badge to Capt. James P. Williams, in recognition of his services to the United States in the Nicaraguan campaign of 1912 and 1913;

H. R. 5897. An act for the relief of Mary McCormick;

H. R. 6518. An act to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services";

H. R. 6569. An act for the relief of Frank Hartman;

H. R. 6908. An act for the relief of Michael Ilitz;

H. R. 7373. An act providing for the meeting of electors of President and Vice President and for the issuance and trans-

mission of the certificates of their selection and of the result of their determination, and for other purposes; and

H. R. 13511. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message further announced that the Senate agrees to the amendments of the House of Representatives to the amendments of the Senate numbered 46 and 52 to the bill (H. R. 12286) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes."

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House was requested:

S. 126. An act for the relief of May Gordon Rodes and Sara Louis Rodes, heirs at law of Tyree Rodes, deceased;

S. 200. An act for the relief of Mary L. Roebken and Esther M. Roebken;

S. 1364. An act for the relief of R. Wilson Selby;

S. 1618. An act for the relief of Margaret W. Pearson and John R. Pearson, her husband;

S. 1633. An act for the relief of Edward A. Blair;

S. 1976. An act for the appointment of an additional circuit judge for the second judicial court;

S. 2149. An act authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance;

S. 2440. An act to provide that four hours shall constitute a day's work on Saturdays throughout the year for all employees in the Government Printing Office;

S. 2482. An act for the relief of the White River, Uintah, Uncompahgre, and Southern Ute Tribes or Bands of Ute Indians in Utah, Colorado, and New Mexico;

S. 2572. An act granting certain land in the town of Hot Springs, N. Mex., to the State of New Mexico;

S. 2792. An act revesting title to certain lands in the Yankton Sioux Tribe of Indians;

S. 3127. An act to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909;

S. 3327. An act for the relief of Robert B. Murphy;

S. 3427. An act authorizing the Secretary of the Navy to make readjustment of pay to Gunner W. H. Anthony, jr., United States Navy (retired);

S. 3690. An act to correct the military record of Harlie O. Hacker;

S. 3692. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

S. 3694. An act regulating juvenile insurance by fraternal beneficial associations in the District of Columbia;

S. 3844. An act amending the fraternal beneficial association law for the District of Columbia as to payment of death benefits;

S. 3848. An act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers;

S. 3867. An act to provide for the extension of the time of certain mining leases of the coal and asphalt deposits in the segregated mineral land of the Choctaw and Chickasaw Nations, and to permit an extension of time to the purchasers of the coal and asphalt deposits within the segregated mineral lands of the said nations to complete payments of the purchase price, and for other purposes;

S. 3868. An act authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to the attorney for the Creek Nation, and for other purposes;

S. 3881. An act to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park;

S. 3942. An act for the relief of Maj. Charles F. Eddy;

S. 3949. An act to amend section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (Public, No. 290, 64th Cong.);

S. 4063. An act to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes;

S. 4085. An act to prevent professional prize fighting and to authorize amateur boxing in the District of Columbia, and for other purposes;

S. 4187. An act for the relief of Con Murphy;

S. 4231. An act to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota;

S. 4234. An act authorizing the purchase of certain lands by John P. Whiddon;

S. 4309. An act to authorize the Secretary of Commerce to dispose of a certain lighthouse reservation and to acquire certain land for lighthouse purposes;

S. 4327. An act to relinquish the title of the United States to land in the claim of Seth Dean situate in the county of Washington, State of Alabama;

S. 4344. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River at or near Clarendon, Ark.;

S. 4345. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Kansas City, Kans.;

S. 4346. An act to authorize an appropriation for the purchase of certain privately owned lands within the Fort Apache Indian Reservation, Ariz.;

S. 4353. An act authorizing Huntington Clarksburg Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Winfield, Putnam County, W. Va.;

S. 4357. An act authorizing Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representatives, and assigns, to construct and operate a bridge across the Des Moines River at or near Croton, Iowa;

S. 4381. An act authorizing H. A. Rinder, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.;

S. 4401. An act authorizing Elmer J. Cook, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md.;

S. 4402. An act authorizing the Secretary of the Navy to assign to the Chief of Naval Operations the public quarters originally constructed for the Superintendent of the Naval Observatory, in the District of Columbia;

S. 4441. An act to amend the laws relating to assessment and collection of taxes in the District of Columbia, and for other purposes;

S 4454. An act for the relief of Jess T. Fears;

S. J. Res. 99. Joint resolution to amend joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges; and

S. J. Res. 131. Joint resolution providing for the participation by the United States in the International Conference for the Revision of the Convention of 1914 for the Safety of Life at Sea.

The message further announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 744) entitled "An act to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3555) entitled "An act to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce."

The message further announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10159) entitled "An act granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes."

LOUIE JUNE

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 2473, for the relief of Louie June, with a Senate amendment, and agree to the Senate amendment. I do this by authorization of the committee.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table H. R. 2473, with a Senate amendment, and agree to the Senate amendment. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

CONVICT-MADE GOODS

Mr. McSWAIN. Mr. Speaker, I desire to state, in amplification of the RECORD of May 15, that when the House had under consideration the bill to regulate interstate commerce with reference to prison-made goods the gentleman from Michigan [Mr. JAMES] was in the hospital. He asked me to arrange a pair for him, and I made an effort to arrange a live pair. The gentleman from Michigan desired to vote in favor of the bill and if he had been present would have voted in favor of it.

STANDARDS FOR HAMPERS, ROUND STAVE BASKETS, AND SPLINT BASKETS FOR FRUITS AND VEGETABLES

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 2148, to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes, and consider the same in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to take from the Speaker's table Senate bill 2148 and consider the same in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I think the gentleman should state whether the Senate bill is identical with a House bill favorably reported by a committee of the House.

Mr. PERKINS. It is identical with House bill 8907, with two or three verbal changes, which bill has been passed by the House.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the standard hampers and round stave baskets for fruits and vegetable shall be of the following capacities: One-eighth bushel, ¼ bushel, ½ bushel, ⅝ bushel, ¾ bushel, 1 bushel, 1¼ bushels, 1½ bushels, and 2 bushels, which, respectively, shall be of the cubic content set forth in this section. For the purposes of this act a bushel, standard dry measure, has a capacity of 2,150.42 cubic inches.

(a) The standard ⅛-bushel hamper or round stave basket shall contain 268.8 cubic inches.

(b) The standard ¼-bushel hamper or round stave basket shall contain 537.6 cubic inches.

(c) The standard ½-bushel hamper or round stave basket shall contain 1,075.21 cubic inches.

(cc) The standard ⅝-bushel hamper or round stave basket shall contain 1,344 cubic inches.

(d) The standard ¾-bushel hamper or round stave basket shall contain 1,612.8 cubic inches.

(e) The standard 1-bushel hamper or round stave basket shall contain 2,150.42 cubic inches.

(f) The standard 1¼-bushel hamper or round stave basket shall contain 2,686 cubic inches.

(g) The standard 1½-bushel hamper or round stave basket shall contain 3,225.63 cubic inches.

(h) The standard 2-bushel hamper or round stave basket shall contain 4,300.84 cubic inches.

SEC. 2. That the standard splint baskets for fruits and vegetables shall be the 4-quart basket, 8-quart basket, 12-quart basket, 16-quart basket, 24-quart basket, and 32-quart basket, standard dry measure. For the purposes of this act a quart standard dry measure has a capacity of 67.2 cubic inches.

(a) The 4-quart splint basket shall contain 268.8 cubic inches.

(b) The 8-quart splint basket shall contain 537.6 cubic inches.

(c) The 12-quart splint basket shall contain 806.4 cubic inches.

(d) The 16-quart splint basket shall contain 1,075.21 cubic inches.

(e) The 24-quart splint basket shall contain 1,612.8 cubic inches.

(f) The 32-quart splint basket shall contain 2,150.42 cubic inches.

SEC. 3. That the Secretary of Agriculture shall in his regulations under this act prescribe such tolerances as he may find necessary to allow in the capacities for hampers, round stave baskets, and splint baskets set forth in sections 1 and 2 of this act in order to provide for reasonable variations occurring in the course of manufacturing and handling. If a cover be used upon any hamper or basket mentioned in this act, it shall be securely fastened or attached in such a manner, subject to the regulations of the Secretary of Agriculture, as not to reduce the capacity of such hamper or basket below that prescribed therefor.

SEC. 4. That no manufacturer shall manufacture hampers, round stave baskets, or splint baskets for fruits and vegetables unless the dimension specification for such hampers, round stave baskets, or splint baskets shall have been submitted to and approved by the Secretary of Agriculture, who is hereby directed to approve such specifications if he finds that hampers, round stave baskets, or splint baskets for fruits and vegetables made in accordance therewith would not be deceptive in appearance and would comply with the provisions of sections 1 and 2 of this act.

SEC. 5. That it shall be unlawful to manufacture for sale or shipment, to offer for sale, to sell, to offer for shipment, or to ship, hampers, round stave baskets, or splint baskets for fruits or vegetables, either filled or unfilled, or parts of such hampers, round stave baskets, or splint baskets that do not comply with this act: *Provided*, That this act shall not apply to Climax baskets, berry boxes, and till baskets which comply with the provisions of the act approved August 31, 1916, entitled "An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes" (39 U. S. Stat. L. 673), and the regulations thereunder. Any individual, partnership, association, or corporation that violates this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $500: *Provided further*, That no person shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the manufacturer, wholesaler, shipper, or other party residing within the United States from whom the hampers, round stave baskets, or splint baskets, as defined in this act, were purchased, to the effect that said hampers, round stave baskets, or splint baskets are correct, within the meaning of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of the hampers, round stave baskets, or splint baskets to such person, and in such case such party or parties making such sale shall be amenable to the prosecution, fines, and other penalties which would attach in due course under the provisions of this act to the person who made the purchase.

SEC. 6. That any hamper, round stave basket, or splint basket for fruits or vegetables, whether filled or unfilled, or parts of such hampers, round-stave baskets, or splint baskets not complying with this act, which shall be manufactured for sale or shipment, offered for sale, sold, or shipped, may be proceeded against in any district court of the United States within the district where the same shall be found and may be seized for confiscation by a process of libel for condemnation. Upon request the person entitled shall be permitted to retain or take possession of the contents of such hampers or baskets, but in the absence of such request, or when the perishable nature of such contents makes such action immediately necessary, the same shall be disposed of by destruction or sale, as the court or a judge thereof may direct. If such hampers, round-stave baskets, splint baskets, or parts thereof be found in such proceeding to be contrary to this act, the same shall be disposed of by destruction, except that the court may by order direct that such hampers, baskets, or parts thereof be returned to the owner thereof or sold upon the payment of the costs of such proceedings and the execution and delivery of a good and sufficient bond to the effect that such hampers, baskets, or parts thereof shall not be sold or used contrary to law. The proceeds of any sale under this section, less legal costs and charges, shall be paid over to the person entitled thereto. The proceedings in such seizure cases shall conform as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case, and all such proceedings shall be at the suit and in the name of the United States.

SEC. 7. That this act shall not prohibit the manufacture for sale or shipment, offer for sale, sale, or shipment of hampers, round stave baskets, splint baskets, or parts thereof, to any foreign country in accordance with the specifications of a foreign consignee or customer not contrary to the law of such foreign country; nor shall this act prevent the manufacture or use of banana hampers of the shape and character now in commercial use as shipping containers for bananas.

SEC. 8. That it shall be the duty of each United States district attorney to whom satisfactory evidence of any violation of this act is presented to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States in his district for the enforcement of the provisions of this act.

SEC. 9. That the Secretary of Agriculture shall prescribe such regulations as he may find necessary for carrying into effect the provisions of this act, and shall cause such examinations and tests to be made as may be necessary in order to determine whether hampers, round-stave baskets, and splint baskets, or parts thereof, subject to this act, meet its requirements, and may take samples of such hampers, baskets, or parts thereof, the cost of which samples, upon request, shall be paid to the person entitled.

SEC. 10. That for carrying out the purposes of this act the Secretary of Agriculture is authorized to cooperate with State, county, and municipal authorities, manufacturers, dealers, and shippers, to employ such persons and means, and to pay such expenses, including rent, printing publications, and the purchase of supplies and equipment in the District of Columbia and elsewhere, as he shall find to be necessary, and there

are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes.

SEC. 11. That sections 5 and 6 of this act shall become effective at, but not before, the expiration of one year following the 1st day of November next succeeding the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MUSCLE SHOALS

The SPEAKER. The Chair appoints as conferees on the Muscle Shoals bill the following Members: Messrs. MORIN, JAMES, REECE, QUIN, and WRIGHT.

BATTLE OF KETTLE CREEK

Mr. BRAND of Georgia. Mr. Speaker, last week I obtained consent to extend my remarks on H. R. 9965 in reference to the Kettle Creek battle field, in Wilkes County, Ga. I want to insert some extracts from three or four histories and a part of the report, but I did not get permission to do so. Under the rule recently announced by the Speaker I now ask that permission.

The SPEAKER. The gentleman from Georgia asks unanimous consent to add to his remarks certain extracts from historical works. Is there objection?

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker, by unanimous consent of the House of Representatives to extend my remarks on House bill 9965, a bill to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., where on February 14, 1779, Elijah Clarke, of Georgia, and Colonel Pickens, of South Carolina, overtook the Tories under Colonel Boyd, a British soldier, killing him and many of his followers, thus ending British dominion in Georgia, I submit the following information regarding the Battle of Kettle Creek. This narrative of facts is taken from different histories that have dealt with this Revolutionary battle, viz: The Georgia Historical Quarterly, published by the Georgia Historical Society, volume 10, 1926, Otis Ashemore and Charles H. Olmstead being the authors of the articles on the Kettle Creek Battle; McCall's History of Georgia; History of South Carolina, 1858, by Ramsey; History of North Carolina, 1908, by Ashemore; Story of Georgia, 1900, by Jones.

Messrs. Ashemore and Olmstead, in dealing with the Battles of Kettle Creek and Brier Creek, say:

Many of the battles of the Revolution fought on southern soil are involved in much obscurity, and Time's effacing fingers are rapidly consigning to oblivion the remaining fragments of the past. The South has been far too neglectful in recording and preserving its history.

The special story of the South during the Revolution has been told by several well-known historians. In general they all agree on the important points about the Battle of Kettle Creek.

Colonel Boyd was an Irishman by birth, but lived in South Carolina. He was a bold, notorious, and dishonest Tory, who was bribed by Sir Henry Clinton to raise an insurrection in the back country of South Carolina as soon as the British captured Savannah. His followers were thieves, robbers, and murderers. He tried to make a junction with the notorious McGirth, but was killed at the Battle of Kettle Creek.

From all the reports that come to us from the Revolutionary days we can well understand that the force which had gone raging through South Carolina was worthy of the reputation borne by its leader, Boyd. Lossing, in his Field Book of the Revolution, speaks of them as—

bandits and murderers. Wherever they went through the Palmetto State they left a broad track of blood and pillage. No man's life was safe from their murderous weapons, be he soldier or simple farmer citizen. The virtue of no woman could be guarded from their treacherous brutality. No humble cottage escaped their flaming torches.

And now these bandits were coming across the Savannah River into Georgia to continue the nameless horrors begun in Carolina. Wherever a southern soldier breathed there was a fixed resolution that Boyd's band must be wiped out, and that speedily.

Gen. Elijah Clarke was born in North Carolina, and in 1744 he moved to Wilkes County, Ga. He took a prominent part in the skirmishes with the Indians. He commanded the left wing of the American forces at the Battle of Kettle Creek, and contributed largely to the great victory over the Tories under Boyd at that place. He was at the sieges of Savannah and Augusta. He was a brave and patriotic "diamond in the rough," with an interesting career. He died January 15, 1799, and was buried in Lincoln County, Ga. His will is on record at Lincolnton.

In his History of Georgia, Charles C. Jones, jr., gives the following description of the Battle of Kettle Creek:

Retiring from Carrs Fort the Americans recrossed the Savannah River near Fort Charlotte and advanced toward the Long Cane settlement to meet Colonel Boyd. Hearing of his advance, Capt. Robert Anderson, of Colonel Pickens's regiment, summoning to his aid, Capts. Joseph Pickens, William Baskin, and John Miller, with their companies crossed the Savannah River with a view to annoying Boyd when he should attempt the passage of that stream. He was subsequently joined by some Georgians under Capt. James Little. Retreating rapidly, Captain Anderson formed a junction with Colonels Pickens and Dooly and united in the pursuit of the enemy. On the 12th of February, passing the Savannah River at the Cedar shoal, the Americans advanced to the Fish Dam ford, on Broad River. The command had now been reinforced by Colonel Clarke and 100 dragoons. Captain Neal with a part of observation, was detached to hang upon the enemy's rear, and, by frequent couriers, keep the main body well advised of Boyd's movements.

Shaping his course to the westward, and purposing a junction with McGirth at a point agreed upon on Little River, the enemy on the morning of the 13th crossed Broad River, near the fork, at a place subsequently known as Webbs Ferry. Informed of this movement, the Americans passed over Broad River and encamped for the night on Clarkes Creek, within 4 miles of the loyalists. Early on the morning of the 14th the Americans advanced rapidly but cautiously. Wherever the surface of the country permitted, their line of march was the order of battle. A strong vanguard moved 150 paces in front. The right and left wings, consisting each of 100 men, were commanded, respectively, by Colonels Dooly and Clarke. The center, numbering 200 men, was led by Colonel Pickens. Officers and men were eager for the fray and confident of victory. Soon the ground was reached where the enemy had encamped during the preceding night.

Seemingly unconscious of the approach of danger, the loyalist commander had halted at a farm on the north side of Kettle Creek and turned out his horses to forage among the reeds which lined the edge of the swamp. His men, who had been on short allowance for three days, were slaughtering bullocks and parching corn. Colonel Boyd's second officer was Lieutenant Colonel Moore, of North Carolina, who is said to have been deficient both in courage and in military skill. The third in command, Major Spurgen, was brave and competent.

As Colonel Pickens neared the enemy Captain McCall was ordered to reconnoiter his position and, unperceived, to acquire the fullest possible information of the status of affairs. Having completed his observations, that officer reported the encampment formed at the edge of the farm near the creek on an open piece of ground flanked on two sides by a cane swamp, and that the enemy was apparently in utter ignorance of any hostile approach. The Americans then advanced to the attack. As they neared the camp the pickets fired and retreated. Hastily forming his line in rear of his encampment and availing himself of the shelter afforded by a fence and some fallen timber, Boyd prepared to repel the assault. Colonel Pickens, commanding the American center, obliqued a little to the right to take advantage of more commanding ground. The right and left divisions were somewhat embarrassed in forcing their way through the cane, but soon came gallantly into position. Colonel Boyd defended the fence with great bravery but was finally overpowered and driven back upon the main body. While retreating he fell mortally wounded, pierced with three balls, two passing through his body and the third through his thigh.

The conflict now became close, warm, and general. Some of the enemy, sore pressed, fled into the swamp and passed over the creek, leaving their horses, baggage, and arms behind them.

After a contest lasting an hour the Tories retreated through the swamp. Observing a rising ground on the other side of the creek and in rear of the enemy's right, on which he thought the loyalists would attempt to form, Colonel Clarke, ordering the left wing to follow him, prepared to cross the stream. At this moment his horse was killed under him. Mounting another, he followed a path which led to a ford and soon gained the side of the hill, just in time to attack Major Spurgen, who was endeavoring to form his command upon it. He was then accompanied by not more than a fourth of his division, there having been some mistake in extending the order.

The firing, however, soon attracted the attention of the rest of his men, who rushed to his support. Colonels Pickens and Dooly also pressed through the swamp, and the battle was renewed with much vigor on the other side of the creek. Bloody and obstinate was the conflict. For some time the issue seemed doubtful. At length the Americans obtained complete possession of the hill; and the enemy, routed at all points, fled from the scene of action, leaving 70 of their number dead upon the field and 75 wounded and captured. On the part of the Americans 9 were slain and 23 wounded. To Colonel Clarke great praise is due for his foresight and activity in comprehending the checking, at its earliest stage, the movement of the loyalists beyond the swamp. Had they succeeded in effecting a permanent lodgment upon the hill, the fortunes of the day would have proved far otherwise. This engagement lasted for 1 hour and 45 minutes, and during most of that time was hotly contested.

As the guard having charge of the prisoners captured when Boyd crossed the Savannah River heard of the disaster which had overtaken the main body, they voluntarily surrendered themselves, 33 in number, to those whom they held in captivity, promising, if allowed to return in peace to their homes, to take the oath of allegiance to the government of the Confederate States.

The battle ended, Colonel Pickens waited upon Colonel Boyd and tendered him every relief in his power. Thanking him for his civility, the loyalist chief, disabled by mortal wounds and yet brave of heart, inquired particularly with regard to the result of the engagement. When told that the victory rested entirely with the Americans, he asserted that the issue would have been different had he not fallen. During the conversation which ensued he stated that he had set out upon his march with 800 men. In crossing the Savannah River he sustained a loss of 100 in killed, wounded, and missing. In the present action he had 700 men under his command. His expectation was that McGirth with 500 men would form a junction with him on Little River either that very afternoon or on the ensuing morning. The point named for this union of forces was not more than 6 miles distant from the place where this battle had been fought. Alluding to his own condition he remarked that he had but a few hours to live and requested Colonel Pickens to detail two men to furnish him with water and to inter his body after death.

When this Briton was in his last hours he gave his watch and other valuables to General Pickens to be sent to his wife. This the chivalric Irishman did. Years after, when Mrs. Boyd died, she bequeathed that watch to the family of General Pickens, and they have it now.

The Kettle Creek battle field is easily accessible from any point, being located 1 mile from the leading public road of Wilkes County. This road will be put in first-class condition by the commissioner of roads and revenues of Wilkes County. The battle field is 9 miles southwest from Washington, Ga., and 5 miles from Federal route No. 78 at one point and 9 miles at another point. Route 78 is from Augusta to Washington, Athens, Atlanta, all Georgia points, on to the Alabama line.

The Kettle Creek Chapter, Daughters of the American Revolution, will deed to the Government to carry out this proposition 12 acres of the Kettle Creek battle ground. Part, at least, of this battle field is in the original oak woods that were there the day this battle was fought 149 years ago.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS. Mr. Speaker, I call up the conference report on H. R. 11133, making appropriations for the government of the District of Columbia and other activities, chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Nebraska calls up a conference report and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 11, 13, 14, 16, 19, 29, 34, 59, 60, 61, 62, 63, 65, 70, 72, 74, and 75.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 9, 15, 17, 18, 20, 21, 22, 23, 26, 27, 31, 32, 33, 35, 37, 38, 39, 40, 41, 42, 45, 49, 50, 51, 52, 53, 54, 55, 58, 64, 66, 67, 68, 69, 73, 76, and 79, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$42,545"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$35,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$29,600"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "not exceeding $100 for rest room for sick and injured employees and the equipment of and medical supplies for said rest room,"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Northwest: Sixteenth Street, Alaska Avenue to Kalmia Road, $80,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$250,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$1,802,900"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an agreement as follows: In lieu of the sum proposed insert "$1,475,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$112,500"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "$10,000; in all, $21,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment after the word "equipment," insert the following: "to be immediately available"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$54,910"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$486,975"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$850,000"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 36, 46, 56, and 57.

ROBT. G. SIMMONS,
WM. P. HOLADAY,
ANTHONY J. GRIFFIN,
Managers on the part of the House.

L. C. PHIPPS,
W. L. JONES,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report as to each of such amendments, namely:

On amendment No. 2: Accepts the language as provided by the House, stricken out by the Senate, prohibiting the practice of phrenology in the District of Columbia without paying a license tax as provided in paragraph 32, section 7, of the District of Columbia appropriation act approved July 1, 1902, and subject to the proviso contained in said paragraph.

On amendments Nos. 3 and 4: Appropriates $58,340, as provided by the House, instead of $60,920, as provided by the Senate, for the office of the corporation counsel, which figures contemplate the retention of the police officers detailed in this office as clerks.

On amendment No. 5: Appropriates $42,545 for personal services in the office of superintendent of weights, measures, and markets, instead of $41,045, as provided by the House, and $43,685, as provided by the Senate.

On amendment No. 6: Appropriates $7,750, as provided by the Senate, instead of $6,000, as provided by the House, for maintenance and repairs to markets.

On amendment No. 7: Appropriates $35,000 instead of $50,000, as provided by the Senate, for repairs, alterations, additions, and purchase and installment of equipment for the Western Market.

On amendment No. 8: Appropriates $29,600 for personal services in the office of the director of traffic instead of $25,940, as provided by the House, and $31,280, as provided by the Senate.

On amendment No. 9: Appropriates $96,000, as provided by the Senate, instead of $92,500, as provided by the House, for the office of recorder of deeds for personal services.

On amendment No. 10: Accepts language as provided by the Senate providing for a rest room for sick and injured employees and medical equipment therefor, under the appropriation for contingent expenses for the office of recorder of deeds, but limits the expenditure therefor, as provided by the House, to $100.

On amendment No. 11: Appropriates $14,500, as provided by the House, instead of $15,000, as provided by the Senate, for contingent and miscellaneous expenses for the office of recorder of deeds.

On amendment No. 12: Appropriates $80,000 for the paving of Sixteenth Street NW. from Alaska Avenue to Kalmia Road instead of $132,000, as provided by the Senate, for the paving of Sixteenth Street NW. from Alaska Avenue to the District line.

On amendment No. 13. Appropriates $9,500, as provided by the House and stricken out by the Senate, for the paving of Garfield Street NW., Wisconsin Avenue to Bellevue Terrace.

On amendment No. 14: Appropriates $13,100, as provided by the House and stricken out by the Senate, for the paving of Bellevue Terrace NW. from Fulton Street to Cathedral Avenue.

On amendment No. 15: Appropriates $4,800, as provided by the Senate, for the paving of Reno Road NW., Quebec Street to Rodmand Street.

On amendment No. 16: Appropriates $7,500, as provided by the House and stricken out by the Senate, for the paving of Allison Street NW., New Hampshire Avenue to Illinois Avenue.

On amendment No. 17: Strikes out the appropriation of $5,100, as provided by the House, for the paving of Thirty-eighth Street NW., S Street to T Street.

On amendment No. 18: Strikes out the appropriation of $8,600, as provided by the House, for the paving of Forty-second Street NW., Jenifer Street to Military Road.

On amendment No. 19: Appropriates $16,300, as provided by the House and stricken out by the Senate, for the paving of B Street SE., Fifteenth Street to Eighteenth Street.

On amendment No. 20: Appropriates $8,400, as provided by the Senate, for the paving of Hurst Terrace NW., Fulton Street northward.

On amendment No. 21: Strikes out the appropriation, as provided by the House, of $36,900 for the paving of New York Avenue NE., Florida Avenue to West Virginia Avenue.

On amendment No. 22: Accepts the language, as provided by the Senate, appropriating $65,000 for the widening and repaving the roadway of Connecticut Avenue NW., instead of $60,000, as provided by the House.

On amendment No. 23: Appropriates $30,000, as provided by the Senate, for widening and repaving H Street NW., Seventeenth Street to Pennsylvania Avenue.

On amendment No. 24: Appropriates $250,000 for construction of curbs and gutters, instead of $200,000, as provided by the House, and $290,000, as provided by the Senate.

On amendment No. 25: Corrects the total for disbursements under the "gasoline tax, road and street improvement" fund.

On amendments Nos. 26, 27, and 28: Accepts corrections in language in the appropriation for street repairs, as suggested by the Senate, and appropriates $1,475,000, as provided by the House, instead of $1,675,000, as provided by the Senate, for this purpose, and strikes out the language, as proposed by the House, making $90,000 of the appropriation payable out of the "gasoline tax, road and street fund."

On amendment No. 29: Strikes out the language and appropriation of $5,000, as provided by the Senate, for the preparation of plans and specifications for the elimination of the Michigan Avenue grade crossing.

On amendment No. 30: Appropriates $112,500 for trees and parkings instead of $100,000, as provided by the House, and $125,000, as provided by the Senate.

On amendment No. 31: Makes a correction in language, as provided by the Senate, in the appropriation for general maintenance under public playgrounds.

On amendment No. 32: Appropriates $33,000, as provided by the Senate, instead of $31,050, as provided by the House, for general supplies under the electrical department.

On amendment No. 33: Accepts language, as provided by the Senate, including part cost of maintenance of lights at Bolling Field necessary for operation of the air mail, under the appropriation for lighting, electrical department.

On amendment No. 34: Appropriates $127,540, as provided by the House, instead of $134,680, as provided by the Senate, for personal services of clerks and other employees, under public schools.

On amendment No. 35: Strikes out language, as proposed by the House, prohibiting the expenditure of any appropriations made for the public schools of the District of Columbia for the instruction of pupils who dwell outside the District of Columbia.

On amendment No. 37: Accepts language, as provided by the Senate, permitting certain school construction work to be performed by day labor or otherwise.

On amendment No. 38: Accepts language, as provided by the Senate, making the appropriation for Langley Junior and McKinley High Schools immediately available.

On amendments Nos. 39 and 40: Appropriates $2,740,700, as provided by the Senate, instead of $2,694,727.08, as provided by the House, for the pay and allowances of officers and members of the Metropolitan police force; and appropriates $99,770, as provided by the Senate, instead of $148,536.92, as provided by the House, for clerical services in the police department.

On amendment No. 41: Appropriates $67,075, as provided by the Senate, instead of $64,225, as provided by the House, for uniforms for police.

On amendments Nos. 42, 43, and 44: Strikes out, as proposed by the Senate, language which heretofore permitted the care of children under 17 years of age under the house of detention, and appropriates $21,000 for the conduct of the house of detention, instead of $29,780, as proposed by the House, and $14,480, as proposed by the Senate.

On amendments Nos. 45 and 47: Transfers an appropriation of $8,000 for a health department clinic from the house of detention to the health department, District of Columbia.

On amendment No. 48: Appropriates $54,910, for personal services under the juvenile court, instead of $53,050, as proposed by the House, and $56,770, as proposed by the Senate.

On amendment No. 49: Appropriates $74,900 for salaries, Supreme Court, District of Columbia, as provided by the Senate, instead of $72,020, as proposed by the House.

On amendment No. 50: Appropriates $41,903, as proposed by the Senate, instead of $41,660, as proposed by the House, for pay of bailiffs.

On amendments Nos. 51 and 52: Appropriates $9,420, as provided by the Senate, instead of $9,220, as proposed by the House, for personal services under the probation system.

On amendment No. 53: Appropriates $29,704, as provided by the Senate, instead of $29,300, as proposed by the House, for personal services in the courthouse.

On amendments Nos. 54 and 55: Appropriates $62,640, as provided by the Senate, instead of $24,190, as proposed by the House, for salaries, court of appeals.

On amendment No. 58: Appropriates $17,000, as provided by the Senate, instead of $15,300, as proposed by the House, for the Columbia Hospital for Women.

On amendment No. 59: Appropriates $27,000, as provided by the House, instead of $30,000, as proposed by the Senate, for the Children's Hospital.

On amendments Nos. 60 and 61: Appropriates $15,300, as provided by the House, instead of $17,000, as proposed by the Senate, in each instance, for the Providence and Garfield Memorial Hospitals.

On amendments Nos. 62 and 63: Appropriates $7,200, as provided by the House, instead of $8,000, as proposed by the Senate, in each instance for the Georgetown University and George Washington University Hospitals.

On amendment No. 64: Corrects House language, as proposed by the Senate, providing for artesian wells, etc., at the District Training School.

On amendment No. 65: Appropriates $24,600, as provided by the House, instead of $21,600, as proposed by the Senate, for maintenance, etc., at the Industrial Home School.

On amendment No. 66: Appropriates $15,000, as provided by the Senate, instead of $12,000, as proposed by the House for repairs, etc., at the home for aged and infirm, and makes $3,000 of the appropriation immediately available, as proposed by the Senate.

On amendments Nos. 67 and 68: Appropriates $12,860, as provided by the Senate, instead of $12,740, as proposed by the House, for personal services at the Temporary Home for Union ex-Soldiers and Sailors.

On amendment No. 69: Corrects House language, as proposed by the Senate, in the appropriation for relief of the poor.

On amendment No. 70: Appropriates $355,460, as provided by the House, instead of $368,200, as proposed by the Senate, for personal services, Public Buildings and Public Parks.

On amendments Nos. 71 to 75, inclusive: Appropriates $486,975, as a lump-sum appropriation for general expenses, instead of $386,975, as proposed by the House, and $523,975, as proposed by the Senate; makes available $93,000, as proposed by the House, instead of $125,000, as proposed by the Senate, for the improvement, Rock Creek and Potomac connecting parkway; makes available, as proposed by the Senate, $100,000, for the improvement of Meridian Hill Park; makes available for the erection of minor auxiliary structures, $5,000, as proposed by the House, instead of $10,000, as proposed by the Senate, and strikes out language, as proposed by the Senate, making available $5,000, for the construction of a comfort station and shelter at Seventeenth and Pennsylvania Avenue SE.

On amendment No. 76: Accepts language as proposed by the Senate, making available $2,000 out of a balance of a prior appropriation, for the alteration of the Franklin Park comfort station.

On amendments Nos. 77 and 78: Appropriates $850,000 for the National Capital Park and Planning Commission, instead of $600,000 as proposed by the House, and $1,000,000 as proposed by the Senate; and makes available $300,000 for the purchase of sites without limitation as to price based on assessed value, instead of $150,000 as proposed by the House and $400,000 as proposed by the Senate.

On amendment No. 79: Appropriates $182,050, as proposed by the Senate, instead of $180,250, as proposed by the House for the National Zoological Park.

The committee of conference have not agreed to the following amendments:

No. 1: Striking out the paragraph, as proposed by the House, appropriating a $9,000,000 lump-sum amount as a Federal contribution toward the expenses of conducting the government of the District of Columbia, and inserting in lieu thereof, as proposed by the Senate, a paragraph dividing the expenses of the District of Columbia government, 40 per cent to be paid out of the Treasury of the United States and 60 per cent to be paid out of the revenues of the District of Columbia; unless otherwise provided.

No. 36: Providing that the children of officers and men of the United States Army, Navy, and Marine Corps, and children of other employees of the United States stationed outside the District of Columbia shall be admitted to the public schools without payment of tuition.

No. 46: Providing for the erection of a fire-engine house upon Government-owned property on Sixteenth Street NW.

No. 56: Providing for a receiving home for the reception and detention of children under 17 years of age, and appropriating $25,000 therefor, as proposed by the Senate.

No. 57: Providing a working capital fund at the District workhouse and reformatory, as proposed by the Senate.

ROBT. G. SIMMONS,
WM. P. HOLADAY,
ANTHONY J. GRIFFIN,
Managers on the part of the House.

Mr. SIMMONS. Mr. Speaker, I move that the conference report be agreed to; and, pending that motion, I desire to state to the House that the report we have here, with one exception, will be an agreement with the Senate. It is the result of several conferences. The Senate has receded over one-half million dollars in their amendments, and we are below the Budget by $67,000.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. SIMMONS. Yes, sir.

Mr. LINTHICUM. Will the gentleman explain what arrangement was made about the school children, and also the appropriation for the extension of Sixteenth Street of $134,000?

Mr. SIMMONS. I expect to move to concur in the Senate proposal on the school proposition and the paving of Sixteenth Street is to be carried to Kalmia Road this year.

Mr. GRIFFIN. I would like to ask the gentleman if he will yield me five minutes.

Mr. SIMMONS. We are not going to discuss that question. I move the previous question on the conference report, Mr. Speaker.

The previous question was ordered.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 1: Page 1, after the enacting clause, strike out all of lines 3, 4, 5, 6, 7, 8, 9 on page 1 and all of lines 1 to 10, inclusive, on page 2 and insert in lieu thereof the following:

"That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1929, 40 per cent of each of the following sums, except those herein directed to be paid otherwise, is appropriated out of any money in the Treasury not otherwise appropriated, and all of the remainder out of the combined revenues of the District of Columbia, and the tax rate in effect in the fiscal year 1928 on real estate and tangible personal property subject to taxation in the District of Columbia shall be continued for the fiscal year 1929, namely."

Mr. SIMMONS. Mr. Speaker, this is the fiscal relations paragraph. The Senate amendment to the House bill substitutes 60–40 in lieu of the $9,000,000 that heretofore the Congress has carried in this bill for a number of years. On this I expect to ask for a roll call. I move now that the House further insist on its disagreement to Senate amendment No. 1, and on that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Nebraska [Mr. SIMMONS] that the House further insist upon its disagreement to the Senate amendment.

Mr. SIMMONS. On that I ask the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 288, nays 55, not voting 87, as follows:

[Roll No. 81]

YEAS—288

Abernethy	Carss	Elliott	Hardy
Ackerman	Carter	England	Hare
Adkins	Cartwright	Englebright	Hastings
Allen	Chalmers	Eslick	Hawley
Almon	Chapman	Evans, Calif.	Hersey
Andresen	Chase	Evans, Mont.	Hill, Ala.
Andrew	Chindblom	Faust	Hill, Wash.
Arentz	Christopherson	Fish	Hoch
Arnold	Clague	Fitzgerald, Roy G.	Hoffman
Aswell	Clarke	Fletcher	Hogg
Ayres	Cochran, Mo.	Fort	Holaday
Bacharach	Cole, Iowa	Foss	Hooper
Bachmann	Collier	Frear	Hope
Bankhead	Collins	Freeman	Houston, Del.
Barbour	Colton	French	Howard, Nebr.
Beck, Wis.	Connolly, Pa.	Frothingham	Howard, Okla.
Beedy	Cooper, Ohio	Fullbright	Hudson
Bell	Cooper, Wis.	Furlow	Hull, Wm. E.
Berger	Cox	Gambrill	Irwin
Black, N. Y.	Crail	Garber	James
Black, Tex.	Cramton	Gardner, Ind.	Jenkins
Bohn	Crisp	Garner, Tex.	Johnson, Ill.
Box	Crosser	Garrett, Tenn.	Johnson, Ind.
Brand, Ga.	Crowther	Garrett, Tex.	Johnson, S. Dak.
Brand, Ohio	Cullen	Gifford	Johnson, Tex.
Briggs	Dallinger	Glynn	Jones
Brigham	Darrow	Goldsborough	Kading
Browne	Davey	Goodwin	Kahn
Browning	Davis	Graham	Kemp
Buchanan	Denison	Gregory	Kendall
Buckbee	De Rouen	Green	Kent
Burdick	Dickinson, Iowa	Greenwood	Kerr
Burtness	Dickinson, Mo.	Griest	Ketcham
Burton	Doughton	Guyer	Knutson
Busby	Dowell	Hadley	Kopp
Byrns	Doyle	Hale	Korell
Canfield	Drewry	Hall, Ill.	Kurtz
Cannon	Driver	Hall, Ind.	Kvale
Carley	Edwards	Hancock	Lampert

Lanham	Moore, Ohio	Romjue	Swing
Lankford	Moorman	Rowbottom	Taber
Larsen	Morehead	Rubey	Tarver
Lea	Morin	Rutherford	Tatgenhorst
Leatherwood	Morrow	Sanders, N. Y.	Taylor, Colo.
Leavitt	Nelson, Me.	Sanders, Tex.	Taylor, Tenn.
Leech	Nelson, Mo.	Sandlin	Thatcher
Letts	Nelson, Wis.	Schafer	Thompson
Linthicum	Newton	Schneider	Thurston
Lowrey	Niedringhaus	Sears, Nebr.	Tilson
Lozier	Norton, Nebr.	Seger	Timberlake
Luce	O'Brien	Selvig	Treadway
McClintic	O'Connor, La.	Shallenberger	Underhill
McDuffie	Oliver, Ala.	Shreve	Vincent, Mich.
McKeown	Palmisano	Simmons	Vinson, Ga.
McLaughlin	Parks	Sinclair	Vinson, Ky.
McLeod	Peavey	Sirovich	Wainwright
McMillan	Peery	Snell	Ware
McReynolds	Perkins	Somers, N. Y.	Warren
McSwain	Porter	Speaks	Wason
MacGregor	Pratt	Spearing	Watres
Magrady	Purnell	Sproul, Ill.	Watson
Major, Ill.	Quin	Sproul, Kans.	Weller
Major, Mo.	Ragon	Stalker	Welsh, Pa.
Mansfield	Ramseyer	Steagall	White, Colo.
Mapes	Rankin	Stedman	White, Me.
Martin, La.	Ransley	Steele	Whittington
Martin, Mass.	Reece	Stobbs	Williams, Mo.
Menges	Reed, Ark.	Strong, Kans.	Williams, Tex.
Michener	Reed, N. Y.	Summers, Wash.	Wilson, La.
Milligan	Robinson, Iowa	Sumners, Tex.	Winter
Mooney	Robsion, Ky.	Swank	Woodruff
Moore, Ky.	Rogers	Swick	Wright

NAYS—55

Aldrich	Dyer	LaGuardia	Quayle
Bland	Fenn	Lindsay	Rainey
Bowman	Fitzpatrick	McFadden	Rathbone
Campbell	Free	Mead	Smith
Carew	Gasque	Merritt	Temple
Celler	Griffin	Miller	Tinkham
Cohen	Harrison	Monast	Updike
Cole, Md.	Hickey	Montague	Vestal
Combs	Jacobstein	Moore, Va.	Whitehead
Connery	Johnson, Wash.	Morgan	Williams, Ill.
Corning	Kelly	O'Connell	Woodrum
Deal	Kiess	Oliver, N. Y.	Wyant
Dickstein	Kindred	Parker	Zihlman
Douglas, Ariz.	King	Prall	

NOT VOTING—87

Allgood	Davenport	Igoe	Sabath
Anthony	Dempsey	Jeffers	Sears, Fla.
Auf der Heide	Dominick	Johnson, Okla.	Sinnott
Bacon	Douglass, Mass.	Kearns	Stevenson
Beck, Pa.	Doutrich	Kincheloe	Strong, Pa.
Beers	Drane	Kunz	Strother
Begg	Eaton	Langley	Sullivan
Blanton	Estep	Lehlbach	Tillman
Bloom	Fisher	Lyon	Tucker
Boies	Fitzgerald, W. T.	McSweeney	Underwood
Bowles	Fulmer	Maas	Weaver
Bowling	Gibson	Manlove	Welch, Calif.
Boylan	Gilbert	Michaelson	White, Kans.
Britten	Golder	Moore, N. J.	Williamson
Bulwinkle	Hall, N. Dak.	Murphy	Wilson, Miss.
Bushong	Hammer	Norton, N. J.	Wingo
Butler	Haugen	O'Connor, N. Y.	Wolverton
Casey	Huddleston	Oldfield	Wood
Clancy	Hudspeth	Palmer	Wurzbach
Cochran, Pa.	Hughes	Pou	Yates
Connally, Tex.	Hull, Morton D.	Rayburn	Yon
Curry	Hull, Tenn.	Reid, Ill.	

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Williamson (for) with Mr. Bacon (against).
Mr. Wood (for) with Mr. Pou (against).

Until further notice:

Mr. Manlove with Mr. Oldfield.
Mr. Begg with Mr. Boylan.
Mr. Lehlbach with Mr. Stevenson.
Mr. Reid of Illinois with Mr. Fisher.
Mr. Clancy with Mr. Sullivan.
Mr. Beers with Mr. Underwood.
Mr. Wurzbach with Mr. Hammer.
Mr. Eaton with Mr. Hudspeth.
Mr. Kearns with Mr. Kunz.
Mr. Wolverton with Mrs. Norton of New Jersey.
Mr. Strother with Mr. McSweeney.
Mr. Murphy with Mr. Garrett of Texas.
Mr. Britten with Mr. Drane.
Mr. Leatherwood with Mr. Blanton.
Mr. Anthony with Mr. Jeffers.
Mr. Maas with Mr. Wingo.
Mr. Beck of Pennsylvania with Mr. Hull of Tennessee.
Mr. Michaelson with Mr. Dominick.
Mr. Butler with Mr. Connally of Texas.
Mr. White of Kansas with Mr. Bowling.
Mr. Curry with Mr. Allgood.
Mr. Dempsey with Mr. Tucker.
Mr. Gibson with Mr. Johnson of Oklahoma.
Mr. Hughes with Mr. Yon.
Mr. Yates with Mr. Rayburn.
Mr. Golder with Mr. Weaver.
Mr. Haugen with Mr. Fulmer.
Mrs. Langley with Mr. Casey.
Mr. Sinnott with Mr. Auf der Heide.
Mr. Welch of California with Mr. Sears of Florida.
Mr. Boies with Mr. Gilbert.
Mr. Cochran of Pennsylvania with Mr. Wilson of Mississippi.
Mr. Estep with Mr. Sabath.
Mr. Bowles with Mr. Bulwinkle.
Mr. Doutrich with Mr. Douglass of Massachusetts.
Mr. Hull, Morton D., with Mr. Igoe.
Mr. Davenport with Mr. Huddleston.
Mr. Strong of Pennsylvania with Mr. Kincheloe.
Mr. Fitzgerald, W. T., with Mr. Moore, of New Jersey.
Mr. Hall of North Dakota with Mr. Lyon.
Mr. Palmer with Mr. O'Connor of New York.
Mr. Bushong with Mr. Bloom.

Mr. FULMER. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. FULMER. No, sir; I was not.

The SPEAKER. The gentleman does not qualify.

Mr. BRITTEN. Mr. Speaker, I desire to vote "no."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. BRITTEN. Mr. Speaker, I was not present; but I will make the definite statement that the bells ringing in the House Office Building rang three times instead of twice, and therefore I took my time in coming over.

The SPEAKER. The gentleman does not qualify.

Mr. WELCH of California. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. WELCH of California. No; I was just outside of the Chamber.

The SPEAKER. The gentleman does not qualify.

Mr. HALL of North Dakota. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman present and listening at the time his name was called?

Mr. HALL of North Dakota. No; I was not.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

Mr. GRIFFIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for two minutes. Is there objection?

Mr. SIMMONS. Mr. Speaker, I think I shall have to object. The House leaders on both sides are desirous of expediting this matter.

Mr. GRIFFIN. Then, Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GRIFFIN. Mr. Speaker, ladies, and gentlemen of the House, the vote has been taken, but I assert that the matter was presented to the House in such a way that the Members were not made acquainted with the actual situation. The Senate did not refuse to recede from the 60–40 proposition but made the offer of one-third to two-thirds and desired that proposition be submitted to the House. One of the Senate conferees even agreed to accept as low as 27 per cent as against 73 per cent. The question is not one of mere dollars and cents but rather a struggle to attain some formula of contribution instead of the hard and inflexible flat sum.

Not having time allowed me on the question, I refer to the extension of remarks, which I prepared and printed in the RECORD of April 20.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 36: Page 48, after line 21, insert "The children of officers and men of the United States Army, Navy, and Marine Corps, and children of other employees of the United States stationed outside the District of Columbia shall be admitted to the public schools without payment of tuition."

Mr. SIMMONS. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment 46: Page 61 of the bill, after line 7, insert:

"The Commissioners of the District of Columbia are authorized to dispose of, by public or private sale in their discretion, the site acquired for an engine house at Sixteenth and Webster Streets NW., and the proceeds thereof shall be deposited in the Treasury of the United States to the credit of the District of Columbia, and the said commissioners are authorized to acquire another site in the vicinity of Sixteenth Street and Piney Branch Road NW., and the sum of $35,000 is hereby appropriated for this purpose: *Provided*, That the commissioners are au-

thorized, in their discretion, to locate the said engine house on land now owned by the District of Columbia, in lieu of purchasing another site therefor: *Provided further*, That the unexpended balances of appropriations made in previous acts for house, site, furniture and furnishings, etc., for a new engine company in the vicinity of Sixteenth Street and Piney Branch Road NW., are hereby continued and made available for expenditure for such purposes during the fiscal year 1929."

Mr. SIMMONS. Mr. Speaker, I move that the House recede and concur with an amendment, as follows:

The Clerk read as follows:

In lieu of the matter inserted by said amendment insert the following:

"The Commissioners of the District of Columbia are hereby authorized and directed to sell the property at the corner of Sixteenth and Webster Streets, heretofore acquired for a fire-engine house site at public or private sale at not less than the purchase price paid therefor by the District of Columbia and pay the proceeds thereof into the Treasury of the United States, to the credit of the District of Columbia; and the commissioners are hereby authorized and directed to erect a fire-engine house, with furniture and furnishings for a fire-engine company, at the northwest corner of Sixteenth Street and Colorado Avenue, on property belonging to the United States, and there is hereby set aside for such purpose a plot of ground running north from the junction of Sixteenth Street and Colorado Avenue, as now publicly owned, 100 feet on Sixteenth Street; thence west at right angles to the street 160 feet; thence south at right angles to the line of Colorado Avenue. The balance of the appropriations carried in the acts of May 10, 1926, and March 2, 1927, for an engine house in the vicinity of Sixteenth Street and Piney Branch Road NW., is made available for the purpose aforesaid."

The SPEAKER. The question is on the motion of the gentleman from Nebraska.

The motion was agreed to.

The SPEAKER. The Clerk will read the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 56: Page 74 of the bill, after line 2, insert: "For the maintenance, under the jurisdiction of the Board of Public Welfare, of a suitable place for the reception and detention of children under 17 years of age arrested by the police on charge of offense against any laws in force in the District of Columbia, or committed to the guardianship of the board, or held as witnesses, or held temporarily, or pending hearing, or otherwise, including transportation, purchase of one passenger-carrying motor vehicle at a cost not to exceed $750, operation and maintenance of motor vehicles, food, clothing, medicine and medical supplies, rental and repair and upkeep of buildings, fuel, gas, electricity, ice, supplies and equipment, and other necessary expenses, including personal services in accordance with the classification act of 1923, $25,000, to be immediately available: *Provided*, That such portion as the Commissioners of the District of Columbia may determine of the appropriation of $25,000 for rent, under the heading 'Contingent and miscellaneous expenses, District of Columbia,' contained in the first deficiency act, fiscal year 1928, shall be available for the purposes of this paragraph."

Mr. SIMMONS. Mr. Speaker, I move that the House recede and concur with an amendment.

The Clerk read as follows:

After the words, "For the maintenance, under the jurisdiction of the Board of Public Welfare, of a suitable place," insert the following: "in a building entirely separate and apart from the House of Detention."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 57, page 78, after line 12 insert the following:

"Working capital: To provide working capital for industrial enterprises at the workhouse and the reformatory, the commissioners shall transfer to a fund, to be known as the working-capital fund, such amounts appropriated herein for the workhouse and reformatory, not to exceed $50,000, as are available for industrial work at these institutions. The various departments and institutions of the District of Columbia and the Federal Government may purchase, at fair market prices, as determined by the commissioners, such industrial or farm products as meet their requirements. Receipts from the sale of such products shall be deposited to the credit of said working-capital fund, and the said fund, including all receipts credited thereto, may be used as a revolving fund during the fiscal year 1929. This fund shall be available for the purchase and repair of machinery and equipment, for the purchase of raw materials and manufacturing supplies, for personal services in accordance with the classification act of 1923, and for the payment to the inmates or their dependents of such pecuniary earnings as the commissioners may deem proper. The commissioners shall include in their annual report to Congress a detailed report of the receipts and expenditures on account of said working-capital fund."

Mr. SIMMONS. Mr. Speaker, I move that the House recede and concur with an amendment.

The Clerk read as follows:

In lieu of the sum inserted by said amendment, insert "$25,000."

The SPEAKER. The question is on the motion of the gentleman from Nebraska.

The motion was agreed to.

PENSIONS

Mr. ELLIOTT. Mr. Speaker, I call up a conference report on H. R. 10159, an act granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10159) entitled "An act granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same.

W. T. FITZGERALD,
R. N. ELLIOTT,
E. M. BEERS,
MELL G. UNDERWOOD,
RALPH F. LOZIER,
Managers on the part of the House.

PETER NORBECK,
PORTER H. DALE,
DANIEL F. STECK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 10159) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and embodied in the accompanying conference report as to each such amendments, namely:

On No. 1: The amendment of the Senate provides that widows shall be eligible to receive the pension provided for in said act when they arrive at the age of 72 years instead of 75. The bill as it passed the House would grant increases of pension to approximately 90,000 widows and would entail an additional cost on the Government of $10,800,000 for the first year. The amendment of the Senate would bring in approximately 32,320 more widows at this time, making an additional annual cost of $3,878,400, but inasmuch as the amendment of the Senate was seriously endangering the passage of any bill the conferees unanimously agreed to leave the age limit at 75 years. All of the widows who are now drawing $30 per month under existing general law as fast as they arrive at the age of 75 years will be entitled to the benefits of this act.

On No. 2: The amendment provides that the pensions shall begin on the fourth day of the month next after the approval of this act instead of the fourth day of the next month after the approval of the same.

W. T. FITZGERALD,
R. N. ELLIOTT,
E. M. BEERS,
MELL G. UNDERWOOD,
RALPH F. LOZIER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13511) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children

of soldiers and sailors of said war, with Senate amendments, and agree to Senate amendments.

The Senate amendments were read.

The Senate amendments were agreed to.

AIRCRAFT PROCUREMENT BOARD

Mr. JAMES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill (H. R. 471) relating to the Aircraft Procurement Board.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. JAMES. Mr. Speaker, during the Sixty-ninth Congress the gentleman from Kentucky [Mr. VINSON] introduced a bill providing for the establishment of an Aircraft Procurement Board, to consist of an Assistant Secretary of War, an Assistant Secretary of the Navy, an Assistant Secretary of Commerce, an Assistant Postmaster General, the Chief of the Bureau of Aeronautics, and the Chief of the Air Corps. Those officials represent the executive departments of our Government interested in the development of aviation and vitally concerned with the problem of aircraft procurement.

Mr. VINSON'S bill was the result of painstaking and diligent study on his part and was recognized by those best informed on this subject as a valuable and constructive measure, the enactment of which would mean much to the development of Government aeronautics and at the same time make aircraft procurement more economical and efficient.

In the last days of the Congress it passed the House, but, unfortunately for our Government, this important bill did not become a law in the Sixty-ninth Congress. However, on January 16 of this year the House by unanimous consent passed the bill, H. R. 471. It has not yet passed the Senate. Too much valuable time has already been lost. It means a great deal to the Air Service and also to the American taxpayers. It is earnestly hoped that this much-needed legislation will be enacted before the adjournment of the present session.

It has attracted wide attention in circles interested in aircraft development, as is evidenced by an interesting article by Mr. Frank A. Tichenor in the February, 1928, issue of the Aero Digest, published at New York City. That article, laudatory of both Mr. VINSON and his bill, is worthy of quotation, and under the leave granted me I include the following excerpt from it:

A CONSTRUCTIVE BILL

It is an agreeable change to turn from Mr. Wilbur to the Hon. FRED M. VINSON, Member of Congress from the ninth Kentucky district. He does not come to the floor of the House with any demand for millions to be spent on useless steel flotillas that would be transformed into "sunkotillas" by the judicious application of a few small bombs. Instead he appears bearing in his strong right hand House bill 471, to provide for an aircraft procurement board.

That might go a long way toward assuring for the various services the best aircraft that can be built in the United States, and, by coordination, would do away with a lot of useless effort. The board is to be intrusted with the procurement of all aircraft purchased by the Government, naval, military, and commercial. This board will be a good thing for the Government.

In originating and fighting for this bill Congressman VINSON offers the country a plan calculated to eliminate waste and assure suitable planes for every department. By assuring all of the air services the very best equipment his plan will achieve another useful, needful service.

It passed the House on January 16, and doubtless will pass the Senate. Howard Coffin, who was active in aircraft procurement during the war and a member of the President's aircraft board, stated in a letter to Congressman VINSON:

"I have read with much interest your speech on the floor in favor of the proposal for the establishment of an aircraft procurement board to consist of the Assistant Secretaries of the War, Navy, Commerce, and Post Office Departments.

"I should say that one of the greatest difficulties of the past, both during and since the war, has been the fact that there has not previously been lodged in any one place of high authority a definite executive responsibility for the handling of aviation affairs. This has been peculiarly true with regard to the procurement of aeronautical material. This has been one of the main causes of the inability of Congress to obtain dependable information and for the distrust and misunderstandings thereby engendered. * * * These activities have, during the past several years, certainly had a destructive effect upon the progress of the art in this country, and greatly delayed the passage of constructive legislation. The creation of this board of Assistant Secretaries, whose job it is to devote their attention to the subject of aviation, will go a long way to offset these abuses and will provide the Congress with a definite and authoritative point of contact with all phases of aviation, both governmental and civil.

"It's a fine job. Good luck to you."

Mr. VINSON deserves the thanks of the whole aircraft industry for having devised this highly progressive and constructive measure, which will bring into closer cooperation those branches of the Government which purchase in this field, thereby not only assuring economical use of money, but exercising a good influence in various directions.

DEVELOPMENT OF INLAND WATERWAYS

Mr. PARKER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further discussion of the bill H. R. 13512.

Mr. TILSON. Before that motion is put, Mr. Speaker, I should like to ask the gentleman as to the time that will be required to finish consideration of the bill. Is there any disposition to prolong the consideration of this bill?

Mr. PARKER. I will say that when the House adjourned on Tuesday evening we had this bill under consideration. The bill had been debated at length, it had been read, and the men in charge of the bill were doing everything they could to expedite the passage of the legislation. I will assure the gentleman that everything will be done to take as little time as possible.

Mr. BANKHEAD. Will the gentleman yield?

Mr. PARKER. Yes.

Mr. BANKHEAD. On any amendments that are to be offered the gentleman can move to close debate. I have heard no substantial opposition to the bill.

Mr. PARKER. In answer to the gentleman, I will say that that was the very thing that was done, that was the motion I made when a point of no quorum was raised. I was endeavoring to do what the gentleman suggests.

Mr. TILSON. Will the gentleman state if, in his judgment, it may be finished within a half hour?

Mr. PARKER. Yes.

Mr. TILSON. If it is not, will the gentleman be willing to have the committee rise at that time?

Mr. PARKER. With the House thoroughly understanding my position I will make that agreement. That is, if it is not finished in half an hour, I agree to move that the committee rise, but I want it thoroughly understood that I am doing this because I have to do it.

Mr. OLIVER of Alabama. Half an hour is too limited a time. Say, 45 minutes.

Mr. TILSON. There is no request or demand for time for debate upon the subject, as I understand.

SPECIAL ORDER—THE "S-4" DISASTER

The SPEAKER. The Chair asks the gentleman from New York [Mr. PARKER] to withhold his motion for 10 minutes in order that he may recognize the gentleman from New York [Mr. GRIFFIN] for 10 minutes, under the special order.

Mr. GRIFFIN. Mr. Speaker, this is a busy, practical, cold world. The kindlier emotions of mankind may be aroused at times in the face of some great calamity, but after a few days or weeks we forget the tragic happenings and go about our business. We forget the sorrow, the suffering of the bereaved. We forget not only the event but the lessons of the event. I am not complaining about this. It is a truism which all the world admits. Occasionally busy men forget their cares and responsibilities and do give thought to these delicate, kindly sentiments which actuate the human heart. Then they go through certain forms of memorials. They stand demurely and bow their heads in prayer and give all the appearance of interest and sympathy.

Even though the world should forget, I submit it is a violation of our duty to ignore an event such as that which occurred on December 17 last, just five months ago to-day, when the *S-4* went down with all hands. Let us go back a moment to those thrilling days when all were hoping and praying for prompt rescue. Everyone said that such an event would never take place again, that there were certain lessons to be learned from the disaster, and that we were going to profit by those lessons.

Even the President of the United States was aroused sufficiently to send a special message to this House on January 7, and a resolution (H. J. Res. 131) was presented by our dear friend and colleague, Mr. BUTLER, of Pennsylvania, in which he called for an investigation of the disaster. This resolution had two features: One directed toward the investigation of safety devices and appliances, and the other covering an investigation of the causes of the disaster. The resolution passed the House on January 7 and went over to the Senate. The Senate was willing to permit an inquiry into the question of safety devices, but felt that the investigation of the causes of the disaster ought to be made by Congress itself.

The resolution therefore was amended so as to provide for the appointment of a joint congressional committee to take up the two phases of the question: The study of safety appliances and the study of the facts. The Senate passed that amended resolution on January 30. The conferees met and disagreed. I ask in all fairness, in the name of the men who are dead, who perished under such horrifying circumstances, are we going to laugh at this tragedy, are we going to ignore their suffering and that of their families?

It is a travesty upon parliamentary procedure that it seems to be possible for conferees to hold up indefinitely a resolution of this character. I know that I would not venture, if I were one of the conferees, to put the President of the United States and the Secretary of the Navy in the awkward situation of being charged with hypocrisy and lack of sincerity when that message was read in all solemnity to this House asking for this commission to be appointed.

The Senate is now proceeding with an investigation of the facts upon its own accord. There is no excuse whatever for the conferees failing to get together. The Senate, I am satisfied, would be willing to recede on the proposal to have the commission or any joint committee study the facts. The Senate is doing that itself. I am satisfied that if the gentleman from New York, the chairman of the conferees on the part of the House, would revive his interest in the matter once again the Senate would recede and that that resolution to study preventive measures could be passed before we adjourn.

The *S–4* disaster has aroused the people of the United States as no other tragedy has ever before. I have letters from hundreds of people from all over the United States, and even from Europe and Australia, bearing upon this tragedy; and what a pitiable picture we present to the world if this legislative body fails to do something to recognized the necessity for providing for the safety of the brave men who man our submarines.

In addition to the letters that I have received in protest against the occurrence and even recurrence of these disasters, I have hundreds of suggestions for safety appliances. They are waiting to go before the commission which everyone expects is to be appointed. Captain Filene, of the Navy Department, tells me that he has nearly 2,000 suggestions waiting for study and examination. Some of them may be meritorious and others, of course, will prove to have no merit at all; but they are waiting the action of this House, because the Navy does not want to proceed with an investigation upon their own account and leave it open to the charge of bias. They want to preclude all criticism.

In passing the Butler resolution you will not only assent to the will of the President and the Secretary of the Navy, who, I believe, are sincere, but you will have accomplished something to justify our position before the world.

I am thinking of those unhappy youths tapping out their own requiem in the chambers of the submerged submarine—tap, tap, tap—waiting for relief, waiting with torturing anxiety amidst the fumes which rose from the batteries in the vessel, and which slowly choked them to death. [Applause.]

Under the leave to extend I herewith append the results of a questionnaire I addressed to our naval attachés at Berlin, London, Paris, and Rome.

SUBMARINE SAFETY AND SALVAGE DEVICES USED OR NOT USED IN FOREIGN NAVIES

Shortly after the sinking of the *S–4*, I prepared a questionnaire for the purpose of ascertaining the extent to which safety and salvage devices were in use in foreign navies.

Through the good offices of our Department of State the questionnaire was forwarded to our naval attachés at Berlin, London, Paris, and Rome.

The questions (nine in number), with the answers, are as follows:

Mr. GRIFFIN, Representative in Congress from New York, desires the following information respecting safety devices and salvage appliances in foreign navies:

(1) Whether grappling rings, eyelets, or shackles are attached to the hulls of submarines to facilitate their prompt raising.

(2) Whether or not a form of telephone signal buoy is in use which may be released in case of accident, and by which communication may be had with the crew.

(3) Whether or not salvage air inlets are provided for each compartment of the submarine, or whether there is one salvage inlet communicating to the receptive compartments (as seems to have been the condition in the *S–4* type of vessel).

(4) Whether or not diving chambers by which the crew can escape are provided.

(5) Whether or not submarines are provided with releasable rafts, boats, or chambers by which the crew can escape.

(6) Whether or not a diving helmet, or diving apparatus, known as the Draeger diving-rescuer, or any similar device is adopted.

(7) Whether or not there is at the present time, or in contemplation, salvage vessels of the *Catamaran*, type by means of which a submarine can be lifted from the bottom.

(8) If such vessels are in commission, please state their tonnage, their length, and their lifting capacity.

(9) It will be appreciated if you will mention any instance when, and the circumstances under which, such vessels were put to use, and whether they proved effective, giving the tonnage and the net lift or weight of the vessels involved.

GERMAN

BERLIN, *March 20, 1928.*

The honorable the SECRETARY OF STATE,
Washington.

SIR: Adverting to the department's instruction No. 2047, dated February 28, 1928, I have the honor to inclose herewith a copy of a self-explanatory letter, dated March 16, 1928, received from the naval attaché, setting forth answers to the several questions propounded in a questionnaire regarding safety devices and salvage appliances in use in foreign navies, addressed to the department by the Hon. ANTHONY J. GRIFFIN.

I have the honor to be, sir,
Your obedient servant,

JACOB GOULD SCHURMAN.

(Inclosure: 1. Letter of naval attaché.)

OFFICE OF THE NAVAL ATTACHÉ,
Berlin, Tiergartenstrasse 30, March 16, 1928.

From: The naval attaché, Berlin.
To: The counselor of embassy, Berlin.
Subject: Information requested by the Hon. ANTHONY J. GRIFFIN.
Reference: (a) Embassy letter of March 12, 1928.

Please refer to your letter of March 12, 1928, with two inclosures relative to the salvaging appliances in the German Navy. I will take the questions one at a time in order to avoid confusion.

1. In peace times grappling rings, eyelets, or shackles were attached to the hulls of most of the submarines. During the war they were removed from many on account of the additional weight.

2. Such buoys were employed on the submarines in peace times and were part of the normal installation. During the war they were firmly secured so as to prevent their becoming loose and thus disclosing the position of the submarine to an enemy ship.

3. Air inlets could not be installed for each compartment of the submarine, but on the later submarines there was an air inlet in the forward compartment, the midship compartment, and the after compartment, all well separated. These air inlets had cocks which could be operated both from the interior and the exterior of the hull.

4. An air chamber was provided in the larger submarines, but they were not used in any salvaging operations. The loss of space entailed by the installation of such a diving chamber restricted their number to one for the larger submarines.

5. No.

6. Yes, one for each member of the crew, distributed proportionately in the compartments to the number of men normally in that compartment.

7. Before the war the *Vulkan* was built and was used during the war. The *Cyclops* was not completed until 1918. After the war the *Vulkan* was sunk and the *Cyclops* was turned over to England. These vessels were especially built for submarine-salvaging work.

8. A description of these vessels can be obtained from Jane's Fighting Ships, 1914 or 1915. The *Vulkan* was approximately 2,000 tons' displacement, and lifting capacity of about 500 tons. The *Cyclops* was about 2,800 tons' displacement, with lifting capacity of 1,200 tons. A copy of Jane's Fighting Ships with a description of these vessels may be had from the Navy Department in Washington.

9. During the war the *Vulkan* salvaged six sunken submarines from varied depths from 11 to 30 meters. In none of the operations were any of the crew saved through the operations of the *Vulkan*. Most of the installations for attaching salvaging devices had been removed from the submarines in order to save weight, and it was therefore necessary for the divers from the *Vulkan* to pass slings around the hull. After the submarine was located and operations possible by divers it was possible to lift the submarine in nine hours and less. The success of operations from the *Vulkan* depended upon the ability of the divers to locate the wreck and to commence salvaging operations. The time lost in locating the wreck and passing the slings was always too long to enable the submarine to be raised in time to save any of the personnel. On December 7, 1917, submarine *B–8* was sunk in the Baltic Sea in 30 meters of water under conditions almost identical with those obtaining when the *S–4* was sunk. The sea was heavy and wind was force 9. It was impossible for the divers to operate, and no salvaging operations were possible until the weather moderated. By this time all the personnel of the submarine had perished.

G. M. BAUM.

BRITISH

LONDON, *March 29, 1928.*

The honorable the SECRETARY OF STATE,
Washington, D. C.

SIR: I have the honor to refer to the department's instruction No. 1315, February 29, 1928, regarding safety devices and salvage appliances in use in foreign navies, and to state that the questionnaire contained therein was promptly referred by the naval attaché to the appropriate authorities of the admiralty, and a reply, dated March 26, 1928, has been received, of which the pertinent portion is quoted, as follows:

"I beg to inform you that as regards question 3 a salvage air inlet (or, as it is termed, divers' connection) is fitted to each main compartment of the submarine. Each inlet is independent of the rest and supplies air only into the compartment in which it is fitted.

"The answers to all the other questions are in the negative."

I have the honor to be, sir,

Your obedient servant for the ambassador,

RAY ATHERTON,
Counselor of Embassy.

FRENCH

VARIOUS INFORMATION ON THE DEVICES ADOPTED BY THE FRENCH NAVY FOR SUBMARINE SALVAGING

1. The French Navy no longer uses grappling rings, eyelets, or shackles attached to the hull of submarines for lifting purposes.

2. The French Navy uses a telephone buoy which can be released from the interior of the submarine.

3. In each compartment there exists an air inlet.

4. No submarine is provided with a diving chamber.

5. Submarines have folding lifeboats that are placed on the bridge (Berton system).

6. Submarines are provided with an automatic diving apparatus (Boutan type).

7, 8, 9. There exists 3 lifting docks with cables, the characteristics of which are the following:

Length.....meters..	100	70	98
Displacement.....tons..	2,000	1,500	2,300
Lifting capacity.....do....	550	700	1,000

Up to the present time the dock at Cherbourg (700 tons) has been used only once, to lift the *Gustave Zedé* (850 tons), which had sunk, no crew being on board, in one of the basins of Cherbourg.

The construction of other salvage vessels is not contemplated.

ITALIAN

1. The new submarines will be equipped with grappling rings to which can be applied a lifting force equal to 35 per cent of surface displacement of the submarine.

2. All submarines of new construction will have two telephone signal buoys, one at the bow and the other at the stern. The buoys will be supplied with telephone, an apparatus for luminous signals, and a salvage air inlet.

3. Submarines in construction will have a salvage air inlet with outside connections for use of the divers which can furnish air from the exterior into the internal compartments of the submarine.

4. Submarines now building will have two exit locks for the eventual escape of the crew, one at the bow and the other at the stern; the turret will be so constructed as to serve also as an exit lock.

5. Detachable cabins (Cavallini and Belloni type) were devised several years ago for the escape of the crew and experiments were made; these cabins, however, have never been applied for reasons of encumbrance and of weight.

6. It is not contemplated to assign a diving apparatus to each man for the time being.

7. The Royal Navy does not possess salvage vessels of the double-hull or catamaran type.

8. No salvage vessels have been ordered.

9. The only salvage vessel owned by the Royal Navy is the pontoon *Anteo*, capable of lifting 400 tons. It was used only during the war for raising at Taranto a sunken Austrian mine-laying submarine. There has been no further occasion of employing it.

As showing the interest in safeguarding the lives of the crews of submarines, I append also the names and addresses of persons who have submitted plans and suggestions:

"S-4" DISASTER—PERSONS SUGGESTING SAFETY DEVICES

A

John Antle, St. Johns, Newfoundland.
Charles Angelo, Westfield, N. J.

B

Frauenfelder Barraja, 1600 Walnut Street, Philadelphia, Pa.
A. J. Boots, 105 South Court Avenue, Memphis, Tenn.
Clarence W. Bruce, Smithville, Ark.
Carleton Brown, 407 Dominion Express Building, Montreal, Canada.
Lloyd Brubaker, Petrolia, Calif.
J. J. Burke, 4339 Brown Street, Philadelphia, Pa.
George Brynell, Denver, Colo.
Thomas J. Burke, 424–26–28 Chartres Street, New Orleans, La.

C

R. J. Caldwell, 19 West Forty-fourth Street, New York City.
Arthur L. Chapman, 29–31 Flower Building, Watertown, N. Y.
T. J. Churl, 321 Park Avenue, Baltimore, Md.
Jacob Colesworthy, Brooklyn, N. Y.
S. R. Cippelli, 2871 Octavia, San Francisco, Calif.
Clark & Sons, 235 Russell Street, New Haven, Conn.
W. W. Collins, 143 Eighty-fifth Street, Jamaica, N. Y.
E. F. Crane, 1207 Washington Street, Hoboken, N. J.
Isadore P. Carroll, 65 Clinton Avenue, Albany, N. Y.
Frank Cable, 37 Madison Avenue, New York City.
Capt. C. H. Clark, 175 West Ninety-fifth Street, New York City.

D

Capt. Sloan Danenhower, 11 East Eightieth Street, New York City.
Charles Daub, 2026 Valentine Avenue, New York City.
Daniel F. Doran, 546 Pershing Avenue, Ottumwa, Iowa.
Edmund Plowden Dougherty, jr., 501 West One hundred and twenty-first Street, New York City.

E

W. A. Echo, 933 H Street, Washington, D. C
Capt. E. H. Evensen, 422 Fifty-third Street, Brooklyn, N. Y.

F

Arthur H. Fargo, 179 Summer Street, Boston, Mass.
William Harrison Fauber, 55 Hicks Street, Brooklyn, N. Y.
C. E. Fred Fincke, 485 Central Park west, New York City.
F. W. Fitzpatrick, 418 Church Street, Evanston, Ill.
M. V. Ferris, 20 Davoy Street, Boston, Mass.

G

John M. Ganzer, Pontiac, Mich.
Styles H. Getz, P. O. Box 1613, Philadelphia, Pa.
Timothy D. Gleason, 169 Betts Avenue, Maspeth, New York City.

H

George A. Hahn, Huntington Station, N. Y.
Francis G. Hall, jr., Box 82, Roslyn, Pa.
J. L. Haralson, Donaldsonville, Ga.
Harry Heine, 74 Duane Street, New York City.
Robert L. Hendry, 444 East Sixty-sixth Street, New York City.
John P. Hennessey, 931 Shepherd Street NW., Washington, D. C.
William Horn, 1716 Hobart Avenue, New York City.
Capt. H. F. Horan, 353 Eighty-seventh Street, Brooklyn, N. Y.
Solomon Harper, 32 West One hundred and thirty-second Street, New York City.

I

J. Israel, 711 Cassatt Street, Pittsburgh, Pa.

K

George F. Keating, 216 Eddy Street, San Francisco, Calif.
Paul A. Kelley, Box 16, Sayville, N. Y.
H. J. Koontz, Bessemer Building, Pittsburgh, Pa.
Walther Kurze, New Athens, Ill.

L

Simon Lake, Milford, Conn.
Charles J. Leach, 4808 Fourth Avenue, New York, N. Y.
William La Grange, 1473 Flushing Avenue.
E. J. Laso, 385 Chauncey Street, Brooklyn, N. Y.
Washington G. Lee, 705 Fourth Street, Washington, D. C.
Patrick Lowe, 933 East Ontario Street, Philadelphia, Pa.
Joseph Leonard, 30 Custom Street, London, England.
Charles Leaver, 14 Worthley Street, Red Bank, N. J.
George W. Lee, 1310 Twenty-third Street, Washington, D. C.
Francis LeGuen, 127 Hobart Avenue.
W. E. Leininger, 4513 North Camac Street, Philadelphia, Pa.
Walter Link, 1332 I Street, Washington, D. C.
Frank H. Link, Twenty-second Street and Eleventh Avenue, Whitestone, L. I.
William Lister, 1605 Elmwood Avenue, Wilmette, Ill.

M

Pedro Maggio, 325 Fifty-sixth Street, Brooklyn, N. Y.
P. E. Matthews, 1020 Myrtle Avenue, Plainfield, N. J.
E. S. Mahoney, 300 Hatton Street, Portsmouth, Va.
Frank Maltese, 343 Bronx Park Avenue, New York, N. Y.
Charles C. Mertz, 1932 Riggs Avenue, Baltimore, Md.
Capt. A. G. Midford, 36 Emerald Street South, Hamilton, Ontario.
F. F. Morris, Wilkinsburg Station, Pittsburgh, Pa.
E. F. Moss, St. Lau, Colo.
I. Mason, 115 Myrtle Avenue, Brooklyn, N. Y.

Mc

Joseph McIntyre, 91 St. Marks Place.
George McLaughlin, 2034 Lexington Avenue, New York.

N

Joseph Neumann, Norwalk, Conn.
W. Nicholson, Monroe, Wash.
Theo H. Niermann, 1409 Carlisle Avenue.

O

W. S. Osmond, 5329 Willows Avenue.
L. A. Overmayer, 1148 Packard Avenue.
Maj. John F. O'Rourke, 17 Battery Place.

P

Edward Pardoe, South Fork, Pa.
William E. Parker, 25 South Street, New York City.
Jerome Pasini, 94 Baxter Street, New York City.
Herbert J. Pearsall, 101 West Broad Street, Westfield, N. J.
Ernest H. Pettit, 120 Reliance Avenue, Lasalle, N. Y.

Q

John W. Quyon, Parkersburg, W. Va.

R

Edmund Redmond, 1500 South Avenue, Rochester, N. Y.
Ernest Reincke, Esq., 50 West Street, Haverstraw, N. Y.
J. W. Reno, 261 Broadway, New York City.
M. Reyngoudt, 474 Highland Avenue, ———, N. J.
James L. Roach, 59 East One hundred and twenty-seventh Street, New York City.
Charles H. Rockwell, 315 Fifteenth Street, Honesdale, Pa.
C. P. Rodgers, 249 Lincoln Avenue, Cliftondale, Mass.
Emma M. Rowson, 240 Hawthorne Avenue, Haddonfield, N. J.

S

George W. Selway, 426 Kingsland Avenue, Lyndhurst, N. J.
Adolph G. Stahl, 576 Courtlandt Avenue, Bronx, New York City.
Charles G. Stark, Bay Shore, Long Island.
Charles T. Starr, 218 North Avenue, Westfield, N. J.
E. W. Stout, 414 South Fourteenth Street, Richmond, Ind.
Theodore O. Strauss, 611 West One hundred and fifty-eighth Street, New York City.
Patrick Sullivan, 767 Amsterdam Avenue, New York City.
S. W. Stanton, 18 North Nineteenth Street, East Orange, N. J.
Peter Schon, 928 Sheridan Place, Chicago, Ill.
Alfred R. Stackhouse, Palmyra, N. J.

T

G. Tismer, 1601 Twenty-second Street NW., Miami, Fla.
Max Thum, 747 East One hundred and sixty-eighth Street, New York City.
A. Trautman, 1040 Bushwick Avenue, Brooklyn, N. Y.
Frank I. Turner, 551 Fifth Avenue, New York City.

V

H. Van Arz, 20 Vesey Street, New York City.

W

A. J. Wachs, 1581 Fulton Avenue, Bronx, New York City.
W. V. Washabough, Quaker Hill, Conn.
H. G. Welo, 342 Madison Avenue, New York City.
J. H. Welsh, 503 West Forty-third Street, New York City.
Lozella A. Williamson, Hammonton, N. Y.
Frank Wolff, 36 Prospect Place, Brooklyn, N. Y.
Pierre Wood, 103 Pilot Street, City Island, N. Y.

INLAND WATERWAYS CORPORATION

Mr. PARKER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13512.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13512. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Massachusetts [Mr. FROTHINGHAM] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13512, with Mr. FROTHINGHAM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13512, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 13512) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924.

The CHAIRMAN. When the committee rose the other day an amendment proposed by the gentleman from Massachusetts [Mr. TREADWAY] was pending. The Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. TREADWAY: Page 3, line 24, strike out all of paragraph (c).

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. SHALLENBERGER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Nebraska moves to strike out the last word.

Mr. SHALLENBERGER. I ask unanimous consent, Mr. Chairman, to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. SHALLENBERGER. I have been a member of this committee for five years and can not recall of having asked for 10 minutes upon a transportation bill before. The Committee on Interstate and Foreign Commerce has persistently refused to report any important railroad legislation. We are strong for bridges and lighthouse bills.

Perhaps the committee's policy was announced to me by its former chairman when I first became a member, and I asked him if the committee would not consider bills to correct our transportation laws. The chairman's reply was, "This committee considers only what the President tells us to consider, and if you d——— Democrats were in control you would do the same thing."

I am glad therefore that the committee under its present leader has at last reported a transportation measure, even though it only deals with a minor portion of the Nation's needs in this matter. It promises some slight competition in rates on basic agricultural products which at present are excessive and unfair.

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. PARKER. Have we not reported another bill that has to do with transportation?

Mr. SHALLENBERGER. Not with freight and passenger rates.

The transportation act of 1920 destroyed railroad competition and set up a transportation monopoly in this country. By the provision requiring a certificate of convenience and necessity it stopped railroad building and constituted existing systems a transportation trust.

By fixing both maximum and minimum charges the Interstate Commerce Commission has destroyed all competition in rates.

We hear a great deal of loose talk about Government operation of railroads. We have it in substance now under the act of 1920.

A Federal bureau controls the essentials of railroad business—establishment of lines and systems and all rates and charges. All the railroad managers have to do now is to keep the books and run the trains. Railroad rates can not be reduced even if the managers think it beneficial both for the roads and the public to do so. The Interstate Commerce Commission is now the poobah of transportation.

Competition either by waterways, highways, or the air affords the only chance for relief from the burdens of the transportation trust. The necessity for competition by water was brought out in the hearings on this bill. I have supported this bill in the committee and shall vote for its passage.

My State is interested in this bill. Nebraska ships more outbound agricultural freight by the Inland Waterways Corporation than any other Western State. We also pay enormous tribute to the railroads because of the excessive freight rates authorized by the present law. Water competition brought an offer of freight reduction upon certain merchandise, but the Interstate Commerce Commission would not permit it.

A very large tonnage of canned goods moves eastward from California and the Pacific coast each year. It amounts to 800,000 tons annually. The rate on this freight is $1.05 per hundred in car lots of 60,000 pounds from San Francisco to western Nebraska. But the railroads grant Chicago, Pittsburgh, Boston, or New York the same freight rate they do Grand Island, Nebr., or any other point east of the Rocky Mountains upon this traffic.

If the Boston rate is fair and compensatory, it is evidently very unfair to Nebraska. If the rate is just and reasonable to Nebraska, then the railroads can carry cars of canned goods from Grand Island, Nebr., to Boston, Mass., for nothing. How can they afford to do that, you ask? Because the Interstate Commerce Commission has raised the rate on farm products from Nebraska to the Atlantic coast so tremendously since March 1, 1920, that the loss on the long shipment of canned goods is made up by the overcharge on the agricultural products of the Central West.

In order that the eastern consumer may have a free car-lot rate for 1,500 miles, the rate on corn and wheat from the Central West was enormously increased. Now the people of the Middle West protested to the railroads against the unjust and unreasonable freight charges on canned goods coming from the Pacific coast.

They joined with others in the Mississippi Valley in a request for a reduction in freight rates on the 800,000 tons of canned goods. The railroads offered to cut the rate 15 cents per hundred.

The Interstate Commerce Commission refused to permit the reduction proposed by the railroads. It is claimed that transcontinental railroad freight rates have been reduced because of canal competition. Those who claim this do not know the facts. I thought so myself until I learned the truth. The records show that such freight rates were much lower before there was any Panama Canal than they are to-day. The Panama Canal was officially opened January 1, 1915. At that time the railroad car-lot rate on canned goods from the Pacific coast to Mississippi Valley territory and eastward was only 62½ cents per hundred pounds. In 1920, by order of the Interstate Commerce Commission the rate on the same goods was raised to $1.20½ per hundred. In 1921 the rate was reduced to $1.05 per hundred, where it now stands.

It was claimed by the commission and others that the water carriers who resisted the reduction could not afford the 15-cent cut proposed by the railroads and maintain their competition. The water carriers fix their own freight rates. The Interstate Commerce Commission does not control them. They have at times reduced rates on this same class of freight from California to the Atlantic coast, via the Panama Canal, as much as 25 cents a hundred. It has varied from 30 to 55 cents per hundred pounds.

Mr. GARBER. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. GARBER. Has not the Panama Canal been used as a ground for the increasing of freight rates throughout the interior section of the country?

Mr. SHALLENBERGER. Yes.

It would appear therefore that the interests of the carriers and not of the consumers and shippers was the determining factor in the decision of the commission. The public lost and the carriers won. Open competition in public affairs benefits the people. Bureau control is the stronghold of monopoly.

Another instance of favoritism by the commission is the preferential rate granted iron and steel for export as compared to wheat and corn. Iron or steel for domestic use is carried from Chicago to the Pacific coast for $1 per hundred pounds. The export rate on steel from Chicago to the Pacific coast is only 40 cents. The rate on wheat for export from Nebraska to New York or Baltimore is only 6 cents a hundred less than the domestic rate.

A reduction of 60 cents a hundred pounds on steel for export is granted as against a reduction of 6 cents a hundred on wheat or corn. The favor granted to steel is ten times that granted to corn or wheat when seeking a foreign market. Scores of just such gross discriminations could be pointed out under existing conditions if time permitted. As I have already pointed out, the transportation act has created a railroad monopoly, and monopolies are always unjust, unreasonable, and indefensible. Until the present transportation act is repealed or amended, the public must rely upon competition by water or the highways for any relief from the burden of unfair freight rates.

There is one warning that I want to sound to the friends of this bill. Keep water transportation entirely free from control by the Interstate Commerce Commission. That body should remain as it is, a railroad commission only. If the inland waterways ever come under the control of the railroad commission, the rail carriers will begin to dominate it and eventually control and destroy its competitive power, which is its chief source of benefit and usefulness as a public utility.

Mr. GARBER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Oklahoma is recognized for five minutes.

Mr. GARBER. Mr. Chairman, members of the committee, the bill under consideration presents the question as to whether we can demonstrate the successful navigation of our inland waterways so that private capital will invest and furnish necessary river transportation.

We began the navigation in 1918 as a war necessity to relieve the freight congestion of the country. This was carried on first under the direction of the Director General of Railroads, who, in July, 1918, appointed a Federal manager to take charge of the service on the Warrior and Mississippi Rivers. Under the transportation act of 1920 the properties were conveyed to the Secretary of War, under whose direction the service was continued until the present time. The act of 1924 created the Inland Waterways Corporation, but made the Secretary of War the incorporator with power to govern and direct the corporation, with the assistance of an advisory board of six members appointed by him.

In 1927 the total assets of the corporation were $17,026,878. It transported 1,200,000 tons of freight during that year.

At the very outset it must be conceded that the experimentation carried on during the last 10 years is not encouraging. The project is not on a paying basis, and if it were not for the substantial prospect of removing the obstacles to a successful demonstration the appropriation of $10,000,000 as provided for in this bill should not be made.

In the first place, the vastness and magnitude of the enterprise has never been fully appreciated. It now involves water channels to the extent of 2,414.9 miles. It is a far greater undertaking than the building of the Panama Canal. It should be approached with that conception.

The inland waterway system is made up as follows:

	Miles
Lower Mississippi division, from St. Louis to New Orleans	1,159.9
Upper Mississippi division, from St. Louis to Minneapolis	692
Warrior division:	
(1) From New Orleans to Mobile, Ala	144
(2) From Mobile to Birming Port	419
Total Warrior division	563

In addition, the corporation owns railroad from Birming Port to Ensley, Ala., a distance of 18 miles.

The experiment has not had a fair trial. Unforeseen obstacles have developed. The work of stabilizing a channel has not progressed as rapidly as was expected. As national highways it is the legitimate province of the Government to provide a dependable channel for the commerce of the country. The necessity for modern terminal facilities was not fully appreciated. Cities beginning to awake to the advantages of water transportation are now voting bonds and providing suitable terminal facilities, a modern terminal costing from $100,000 to a million dollars, according to the desired capacity.

The cities will not vote bonds to make such investments unless they have the continued assurance of navigation, and this the bill affords. But the third and greatest obstacle in the progress of this demonstration has been the opposition of the railroads. They have refused a division of joint rates preventing an extension of the benefits of inland-waterway transportation to the interior sections of the country. If such benefits can not be so transferred the demonstration can not succeed and navigation of inland waterways should be abandoned. A port-to-port rate will not sustain it. The cities along the rivers can not do it. The demonstration must reach out into the interior sections of the country where the freight rates are high, and this requires traffic arrangements, joint tariffs, rules, and regulations, and an equitable division of freight rates with the barges being operated by the corporation, and thus far we attribute the failure of the experiment to the opposition of the roads and their refusal to cooperate in such arrangements and division of rates.

In this connection the freight agent of the Mississippi Waterways Service said:

> To-day the upper river has less than 5 per cent of its normal joint rates. The Warrior has about 20 per cent of the joint rates which it should rightfully have, of which less than half are covered by satisfactory divisions. The lower Mississippi service has approximately 10 per cent of the appropriate normal joint rates which it should have, and all the existing joint-rate divisions have been established covering only about half of them. * * * The progress during the past decade is not discouraging, but it is obviously most unbusinesslike that these joint-rate and division matters, so easily adjusted as between privately operated rail carriers, were accomplished by the Government barge lines so slowly and at such an unprecedented cost of money and delay. Ten years' experience has clearly demonstrated that railroad carriers will not voluntarily cooperate in accomplishing appropriate coordination of the barge service with the railroad transportation system as intended by law. It therefore seems fitting that some further legislation be enacted to

require quick results at a minimum cost through the Interstate Commerce Commission.

In describing the difficulties with the roads, Mr. Brent, who was for a number of years engaged with the movement of the Mississippi Barge Line, and is now counselor for the waterways divisions for the State of Illinois, the waterways division for the State of Minnesota, and vice president for the Redwood Line, which operates steamships between New Orleans and San Francisco, said:

In 1920 we went before the Interstate Commerce Commission asking for a broad basis of joint rates, for fair divisions, and for fair reciprocal relations with the railroads at terminal points.

That case was presented elaborately and took a long time. The record was some 2,700 pages of testimony and about 500 exhibits. It began in May, 1920, and it was not until May, 1923, that there was any outcome from the commission. At that time the commission issued no orders, but gave us certain formulas for making the river and rail rates and for rail and river rates and laid down certain principles upon which divisions should be based and remanded us to what they termed "friendly negotiation" with the railroads. Unfortunately their formula for divisions gave alternative bases, and the railroads liked their basis, and the barge lines could not stand for it; and the barge lines liked another basis, and the railroads would not stand for that. * * *

I merely mention these things to show you the vicissitudes under which a Government corporation, even under the existing law, operates in its attempt to serve the public against the unquestionably hostile attitude of the railroads of the country.

Senator FLETCHER. During this time were you carrying about your capacity?

Mr. BRENT. Well, no. Of course we are not carrying, in some directions, the capacity of the lines at present, because the rates do not exist to give us capacity.

In certain directions we have capacity carloads and in other directions we do not; but during this period during which we were waiting for the beginnings of these rates we lost $1,500,000 in operating expenses, and during this period we received and stood the attacks of hostile newspapers throughout the country, expatiating upon the demonstration of the lack of economic value in water transportation.

Senator SHEPPARD. Whose fault is it that you do not get the rate you need?

Mr. BRENT. We think it is largely the fault of the law.

Senator SHEPPARD. Of the law?

Mr. BRENT. Yes. The law is permissive. The law is not mandatory. The commission may or may not. The commission does not have to.

* * * * * * *

Mr. BRENT. Yes; but what I mean is this—we have never gone before the Interstate Commerce Commission and its examiners yet but what we have a cohort of railroad attorneys who insist that this thing is of no value. We have plenty of transportation facilities already available. The country does not need this service. This is not a necessity and it is really an inconvenience.

Testifying further, Mr. Brent said:

The roads do not want to see this development, because they think it is a menace to their prosperity. We must have a change in the provisions of the law. To-day the law is permissive. It permits the commission to take its time and do as it pleases, to give it to you now or to remand you to what you call friendly negotiations. The law should be mandatory and compel the commission to act.

Interpreting the evidence showing this opposition the committee in its report states:

This policy of opposition on the part of many of the railroads has resulted in years of delay in the extension of the benefits of water transportation to interior communities and has seriously retarded the successful operation of the Inland Waterways Corporation. Unless such opposition on the part of the rail carriers is overcome and through routes, joint rates, and an equitable division of joint rates is made available without interminable delays and the heavy expenses necessary to carry on such proceedings before the Interstate Commerce Commission, privately owned transportation service will never be realized on the inland waterways of the country.

The hearings on this bill convinced the committee that legislation somewhat drastic is now not only needed, but is necessary in order to fully carry out the purposes for creating the Inland Waterways Corporation and to realize the benefits of the policy of Congress manifested by the large expenditures made for the improvement of our inland waterways.

Mind you, this opposition of the roads is in face of the declared policy of Congress in section 500 of the transportation act of 1920, as follows:

It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation, service, and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation.

It is to be regretted that the commission was unable to find authority for the exercise of its initiatory power in that part of paragraph 3 of section 15 of the transportation act of 1920 and other supporting sections of the act, reading as follows:

The commission may, and it shall whenever deemed by it to be necessary or desirable in the public interest, after full hearing upon complaint or upon its own initiative without a complaint, establish through routes, joint classifications, and joint rates, fares, or charges applicable to the transportation of passengers or property, or the maxima or minima, or maxima and minima, to be charged (or, in the case of a through route where one of the carriers is a water line, the maximum rates, fares, and charges applicable thereto), and the divisions of such rates, fares, or charges as hereinafter provided, and the terms and conditions under which such through routes shall be operated; and this provision, except as herein otherwise provided, shall apply when one of the carriers is a water line.

Opposition of the roads and the failure of the commission to administer satisfactorily have been the two outstanding obstacles to the successful demonstration of the experiment of our inland waterways. Not only that, but they have been, and are to-day, preventing a revision and readjustment of rates so as to permit of the equitable apportionment of the burdens of transportation alike to every section of the country and industry. This has become so pronounced and outstanding in the presence of our most imperative need as to create a growing demand for the abolition of the commission.

That the commission has failed to administer our regulatory power satisfactorily to the country, that it has failed to administer such power so as to approximately apportion the burdens of commerce equitably alike to every section of the country and line of industry, is generally claimed throughout the country. And unless there is some radical change of policy on the part of that body in the adoption of a constructive program for aggressive revision and readjustment of the horizontal increases imposed, the demand for its abolition will continue to grow and become imperative.

In a signed article published in one of the leading magazines of the country but a short time ago, a Member of Congress representing a prominent eastern industrial State declared that if he had the power but for a single day to effectuate the most-needed reformation in the Government for the greatest relief of all the people he would abolish the Interstate Commerce Commission and turn the roads back to private regulation and control.

In view of the general dissatisfaction with the rate structure and the nation-wide demand for a revision and readjustment of rates, such a statement, if unchallenged, in many quarters will be accepted at its face value as a proposal of the only adequate remedy for the existing unsatisfactory rate conditions throughout the country.

EXISTING UNSATISFACTORY CONDITIONS THROUGHOUT THE COUNTRY

I have recently received resolutions from numerous representative farm and civic organizations in the Mid West demanding the repeal of section 15a of the transportation act of 1920. In yesterday's mail I received resolutions from several of the national farm organizations demanding the immediate repeal of the entire act. These resolutions are indicative of the deep-seated existing dissatisfaction with rate conditions in the interior mid-western section of the country.

The farmers feel that the roads have been well taken care of since the war. They feel that the Interstate Commerce Commission has said by its horizontal increases imposed in 1921:

We must take care of the roads first. We must save them at all hazards, even though it must be by horizontal increases which we know are especially burdensome on agriculture.

Of course, the system of horizontal increases saved the roads. It rebuilt their financial credit. It doubled the value of their stocks and the amount of their annual dividends. It has enabled them to invest $7,000,000,000 in betterments. The roads have been rehabilitated. They have been saved. They have been restored to prosperous conditions such as they never experienced before.

It may have been good policy or war-time necessity for the Government during its period of operation of the railroads to keep rates at a point at which enormous losses were piled up, but no one would expect the Government to assume responsibility for losses incurred after the roads were returned to their owners. And the owners can not be asked to accept rates which would lead to bankruptcy. Necessary as the rate increases were, therefore, they came at a peculiarly inopportune

time. Farmers found themselves compelled to pay higher rates at the very moment they were being forced to accept lower prices for their products and they sometimes found that the price received was insufficient even to cover the railroad's bill.

On May 18, 1920, the Federal Reserve Board voted at its secret meeting to deflate agriculture. In that year the purchasing value of farm products was 131 per cent above the purchasing value of farm products in 1913. In 1922 it was only 24 per cent above the pre-war value, representing a shrinkage in the purchasing value of the 1921 and 1922 crops of six billion. In two short years the value of farm products depreciated 107 per cent, and that at the very time our exports of farm products were the largest in our history.

As a result of this decline in values it is estimated that the value of all capital invested in agriculture declined from $79,000,000,000 in May, 1920, to $58,000,000,000 in 1922.

As late as 1926 the average farm family income had only reached $736 per year. That amount included $630 for the estimated value of food, fuel, and housing furnished by the farm, leaving a cash yearly wage of only $106 for the average farmer of the United States. Think of it! One hundred and six dollars annual income for the American farmer with an average investment of $9,000! When you compare this family income with that of $1,250 for the common laborer, his plight becomes pitiable indeed.

During all these years when the roads were enjoying the revenues from the horizontal increases which created such conditions of prosperity for them, the farmers have been waging a desperate fight to make both ends meet, pay their taxes and interest, and save their homes. Having saved the roads and created such rising values in their stocks as to create speculation and gambling therein unprecedented in recent years, the farmers feel that the commission having performed this work of reclamation should have long since begun the work of revision and readjustment to lighten and adjust the burdens of the horizontal increases.

For five years they have demanded such revision. The agricultural commission appointed by the President in its report demanded such revision. The President, in his message to Congress in December, 1923, said:

> Competent authorities now agree that there should be an entire reorganization of the rate structure for freight.

Notwithstanding the demand of every farm organization in the United States, the representative agricultural commission appointed by the President and the several messages of the President to the Congress, the horizontal increases imposed by the commission in 1921 still remain. They have not been removed except here and there by patchwork and piecemeal as public demand became too insistent to be any longer ignored.

The farmers feel that under these harrowing conditions existing during the last five years, more potential for revolutionary action than the Boston tea tax, the commission should assume the initiative for their relief; it should not continually wear its judicial robes and assume a judicial attitude toward readjusting the horizontal rates which it was so quick to impose; that it should exercise the same power to initiate in revision and readjustment for the relief of the farmers as it exercised to save the roads.

Out of such conditions has come the demand not only for the repeal of section 15a but of the transportation act of 1920, and it may have been such conditions which impelled the Member of Congress to say in substance:

> I would begin my program of relief to the American people by abolishing the Interstate Commerce Commission and turn the roads back to private regulation and control.

However unsatisfactory existing rate conditions may be—and it is admitted that they are indefensible—yet the remedy proposed would create conditions still worse. The proposal to abolish the commission and turn the roads back to private regulation and control immediately challenges a comparison of conditions under private and governmental regulation.

COMPARISON OF CONDITIONS UNDER PRIVATE AND GOVERNMENTAL REGULATION

During their constructive period and up until 1887 the roads exercised full power of ownership, control, and regulation over their properties. This included the exercise of the power to fix their own rates, which was equivalent to the exercise of a power to tax all the commerce of the country in railway transit.

They exercised this power so arbitrarily and oppressively as to create conditions which became intolerable; by secret rebates, midnight rates, circuitous-route rates, basic-point rates, missionary rates, unreasonable rates, rates that were unduly prejudicial and unduly preferential, and rates that were discriminatory, they developed one section of the country at the expense of the other. With one hand they distributed prosperity and with the other hand depression and desolation. In the early days of outlawry in the West, the old-timers used to say with sympathetic consolation to the newcomer, "A town once visited is safe," but such could not be said of the policy of the roads under private regulation. They continued their exactions almost to the point of confiscation. Unsatisfied with fixing their own rates and running their own business, they proceeded to run everybody else's business, as well as that of the political affairs of cities, counties, States, and the Government itself. They insisted upon having their personal representatives as Members of the State and National Legislatures, as members of the State and Federal judiciaries to sit in cases in which they were parties defendants; but the findings of fact by our own agency, the commission, in numerous cases more vividly, accurately, and authoritatively describes the conditions under private regulation. I therefore will indulge your patience sufficiently to read from a brief extract of one of many decisions containing findings of fact of a similar character.

In regard to financial transactions of the New York, New Haven & Hartford Railroad Co. (July 11, 1914, 31 I. C. C. 32, at p. 33), the commission states:

> The difficulties under which this railroad system has labored in the past are internal and wholly due to its own mismanagement. Its troubles have not arisen because of regulation by governmental authority. Its greatest losses and most costly blunders were made in an attempt to circumvent governmental regulation; and to extend its domination beyond the limits fixed by law. * * * It has been clearly proven how the public opinion was distorted; how public officials who were needed and could be bought were bought; how newspapers that could be subsidized were subsidized; how a college professor and publicist secretly accepted money from the New Haven while masking as a representative of a great American university and a guardian of the interests of the people; how agencies of information to the public were prostituted, wherever they could be prostituted, in order to carry out a scheme of private transportation monopoly imperial in its scope; the unwarranted expenditure of large amounts in educating public opinion; the disposition, without knowledge of the directors, of hundreds of thousands of dollars for influencing public sentiment; the habitual chain of unitemized vouchers without any clear specification of details; the practice of financial legerdemain in issuing large blocks of New Haven stocks for notes of the New England Navigation Co. and manipulating these securities back and forth; fictitious sales of New Haven stock to friendly parties with the desire of boosting the stock and unloading on the public at the higher market price; the unlawful diversion of corporate funds to political organizations; the scattering of retainers to attorneys of five States who rendered no itemized bills for service and who conducted no litigation in which the railroad was a party; extensive use of a paid lobby in matters as to which the directors claimed to have no information; the attempt to control utterances of the press by subsidizing reporters; the payment of money to and the profligate use of free passes to legislators and their friends; the investment of $400,000 in securities of a New England newspaper; together with a combination of many other causes set forth herein have resulted in the present deplorable situation in which the affairs of this road are involved.
>
> Nothing disclosed in the record before us is to be more regretted than the readiness of great banking institutions in our financial centers to loan enormous sums of money upon exceedingly precarious security in aid of such schemes as have been devised in the wrecking of these railroads. Not only this, but the high officers of such institutions, while acting ostensibly as directors of the railroads, have in fact been little more than tools and dummies for the promoters. The trustees of other people's money seem to have had little compunction about violations of their trusts for the benefit of the promoters and at their demand.
>
> Until this commission or some other governmental body with adequate power primarily controls the issue of carrier securities and within reasonable limitations the application of the proceeds thereof, stockholders and other investors in carrier securities will certainly from time to time be subjected to such perils of mismanagement and resultant losses as have accrued to the stockholders of the New Haven, the Rock Island, the Pere Marquette, the Cincinnati, Hamilton & Dayton, and others.

OUR PROGRESS HAS BEEN SLOW BUT SUBSTANTIAL

To abolish the commission and to return to such conditions as existed under private regulation would be little short of a national calamity. To publish to the country that after 50 years of contest and effort to regulate we have accomplished nothing is a gross misstatement of fact and a grievous injury to a sound public opinion.

While the development of our regulatory power has been a slow and laborious process, it was made so by the continuous opposition of the roads and their circumvention of the law. By continuous oppression and circumvention the people were finally lashed into action in their own self-defense.

Beginning in the seventies, the first contest culminated in the interstate commerce act of 1887. The Hepburn Act of 1906 was the second step; the Mann-Elkins Act of 1910 was the third step; the Clayton Antitrust Act of 1914 was the fourth step; the transportation act of 1920 was the fifth step. These acts mark the big epochal events in the development of regulatory power during the last half century. They mark the culmination of the periodic contests in this forum, on this floor, where the representatives of the people wrung from the grasping hands of the roads the power they had so oppressively used against them.

From time to time during that period numerous other amendments were enacted, but these are the big charters of governmental regulation.

OPPOSITION OF THE ROADS

Every important provision of every act and amendment conferring additional power upon the commission was stubbornly resisted by the roads; first, before the commission, then in the Federal courts, and finally in the Supreme Court of the United States. Such opposition required years and years for a final judicial determination of their regulatory provisions. Our progress has been slow, but it has been continuous and substantial. It has been according to the rules of the game. The people of this country have treated the roads fairly. They did not resort to any undue advantage but only to the orderly processes of the law under the commerce clause of our Constitution.

POLICY OF THE ROADS ILL-ADVISED

From time to time during our history, railway executives have been held up to us as the great captains of industry, as having contributed so liberally to the development of the country; but it will be observed and remembered that their liberal contributions were furnished from other sources. Their policy of oppression and discrimination, of determined resistance, was shortsighted and ill-advised. Their leadership failed totally in the development of a spirit of cooperation with the people. They developed no sense of appreciation of the power that created them and the source of those revenues which maintained them. Like the saloon keeper, they finally regulated themselves out of the regulating business. Like the drunken automobile driver, they became dangerous to the public. Like dangerous incompetents, the people in their self-protection were finally compelled to take away their power to fix rates and to exercise the power of guardianship over their properties; and yet they boast of leadership!

RESULTS OF GOVERNMENTAL REGULATION

To abolish the commission and turn the roads back to private regulation and control would reinstate them as the custodians of our national prosperity, with the power of distribution! It would be equivalent to the Gaulish invasion of ancient Rome. In politics it would make Teapot Dome look like a Sunday-school contribution. It would nullify the work and progress of 50 years!

If it has not done anything else, governmental regulation has produced two outstanding results. It has stripped the roads of their political power, driven their personal representatives from the legislative halls and from the sanctuary of the judiciary, and made for cleaner and better government. It has stripped the roads of the power to fix their own rates, which is equivalent to the power to tax the commerce of the country in rail transit, and has given to the people a new sense of power and freedom in the control of their commerce.

Because rate conditions are unsatisfactory and generally in a chaotic condition is no reason why we should abolish the commission and turn the roads back to private regulation.

By Supreme Court decisions, we have cleared a large field for the proper exercise of regulatory power; a field sufficiently large under efficient administration to apportion the burdens of commerce equitably to every section and industry alike; and that is all the people demand. It is what they are entitled to have done.

Our problem to-day is one of efficient administration. Thus far the commission has failed to administer our regulatory power to the satisfaction of the people. This is evidenced by the general demand for a revision and readjustment of rates during the last five years.

NATION-WIDE DEMAND FOR REVISION AND READJUSTMENT

All the representative farm organizations, the chambers of commerce and civic organizations of the Mid West section of the country have been demanding revision and readjustment during this period. The Agricultural Commission, appointed by the President, and the President in his message to Congress have voiced such demand. In his message of December, 1923, five years ago, the President said:

> Competent authorities agree that an entire reorganization of the rate structure for freight is necessary. This should be ordered at once by the Congress. * * *

In speaking of agriculture he said:

> Indirectly the farmer must be relieved by a reduction of national and local taxation. He must be assisted by the reorganization of the freight-rate structure, which could reduce charges on his production.

In his message of December 3, 1924, the President, speaking of consolidation, said:

> It opens large possibility of better equalization of rates between different classes of traffic so as to relieve undue burdens upon agricultural products and raw materials generally, which are now not possible without ruin to small units, owing to the lack of diversity of traffic.

COMPARISON OF THE EAST WITH THE WEST

The section west of the Mississippi River contains 69 per cent of the area of the United States, 47 per cent of the railroad mileage, and 30 per cent of the population. It produces 54 per cent of the principal grain crops, about 60 per cent of the cattle produced in the United States, and originates 30 per cent of the tonnage. Thus, we see that 47 per cent of the railroad mileage of the United States is in 69 per cent of the area populated by 30 per cent of the people, who furnish 30 per cent of the tonnage originated.

East of the Mississippi River and north of the Ohio River, including the States of Pennsylvania, Maryland, and the New England States, is 12½ per cent of the area of the United States, 47 per cent of the population, and 48 per cent of the tonnage originated. This area also produces 70 per cent of the value of the manufactured products of the United States.

From this picture of the two sections it is easy to visualize the long haul of the West and the short haul of the East, and it shows that eastern agriculture is in a more favorable economic position than western agriculture; that its near-by prosperous cities furnish a continuous, steady market—markets so near that they permit of truck transportation when rail rates are unsatisfactory. The short and inexpensive haul leaves the farmers of the East a profit on their products which in the West is often entirely absorbed by the long haul and high freight rates. The farmers in the West are not so favorably situated. They are on the high-rate plateau in the interior and have the long haul with which to contend and the high rates to markets.

The high rates are deducted from the prices that the farmers receive for their products, and when they buy their implements, their clothing, their necessities of life, their material and equipment for the farms from the markets of the East, the rates are passed on and added to the price of everything they buy. The freight is deducted from everything they sell and it is added to everything they buy. In effect, therefore, like Jones, the farmer pays the freight both ways—it cuts him like a two-edged sword; and with the rates on agricultural products 53 per cent higher than they were before the war, they absorb the little profits that he would otherwise make.

This explains why the East is not so directly interested in the question of revision and readjustment of rates as it is interested in service.

AVERAGE HAUL IN THE EAST AND THE WEST

I give below the average haul in each of the regions, districts, and the United States, as compiled from the monthly reports of Class I steam railways to the commission for 1927:

District and region	Average haul (miles)
Eastern district:	
New England region	113.97
Great Lakes region	154.13
Central eastern region	151.36
Eastern district	149.67
Southern district:	
Pocahontas region	265.60
Southern region	201.52
Southern district	222.65
Western district:	
Northwestern region	195.59
Central western region	260.37
Southwestern region	208.47
Western district	222.71
United States	184.16

Thus it will be seen that the haul in the southern and western districts is 73 miles, or one-third, longer than the haul in the eastern district.

HORIZONTAL INCREASES

In 1914 the Interstate Commerce Commission granted an increase of 5 per cent on practically all the rates north of the

Potomac and Ohio Rivers and east of the Mississippi. In 1917 the rates in the same area were increased approximately 15 per cent. On June 25, 1918, the United States Railroad Administration advanced rates 25 per cent all over the United States.

On May 18, 1920, a meeting was held of the Federal Reserve Board and the Federal Advisory Council and Class A directors of the Federal reserve banks. At this secret meeting held on that day they voted to deflate agriculture. The restriction of credits, the breaking down of prices, the increasing of freight rates and the discount rates for farm paper were secretly discussed and agreed to; but that was not all. That meeting of the Federal Reserve Board decided to rehabilitate the roads. Why? Because it was representing the interests financing the roads instead of representing the public. It decided on an increase in freight rates. It passed the following resolution:

Resolved, That this conference urges as the most important remedies that the Interstate Commerce Commission and the United States Shipping Board give increased rates and adequate facilities such immediate effect as may be warranted under their authority, and that a committee of five be appointed by the Chair to present these resolutions to the Interstate Commerce Commission and the United States Shipping Board with such verbal presentation as may seem appropriate to the committee.

Why "verbal presentation"? So as to leave no trace! Following the above resolution—that is, on August 26, 1920—the most radical change in all our history was made.

A horizontal increase in rates in the eastern group of 40 per cent was made; in the southern group, 25 per cent; in the western group, 35 per cent; in the Mountain-Pacific group, 25 per cent; and on intraterritorial traffic, 33⅓ per cent. In 1922 there were two 10 per cent decreases, one on agricultural products and the other on nonagricultural products. On its own initiative, and in cases presented, other decreases in various sections of the country have been made from time to time, so that while these percentage changes do not give us a complete, correct picture of the rate changes and the existing rate status at the present time, yet they do give a general idea of the comparative status of freight rates and the method employed in making such increases.

HORIZONTAL INCREASES BEAR HEAVIEST ON FARM PRODUCTS

The horizontal increases thus made have resulted in disproportionate increases upon long-haul, carload traffic of agricultural products. In making those increases no attention was paid to how high a rate was, or how low a rate was, or how long the haul was, or the value of the product, or what it would bear to carry it to market. By horizontal increases the low-price farm products were compelled to pay the same as high-class manufactured articles. This, in connection with one-third longer haul for farm products, has made the horizontal increase almost unbearable. They have exacted what little profits the farmers would have made during the last five years, when they have been waging their desperate fight for the retention of their homes upon the farms.

That such an unscientific and inequitable system of rate-making should be tolerated by the commission is almost unbelievable. Though the horizontal increases may have been necessary to save the roads, what excuse is there for their retention after the roads have been saved? This is something the farmers are unable to understand. They believe that the retention of the horizontal increases imposed upon agriculture is inexcusable; they are indefensible. For five years they have been demanding their readjustment, and such demands have been voiced by the President to the Congress. The commission has had full power. It needed no extra congressional act, and yet the increases still remain. If permitted to continue, they will again lash the people of the Mid West into action, as the oppressive powers of the roads did in the seventies!

Appointed by President Harding to make a careful and thorough study of rates, with a view to relief from the undue burdens upon agriculture, and with his long experience and intimate familiarity with the commerce of the country, perhaps no other person is better qualified to speak on this subject than Herbert Hoover, our Secretary of Commerce.

In his address on September 28, 1926, at Mitchell, S. Dak., he said:

One of the underlying causes contributing to the present difficulties of our mid-west farmers is the increased railroad rates arising from the war. * * * Owing to such increases and the distance from seaboard, our mid-west farmers must, for instance, pay from 6 cents to 12 cents a bushel more on grain to reach the world's markets than they did before the war. Therefore the foreign farmers reach the world markets at a lower cost in proportion to pre-war than our mid-west farmers.

We can roughly visualize this if we set up a new measuring unit in the shape of the number of cents it takes to move a ton of wheat on different routes. For instance, during pre-war times to move a ton of South Dakota wheat by the cheapest route cost 1,190 cents to reach Liverpool, while Argentina wheat cost 723 cents. To-day the increased freight charges on this ton of wheat moving from Argentina, which is farther from Liverpool than is South Dakota, is 117 cents, while the South Dakota farmer has had his charge moved up 408 cents. This uneven increase in transportation charges has prejudiced the situation of our mid-west farmers in competition with those foreign countries; and, more than that, the prices which the farmer receives in the foreign competitive markets influence the price of his whole products, not only the price of the export balance; therefore, the effect of war increase of transportation rates to seaboard is far greater than its effect upon the part of the crop exported out of the Mid West. It at once tends to depress the return on the whole crop. It is unquestionably one of the contributing causes of our postwar agricultural difficulties.

HIGH RATES PREVENT INDUSTRIAL DEVELOPMENT OF THE WEST

The vast empire west of the Mississippi River is the meat and bread basket of the East. It produces the foodstuffs to feed the industrial workers as well as those of all other occupations and professions. It is the best market the East has for its manufactured product. Its consuming capacity and its capacity to pay are larger than that of any other market in the world, and likewise the East is the best market for the agricultural products of the West. It has the largest consuming capacity and capacity to pay of any market for farm products in the world. These markets are joining each other—depending one upon the other—and there is every economic reason why there should be the closest cooperation in removing from the channels of commerce every unnecessary burden.

The country west of the Mississippi River has approached the industrial stage in its development. When it needs building material for its roads and bridges and cities in the creation of its markets at home, and when it proceeds, as it is about to proceed, in this new epoch of industrial development, to curtail its long haul and cut its freight bill in two and to create a market at home, it finds an insurmountable barrier at the Mississippi River on the east and the Panama Canal on the west.

THE BARRIER AT THE MISSISSIPPI RIVER

What is this barrier at the Mississippi River? It is the sudden jump in freight rates, which, for commerce, is almost as effective as a wall. For each 300 miles east of the river the rate on steel is 47.5 cents per hundred. For each 300 miles west of the river the rate is 83.5 cents per hundred. The rate west is more than 75 per cent higher than the rate east. This is the barrier that prohibits the West from shipping in iron and steel from the East. It is the tollgate whose keeper exacts the heavy exactions from the consumers in the West as they buy the manufactured products of the East.

By this transportation embargo, the West is prevented from building up its cities and markets at home. Such difference in rates not only applies to steel but to other products.

RATES ON CLASSIFIED GOODS

Freight is divided generally into numerous classes, each with its own rate, and there are other special commodity rates. We only refer to the five main classes. Class 1 includes dry goods, shoes, and high-class merchandise; class 2 includes hardware, cutlery, tools; class 3 includes high-class groceries, furniture, and so forth; class 4 includes the general run of heavier groceries, such as salt; and class 5 includes carload lots of steel, and so forth. Here [indicating] are the rates per 100 pounds from New York to Kansas City through St. Louis on the various classes. Bear in mind that the distance from New York to St. Louis is 1,050 miles, and from St. Louis to Kansas City is 300 miles.

	New York to St. Louis	St. Louis to Kansas City
Class 1	$1.66	$0.83½
Class 2	1.45½	.63½
Class 3	1.10½	.52½
Class 4	.77	.38
Class 5	.66	.30½

COMPARE THESE RATES

Consider this vicious discrimination against the West on all the goods that we have to buy of you people in the East!

The part of the through rate that is charged from St. Louis to Kansas City ought to be only about one-third of the rate from New York to St. Louis, when actually it is nearly three-fourths.

On dry goods, shoes, and high-class merchandise it is 69 per cent greater. On hardware, cutlery, tools, and so forth,

it is 80 per cent greater. On high-class groceries, furniture, and so forth, it is 73 per cent greater.

On the general run of heavier groceries, such as salt, it is 71 per cent greater.

On the carload classes, of which steel is a typical example, it is 75 per cent greater.

The jump in the rate level at the Mississippi River in each case is so great as to prevent the industrial development of the country west of the Mississippi River and to exact from farm prices the profit that would permit the farmers to enjoy a degree of prosperity.

In the seventies or eighties, when the country was sparsely settled, there might have been some reason and justification for the erection of such a barrier, but since no reason exists to-day, there is no valid claim made anywhere for its continuance, and yet it still remains—the rate level has not been readjusted.

We have had seven years of rate making, with full power to the commission to revise and readjust rates, but the barrier has not been removed. The West says:

Take down the barrier, remove the unnecessary burdens upon commerce, and let it flow as freely as possible between the several States.

THE BARRIER ON THE WEST

Take the barrier on the West—the Panama Canal—the through rates are so low to the coast and the interior rates so high as to erect another barrier on the West which casts a heavy burden upon the interior.

COMPARISON OF INTERIOR AND COAST RATES

The rate on dry goods from Chicago to Enid, Okla., a distance of 832 miles, is $2.275 per hundred. The rate on dry goods from Chicago to San Francisco, a distance of 1,429 miles farther, is $1.58 per hundred. Thus we see that the rate from Chicago to Enid, Okla., is 53 per cent greater than the rate from Chicago to San Francisco, although the distance of the latter is 1,429 miles farther from Chicago than is Enid.

Stated in another way, the hauling of a 30-ton car of dry goods from Chicago to San Francisco, San Francisco being 1,429 miles farther from Chicago than is Enid, Okla., costs $41.70 less than hauling the same tonnage from Chicago to Enid.

Take the rate on steel. From Chicago, a distance of 2,300 miles from San Francisco, for domestic consumption it is $1 per hundred. For export it is $0.40 per hundred. These rates apply on the same commodities between the same points, subject to the same minimum pound weight and the same rule of law which requires earnings in excess of cost.

A 40-cent rate on steel for 2,300 miles when exported to China or any other foreign country and the rate of $1 per hundred when used in construction at home obviously means that one of two things is true—the 40-cent rate covers all the cost and some profit for the 2,300-mile haul to the coast or it is an illegal rate maintained in defiance of law, and that is a burden upon commerce which the consumers of freight should not be required to pay.

When recently interrogated in reference to these rates to the coast, Commissioner Esch blandly explained that they were rates put into effect by the railroads and the commission had never been called upon to determine their validity.

The continuation of such undue preferentials raises the question whether or not the American farmer in the West is not entitled to as much consideration as the Chinaman in the Far East.

VIOLATIONS OF LAW

These illustrations of existing freight structures show a violation of section 4, which declares our policy in transportation matters, of section 2 of the interstate act, prohibiting discrimination; of section 3, preventing unreasonable preferentials and advantages that nullify the minimum-rates provision of section 15. They disrupt the group plan of rate making and prevent the equalization of rates and their equitable apportionment to the commerce of the country; they compel the interior to make up the losses incurred on the competitive rate for the long haul. Why not give farm products the same preferentials?

Recently the Associated Press carried the story of an entire trainload of corn, composed of 50 cars, leaving my home city, Enid, Okla., bound for Europe. That corn was loaded by the Enid Terminal Elevator Co., where it was stored during the last few months. The train contained about 80,000 bushels. The Frisco hauled the train to Fort Worth, from where the Santa Fe took it to Galveston. At the Gulf it was loaded upon a boat headed for Europe. The domestic rate on the corn from Enid to Galveston, a distance of 595 miles, was 32.5 cents per hundred pounds. The export rate was 31.5 per hundred pounds, or a preferential in favor of export rates of 1 cent per 100 pounds. If the 40-cent rate on steel from Chicago to San Francisco, a distance of 2,300 miles, was applied to this shipment of corn, it would result in a saving of freight on the haul of 595 miles of $10,150.70. Or, considering the matter from another viewpoint, the export preferential on steel is 60 cents per hundred pounds. The export preferential on corn is 1 cent per hundred pounds, or a 3 per cent preferential. If corn for export enjoyed the same export preferential as steel, the rate on corn for export would be 12.5 cents per hundred pounds instead of 31.5 cents per hundred, which would result in a saving of $9,120 on the train of corn from Enid to Galveston.

Take another illustration: In 1926 there were about 1,385,471 short tons of wheat exported from the Gulf coast. Supposing that Wichita, Kans., was a central point of its production. The rate on wheat from Wichita, Kans., to Galveston for domestic consumption is 46 cents per hundred pounds and for export 44 cents per hundred pounds. There is, therefore, a 2-cent preferential on export wheat from Wichita to Galveston, or a preferential of about 4 per cent.

Using those rates on the wheat exported from the Gulf coast, the total freight cost would amount to $12,192,144.80. There is a 60 per cent preferential on steel for the 2,300-mile haul from Chicago to San Francisco. If there was a 60 per cent preferential on wheat for export, it would mean an export rate on wheat of 16 cents instead of 44 cents per hundred pounds. Applying that to the wheat exported from the Gulf, the total freight cost would be $4,433,507.20, or a saving to the producers on 1,385,471 short tons of wheat of $7,758,637.60.

Now, suppose this wheat had been carried 2,300 miles on a 40-cent rate, which is the rate applied to steel for export from Chicago to San Francisco, the total freight cost would be $11,837,680. Allowing such freight costs per mile, the costs for hauling from Wichita, Kans., to Galveston, a distance of 723 miles, would be $3,484,158.69, whereas the cost under existing rates would be $12,192,144.80.

In other words, application of the rate on steel on a mileage basis would result in a saving to the farmers, to the wheat growers, shipping to the Gulf for export of $8,707,986.80.

Just why during its long period of depression and surplus, agriculture has not been given an equivalent preferential with steel does not appear. Is it because the dummy directors referred to by the commission as the tools of financial interests financing the roads have been using the transportation facilities of the people as a means of disposing of their steel products, in which they were equally interested, at the expense of agriculture?

It explains how United States Steel has been disposing of its surplus abroad at a profit at the appalling expense of surplus farm products depressed at home. Give the farmers of the country a 60 per cent reduction on basic crops for export and the surplus, with its ruinous price depression of the domestic market, will disappear.

THE EXCUSE FOR SUCH PREFERENTIALS

The railroads attempt to justify this system of rate making under the guise of meeting water transportation through the Panama Canal. They claim that the interior sections of the country must make good the losses in freight revenues diverted through those waters. In other words, the people, having built the canal with their tax moneys, must now pay the roads in excess rates for the resulting losses in freight revenues.

At the present time they are talking about building another canal. If the second canal should be as ruinous to the farmers of the Middle West as the first one has been, it will depopulate that vast section of the country. The roads should be compelled to stand upon their own bottom and meet the competition of the country the same as other industries. They have compelled the people, through the exaction of water competition rates, to fight inland waterway commerce. Just think of it! With the exactions from the people the roads have been driving the boats from the inland waterways. Every time a boat has shoved its prow into the bank of one of the interior rivers, the roads have met it with cut-throat rates to the river points and higher rates to the intermediate points, until to-day the only steamboat navigation on the Mississippi River is that subsidized by the Government.

RATE CONDITIONS IN THE SOUTHWEST

In Consolidated Southwestern cases, decided April 5, 1927, the Interstate Commerce Commission found the classification rates between points in the Southwest and Kansas-Missouri territory to be in a general chaotic condition, complicated and unsatisfactory, with undue prejudice against different points.

Quoting, the commission said:

The record discloses mutual competition under inequitable rate conditions between points in Oklahoma, Arkansas, western Louisiana,

Texas, Kansas, and southern Missouri. In other words, the opportunity to do business is sometimes foreclosed by freight rates. That communities, as well as individuals or industries, may be adversely affected by rate maladministration is clearly illustrated by the testimony in this case.

A TYPICAL EXAMPLE

Take Miami, Okla., as a typical example. It is 13 miles from Baxter Springs, Kans. The spread in first-class rates from St. Louis is 32.5 cents. Between the other class rates the spreads are correspondingly disproportionate. A dealer in Miami received from Detroit 572 Ford automobiles during 1922. The freight charges amounted to $55.07 per automobile. On a similar shipment to Baxter Springs, Kans., the charge would be $51.55 per automobile. To meet that competition the dealer suffered a pecuniary loss of $2,207.80 a year. Merchants at Miami are unable to compete with merchants in Baxter Springs, where the freight is a material factor. In their struggle for commercial existence, many of the people of Miami are moving to Baxter Springs.

In picking a location for a jobbing house or factory one of the first things to be considered is the freight-rate situation. There is keen rivalry between towns in the Southwest for the location of new industries to meet the increased need of the growing population. There is thus an endless chain of actual and potential competition in the distribution of goods or class rates not only within the territory but from and to the border States and cities beyond. Towns paying for like service higher rates than others or paying rates higher, distance considered, than others are placed at a disadvantage and often are deprived of their natural advantage of location.

In its investigation the commission found undue preferentials and discriminations in rates on farm products in the same rate-making district.

A COMPARISON OF WESTERN GRAIN RATES

The following is a memorandum showing a comparison of western grain rates in the same rate-making district. In comparison with the rates of other States in the district it will show vicious discrimination against the farm products of Oklahoma and Texas.

Miles	Minnesota scale	Kansas scale	Oklahoma-Texas scale	Carriers' proposed scale
50	8	10	11	15
100	12	13	15	19
200	14	17½	20	26½
300	16	20	26	34
400	17½	20½	29	39
500	19½		33	44

It will thus be seen that the Oklahoma-Texas scale on a 300-mile haul is 30 per cent higher than the Kansas scale and 62½ per cent higher than the Minnesota scale; on the 400-mile haul the discrimination is nearly 41 per cent in favor of Kansas points and nearly 66 per cent for Minnesota points. The discrimination is shown to be existent all along the line, the Kansas grain rates being from 20 to 30 per cent lower on shipments to Kansas City than are Oklahoma grain rates, generally, to the same point, and Minnesota grain rates to Minneapolis are still lower than are the Kansas rates. If we could secure the Minnesota scale on shipments from Oklahoma to the Gulf, it would mean a reduction of approximately 60 per cent in our wheat rates.

ILLUSTRATING THE DELAY IN RATE RELIEF

The proceedings in the cases cited were instituted in 1923 and finally submitted to the Interstate Commerce Commission on June 19, 1925, and by it decided on April 5, 1927. Because of suspension orders the decision will not become effective until May, 1928, and not then if further deferred.

The freight conditions described by the commission have existed in that southwestern country for years. The rates were fixed by the roads under private regulation and have exacted millions and millions of dollars annually from the people of Oklahoma and other Southwestern States in excess of a reasonable compensatory return. The rates have never been revised or readjusted, although there has been a constant and incessant demand for such relief.

How long is the country going to stand this interminable delay in such proceedings? If it has taken the commission five years to revise and readjust rates in the classified service in the Southwest, how long is it going to take it to revise and readjust rates of all classes throughout the entire country?

The commission has been engaged in the performance of too many other duties imposed upon it by the Congress. It is attempting to administer under 28 different acts of Congress. From time to time it cheerfully accepts enlarged jurisdiction and additional responsibilities and then in their exercise and performance is compelled to redelegate its power. Such redelegation for the performance of the duties purely ministerial in their character is, of course, necessary and expected, but the redelegation of power for the performance of legislative duties is a dangerous procedure and unnecessarily jeopardizes the public interest.

The power to initiate rates for revision and readjustment is the commission's greatest responsibility. There is no other power the commission can exercise which would result in greater benefit direct to all the people. In his December message in 1923 President Coolidge, recognizing this fact, insisted upon the entire reorganization of the rate structure for freight for the relief of agriculture. The commission undoubtedly read the message. Since that time every farm organization in the country and many representative civic organizations, including the Chamber of Commerce of the United States and all of its submembers, urged a revision and readjustment of rates for the relief of agriculture. The commission knows this. It knows that the horizontal increases should not be permitted to stand 24 hours. It knows that the President, the Congress, and the country have been expecting revision and readjustment, and yet during these five years of coma for agriculture, what has it done?

The very fact that after five years the commission has been unable to effect substantial results in revision and readjustment for agriculture when every other line of industry has been abounding with prosperity ought to convince the most skeptical of the inadequacy of our present machinery to administer our regulatory power in rate making satisfactorily to the people.

We have overloaded our machinery of administration. The magnitude of the responsibilities and the multitude of the enormous tasks imposed upon the commission are not adequately appreciated. Visualize for a moment the national railway system of this country.

THE MAGNITUDE OF THE SYSTEM

On December 31, 1926, we had a total owned main-track railway mileage of 249,138.40 miles, including 176,901.80 miles of Class I owned roads; 14,004.80 miles of Class II owned roads; 5,555 miles of Class III; 9,805.27 miles owned by proprietary companies—that is, companies whose entire capital stock and funded debt is owned by some other road; 3,572.40 miles of circular mileage—that is, mileage reported by companies not interstate carriers but which may become so; 38,832.15 miles owned by lessor companies; and an additional main-track mileage of about 466.98 miles—unofficial figure, companies not reporting.

In addition to this main-track mileage there are second, third, and fourth side, passing, terminal, and switching tracks, bringing the aggregate mileage to 421,268 miles. Then there are the roadbeds, culverts, bridges, stations, elevators, warehouses, and office buildings in which the business is carried on. There are 66,847 locomotives, 56,855 passenger-train cars, excluding privately owned cars, and 2,403,967 freight cars, excluding caboose and cars owned by private interests.

These properties in 1919 were tentatively valued by the commission at $18,900,000,000, owned and operated by about 1,728 separate and independent railroad corporations.

For the fiscal year ended June 30, 1927, Class I railways, including switching and terminal companies, reported an average of 1,821,490 employees receiving a total compensation of $3,000,000,000, nearly double the aggregate compensation of 1916, and representing an increase in compensation per employee per annum in the decade of about 80 per cent.

With these facilities and over these tracks are carried each year more than one-half of all the rail traffic of the world.

REGULATION IMPOSES UPON THE COMMISSION MOST GIGANTIC TASK OF ADMINISTRATION

To regulate these properties so as to equitably apportion the tax on commerce to each section of the country is one of the most gigantic problems of administration of modern times. This undertaking alone would be sufficient to test the highest administrative capacity of any commission in the service of the Government. It is a continuing duty requiring the constant personal attention of the commission and the exercise of its legislative functions, but the duties of the commission are not limited to the intricate, complex problems growing out of such regulation. They extend to a far wider field. It has organized 14 bureaus within its department to gather in the re-

quired information essential to the discharge of its many responsibilities.

It must determine the cost of carrying the United States mail by rail as well as regulate commerce through the Panama Canal. The regulation of interstate motor-bus transportation and the consolidation of roads is sought to be included within its jurisdiction.

Then there is the valuation of the roads to be brought down and completed under the act of 1913. Again, there is the investigation to ascertain the efficient, economical, and honest administration of the roads as a factor in rate making, the machinery for which does not exist. The commission is disposing of between 1,400 and 1,500 complaints annually, and yet it is about two and one-half years behind in the hearing of complaints filed. As the number of complaints increase and the field of its activity enlarges, it will not be able to keep pace with the increasing number of complaints. The disposition of these complaints within a reasonable time will become humanly impossible, and we are fast approaching such a condition to-day.

It is not necessary to give a complete list of its statutory duties to show that it is unreasonable to expect prompt and careful consideration of all matters referred to it. An enumeration of a few of its more important functions will suffice for that purpose. It must hold hearings and render decisions on complaints alleging violation of the interstate commerce act on new schedules of rates which have been suspended pending investigation, on applications for certificates of convenience and necessity covering proposed construction, extension, or abandonment, on applications for authority to issue securities, and on applications for authority for a road to acquire control of other roads. It must supervise the regulation of the general level of rates throughout the country to provide the fair return contemplated by section 15a of the interstate commerce act. It is required to enforce the provisions of the interstate commerce act for the recapture of earnings in excess of a fair return and for the administration of the fund resulting from such recapture. It must supervise and prescribe the methods of accounting for interstate railroads, which entails complicated work, such as that involved in the recent reclassification of carriers' accounts and the order concerning the establishment of depreciation reserves. It is charged with the enforcement of the various Federal laws for the promotion of safety, such as the hours of service act, the safety appliance acts, the boiler inspection act, and the provisions of the Interstate Commerce act concerning automatic train-control devices. It must decide applications for permission for a person to hold a position as officer or director of more than one carrier. It must execute various provisions of the Clayton Antitrust Act, relating to interstate carriers, including the supervision of dealings with other corporations having the same officers. During the year 1926 the commission conducted 1,584 hearings and took over 300,000 pages of testimony. From this brief statement of the volume of the work of the commission it clearly appears that it is physically impossible for the commissioners to give prompt and careful personal attention to the innumerable problems which require the exercise of legislative and judicial power. To a very large extent this work must be delegated to subordinates.

NO SCIENTIFIC METHOD OF RATE MAKING

The commission has not had sufficient time to develop a scientific method of rate making. Thus far our rate making has been by guess and by God, with the emphasis on the last two words. It recalls the story of a little girl in western Kansas, who at her morning prayers, as she was about to return to her Missouri home, said: "Good-by, God, we are going back to Missouri." Her wicked brother, who happened to overhear her and was jubilant at the idea of returning home, used the same words in a sentence, but not with the same emphasis. He said: "Good, by God, we are going back to Missouri."

RATE FIXED BY AGREEMENT

Neither the commission, the experts, the shippers, nor the public have any accurate knowledge of the mileage cost of transportation in any section of the country. Where no objections are filed, rates are fixed by agreement between representatives of shippers and by the traffic associations of the roads. Special interests employ traffic experts to haggle down their own rates, without regard to the additional burdens that those rates settle upon the vast multitude of small shippers, with little knowledge of rates or with too small an interest to warrant the employment of traffic experts.

RULE FOR RATE MAKING

Edgar E. Clark, a member of the Interstate Commerce Commission for 15 or more years and recognized as one of the ablest members of that body, in speaking of our rate structure, said:

> I am firmly of the opinion that there is urgent need of a new system of rate making and no hope of it being achieved except under Federal control or with the Government owning the railroads. The so-called blanket grouping of communities, basing points, etc., growth of competitive conditions, in my humble opinion, make for favoritism and are highly uneconomic. In a word, the freight rate has been frequently used as a sort of protective tariff by means of which favored cities or communities have prospered at the expense of others. The freight rate should be made, under proper classification, on the basis of a terminal charge plus straight mileage cost. We are coming to it some day because it is the only just and logical plan, and I think the sooner it is perfected and adopted the better.

BELOW COST RATES

Under the existing system and due to competitive theories and ignorance of the actual cost of service, we have "below-cost" rates to prevent the active use of our inland waterways; "below-cost" rates from coast to coast. We have import and export rates that barely cover the port-terminal service, much less the real haul and port-terminal charges.

AN EQUITABLE METHOD SHOULD BE ADOPTED

According to exhibits in a pending port investigation covering Atlantic and Gulf ports, the losses upon such classes of traffic are so great as to destroy the small margin of profit upon a vastly greater volume of traffic. The plan to ascertain transportation costs under average conditions in every section of the country is feasible and should be worked out. It would settle the long-and-short-haul controversy and the railroad intercoastal problem, protect inland waterways, conserve railroad transportation, and eliminate the transportation waste. Lastly, it would provide an equitable basis for the establishment of rates for all shippers alike where we now have unreasonably low rates to some points and unreasonably high rates to others.

In the language of President Coolidge it would meet the imperative need of the country—

> An entire reorganization of the rate structure for freight and thus relieve in a large degree the depressed condition of agriculture.

To entirely reorganize the rate structure for freight as suggested by President Coolidge and revise and readjust the rates so as to reapportion the burdens of commerce in rail transit equitably alike to every section and industry is a task of such magnitude and importance to the country as to require years in its performance, in study and attention for its continuous adjustment. It alone is of such character and of such vital importance to all the people and every section of the country as to require the undivided attention of an administrative agency.

With our present machinery overloaded as it is we can not hope for such an accomplishment during the next decade. The only alternative for such relief, as suggested by the President, is to provide for additional machinery of administration.

The existing law should be amended so as to provide for the appointment by the President of three resident deputy commissioners for each of the rate-making groups, with power and specific directions to proceed at once with the revision and readjustment of the freight rates in their respective districts, the Interstate Commerce Commission to be given equalization jurisdiction and power to modify and adjust by raises and decreases, so as to secure and preserve uniform rate level, not only for the district but for the entire country; also to have and exercise original and exclusive jurisdiction over intergroup rates and appellate jurisdiction on the record to hear and determine all complaints on appeal from deputy commissioners; the deputy commissioners in each district to have exclusive original jurisdiction over all complaints, limited to those originating and ending in their group; and the Interstate Commerce Commission to have exclusive jurisdiction to hear and determine all intergroup complaints, or complaints including intergroup rates.

Such additional machinery would unload the present commission of much of its detailed and intricate work. It would provide a convenient tribunal in every section of the country to hear and determine group complaints, thousands of which are endured and never filed because of their small amount and the expenditure and length of time required in presenting them to the commission so far distant.

It would afford a complainant a hearing direct before a commissioner responsible to the people and do away with the unsatisfactory procedure of hearing before examiners. It would be setting up procedure in transportation proceedings similar to that which we now have in the civil courts.

In addition to the above it would provide an agency to proceed at once to the very heart of the Nation's need—revision and readjustment of rates.

The Interstate Commerce Commission, thus relieved, would be able to meet the heavy and exacting demands of the intricate and complex problems presented by consolidation of roads, so important to every section of the country. In addition it would be able to render a more efficient administration in its many other fields that will continue to increase in number and importance with the rapidly growing commerce of the country.

More than any other class the farmers are vitally interested in the immediate revision and readjustment of freight rates. They are the only class that is compelled to pay the freight both ways—on everything they sell and everything they buy.

In 1927 they paid approximately $1,000,000,000 in freight rates on their farm products. This did not include forest products. This represented 10 per cent of the total cash income from the sale of farm products and 18.7 per cent of the estimated net farm income for that year. Of the total volume of freight transported over the railroads during 1927, the farmers furnished 11 per cent, and yet by the horizontal increases in freight rates they were compelled to pay 19.8 per cent of the total freight revenues of the roads.

The immediate revision and readjustment of rates on farm products in the Mid West will afford the farmers immediate substantial relief. The reduction in rates will be reflected direct to the farmers in higher prices for their products and a reduction in the prices of their farm implements, building material, and the manufactured goods they purchase from the East.

Here is a method of relief that is workable, sound, and constitutional. The commission is clothed with full power to initiate such revision and readjustment. It needs no additional grant of power from the Congress. Will it drop for the time being the multitude of duties of lesser importance and proceed with its plain duty in this respect as requested by the President five years ago? [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HOWARD of Oklahoma. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. TARVER. Mr. Chairman, reserving the right to object, there are some of us here that have amendments which are vital to our section of the country and upon which we are being denied the right to be heard. If the gentleman's time is extended, it will prevent us from having any opportunity to discuss our amendments; therefore I shall be compelled to object.

Mr. GARBER. I thank the gentleman for his courteous consideration. [Applause.]

Mr. ROBINSON of Iowa. Mr. Chairman and my colleagues, the bill we are now considering, H. R. 13512, introduced by Mr. DENISON, of Illinois, provides for certain amendments and improvements to the act of June 3, 1924, creating the Inland Waterways Corporation.

It increases the capital from five million to fifteen million dollars for the purpose of providing additional equipment—that is, barges and towboats—that is now needed to handle the freight business now being offered to the Barge Line, and to provide the necessary equipment for certain extensions already authorized by law and under process of construction.

Mr. DENISON, the author of the bill, has already explained its provisions in clear, understandable language. Because of my limited time I shall not attempt to cover the same facts, but briefly to call your attention to the great need of Iowa and the Middle West for this legislation.

To us of that great section transportation is a very vital thing. We are located in the central part of this great country. To reach the markets of the world, to reach the markets of the thickly populated sections of our own country, to reach the markets of the manufacturing and industrial sections of our country, to bring their products to us, to take our products to them, transportation is absolutely necessary and all essential.

We are proud of our producing ability; of the fact that we furnish America, and to some extent we furnish the world, with the choice things of life, a superior quality of food, of agricultural products. Iowa and the States adjoining and near by supply America with the food products that make life and living worth while, but we must get these products to you, and this means transportation.

We are your great market for your products and will consume them in ever-increasing quantity, thus furnishing you the best market the world offers. This all requires transportation.

Life in Iowa might almost be described as just one shipment after another. We ship in—we ship out; this constant, never-ending shipment or movement of our commodities out and your commodities in—producing, consuming—this exchange of products means prosperity to us of all sections if it be had in the right proportion and at right prices.

Water transportation is the cheapest transportation known. For bulky, heavy commodities for which rapid transportation is not necessary water transportation is especially adapted. The record shows that this class of commodities can be transported by water at about one-third of the cost of moving them by rail. For sugar, grains, coal, iron ore, steel products, cement, building material, lumber, canned foods, and a multitude of similar products transportation by water will mean a large saving.

For years our Government has been spending large sums to bring this about. We have spent about $250,000,000 improving our rivers. Of what value is it unless we use these rivers? This work is not completed, but it is completed sufficiently to prove its immense value, as shown by transportation on the lower Mississippi River and on the Ohio River.

The upper Mississippi is now ready for this barge service. The channel still needs additional improving and the Government has already provided for it; barges and towboats are now in use on the upper Mississippi but in limited numbers, insufficient to handle the freight business that is offered. We need more barges and more towboats. This bill provides the funds to secure them.

Dubuque, Iowa, in my district—a fine, alert, progressive, prosperous city of about 50,000 population—is now completing a dock and terminal system, costing from four hundred to five hundred thousand dollars, to handle incoming and outgoing freight on this barge line. We there have a joint rail rate that carries some of the benefit of the reduced rates into the interior of the country. This is an essential factor in the transportation problem and this bill provides for its extension.

It is greatly to the credit of cities like Dubuque and others that they have used their credit and their money to build modern dock and terminal facilities and lease them to the Inland Waterways Corporation at a low rental for use of the barge line and connecting rail carriers. Without these facilities a demonstration of the usefulness of the barge line would be almost, if not entirely, impossible.

It is not the purpose of those who favor this legislation to keep the Government permanently in the water transportation business. Our purpose is just the opposite—to have the Government dispose of the barge line to the best advantage possible as soon as conditions are such that private capital and business can be induced to take it over and operate it under conditions somewhat similar to those required of other carriers—that all carrier business, rail and water, shall be operated by private business under regulation of the Interstate Commerce Commission in the interest of the whole Nation.

The report of the Interstate and Foreign Commerce Committee on this bill gives the following:

DECLARATION OF POLICY

Paragraph (c) of the bill is a declaration of the policy of Congress with reference to the continuance of the operations of the Inland Waterways Corporation and provides the conditions under which the operation of such service by the Government may be terminated and the facilities of the corporation disposed of. It states that it is the policy of Congress to continue the transportation service of the corporation until the following conditions shall have been met: (1) There shall have been completed in the rivers where the corporation operates navigable channels, as authorized by Congress, adequate for reasonably dependable transportation service thereon; (2) terminal facilities shall have been provided on such rivers reasonably adequate for joint rail and water service; (3) there shall have been published and filed under the provisions of the interstate commerce act such joint tariffs with rail carriers as shall make generally available the privileges of joint rail and water transportation upon terms reasonably fair to both rail and water carriers; and (4) private persons, companies, or corporations are ready and willing to engage in common-carrier service on such rivers.

This paragraph of the bill declares the policy of Congress. By this provision Congress announces to the cities along the Mississippi and its tributaries that the service of the corporation will be continued until suitable channels shall have been completed and suitable terminals shall have been provided. These cities will not incur the heavy expenditures for the construction of terminals without some assurance that transportation service will be provided. Modern water transportation by barges and towboats requires a special type of terminal for the exchange of traffic. Such terminals are very expensive, and there can be no private operation of water transportation until such terminals are available. The Government is endeavoring, through the operations of the Inland Waterways Corporation, to encourage the development of

transportation on the inland waterways of the country and its operation by private interests. For this purpose Congress announces to the States and municipalities along this river system that the Government will provide this service, and it invites such States or municipalities to construct suitable terminals to the end that private capital may be attracted to invest in the water transportation business.

THE RIVERS ARE OUR NATIONAL HIGHWAYS

The United States has a larger system of navigable rivers than any other country in the world. These rivers are the Nation's natural highways, over which, by the Constitution, the Federal Government is given jurisdiction in the interest of commerce. From our early history it has been the policy of the Government to improve these highways for navigation; we have now expended $250,000,000 from the Public Treasury deepening the channels, revetting the banks, and otherwise improving our rivers for commerce. Sixty million dollars more will be required to complete them. The Monongahela River has already been completed and now more commerce is transported over that river than any other river of the same size in the world. The Warrior River has been completed and is now available for transportation from Birmingport near Birmingham to Mobile, a distance of 440 miles. The Ohio River will soon be completed. Work is now progressing on Dams 52 and 53, and when these dams are completed the Ohio River will be canalized from Pittsburgh to Cairo; and as the work progresses commerce is getting ready to use this great river. The Mississippi has been practically completed from Cairo to the Gulf, and work is now progressing on the upper Mississippi, the Missouri, and the Illinois. But the country will never realize any benefits from the money that has already been expended in the improvement of these rivers until their improvement has been completed.

Now, for what purpose has Congress expended this vast amount of money? Why are we still spending $50,000,000 a year on our rivers and harbors? It has been done in the hope that when improved they would serve as free highways for the Nation's commerce; and this vast expenditure will have been totally lost if commerce is not put back on the rivers when they are improved. In former years there was considerable commerce on our rivers, transported largely by the old packet steamers; but years ago the packet steamers were driven from the rivers by the competition of the railroads, and commerce practically disappeared from our inland waterways.

Water transportation is the cheapest transportation that is known. The cheapest transportation in the world is on the Great Lakes. The Inland Waterways Corporation is transporting freight on the Mississippi and Warrior Rivers at a substantial profit for about 4 mills per ton-mile, while the average rail rate in this country is 11 mills per ton-mile. It is impossible for the railroads to transport freight as cheaply as it can be transported by water. The older countries of Europe appreciated the economy of water transportation generations ago and have utilized their rivers and canals as their principal means of transportation. The cheaper transportation made available by the operations of the Inland Waterways Corporation on the Mississippi River from St. Louis to New Orleans has resulted in a direct saving to the farmers of the Middle West of from 1½ to 3 cents a bushel on their wheat. It can readily be seen what a possibility for substantial savings there will be for the farmers of the country if this service can be made more generally available by improving the tributaries of the Mississippi and developing privately owned transportation thereon.

The principal difficulty in recent years with American agriculture has been that our great farming area lies so far in the interior of the country that the cost of transporting supplies from the seaboard to the farming communities and of transporting the products of the farm to the seaboard has largely wiped out the farmers' profits. In the Argentine Republic and in Australia and other countries which compete with the United States in agricultural products the agricultural sections are located near the sea, and the farmers do not suffer from the high cost of rail transportation, as is the case in the United States.

Another result of the vastness of our territory and the location of our great farming interests in the interior of the country has been the inability of our interior communities to build up and support industries, and the unnatural concentration of industrial development along our seaboard. This requires the agricultural communities to pay high rail transportation on all the supplies they have to buy and high rail transportation on all the products they have to sell. If great industries could be located in the interior part of the country, if population could be increased nearer the agricultural regions, so that agriculture could find a market for its products nearer home and could purchase its supplies from sources nearer home, the burden of transportation would be largely eliminated and agriculture in this country would to that extent be rehabilitated. These natural difficulties to our agricultural sections can be largely overcome by the improvement of our rivers and by providing the interior sections of our country with cheaper transportation which our great inland waterways can afford.

It is believed by the committee that with the development of our inland waterways and the return of commerce thereon the great interior sections of the country will be developed industrially, and will be made more accessible to the sea, and the burden of expensive rail transportation from the interior to the seaboard will be largely overcome. It is said by some of the best transportation men of the country that the transportation business of the United States will double every 15 years or less. It is the duty of Congress to look to the future and encourage the development of adequate transportation facilities to care for this increasing commerce of the country. The development of commerce on our waterways will do no serious injury to the railroads. It will merely afford a supplemental system to aid the railroads in taking care of the commerce of the future. And it is certainly the duty of Congress to encourage the development of any kind of transportation that will promise to the people of the country, and particularly of the agricultural sections, a cheaper form of transportation.

So, looking forward to the future and realizing the rapid growth of our population and the inevitable increase in the transportation business of the country, and appreciating the desirability of affording to the country the cheapest possible transportation that can be made available, the committee believes that it will be wise for Congress to do what it reasonably can to further carry out the purposes expressed in section 500 of the transportation act of 1920 and carry on for a while the work now being done by the Inland Waterways Corporation, with a view to removing as fast as possible those conditions which have in the past prevented, and are still preventing, the investment of private capital in transportation facilities on our inland waterways.

The Inland Waterways Corporation has been doing splendid work. It is showing to the country the practicability and the economy of water transportation. It is developing suitable types of barges and towboats for the different rivers and the most economical use of fuels for such facilities. It is developing the most suitable and economical terminal facilities, and is showing to the country the economies that will be available by the joint use of rail and water service.

With these obstacles largely overcome, it is the belief of the Committee on Interstate and Foreign Commerce that private capital will readily invest in transportation on our waterways; the Government will have done its full duty in fostering such transportation, and can then dispose of the facilities of the corporation and withdraw from this service which has been so necessary and which it is now carrying on with the promise of such marked success.

This transportation by water is not for the purpose of harming other and very necessary transportation, but that together, working in harmony, rail and water transportation, may bring to our people cheaper transportation for the class of commodities that can as well be transported in this slower way in large bulk and quantity and help solve the problem of freight facilities for the increased transportation business of the future.

It is not a very large thing that we are asking of you. The Middle West is entitled to a fair trial of river freight transportation. It has already proven its success on the lower Mississippi. We believe it will prove it on the upper Mississippi, and that together, upper and lower Mississippi, and tributaries its success will be still greater, and the ultimate benefit to our people of all sections of our country will be well worthy of the effort. [Applause.]

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: Page 3, line 1, after the word "any," strike out the words "tributary or"; also strike out all of line 2, on page 3, up to the word "not," and insert in lieu thereof the words "navigable river or waterway of the United States."

Mr. WRIGHT. Mr. Chairman and gentlemen of the committee, under the provision of this bill it is sought to extend this barge-line service on tributaries of the Mississippi, not including the Ohio. Heretofore, as I understand it, the service has been confined to the Mississippi and to certain streams in the State of Alabama, including the Warrior River. This bill proposes to maintain this service, but in addition to extend it to tributaries of the Mississippi River, not including the Ohio.

Gentlemen of the committee, why make a ward or a pet of the tributaries of the Mississippi River and treat every other river in the United States as an orphan and an outcast?

Mr. WYANT. Will the gentleman yield?

Mr. WRIGHT. I will.

Mr. WYANT. The shippers along the Monongahela, the Allegheny, and the Ohio do not want the operation of Government barges in those rivers. They appeared before the committee and protested against it.

Mr. WRIGHT. I do not know what they want out there, but I know various States in the United States would very much like to have this barge-line service extended.

Mr. ABERNETHY. And we want it on the inland waterway.

Mr. WRIGHT. Yes. This does not mean that just any river in the United States would be eligible, but it means a

river which may become navigable and a river which meets the requirements laid down in this bill. So why exclude every river in the United States except tributaries of the Mississippi, especially in view of what we have just done for the Mississippi and the people in that great section.

I think this bill is absolutely discriminatory and should not pass the House in this form. If this service is good for transportation on the Mississippi and its tributaries, why not for every waterway of the United States? [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 4, line 11, after the word "carriers," strike out the semicolon and insert a period and strike out the remainder of the paragraph.

Mr. LAGUARDIA. Mr. Chairman, inasmuch as time is limited, I will only take three minutes. Mr. Chairman, I am in sympathy with this bill, but I am not in accord with the policy stated by the sponsors of the bill and intended to enact into law that the purpose or policy of the Government is to inaugurate this barge service, build it up, operate if the returns show a loss, and when the operation is at such profit-paying basis as to invite private persons, companies, or corporations to express their willingness to carry on the service, then immediately and automatically put the Government out of business.

I am for Government operation of transportation, and I do not hesitate to say so. I will be frank about it. Now, let me point out, with such a policy in the law, I am sure the committee does not want to go as far as this bill does, any time a private company or corporation is willing to take up the service because it is profitable the Government may, by the commitment contained in the bill, be compelled to cease operations and turn the business over to private operation. I do not see why you can not strike out that expression of policy and let a future Congress decide if the Government is to go out of business. I do not believe that after the Government has initiated and built up the service it should give it up. If the Government is to operate it, build it up, and sustain the losses, let us provide that the Government shall operate when it is profitable.

I want to say that many of the sponsors of this measure are the most rabid anti-Government operation men, including the distinguished chairman of the committee, my colleague from New York [Mr. PARKER], and yet they are people who come here and say that this river transportation is necessary, that we have got to have it, that private corporations or private initiative will not take hold of it, that we have got to do it, and we have to increase the capitalization and are going to do it; but as soon as it is a profitable, paying business, as soon as that private company or corporation expresses a desire to carry on the operation, then we will go out of the business. Then after this pioneer work is over, it will be pointed out that the Government operated at a loss and private companies at a profit. That is not fair. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The question was taken, and the amendment was rejected.

Mr. TARVER. Mr. Chairman, I have an amendment which I have sent to the desk.

The Clerk read as follows:

Amendment by Mr. TARVER: Page 3, line 2, after the word "waterway," insert the words "of the Mobile River or."

Mr. TARVER. Mr. Chairman, this amendment is vital to that part of the country which I have the honor to represent. At this time the Inland Waterways Corporation is operating on the Mississippi River, and also on the Mobile River and the Tombigbee River and the Warrior River. It operates on every river of the Mobile River system except the Alabama-Coosa, a tributary of that system that runs 750 miles into northwest Georgia on which there originates commerce worth $200,000,000 annually.

You are extending the benefits of this law to tributaries of the Mississippi which may in the future become navigable, and if you are going to extend it to every tributary of that river why should you exclude the tributaries of the Mobile River which do not receive these benefits now? I am asking you for fair treatment in behalf of this great country from which I come. I am asking you not to discriminate against these people that would be benefited by the operation of barge lines on the Alabama-Coosa River. I ask you to extend the benefits of this law to all the tributaries of the Mobile River, including the Alabama-Coosa River extending 750 miles into my district from the Mobile, as you are proposing to extend them to tributaries of the Mississippi.

In common with other Members of Congress from my State and my section I have been supporting all legislation proposed in the interest of the Mississippi Valley people. I have felt a deep interest in their problems and I have tried to work in cooperation with them. I now appeal to their Representatives not to vote to discriminate against the people living along this tributary of the Mobile River, but to include that tributary as you have included all tributaries of the Mobile River system with this exception, and to authorize, when it shall be made navigable, operation of barge lines thereon by the Inland Waterways Corporation in the same manner that you are authorizing such operation on tributaries of the Mississippi.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. TARVER) there were—ayes 35, noes 81.

So the amendment was rejected.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto be now closed.

Mr. BURTON. Mr. Chairman, I do not want to interfere but I should like to be heard for a very few minutes on this proposition.

Mr. PARKER. Under an agreement I was forced to make by the House, I agreed to move to rise in 30 minutes. If the gentleman wants to force me to make that motion, I shall have to do it.

Mr. BURTON. Mr. Chairman, I do not feel like taking that responsibility, but I do regard the debate upon this bill as very insufficient.

The CHAIRMAN. The gentleman from New York asks unanimous consent that debate upon this section and all amendments thereto do now close. Is there objection?

There was no objection.

Mr. ANDRESEN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. ANDRESEN: Page 3, line 3, after the word "been" insert the words "completed or."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUDSON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. HUDSON: Page 3, line 1, strike out, beginning with line 1, all the following lines, including line 23.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. HUDSON) there were—ayes 7, noes 62.

So the amendment was rejected.

Mr. McDUFFIE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. McDUFFIE: Page 2, line 2, after the word "river," insert the words "and the Warrior River system."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. DENISON. Mr. Chairman, I have three perfecting amendments, which I send to the desk.

The Clerk read as follows:

Mr. DENISON offers the following amendment: Page 1, line 7, after the figures "1924," insert the following: "(152, ch. 2, title 49, Code of Laws of the United States; ch. 243, vol. 43, p. 360, United Statutes at Large)."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Amendment by Mr. DENISON: Page 4, line 22, after the word "facilities," insert a comma and the following words: "or any unit thereof."

Mr. DENISON. That amendment, Mr. Chairman, will authorize the sale or lease of the corporation's facilities on the Warrior River, which is one unit, separately from the facilities of the corporation on the Mississippi River and its tributaries, which is or will be a separate unit.

The amendment was agreed to.

The Clerk read as follows:

Amendment by Mr. DENISON: Page 5, line 7, after the word "corporation," strike out the semicolon and insert a comma and the following words: "together with ample security by bond or otherwise to insure the faithful performance of such agreement."

Mr. DENISON. That amendment, as well as one similar to the last one, was asked by the Secretary of War.

The amendment was agreed to.

Mr. HOCH. Mr. Chairman, I offer the following perfecting amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. HOCH: Page 5, line 25, strike out the words and figures "subsection 3" and insert "paragraph (3)."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PARKER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FROTHINGHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13512) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Under the rule the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PARKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were presented to the House of Representatives by Mr. Latta, one of his secretaries, who also announced that on the following dates the President approved and signed bills of the House of the following titles:

On May 16, 1928:

H. R. 441. An act to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif.;

H. R. 4588. An act authorizing an appropriation for the repair and resurfacing of roads on the Fort Baker Military Reservation, Calif.;

H. R. 4619. An act for the relief of E. A. Clatterbuck;

H. R. 5297. An act for the relief of Christine Brenzinger;

H. R. 5935. An act for the relief of the McAteer Shipbuilding Co. (Inc.);

H. R. 8810. An act for the relief of John L. Nightingale;

H. R. 11809. An act to authorize an appropriation to complete the purchase of real estate in Hawaii;

H. R. 11960. An act for the relief of D. George Shorten;

H. R. 12899. An act authorizing the erection for the sole use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C.;

H. R. 4303. An act for the relief of the Smith Tablet Co., of Holyoke, Mass.;

H. R. 9481. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes;

H. R. 10067. An act for the relief of Marion Banta; and

H. R. 10799. An act for the lease of land and the erection of a post office at Philippi, W. Va., and for other purposes.

On May 17, 1928:

H. R. 7459. An act to authorize the appropriations for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes;

H. R. 13032. An act to amend the act of February 8, 1895, entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters"; and

H. R. 13037. An act to amend section 1, rule 2, rule 3, subdivision (e), and rule 9 of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895 (ch. 64, 28 Stat. L., sec. 645).

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 8314. An act to amend an act of Congress approved March 4, 1927 (Public, No. 795, 69th Cong.), to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War;

H. R. 10363. An act to provide for the construction or purchase of two L boats for the War Department;

H. R. 10364. An act to provide for the construction or purchase of two motor mine yawls for the War Department;

H. R. 10365. An act to provide for the construction or purchase of one heavy seagoing Air Corps retriever for the War Department; and

H. R. 10786. An act authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Gila River and its tributaries above the San Carlos Reservoir in New Mexico and Arizona.

The message also announced that the Senate agrees to the amendment of the House of Representatives to the bill (S. 3057) authorizing the Secretary of War to transfer and convey to the Portland Water District, a municipal corporation, the water pipe line, including the submarine water main connecting Fort McKinley, Me., with the water system of the Portland Water District, and for other purposes.

The message further announced that the Senate disagrees to the amendments of the House of Representatives to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCNARY, Mr. NORRIS, and Mr. SMITH to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3676. An act authorizing the Turtle Mountain Chippewas to submit claims to the Court of Claims.

The message further announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House of Representatives to the amendments of the Senate Nos. 46, 56, and 57 to the bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes, and that the Senate recedes from its amendment No. 1 to said bill.

REAPPORTIONMENT OF REPRESENTATIVES

Mr. MICHENER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 207, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 207

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11725, a bill for the apportionment of Representatives in Congress. That after general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MICHENER. Mr. Speaker, this resolution makes in order the bill H. R. 11725, which is commonly known as the reapportionment bill. By the terms of the Constitution a Federal census is taken once every 10 years. By the terms of the same Constitution it is contemplated that this Congress

shall reapportion the Representatives in this body once in every 10 years.

Beginning with 1790, the Congress of the United States has observed carefully this constitutional provision down to and including the year 1910; and after each decennial census there has been a reapportionment within two years after the taking of the census until 1920. The matter of reapportionment has been before Congress constantly since 1920.

In the Sixty-sixth Congress, as well as in the Sixty-seventh Congress, Congress by a majority vote decided not to reapportion. The technical reason given by the Members at that time was that the census was not fair; that we were just following up a great war; that the people throughout the country were not settled; that they were not at home, if you please, when the census was taken; and many have thought that that census was inaccurate, and that disadvantage would be given to certain communities, and they based their opposition to a census bill or reapportionment bill, as evidenced by the debate here, upon such bottom.

But, Mr. Speaker, the real motive that I think is generally understood by the House to have operated in defeating the reapportionment legislation is the fact that certain States will lose, provided the number of Representatives is kept at 435. In my judgment there has not been a time since 1920 when this Congress would not by a majority vote have reapportioned, provided that every State retain the number of Members now sitting in this body, and that increases be provided in other States.

One proposition was to increase the number to 483. Another proposition was to increase it to 460. To increase the number to 483 under the 1920 census would permit each State to retain its present number of sitting Members. But there must come a time, Mr. Speaker, when we must discontinue this increasing. In the years gone by we have continually increased the number of Members of the House until to-day this body has reached a size where it is unwieldy. If the size is increased, the Hall must be enlarged. No good results, in my judgment, can come from an increase in the size of the membership of this House; there are too many now.

Now, I shall not undertake to explain this bill in detail. It will be explained fully by members of the Committee on the Census. But it does deal with matters in a way whereby those Members whose States will now lose will not be embarrassed by voting for that kind of a bill.

This is anticipatory legislation. It seems to meet an emergency situation which might develop after the census of 1930. We have faced this emergency so far as reapportionment is concerned since the census of 1920, and I think I am speaking the truth when I say that there are enough States losing under the 1920 census that any reapportionment in this Congress is impossible unless, of course, the number of Representatives be increased, and I am satisfied that the sentiment of the country is opposed to a greater number in this body at this time. There is every reason to believe that some States will lose under the 1930 census, and the Census Bureau estimates that in order to prevent any State losing the number of Representatives it now has that the number of Representatives must be increased to approximately 550 Members. If I am right in my conclusion as to why Congress has been unable to function in the matter of reapportionment since 1920, then there is much more reason to believe that it will be increasingly difficult to do the same constitutional task after the census of 1930.

Some objections have been raised to the provision in the bill permitting the Secretary of Commerce to perform certain ministerial acts. As to the constitutionality of this provision I have no doubt. The Supreme Court has recognized delegated power in the Tariff Commission, in the Treasury Department, and in the Interstate Commerce Commission far exceeding any power here delegated. In 1850 the Thirtieth Congress provided that the future reapportionment made on the basis of the 1850 census should be made by the Secretary of the Interior, and it was so made and approved.

Much discussion has been had in reference to the method mentioned in the bill, and known as the "method of major fractions." A full explanation of this procedure is contained in the committee report, copies of which are in the hands of the members. If this method is not acceptable to the House, then the method of "equal proportions" may be substituted when the bill is under consideration. We are told by the mathematicians that each method is mathematically correct. Every Member in this body holds his seat to-day by virtue of the reapportionment of 1910, at which time the method of "major fractions" was used, and I have yet to hear any criticism of that system as adopted in 1910, and it strikes me that the objections here raised in this particular are resorted to by opponents of any reapportionment that does not increase the size of the House.

The following States would lose under an apportionment of a House of 435 Members based on the 1920 census:

Indiana	1
Iowa	1
Kansas	1
Kentucky	1
Louisiana	1
Maine	1
Mississippi	1
Missouri	2
Nebraska	1
Rhode Island	1
Vermont	1
Total	12

The probable losses in representation by States on the basis of estimated population of approximately 123,000,000 for 1930, with the size of the House at 435, are as follows:

Alabama	1
Indiana	2
Iowa	2
Kansas	1
Kentucky	2
Louisiana	1
Maine	1
Massachusetts	1
Mississippi	2
Missouri	3
Nebraska	1
New York	1
North Dakota	1
Pennsylvania	1
Tennessee	1
Vermont	1
Virginia	1
Total	23

The probable gains in representation by States on the basis of the estimated population for 1930, with the size of the House at 435, are as follows:

Arizona	1
California	6
Connecticut	1
Florida	1
Michigan	4
New Jersey	2
North Carolina	1
Ohio	3
Oklahoma	1
Texas	2
Washington	1
Total	23

The Congress must eventually meet the issue as to whether or not the size of the House is to be increased every 10 years, and I doubt if there are those present who would advocate a continuous increase. Therefore it seems the part of wisdom and statesmanship to meet the issue squarely at this time. For my own part I am convinced that this body would be more efficient with 300 Members than with its present 435, and I will vote to reduce the number accordingly. This is not a matter of partisan politics. It is not a sectional question. It is a constitutional question and requires unbiased consideration and unselfish action.

I do not believe there will be any opposition to the rule which we are now considering making consideration of this bill in order at this time.

Mr. Speaker, I now yield five minutes to the gentleman from Iowa [Mr. RAMSEYER].

The SPEAKER. The gentleman from Iowa is recognized for five minutes.

Mr. RAMSEYER. Mr. Speaker and Members of the House, I agree with almost everything that the gentleman from Michigan [Mr. MICHENER] has said. But there are some things on which I do not agree with him. The first thing on which I agree with him is that this bill should be considered. I am opposed to the bill, but I am in favor of the rule. The bill comes from one of the great committees of the House; a committee which has given a perplexing proposition careful consideration and has tried to meet a practical situation and solve a difficult problem. I think they are entitled to have their bill considered, and I hope there is no one here who is opposed to the principles of the bill who will vote not to give it consideration.

Now, I agree in some other respects with the gentleman from Michigan. I believe that this House is large enough. In former years when confronted with reapportionment of the House membership after each decennial census the Congress has done the easy thing and increased the membership, so that no State would lose in its membership. I understand if this practice is followed, in 1930 the membership of this House would be 100 more than it is now. If you keep up this practice, it will not

be many years until we have a House here of 700 or 800 Members. The House now is large enough.

If the House membership is kept at the present number of 435, my State will lose one or two or maybe three Members; no one knows exactly. In the winter of 1920–21 the short session, a bill to reapportion the House membership passed this House, holding the number down to 435, and under the estimate then made Iowa would have lost a Member, and every Member on the Iowa delegation agreed that I individually had the poorest location strategically in the State as it would have been impossible to redistrict the State without pushing me into the district of one of my colleagues and thereby eliminating me from this service. Notwithstanding that, and notwithstanding that Iowa would lose, I was so firmly convinced that the membership of the House was large enough that I with one other Iowa Member of the House who was going out, voted for the 435 and against the increase.

I believe in facing my responsibilities and my duties manfully and with my eyes open. We are going to take a census in 1930. This Congress will in the short session of the next Congress have the reapportioning to do. If I am here then I am willing to face that proposition, and I am going on record now in saying that I will oppose an increase in the membership of this House. But I want to face that situation with my eyes wide open.

Some of you fellows who were raised on a farm have probably had the experience of trying to lead a horse into a place where he did not want to go or was afraid to go. You blindfolded him, petted him a little, got him less nervous, and then led him into the place where he should have gone with his eyes open. Now, the proposal here is based on the assumption that you are too cowardly to face the situation when the time comes. That you are afraid of the consequences and that you have not the intelligence and patriotism to do that which is wisest for the country in 1931. Therefore, confessing to yourselves that you lack the intelligence, the patriotism, and the courage to face an embarrassing situation manfully when it shall come before you during the second session of the next Congress, you are going to blindfold yourselves by passing this bill and let somebody else lead you into doing that which you now say to yourselves should be done in the future, three years hence. That is the whole proposition in a nutshell. I am for reapportionment immediately following the 1930 census. On principle I am opposed to telling some one else to do what is the duty of this Congress to do. To reapportion and to hold down the membership of the House is a duty imposed by the Constitution on Congress. I am not going to announce to the world by voting for this bill that the next Congress will not have the intelligence, courage, and patriotism to make a wise reapportionment of the Members of this House. [Applause.]

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. MICHENER. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker and gentlemen of the House, I am opposed to the principles and provisions of this bill, and I trust it will be defeated on the final vote in the House. For that reason I opposed the rule in the Committee on Rules, and I shall vote against the adoption of the resolution provided for in the rule, although I do not insist that anybody else should do so. I think it is probably fair, in view of the importance of this proposition, and in view of the criticism that has been indulged in upon the part of the press and other sources, that this matter should at least have consideration.

Gentlemen, I am opposed to this bill primarily for the reason so well stated by the distinguished gentleman from Iowa [Mr. RAMSEYER]. If the Congress of the United States is legitimately subject to any criticism or odium for failing to perform a so-called constitutional mandate to pass a reapportionment bill, certainly we can well afford to wait two more years in order to get the real facts of the new census to guide the Congress in making its decision on this question of reapportionment. In other words, if we have neglected our constitutional duty, we have neglected it now for some eight years, and certainly neither our reputations nor the safety of the country could suffer much by a continuance of the proposition for two years more.

This is merely a gesture in effect. Whatever this Congress does with reference to reapportionment under the census of 1930 would in no wise, either constitutionally or morally, be binding upon the Congress which will come into effect two years from now. For that reason it seems to me it is the part of wisdom, as well as of courage and of intelligence, that the Congress whose duty it will be to reapportion the country under the census of 1930 should be trusted with the performance of that duty.

It has been asserted that the census of 1920 does not now afford a fair basis for any attempt to make a reapportionment. It will be pointed out to you by those who will speak on the bill that that was a time of instability of population; that the country had not had time to readjust itself from the migrations incident to the World War; and, in fact, gentlemen, when this next census is taken there may be some rather startling revelations with reference to an equitable and just reapportionment of the country based upon the population of 1930.

There is another proposal here which I do not like. Congress from time to time has been justly charged with abdicating a great many of its constitutional duties and functions, and here is a proposal that the Congress of the United States, which is charged with this responsibility under their oaths, shall abdicate it and turn it over in advance, upon a mathematical thesis, if I may call it that, to the executive branch of the Government, in effect, to reapportion the Congress of the United States, and I am opposed to that principle. [Applause.] If Congress of the United States itself, when it convenes after the census has been taken, has not the wisdom, the courage, and the prudence to take into consideration all of the practical factors and equations in the case then certainly our forefathers should not have lodged that duty in us. I think, as the part of wisdom, as a matter of practical politics—and I speak that in its highest and best sense—and as a matter of carrying out our duties under the Constitution we ought to postpone this reapportionment until the next census is taken, because it might be the best judgment of this House, in order that no State might lose its representation in Congress, that the membership of this body should be increased. We do not know what is going to be the judgment or the will of the Congress after the census of 1930.

In view of these propositions it seems to me, gentlemen, this bill ought not to pass, but that we ought to defer action until we have all the facts before us, and then perform courageously our constitutional duty.

Mr. CELLER and Mr. LINTHICUM rose.

Mr. CELLER. Will the gentleman yield for a brief question?

Mr. BANKHEAD. Yes; if I have the time.

Mr. CELLER. I would like to get the gentleman's view as to the constitutionality of this delegation of authority. Is it not a delegation of legislative authority?

Mr. BANKHEAD. I assume, although I have not given that question any serious consideration, that it is a delegation of authority that might well be carried out under the terms of this bill. I have not investigated that and I am not prepared from the standpoint of a lawyer really to answer the gentleman's question.

Mr. RANKIN. The gentleman realizes that under this bill the Department of Commerce would have the right and the duty of taking the census, and if this bill should pass in its present form we would be delegating to that same department that takes the census and passes on it also the power to reapportion Congress.

Mr. BANKHEAD. Yes; that is true; and there is another feature of this bill, gentlemen, I want to call to your attention. According to the language of the bill this is not a temporary expedient that we are framing up here in order to meet some criticism that has been hurled at the Congress of the United States because of its failure to perform its constitutional duty. Under this bill you are preparing a perpetual system by which every 10 years, if for any reason the Congress of the United States should fail to make the apportionment, the Secretary of Commerce for all time to come will have that right vested in him.

Mr. COLE of Iowa. Will the gentleman yield for a question?

Mr. BANKHEAD. I yield first to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. The gentleman from New York [Mr. CELLER] asked the question I had in mind.

Mr. COLE of Iowa. Is there anything in this bill, if enacted, that would prevent the first Congress meeting after the census from reapportioning the country regardless of what we do here now?

Mr. BANKHEAD. Why, absolutely nothing. As I argued a few moments ago, if we should pass this bill and set up this formula of reapportionment based upon the contingencies expressed in the bill, the Congress which it would affect would have the constitutional right to come in and absolutely repeal, modify, or change it in any particular. So I say it is merely a legislative gesture in its present form.

Mr. COLE of Iowa. But in case the Congress at that time should not make the reapportionment, then this bill, if enacted, would apply.

Mr. BANKHEAD. I think it would, if held to be constitutional.

Mr. LOZIER and Mr. JACOBSTEIN rose.

Mr. BANKHEAD. I yield first to the gentleman from Missouri.

Mr. LOZIER. This proposed legislation does not purport to attempt to do anything now?

Mr. BANKHEAD. No.

Mr. LOZIER. It is obviously anticipatory legislation; and, reduced to its lowest terms is not all this bill does to declare a national policy and attempt to commit subsequent Congresses to an adherence to that policy?

Mr. BANKHEAD. I think that is a good analysis of this bill.

Mr. MOORE of Virginia. Will the gentleman yield for a question?

Mr. BANKHEAD. Yes; I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. Does the gentleman find that Congress has ever undertaken to make an apportionment prior to the census being actually taken?

Mr. BANKHEAD. Not that I know of.

Mr. JACOBSTEIN. Will the gentleman yield there for a correction?

Mr. BANKHEAD. Yes.

Mr. JACOBSTEIN. I think the gentleman will find that in 1850 the Congress did do exactly what is being done under this bill, and the reapportionment was actually made by anticipation.

Mr. MOORE of Virginia. How far in anticipation?

Mr. JACOBSTEIN. Just like is proposed under this bill—one Congress in advance.

Mr. RANKIN. The gentleman does not mean to say that Congress delegated the power to make the apportionment?

Mr. JACOBSTEIN. That is exactly what I mean to say. The Congress delegated to the Secretary of the Interior the right to apportion, and the apportionment was made and accepted by the Congress and its constitutionality was never questioned.

Mr. RANKIN. It took the gentleman from New York a long time to find that out, because the gentleman has been on the committee two years and has been engaged in the hearings and this is the first time the gentleman has ever mentioned it.

Mr. JACOBSTEIN. I have stated the facts.

Mr. MICHENER. I might state that that fact is included in the committee report.

Mr. RANKIN. It is not in the committee hearing.

Mr. MICHENER. It is in the report.

Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. WILLIAMS]. [Applause.]

Mr. WILLIAMS of Illinois. Mr. Speaker and gentlemen of the House, personally I am opposed to this legislation, and if I am able to get a little time under the general debate on the bill I will try to explain the reasons for my opposition to the legislation. The matter we have before us at this time, however, is the rule reported out by the Rules Committee making in order the consideration of the bill reported by the Committee on the Census.

I think it is the duty of the House to give consideration to this bill and to the report of the Committee on the Census. As has been said, the Committee on the Census is one of the great committees of the House. In this matter it is dealing with a great constitutional question. It has given a great deal of attention to this subject, a great deal of thought and investigation, and has presented here a measure representing the best thought and the best effort of this great committee.

This is a matter of such supreme importance to the whole country and to the Congress that it seems to me there should be no opposition on the part of anyone, whether they favor the legislation or oppose it, to giving it an opportunity to be heard and determined on the floor of the House.

I am opposed to the legislation for the reasons so well stated by the gentleman from Iowa [Mr. RAMSEYER] and the gentleman from Alabama [Mr. BANKHEAD]. It seems to me that at most this is but an idle legislative gesture. If Congress feels it should take action at this time and that we should have an apportionment, which we should have had seven years ago, the courageous and the right thing to do would be to consider an apportionment bill, but this is not an apportionment bill.

This is simply anticipatory legislation seeking to bind the Congress that is to succeed us, that has jurisdiction over the matter and will have the right to determine the policy of the House at that time.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. JOHNSON of Texas. Would not this bill have this merit: That if the Congress did not see fit to do its duty at the next session, after the census was taken this would be a kind of penalty hanging over it to make it take action?

Mr. WILLIAMS of Illinois. I do not know whether you would call it a virtue or a vice.

Mr. KINCHELOE. In other words, if Congress does not do its duty, we let the Secretary of Commerce do it?

Mr. WILLIAMS of Illinois. Congress surrenders its power given it under the Constitution. If the Congress fails to act at the next session, after the census is taken we have abrogated our power to control the matter.

Mr. JACOBSTEIN. The gentleman does not mean to say that the Secretary of Commerce has any discretion?

Mr. WILLIAMS of Illinois. No; it is merely a ministerial act. He acts in a ministerial capacity. But by this bill this Congress is doing work under the Constitution which is the duty of a subsequent Congress to perform. I am not willing to say here and now that the Congress that will sit here in 1931 will either be lacking in ability or in integrity to do its duty under the Constitution of the United States. [Applause.] However, I think we should all vote for the rule, give the matter full and fair discussion, and then vote down the bill. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, it has been said that this legislation is anticipatory, that this Congress is attempting to bind a future Congress, and upon which a future Congress may act. I am against the rule because I think the Congress should act after the census has been taken. Because the Sixty-sixth Congress failed to do its duty is no reason why we at this period should anticipate the action of a future Congress. Regardless of what the population will be in 1930, we are arbitrarily fixing the number of Members of the House of Representatives at 435 and placing it in legislation. If a future Congress thinks the House should be composed of 460 Members and the President should disagree and veto such legislation, we would be required to pass such a bill by a two-thirds majority, to override a presidential veto, or accept this bill as the basis of the size of the House.

Something has been said about delegating authority to the Secretary of Commerce. There is a delegation of legislative power to the President that goes to the sanctity of the House itself. Therefore I do not believe that we should engineer the House into that position, but should leave it to Congress to act after the constitutional provisions for the census have been taken, when they can act with intelligence at that time.

It is true that there are certain States that will lose representation; that perhaps will be true under any apportionment or adjustment, but it ought not to be left to the Secretary of Commerce, it ought not to be left to the power of the President to veto the bill that may fix the new apportionment and require us to override a veto, but should be left to that Congress to deal with when the time arrives based upon the future census.

So I for one will vote against the rule and vote against the bill, and will not vote for any reapportionment that does not state in the body of the bill how many Representatives the State of Indiana is entitled to have and the number every other State will have. I think that fulfills my constitutional duty and thereby not leaving it to the Secretary of Commerce or any other power to decide. [Applause.]

Mr. MICHENER. Mr. Chairman, the gentleman hit the nail when he said that this provides a formula. It merely provides the procedure whereby we guarantee fulfillment of the constitutional provision in reference to reapportionment in case, perchance, another Congress should be as derelict of duty regarding reapportionment as the present Congress has been.

No future Congress will be bound in any way unless that Congress desires to be so bound. We are simply providing that the Congress in the future after the next census shall be taken shall be composed of 435 Members. We are laying down a formula or plan, so to speak, to be worked by the Secretary of Commerce. We are not delegating any discussion. If the Congress to which this gentleman refers does not agree with what we have done, that Congress may change; but in case it fails to act, then as long as this statute stands upon the books we are assuring a representative Government to the people. [Applause.]

We are drifting along and getting back into the old English borough system. There is no man here who will deny that it was the intention of the framers of the Constitution that the census should be taken every 10 years, and that immediately after the taking of that census that there should be a reappor-

tionment in order that we might have representative Government. I ask the gentleman from Missouri [Mr. LOZIER] now whether he would vote for a 435 membership under the 1920 census?

Mr. LOZIER. Will the gentleman yield to me for a question?

Mr. MICHENER. No; of course, the gentleman would not so vote, but these gentlemen here representing States where they lose Representatives are objecting, and why? They are objecting because they fear that their State will lose. I sympathize with them, but still to me the question of whether or not we shall abide by the Constitution is a greater question than whether or not perchance a particular individual shall lose his seat in Congress. I admire the statement made by the gentleman from Iowa [Mr. RAMSEYER], who said that he appreciated the constitutional direction, and that even though it might cost him his seat in Congress he felt constrained to vote for that which he believed to be his constitutional duty. To me it is just a question of whether or not we want to comply with the terms of the Constitution.

Mr. COLE of Iowa. In other words, the gentleman proposes to enact a law by this vicious Congress to make the next Congress more virtuous than this one? [Laughter.]

Mr. MICHENER. No; I do not want to cast any aspersions on this Congress, but I do say that this Congress has shown a dreadful lack of courage.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. LOZIER. In 1921 when the bill was being considered in this House providing for a representation of 460 Members in the House of Representatives the gentleman from Michigan voted to recommit that bill to the committee without instruction, thereby defeating the legislation in that Congress.

Mr. MICHENER. Yes. I voted to recommit.

Mr. LOZIER. Does the gentleman think that he was derelict in his duty in voting to recommit that bill in 1921 which deprived his own State of three or four additional Representatives in Congress?

Mr. MICHENER. The gentleman from Michigan felt that 435 was a large enough number, and the gentleman from Michigan did not want to increase the number. There was no reason on earth why 460 should be adopted arbitrarily unless it was to take care of some States like the gentleman's State.

Mr. LOZIER. Does the gentleman think he was derelict in his duty and that he violated his oath to the Constitution when he voted to recommit this bill in 1921, thereby destroying the possibility of any reapportionment at that time?

Mr. MICHENER. The gentleman certainly has no such notion, but the gentleman from Missouri would not vote for any bill anywhere, anyhow, which deprived his State of its present representation. I decline to yield further.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. JACOBSTEIN. The very question raised by the gentleman from Missouri [Mr. LOZIER] calls attention to the dangerous situation unless we pass this bill. Gentlemen who want reapportionment are lined up with those who do not want reapportionment, to defeat a reapportionment bill. You get a combination of men who really desire reapportionment and who do not want the House to be greater than 435 Members lined up with those who do not want reapportionment, a situation which we have had for 10 years, so that while the gentleman performed his duty in 1921, yet in doing it he actually joined forces with those who did not want any reapportionment.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. BANKHEAD. I think it might be fairly stated that the crux of the gentleman's argument is that we should insist on the limitation of 435 Members of Congress. Does not the gentleman think that the Congress succeeding this one has the absolute right to an untrammeled expression of its own views on that question?

Mr. MICHENER. Yes; and it will have. There is no question about that. If this bill is taken up for consideration under this rule, it will be subject to amendment, and if there are sufficient Members who want to amend the bill and increase the number, that will be their privilege.

Mr. BANKHEAD. In other words, we are doing a thing now with our eyes open, which we recognize is within the power of the succeeding Congress to change.

Mr. MICHENER. We are doing that now which the gentleman from Alabama has objected to doing since 1920.

Mr. WILLIAMS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. WILLIAMS of Illinois. I do not see any difference, so far as the Constitution is concerned, between the position of the gentleman from Michigan [Mr. MICHENER] and the gentleman from Missouri [Mr. LOZIER]. The gentleman from Michigan refuses to vote for a bill that provides more than 435 Members in the House, and the gentleman from Missouri will not vote for a bill that does not have more than that number. So far as the Constitution is concerned, one is just as guilty as the other. [Laughter.]

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. BARBOUR. Mr. Speaker, like the gentleman from Michigan [Mr. MICHENER] I was one of those who voted to recommit the bill which provided for a membership of 460 Members in this House, and every man who voted that way did so because he felt that 435 was a large enough membership.

Mr. DOWELL. And the gentleman is willing to kill the bill for that reason?

Mr. BARBOUR. I have not yielded to the gentleman from Iowa. If the gentleman from Missouri and his colleagues on the Census Committee had done their duty and not blocked action by that committee the committee would have reported out a bill providing for 435 Members, as the House indicated by its vote it should do. The committee has been delinquent in its duty in not reporting out such a bill.

Mr. LOZIER. Why, I was not even a Member of Congress at that time. [Laughter.]

Mr. MICHENER. Mr. Chairman, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. FENN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11725. Pending that motion, I ask unanimous consent that the time be controlled equally by the gentleman from Mississippi [Mr. RANKIN] and myself.

The SPEAKER. The gentleman from Connecticut moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11725, and asks unanimous consent that the time be equally controlled on one side by himself and on the other by the gentleman from Mississippi [Mr. RANKIN]. Is there objection to his request?

There was no objection.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Connecticut.

The motion was agreed to.

Tse SPEAKER. The gentleman from Illinois [Mr. CHINDBLOM] will kindly take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11725, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11725, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11725) for the reapportionment of Representatives in Congress.

Mr. FENN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. FENN. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. BURTON].

The CHAIRMAN. The gentleman from Ohio is recognized for 10 minutes.

Mr. BURTON. Mr. Chairman and ladies and gentlemen of the committee, this bill accomplishes two things; one with some degree of permanence, and the other only tentatively. First is the provision that the Secretary of Commerce, after a census is reported, shall prepare a statement under which Members of Congress are apportioned to the respective States. The second fixes the number of Members and is in a measure tentative. Indeed there had to be some number given in order that the Secretary of Commerce might act. That number is 435, the present membership of the House.

I am strongly in favor of this bill, for two reasons. In the first place, we have very naturally subjected ourselves to some reproach because we have not complied with the constitutional provision for a reapportionment under the census of 1920. The point I wish to impress upon you is that the

same situation will probably—I might almost say inevitably—arise under the census of 1930.

I have been here when apportionments were made under the acts of 1890, 1900, and 1910. The sentiment of the House in each of these three cases was decidedly against an increase of membership. In fact, those who advocated or submitted to an increase of membership said, "Never again; that is the last time that there shall be an increase. The House is too large already." But the insistence of Members from States which lost Members in each case prevailed, so that the number was increased from 325 to 356, 385 approximately, and under the census of 1910, to 435.

Now it has been said here that we are saying to the next Congress what it shall do. That is not correct. This is but tentative. If the Congress elected in 1928 has courage and wisdom and can agree upon a bill, then it will take one up and pass it, and this one, giving authority to the Secretary of Commerce to make a statement, will be wiped off the statute books.

It is no reflection on the courage of the Congress elected in 1928 if there is recognition of the fact that the same situation which accrued after the census of 1920 is very likely to occur again in 1930. Indeed, I think the probabilities are very strong that it will occur again in 1930, or after the census of 1930, because of that irrepressible conflict between those who do not wish to increase the size of the House and those who do not wish to allow their respective States to have a decrease in membership.

I might say here by way of explanation that it should not be regarded as such a calamity that a State should lose part of its membership. On page 189 of the Congressional Directory a statement is given showing the representation under each census, beginning in 1790. There is none of the older States but has sometime lost some of its membership, Virginia perhaps most of all, frequently; next, Massachusetts, New York, Pennsylvania, Delaware, Maryland. Every one of those States lost some of its Members.

The question is one which we should look at from the broad standpoint of the general good of the country and the efficiency of this House of Representatives. An argument is occasionally made in regard to the size of the Chamber of Deputies in France and the House of Commons in England. The House of Commons in England has more than 600 members. I wish to call attention to the very great difference. The very great majority of members of both of those bodies never express themselves on the floor. They are not regular in their attendance. There is a certain honor attached to a manufacturer or a business man or a man in some other vocation to be a member of the House of Commons, but he takes no active part in the deliberations. If you will consult Hansard you will find a very small proportion, comparatively, of the members of the House of Commons who ever take part in the proceedings.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I would rather not. I prefer not to be diverted from the line of statement I am pursuing. I am frank to say I am very strongly in favor of limiting the size of the House of Representatives to 435. I say here frankly and bluntly that I would rather fail to comply with the constitutional provision than to see the size of this House increased.

There has been a good deal that has happened within the last few days which, I think, shows how disorderly we are liable to become, how the cry of "Vote" may drown out legitimate debate, and the larger we become the less efficiently we will function. I can not describe to you too strongly the difference between the transaction of business in this House when I first became a Member of it, when there were only 325 Members, as now compared with 435. The average ability is no less to-day, but the distinction of membership is less; the opportunity of the individual Member is less and the tendency is toward disorder and inefficiency in the transaction of business, and that is sure to increase. So I say, let us meet the constitutional requirement by providing a way. It is ministerial only. The Secretary of Commerce will not be usurping anything; he is not to take away any right of the Congress.

Ministerial duties are assigned to members of the Cabinet much more far-reaching than this. So I say, gentlemen, we should vote for this bill and pass it. It will provide for the future. We can, in the next Congress—and I speak as though we were all going to be here, and most of us will, I expect—change it and pass any bill we please. We could pass a bill increasing the size of the House, although I should much deplore that; we could make a change in the major fractions, though that was advocated by Thomas Jefferson and has been followed since.

Mr. LOZIER. Does the gentleman say the major-fraction theory was advocated by Jefferson?

Mr. BURTON. I believe so.

Mr. LOZIER. Is it not true that Jefferson advocated the rejection of all fractions?

Mr. BURTON. That statement is made in a book of some authority as being so, and I think it is correct. I just want to read a few words from James Madison in regard to a larger body:

> The people can never err more than in supposing that by multiplying their Representatives beyond a certain limit they strengthen the barrier against the government of a few. Experience will forever admonish them that, on the contrary, after securing a sufficient number for the purposes of safety, of local information, and a diffusive sympathy with the whole society, they will counteract their own views by every addition to their Representatives. The countenance of the Government may become more democratic, but the soul that animates it will be more oligarchic. The machine will be enlarged, but the fewer, and often the more secret, will be the springs by which its motions are directed.

The delusion of believing that an increase in the size of the House makes it more democratic was never more clearly pointed out than by James Buchanan, who was then in his prime, in the debates following the census of 1840. Again in the Federalist, Mr. Madison said:

> Though every member of the Athenian assembly be a Socrates, the aggregate body would be a mob.

Going to show that the more you increase the size of a legislative body, the more the domination of that body falls under the influence of a few, and the more the individual member becomes merged in, shall I call it, that mob, which extinguishes his individuality and gives a bent to the direction of affairs in which the individual has less and less to say. Mr. Charman, I sincerely hope this bill will pass. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. RANKIN. Mr. Chairman, I am one of those men who have been charged with responsibility for not reapportioning under the census of 1920. I plead guilty to that charge.

I said on this floor in 1921 that I was opposed to the reapportioning of the House under the census of 1920 for several reasons. In the first place, the census of 1920 was taken, you might say, while America was still in the World War; when our soldiers had not returned to their homes; when thousands and thousands of them were away from home and were not counted where they should have been counted. I was opposed to it also because of the fact that the census was taken at a time when, owing to war activities, the population of a good many States had been drawn away from home and concentrated in the large industrial centers of the country.

I was opposed to it because the Bureau of the Census, for the first time in the history of this country, undertook to take the census in the wintertime, when the roads were muddy, when the weather was bad, and when it was almost impossible to go into the agricultural sections and make a correct tabulation of the population. I was opposed to it because it was taken at the time of the very peak of high prices. It was shown before the committee, in the former hearings on this bill, that they found it impossible to get men at the prices paid to go out and do this work.

As a result they brought in a census which showed an abnormal gain, an unreasonable gain, if you please, in the large congested industrial centers and at the same time an unreasonable falling off in the agricultural sections.

I say this was brought about largely as a result of the World War, and as the result of the World War we smashed almost every precedent of which you can think. We drafted our manhood in the Army; we sent them overseas to fight our battles; we put on wheatless days, meatless meals, and lightless nights; we limited the amount of sugar a man could put in his coffee and changed the time of day, but when it came to holding up reapportionment because of the fact that we did not have a proper census we heard a great protest on the part of those gentlemen representing States which would have gained as the result of that census.

In 1921, when this bill was brought before the House, I announced my attitude clearly. I was not in favor of increasing the membership of the House, and I think the record of the hearings will show I so stated, but in order to get this measure off our hands, I joined a majority of the committee and reported to this House a bill providing for a membership of 460, which would have taken care of all the smaller States, although it would have added a little more to the already inflated number which some States would have received. It would have taken care of all the small States with the exceptions of Maine,

which would have lost one, and Missouri, which would have lost one instead of two.

We debated that bill all day long. That night a motion was made to recommit, and it was recommitted by the votes of the very gentlemen from Michigan and California who now complain that we who tried to do justice to all on that occasion are responsible for the House not being reapportioned.

Now, these are the facts in the case and so far as I am individually concerned, I am willing to assume my part of the responsibility.

Oh, but they say, "You have violated the Constitution." Now, as a matter of fact, reapportionment every 10 years is not mandatory under the Constitution. The gentleman from Massachusetts shakes his head, which convinces me that I am correct, or helps to do so. [Laughter.]

The Constitution does provide that the census shall be taken every 10 years. It also provides that representation shall be based on population. In other words, it does not provide that you shall apportion every 10 years but when you do apportion, instead of using territory or wealth as a basis, you must use population.

You can reapportion Congress every five years. You can take the census every five years and reapportion Congress every five years if you want to and come entirely within the Constitution, but you must take the census every 10 years. You can take it oftener if you so desire.

I was one of the men who wanted to take a census in 1925, when you took the agricultural and manufacturing census, in order that we might straighten this matter out and get a just reapportionment measure that would take care of all the States and do justice to all of them alike.

Mr. BEEDY. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. BEEDY. The gentleman is a lawyer and he and I have worked together on this problem.

Mr. RANKIN. If the gentleman is going to argue the constitutionality of the measure, I must decline to yield.

Mr. BEEDY. No; I am in agreement with the gentleman.

Mr. RANKIN. Go ahead.

Mr. BEEDY. We worked together on this problem in the Sixty-seventh Congress. The gentleman is entirely right when he says there is no constitutional mandate to apportion. The constitutional mandate applies only to the taking of the census every 10 years. I want to ask the gentleman this question: This bill comes into effect provided the Congress first meeting after the next census fails to do its duty?

Mr. RANKIN. Yes.

Mr. BEEDY. What would the proposed legislation do in the way of invading the rights of the Seventy-fourth Congress? Suppose the Seventy-third Congress or the Seventy-second Congress apportions under the next census, has not the Seventy-fourth Congress the right to change that apportionment if it wants to?

Mr. RANKIN. Certainly.

Mr. BEEDY. And can this Congress pass a law which in any way encroaches upon the authority of the Seventy-fourth or the Seventy-fifth Congress to apportion in any way it wants to?

Mr. RANKIN. No; I think not. I was coming to that point and I am pleased that the gentleman has raised it.

I am opposed to this measure for a great many reasons. In the first place, it is absolutely unnecessary. You are attempting here to bind a future Congress, as the gentleman from Maine [Mr. BEEDY] has suggested, by passing this legislation. You are attempting to make yourselves the guardians of future Congresses.

If we had taken the census in 1925, in my opinion, Missouri would not have lost two Members and California would not have gained the number she is claiming under the census of 1920. I do not believe that Mississippi would have lost a Member. I do not believe Kansas, Iowa, or Nebraska would have lost one, neither would Michigan have gained the number shown under the census of 1920.

Mr. BARBOUR. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. BARBOUR. Where did the gentleman get those figures?

Mr. RANKIN. I said in my opinion.

Mr. BARBOUR. Oh!

Mr. RANKIN. Has the gentleman an opinion?

Mr. BARBOUR. Occasionally.

Mr. RANKIN. Now, another thing. We do not propose here to apportion Congress under the census of 1920. That is not what you are doing. You constitutionalists, if you are such sticklers for the Constitution, and think we are violating it, you violate it when you postpone this until after the next census.

Mr. MICHENER. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. MICHENER. We could not get any other bill out of the gentleman's committee. The gentleman would not permit any other kind of measure to come out.

Mr. RANKIN. You might amend this one. You would not have got this one out if I had had my way, because I would have relieved the Congress of the embarrassment of having to answer before the country for this legislative monstrosity. [Laughter and applause.]

Now, you propose here to do what? To fix the size of the House at 435. I rather think the House of Representatives is large enough, but suppose in 1930 in working this proposition out Congress should find that by adding four or five Members or taking away four or five you can do justice to all the States? Will they say, "No; we are bound by this all-wise, all-powerful Congress that was in control a few years ago—they had a corner on the legislative wisdom, those patriotic fathers of the Constitution—they said it was to be 435, and we can not change it"?

You are fixing the House at 435, denying the next Congress, if your law amounts to anything, if it is binding, you would be denying future Congresses the right to reduce or raise the membership of the House.

This bill proposes a formula that they call major fractions. I want any gentleman from Iowa, from California, or from Michigan to tell me the difference between major fractions and equal proportions, and if he will get that in the RECORD he will have a sweet time after the public reads it when he goes back to his district. [Laughter.] And yet you are engrafting into this law a provision that the next House shall be apportioned on the formula of major fractions.

Mr. FENN. Under what method does the gentleman hold his seat—is it not major fractions?

Mr. RANKIN. I hold my seat as the result of a bill approved by a congressional committee passed through the House fixing the number of Representatives of each State.

Mr. FENN. The number was arrived at by major fractions.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. JACOBSTEIN. Did the gentleman vote for the reapportionment bill in 1921?

Mr. RANKIN. Was the gentleman here then?

Mr. JACOBSTEIN. No.

Mr. RANKIN. The gentleman from Mississippi was here in 1921.

Mr. JACOBSTEIN. Did the gentleman vote for the bill?

Mr. RANKIN. I do not know whether I voted to bring it out of the committee; I voted against recommitting it.

Mr. JACOBSTEIN. That was under major fractions?

Mr. RANKIN. I want to show you what you are voting for; a formula that by the best mathematicians is robbing your State or may rob it of a part of its representation.

Let me read a few paragraphs. I am not questioning the mathematicians; I presume they know what they are talking about. Nobody on the committee knew whether they were right or not, and so they are safe from criticism.

Based upon an "imaginary" population of the 1920 census Arkansas would receive 7 under equal proportions and only 6 under major fractions. Colorado would receive 4 under the method of equal proportions and 3 under major fractions. Connecticut, the home of the distinguished chairman of the committee, would receive 6 under equal proportions and 5 under major fractions. Now, that is according to one of the best professors—Edward Huntington, professor of mathematics at Harvard University.

Mr. FENN. I will agree to that if the gentleman will vote for the bill.

Mr. RANKIN. No; I do not want to see the gentleman rotated out of office. I want to see him here as long as Connecticut remains Republican.

Now, Florida under the equal proportions would receive 4, and under the major fractions 3. Idaho under equal proportions, according to this distinguished professor, would receive 2, whereas under major fractions she would receive only 1. Kansas would have 7 under the method of equal proportions, and 6 under major fractions. Maine, the State of the distinguished gentleman who interrupted me a while ago, would receive 3 under equal proportions and only 2 under major fractions. But you are asked to fasten major fractions onto the country.

Next we have Maryland. Maryland would receive 6 under the method of equal proportions and only 5 under major fractions. Mississippi would receive 7 under equal proportions and only 6 under major fractions; Montana would receive 2 under the method of equal proportions and only 1 under major frac-

tions. Nebraska would receive 5 under the method of equal proportions and only 4 under major fractions. New Hampshire would receive 2 under equal proportions and only 1 under major fractions.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. For a question.

Mr. JOHNSON of Washington. In the cases where States gain under the method of equal proportions, who loses? Where is the loss?

Mr. RANKIN. I do not know whether you would call it losing membership when they have not yet gained any, but otherwise under the other system, they would evidently go to other States.

Mr. JOHNSON of Washington. They would gain under one form and lose under another?

Mr. RANKIN. Yes. New Mexico would receive 2 Members under equal proportions and 1 under major fractions. North Dakota would receive 3 under equal proportions and 2 under major fractions. Oregon would receive 3 under equal proportions and 2 under major fractions. South Carolina would receive 7 under equal proportions and 6 under major fractions. South Dakota would receive 3 under equal proportions and 2 under major fractions. Utah would receive 2 under equal proportions and 1 under major fractions. Vermont would receive 2 under equal proportions and 1 under major fractions. Washington—where is the gentleman from Washington? May I have his attention? According to this table, under equal proportions the State of Washington would have 6 Members and under major fractions only 5. West Virginia would have 6 under equal proportions and 5 under major fractions.

Mr. JOHNSON of Washington. And would it not be just as hard to explain if we take this method of equal proportions, which is all visionary, as to explain anything else?

Mr. RANKIN. My idea is to leave this reapportionment off until after the census of 1930 is taken, because you are basing it on the census of 1930; and then when you take your census make your reapportionment on the basis of that census. We will have a bill coming up here on next Monday, I presume, by which we provide that the census must be taken as of the 1st of May, 1930. We are going to see that the people in the rural districts are counted and that a complete census is taken, if possible; and then I am in favor of reapportioning upon the basis of that census.

Mr. BEEDY. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. BEEDY. Here is a question that has been troubling me, and I would like to have the gentleman answer it if he will: The Constitution states that the actual enumeration shall be made within three years after the first meeting of the Congress, and then within every subsequent term of 10 years.

Mr. RANKIN. Yes.

Mr. BEEDY. The Constitution, therefore, fixes the 10-year period. What about the authority of any Congress to deal with the question of apportionment on the basis of a census that is not to be taken within the 10 years of the life of that particular Congress, but which is to be taken within the next 10-year period prescribed by the Constitution, a 10-year period within which another Congress comes into being?

Mr. RANKIN. The gentleman's question answers every argument of those who claim that it is mandatory to reapportion after taking the census, because if it is mandatory to reapportion after taking every census it is mandatory to make your reapportionment within the 10-year period, and, therefore, you are not coming within the very provision of the Constitution that you allege applies in this instance.

Mr. WHITE of Maine. In other words, the authority of Congress to act is with respect to a census previously taken and not with respect to censuses to be taken in the future.

Mr. RANKIN. Absolutely.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I have only a few minutes more.

Mr. THATCHER. Is it not a very serious question whether a Congress in this decade has any constitutional rights to legislate at all as to the next decade?

Mr. RANKIN. I think it is.

Here is the worst provision in this bill. The gentleman from New York alleges that in 1850 this identical thing was done. The record shows that a law was passed under which a Secretary of the Interior made the apportionment, but it does not show that that same department took the census.

The census at that time was taken by the various United States marshals. What are you doing here? You are delegating to a department the right to reapportion Congress on the basis of a census taken by itself. You are surrendering the prerogative, not only to apportion your own Congress and attempting to bind a future Congress, but you are also delegating the power of reapportioning Congress to the very department that takes the census.

Now, suppose we do as we did in 1920. There is nothing in this bill to provide that the census is to be approved by Congress. I have had enough experience with bureaus under this Government to warrant me in saying that bureaucracy is the bane of American institutions. How are you going to explain to the intelligent people of the country, why you delegated the power of reapportioning Congress to the very bureau charged with taking the census and which, I contend, failed in that respect in 1920?

Mr. JOHNSON of Washington. Did they not fail in 1920 because of the lack of sufficient money to properly take the census?

Mr. RANKIN. Not altogether. They failed for the very reasons I have mentioned.

It may be that in some sections it will cost more than it will cost in other sections. Some of these bureaucrats are demanding that we separate these censuses and take one in the fall and one in the spring, and thus add several millions of dollars more to the Budget. They took it in 1920 at a time when we were disturbed with the World War, when the people were concentrated in the large congested centers. They took it at a time of the year when it was absolutely impossible to go out and take the census of the country people.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield for one more question?

Mr. RANKIN. Yes.

Mr. JOHNSON of Washington. It is not proposed that the bureaucrats take the census at two periods. One is one for the agricultural people and the other of the population at other places.

Mr. RANKIN. The gentleman gets away from the issue. We provide now that this census shall be taken in 1930 as of the 1st of May. Let us not deceive ourselves by passing this unnecessary legislation to bind a future Congress, but let us wait until 1930 and see that the census is taken, and see that the men charged with that duty perform it, and see to it that they have sufficient money to insure that it is properly performed, and then come back here and reapportion Congress on the basis of the census taken in 1930 in order that we may do justice to all and not injustice to either the small or larger States. [Applause.]

Mr. FENN. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. McLEOD].

The CHAIRMAN. The gentleman from Michigan is recognized for 15 minutes.

Mr. McLEOD. Mr. Chairman and Members of the House, in bringing up this bill to reapportion the House on the basis of the census to be taken in 1930, we can not avoid being reminded that for eight years Congress has permitted a condition to continue which has never before existed in the 133 years of our constitutional history. There are many duties imposed upon us by the high office in which we have been placed by trusting constituents. Many of which are significant and urgent. There are other duties which do not have the appearance of urgency, but which transcend all others, because they pertain to that fundamental principle upon which this Government has been founded; namely, the Constitution.

Now, I do not desire to attempt to elaborate on the Constitution, or to condemn individuals who, in my opinion, have gone beyond the scope of their rightful duty in Congress on the committee that I am a member of. But I beseech you, gentlemen, to reflect for a moment upon the sacred trust that we have in our hands to-day.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. McLEOD. I yield.

Mr. GREEN. In the calculation as to the number of Representatives that we have from the various States, what will be the number to be represented by a Congressman with 435 Members as the basis? Will it be 250,000 or 260,000, or how many?

Mr. McLEOD. You mean in 1930?

Mr. GREEN. Yes.

Mr. McLEOD. No one knows definitely.

Mr. GREEN. Has the gentleman gotten information enough in the hearings to approximate the number?

Mr. McLEOD. No. We were just approximating.

Mr. GREEN. It is now, as I understand, about 207,000 or 208,000.

Mr. McLEOD. Mr. Chairman, I submit Article I, section 2, of the Constitution. It is my contention, gentlemen, that it is absolutely mandatory upon us to uphold our oath of office, which is to uphold the Constitution, to act according to this first article in the second section. It reads:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. * * * The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such manner as they shall by law direct.

I can not follow the mental gymnastics of those who say that this language does not mean that Congress must apportion its seats every 10 years. Such interpretation does not appear to me to be reasonable, and I am convinced that on this proposition I stand with the great majority of legal authorities, as well as with the great body of American people. [Applause.]

But regardless of the technical legal power conferred upon the Congress, it has the ability, by merely failing to act, to let apportionment go by the board, and there is no power to enforce the higher authority of the Constitution. I say there is no power; that is, there is no statutory penalty for not obeying. But there is a moral obligation backed by the weight of public opinion.

This bill before us to-day removes the possibility of violating the Constitution by mere nonfeasance of Congress. It provides for an automatic performance of the purely administrative features of reapportionment, reserving to Congress in each instance after a census a prior opportunity to apportion its Members by positive action if it so desires. The Constitution, so long as it truly embodies the will of the sovereign people, must be enforced. This bill will make it very difficult in the future to permit the growth of such insidious disfranchisement as has been in operation against several of the great States of the Union during the past eight years. I am strongly in favor—and I am sure a great majority of my colleagues will admit the wisdom—of a measure which accomplishes that result. It is the only way to safeguard the future against usurpation of the Government, consciously or unconsciously, by unyielding minorities.

Congress does not have the right to say what is best for the country in violation of the Constitution. One hundred and fifty years ago George III of England disregarded the rights of his subjects as manifested in their constitution. The result was a war of independence and the birth of a new nation. The grievance which stands out in our minds as the battle cry of that struggle is, "No taxation without representation." The spirit of that slogan won the war, and impelled the founders of our Government to reduce to writing those principles of government which would forever prevent the usurpation of sufficient power by any man or group of men to tax citizens and at the same time deprive them of just and equal representation. And yet has not the failure of Congress to apportion the Representatives for a period of 18 years produced just that situation? The State of Michigan, which ranks fourth in total amount of income tax paid to the Federal Government, is forced to get along with the same number of Congressmen she had 18 years ago. The fact that Michigan, along with several other States, has had phenomenal growth in population and wealth during the last 18 years, while some States have not, has had no recognition at the hands of Congress.

Our forefathers, in their far-seeing wisdom, provided for the unequalities of growth which they knew must necessarily take place in this country. They were well aware that the process of usurpation is gradual and sometimes so imperceptible as not to be recognized for what it is. They could not conceive of a truly representative body in our Government, such as our House of Representatives, succumbing to this pernicious evil. Their problem, then, was to keep it representative. Article I, section 2, of the Constitution was devised for that purpose, and given the leading position in the document, indicative of its preeminent importance. For unless the truly representative character of this legislative body is preserved, we will no longer have a representative form of government.

The authors of the Constitution had just previously to framing that document participated in the Declaration of Independence, and in order to refresh ourselves as to just the nature of the trust we bear let us refer also to the principles of government expressed in the latter declaration:

> We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and institute new governments, laying its foundation on such principles and organizing its powers in such form as to them shall seem more likely to effect their safety and happiness.

In order that the wisdom of our forefathers may be vindicated and the trust which they imposed in this honorable body be not destroyed, I call upon the Members of this House to pass this bill now, which, if not abiding closely to the Constitution, has the saving grace of doing so at the earliest practicable time. [Applause.]

The highest test which self-governed peoples have to meet is the unwavering administration of just laws, regardless of circumstances. This test can only be met so long as principles command respect and expediency is decried among those in high places.

Having done away with kings and potentates, as being untrustworthy guardians of the rights and liberties of mankind, our forefathers set up a constitutional form of government which has served ever since as a model of government for struggling freemen. We have proved highly capable up to this point of governing ourselves under this Constitution, and have continuously urged other peoples who have had the opportunity to subscribe to the correctness of our form of government by following our example. Many have done so, and now it again falls to our lot to set an example. Where new conditions make the adherence to old principles unpleasant, we must set an example of moral courage. The crucial period of our national history is before us, when wealth and luxury are ours to master. We must not forget that our Government is an experiment in self-control on a large scale, and that obligation is directly upon Congress to keep us from deviating from the true course of good government. We must not lay ourselves open to the charge of rotten borough politics.

I quote the following definition of an oath from Webster's Dictionary:

> An oath is a solemn attestation in support of a declaration or a promise, by an appeal to God or to some person or thing regarded as high and holy.

Mr. Speaker, it is just a few months ago that we stood before this rostrum and with our right hands uplifted invoked the Divine Witness to our oath of allegiance to the Constitution of the United States. No man in this Chamber can honestly vote "no" on this measure and at the same time uphold the sacred trust imposed upon him.

I therefore plead that you will let your conscience be your guide. [Applause.]

Those of us who long for justice should let the Government of the day respond to the Constitution. It is hard for him who strives to please to be successful in a desire to be honest. Especially is this true when the attempt is to please both you and me. There is no desire so beclouding to unbiased perception as the selfish desire. The commandments of principle are universal and impartial. They steady us in the moment of passion, they lengthen our view in the instant of urgent desire, and broaden our vision when the consideration of self seems paramount. These commandments admit of no exceptions, no realm of human action is exempt from their united judgment. Let us meet this issue squarely and pass this bill to-day. [Applause.]

The gentleman from Mississippi [Mr. RANKIN] in his remarks mentioned the conditions relating to the taking of the 1920 census. He stated that the census was taken when the weather was bad, at the peak of high prices, and that many of the service men had not reached their homes.

The figures that were presented to the Census Committee, not only at the present session, but at the last session, indicated that the growth was along the same ratio as in 1920; that California, Michigan, and Ohio would maintain their same increase and that there was no falling off in those States, but that the continuous falling off in Missouri and Mississippi was practically the same. That is a part of the committee hearing.

Now, gentlemen, if there is anything of importance or significance in the oath we take in this very rostrum every two years, and if it is in any way sacred, I just want to ask this question: Is it just to deprive us not only of our seats in this House, but also of our votes for President and Vice President in the Electoral College? You gentlemen all understand that situation, yet my State is short two votes and certain other States have our votes.

If there is any good reason for not passing this legislation at this time it might be suggested by the gentleman from Mississippi [Mr. RANKIN], but so far he has not shown any sound reason.

At this time I want to call attention to a matter which has already been brought out, and that is as to the delegation of power.

Mr. KETCHAM. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. KETCHAM. Before the gentleman concludes his remarks will he give just a moment's time to a discussion of the reason for incorporating in the legislation the delegation of power to the next Congress? Is it because of the fact that he believes the situation which embarrasses this Congress in acting would only be accentuated by the conditions that will be found after the next census—that is to say, there will be a greater divergence of opinion as to the way the apportionment ought to be made? More States will be out of line. More States lose and other States gain, so that there will be greater difficulty in coming to any agreement and passing any apportionment bill following the census of 1930. Is that the basis upon which that is put in the legislation?

Mr. McLEOD. Yes.

Mr. KETCHAM. I wish the gentleman would give some emphasis to that before he concludes his remarks, because it seems to me that is a very important reason for bringing in the bill at this time.

Mr. McLEOD. I might say this: The situation has been the same for the last three Congresses of which I have been a Member, that it is impossible to get any consideration of any bill in the Census Committee. There are certain men on that committee who will not vote out any bill, and it is my contention they will not vote out a bill under the 1930 census, and therefore this bill is the protecting clincher of the whole proposition. The whole question rests on the situation the gentleman has just mentioned.

Mr. KETCHAM. Then I am to understand that in the judgment of the gentleman, who has been a member of the Census Committee ever since he came to Congress, the situation in 1930, following that census, will likely be a worse situation than that which we now face and the chances of getting an agreement will be more remote than they are now, hence this particular provision in the bill—that is correct?

Mr. McLEOD. That is right.

Mr. CELLER. Will the gentleman yield?

Mr. McLEOD. I have just a few minutes remaining, and I want to refer to a decision of the Supreme Court. I hold in my hand a brief on the part of the United States in the case of J. W. Hampton, jr., & Co., petitioner, against the United States, on writ of certiorari. This case presents the question whether the flexible tariff provisions of the tariff act of 1922, giving to the President power to increase or decrease tariffs, within limits fixed by the statute, to equalize differences in costs of production at home and abroad, found by them to exist after inquiry and report by the Tariff Commission, are unconstitutional, as a delegation of legislative power. That was the question in the case. The opinion of the Supreme Court is as follows:

> The field of Congress involves all and many varieties of legislative action, and Congress has found it frequently necessary to use officers of the executive branch within defined limits, to secure the exact effect intended by its acts of legislation, by vesting discretion in such officers to make public regulations interpreting a statute and directing the details of its execution, even to the extent of providing for penalizing a breach of such regulations. (United States *v.* Grimaud, 220 U. S. 506, 518; Union Bridge Co. *v.* United States, 204 U. S. 364.)

And so on.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FENN. Mr. Chairman, I yield to the gentleman one additional minute.

Mr. McLEOD. Further in the opinion the court said:

> The true distinction, therefore, is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring an authority or discretion as to its execution, to be exercised under and in pursuance of law. The first can not be done; to the latter no valid objection can be made.

Mr. Chairman, I yield back the remainder of my time. [Applause.]

Mr. RANKIN. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. LOZIER]. [Applause.]

Mr. LOZIER. Mr. Chairman——

Mr. GREEN. Will the gentleman yield before he gets started for me to ask a question for the gentleman to bring out?

Mr. LOZIER. I would rather not yield until I have completed my statement.

Mr. Chairman and members of the committee, in the brief time at my command I want as best I can to discuss this question dispassionately. I am not going to charge any of my colleagues who differ with or from me on this bill with violating the Constitution or with disregarding their oaths or with having been remiss in the performance of their duties. I have too high a regard for the gentleman from California [Mr. BARBOUR] and the gentleman from Michigan [Mr. MICHENER] and other Members of this House who killed the reapportionment bill in 1921 to charge them with having been remiss in their duties or with having deliberately disregarded their oaths or with having wantonly violated the Constitution.

In the course of the debate this afternoon, while my colleague from Michigan [Mr. MICHENER] was speaking and criticizing those of us who are opposed to this bill, I called his attention to the fact that on October 14, 1921, he and a number of his colleagues from Michigan, California, and other States prevented the passage of the then pending reapportionment bill by voting to recommit the bill to the Committee on the Census without any instructions to forthwith report the bill back to the House, but my reference carried with it no implication that he and his associates who thus voted were untrue to their oaths or that they had thereby violated the Constitution or been remiss in the discharge of their duties. I assumed that the gentlemen who strangled the 1921 reapportionment bill voted honestly and conscientiously in killing that measure.

However, although they were doubtlessly actuated by proper motives, they can not escape responsibility for killing the bill. They had a right to vote as they saw proper, but, having by their votes prevented their respective States from getting increased representation for seven years, it is manifestly unfair for them to seek now to place the responsibility elsewhere than on their own shoulders. A majority of the Representatives from Michigan and a number of their California colleagues have been splitting the air with complaints and loud lamentations for the last seven years, criticizing Congress for having failed to pass a reapportionment bill.

Some of these gentlemen are responsible for the defeat of the reapportionment bill in 1921. They were so wedded to the doctrine of limiting the membership of the House to 435 that they sacrificed the opportunity of getting a large increase in their quota of Representatives. Rather than add 25 to the total membership of the House, these critical gentlemen in 1921 voted to kill a reapportionment bill that would have given California 4 and Michigan 3 additional Representatives and increased the number of Representatives from 14 other States. I refer these carping critics to the language of Lord Beaconsfield, who said, "It is much easier to be critical than to be correct," and to a much greater authority, who said, "First cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote that is in thy brother's eye."

When it comes to complaints and lamentations the Prophet Jeremiah had nothing on the Michigan delegation and a few of the crêpe hangers from California. Having deliberately, with their eyes wide open, defeated reapportionment in 1921, their outpourings of indignation and wrath have resounded through the Halls of Congress continuously since in a vain effort to place responsibility for the defeat or delay of reapportionment on some one else instead of on themselves where it belongs. They were so anxious to limit the House to a membership of 435 that they deliberately defeated what would have given their States increased representation in the House and in the Electoral College.

"Who killed Cock Robin" when the last reapportionment bill was being considered in the House? I answer and speak from the RECORD when I say that a block of California and Michigan Representatives, aided by a number of their colleagues from other States, defeated a reapportionment bill which would have given their States a substantial increase in the number of Representatives and in their vote in the Electoral College.

They can not escape this responsibility which they deliberately assumed when they voted to recommit the 1921 apportionment bill.

In 1921 these gentlemen were at the "legislative crossroads." They were called upon to vote for or against a motion to recommit the then pending reapportionment bill. They must have known that a vote to recommit the bill was a vote to assassinate it. These gentlemen, having made their bed, must lie in it. Rather than abandon their worship of this 435 fetish, they chose to deny California, Michigan, and other rapidly growing States increased representation in the House and in the Electoral College to which they were entitled under the 1920 census. They insisted on having no reapportionment rather than any reapportionment which provided for a membership of the House of over 435. Apparently they considered the number 435 sacred and tenaciously held to this arbitrary formula, though by so doing they defeated reapportionment and deprived their States of a large number of Representatives to which they were entitled under the 1920 census.

These cynical gentlemen were so devoted to this fetish that they determined to allow no law to be enacted which would

increase the House membership. Then let them not say that their colleagues have been remiss in the performance of their duty or that they have failed to observe the provisions of the Constitution. [Applause.]

I do not criticize these gentlemen for strangling the 1921 reapportionment bill if they did what they thought was right, and I am assuming that they were actuated by proper motives. If they believed that the interest of the Nation required that the membership of the House be limited to 435, and if they believed that in the interest of orderly government such membership should not be increased, then it was their privilege to so vote; but after having in cold blood murdered the 1921 reapportionment act and, by parliamentary maneuvers, defeated reapportionment, it does not lie in their mouths to challenge the good faith of those who then believed and now believe that the membership of the House should be increased in order to meet the new needs and conditions of the American people.

Mr. JACOBSTEIN. Will the gentleman yield for a question?

Mr. LOZIER. I regret that I can not yield to my distinguished friend from New York until I have completed my statement, or at least developed some matters to which I want to call the attention of the House. I have before me the RECORD of October 14, 1921. I called your attention to those who are responsible for depriving California, Michigan, and 14 other States of 27 additional Representatives and 27 additional votes in the Electoral College, which they would have enjoyed had not the proponents of the pending bill and their associates defeated the 1921 reapportionment bill, which legislation was strangled prior to the time I entered Congress. I want the people of Michigan and California and these other States to know that they would have had increased representation since 1921 if a number of the Representatives from Michigan and California had not voted to recommit the 1921 reapportionment bill, thereby defeating the reapportionment in the Sixty-seventh Congress.

Mr. MAPES. Will the gentleman yield?

Mr. LOZIER. When I have finished my statement. On October 14, 1921, a reapportionment bill was pending in this House under which a number of States, including California, would have secured increased representation in the House and Electoral College. A motion was made to recommit the bill, and several of the California Representatives and nearly all of the Representatives from Michigan voted "aye" on that motion, which motion prevailed, and the reapportionment bill was thereby chloroformed. It is idle for these gentlemen to say that they expected the census committee to amend the bill and report it out again, because the motion did not carry with it any order that the committee rereport the bill, but the motion was to recommit the bill without any instructions whatsoever.

Mr. LEA. Will the gentleman yield?

Mr. LOZIER. I will yield to my friend from California presently. Let us see how the Representatives from Michigan and California voted on the motion to recommit the 1921 reapportionment bill. Let us look at the vote as recorded in the CONGRESSIONAL RECORD. I will now call the roll. Representative LEA did not vote; he had a general pair with Mr. MADDEN. Representative CURRY voted against recommitting. You do not fool that wise and experienced legislator. He knew the meaning of that motion to recommit; he knew that if the motion carried it would kill the reapportionment; he knew that if the motion to recommit carried it would defeat reapportionment and deprive his State and other States of an increased representation in Congress and in the Electoral College; he knew how to vote in order to promote the interests of the people in California, and he voted against recommitting the bill. If his California colleagues had followed his leadership and voted as he voted, California would have had four additional Representatives in Congress and four additional electoral votes since 1921.

Mr. Kahn did not vote. He had a general pair with Mr. Humphreys. In fairness to Mr. Kahn I will say that I understand he was ill at the time, and while I never had the pleasure of knowing him intimately I have no doubt that if he had been present he would have voted against recommitting the bill. In any event he would have voted his convictions.

Mr. Nolan did not vote. He had a general pair with Mr. Johnson of Kentucky.

Mr. Elston did not vote.

Representative BARBOUR voted to recommit the bill, which was, in effect, a vote to kill reapportionment. In view of his vote, how can he consistently challenge the good faith of his colleagues who are opposing the pending measure?

Representative FREE voted against recommitting; he knew what was for the best interests of the people of California and the Nation.

Mr. Lineberger voted against recommitting the bill.

Mr. Osborne voted against recommitting the bill.

Mr. SWING voted to recommit.

Mr. Raker voted to recommit.

The RECORD shows that when the roll call was finished three Members from California voted to recommit the bill, four voted against recommitting, and four did not vote at all. In other words, seven California Representatives voted to recommit the bill or refrained from voting when if they had voted against recommitting the bill California could have had all these years the increased representation to which she was entitled under the 1920 census. Even if three of the California Members who voted against recommitting it, California would have had four additional Representatives and four additional votes in the Electoral College since 1921.

Mr. LEA. Will the gentleman yield?

Mr. LOZIER. When I have finished my statement and after I have paid my compliments to the Michigan delegation. In order to show their inconsistency I find it necessary to place these Michigan statesmen on the dissecting table. I now want to call your attention to how the Representatives from Michigan voted on the 1921 reapportionment bill. Some of these Michigan Representatives have unequivocally charged other Members of Congress with having been guilty of dereliction of duty and with having violated or ignored the Constitution of the United States. I want to call the roll of the Michigan Representatives who defeated reapportionment in 1921.

Mr. Codd voted against recommitting.

Mr. MICHENER voted to recommit, thereby killing the bill that would have given Michigan three additional Representatitves and three additional votes in the Electoral College since 1921.

Mr. KETCHAM voted to recommit.

Mr. MAPES voted to recommit.

Mr. Kelly voted against recommitting.

Mr. CRAMTON did not vote, but was paired in favor of recommitting with Mr. STEVENSON, who was against recommitting the bill.

Mr. Fordney did not vote. He made a speech favoring the bill, which provided a House membership of 460, and he was paired against recommitting with Mr. CRISP, who favored recommitting the bill. Mr. Fordney was the Republican leader at that time.

Mr. MCLAUGHLIN voted to recommit.

Mr. WOODRUFF voted to recommit.

Mr. Scott did not vote, but was paired in favor of the motion to recommit with Mr. Moore, of Illinois, who opposed the measure.

Mr. JAMES voted to recommit.

Mr. Brennan voted to recommit.

Mr. SMITH did not vote and was not paired.

Mr. MAPES. Will the gentleman yield?

Mr. LOZIER. I will now yield to my colleague from Michigan.

Mr. MAPES. Would it not be fair to assume that those who voted for the motion to recommit assumed that the members of the Committee on the Census would perform their duty and vote out an apportionment bill that would conform to the sentiment of the House as expressed by its action in recommitting the bill fixing the membership of the House at 460?

Mr. LOZIER. Oh, the gentleman from Michigan is one of the ablest Members and one of the best parliamentarians in the House. He knows how to get a committee to forthwith report back a bill under a motion to recommit. He knows that the usual procedure is to offer a motion to recommit with instructions to the committee to immediately report the bill back to the House with certain designated amendments. The gentleman can not hide behind the Census Committee. The gentleman well knows that the proper procedure would have been to have included in the motion to recommit instructions to the Census Committee to report out a bill providing for a membership of 435, if that was what was wanted by the person or group offering the motion to recommit.

Mr. MAPES. With a complex piece of legislation such as an apportionment bill, the House having expressed itself as to the number, would not a more orderly procedure be to have it referred back to the committee to perfect?

Mr. LOZIER. Certainly not! The gentleman knows that a motion to recommit under these circumstances is a motion to kill the bill. The gentleman knows that. I have too high an opinion of the gentleman's ability and parliamentary knowledge to think that he did not know that he was killing that reapportionment bill when he voted to recommit it. The gentleman knows that when you vote to recommit a bill without instructions such vote is a vote to kill the bill. I am discussing the facts. I am giving the gentleman credit for more intelligence than he claims for himself, and I recognize the very evident fact that he is a man of superior intellectual attainments.

Mr. MAPES. Under the strict construction of the rule there is no reason why a motion to recommit should be construed as a refusal to consider the subject matter at all.

Mr. LOZIER. The gentleman knows that if it had been the purpose of those voting to recommit to have the committee rereport the bill, limiting the membership to any definite number, instructions to that effect would have been embodied in a motion to recommit. The bill pending at that time provided for a House membership of 460. During the course of the debate the House had defeated the Barbour amendment, which sought to limit the membership to 435, and also defeated the Tinkham amendment, which provided that the membership should be reduced to 425. By these votes the House very clearly indicated that it favored increasing the membership to 460, and to prevent this increase a number of Representatives from California and a majority of the Representatives from Michigan made common cause with others who opposed the measure and voted to recommit the bill, and without these California and Michigan votes the motion to recommit would have been defeated. The House having voted twice against proposals to limit the membership to 435 or less, the proper and sensible course to pursue would have been to vote on the then pending bill, which provided for a membership of 460. It would have been an unnecessary and foolish act for the House to recommit the bill with directions to the Committee on the Census to forthwith rereport the bill providing for a membership of 460, because the bill that the House was then considering provided for a membership of 460.

Undoubtedly this bill would have passed the House if these gentlemen had not voted for its recommitment. By their votes they prevented an increase in the membership of the House, but at the same time they deprived their own States and other States or 27 additional Representatives in Congress and 27 additional votes in the Electoral College. By no process of reasoning can these gentlemen from Michigan and California and those who cooperate with them escape responsibility for depriving their respective States for seven years of the increased representation to which they were entitled under the 1920 census.

Mr. LEA. Will the gentleman yield?

Mr. LOZIER. I will now gladly yield to my friend from California.

Mr. LEA. I think the gentleman is erroneous in assuming that the Members of the California delegation questioned the good faith of those who voted to the contrary. As a Member, I never questioned the good faith of any Member, whether he voted for reapportionment or not.

Mr. LOZIER. I am quite sure the gentleman from California [Mr. LEA] never questioned the good faith of his colleagues who do not favor the pending measure, because he is always courteous and not inclined to question the sincerity of those with whom he is in disagreement, but some of his California colleagues are less considerate, and they have been preaching for the last five years that Congress had been remiss in the discharge of its duties and had violated the Constitution in not passing a reapportionment bill, although, as a matter of fact, some of these California Representatives cast the deciding votes that killed the 1921 reapportionment bill.

Mr. BARBOUR. Will the gentleman yield?

Mr. LOZIER. I will.

Mr. BARBOUR. Assuming that all the gentleman said about the Sixty-sixth Congress is correct, what about the Sixty-seventh Congress, the Sixty-eighth and Sixty-ninth Congresses, when the Census Committee absolutely refused to report a bill out?

Mr. LOZIER. I was not a Member of either the Sixty-sixth or Sixty-seventh Congress. The gentleman from California [Mr. BARBOUR], who has been a member of the Census Committee, knows that I came to Washington as a Member of the Sixty-eighth Congress. At that time the Republican majority had neglected for years to pass the reapportionment bill. The leaders of the House had shunted it aside—the leaders of the gentleman's own party. If they had not been opposed or indifferent to the passage of an apportionment bill, one would have been enacted long before I became a Member of Congress. Whatever odium that may attach to Congress because of its failure to reapportion representation must be chargeable to the Republican Party that had been in control of both the executive and legislative branches of Government since March 4, 1921.

Many of the outstanding leaders of the Republican Party in the Sixty-seventh Congress, by voting to recommit, helped to defeat the 1921 reapportionment bill. Here are some of the names of Republican leaders who voted to recommit the reapportionment bill in 1921, thereby preventing California, Michigan, and 14 other States from having the increased representation in the House and Electoral College to which their population, under the 1920 census entitled them: Burtness, Burton, Chalmers, Chindblom, Cooper of Wisconsin, Fairchild, Fairfield, Fenn, Fish, Frear, Frothingham, Hawley, Hoch, Lampert, Lehlbach, Luce, MacGregor, Nelson of Wisconsin, Newton of Minnesota, Sinnott, Sproul, Summers of Washington, Tilson, Tinkham, Treadway, Williamson, Winslow, Wood of Indiana, and others too numerous to mention.

In the last analysis the Republican oligarchy in Congress was responsible for killing the 1921 reapportionment bill. Some of my colleagues from California and Michigan have never been happy since they defeated that measure, and in order to get the Representatives that they declined to take in 1921 these gentlemen have forced the consideration of the bill that is being debated on the floor of the House to-day.

Mr. JACOBSTEIN. Will the gentleman yield for a question?

Mr. LOZIER. I prefer to complete my statement after which I will yield to my friend from New York if I have any time left.

Mr. RANKIN. The 1921 reapportionment bill was recommitted by only a majority of 4 votes.

Mr. LOZIER. Yes; only 4 votes, and the delegations from Michigan and California withheld those 4 votes, thereby depriving the people of their own States of the increased representation they would have received under the proposed 1921 apportionment bill.

Mr. McLEOD. Will the gentleman yield?

Mr. LOZIER. Yes.

Mr. McLEOD. In the gentleman's opinion, did those gentlemen do wrong in so voting?

Mr. LOZIER. I think they exercised exceedingly poor judgment, but I do not say that they did wrong in voting to kill the 1921 reapportionment bill. I assume they voted in accordance with their best judgment and in harmony with their conscience. They had two alternatives; one was to vote to keep the membership down to 435 and thereby kill the pending reapportionment bill, and the other was to increase the membership to 460 as provided in that bill, which would have given additional representation to their States. If they wanted to worship the number 435—if they thought more of the fetish of 435 than they did of passing a reapportionment bill that would have materially increased the representation from their respective States, I would not condemn them for voting as they did. By voting for the bill which provided for a membership of 460 these gentlemen could have materially increased both numerically and relatively the voting strength of their respective States in the House and in the Electoral College. By voting to recommit they defeated reapportionment and deprived their States of the increased representation to which they were entitled under the 1920 census. They had the right to choose between two alternatives. They chose to vote for a proposition that defeated reapportionment and deprived their States of this increased representation. If they thought they were doing right when they thus voted, then I do not blame them for their votes, but they must assume responsibility for their deliberate acts, and after helping to kill the 1921 reapportionment act they should not blame some one else for the consequences that resulted from their having in cold blood assassinated that legislation. Having voted in 1921 to strangle and chloroform reapportionment, it does not now lie in the mouths of my colleagues from California and Michigan to challenge the good faith of other Members who in 1921 favored a membership of 460, nor can they consistently challenge the good faith of those who now favor an increase in the membership of the House.

Mr. McLEOD. Did the gentleman support that bill that he is now talking about?

Mr. LOZIER. I was not a Member of Congress at that time.

Mr. McLEOD. Would the gentleman have supported that bill if he had been a Member?

Mr. LOZIER. I do not know whether I would have or not. I was not a Member of this House then, and why speculate as to what I would do or would not have done if I had been a Member of this body at that time? The gentleman well knows why I am opposing reapportionment under the 1920 census. Since I came here at the beginning of the Sixty-eighth Congress my position on reapportionment has been well known to every member of the committee and I believe to every Member of the House. The Republican majority in Congress made no effort to have a reapportionment bill reported during the Sixty-eighth Congress. In the Sixty-ninth Congress I opposed any reapportionment based on the 1920 census for several reasons. Congress, under Republican leadership and control, waited six or seven years before it seriously considered reporting a reapportionment bill. In other words, the Republican Party, although in full control of the executive and legislative branches of our Government, idled away and wasted nearly seven long years after the 1920 census before it made any serious effort to reap-

portion representation under that census. The Republican Party waited until the time was near at hand to take the 1930 census. Near the close of the Sixty-ninth Congress a feeble gesture was made by the majority party to pass the reapportionment bill, but the measure had only the half-hearted support of the Republican leaders, and many of them by their votes and influence actively aided in the defeat of that measure, which in effect meant that they were opposed to any reapportionment until one could be made under the 1930 census. And after they have waited so long, I think it would be exceedingly foolish to pass a reapportionment act now, because it could not be put into operation by the States and made effective before the 1930 census is taken.

The census of 1920 was taken in January, when the roads in the agricultural sections were bad—in fact, almost impassable—and when the weather was exceedingly severe. Under these conditions anything like an accurate enumeratien in the agricultural districts was impossible. According to the Director of the Census, whose testimony appears in the hearings, the 1920 census was taken at the worse possible time to secure anything like a complete enumeration in agricultural communities.

In addition to the handicaps to which I have referred it is conceded that at the time the 1920 census was taken millions of boys from the farms, who had entered the Army had not reestablished themselves in the rural districts, but were temporarily employed in the cities and great industrial centers, expecting to return to their farm homes in February or March and take up anew their farm work. As a result, millions of our farm population, temporarily absent from the farms, were enumerated in the cities and in the great industrial centers, thereby tremendously and improperly inflating the population of the industrial States. The 1920 census was taken before there had been a readjustment of the population between the agricultural and industrial States and that census reflected the temporary shift from the farms to the industrial centers which was inevitable as a result of war conditions. In that census the agricultural population was not properly enumerated or allocated to the States to which it rightfully belonged.

Another factor that contributed materially to the inaccuracy of the 1920 census was the grossly inadequate compensation allowed enumerators, which prevented the Census Bureau from obtaining the services of competent enumerators. The census was taken near the peak of high prices and the allowance to enumerators was so ridiculously small that dependable and efficient enumerators could not be secured, or if secured they soon resigned because their compensation was far below what they could earn in most any other employment, and this fact coupled with other conditions to which I have referred made the 1920 census grossly inaccurate, and inasmuch as we are now preparing to take the Fifteenth Decennial Census there is sound reason in postponing apportionment until the 1930 census is completed. The pending bill is a mere gesture. I do not believe any Member of this House believes that it announces a sound policy or offers a workable plan for future reapportionment of Representatives among the several States.

Six years have been allowed to elapse before you gentlemen have seriously considered the enactment of reapportionment legislation, and even now you approach this problem committed to the formula that the House membership shall be limited to 435. You pay homage and reverence to this arbitrary number, this fetish, with as much awe and devotion as the untutored savage worships a crooked stick, a "tumble" bug, a spotted rock, a tiger's tooth, or a buzzard's claw in darkest Africa. After sleeping at the switch for over six years you have suddenly discovered that Congress has been guilty of a hideous crime and violation of the Constitution in not reapportioning representation under the census of 1920. Whatever guilt attaches to Congress for this failure a part of it rests on your shoulders.

It is conceded that it is now too late to enact and make effective a reapportionment under the 1920 census, and it is almost universally agreed that inasmuch as reapportionment has been deferred so long we should wait until it can be made under the 1930 census. When a reapportionment is made I want it based on a fair and complete census, in which the agricultural population is enumerated with reasonable accuracy, so that agriculture will have its proportionate part of the Representatives in Congress and in the Electoral College.

A reapportionment based on the 1920 census would be manifestly unjust to the agricultural States, because it was taken at the time when millions of young men and women whose homes were on the farm were temporarily absent and employed in the industrial States. Under such an apportionment Missouri would have lost two Representatives and two electoral votes. Other agricultural States would have suffered in like manner. If such loss came as the result of a fair and accurate enumeration, Missouri and other agricultural States would not complain.

Inasmuch as you have waited eight years since the 1920 census was taken, and in view of the fact that the Republican Party temporarily strangled, mangled, and killed the 1920 reapportionment, and as we are now on the eve of the 1930 census no great harm will result if we defer reapportionment until it can be based on an accurate census taken at a season of the year when we know the agricultural population will be on the farms and accurately enumerated, and this is undoubtedly the judgment of a large majority of the membership of this House, both Democrats and Republicans.

In demanding that a congressional reapportionment be based on an accurate census I am not remiss in my duty nor am I violating the Constitution or my oath of office; I am only demanding that the agricultural States be given a square deal and an accurate enumeration, which they did not get in the 1920 census.

Mr. McLEOD. Then it is the gentleman's theory that additional wrongs make a right?

Mr. LOZIER. It is not a wrong to refuse to recognize a census that is notoriously incomplete and inaccurate and that is grossly unfair to the agricultural population. It is not a question of additional wrongs. The gentleman is shooting wide of the mark. Will the gentleman get up in his own time and tell the House whether the 1920 census was a just and fair census? The gentleman knows or should know that the 1920 census was taken in a slip-shod manner and millions of young men and women were temporarily away from the farms, working in the factories in the industrial centers, and were enumerated in these industrial cities when they should have been counted in their real homes in the agricultural communities if the census had been taken at a time of the year when the farm population was on the farm. I am not criticizing the Census Bureau, for the officials of which I have a high regard, but it was a mistake—yes, a blunder—to attempt an enumeration of the farm population in midwinter, when the weather was extremely severe and the roads almost impassable, and when the compensation allowed enumerators was grossly inadequate and entirely insufficient to secure the services of competent enumerators.

I have a great respect for my friend, the gentleman from Michigan [Mr. McLEOD], who is one of the most useful Members of this House. Said Alexander on one occasion, "I have slept rather late this morning, but then I knew Antipater was awake." As Antipater was always on guard when the interests of Alexander were involved, so the gentleman from Michigan [Mr. McLEOD] never sleeps when any legislation is pending that involves the interests of Michigan. I congratulate the people of his district and State on having the benefit of his services. However, candor compels me to say that he has grown a little lopsided and intellectually "groggy" on the subject of reappartionment, but he has lucid intervals when his faculties are directed to any other subject. I am sure he would not have made the blunder a majority of the Michigan delegation committed in 1921 when they, by a process of legislative hara-kiri, disemboweled the reapportionment act that would have given Michigan three additional Representatives and three additional votes in the Electoral College. But the gentleman from Michigan and his associates will never get a reapportionment bill until they cut loose from the hard-boiled reactionaries and agree to an increase in the membership of the House that will make it fully representative and enable the several vocational groups to have a voice and vote in legislative affairs.

Mr. CRAIL. Mr. Chairman, will the gentleman yield?

Mr. LOZIER. I am sorry I can not yield to my good friend from California, but I have yielded generously to my colleagues, and I think I should use the remaining portion of my time to call your attention to some other facts in connection with this proposed legislation.

This bill is a deliberate attempt to place Congress in a strait-jacket, an attempt to limit the membership of the House to 435 for all time. The bill seeks to prescribe a national policy under which the membership of the House shall never exceed 435 unless Congress, by affirmative action, overturns the formula and abandons the policy enunciated by this bill. I am unalterably opposed to limiting the membership of the House to the arbitrary number of 435. Why 435? Why not 400? Why not 300? Why not 250, 450, 535, or 600? Why is this number 435 sacred? What merit is there in having a membership of 435 that we would not have if the membership were 335 or 535? There is no sanctity in the number 435. It was adopted after the 1910 census to meet conditions that then existed in the same manner as Congress in former years fixed the membership at some other number. There is absolutely no reason, philosophy, or common sense in arbitrarily fixing the membership of the House at 435 or at any other number.

The distinguished gentleman from Ohio [Mr. BURTON] in opposing any increase in the membership of the House quoted Mr. Madison as saying—

Though every member of the Athenian Assembly be a Socrates, the aggregate body would be a mob.

A very epigrammatic sentence, but void of reason and common sense. Athens lost her preeminence because she had not too many but too few men like Socrates in her legislative assemblies. The preeminence of Athens lasted only about 75 years. It began with her victory at the Battle of Platea, 479 B. C. It was strengthened by the confederation of Delos two years later. Her power was consolidated by Themistocles, whose farseeing naval policy contributed mightily to her commanding position. Her greatest influence was attained when Pericles was at the head of her affairs. Her glory departed in March, 404 B. C., when the Spartan Lysander sailed into her harbor Piræus, captured her triremes, destroyed her arsenals, burned her merchant ships, took possession of Athens, destroyed her strong and mighty bulwarks, while female flute players and wreathed dancers transformed the tragic demolition of the massive walls, the humiliation of proud Athens, into a Spartan festival. But, sirs, I say again, Athens perished not because she had too many but too few representative men in her assemblies. She fell from her high estate because she ceased to be a democracy and yielded to the government of a self-serving, special-privilege oligarchy. When Athens was dominated by a few men she suffered most. When she enlarged the number of her citizens who were privileged to participate in the making of her laws she prospered.

In the golden age of Pericles public opinion was respected and the popular will reflected in legislation. Attica, the State of which Athens was the capital, probably never had a population of over one-half a million, four-fifths of whom were slaves and one-half the remainder were resident aliens. The number of citizens, native males over the age of 20, who enjoyed the right of franchise was probably not in excess of 20,000. The population of the city of Athens never exceeded 200,000 and the number of those who were qualified to hold office was limited to a few favored groups.

I repeat that had Athens enlarged the membership of her legislative assemblies so all vocational groups and social classes would have had a voice and representation in the enactment of her laws, perhaps her preeminent position among the Grecian States and among the nations of the world would have been protracted for centuries. But Athens in her declining days was ruled by an oligarchy just as we will be governed if we do not enlarge the membership of the House so all sections and all vocational groups may be represented in this Chamber, and have a better opportunity to enforce their mandates and have their will reflected in legislation.

I speak regretfully when I say there is a rapidly growing group in the United States who are hostile to the fundamental principles of our Government, who look with contempt on the masses, or so-called common people, and who believe in restricting rather than enlarging the participation of the masses in legislative affairs. This group would like to see Congress abolished or reduced to a condition of impotence. They would like to see the power of the executive department enlarged until we would have a Government not of, by, or for the people but a Government by the President and by departments, bureaus, and commissions for the exclusive benefit of the special privilege classes. They would confer on the President and on bureau chiefs the right to determine what shall be our national policies and they would make Congress a mere puppet to register the will of the President and departmental heads.

These reactionary groups and individuals are opposed to increasing the membership of the House to meet the needs of our rapidly growing population. They do not want popular government in the true sense of that term. They would be supremely happy if Congress were composed of only a few men who would register the will of the President, bureau chiefs, and special-privileged classes. They would make Congress a close corporation controlled by the rich, powerful, high-born, and influential classes. I would rather have Congress a great, popular forum, in which great national problems could be debated and deliberately considered, and great, national policies formulated.

The smaller the membership of the House the easier it is to be controlled by those who seek to use it for the accomplishment of their selfish, sordid, and sinister purpose.

If, as Burke says, "Government is a contrivance of human system to provide for human wants," and if Macaulay was correct when he said, "The end of government is the happiness of the people," why should not our Government provide for an adequate and free expression of the popular will? What sound reason can be given for not enlarging the forum in which far-reaching national policies are fomulated? This House should be composed not only of representatives from every section of our far-flung domain, but in so far as reasonably possible by representatives of every vocational group in our diversified population, to the end that public questions may be considered from every possible angle and affect every class of society and every vocational group.

Mr. Webster was right when he said that ours is "the people's Government, made for the people, made by the people, and answerable to the people." Our legislative system is not a fossil but a living plant that grows and develops to the end that its fruitage may sustain and nourish good citizenship and render more efficient our benevolent governmental activities. The ideal Government should reflect and be responsive to the combined judgment and will of the masses.

Frederick the Great said, "If I wanted to punish a province I would have it governed by philosophers," and I will say if I wanted to destroy our free institutions I would create a Congress composed of a few men who believe in a governing class, a bureaucratic system, and who under cover despise the common people and look with a feeling akin to contempt on their capacity for self-government.

Dean Swift gave expression to a wise philosophy when he said "It may pass for a maxim in state, the administration can not be placed in too few hands nor the legislation in too many," meaning that in an ideal government legislation should be enacted by an assembly composed of representatives from all important vocational groups, and after legislation is enacted which represents the combined judgment of the masses, it can be best administered by comparatively few individuals.

Wendell Phillips declared that "Governments exist to protect the rights of the minorities. The loved and rich need no protection—they have many friends and few enemies," and Thaddeus Stevens said, "The freedom of a government does not depend upon the quality of those laws but upon the power that has the right to create them."

Every just government should and must reflect the public will and execute the public mandate. The smaller the legislative body the less responsive it is to public sentiment, less inclined to reflect the will of the electorate, more disposed to yield to pressure from those whose chief mission is to exploit the people and plunder the government, more likely to come under venal influences, and more eager to legislate for the benefit of a few favored classes to the detriment of the great army of so-called common people.

In the language of James Russell Lowell, "All free governments, whatever their names, are in reality governments by public opinion; and it is on the quality of that public opinion that their prosperity depends." Representative government is a farce if the legislative body consists of a comparatively few men who contemptuously ignore well-considered public opinion when unmistakably expressed at the ballot box. Ours is not a government created for the benefit of a favored few or in which legislation should be enacted for the enrichment of the few at the expense of the many.

Duclos said, "The best government is not that which renders men the happiest but that which renders the greatest number happy." A legislative assembly with comparatively few members will inevitably develop into an oligarchy and legislate to make a few vocational groups rich and prosperous at the expense of the masses. Mr. Hume, the eminent historian and philosopher, refers to the ease with which the many are governed by the few, and to quote Thaddeus Stevens again, "No government can be free that does not allow all of its citizens to participate in the formation and execution of her laws."

All governments are the efforts of men to organize society, and every undue restriction on the right of representation is an effort to overthrow liberty. The masses are the source from which springs nearly all that is good and wholesome in free governments, and all just governments reflect the tendencies and instincts of the masses. The supreme purposes of all free governments are to promote social, political, and economical justice to the end that the rights of the humblest citizen may be safeguarded as zealously as the interest of the opulent and high-born. Congress is the servant of the people—the agent, attorney in fact, or trustee of the public. Who will arrogate to himself the right to say how many agents the people may select to reflect their wishes, speak their views, and work their sovereign will? If you arbitrarily limit the right of the people to say how many representatives they shall have in the lower House of Congress you thereby impose unwarranted restrictions on them and limit their right of expression and representation.

John Bigelow in his keen and scholarly analysis of our scheme of government said:

The people of the United States very deliberately framed their Government with the view of remaining the masters of it and not of being mastered by it; and they are not yet willing to abdicate in favor of any, even the most audacious conspirator against their sovereignity.

If our Nation is to be true to the ideals and lofty standards established by our constitutional fathers it must be a reflex on the deliberate and independent opinion and judgment of the people. It will not do for a small governing group to say that the masses are not capable of having their will reflected in legislation. It is treason to assert that the people, as a whole, are not capable of knowing what legislation will best promote their interests and the welfare of the Nation, and it will be a sad day for our free institutions when a small group monopolizes the enactment and administration of our laws.

On one occasion John Bright, the great English statesman, said that the Government at Washington was the strongest Government in the world because it is based on the good will of an instructed people; and that is true.

Our Government is strong primarily because under our congressional system the several classes and vocational groups and all diversified interests have an opportunity to be heard and to have their views presented and their interests protected by the enactment of just, sound, and wholesome legislation. Every reduction, actual or relative, in the membership of the House will correspondingly reduce the opportunties of the various vocational groups to have a part in shaping legislation and will correspondingly increase the power of the privileged few of the influential or the dominant vocational class. A government that rests on the consent of the greatest number is more stable than one that is maintained by the authority of a few people. A legislative body made up of every large and important vocational group will come nearer enacting legislation in the interest of all the people than a legislative body with comparatively small membership. As was said by Daniel Webster in one of his masterly addresses—

I say to you, and to our whole country, and to the crowned heads and aristocratic parties and feudal systems that exist that it is to self-government—the greatest popular representation and administration—the system that lets in all to participate in the counsels that are to assign the good or evil to all—that we may owe what we are and what we hope to be.

In proportion to our population we have fewer representatives of the people in the House of Representatives than any first-class power in the world. The House of Commons, of the United Kingdom of Great Britain, has a membership of 615 after the withdrawal of the representatives from the Irish Free State; the population of the United Kingdom is approximately 45,000,000. Each member of the House of Commons from England represents approximately 72,000 people, and a district with an average area of 153 square miles. Every representative in the House of Commons from northern Ireland represents approximately 96,000 people and a district with an average area of 402 square miles. Every representative in the House of Commons from Scotland represents approximately 66,000 people and a district with an average area of 410 square miles. Every representative in the House of Commons from Wales represents approximately 61,000 people and a district with an average area of 196 square miles.

While under the present apportionment, based on the census of 1910, a Member of the House of Representatives of the United States represents approximately 242,000 people and a district with an average area of 6,824 square miles, and if the pending bill is enacted under the 1930 census each Representative in this Chamber will represent approximately 283,000 people, and, according to the formula embodied in this bill, in a comparatively short time, each Member of this body would have to look after the interests of one-half a million people.

I assert that no Member of Congress is capable of ably and efficiently representing more than 250,000 people, especially when you take into consideration the conflicting interests of different vocational groups and the tremendous diversification of our industries. If 60 per cent of the population of a district belong to the industrial class and 40 per cent of the population of that district belong to the agricultural group, obviously the industrial population will designate the Representative from that district and control and direct his vote and influence along legislative lines that will be beneficial to the industrial classes and disadvantageous to the agricultural group.

In nearly all the States the industries are diversified. The agricultural population dominates in certain States, while in other States the industrial and commercial classes are in the majority. A relatively small membership in the House will mean that the dominant vocational group in each State and in the Nation will send to this Chamber Representatives who are pledged to vote and use their influence to secure the enactment of laws which will promote the interest and welfare of such vocational group. On the other hand, if the membership of the House is within reasonable limits, increased with our expanding population, there will be better opportunity for the vocational classes that are in the minority to have Representatives in this body and to have a voice in the enactment of laws. A House of Representatives with a large membership will better enable the several vocational groups that make up our cosmopolitan population to have a voice and vote in the determination of our national policies, while a House with a smaller membership by a process of geometrical progression automatically and disproportionately decreases the influence, voice, and vote of the minority groups of our population.

The popular branch of the French Parliament has 626 members. The population of France is approximately 41,000,000, and each member of the lower house of the French Parliament represents an average of 66,000 people. In Italy, which has a population of approximately 37,000,000 people, the lower house has a membership of 508; each member represents approximately 71,000 people. In Germany, which has a population of approximately 55,000,000, the lower house has a membership of 423 and each member represents approximately 130,000 people. In Spain, which has a population of approximately 20,000,000, the lower house has a membership of 417 and each member represents approximately 48,000 people. In every civilized nation on the globe the popular legislative assembly has a much larger proportionate membership than our House of Representatives, although our diversified industries and great wealth should suggest a much larger membership in the popular branch of our National Congress.

The national wealth of the United Kingdom is approximately $120,000,000,000 and each member of the House of Commons represents approximately $195,000,000. The national wealth of Canada is approximately $22,000,000,000 and each member of the House of Commons of the Canadian Parliament speaks approximately for $90,000,000 of national wealth. The national wealth of France is approximately $60,000,000,000 and on an average each member of the French Chamber of Deputies represents $103,000,000 of wealth. The national wealth of Germany is $40,000,000,000 and on an average each member of the Reichstag represents about $81,000,000. The national wealth of Italy is approximately $35,000,000,000 and the average member of the Italian Chamber of Deputies represents about $62,000,000 of national wealth. The national wealth of Japan is approximately $23,000,000,000 and the average member of the Japanese Parliament represents about $48,000,000 national wealth. While the national wealth of the United States in 1925 was estimated to be $320,000,000,000, and each Member of the lower House of Congress, on an average, represents $737,000,000 of national wealth.

It is, therefore, very evident, all things being considered, that the membership of the House of Representatives is relatively and proportionately smaller than that of any similar legislative assembly in the world, and this is especially true when you take into consideration our enormous wealth, our diversified industries, our far flung public domain, our almost limitless natural resources, our complex industrial and economic structure. Ours is the largest, wealthiest, and most powerful nation on the globe. It is the greatest business corporation in the world. In reality the membership of Congress constitutes a board of directors charged with the formulation of national policies and the enactment of laws to conserve the interests and promote the welfare of all the people of the United States. The business of the Nation is of such tremendous magnitude and is so extremely complicated and is increasing so rapidly that the lower House of Congress can not continue to function efficiently and properly discharge its constitutional duties unless the membership of the House is moderately increased from time to time as our population increases and our social, industrial, and economical life expands. There are many reasons why the membership of the House should not be arbitrarily limited to 435. As I have said there is nothing sacred in the number 435. This number is not determined by any logical or scientific process of reasoning. This limitation on the membership of the House is not based on any sound public policy. By no logical process of reasoning can the proponents of the pending bill sustain their contention that for all time the American people shall be represented in this Chamber by 435 Members and no more.

Congress was made for the American people, to speak their will, reflect their wishes, and execute their deliberate judgment. Who, I pray, gave the present Members of this body power and authority to limit the membership of this House and by legislative fiat declare the number of Members of this body by which the American people may in the future work their will? Who constituted you the judges as to how many

servants the sovereign people may have or need in the future to honestly and efficiently legislate? How can you gentlemen with your finite vision fix a definite Procrustean standard by which the people of the United States in legislating must forever hereafter be governed? How can you tell in advance what size House will best serve the demands of future generations? Is the judgment of the men who now constitute the membership of this House so infallible and well matured that you can dogmatically assert that the American people need 435 Members in the lower House, no more, no less, to initiate and consummate legislation that will embody their approved policies and work their legislative will? Whence this ipse dixit, this infallible formula, this hard-and-fast dictum that at no time in the future will the people need more than 435 Representatives to speak for them in the popular branch of our legislative system? When did the American people, who own this Government, constitute you a judge of their future needs? Who authorized you to put the American electorate in a straight jacket which will prevent them from increasing the number of their agents and servants in this body, or make it exceedingly difficult so to do? When and where did you acquire the oracular wisdom which enables you to accurately foresee the future needs of the people of the United States? Why should this Congress impose its fallible will and immature judgment on all future Congresses? What would have happened if those who framed our Constitution had written therein a provision limiting the membership of the House to 65, or to 100, 150, or 200? I will answer and say that such a limitation would have placed the American people in a straight-jacket and created an oligarchy or formed a governing group which would have slowly, yet surely, undermined representative government and driven us dangerously close to a monarchial form of government.

But our constitutional fathers had the foresight, wisdom, and vision to understand that with the increase in population and with the development of our social, civic, and industrial and economic life it would be absolutely necessary from time to time to increase the membership of the House. They wisely limited the membership of the Senate, because the Senate is the voice or representative of the States as States; but the framers of the Constitution adopted a formula by which the membership of the House could be enlarged as the population increased or the needs of the people demanded. Have you more wisdom than those who formulated our organic law? Will you attempt to put the American people in legislative shackles and dogmatically say that they do not need and shall never at any time in the future have more than 435 Members in the lower House of Congress? While this measure can be repealed if it becomes a law, still the main object of this bill is to bind future Congresses and definitely establish a national policy.

When our Constitution was being framed there were those who leaned strongly toward a monarchial form of government and who desired to limit the power of the common people or masses to work their will or have a part in the enactment of legislation and in the administration of our Federal affairs. These men favored a House with a small membership in which a few strong and powerful men could and would control legislation. This group of men were in reality opposed to popular government and sought to limit in every possible way the participation of the masses in our governmental affairs. They favored a Government dominated by the educated, the wealthy, and the high-born. But this reactionary group, led by Alexander Hamilton and others, did not succeed in impressing their monarchial views on the convention that prepared our Federal Constitution. The men who really believed in representative government incorporated in our Constitution a provision for expanding the membership of the House. They realized that our population would increase and that the relationship between the people and their Government would become more intimate and complex and that there would be a multiplication of departments, commissions, bureaus, and other governmental agencies to such an extent that an enlargement of the membership of the House from time to time would not only be wise but necessary.

Since the foundation of our Government it has been the established policy of our Nation to enlarge the membership of the House after each decennial census, because such increase in the membership of the House was considered necessary in order to more efficiently accomplish the outstanding purpose for which this Government was created. This rule was never deviated from but once. Under the apportionment based on the 1840 census, the membership of the House was reduced from 242 to 232.

If some of the wise men who are now Members of the House and who are constituting themselves judges as to the future needs of the American people had been members of the Constitutional Convention they would no doubt have imposed their imperious will and immature judgment on future generations by writing into the Constitution a provision definitely limiting the membership of the House to some arbitrary number, thereby shackling the American people and making it increasingly impossible for our congressional system to function efficiently. In fact, there were a few reactionary members of the Constitutional Convention who believed that the First Congress, with a membership of 65, would be an unwieldy body, perchance a mob. But these men, led by Alexander Hamilton, did not write our Federal Constitution. Hamilton had much to do with securing the ratification of the Constitution, but practically nothing to do with writing it. Early in the sessions of the convention the views of Mr. Hamilton were rejected and those of Mr. Madison approved, and thereafter Mr. Hamilton had but little to say or do in the preparation of this epoch-marking, history-making document.

In all periods of our national history there have been a few "hard-boiled" reactionaries and bureaucrats who were tinctured with monarchical tendencies and who argued that the membership of the House was too large and that it was unwieldy and could not function efficiently. But their prophecies and dark forebodings have come to naught. I have heard some of my colleagues say that the membership of this House should be reduced at least one-half. Those who give expression to this sentiment are not thoughtful students of our free institutions. They remind me of poll parrots thoughtlessly repeating something they have heard some one else say. They would not give expression to such sentiments if they understood the genius and spirit of our institutions.

If you are going to destroy the representative character of the House and turn it into a little club or rich-man's bureau in which a few master minds will dominate their colleagues and determine national policies, why not go a step further and abolish Congress, abrogate the Constitution, adopt a monarchial form of government and make our President a king with autocratic power to both reign and rule? I assert that the House of Representatives with a large membership will best reflect, interpret, and declare the popular will and is the surest safeguard of our free institutions.

The Federal Constitution promulgated in 1787 provided for the taking of a census in 1790 and every tenth year thereafter, and until the population was ascertained under the First Census the number of Representatives should not exceed 1 for every 30,000 population. But each State, of course, should have at least one Representative; and until the first enumeration the membership of the House was fixed at 65. Under the 1790 apportionment the membership was increased to 105 or 1 Representative for every 33,000 people. In 1800 the membership of the House was increased to 142, or 1 Member for every 33,000 people. In 1810 the membership was fixed at 186, or 1 Member for every 35,000 people. Under the apportionment of 1820 the membership of the House was increased to 213, or 1 Representative for every 40,000 people. Under the 1830 apportionment the House membership was fixed at 242, or 1 Representative for every 47,700. Under the 1840 census the membership was reduced from 242 to 232, which was on the basis of 1 Representative for every 70,680 people. In 1850 the membership was increased to 237, or 1 Member for every 93,423 people. In 1860 the basis of representation was 127,381, which gave the House a membership of 243. In 1870 the basis of representation was 131,425, which again increased the membership of the House to 293. In 1880 the membership was fixed at 332, which was 1 Representative for every 151,911 people. In 1890 the basis of representation was 173,901, which gave the House a membership of 357. In 1900 the membership was fixed at 386, which was 1 Representative for every 194,182 people. In 1910 the apportionment act gave the House a membership of 435, which was 1 Representative for every 211,877 people. No apportionment has been made since that based on the census of 1910.

The Jefferson formula in apportioning representation among the several States was to divide the population of each State by 30,000 and add the quotients. This system prevailed for 50 years, and under it no attention was paid to fractions. The formula under which major fractions were recognized was first employed in the 1840 apportionment based on the 1840 census.

It is interesting to know that President Washington vetoed the first reapportionment bill enacted by Congress on the ground that it was unconstitutional because it recognized the principal of major fractions in allocating Representatives to the several States. This veto message was based largely on the brief and argument of Thomas Jefferson, who contended that under a proper construction of the Constitution fractions could not be considered in apportioning Representatives to the several States.

While the Jeffersonian formula for apportioning Representation was followed for 50 years, the correctness of this rule was vigorously assailed by Mr. Webster in the Senate in April, 1832, and by Senator Everett in May of that year. In his very able and logical argument Mr. Webster justified the major-fraction formula in apportioning representation among the States in proportion to their population, and while Mr. Webster did not succeed in having the major-fraction formula made the basis of the apportionment act of 1832 it was actually adopted in the apportionment act of 1842, which was based on the 1840 census. The arguments of Mr. Jefferson and Mr. Webster in favor of their respective methods of apportioning Representation are found in the fifth edition of Story on the Constitution, pages 495–512, and their careful study by every Member of this House is worth while.

When the text of the Federal Constitution was first submitted to the American people for ratification it was understood that if the Constitution was ratified a series of amendments would immediately be submitted to perfect the instrument. These proposals were declaratory and restrictive amendments to the Constitution. There were 12 of these amendments. In view of the strenuous efforts on the part of certain Members of the House and of the reactionary forces throughout the Nation at the present time to prevent an increase in the membership of the House, it is significant that the first of the 12 constitutional amendments proposed by Congress at its first session in 1789 related to the subject now under consideration in this House. That amendment was expressed in the following terms:

> After the first enumeration, required by the first article of the Constitution, there shall be 1 Representative for every 30,000, until the number shall amount to 100; after which the proportion shall be so regulated by Congress that there shall not be less than 100 Representatives nor less than 1 for every 40,000 persons, until the number of Representatives shall amount to 200; after which the proportion shall be so regulated by Congress that there shall not be less than 200 Representatives nor more than 1 Representative for every 50,000.

In the language of Judge Story—

> This amendment was never ratified by a competent number of the States to be incorporated into the Constitution. It was probably thought that the whole subject was safe where it was already lodged, and that Congress ought to be left free to exercise a sound discretion, according to the future exigencies of the Nation, either to increase or diminish the number of representatives.

And so say I. Sound public policy persuasively suggests that the limitation embodied in the pending bill shou'd not be approved and that Congress should be left entirely free to exercise a sound and reasonable discretion, according to the future exigencies of the Nation, to fix the membership of the House at such number as may be necessary to give all sections and vocational groups fair and just representation in this Chamber. This is especially true when we consider that the membership in the Senate is fixed on an entirely different basis than is employed in determining the membership of the House. In the Senate a majority of States may make their will effective, because the Senate as a body speaks not for the people but for the States as States. In the House, under the system of proportional representation, a majority of the people may make their will effectual in one branch of the legislative power. The Senate speaks for a majority of the States. The House speaks for a majority of the people; and when a bill passes both Houses it represents the combined will of a majority of the people—speaking through the House—and a majority of the States—speaking through the Senate.

Those who are so viciously opposed to any increase in the membership of the House lose sight of the fact that we must either increase the size of the House or the constituencies must be enlarged. The adoption of one or the other of these alternatives is inescapable. I insist that the representative character of the House will be materially improved by expanding the membership within reasonable bounds with the inevitable increase in our population. The representative character of the House will not be improved by enlarging the size of the districts and maintaining the membership at 435. The constituencies are now large enough. The average Member of Congress now has a constituency as large as he can efficiently serve.

Under our scheme of government, if Congress is to be truly representative each Member of the House, in so far as is reasonably possible, should be acquainted with his constituents or at least with a very considerable portion of them. This is essential in order that the Representative may know the viewpoint of his constituents, their needs, their problems, and their demands; what national policies they favor; what will best promote their economic well-being; what laws will contribute to their civic betterment and welfare and what laws will handicap them or withhold from them the social justice and equality of opportunity that is the constitutional right of every citizen.

Every Member of this House should have more than a passing acquaintance with the several cross sections of population in his district. He should familiarize himself with the factors and conditions which might help or hinder the people he represents. He should inform himself thoroughly as to the conditions and needs of his constituents, so that he will be able to speak for them, present their cause, press their claims, and represent them in the true sense of the term. Even now most districts are too large to enable a Member to get acquainted with a majority of his constituents, and often the districts are so large that he can not familiarize himself with the needs of the various vocational groups in his district, reconcile their conflicting demands, and adequately protect their diversified interests.

The more you enlarge the districts the larger the constituencies; the further you remove the Representative from contact with his constituents the less responsive he is to their will. The smaller the district the better acquainted a Member is with those he represents and the more readily he responds to their demands and the more efficiently he reflects their will. Moreover, it is not only necessary for the Member to know his constituents, but it is just as important that the constituents know their Representative.

In order that the people of a district may exercise intelligent judgment and make a wise choice in the election of their Representative they must know the man who seeks a commission to serve them. They must know him as a man, as a neighbor; know his public and private life; know whether or not he is capable and sincere and know whether he has the required amount of stamina to reflect their wishes and protect their interests. In view of our ever-expanding population, the people can not have this intimate knowledge of the qualifications of candidates for Congress if you adopt the policy of increasing the size of the constituencies and retain the membership at 435.

If you should need an agent or attorney to represent you, speak for you, and protect your interests, prudence would suggest that you employ one with whom you are acquainted and with whose private, public, and professional life you are familiar, either from actual contact or by reputation. A Member of Congress is an agent or attorney in fact for his constituents. He can not satisfactorily represent them unless he has talked with them, heard their story, listened to their statements, ascertained their viewpoints, and become saturated with the spirit that actuates those he represents. In like manner the closer a Member of Congress is to his constituents the more efficiently he will serve them and reflect their will. A Member representing 200,000 people can know and serve his constituents better than a Member who represents 500,000 people. The smaller the district the better acquainted the people will be with their Representative and the easier it will be to check his actions and retire him to private life if he is derelict in his duty.

By enlarging the size of the constituencies and holding the membership of the House at 435 the less responsive Congress will be to the popular will. By maintaining the present membership of the House you make it increasingly easy for the great corporations and special-privilege classes to control legislation and dominate the economic life of the Nation. If the membership of the House is not reasonably expanded with the increase in our population, in a few years this Government will be completely dominated by the sinister and cynical influences that make merchandise of patriotism and avariciously plunder the public. I do not deny that in after years there may come a time when wisdom will suggest that the membership of the House be not increased following each decennial census, but we have not yet reached that point and in my opinion that time is far off. When our Federal Constitution was adopted we had thirteen States. These States, in 1790, had a population of 3,929,214. The Constitution fixed the membership of Congress at 65 until the taking of the first census. That was on the basis of 1 Representative for every 60,449 people.

New Hampshire with a population in 1790 of 141,885 was given 3 Representatives, or 1 Member for every 47,295 people, while under the present apportionment New Hampshire, with a population of 430,572, has only 2 Representatives (1 less than she had in 1790). She now has 1 for every 215,286 people.

Massachusetts, with a population in 1790 of 378,787, was given 8 Representatives, or 1 for every 47,348 people. While under the present apportionment Massachusetts, with a population of 3,366,416 has 16 Representatives, or 1 for every 210,401 people.

Rhode Island, with a population in 1790 of 68,825, was given 1 Representative, while under the present apportionment, Rhode Island, with a population of 542,610, has 3 Representatives, or 1 for every 187,536.

Connecticut, with a population in 1790 of 237,964, was given 5 Representatives, or 1 for every 47,592, while under the present apportionment Connecticut, with a population of 1,114,756, has the same number of Representatives she had in 1790. She now has 1 Representative for every 222,951.

New York, with a population in 1790 of 340,120, had 6 Representatives, or 1 for every 56,686 people, while under the present apportionment New York, with a population of 9,113,614, has 43 Representatives or 1 for every 211,943 people.

New Jersey, with a population in 1790 of 184,139, was given 4 Representatives, or 1 for every 46,034 people, while under the present apportionment New Jersey, with a population of 2,537,167, has 12 Representatives, or 1 for every 211,430 people.

Pennsylvania, with a population in 1790 of 434,373, was given 8 Representatives, while under the present apportionment Pennsylvania, with 7,665,111 people, has 36 Representatives, or 1 for every 212,919 people.

Delaware, with 59,096 population in 1790, was given 1 Representative, while under the present apportionment Delaware with a population of 202,322 still has but 1 Representative.

Maryland, with a population in 1790 of 319,728, was given 6 Representatives, or 1 for every 53,288 people, while under the present apportionment Maryland, with a population of 1,295,346, still has 6 Representatives or 1 for every 215,557 people.

Virginia, with a population in 1790 of 747,610, was given 10 Representatives, or 1 for every 74,761 people, while under the present apportionment Virginia, with 2,061,612 population, has 10 Representatives (the same number as in 1790), or 1 for every 206,161 people.

North Carolina, with a population in 1790 of 393,751, was given 5 Representatives, or 1 for every 78,550 people, while under the present apportionment North Carolina, with a population of 2,206,287, has 10 Representatives, or 1 for every 206,287 people.

South Carolina, with a population of 249,073, was given 5 Representatives, or 1 for every 49,814 people, while under the present apportionment South Carolina, with a population of 1,515,400, has 7 Representatives, or 1 for every 216,485.

Georgia, with a population of 82,548, was given 3 Representatives, or 1 for every 27,516, while under the present apportionment Georgia, with a population of 2,609,121, has 12 Representatives, or 1 for every 217,426 people.

Congress has been very conservative in adopting a basis for representation in the House. If we had the same basis of representation now that was adopted for the first Congress, the membership of the House would be approximately 1,700. Subsequent Congresses, as to the size of the House, have been much less radical than the framers of our Constitution and we can safely trust Congress at all times in the future to adopt a basis of representation that will be reasonable and proper.

In calling your attention to the fact that the House of Commons had a membership of 615, I intended to state that there is less reason for the House of Commons having a large membership than there is for increasing the membership of the House of Representatives. The British Empire, while nominally monarchial in form, is nevertheless governed by Parliament through ministers chosen by Parliament. The House of Commons does not enact all laws by which the British Empire is governed. Many of the laws and regulations are mere orders promulgated by the ministers. I refer to orders in council or orders issued by the ministers and which have the force and effect of laws as though enacted by Parliament. The real details of the administration of the British Empire are generally worked out in council, and all orders in council have the effect and force of law. The primary function of the British Parliament is to formulate and declare national policies and to enact general laws, leaving to the ministry the making of administrative provisions. Yet Great Britain, with a population of about one-third our population and with about one-fourth of the wealth of the United States, has 615 members in the House of Commons and approximately 1,000 members in the House of Lords.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. LOZIER. I regret that I can not yield now, but I must complete this statement. It is argued that the House with a membership of more than 435 would not function and that it would be unwieldy. In answer to this I say that the House of Representatives, with a membership of 435, functions more efficiently than the Senate with a membership of 96. The House of Representatives functions more efficiently than any other parliamentary body in the world. Under its rules and practice the House can at all times speedily and effectively work its will. Ours is a government by political parties. The majority party in the House controls all the committees, and with this legislative machinery the House can dispose of legislation with unprecedented celerity. No one who knows anything about proceedings in this House will say that it would function more efficiently if it has only 200 Members, and with this legislative machinery a House of Representatives with a membership of 500 or 600 would function just as expeditiously and efficiently as with the present membership.

But some of my colleagues are still afraid that a House with 500 or 600 Members will be "too big." Why, gentlemen, this is a big country, and why should we fear to have a House comparable in size with our greatness as a Nation? Ours is the greatest Nation the sun smiles upon in his steady stride through the far-flung universe; ours is the greatest and most benevolent Government conceived in the minds of men since the morning stars sang together and the curtain went up on human history. Our wealth of farms, fields, factories, forests, mills, mountains, and plains far exceeds that of any other nation. Ours is a complex and exceedingly complicated industrial and economical system. Our interests and activities are tremendously diversified and antagonistic, and the government of 125,000,000 people is a big job. There are so many economic cross currents and political rip tides that the enacting of laws for the government of 125,000,000 people is no easy task. Five hundred or six hundred men or even more are not too many men on whose shoulders the government of the mighty Nation rests. In 25 years the population and business of this Nation will have grown so enormously that Congress will have at least 700 Members, and in 50 years 1,000 Members of Congress will not be too many.

Under the well-established and smoothly working rules by which the House of Representatives operates, the addition or subtraction of 100 from the present membership will not militate against the expeditious disposition of legislation, although any substantial reduction in the membership will make the body less representative, less responsive to popular will, and more subject to the pernicious influence of a corrupt lobby. Under the present machinery of the House, legislation approved by the leaders can and is put through by the leaders with a celerity seldom equaled and never surpassed in the history of representative government. The leaders of the majority may be slow in reaching a decision as to what legislation they will enact, but after a decision is once reached the approved legislation is almost invariably considered at once and enacted. Debate can be limited to a few minutes or hours, and this to all intents and purposes is the same as no debate. So there is absolutely no basis for the claim that a larger House could not function efficiently.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. LOZIER. I regret I can not yield further. I want to call the attention of my colleagues to a quotation from a book written by my friend the distinguished gentleman from Massachusetts [Mr. LUCE], one of the most versatile and scholarly men in the House. I have not always agreed with him. I think he is often wrong, and if you will permit the expression, I think he is frequently "economically unsound," but no one will challenge his versatility and profound learning. In his very valuable work on "Legislative assemblies" he discusses the question as to whether or not a large legislative body functions more efficiently than a small one. He sums up the arguments in favor of a large legislative assembly, as follows:

> "Large houses are likely to secure representation of a greater variety of social interest by having in their membership men of all the professions and many pursuits. A much more extensive knowledge of local conditions and local opinion is available. Venal influences can not turn a large body from the path of duty. Bribery and corruption have less chance; logrolling is harder; all secret influences are hampered. In speeches and votes personal friendships are less likely to embarrass or swerve. Many more citizens can profit by a share in the educating effect of legislative service, and in turn schooling in public affairs is much more widely diffused by them throughout the community. More voters know their representatives and therefore take personal interest in the work of the legislature. State-wide acquaintance is fostered. Large bodies move more slowly and therefore with less danger from hasty change. There are more men among whom to divide the work of committees."

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LOZIER. Will the gentleman from Mississippi yield me a little more time to finish this apropos quotation from this most excellent treatise of the gentleman from Massachusetts? It goes to the heart of this question, and I want the proponents of the pending bill to hear these words of wisdom from the gentleman and prophet from Massachusetts.

Mr. RANKIN. I yield to the gentleman seven minutes more.

The CHAIRMAN (Mr. ELLIOTT). The gentleman from Missouri is recognized for seven minutes more.

Mr. BEEDY. Do I understand the gentleman is reciting this to prove that Mr. LUCE is wrong? [Laughter.]

Mr. LOZIER. The gentleman from Massachusetts [Mr. LUCE] is sometimes wrong, but when he wrote this admirable volume he was right; dead right! But if he has any intention of voting for this pending legislative monstrosity he is as wrong in his attitude toward this bill as he was right when he wrote this book, and I would be constrained to appeal from Philip drunk on partisanship to Philip sober, who, in the volume mentioned above, so convincingly states the reasons in favor of a large membership in the popular branch of the Government of a free people. Our distinguished colleague in the same volume sums up the arguments in favor of a legislative assembly with a smaller membership.

Mr. ENGLEBRIGHT. Is that in the same book?

Mr. LOZIER. Yes; and on the following page. After giving the arguments pro and con the learned author then gives his own views in the following language:

> Such a contradiction of arguments so numerous makes it gross presumption for any one man to speak dogmatically. Appreciating the need of modesty where so many thoughtful men have failed to reach anything like agreement, I venture a conclusion of my own with no other hope than that as an opinion it may count for one. It is to the effect that for the purpose of embodying the common will in statutes of general purport concerned with principles and policies, the larger the House the better; and that for the purpose of transacting the business of government, the administrative business now so unwisely imposed on representative bodies elected by popular vote, the smaller the House the better. When the time comes that these two distinct functions are separated, with the legislature restricted to principles and policies and with the making of rules and regulations transferred to some sort of administrative agency, then the type of house found in New Hampshire and Massachusetts or at Washington will prove the safer and wiser.

The learned author says that for the purpose of embodying the common will in statutes of general purport concerned with principles and policies, the larger the House the better. And that is true. After all, our structure of government is built around the Congress. It is the body primarily designated by the Constitution to express the will of the people and to determine national policies. Congress alone can enact laws. Congress alone can initiate legislation, and those who wrote the Federal Constitution made the House of Representatives the more important branch of our legislative system because it expressly provides that all legislation involving the levy of taxes and the collection of revenue must originate in the House of Representatives and can not originate in the Senate. In other words, under the Constitution the power to enact tax legislation is vested exclusively in the House. This is a wise provision, because every battle for human freedom has been fought around the standard of taxation, and in order that the masses may control taxation the House of Representatives should have a membership sufficiently large to give all important vocational groups a voice and vote in this the popular branch of our legislative system, to the end that Congress may reflect the will of the people and determine national policies in harmony with an enlightened public sentiment.

The supreme purpose of all law is to promote social justice, and the Congress of the United States was established to the end that the common will of the people might be established by statutory law. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. RANKIN. Mr. Chairman, I ask unanimous consent that all Members speaking on this measure may have five legislative days in which to extend their remarks.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

Mr. FENN. Mr. Chairman, I yield to the gentleman from Oregon [Mr. SINNOTT].

The CHAIRMAN. The gentleman from Oregon is recognized.

Mr. SINNOTT. Mr. Chairman, the actual trail to the far West, its hardships and difficulties, are well known. The story of the covered wagon has made them so. The legislative trail to the far West is not so well known. It, too, had its hardships and difficulties.

So that the legislative trail may be better known, I ask unanimous consent to extend in the CONGRESSIONAL RECORD data regarding the legislative history of the Lewis and Clark expedition, the objections to the passage of the Oregon donation act, and the objections to the homestead act, as revealed in the debates in Congress.

The misgivings expressed in the congressional debates about the wisdom and possible effect of these measures were never realized. On the contrary, these measures made for the development and splendor of our country. So may it be with pending measures for the further development of the West—the misgivings may never be realized.

The data which I desire to insert in the CONGRESSIONAL RECORD was prepared in the legislative reference service of the Library of Congress by Miss Rita Dielmann, who is entitled to great credit for the painstaking way in which she has gleaned through the RECORD.

LIBRARY OF CONGRESS,
Washington, March 30, 1928.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
Room 347, House Office Building, Washington, D. C.

DEAR SIR: In response to your letter of March 17, asking for information as to the objections made in Congress to the Lewis and Clark expedition, the Oregon donation act, and to the homestead law, I submit the three following typewritten studies:

The legislative history of the appropriation for the Lewis and Clark expedition.

A statement of the objections in Congress to the Oregon donation act.

Objections to the homestead act as revealed in the debates in Congress.

Very respectfully,

H. H. B. MEYER,
Director Legislative Reference Service.

THE LEGISLATIVE HISTORY OF THE APPROPRIATION FOR THE LEWIS AND CLARK EXPEDITION

On January 18, 1803, President Jefferson addressed a confidential message to Congress on the renewal of the act for maintaining trading houses with the Indians. He asked for an appropriation of $2,500 "for the purpose of extending the external commerce of the United States." (Annals of Congress, 7th Cong., 2d sess., pp. 24–26.)

The legislative history of the act for "extending the external commerce of the United States" discloses no opposition to the bill or to the appropriation. The Annals of Congress contain no record of debate. The bill granting $2,500 for extending the external commerce of the United States became a law February 28, 1803. (Annals of Congress, 7th Cong., 2d sess., pp. 27, 32, 81, 82, 91, 207, 522, 534, 543. Appendix, p. 1566.)

Something of the state of the public mind and of Congress on exploring the Northwest may be gleaned from Jefferson's correspondence.

As early as December 4, 1783, Jefferson wrote to Gen. George Rogers Clark:

"Some of us have been talking here in a feeble way of making the attempt to search [the country from the Mississippi]; but I doubt whether we have enough of that kind of spirit to raise the money." (F. G. Young, The Lewis and Clark Expedition, p. 16.)

On February 27, 1803, Jefferson wrote to Doctor Barton asking for notes on botany, zoology, and Indian history:

"You know we have been many years wishing to have the Missouri explored, and whatever river heading with it that runs into the western ocean. Congress, in some secret proceedings, have yielded to a proposition I made them for permitting me to have it done." (The Writings of Thomas Jefferson. Washington ed., vol. 4, p. 470.)

On February 28, 1803, Jefferson wrote to Casper Wistar asking him to treat his letter confidentially:

"I have at length succeeded in procuring an essay to be made of exploring the Missouri and whatever river heading with it that runs into the western ocean. Congress by secret authority enables me to do it." (Ford edition VIII, p. 192.)

To Meriwether Lewis, April 27, 1803:

"The idea that you are going to explore the Mississippi has been generally given out. It satisfies public curiosity, and masks sufficiently the real destination." (Ford edition VIII, p. 193.)

To Benjamin Rush, February 28, 1803:

"I wish to mention to you in confidence that I have obtained authority from Congress to undertake the long-desired object of exploring the Missouri and whatever river heading with it that leads into the western ocean." (Ford edition VIII, p. 219.)

Professor Cox points out that the expedition was planned and the appropriation granted before the Louisiana Territory was actually purchased. Hence the expedition was managed with considerable secrecy and deception. The act conveying the appropriation bore a misleading title and the expedition purported to be a scientific and literary one in order to allay any disquietude of British fur traders and Spanish officials. (I. J. Cox, The Early Exploration of Louisiana, pp. 16–18.)

Lewis showed some eagerness to present the results of his explorations to Congress, and when he had nothing to show for the appropriation granted in February, 1803, except the construction of his boat at Pittsburgh, he asked President Jefferson to permit him to make some little side expedition before the Eighth Congress opened in special

session on October 17, 1803. To this departure from the main object of the expedition Jefferson did not consent. (I. J. Cox, p. 20.)

On August 11, 1803, Jefferson wrote to Isaac Briggs, a Government surveyor:

"Congress will probably authorize the exploration of the principal streams of the Mississippi and Missouri." (I. J. Cox, p. 39.)

Jefferson forwarded to Lewis a map of the Missouri, and added:

"The acquisition of the country through which you are to pass has inspired the country generally with a great deal of interest in your enterprise. The inquiries are perpetual as to your progress. The Federals alone still treat it as a philosophism, and would rejoice at its failure. Their bitterness increases with the diminution of their numbers and the dispair of a resurrection. I hope you will take care of yourself and be a living witness of their folly." (I. J. Cox, p. 22.)

By the middle of November, 1803, Jefferson spoke of the interest in the expedition as general. On November 16 he wrote to Lewis:

"I have proposed in conversation, and it seems generally assented to, that Congress appropriate ten to twelve thousand dollars for exploring the principal waters of the Mississippi and Missouri. (The Writings of Thomas Jefferson, memorial edition, vol. 10, p. 433; I. J. Cox, p. 22.)

Professor Cox remarks:

"The result of Jefferson's quiet personal work among the members of the Eighth Congress appeared in a report dated March 8, 1804, from the Committee of Commerce and Manufactures." (I. J. Cox, pp. 40–41.)

February 18, 1804, Mr. Moore, Representative from Virginia, offered a resolution instructing the Committee of Commerce and Manufactures to inquire into the expediency of authorizing the President of the United States to employ persons to explore such parts of the province of Louisiana as he may think proper. * * * Passed, ayes 53. No debate. (Annals of Congress. 8th Cong, 1st sess., vol. 18, p. 1036.)

On March 8, 1804, the House heard the report of Mr. Samuel L. Mitchill, from the Committee of Commerce and Manufactures:

"By a series of memorable events the United States have lately acquired a large addition of soil and jurisdiction. * * * It is highly desirable that this extensive region should be visited, in some parts at least, by intelligent men. Important additions might thereby be made to the science of geography [and] * * * the Government would thence acquire correct information of the situation, extent, and worth of its own dominions. * * *

"There is no need of informing the House that already an expedition, authorized by Congress, has been actually undertaken and is going on, under the President's direction, up the Missouri. The two enterprising conductors of this adventure, Captains Lewis and Clark, have been directed to attempt a passage to the western shore of the South Sea. * * *

"The committee submit the following opinion:

"That it will be honorable and useful to make some public provision for further exploring the extent and ascertaining the boundaries of Louisiana; and

"That a sum not exceeding $——— be appropriated for enabling the President of the United States to cause surveys and observations to be made on the Red River and the Arkansas, or either of them, or elsewhere in Louisiana, as he shall think proper for these purposes."

The report was referred to the Committee of the Whole on Wednesday next. (Annals of Congress, 8th Cong., 1st sess., pp. 1124–1126.)

The House of Representatives was absorbed in the debate on the civil government of Louisiana and failed to pass the appropriation bill for the exploration of Louisiana in that session.

On March 13, 1804, Jefferson wrote to William Dunbar, a scientist, of Mississippi, that he expected Congress to authorize him to explore the greater waters on the western side of the Mississippi and Missouri to their sources, and that preparations would be made at Natchez and New Orleans under Dunbar's care, but that Congress was hurrying their business so for adjournment that he expected them to leave some details unfinished. (Washington edition, IV, pp. 540–541.)

On May 14, 1804, Lewis and Clark passed up the Missouri, crossed to the Pacific, and reached St. Louis September 23, 1806.

On February 19, 1806, President Jefferson communicated to Congress a report of the Lewis and Clark expedition with a letter from Captain Lewis. (Annals of Congress, 9th Cong., 2d sess., pp. 1036–1147.)

It was almost a year before the House of Representatives appointed a committee (January 2, 1807) to inquire what compensation ought to be made to Lewis and Clark and their companions for their services in exploring the western waters.

Mr. Dawson, of Virginia, said he was induced to invite the House to consider such compensation from the communication of the President which held out the idea that the sum which the House had appropriated in 1803 was but a part of what might be necessary. (Annals of Congress, 9th Cong., 2d sess., p. 246.)

On January 23, 1807, the committee reported a bill which was read twice and debated on February 16. The Annals of Congress give no report of this debate. The consideration of the bill was resumed on February 20.

Mr. Lyon, Representative from Kentucky, opposed the provision that land warrants granted to the explorers might be received at the land office at the rate of $2 an acre.

Representatives Tallmadge, of Connecticut; Joseph Clay, of Pennsylvania; Ely, Quincy, and Cook, of Massachusetts; and D. R. Williams, of South Carolina, supported the position taken by Mr. Lyon. It was contended that double pay was a liberal compensation and that this grant was extravagant beyond all precedent. It was equivalent to taxing more than $60,000 out of the Treasury, and might be perhaps three or four times that sum, as the guaranties might go over all the western country and locate their warrants on the best land, in 160-acre lots.

A motion to recommit the bill carried with 66 ayes "after considerable debate." The bill was read and passed on February 28, 1807.

The Senate received the bill the same day, reported it on March 2, and passed on it March 3. (Annals of Congress, 9th Cong., 2d sess., pp. 96, 98, 383, 501, 591, 658, 659.)

The act of March 3, 1807, authorized the Secretary of War to issue land warrants to Lewis and Clark for 1,600 acres each, and to each of their associates 320 acres. The land warrants might be located on any public lands of the United States west of the Mississippi or be receivable at the rate of $2 an acre in payment for public lands. The Secretary of War was authorized to double the pay of Lewis and Clark and their associates during the time they served on the expedition to the Pacific Ocean. The bill appropriated $11,000 for that purpose. (Annals of Congress, 9th Cong., 2d sess., p. 1278. [Rita Dielmann, March 26, 1928.])

A statement of the objections in Congress to an act entitled: "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands." September 27, 1850. (9 U. S. Stat. 496.)

The debate shows that there were two principal objections to the bill:

1. As to persons—

Objection to the discrimination against American settlers already in Oregon in favor of new settlers;

Discrimination against Americans in favor of emigrants;

Objection to granting land to half-breed Indians on more favorable terms than to white American citizens.

2. As to lands—

Favoritism to Oregon over other States and Territories of the United States, giving the bill the nature of special legislation.

Too rapid exhaustion of the public lands.

Objection to the use of public lands for military reservations.

1. As to persons—

Mr. Hubbard, Representative from Alabama, objected to "giving away lands in large tracts without any price to Indian half-breeds when Congress had refused to sell public lands to the worthiest citizens unless they paid more than double its value." (Congressional Globe, 31st Cong., 1st sess., p. 1093, May 28, 1850.)

Senator Dawson, of Georgia, raised objection to the provision of the bill permitting emigrants to take land in Oregon on declaration of intention to become citizens. "* * * the information will go all over the continent of Europe. Foreigners will throw themselves into your country, and as soon as they land make a declaration of intention to become citizens. Before the three years expire the whole of your immense lands will be gone. They will turn loose their whole population, and especially their pauper population." [They have rendered no service to the country, paid no taxes, sacrificed nothing, and scarcely a dollar will be returned to the Treasury. American citizens must pay for purchasing land for the benefit of foreigners. The States of the Union pay a great proportion of the expenses and receive none of the benefits of the public lands.] (Congressional Globe, 31st Cong., 1st sess., p. 1845, September 17, 1850.)

Senator Underwood also opposed granting lands "to quasi citizens, who may emigrate from the Old World and settle in this and make their declaration to become citizens.

"Now, I am not willing to give that bounty to those who hereafter may come to the country. I am willing to let those who are now in the country have the benefit [of a grant] because of the difficulties they have had in getting there and in settling themselves in a wild country; but to hold out a bounty in behalf of those who may come to the country from Europe in preference to our own citizens, giving them equal advantages, and thus opening the doors of the poorhouses of all Europe to flood us with their paupers, is a proposition that I can not agree to. It offers too strong an inducement for foreign corporations to provide the means of emigration for these people who are to receive a bounty when they come here." (Congressional Globe, 31st Cong., 1st sess., p. 1846, September 17, 1850.)

2. As to lands—

Mr. Cobb, Representative from Alabama, in opposing the bill argued that the public lands were being disposed of too rapidly. They would be exhausted. He opposed a grant larger than 160 acres. (Congressional Globe, 31st Cong., 1st sess., p. 1094, May 28, 1850.)

Senator Yulee, of Florida, opposed the bill on the grounds of special privilege to Oregon:

"This bill proposes a gratuity of half a section of land to every person who will go to live in Oregon. This introduces an entirely new policy. It offers a stimulus to the settlement of a particular Territory which was not allowed to any other Territory of this Union, and has not been allowed to any State of this Republic at any time. Heretofore the highest benefit that we have allowed to any settler has been to give him a preemption—a first right to purchase at the Government price of a dollar and a quarter the land upon which he settles in the new State or Territory, and even that was limited to a quarter section. This bill proposes to give half a section to every one who will go to Oregon to settle there. Now, if this section is to remain in the bill, I shall certainly expect, as a matter of fairness and in order that other Territories and States where there are public lands may be placed upon the same footing as Oregon, that the same inducement to settle in these States and Territories shall be held out. Otherwise, nothing can be more unfair than that all the migration should be directed to Oregon, and that the other States and Territories should be left without any such stimulus to their population.

"* * * As a matter of policy, it seems to me that this provision is a very unfair one. I submit to the Senate whether there is any reason—whether it is a wise policy to stimulate migration to the other side of the Rocky Mountains? It is to be apprehended that the migration has been much beyond what the natural inducements of the country would justify, thus far, and I learn that a very large number of the emigrants are anxious now to return, and will return during the fall, if they can possibly obtain the means to return to this side of the Rocky Mountains. * * *

"We know that the emigration overland already this year is stated to be near 50,000, and that 10,000 of those persons are said to be settlers of Oregon. There are attractions enough, either imaginary or real, to draw to that country all the surplus population that can be spared from the Atlantic States.

"I ask whether it is a wise policy to hold out inducements to the people of the Atlantic States to transfer themselves to the Pacific in greater numbers than the natural attractions of the country there would induce? We have the Territory of Minnesota and other new Territories nearer to the Atlantic States and which would keep our population more compact, but for the settlement of which no inducements are held out by legislation. And when we consider the fact that the migration to the Pacific Territories far surpasses, without other than natural inducements, the migration which has ever taken place to any other Territory of the United States and is altogether unsurpassed and unprecedented, I can conceive of no propriety or wisdom in a policy which would induce us to stimulate still further that transfer of our population to the Pacific by offering inducements which have never been offered heretofore for the settlement of any new Territory."

[The bill does not provide for similar grants in California and Nevada, and no such provision has been made concerning the public lands of any other Territory.] "I object to this special legislation * * * ; if it is desirable to stimulate the settlement of public lands in the new Territories, let it be done by a general bill, which will open them for settlement everywhere." (Congressional Globe, 31st Cong., 1st sess., pp. 1841–1842, September 17, 1850.)

Senator Bell opposed the bill because Oregon already offers "greater inducements to settlers than any other portion of our unsettled domain. The riches to be found in the immense forests accessible to navigation and exportation from the ports of Oregon, and the immense demand for lumber now existing in California and which must continue to exist there while perhaps this Government stands; this alone will form a most attractive inducement to any enterprising and honest man who may desire to better his fortunes. That is not all. They have perhaps a population of one hundred and fifty or two hundred thousand in California, not the one-hundredth part of whom subsist by the cultivation of the soil but who depend on the adjacent countries for their continual subsistence. * * * The flour, I understand, which now supplies California is drawn from the coast of Chile, and if I am not misinformed in regard to Oregon it is most productive in wheat. * * * Thus there is no portion of the country that is at this moment better situated or offering higher inducements to emigrants than the Territory of Oregon. * * * Let us not adopt this general policy of stimulating settlements by the giving away of our richest and most valuable lands." (Congressional Globe, 31st Cong., 1st sess., p. 1842, September 17, 1850.)

Senator Walker from Wisconsin:

"* * * it seems to me that the arguments [in favor of the bill] refer merely to the present moment, and the selfish interests of those who exist at the present day * * * I say to those gentlemen that the time will come when people will go to Oregon without this bounty, and when they get there, mark my words, they will not thank Senators for having given these lands in whole sections to the individuals who have gone there before them. Then, sir, those who go there seeking for a home will look back on this legislation with disapprobation and regret. Sir, if you desire to legislate for the permanent interests of Oregon and for the permanent interests of the whole country, do not adopt the policy of granting this land in large amounts to individuals; but on the contrary, let the grants be as small as the ultimate interests of the country will demand; so that, when the population becomes heavy and dense, the lands of the country shall be as equally distributed as the then present and the now future interests of the country may require." (Congressional Globe, 31st Cong., 1st sess., p. 1843. September 17, 1850.)

Senator Atchison:

"I think the giving of donations of land now, for the purpose of inducing further settlements in that Territory, will fail to secure the object. It is a well-known fact that a common laborer in the Territory of Oregon gets at this time higher wages than anywhere else, except it be in California. A field hand gets $4 a day, and the commonest mechanic gets $8 a day, and everything in that Territory bears a proportion to that. Then there is no necessity to hold out any inducement to new settlers, in the shape of land, in order to lead them to Oregon." (Congressional Globe, 31st Cong., 1st sess., p. 1847. September 17, 1850.)

Senator Douglas from Illinois opposed exempting lands to be set aside as military reservations from the provisions of the act. He wished to make the act apply only to lands not occupied, cultivated, and improved prior to the passage of the act. He stated that the Secretary of War had authorized the Delegate from Oregon to assure the people that their farms and improvements would never be taken for military purposes. He argued that military reservations were often too large and prevented the settlement of the country. In closing he said, "I dread to run the risk of giving to a military officer the right to oust these settlers."

Mr. Downs followed similar argument. (Congressional Globe, 31st Cong., 1st sess., pp. 1739–1742, September 3, 1850.)

OBJECTION TO THE HOMESTEAD ACT AS REVEALED IN THE DEBATES IN CONGRESS

(NOTE.—A homestead bill was introduced in the House of Representatives on March 27, 1846, by Andrew Johnson, of Tennessee. The subject was before Congress repeatedly from that time to the final passage of the bill in 1862. The Thirty-sixth Congress passed an act which was vetoed by President Buchanan on June 22, 1860. The homestead bill became a law on May 20, 1862.)

The objections to the bill are:

I. CONGRESS HAS NO CONSTITUTIONAL POWER TO DISTRIBUTE PUBLIC LANDS

They are the property of the people of the United States in their capacity as a corporation * * * Congress exercises delegated power, and has no right to dispose of any part of the public domain or public property except according to the powers delegated. (Senator Dawson, of Georgia, Congressional Globe, 31st Cong., 1st sess., January 30, 1850, p. 265.)

I wish to ask the friends of this bill, who are calling it a people's bill, whether they do really design to give these lands to the people, or whether they design to take away that which belongs to the whole and confine their beneficence exclusively to a part, to the express exclusion of the rest? (Mr. Averett, from Virginia, Congressional Globe, 31st Cong., 2d sess., January 23, 1851, and May 10, 1852, pp. 313 and and 1312.)

Mr. Fuller, Representative from Maine, objected to the bill as illegal, unjust, and partial in its provisions, and if he were before a tribunal differently constituted he would move to dismiss the bill. He denied the right of partition. He denied that this Government held the public domain by such tenure as was susceptible of such partition. He asked by what right a certain specified class of persons, aliens, foreigners, or American citizens of limited age, of particular condition in domestic and pecuniary affairs, should here come and ask this Government gratuitously to assign them any portion of the public domain, the common property of the people of the United States, to the exclusion of a much greater portion, having equal rights and equal privileges?

If there was any subject of legislation on which the American people were more tenacious than another, it was against any principle of legislation which made an invidious distinction in the bestowment of governmental favors, pensions, and patronage.

He was opposed to the schemes now pending before Congress, by which to rid the General Government in the shortest possible time of the public domain. (Congressional Globe, 32d Cong., 1st sess., March 30, 1852, p. 926.)

Mr. Averett of Virginia:

I rise as one of the Representatives of the rural districts of these United States, claiming an equality of right in the public domain, as the property of all; to enter my solemn protest against any measure, no matter under what pretense it comes before us, that tends to give to any class in this community, rich or poor, an exclusive right in that public domain. (Congressional Globe, 32d Cong., 1st sess., April 18, 1852, pp. 1018, 1020.)

The clause of the Constitution which conferred upon Congress the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, did not confer unlimited power in regard to the disposition of public domain. (Mr. Millson of Virginia, Congressional Globe, 32d Cong., 1st sess., April 29, 1852, p. 1208; Mr. Beale of Virginia, Congressional Globe, 32d Cong., 1st sess., May 6, 1852, p. 1277.)

Congress has no more right to give away public property for charity than to establish charitable institutions in any State. (Mr. Howard of Texas, Congressional Globe, 32d Cong., 1st sess., May 6 and 10, 1852, pp. 1279 and 1315; Mr. Clark of Iowa, Congressional Globe, 32d Cong., 1st sess., May 6, 1852, p. 1282.)

The clause which gives Congress power to dispose of and make needful rules and regulations respecting the territory of the United States applied to the territory ceded to the United States by the old States. The United States held that territory under solemn compact that it should be appropriated to defray the expenses of this Government and for no other purpose whatsoever. (Mr. Averett, of Virginia, Congressional Globe, 32d Cong., 1st sess., May 10, 1852, p. 1312; Mr. Millson, of Virginia, Congressional Globe, 32d Cong., 1st sess., April 28, 1852, Appendix, 524; Mr. Dent, of Georgia, Congressional Globe, 33d Cong., 1st sess., February 21, 1854, p. 459; Mr. Smith, of Virginia, Congressional Globe, 33d Cong., 1st sess., February 21, 1854, p. 461.)

The bill is directly at war with the constitutional principles I have been accustomed to hold sacred. I had supposed that the regulation of the social relations of the citizen were left by the Federal Constitution to the States and that of commerce and foreign affairs to the General Government. I had supposed that, for the protection of the family hearth, the regulation of the household duties, and the descent and transfer of property we were to look to the States and not to the Federal Government. * * * The effect of the bill will be to bring the General Government to bear directly upon the people of the States, making itself deeply and sensibly felt in all the relations of life, while the State law, in its peculiar province, will be inoperative. Against such annihilation of State influence I earnestly protest. (Mr. Perkins, of Louisiana, Congressional Globe, 33d Cong., 1st sess., March 6, 1854, p. 544.)

When the public lands were ceded by those States which had claims to them, they were supposed to be a great national estate, to be administered justly, prudently, and wisely by the Federal Government, with a view to the benefit of all the States of the Union; and in this view it was necessary that we should establish some system under which they should be sold. (Senator Pearce, of Maryland, Congressional Globe, 33d Cong., 1st sess., July 17, 1854, p. 1771.)

Public lands ceded by the States to the Government are held by compact between the States and the Government. These public lands can not be given away. (Senator Toombs, of Georgia, Congressional Globe, 33d Cong., 1st sess., July 19, 1854, p. 1816.)

The States ceded their lands as property that should be used as a fund for the common benefit of all the States in proportion to the charges upon these States. (Senator Mason, of Virginia, Congressional Globe, 33d Cong., 1st sess., July 19, 1854, p. 1817.)

This Government has no right to tax the people and buy land, and divide that land, and give it away to the worthless. The Government has the right to acquire property, and when that territory has been acquired it has the right to devise the means of disposing of it under the Constitution of the United States. * * * disposing of the public land for the public benefit requires it to be sold at such rates as we believe to be promotive of the public interests; but as a homestead, as a gift, is contrary to the power of the Government * * * if you pass this bill which ties up the public lands for five years, and which authorizes the principle which will enable you to tie them up forever, State rights are destroyed. (Senator Green, of Missouri, Congressional Globe, 36th Cong., 1st sess., May 9, 1860, p. 1994–1995.)

II. THE BILL MAKES AN UNFAIR DISTINCTION BETWEEN CLASSES OF CITIZENS

I do not regard those persons who have no property—nothing to keep them at home—as the most meritorious class of the community. I have a great many constituents, honest, industrious men, who will not find it practicable to leave their homes and emigrate to the West. Yet these men pay taxes and contribute to the support of the Government. (Senator Clingman, of North Carolina, Congressional Globe, 32d Cong., 1st sess., May 6, 1852, p. 1281; Mr. Clark, of Iowa, Congressional Globe, 32d Cong., 1st sess., May 6, 1852, p. 1282.)

It is not just to give land free to persons who have risked nothing for winning the lands, when the soldiers who served in the war are selling their land warrants at $20 to $23 each. (Mr. McNair, of Pennsylvania, Congressional Globe, 32d Cong., 1st sess., May 10, 1852, p. 1313; Mr. Smith, of Virginia, Congressional Globe, 33d Cong., 1st sess., February 21, 1854, p. 461; Mr. Colquitt, of Georgia, Congressional Globe, 33d Cong., 1st sess., March 2, 1854, p. 523.)

I am opposed to the principle of this bill which, disguise it as you may, is at last but taxing one portion of the people for the benefit of another; taking money out of the pockets of a portion of the people and placing it in the pockets of others by legislation. (Senator Adams, of Mississippi, Congressional Globe, 33d Cong., 1st sess., April 19, 1854, p. 944; Senator Clingman, of North Carolina, Congressional Globe, 35th Cong., 1st sess., May 22, 1858, pp. 2304, 2306.)

I say, decidedly, that the whole system of giving away the public land in my day has been unjust in every respect. There has been no justice; there has been no equality; there has been no good sense; there has been no fairness in the system.

The truth is that a man who can not sustain himself is a drone; he is not worthy of protection. Measures like this, that give your lands away, will destroy enterprise in that class to whom you give them. It will make them drones in the common hive. (Senator Hayne, of South Carolina, Congressional Globe, 35th Cong., 1st sess., May 22, 1858, p. 2304; Mr. Reid, Congressional Globe, 35th Cong., 1st sess., May 22, 1858, p. 2306; Senator Crittenden, of Kentucky, Congressional Globe, 35th Cong., 1st sess., May 22, 1858, p. 2307.)

Mechanics do not want to abandon their business and turn landowners. (Senator Clingman, of North Carolina, Congressional Globe, 36th Cong., 1st sess., p. 1294, March 22, 1860.)

I am not willing to pass a bill here which excludes every slaveholder from moving into a Territory; because no man who owns a negro is going to move on 160 acres. We have no pauper population in the South. Those who do not own slaves own land, or are respectable, industrious mechanics, attached to their homes and the institutions of their particular section. They are not going to move off. The only effect of the bill is to fill that country with paupers. We are under no obligation to provide for your paupers. We are under no obligation to provide for the pauperism of Europe. (Senator Wigfall of Texas, Congressional Globe, 36th Cong., 1st sess., April 4, 1860, p. 1539.)

The necessary effect of the law would be to transplant, by the allurements of land gratuities at the public expense, people from the nonslaveholding States to preoccupy these lands in the Territory to the exclusion of those from the slaveholding States; and I believe that if the policy should be adopted it would be followed up on the part of the people of the free States by bringing to the aid of the law emigrant-aid societies to force out that sort of population. (Senator Mason, of Virginia, Congressional Globe, 36th Cong., 1st sess., April 11, 1860, p. 1656.)

The bill is unfair to those who settled without such inducements and cleared the wilderness and bore the hardships of pioneer life. It gives those who come after an advantage over those who went before. The pioneers are ignored and those who settle now, who can come by means of railroads, are given free grants.

It is unfair to the soldiers who fought against Mexico. (Senator Rice, of Minnesota, Congressional Globe, 36th Cong., 1st sess., May 10, 1860, p. 2032.)

III. THE GRANT OF LAND TO SETTLERS GIVES THE IMMIGRANT FROM EUROPE A PREFERENCE OVER AMERICAN CITIZENS

"* * * when the foreigner goes to any State where those public lands lie and takes his land he is to have it free from all charge, whereas the native American has to pay." (Senator Douglas, of Illinois, Congressional Globe, 31st Cong., 1st sess., January 30, 1850, p. 264.)

You offer an insult to every soldier who holds a land warrant given him as a reward for serving his country when, by this bill, you give 160 acres of land to the foreign pauper for nothing but simply because he has none. (Mr. Averett, of Virginia, Congressional Globe, 32d Cong., 1st sess., April 1, 1852, p. 1018.)

I think we have already sufficient inducements for emigration to this country, as they are now flocking here from various parts of Europe; and if you shall hold out this further inducement, we shall be overflooded with a population from Europe. (Mr. Moore, of Pennsylvania, Congressional Globe, 32d Cong., 1st sess., May 10, 1852, p. 1318; Mr. Dent, of Georgia, Congressional Globe, 33d Cong., 1st sess., February 21, 1854, p. 459.)

This bill will not benefit the poor classes; it will not benefit the old States; it will benefit the new States but little. It will benefit Europe most and the population which will come thence upon us. They are the men who will settle upon these lands. (Mr. Dowell, of Alabama, Congressional Globe, 33d Cong., 1st sess., March 2, 1854, p. 527; Senator Clayton, of Delaware, Congressional Globe, 33d Cong., 1st sess., July 10, 1854, pp. 1663–1664.)

Senator Adams, of Mississippi, objected to taxing the native born and adopted citizens of this country for the benefit of foreigners. He opposed granting land to those who had no participation in the acquisition of the territory, who had paid no taxes, who had not defended the country, and had no interest in the Government. (Congressional Globe, 33d Cong., 1st sess., April 19 and July 12, 1854, pp. 944, 1702.)

The deserters from your battle fields and the men who fought against those who won your territories might come and take possession of your lands, to the exclusion of those who were more worthy. (Senator Butler, of South Carolina, Congressional Globe, 33d Cong., 1st sess., July 12, 1854, p. 1703.)

This Government, after having for more than 40 years sold to her own children, native American citizens, the public lands at a fixed price, now proposes to give lands free of charge to all, including foreigners. Americans purchased lands, endured the hardships, and made improvements which enhance the value of adjacent lands. Now, this bill proposes to invite foreigners to come and settle free of

charge upon those lands. You propose by this policy to introduce foreigners and allow them to enjoy for a period of five years all the privileges of society and protection of citizenship, without contributing one cent toward the support of the Government in the way of taxation while the lands of the native American citizens lying within the State are being taxed. (Senator Clay, of Alabama, Congressional Globe, July 12, 1854, 33d Cong., 1st sess., p. 1704.)

The bill will only increase native Americanism. * * * If we are to convert this Government into a charity asylum, let us lavish its bounty upon citizens rather than foreigners. (Senator Clay, of Alabama, Congressional Globe, 33d Cong., 1st sess., July 12, 1854, pp. 1705–1706.)

IV. THE BILL OFFERS THE WRONG KIND OF INDUCEMENTS TO EUROPEAN SETTLERS

The granting of public lands is a premium to the patriots of Europe; it is a great national charity for Europeans who have neither sacrificed their lives for its protection, nor paid taxes for its purchase; it is an inducement for those who resist oppression in Europe to cease their struggle and settle down in America. (Senator Dawson, of Georgia, Congressional Globe, 31st Cong., 1st sess., January 30, 1850, pp. 264–265.)

It is well known that in Europe a man having 160 acres of land is regarded as a large proprietor; and if the news goes forth to Europe, and to Asia, and to all parts of the world that in this country we give 160 acres of the public domain to American citizens, to naturalized foreigners, and to those who may come here and be naturalized, they will instantly bridge the Atlantic and Pacific, and in 10 years your public domain will be swallowed up by those who, I fear, may some day change our laws, our institutions and even, perhaps, our religion. (Mr. Etheridge, of Tennessee, Congressional Globe, 33d Cong., 1st sess., March 3, 1854, p. 534.)

While I would not interpose any obstacles to the wilderness being settled up, I do not sympathize with the policy that seeks to settle it up too quickly by inviting emigration. I look with despair upon the day when the vast wilderness will be settled up, for depend upon it that with that day comes the end of the Republic, and anarchy and chaos. (Mr. Boyce, Congressional Globe, 33d Cong., 1st sess., March 3, 1854, p. 536.)

This bill offers a bonus to those men in Europe who are unwilling to remain there under the hazards of the approaching war to emigrate to this country. It tells those men who, because they do not wish to stand by their king and country, if you will flee to the United States we will set you up with a nice little farm of 160 acres. (Senator Thompson, of Kentucky, Congressional Globe, 33d Cong., 1st sess., April 19, 1854, p. 946.)

VI. THE HOMESTEAD LAW WOULD CAUSE TOO RAPID EXPANSION

The effect of the bill would be to depopulate the old States. If the old States do not lose their population, then, of course, our people can get no benefit from the bill at all. If no man would leave the old States for the purpose of availing himself of the opportunity of locating the quarter section of land which the bill allows him, then the benefit of its provisions is confined exclusively to the new States. But, if our citizens do leave us to avail themselves of these privileges, then we are sufferers, both in the loss of our people and in the loss of the land, which is the common property of all States. (Mr. Millson, of Virginia, Congressional Globe, 33d Cong., 1st sess., March 2, 1854, p. 526; Mr. Simmons, Congressional Globe, 33d Cong., 1st sess., March 2, 1854, p. 521.)

By this bill you propose to give 160 acres of land, provided it is occupied and cultivated. It is not possible for a poor man to cultivate 160 acres of land. Instead of peopling the West, over which is rolling the great tide of civilization, you are providing against its settlement. You dot it over with individuals, one to every 160 acres. The really poor man will stand upon his land for five years without the means to cultivate it. (Mr. Perkins, of Louisiana, Congressional Globe, 33d Cong., 1st sess., March 6, 1854, p. 544; Mr. Crittenden, Congressional Globe, 35th Cong., 1st sess., May 22, 1858, p. 2308.)

Instead of this land empire being a gradual outlet and receptacle for our increasing population, under a law of gradual progress which human legislation can not control, migration would be unnaturally stimulated, by holding out incentives for a rush and scattering of population over an immense surface, followed by a recoil, and all its disastrous consequences. An immigration, forced on under such circumstances, will disarrange the progress of the public surveys which heretofore has always been accommodated to the existing actual necessities of settlers, and will likewise, for the same reason, enormously increase governmental expenses for the protection of far-off pioneers. (Senator Johnson, of Arkansas, Congressional Globe, 36th Cong., 1st sess., May 10, 1860, p. 2036.)

VII. TO GIVE AWAY PUBLIC LANDS IS A WILD SCHEME OF SOCIALISM

Next year the manufacturers, the mechanics, and artisans will come to us and say, "You have given away the public lands in which we were jointly interested; we do not understand farming; as you have given away our property, now make us equal by giving us money with which to buy bread, fuel, and raiment." (Mr. Howard, of Texas, Congressional Globe, 32d Cong., 1st sess., May 6, 1852, p. 1279.)

Disguise it as you will, it is the commencement of a division of the property and the making of all equal. (Senator Adams, of Mississippi, Congressional Globe, 33d Cong., 1st sess., July 12, 1854, p. 1702; Senator Mason, of Virginia, Congressional Globe, 33d Cong., 1st sess., July 19, 1854, pp. 1814, 1817.)

This is an agrarian system which would enable a central power to tax the whole people—the industrious, the energetic, the active, those who work and those who save—to give to the low, the worthless spendthrifts who never made a dollar, who will never save a dollar, but scatter all you give them. (Senator Green, of Missouri, Congressional Globe, 36th Cong., 1st sess., May 9, 1860, p. 1992.)

VIII. THE PUBLIC LANDS CAN NOT BE GIVEN AWAY, BECAUSE THEY ARE PLEDGED AS SECURITY FOR THE PUBLIC DEBT

Senator Badger. (Congressional Globe, 31st Cong., 1st sess., January 30, 1850, p. 264.)

Mr. Beale, of Virginia. (Congressional Globe, 32d Cong., 1st sess., May 6, 1852, p. 1277.)

Senator Thompson, of Kentucky. (Congressional Globe, 33d Cong., 1st sess., April 19, 1854, p. 946.)

Mr. Morrell, of Vermont. (Congressional Globe, 37th Cong., 2d sess., December 18, 1861, p. 136.)

After the war began the question of credit was an urgent one. Senator Crittenden urged holding the public lands as the best means of maintaining the credit of the United States. (Congressional Globe, 37th Cong., 2d sess., p. 138.)

I do not think it wise, when we rely upon loans for the means to defray the expenses of the Government, that we should dispose of any of the available property of the Government out of which means could be had to enable us to repay those loans. To the extent that the Treasury would be replenished by the receipts arising from the sales of the public lands, the taxes upon the people will have to be increased if we give away the lands and dispose of them without adequate consideration. (Senator Carlisle, of Virginia, Congressional Globe, 37th Cong., 2d sess., May 2, 1862, p. 1916.)

IX. THE PRICE OF LAND WILL BE DIMINISHED

Mr. Averett, of Virginia. (Congressional Globe, 32d Cong., 1st sess., May 10, 1852, p. 1320.)

The Government holds double the quantity of land held by all her citizens; when she makes the public domain free as air to foreigners, as well as citizens, private lands must be depressed in value. It will injure the landholders not merely by depressing the price of their land but by cheapening all its products. You will lower the profits of agriculture and injure the agricultural class, which you affect to benefit. (Senator Clay, of Alabama, Congressional Globe, 33d Cong., 1st sess., July 12, 1854, p. 1705.)

X. THE POLICY OF GIVING AWAY PUBLIC LANDS IS A SECTIONAL ONE TENDING TO DISUNION

Senator Dawson, from Georgia. (Congressional Globe, 31st Cong., 1st sess., January 30, 1850, p. 265.)

I look upon this bill as the most agrarian measure that has been offered since I have been in Congress. It bears upon its face, to my mind, indications, I will not say of the approaching dissolution of this Government, but it looks as if the American representatives of States had come at last to consider that this great and glorious partnership of ours, which has stood so long and which has been the admiration of the world, is hereafter to be a partnership without effects and assets; how long it shall endure when there is no longer a single link of common interest to bind the States, I know not. (Senator Clayton, of Delaware, Congressional Globe, 33d Cong., 1st sess., July 10, 1854, p. 1665.)

A person who is a citizen of an old State may acquire land free of charge only by becoming a citizen of a new State. This is, therefore, one enactment in favor not of the people of the United States but for the citizens exclusively of the States within which the lands lie. Although the people from every section of the country may go to obtain the benefits of these provisions, it is not as the citizens of their States that they are entitled to get the lands, but when they take them they must cease to be citizens of their State and must become citizens of the State in which the land lies. (Senator Pratt, Congressional Globe, 33d Cong., 1st sess., July 20, 1854, Appendix, p. 1104.)

The nonslaveholders of the South, ninety-nine times out of a hundred, are landholders. This bill is not intended to provide for them. * * * The effect of the bill is to free-soil the territory of the country. * * * It may be coming to that complexion; I know not; but I shall not, by any vote of mine, hasten the catastrophe. (Senator Wigfall, of Texas, Congressional Globe, 36th Cong., 1st sess., April 4, 1860, p. 1536; Senator Green, Congressional Globe, 36th Cong., 1st sess., April 5, 1860, p. 1556; Senator Crittenden, of Kentucky, Congressional Globe, 36th Cong., 1st sess., April 19, 1860, p. 1798.)

XI. THE HOMESTEADERS WOULD BECOME TENANTS OF THE GOVERNMENT FOR FIVE YEARS

I am opposed to tenure by bounty. It is a new tenure. I may designate it a tenure by bounty upon the public lands within one of the sovereign States. Anyone who settles upon the public lands, under such a tenure, has not a responsibility to the State in which he lives,

equal to the responsibility of other citizens. You make him a Federal tenant. (Senator Butler, Congressional Globe, 33d Cong., 1st sess., July 19, 1854, p. 1812.)

XII. THE RESULT OF THE HOMESTEAD ACT WILL BE TO THROW THE PUBLIC DOMAIN INTO THE HANDS OF A FEW MONOPOLISTS, AND TO PLACE IT BEYOND THE REACH OF THE HONEST CULTIVATOR

Whenever property is given away the possessor esteems it at little value and is willing to transfer it for a very moderate compensation. (Mr. Howard, of Texas, Congressional Globe, 32d Cong., 1st sess., May 6, 1852, p. 1279; Senator Walker, Congressional Globe, 33d Cong., 1st sess., July 14, 1854, p. 1747.)

XIII. WHEN THE SALE OF PUBLIC LANDS DOES NOT YIELD REVENUE FOR THE EXPENSES OF GOVERNMENT, THE QUESTION OF RAISING THE TARIFF WILL COME UP

Senator Dawson, of Georgia. (31st Cong., 1st sess., Congressional Globe, January 30, 1850, p. 265.)

In this bill Congress sets up as a friend of the poor and at the same time lays a duty and tax upon everything that men, women, or children eat, drink, and enjoy, at the rate of 30 cents in the dollar and charge 7½ cents for collecting that tax. (Mr. Averett, of Virginia, Congressional Globe, 32d Cong., 1st sess., April 8, 1852, p. 1020; Mr. Beale, of Virginia, Congressional Globe, 32d Cong., 1st sess., May 6, 1852, p. 1277; Mr. Clingman, Congressional Globe, 35th Cong., 1st sess., May 22, 1858, p. 2304; Senator Wigfall, of Texas, Congressional Globe, 36th Cong., 1st sess., April 4, 1860, p. 1538.)

In addition to the data assembled by Miss Dielmann I desire to insert in the RECORD extracts concerning the homestead law from History of the People of the United States, by McMaster:

HISTORY OF THE PEOPLE OF THE UNITED STATES—M'MASTER

(Vol. VIII, p. 108)

In the House Andrew Johnson, of Tennessee, became the champion of the landless, introduced a homestead bill, and strove manfully in its behalf, till in the spring of 1852, when Congressmen were soon to be nominated, 70 Members of the House, fearing the consequences of opposition, absented themselves, and the bill passed. Then went up from some of the old States a cry of opposition. It would draw population from them, leave them to pay the debt incurred in acquiring the public domain, depreciate the value of their lands, for who would buy a farm in North Carolina when he could get one for nothing in Alabama or Missouri, and would tempt the scum of society of the Old World to come and squat on our public domain and scatter seeds of political pestilence on the frontier—and in a little while the agrarian laws of Rome would be reenacted in America. This wholesale robbery of the old States for the benefit of the new should be denounced by every honest man the land over. Will not the good sense of the Senate strangle this political monstrosity?

Besides the injury done to the old States by depriving them of their property in the public lands and draining off their population, the agrarian character of the bill is most objectionable. It is the most flagrant act of depredation on the public domain yet attempted by demagogues. Property and usefulness are the fruits of industry and self-dependence, not of Government bounties and land plundering. There is no way of demoralizing any class more certainly than by means of gratuities. Undoubtedly many citizens would rather have a farm given them than buy it. But they are greatly mistaken if they think they are the people of the United States. The people approve not of such agrarian and Utopian schemes. Congress has no power to dispose of the public land save for national purposes. If it may donate land to the landless, it may give money to the poverty-stricken and take the value of 160 acres out of the Treasury and bestow it on each individual of the favored class. Instead of giving land to the homeless, the bill will unsettle the homes of many honest persons who have bought their farms with hard earnings by bringing them into competition with other farms received as an alms by men too indolent and improvident to acquire them as others have.

Also extracts from the message of President Buchanan, June 22, 1860, vetoing the homestead law. President Lincoln took a different position and signed the homestead law in 1862.

[Extracts from the veto message of President Buchanan, June 22, 1860]

I return, with my objections, to the Senate, in which it originated, the bill entitled "An act to secure homesteads to actual settlers on the public domain, and for other purposes," presented to me on the 20th instant.

* * * * * * *

IV. This bill will prove unequal and unjust in its operation, because, from its nature, it is confined to one class of our people. It is a boon expressly conferred upon the cultivators of the soil. While it is cheerfully admitted that these are the most numerous and useful class of our fellow citizens and eminently deserve all the advantages which our laws have already extended to them, yet there should be no new legislation which would operate to the injury or embarrassment of the large body of respectable artisans and laborers. The mechanic who emigrates to the West and pursues his calling must labor long before he can purchase a quarter section of land, while the tiller of the soil who accompanies him obtains a farm at once by the bounty of the Government. The numerous body of mechanics in our large cities can not, even by emigrating to the West, take advantage of the provisions of this bill without entering upon a new occupation for which their habits of life have rendered them unfit.

* * * * * * *

That land of promise presents in itself sufficient allurements to our young and enterprising citizens, without any adventitious aid. The offer of free farms would probably have a powerful effect in encouraging emigration, especially from States like Illinois, Tennessee, and Kentucky, to the west of the Mississippi, and could not fail to reduce the price of property within their limits. An individual in States thus situated would not pay its fair value for land when, by crossing the Mississippi, he could go upon the public lands and obtain a farm almost without money and without price.

* * * * * * *

The people of the United States have advanced with steady but rapid strides to their present condition of power and prosperity. They have been guided in their progress by the fixed principle of protecting the equal rights of all, whether they be rich or poor. No agrarian sentiment has ever prevailed among them. The honest poor man, by frugality and industry, can, in any part of our country, acquire a competence for himself and his family, and in doing this he feels that he eats the bread of independence. He desires no charity, either from the Government or from his neighbors. This bill, which proposes to give him land at an almost nominal price, out of the property of the Government, will go far to demoralize the people and repress this noble spirit of independence. It may introduce among us those pernicious social theories which have proved so disastrous in other countries.

Mr. FENN. Mr. Chairman, I yield 25 minutes to the gentleman from New York [Mr. JACOBSTEIN].

The CHAIRMAN. The gentleman from New York is recognized for 25 minutes.

Mr. JACOBSTEIN. Mr. Chairman and members of the committee, I do not think we get anywhere by rehashing the legislative history of 1921 and calling each other names. Nothing is gained by impugning the motives of each other. As I was not a Member of the House in 1921, I can not be charged with having had any selfish motive in any particular position I may have taken on the census bill, or the reapportionment bill, since that time.

Moreover, in view of the fact that my own State—New York—stands a good chance of losing one Member in a reapportionment based on a membership of 435, it surely can not be said that I have any private motive in favoring the passage of this bill.

Furthermore, the passage of this bill is likely to affect the party to which I belong disadvantageously; and from this standpoint, too, it can frankly be said that my interest is purely nonpartisan. I am for this bill, because it provides a solution to a difficult situation which may confront us in 1930. For without it we are liable to get a repetition or recurrence in an aggravated form of the very situation which has been described in the debate here this afternoon.

I am willing to subscribe to everything that has been said by the gentleman from Michigan, by the gentleman from California, by the gentleman from Mississippi, and the gentleman from Missouri, so far as the deadlock is concerned.

Now, what is the deadlock? Why, gentlemen, many of the gentlemen who voted to recommit the bill in 1921 wanted reapportionment. Is not that so? Michigan, California, and other States wanted reapportionment, because they realized they were entitled to more membership in the House. But what was the situation? Because they opposed increasing the size of the House, because they wanted to confine the House to 435 Members, they were put in a position where they voted against reapportionment.

Is there anything that is going to happen between now and 1930 to change that dilemma? On the contrary, the situation will become more aggravated, because while in 1921 it would have taken only 483 Members to have satisfied every State in the Union, in 1930 it is going to take 535 Members.

Mr. RANKIN. Will the gentleman yield?

Mr. JACOBSTEIN. If the gentleman from Mississippi will pardon me, I am going to take about 15 minutes in explaining my views on the bill. Then I shall be glad to yield for questions which will help elucidate the bill, and I will be glad to yield first to the gentleman from Mississippi.

Mr. RANKIN. I was just going to say that the gentleman has said those who voted to recommit the bill in 1921 were in favor of reapportionment.

Mr. JACOBSTEIN. I think many of them were.

Mr. RANKIN. He should also state that those who voted against recommitting the bill were in favor of reapportionment.

Mr. JACOBSTEIN. That is true in part, too. I will simply say this: There are gentlemen here who want reapportionment but do not want a larger House. Let us agree on that first. I have talked to the membership of this House. I am a member of the committee and I know the feeling of my colleagues. There are many Members of the House who want reapportionment but do not want an increase in the size of the House.

Then there are Members of the House who do not want any reapportionment unless the membership of the House is increased to a point where it will prevent their States from losing a singe Member. That number is 535, approximately. Then there is a small group that want no reapportionment, because their States would lose their proportionate ratio of the House voting strength no matter how large the House may be. It is a question of simple mathematics. Even if you raise the size of the House to 535, the States whose population has not increased proportionately will lose out in the reapportionment. Their votes in this Chamber would be less proportionately, because the population in their States is either stagnant or declining.

Mr. LAGUARDIA. But their salaries would be the same.

Mr. JACOBSTEIN. Yes. My friend from New York says their salaries would be the same. Therefore you have a deadlock. You have a deadlock because you have a block of votes here which will vote against a bill for reapportionment that provided for more than 435, but not enough to protect every State in the Union. Now, it is not likely you are going to get a bill for 535, and, therefore, you will have the States of Missouri, Mississippi, and a lot of other States that are going to lose joining hands with those who do not want more than 435, and, therefore, you are likely to get no legislation in 1930.

The rest of us are not interested in taking votes away from Mississippi and in taking votes away from Missouri, nor are we interested in giving votes to Michigan, Florida, or California. I for one am interested merely in upholding the Constitution. I want representative government. That is all. I do not care who wins or who loses.

There is bad sportsmanship here. Why are we afraid to take chances on what is going to happen in 1930? The man who is a good sport will say, "All right; whatever the population under the census of 1930 proves to be I will take my chances on that, and if my State loses, all right, and if my State gains, all right." In passing let me repeat that my State can not gain, and according to the estimates thus far made it is likely to lose one if not two seats in the House.

Of course, it is clearly apparent that the States whose population has increased faster than the average for the country will gain and those whose population has relatively declined will lose proportionately. This is true no matter what the size of the House may be. It we raise the House to 535, no State will lose its present quota but others will increase their quota. So that their relative voting strength depends on the percentage gain or loss in population in 1930 over the 1910 basis. The following table shows the population in 1910 and the probable (estimated) population in 1930, with the percentage of gain or loss. This will give us a background and a picture of what to expect by way of reapportionment in 1930:

State	Population		Increase[1]	
	1910 Census	1930, estimated	Amount	Per cent
United States	91,972,266	122,537,000	30,564,734	33.2
Alabama	2,138,093	2,612,000	473,907	22.2
Arizona	204,354	499,000	294,646	144.2
Arkansas	1,574,449	1,978,000	403,551	25.6
California	2,377,549	4,755,000	2,377,451	100.0
Colorado	799,024	1,116,000	316,976	39.7
Connecticut	1,114,756	1,717,000	602,244	54.0
Delaware	202,322	248,000	45,678	22.6
District of Columbia	331,069	572,000	240,931	72.8
Florida	752,619	1,489,000	736,381	97.8
Georgia	2,609,121	3,258,000	648,879	24.9
Idaho	325,594	567,000	241,406	74.1
Illinois	5,638,591	7,555,000	1,916,409	34.0
Indiana	2,700,876	3,220,000	519,124	19.2
Iowa	2,224,771	2,433,000	208,229	9.4
Kansas	1,690,949	1,847,000	156,051	9.2
Kentucky	2,289,905	2,577,000	287,095	12.5
Louisiana	1,656,388	1,977,000	320,612	19.4
Maine	742,371	800,000	57,629	7.8
Maryland	1,295,346	1,645,000	349,654	27.0
Massachusetts	3,366,416	4,367,000	1,000,584	29.7
Michigan	2,810,173	4,754,000	1,943,827	69.2
Minnesota	2,075,708	2,781,000	705,292	34.0
Mississippi	1,797,114	[2] 1,790,618	−6,496	−0.4
Missouri	3,293,335	3,544,000	250,665	7.6

[1] A minus sign denotes decrease.
[2] Population Jan. 1, 1920; no estimate made.

State	Population		Increase	
	1910 Census	1930, estimated	Amount	Per cent
Montana	376,053	[2] 548,889	172,836	46.0
Nebraska	1,192,214	1,428,000	235,786	19.8
Nevada	81,875	[2] 77,407	−4,468	−5.5
New Hampshire	430,572	458,000	27,428	6.4
New Jersey	2,537,167	3,939,000	1,401,833	55.3
New Mexico	327,301	402,000	74,699	22.8
New York	9,113,614	11,755,000	2,641,386	29.0
North Carolina	2,206,287	3,005,000	798,713	36.2
North Dakota	577,056	[2] 641,192	64,136	11.1
Ohio	4,767,121	7,013,000	2,245,879	47.1
Oklahoma	1,657,155	2,496,000	838,845	50.6
Oregon	672,765	923,000	250,235	37.2
Pennsylvania	7,665,111	10,053,000	2,387,889	31.2
Rhode Island	542,610	736,000	193,390	35.6
South Carolina	1,515,400	1,896,000	380,600	25.1
South Dakota	583,888	716,000	132,112	22.6
Tennessee	2,184,789	2,531,000	346,211	15.8
Texas	3,896,542	5,633,000	1,736,458	44.6
Utah	373,351	545,000	171,649	46.0
Vermont	355,956	[2] 352,428	−3,528	−1.0
Virginia	2,061,612	2,622,000	560,388	27.2
Washington	1,141,990	1,628,000	486,010	42.6
West Virginia	1,221,119	1,770,000	548,881	44.9
Wisconsin	2,333,860	3,009,000	675,140	28.9
Wyoming	145,965	257,000	111,035	76.1

[2] Population Jan. 1, 1920; no estimate made.
[2] Population State census 1925, no estimate made.

The population of the United States has increased from 91,000,000 in 1910 to approximately 125,000,000 in 1930. Imagine a country increasing by 30,000,000 and not having a reapportionment, which is the situation we may have in 1930. We have skipped once and may do so again. Now, any man who has good statesmanship in him and who is not interested merely in politics, or who is not interested in preserving a few votes for his State, will take a statesmanship view of this question and say, "We do not want this deadlock to occur; we want reapportionment, and we believe in representative government." How can we accomplish this? By taking the vote now, to-day or to-morrow, when there is no direct or immediate selfish interest involved. If you wait until 1930 your own particular seat may be at stake. I am not charging any man here with that kind of selfishness or saying that he is going to vote that way, but if you wait until 1930 you will have a very vexatious problem, and gentlemen whose States are going to lose are going to find it difficult to vote for reapportionment.

Now, 17 States may lose in 1930, according to the population estimates made by the Bureau of the Census. Seven States, representing over 200 Congressmen and representing 34 Senators, and you can readily understand what little chance you will have of getting a bill through this House that does not satisfy everybody, and everybody means a House of 535 Members. I doubt if any Member seriously contemplates that size of a House. That would be so unwieldy as to defeat the purpose of representative government.

The following table represents the States which would lose one or more Members with the House on the basis of preliminary estimates of population for 1930 and assuming the House to retain its present 435 membership:

Alabama	10
Indiana	13
Iowa	11
Kansas	8
Kentucky	11
Louisiana	8
Maine	4
Massachusetts	16
Mississippi	8
Missouri	16
Nebraska	6
New York	43
North Dakota	3
Pennsylvania	36
Tennessee	10
Vermont	2
Virginia	10
Total	215

Mr. KETCHAM. Before the gentleman leaves that point, will he state how many States are involved in the situation as it is under the census of 1920 and how many more States will be involved under the census of 1930?

Mr. JACOBSTEIN. Why, of course, the disease is an aggravated disease. I wish I could use your medical terminology, Doctor Sirovich, but you have here a germ disease which becomes more and more malignant. In 1920 only 11 States would have lost seats in the House with a membership of 435. In 1930 17 will lose seats.

Table showing States which would have lost with an apportionment of a House of 435, based on the 1920 census

Indiana	1
Iowa	1
Kansas	1
Kentucky	1
Louisiana	1
Maine	1
Mississippi	1
Missouri	2
Nebraska	1
Rhode Island	1
Vermont	1
Total	12

Probable losses in representation by States on the basis of estimated population for 1930, with the size of the House at 435

Alabama	1
Indiana	2
Iowa	2
Kansas	1
Kentucky	2
Louisiana	1
Maine	1
Massachusetts	1
Mississippi	2
Missouri	3
Nebraska	1
New York	1
North Dakota	1
Pennsylvania	1
Tennessee	1
Vermont	1
Virginia	1
Total	23

Mr. SIROVICH. The gentleman stated it was a monstrosity.

Mr. JACOBSTEIN. It is a malignant disease like a cancer, and it is going to grow and eat into the body politic and is going to become more dangerous and more serious as time goes on. Our duty is to check it now by enacting this legislation.

Let us not do as England did 100 years ago, drift along until they had no representative government and almost had a revolution in 1832 as a result of the rotten borough system. Let us avoid that. How? By to-day or to-morrow when the vote is taken simply pass a bill which does what?

The proposition has been misrepresented here, sometimes intentionally and sometimes unintentionally, but the bill is very simple and I think very fair, very just in its operation. What does it do? It provides, first of all, we are going to take a census at a time favorable to the agricultural population. In the Census Committee I argued all the time that the rural sections should get a square deal in the taking of the census. May 1 is the most favorable time for an agricultural census of population. That is the date provided for in the census bill reported favorably by the committee.

So, after the census of 1930 is taken, we say to the Bureau of Census, "According to the formula we prescribe for you, tell us what the population is in the various States of the Union, and then having found the population of the various States of the Union, tell us how many Representatives Alabama and Wyoming and all the other States of the Union are entitled to."

The Director of the Census has no discretion in the matter. Any clerk operating in that department under the direction of the Director of the Census has a very specific and a very definite formula to work with. Every authority that appeared before our committee agreed that this method prescribed is accurate.

This method admits of no discretion on the part of the Director of the Census, be he Republican or Democrat. He takes the formula and says that according to the census of 1930 Alabama is entitled to so many, New Jersey to so many, New York to so many, Wisconsin to so many, and he submits this report to the Congress on the first day of the session in December, 1930, and then Congress must act.

If the second session of the Seventy-first Congress does not act, and fails to do its duty by March 4 of the following year, then the figures or the statements submitted to us, the Congress of the United States, are submitted to the secretaries of the various States of the Union by the Clerk of the House and these figures become the reapportionment figures until Congress chooses to act.

Congress neither surrenders nor abrogates any of its powers. Congress is free at all times to act. It can order a reapportionment any time it sees fit to do so. There is just this difference: So long as a future Congress fails to take affirmative action, then under the provisions of this bill the reapportionment herein provided is to remain in force and effect. That is, on the basis of the 1930 census, until 1940, and then on the 1940 basis, and so forth. The method of major fractions is prescribed, and this I will explain in detail in a few minutes.

There is nothing very mysterious about this. Is there anything unfair about it? We, the Congress, are telling the Census Bureau how to operate. We give it a very accurate, a very specific formula. It is not as mysterious as the gentleman from Mississippi tried to make it out to be. I think I can explain it to you in five minutes, and I am going to take the five minutes in order to do it, because I find so many Members are unable to explain it to those who really want to know, not because it is obscure but because it has not been explained in simple language. Every authority that knows anything about mathematics at all agree that the formula here laid down for the Director of the Census is a formula so accurate and so definite and so specific that there is no discretion left to the executive departments. There is not in this bill the discretion that is given to the Tariff Commission, which has to decide what the costs of production are here and abroad, nor the discretion that is given to the Interstate Commerce Commission, which has to very delicately adjust freight rates, nor the power given to the Treasury Department, which issues regulations involving the levying of internal taxes and import duties too. There is no discretion in this bill. The Director of the Census absolutely goes through certain motions prescribed by Congress.

We say to the Director of the Census, "After you have taken the census of the population of 125,000,000, or whatever it may be, tell us how many are in Pennsylvania, how many in New York, how many in New Jersey, and then with that population, using the method of major fractions, allocate the representation to the States, and submit the statement to Congress in December, 1930."

Now, what is this method of major fractions? I am going to take a minute to explain it.

Every Member of this House is holding a seat here according to a mathematical method which was used in the Census Bureau. It was not specifically written in the bill, but was used in tabulations presented to the Census Committee. The gentleman from Mississippi and the gentleman from Missouri were right. The reapportionment bill of 1910 and 1920 did not specifically say that we were going to use the method of major fractions, because after a bill comes out on the floor here it merely tells how many Members each State would have. But obviously there must be some method in allocating the Representatives to the several States on the basis of the population of those States and of the country as a whole.

How do they get that Membership? New York received 43 in 1910 because, according to the method of major fractions, that is what she was entitled to. How do you get 36 in Pennsylvania, Mr. CASEY? Because under major fractions that is what Pennsylvania is entitled to. It makes no difference whether the Director is a Democrat or a Republican. You can not make it any less nor any more. It is simple, accurate, and air-tight.

How do we work it? I will now illustrate what we mean by this method of major fractions prescribed in the bill. First, take the population of each State—I will take the population of New York, my own State, for instance, a population of 11,000,000, and you divide that by 1½, 2½, 3½, 4½, 5½, 6½, up the scale and so on. You do the same for Pennsylvania and for Mississippi, and for every other State. That is, you get a series of quotients by dividing the population of each State by 1½, 2½, 3½, 4½, 5½, and so forth. Now you arrange these quotients in order of size, as shown here in this table [pointing to it].

The following table illustrates the manner in which the method of major fractions operated in the 1910 reapportionment:

Quotients arranged in order of size	Size of House	State receiving the last assigned Representative	Cumulative number of Representatives for each State
6,072,623	49	New York	2
5,110,074	50	Pennsylvania	2
3,759,061	51	Illinois	2
3,643,574	52	New York	3
3,178,081	53	Ohio	2
3,066,044	54	Pennsylvania	3
2,602,553	55	New York	4
2,597,695	56	Texas	2
2,255,436	57	Illinois	3
2,244,277	58	Massachusetts	2
2,195,556	59	Missouri	2
		Intervening figures omitted for sake of convenience.	
217,011	425	Virginia	10
216,766	426	Nebraska	6
216,070	427	Indiana	13
215,918	428	Pennsylvania	36
215,626	429	Idaho	2
215,034	430	Florida	4
214,321	431	New York	43
212,777	432	Illinois	27
212,473	433	Missouri	16
212,106	434	Maine	4
211,883	435	Iowa	11

You put the highest one at the top and the lowest at the bottom. There is no partiality, no discretion in arranging these quotients. They are put down in order of size—from highest to lowest, regardless of the State. There is no politics in mathematics.

Mr. BEEDY. Where do you stop?

Mr. JACOBSTEIN. That depends on the number of Representatives you want in the House. It makes no difference. It can not affect the results.

Now, according to the Constitution every State in the Union is entitled to one Congressman. That takes care of 48, one for each of the 48 States. Forty-eight are assigned, according to the Constitution, and who is to get the forty-ninth? Suppose the House only wanted 49 Members. Who would get the forty-ninth Member. Why, New York, because it has the largest quotient, the largest number of people in the United States living in any one State and not represented in the House except by the original assignment of one. When you divide by 1½, 2½, 3½, and so forth, it gets the largest quotient, and so New York is entitled to the forty-ninth Member. Suppose the House wanted 50 Members. Who gets the fiftieth Member? Why, the next largest quotient happens to be Pennsylvania, so Pennsylvania would get the fiftieth Member, and would have two Members. One under the Constitution and one according to population.

If you had a bill saying they wanted 51 Members of the House, who would get the fifty-first Member? Well, that is simple. Consult this table. Go down, and you find the next largest quotient happens to be Illinois, and so you go down the list. Where do you stop? If you want a House of 435 then when you reach 435 you will stop. In 1910 we stopped at 435. In the Fenn bill now before us we are proposing this method of tabulation on the 1930 census and for a House of 435.

I have explained now how the method of major fractions operates. There can be no dispute about it. The results must be the same, assuming a House of a given number, and the population census of 1930 as a base. Now, how many people does a Congressman represent.

A MEMBER. Three hundred and twenty thousand.

Mr. JACOBSTEIN. That is not in the law. No law ever stated so. If you stop at 435 then each Congressman would have a representation of midway between the quotient for 435 and 436. That is called the divisor—in 1910 it was 211,877 per congressional district—and no change has occurred since then in law, because there has been no reapportionment since 1910.

Now, take that number and divide it up into the States of the Union. Take the divisor and divide it into the population of your own State and you get the number of Representatives your State is entitled to have. That is, take the population of your State in 1910. Divide it by the divisor 211,877 and you get the seats or districts your State is entitled to have. But suppose in the division process you have a fraction, say, one-fourth, one-half, three-fourths. What will you do with it? Well, according to the method of major fractions, your State would be assigned an additional seat if the fraction was one-half or greater than one-half—that is, every major fraction receives a whole seat in the House. Try it out for your own State on the basis of the 1910 Census and see if it is not just as I have described it to you. Take the population of your State for 1910, divide it by 211,877, and I am sure you will find your State received credit for the fraction, if it equaled or exceeded one-half. If it was less than one-half it received no credit. The minor fraction was discarded. That was true for every State, as shown in the following table:

	Ratio for division, 211,877 Total number of Representatives, 435	
	Result of division	Final apportionment
United States		435
Alabama	10.09	10
Arizona	.85	1
Arkansas	7.43	7
California	11.21	11
Colorado	3.76	4
Connecticut	5.26	5
Delaware	.95	1
Florida	3.55	4
Georgia	12.31	12
Idaho	1.52	2
Illinois	26.61	27
Indiana	12.74	13
Iowa	10.50	11
Kansas	7.98	8
Kentucky	10.80	11
Louisiana	7.81	8
Maine	3.50	4
Maryland	6.11	6
Massachusetts	15.89	16
Michigan	13.26	13
Minnesota	9.79	10
Mississippi	8.48	8
Missouri	15.54	16
Montana	1.72	2
Nebraska	5.62	6
Nevada	.38	1
New Hampshire	2.03	2
New Jersey	11.97	12
New Mexico	1.49	1
New York	42.99	43
North Carolina	10.41	10
North Dakota	2.71	3
Ohio	22.49	22
Oklahoma	7.82	8
Oregon	3.17	3
Pennsylvania	36.18	36
Rhode Island	2.56	3
South Carolina	7.15	7
South Dakota	2.71	3
Tennessee	10.31	10
Texas	18.39	18
Utah	1.75	2
Vermont	1.68	2
Virginia	9.73	10
Washington	5.38	5
West Virginia	5.76	6
Wisconsin	11.01	11
Wyoming	.68	1

Mr. ACKERMAN. Will the gentleman yield?

Mr. JACOBSTEIN. Yes; with pleasure.

Mr. ACKERMAN. Why do you put some of the figures in that column in red and some in black?

Mr. JACOBSTEIN. The red indicates the States that have less than a major fraction. Every State in red ink is a State that had less than one-half and, of course, received no credit for this minor fraction. Those in black show the major fraction, and you will observe each State having a major fraction (see table above) received an additional seat in Congress for that major fraction. Please notice that Rhode Island, which had in 1910 a quotient of 2.56, received 3 seats in Congress; Maine had 3.50 and got 4; Mississippi had 8.48 and got 8; New Mexico had 1.49 and got only 1.

This table only enables one to prove that the method of major fractions operates with exact uniformity and fairness to all States. In the reapportionment process it is not necessary to construct this table with fractions. It is necessary only to proceed as I outlined the steps in the beginning—by arranging the quotients in order of size and picking off the top ones first, and down the column until your quota of 435 is exhausted.

Rhode Island on the 1920 table has 2.49 and got only 2. It lost out because it failed to secure a major fraction. Its relative population declined.

Mr. CASEY. And if it had been 2.51 it would have gained a Representative?

Mr. JACOBSTEIN. Yes. The point is simply this: The reason why I bring these charts to you is not to show you that I know something about mathematics, because you could have worked this out as well as I, but the point of the chart is this: The gentleman sitting in the gallery, Dr. J. A. Hill, the Assistant Director of the Census, would merely have to follow this mathematical procedure, without variation or deviation. It does not make any difference what his politics happen to be. He can not change the results. I am a Democrat. If the Republicans are in power they could not change the results after the population census data has been collected. I do not think they would; but they can not alter the results once you adopt your policy. The gentleman from Mississippi [Mr. RANKIN] said that the Census Bureau is one of the finest bureaus in the Government, that the people who work there are very intelligent, and that all they need is a little more money to carry out their activities. Then it is a matter of sheer mathematics.

It has worked with accuracy before, and it will work with accuracy again. Whether you believe in the bill or not, please do not use this mathematical method as an alibi. I can understand why some gentlemen do not want 435, but do not try to discredit the bill upon the theory that this method of computation is not understandable. If there is any Member of this House who can not explain this system to his constituents, he does not deserve to be here.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. RANKIN. Under the method of equal proportions, would the State of Maine get three instead of two?

Mr. JACOBSTEIN. The gentleman from Mississippi has asked a question that I am going into in a minute. In his own remarks he called attention to the fact that there was another method known as the method of equal proportions, which method has never been tried. We never tried it in our history from 1790 down to the present time. Mathematically it is just as accurate as this. I would just as soon vote for it. I will say this: Will you vote for the bill, Mr. RANKIN, if it contains the method of equal proportions?

Mr. RANKIN. No; I am not going to vote for this bill.

Mr. JACOBSTEIN. I do not believe the gentleman is in favor of any reapportionment.

Mr. RANKIN. Oh, yes; I am.

Mr. JACOBSTEIN. Unless we give you 535 Members, so that no State, including your own, would lose any.

Mr. RANKIN. No. I possibly would eliminate the gentleman from New York. I am in favor of reapportionment of Congress, and I think the gentleman's method on the floor of the House is unparliamentary and undignified.

Mr. JACOBSTEIN. I did not mean to be discourteous to the gentleman from Mississippi. It was furtherest from my mind. I think, however, the opposition to this bill should be a fair opposition. If you do not believe in reapportionment because you are going to hurt your State, say so, but do not say we ought not to have it, because the mathematics will not work or because you can not explain it, or because it is unfair. From 1790 to 1830, inclusive, we used the method of rejected fractions. All fractions were discarded. Then in 1840 we used the method of major fractions. From 1850 to 1900 we used the Vinton method. In 1910 we came back to the method of major fractions. In 1920 the bill reported to the House was founded upon major fractions.

There are other mathematical methods. You can say the method of equal proportions is equally good. That method happens to favor the rural, small States, and I would as soon vote for that. In fact, I am willing to vote for it in order to give the small rural States an advantage. I would just as soon vote for the bill in that way. We advocate major fractions because it is better known, tried out, and officially adopted in the last reapportionment of 1910.

Mr. LUCE. Mr. Chairman, will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. LUCE. Applying this situation to my own State, I see that under the system of major fractions, if the size of the House were increased from 435 to 460, that would mean an increase of 5.74 per cent, but that the difference in representation would be 13.33 per cent, or more than twice as much.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FENN. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. JACOBSTEIN. Just what is the point of the question of the gentleman from Massachusetts?

Mr. LUCE. If the size of the House were increased from 435 to 450 or 460 Members, that would be an increase of about 5.74 per cent, but it would result in an increase in representation from my State of 13.33 per cent, which is more than twice as much. I am wondering if the gentleman is quite certain that the system of major fractions is as accurate as the system of equal proportions.

Mr. JACOBSTEIN. Accurate in what way?

Mr. LUCE. I have just given the gentleman an illustration.

Mr. JACOBSTEIN. What is the gentleman's test of accuracy? If we say to Mr. Stewart, the Director of the Census: Take the census of the population, and after you have the population here is a formula——

Mr. LUCE. Oh, I am not speaking about that. I am speaking about the mathematical accuracy of it.

Mr. JACOBSTEIN. Even those who advocate the method of equal proportions, whether they be from Harvard or Yale, have to admit that this method of major fractions is accurate. The only difference is that you use a different principle or different basis. I do not like to bore you with mathematics.

The method of equal proportions simply gives to each individual a representation in Congress based upon the percentage that he bears to the population of his own State, and on that basis, you, Mr. LUCE, in Massachusetts, count for more than I do in New York, because I am one of 11,000,000 and you are one of 3,500,000. Therefore you count for more in Massachusetts than I count for in New York, and if you take the percentage basis, which is that of equal proportion, then the smaller States get a larger representation. There is no question about that. All the mathematicians agree on this proposition. If you want to give the small States, the rural States, a little advantage over the larger States, if you want to be generous, then use the method of equal proportions. But the one is just as accurate as the other. Addition is just as accurate as division. Subtraction is just as accurate as multiplication. Both methods are definite, both accurate; but major fractions has the advantage of having been tried and proven workable. It is known to all who know anything about statistics. The method of equal proportion is satisfactory from a theoretical viewpoint. So far as I am concerned it is acceptable.

Mr. ROMJUE. Mr. Chairman, will the gentleman yield?

Mr. JACOBSTEIN. In one second.

Mr. ROMJUE. It is on that point, if I understand you. Under the major-fraction formula do the larger States get less or more?

Mr. JACOBSTEIN. The larger States gain more under major fractions than under equal proportions.

Mr. ROMJUE. And the smaller States get less. Do they not?

Mr. JACOBSTEIN. Of course. One is the reverse of the other.

Mr. ROMJUE. Take, for example, the State of New York under the major fractions.

Mr. JACOBSTEIN. We would get 42. We now have 43. Under equal proportions we might get only 41.

Mr. ROMJUE. Now, I want to ask the gentleman——

Mr. JACOBSTEIN. What is the point of the gentleman's question? I recommend the major fractions for only one reason in this bill. This bill provides only in the case of an emergency. In 1930, if Congress acts, as I hope it will act, courageously, it will consider equal proportions and major fractions, and if I am here, I will accept equal proportions. But now that you are delegating a ministerial function to the Department of Commerce (the Census Bureau) is it not wise to use that method that was used in 1840 and 1910 and recommended in 1920, the method of major fractions?

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. SIROVICH. I wish the gentleman would explain the problem of equal proportions.

Mr. JACOBSTEIN. It is worked in the same way, except that this list of quotients is arrived at by dividing the population of each State by the square root of 1×2, 2×3, 3×4, and so forth. The rest of the process is the same as I explained it for major fractions.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. JACOBSTEIN. If I had the time, I would be very glad to explain.

Mr. FENN. Mr. Chairman, I yield to the gentleman one minute more.

The CHAIRMAN. The gentleman from New York is recognized for one minute more.

Mr. KETCHAM. A good deal of argument has been advanced to the committee relative to the question of the loss to the large State or the small State. Referring to the gentleman's table, I find that only few States would gain, and that only few States would lose, so that after all we do not need to get excited about it.

Mr. JACOBSTEIN. You are quite right. In 1920 the only States that would have been affected by the method of equal proportions are shown in the following table:

States	Major fractions	Equal proportions
Vermont	1	2
New Mexico	1	2
Rhode Island	2	3
Virginia	10	9
North Carolina	11	10
New York	43	42

Otherwise both methods yield the same results for all the other States. It will be observed that the three larger States—New York, North Carolina, and Virginia—fared better under major fractions, and the three smaller States—Vermont, New Mexico, and Rhode Island—fared better under equal proportions. I have shown on this chart what you get under the different methods. There is very little difference.

This is emergency legislation. If you want to break a deadlock in 1930, you want to act now. In 1930 you will have conflicting emotions and politics injected into the situation, and you will then have an even worse situation than you had in 1920. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. FENN. Mr. Chairman, I yield five minutes to the gentleman from North Carolina.

The CHAIRMAN. The gentleman from North Carolina is recognized for five minutes.

Mr. WARREN. Mr. Chairman, if a Member can still say it without being laughed at, I want to say that this matter is fundamental with me. I also favor a House of 435 Members. I believe that there is a clear-cut, mandatory constitutional provision that requires this House to carry it into effect.

Believing that, and believing that the membership should remain at 435, I am going to vote for this apportionment regardless and let the chips fall where they will.

I hate to see any Member lose his seat. In order to be a good Democrat, I perhaps had better make that apply only to this side of the House. [Laughter.] I hate to see any State have the misfortune to lag behind in population. But, gentlemen of the committee, individuals and States in my opinion pale into insignificance as compared with the broader and higher constitutional mandate.

I frankly admit that this bill is a club. I do not like that feature of it. But it is necessary. If we do not act now, I can visualize the same argument, the same divergence of views, and the same inaction that will prevail after the 1930 census. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman from North Carolina yields back two minutes.

Mr. RANKIN. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. THURSTON].

The CHAIRMAN. The gentleman from Iowa is recognized for 10 minutes.

Mr. THURSTON. Mr. Chairman and gentlemen, I do not desire now to take up the discussion of the different methods that were explained here by my colleague and good friend from New York [Mr. JACOBSTEIN], but I want to direct attention to another feature of the result that will follow from a reapportionment which will reduce or restrict the membership of the House.

Inasmuch as it has been contended that the House of Representatives is now composed of too many Members, and that business can not be handled in an expeditious manner, I desire to submit some information along this line, and thought perhaps the committee would be interested in ascertaining the number serving in the lower house of the principal nations of the world; so I have obtained a statement from the legislative reference division of the Library of Congress, which is attached and which sets forth the number of members in the lower house in Great Britain, Canada, France, Germany, Italy, Japan, and the United States; and while I desire to call your attention to the number of members in the lower house of each of the nations mentioned, I more particularly desire to have you examine the table, which shows that a Representative in our Congress, on the average, now represents 269,278 people, or from two to six times as many as a member represents in the lower house of any of the nations mentioned and, excepting Canada only, in area each Member in our House of Representatives represents from fifteen to twenty times the area represented by a member in the lower house of the nations above mentioned. As to wealth, a Member of the House of Representatives in the United States represents three-quarters of a billion dollars, whereas a member in the English Parliament represents property worth less than one-third of that amount. A member of the French Chamber of Deputies represents one-seventh of that amount, and the members of the lower house in other countries far less in proportion.

While some Members have contended that the membership of the House should be reduced, a careful examination of the table will show that all of the major nations of the world have a far greater number of legislators in proportion to their population, area, and national wealth, than we have in the United States, so if this subject is to be considered and determined in view of facts as gathered from experience of the other great nations, as distinguished from conclusions, the statements submitted by those in favor of a smaller membership have few, if any, real facts upon which their conclusions are to be based.

As the citizens of all of the nations mentioned, excepting the United States, are mostly of the same homogeneous origin with little or no ethnic differences, whereas our citizenship is composed of practically all of the different races of the world, thereby greatly multiplying our problems and manifestly requiring greater diversity in ideas and knowledge of government, so, on these grounds, it is apparent that the service required of a Member in the United States is much broader and calls for more consideration and legislative knowledge than would be required of a member in a like body in any of the nations mentioned.

And in passing, it might be noted that the membership of the House committees was increased during this session, thus more time being taken from one-half to two-thirds of the Members.

So it may be asserted that the field of legislation considered by the Congress of the United States covers a much larger field than that considered by any of the major legislative bodies of the world, and in view of the foregoing it would appear that the membership in the House of Representatives in our Congress might be increased with good results and for the general betterment of our people.

In average wealth represented, number of constituents, and in area in which distance must be considered, the table submitted, and which recites facts, clearly proves the case of those opposed to a proportional reduction in the membership in the House of Representatives in the Congress of the United States.

In considering the number of Members in the House of Representatives thought should also be directed to the current practices and tendencies in the Senate to devote a major portion of the time of that body to international affairs, political matters of a nonlegislative character, and investigations covering a wide scope of activities, and it is not my purpose to criticize the activities of that branch of the Congress in relation to the subjects mentioned, but reference is made solely for the purpose of emphasizing the fact that our citizens are becoming more inclined to expand their contact with the Members of the lower branch because of the lack of time on the part of the Senate to attend to the same, and the Members of the House understand that the contact of the average citizen with his Member of the House has greatly multiplied in the last few years because of the increased activities of the Federal Government in fields not heretofore entered, and the older Members of the House state that the volume of their correspondence has increased manyfold within the last 10 or 15 years; and in some respects a Member of the House is the agent of his constituent in his contact with the Federal Government; so if a Member is to be allowed sufficient time to attend to legislative duties the number of Members in the House should not be reduced, as it is doubtful if the Members can properly serve a greater number of constituents than they now represent.

This bill proposes to retain the present membership at 435, which, of course, will increase the ratio of constituents and also reduce the membership from several States and correspondingly increase the membership of other States.

A table is herewith submitted showing the changes under the estimated population of 1930.

Twelve States would gain, 17 States would lose, and in 19 States no change would be made in the representation.

ANTICIPATORY FEATURES

It is understood that all prior legislation upon this subject was had after the census figures were available to the Congress, so the method or plan of apportionment used was of no material consequence, and this anticipatory measure is an innovation in apportionment history, and while not in words but in effect infers that the Members of the Seventy-third or subsequent Congress will fail to enact such reapportionment legislation as may be necessary.

While I do not desire to enter into a lengthy discussion of the constitutional phases of the matter, yet I do wish to direct the attention of the membership to the portion of the bill, section 1, line 4, which provides that—

The Secretary of Commerce shall transmit to the Congress a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under such census, and the number

of Representatives to which each State would be entitled under an apportionment of 435 Representatives—

Made in the following manner: By apportioning 1 Representative to each State—as required by the Constitution—and by apportioning the remainder of the 435 Representatives among the several States, according to their respective numbers, as shown by such census, by the method known as "the method of major fractions," a phrase that has not been legally construed or defined, so that the bill without intervention of the Executive—and I am sure the Members appreciate the distinction—directs subordinate officials, the Secretary of Commerce and the Clerk of the House of Representatives, to exercise not only a discretionary function but also a constitutional function, as section 1 of Article I of the Constitution provides that—

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives—

And this bill proposes that one of the coordinate branches of the Government shall have the authority to usurp a specifically designated power vested in the Congress.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RANKIN. I yield to the gentleman three minutes more.

The CHAIRMAN. The gentleman from Iowa is recognized for three minutes more.

Mr. THURSTON. At this time there is in effect a statute of the United States, passed in 1912, which provides the manner in which the Members of the House of Representatives shall be apportioned, and this bill provides that, if the Seventy-third Congress fails to reapportion the membership, the powers herein proposed shall be exercised by the Secretary of Commerce and the Clerk of the House of Representatives, and thereby repeal an act of the Congress. The idea is a novel one indeed.

I believe that the Supreme Court of the United States has directly held that, in effect, the President can not repeal an act of Congress, but this bill proposes to vest subordinate officials with such authority.

If the plan proposed is legal or sound, the legislative branch of the Government by such enactments may reach such a state of impotence that our acts will induce our citizens to believe that the continuance of the legislative branch of our Government is unnecessary, and can be entirely dispensed with, as anticipatory legislation can be enacted that will vest all future authority in an executive official.

Another interesting feature of this bill is the one which, of course, provides that a bare majority in both Houses would be required to pass the bill, and if it receives Executive approval; no matter what situation might thereafter arise, without Executive approval it would take a two-thirds vote of each House to repeal a measure proposing a change, and thereby the legislative branch functioning under an ordinary majority would be surrendering its power unless it was able to obtain a two-thirds majority, so the difference between 51 per cent, the usual majority, and 66 per cent, the strength required to override a veto, or 15 per cent, the net difference which is now vested in the Congress, would inure to the executive branch; and this situation would not be unusual in the field of ordinary legislation, but the bill proposed is one that would affect the prerogatives and the very existence of the legislative branch.

The proposed surrender of legislative authority on this subject need not be made if the Congress will wait until the census figures are available before a reapportionment is ordered.

The Congress has been criticized for not making a reapportionment based upon the 1920 census, though it was understood that there had been a large movement of population to the industrial centers on account of war activities that had not returned to their permanent place of abode, and it is not generally known that the 1920 census was taken in the month of January, and as the census enumerators are paid for the per capita returns made, 4 cents for each person counted, it was generally conceded that a large number of persons were not enumerated in the country districts on account of inclement weather and bad road conditions prevailing at that time of the year, and it will be pleasant news for all concerned to learn that the bill reported out by the Census Committee for passage provides that the taking of the 1930 census is to commence on the 1st day of May, so that it will now be possible to obtain a fair and accurate enumeration of both the urban and rural populations of the United States.

If each Member here has not publicly expressed his opposition to the further encroachment of Executive power, doubtless he has done so in private conversation, and it will be interesting to note the position of the Members when a vote on this measure is reached.

The Members who favor a further increase of Executive power can heartily support this measure; however, if the Congress expects to retain and command the respect of the American people this and like measures will receive little consideration. [Applause.]

Membership of parliaments in certain foreign countries, in relation to population, area, and estimated wealth, compared with the same figures for the United States

[Sources: Unless otherwise stated, Statesman's Yearbook, 1926, and World Almanac, 1927]

Country	Membership of—		Population	Area (square miles)	Estimated national wealth		Ratio represented by each member of lower house in relation to total		
	Higher house	Lower house			Amount	Year	Population	Area (square miles)	National wealth [1]
Great Britain and Northern Ireland	[2] 730	[3] 615	[4] 42,919,710	89,041	$120,000,000,000	1922	69,788	145	$195,121,951
Canada	[5] 96	[6] 245	[7] 9,364,200	[8] 3,729,665	22,195,000,000	1921	38,221	15,214	90,519,837
France	[10] 314	[11] 580	[12] 39,209,518	212,659	60,000,000,000	[9] 1925	67,603	367	103,448,276
Germany	[13] 68	[14] 493	[15] 62,539,098	181,257	40,000,000,000	1924	126,854	368	81,135,903
Italy	[16] 387	[17] 560	[18] 42,115,606	119,624	[19] 35,000,000,000	1922	75,206	214	62,500,000
Japan	[20] 409	[21] 464	[22] 61,081,954	[23] 260,707	22,500,000,000	1922	131,642	562	48,491,379
United States	96	435	[24] 117,136,000	[25] 3,627,557	[26] 320,894,000,000	1922	269,278	8,339	737,480,460

[1] None of the data relative to national wealth is official. These estimates are mostly by bankers or statisticians. (World Almanac, 1927, p. 297.)
[2] Average membership. This is the voting strength; the full house would consist of about 740 members.
[3] Including 13 members from Northern Ireland. Number reduced to that figure in 1922. From 1885 to 1917 membership was 670. From 1918 to 1921, under the representation of the people act, 1918, membership was 707.
[4] On June 19, 1921.
[5] Total number may not exceed 104.
[6] Fifteenth Parliament, elected on Oct. 29, 1925, under the representation act, 1924. (Canadian Parliamentary Guide, 1926, p. 113.)
[7] Estimated population in 1925.
[8] The area of the Dominion as revised on the basis of the results of recent explorations in the north is 3,797,123 square miles. (Canada Yearbook, 1925, p. 1.)
[9] Canada Yearbook, 1925, p. 813.
[10] Elected Jan. 11, 1924.
[11] Elected May 11, 1924.
[12] Census of 1921.
[13] In 1926.
[14] Elected Dec. 7, 1924.
[15] On June 16, 1925.
[16] On Jan. 1, 1924. The number of Senators is unlimited. Senators are appointed by the King for life.
[17] Elected in April, 1924. Prior to electoral law of Feb. 15, 1925, deputies numbered 535.
[18] Estimated on Jan. 1, 1926. Census of Dec. 1, 1921, returned 38,755,576 inhabitants.
[19] According to figures published by Doctor Luther, German finance minister. (World Almanac, 1927, p. 297.)
[20] On Dec. 31, 1925. Members of the imperial family are ex-officio members of the House of Peers (Senate). A large percentage of the membership of the House of Peers consists of members appointed by the Emperor. (Résumé Statistique de l'Empire du Japon, 1926, p. 145.)
[21] Elected May 31, 1925; number unchanged from 1924. (Résumé Statistique de l'Empire du Japon, 1926, p. 145.)
[22] Estimated Dec. 31, 1924. The census of population of the mainland on Oct. 10, 1925, gave 59,936,000 inhabitants. (Résumé, 1926, p. 5.)
[23] Including Chosen (Korea), Formosa, Pescadores, and Japanese Sakhalin.
[24] Estimated by Census Bureau, July 1, 1926.
[25] Gross area (land and water). (Statistical Abstract of the United States, 1925, p. 3.)
[26] Statistical Abstract of the United States, 1925, p. 283.

Table showing apportionment of 435, 460, 483, and 534, based on an estimated population for 1930:

Apportionment of 435, 460, 483, and 534 Representatives based on February, 1928, estimated of January 1, 1930, population

States	Estimated population Jan. 1, 1930 [1]	Present House of Representatives	Apportionment on basis of estimated population			
			Major fractions			Minimum number to prevent loss in any State [2]
United States	122,537,000	435	435	460	483	534
Alabama	2,612,000	10	9	10	10	11
Arizona	499,000	1	2	2	2	2
Arkansas	1,978,000	7	7	7	8	9
California	4,755,000	11	17	18	19	21
Colorado	1,116,000	4	4	4	4	5
Connecticut	1,717,000	5	6	6	7	8
Delaware	248,000	1	1	1	1	1
District of Columbia	572,000	0	0	0	0	----------
Florida	1,489,000	4	5	6	6	7
Georgia	3,258,000	12	12	12	13	14
Idaho	567,000	2	2	2	2	2
Illinois	7,555,000	27	27	29	30	33
Indiana	3,220,000	13	11	12	13	14
Iowa	2,433,000	11	9	9	10	11
Kansas	1,847,000	8	7	7	7	8
Kentucky	2,577,000	11	9	10	10	11
Louisiana	1,977,000	8	7	7	8	9
Maine	800,000	4	3	3	3	4
Maryland	1,645,000	6	6	6	6	7
Massachusetts	4,367,000	16	15	17	17	19
Michigan	4,754,000	13	17	18	19	21
Minnesota	2,781,000	10	10	11	11	12
Mississippi	1,790,618	8	6	7	7	8
Missouri	3,544,000	16	13	13	14	16
Montana	[3] 548,889	2	2	2	2	2
Nebraska	1,428,000	6	5	5	6	6
Nevada	[3] 77,407	1	1	1	1	1
New Hampshire	458,000	2	2	2	2	2
New Jersey	3,939,000	12	14	15	16	17
New Mexico	402,000	1	1	2	2	2
New York	11,755,000	43	42	44	46	51
North Carolina	3,005,000	10	11	11	12	13
North Dakota	[4] 641,192	3	2	2	3	3
Ohio	7,013,000	22	25	27	28	31
Oklahoma	2,496,000	8	9	9	10	11
Oregon	923,000	3	3	3	4	4
Pennsylvania	10,053,000	36	35	38	40	44
Rhode Island	736,000	3	3	3	3	3
South Carolina	1,896,000	7	7	7	7	8
South Dakota	716,000	3	3	3	3	3
Tennessee	2,531,000	10	9	10	10	11
Texas	5,633,000	18	20	21	22	25
Utah	545,000	2	2	2	2	2
Vermont	[3] 352,428	2	1	1	1	2
Virginia	2,622,000	10	9	10	10	11
Washington	1,628,000	5	6	6	6	7
West Virginia	1,770,000	6	6	7	7	8
Wisconsin	3,009,000	11	11	11	12	13
Wyoming	257,000	1	1	1	1	1

[1] As revised February, 1928 on 1925 to 1927 data.
[2] According to method of major fractions.
[3] Population Jan. 1, 1920; no estimate made.
[4] Population State census 1925; no estimate made.

It must be remembered that these estimated populations are merely guesses and may be far from the actual population as may be reported in 1930.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. THURSTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. FENN. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. CRAIL].

Mr. CRAIL. Mr. Speaker and my colleagues of the House, this debate has convinced me that human nature is very much the same in Congress as it is back home or out on the street. It is difficult to eliminate the human equation, the personal interest from our consideration of legislation and our vote thereon. It is very much easier for us to give favorable consideration and affirmative vote on matters which benefit or which do justice to our home State, our home district, or to ourselves personally. Coming over this morning my good friend and colleague told me he hoped this bill would not prevail, because it took away from his State and added to my State. That was his reason, frankly expressed, for his opposition to this legislation.

I have much sympathy for those who feel that this legislation adversely affects the States which they represent or adversely affects their personal fortunes. Fortunate it is that this legislation is anticipatory in character and that the Members who feel that their personal fortunes are adversely affected will have at least four years' time in which to readjust themselves to the new conditions which will have to be met by them. However, we can not let personal interest conflict with our solemn, sworn duty.

Our Government is established upon the principle of political equality of all citizens, and every man and woman in this country is supposed to have equal representation in the popular branch of our legislative department. The shibboleth to which our Revolutionary ancestors rallied was "no taxation without just representation," and so it was that the fathers of this Government wrote into the same article of our Constitution, into the same section, and into the same sentence a statement that direct taxes shall be borne and Representatives in Congress shall be apportioned among the several States according to the number of persons therein.

The fathers of our Government were so determined about this that they wrote the explicit mandate into the Constitution that the enumeration for reapportionment should be made every 10 years. To argue that there is not a direct, specific, mandatory provision in the Constitution for decennial reapportionment is but to quibble. That this is so is best evidenced by the fact that for 130 years, the first 130 years of the existence of our Government, the Congress did not hesitate and did not fail to reapportion promptly every 10 years.

Most of us can see the things close at hand better than we can see those things that are far away, and therefore I am going to refer to the condition which exists in my own district and in my own county as an illustration of why the fathers of our Government were wise in their mandate that the popular House of the legislative branch of our Government should be reapportioned every 10 years. By the 1910 census, which was the last census under which a reapportionment was had, the city in which I live, Los Angeles, Calif., had a population of 200,000 people. It has grown tremendously since that time, until it now has a population of 1,300,000 people, and it is estimated that in 1930, when this reapportionment will be made, it will have a population of 1,500,000 people.

There are two districts in Los Angeles County. The district which my colleague represents has a population within 200,000 as large as my district. I have the official figures as of May 1 of this year on the number of registered voters in Los Angeles County. In the ninth district, which is represented by my colleague, there were on May 1, this year, 338,227 registered voters. In the tenth district, which I have the honor to represent, there are approximately 50,000 more registered voters, or a total of 384,198 registered voters, a grand total in the county of Los Angeles, Calif., of 722,525 registered voters.

It is estimated that by the time of the general election this fall there will be 400,000 registered voters in the tenth district and 350,000 registered voters in the ninth district, or a total of 750,000 registered voters. Statisticians say that there are approximately four people for every registered voter. Multiply the registered vote in Los Angeles County by 4 and you have approximately 3,000,000 people. There are 38 States in this Union which do not have a population of 3,000,000 people. Under reapportionment there would be considerably less than 300,000 people in each congressional district. The two congressional districts which we have in Los Angeles County should not exceed 600,000 people. If reapportionment is not made, as required by the Constitution of this country, there will be literally 2,400,000 people in Los Angeles County who are not represented in the popular House of our Congress. There are 28 States in this Union which do not have a population of 2,400,000.

Take my district with its 1,500,000 people and its one Representative. If reapportionment is not had there will be 1,200,000 people in that district who are not represented in this House. There are 18 States in this country which do not have a population of 1,200,000. And when I say that these people are not represented, or will not be represented, I mean exactly what I say, because the Representative from that district of 1,500,000 people does not have any more votes in this House than does the Representative from the district of the average population of this country of less than 250,000. Moreover, Representatives are all on the same basis here according to their length of service, and a Representative of 1,500,000 people does not have any more clerk hire to take care of the wants and demands of his constituents than does the Representative from the average district. He does not have any more office space. He does not have any more CONGRESSIONAL RECORDS for distribution, nor any more Congressional Directories for distribution. He does not have any more appointments to the Naval Academy at Annapolis. He does not have any more appointments to the Military Academy at West Point. Benefits of Government are largely distributed according to congressional districts, and it is literally true that 1,200,000 people in my district will have no representation in this House of Congress unless we reapportion.

I like to cite the State of Iowa as an illustration. Nobody can take offense, because I was born and raised in Iowa, and Iowa is represented in Congress by as fine a group of men as any State in this Union. Under the last census Iowa had a total population of less than 2,500,000 people. It will probably not have so many in the census of 1930. Iowa has 11 Members of Congress and Los Angeles County, with several hundred thousands more people in it than the whole State of Iowa, has only 2 Members of Congress. The Iowa State Society of Southern California claims that there are 400,000 former Iowans living in southern California. I believe this is true, because literally there are hundreds of thousands of former Iowans who attend the Iowa picnics, which are held twice each year. The point is that those former Iowans, although they live in California and owe their allegiance to the State of California, are still represented in this House of Congress by men from Iowa, some of whom have never even seen the State of California and who know little of its needs or its aspirations.

If a just and fair reapportionment were made the tenth district of California, which I represent, would be cut into five congressional districts and the ninth district of California, which is also in Los Angeles County, would be cut into four congressional districts.

The Fenn bill which is before us is a splendid measure. It more nearly meets the composite view of the Members of this House on reapportionment than any other bill which could be devised. Of course, as long as we have individual thought and individual expression there will be differences in opinion as to detail. The Fenn bill is a good bill, it is practical, and it should be adopted.

Under the provisions of this bill the membership of the House will be retained as now, at 435. A larger membership would be intolerable. There are so many of us now that the work of the House is cumbersome, inefficient, and difficult. Special rules have been devised which bind and gag and largely make impotent efforts of individual Members, and this is necessary in order that so large a group of men may function at all.

The founders of our Government realized that the legislative branch of the Government could function better if it was composed of only a small group of Members. The original thirteen States had a total of 65 Representatives in Congress, or an average of 5 Representatives to each of the States. If there were an average of 5 Representatives to each State at the present time, this House would have a total membership of 240, which would be much more sensible and much more workable than the present membership of 435. The House could not do a wiser thing, a more patriotic thing than to reduce its membership to 240 Members, but I assume that that is out of the question. However, we should not take the easy, though foolish, course of increasing our membership so that no State will lose a Representative.

By 1830 the membership of the House had been increased to 242. That the Members of the House then thought that they had reached the limit of expansion and that the House could not adequately function if there was a larger membership is attested by the fact that in 1840 a reapportionment was made which reduced the membership from 242 to 232, and for the next 40 years reason prevailed, and although nine new States were added, there was no perceptible increase in the number of Representatives during all of that time. So that when the reapportionment was made in 1870, there was only one more Representative in Congress than there was in 1830.

Objection is made to this bill because it is anticipatory and therefore not necessary, but this is a very salutary provision, because if the rule is laid down before the census is taken, no Representative can know which State will be adversely or favorably affected by the method of apportionment which is adopted. In any event, only one or two or three States can be affected by the method of apportionment which is adopted. This bill provides for the method of major fractions. I have given it considerable study and I believe it to be the best and fairest method that can be adopted; but if the method had to be adopted after the census were taken, some Members would be complaining that the method of equal proportion would be better, or that the method of rejected fractions would be better, or that the method of minimum range would be better. It takes a high-powered mathematician to know the differences between these methods, and to tell the truth it would take a microscope to tell the difference in the results obtained by the different methods. The method is not of great importance. The important thing is that we adopt now some particular method.

The objection is raised that this bill delegates legislative powers to the executive branch of this Government. There is nothing in this contention. The Congress of 1850 did the same thing. I do not claim to be a greater student of our form of government than the rest of you. We all know that it is the duty of Congress to say what shall be done and how it shall be done, and that it is the province and the duty of the executive branch of this Government to execute or administer the mandate of Congress after Congress has decided what should be done and how it should be done; and that is what this bill provides. This bill provides that there shall be a reapportionment of Representatives among the States under the census of 1930 and directs that this reapportionment shall be made by the method of major fractions. It does not delegate any legislative powers to anybody. It simply directs the executive branch of the Government to administer or carry into effect the provisions of the bill. What shall be done and how it shall be done is declared by Congress, and the power is retained by Congress to change its mind; to change the method by which the apportionment shall be made; to change the number of the Representatives which shall be apportioned among the States. The power is retained in Congress to go ahead in 1930 and any other time and reapportion itself if it wishes so to do. The bill only provides that in the event that Congress does not itself reapportion in 1930 that an automatic reapportionment shall be made under the census which shall be taken by the Census Bureau under the direction of the Secretary of Commerce and under a method which has been fixed by the Congress itself.

There is no merit to this claim that Congress is giving away its legislative powers.

I am not impugning motives when I say that the opposition to this bill is organized and carried on by Representatives of States which have an unfair number of Representatives in this House and whose State delegations will be reduced by constitutional reapportionment. Every Member who has spoken in opposition to the bill represents a State which would lose Members by reapportionment. I have before me the report of the minority on the Committee on the Census in opposition to this bill. I notice that the ranking member of those who express opposition to the bill is the able and adroit Member from the State of Mississippi, which State would lose two Representatives under reapportionment. It is next signed by the distinguished gentleman from Indiana, which State would lose two Representatives under reapportionment. The next signer is a gentleman from Missouri, which State would lose three Representatives under reapportionment. It is signed by my friend from Kentucky, which State would lose two Members under reapportionment. It is signed by the member of the Census Committee from New York City. New York would lose one Member under reapportionment. It is signed by my good friend, the gentleman from Louisiana, which State would lose one Member by reapportionment.

The fact that these States lose Representatives under reapportionment does not mean that they are going to be unfairly treated. These States are going to have their just and fair apportionment. What it does mean is that the States which are not now fairly and justly treated as to representation in Congress shall be fairly and justly treated also.

This is not the first time that sovereign States have lost representation in Congress under reapportionment. In 1830, 4 States out of 25 lost by reapportionment. In 1840, 15 States out of 26 lost by reapportionment. In 1850, 8 States out of 31 lost by reapportionment. In 1860, 13 States out of 33 lost. During this period the State of Virginia lost 10 Representatives in Congress and the State of New York lost 9 Representatives in Congress.

During this period 15 States out of a total of 26 States lost Representatives by reapportionment. A full majority of the States lost. This bears witness to the high sense of duty and admirable patriotism of the statesmen of that period. Under this bill only 17 States out of a total of 48 lose Representatives. During the period which I have mentioned the States named lost 59 Representatives. Under this bill only 23 Representatives are lost.

As I have stated, one of the nicest things about this bill is that it gives the Members of the States which will lose representation at least four years in which to adjust themselves to the changed conditions.

If this bill fails of passage, I doubt very much that we will have reapportionment in 1930 or ever again. What then will become of representative government?

I have told you how my State would profit by reapportionment. I do not advocate the passage of this bill on such a selfish ground. Let us not consider this bill or pass it because it benefits some States or because it takes away from others, but let us consider it and let us pass it on the broader, higher grounds of right, justice, and fair play, and because it is in obedience to the solemn mandate of the Constitution of our country.

We hear a great deal lately about the lack of respect for our institutions and the violation of our laws. Our time-honored Constitution has been ignored, violated, mocked at, and nullified. It has become a national disgrace. This condition has not been improved by the fact that the Congress, which is composed of the lawmakers themselves, have for eight long years ignored, disobeyed, and violated those plain provisions of the Constitution which make it obligatory upon us to reapportion Representatives in Congress every 10 years.

My colleagues, we are the lawmakers of this land. The people expect much of us. We love our country. We revere its flag. Shall we not then respect its Constitution and ourselves set the good example by obeying its laws? [Applause.]

Mr. RANKIN. Mr. Chairman, may I ask how the time stands?

The CHAIRMAN. The gentleman from Mississippi has 23 minutes remaining and the gentleman from Connecticut has 23 minutes remaining.

Mr. FENN. Mr. Chairman, I yield three minutes to the gentleman from Florida [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I will say in the beginning that I am for reapportionment. I want to support the bill and I expect to vote for the bill, but I would like to say to my colleague that if Appendix C in Report 1137 is correct, there certainly is a gross discrimination in this bill. I have calculated it and according to this in Michigan, if they receive 17 Members, a Member will represent approximately 220,000 people. In Florida, if we receive five Members, a Member will represent approximately 299,800. In Maine, if they receive three they will represent approximately 266,000 persons.

Mr. HUDSON. How many does the gentleman represent now?

Mr. GREEN. We will have according to this statement 1,489,000 in the State of Florida in 1930, and we would have only five Members according to this tabulation. In order for Florida to have 17 Members of the House, she would have to have 6,097,000, while Michigan, with 4,744,000, is entitled to 17.

Now, gentlemen, something is wrong. I wanted the gentleman from New York, Doctor JACOBSTEIN, who is so good at figures, to explain this, but the gentleman did not yield. I would like some member of the committee to explain why it is that in my State we would have to represent 299,800, in Maine they have to represent 266,000, and in Michigan they can represent 220,000, and likewise in California.

Gentlemen, something is wrong. I am going to vote for the bill, but I appeal to you to make it right.

Mr. FENN. May I ask the gentleman from what he is reading?

Mr. GREEN. It is Appendix C of Report No. 1137. If this report is correct, it is a most unusual condition. I hope this is an error.

Mr. LEA. What is that taken from?

Mr. GREEN. Page 11, Appendix C. Michigan, with 4,754,000, will receive 17 Members, which is a basis of 220,000. In Florida, where we have approximately 1,500,000 people, we will receive 5 Members, just 1 more than we have now, and 1 Member will represent over 299,000.

Mr. JACOBSTEIN. How many does the gentleman represent now?

Mr. GREEN. We have four Members and over 1,500,000 population.

Mr. JACOBSTEIN. You would rather have it handled in this way?

Mr. GREEN. Yes.

Mr. JACOBSTEIN. I am sure those figures are not right.

Mr. GREEN. But I believe that the people of the States, whether they are in a Democratic or Republican State, whether they are in the North or in the South, are entitled to equal representation in this body.

Mr. WOODRUFF. The Constitution guarantees that.

Mr. GREEN. And we want and expect our rights. I hope this is an error.

Mr. LEA. It is manifestly a mistake of computation.

Mr. GREEN. I hope the gentleman is right about it; but I trust the Census Committee will investigate it, to the end that representation in this body will be absolutely in accordance with population. In Florida, it appears to me, we should receive at least six Members under a reapportionment.

Mr. FENN. Mr. Speaker, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 11725) for the apportionment of Representatives in Congress, had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In compliance with the resolution of the House of Representatives of May 16, 1928 (the Senate concurring), I return herewith the bill (H. R. 9568) entitled "An act to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes."

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 17, 1928.*

PURCHASE OF TRACT OF LAND IN LOUISIANA

Mr. MARTIN of Louisiana. Mr. Speaker, I ask unanimous consent for the immediate consideration of a concurrent resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Louisiana asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 38

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House of Representatives and of the Vice President in signing the bill (H. R. 9568, 70th Cong., 1st sess.) to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes, be rescinded and that in the enrollment of such bill the number "58" be stricken out and the number "158" be inserted in lieu thereof.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The resolution was agreed to.

WAR DEPARTMENT RESERVE SUPPLIES OR EQUIPMENT

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

Herewith is returned, without approval H. R. 7752, a bill to limit the issue of reserve supplies or equipment held by the War Department.

This bill provides that no issues of reserve supplies or equipment shall be made where such issues would impair the reserves held by the War Department for two field armies or 1,000,000 men, except supplies or equipment becoming obsolete, deteriorated, or useless.

For several years the annual appropriation acts for the War Department have included a provision that under the authorizations therein contained no issues of reserve supplies or equipment shall be made where such issues would impair the reserves held by the War Department for two field armies or 1,000,000 men. The authorizations to which this provision directed itself were those embraced in the annual appropriation acts for the War Department covering the issuance of uniforms, equipment, or matériel to the National Guard, the Reserve Officers' Training Corps, and the civilian military training camps from the surplus or reserve stocks of the War Department. Bill H. R. 7752 goes far beyond the scope of the provision which has appeared in the annual appropriation acts for the War Department. It virtually sets aside these reserve supplies and equipment and precludes their issue for any purpose where such issues would impair the reserves held by the War Department for two field armies. In cases of emergency happening within any of our States, involving the loss of life or property, the War Department has been the principal Federal agency to render assistance. The ability of the War Department to respond in these cases is necessarily measured by the availability of the supplies and equipment necessary to proper relief. If the War Department be precluded from using these reserve supplies and equipment in case of actual and imperative call, its effectiveness as an agency to relieve distress is diminished. It is my understanding that the War Department thinks this measure too restrictive.

I do not understand that it was the intention of the Congress to place any restriction on the use of these reserves in real emergencies where the aid of the Federal Government is necessary to relieve the suffering and distress of the people. Rather do the reports on this bill indicate that it was the intention of the Congress simply to enact into permanent legislation the provision which has appeared in the annual appropriation acts. If this proposed legislation carried out only this intention, I would have no objection to offer to it, but for the reasons stated I am returning the bill without my approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 17, 1928.*

Mr. MORIN. Mr. Speaker, I move that the message be referred to the Committee on Military Affairs.

The motion was agreed to.

The message was ordered to be printed, and the President's objections entered in the Journal.

HAVERT S. SEALEY AND PORTEUS R. BURKE

Mr. MARTIN of Louisiana. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 3470, with Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to take from the Speaker's table the bill H. R. 3470 and agree to the Senate amendment. Is there objection?

There was no objection.

The Clerk read the title to the bill, as follows:

A bill (H. R. 3470) granting relief to Havert S. Sealey and Porteus R. Burke.

The Senate amendment was read and agreed to.

SUNDAY OBSERVANCE

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on my record as a Member of Congress and to have printed in connection therewith some remarks of others both complimentary and uncomplimentary.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LANKFORD. Mr. Speaker, no man can fight for a truly great principle here without making himself the target of those he opposes. The greater his efforts, the greater the opposition. In Congress, as in war, we must fight, surrender, or retreat. Why join the Army but to fight, and why come to Congress except to get into the thickest of the contest? Why fight in war or in Congress except for the right? The justice of one's cause does not protect him from the awful bombardment of the enemies of truth and right.

In fact, I am always strengthened in my faith in my efforts when there is an awful bombardment set up by the opposition. In all my efforts here I have gained the good will of some and created the enmity of others. I naturally feel I have merited and have the good will of the best people and that those who would destroy me would feel the same way about anyone battling for the right. My endeavors for farm relief have brought down on me the wrath of those who wish to exploit the farmers. My humble efforts for Sunday legislation made me the object of the hatred and the bitter abuse of those who hate everything which interferes with their exploitation of men, women, and children or their desire to destroy Sunday as a day of rest.

My efforts in behalf of the white women of the South and Nation gained me no friends from those who put the selfish desires of either white or black men ahead of the best interest of the whole people. The enemies I have made, though, in every contest are those who are the enemies of my people. I have only helped to bring them into the open. Thousands of newspaper items and letters have denounced me. Even more of the best people have praised me. The good things my people say in my behalf help me to bear the evil thrusts and enable me to gird myself for a mightier contest.

This world we are living in
Is mighty hard to beat—
You get a thorn with every rose,
But ain't the roses sweet?

Mr. Speaker, I wish to perpetuate in the CONGRESSIONAL RECORD just a few of the truly wonderful things that have been said about me. I shall have printed a few of the uncomplimentary things that others have said of me. Many are unprintable and there are others I do not feel deserve a place in the RECORD. I prefer compliments rather than abuse, and shall, therefore, present to the public more roses than thorns. I appreciate as one of the very greatest compliments I ever received an article carried by the Atlanta Journal during March of last year, and penned by the beloved Bishop Warren A. Candler, of Georgia, in language as follows:

WISE WORDS IN SUPPORT OF A WISE MEASURE

By Bishop Warren A. Candler

Hon. WILLIAM C. LANKFORD, who represents the eleventh congressional district of Georgia in the Federal House of Representatives, introduced a wise measure when he offered his bill to prohibit in the District of Columbia Sunday theaters, Sunday baseball, and all forms of commercialized amusements on the Sabbath day.

While the bill failed of adoption by the Sixty-ninth Congress, it is to be hoped that it will be passed by the Seventieth Congress.

In a speech delivered in support of the measure, Mr. LANKFORD said many wise things which deserve the approval of all patriotic citizens. Among other points made by him in favor of the bill, he is reported to have said:

"I believe that our Nation can never be greater than our citizenship, our citizenship never greater than our homes, our homes never greater than the children reared therein, and our children, who are to preserve this Nation if it is to endure, can never be greater than is the faith of their fathers and mothers in God and in the teachings of His Word.

"I believe that the example of flagrant Sunday desecration in the Nation's Capital and the turning away from God, of which Sunday desecration is a part and parcel, are more insidious and more dangerous to our Nation and all the people thereof than the invasion of a foreign army or the bombardment of a hostile fleet.

"I believe the city of Washington should be the Nation's model of righteousness rather than its Sodom of ungodliness."

Of course, in certain quarters his bill will be denounced as a "blue law," and his utterance condemned as fanatical. That kind of cant is always applied by some to any and all efforts to preserve the Christian Sabbath and protect it against the attempts of greedy covetousness to overthrow it in order to get gain from the schemes of corrupt commercialization. But Mr. LANKFORD'S contentions are amply justified by the history of our country, and they are sustained by the wisest and purest statesmen of our own and other lands. He is in good company when he seeks to maintain one of the most indispensable pillars of social order and stable government.

Blackstone, the celebrated commentator on the common law, says:

"Profanation of the Lord's day, vulgarly (but improperly) called Sabbath breaking, is a ninth offense against God and religion, punished by the municipal law of England. For, besides the notorious indecency and scandal of permitting any secular business to be publicly transacted on that day in a country professing Christianity, and the corruption of morals which usually follows its profanation, the keeping one day in seven holy, as a time of relaxation and refreshment, as well as for public worship, is of admirable service to a State, considered merely as a civil institution. It humanizes by the help of conversation and society the manners of the lower classes, which would otherwise degenerate into a sordid ferocity and savage selfishness of spirit; it enables the industrious workman to pursue his occupation in the ensuing week with health and cheerfulness; it imprints on the minds of the people that sense of their duty to God, so necessary to make them good citizens, but which yet would be worn out and defaced by an unremitted continuance of labor without any stated times of recalling them to the worship of their Maker."

The renowned British statesman, Hon. William E. Gladstone, was not a fanatic, and in a speech before the House of Commons, opposing the opening of museums on Sunday, he said:

"From a long experience of a laborious life, I have become most deeply impressed with the belief—to say nothing of a higher feeling—that the alternations of rest and labor at the short intervals which are afforded by the merciful and blessed institution of Sunday are necessary for the retention of a man's mind and of a man's frame in a condition to discharge his duties, and it is desirable as much as possible to restrain the exercise of labor upon the Sabbath, and to secure to the people the enjoyment of the day of rest."

Concerning the same matter the Earl of Beaconsfield (Disraeli, who was a Jew) said:

"Of all divine institutions, the most divine is that which secures a day of rest for man. I hold it to be the most valuable blessing ever conceded to man. It is the corner stone of civilization, and its fracture might even affect the health of the people. The opening of museums on Sundays is a great change, and those who suppose for a moment that the proposal could be limited to the opening of museums will find they are mistaken."

That noble and saintly man, Dean Stanley, while the subject was engaging the attention of the British people, said:

"I believe there are very few in this country who would not feel that it was immense gain to the solidity, the seriousness, the elevation of the English character, that on at least one day in the week there should be an interruption in the perpetual course of amusements and entertainments which, however innocent, tends to dissipate and distract the mind, and from which it was a great advantage to every thinking man to be from time to time disengaged and delivered."

The famous John Bright said in a speech before the House of Commons:

"The stability and character of our country and the advancement of our race depend, I believe, very largely upon the mode in which the day of rest, which seems to have been specially adapted to the needs of mankind, shall be used and observed."

The most eminent of Amercian statesmen have held and expressed similar views with respect to the observance of the Sabbath.

Hon. Thomas F. Bayard, who represented for many years the State of Delaware in the Senate of the United States, who sat at the head of the Cabinet during Mr. Cleveland's first administration, and who

served as the ambassador of our country to the British Government, was a man of the most sober and sane judgment. He said:

"I most sincerely approve of the civil institution of the Sabbath. I heartily desire to see its observance under statute law, and the stronger law of habitual and universal custom and popular acquiescence."

Justice Strong, of the Supreme Court of the United States, made the following declaration concerning our Sunday laws:

"There is abundant justification for our Sunday laws, regarding them as a mere civil institution, which they are, and he is no friend to the good order and welfare of society who would break them down or who himself sets an example of disobedience to them.

"They appeal to each citizen as a patriot, as an orderly member of the community, and as a well-wisher to his fellow men, to uphold them with all his influence and to show respect for them by his conduct and example."

That superb Virginian, the late Judge John Randolph Tucker, went on record in these strong words:

"Ah! my friends, break down the fence of Christianity, and liberty and law and civilization will perish with it. I wish to testify my belief, that the institutional custom of our fathers in remembering the Sabbath day to keep it holy, as the conservator of their Christian religion, is the foundation of our political system, and the only hope of American freedom, progress, and glory. Just in proportion as man is governed by his sense of right and duty, or by the religious principle in some form or other, he is capable of and fitted for duty. But, on the other hand, in proportion to his disregard of moral law, or the law of conscience, does the need of external power increase. Liberty must grow less, and power tend to despotism. When the constitution and laws of a country, therefore, protect religion they conserve that internal power over the man which saves liberty and makes despotism impossible."

Justice McLean, of the Supreme Court of the United States, made the following emphatic and unequivocal declaration:

"Where there is no Christian Sabbath, there is no Christian morality; and without this, free institutions can not long be sustained."

Mr. LANKFORD may well ignore the flippant talk of whippersnappers about "blue laws" when he considers the nature and lofty utterances of these eminent men.

We shall hear doubtless the stock misinterpretation of the words of Jesus by which men of lax views seek to justify infraction of the Sabbath laws. They will say, as they have said a thousand times and more, that "the Sabbath was made for man and not man for the Sabbath."

True the Sabbath was made for man, and not by man. God made it in mercy to man. It is a divine and perpetual institution.

It was made for man, for universal mankind, and is therefore something more than a local or transient institution for some lands or some sections. It is designed for observance everywhere and always.

When, by any means, men are deprived of it they are robbed of an inestimable treasure and an immeasurable blessing.

The late Dr. David Swing, of Chicago, was a liberal of liberalists, but even he perceived and proclaimed these great truths. In language both beautiful and forcible he said:

"Be Sunday ever so valuable as a day of positive worship of God, it possesses the additional value of being a blessed season for man, not as a Christian or as a deist, but for man as a rational, and emotional, and toiling, and resting creature.

"A Sabbath for man is something so vast that in order to measure the idea it would be necessary to measure first the idea of man. Could we estimate the being for whom the day of rest was made, could we learn how much love and thought his home demands, could we find the value of his self-introspection, the value of his meditations, could we appraise man's imaginations, and fancy, and poetry; could we learn how deeply his soul needs an altar and a hymn, and understand the mystery of the death which awaits him, we might out of such rich premises learn the value of his seventh day—that day of intellectual and physical liberty."

Mr. LANKFORD merits praise for framing and introducing his bill, and his defense of it was most creditable and cogent.

It is a wise measure wisely advocated by the Congressman from the eleventh district of Georgia.

I am most appreciative of an item recently carried by the Atlanta Constitution and written by that prince of authors and beloved evangelist, the Rev. Sam W. Small, as follows:

A GEORGIA MEMBER WHO HAS NATIONALIZED HIMSELF

Barring Senator GEORGE in the rôle of a presidential possibility, the Georgia Member of Congress who has breezed into the national spotlight and got himself applauded and abused from land's end to land's end, is Hon. WILLIAM CHESTER LANKFORD, of the eleventh congressional district.

The reason of his prominence, accompanied by so great popularity and unpopularity, is that he is the author and persistent pusher of a bill to provide a decent, orderly, American-style Sunday rest day in the Capital City of the Nation.

Because of that the Seventh-day Adventists, aided and abetted by the National Anti-Blue Law Association, the Free Thinkers, and the Association for the Promotion of Atheism, have turned all their guns of opposition and denunciation upon the bald and bland and biblical "gentleman from Georgia."

The Adventists in particular have stirred up their 262,000 members in all parts of the land to circulate petitions praying the Congress not to pass the Lankford bill. The petitions are signed by almost anybody who is solicited, and, as probing has shown, represent scarcely any thought or convictions on the subject of whether a weekly rest day law is needed in the Federal district or not.

These perfunctory petitions come to Washington by almost every mail from the paid agents of the associations above named. They are presented in either House by the Member to whom sent and are stacked in the committee rooms like so much firewood and forgotten. The members of the committee know how the petitions are "framed" and put no value upon them.

The Lankford bill is fashioned upon the most conservative lines and its purpose is simply to prevent the degradation of Sunday from a protected rest and worship day into a continental fest day, commercialized for the personal profit of the purveyors of sports, shows, and recreations that are scarcely decent at any time.

The bill is not propounded as a religious, or sectarian, or blue law measure. It impinges no liberty of conscience, denies no freedom of religion, violates no principle of the Federal Constitution, and injures no man in the equal rights to which he is lawfully and naturally entitled.

Most of the States of the Union have now, and have had from their foundation, much more drastic Sunday observance laws than the Lankford bill proposes for the Capital City of a boastful "Christian nation."

But Judge LANKFORD has certainly had the vials of 57 varieties of wrath poured upon him from pulpits, polytheistic purlieus, and jazz parlors. The sincere Seventh-day Adventist people have been decently indignant and take no part in the foul abuse heaped upon the Congressman. It is the uncircumcized heathens of the ball parks, the race tracks, the sensational shows, and the omnium-gatherum and morally dangerous dance halls who are uttering vile anathemas upon the Georgia Congressman.

On the other hand, he is approved and encouraged by the clean and Christian men and women of the Nation who feel the humiliation of a sneering world looking upon "a wide-open Washington." They hope the good people of Georgia will hold Judge LANKFORD on the job until he succeeds in giving the Nation "a clean Capital City."

On two Sundays last year I made speeches at the Lutheran Reformed Church at Hagerstown, Md., and learned to love very much their minister, Dr. Conrad Cleaver, and his lovable people. I wish to quote a brief but most highly appreciated statement from my esteemed friend, Doctor Cleaver, as follows:

To the Hon. W. C. LANKFORD: Daniel in the lions' den was scarcely to be compared to you in fighting for a Lord's day to be kept in Washington, D. C. May Daniel's God preserve you and give you a like victory.

About two years ago, while going out West, I had the good fortune to have as a traveling companion, for about two days, Dr. Samuel Judson Porter, pastor of the First Baptist Church in Washington, D. C. He was going West to spend some time at a camp meeting at Marfia, Tex., where he tells me he has spent several delightful vacations. I was on a trip to spend some time with my wife and two children, who were in New Mexico on account of the illness of my little son, Cecil.

Doctor Porter and myself soon found that we lived in Washington, and, therefore, were able to pass the time discussing matters familiar to both. A strong friendship ripened between us, and it has been my pleasure to hear him preach on several occasions since. I am truly grateful to him for a recent letter as follows:

MY DEAR SIR: I am writing to thank you for the two addresses which you delivered in our church on behalf of Sunday observance in the District of Columbia. Also I want you to know that our church and congregation appreciate your efforts in this direction and offer you their heartiest encouragement.

On the occasion of your Sunday evening address before our people, a member of the President's Cabinet was present, and expressed himself most favorably in commending your speech.

With every good wish and with assurance of highest personal esteem, I am,

Yours sincerely,

SAMUEL JUDSON PORTER.

A letter received a short time ago from Dr. W. S. Abernethy, pastor of Calvary Baptist Church, of Washington, D. C., the church home of President Warren G. Harding, and which has a membership of 3,000, is very highly appreciated by me, and is as follows:

MY DEAR CONGRESSMAN: I feel that you ought to know how one minister, at least, in Washington, regards your efforts to give the District of Columbia a Sunday observance law. When I remember that there are but two States in the Union that have no law of this kind on the statute books, and that here in the Nation's Capital there is nothing to interfere with the commercializing influences, which are rapidly degrading the Lord's day, I am profoundly thankful that we have in Congress a man like yourself who realizes the danger, and is putting forth such heroic efforts to change the situation.

May you have success in your undertaking. We do not want it to appear that a Sunday observance law is an effort to compel people to go to church. That is furthest from your thought. We do, however, believe that the Lord's day is worth preserving. I personally want to thank you for what you are doing.

Very sincerely,

W. S. ABERNETHY.

The laboring forces of America, through their very efficient headquarters here, keep in close touch with legislation and other matters pertaining to their interest. Labor, their official organ here, with its store of information, is in position to advise the working classes concerning the record of each and every Member of Congress. For these reasons I prize most highly an article from the "Question box" of that splendid paper, as follows:

(J. C. W., Waycross, Ga.)

Congressman WILLIAM C. LANKFORD has represented the eleventh district of Georgia in the House of Representatives for 10 years. He has an exceptionally fine labor record, having voted with the workers on every issue which has come before Congress in the last decade.

Mr. LANKFORD is the son of a section laborer, and he was reared on a farm. Labor is in a position to testify that he has never forgotten the interests of either the farmers or the industrial workers since he came to Washington.

He should be renominated in the coming primary. Congress needs more men of the LANKFORD type.

Hon. Charles I. Stengle, editor of the National Farm News, of Washington, D. C., is an ex-Member of Congress, and in closest touch with legislative procedure, as well as all matters of interest to the farmers of the Nation, and I wish to thank him for his kind letter of recent date, from which I quote, as follows:

I want to assure you of my sincere hope that your campaign for reelection may be very successful. You deserve well at the hands of your constituents and I trust they will fully appreciate the good work you have done.

The Fellowship Forum, published in Washington, a leading fraternal periodical of the Nation, recently carried in its question-and-answer column the following:

Explain the nature of the Lankford Sunday bill. Has it anything in it that favors Roman Catholicism? Is Mr. LANKFORD a Roman Catholic?

The Lankford bill is a bill to limit the activities of commercialized amusements, especially baseball and pool rooms, on Sunday and to reduce to a necessary minimum all business on that day. We do not consider that it is favorable or unfavorable to Roman Catholicism. Mr. LANKFORD is a Protestant and a member of the Masonic fraternity.

I shall not attempt to quote any considerable number of the many, many letters, newspaper items, and petitions which I have received commending my work as a Member of Congress. I am purposely not quoting any from my own district, although I have more complimentary items from my good people than from all the rest of the Nation. Many of these I prize most highly and shall always preserve as a sacred token of the good will of those I have endeavored to serve. It is my purpose now to merely indicate just how some of the people who do not live in my district show their appreciation of my efforts here.

Here is a letter written by a good lady of Philadelphia, who, by the way, is evidently of the Quaker belief:

Congressman LANKFORD.

HONORABLE FRIEND: I have read that you have introduced a bill in Congress for a "Sunday day of rest." Let us hope it will pass and be a law for the whole Nation.

To have a quiet Sunday would indeed be a gift from heaven. I would like to thank thee for thy wisdom and goodness. I am an old American woman of many generations, 63 years old.

We will never meet in this world, but some day in the "Golden Hands" we will meet, and I will tell God about thee and the good deed you did for the American people. I say with all my heart God bless Congressman LANKFORD and add all good gifts to his life, health, happiness, and honor. I thank you.

I had rather have a good letter like this from some good person than to have the praise of all the Sunday haters and all the atheists of all the earth.

Here is a letter which I appreciate very much and which was written me on February 2, 1926, by the chairman of the board of directors of the Marine Trust Co., of Atlantic City, N. J.:

Hon. WM. C. LANKFORD,

Washington, D. C.

DEAR CONGRESSMAN: I have read the CONGRESSIONAL RECORD as far as the 22d of January. After I retire each night I try to keep up with the proceedings in the House and Senate, but as they are talking in two Houses and I am reading in one bed, I can not keep up with both.

In the last year there has been no speech made in Congress equal to that which you delivered on the 22d of January about the "right of States and usurpation of these rights by the modern method of reference to committees."

I am writing to ask if you can tell me what price we can get 2,000 copies of your speech, because at our board meeting this morning I spoke to the members of our board and they agreed with me that we will mail a copy of your speech to every one of our depositors, and we will pay you to get for us 2,000 copies. We want to stamp on each one "With compliments of the Marine Trust Co." Will you advise me how to bring this about?

I was born in 1860 and the furthest I can remember back in my life was at Twenty-second and Callowhill Streets, Philadelphia, where a man hit me for shouting "Three cheers for General McClellan!" who was running against Lincoln, so you see I came from a Democratic family, which in these days means nothing; but it surprises me that the best speech of Congress for the last year should come from Georgia, and I salute you with appreciation.

Very truly yours,

WM. RIDDLE.

I appreciate very much the following statement carried by the Christian Statesman, of Pittsburgh, Pa.:

CHAMPION OF THE SABBATH

In Congressman WILLIAM C. LANKFORD, of Georgia, the Sabbath has a real friend and an able champion. It was his high appreciation of this institution and the marked disregard of it at our National Capital that had led him to introduce the bill now before Congress to secure a Sunday law for the District of Columbia.

The following extracts from Mr. LANKFORD'S address before Congress show his ability in defending the bill, and also reveal conditions in Washington which led him to introduce it and which call for its passage.

"Very few people realize that in the Capital of the greatest Christian nation on earth there is no Sunday observance law. Washington, the Nation's Capital, should be the country's model of righteousness rather than its Sodom of ungodliness.

"It is contended that we are intolerant and opposed to religious freedom, if we favor a reasonable Sunday observance law for the Nation's Capital.

"It is a new idea that present-day movie shows and Sunday baseball are religious institutions and that anyone who suggests there should be a law to prevent the operation of these on Sunday is guilty of religious intolerance.

"Where is the religious intolerance that would prevent a crew of men operating a steam shovel or an electric hammer on a building site or partly constructed building next door to a church during services on Sunday?

"Most people do not understand that religious liberty means the infliction on the public of the profanity of the pool room, the vulgarity of the modern movie theater, and the obscenity of the ordinary dance hall on every Sunday of the year.

"The great trouble is there are some folks who mistake freedom of religion for freedom to destroy all things moral and religious."

It is of great advantage in this campaign to have such an able advocate and stanch defender of the Sabbath, looking after the interests of the bill in Congress, as Mr. LANKFORD.

I now wish to quote from the Lord's Day Leader, of New York, issue of May and June, 1926, a statement for which I am truly grateful:

HON. WILLIAM C. LANKFORD, WHO INTRODUCED THE SUNDAY REST BILL FOR THE DISTRICT OF COLUMBIA

It affords us more than passing pleasure to write this sketch, which can not do full justice to the one who is its subject, Hon. WILLIAM C. LANKFORD. This Member of Congress hails from the State of Georgia, which is the largest State in the Union east of Illinois.

Comparisons are sometimes invidious, but it is no more than fair to say no one who in recent years has introduced in Congress a Sunday rest bill for the District of Columbia has shown a deeper interest in the purpose of his bill, and certainly no one in either the upper or the lower House of Congress has given as much time toward securing hearings for the bill and more concentrated attention and untiring labor toward its passage. Mr. LANKFORD is a man of deep convictions, of unimpeachable character and sterling integrity, unafraid to do his duty and to stand by his principles. We are proud of him and we are giv-

ing this sketch to our readers in the hope that it will encourage them to get behind this movement for the early enactment of the Sunday rest bill for the District of Columbia. We might say that we have never known him to falter or fail in his efforts to secure every proper advantage for the progress of the bill through the House of Representatives.

INTERESTED IN OTHER PROPOSED LEGISLATION

In addition to the Sunday observance bill Mr. LANKFORD is giving special attention at this session of Congress to a bill to secure the construction of post-office buildings in towns with postal receipts of less than $10,000; his idea being that a town with half the postal receipts just mentioned should have a small building so arranged as to be added to from time to time as the receipts increase. It is pointed out by Mr. LANKFORD that real estate can be bought and standardized buildings constructed more cheaply in a small town than in a larger one, and it would be a real economy to erect such buildings, enlarging them from time to time.

Mr. LANKFORD is also the author of a bill, and working to secure its passage, for the construction of a statue in the District of Columbia consisting of a group of figures of Presidents Abraham Lincoln and U. S. Grant and Gens. Robert E. Lee and T. J. (Stonewall) Jackson as a memorial of the good feeling and love now existing between the North and South and various parts of the Nation.

Since he came to Congress Mr. LANKFORD has at all times given special attention to legislation in behalf of the producers of the Nation and at the present time is the author of two bills now pending to enable the producers, by extension of the parcel-post system, to sell their products directly to the consuming public. In addition to these matters, Mr. LANKFORD is vitally interested in and working to secure the enactment of legislation for the creation of a new Federal district in Georgia, the development of harbor facilities, the prevention of erosion of the coast lines in his district, and the construction of a canal from the Atlantic to the Gulf of Mexico across the southeastern part of Georgia and the Peninsula of Florida, together with various other matters of local interest in the State of Georgia.

The farm and labor interests of the country have approved Mr. LANKFORD'S record in Congress and recognize him as one of their best friends. He has never left Washington while Congress was in session and keeps in close touch with all the proceedings.

Last summer the Committee on Irrigation and Reclamation of the House, of which I am a member, spent some time in the West visiting various irrigation projects and studying conditions generally. We were royally entertained by the good people of that great section, and at least twice each day we were graciously invited to partake of the good food of that western country and were the recipients of the pleasures of most splendid public receptions. Of course, there were speeches on the program by the entertainment committees, the citizens present, and members of the congressional delegation. The newspapers made splendid mention of our trip from day to day. Among the many nice things said about the committee and myself, I am truly appreciative of the article carried by the Klamath News, of Klamath Falls, Oreg., under date of August 28, 1927, from which I quote as follows:

LANKFORD GREAT SPEAKER

Congressman LANKFORD, of Georgia, was the closing speaker and he is a wonderful talker. No Chautauqua lecture, very few sermons ever delivered in Oregon, surpassed this brilliant southerner's speech at last evening's banquet. He told his listeners of the great fervor and love the South holds for the West; how the Congressmen from down South stand firmly with the men from out West in many places of legislation. He stated that the location of Mason and Dixon's line was where the cold light bread began on the north and the hot biscuits began on the south, politely calling attention that during the banquet hot biscuits had been served. In his southern eloquence he then proclaimed that the Mason and Dixon's line must be located up about Canada some place.

He closed his after-dinner talk with a few well-selected illustrations teaching the lessons of manhood, good citizenship, and religion.

The Eatonton Messenger, of Eatonton, Ga., on Friday, April 25, 1928, after criticizing some other Georgia papers for their stand on Sunday-observance legislation, made the following observations:

The bill of Mr. LANKFORD is not a freak bill. It is in no wise fanatical in its purposes. It seeks to regulate business in Washington City, for which city Congress makes the laws or ordinances just as the city councils of Columbus or Brunswick do for those cities, so that the Sabbath day may be appropriately observed as a day of rest and religious worship separate from the other six days of the week.

It does not go further than to provide that business occupations, except those that have to be carried on for the public, shall not be conducted on Sundays. There is nothing about it resembling what is sometimes termed an awful "blue law" by persons who do not appear to approve of any law that restrains them in doing as they please, regardless of law or the rights of other people.

A day of rest once a week in this country is a necessity for people who work, not to mention the other purposes to which the Sabbath has been set aside, and as Washington is the capital of the country, Washington should set an example of the Christian Sabbath; and if conditions in that city are as they are said to be the bill of Congressman LANKFORD is a very good one, indeed, and should be passed. It does not seem to contemplate anything more than the different States, including Georgia, have already done. Our esteemed contemporaries should remember that the Seventh Day Adventists have shown they were fallible when several times in the past they fixed the day for the world to come to an end.

I next wish to quote from one of the periodicals published in New York City, and devoted to the interest of the movies and theaters, an article which was intended as a criticism. Here is the item:

W. C. LANKFORD, Congressman from Douglas, Ga., near Atlanta, where the Ku-Klux originated, is opposed to Sunday movies, Sunday baseball, and everything except religious services on the Sabbath Day in the District of Columbia. Before the committee hearing the "blue law" pros and cons there he did not fail to tell the residents of Washington how they ought to spend their Sundays.

LANKFORD is the author of the "blue-Sunday bill" now pending in Congress, which provides "that it shall be unlawful in the District of Columbia to keep open or use any dancing saloon, theater (whether for motion pictures, plays, spoken or silent, opera, vaudeville, or entertainment), bowling alley, or any place of public assembly at which an admission fee is directly or indirectly received, or to engage in commercialized sports or amusements on the Lord's Day, commonly called Sunday.

And this is what that Georgian had to say—and more, too—to the committee, while several hundred Washington business men and women, representatives of social and civic organizations, gathered to oppose his bill:

"I'M GUILTY OF INTOLERANCE

"It is a new idea that the present-day movies and shows and Sunday baseball are religious institutions, and that anyone who suggests that there should be a law to prevent the operation of these on Sunday is guilty of religious intolerance.

"I confess that I am at a loss to know just how I am guilty of religious intolerance when I propose a bill which would allow people of all and every denomination to go to church, if they wish, on Sunday, and only seek such provisions as will protect all in this enjoyment of religious liberty and freedom. Where is the religious intolerance which would prevent a crew of men operating a steam shovel or an electric hammer on a building site or partly constructed building next door to a church during services on Sunday? Where is the religious intolerance in a law which would not let a negro unload a large quantity of coal next door to a church, and thus disturb the assembly of people gathered for religious services? Where is the intolerance in a bill which makes for the most complete religious liberty and allows all and everyone to worship God according to the dictates of his or her own conscience? My purpose and hope is only to secure in a fuller sense the enjoyment of religious liberty. Most people do not understand that religious liberty means the infliction on the public of the profanity of the pool room, the vulgarity of the modern movie or theater, and the obscenity of the ordinary dance hall on every Sunday of the year.

"The great trouble is that there are some folks who believe that freedom of religion is freedom from religion. They mistake freedom of religion for freedom of crime.

"The bill which I introduced provides for one day of rest out of every seven. If I provided for no rest day at all, there would rightly be much opposition. It would be cruel and savage in the extreme to force all to work every day without any rest, and yet I am held up as an advocate of an unreasonable thing when I attempt to make by law one day of rest out of every seven.

"'AGIN' EVERYTHING

"Because I am not willing for my people to pay taxes to build negro bathing beaches and artificial bathing pools here, and because I object to my people being forced to help maintain a negro university here in the District of Columbia contrary to law, I am said to be guilty of racial intolerance. It all depends on whose definition of intolerance we are to use. I do object to the public being forced to educate a crowd of negroes in Washington when many of the white boys and girls of the South and other parts of the country are denied sufficient educational advantages. It has even been urged here that at public expense there be established a beauty parlor for the negroes of the District of Columbia, so that the negro girls could take lessons in using rouge and perfume, etc. Well, if objecting to this kind of thing is intolerance, then I am very intolerant.

"I believe in letting the negro be the negro and the white man be the white man. I believe in letting the negro having his section

of town to live in and the white people have theirs. I certainly believe in the negro having his own waiting room, his own car or separate seats on street cars and railroads, and his own schools, but I believe in the white people having also their own separate depot and transportation and educational facilities. Nothing could be fairer. Oh, but many say that there should be no distinction and that all be treated alike. Segregation treats all alike."

Some two or three years ago I made certain criticisms of the efforts of the negroes of the country to shove themselves in where they are not wanted, and urged that this action on their part brought about ill will between the races rather than good feeling, and thus injured both.

Most of the negro papers carried my speech without comment. Some carried only quotations which left out much of the real argument of the speech. The Afro-American, of Baltimore, Md., carried the following item:

REPRESENTATIVE LANKFORD (DEMOCRAT, GEORGIA) URGES JIM CROW STREET CARS, TRAINS, AND STATIONS IN DISTRICT OF COLUMBIA

WASHINGTON, February 14.—Representative WILLIAM C. LANKFORD (Democrat, Georgia) told Congress last week he not only approved of President Lowell's stand of excluding negroes from Harvard but also excluding them from the white schools in the North.

Representative LANKFORD also took in the occasion to discuss the race problem, urging Jim Crow street cars, trains, libraries, and parks for the city. Among other things he said were:

"The so-called 'Jim Crow' law, which makes whites and negroes ride in separate coaches on trains, use separate seats in street cars, and use separate waiting rooms at the stations, is a most excellent law for both races.

"The best thing the negro race could do for itself would be to say: 'Give us separate cars, separate waiting rooms, separate parks, separate schools, separate libraries, and separate sections of town to live in. We do not want to offend the white people in the least. They are our friends. We are theirs.'

"I believe the negroes teach their children here to be as offensive to the whites as possible. The old and the young of the Negro race here are doing well their part of building up a contempt of the white race for the negroes.

"The negroes of the North are destroying the chance they have by attempting to force themselves where they are not wanted and by being insolent and offensive. Many negroes in the South would not under any circumstances come in at the front door of a white home unless specifically requested to do so. They do not want to use a white waiting room or ride on a train in the white coach if it offends the white man or white woman or white child in the least. These kind of negroes are the saving power of the Negro race."

Representative LANKFORD complained that there was no space in Union Station where colored people were prohibited.

"Millions and millions of the people's money have been spent and are spent each year on dozens of most beautiful parks here in Washington, and most splendid music is furnished—for whom? For only the whites who want to associate with negroes.

"Oh, the disgrace of the negro situation here in Washington! We have here in Washington a so-called reformatory for girls. It is filled up with negro girls and a few white girls. In other words, if a white girl makes a mistake or does some wrong for which she should be corrected she is forced to live with a bunch of negroes in order that she, a white girl, may be made better. The gang in authority in Washington who causes this to be done ought to be forced to eat with negroes, sleep with negroes, live with negroes, smell negroes, and work at hard labor with negroes in a penitentiary for and during the full end and term of their natural lives."

Mr. Speaker, the Negro race, by endeavoring to get more than it is entitled to, will eventually lose many of its rights. By infringing on the rights of the white race they built a resentment which will later deprive them of the rights of the negro.

In many sections where each race does not have well-defined rights and each stay strictly within them extreme hatred will arise and negroes will be driven from their homes, and even deprived of the right to live by the sway of race riots. The occasional lynching of a guilty negro will not hurt the Negro race, but the all-consuming flame of race hatred which is being kindled slowly but surely in many sections of the North, where the negro is attempting to push the white man aside, will hurt the Negro race.

The negroes are entitled to their own schools, churches, libraries, public gatherings, parks, bathing beaches, waiting-room accommodations, and railway and other transportation conveniences unmolested by the white folks, and the white people are entitled to the same conveniences without the interference of negroes.

The negro can not be white, neither will any considerable portion of the white race, either North or South, long consent to act the negro. The limitations fixed by the Almighty are steadfast and everlasting, and negro will remain negro and white will remain white. There should be rendered unto the negro the things that are his and unto the white man the things that are his. The white race, in all justice, will do this and only this, and the sooner the better.

SENATE BILL REFERRED

A bill of the following title was taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 2440. An act to provide that four hours shall constitute a day's work on Saturdays throughout the year for all employees in the Government Printing Office; to the Committee on Printing.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

H. R. 2473. An act for the relief of Louie June;

H. R. 4012. An act for the relief of Charles R. Sies;

H. R. 4660. An act to correct the military record of Charles E. Lowe;

H. R. 4687. An act to correct the military record of Albert Campbell;

H. R. 4839. An act for the relief of the Press Publishing Co., Marianna, Ark.;

H. R. 5322. An act for the relief of John P. Stafford;

H. R. 5548. An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct;

H. R. 5644. An act to enable an enlisted man in the naval service to make good time lost in excess of one day under certain conditions;

H. R. 5718. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service";

H. R. 5826. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver bell in use on the cruiser *New Orleans;*

H. R. 5930. An act for the relief of Jesse W. Boisseau;

H. R. 6152. An act for the relief of Cromwell L. Barsley;

H. R. 6195. An act granting six months' pay to Constance D. Lathrop;

H. R. 6842. An act for the relief of Joseph F. Friend;

H. R. 6854. An act to add certain lands to the Montezuma National Forest, Colo., and for other purposes;

H. R. 7142. An act for the relief of Frank E. Ridgely, deceased;

H. R. 7895. An act for the relief of the Lagrange Grocery Co.;

H. R. 7897. An act to ratify the action of a local board of sales control in respect of contracts between the United States and the West Point Wholesale Grocery Co., of West Point, Ga.;

H. R. 7898. An act to ratify the action of a local board of sales control in respect of contracts between the United States and the Lagrange Grocery Co., of Lagrange, Ga.;

H. R. 7903. An act to authorize the erection at Clinton, Sampson County, N. C., of a tablet or marker in commemoration of William Rufus King, former Vice President of the United States;

H. R. 8031. An act for the relief of Higgins Lumber Co. (Inc.);

H. R. 8440. An act for the relief of F. C. Wallace;

H. R. 9046. An act to continue the allowance of Sioux benefits;

H. R. 9355. An act to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes;

H. R. 9411. An act for the relief of Maurice P. Dunlap;

H. R. 9620. An act for the relief of E. H. Jennings, F. L. Johanns, and Henry Blank, officers and employees of the post office at Charleston, S. C.;

H. R. 9965. An act to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., where, on February 14, 1779, Elijah Clarke, of Georgia, and Colonel Pickens, of South Carolina, overtook the Tories under Colonel Boyd, killing him and many of his followers, thus ending British dominion in Georgia;

H. R. 10503. An act for the relief of R. P. Washam, F. A. Slate, W. H. Sanders, W. A. McGinnis, J. E. Lindsay, and J. T. Pearson;

H. R. 11405. An act to acquire an area of State land situate in Lassen Volcanic National Park, State of California, by exchange;

H. R. 11621. An act to authorize the Secretary of the Navy to advance public funds to naval personnel under certain conditions;

H. R. 11724. An act to provide for the paving of the Government road, known as the Ringgold Road, extending from Chickamauga and Chattanooga National Military Park, in the State of Georgia, to the town of Ringgold, Ga., constituting an approach road to the Chickamauga and Chattanooga National Military Park;

H. R. 12067. An act to set aside certain lands for the Chippewa Indians in the State of Minnesota;

H. R. 12192. An act authorizing the Secretary of the Interior to accept a deed to certain land and issue patent therefor to the city of Buhl, Twin Falls County, Idaho;

H. R. 12446. An act to approve a deed of conveyance of certain land in the Seneca Oil Spring Reservation, N. Y.; and

H. J. Res. 263. Joint resolution authorizing the president and fellows of Harvard College to erect on public grounds in the District of Columbia a monument to Maj. Gen. Artemas Ward.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 744. An act to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes;

S. 1828. An act to amend the second paragraph of section 5 of the national defense act, as amended by the act of September 22, 1922, by adding thereto a provision that will authorize the names of certain graduates of the General Service Schools and of the Army War College, not at present eligible for selection to the General Staff Corps eligible list, to be added to that list;

S. 1829. An act to authorize the collection, in monthly installments, of indebtedness due the United States from enlisted men, and for other purposes;

S. 3463. An act to recognize commissioned service in the Philippine Constabulary in determining rights of officers of the Regular Army;

S. 3555. An act to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce;

S. 3752. An act to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926; and

S. 4216. An act to authorize the adjustment and settlement of claims for armory drill pay.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills of the House of the following titles:

H. R. 5695. An act authorizing the Secretary of the Interior to equitably adjust the disputes and claims of settlers and others against the United States and between each other, arising from incomplete or faulty surveys in township 19 south, range 26 east, and in sections 7, 8, 17, 18, 19, 30, 31, township 19 south, range 27 east, Tallahassee meridian, Lake County, in the State of Florida;

H. R. 8110. An act withdrawing from entry the northwest quarter section 12, township 30 north, range 19 east, Montana meridian;

H. R. 9112. An act for the relief of William Roderick Dorsey and other officers of the Foreign Service of the United States, who, while serving abroad, suffered by theft, robbery, fire, embezzlement, or bank failures losses of official funds;

H. R. 9411. An act for the relief of Maurice P. Dunlap; and

H. R. 11022. An act to extend medical and hospital relief to retired officers and retired enlisted men of the United States Coast Guard.

ADJOURNMENT

Mr. FENN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p. m.) the House adjourned until to-morrow, Friday, May 18, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, May 18, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE JUDICIARY

(10.30 a. m.)

To amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity (H. R. 7759).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote the stability of commerce, industry, agriculture, and employment; to assist in realizing a more stable purchasing power of the dollar (H. R. 11806).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize the Secretary of the Navy to proceed with the construction of certain public works (H. R. 13319).

COMMITTEE ON RIVERS AND HARBORS

(10 a. m.)

To consider a report from the Chief of the Army Engineers on the proposal to deepen the Great Lakes channel.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To provide overtime pay for employees in the Bureau of Animal Industry of the Department of Agriculture (H. R. 6509).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

SUBCOMMITTEE ON RAILROADS

To amend and reenact subdivision (a) of section 209 of the transportation act, 1920 (H. R. 12177).

SUBCOMMITTEE ON PLATINUM

(2 p. m.)

To regulate the marking of platinum imported into the United States or transported in interstate commerce (H. R. 5639).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Department of Labor (Rept. No. 1713). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Department of Commerce (Rept. No. 1714). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the State Department (Rept. No. 1715). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Navy Department (Rept. No. 1716). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Treasury Department (Rept. No. 1717). Ordered to be printed.

Mr. HILL of Washington: Committee on the Public Lands. S. 3361. An act authorizing the Secretary of the Interior to convey to the city of Hot Springs, Ark., all of lot No. 3 in block No. 115 in the city of Hot Springs, Ark.; without amendment (Rept. No. 1718). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Washington: Committee on the Public Lands. H. R. 12775. A bill providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes; with amendment (Rept. No. 1719). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. J. Res. 276. A joint resolution to authorize the merger of street railway corporations operating in the District of Columbia, and for other purposes; with amendment (Rept. No. 1720).

Referred to the Committee of the Whole House on the state of the Union.

Mr. SUMNERS of Texas: Committee on the Judiciary. H. R. 12629. A bill to create a new division of the District Court of the United States for the Northern District of Texas; without amendment (Rept. No. 1721). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLEOD: Committee on the District of Columbia. S. 2366. An act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions; with amendment (Rept. No. 1722). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. S. 3593. An act to authorize the leasing or sale of lands reserved for agency, schools, and other purposes on the Fort Peck Indian Reservation, Mont.; with amendment (Rept. No. 1723). Referred to the House Calendar.

Mr. COLTON: Committee on the Public Lands. S. 3776. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title; without amendment (Rept. No. 1727). Referred to the Committee of the Whole House on the state of the Union.

Mr. ENGLEBRIGHT: Committee on Indian Affairs. S. 4321. An act authorizing the Secretary of the Interior to dispose of two bridges on the San Carlos Indian Reservation, in Arizona, and for other purposes; without amendment (Rept. No. 1728). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOOPER: Committee on the Public Lands. S. 3954. An act to quiet title in the heirs of Norbert Boudousquie to certain lands in Louisiana; without amendment (Rept. No. 1712). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 12312. A bill for the relief of James Hunts Along; with amendment (Rept. No. 1724). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. S. 456. An act to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased; without amendment (Rept. No. 1725). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 13606. A bill for the relief of Russell White Bear; without amendment (Rept. No. 1726). Referred to the Committee of the Whole House.

Mr. HOWARD of Oklahoma: Committee on Indian Affairs. S. 3794. An act for the relief of R. E. Hansen; without amendment (Rept. No. 1729). Referred to the Committee of the Whole House.

Mr. HOWARD of Oklahoma: Committee on Indian Affairs. H. R. 13753. A bill authorizing an expenditure of certain funds standing to the credit of the Cherokee Nation in the Treasury of the United States to be paid to one of the attorneys for the Cherokee Nation, and for other purposes; without amendment (Rept. No. 1730). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 13845) to amend section 313 of the tariff act of 1922, approved September 21, 1922; to the Committee on Ways and Means.

By Mr. OLDFIELD: A bill (H. R. 13846) granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Spring River at or near Miller Ford, Ark.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13847) granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Spring River at or near Rhea Ford, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. BOWMAN: A bill (H. R. 13848) to legalize a bridge across the Potomac River at or near Paw Paw, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. STRONG of Kansas: A bill (H. R. 13849) to provide that transferors for collection of negotiable instruments shall be preferred creditors of national banks in certain cases; to the Committee on Banking and Currency.

By Mr. KENT: A bill (H. R. 13850) to further amend the act of March 4, 1925, as amended March 3, 1926, and April 6, 1926, to provide for the relief of the Bethlehem Steel Co., and to further carry out the provisions of the award of the National War Labor Board of July 31, 1918, and the action of the War Department Claims Board of July 6, 1921; to the Committee on Claims.

By Mr. ZIHLMAN: A bill (H. R. 13851) to provide for the election of a board of education of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. DICKSTEIN: A bill (H. R. 13852) to amend section 266 of the Judicial Code; to the Committee on the Judiciary.

By Mr. JAMES: A bill (H. R. 13853) to authorize the Secretary of War to sell to the Fishers Island Corporation a tract of land comprising part of the Fort H. G. Wright Military Reservation, N. Y.; to the Committee on Military Affairs.

By Mr. KINDRED: A bill (H. R. 13854) to provide facilities and equipment in the Capitol for the emergency treatment of ill and injured persons; to the Committee on Accounts.

By Mr. FISH: A bill (H. R. 13855) to amend an act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia"; to the Committee on the District of Columbia.

By Mr. LARSEN: A bill (H. R. 13856) authorizing H. G. Martin, W. P. Calhoun, J. H. Kaplin, R. L. O'Neal, O. J. Whipple, H. G. McBride, J. B. Brown, and Idus Jones, their heirs, legal representatives, or assigns, to construct a bridge across the Altamaha River at or near Towns Bluff Ferry in Jeff Davis and Montgomery Counties, Ga.; to the Committee on Interstate and Foreign Commerce.

By Mr. FORT: A bill (H. R. 13857) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department and for other purposes," approved August 25, 1919, as amended; to the Committee on Public Buildings and Grounds.

By Mr. CRAMTON: Joint resolution (H. J. Res. 307) to preserve for development the potential water power and park facilities of the gorge and great falls of the Potomac River; to the Committee on the District of Columbia.

By Mr. TIMBERLAKE: Resolution (H. Res. 210) to pay six months' salary and $250 to the widow of David Beattie, late an employee of the House of Representatives; to the Committee on Accounts.

By Mr. BLACK of New York: Resolution (H. Res. 211) to recognize the Nationalist Government as the Government of China; to the Committee on Foreign Affairs.

By Mr. DEMPSEY: Resolution (H. Res. 212) for the appointment of a committee to investigate the shooting of Jacob D. Hanson, of Niagara Falls, N. Y., on May 5, 1928; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CROSSER: A bill (H. R. 13858) granting a pension to Pearl A. Phearson; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 13859) granting an increase of pension to Charlott K. Vought; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 13860) granting a pension to Katherine Z. Bates; to the Committee on Invalid Pensions.

By Mr. GUYER: A bill (H. R. 13861) granting a pension to Joseph McDonald; to the Committee on Pensions.

By Mr. HALL of Illinois: A bill (H. R. 13862) making eligible for retirement, under the same conditions as now provided for officers of the Regular Army, A. Richard Hedstrom, chaplain, an officer of the United States Army during the World War, who incurred physical disability in line of duty; to the Committee on World War Veterans' Legislation.

By Mr. HOPE: A bill (H. R. 13863) granting a pension to Jennie L. Dockum; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 13864) granting a pension to Charles M. Barnes; to the Committee on Invalid Pensions.

By Mr. MONAST: A bill (H. R. 13865) granting an increase of pension to Bridget Deady; to the Committee on Invalid Pensions.

By Mr. NEWTON: A bill (H. R. 13866) for the relief of Adelaide (Ada) J. Walker Robbins; to the Committee on Military Affairs.

By Mr. PRATT: A bill (H. R. 13867) for the relief of William H. Baldwin; to the Committee on Claims.

By Mr. SMITH: A bill (H. R. 13868) granting a pension to Homer Bounds; to the Committee on Pensions.

By Mr. STEELE: A bill (H. R. 13869) for the relief of John Wesley Clark; to the Committee on Claims.

By Mr. VINCENT of Michigan: A bill (H. R. 13870) granting an increase of pension to Rosalie Smith; to the Committee on Invalid Pensions.

By Mr. WOLVERTON: A bill (H. R. 13871) granting an increase of pension to Mary A. Beck; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 13872) for the relief of James J. Gianaros; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7683. By Mr. DAVENPORT: Petition of A. A. Wetherill and other citizens of Westmoreland, N. Y., urging the passage of House bill 11410, an amendment to the national prohibition act; to the Committee on the Judiciary.

7684. By Mr. DRANE: Petition of citizens of Tampa, Fla., against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

7685. By Mr. ESTEP: Resolutions adopted by the Chamber of Commerce of Pittsburgh, Pa., following a report by the builders' council of the chamber, opposing House bill 11141, a bill to require contractors and subcontractors engaged in public work of the United States to give certain preferences in the employment of labor, signed by W. F. Trimble, jr., first vice chairman; R. M. Morganstern, second vice chairman of builders' council; and A. V. Snell, secretary of the Pittsburgh Chamber of Commerce, of Pittsburgh; to the Committee on Labor.

7686. By Mr. GARBER: Petition of E. L. Gallaher, of Covington, Okla., secretary of Seventh District Chiropractic Association, in support of Senate bill 3936 and House bill 12947, if passed as amended, by Dr. J. Ralph John, of Baltimore, Md.; to the Committee on the District of Columbia.

7687. Also, petition of William G. Adams, secretary Travelers' National Legislative Committee, New York, in support of Senate bill 668 and House bill 5588; to the Committee on Interstate and Foreign Commerce.

7688. Also, petition of H. B. Fell, president Oklahoma Department, Reserve Officers' Association, Ardmore, Okla., asking that a reserve division be provided in the War Department; to the Committee on Military Affairs.

7689. Also, petition of carriers and ladies' auxiliary of Grant, Garfield, Kay, and Noble Counties, assembled at Jefferson, Okla., in regard to retirement bill for carriers; to the Committee on the Post Office and Post Roads.

7690. Also, petition of James A. Coe, druggist, Oshkosh, Wis., in support of the Capper-Kelly bill; to the Committee on Interstate and Foreign Commerce.

7691. Also, petition of committee of Okmulgee County Medical Society, in opposition to the proposed increase in narcotic tax from $1 to $3 per year; to the Committee on Ways and Means.

7692. Also, telegram of board of directors, chamber of commerce, Hobart, Okla., asking that annual appropriation bill allow Kiowa, Comanche, and Apache Indians $50 per capita semiannually, as $25 is insufficient to meet living expenses; to the Committee on Indian Affairs.

7693. Also, petition of Mrs. Roy Axtell, unit legislative chairman, Guthrie, Okla., in support of universal draft bill; to the Committee on Military Affairs.

7694. By Mr. JOHNSON of Indiana: Petition of voters of Vermilion County, Ind., for the increase of Civil War pensions; to the Committee on Invalid Pensions.

7695. By Mr. KVALE: Petition of Otto Strom, Edward Abbott, and Carl Larson, of Willmar, Minn., and Lars A. Kronlokken, Renville, Minn., urging enactment of legislation providing for Government operation of Muscle Shoals; to the Committee on Military Affairs.

7696. By Mr. LINDSAY: Petition of Bayway Terminal, New York City, protesting against passage of House bill 13646, entitled "Cotton futures trading act," as damaging to their interests; to the Committee on Agriculture.

7697. Also, petition of Maritime Association, New York, strongly protesting against House bill 13646, known as the cotton futures trading act, as having detrimental effect on trade and commerce of the port of New York; to the Committee on Agriculture.

7698. Also, petition of Port of New York Authority, protesting against House bill 13646 as highly prejudicial to the port of New York; to the Committee on Agriculture.

7699. By Mr. MORROW: Petition of New Mexico Cattle and Horse Growers' Association, requesting an increase in appropriation to the Bureau of Biological Survey for work in controlling predatory animals and noxious rodents; to the Committee on Appropriations.

7700. By Mr. O'CONNELL: Petition of the American Fluoride Corporation, New York City, favoring legislation which has for its object the investment of the Post Office Department with discretion in the mailing of merchandise now classed with the poisons; to the Committee on the Post Office and Post Roads.

7701. Also, petition of Conrad H. Lang, jr., of Hoboken, N. J., favoring the passage of the Edwards bill (S. 2458); to the Committee on World War Veterans' Legislation.

7702. Also, petition of the National Council, Traveling Salesmen's Association, New York City, favoring the passage of Senate bill 668 and House bill 5588, for the repeal of the war-time Pullman surcharge; to the Committee on Ways and Means.

7703. Also, petition of J. C. Penney, of New York City, favoring the passage of House bill 10958, to place a tax on butter made from nuts and products other than milk; to the Committee on Agriculture.

7704. By Mr. ROBINSON of Iowa: Petition signed by J. S. Hunt, of Dundee, Iowa, and about 30 other citizens of Delaware County, Iowa, urging action be taken on the national-origins provision of the restrictive immigration act of 1924; to the Committee on Immigration and Naturalization.

SENATE

FRIDAY, *May 18, 1928*

(Legislative day of Thursday, May 3, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

CORRECTION OF ERROR IN ENROLLMENT

The VICE PRESIDENT. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read.

The concurrent resolution (H. Con. Res. 38) was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House of Representatives and of the Vice President in signing the bill (H. R. 9568) entitled "An act to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes," be rescinded, and that in the reenrollment of such bill the number "58" be stricken out and the number "158" be inserted in lieu thereof.

Mr. CURTIS. I ask unanimous consent for the immediate consideration of the concurrent resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 3793. An act authorizing the St. Croix Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Croix River near Grantsburg, Wis.;

S. 4345. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Kansas City, Kans.;

S. 4357. An act authorizing Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representatives, and assigns, to construct and operate a bridge across the Des Moines River at or near Croton, Iowa; and

S. 4381. An act authorizing H. A. Rinder, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3470) granting relief to Havert S. Sealy and Porteus R. Burke.

The message further announced that the House had passed a bill (H. R. 13512) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2463. An act to amend an act entitled "An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.," approved May 19, 1926;

H. R. 3470. An act granting relief of Havert S. Sealy and Porteus R. Burke;

H. R. 8314. An act to amend an act of Congress approved March 4, 1927 (Public, No. 795, 69th Cong.), to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War;

H. R. 10159. An act granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes;

H. R. 10363. An act to provide for the construction or purchase of two L boats for the War Department;

H. R. 10364. An act to provide for the construction or purchase of two motor mine yawls for the War Department;

H. R. 10365. An act to provide for the construction or purchase of one heavy seagoing Air Corps retriever for the War Department; and

H. R. 10786. An act authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Gila River and its tributaries above the San Carlos Reservoir in New Mexico and Arizona.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by the Investment Bankers Association of America, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

WHITE SULPHUR SPRINGS, W. VA., *May 16, 1928.*

Hon. CHARLES G. DAWES,

Vice President United States:

The board of governors of the Investment Bankers Association of America at its regular meeting held at White Sulphur Springs, W. Va., May 16, 1928, adopted the following resolution:

"*Resolved*, That we condemn the principles embodied in the Norris bill (S. 3151) now pending in the Senate of the United States as imperiling the security of the property rights and the protection which property rights now have under the Federal Constitution, and which they always have enjoyed under the Federal Constitution even if Congress were hindered by no constitutional limitation. We feel that it would be unwise in the extreme to take away from the Federal courts their power to prevent invasion of rights guaranteed by the Federal Constitution and leave the protection of such rights to the State courts. Past experience has proved that access to the Federal courts for the protection of rights guaranteed by the Federal Constitution and to protect nonresidents against local prejudice is essential to investors' safety. It is a right which in the past investors have relied upon for the safety of their investments, and to now take away that essential right would be unfair to investors who in good faith relied upon the right at the time they invested their money."

HENRY R. HAYES,

President Investment Bankers Association of America.

The VICE PRESIDENT also laid before the Senate a communication in the nature of a memorial from John P. Turner, chairman committee on legislation American Veterinary Medical Association, remonstrating against the proposed increase in the tax on veterinarians, which was ordered to lie on the table.

Mr. HARRISON presented the following concurrent resolution of the Legislature of the State of Mississippi, which was ordered to lie on the table:

STATE OF MISSISSIPPI,
OFFICE OF SECRETARY OF STATE,
Jackson.

I, Walker Wood, secretary of state of the State of Mississippi, do hereby certify that the within and attached is a true and correct copy of House Concurrent Resolution 20, acts of the Legislature of the State of Mississippi of 1928, the enrolled act, of which is now on file and a matter of record in this office.

Given under my hand and the great seal of the State of Mississippi this the 12th day of May, 1928.

[SEAL.]

WALKER WOOD,
Secretary of State.

House Concurrent Resolution 20, memorializing Congress to pass the Tyson and Fitzgerald bills regarding disabled emergency officers

Whereas of the nine classes of officers who served in the World War, eight classes, namely: Regular officers of the Army, Navy, and Marine Corps; provisional officers of the Army, Navy, and Marine Corps; and emergency officers of the Navy and Marine Corps, have been granted by Congress the privilege of retirement for disability when incurred in line of duty, leaving only the disabled emergency officers of the Army without such retirement privileges; and

Whereas there is now pending before the Congress of the United States measures known as the Tyson bill (S. 777) and the Fitzgerald bill (H. R. 500), to correct this apparent injustice to the disabled National Guard and other emergency officers of the World War; and

Whereas such proposed legislation is equitable and seeks to do a long delayed justice to a class of worthy disabled officers of the World War entitled because of their service, their wounds, and disabilities incurred therefrom to the same consideration and privileges as men of their rank who performed like service, but were of the Regular Army; and

Whereas an overwhelming number of the Members of Congress since the armistice have promised to correct this injustice to disabled emergency Army officers by the enactment of legislation designed to adjust the unfair condition imposed upon this one remaining class of officers: Be it

Resolved, That the Legislature of Mississippi urge upon its legislators in the National Congress the importance and desirability of speedily passing such legislation; and be it further

Resolved, That copies of this resolution be sent to each Senator and Representative in the Congress from the State of Mississippi.

Adopted by the house of representatives February 24, 1928.

Adopted by the senate April 16, 1928.

Mr. VANDENBERG presented resolutions adopted by the common council of the city of Detroit, Mich., which were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Copy of a resolution adopted by the common council of the city of Detroit on April 24 in regular session, setting forth the opposition of the council to any change in the present methods of developing the waterways of the country as proposed by bill H. R. 8127, known as the Wyant bill, by Councilman Kronk

River and harbor engineering and construction work has been directed and administered for more than 100 years by the United States Corps of Engineers.

They are thoroughly familiar with the engineering and construction work of the Government the country over and are free from political influence.

In the Great Lakes district alone they have directed the expenditures of more than $160,000,000 in the improvement of the harbors and navigable rivers in a manner that has been entirely satisfactory to the people of the Lake States. Measured in savings to the public, this expenditure has paid and is paying each year 100 per cent interest on the investment.

The annual water-borne commerce of the Nation is now approximately 550,000,000 tons, valued at approximately $27,000,000,000. This vast commerce, dependent on adequate waterways, is too important to be intrusted to anyone who has not had the practical experience of the Army engineers.

They are recruited from year to year from the most efficient graduates of the United States Military Academy and through the peerless code of honor inculcated there they are preeminently qualified for the service of the Government.

It is vital to the safety of the Nation that during peace these engineers be given practical experience in river and harbor construction so that in war they will have information and experience of an indispensable character that could not be obtained otherwise.

Their long record of loyal, faithful, efficient, and honorable public service in all of their activities inspires not only the admiration and confidence of the American people but the earnest hope that they may be permitted to continue to direct and administer all river and harbor works: Therefore be it

Resolved, That the common council of the city of Detroit declares their unqualified opposition to any change in the present methods of developing the waterways of the Nation, which would in any way lessen the authority or responsibility of the United States Army engineers in this connection; and be it

Resolved further, That we are therefore opposed to the provisions of H. R. 8127, commonly known as the Wyant bill, which proposes to transfer river and harbor improvement, the duties of the United States Chief of Engineers pertaining thereto, and jurisdiction over navigable waters from the War Department to the Interior Department; therefore be it

Resolved further, That we request our Representatives in Congress to do everything within their power to defeat the said provisions of this bill.

Adopted as follows:

Yeas: Councilmen Bradley, Callahan, Castator, Dingeman, Ewald, Kronk, Littlefield, Walters, and the president—9.

Nays: None.

Mr. NORBECK. I present a letter from William Hirth, publisher and editor of the Missouri Farmer, as chairman of the Corn Belt Committee, to Gov. Howard M. Gore, of West Vir-

ginia, and resolutions adopted by the Corn Belt Committee, which I ask may be referred to the Committee on Agriculture and Forestry and printed in the RECORD.

There being no objection, the letter and accompanying resolutions were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

[William Hirth, publisher and editor the Missouri Farmer, Missouri's greatest farm paper]

COLUMBIA, MO., *May 15, 1928.*

GOV. HOWARD M. GORE,
Charleston, W. Va.

MY DEAR GOVERNOR: As one who has spent long, weary months in Washington during the last six years in connection with the great struggle for a square deal for agriculture at the hands of the Government, and as chairman of the Corn Belt Committee, which represents more than a million organized farmers reaching from Indiana to Montana, I am deeply interested in the approaching presidential contest—and I say this because I have come to the conclusion that never was it so important for agriculture to have a friend in the White House as during the next four years. In other words, we not only need a President who is willing to sign an effective farm-relief measure but one who is in deep sympathy with such legislation, and who will therefore lend the full power of his great office to its successful administration.

And in this connection I was surprised some days ago to learn (on apparently reliable authority) that you are sponsoring the candidacy of Herbert Hoover in the approaching primary in West Virginia—and because of the pleasant personal relations which existed between us some years ago I trust you will be willing to give consideration to the following comment which I desire to have you regard in the nature of an open letter to the farmers of your State. I recall with much admiration the splendid service you rendered to the Missouri Farmers' Association at the National Stockyards at East St. Louis some years ago when you were connected with the United States Department of Agriculture. This service came at a time when our Livestock Commission Co. was fighting with its back to the wall—you stood fearlessly for a square deal to the farmer on that occasion, and, recalling this incident as vividly as I do, I am all the more puzzled by your reported sponsorship for Mr. Hoover at a time when our great agricultural industry is threatened with almost complete collapse, and when the farmers of West Virginia and of the whole Nation need true friends in high places as never before.

I regard Mr. Hoover as the most sinister and relentless enemy the farmers of this country have ever known, and I base this conclusion upon two general grounds—first, because as food administrator during the World War he did everything in his power to depress the price of farm commodities, and this at a time when the shout that "Food will win the war" filled the land morning, noon, and night; and, secondly, I make this charge because during the administrations of both President Harding and President Coolidge, Hoover has been a relentless enemy of the McNary-Haugen bill, which is the only measure that has been offered in the history of Congress that promises to place the farmers of this country on an even footing with the great organized forces that fix their costs of production.

I know that since he has become a candidate for the Republican nomination for President, a frantic effort has been made to "whitewash" his World War record, but this record is so indelibly written in the memories of men, and upon the pages of recorded events, that all such efforts will fail dismally. Only recently I supplied an article to the press which told in detail of his duplicity to the livestock producers during the war, and even so his arbitrary interpretation of the minimum price of wheat, as fixed by Congress as a maximum price, these facts can not be explained away by all the political whitewashers in Christendom—the simple truth of the matter is that Mr. Hoover came over here from England to act as food administrator, and for reasons best known to himself he started out to buy food as cheaply as possible, and that in carrying out this ruthless policy he deprived the farmers of this country of hundreds of millions of dollars which justly belonged to them; of this there not the slightest doubt.

And, now, don't misunderstand me on this score—I don't mean that our farmers had a right to expect to make money out of the war, but I do think they were at least entitled to fair production cost, and especially so at a time when we were breeding new millionaires by the hundreds in all other fields of war activity.

Furthermore, no one needs to take my word about Hoover in these premises, for men like ex-Gov. Gifford Pinchot, of Pennsylvania; Edward C. Lassiter, of Texas; John Simpson, of Oklahoma; and dozens of other men of standing, who were intimately connected with his war activities, will join me in pronouncing him the greatest enemy that American agriculture has ever encountered.

And here let me say also, that if by any chance he should be nominated at Kansas City, Governor Smith, or whoever the Democrats may nominate at Houston, will be the next President of the United States—the rising and setting of the sun is not more certain than this, for the farmers of the great Corn Belt States will smite him hip and thigh; they will take his nomination as an open affront to agriculture, and thus the old party lines will look as if a cyclone had struck him. And in proof of this I need only cite the recent primaries in Ohio and Indiana, where the vote for Hoover was confined to the big cities, and where he failed to carry a single rural congressional district.

The old saying that you can lead a horse to water, but that you can not make him drink applies to the present instance—they may put Hoover across at Kansas City, but as certain as they do the farmers of the country will teach the Republican leaders a lesson they will not forget in 50 years. And therefore feeling as deeply about the matter as I do, I hope the farmers of West Virginia will give their overwhelming support to Senator GOFF in your coming primary—and in this connection I want to say that as chairman of the Corn Belt Committee, which has taken such a leading part in the farm-relief struggle in Washington, I have addressed communications similar to this to the farmers of other States, and from the results in the primaries in these States I have ample reason to believe that my appeals have not fallen wholly upon deaf ears.

And now, in conclusion, permit me to say that I realize your eminent right to be your own judge in these premises, nor have I the slightest desire to question your motives. But in an hour when the American farmer is desperately fighting against peasantry, and when I am reminded of the fact that since the close of the World War the farm debt of the Nation has increased from four and a half billion dollars to more than $12,000,000,000, and that during this period farm values of all kinds have shrunk in the staggering sum of more than $20,000,000,000—when I think of these tragic things and the degree to which Herbert Hoover is responsible for them, then I am resolved to warn my fellow farmers against him, and this whether it be in the Corn Belt or in the distant States. With kind personal regards,

Sincerely yours,

WILLIAM HIRTH.

RESOLUTIONS

Speaking for more than a million organized farmers reaching from Indiana to Montana, the Corn Belt Committee hereby serves notice upon the leaders of the Republican Party that if by any chance Herbert Hoover should be nominated for President at the forthcoming Kansas City convention, that the great Corn Belt States will be found solidly against him. The farm vote easily constitutes a balance of power in such States as Indiana, Illinois, Missouri, Iowa, Minnesota, Nebraska, and the Northwest, and remembering the perfidy of Hoover to the farmer during the World War, and the sinister and relentless attitude he has maintained toward farm relief legislation during the Harding and Coolidge administrations, nothing is more certain than that in the event of his nomination, the farmers of the above States will utterly ignore party lines in their determination to consign this man to private life for all time to come. Therefore we not only protest against his nomination but we give fair warning to the Republican leaders of what they may expect if such an affront is offered to the farmers of the Nation.

We have not forgotten the shout that "Food will win the war," and the manner in which the farmers of America responded to that appeal will ever stand as an imperishable monument to their patriotism. And yet no sooner did the producers of wheat and livestock and of other farm commodities go to the rescue of their country in its hour of peril, when through the activities of Mr. Hoover as Food Administrator, prices were controlled or depressed to an extent that defrauded these producers out of hundreds of millions of dollars which justly belonged to them—and this at a time when the gunmakers and powder manufacturers and other suppliers of war material were rewarded on the notorious and indefensible plan of 10 per cent plus cost. That under these circumstances intelligent and responsible party leaders should seriously propose Mr. Hoover as a presidential nominee is hardly believable, and can be reconciled only upon the assumption that the farmers of this country possess neither memories nor self-respect.

We hereby serve notice on the leaders of both political parties that the farmers of the great food producing areas of the United States will look with extreme disfavor upon any candidate for presidential honors, whose past actions and present attitude brand him as unfriendly or unsympathetic toward the inequality with other industries under which we have been laboring the past seven years. Self-appointed leaders of both parties should realize that we have reached the point where political lines can be easily broken or even wiped out.

SHOOTING OF JACOB D. HANSON

Mr. COPELAND presented resolutions adopted by Batavia Lodge, No. 950, Benevolent and Protective Order of Elks, Batavia, N. Y., relative to the shooting of Jacob D. Hanson, which were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

BATAVIA LODGE NO. 950,
BENEVOLENT AND PROTECTIVE ORDER OF ELKS,
Batavia, N. Y., May 15, 1928.

We, the undersigned past exalted rulers of the Batavia Lodge of Elks, have been authorized to draft this resolution in the form of a

protest by the members of our lodge against the uncalled-for attack and shooting of one Jacob D. Hanson, secretary of the Niagara Falls Lodge of Elks, by two Coast Guardsmen in the employ of the United States Government, who made this attack on Brother Hanson on the Lewiston hill early Sunday morning, May 6.

We hereby characterize the shooting of Mr. Hanson as a most cruel and wanton act, without any reasonable excuse whatsoever in the conduct of these two Coast Guardsmen, who, we understand, were disguised in their form of dress so that they appeared as highwaymen rather than Government representatives.

Resolved, That the Batavia Lodge of Elks hereby protests to the United States Government against such methods as were employed by these Coast Guardsmen on the public highway. The shooting of Mr. Hanson was a most deplorable affair. He had a right on the highway, as have other citizens, without being molested, and we herewith appeal to our Government to cause a prompt investigation of all circumstances surrounding this tragedy and that those guilty of the crippling for life, if not death, of Mr. Hanson be punished accordingly; be it further

Resolved, That we, as Elks, together with all other good citizens of the State of New York and of the United States, are most desirous that the laws be lived up to, but that the methods employed, as in the case of Mr. Hanson, be immediately abolished and that the highways in our fair State be made safe for its citizens to travel upon without being molested or shot at.

ALBERT F. KLEPS,
WILLIAM H. COON,
JOSEPH M. QUIRK,
GEORGE W. BABCOCK,
Past Exalted Rulers.

"THE ASHURST AMENDMENT"

Mr. ASHURST presented letters relative to compensation of ex-service men of the World War, which were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

MAY 2, 1928.

Hon. FRANK T. HINES,
Director United States Veterans' Bureau,
Washington, D. C.

DEAR GENERAL HINES: When H. R. 12175 was pending in the Senate of the Sixty-ninth Congress I offered the following amendment, which amendment was adopted by the Senate and which became a part of Public, No. 448, and for the lack of a better description has come to be known as the Ashurst amendment, to wit:

"That any ex-service person shown to have had a tuberculosis disease of a compensable degree, who, in the judgment of the director, has reached a condition of complete arrest of his disease, shall receive compensation of not less than $50 per month: *Provided, however,* That nothing in this provision shall deny a beneficiary the right to receive a temporary total rating for six months after discharge from a one year's period of hospitalization: *Provided further,* That no payments under this provision shall be retroactive and the payments hereunder shall commence from the date of the passage of this act or the date the disease reaches a condition of arrest, whichever be the later date."

Will you please inform me as to the number of ex-service men now receiving compensation under the provisions of my amendment; and also please further advise me as to the gross sum of money (compensation) which to date has been paid to ex-service men under and by virtue of this Ashurst amendment?

Sincerely yours,

HENRY F. ASHURST.

WASHINGTON, *May 4, 1928.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

MY DEAR SENATOR ASHURST: This will acknowledge receipt of your letter of May 2, 1928, requesting information as to the number of beneficiaries, and the cost, under the provision allowing the $50 statutory award.

You are advised that 39,634 veterans are receiving this statutory award at the present time. To date this legislation has caused an expenditure of approximately $28,800,000.

Very truly yours,

FRANK T. HINES, *Director.*

REPORTS OF COMMITTEES

Mr. KING, from the Committee on the Judiciary, submitted the views of the minority to accompany the bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation, which was ordered to be printed as part 2 of Report No. 1180.

Mr. MOSES, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 2294) to amend the first paragraph of section 7 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925, reported it with amendments.

Mr. KENDRICK, from the Committee on Irrigation and Reclamation, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 4304) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project (Rept. No. 1184); and

A bill (S. 4305) to provide for the storage for diversion of the waters of the North Platte River and construction of the Saratoga reclamation project (Rept. No. 1185).

Mr. NYE, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 12038) to authorize the acquisition of certain patented land adjoining the Yosemite National Park boundary by exchange, and for other purposes, reported it without amendment and submitted a report (No. 1186) thereon.

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1314) to authorize the Secretary of War to secure for the United States title to certain private lands contiguous to and within the militia target range reservation, State of Utah (Rept. No. 1187); and

A bill (H. R. 12706) for the relief of the town of Springdale, Utah (Rept. No. 1188).

Mr. TYDINGS, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3632) for the relief of Commodore J. M. Moore, United States Coast Guard, retired (Rept. No. 1189);

A bill (H. R. 1406) granting six months' pay to Lucy B. Knox (Rept. No. 1190);

A bill (H. R. 2477) for the relief of Joseph S. Carroll (Rept. No. 1191); and

A bill (H. R. 2494) granting six months' pay to Vincentia V. Irwin (Rept. No. 1192).

Mr. SHEPPARD, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 4438) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind. (Rept. No. 1193);

A bill (S. 4439) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Evansville, Ind. (Rept. No. 1194);

A bill (H. R. 12031) to extend the times for commencing and completing the construction of a bridge across the Rio Grande River at or near a point 2 miles south of the town of Tornillo, Tex. (Rept. No. 1195);

A bill (H. R. 12100) to amend the act entitled "An act granting the consent of Congress to the Gateway Bridge Co. for construction of a bridge across the Rio Grande between Brownsville, Tex., and Matamoros, Mexico," approved February 26, 1926 (Rept. No. 1196);

A bill (H. R. 12571) granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Iuka, Ky. (Rept. No. 1197);

A bill (H. R. 12623) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Starks, La. (Rept. No. 1198);

A bill (H. R. 12806) authorizing J. H. Harvell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across New River at or near McCreery, Raleigh County, W. Va. (Rept. No. 1199); and

A bill (H. R. 12913) to extend the times for commencing and completing the construction of a bridge across the Allegheny River at or near the borough of Eldred, McKean County, Pa. (Rept. No. 1200).

Mr. SHEPPARD also, from the Committee on Commerce, to which was referred the bill (H. R. 12877) authorizing the Los Olmos International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Weslaco, Tex., reported it with an amendment and submitted a report (No. 1201) thereon.

Mr. SHEPPARD also (for Mr. DALE), from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 5475) authorizing the New Cumberland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Cumberland, W. Va. (Rept. No. 1202);

A bill (H. R. 11917) granting the consent of Congress to the county of Cook, State of Illinois, to widen, maintain, and operate the existing bridge across the Little Calumet River in Cook County, State of Illinois (Rept. No. 1203);

A bill (H. R. 11980) granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana (Rept. No. 1204); and

A bill (H. R. 12235) authorizing B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tenth Street in Betterndorf, State of Iowa (Rept. No. 1205).

Mr. HALE, from the Committee on Naval Affairs, to which were referred the following bill and joint resolution, reported them each with an amendment and submitted reports thereon:

A bill (H. R. 12694) authorizing the Secretary of the Navy to provide an escort for the bodies of deceased officers, enlisted men, and nurses (Rept. No. 1206); and

Joint resolution (H. J. Res. 47) for the relief of Mary M. Tilghman, former widow of Sergt. Frederick Coleman, deceased, United States Marine Corps (Rept. No. 1207).

Mr. SWANSON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 5910) for the relief of Ralph Ole Wright and Varina Belle Wright, reported it without amendment and submitted a report (No. 1208) thereon.

Mr. METCALF, from the Committee on Patents, to which was referred the bill (H. R. 5527) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, reported it without amendment and submitted a report (No. 1209) thereon.

Mr. NORBECK, from the Committee on Pensions, to which was referred the bill (H. R. 13563) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 1210) thereon.

Mr. THOMAS, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3484) for the conservation of rainfall in the United States, reported it without amendment and submitted a report (No. 1211) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills:

S. 1828. An act to amend the second paragraph of section 5 of the national defense act, as amended by the act of September 22, 1922, by adding thereto a provision that will authorize the names of certain graduates of the general service schools and of the Army War College, not at present eligible for selection to the General Staff Corps eligible list, to be added to that list;

S. 1829. An act to authorize the collection, in monthly installments, of indebtedness due the United States from enlisted men, and for other purposes;

S. 3463. An act to recognize commissioned service in the Philippine Constabulary in determining rights of officers of the Regular Army;

S. 3752. An act to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926; and

S. 4216. An act to authorize the adjustment and settlement of claims for armory drill pay.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STECK:

A bill (S. 4492) for the relief of Harry E. Craven; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 4493) to provide for the acquisition, improvement, equipment, management, operation, maintenance, and disposition of a civil air field and any appurtenances, inclusive of repairs, lighting and communication systems, and all structures of any kind deemed necessary and useful in connection therewith; to the Committee on the District of Columbia.

By Mr. NORRIS:

A bill (S. 4494) to establish Federal prison camps; to the Committee on the Judiciary.

By Mr. JOHNSON:

A bill (S. 4495) granting an increase of pension to Sallie C. Driscoll;

A bill (S. 4496) granting an increase of pension to Louise A. Sefert; and

A bill (S. 4497) granting an increase of pension to Samuel M. Thornburg; to the Committee on Pensions.

By Mr. WHEELER:

A bill (S. 4498) to amend section 19 of the World War veterans' act, 1924, as amended, to remove the bar of statutes of limitations in actions on insurance policies; to the Committee on Finance.

By Mr. COUZENS:

A bill (S. 4499) to apportion the electors in the election of President and Vice President and to enforce the provisions of Article II, section 1, clause 2, of the Constitution of the United States; to the Committee on the Judiciary.

By Mr. WATSON:

A bill (S. 4500) to amend paragraph (11) of section 20 of the interstate commerce act, as amended; to the Committee on Interstate Commerce.

By Mr. VANDENBERG:

A bill (S. 4501) to provide for the preservation of Fort Wayne as a national park and museum, to commemorate the winning of the Northwest Territory, and for other purposes; to the Committee on Military Affairs.

HOUSE BILL REFERRED

The bill (H. R. 13512) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924, was read twice by its title and referred to the Committee on Commerce.

AMENDMENT TO TAX REDUCTION BILL—CALL LOANS

Mr. NORBECK submitted an amendment intended to be proposed by him to House bill 1, the tax reduction bill, which was ordered to lie on the table and to be printed.

AMENDMENT OF COTTON FUTURES ACT

Mr. SMITH submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 4411) to amend the United States cotton futures act, approved August 11, 1916, as amended, by providing for the delivery of cotton tendered on futures contracts at certain designated spot-cotton markets, by defining and prohibiting manipulation, by providing for the designation of cotton-futures exchanges, and for other purposes, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL

Mr. JONES submitted an amendment intended to be proposed by him to House bill 13873, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

Insert at the proper place:

"Navy yard, Bremerton, Wash.: For construction of a dock and accessories:

"To enable the Secretary of the Navy to pay to Stilwell Bros. (Inc.), who were subcontractors under a fixed-unit-price contract, No. 2381, with the Bureau of Yards and Docks, for loss sustained by it in performance of said contract, $27,186.68, or so much thereof as may be shown by audit of the subcontractor's books by the Navy Department."

INVESTIGATION OF PUBLIC UTILITY VALUES IN THE DISTRICT

Mr. BLAINE submitted the following resolution (S. Res. 236), which was referred to the Committee on the District of Columbia:

Whereas valuation of the property of the Washington Railway & Electric Co. and its subsidiaries, the City & Surburban Railway of Washington, and the Georgetown & Tennallytown Railway Co., as decided December 4, 1919, by the Public Utilities Commission of the District of Columbia as then constituted has been protested by the carriers as not being representative of current conditions; and

Whereas a valuation of the Capital Traction Co. has been made, as decided September 4, 1919, by the aforesaid Public Utilities Commission of the District of Columbia, and being protested by the carrier was appealed in accordance with paragraph 64 of the act of March 4, 1913, creating the Public Utilities Commission of the District of Columbia, and a decree thereon has been entered by the Court of Appeals of the District of Columbia; and

Whereas the Washington Rapid Transit Co., a public utility operating in the District of Columbia, has not as yet been valued, although petitions fixing the rates for this carrier have been granted by the Public Utilities Commission of the District of Columbia; and

Whereas a valuation of the Potomac Electric Power Co. has been made and a report thereon published by the Public Utilities Commission of the District of Columbia and an order thereon entered March 21, 1917, said order being appealed to the courts and finally compromised before the Supreme Court of the District of Columbia in a decree entered the 31st day of December, 1924, with the consent of the parties, fixing a valuation and a rate of return of 7½ per cent thereon and a sliding scale of prices under which one-half the excess return above 7½ per cent is the property of the company; and

Whereas all of these valuations were made prior to the creation of Public Utilities Commission of the District of Columbia as constituted in the act of December 15, 1926, and prior to the provision of funds for conducting such inquiries as provided in the act of March 3, 1927; and

Whereas these valuations are based upon principles resulting in grave injustice to the users of the public utilities, and, further, that there is now pending before the Congress of the United States a resolution known as H. J. Res. 276, to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes, and the valuation of these properties correctly made is an important prerequisite to the approval of such a merger: Be it

Resolved, That the Interstate Commerce Commission is directed and shall investigate, ascertain, and report the value of all the property owned or used by the above-named public utilities in the District of Columbia for rate-making purposes and for purposes of consolidation or merger.

Further, the Interstate Commerce Commission is directed to determine the value of the properties sought to be merged by aforesaid H. J. Res. 276 as a single entity, with due consideration for the degree of depreciation in the property which it is proposed to dedicate as a unit to public service; be it further

Resolved, That the aforesaid Interstate Commerce Commission shall report to Congress as promptly as may be results of its findings.

PAYMENT OF TAXES IN VIEW OF DISCLOSURES

Mr. WALSH of Montana. Mr. President, I offer a resolution. I request that it be read, and I ask for its immediate consideration.

The resolution (S. Res. 235) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Joint Committee on Internal Revenue Taxation be, and it hereby is, requested to secure from the Secretary of the Treasury and submit to the two Houses of Congress full information concerning what taxes and penalties, if any, have been collected by or paid into the Treasury consequent upon disclosures made before the Committee on Public Lands and Surveys of the Senate in the course of the investigation conducted by it pursuant to Senate Resolution 101, or through inquiries prosecuted incidental to such investigation, including the date of payments, the amount of the same, and the persons making the payments; and likewise, in so far as it may not be incompatible with the public interest, further information concerning any claims or demands being made by the Treasury against any persons or corporations for taxes or penalties over and above such sums as may have been heretofore paid on account of the receipt of assets so disclosed and not duly reported for taxation as required by law.

PRISON-MADE GOODS

Mr. HAWES. Mr. President, I present a tabulation of the vote by States in the House of Representatives May 16, 1928, on the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, showing only 39 votes against the bill upon the roll call, which I ask may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Republicans in roman, Democrats in *italic*, Farmer-Labor in SMALL CAPS, Socialist in ROMAN CAPS.]

ALABAMA

(Yeas, 4; noes, 5)

John McDuffie, no; *Lister Hill*, no; *Henry B. Steagall*, yea; *Lamar Jeffers*, yea; *William B. Oliver*, no; *Miles C. Allgood*, no; *Edward B. Almon*, yea; *George Huddleston*, yea; *William B. Bankhead*, no.

ARIZONA

(Yea, 1)

Lewis W. Douglas (at large), yea.

ARKANSAS

(Yeas, 4)

William J. Driver, yea; *Heartsill Ragon*, yea; *James B. Reed*, yea; *Tilman B. Parks*, yea.

CALIFORNIA

(Yeas, 10)

Clarence F. Lea, yea; Harry L. Englebright, yea; Charles F. Curry, yea; Florence P. Kahn, yea; Richard J. Welch, yea; Albert E. Carter, yea; Arthur M. Free, yea; W. E. Evans, yea; Joe Crail, yea; Philip D. Swing, yea.

COLORADO

(Yeas, 4)

S. Harrison White, yea; Charles B. Timberlake, yea; Guy U. Hardy, yea; *Edward T. Taylor*, yea.

CONNECTICUT

(Noes, 5)

E. Hart Fenn, no; Richard P. Freeman, no; John Q. Tilson, no; Schuyler Merritt, no; James P. Glynn, no.

DELAWARE

(No, 1)

Robert G. Houston (at large), no.

FLORIDA

(Yea, 1)

R. A. Green, yea.

GEORGIA

(Yeas, 11)

Charles G. Edwards, yea; *E. E. Cox*, yea; *Charles R. Crisp*, yea; *William C. Wright*, yea; *Leslie J. Steele*, yea; *Samuel Rutherford*, yea; *Malcolm C. Tarver*, yea; *Charles H. Brand*, yea; *Thomas M. Bell*, yea; *Carl Vinson*, yea; *William C. Lankford*, yea.

IDAHO

(No, 1)

Burton L. French, no.

ILLINOIS

(Yeas, 20)

Morton D. Hull, yea; Elliott W. Sproul, yea; *Adolph J. Sabath*, yea; M. Alfred Michaelson, yea; Fred A. Britten, yea; Carl R. Chindblom, yea; John T. Buckbee, yea; William R. Johnson, yea; John C. Allen, yea; Edward J. King, yea; William E. Hull, yea; Homer W. Hall, yea; William P. Holaday, yea; Charles Adkins, yea; *Henry T. Rainey*, yea; *J. Earl Major*, yea; Ed. M. Irwin, yea; *William W. Arnold*, yea; Thomas S. Williams, yea; Edward E. Denison, yea.

INDIANA

(Yeas, 10; noes, 2)

Harry E. Rowbottom, yea; *Arthur H. Greenwood*, yea; *Frank Gardner*, yea; *Harry C. Canfield*, yea; Noble J. Johnson, yea; Richard N. Elliott, yea; Ralph E. Updike, sr., yea; Albert H. Vestal, yea; Fred S. Purnell, no; Albert R. Hall, yea; David Hogg, yea; Andrew J. Hickey, no.

IOWA

(Yeas, 8; noes, 1)

William F. Kopp, yea; F. D. Letts, yea; T. J. B. Robinson, yea; Gilbert N. Haugen, yea; Cyrenus Cole, yea; C. William Ramseyer, no; Cassius C. Dowell, yea; Lloyd Thurston, yea; L. J. Dickinson, yea.

KANSAS

(Yeas, 5; noes, 1)

U. S. Guyer, yea; W. H. Sproul, no; Homer Hoch, yea; James G. Strong, yea; Clifford R. Hope, yea; *William A. Ayres*, yea.

KENTUCKY

(Yeas, 7; noes, 2)

W. V. Gregory, yea; *David H. Kincheloe*, yea; *John W. Moore*, yea; *Henry D. Moorman*, yea; Maurice H. Thatcher, yea; *Orie S. Ware*, yea; *Virgil Chapman*, no; *Fred M. Vinson*, no; Katherine Langley, yea.

LOUISIANA

(Yeas, 8)

James O'Connor, yea; *J. Zach Spearing*, yea; *Whitmell P. Martin*, yea; *John N. Sandlin*, yea; *Riley J. Wilson*, yea; *Bolivar E. Kemp*, yea; *Rene L. De Rouen*, yea; *James B. Aswell*, yea.

MAINE

(Yeas, 4)

Carroll L. Beedy, yea; Wallace H. White, jr., yea; John E. Nelson, yea; Ira G. Hersey, yea.

MARYLAND

(Yeas, 3; noes, 1)

William P. Cole, jr., no; *Vincent L. Palmisano*, yea; *Stephen W. Gambrill*, yea; Frederick N. Zihlman, yea.

MASSACHUSETTS

(Yeas, 13)

Allen T. Treadway, yea; Frank H. Foss, yea; George R. Stobbs, yea; Edith Nourse Rogers, yea; *William P. Connery, jr.*, yea; Frederick W. Dallinger, yea; Charles L. Underhill, yea; *John J. Douglass*, yea; George Holden Tinkham, yea; Robert Luce, yea; Louis A. Frothingham, yea; Joseph W. Martin, jr., yea; Charles L. Gifford, yea.

MICHIGAN

(Yeas, 10)

Earl C. Michener, yea; Joseph L. Hooper, yea; John C. Ketcham, yea; Carl E. Mapes, yea; Louis C. Cramton, yea; Bird J. Vincent, yea; James C. McLaughlin, yea; Roy O. Woodruff, yea; Frank P. Bohn, yea; Clarence J. McLeod, yea.

MINNESOTA

(Yeas, 5; noes, 4)

Allen J. Furlow, no; Frank Clague, no; August H. Andresen, yea; Walter H. Newton, yea; Harold Knutson, no; O. J. KVALE, yea; WILLIAM L. CARSS, yea; C. G. Selvig, no; Godfrey G. Goodwin, yea.

MISSISSIPPI

(Yeas, 5; noes, 2)

John E. Rankin, yea; *B(ill) G. Lowrey*, yea; *W. M. Whittington*, no; *Jeff Busby*, no; *Ross A. Collins*, yea; *Percy E. Quin*, yea; *James W. Collier*, yea.

MISSOURI

(Yeas, 15)

M. A. Romjue, yea; *Ralph F. Lozier*, yea; *Jacob L. Milligan*, yea; Charles L. Faust, yea; *George H. Combs, jr.*, yea; *C. C. Dickinson*, yea; *Samuel C. Major*, yea; *William L. Nelson*, yea; *Clarence Cannon*, yea; Henry F. Niedringhaus, yea; *John J. Cochran*, yea; Leonidas C. Dyer, yea; *Clyde Williams*, yea; *James F. Fulbright*, yea; *Thomas L. Rubey*, yea.

MONTANA

(Yeas, 2)

John M. Evans, yea; Scott Leavitt, yea.

NEBRASKA

(Yeas, 5)

John H. Morehead, yea; Willis G. Sears, yea; *John N. Norton*, yea; *Ashton C. Shallenberger*, yea; Robert G. Simmons, yea.

NEVADA

(Yea, 1)

Samuel S. Arentz (at large), yea.

NEW HAMPSHIRE

(Noes, 2)

Fletcher Hale, no; Edward H. Wason, no.

NEW JERSEY

(Yea, 1)

Mary T. Norton, yea.

NEW MEXICO

(Yea, 1)

John Morrow (at large), yea.

NEW YORK

(Yeas, 34)

Robert L. Bacon, yea; *John J. Kindred*, yea; *George W. Lindsay*, yea; *Thomas H. Cullen*, yea; *Loring M. Black, jr.*, yea; *Andrew L. Somers*, yea; *Patrick J. Carley*, yea; *David J. O'Connell*, yea; *Emanuel Celler*, yea; *Anning S. Prall*, yea; *Samuel Dickstein*, yea; *William I. Sirovich*, yea; *John J. O'Connor*, yea; *William W. Cohen*, yea; *John F. Carew*, yea; Fiorello H. LaGuardia, yea; *Royal H. Weller*, yea; *Anthony J. Griffin*, yea; *James M. Fitzpatrick*, yea; J. Mayhew Wainwright, yea; Harcourt J. Pratt, yea; *Parker Corning*, yea; James S. Parker, yea; Frank Crowther, yea; Bertrand H. Snell, yea; Frederick M. Davenport, yea; John D. Clarke, yea; Clarence E. Hancock, yea; *Meyer Jacobstein*, yea; Archie D. Sanders, yea; S. Wallace Dempsey, yea; Clarence MacGregor, yea; *James M. Mead*, yea; Daniel A. Reed, yea.

NORTH CAROLINA

(Yeas, 6; noes, 2)

Lindsay Warren, no; *John H. Kerr*, no; *Charles L. Abernethy*, yea; *Edward W. Pou*, yea; *Charles M. Stedman*, yea; *William C. Hammer*, yea; *Robert L. Doughton*, yea; *Zebulon Weaver*, yea.

NORTH DAKOTA

(Yeas, 3)

Olger B. Burtness, yea; Thomas Hall, yea; James H. Sinclair, yea.

OHIO

(Yeas, 17)

Charles Tatgenhorst, jr., yea; W. T. Fitzgerald, yea; Charles J. Thompson, yea; Charles C. Kearns, yea; Charles Brand, yea; *Brooks Fletcher*, yea; W. W. Chalmers, yea; Thomas A. Jenkins, yea; John C. Speaks, yea; *Martin L. Davey*, yea; C. Ellis Moore, yea; *John McSweeney*, yea; William M. Morgan, yea. John G. Cooper, yea; *Charles A. Mooney*, yea; *Robert Crosser*, yea; Theodore E. Burton, yea.

OKLAHOMA

(Yeas, 8)

E. B. Howard, yea; *William W. Hastings*, yea; *Wilburn Cartwright*, yea; *Tom D. McKeown*, yea; *F. B. Swank*, yea; *Jed Johnson*, yea; *James V. McClintic*, yea; M. C. Garber, yea.

OREGON

(Yeas, 3)

Willis C. Hawley, yea; Nicholas J. Sinnott, yea; Franklin F. Korell, yea.

PENNSYLVANIA

(Yeas, 23)

Harry C. Ransley, yea; George A. Welsh, yea; George P. Darrow, yea; Henry W. Watson, yea; William W. Griest, yea; Laurence H. Watres, yea; *John J. Casey*, yea; Edgar R. Kiess, yea; Frederick W. Magrady, yea; I. H. Doutrich, yea; J. Russell Leech, yea; J. Banks Kurtz, yea; Franklin Menges, yea; J. Mitchell Chase, yea; Henry W. Temple, yea; Nathan L. Strong, yea; Thomas C. Cochran, yea; Milton W. Shreve, yea; *Everett Kent*, yea; Adam M. Wyant, yea; Stephen G. Porter, yea; Harry A. Estep, yea; Guy E. Campbell, yea.

RHODE ISLAND

(Noes, 2)

Clark Burdick, no; Richard S. Aldrich, no.

SOUTH CAROLINA

(Yeas, 4)

Thomas S. McMillan, yea; *John J. McSwain*, yea; *Allard H. Gasque*, yea; *Hampton P. Fulmer*, yea.

SOUTH DAKOTA

(Yeas, 2)

Charles A. Christopherson, yea; Royal C. Johnson, yea.

TENNESSEE

(Yeas, 9)

B. Carroll Reece, yea; J. Will Taylor, yea; *S. D. McReynolds*, yea; *Cordell Hull*, yea; *Ewin L. Davis*, yea; *Joseph W. Byrns*, yea; *Edward E. Eslick*, yea; *Gordon Browning*, yea; *Finis J. Garrett*, yea.

TEXAS

(Yeas, 12)

John C. Box, yea; *Morgan G. Sanders*, yea; *Hatton W. Sumners*, yea; *Luther A. Johnson*, yea; *Clay Stone Briggs*, yea; *Daniel E. Garrett*, yea; *Joseph J. Mansfield*, yea; *James P. Buchanan*, yea; *Fritz G. Lanham*, yea; *Guinn Williams*, yea; *John N. Garner*, yea; *Marvin Jones*, yea.

UTAH

(Yeas, 2)

Don B. Colton, yea; Elmer O. Leatherwood, yea.

VERMONT

(No, 1)

Elbert S. Brigham, no.

VIRGINIA

(Yeas, 3; noes, 7)

Schuyler Otis Bland, no; *Joseph T. Deal*, no; *Andrew J. Montague*, no; *Patrick Henry Drewry*, yea; *Joseph Whitehead*, yea; *Clifton A. Woodrum*, no; *Thomas W. Harrison*, no; *R. Walton Moore*, yea; *George C. Perry*, no; *Henry St. George Tucker*, no.

WASHINGTON

(Yea, 4)

John F. Miller, yea; Lindley H. Hadley, yea; John W. Summers, yea; *Sam B. Hill*, yea.

WEST VIRGINIA

(Yeas, 3)

Frank L. Bowman, yea; *William S. O'Brien*, yea; E. T. England, yea.

WISCONSIN

(Yeas, 10)

Henry Allen Cooper, yea; Charles A. Kading, yea; John C. Schafer, yea; VICTOR L. BERGER, yea; Florian Lampert, yea; Joseph D. Beck, yea; Edward E. Browne, yea; George J. Schneider, yea; James A. Frear, yea; Hubert H. Peavey, yea.

WYOMING

(Yea, 1)

Charles E. Winter (at large), yea.

TOTALS

For the passage of bill, 303; against passage of bill, 39.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. NORRIS. Mr. President, I offer the amendment which I send to the desk, and ask that it may be read.

The VICE PRESIDENT. The amendment will be read.

The CHIEF CLERK. On page 48, line 23, after the word "title," strike out all down to and including line 26, on page 48, and in lieu thereof insert:

shall be open to examination and inspection as other public records under the same rules and regulations as may govern the examination of public documents generally.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SACKETT in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McLean	Shortridge
Barkley	Gerry	McMaster	Simmons
Bayard	Gillett	McNary	Smoot
Black	Glass	Metcalf	Steck
Blaine	Goff	Moses	Steiwer
Borah	Greene	Neely	Stephens
Bratton	Hale	Norbeck	Swanson
Brookhart	Harris	Norris	Thomas
Broussard	Harrison	Nye	Tydings
Bruce	Hawes	Oddie	Tyson
Capper	Hayden	Overman	Vandenberg
Caraway	Heflin	Phipps	Wagner
Copeland	Howell	Ransdell	Walsh, Mass.
Couzens	Johnson	Reed, Mo.	Walsh, Mont.
Curtis	Jones	Reed, Pa.	Warren
Cutting	Kendrick	Robinson, Ark.	Waterman
Deneen	King	Sackett	Watson
Dill	La Follette	Schall	Wheeler
Fess	Locher	Sheppard	
Fletcher	McKellar	Shipstead	

Mr. GERRY. I desire to announce that the junior Senator from New Jersey [Mr. EDWARDS] is detained from the Senate by illness in his family. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Seventy-eight Senators having answered to their names, a quorum is present.

Mr. NEELY obtained the floor.

Mr. WATSON. Mr. President, will the Senator yield to me for a moment?

Mr. NEELY. I yield to the Senator from Indiana.

Mr. NORRIS. Mr. President, before the quorum call, I will state to the Senator from West Virginia [Mr. NEELY] that I had offered an amendment to the tax bill which is now the pending amendment. While the clerk was calling the roll the Senator from New York [Mr. COPELAND] informed me that he has to leave the city this afternoon at 3 o'clock and he has one or two amendments that he wishes to offer and dispose of before he leaves.

Mr. COPELAND. I understand the remarks of the Senator from West Virginia will be very brief.

Mr. NORRIS. I am not finding fault with the Senator.

Mr. NEELY. I want to be accommodating not only to the Senator from New York but to all other Senators. I yield to the Senator from Indiana.

PROPOSED BITUMINOUS COAL COMMISSION

Mr. WATSON. Mr. President, I ask unanimous consent, out of order, to introduce a bill and to make a brief statement with reference to it.

Mr. SMOOT. Will it lead to any discussion?

Mr. WATSON. There can be no discussion. I am merely introducing a bill.

Mr. SMOOT. Very well.

Mr. WATSON. Some three months ago the Senator from California [Mr. JOHNSON] introduced a resolution to investigate the conditions in the coal industry in certain States. For the last three months the Committee on Interstate Commerce has been having hearings on that subject, having concluded them yesterday. There was not as much difficulty in diagnosing the disease as in prescribing the proper remedy. Always the question in the mind of every committeeman, as well as in the minds of all who attended the hearings, was, granting all these things are true, what do we intend to do about them? It was suggested that each phase of the industry represented in the investigation or in the industry or in the transportation of coal or in the ownership of the mines or among the miners themselves should prepare a bill, putting on paper the ideas of that particular branch of the industry as to what is the proper remedy.

Pursuant to that request the United Mine Workers, through their very competent counsel, Mr. Henry Warrum, with such aid and assistance as he cared to call in, formulated a bill. It is that bill that I am now introducing, together with a report also formulated by them, setting forth what they desire to accomplish by means of this bill if it shall be enacted into law. The bill is introduced purely as a basis of argument for the future; it is not intended as a finality, but is what the miners think would be a proper remedy for the difficulties in which this industry is involved. Other bills, I am told, will be formulated by other branches of the industry and will be presented at a later date; but with that understanding I desire at this time to introduce this measure.

The bill (S. 4490) to regulate interstate and foreign commerce in bituminous coal; provide for consolidations, mergers, and cooperative marketing; regulate the fuel supply of interstate carriers; require the licensing of corporations producing and shipping coal in interstate commerce; and to create a bituminous-coal commission, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. JOHNSON. Mr. President, as the author of and one deeply interested in the resolution for the investigation of conditions in the coal-mining industry and in the coal-mining regions, I want to express for myself personally and for those for whom I acted in presenting the resolution our gratitude and our appreciation to the Interstate Commerce Committee and to the chairman of that committee for the able, courageous, and painstaking way in which that investigation has been conducted, and for their fairness in ultimately reaching their conclusions. We feel—all of us who are interested in that resolution and in the conditions existing—a debt of gratitude to that committee and to its chairman that we never can repay.

Mr. WATSON. I thank the Senator.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. NEELY. Mr. President, I yield to the Senator from New York.

Mr. COPELAND. Mr. President, taking advantage of the kindness of the Senator from Nebraska [Mr. NORRIS], who has agreed to withhold action on his amendment, I send, in order that it may be pending, an amendment which we may consider when the revenue bill shall be regularly taken up.

The PRESIDING OFFICER. The amendment of the Senator from Nebraska is the pending amendment.

Mr. NORRIS. In order to accommodate the Senator from New York I temporarily withdraw my amendment with the idea of offering it as soon as we get through with his amendment.

The PRESIDING OFFICER. The amendment proposed by the Senator from New York will be read.

The CHIEF CLERK. On page 22, line 3, after the word "trade," it is proposed to insert the word "profession"; on page 22, line 3, after the word "business," to insert "or in attending meetings of trades, professional or business organizations of which the taxpayer is a member"; and on page 22, line 7, after the word "trade," to insert the word "profession."

PROMOTIONS IN THE ARMY

Mr. REED of Pennsylvania. Mr. President, on yesterday there was laid before the Senate the amendments of the House of Representatives to the bill (S. 4235) to amend section 12 of the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes, approved July 2, 1926. The House amendment to the body of the bill is somewhat extensive, and at my request the bill and the amendments, the other amendment being an amendment to the title, were referred to the Committee on Military Affairs. By direction of that committee, I report the bill and amendments back to the Senate to-day and move that the Senate disagree to the House amendments, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania.

Mr. ROBINSON of Arkansas. Mr. President, pending action on the motion of the Senator from Pennsylvania, I inquire whether the Senator has considered the advisability of concurring in the House amendments?

Mr. REED of Pennsylvania. The main House amendment goes pretty far. It takes care of seven pioneer aviators who were qualified prior to 1913 and gives them a retirement pay which is greater than the active service pay of officers of the same grade not on flying duty. It also confers certain benefits on aviators who were distinguished during the war. It seemed

desirable that a further study of the matter should be made before the Senate should concur in the House amendment.

Mr. ROBINSON of Arkansas. I shall not oppose the motion of the Senator from Pennsylvania. I hope, however, that it will be possible for the conferees to reach an agreement which may be acted upon before the end of the session. I believe that the House amendment is a meritorious proposal, and I trust that the Senate conferees will agree to it if possible.

Mr. REED of Pennsylvania. I ought to say also that the House amendment contains some typographical misprints, which it will be easier to correct, perhaps, in conference.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania that the Senate disagree to the amendments of the House of Representatives, ask for a conference with the House on the disagreeing votes of the two Houses, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER conferees on the part of the Senate.

Mr. NEELY. Mr. President, will those in the rear please be kind enough to discontinue their audible conservation or retire to the cloakroom?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBINSON of Arkansas. Mr. President, the Sergeant at Arms ought to be instructed to request Senators who are carrying on conversation to the disturbance of the Senate to retire or to cease conversation.

The PRESIDING OFFICER. The Sergeant at Arms will be so instructed. The Senator from West Virginia will proceed.

CANCER—HUMANITY'S MOST DEADLY SCOURGE

Mr. NEELY. Mr. President, the concluding chapter of that fascinating, thrilling, and instructive masterpiece by Charles Dickens, entitled "A Tale of Two Cities," contains a vivid description of the guillotine, the most efficacious mechanical destroyer of human life that brutal and bloodthirsty man has ever invented. Mr. Dickens says that—

> All the insatiate and devouring monsters imagined since imagination could record itself are fused in the realization—guillotine.

But through all the years the victims of the guillotine have been limited to a few hundred thousands of the people of France.

I purpose to speak of a monster that is more insatiate than the guillotine; more destructive to life and health and happiness than the World War; more irresistible than the mightiest army that ever marched to battle; more terrifying than any other scourge that has ever threatened the existence of the human race. The monster of which I speak has infested and still infests every inhabited country, it has preyed and still preys upon every nation; it has fed and feasted and fattened, and still feeds and feasts and fattens, on the flesh and blood and brains and bones of men and women in every land. The sighs and sobs and shrieks that it has extorted from perishing humanity would, if they were tangible things, make a mountain. The tears that it has wrung from weeping women's eyes would make an ocean. The blood that it has shed would redden every wave that rolls on every sea. The name of this loathsome, deadly, and insatiate monster is "cancer." It is older than the human race. Evidence of cancer has been found in the fossil remains of a serpent that is supposed to have lived millions of years ago. Records made on papyri by the ancient Egyptians show that the cancer curse was known in the Valley of the Nile more than 2,000 years before the birth of Christ.

Medical science has conquered yellow fever, diphtheria, typhoid, and smallpox. Medical science has robbed even leprosy and tuberculosis of their terrors. But in spite of all that physicians, surgeons, chemists, biologists, and all other scientists have done, cancer remains the unconquered, the unconquerable, and defiant foe of the human race. It is to-day more menacing and deadly and irresistible than ever before.

The naked facts and figures which record the rapid, progressive, and persistent advance of this frightful scourge are so appalling as to render superfluous any attempt to emphasize the tale of horror that they tell.

For example, in Great Britain the death rate from cancer in the year 1850 was 274 for each million of the population. During the next 50 years this death rate increased 288 per cent; and in the first year of this century of every million Britons 800 died of cancer. Subsequently for each million of the British population deaths from cancer have been as follows:

For the year—	
1905	866
1910	939
1915	1,054
1920	1,179
1923	1,267

Thus it appears that during the 73 years between 1850 and 1923 the cancer death rate in the great English-speaking country across the sea increased more than 462 per cent.

In the year 1921 the registration area of the United States contained 82.2 per cent, and in 1926, 89.8 per cent of our entire population. In this area our yearly deaths from cancer during the period just indicated were as follows:

1921	76,274
1922	80,938
1923	86,754
1924	91,138
1925	95,504
1926 (the last year reported)	99,833

Stated in another way, the death rate from cancer in the area under consideration was for each hundred thousand of our population, including all ages, as follows: 1921, 86; 1922, 86.8; 1923, 89.4; 1924, 91.9; 1925, 92.6; 1926, 94.9.

In other words, from 1921 to 1926 in the registration area of the United States the annual cancer death rate mounted from 86 for each hundred thousand population, including all ages, to 94.9. But it should be borne in mind that cancer is comparatively rare in both men and women who are under 40 years of age. Accordingly, in order to appreciate the full significance of cancer's ruthless devastation, one must consider it in relation to those who are 40 years old or older.

Accurate statistics as to the ravages of cancer in the United States previous to the year 1900 are not available. But for that year and all subsequent years to and including 1926 such statistics are available for what are known as the 10 original registration States, namely, Connecticut, Indiana, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. The population of these 10 original registration States was in 1900 almost 20,000,000 and more than 27,000,000, or almost a fourth of the population of the entire country, in 1920.

The United States Public Health Service has issued a bulletin entitled "Cancer Mortality," from which it appears that the death rate in the original registration area for each hundred thousand of the population aged 40 years or more from 1900 to and including 1920 is as follows:

Year:	Cancer, all forms
1900	212.0
1901	218.1
1902	217.4
1903	227.9
1904	232.2
1905	238.8
1906	240.0
1907	248.5
1908	251.0
1909	259.0
1910	270.8
1911	273.8
1912	278.0
1913	286.0
1914	286.0
1915	293.2
1916	300.0
1917	301.4
1918	299.7
1919	302.3
1920	311.4

The most conservative cancer statisticians say that more than a hundred and ten thousand, and perhaps as many as a hundred and twenty-five thousand, people died of cancer in the United States during the year 1927, for which complete statistics are not yet available.

At first blush these cold facts and figures may make little impression on the mind of a public official who is charged with no particular responsibility to solve the cancer problem. But upon serious reflection they must challenge the earnest consideration of everyone who is sufficiently thoughtful to be interested in perpetuating the human race.

If the rapid increase in cancer fatalities should persist in the future as it has persisted in the past, the cancer curse would in a few centuries depopulate the earth.

Because of the unusual susceptibility of the female breast and organs of reproduction to cancer, about 60 per cent of all who succumb to this scourge are women, while only about 40 per cent are men.

Assuming that all who are known to have died from cancer in the United States in the year 1926 were of average height and that 60 per cent of the victims were females and 40 per cent males, and further assuming that they were all placed in a straight line, that line would be more than a hundred miles long.

If these victims were laid in a double line side by side, the line would extend from Washington to Baltimore and 10 miles beyond.

Do the Members of the Senate realize that every month more than 8,000 of the American people die of cancer; that every day in the year cancer robs 277 of our people of their precious lives; that, on the average, cancer murders 11 of the people of the United States during every hour of every day; that every time the clock ticks off 5 minutes and 30 seconds somebody's father or mother, brother or sister, or daughter or son is by the cancer curse sent to the dissolution of the grave?

The fact that cancer is everywhere claiming greater and greater multitudes of victims every day is in itself sufficiently terrifying. But even more horrible is the fact that in its later stages cancer inflicts upon its wretched victims suffering greater than any other disease can entail, torture more excruciating than any ever devised by American Indians, agony more intolerable than any ever inflicted by the fanatical fiends of the Dark Ages.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from New York?

Mr. NEELY. I do.

Mr. COPELAND. There is no suffering in the world equal to the torture of cancer. The Senator has put it strongly; but he could not choose words strong enough to express the suffering of the human beings with that terrible disease.

Mr. NEELY. I thank the able Senator and eminent physician from New York for approving and emphasizing what I have said.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Maryland?

Mr. NEELY. I yield.

Mr. BRUCE. It is also true, of course, that all this suffering is to a very great extent alleviated by anodynes.

Mr. NEELY. That is true; but it is also unfortunately true that the dying victim of cancer must be given enough opiates to make him unconscious in order to relieve his pain.

Mr. BRUCE. If the Senator will allow me to make another interruption in the course of his most interesting address, which I have been following with the closest attention, after all is not this supposed increase in cancer due to what might be called the high visibility of cancer under the conditions of modern research?

When I was a boy, very great numbers of people died of cancer without ever knowing that they had cancer. Even the doctors, especially country doctors, sometimes, when they found that a man was about to succomb to a mortal disease, would not trouble themselves very much about the causation of his condition. It seems to me those are considerations that ought to be taken into account.

Mr. NEELY. The medical profession has been quite capable of diagnosing cancer accurately in most cases for more than 20 years. Unfortunately the cancer victim only too frequently fails to give the surgeon a chance until it is too late.

Mr. BRUCE. Yes; I suppose that is true.

Mr. COPELAND. Mr. President, would it disturb the Senator if I said one word more?

Mr. NEELY. No; I gladly yield to the Senator from New York.

Mr. COPELAND. The Senator from Maryland raises an interesting question. Undoubtedly it is true that with the improved means of diagnosis physicians now discover cancer when the old-time physician did not know what was the matter; but, as the Senator from West Virginia [Mr. NEELY] says, during the past 10 or 15 or 20 years we have been in a sense at a standstill in our progress and knowledge of how to recognize cancer. Excluding all the hopefulness that we might build up in our hearts that it is really because we know more, it is undoubtedly true that cancer is on the increase. Whether due to our habits of civilization or what it may be, without going into any detail as to why, the fact remains that cancer is increasing.

Just one other word before I sit down.

The Senator from Maryland speaks about the use of the opiate. Of course, by increasing doses of those narcotics it is possible for a time to control the pain and suffering of cancer; but the time comes when the doses taken are so poisonous that death would come from the administration of the narcotic. In other words, the time comes when the narcotic can no longer give relief; and so, in the end, the patient dies in excruciating agony.

Mr. NEELY. Mr. President, I hold in my hand Hoffman's illuminating and exhaustive work, entitled "The Mortality from Cancer Throughout the World." The able author of this volume says that the death rate from cancer has doubled in the United States in 40 years.

Another element of alarm that obtrudes itself into the consideration of the cancer problem is found in the fact that this frightful disease, in a large percentage of cases, steals upon its victims like a thief in the dead of the night. In the beginning cancer is usually painless. Consequently it frequently progresses to the hopeless stage before its existence is certainly known.

In spite of all that countless self-sacrificing physicians and surgeons and other scientists have done, and tried to do, cancer in its advanced stages is still the most mysterious and incurable of diseases, and humanity's most deadly foe. Indeed, the only known certain cure for cancer, even in its early stages, is to be found only in the application of the surgeon's knife.

For the benefit of those who are more inclined to think in terms of dollars and cents than in terms of humanity, attention is invited to the fact that the people of the United States suffer from the ravages of cancer an annual financial loss of more than three-fourths of a billion dollars. The following article which appeared in the New York Times for the 6th day of May, 1928, convincingly speaks to the point as follows:

CANCER LOSS IN 1927 PUT AT $800,000,000—DR. LUIS I. DUBLIN ESTIMATES ECONOMIC VALUE OF PERSONS WHO DIED AT $680,000,000

Establishing an economic loss as great as if 300,000 workingmen had been idle for a year, cancer in 1927 was responsible for a monetary loss of approximately $800,000,000, according to Dr. Luis I. Dublin, statistician of the Metropolitan Life Insurance Co. He said that $680,000,000 represented the monetary value of persons dying from this disease and $110,000,000 was spent caring for the victims.

The current year undoubtedly will see a greater economic loss and a greater amount of suffering, since the number of deaths from cancer is steadily increasing, according to Doctor Dublin. Cancer is a condition which usually occurs late in life, toward the end of the economically productive period, he added. However, a very considerable number of deaths occur earlier in life than is commonly supposed.

"We find, for example," said Doctor Dublin, "that under 25 years of age there are every year about 1,600 deaths from cancer, involving losses of $38,000,000; between 25 and 35 close to 3,000 deaths, amounting to $62,000,000; between 35 and 45 the deaths number 10,000, with losses of $160,000,000, and so on up to 75, where we estimate that the money value—that is, the earning power—of the average man is no longer appreciable. The important thing to remember is that the total runs up to $680,000,000.

"This is a considerable sum of money and represents a tenth of the total value of all iron and steel manufactured in the United States; it is as much as the total current income of the State of Louisiana."

Doctor Dublin estimates that care and medicine cost $1,000 a case. This means that the 110,000 cancer deaths last year involved a loss of $110,000,000, which added to the $680,000,000 means practically $800,000,000.

Sad to relate, practically every other civilized country is suffering as severely as our own from the world-wide cancer scourge. It is estimated that the deaths from cancer in the entire world now reach the grand total of three-fourths of a million a year.

And what is being done to check the advance of this all-devouring insatiate monster?

The best available figures indicate that the total governmental appropriations of the world to combat cancer now amount to only $400,000 a year. That this sum is not only ridiculously inadequate but pitiable in the extreme no intelligent person will deny. In spite of cancer's ravages and the suffering it has wrought among the people of the United States, in spite of cancer's awful desolation which has reached almost every family in the land to this moment our Government has never appropriated a dollar or even a cent to be used exclusively in warring against this hideous disease.

On the 4th day of February, 1927, I introduced in the Senate the first bill that was ever offered in either House of Congress for the purpose of obtaining governmental assistance in solving the cancer problem. That bill proposed a reward of $5,000,000 to the first person who discovered a practical and successful cure for cancer. The great press associations generously carried the news of the introduction of that bill around the world. Within a year after I introduced that measure I received almost 2,500 letters informing me that their writers possessed infallible cancer cures. These letters came from every country on the globe.

Let me read the following of these letters, which are fairly representative of all the rest.

DAYTON, OHIO, *February 5, 1927.*

DEAR SIR: In reading the paper, I saw a reward for the cure of a cancer. Not that I am after the money, but just to show you what the Lord will do, I am sending an anointed handkerchief, and if you

will do as I tell you, you will be cured of that disease. Now, just lay it over the cancer in the name of Jesus, and it is healed if you will believe it. If this doesn't do you any good, it is because you have no faith. * * *

Mrs. C. J.

SAND SPRINGS, OKLA., *May 9, 1927.*

Senator NEELY.

DEAR SIR: In reply to your ad. in Capper's Weekly, I am sending you a cure for cancer, as follows:

External only; 10 grains arsenic, white of 1 egg, enough soot from wood stove to make a thick paste; apply twice a day on cancer.

* * * * * * *

Mrs. I. R.

WORCESTER, C. P., SOUTH AFRICA.

DEAR SIR: In writing on an advertisement of our South African newspaper of March, 1927, offering £1,000,000 for giving the best receipt for cancer, drink mixed herbs for working the cancer out of the body and blood. Take 1 ounce boggo, 2 ounces stonecflower, 2 ounces wild vineyard to a bottle of boiling water; let draw for 10 or 15 minutes; let set cold; take three times a tablespoonful a day. No meat or any salt fish may be taken when drinking this mixture. Also no strong drinks may be taken, such as wine and brandy.

For healing an open cancer wound take 2 ounces beeswax, 2 ounces castor oil, 4 or 6 ounces kraal bosch; fry together for 15 minutes; let cool; use two times a day. The wounds must be cleaned with warm water before using the salve.

Dear sir, my hope and longing are to receive a reply from you on this receipt.

Yours faithfully,

Mr. J. B. G——— ———,

30 Mylne Street, Worcester, C. P., South Africa.

Letters like the foregoing convinced me that the plan to offer a reward for a cancer cure set forth in my bill was imperfect, if not utterly futile.

My experience with the quacks who wrote to me only increased my sympathy for all the unfortunate cancer victims who fall into the hands of the countless charlatans of the country.

But burning with a desire to aid, if possible, in relieving humanity of the cancer curse, and believing with Edmund Burke that even the attempt to render a great service to mankind—

would ennoble the flights of the highest genius and obtain pardon for the efforts of the meanest understanding,

I next sought the counsel and advice of some of those who are recognized as great authorities on cancer.

Dr. Joseph Bloodgood, of Johns Hopkins University, one of the greatest, if not the greatest cancer surgeon in the world, and one of the most princely men I have ever had the good fortune to know, has, with a reckless disregard of his own precious time, conferred with me at length again and again, and most generously given me his wise counsel and advice in my quest of means by which the Government could properly and effectually aid in solving the perplexing cancer problem.

Through Doctor Bloodgood's kindness I was permitted to participate in a meeting in his home in Baltimore at which the following eminent persons besides my host were present: Dr. J. B. Murphy, of the Rockefeller Institute; Prof. Raymond Pearl, Drs. Roland Park, Thomas S. Cullen, Warren H. Lewis, Lewis H. Weed, William Mansfield Clark, James S. Ames, George A. Stewart, and Mr. Merrill Stout.

After an entire evening's deliberation and discussion, it was unanimously decided by those present that the best method of beginning the offensive against the aggressive and deadly cancer foe lay in the introduction of a bill to authorize the National Academy of Sciences to investigate the entire cancer subject and report to Congress in what manner the Federal Government could assist in coordinating all cancer research and in conquering this most mysterious and destructive disease. The National Academy of Sciences was selected as the proper organization to make the investigation for the reason that it is composed of the most eminent doctors, chemists, biologists, and other scientists in the country.

The meeting in question was mindful of the fact that in the year 1915, when the constantly recurring slides threatened to destroy the Panama Canal, the National Academy of Sciences had, at the request of the President, promptly solved that problem. It was further believed that those composing the National Academy of Science possessed in the aggregate more knowledge that might be useful in discovering a cancer cure than was possessed by any other organization.

Acting upon the unanimous recommendation of those who participated in the meeting in Doctor Bloodgood's home, I introduced Senate bill No. 3554, which authorizes the National Academy of Sciences to make the investigation and report described in the bill. An appropriation of $100,000 was proposed to cover the actual necessary expenses of the work. The bill was referred to the Committee on Education and Labor, which has amended the measure by reducing the proposed appropriation from $100,000 to $75,000. With this amendment the bill was unanimously reported from the committee and placed on the Senate Calendar.

A single Member of the Senate has informed me that he opposes my bill in its present form for the reason that he believes that the United States Public Health Service should be authorized to participate in the proposed work. After familiarizing myself with the recent accomplishments of the Public Health Service, and particularly after studying the remarkable achievements of Dr. J. W. Schereschewsky, of the Health Service, in experimenting with malignant tumors in mice and in successfully inoculating chickens with the Rous fowl sarcomas, and in a number of cases curing the artificially developed sarcomas by the action of "an intense electrostatic field, excited by high frequency oscillations," I became convinced that the Public Health Service should aid in making the investigation and report proposed in my bill.

The work in cancer research recently done by the Public Health Service without any specific appropriation for the purpose is, or at least may be, of great value. And let it be observed in passing that the great Public Health Service has never been supplied sufficient appropriations to carry on the important work to which it is most industriously applying itself. For instance, for the current year the service is not given a dollar for the specific purpose of cancer research.

In order to provide that the work contemplated in my bill shall be done by the Public Health Service and the National Academy of Sciences jointly, I shall later offer certain amendments and ask that they be adopted by unanimous consent.

The only effect of the adoption of these amendments will be to have the contemplated work done by the Academy of Sciences and Public Health Service jointly instead of by the National Academy of Sciences alone, and reduce the proposed appropriation from $75,000 to $50,000.

Let me implore the Senate to pass this bill to-day and without a dissenting vote, to the end that the Congress may soon be informed how the Federal Government can assist in solving the cancer problem that is costing the United States almost $800,000,000 a year, destroying more than a hundred thousand lives a year, and inflicting more suffering and agony upon the American people than all the other diseases known to humanity.

During the last Congress we appropriated $10,000,000 to eradicate the corn borer. For the present fiscal year we appropriated for the investigation of tuberculosis and paratuberculosis in animals more than $5,000,000; for meat inspection, more than $2,000,000; for the improvement of cereals, more than $700,000; for the investigation of insects affecting deciduous fruits, vineyards, and nuts, more than $130,000. I favored and supported all of these appropriations, and countless other appropriations of a similar nature.

But in view of our unequaled liberality in protecting our domestic animals against every sort of disease and pest, and in view of the vast expenditures we have made in protecting every species of food-yielding plant and tree, and in further view of the fact that the Government has never yet appropriated a dollar for the particular purpose of combatting cancer, I beg, in the name of all the vast hosts of cancer victims living and dead, for an appropriation that will make it possible for the work of rescuing suffering and perishing humanity from this frightful scourge immediately to begin.

If you should ask what the Public Health Service and the National Academy of Sciences will be able to do with this awful problem, I should answer that, in detail, I do not pretend to know. But the indomitable spirit of Americanism that impelled Grant to say, "I propose to fight it out along this line"; Lawrence to say, "Don't give up the ship"; Hale to say, "I only regret that I have but one life to lose for my country"; Webster to say, "Nothing is impossible at Bunker Hill"; that matchless and magnificent American spirit, bold, unterrified, and unafraid, always exalted and glorified by serving the suffering and the distressed, will impel and enable these two great organizations to formulate plans and suggest ways and means to eradicate cancer, the unspeakable horror of horrors, and to save humanity from the greatest tragedy since Calvary; from the greatest curse that has ever been visited upon the children of men.

I now ask unanimous consent for five minutes in which to perfect the amendments and pass this bill.

Mr. RANSDELL. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. RANSDELL. I want first to say that I have listened with very great interest to the unusually fine speech of the Senator from West Virginia. I think he has made a real contribution to a subject of the greatest national importance, and I sincerely hope the amendment which he proposes to introduce, which, as I understand, will include the Public Health Service along with the Academy of Sciences, may be adopted.

I would like to state that the Committee on Commerce this morning authorized a favorable report on a bill which I had the honor to introduce, Senate bill 3391, to establish and operate a national institute of health, create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes. The Senator will note that the institute is not limited to any one disease, but takes in all the ills that flesh is heir to. I am delighted to know that the Senator himself is striving so hard to overcome the very worst disease which we have in America to-day, the awful disease of cancer.

I did not hear the Senator mention a very interesting book I read the other day, entitled "The Chemistry of Health," by Professor Green, of Notre Dame University. Among other things, he says in this extremely interesting book, which I commend to all Senators who wish something fine, that cancer is a dietary disease; that it is caused almost entirely by improper diet and improper elimination. He calls attention to the fact that savage peoples do not have cancer; that it is a disease almost entirely of civilization; and that if we would pay proper attention to health we would avoid having this awful disease. I wish the Senator Godspeed in his splendid efforts.

Mr. SMOOT. Mr. President, I virtually agreed with a number of Senators that we would allow no legislation to-day. Will the Senator let this matter go until a little later in the day, toward the close of the session? I assure the Senator that I am in full sympathy with his proposal, and if I can assist him in passing the bill to-day or later, I shall do so.

Mr. NEELY. I thank the Senator, and withdraw my request for the present, but I shall vigorously renew it before the end of the day.

Before I take my seat I ask unanimous consent to insert in the RECORD an article from the Pathfinder, one of the greatest American periodicals, entitled, "Cancer."

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[From The Pathfinder, February 26, 1927]

CANCER

Senator NEELY, of West Virginia, has introduced a bill in Congress which would authorize the Government to offer a $5,000,000 prize for a cancer cure. In view of the fact that many monetary rewards—not to speak of the satisfaction in rendering a great service to mankind—already await the first person to demonstrate a successful cure, we are not prepared to say whether such a huge money consideration is advisable.

The Cancer Research Society of Brooklyn, N. Y., has offered a $100,000 prize for some time. A similar amount is posted by Lord Atholston, proprietor of the Montreal Star, and a $50,000 reward has been put up by Sir William Veno of Manchester, England, not to mention the annual Jung prize of $500 for cancer research.

However, we do unhesitatingly commend Mr. NEELY'S desire to interest the Government more in combating this great scourge. He proposes to create a Federal commission to pass on the many claimed "cures." The commission would be made up of three eminent scientists, to be appointed by the President, who have enough public spirit to serve without pay. They would have the power to enlist the aid of one or more Government agencies in trying to solve the cancer problem.

The Government has not given as much attention as it might to the physical ills of mankind. The public, too, has been somewhat indifferent. Mr. NEELY is disappointed that, since the introduction of his bill, "the three so-called great press associations have been so busy informing the country about a mechanical bull fight in New Jersey and other matters of similar importance that they have been unable to give more than passing notice to the matter involved in the proposed legislation." But this is natural.

People have an aversion to harrowing things. That is why the cancer campaign launched at Washington in 1922 with the British ambassador as an active worker received so little public support.

However, the subject merits everyone's consideration. Cancer is a growing menace. Though radium and surgery are popular treatments, there is no proved cure. It has been said that nearly four times as many people died in this country from cancer during the period of the World War as were killed in battle abroad. And the toll is mounting. The cancer death rate grew from 74 per 100,000 in 1911 to 92 per 100,000 in 1924. In 1920 there were 89,000 deaths from the disease. The number last year will probably reach 100,000. There are over 300,000 known cancer patients in this country to-day. One fact is very apparent: The modern style of living contributes to the spread of the disease.

Much has been written about cancer. Theories are many. Each physician seems to have his own pet ideas regarding cause and treatment. The Government could aid materially in collecting and studying this material. Only through such cooperation can a cure for this and other terrible diseases be found.

There is no greater public duty than helping stamp out disease. But physicians as individuals haven't the time or the money to engage in the exhaustive research work that is necessary. The study of any disease, after all, is one of assembling facts. This service the Government is well qualified to perform. For that reason we agree with Mr. NEELY that the United States should be as much a leader in health as in other things.

It is not enough for our experts to announce that there is no known cure for cancer, and to denounce those who claim to help it. It is not enough to urge everybody who has a mole or a wart or any suspicious growth to have it cut out "while there is time." Thousands of poor sufferers have had repeated operations and have had everything done for them which medical science can suggest; they have sacrificed all their savings in the effort to secure relief—but the relief has not come.

It is time that we should have action, and not simply reassuring words or treatments that do not secure results. People are afraid of the very word "smallpox," and yet smallpox claims only a very small percentage of the deaths that cancer does. Smallpox used to be one of the world's great scourges, and it carried off vast numbers of people. But it has been mastered.

In the same way yellow fever, malaria, and many other ills have been conquered or brought under control. All these improvements have been brought about largely through the activities of the Government. We must not expect the Government to do everything for us—but the conservation of the public health is safely within the legitimate sphere. Let the good work go on.

Mr. NEELY subsequently said: Mr. President, I ask the indulgence of the Senate for just a moment in order to carry out an agreement I had with the Senator from Utah [Mr. SMOOT] this morning. I ask that the Senate proceed to the consideration of the bill (S. 3554) to authorize the National Academy of Sciences to investigate the means and methods for affording Federal aid in discovering a cure for cancer, and for other purposes.

The VICE PRESIDENT. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Education and Labor with amendments:

On page 1, line 7, after the word "practicable," to strike out "a plan for the participation of the Federal Government in eradicating cancer" and insert "the result of such investigation," and in section 2, page 2, line 8, after the words "the sum of," to strike out "$100,000" and insert "$75,000."

Mr. NEELY. I move further to amend the bill.

On page 1, line 3, after the first words "That the," to insert "Public Health Service and the"; in the same line, to strike out "is" and insert "are"; in line 4, after the word "authorized," to insert "jointly"; on page 2, line 1, after the word "cancer," to insert "the result of such investigation"; in line 3, before the words "National Academy," to insert "Public Health Service or the"; in line 5, before the words "National Academy of sciences," to insert "Public Health Service and the"; and in section 2, page 2, line 9, after the words "the sum of," to strike out "$75,000" and insert "$50,000"; in line 10, after the word "to," to strike out "reimburse the National Academy of Sciences for" and insert "defray the" before the word "expenses"; in line 12, after the word "appropriation," to insert "or so much thereof as may be necessary"; in line 14, after the word "vouchers," to insert the word "jointly"; in line 15, before the word "President," to insert "Surgeon General of the Public Health Service and the"; and in the same line, after the word "President," to strike out "or other authorized officer," so as to make the bill read:

Be it enacted, etc., That the Public Health Service and the National Academy of Sciences are hereby authorized jointly to make a thorough investigation of the means and methods whereby the Federal Government may aid in discovering a successful and practical cure for cancer, and to report to Congress as soon as practicable the result of such investigation. It shall be the duty of any executive department or independent establishment of the Government, upon the request of the

Public Health Service or the National Academy of Sciences, approved by the President, to lend such assistance and cooperation as may be necessary to enable the Public Health Service and the National Academy of Sciences effectively to carry out the purposes of this act.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, or so much thereof as may be necessary, to defray the expenses which may be incurred in carrying out the provisions of this act. Such appropriation, or so much thereof as may be necessary, shall be disbursed by the disbursing officer of the Treasury Department upon the presentation of vouchers jointly approved by the Surgeon General of the Public Health Service and the president of the National Academy of Sciences, and all expenditures from such appropriation shall be audited in the usual manner by the General Accounting Office.

The VICE PRESIDENT. Without objection, the amendments submitted by the Senator from West Virginia to the amendments of the committee will be agreed to, and the amendments of the committee as amended will be agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Public Health Service and the National Academy of Sciences jointly to investigate the means and methods for affording Federal aid in discovering a cure for cancer, and for other purposes."

LOCAL PUBLIC UTILITIES

Mr. WAGNER. Mr. President, I introduce a bill to amend the Judicial Code so as to exclude strictly local public utilities from the Federal district courts where such jurisdiction is based solely on diversity of citizenship or on the presence of a Federal question.

These local utilities are created by the State; they are given permission to do business and are accorded special franchise and monopoly privileges by the State or its municipalities.

The source of all their rights and powers is the State, but when their duties are in question the utilities are showing a marked preference for the Federal courts and an antipathy to the jurisdiction of the State courts.

Through its ability to raise the constitutional question, the local public utility has been able to exercise that choice and thereby secure an advantage over the municipalities and residents of the communities wherein they do their business. There is, to my mind, no sound reason why a local public utility should have the advantage of a choice between two systems of law and two sets of judges.

Several recent cases in different parts of the country have brought this question to the forefront of attention. In New York City a local public utility had leased from the city a municipally owned system of local railroad and had in the lease covenanted to charge no more than 5 cents for a ride. In exchange for that 5-cent covenant the city deferred its right to any revenue or rental until after the company had paid all proper charges, maintenance, and interest, and until after the company had secured for itself over $6,000,000 a year. Not until then could the city receive any revenue to reimburse itself for the cost of the construction of the subways or any interest payable by the city on the cost of construction.

Before that contract was entered into between the company and the city a law was duly passed by the State legislature in the nature of an enabling act authorizing the execution of the contract and providing that the contract shall contain terms as to the rate of fare to be charged.

It is well known that that legislation was passed with a view to the contract then in contemplation between the city and the company. Pursuant to this legislative authority the contract of 1913 was executed and that contract provided that the company could charge 5 cents for a ride, and no more. For almost 15 years everyone, including the parties to the litigation, felt that the 5-cent fare in New York was protected by contract. I say that the company itself recognized it, for in 1925 it memorialized the State of New York for remedial legislation on the theory that that body alone could give relief unless the city and the commission consented to "amend the contract."

Mr. COPELAND. Mr. President, will my colleague yield for a question?

Mr. WAGNER. I yield.

Mr. COPELAND. My colleague will recall that on the consummation of that contract a great dinner was given to Mayor Gaynor, where all the attorneys for the companies were present, and all rejoiced that there was to be perpetuated in New York a 5-cent fare, everybody in the community was rejoicing over it, including the traction lines themselves.

Mr. WAGNER. Unquestionably, all of the parties to the contract, the public, and the press then asserted that a definite rate of fare has been provided in a definite binding contract.

That was the situation when, on February 1, 1928, the company filed new schedules of fare with the transit commission, and a petition for an increased rate of fare. No decision was announced on this petition until February 14. One hour before that decision was even rendered the company had already filed its bill of complaint in the Federal court. Immediately after the decision the city and the commission instituted injunction suits in the State courts to prevent an increase of fare. But these courts have been ousted of jurisdiction by the order of the Federal court on the ground that the Federal courts had first acquired jurisdiction, although at the time the original bill of complaint was filed no cause of action existed.

I may say without reserve that the people of New York have resented far more this assumption and retention of jurisdiction by the Federal court than its unfavorable decision. The source of friction in this controversy has been jurisdictional. The people rightly feel that the appropriate forum for the litigation of a strictly local issue is the State court; that the proper judges are the State judges, and that the laws enunciated in the State decisions ought to govern.

Briefly, I wish to comment on the opinion. The court has decided that the contract between the company and the city did not mean what it said on its face; that the common intent of the parties at the time of the execution of the contract must be disregarded; that the common understanding of the parties during 15 years of operation under the contract was mistaken; that there must be read into the contract a legislative enactment of 1907, which created a State public service commission with general supervision over utility rates.

By a strained construction the court has held that the contract must be read as if no reference to fare had been made, in spite of the patent fact that the provision of cheap transit facilities for its residents was the primary motive and the primary consideration of the execution of the lease by the city. The special statute which authorized this contract and authorized it to contain fare provisions is blandly waved aside, although enacted subsequent to the public service commission act.

The court has said that the company is entitled to charge a rate which would bring a return of 8 per cent not only on its own property but on the city property as well. Practically, it means that the company has a right to complain not only of the confiscation of its own property but that it has a right to complain of the confiscation of the property belonging to some one else, although the owner of that property is perfectly willing and satisfied.

The court's decision means that the city must be subjected to the vagaries of a valuation for rate making, the very contingency which the contract was intended to avoid. Under the terms of the injunction which the court has granted the powers of a State public service commission with respect to this company have been paralyzed for an indefinite length of time.

With the merits of this particular controversy we can not here deal legislatively. But I believe there is genuine merit in resisting the jurisdiction of the Federal court in such cases. The resentment springs from a democratic love of local self-government and self-rule. It gives expression of a widely held belief that the Federal courts are trespassing upon what ought to be the domain of the States.

It can be readily demonstrated that the greatest offender against the principle of local self-rule has been not the executive nor the legislative branch of the Government but the judicial. The Federal courts have been most aggressive in the steady encroachment of Federal power upon the sovereignty of the States.

No one wants to deprive a local utility company of its constitutional rights, and I have no desire to limit its right of access to the United States Supreme Court when its constitutional rights are violated or endangered, but there is no reason why local issues should not be first fully litigated in the State court and taken to the Supreme Court by way of the highest court of the State.

Mr. REED of Missouri. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SACKETT in the chair). Does the Senator from New York yield to the Senator from Missouri?

Mr. WAGNER. I yield.

Mr. REED of Missouri. Will the Senator tell us whether the State courts of New York follow the rule that was laid down by the Federal court in this case?

Mr. WAGNER. On the question of confiscation?

Mr. REED of Missouri. Yes.

Mr. WAGNER. Oh, yes. The great controversy in this particular case, if I may answer the Senator further, is whether or not the contract made between the utility company and the city of New York, providing for a rate of fare, is a binding contract or not. The contract was entered into as a result of a special enactment of the legislature authorizing the municipality and the public utility to enter into the particular contract in question and providing in the legislation that they provide and stipulate the rate of fare to be charged. It could not, it seems to me, be stated more definitely than that. Nobody believed at the time the law of 1913 was enacted that there was any question but that a specific delegation of power was granted to the municipality to enter into the contract, with a direction for the inclusion of a provision for a specific rate of fare to be exacted.

Mr. REED of Missouri. The point I wanted to get at for my own information was this, and I am not asking this at all in any spirit of contention: Did the State courts of New York, in cases of public utilities having in their franchise or contract agreed upon the rate of fare, follow the rule that those prices are not binding when the company is no longer able to make a return?

Mr. WAGNER. They have, of course, inquired into the question of the reasonableness of the rate, and that determines the question of whether there is confiscation or not.

Mr. REED of Missouri. I am speaking of contract rates. I do not want to take the Senator's time and I am really sorry I interrupted him. There is a long line of decisions, of course, holding, where a company comes into a city and secures a franchise, which is, of course, a contract, and in that franchise its rates are specified, that if it is found the company can not make money it may raise its rate in violation of its contract and still hold its franchise. That is a doctrine from which I have the temerity to differ. But I was inquiring whether the same doctrine obtains in the State courts of New York as evidently was applied in the Federal court in the case to which the Senator has referred?

Mr. WAGNER. That precise question has not, so far as I know, been decided by our courts. I do not want to prolong the discussion unduly, but there is a distinction even between the cases the Senator cites and this case which I have been discussing in the fact that there was a special act passed by our legislature delegating to the municipality the power to enter into a contract, with a direction to fix the rate of fare. The general statutes of 1907, giving general supervisory power by a public service commission over rates, I contend, can not be read into these particular contracts as an implied provision.

Mr. REED of Missouri. I thank the Senator, and apologize for leaving the Chamber at this moment, as I am compelled to do.

Mr. OVERMAN. Mr. President, will the Senator yield?

Mr. WAGNER. Certainly.

Mr. OVERMAN. I am at a loss to know how the Federal court acquired jurisdiction of this case. Was it on the ground of diverse citizenship, or because it is a foreign corporation, or on account of the amount involved, or how was it?

Mr. WAGNER. It was upon the ground that there is a Federal question involved, the Federal question being the alleged confiscation of the property of the public-utility company, and therefore in violation of the due process of law clause of the Federal Constitution.

Mr. BORAH. Mr. President——

Mr. WAGNER. I yield to the Senator from Idaho.

Mr. BORAH. As I understand the effect of the bill which the Senator has introduced, it is to exclude utility corporations alone from the Federal jurisdiction under section 24 of the Judicial Code?

Mr. WAGNER. Yes; those engaged in intrastate activities.

In a recent case closely related to the one I have discussed, so far as underlying theories of government are concerned, Mr. Justice Holmes wrote a brilliant dissenting opinion, concurred in by Mr. Justice Brandeis and Mr. Justice Stone. I shall quote but a few sentences from that opinion:

> If I am right, the fallacy has resulted in an unconstitutional assumption of powers by the courts of the United States, which no lapse of time or respectable array of opinion should make us hesitate to correct. * * * But this question is deeper than that; it is a question of the authority by which certain particular acts, here the grant of exclusive privileges in a railroad station, are governed. In my opinion the authority, and only authority, is the State; and if that be so, the voice adopted by the State as its own should utter the last word. * * * I should have supposed that what arrangements could or could not be made for the use of a piece of land was a purely local question, on which, if on anything, the State should have its own way and the State courts should be taken to declare what the State wills. (Black & White Taxi *v.* Brown Yellow Taxicab, opinion No. 174, October, 1927.)

This is sound American doctrine. It is a matter of regret that it occurs in a dissenting opinion rather than a prevailing one. But what the court felt that it could not do by reason of precedent it is in the power of the legislature to do, and the bill that I have proposed to-day is intended to carry that out. That bill will in no wise interfere with the jurisdiction of the Federal courts in interstate matters, nor with railroad receiverships, nor with any of the other numerous matters properly cognizable in the Federal courts. But it will keep local controversies over local matters between utilities and municipalities and commissions out of the Federal courts and will bring them into the State courts, where they most appropriately belong.

The bill (S. 4491) to amend section 24 of the Judicial Code, as amended, with respect to the jurisdiction of the district courts of the United States over suits brought by or against public-utility corporations, was read twice by its title and referred to the Committee on the Judiciary.

ACOMA PUEBLO INDIANS

Mr. BRATTON. Mr. President, on April 24 last House bill 11479, to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Indians, passed the Senate. The following day my colleague [Mr. CUTTING] entered a motion to reconsider the vote by which the Senate passed the bill and moved that the House be requested to return the bill to the Senate. The bill was returned from the House. I now move that the motion so entered by my colleague be laid on the table, in order that the passage of the bill may stand.

The motion to lay on the table was agreed to.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

The PRESIDING OFFICER (Mr. SACKETT in the chair). The question is upon the adoption of the amendment offered by the Senator from New York [Mr. COPELAND].

Mr. COPELAND. Mr. President, the purpose of this amendment is to permit men in the professions to do what men in the trades are permitted to do if they go to conventions.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Idaho?

Mr. COPELAND. I yield.

Mr. BORAH. What amendment is this?

Mr. COPELAND. It is the amendment to the tax bill which I presented, which is the pending amendment.

Mr. BORAH. What became of the other amendment that was pending?

Mr. COPELAND. The Senator from Nebraska [Mr. NORRIS] was good enough to yield to me, because I am under the necessity of leaving the Senate in a short time. The amendment is the one which I am now describing, which is designed to permit a physician to deduct his expense incurred in attending a convention, just the same as an executive or one who is in a trade may do under the present conditions. For some reason or other the department has ruled against physicians doing that.

I do not care to argue the matter, if the Senator from Utah [Mr. SMOOT] is willing to accept the amendment.

Mr. SMOOT. The Senator from Utah can not accept the amendment.

Mr. FLETCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McMaster	Shipstead
Barkley	Gerry	McNary	Shortridge
Bayard	Gillett	Mayfield	Simmons
Black	Glass	Metcalf	Smith
Blaine	Goff	Moses	Smoot
Borah	Greene	Neely	Steck
Bratton	Hale	Norbeck	Steiwer
Brookhart	Harris	Norris	Stephens
Broussard	Harrison	Nye	Swanson
Bruce	Hawes	Oddie	Thomas
Capper	Hayden	Overman	Tydings
Caraway	Heflin	Phipps	Tyson
Copeland	Howell	Pittman	Vandenberg
Couzens	Johnson	Ransdell	Wagner
Curtis	Jones	Reed, Mo.	Walsh, Mass.
Cutting	Kendrick	Reed, Pa.	Walsh, Mont.
Deneen	King	Robinson, Ark.	Warren
Dill	La Follette	Sackett	Waterman
Fess	Locher	Schall	Watson
Fletcher	McKellar	Sheppard	Wheeler

The PRESIDING OFFICER (Mr. ODDIE in the chair). Eighty Senators having answered to their names, a quorum is present.

Mr. COPELAND. Mr. President, the purpose of this amendment, so far as my submitting it is concerned, is to permit physicians who attend meetings of their national societies to deduct the expenses incurred in attending such meetings so as to have that much reduction in their income tax. It is a very interesting thing that the Board of Tax Appeals in the appeal of Alexander Silverman in support of its finding that the travel expense of a chemist incurred in attending meetings of chemical organizations is deductible said:

> As the head of the department of chemistry it was expected of and incumbent on him as such to keep abreast in his particular field of work and in touch with other scientists in the same field, which was done, among other ways, by the preparation and publication of papers, by the reading of technical periodicals, and by the attendance at such conventions where subjects of a scientific nature were presented and discussed.

Mr. SMOOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Utah?

Mr. COPELAND. I yield.

Mr. SMOOT. A physician has exactly the same right that a chemist has. If a physician is engaged in a work that properly belongs to his duties as a physician, then he can deduct his expenses just the same as can the chemist when he is engaged in work in his particular line. That is not, however, what the Senator's amendment seeks to provide.

Mr. COPELAND. Neither is that the interpretation of the Board of Tax Appeals. Now let the Senator listen to this——

Mr. SMOOT. The case to which the Senator has referred has no reference whatever to his amendment; it is another case entirely. The Senator's amendment provides that where a physician makes a trip to attend a national convention he may deduct his expenses for that trip.

Mr. COPELAND. That is correct.

Mr. SMOOT. That is not the same as the case of the chemist to which the Senator has referred.

Mr. COPELAND. I think it is exactly the case, according to the opinion from which I have read.

Mr. SMOOT. I know it is not.

Mr. COPELAND. Let me read it again.

Mr. SMOOT. What the Senator has read says that there may be deducted expenses incurred in the line of the profession of the chemist. The National Education Association, the American Bar Association, the various engineering societies, the various societies of accountants, the societies of chemists, the societies of druggists, and of the architects in the United States hold their conventions in different parts of the country, but in not one of those cases is a member attending such convention allowed a dollar for expenses in attending the convention, and neither is a physician.

Mr. COPELAND. Of course, the Senator thinks that they should not be allowed to deduct such expenses?

Mr. SMOOT. Certainly not. If a physician incurs an expense in the line of his profession, then he is allowed to deduct that expense, but attendance on conventions is not in line with his actual work; and, therefore, the department has held that he can not deduct such expense. The same ruling has been made with respect to all the associations to which I have referred, and there is not one of them but holds an annual convention, just as the physicians do.

Mr. COPELAND. I thank the Senator for what he has said, and I will attempt to show him that the department has discriminated. It is true, of course, that the department has refused to make these allowances as regards these various professions in most instances; but here is a case where they did not. Now, listen to this; and the medical profession asks merely that it shall be placed on the same footing as all other professions.

Mr. SMOOT. I asked the department if there was any discrimination that they knew of, and I was told that there was none that they knew of, and that with the bill as it is the physicians will be on exactly the same footing as the chemists, the lawyers, the accountants, the engineers, the druggists, and all of the professions holding their annual conventions.

Mr. VANDENBERG. How about newspaper men?

Mr. SMOOT. The same thing applies to newspaper men.

Mr. COPELAND. Mr. President, I wonder if the Senator from Utah ever heard about the man who was in jail, arrested for something?

Mr. SMOOT. Yes; I remember reading it when I was a boy.

Mr. COPELAND. All right. The Senator will recall that his lawyer said, "Why, you can not be put in jail for this," and the man replied, "But I am in jail."

Mr. BLAINE. He used stronger language than that.

Mr. COPELAND. Yes; he did; but there are friends in the galleries, and we want to preserve the conventions as far as we can.

Mr. SMOOT. I should like very much to have the Senator point out the case, and I will take it up with the Treasury Department, because I am assured by the Treasury Department that there has been no case of discrimination.

Mr. KING. Mr. President, will the Senator from New York yield?

Mr. COPELAND. I yield to the junior Senator from Utah.

Mr. KING. My information is—and I think we can differentiate the general cases to which the Senator refers from the one I am about to speak of—that there has been a ruling that in a particular case where a chemist was employed and part of his employment for which he was paid by his employer was to attend the meetings of one or more organizations for the discussion of the particular work in which his employer was engaged, in that instance, where that was one of the essentials of his employment, his expenses in attending these particular meetings were permitted as deductions. But take, for instance, the lawyers, the engineers, the newspaper men, and many of the professions. The lawyers attend the bar associations in their own States. They attend the National Bar Association. They have gone to Europe upon one occasion to attend a great international gathering of the lawyers. They did it not as a part of their employment by any particular client, and they were not permitted to deduct their expenses under such circumstances. The same thing is true with a doctor. If a doctor was employed by a hospital and it was a part of his employment that he should attend the gatherings of the hospital organizations throughout the United States, I am inclined to think that under the present law he would be entitled as a deduction to his expenses in attending those organizations.

Mr. SMOOT. I will say to my colleague that there is no question but that he would.

Mr. COPELAND. Mr. President, I have listened with interest to what the junior Senator from Utah has said; and once more I am reminded of the naturalist who said, "A lobster is a red fish that walks backward." A lobster is not red; it is not a fish; and it does not walk backward.

The facts in the case stated by the junior Senator from Utah are these:

> The petitioner attended like conventions prior to 1921, did so again in 1921, and has since so attended, such action on his part being expected and necessary, as it was of others similarly employed at the university, for the purpose of keeping thoroughly informed in his field of work and in touch with other scientists, and in order to advance the interests of the university, though his contract of employment does not specifically make mention of any such activities, and there was no provision made for repayment to him of expenses so incurred.

Mr. SMOOT. I am aware of the case. I know the doctor to whom the Senator refers; and I know that the doctor has been told that if he would come down to the Treasury Department they would be perfectly willing to reopen the case and go into every detail, and let him prove that it was in the line of his profession.

Mr. COPELAND. Why should it be necessary for the physician to make proof of the importance of attending this convention?

Mr. SMOOT. Everybody who makes any kind of a return at all and claims any kind of an exemption has to make proof of it.

Mr. COPELAND. Mr. President, I wish I could argue this matter with any other Senator in this body than my friend, the senior Senator from Utah. I am going to have a visit with him some day and find out why it is that he does not like doctors.

Mr. SMOOT. I do like doctors; but I do not like doctors so well that I think they ought to be treated differently from any other profession.

Mr. COPELAND. I fear the Senator would not even have them treated as well as some other professions.

Mr. SMOOT. Some of the closest friends I have in the world are doctors.

Mr. COPELAND. I want to talk to them.

Mr. SMOOT. I will say to the Senator that there is not a feeling in my soul against the doctor as a doctor; but I do not want him to be treated differently than any other American citizen as to exemptions from the payment of taxes.

Mr. COPELAND. I have to say to the Senator from Utah that no Senator on this floor has been kinder to me than he has

been, but I sometimes wonder if he did not forgive me for being a doctor rather than be kind to me simply because I am one.

Now, let us go into the merits of the case.

Mr. McKELLAR. Mr. President, I will ask the Senator to yield to me for the purpose of making this statement:

As we all know, nearly every year the accomplished and ambititous doctor at his own expense goes to these conventions, and frequently goes to colleges and takes postgraduate courses, in order to keep up with his profession, so that he may be able to give to humankind the best service of which he is capable. In thus preparing himself to aid his fellow man it does seem to me that we ought to credit him with those expenses on his taxable income.

Mr. SMOOT. Does the Senator think we ought to do it with the doctor and not with the members of the National Education Association, the American Bar Association, the engineers, the architects, the chemists, and the druggists? They have just as many meetings as the physicians have.

Mr. McKELLAR. Perhaps so.

Mr. SMOOT. They go just as far, and their expenses are just as much.

Mr. McKELLAR. But their missions are different, and I think there is a difference between them. We might include other classes, and that might well be done; but, at the same time, I think that class of our professional men who come nearest to the people in their lives and homes and families, especially in sickness, ought to be encouraged in every way to keep up with the advances in science; and I think they might well be encouraged by the Government to the extent of allowing them a credit on their incomes for the expenses to which reference has been made.

Mr. SMOOT. They go there to keep abreast of the times, simply because it is an advantage to them.

Mr. McKELLAR. Oh, no!

Mr. SMOOT. It is an advantage to them, the same as it is to an attorney or any one else.

Mr. McKELLAR. Of course, it is an advantage to them. I think we have a great many physicians in this country who take a pride in their profession, however, and want to be in a position to do the best they can for humanity, without regard to their pecuniary interest.

Mr. SMOOT. I think that is so.

Mr. McKELLAR. And I think the Government ought to aid them to this extent.

Mr. SMOOT. That also happens with school-teachers, professors, attorneys, and all of the other classes. What applies to one class applies to all.

Mr. CARAWAY. Mr. President, I can not agree with the Senator that this has the same application with reference to an attorney. I do not think he occupies the same important place socially that the physician does.

Mr. SMOOT. No; but I say that his object in going to conventions is to improve himself and keep up to date, just exactly the same as the physician does.

Mr. CARAWAY. Let me ask the Senator if it is not true that physicians do more charity work than every other body of professional men combined?

Mr. SMOOT. I could not say that.

Mr. McKELLAR. They certainly do a great deal of charity work.

Mr. CARAWAY. If a physician passes anybody on the road who is injured or sick, the ethics of his profession compels him, as I understand, to render whatever aid he can.

Mr. SMOOT. Certainly.

Mr. CARAWAY. I know that his training does.

Mr. SMOOT. And he sends his bill for it, too.

Mr. COPELAND. I see now where the trouble is.

Mr. SMOOT. No; that is not it at all. He has a right to send his bill.

Mr. CARAWAY. He has no way of knowing whether a man will ever be able to pay him or not. I have observed that he is the most willing to take a chance. I have practiced law a bit; and when some client employs me, before I put out much labor in his behalf I ascertain what the rewards are going to be. A doctor can not wait for anything of that kind. Life and death is at stake; and every one of us that breathes has at some time owed his existence to the action of a physician.

Mr. SMOOT. In a case like that, if he is called to the next city or if he is called anywhere, and it is in the line of his business, then he is granted the deduction.

Mr. CARAWAY. I am fully aware of that. What I was trying to say—possibly not happily saying—was that there is a difference between a physician and his attitude toward his profession and that of a lawyer, for instance, that the Senator names, or an architect. I am sure that every other profession has time to investigate and determine whether or not it is advantageous to act. A physician must hold himself always ready to do his duty. I have never known one who did not respond to the call of humanity; and inasmuch as he does that, it would seem that he might have this advantage, without any other profession having the same right.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. COPELAND. I promised to yield to the Senator from Kentucky.

Mr. BARKLEY. As I understand, under the present law if a physician goes to some medical college during the course of a special term or for two or three months he would be entitled to deduct the expense incurred in such trip or in such course from his income tax; would he not?

Mr. SMOOT. In a case like that, where he goes off for education, under existing law he would not be allowed to deduct his expenses for the three months; but if he is called on a case in a neighboring city or State or any part of the United States and goes there in the line of his profession, then he can deduct the amount.

Mr. COPELAND. Of course.

Mr. SMOOT. And so can all the others.

Mr. BARKLEY. If a physician, even in middle life, takes two or three months in the year to go off and better prepare himself to minister to the wants of humanity, I think he ought to be allowed to deduct that in the computation of his income tax, because it is a part of the expense of his profession. If he goes to a medical society, he does not go there for the purpose of enjoying social activities. He goes in the interest of his profession, to acquaint himself better with the developments of medicine, and not necessarily as a money-making proposition. Even if it were, however, it seems to me that expense ought to be computed in determining what his net income is at the end of the year.

Mr. SMOOT. I will say to the Senator that that is a much more meritorious proposition than the one the Senator from New York has offered. The Senator from New York is proposing that wherever a physician is called anywhere in the line of duty, he is to deduct those expenses.

Mr. COPELAND. That is not what I am trying to do at all.

Mr. SMOOT. That is exactly what the Senator's amendment means.

Mr. BARKLEY. Would the Senator support an amendment permitting him to deduct expenses incurred in attending meetings of medical societies?

Mr. SMOOT. That is not in line of duty.

Mr. BARKLEY. Who is to determine whether it is in line of duty or not? It is in the line of his profession.

Mr. SMOOT. He goes to those conventions not in line of duty. He does not go there to attend any one of the conventions. He goes there on a vacation, as it is sometimes called.

He goes there for the purpose of better preparing himself to practice his profession, whether for selfish purposes or for the benefit of humanity, and it is a part of the expenses of his profession.

So does the attorney, so does the chemist, so does the accountant, so does the engineer, and so do all these men who go to these conventions.

Mr. COPELAND. Mr. President, I will go on with what I have to say. I think I see a glimmer of hope. The Senator from Utah intimates that if a deduction is for the purpose of paying the expenses incurred in attendance upon a medical society meeting, he is in favor of it.

Mr. SMOOT. Oh, no.

Mr. COPELAND. The Senator is not?

Mr. SMOOT. No; I am not.

Mr. COPELAND. The Senator from Utah thinks the physician is like Minerva, that he sprang from the brain of Jove, full panoplied and perfect in every respect.

Mr. SMOOT. No more than an attorney is born in the same way, and from the same source, or a chemist, or a druggist, or any professional man.

Mr. COPELAND. I do not know anything about the practice of law, and I am not talking about any other profession, but I say that I can tell whether a doctor is a good doctor or a poor doctor by finding out whether he attends his medical society meetings or not.

Mr. SMOOT. I will say this: That I know some doctors who attend those medical society meetings who never will be good doctors, and others are men of renown the world over. You could not make those two men equal if there was a convention every week.

Mr. COPELAND. Very well; but I will say this to the Senator: That the man who is renowned is the man who goes.

Mr. SMOOT. I have not any doubt about that.

Mr. COPELAND. And he profits by it.

Mr. SMOOT. They all go.

Mr. COPELAND. No; they do not all go. Where would there be a convention hall or a town big enough to contain all the doctors if they all went?

Mr. SMOOT. They do not all go at one time, of course.

Mr. COPELAND. I am not going to split hairs with the Senator. He is in opposition to this proposal, but I want to say that any doctor who is worth while, who is seeking to acquaint himself with the progress made in his profession, who wants to know what the new procedures are, those things which will help to shorten disease and to relieve pain, and to stand off the awful day of death, goes to the medical society meetings. The man who goes to those meetings is the sort of man who acquires such knowledge.

Mr. SMOOT. I say to the Senator that the imposition of the tax proposed here would not stand in the way of such a man going to a convention any more than it would prevent an attorney or any of the other professional men. The men who go there go for a certain purpose, and that is an educational purpose, whether it be a druggist, or an accountant, or a doctor, or any other professional man. He goes there for that purpose, and if one is treated differently from another, there will be a discrimination. I can not see it any other way.

Mr. COPELAND. Does not the Senator see any difference in that respect between a physician and an architect?

Mr. SMOOT. Not as to the educational feature.

Mr. COPELAND. I am not referring so much to the educational feature, but to the return to society.

Mr. SMOOT. I will say to the Senator that there may be a degree of difference, but the principle is the same.

Mr. COPELAND. The principle may be the same.

Mr. SMOOT. Just the same as it could not be possible to have every man in the profession equal, but the object of everyone who goes to these conventions is exactly the same; they go for the same purpose.

Mr. GERRY. I wonder if the Senator from New York could give us his amendment now. Some of us have come into the Chamber since it was introduced.

Mr. COPELAND. I take pleasure in handing the amendment to the Senator.

I think there is a great distinction between what society receives from the increase in the boundaries of knowledge on the part of the architect, on the one hand, and the increase of knowledge on the part of the physician. I do not, of course, sneer at beautiful architecture. Nothing promotes the finer senses more. But when we come to deal with the human body, with disease, with human suffering, the prolongation of life, who can question that the physician has a part to play which, in my humble opinion, few other professions have?

In the next place, go out and ask the average man on the street about it. He wants his doctor to be a good doctor, and he is made a better doctor by going to these society meetings and having contact with physicians from every part of the country and from every part of the world, and the man in the street says, "I want him."

Mr. SMOOT. They want a good lawyer, too.

Mr. BORAH. As I understand it, the idea of the Senator from New York is that this is educational.

Mr. COPELAND. Yes, educational; but it is a form of education that is beneficial not alone to the man educated, but to all those with whom he comes in contact.

Mr. BORAH. When I think of what we are going to learn at Kansas City, I think the delegates to Kansas City ought to have the privilege of deducting their expenses.

Mr. COPELAND. I would say that as regards Kansas City, every man who goes ought to be paid a bonus out of the Treasury; a very liberal amount.

Mr. BORAH. It begins to look like some of them will be paid a bonus from some source.

Mr. COPELAND. Of course, I have nothing to say about that. This amendment in a different form was presented by the junior Senator from Indiana [Mr. ROBINSON]. I am sorry he is not here, since I am fighting his battle. It has been sent out all over the country, and there is not a Member of the Senate who has not received dozens of letters from the medical profession asking that this relief be given.

Mr. SMOOT. Thousands of them.

Mr. COPELAND. Yes, thousands of them; and it should be done. I do not know that there are any words one can use to change the decision of the Senate; I doubt if anything can be done. But I hope that this amendment, either in the form in which I have presented it or in some other form which carries out its spirit, may be adopted by the Senate. I am satisfied to let the matter come to a vote.

The PRESIDING OFFICER (Mr. COUZENS in the chair). The question is on agreeing to the amendment offered by the Senator from New York.

Mr. COPELAND. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. KENDRICK (when his name was called). On this vote I have a pair with the Senator from Connecticut [Mr. BINGHAM], and in his absence I am compelled to withhold my vote. If permitted to vote, I would vote "yea."

The roll call was concluded.

Mr. WHEELER. I have a pair with the Senator from Idaho [Mr. GOODING], which I transfer to the Senator from Massachusetts [Mr. WALSH], and vote "yea."

Mr. RANSDELL (after having voted in the affirmative). I transfer my pair with the junior Senator from Maine [Mr. GOULD] to the junior Senator from Utah [Mr. KING] and let my vote stand.

Mr. COPELAND (after having voted in the affirmative). Has the senior Senator from New Jersey [Mr. EDGE] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. COPELAND. I have a pair with the Senator from New Jersey, which I transfer to the Senator from West Virginia [Mr. NEELY], and let my vote stand.

Mr. BRATTON. I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. I am told that he would vote as I intend to vote, and therefore I am at liberty to vote. I vote "yea."

Mr. WALSH of Montana. On this measure I am paired with the Senator from Vermont [Mr. DALE]. I transfer that pair to the Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. JONES. The senior Senator from Virginia [Mr. SWANSON] is necessarily absent. I promised to take care of him on this vote, and therefore I withhold my vote. If at liberty to vote, I would vote "nay."

I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from South Carolina [Mr. BLEASE]; and

The Senator from New Hampshire [Mr. KEYES] with the Senator from New Jersey [Mr. EDWARDS].

Mr. WATSON. My colleague [Mr. ROBINSON of Indiana] is necessarily absent. If present, he would vote for this amendment.

The result was announced—yeas 59, nays 13, as follows:

YEAS—59

Ashurst	George	McNary	Shipstead
Barkley	Gerry	Mayfield	Shortridge
Black	Glass	Moses	Simmons
Blaine	Hale	Norbeck	Smith
Bratton	Harris	Norris	Steck
Brookhart	Harrison	Nye	Stephens
Broussard	Hawes	Oddie	Thomas
Bruce	Hayden	Overman	Tydings
Capper	Heflin	Phipps	Tyson
Caraway	Howell	Pittman	Vandenberg
Copeland	Johnson	Ransdell	Wagner
Couzens	La Follette	Reed, Pa.	Walsh, Mont.
Cutting	Locher	Sackett	Watson
Dill	McKellar	Schall	Wheeler
Fletcher	McMaster	Sheppard	

NAYS—13

Bayard	Fess	McLean	Waterman
Borah	Gillett	Metcalf	
Curtis	Goff	Smoot	
Deneen	Greene	Warren	

NOT VOTING—22

Bingham	Frazier	King	Steiwer
Blease	Gooding	Neely	Swanson
Dale	Gould	Pine	Trammell
du Pont	Jones	Reed, Mo.	Walsh, Mass.
Edge	Kendrick	Robinson, Ark.	
Edwards	Keyes	Robinson, Ind.	

So Mr. COPELAND'S amendment was agreed to.

Mr. COPELAND. Mr. President, as I announced a little while ago, I am forced to leave the Senate in a very few minutes. I send to the desk an amendment which I offer and ask to have reported. I think the Senator from Utah [Mr. SMOOT], in charge of the bill, will accept it.

Mr. SMOOT. I have no objection to the amendment if the word "President" is inserted instead of the words "Secretary of the Treasury."

Mr. COPELAND. I have made that change.

The VICE PRESIDENT. The amendment will be read.

The CHIEF CLERK. On page 105, after line 25, insert a new section, as follows:

SEC. 121. INTERNATIONAL BRIDGES.

In the case of income derived from the operation of a bridge between the United States and a contiguous foreign country, the President is authorized to enter into an agreement in respect of any taxable year with the proper authorities of such foreign country, making an equitable apportionment as between the United States and such foreign country of the income and deductions allocable to the operation of such bridge. If such agreement is entered into, the tax imposed by this title in respect of such income for such year shall be considered to be the tax based on the net income as computed under such agreement. Any tax computed under the section shall not be reduced by any credit as provided in section 131 (relating to the credit for foreign taxes).

Mr. COPELAND. The amendment relates primarily to the international bridge from Buffalo to Canada and was written originally to apply to it, but there is a bridge to be built between Detroit and Windsor and other international bridges will be built, so it was thought wise to have general legislation.

The purpose of it is to prevent our country from taxing all the income of the bridge company and then Canada in her turn taxing all the income likewise. With regard to the international bridge at Buffalo, Canada has agreed to tax only half of the tolls, but in this case the amendment provides that the President may make such an agreement, and I assume the Senator in charge of the bill will be glad to accept it.

Mr. BORAH. Mr. President, I do not desire to object to the amendment in view of the change from "Secretary of the Treasury" to "President." It is in effect authorizing the President to enter into an agreement with a foreign country; and as it relates to this particular matter and to a question of taxation, I shall not object to it.

But I do want to take this opportunity to say that I think the Senate ought to be much more vigilant in the future than it has been in the past with reference to these Executive agreements. There is a wide range of Executive agreements being made in these last years which have the effect of treaties. In my opinion most of those agreements ought to have come to the Senate for ratification. But, inasmuch as this is a tax matter, and perhaps, by reason of the nature of the peculiar situation the authorization can be justified, I trust it will not be considered as a precedent for any extension of the authority.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from New York.

The amendment was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6104) to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2148. An act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes;

S. 3057. An act authorizing the Secretary of War to transfer and convey to the Portland Water District, a municipal corporation, the water pipe line including the submarine water main connecting Fort McKinley, Me., with the water system of the Portland Water District, and for other purposes;

H. R. 9568. An act to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes;

H. R. 11133. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes; and

H. R. 12286. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes.

PRESERVATION OF OLD CAPITOL

Mr. CARAWAY. Mr. President, the necessity for immediate action will be my excuse for asking in a moment for unanimous consent to consider a concurrent resolution which I shall send to the desk.

There is a condemnation proceeding now going on in the city of Washington to condemn, among other properties, squares 727 and 728. The purpose of the particular condemnation is to acquire a site for a new building to house the Supreme Court of the United States and its activities. It transpires that on square 728 stands one of the most historic buildings in America. It was the Capitol of this Nation from 1815 to 1819. The Congress met there during those years. President Monroe was inaugurated there as President of the United States. The first real feeling of solidarity of the American Republic found its birth in that building. It ushered in what was known as an era of good feeling. We had come out of the second war with the British Empire. The feeling of sectional differences had very largely disappeared. There was a consciousness of a nationality that America had not felt up to that time. The Monroe doctrine and much of our legislation that we look upon as fundamental found its birthplace there.

In addition to being the Capitol of the country, it has been the scene of very many historic occurrences. It has been not only a capitol but it has been a prison, and from it Mrs. Surratt went to the gallows. There is hardly anything connected with American history, commencing in 1815 and down until quite recently, that did not have something in common with this site.

Either the States or patriotic societies have preserved every building that housed this Government from its foundation. The old Independence Hall at Philadelphia, the building in which the Congress met in the city of New York, the building in which the Continental Congress sat at York, Pa., the building at Annapolis which at one time sheltered the Government, have all been preserved as national shrines. This building, one of the most historic, the one that gave birth to real America, standing here in the National Capital, is now to be torn down in order to house a department of the Government. Near it the Government of the United States owns land, both north and south of the building, much better located for the purposes for which it is proposed to use this particular square.

Unless the concurrent resolution which I shall introduce, or something in its nature, shall pass before the Congress adjourns, when we come back here next December we will have committed this desecration. I feel that the Congress does not want to do it. Therefore, I am going to introduce the concurrent resolution asking merely that the matter be held up until we reconvene in December, to see if we can devise some means to preserve this historic building. I have spoken to the leader on the majority side, the Senator from Kansas [Mr. CURTIS], the leader on the minority side, the Senator from Arkansas [Mr. ROBINSON], and quite a number of other Senators, and there seems to be no objection to it. Therefore, I send it to the desk to be read, and I shall ask for its immediate consideration.

Mr. WARREN. Mr. President, I think it is in order to ask the Senator a question. Is this particular building in one of the blocks that are proposed for the location of the Supreme Court?

Mr. CARAWAY. That is true. The concurrent resolution deals with blocks 727 and 728, because block 727 would not be large enough for the purpose. It will take both of them for the purpose for which they are intended to be used. Therefore, I am merely asking that the condemnation of blocks 727 and 728 be held up until we can have time to reconsider the question.

Mr. WARREN. If it were intended to ask for action to-day other than merely to delay the matter, I should expect to oppose it, of course, because we have made an appropriation of $1,500,000 for the purchase of the property in order to locate the Supreme Court there.

Mr. CARAWAY. I do not think we have purchased any of it. Condemnation proceedings are now pending for all that ground. I do not think the Government has invested a dollar except in its condemnation proceedings. I am only asking that we hold them up until we can come back here in December and investigate the whole question.

I now ask that the concurrent resolution be read.

The VICE PRESIDENT. The clerk will read the concurrent resolution.

The Chief Clerk read the concurrent resolution.

Mr. NORRIS. Mr. President, I should like to make an inquiry of the Senator from Arkansas. I heard him refer to the resolution as a concurrent resolution.

Mr. CARAWAY. Yes, sir.

Mr. NORRIS. I wish to suggest to the Senator that, while it might have the effect desired, to have any legal effect it seems to me the resolution ought to be a joint resolution instead of a concurrent resolution. In the form of a concurrent resolution it would not have the force of law, because it would not be sent to the President, as would a joint resolution, and it would not receive the signature of the President. Therefore, while the officials might stop the proceedings—they have commenced lawsuits, they have started in on the project under the law which was passed—it might be embarrassing for them to stop them.

Mr. CARAWAY. I have no objection to changing it to a joint resolution.

Mr. NORRIS. I suggest to the Senator that he make it a joint resolution instead of a concurrent resolution.

Mr. CARAWAY. Very well. I will ask unanimous consent that the resolution be changed from a concurrent to a joint resolution.

The VICE PRESIDENT. Without objection, the form of the resolution will be changed as requested.

The joint resolution (S. J. Res. 156) to stay proceedings for the condemnation of squares 727 and 728 in the District of Columbia was read the first time by its title and the second time at length, as follows:

Whereas condemnation proceedings are now pending to condemn squares 727 and 728, lying north of East Capitol Street and east of First Street facing the Capitol; and

Whereas on square 728 stands a building that next to the Capitol and Mount Vernon is one of the most historic in America; and

Whereas it has been asserted that had it not been for this building the Capitol would have been removed from the District of Columbia after the British had destroyed the Capitol Building in 1814; and

Whereas the Congress convened in said building from 1815 to 1819, and President Monroe was inaugurated there in 1817; and

Whereas other historic events occurred within said building and are associated with it; and

Whereas it has been both a capitol and a prison, scenes of revelry and tragedy, and connected with it many other historical events; and

Whereas every building that has been used as a Capitol of this Republic since its founding, including Independence Hall and the one at York, Pa., the one at New York City, and the one at Annapolis, has been preserved by patriotic people in the interest of history and sentiment; and

Whereas this building now standing in the Capital of this Nation and so long used as our Capitol during the most critical times of our Republic is now threatened to be torn down to use the site for a building for the Supreme Court: Therefore, be it

Resolved, etc., That no further proceedings shall be taken for the condemnation by the United States, as a site for a building for the Supreme Court, of squares 727 and 728 in the District of Columbia, as such squares appear on the records of the office of the surveyor of the District of Columbia until the Congress shall by law direct the acquisition of such squares for such sites.

SEC. 2. If such squares are at any time acquired by the United States, the buildings thereon shall not be destroyed, but shall be removed by the United States to some other site.

Mr. CARAWAY. I ask unanimous consent for the immediate consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BOULDER DAM—SENATOR SMOOT

Mr. ASHURST. I ask the Secretary to read from the desk an article from the Graham County (Ariz.) Guardian. The Graham County Guardian is one of the leading Democratic newspapers in the State of Arizona.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

[From Graham County (Ariz.) Guardian]

ARIZONA'S GRATITUDE TO SENATOR SMOOT

Arizona citizens owe a deep debt of gratitude and appreciation to Senator REED SMOOT, of Utah, for his masterly argument against the Johnson Boulder Canyon Dam bill before the Senate. He gave valuable and impressive aid to the forces of Arizona in their hour of greatest need.

Senator SMOOT takes his place alongside Governor Dern, of Utah, in the affection of the people of Arizona. Governor Dern also has been Arizona's friend in this long-drawn-out fight in which our State is engaging in a desperate effort to retain her natural interest in the resources of the Colorado River.

Senator SMOOT is recognized as one of the most powerful and influential Members of the United States Senate. He is chairman of the all-powerful Finance Committee. In his long term of service, Senator SMOOT has builded a reputation as one of the greatest leaders in that body. His ability is outstanding; his integrity is unquestioned; his patriotism has been proven over and over to be of the highest order.

It is interesting to recall to memory that a very determined effort was made to prevent Senator SMOOT from taking his seat in the Senate in 1907.

Disbarment was sought on the grounds that he was disqualified because of his religion. Senator SMOOT was then, and is now, a prominent member of the Mormon Church.

Fortunately for the good name of America, the movement to unseat Senator SMOOT because of his religion was defeated. Thus a man who has proven to be one of the greatest Senators in the history of that body was preserved for a life of usefulness to the Nation.

Succeeding years have demonstrated the hollowness of the claims which were made in 1907 by proving that Senator SMOOT's religious affiliations have not interfered with the discharge of his duties as a Member of the Senate of the United States.

Religious intolerance has not entirely disappeared, however, and to-day we find in America opposition expressed toward a candidate for the Presidency because of his religious views.

Such intolerance is as foreign to American ideals and traditions to-day as it was in the case of Senator SMOOT, of Utah, back in 1907.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. FLETCHER. Mr. President, I offer an amendment to the pending bill.

Mr. NORRIS. Mr. President, I think it was understood when I agreed that my amendment might be laid aside that its consideration should follow the disposition of the amendment suggested by the Senator from New York [Mr. COPELAND].

Mr. FLETCHER. That is quite true, Mr. President; but I spoke to the Senator from Nebraska about it, assuring him that my amendment would take only a minute or two, whereas his amendment will probably lead to considerable debate.

Mr. NORRIS. Mr. President, I think my amendment will lead to some controversy.

Mr. FLETCHER. I think my amendment may be disposed of in five minutes.

Mr. NORRIS. Very well.

Mr. FLETCHER. I ask that the amendment proposed by me may be stated.

The VICE PRESIDENT. The amendment proposed by the Senator from Florida will be stated.

The CHIEF CLERK. On page 206, after line 2, it is proposed to insert the following:

Subdivision 5 of schedule A of Title VIII of the revenue act of 1926 is amended to read:

"Passage ticket, one way or round trip, for each passenger, sold or issued in the United States for passage by any vessel to a port or place not in the United States, Canada, Mexico, or Cuba, if costing not exceeding $30, $1; costing more than $30 and not exceeding $60, $3; costing more than $60, $5. This subdivision shall not apply to passage tickets costing $10 or less, and shall take effect on the expiration of 30 days after the enactment of this act."

Mr. SMOOT. Mr. President, as I understand, the amendment proposed by the Senator from Florida simply inserts the word "Cuba"?

Mr. FLETCHER. It merely proposes to insert the word "Cuba" in the present law, so as to include Cuba along with Canada and Mexico.

Mr. SMOOT. I have no objection to the amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. FLETCHER. Mr. President, I ask consent to insert in the RECORD a couple of letters on the subject.

The VICE PRESIDENT. Without objection, it is so ordered.

The letters are as follows:

THE MEARS TOURS,
Tampa, Fla., December 10, 1925.

Hon. DUNCAN U. FLETCHER,
United States Senator, Washington, D. C.

DEAR SIR: I thank you for yours of the 8th instant, with copy of letter from Hon. D. H. Blair, Commissioner of Internal Revenue, with reference to the matter of the difference in the stamp tax imposed on tickets from Port Tampa and Key West to Habana.

I have for quite a long time been under the impression that it would be necessary to have the law changed to get the relief desired, since the commissioner has not only ruled as mentioned in his letter, but that if a person buys a ticket to Key West and then buys a ticket from Key West to Habana, and uses the same steamer on the same day he arrives in Key West, he must pay the same tax as if he had bought a through ticket from Port Tampa to Habana.

In view of the fact that there is no tax on steamship tickets from the United States to points in Canada and Mexico, and Cuba is in a way our "ward," it would seem that our Government would do well to remove the stamp tax on tickets to that country; but if that can not be done, then Port Tampa and Key West ought to be put on an equal basis. While I am not positive, I feel reasonably certain that there is not a case in the United States, other than from Port Tampa, where a ship on a regular passenger run to a foreign country stops at another point in the United States, after having begun the trip, before sailing for the foreign port. If the ships from here sailed directly to Habana,

there might be some excuse for imposing a higher stamp tax, but in view of the fact that there is always a call at Key West, where the ship is cleared by the customs and immigration officials, it seems very unjust that we are compelled to pay the full $3 tax whether we buy directly to Habana or whether we buy from Port Tampa to Key West and then from Key West to Habana, especially when one is required to pay but $1 tax if his ticket is from Chicago or elsewhere to Habana via Key West if he arrives in Key West by any route other than by steamer from Port Tampa. It would be just as equitable to assess the passenger from Chicago (who travels via rail to Key West and thence by steamer to Habana) with a tax on the purchase price of his ticket for the entire journey as it is to make the passenger from or via Port Tampa and Key West on the steamer to do so.

The present law greatly discriminates against this port.

Comparatively speaking, I am sure the amount of revenue received by the Government from the tax on tickets to Cuba is not great, especially since almost all of the people in Cuba traveling to the United States who expect to return within six months buy round-trip tickets, from Habana, and on these, of course, our Government collects no revenue. Therefore to do away with this tax entirely would not mean the loss of much revenue.

Yours very truly,

JAMES E. MEARS, *Manager.*

THE PENINSULAR & OCCIDENTAL STEAMSHIP CO.,
ACCOUNTING DEPARTMENT,
Jacksonville, Fla., October 31, 1927.

Hon. D. U. FLETCHER,
United States Senator, Washington, D. C.

DEAR SIR: The newspapers announce that the Ways and Means Committee of the House of Representatives will begin the preliminary work to write a new tax bill. The transportation lines are very much interested in having eliminated from the new bill paragraph No. 5 of Schedule "A," stamp taxes, of the bill approved February 26, 1926, which reads as follows:

"5. Passage ticket, one way or round trip, for each passenger, sold or issued in the United States for passage by any vessel to a port or place not in the United States, Canada, or Mexico, if costing not exceeding $30, $1; costing more than $30 and not exceeding $60, $2; costing more than $60, $5. This subdivision shall not apply to passage tickets costing $10 or less."

Most of the other stamp taxes were eliminated when the present bill was written, and thanks to your assistance, the bill that first passed the Congress had taken this element of tax out of the old bill, but when it was rewritten in conference it appeared again. At present it is more obnoxious than in the previous bill because it is one of the very few items of stamp tax in existence. It is particularly trying on the traveling public and the transportation people in applying it through the Florida ports in view of the Internal Revenue Bureau's decision that the entire ocean proportion from Port Tampa to Habana is taxable. Hence tickets reading Key West to Habana are taxable $1, while tickets reading Port Tampa to Habana are taxable $3. It is confusing both to all the ticket agents of the United States and the traveling public, and on each voyage of our ships there is a controversy and explanation relative to the collection of this tax which places it in line as the most aggravating nuisance tax.

If you can find time to do so, and you agree with us that this element of tax should be eliminated, we will consider it a great favor if you would bring this to the attention of the committee writing the revision. In the event that we are successful in having this item of the new bill eliminated it will give me great pleasure to advise the ticket agents, conductors, and ships' pursers of the country of your assistance in obtaining this result.

Yours truly,

ROY RAINEY, *Auditor.*

Mr. NORRIS. I now offer the amendment which has heretofore been read.

The VICE PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The CHIEF CLERK. On page 48, line 23, after the word "title," it is proposed to strike out all down to and including line 26, on page 48, and in lieu thereof to insert the following:

shall be open to examination and inspection as other public records under the same rules and regulations as may govern the examination of public documents generally.

Mr. NORRIS. Mr. President, this amendment, which comes in on page 48 of the bill, provides for making all income-tax returns public records, and that, as the amendment states, they "shall be open to examination and inspection as other public records under the same rules and regulations as may govern the examination of public documents generally."

It is in exact form, as I now remember, in which it was approved as an amendment to one of the prior revenue bills. It was, however, rejected by the House of Representatives, and in conference a compromise provision was adopted, which became the law, but which, as a matter of fact, was so unsatisfactory that, as I recall, it was not included in the next revenue bill.

Mr. President, I do not desire to take up the time of the Senate by going into a detailed argument on this publicity amendment. It has been debated in the Senate on several occasions, and I presume Senators all have definite ideas as to whether or not it ought to be included in the bill. To my mind there is no more reason why income-tax returns should be secret, why they should not be treated as public records are usually treated, than there is why in the States the returns of the tax assessor should be secret.

I presume that under the law of every State in the Union the returns of the tax assessor have been treated as a public document; they are accessible, under such rules and regulations as may be made in regard to all public documents and records, to examination by any person who desires to make such examination. I myself can not understand why there should be any more objection to making a tax return under the Federal law a public record than there would be to making the tax assessor's return a public record under the general taxing laws of the State. There certainly can be no harm come, so far as I am able to see, to any taxpayer because his return may be examined by those who desire to examine either that record or any other public record.

Everyone who has made any study of government or the history of government knows that from the dawn of civilization one of the evils of government has been secrecy in the transaction of public business. It is impossible to exaggerate, Mr. President, the dangers that may come to any government, National or State, county or municipal, that insists upon secrecy in the transaction of its public business. It may be that for a time no evil will come; it may be that such a course may be pursued for a while without danger arising to the government or its taxpayers; but it has been demonstrated over and over again that governments which have transacted the business of the public in secret and prevented the ordinary citizen from having opportunity to look into the records of public business and to examine public documents sooner or later fail.

Moreover, Mr. President, there is no doubt that dishonest taxpayers will take every advantage they can in order to avoid the payment of their taxes which are legally and justly due. The man who is perfectly willing to pay whatever under the law he should pay, as a rule makes no objection to having his tax return considered a public document. The corporation and the individual, however, who want to avoid taxation, who are ready to resort to all the technicalities that shrewd attorneys may discover for the purpose of avoiding taxation are the ones who are particularly interested in having this portion of the public business transacted on a secret basis.

The system of secrecy in connection with tax returns gives a premium to the dishonest taxpayer, and thus increases the burden of the honest taxpayer. It does another thing, Mr. President; it prevents Congress from legislating intelligently on tax questions. If we are not informed as to the evils that arise under our tax laws, we can not, of course, intelligently consider and enact legislation that will correct such evils in any way. Everyone knows that no law is perfect; every law, whether it be a revenue law or any other, especially when it covers the ramifications of all kinds of business, as a tax law does, will have imperfections; but from knowledge of conditions we will be able to learn how we can improve the law, how we can remedy its defects, how we can provide that the dishonest taxpayer shall not have an opportunity to avoid the just taxes which he owes to the Government. We are not now able to do this, because we are not able to secure information apprising us of the remedies which should be applied in our tax laws by way of legislation.

So, from any viewpoint, it seems to me there can be no just objection to making a tax return a public document, subject to the same rules and regulations as every other public document.

But, Mr. President, there is another reason that has recently been called to the attention of Congress and the attention of the country why I think we should take some such step as this.

The investigations made by the so-called Couzens committee developed that there were a great many imperfections in our revenue law, of which neither Congress nor the country had ever been advised. If Senators will examine the reports of these investigations, or talk with members of the committee, I think they will be able to see that the very fact of the secrecy that has pervaded the entire bureau in the collection of taxes, and in the decision of controverted questions that have arisen between the taxpayer and the Government for adjudication

under our law, has resulted not only in the loss of hundreds of millions of dollars of taxes justly due to the Government, but has kept from Congress the necessary information by which we could pass legislation that would remedy the evils.

There are other instances where an injustice has been done to the taxpayer, and where no one has an opportunity to find out just what it is in order that it may be remedied; but there are still other things that have come to our notice recently.

The Committee on Public Lands and Surveys, the chairman of which committee is now honoring me with his presence and his attention, has been for a long time engaged in investigations that have brought to light facts and circumstances that have shocked the conscience of the American people. Those investigations have developed the fact that some of our wealthiest men and our wealthiest corporations have been engaged in a business that was as disreputable as ever was engaged in by Benedict Arnold or any of his pals. They have developed that these men have not only bribed public officials, but they have robbed the Government or attempted to rob the Government; and had it not been for these investigations, and the litigation that came as a result of these investigations, they would have robbed the Government of its naval oil reserves.

That probably might have meant, in case of war with a foreign country, defeat instead of victory. That might have meant the destruction on the battle field of hundreds of thousands of human lives that otherwise might be preserved.

Congress, in its wisdom, through the officials of the executive department of the Government, had set aside certain reserves, so that in time of emergency or war our Government might be equipped as well as any of the navies of the world at least, if not better. It has been shown that these reserves were squandered away, that officials were bribed to sell them, that these wealthy corporations invested hundreds of thousands of dollars to bring about the debauchery of public officials and the stealing from the people of the United States of hundreds of millions of dollars of the Government's property. It was further developed, Mr. President, that in carrying out part of these reprehensible schemes an illegal and a fraudulent corporation was organized over in Canada; and this committee of the Senate has spent a great deal of public money and a great deal of valuable time in trying to find out just what that corporation was, who was in it, who got the money, who were its officials, and all about it. The committee has been to a great extent unable to secure all the information that it ought to have been able to acquire, that the Senate and the country needed and wanted. It has been handicapped at every step.

It occurred to this committee on the investigation, and it has occurred to many of us, that if the schemes that it was known that this Continental Trading Co. of Canada was organized to carry out were successful, as they evidently had been up to a certain point, at least, these officials had not paid to the Government of the United States the money that was due it on incomes. That was perfectly apparent some time ago in this investigation to any student who was trying to follow the work that committee was doing. It was quite apparent that if Sinclair and Blackmer and O'Neil and Stewart had been doing the things that the evidence disclosed they were doing, they owed to the Government of the United States at least millions of dollars in the way of taxes for profits that they had made. But all those records were locked up right here in Washington, in the same city where the committee has been sitting during all these weary weeks of investigation. If there was any such evidence, if there was anything that would give any clue to what this corporation had made in the way of money, any returns that had been made to the Government by this corporation or any of its agents or officials or stockholders, there was no way to get the evidence. It was tied up, it was secret, because of the existence of our law now that makes all these returns secret.

I have no doubt, Mr. President, but that if the Committee on Public Lands and Surveys had access to the records of the Treasury, their weary way would have been eased many times by an examination of the records there; and it may be that they would have been able to save a vast amount of time and a vast amount of money if they had been permitted to look at the records and see what the records showed in regard to these profits that it was quite evident had been made by somebody. They might have been able, Mr. President, perhaps not to get all that they needed, but perhaps to get a clue to evidence that would have led them to get possession of the entire story. But, as I say, the law closed the doors in the face of the committee, as it closed the doors to every citizen of the United States. It seems to me this has been a demonstration that our law is wrong; that we ought to permit these returns to be examined, the same as any other public document can be examined; and had that been the law at the beginning of these investigations, one of the first things that would have been done would have been to examine the returns, to examine the records in the Treasury Department, to see whether or not these men, who had evidently made millions out of this transaction, had made a return; if they had not made a return, then to find out what the Treasury Department was doing about it. If they had made no return, they are liable under the law ciriminally as well as civilly.

Mr. NYE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. NORRIS. I yield to the Senator.

Mr. NYE. The Senator from Nebraska is now touching upon a matter in which the committee has been very materially interested. I think, for his information and for the information of the Senate, it ought to be disclosed at this time that a few days ago the committee did make inquiry of the Treasury Department as to what proceedings were being initiated or carried out with relation to the collection of any tax that was due the Government as a result of the Continental Trading Co. deal. That the Senator may know it, and that it may carry weight with the argument which he is offering, I think it ought to be stated at this time that if the committee has gained from the Treasury any information at all touching upon this matter it is not the privilege of the committee to disclose what it has found out.

Mr. JOHNSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from California?

Mr. NORRIS. I do.

Mr. JOHNSON. This is one of the most important things, in my opinion, that could come before us, and with which this bill should deal. I think the entire Senate ought to be familiar with what is being stated now by the Senator from North Dakota. Will he yield that I may call a quorum, that the Senate may hear it?

Mr. NORRIS. I have the floor, and I yield.

Mr. JOHNSON. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McNary	Shipstead
Barkley	Gerry	Mayfield	Shortridge
Bayard	Glass	Metcalf	Simmons
Black	Goff	Moses	Smith
Blaine	Greene	Neely	Smoot
Borah	Hale	Norbeck	Steck
Bratton	Harris	Norris	Stephens
Brookhart	Harrison	Nye	Swanson
Broussard	Hawes	Oddie	Thomas
Bruce	Hayden	Overman	Tydings
Capper	Heflin	Phipps	Tyson
Caraway	Howell	Pine	Vandenberg
Copeland	Johnson	Pittman	Wagner
Couzens	Jones	Ransdell	Walsh, Mass.
Curtis	Kendrick	Reed, Mo.	Walsh, Mont.
Cutting	King	Reed, Pa.	Warren
Deneen	La Follette	Robinson, Ark.	Waterman
Dill	Locher	Sackett	Watson
Fess	McKellar	Schall	Wheeler
Fletcher	McLean	Sheppard	

Mr. JONES. I desire to announce that the Senator from Oregon [Mr. STEIWER] and the Senator from South Dakota [Mr. MCMASTER] are detained on business of the Senate in a committee meeting.

The PRESIDING OFFICER. Seventy-nine Senators having answered to their names, there is a quorum present.

Mr. NORRIS. Mr. President, I would like to say to those Senators who have come in in answer to the roll call, and who were not here when the roll call was begun, that I had been discussing the amendment now pending, with particular reference to the action of the Committee on Public Lands and Surveys in the making of its investigation regarding Sinclair, Blackmer, O'Neil, and Stewart, and their connection, if any, with the Treasury of the United States in the payment of income taxes on the profits of the fraudulent Continental Trading. Co., of Canada. The Senator from North Dakota [Mr. NYE], the chairman of the Committee on Public Lands and Surveys, had just interrupted me, and manifested a desire and an intention of giving to the Senate information in regard to that difficulty, and as to what the committee had done in reference to it. I can not say what his statement is going to be, but at the time of the roll call he was starting to speak in regard to the matter, and I yield to him now to continue and finish his statement.

Mr. NYE. Mr. President, perhaps under the circumstances I ought to have refrained from speaking in this connection at

all; but the Senator from Nebraska was making such a splendid argument in support of the abandonment of this secrecy clause within the tax bill, and had touched so closely to a matter in which the Committee on Public Lands and Surveys was interested in the last few days, that I felt I could not refrain.

The Senator from Nebraska had insinuated that had the records of the Treasury been open to the Committee on Public Lands and Surveys in its inquiry into the affairs of the Continental Trading Co. the path of that committee might have been made somewhat easier than it has been.

I said, when I interrupted the Senator, just this, that it occurred to the committee a matter of a week ago to ask the Treasury just what it was doing with regard to prosecuting any possible tax claims which might exist on the part of the Government against the Continental Trading Co. and those who participated in it, and I was saying that if there was any information of worth coming out of that inquiry, it was not, under the law as it stands at the present time, the privilege of the committee to make use of that information.

Whatever information the committee has received we are virtually sworn to secrecy upon, but I can say this in that connection, that for a matter of six months the committee has been endeavoring to ascertain the names of the participants in the profits of the Continental Trading Co., and as to who was responsible for the Continental Trading Co. We have been quite unsuccessful. The only two who were available and who we had reason to believe might have been participants in that company have sworn that they knew nothing of the affairs of the Continental Trading Co., have sworn that though they have received a profit from that company, they did not know, when the profit was paid to them, what its source really was. The only other three who could give direct testimony in that connection have fled the country and have been abroad through all these years.

If it has been disclosed to us that there has been settlement made by the Continental Trading Co. for any taxes owing the Government by the Continental Trading Co.—I say, if it has been disclosed to us that any such settlement has been made, it is not our privilege now to disclose, as a committee, just who made the settlement of that tax. I think it fair to assume that a statement of the names of the persons who made such a settlement would be indicative of whom the Continental Trading Co. was and who the individuals concerned were, but as it stands, under the law it is not our privilege to use the information which is available in the Treasury.

This morning, upon the convening of the Senate, the senior Senator from Montana [Mr. WALSH] offered for the committee a resolution asking the Joint Committee on Internal Revenue Taxation to gain that information. We can gain it eventually, I have no doubt, but it seems to me to be a sorry state of affairs when the only way this information can be won is first of all to have secured information wholly foreign to that possessed by the Treasury Department; that it is the privilege of those who are evading the tax under the law as it stands at the present time to make settlement when they will, and the public knows absolutely nothing about it.

I think that under the circumstances the committee has a certain interest in this matter which the Senator from Nebraska is discussing that ought to be expressed. First of all, the committee is going to be more or less criticized after all is said and done because of what some will consider to be its limited accomplishments, because it would seem that these investigations accomplish little or nothing, when, as a matter of fact, the accomplishments of this investigation have been many, many fold. Not the least among the accomplishments, I am sure, will be the saving to the Government of millions upon millions of dollars of taxes that might otherwise have been evaded. So that though we get the facts, as we expect to get them, under the resolution offered by the Senator from Montana, I think it high time that we did away with this cloak of secrecy behind which scoundrels can hide in the settlements, when they do make settlements, of claims which rightfully exist against them.

I think that is all I would venture to say at this time in this connection.

Mr. WALSH of Montana. Mr. President, I feel like adding to what has been said by the chairman of the committee the fact that it was disclosed some nearly four years ago now that this ephemeral Continental Trading Co. had realized profits out of its transactions extending over a period of something like a year and a half, and really consummated some time ago, of something over $3,000,000. That fact was known to some of the officers of the Government at least four years ago, when an application was made for a continuance of the Teapot Dome trial at Cheyenne, Wyo.

About the time the committee began its work under the resolution (S. Res. 101) offered by the Senator from Nebraska [Mr. NORRIS] during the current session of the Congress a member of the committee addressed a communication to the Secretary of the Treasury calling his attention to the fact that in all reasonable probability a very considerable amount of tax was due from the Continental Trading Co. to the Treasury, and likewise that the facts disclosed before the committee rendered it altogether probable that no return had been made and no tax had been paid. Information with respect to that matter was asked, and inquiry was made as to whether any legislation was necessary or desired in order to aid the Treasury in the collection of any tax that might be due.

In response to that letter, a letter came from the Secretary saying that the fact was that no tax had been paid and no return had been made, and up to that time the Treasury was not advised that any further legislation was necessary, but further inquiry would be made in respect thereto.

Nothing having been heard about the matter until, as the chairman of the committee has stated, something about 10 days ago, a further communication was addressed to the Secretary of the Treasury, as a result of which some communication has been had with officers of that branch of the Government, and as a consequence thereof the resolution which was offered this morning and adopted by the Senate was introduced. It is expected that definite information will come promptly concerning what has been done concerning the collection of this tax.

Mr. NORRIS. Mr. President, I want to thank the Senator from North Dakota and likewise the Senator from Montana for their contribution to what I was trying to say.

It is quite evident, from what these two Senators have said, that even they possess information which they are not at liberty now to disclose to the Senate, all because we have a law on the statute books which makes these public documents secret. It is quite evident, it must be apparent to every Senator who has listened to the statements of these two Senators, that there is information in the Treasury which they do not have, but that they at least know that there is something there that they do not have. They may have more information than that. But because of the secrecy made necessary by the law, they can not even disclose their knowledge to the Senate, a body which, in conjunction with the House of Representatives, is charged with legislation for more than a hundred million people, in a Republic where the people are supposed to rule. Yet, because of the secrecy in the Revenue Bureau of the United States, even members of our committee can not disclose the evidence to the the legislative body, which must be informed before any legislative remedy can be applied. It is a queer predicament, it seems to me, for a civilized nation to find itself in. Yet we are going on from year to year giving a premium upon fraud and dishonesty, then giving a premium to those who have committed the fraud and dishonesty, making it difficult for the officials of the Government to arrest and punish or to collect civilly under any liability which may exist from those who are at fault.

The particular amendment in only a few words would remedy that situation. Is there anyone who doubts if these documents were public documents, subject to examination, that instances of this kind would at least more rarely occur? The thief, the demagogue, the briber is afraid of publicity. That is one thing above all else that he avoids. So I say again we are by our laws giving a premium to the dishonest, to the debauchers of public officials, to those who rob the Government of its property, property that is almost sacred because it was set aside to preserve our Army and our Navy and our country in times of dire distress.

I heard the chairman of the investigating committee when he said that the committee would probably be criticized because the results were not as great as some people think they ought to be.

I have heard that criticism made. I heard made, I think, on the floor of the Senate at the beginning of the investigation objections to the expenditure of public money in the various investigations. But I say here and now to the Senator from North Dakota [Mr. NYE] and the Senator from Montana [Mr. WALSH] and the other members of the Committee on Public Lands and Surveys that, considered only on a cold financial basis, the investment made of public money in the investigations has brought greater returns to the taxpayers of the United States than the expenditure of any amount of money ten times as great in the history of our country. We did recover Elk Hills reservation in California, we did receover Teapot Dome, and the title now rests in the Nation, property worth hundreds of millions of dollars. Not one foot of it would have been recovered had it not been for investigations made by the Senate committee.

Years ago, when the resolution was first introduced by the late Senator from Wisconsin, Mr. La Follette, and when it was passed by the Senate and the investigation was commenced by this committee, there was criticism both here and elsewhere. The committee and those who favored the resolution were criticized in a great many places in the United States, by high officials and high representatives in all kinds of business. Much of the criticism probably was honestly made. It was not a long time that the committee was at work before they began to unearth sufficient to convince even the worst doubter that there had been going on for several years the greatest kind of fraud; that a high public official, a member of the Cabinet, had been bribed and that he had given away hundreds of millions of dollars of the property of the United States.

So I would like to say to the members of the committee that while it may seem difficult, and has been even weary and uphill work, sometimes thankless, they have made a record that will be admired and glorified years after they have passed away. The late Senator La Follette was condemned, and one of the reasons for his condemnation was his activities in the Teapot Dome matter. Although he has passed away and can not listen to the praise that comes to his name, the whole world knows now that he was right, that he was on the right track, and that he was one of the principal instrumentalities that brought about, even if we consider it only in dollars and cents, hundreds of millions of profits to the United States by the saving of the naval oil reserves.

But, Mr. President, the money involved is the least part of it. The investigation which has been going on for years has brought to light, a little at a time, disclosures that have shown how this wicked thing was done, how unpatriotic some of our public servants were, how unpatriotic and dishonest and traitorous were some of our very wealthy men who were bribing public officials for dollars and cents. So I think it is a noble record, one of which, although the members of the committee may not think so much of it, their children will be proud.

Mr. President, I have said this much about the committee work not because it has a direct bearing upon the pending question but because the remark of the Senator from North Dakota [Mr. NYE] brought it forth. But enough has been disclosed now to show that there is a connection in the secrecy between those who have defrauded the people of the United States, between officials who have sold out the Government of the United States for gold, and the secrecy that is going on in our Government. It is only another demonstration of what I have often said, that secrecy in government will ultimately, if not checked, lead to its destruction. It is a law of human nature. There is no escape from its result.

More quickly than anyone thought, this secrecy going on in the lease of the oil lands, something that was concealed from the people of the United States, has brought to light some of the most disgraceful disclosures that have ever been put in print. It can not be kept up long and have the Government survive. We can not make a daily occurrence of that kind of thing and expect the Republic to live. It will be an impossibility. The only way to purify it, or one of the ways to make it nearer impossible for these things to occur, is to throw open the doors to the public records of the United States. Therefore I hope that the Senate will adopt the amendment and incorporate it in the law.

Mr. COUZENS. Mr. President, several Congresses have endeavored to have put into the law an amendment such as is now proposed by the Senator from Nebraska [Mr. NORRIS]. The committee which investigated the Bureau of Internal Revenue had occasion during its examination to discover the criminality of the operations of the bureau through the very secrecy provision now in the law.

It seems to me that it is appropriate at this time to read into the RECORD some of the experiences we had and some of the records we found as a result of the examination. Of course, I know that Senators are busy on all sorts of committees, and have direct activities with special measures, and I assume, for that reason, that not many Senators have read the report of the select committee which investigated the Bureau of Internal Revenue. I want to read just a page or two of the results that were secured by means of our investigation.

On page 229 of the investigation report which was made to the Senate there appears the following:

> Many of the principles, practices, methods, and formulæ applied in determining taxes have never been reduced to writing, and only about 15½ per cent of the formal written rulings have ever been published.

Mr. NORRIS. Mr. President, I did not quite get that statement. Does the Senator mean to say that only 15½ per cent of the rulings have ever been published?

Mr. COUZENS. That is correct as of the time we made the investigation. I have no information of the condition since, nor do I know what rulings have been published since.

Mr. NORRIS. That means that anyone seeking a refund of an overpayment of taxes would not be able to find out what the rule was, or what the precedents, if any had already been established, might be.

Mr. COUZENS. That is correct.

Mr. NORRIS. That is a deplorable condition.

Mr. COUZENS. That condition was disclosed in the testimony and incorporated in the report.

> This failure to promulgate and publish the principles and practices to be followed in determining tax liability has resulted in gross discrimination between taxpayers similarly situated. Taxpayers desiring the benefit of the most favorable practices have been forced to employ former employees of the Income Tax Unit and pay immense fees for information which should be freely available to everybody. The premium thus placed upon the value of unpublished information is the cause of the immense turnover among the employees of the unit and creates a necessity for salaries entirely out of range with what the Government pays for similar services in other bureaus.
>
> This failure to promulgate and publish adequate rulings has retarded the settlement of the law and practice of the department. This unsettled condition of the law and practice has encouraged the filing and prosecution of claims and requires the continued discussion and consideration of questions which should have been long since disposed of by established precedents.
>
> Uniformity in the taxation of those similarly situated is the first and fundamental requisite of any just system of taxation. Such uniformity can not be accomplished unless tax liability is determined in accordance with principles uniformly applied.
>
> The most serious defect in the administration of the income tax law is the absence of any adequate statement of the departmental construction of the provisions of the law, the principles, formula, and methods applied, and the practice and procedure followed in determining tax liability.

In order not to delay the Senate I will pass over several paragraphs and refer to page 230 of the report. I want to say in this connection that the report is based on absolute evidence presented to the committee and is not speculation or an opinion arrived at by the committee itself.

Mr. WALSH of Montana. Mr. President, I inquire of the Senator whether the report with respect to this feature was unanimous?

Mr. COUZENS. No; the report was not unanimous. It was not signed by the Senator from Indiana [Mr. WATSON] or by former Senator Ernst, of Kentucky. I might say in further answer to the Senator from Montana that the testimony is a public record and became a public record after we presented it to the Senate. The hearings were held before members of the committee, and the staff of the Bureau of Internal Revenue was present at all times.

Mr. WALSH of Montana. I would like to inquire of the Senator whether the Senators referred to made a minority report?

Mr. COUZENS. I think Senator Ernst made a minority report, which was concurred in by the Senator from Indiana [Mr. WATSON].

Mr. WALSH of Montana. Mr. President, is the Senator able to tell us whether they canvassed this particular feature of the matter?

Mr. COUZENS. I do not recall. The minority report was not published, as I remember, but was read into the RECORD by the former Senator from Kentucky, Mr. Ernst.

Mr. WALSH of Montana. The Senator is not able to tell us whether or not it expressed any views upon this particular feature of the matter?

Mr. COUZENS. No; but I shall be glad to look that up. I was not prepared for this question to come up this afternoon, but I wish to say that the bureau itself has at no time denied these statements.

Mr. NORRIS. Mr. President, will the Senator from Michigan permit an interruption at that point?

Mr. COUZENS. I shall be glad to do so.

Mr. NORRIS. I am speaking only from recollection, but I remember distinctly that the former Senator from Kentucky, Mr. Ernst, referred to it, and I think it was at the time when, as the Senator from Michigan has stated, he read his report into the RECORD. While he disagreed with the Senator from Michigan in some of his conclusions, I do not believe he made any denial, as I remember, or contradiction of the statements that the Senator from Michigan has just now made, nor did he claim that the evidence did not disclose just what the Senator from Michigan has stated that it disclosed.

Mr. COUZENS. His report was particularly directed against the chairman of the committee for his method of inquiry.

On page 230 of the report from which I have just been reading it is stated:

When Congress reenacts a statute which has received Executive interpretation it is considered to have given implied legislative approval to such interpretation. During the hearings it was repeatedly claimed that by reenacting the provisions of the revenue acts Congress has affirmed the administrative construction. It is therefore of vital importance that Congress have the means of informing itself as to how the revenue acts are construed and applied. Unless the practices and precedents interpreting and applying the revenue laws are reduced to writing and published, Congress has no means of learning what it is presumed to know in acting upon revenue legislation. Without knowledge of the administrative interpretation and application of the revenue acts Congress can not intelligently determine the desirability or necessity for their amendment.

THE REGULATIONS

The income tax law is necessarily most general in its terms and empowers the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to promulgate "regulations" more particularly defining the taxpayer's rights and obligations under the law. It was doubtless the intention of Congress that these regulations should be sufficiently complete, comprehensive, and specific to enable any taxpayer to determine his own tax liability.

The regulations under each revenue act must be promulgated before the returns made under such act are prepared. It has been impossible to foresee the multitude of questions which would arise under a new law or under new provisions of subsequent acts. The "regulations" under the earlier acts were, therefore, of necessity, very broad and general, and in many cases were mere restatements of the income tax law. We now have an entirely different situation. It is over seven years since the 1917 returns were filed, and it is extremely doubtful if many questions can arise which are not presented by the returns filed since March, 1918.

Most questions which can arise have been acted upon in some manner, and, if uniformity and consistency of ruling is to be observed, this accumulated mass of precedent constitutes a fund of information which should be available to the employees of the bureau and to the tax-paying public. This information should also be available to Congress. It is only by examining such precedent that Congress can determine how its acts are construed and applied, and whether amendment is necessary or desirable.

Notwithstanding the fact that nearly every conceivable question which can arise under the income tax laws has been presented by returns on file, and some action has been taken upon the most of such questions, the "regulations" promulgated under the 1924 act are still so broad and general as to give the employees of the Income Tax Unit, the taxpayers, and the Congress but little more guidance and assistance than do the "regulations" promulgated under the 1918 act.

PUBLISHED RULINGS

The generality of the regulations leaves a multitude of questions as to the interpretation of the law and the regulations, to be passed upon in particular cases. In many instances taxpayers before filing returns write to the unit requesting rulings upon the application of the law to particular facts. These inquiries are referred to what is known as the rules and regulations section, where they are answered. When, in the judgment of the rules and regulations section, these answers cover questions not covered by published rulings, they are forwarded to the solicitor for his approval, and if approved become what are called income-tax rulings.

The advice of the rules and regulations section is sometimes also sought by the audit and engineering divisions upon matters pending in the unit. It is the practice of the rules and regulations section to answer inquiries from the unit divisions if the question is covered by a published ruling, but otherwise to refer the questions to the solicitor for a ruling.

Solicitor's rulings are made upon questions referred by the rules and regulations section upon cases brought to the solicitor's office on appeal by the taxpayer upon refunds involving over $50,000 and upon requests made by the commissioner or deputy commissioner upon their own initiative or upon the suggestion of a chief of a division.

For a time the tax advisory board recommended methods of procedure and formula and acted upon cases appealed by taxpayers. The committee on appeals and review was the appellate body to which appeals were taken from unit determinations until it was abolished, when the Board of Tax Appeals was created under the revenue act of 1924.

ONLY 15½ PER CENT OF FORMAL RULINGS PUBLISHED

As of March 6, 1925, there had been issued by the solicitor—

And this is a point I wish to emphasize—

the tax advisory board, the committee on appeals and review, and by the rules and regulations section 20,311 rulings, of which only 3,168, or 15½ per cent, had been published.

There were 20,311 rulings, and only 15½ per cent ever came to public observation.

Mr. NORRIS. Mr. President——

Mr. COUZENS. I yield to the Senator from Nebraska.

Mr. NORRIS. Does that mean that the remainder of those rulings—the 84½ per cent—were inaccessible?

Mr. COUZENS. Yes, sir.

Mr. NORRIS. That means that it would have been impossible for me, for instance, if I had been an attorney for a client who had a case there, to find out what the precedent established in any of those other cases was?

Mr. COUZENS. So far as any public record is concerned, that is correct. I do not say if the attorney had applied to the commissioner and intimated that there was such a ruling and stated he would like to see it that he could not have examined it.

Mr. NORRIS. He would have had to know in advance that there was such a ruling.

Mr. COUZENS. He would have to know in advance. It was not a public record. He might have learned from an associate, or another attorney, or an auditor, or an accountant that there was such a ruling in existence.

The number of rulings issued by each of these authorities and the number published is shown by the following table—

I am not going to delay the Senate by going into all the details, but the advisory tax board issued 71 rulings or recommendations and published 50 of them, or 71 per cent.

Going further down the table, the committee on appeals and review issued 8,367 rulings or recommendations and published only 403 of them, or 4 per cent.

The aggregate of all these rulings, as I have said, was 20,311, of which 15½ per cent were published.

The representatives of the commissioner stated to this committee—

This is a matter of record—

that all rulings upon novel questions of general application were published, provided it were possible to so delete the facts as to destroy the identity of the case, and that unpublished rulings are never used as precedents.

In other words, the commissioner testified before the committee that unpublished rulings were not used as precedents, so that if any taxpayer should get a favorable decision in his particular case, it could never be used as a precedent in another case.

This statement is not sustained by the facts as disclosed by the investigation.

In that section of this report dealing with "Depletion and the valuation of natural resources" many formal rulings by the solicitor and the committee on appeals and review are reviewed and discussed. Every one of these rulings are of general interest and importance. The facts in every case could be so deleted as to destroy the identity of the taxpayer. Not one of these rulings have been published.

The excuse of the bureau as offered to the committee was that they could not publish these rulings without disclosing the name of the taxpayer; that it was impossible, because of the peculiarity of the situation, to delete the names and yet give the facts to the public.

Mr. NORRIS. Mr. President, if I may be permitted again to interrupt the Senator——

Mr. COUZENS. I am glad to yield.

Mr. NORRIS. Even that excuse would have been unavailable if we had had this kind of a provision in the law.

Mr. COUZENS. That is absolutely correct.

Mr. NORRIS. Because the commissioner of course was saying, "I can not give you this case because I am prohibited under the law from disclosing this information."

Mr. JOHNSON. But, beyond that, the decisions were well known to a favored few. That is correct, is it not?

Mr. COUZENS. Every employee who left the bureau knew of these 17,000 unpublished decisions, or a percentage of them, and was able to go to his client or clients in soliciting business and say "Mr. Jones," or "Mr. Smith, I know of a decision of the Bureau of Internal Revenue that will secure you a refund of a million dollars. You do not know of it, and you can not get it. If you will let me take your case for a 25 per cent or 50 per cent contingent fee, I will take it up and get you a refund." I know that from actual experience. So it is perfectly obvious that the secrecy of the bureau, against which at every opportunity I have protested, is discriminatory as between taxpayers and leads to fraud and graft.

I continue to read from the report:

The following statement of several of these rulings suffices to prove their general importance and the fact that they can be stated without revealing the identity of the taxpayer:

A ruling by the solicitor that the commissioner may reconsider tentative valuation made for depletion purposes.

Rulings by both the committee on appeals and review and the solicitor that discovery depletion may be based upon discoveries made after the existence of the mineral is known.

A ruling that the provision barring discovery depletion when the property is acquired as the result of purchase of a proven tract or lease permits the allowance of discovery depletion to the owner of a fee which was a proven tract or lease when he acquired the fee, provided he had an option to purchase when the mineral was discovered.

In the National Aniline & Chemical case a published ruling of the solicitor was violated, and an unpublished ruling, advisory tax board recommendation No. 68, was followed. That this was not an oversight, but was done deliberately, is shown by the record.

In the United Motors Corporation case (3923), committee on appeals and review recommendation No. 6617 is contrary to published recommendation No. 34 providing for the 1913 valuation of corporate stock, yet No. 6617 was not published.

Recommendation No. 6617 is based upon seven unpublished rulings, one of which is L. O. 1117, which the committee states in its ruling was cited by both the unit and by the taxpayer.

It was cited by the taxpayer and by the unit without ever being published, because the taxpayer learned of it through means resulting from the secretive methods employed by the department.

This particular ruling not only shows the extent to which unpublished rulings were relied upon as precedents, but discloses the fact that at least this taxpayer had access to and was able to avail itself of this unpublished precedent.

It may be observed that since June 1, 1925, the commissioner has refused to give this committee copies of unpublished rulings, some of which had been requested but the copying of which had not been finished on June 1, 1925.

That was the time when the authority of the committee expired under the resolution—

It thus appears that some taxpayers are permitted to secure and utilize rulings which even a Senate committee can not secure.

I will skip over here; and I want to make reference to the value of this secrecy to the tax expert.

This system—

That I have just been talking about—

had not only led to the lack of uniformity and lack of consistency in rulings upon the same and closely related questions but has given rise to and now maintains the lucrative business of the tax expert or "fixer." There is nothing so involved, complicated, or technical about the procedure in the Income Tax Unit that anyone of ordinary intelligence can not understand it, provided he has access to the information. Taxpayers generally, however, to secure the advantages accorded others similarly situated find it necessary to employ some one with "inside" information.

I want to point out to Senators that this is not a mere report; it is all sustained by evidence. The evidence is now in the hands of the Senate. If anyone challenges that statement he can go to the records, and deny, if he cares to, the statements I am now making, which are signed by a majority of the committee.

I have no desire to delay action on the proposed amendment; but if anyone is in doubt as to the desirability of adopting this amendment, I can refer him to the testimony that is already in the hands of the Senate, produced by the select committee that examined the Bureau of Internal Revenue, and specifically refer him to the reports from which I have read.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On May 16, 1928:

S. 2004. An act authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz.

On May 17, 1928:

S. 1662. An act to change the boundaries of the Tule River Indian Reservation, Calif.;

S. 2340. An act to transfer to the city of Duluth, Minn., the old Federal building, together with the site thereof;

S. 3565. An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes; and

S. J. Res. 119. Joint resolution granting an easement to the city of Duluth, Minn.

CONSTRUCTION OF RURAL POST ROADS (S. DOC. NO. 111)

The PRESIDING OFFICER (Mr. McNARY in the chair) laid before the Senate the following veto message from the President of the United States, which was read, as follows:

To the Senate:

There is returned herewith, without my approval, S. 3674, a bill to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The bill would authorize appropriations of $3,500,000 each for the fiscal years 1929, 1930, and 1931, to be allocated to States having more than 5 per cent of their area in unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, for the construction, by the Bureau of Public Roads, of the main roads through such lands.

From 1917 to 1929, inclusive, Federal appropriations aggregating $840,000,000 have been authorized for cooperative construction of rural post roads and appropriations aggregating $733,200,000 have been made to meet the requirements as they have developed. From 1922 to 1929, inclusive, Federal appropriations aggregating $58,000,000 have been authorized for forest-development roads and forest highways and appropriations thereunder aggregating $54,055,000 have been made. From 1925 to 1929, inclusive, $10,000,000 have been appropriated for the construction of roads in national parks.

While expenditures from appropriations for cooperative construction of rural post roads are contingent upon equal contributions by State or local agencies, no such requirement obtains with reference to appropriations for roads in national forests and national parks, since such roads are required for the protection, administration, utilization, or development of Federal resources. The bill would provide for entire construction from Federal funds of main roads through unappropriated or unreserved public lands and nontaxable Indian lands. Such expenditures could not be justified on the basis of protection or development of Federal resources and would constitute a radical departure from the established policy of Federal aid on a cooperative basis in road construction.

Having in mind the increasing ability of the States to finance road construction due to the general adoption of the gasoline tax and the increase in revenue from this source which would accrue to States from roads constructed through public and Indian lands therein, I see no reason why the States should be relieved from their contribution toward the construction of these roads as required by existing law. I am constrained therefore to return this bill without my approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. ODDIE. Mr. President——

Mr. CURTIS. Mr. President, I understand that the veto message has to be entered on the Journal before that vote is taken.

The PRESIDING OFFICER. The Senator from Nevada has a perfect right to make a statement, however.

Mr. CURTIS. I beg pardon.

Mr. ODDIE. Mr. President, when the message is entered on the Journal in the proper way, in a short time I shall move that the Senate consider this matter.

The PRESIDING OFFICER. The Chair will state to the Senator that a motion is not necessary. The matter is on the table for that purpose at any time. The message will lie on the table and be printed.

CLAIMS OF INDIANS IN THE STATE OF WASHINGTON (S. DOC. NO. 110)

The PRESIDING OFFICER laid before the Senate the following veto message from the President of the United States, which was read, as follows:

To the Senate:

I am returning herewith Senate bill 1480, "An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims," without my approval.

These claims amount to approximately $9,125,000, which represents the value of 6,500,000 acres of land, in the aboriginal possession of the Indians, at $1.25 per acre, and includes hunting and fishing rights to the value of $1,000,000. These claims are not based upon any treaty or agreement between the United States and these Indians, nor does it appear to me that they

are predicated upon such other grounds as should obligate the Government at this late day to defend a suit of this character. The Government should not be required to adjudicate these claims of ancient origin unless there be such evidence of unmistakable merit in the claims as would create an obligation on the part of the Government to admit them to adjudication. It seems to me that such evidence is lacking.

I am constrained, therefore, to withhold my approval of this bill.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The bill and message will lie over for the day and be printed.

SUPPLEMENTAL ESTIMATES, DEPARTMENT OF COMMERCE (S. DOC. NO. 109)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States, submitting supplemental estimates of appropriations for the Department of Commerce, fiscal year 1928, amounting to $1,373,020, and for the fiscal year 1929 amounting to $47,955; in all, $1,420,975; which with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

RELIEF OF JOHN BOYD (S. DOC. NO. 108)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the District of Columbia, fiscal year ending June 30, 1928, for the payment of a final judgment rendered against it amounting, with costs, to $516.66, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

INTERNATIONAL CONFERENCE ON CIVIL AERONAUTICS (H. DOC. NO. 308)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Secretary of State, with the accompanying papers, to the end that legislation may be enacted authorizing (1) the President to invite representatives of foreign governments to attend an International Aeronautical Conference on Civil Aeronautics, to be held in Washington, D. C., December 12, 13, and 14 of this year, and (2) an appropriation of $24,700 for the expenses of such a conference in accordance with the recommendations of the Secretary of Commerce, as submitted through the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

(Inclosure: Copy of report from the Secretary of State, with inclosures.)

INTERNATIONAL TELEGRAPH CONFERENCE AT BRUSSELS (H. DOC. NO. 309)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State requesting that the Congress be asked to enact legislation authorizing an appropriation in the sum of $19,800 to pay for the expenditures involved in the participation by the United States in the International Telegraph Conference to be held at Brussels, beginning about September 10, 1928.

I recommend that the Congress enact legislation authorizing an appropriation for the sum mentioned, in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

(Inclosure: Report from the Secretary of State.)

NAVAL CONSTRUCTION

Mr. HALE. Mr. President, I do not desire to delay action on the amendment now before the Senate nor on the bill; but there are certain matters that I feel that I ought to bring before the Senate. I will ask Senators not to interrupt me in the course of what I have to say, as there are many figures involved.

Mr. SMOOT. The Senator is not asking for action to be taken at this time?

Mr. HALE. I am not asking for any action at this moment. What I shall say will not consume a great deal of time.

Mr. President, to understand clearly the present naval situation and the purposes of the naval construction bill which is on the calendar it will be necessary to go back a number of years into naval history.

In August, 1916, the so-called 1916 building program was authorized by act of Congress. This program provided for the construction of 157 new ships of various types, including a number of very large and very powerful battleships and battle cruisers.

Most of the ships included in the building program, including all of the battleships and battle cruisers, had been laid down and were in process of construction when President Harding took his seat in the White House in March, 1921.

At that time we had on the ways 9 battleships, 3 of them of a tonnage of 32,600 tons each, 6 of a tonnage of 43,200 tons each, and 6 battle cruisers of a tonnage of 43,500 tons each. The battleships, when work was shortly thereafter stopped upon them, were in a stage of completion averaging 43 per cent, and the battle cruisers 16 per cent.

Mr. President, had all of these ships been completed and had they been added to our naval forces, and had a sufficient number of cruisers, submarines, aircraft carriers, and other auxiliary ships been laid down properly to round out the Navy, we would have had a Navy powerful enough in all probability to withstand all of the navies of the world now in existence combined.

This would have guaranteed to us absolute protection from any attack by sea.

After the Great War a feeling arose in this country and throughout the civilized world that naval armament should be cut down and that the various peoples of the world should be relieved of the burdens of taxation necessary to maintain and keep up the great armaments then existing and planned for, and, above all, as far as possible that competition in naval armament should be stopped.

To carry into effect such a plan for the limitation of armament the Washington Conference for the Limitation of Armament was called by President Harding in November, 1921.

With our tremendous shipbuilding program on the ways, which no other country could reasonably hope to equal, we were in a position to bring about an agreement among the five greater naval powers of the world—Great Britain, Japan, France, Italy, and ourselves—for such a limitation, and we did bring about, Mr. President, such a limitation of naval armament, so far as capital ships and aircraft carriers were concerned, by agreeing to scrap all of our battleships building, with the exception of two, and all of our battle cruisers building, with the exception of two, which were to be turned into aircraft carriers, making a total of 465,800 tons of new construction that was scrapped, on which $150,000,000 had already been spent.

In addition to this we agreed to scrap a number of older battleships, as did two of the other four nations parties to the treaty—Great Britain and Japan—which battleships could have been kept up only at great expense, and would in all probability have been scrapped had there been no conference on limitation of naval armament.

The other nations parties to the conference agreed to scrap no ships that were in process of construction, with the exception of Japan, and nearly all of her building program was on paper.

In exchange for giving up this great naval supremacy of ours we secured a basis of limitation on capital ships and carriers of 5 to 5, or an equality with Great Britain; 5 to 3 with Japan; and 5 to 1.67 with France and Italy on capital ships and 5 to 2.22 on carriers.

The sacrifice in reaching this ratio was almost altogether on our part. At the same time the representatives of the United States made a strong attempt to have the same ratio apply to other combatant vessels, including cruisers, destroyers, and submarines, but the attempt was a failure and no agreement other than the agreement on capital ships and aircraft carriers was reached.

When in a conference called on our own initiative we showed ourselves ready to sacrifice our naval supremacy the surprised world was only too glad to accept our terms for a limitation in this class of ships, and to that extent the conference was a success. The pity is that with this immense leverage we could not have fixed the ratio limit on all classes of combatant ships. It is true that we tried our best to do so, and at one time it

looked as though we were in a fair way to succeed. But we did not succeed, and hence our troubles of to-day.

One thing the Washington conference did for us—it served as a notification to the rest of the world that the 5–5–3 ratio was the basis upon which the United States proposed to keep up its Navy. Secretary Hughes, who presided over our delegation at the conference, stated clearly the position of our country in referring to the celebration of Navy Day on October 26, 1922, when he said:

> This Government has taken the lead in securing the reduction of naval armament, but the Navy that we retain under the agreement should be maintained with efficient personnel and pride in the service. It is essential that we should maintain the relative naval strength of the United States. That, in my judgment is the way to peace and security. It will be upon that basis that we would enter in future conferences or make agreements for limitation, and it would be folly to undermine our position.

I firmly believe that the position taken by him expresses the will of the American people.

Last summer, Mr. President, at the instigation of the President of the United States, and to follow up the attempt made by our representatives at the Washington conference, a conference was held at Geneva to consider a limitation of armament of ships other than capital ships and carriers. France and Italy refused to take part in the conference other than to send observers, and the conference was thereby limited to Great Britain, Japan, and the United States.

The delegates of this country went to the conference with the honest intention of securing a limitation of armament in the classes of ships indicated. They were ready and willing to accept a tonnage figure on these classes of ships—cruisers, destroyers, and submarines—below the actual naval needs of the country as recommended to Congress by the Navy Department, provided the limitation could be made on the same basis as the capital-ship ratio.

The American proposal at the conference was 250,000 to 300,000 tons of cruisers for Great Britain and the United States and 150,000 to 180,000 for Japan. As we have but 155,000 tons of first-line cruisers built, building, or appropriated for, the lower figure would have involved the building of nearly 100,000 tons of new cruisers.

As the British have built, building, or appropriated for 337,410 tons of first-line cruisers they would have had to scrap about 87,000 tons of their present cruisers. The Japanese, with 196,205 tons of first-line cruisers built, building, or appropriated for, to come within the ratio would have had to scrap about 46,000 tons of their present cruiser force.

The first proposal of the British at the conference was 600,000 tons of cruisers, which offer was later cut down to 510,000 tons. The United States raised their offer to 400,000 tons, though protesting at the time that it was against their better judgment to do so.

The representatives of Japan were at all times in favor of a low figure for a limitation. They asked that the ratio of 5–5–3 be changed to 5–5–3.5, but were not insistent upon this specific demand.

The American demand was for a limitation of total tonnage in cruisers with permission to build cruisers of any size within the limitation up to the 10,000 tons of the treaty cruiser. The British contention was that on account of their far-flung naval bases and insular possessions they needed a great number of smaller cruisers and that therefore the number of 10,000-ton treaty cruisers should be limited.

They insisted that their naval needs required 70 to 75 cruisers, and sought to limit the construction of cruisers to two classes, those of 10,000 tons, carrying 8-inch guns, and those of 7,500 tons and under, with a limit of 6-inch guns, which proposal was later changed to 6,000-ton cruisers with 6-inch guns.

Their original proposal was for fifteen 10,000-ton cruisers, which in one of their later offers was modified to 12.

The position of the United States that a limitation be placed on the total tonnage, with permission to build ships of any size within that limitation up to the treaty limit of 10,000 tons, was maintained throughout the conference by the American delegates, because on account of our almost entire lack of naval bases and the fact that our operations away from the fleet would necessarily be carried on overseas and in proximity to hostile bases, we need the maximum cruising radius and maximum protection in armament, so that it is imperative that we build almost exclusively ships of the larger type. The smaller type of ship with a lesser cruising radius would be of little value to the United States, and necessarily we would not feel justified in building such ships. While it is perfectly true that the naval needs of Great Britain are not necessarily based on the possibility of any hostilities with us, yet the fact remains that if she builds up to her expressed naval needs and we do not she will have a navy that is stronger than our Navy and we lose that position of equality which was the whole basis for the ratio of the Washington conference.

There are people in this country who believe that we should never consent to any agreement that would deny us the right to maintain a navy equal to that of Great Britain, and yet hold that it is not necessary for us to exercise fully our rights under such an agreement. It is true that there is nothing in the agreement of the Washington conference that obligates us in capital ships and carriers to keep our Navy up to the ratio basis, nor would there be in all probability any such obligation in any future conference agreements, yet if we do not do so for any reason we would necessarily be left in a secondary position until the deficiency in strength should be made up, and at any given time that would involve, with the intricacies of modern naval construction, a delay of several years before the Navy could be brought up to its permitted strength. Obviously in case of a sudden call for our Navy such an agreement, if we did not exercise fully our right under it, would be of little value to us.

The representatives of the United States had no objection to the other countries party to the conference building smaller vessels if they saw fit to do so, but were unwilling to bind the United States to an agreement that would force her in order to maintain her position of equality to build ships for which she had no use.

This failure to reach an agreement on types of cruiser and on the total tonnage of cruisers to be allowed caused the conference to break up without reaching an agreement. Tentative agreements could have been reached and practically were reached in regard to submarines and destroyers, including destroyer leaders, but as the main proposition—the cruiser proposition—failed, no final agreement was reached in respect to any class of ship in the conference.

We went into this Geneva conference in an honest attempt to bring about a further limitation of armament. We figured that in the Washington conference almost the entire sacrifice had been made by ourselves. In the Geneva conference we hoped that Great Britain, which was in much the same position in regard to cruisers at that time that we occupied in regard to capital ships at the time of the Washington conference, would sacrifice her cruiser superiority as we had sacrificed our capital-ship superiority, but we hoped in vain. The shoe was now very much on the other foot. We were not at this second conference in the lordly position that we occupied at the first one. We had no great partially completed program that we were willing to sacrifice in the interests of world economy. We were asking another country to assume that rôle and the other country did not feel that it could assume it, so the conference failed, as all such conferences in the future will fail unless the nation which has come to the top is willing to give up that advantage for some reason which to her seems justifiable.

We were able to bring the Washington conference to a more or less successful conclusion because we were on top at that time. Great Britain could have done the same thing at the Geneva conference at the price of sacrificing her cruiser superiority. In the same way France could undoubtedly bring about an agreement for a limitation in land forces if she were disposed to give up her military preeminence; but Spain could not do it, or England, or Italy, or any other country that was unable or unwilling to bring up its military strength to that of France.

The great striking force of the Navy is the Battle Fleet, which is made up not only of battleships but of aircraft carriers, cruisers, destroyers, submarines, and auxiliaries.

The striking unit of the Battle Fleet, in so far as gun power is concerned, is the battleship. Next is the cruiser.

While no agreement was reached at the Washington conference limiting the number or aggregate tonnage of vessels of this class, an agreement was reached that in the future no cruisers should be built of over 10,000 tons' displacement or mounting any guns heavier than 8-inch guns. The reason for the treaty limitation on type of cruiser adopted at the Washington conference was that Great Britain already at that time had built and building four cruisers of approximately 9,750 tons, mounting 7.5-inch guns. The modern tendency is to build cruisers of the treaty tonnage, and all of the nations party to the conference have laid down, built, and are building ships of this class.

The duties of cruisers are when with the fleet to guard the fleet movements as scouts, and to act as a protective screen for

the fleet. In fleet action cruisers are necessary to attack on their own part the cruisers of the enemy, to break down destroyer attacks, and to carry in their own destroyer attacks, and to a certain extent they may also be used to augment the fire of the battle line.

When the fleet is away from its home base cruisers are needed to guard the lines of communication and to escort convoys. Away from the fleet they are the vessels primarily used to break the enemy's line of communication, to protect our commerce, and to destroy the enemy's commerce.

The treaty cruisers are very fast ships, in some instances reaching a speed of 35 knots. They carry 8-inch guns, which, though they have not the striking power of the heavier guns of the battleships and battle cruisers, have, through elevation of guns, almost the range of the larger guns.

With their great speed the treaty cruiser can keep out of the way of battleships and even battle cruisers, which while much faster vessels than battleships do not attain the speed of the treaty cruiser.

And with their 8-inch guns they themselves can destroy all other surface types of naval vessels that come within the range of their guns.

Mr. President, the needs of our Navy for cruisers, as pointed out to Congress by experts in the Navy Department, is for 26 vessels to accompany the United States fleet, with 2 additional cruisers as destroyer flagships, and 15 for detached service, including protection of our commerce and guarding convoys, making a total of 43 cruisers.

Should we build this number of vessels we would then have in modern cruisers 33 of a tonnage of 330,000 tons, and 10 of a tonnage of 75,000 tons; in all, 405,000 tons.

At the present time we have built and building 8 of the treaty cruisers aggregating 80,000 tons and 10 of the 7,500-ton cruisers, giving us a total first-line cruiser tonnage of 155,000 tons when the 8 now building are completed.

These 18 modern cruisers will not be enough to take care of the needs of the fleet alone by some 10 vessels, and will allow us no additional cruisers for destroyer flagships for detached service or for the protection of our commerce. In this very important branch of the service we are distinctly lacking, and until the deficiency is made up the fleet can neither operate effectively nor can our commerce receive that protection which it manifestly should have.

Great Britain has 13 treaty cruisers of 10,000 tons and 1 of 8,300 tons built and building. She has, further, 1 of 8,300 tons appropriated for and 5 more authorized, 1 of 10,000 tons and 4 of 8,000 tons.

If she keeps up her program, she will have in 1931 20 of these cruisers, and aside from this she has 39 first-line cruisers of 190,810 tons, running from 9,770 tons down to 3,750 tons each, none of which carry 8-inch guns, although 4 of the larger vessels carry seven 7.5-inch guns and are very much more powerful than are our 7,500-ton cruisers, giving her an aggregate tonnage of first-line cruisers of 337,410 tons.

Japan has, built and building, 8 of the treaty cruisers and 21 smaller first-line cruisers running from 3,100 tons to 7,100 tons each, with an aggregate tonnage of 196,205 tons.

The Geneva conference having broken up with no agreement reached, England having insisted that her naval strength must be based on her national needs and that therefore any possible agreement would involve an increase rather than a decrease in naval strength, it was up to us to quit marking time with our Navy and decide on its future building policy. The Navy Department accordingly, with the consent and approval of the President, presented to Congress a building program based on our national needs, which would have rounded out our Navy in certain classes of ships wherein we are not up to the mark, by replacing old and obsolete ships with modern up-to-date ships and by adding certain vessels in categories where we are lacking.

The House has greatly cut down the program and the Senate Committee on Naval Affairs recommends the acceptance of the amended building program as adopted by the House. The present bill authorizes the construction of 15 cruisers at a cost of $17,000,000 each. These cruisers are to be treaty cruisers, carrying 8-inch guns.

When these ships shall have been completed we will have 305,000 tons of cruisers, as against Great Britain's 337,410 tons plus any additions thereto that she may make in the meanwhile; and as against 196,205 tons for Japan with any additions that she may make.

Obviously the addition of these ships will not bring us up anywhere near to the ratio of 5–5 of the Washington conference as applied to Great Britain or to the ratio of 5–3 as applied to Japan, nor will it reach in cruiser tonnage any conceivable limitation that from past indications we may reasonably hope to bring about in the future with Great Britain.

Neither, as I have said before, will it meet our naval needs as indicated to us by the experts of the Navy Department.

It will, however, make up to a certain extent for our deplorable lack of vessels of this class.

In addition, the bill provides for the construction of one aircraft carrier, at a cost of $19,000,000, as a first step in taking care of a serious shortage.

Under the Washington treaty we are allowed 135,000 tons of aircraft carriers. We have at the present time the *Lexington* and *Saratoga*, with a tonnage of 33,000 tons each, and the *Langley*, which is an experimental vessel of very slow speed, and which will probably be scrapped as soon as she can be replaced.

The tonnage of the new carrier is to be approximately 13,800 tons. When built we shall have an aggregate carrier tonnage of 79,800 tons, or 92,500 tons if the *Langley* is still kept in commission.

The British have an aggregate tonnage of 107,550 tons, and Japan of 63,300 tons. The building of this vessel will not bring us up to our ratio strength with either nation, as determined by the Washington treaty for vessels of this class.

The bill provides for no authorization for the destroyer leaders that were recommended in the original program. The House Committee on Naval Affairs in its report makes the following statement—

> Your committee makes no recommendations that additional vessels of the destroyer type be authorized, because the act of August 29, 1916, authorized 12 such vessels "to have the highest practicable speed and the greatest desirable radius of action," for the construction of which no appropriations have yet been made. Your committee regards this authorization as sufficient authority for the appropriation of funds to build the needed destroyer leaders.

Neither does it provide for any of the submarines called for in the original program. The House committee report goes on to say—

> The act of August 29, 1916, likewise authorized three "fleet submarines" for the construction of which no appropriations have yet been made. Your committee believes this authorization sufficient to justify appropriations for three submarines of a smaller type, between the S and V classes, of which we have none in commission at the present time.

It seems to me that the position taken by the House Committee on Naval Affairs is sound. Undoubtedly vessels of these two classes should be laid down in the near future.

Since the Washington conference we have started no new ships for our Navy with the exception of the eight 10,000-ton treaty cruisers now appropriated for and building, six small river gunboats, and three submarines already authorized in the 1916 program. In addition we have under the terms of the treaty completed two aircraft carriers of 33,000 tons each that had been previously laid down as battle cruisers.

In other words, we have started very little modern construction since the Washington conference. Great Britain, on the other hand, has built 2 new battleships, which she had the right to do under the Washington treaty, and has built, is building, or has appropriated for thirteen 10,000-ton and two 8,300-ton treaty cruisers and has authorized 5 more, one of 10,000 tons and 4 of 8,000 tons; 1 destroyer leader, 10 destroyers, 15 submarines and certain auxiliary vessels.

Japan has built, is building, or has appropriated for 16 first-line cruisers, included in which are eight 10,000-ton treaty cruisers, also 24 destroyer leaders, 27 destroyers, 33 submarines, and certain auxiliary vessels. Japan has also converted two battle cruisers into aircraft carriers.

France has built, is building, or has appropriated for 8 cruisers, 3 of 7,234 tons, 2 of 9,941 tons, and 3 of 10,000 tons; 18 destroyer leaders, 26 destroyers, 57 submarines, and certain auxiliary vessels.

Italy has built, is building, or has appropriated for 6 cruisers, 2 of 10,000 tons and 4 of 5,000 tons, 12 destroyer leaders, 16 destroyers, 21 submarines, and certain auxiliary vessels.

A table showing the total tonnage of vessels (by classes) laid down or appropriated for since February 6, 1922 (date of Washington conference) follows:

Total tonnage of vessels (by classes) laid down or appropriated for, since February 6, 1922 (date of Washington conference)

Type	United States—laid down		British Empire						Japan					
			Laid down		Appropriation for		Total		Laid down		Appropriation for		Total	
	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage
Battleships, first line			2	70,000			2	70,000						
Aircraft carriers, first line	2	[1] 66,000	2	37,200			2	[2] 37,200	2	53,800			2	[2] 53,800
Light cruisers, first line	2 6	20,000 [14] 60,000	14	138,300	1	[13] 8,300	15	[13] 146,600	14	108,285	2	20,000	16	128,285
Mine layers, first line			1	6,740			1	6,740			1 1	3,000 ([6])	1 1	3,000 ([6])
Destroyer leaders, first line					1	1,800	1	1,800	10	17,000	14	23,800	24	40,800
Destroyers			2	2,540	8	10,800	10	13,340	27	34,840			27	34,840
Submarines (all classes)	3	[12] 9,000	9	13,145	6	[3] 9,000	15	22,145	28	39,414	5	8,570	33	47,984
Gunboats	6	2,790	4	1,144			4	1,144			2	([5])	2	([5])
Patrol vessels (100-500 tons)									4	1,352			4	1,352
Mine sweepers					2	1,800	2	1,800	4	[8] 2,800	2	1,400	6	4,200
Submarine tenders			1	16,000			1	16,000	2	17,000			2	17,000
Tankers									3	46,200			3	46,200
Heavier-than-air aircraft tenders			1	5,000			1	5,000	1	15,400	1	([10])	1 1	15,400 ([10])
Supply ships									1	17,500			1	17,500
Repair ships			1	14,000			1	14,000						
Auxiliaries, miscellaneous											3		[9] 3	
Total	19	157,790	37	304,069	18	31,700	55	335,769	96	353,591	31	[11] 56,770	127	[11] 401,361

Type	France						Italy					
	Laid down		Appropriation for		Total		Laid down		Appropriation for		Total	
	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage
Aircraft carriers, first line	1	21,654			1	[4] 21,654						
Light cruisers, first line	7	61,584	1	10,000	8	71,584	6	40,000			6	40,000
Mine layers, first line	1	5,216			1	5,216						
Destroyer leaders, first line	9	20,019	9	21,663	18	41,682	12	24,000			12	24,000
Destroyers	22	29,418	4	5,472	26	34,890	16	20,320			16	20,320
Submarines (all classes)	32	32,680	25	27,571	57	60,251	15	14,320	6	4,752	21	19,072
Gunboats	1	708	2	5,000	3	5,708						
Mine sweepers							10	6,652			10	[7] 6,652
Submarine tenders			1	6,000	1	6,000						
Tankers	1	9,758	2	17,200	3	26,958	4	28,761			4	28,761
Heavier-than-air aircraft tenders	1	9,842			1	9,842	1	4,429			1	4,429
Repair ships							1	8,140			1	8,140
Auxiliaries, miscellaneous			1	8,000	1	8,000						
Total	75	190,879	45	100,906	120	291,785	65	146,622	6	4,752	71	151,374

[1] Designed as battle cruisers, being converted into aircraft carriers. Standard displacement. Does not include weight allowance, under Ch. II, pt. 3, Sec. I, art. (d) o Washington treaty, for providing means against air and submarine attack.

[2] Designed as cruisers, being converted to aircraft carriers. The Furious, of 22,450 tons included in last year's table has been omitted, as she was originally converted to an aircraft carrier prior to the conference.

[3] One designed as a battleship, the other as a battle cruiser, both being converted into aircraft carriers.

[4] Designed as battleship; converted to aircraft carrier.

[5] "O" type. Estimated tonnage.

[6] No data.

[7] To be combined mine layers and mine sweepers.

[8] Equipped for laying mines.

[9] Net layers.

[10] Replacement program. No data.

[11] Does not include tonnage of 1 mine layer, 2 gunboats, 1 heavier-than-air aircraft tender, and 3 auxiliaries, miscellaneous (net layers).

[12] Estimated.

[13] In addition British Empire has 5 cruisers (42,000 tons), exclusive of those canceled which are to be laid down in 1928 and 1929. Two cruisers appropriated for in 1927 and canceled have been eliminated from table.

[14] Contracts let and material assembled but keels not laid.

The argument is often made that if we do not build ships other countries will not. The reverse has proved to be the case. While we have practically stood still the other naval nations have all gone ahead with big programs of modern construction. In my opinion, in no other way than by showing the other nations in no uncertain way that we will not allow them to outbuild us can we force them to give up their race for competitive armament. We have proved once in the Washington conference that we can force a cutting down of armament if we have a force that they can not hope to equal. We can do it again if we will show definitely that however much they may build we do not intend to allow ourselves to be outdistanced.

But by shilly-shallying along and letting our Navy drop behind we cease to be a factor in the situation. With something to offer we put through the Washington conference. With nothing to offer the Geneva conference came to naught.

Our aggregate wealth is greater than that of any other half dozen nations in the world combined. Our foreign commerce is increasing by leaps and bounds. We are the acknowledged money center of the world. By every precept in history we could properly arrogate to ourselves the right to the control of the seas for the protection of our vast possessions and our expanding commerce. No one could gainsay us should we see fit so to do, but we do not see fit so to do. We are a peaceful nation, wanting peace and the benefits of peace. All that we desire is a Navy equal to that of any other power in the world, that will give security to our country and protection to our citizens and our interests at home and abroad. Such a Navy will insure protection in war time and in peace time to the American merchant marine. And let me say here that just as you can not maintain a strong merchant marine without an adequate Navy to protect it, so you can not maintain a strong Navy without an adequate merchant marine to administer to the needs of the fleet when operating away from its home bases.

The interests and aims of the people of these United States are all for peace. Our every effort in the councils of the world will be to maintain a condition of world peace. Our influence in the councils of the world is based on our financial position, our military strength, and the power that we have to enforce any position that we may take. To doubt the use to which we will put that military strength is to doubt the will for peace of the American people. Let us by all means do everything that lies within our power to encourage treaties and agreements that will prevent war and that will result in a proportionate reduction of armament throughout the world, but until we know beyond peradventure of doubt that wars will not occur, let us keep up to the full measure of our national needs that arm of the service which must bear the first brunt of any hostile attack, and which

is the real life insurance of our country—the United States Navy.

Mr. President, failure to pass this bill, with its moderate program of construction, at this session of Congress will result in real harm to our Navy. It will postpone the bringing up of our Navy, in a class of ships in which we are manifestly deficient, to a condition of efficiency. It will encourage the pacifists and the propagandists within and without the country, whose purpose it is to hamper and destroy our naval power. It will indicate to the rest of the world that we do not purpose to keep up our Navy to the ratio strength of the Washington treaty, and thereby will weaken our position in any future attempt to reduce naval armament.

The parliamentary situation at the close of the session is such that though I have tried my best to bring the bill before the Senate, I have not been able to do so. I do not think there are 20 Senators in the body who are against the passage of the bill. In my opinion this session of Congress should not adjourn until this bill is enacted into law.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. McKELLAR. Mr. President, I shall detain the Senate only a few moments. I desire to speak on the pending amendment offered by the Senator from Nebraska [Mr. NORRIS] providing for publicity of income-tax returns.

The Senate may recall that for a number of years several of us have persistently urged the Senate to pass a provision of this kind. I believe the Bureau of Internal Revenue is the only department of our Government whose business is absolutely kept secret. I believe it is the only department of our Government that is hermetically sealed, not only against the public but virtually against the Congress itself. No Senator can get any information about tax returns or anything concerning that particular department of the Government. If a Senator does get any such information, he gets it by grace; he has no right to it. This should not be so.

There was a committee appointed a year or two ago composed of, I believe, five members of the Ways and Means Committee of the House and five members of the Finance Committee of the Senate, to consider the situation, but it did not produce any publicity. We know virtually no more now than we did before the appointment of the committee. Long reports have been filed which it would take days and days to go into to discover anything, but such reports have been of no material benefit.

I call the attention of the Senate to the fact that the income tax business is the only governmental function that is being exercised in any of our governments, State or National, where there is absolute secrecy. If a poor or rich man has to make a mortgage, he has to put it on record and it goes to the public. If a deed of smallest kind, with practically nothing involved, is made it has to be made public. The books and accounts of all other officers, State and National, are open to public inspection. Why should one department of the Federal Government be secret? Why should the actions of this department be secret? These tax returns are not made public because great money transactions are involved.

It is just another exemplification of the expression that we can not convict a million dollars in this country. Are we keeping its business secret because only the rich are concerned in the tax returns? Why should anyone desire to keep this information secret?

Senators, I call attention to the fact that this department has paid out billions of dollars—not hundreds of millions, but billions of dollars—in tax refunds on a basis of secrecy. Substantially no man in the country can say whether that money was rightfully paid back or not. I call attention to the fact that perhaps just as many millions and perhaps billions have been allowed in the way of allowances for depletions, and nobody knows whether they were properly allowed or improperly allowed. A few men in the Treasury Department or rather a few men in the Internal Revenue Bureau pass upon these great questions involving hundreds of millions of dollars, and every step in which is kept in absolute secrecy, and the Congress of the United States sits idly by and permits it to be done in secret, without any publicity whatsoever, because none of us know and none of us can know under the law the facts. The truth is that this bureau of the Government is hermetically sealed, not only against the people themselves, but against the two houses of Congress, whose duty it is to control the Government and its various bureaus and departments. If these agents of the Government are doing right, why should not everybody know? If they are doing wrong, there is infinitely more reason why the public should know it. I can not understand how it is that any Senator can vote to seal hermetically one of the great departments of the Government in which not only millions, not only hundred of millions, but billions of dollars in tax refunds and in allowances for depletions are paid out or remitted. Let us have all the Government's business transacted in the open.

Who knows whether there is favoritism? Who knows whether there is inaccuracy? Who knows whether there is even fraud in these refunds or allowances? No man can say. Why should we thus conduct the people's affairs in secret? What is there about this department that the public should not know about? Senators, it is incomprehensible to me how any Senator under his oath of office would be willing to continue the condition of affairs that has existed for the last seven years in regard to secret refunds and secret allowances. Every other tax is public; every other function of government is public; every other Government record is public; but when it comes to the returns of income taxes they are as secret as it is possible for human ingenuity to make them. It is "private" public government, as has been suggested; that is what it is. We ought to put an end to it. I hope that the amendment of the Senator from Nebraska [Mr. NORRIS] will be adopted. I do not believe in secrecy in conducting of government of the people, by the people, and for the people.

Mr. ASHURST. Mr. President, I now send to the Secretary's desk a proposed amendment to the tax bill. It is a long amendment and I ask that it be printed in the RECORD. My amendment as now offered is House bill 13039, the World War veterans' bill, as it passed the House of Representatives on the 16th of last April.

I offer this World War veterans' bill as an amendment to the pending tax bill because, as events may unfortunately happen, the bill H. R. 13039 might be lost in the rush of business incident to the closing of a session of Congress, and I desire that the Senate shall have an eligible opportunity to vote upon the World War veterans' bill, H. R. 13039. The learned senior Senator from Montana [Mr. WALSH] on April 2 last pointed out that the decision of the United States Circuit Court of Appeals for the Ninth Circuit on March 5 last, in the case of United States against Sligh, held that the statute of limitations began to run, not from the time when the veterans' claim was rejected by the Veterans' Bureau, but from the time when the claim accrued. My amendment would extend the statute of limitations, and would also carry into effect the other essential demands and reforms proposed in the bill H. R. 13039. I now ask that my amendment be printed in the RECORD, and I also ask that the House report on the bill H. R. 13039 be printed in the RECORD.

The PRESIDING OFFICER. In the absence of objection, that order will be made.

The matter referred to is as follows:

Amendment intended to be proposed by Mr. ASHURST to House bill 1, the tax reduction bill.

At the proper place at the end of the bill, add the following:

"That section 19 of the World War veterans' act, 1924, as amended (sec. 445, title 38, of the U. S. C.), be amended by adding the following:

"'No suit shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made, or within one year from the date of the approval of this amendatory act, whichever is the later date: *Provided*, That for the purposes of this section it shall be deemed that the right accrued on the happening of the contingency on which the claim is founded: *Provided further*, That this limitation is suspended for the period elapsing between the filing in the bureau of the claim sued upon and the denial of said claim by the director. Infants, insane persons, or persons under other legal disability, or persons rated as incompetent or insane by the bureau shall have three years in which to bring suit after the removal of their disabilities. If suit is seasonably begun and fails for defect in process, or for other reasons not affecting the merits, a new action, if one lies, may be brought within a year though the period of limitations has elapsed. Judgments heretofore rendered against the person or persons claiming under the contract of war-risk insurance on the ground that the claim was barred by the statute of limitations shall not be a bar to the institution of another suit on the same claim. No State or other statute of limitations shall be applicable to suits filed under this section. This section shall apply to all suits now pending against the United States under the provisions of this section.'

"SEC. 2. That section 21, subdivision (2), of the World War veterans' act, 1924, as amended (sec. 450, title 38, of the U. S. C.), be hereby amended to read as follows:

"'(2) Whenever it appears that any guardian, curator, conservator, or other person is not, in the opinion of the director, properly executing

the duties of his trust or has collected or is attempting to collect fees, commissions, or allowances that are inequitable or are in excess of those allowed by law for the duties performed or expenses incurred, or has failed to make such payments as may be necessary for the benefit of the ward or the dependents of the ward, then and in that event the director is hereby empowered by his duly authorized attorney to appear in the court which has appointed such fiduciary and make proper presentation of such matters to the court: *Provided,* That the director, in his discretion, may suspend payments to any such guardian, curator, conservator, or other person who shall neglect or refuse, after reasonable notice, to render an account to the director from time to time showing the application of such payments for the benefit of such minor or incompetent beneficiary.

"'Authority is hereby granted for the payment of any court or other expenses incident to any investigation or court proceeding for the appointment of any guardian, curator, conservator, or other person legally vested with the care of the claimant or his estate or the removal of such fiduciary and appointment of another, and of expenses in connection with the administration of such estates by such fiducaries, when such payment is authorized by the director.'

"SEC. 3. That section 28 of the World War veterans' act as amended (sec. 453, title 38, of the U. S. C.) is hereby amended to read as follows:

"'SEC. 28. There shall be no recovery of payments from any person, who, in the judgment of the director, is without fault on his part, and where, in the judgment of the director, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience. No disbursing officer shall be held liable for any amount paid by him to any person where the recovery of such amount is waived under this section.

"'When under the provisions of this section the recovery of a payment made from the United States Government life-insurance fund is waived, the United States Government life-insurance fund shall be reimbursed for the amount involved from the current appropriation for military and naval insurance.'

"SEC. 4. That a new section be added to Title I of the World War veterans' act, 1924, as amended (title 38, U. S. C.), to be known as section 34 and to read as follows:

"'SEC. 34. The director is hereby authorized to contract for the services of translators without regard to the provisions of the act of August 5, 1882 (secs. 39, 45, 46, 50, title 5, U. S. C.), and the classification act of 1923 (secs. 43, 45, 46, title 5, U. S. C.). This section shall be deemed to be in effect as of June 7, 1924.'

"SEC. 5. That a new section be added to Title I of the World War veterans' act, 1924, as amended (title 38, U. S. C.), to be known as section 35 and to read as follows:

"'SEC. 35. The director is hereby authorized to purchase transcripts of the record, including all evidence, of trial of litigated cases. This section shall be deemed to be in effect as of June 7, 1924.'

"SEC. 6. That section 201, subdivisions (1) and (3), of the World War veterans' act, 1924, as amended (sec. 472, title 38, U. S. C.), be hereby amended to read as follows:

"'(1) If death occur or shall have occurred subsequent to April 6, 1917, and before discharge or resignation from the service, the United States Veterans' Bureau shall pay for burial and funeral expenses and the return of body to his home a sum not to exceed $100, as may be fixed by regulation. Where a veteran of any war, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, who was not dishonorably discharged, dies after discharge or resignation from the service, the director, in his discretion and with due regard to the circumstances of each case, shall pay for burial and funeral expenses and the transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding $107 to cover such items and to be paid to such person or persons as may be fixed by regulation: *Provided,* That when such person dies while receiving from the bureau compensation or vocational training the above benefits shall be payable in all cases: *Provided further,* That where such person, while receiving from the bureau medical, surgical, or hospital treatment, or vocational training, dies away from home and at the place to which he was ordered by the bureau, or while traveling under orders of the bureau, the above benefits shall be payable in all cases and in addition thereto the actual and necessary cost of the transportation of the body of the person (including preparation of the body) to the place of burial, within the continental limits of the United States, its Territories, or possessions, and including also, in the discretion of the director, the actual and necessary cost of transportation of an attendant: *Provided further,* That no accrued pension, compensation, or insurance due at the time of death shall be deducted from the sum allowed: *Provided further,* That the director may, in his discretion, make contracts for burial and funeral services within the limits of the amounts allowed herein without regard to the laws prescribing advertisement for proposals for supplies and services for the United States Veterans' Bureau: *And provided further,* That section 5, title 41, of the United States Code, shall not be applied to contracts for burial and funeral expenses heretofore entered into by the director so as to deny payment for services rendered thereunder, and all suspensions of payment heretofore made in connection with such contracts are hereby removed, and any and all payments which are now or may hereafter become due on such contracts are hereby expressly authorized.

"'(3) The payment of compensation to or for a child shall continue until such child reaches the age of 18 years or married, or if such child be permanently incapable of self-support by reason of mental or physical defect, then during such incapacity: *Provided,* That the payment of compensation shall be further continued after the age of 18 years and until completion of education or training, to any child who is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university, particularly designated by him and approved by the director, which shall have agreed to report to the director the termination of attendance of such child, and if any such institution of learning fails to make such report promptly the approval shall be withdrawn: *And provided further,* That no compensation shall be paid to or for any child who reaches the age of 21 years.'

"SEC. 7. That the first paragraph of section 202, subdivision (7), of the World War veterans' act, 1924, as amended (sec. 480, title 38, U. S. C.), be hereby amended to read as follows:

"'(7). Where any disabled person having neither wife, child, nor dependent parent shall, after July 1, 1924, have been maintained by the Government of the United States for a period or periods amounting to six months in an institution or institutions, and shall be deemed by the director to be insane, the compensation for such person shall thereafter be $30 per month so long as he shall thereafter be maintained by the bureau in an institution; and such compensation may, in the discretion of the director, be paid to the chief officer of said institution to be used for the benefit of such person: *Provided, however,* That if such person shall recover his reason and shall be discharged from such institution as competent, such additional sum shall be paid him as would equal the total sum by which his compensation has been reduced through the provisions of this subsection.'

"SEC. 8. That section 202, subdivision 12, of the World War veterans' act, 1924, as amended (sec. 486, title 38, U. S. C.), be hereby amended to read as follows:

"'(12) Where the disabled person is a patient in a hospital, or where for any other reason the disabled person and his wife are not living together, or where the children are not in the custody of the disabled person, the amount of the compensation may be apportioned as may be prescribed by regulations.'

"SEC. 9. That section 206 of the World War veterans' act, 1924, as amended (sec. 495, title 38, U. S. C.), is hereby repealed.

"SEC. 10. That section 209 of the World War veterans' act, as amended (sec. 498, title 38, U. S. C.), is hereby repealed.

"SEC. 11. That section 212 of the World War veterans' act, 1924, as amended (sec. 422, title 38, U. S. C.), be amended by adding thereto the following proviso:

"'*Provided, further,* That where the widow, child, or children, of a deceased veteran are entitled to compensation by virtue of an accrued right under the war risk insurance act, as amended, the rates of compensation shall be the same as those provided by section 201 of this act.'

"SEC. 12. That section 300 of the World War veterans' act, 1924, as amended (sec. 511, title 38, U. S. C.), be hereby amended to read as follows:

"'SEC. 300. In order to give to every commissioned officer and enlisted man and to every member of the Army Nurse Corps (female) and of the Navy Nurse Corps (female) when employed in active service under the War Department or Navy Department protection for themselves and their dependents, the United States, upon application to the bureau and without medical examination, shall grant United States Government life insurance (converted insurance) against the death or total permanent disability of any such person in any multiple of $500, and not less than $1,000 or more than $10,000 upon the payment of the premiums as hereinafter provided. Such insurance must be applied for within 120 days after enlistment or after entrance into or employment in the active service and before discharge or resignation: *Provided,* That any member of the reserve forces whose application was accepted at a time when he was in attendance at a military or naval training camp or station, and from whom premiums were collected, and who becomes or has become totally and permanently disabled, or dies or has died, shall be deemed to have made valid application therefor. This proviso shall not authorize the granting of more than $10,000 insurance to any one person: *Provided further,* That each officer and enlisted man of the Coast Guard who is serving on active duty at the time of the passage of this amendatory act, or who subsequent thereto enters the Coast Guard Service, shall be granted insurance in accordance with the terms of this section upon application within 120 days of the passage of this amendatory act, or date of enlistment or entry into the Coast Guard, whichever is the later date, and before retirement, discharge, or resignation.

"'Yearly renewable term insurance shall be payable only to a spouse, child, grandchild, parent, brother, sister, uncle, aunt, nephew, niece,

brother-in-law, or sister-in-law, or to any or all of them, and also during total and permanent disability to the injured person.

"'Where the beneficiary for yearly renewal term insurance at the time of designation by the insured is within the permitted class of beneficiaries and is the designated beneficiary at the time of the maturity of the insurance because of the death of the insured, such beneficiary shall be deemed to be within the permitted class even though the status of such beneficiary shall have been changed.

"'The United States shall bear the expenses of administration and the excess mortality and disability cost resulting from the hazards of war. The premium rates shall be the net rates based upon the American Experience Table of Mortality and interest at 3½ per cent per annum. This section, as amended, shall be deemed to be in effect as of June 7, 1924.'

"SEC. 13. That section 301 of the World War veterans' act, 1924, as amended (sec. 512, title 38, U. S. C.), be hereby amended to read as follows:

"'SEC. 301. Except as provided in the second paragraph of this section, not later than July 2, 1927, all term yearly renewable insurance held by persons who were in the military service after April 6, 1917, shall be converted, without medical examination, into such form or forms of insurance as may be prescribed by regulations and as the insured may request. Regulations shall provide for the right to convert into ordinary life, 20-payment life, endowment maturing at age 62, 5-year level premium term, and into other usual forms of insurance, and for reconversion of any such policies to a higher premium rate in accordance with regulations to be issued by the director, and shall prescribe the time and method of payment of the premiums thereon, but payments of premiums in advance shall not be required for periods of more than one month each, and may be deducted from the pay or deposit of the insured or be otherwise made at his election.

"'All yearly renewable term insurance shall cease on July 2, 1927, except when death or total permanent disability shall have occurred before July 2, 1927: *Provided, however,* That the director may by regulation extend the time for the continuing of yearly renewable term insurance and the conversion thereof in any case where on July 2, 1927, conversion of such yearly renewable term insurance is impracticable or impossible due to the mental condition or disappearance of the insured.

"'In case where an insured whose yearly renewable term insurance has matured by reason of total permanent disability is found and declared to be no longer permanently and totally disabled, and where the insured is required under regulations to renew payment of premiums on said term insurance, and where this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given such insured an additional period of two years from the date on which he is required to renew payment of premiums in which to convert said term insurance as hereinbefore provided: *Provided,* That where the time for conversion has been extended under the second paragraph of this section because of the mental condition or disappearance of the insured, there shall be allowed to the insured an additional period of two years from the date on which he recovers from his mental disability or reappears in which to convert.

"'The insurance except as provided herein shall be payable in 240 equal monthly installments: *Provided,* That when the amount of an individual monthly payment is less than $5, such amount may, in the discretion of the director, be allowed to accumulate without interest and be disbursed annually. Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for cash, loan, paid-up and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance, or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at 3½ per cent per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than 240 months. Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries without the consent of such beneficiary or beneficiaries, but only within the classes herein provided.

"'If no beneficiary be designated by the insured as beneficiary for converted insurance granted under the provisions of Article IV of the war risk insurance act, or Title III of this act, either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, then there shall be paid to the estate of the insured the present value of the remaining unpaid monthly installments; or if the designated beneficiary survives the insured and dies before receiving all of the installments of converted insurance payable and applicable, then there shall be paid to the estate of such beneficiary the present value of the remaining unpaid monthly installments: *Provided,* That no payments shall be made to any estate which under the laws of the residence of the insured or the beneficiary, as the case may be, would escheat, but same shall escheat to the United States and be credited to the United States Government life insurance fund.

"'The bureau may make provision in the contract for converted insurance for optional settlements, to be selected by the insured, whereby such insurance may be made payable either in one sum or in installments for 36 months or more. The bureau may also include in said contract a provision authorizing the beneficiary to elect to receive payment of the insurance in installments for 36 months or more, but only if the insured has not exercised the right of election as hereinbefore provided; and even though the insured may have exercised his right of election the said contract may authorize the beneficiary to elect to receive such insurance in installments spread over a greater period of time than that selected by the insured. This section shall be deemed to be in effect as of June 7, 1924.'

"SEC. 14. That a new section be added to the World War veterans' act, 1924, as amended (title 38, U. S. C.), to be known as section 310 and to read as follows:

"'SEC. 310. Notwithstanding the provisions of sections 300 and 301 of the World War veterans' act, 1924, as amended (secs. 511 and 512, title 38, U. S. C.), the United States, upon application to the bureau, shall grant United States Government life (converted) insurance against death or permanent total disability in any multiple of $500 and not less than $1,000 or more than $10,000 to any person who has heretofore applied or been eligible to apply for yearly renewable term insurance or United States Government life (converted) insurance: *Provided,* That such person is in good health and furnishes evidence satisfactory to the director to this effect: *Provided further,* That no person may carry more than $10,000 of United States Government life insurance at one time.'

"SEC. 15. That a new section be added to the World War veterans' act, 1924, as amended (title 38, U. S. C.), to be known as section 311 and to read as follows:

"'SEC. 311. Wherever an insured under a yearly renewable term insurance contract or a United States Government life (converted) insurance policy is totally disabled for a period of 12 consecutive months he shall be entitled to receive total permanent disability benefits under his contract as though he were totally and permanently disabled, such payments to be effective as of the date such total disability began and to be made monthly in accordance with the terms of the contract during the continuance of such total disability. During the period of payments under this section premiums on such insurance shall be waived: *Provided, however,* That no retroactive payments shall be made under this section except where there is a period of total disability followed by permanent total disability, in which event payments shall be made effective not more than one year prior to the passage of this amendatory act: *Provided further,* That no application, conversion, or reinstatement shall be invalidated by reason of the provisions of this section. Provision shall be made by regulation for the reexamination of an insured under this section from time to time as the director may deem necessary, and in the event it is found that an insured is no longer totally disabled payment of benefits shall cease and the provisions of the yearly renewable term insurance contract or the United States Government life-insurance policy, with reference to recovery from permanent total disability, shall apply: *Provided,* That the benefits of this section shall not prejudice any other cause of permanent total disability.'"

[H. Rept. No. 1274, 70th Cong., 1st sess.]

AMEND WORLD WAR VETERANS' ACT, 1924

Mr. JOHNSON of South Dakota, from the Committee on World War Veterans' Legislation, submitted the following report (to accompany H. R. 13039):

The Committee on World War Veterans' Legislation, to whom was referred the bill (H. R. 13039) to amend the World War veterans' act, 1924, as amended, having considered the same, report thereon with recommendation that it be passed as amended. The bill as now presented proposes several substantial changes to which the attention of the House of Representatives should be specifically directed. They are as follows:

1. Section 1 of the bill amends section 19 of the act by establishing a uniform statute of limitations for suits on contracts of insurance. At the present time, under the conformity act, the statutes of limitations of the various States apply. The periods of limitations in these statutes vary from 3 to 20 years, the average being 6 years. The committee believes that the average statute of limitation, namely, six years, should be applied to these suits, with an additional year from the date of passage of this amendatory act for all suits. In computing the limitation period it is provided that the time from the date of filing claim for insurance benefits to the date of disallowance of the claim by the director shall not be included. Further, it is provided that the period of limitation shall not run during the time a person is under legal disability or is rated as incompetent by the bureau, and that such person shall have three years from date of removal of disability in which to sue. The amended section is made applicable to suits which have been heretofore rejected under the State statutes of limitations, pending suits, as well as future suits.

2. Section 2 of the bill, as amended, amends section 21, subdivision 2, of the World War veterans' act to provide authority in the Director of the United States Veterans' Bureau for the payment of the expenses of original appointments of guardians, curators, and conservators of incompetent beneficiaries. At the present time the law provides for the payment of such expenses incident to any investigation or court proceeding for the removal of a guardian, curator, or conservator who has not properly executed the duties of his trust, and the appointment of a new guardian, curator, or conservator, but it is not within the power of the director to secure the appointment of such a fiduciary in the first instance and pay the expenses of the proceeding. The cost of this item is estimated at $164,000 per annum.

3. Section 3 of the bill, as amended, amends section 28 of the World War veterans' act, as amended, under which authority now exists for waiver of recovery of payments from any beneficiary who, in the judgment of the director, is without fault on his part and where, in the judgment of the director, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience, by the substitution of the word "person" for the word "beneficiary." Under the language of this section at present, as construed by the bureau and the Comptroller General, the word "beneficiary" does not comprehend persons who are not legal beneficiaries under the statute; for instance, in a case where, upon the evidence submitted, the bureau has paid insurance or compensation to a person who was alleged to be the widow of an ex-service man, but who, it subsequently appears, was not his widow, for the reason that prior to her marriage to the veteran he was married to another woman from whom he was not legally divorced, recovery can not be waived because the woman, not being the veteran's widow, could legally not be a beneficiary within the meaning of that term as used in the World War veterans' act, as amended. It is obviously unjust, however, to attempt to recover in such a case, both the payee and the bureau being without fault. The substitution of the word "person" for the word "beneficiary" will cure the situation. There is also included language to the effect that no disbursing officer shall be held liable for any amount paid by him to any person where the recovery of such amount is waived under this section. The purpose of this amendment is to relieve disbursing officers from liability on their bonds through payments made through error, the recovery of which has been waived under authority of section 28. At the present time the Comptroller General holds that, although recovery may be waived in so far as the payee is concerned, the disbursing officer is nevertheless liable under his bond for the erroneous disbursement. It is estimated that this would result in an immediate cost of $218,500 and an annual cost of $84,850 thereafter.

4. Section 4 of the bill, as amended, adds a new section to Title I of the World War veterans' act, as amended, to be known as section 34, and to provide authority for the director to enter into private contracts for the services of translators without regard to the civil service laws and the classification act of 1923. This amendment is included to enable the director to procure the translation of correspondence from foreign languages into English, and English into foreign languages, by the piece, where the foreign language is unusual and so seldom encountered in the administration of the bureau as not to justify the hiring of a translator on a salary basis. The director has found it economical to enter into private contracts in such cases rather than to employ a regular translator at an annual salary, but the Comptroller General has held that such procedure is unauthorized. It is estimated that the cost of this provision would be approximately $300. The amendment is made retroactive to June 7, 1924, in order that translators who have heretofore performed services under this arrangement may be reimbursed.

5. Section 5 of the bill, as amended, adds a new section to Title I of the World War veterans' act, 1924, as amended, to be known as section 35, and to provide authority for the purchase of transcripts of the record, including the evidence of trial of litigated cases. This section is recommended by the bureau in order that in the future review of such cases the bureau would have the full benefit of evidence adduced at trial. It is estimated that this amendment will cost approximately $10,000 per year.

6. Section 6 of the bill amends section 201, subdivision (1), of the statute, which now provides an allowance of $100 plus $7 for a flag to drape the casket in cases where a veteran dies after discharge or resignation from the service and does not leave assets which, in the judgment of the director, should be applied to meet the expenses of burial and funeral and the transportation of the body, so as to provide for the payment of $107 in all cases in which the director, in his discretion and with due regard to the circumstances of each case, may decide that the sum should be allowed. Provision is also made that the director may make contracts for burial and funeral services without regard to the laws providing for advertisement and acceptance of the lowest bid, in order that the director shall be no longer bound by the law requiring him to accept the lowest bid offered, but, on the other hand, may accept the bid which will provide the best funeral within the amount allowed for burial and funeral expenses. Further provision is made so as to permit payments under contracts heretofore made on this basis by the director in an effort to provide respectable burials, but which have been disallowed by the Comptroller General.

This section of the bill also proposes to amend subdivision (3) of section 201 by the addition of a new proviso authorizing the payment of compensation to children after the age of 18 years, and until completion of education or training, where such children are or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university particularly designated by them and approved by the director. This allowance is to be continued until such children reach the age of 21 years, or terminate their attendance at school. It is estimated that this provision would result in a total increased cost to the Government of $1,007,900.

7. Section 7 proposes to amend section 202, subdivision (7), first paragraph, by increasing the amount of compensation now paid to disabled veterans who have no dependents and who are being maintained by the Government in hospitals from $20 to $30 per month. This amendment would result in an increased cost to the Government of $699,000 annually.

8. Section 8 of the bill proposes to amend subdivision (12) of section 202 by substituting the word "may" for the word "shall," so as to give the director discretion in making apportionments of compensation where the disabled person and his wife are not living together, or where the children are not in the custody of the disabled person. At the present time the language of this subdivision is mandatory and leaves no discretion in the director as to whether an apportionment shall be made regardless of the circumstances in the case. The object of the amendment is to permit the director to inquire into the reasons for the separation, and to make apportionments only in those cases where the facts warrant, and although it places on the bureau the functions of a court of domestic relations it nevertheless is important from the standpoint of justice to those veterans who are separated from their wives through the misconduct of the latter that the law no longer contain a mandate requiring apportionment in favor of a wife without regard to the circumstances of the separation. There would be no increased cost due to this amendment.

9. Sections 9 and 10 of the bill provide for the repeal of sections 206 and 209 of the statute, which now contain limitations on filing claim and proof thereof. It is estimated that the repeal of these two sections will result in an increased cost to the Government of $3,342,516 the first year.

10. Section 11 of the bill adds a proviso to section 212 of the World War veterans' act to provide that where the widow, child, or children of a deceased veteran are entitled to compensation by virtue of an accrued right under the war risk insurance act, as amended, the rates of compensation shall be the same as now paid to widows and children who are receiving compensation under the World War veterans' act, as amended. This amendment is proper in view of the fact that the dependents of veterans who died of injuries received during the period of time covered by the war risk insurance act, but not between April 6, 1917, and July 2, 1921, the period of the World War as defined by the World War veterans' act, are now paid at the rate provided by the old statute. It is fair to put all these dependents on the same basis. This amendment will result in an increased cost to the Government of $12,000 annually.

11. Section 12 amends section 300 of the act by removing the restriction on the designation of a beneficiary for converted insurance to a permitted class. The permitted class of beneficiaries will still remain in the statute in so far as yearly renewable term insurance is concerned. The committee is of the opinion that in view of the fact that the insured under converted insurance is paying an ample premium for the protection afforded, he should be given the same right with regard to designating a beneficiary, or changing a beneficiary, as he would have under a commercial insurance policy. This amendment will make unnecessary the amendment providing that trustees be included among the permitted class of beneficiaries for converted insurance. There will be no additional cost attached to this amendment.

12. Section 13 of the bill amends section 301 of the act merely to make the provisions of that section conform to the amendatory section removing the permitted class of beneficiaries for converted insurance and to permit reconversion of converted insurance to policies of a lower premium rate, other than the five-year term, where the insured is in good health. Evidence was produced to show that immediately following the war many men bought endowment policies which carry a high premium rate; they are now finding it impossible to continue the premiums on these policies, and it was believed that by permitting them, if they are in good health, to transfer to a lower premium-rate policy they would be able to continue the insurance. No additional cost will result under this amendment.

13. Section 14 of the bill adds a new section to the act, to be known as section 310. This section authorizes the granting of converted insurance to any man who has heretofore applied, or has been eligible to apply, for either yearly renewable term or converted insurance if he is now in good health and submits evidence to this effect satisfactory to the director. The committee believes that this amendment will not only be beneficial to the veterans but also to the United States Government life converted insurance fund, as it will permit men in

good health to take out converted insurance and thereby increase the number of good risks carrying this form of insurance.

14. Section 15 of the bill adds a new section to the act, to be known as section 311. Evidence was presented to the committee showing that under the present law many veterans had been rated temporarily totally disabled for long periods of time and then rated permanently and totally disabled. As a result of this, in many instances the policy lapsed before the permanent total disability was effective, and no insurance was payable. The committee believes that it was the intention of Congress that cases of this kind should be payable, and in order to insure that the benefits might be paid this amendment is recommended. The effect of the amendment is this: It leaves the two previous maturing factors for insurance, namely, death or total disability, as they are. It adds an additional maturing factor, namely, wherever an insured has been totally disabled for 12 months the benefits shall be payable from the beginning of total disability during the continuance of such total disability. The amendment is only made retroactive in those cases where there has been a period of total disability followed by a rating of permanent total disability. It does not cover retroactively cases of men who previously have been rated temporarily totally disabled but who have since recovered. A special proviso is included protecting applications, reinstatements, and conversions heretofore made. The cost of this section is figured at $9,200,000 for term insurance and $450,000 for converted insurance.

The total increased cost of this entire bill for the first year is estimated at $5,632,346.

The figures given in this report are the official figures furnished by the Veterans' Bureau.

Mr. ASHURST. I also ask that a resolution adopted by the Frank Luke, Jr., Post, No. 1, of the American Legion, at Phoenix, Ariz., be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolution

Whereas the United States Circuit Court of Appeals for the Ninth Circuit in the case of United States of America *v.* Sligh (filed March 5, 1928) has determined that a suit on any claim under a contract of yearly renewable term or converted insurance brought pursuant to section 19 of the World War veterans' act of 1924, as amended, becomes outlawed in accordance with the statutes of limitation in the State wherein said suit is instituted, if the claim, antecedent to suit, was not filed with the Veterans' Bureau within the period fixed by said State statute; and

Whereas it appears that the State statutes of limitations are not uniform in that in some States suits upon written contracts of insurance are barred whin three years, whilst in other States said actions may be maintained at any time within 6, 10, or 15 years; and

Whereas such condition is manifestly unjust in that the benefits of the war risk insurance act are unequally distributed in that the award depends upon the law of the State wherein the veteran resides; and

Whereas the valuable rights of hundreds of veterans will be prejudiced by such application of the varying State statutes of limitation; and

Whereas it is further apparent that the disabilities incurred upon which such suits are brought were received while serving a common cause, and in consequence thereof the treatment accorded to those claimants should of a certainty be uniform and just; and

Whereas in the process of rehabilitation of disabled veterans many are not aware of their true condition—that is to say, of the permanency of their total disability until after years of treatment—and until most State statutes of limitations of four and six years would bar such claims it is eminently reasonable and just to allow a 10-year period for the determination of permanency of their total disability; and

Whereas dating such 10-year period from July 2, 1921, would be dating same from the day the Great War was officially ended: Now, therefore, be it

Resolved, That the Congress of the United States of America be, and it hereby is, petitioned to amend section 19 of the World War veterans' act (June 7, 1924, ch. 320, sec. 19, 43 Stat. 612, amended March 4, 1925, ch. 553, sec. 2, 43 Stat. 1302) by adding to such section the following:

"*Provided further*, That no State or Federal statutes of limitation shall be deemed to apply to any suit filed under this section on or before July 2, 1931;

"*Provided further*, That after July 2, 1931, all suits under this act must be filed within six years from the accrual of the cause of action;

"*Provided further*, That this section, as amended, shall be deemed to be in effect as of October 6, 1917"; be it further

Resolved, That a copy of this resolution be transmitted to every Member of the Senate and House of Representatives of the United States of America.

FRANK LUKE, JR., POST NO. 1, AMERICAN LEGION,
ARIZONA BRANCH, PHOENIX, ARIZ.
J. H. MOEUR, *Commander*.
E. P. MCDOWELL, *Adjutant*.

Mr. SHIPSTEAD. Mr. President, I should like to ask the Senator from Nebraska a question. I did not hear his amendment read. Does it provide for publicity of records that have to do with the refund of taxes and the settlement of claims in controversy between the taxpayer and the Treasury Department?

The PRESIDING OFFICER. The clerk will state the amendment for the benefit of the Senator from Minnesota.

The CHIEF CLERK. The Senator from Nebraska [Mr. NORRIS] offers an amendment, on page 48, section 55, under the subhead "Publicity of returns." That section reads:

Returns made under this title shall be open to inspection in the same manner, to the same extent, and subject to the same provisions of law, including penalties, as returns made under Title II of the revenue act of 1926.

The Senator from Nebraska proposes to strike out, after the word "title," in line 23, down to and including line 26 on page 48, and in lieu thereof to insert the following:

shall be open to examination and inspection as other public records under the same rules and regulations as may govern the examination of public documents generally.

Mr. SHIPSTEAD. As I understand the amendment, the publicity is confined to the income-tax returns of taxpayers.

Mr. NORRIS. Mr. President, will the Senator from Minnesota yield to me?

Mr. SHIPSTEAD. Yes.

Mr. NORRIS. The Senator will find the subject matter on page 48 of the bill. Section 54 has to do with "records and special returns." There are several provisions in regard to them. Then comes "Information at the source." Then comes section 55, "Publicity of returns."

If this amendment shall be agreed to, that particular section will then read as follows:

Returns made under this title shall be open to examination and inspection as other public records under the same rules and regulations as may govern the examination of public documents generally.

The amendment applies only to those documents and records referred to in the particular section which it undertakes to amend. There is nothing said about the publicity of lawsuits or controversies that may arise. They would come under another section of the bill.

Mr. SHIPSTEAD. And there is nothing said about taxes refunded?

Mr. NORRIS. There is nothing said about taxes refunded. The bill at this particular place refers especially to and describes tax returns, and the amendment provides that those returns shall be public. That is the effect of it.

Mr. OVERMAN. Mr. President, will the Senator read the law as it is to-day?

Mr. NORRIS. If the Senator from Minnesota will permit me, I will say that I was reading from the bill and not from the law as it stands now. The provision in the bill reads:

SEC. 55. PUBLICITY OF RETURNS.

Returns made under this title shall be open to inspection in the same manner, to the same extent, and subject to the same provisions of law, including penalties, as returns made under Title II of the revenue act of 1926.

The law, which I do not have before me, in effect makes publicity for practical purposes impossible. There is a provision in the law that returns can be opened to examination upon the order of the President, and, I think, under rules and regulations of the Secretary of the Treasury. This amendment would change that provision and make the returns open to inspection and examination the same as are any other public records.

Mr. SMOOT. The Senator will recall that we have already adopted an amendment, known as section 323, in relation to refunds and credits. That amendment, I will say to the Senator, is a part of the bill.

Mr. SHIPSTEAD. Does it provide publicity for tax refunds?

Mr. SMOOT. For tax refunds and credit.

Mr. COUZENS. Mr. President, I think the Senator will simplify the matter if he will read the amendment which has been put into the bill.

Mr. SMOOT. I will do so. It reads as follows:

No refund nor credit of any income, war profits, excess profits, estate, or gift tax in excess of $75,000 shall be made after the enactment of this act, until after the expiration of 30 days from the date upon which a report giving the name of the person to whom the refund or credit is to be made, the amount of such refund or credit, and a summary of the facts and the decision of the Commissioner of In-

ternal Revenue is submitted to the Joint Committee on Internal Revenue Taxation. A report to Congress shall be made annually by such committee of such refunds and credits, including the names of all persons and corporations to whom amounts are credited or payments are made, together with the amounts credited or paid to each.

That, I will say to the Senator, has already been adopted and is a part of the bill.

Mr. SHIPSTEAD. Mr. President, I wish to say a few words concerning the system of administration employed in the Treasury Department. I hesitate to say what I am going to say, for it is always unpleasant to offer a word of criticism, and what I say I wish to assure the Senate I do not say with any personal feeling at all. I am not sure that anyone or any number of people are really to blame. I think we have a system that has grown up and that has for some reason or other arrogated to itself certain practices that I think are very vicious and very un-American.

Mr. President, we have in the Treasury Department a system of government within the Government itself that through the years has been forming and developing and growing until we have a dictinct system of three distinct branches. We have the legislative system; we have the judicial system within the Treasury, and we have the executive, with a department of justice of its own.

Under this system of secrecy, of course, certain vicious practices have grown up and developed.

We pass a general tax law with broad general powers; and under those general powers employees of the Treasury make certain rules. I do not say that they do not do it in good faith. As a matter of fact, these rules have the effect of law. There you have the legislative department. Then you have the Board of Tax Appeals, a separate and distinct court to try these cases; and then you have the executive department.

One practice which has been called to my attention is this: Whenever there is a controversy with a taxpayer over the settlement of a tax claim, that controversy may be in good faith on the part of the Government and also on the part of the taxpayer. The taxpayer may in good faith have made a mistake. He may have underpaid. He may have made a mistake in making the return. Not being an accountant, he may have hired a firm of accountants to make out the return for him, and he may have made the return to the Treasury based on the findings of these expert accountants after a search of his books; but, a controversy arising between the Government and the claimant, it has often happened that when a civil case involving a certain sum of money grows out of the controversy the Treasury Department seems to exert a special effort to institute criminal proceedings and get an indictment. It is quite generally said that the reason for that is that employees of the Treasury Department have stated that if an indictment is hanging over a man it is possible to get a better settlement of the claim against the taxpayer.

Another vicious practice has grown up, and that is to try to bring the criminal proceedings before the civil proceedings. I have had occasion to make a request for advancement on behalf of taxpayers who had a controversy in the civil court, the Board of Tax Appeals, who have made the claim that if they could go into the civil court and have their case adjudicated, their whole case would stand on its own feet, and the criminal proceedings would fall of their own weight; but the Treasury Department has refused and in fact has very strenuously objected to advancing the case on the calendar of the Board of Tax Appeals in order that the civil case should be tried before the criminal case.

Mr. President, I am not able to understand the line of reasoning that would try a man on a criminal charge before he is tried on a civil charge growing out of the same controversy. I do not understand the line of reasoning that would hold an indictment over a man in order to sandbag money out of him on a claim on which he in good faith is ready to meet the Government's representatives in the court established by the Government itself. I have never been able to understand the line of reasoning by which a representative of the Treasury Department, a representative of the Government of the United States, would feel that he did not dare to meet a claimant, a taxpayer, in a civil court before he met him in a criminal court.

I think it is an old axiom of Anglo-Saxon law that a man has a right to have his case tried in a civil court first before criminal proceedings are brought against him.

I do not question the good faith of the people who have instituted and have persevered in this practice, but I do question their point of view. If the Government of the United States has a claim against any taxpayer, it should never be afraid to meet him in court, civil or criminal; and it should meet him in the civil court first, in order to give him a chance to lay his cards on the table and have the Government lay its cards on the table, in order to save him from the injustice of having to appear in a criminal court when he is innocent of crime, and can establish his innocence, and that innocence can be established in a civil court if the case is permitted to go to trial in a civil court first.

This is a system that has been permitted to develop and grow because Congress is anxious and has been for years anxious to pass laws with broad, general application, and leave them to some bureau, to some commission, to administer, and to formulate rules having the effect of laws letting bureaus and commissions legislate upon questions that affect the property and the liberty of the people of the United States.

I did not feel that I should be doing justice to the State which I in part represent, and to the people of the United States, if I did not say a few words in protest against this un-American system of government within the Government of the United States, whose proceedings to a large extent are secret.

Mr. REED of Missouri. Mr. President, I desire to present an amendment and ask to have it printed in the RECORD and also printed for the use of the Senate.

The PRESIDING OFFICER. Without objection, that order will be made.

The amendment is as follows:

Amendment intended to be proposed by Mr. REED of Missouri to the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes, viz: On page 245, after line 13, insert the following:

TITLE VI—AGRICULTURAL EXPORT DEBENTURES

SEC. 801. EXPORT DEBENTURES.

(a) Agricultural commodity: The term "agricultural commodity," as used in this section, includes all agricultural, horticultural, viticultural, and dairy commodities and products, all livestock and products thereof, all products of poultry and bee raising, all nuts and edible products of forestry, and all other commodities not specifically mentioned herein which are produced on farms and the processed or manufactured products of such commodities.

(b) On and after the 1st day of July next after the approval of this act the Secretary of Agriculture shall issue an export debenture to any person exporting from the United States to any foreign country and not previously exported, an agricultural commodity in either the original or processed condition in an amount equal to 25 per cent of the value of such product paid to the farmer in the purchase of the same for export under such regulations as the Secretary of Agriculture may prescribe: *Provided*, The total quantity of such exportation so valued shall amount to $3,000 or more and be exported in one vessel.

(c) The Secretary of the Treasury shall receive such debentures at their face value in payment of all import duties.

SEC. 802. ADMINISTRATIVE AND PENALTY PROVISIONS.

(a) Preparation of debentures: The Secretary of Agriculture shall prepare and issue, or cause to be prepared and issued, all export debentures, and shall prescribe the terms and conditions in respect of export debentures. The Secretary is authorized to have such debentures prepared in the Bureau of Engraving and Printing.

(b) Obligations of United States for penal purposes: Export debentures issued under the authority of this title shall be obligations of the United States within the definition in section 147 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, as amended.

(c) Fraud: Any person who shall make any false statement for the purpose of fraudulently procuring, or shall attempt in any manner fraudulently to procure, the issuance or acceptance of any export debenture, whether for the benefit of such person or of any other person, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

SEC. 803. APPROPRIATION.

For expenses in the administration of the functions vested in the Secretary of the Treasury by this title there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200,000, to be available for such expenses incurred prior to July 1, 1929.

Mr. REED of Missouri. Mr. President, I ask permission at this time to make a brief statement of the purposes of this amendment.

To state the question in a very few words, when the war was over, when it was generally anticipated that there would be a rapid reduction in prices of all kinds of goods, the representatives of the great manufacturers of this country flocked in to the Committee on Finance and protested that they desired to have the tariff advanced on practically every article used by the people; and they gave as one of their chief reasons that they desired to maintain the war level of prices upon manufactured goods after the war was over.

They succeeded in having enacted substantially the law they demanded; and this was done at about the time that the Euro-

pean market was in the worst possible condition. All Europe was bankrupt. Prices were at the lowest ebb. Agricultural products exported from America were being sold upon that bankrupt European market, and the price of the articles exported fixed the price in our domestic market. What happened, therefore, was that Congress by law created a condition which resulted in the artificial increase of the price of manufactured products, while the great economic law operating everywhere reduced the price of all that the farmer had to sell to the lowest level of the world's markets. The gap between this artificial level of prices at which the farmer must buy and the world level upon which he must sell is the gap of bankruptcy through which the farmers of the United States are being forced.

It is useless now to stand and discuss the whole tariff question; but the acute situation is that the farmer of to-day must sell his products on the European level, and he must buy upon an American level artificially created by two conditions. One is a tariff law which prohibits the farmer from bringing into the country goods that he may desire to purchase in the same market where he has been compelled to sell. The other is the organization of combinations this side the tariff wall which exact the last possible penny of price which can be exacted and at the same time undersell European goods enough to keep them out of this market.

To my mind, nothing is more anomalous, more nonunderstandable than that the producers of the great agricultural districts of this country have not come to understand that if they are forced to buy upon a market which is artificially raised above the general level and, at the same time, must sell upon that general level, the inevitable result is bankruptcy.

All kinds of nostrums have been proposed. Some of them may have merit as partial remedies, but the real remedy lies in affording to the farmers of this land the opportunity to buy on the same level upon which they are compelled to sell. That is a remedy which reaches through the years and that is based upon sound and irrevocable and indisputable economic principles.

Without criticizing measures that have been proposed, without saying that some measures which have been proposed may afford a temporary relief, I nevertheless assert that the relief must necessarily be temporary. What ought to be done is to go down to the basic reason for agricultural depression.

It is a natural right, sir, for a man to sell his products in the highest market, in whatsoever market, indeed, where he may see fit to sell it. It is a natural right to buy in any market that is deemed the most advantageous. We have interfered with that natural right. We deny to the farmer who raises 10,000 bushels of wheat and who sells it, directly or indirectly, in Liverpool, England, the right to buy there an equal value of goods and bring them in the United States, because, when he comes to the United States, we exact an enormous tribute for the privilege of bringing those goods into the country. That law, be it remembered, was not passed for the purpose of raising revenue at all. It was passed for the purpose of enriching certain special favored institutions and organizations. It was the law of the legislative pickpocket and marauder. It is as contrary to the principles of free government as the ball and chain and the shackles upon the wrists are contrary to human liberty.

The purpose of this amendment is to permit the exporter of farm products to bring into this country free of duty an equal value of goods. It is to permit the farmer of this country to have the right to buy in the market where he must sell. I would like to see the scribes and Pharisees and hypocrites who have been pretending to be in favor of the farmer answer on this floor why they refuse to allow the farmer, who they declare is oppressed and outraged and bankrupted, the right to buy in the place where the conditions of the world compel him to sell?

Other measures, either bills or amendments, somewhat similar to this, have been proposed. Objection has been raised to the practicability of some of them. I have tried in this measure to avoid most of the difficulties to which my attention has been called. I do not present this amendment as the perfection of human reason, but I do present it as a measure of relief and as a real measure of relief.

I do not think it is likely to pass. I think that the influences which control the Treasury Department and sent it before the committee to demand that the tariff be raised so that manufacturers could maintain war prices will be still at work. I expect that the organized lobby of all of these gentlemen and institutions that want a law to enable them to levy and force tribute upon the American people will be here, and will be as potential in the future as it has been in the past.

I expect that that party which has been financed in every campaign out of the moneys extorted from the American people by law will obey the lash and answer to the command of the gentlemen who furnish their campaign funds. But I intend, as far as my very limited powers will go, to afford to this country an example of the power and force which that lobby can command, of the subservience which it can compel, and to point out the falsity and the infamy of the claim that farmers can be protected by levying on imports into this country of farm products, when as a matter of fact we have a surplus and must export.

I want a roll call on this ultimately, to determine who it is, when a farmer asks for bread, hands him a stone; when he asks for fish, hands him a serpent. I have waited a long time to introduce such a proposition as this. Indeed, I offered one at the last session of Congress, but as there was no revenue bill to which I could attach it, I was obliged to allow it to lie in abeyance. The bill is here now, and before we conclude the consideration of this revenue measure I shall ask a vote upon this amendment, and I shall desire to make a good many more remarks on it.

Mr. LA FOLLETTE. Mr. President, it is not my purpose to detain the Senate any length of time in the discussion of the pending amendment. The issue, it seems to me, is clear-cut. The question which the Senate must decide is whether or not we are to continue to permit the cloak of secrecy to be thrown around one of the most important functions of Government.

The fight for the publicity of income-tax returns started in this body in 1921. An amendment similar to the one presented by the Senator from Nebraska was presented by my father. The amendment was rejected after considerable debate.

In the 1924 contest over the then pending revenue bill an amendment proposed by the Senator from Nebraska, identical with the one now pending before the Senate, passed this body by a vote of 47 to 27. It went to conference, the conference report was a compromise, and, like so many compromises, it was ineffectual. It provided, not for a simple declaration that income-tax returns should be public, as are other records of the Government, but it provided, instead, that only the amount of taxes paid by the taxpayer should be published. The return was surrounded with secrecy as before. That compromise, in my judgment, defeated the entire purpose of the amendment. It was of little or no avail to the public that the amount of tax paid by a taxpayer should be a matter of public record.

The return remained as secret as before and, therefore, there was no opportunity for an examination of the return either by the officials of the State or by a Senator or a Representative or by other interested parties. In 1926 this same amendment was presented by the Senator from Nebraska and defeated by the Democratic-Republican coalition on the then Mellon tax plan.

It is evident, from the course of the debate, that there is little or no interest in the proposition presented by the Senator from Nebraska. There has been small attendance in the Senate to listen to the arguments which have been made in support of the amendment, and no Senator has chosen to rise and defend the committee's position. It seems to me that the question presented is one of vital importance and of grave public concern. I should be derelict in my duty as a representative in part of the State of Wisconsin if I should permit a vote upon the amendment without voicing my support of the proposition.

The State of Wisconsin has had experience with the provision of law providing for the secrecy of income-tax returns, and it has likewise had an experience now of over five years in which income-tax returns have been public records under a provision very similar to the one now pending. It is a significant fact that an audit of income-tax returns filed for the years 1913 to 1923 prior to the publicity of income-tax returns in Wisconsin resulted in the assessment of back taxes against income taxpayers amounting to $9,000,000 in round numbers. Following the adoption of the provision making income-tax returns to the State of Wisconsin public records the audit of returns has disclosed no like failure on the part of the taxpayers to make their just contribution to the State under the provisions of law.

When the 1926 revenue bill was under consideration my colleague was then Governor of Wisconsin. The income-tax publicity provision in our State had been in existence for three years. I telegraphed him asking what had been the experience of the State under the publicity provision. He responded, and I quote his telegram because it is equally applicable now as then. The experience of the State since 1926 has not altered the facts and conclusions which he furnished:

> Fears created by repeal of secrecy clause in State income tax law were unfounded and there is no demand to reinstate secrecy clause. Benefits flowing from publicity of income-tax returns have been substantial and direct. Greater care has been taken in making income returns by taxpayers, resulting in more accurate and full returns of incomes. Publicity of income-tax returns has promoted generous and

valuable assistance to income-tax officers by the public. Suspicion that prevailed under secrecy clause has been swept aside as taxpayers now know that they may know whether their neighbors make full and accurate returns. Carefulness and honesty in making income returns have been promoted. The most significant fact is that since repeal of secrecy clause income-tax field auditors have been unable to find back income taxes withheld in any way comparable with amount of back income taxes withheld under secrecy clause.

The same arguments against making income-tax returns public records were put forward, in the Wisconsin Legislature when it had under consideration the repeal of the secrecy provisions regarding income-tax returns, that were made in this body in 1921, in 1924, and in 1926. The opponents of publicity for income-tax returns charged that if they were made public, competitors in business would seek to obtain each others secrets, that there would be grave injustices to the taxpayer if the records were opened to public inspection. But that has not been the experience of the State of Wisconsin with publicity income-tax returns.

I quote from one of the commissioners, at that time, of the Wisconsin Tax Commission, Mr. Atwood. He said:

Comparatively few instances in which income-tax returns have been examined since the secrecy clause was repealed, but an increasing number of such examinations made in recent months. There is no case of known misuse of these returns, and publicity feature has in no manner interfered with the administration of the law.

The Wisconsin Tax Commission placed no restriction upon the examination of the returns whatsoever except to provide that they must be examined within the office of the commission. They have found, as stated by Commissioner Atwood, no single case of the misuse of the privilege on the part of any citizen of the State.

Mr. President, it is instructive in connection with the question of the publicity of income-tax returns to refer to the experience of the Federal Government during the sixties. I quote now, as I quoted in 1926, from an editorial written by Horace Greeley in the New York Tribune of May 24, 1866:

The Evening Post has a Washington dispatch which says:

"The Committee on Ways and Means have agreed to an amendment of the tax bill providing that lists of income shall not be published nor furnished for publication, but they shall be open to private inspection at the office of the collector.

"We would like to believe this untrue. We believe that publicity given to the returns of income submitted by individuals to tax gatherers has already put millions of dollars in the Treasury and gone far toward equalizing the payments of the income tax by rogues with that of honest men and saved thousands from being imposed upon and swindled by false pretenses of solvency and wealth, made on purpose to incur debts preordained never to be paid. The knave who sought credit on assumption of wealth belied by their returns of incomes, of course, hate publicity given to those returns, but why should any honest man seek to pass for any more (or less) than he is worth?"

In another editorial, written January 26, 1865, the New York Tribune said:

We learn that the publishing of the list of income taxpayers in this city, against which there has been so much absurd outcry, is likely to prove beneficial to the revenue as well as to the consciences of some of our "best citizens." Already, as we understand, considerable sums have been returned to the assessors and paid to the collectors by persons who have discovered "errors" in their original returns of incomes since the publication of the lists referred to, and assessors have received valuable information in reference to the incomes of some gentlemen who should but have not yet amended their returns.

Mr. President, the effort to prohibit the publicity of income-tax returns continued until 1870, when the tax dodgers were finally successful in having the cloak of secrecy thrown around income-tax returns. After the adoption of the secrecy provision the number of returns decreasd, and presumably the tax, by 20 per cent. In this connection I quote from a speech made by Senator La Follette in 1921:

The statistics published by the Internal Revenue Bureau are such that comparisons in all the classes of incomes taxed are not possible, but a comparison of the returns of those reporting incomes over $2,000 is almost conclusive.

This fact is very much in point, since it shows what happened when the Government reversed the policy of publicity of income-tax returns and adopted the policy of secrecy, which is a boon to every individual who desires to defraud the Government in the making of his income-tax return. I continue to quote from Senator La Follette's speech:

In 1870, when the returns were published, the number showing incomes over $2,000 were 94,887. In 1871, when publicity was prohibited, the number fell to 74,000—that is, from 94,000 to 74,000—then to 72,000 in 1872, and this in spite of the fact that, as shown by individual bank deposits, bank clearings, etc., 1871 and 1872 were more prosperous years than 1870. Similarly in North Carolina, when the income-tax returns under the State law were published by the Hon. Josephus Daniels in his paper, the News and Observer, the tax collections immediately more than doubled.

Mr. President, on numerous occasions when this issue has been before the Senate, an address made by former President Harrison has been quoted; it is just as pertinent to-day as when he delivered it on the 22d day of February, 1898, before the Union League Club, of Chicago. President Harrison said:

The special purpose of my address to-day is to press home this thought upon the prosperous, well-to-do people of our communities, and especially of our great cities, that one of the conditions of the security of wealth is a proportionate and full contribution to the expenses of the State and local governments. It is not only wrong, but it is unsafe to make a show in our homes and on the street that is not made in the tax returns.

It is a part of our individual covenant as citizens with the State that we will honestly and fully, in the rate or proportion fixed from time to time by law, contribute our just share to all public expenses. A full and conscientious discharge of that duty by the citizen is one of the tests of good citizenship. To evade that duty is a moral delinquency, an unpatriotic act. * * *

Continuing to quote from former President Harrison's speech:

I want to emphasize if I can the thought that the preservation of this principle of a proportionate contribution, according to the true value of what each man has, to the public expenditures is essential to the maintenance of our free institutions and of peace and good order in our communities.

Mr. Lincoln's startling declaration that this country should not continue to exist half slave and half free may be paraphrased to-day by saying that this country can not continue to exist half taxed and half free.

We have too much treated the matter of a man's tax return as a personal matter.

We have put his transactions with the State on much the same level with his transactions with his banker, but that is not the true basis. Each citizen has a personal interest, a pecuniary interest, in the tax return of his neighbor. We are members of a greater partnership, and it is the right of each to know what every other member is contributing to the partnership and what he is taking from it.

Also, Mr. President, I quote from Prof. C. C. Plehn, whose book Introduction to Public Finance contains a pertinent comment upon the question of the publicity of tax returns. Professor Plehn is an eminent authority upon finance and taxation. For more than 25 years he has been a distinguished member of the faculty of the University of California. He was formerly president of the American Economic Association and of the National Tax Conference. He says:

To a people unaccustomed to an income tax it may seem that one's income is a very intimate, personal, and private affair, and there is a natural dread of letting one's business rivals know one's business. But as a matter of fact the income-tax statement or return would be no more likely to be examined out of sheer curiosity or for purposes of gossip than are the property-tax returns, about which no such veil of secrecy is drawn.

I may state, Mr. President, that the experience of the State of Wisconsin during more than five years of publicity of income-tax returns confirms the statements made by Professor Plehn—

and the business rival generally has better information already—

And this is an important point—

than he could possibly obtain from the returns. Against such dark secrecy it may well be urged that it is very important to feel assured that all incomes—my neighbors as well as mine—are fairly and truly assessed, a thing that can never be if the final assessments never see the light of day. Fear of publicity is a bogie man. This does not mean, however, that publicity should be used as a means of duress, to force assessments in excess of what is right, just, and equal.

Mr. President, we have had enough of secrecy in the operations of this Government, as shown by the experience of the past few years. It was secrecy that made it possible for Albert B. Fall to barter away the Nation's oil reserves. If it is desired by the executive and the legislative branches of this Government to increase the revenue in accordance with the provisions of law, then no greater step in that direction can be taken than to remove the secrecy which now surrounds Federal income-tax returns.

The proposal for the publicity of income-tax returns has met the constant opposition of the Treasury officials. Mr. President, if the administration of the Bureau of Internal Revenue

is above reproach and suspicion, if it is consciously and fully discharging its duty under the law, why should it find it necessary to reach out its hand, through the influence of committees, to prevent the inauguration of a policy which prevails throughout every other branch of our Government?

Of course, Mr. President, it is not difficult to understand why the present Secretary of the Treasury, Andrew W. Mellon, should be opposed to publicity of income-tax returns. He has disclosed within the last few weeks the fact that secrecy is inherent in his nature. It was only when the Public Lands Committee, by the aid of a magnifying glass, found the first name of the Secretary of the Treasury upon a memorandum of Mr. Platt, who had died, that Mr. Mellon came forward and told of the proposition made to him in the fall of 1923 by Will H. Hays.

He came at the request of the committee, but for more than five years he had remained silent and had not volunteered the information in his possession to a committee of the Senate which he, as every other citizen, knew was trying to ferret out and to get to the bottom of the most colossal conspiracy ever conceived and consummated to defraud a people in the history of the world. If he could, in good faith, plead ignorance of the conspiracy at the time when Mr. Hays approached him in the fall of 1923, he could not do so after January, 1924, because then the fact had been brought out under cross-examination of the Senator from Montana [Mr. WALSH] that Edward L. Doheny had sent $100,000 in cash in a black satchel by his son to Albert B. Fall.

When Andrew W. Mellon became Secretary of the Treasury he took an oath to defend his country against its enemies, both foreign and domestic; and yet he chose to remain silent for more than five years while the Senate was endeavoring to expose a conspiracy, by powerful individuals, to defraud the Government, far more insidious and more destructive of our institutions than any attack made by a foreign power.

Mr. REED of Pennsylvania. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. If Mr. Mellon had not remained silent, what useful information could he have given?

Mr. LA FOLLETTE. He could have given the Committee on Public Lands the useful information that Will H. Hays had approached him and had sent to him by a messenger in a package $50,000 in Liberty bonds, and that Mr. Hays had subsequently seen him about the package and asked him in exchange for those $50,000 in Liberty bonds to contribute $50,000 to the Republican National Committee.

Mr. REED of Pennsylvania. He could have given the information that Sinclair had contributed to the Republican campaign fund and that they had tried to hide that contribution by putting it in Mellon's name and that Mellon had refused to be a party to it, but I do not see how that would have helped anything.

Mr. LA FOLLETTE. That would have helped the committee materially. If the committee had had in its possession those important facts early in its investigation, this entire story would have been unraveled years before it was.

Mr. NORRIS. Mr. President, may I interrupt the Senator from Wisconsin?

Mr. LA FOLLETTE. I yield to the Senator from Nebraska.

Mr. NORRIS. I should like to call to the attention of the Senator from Wisconsin the fact that those bonds were the very bonds in which the Continental Trading Co. was dealing. Everybody in the country knew that, because the investigation had been going on for a long while. Mr. Mellon knew, from his conversation with Hays and his examination of the bonds when he had them in his possession, that they were 3½ per cent Liberty bonds in which the Continental Trading Co. was dealing and about which the committee was trying to obtain information.

Mr. REED of Pennsylvania. Will the Senator yield to me?

Mr. LA FOLLETTE. I yield.

Mr. REED of Pennsylvania. I will have to take issue with the Senator from Nebraska, for I do not believe that at the time that happened Mr. Mellon had ever heard the name of the Continental Trading Co., or that he or the country as a whole or the investigating committee had ever heard its name, or that there were any bonds owned by that company, or that certain oil companies had been defrauded of the $3,000,000 which was put into Liberty bonds. I do not think anything of that kind was known. You can not charge Mr. Mellon with knowledge of what nobody knew at that time.

Mr. NORRIS. I can charge him with what he admitted that he knew, and in his testimony he said they were 3½ per cent Liberty bonds. That occurred, perhaps, before a considerable portion of the investigation had taken place, but the investigation went on for several years; the committee was trying to disclose the operations of the Continental Trading Co. which was dealing in these bonds. He knew also that Mr. Hays had not told all the truth to the committee. He heard him testify after he had given him these $50,000 in bonds, but he did not tell the committee anything about Mr. Hays giving them to him until his attention was afterwards called to it, and then he admitted it.

In other words, Mr. Mellon knew what kind of bonds these were; and he must have known, as everybody in the United States knew from the investigation that went on after that, that this committee was trying to trace this kind of bonds, and that they were the bonds that were dealt in by this trading company. He knew that while all that investigation was going on, and yet he never disclosed it to anybody or to the commitee until his name was discovered upon the papers of a dead man that had been brought into evidence before the committee. Then he came out and told what he knew. He knew that all those years.

Mr. REED of Pennsylvania. Why, Mr. President, he does not know it yet.

Mr. NORRIS. That is to charge him with an ignorance that everybody knows it would be wrong to charge him with. The newspapers were full of this investigation from the beginning until the final disclosures. It is fair to say that everybody who read a newspaper in the United States knew that the Committee on Public Lands and Surveys were trying to trace these bonds. They had had all kinds of witnesses subpœnaed. Mr. Mellon knew then, when they were tracing them, that Will Hays had offered him $50,000 of bonds of that issue. Why did he not tell the committee, "Here is a clue that may lead to something. Will Hays has tried to give me these bonds and get money instead." In fact, when Mr. Hays presented those bonds to him he knew that it was a dishonorable deal in which he was asked to participate. He himself said in the testimony that he wondered why Will Hays could not give the bonds themselves to the committee instead of trying to trade them to him and get money instead as a contribution which the record would have shown to be a contribution from Mr. Mellon, though it would have been no contribution whatever from him.

In other words, Mr. Mellon was asked by Mr. Hays to do an illegal and a dishonorable act. He declined to do it, to his credit be it said; but he remained silent about it even after Will Hays had been on the witness stand and had not disclosed that transaction that he had attempted to put through with Mr. Mellon. If Mr. Mellon had let the committee know the knowledge that he possessed when he found out that that was what they were trying to ferret out and get evidence about, it certainly would have assisted the committee very materially in making the investigation that they were making.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Wisconsin yield to me?

Mr. LA FOLLETTE. If the Senator will please be very brief, because I wish to conclude my remarks.

Mr. REED of Pennsylvania. I shall try to be very brief.

I do not think Mr. Mellon knows to-day that the bonds that were offered to him were part of the loot that went through the Continental Trading Co.

Mr. NORRIS. No; but he knew they were of that issue. He testified to that himself.

Mr. REED of Pennsylvania. There are three-quarters of a billion dollars of that issue out in the hands of the public to-day; and I do not think the Senator from Nebraska knows that those were part of the bonds that came from the Continental Trading Co.

Mr. NORRIS. Mr. President, I know that as well as a man can know anything without having personal knowledge of it. Those bonds came from Mr. Sinclair. He gave them to Mr. Hays. Mr. Hays undertook to give them to Mr. Mellon.

Mr. REED of Pennsylvania. Yes; that is all true.

Mr. NORRIS. That much Mellon knew at the time they were presented.

Mr. REED of Pennsylvania. Yes; that is right.

Mr. NORRIS. He knew that they were bonds that came from Sinclair.

Mr. REED of Pennsylvania. Yes.

Mr. NORRIS. Subsequent to that date they had Sinclair on the stand; they had all kinds of witnesses on the stand trying to trace those bonds. Mellon knew also that they were 3½ per cent Liberty bonds.

Mr. REED of Pennsylvania. Yes.

Mr. NORRIS. And if he ever read anything in a newspaper he knew that the proceeds of money that came to this trading company were invested in that kind of bonds. He knew all those things. They came from Sinclair. They came through

Will Hays. They were 3½ per cent bonds. He knew that the trading company was dealing in 3½ per cent bonds; that they were the kind of bonds this loot had been invested in. Knowing that, and remaining silent, it seems to me he came very far from doing his duty as an American citizen, and particularly as a public official.

Mr. LA FOLLETTE. Mr. President——

Mr. REED of Pennsylvania. Just a moment, and then I will not interrupt the Senator from Wisconsin further, because we are taking an unconscionable amount of his time.

There are three-quarters of a billion dollars of those 3½ per cent Liberty bonds outstanding. They are the only Liberty bonds that are completely tax-free. They are owned practically entirely by rich individuals, because the other kind of Liberty bonds pay a higher rate, and are tax-free in the hands of corporations. It stands to reason that Sinclair, who was then believed to be one of the rich men of America, had hundreds of thousands of dollars of those bonds; and I do not know to-day, nor does any other Senators know, whether these bonds that Hays had, which came from Sinclair, were part of the Continental bonds or whether they were not.

It is probable that Sinclair, like other rich men, had boxes full of those bonds. It is the best way of escaping the surtax that has yet been discovered. It is probable that he has a lot of them to-day; and we are just guessing when we say that they came from the Continental Trading Co. We do not know what the numbers of them were. Mr. Mellon did not know that there was a Continental Trading Co. He did not know that it had any bonds. He did not know that it had 3½ per cent bonds.

Mr. NORRIS. He did if he read the papers.

Mr. REED of Pennsylvania. Perhaps I am unduly ignorant, but I read the papers all I get time to do, and I did not know until this minute that the Continental bonds were 3½ per cent bonds.

Mr. WALSH of Montana. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from Montana.

Mr. WALSH of Montana. For the sake of having a little accuracy with respect to this matter which has become the subject of discussion, I should like to make a brief statement.

Mr. REED of Pennsylvania. Does the Senator mean to say that what I have said is inaccurate?

Mr. WALSH of Montana. No; not at all; but the fact about the matter is that prior to the time that these bonds were turned over to Mr. Mellon or offered to Mr. Mellon, the Treasury Department, the Secret Service branch of the Treasury Department, at least, know all about the Continental Trading Co. transaction.

Mr. REED of Pennsylvania. Prior to Hays's visit to Mellon?

Mr. WALSH of Montana. Prior to Hays's visit to Mellon.

Mr. REED of Pennsylvania. Mr. Mellon said he had never heard of them.

Mr. WALSH of Montana. Mr. Mellon told us that he had never heard of the Continental Trading Co., and had no notion where the bonds came from. The fact, however, is that prior to the time the bonds were delivered, the Treasury Department knew about the transactions of the Continental Trading Co., knew about the contracts they made, and knew about their investments in Liberty bonds. But whether Mr. Mellon knew that the bonds that were tendered to him were Continental bonds or not, he had information in the month of November, 1923, as he told us, to the effect that Sinclair had turned over something like $300,000 in bonds to Mr. Hays. The evidence developed that it was $260,000. Mr. Mellon's information about the matter at the time he received the bonds was that something in the neighborhood of $300,000 in bonds had been turned over by Sinclair to Hays.

In the spring of 1924 the trial of the validity of the lease of the Teapot Dome came on in Wyoming. Whether the bonds that were turned over to Fall came from Sinclair or not, it would have been a most persuasive piece of evidence in the trial of that case to show that Sinclair, having gotten this lease from Fall, had turned over to the Republican National Committee $260,000—$300,000, as Mr. Mellon stated it—to meet the obligations of that committee. In other words, it seems to me that Mr. Mellon can not be excused from failure to convey to the Government attorneys the information he had in November, 1923, that Mr. Sinclair had contributed to the Republican campaign committee during the preceding year $260,000 for the purpose of making up its deficit.

Mr. REED of Pennsylvania. Mr. President, the Senator does not mean, does he——

Mr. LA FOLLETTE. Mr. President, I ask the Senator to let me finish my remarks. I wish to be entirely fair to him.

Mr. REED of Pennsylvania. All right, Mr. President.

Mr. LA FOLLETTE. I desire to finish what I have to say concerning the pending amendment.

The PRESIDING OFFICER. The Senator declines to yield further.

Mr. LA FOLLETTE. I do not like to say that I decline to yield further. I yield if the Senator desires me to; but it is getting very late.

Mr. REED of Pennsylvania. The Senator has been very good-natured already. I am much obliged to him.

Mr. LA FOLLETTE. Mr. President, secrecy over the affairs of government was, in my judgment, largely responsible for the successful consummation of the looting of the naval oil reserves. The experience of this Government between the sixties and 1870 demonstrates that publicity of income-tax returns was a very important factor in the collection of the taxes due under that law. The experience of the State of Wisconsin between 1923 and 1928 is also very persuasive that the publicity of income-tax returns results in the collection of the tax due under the law.

We have had enough of secrecy in government. To continue it further with regard to Federal income-tax returns is to give advantage to the tax dodger and the individual with enormous resources of wealth to escape his just share in the burden of government and in the payment of the enormous debt now upon the people of the United States growing out of our participation in the war.

To my mind, this issue is simple and clear-cut; and every Senator, when he casts his vote upon this question, must face that issue.

I trust that the amendment sponsored by the Senator from Nebraska will prevail.

Mr. REED of Pennsylvania. Mr. President, we tried this experiment once. I think it is fair to say that it met with the condemnation——

Mr. LA FOLLETTE. Mr. President, will the Senator yield to me?

Mr. REED of Pennsylvania. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. Is the Senator referring to the fact that the amount of income paid by taxpayers was made public?

Mr. REED of Pennsylvania. Yes.

Mr. LA FOLLETTE. I think even the Senator from Pennsylvania will admit that it is not a fair statement to say that we tried publicity of income-tax returns once, having in mind the period in which the amount of tax paid by the individual was made public. The Senator must admit that they are two very different propositions.

Mr. REED of Pennsylvania. Then, Mr. President, I will start again. We tried an experiment in publicity once; and we published, and the newspapers spread abroad, lists showing the amount of tax paid by various income-tax payers throughout the United States.

It happened in my own collection district that many applications were made for the right to inspect the returns of taxpayers. The collector of internal revenue in that district told me that all of the applications could be divided into two classes: First, ladies contemplating divorce, or contemplating an application for alimony; second, curiosity seekers, persons whose sole motive was curiosity to know the private business of prominent individuals. So far as he was able to discover, that collector told me, the making of returns subject to inspection, and the publication of the lists, had not resulted in the addition of a single penny to the revenue of the United States.

It did result in the publication and creation of the most authoritative "sucker" lists, as they are called in slang, that the country has ever seen. I received several advertisements from a concern in New York offering to furnish lists showing the persons in the whole United States, or in any State, having incomes of more than any specified amount, and it was explained that this was particularly valuable for people who wanted to sell things by mail or by solicitation otherwise.

If that is what we are trying to do, this is the way to do it, but there is an old-fashioned maxim that used to be very popular with the people of our race, that one of the cardinal virtues is to mind our own business, and when we take the intimate affairs of the citizen and spread them needlessly before the public gaze, we are doing an indefensible injury to that citizen.

It is all very well to say this will avoid tax evasion, but we all know from our personal experience how close is the scrutiny given to the tax returns now filed. We have created a great, new system of government. In its creation it was open to much criticism. You can not take thousands of new employees into the service and confront them with tax returns of the utmost complexity and get any other result but a record

of inefficiency and irregularities such as were revealed by the Senator from Michigan and his committee. Of course, that was bound to happen, and it did happen, under both Democratic and Republican administrations. It could not be otherwise.

That administration has improved constantly. If we would pay adequate salaries in that bureau, we could develop good men and keep them. As it is now, we develop good men, and then some company takes them away, or they are hired by tax experts.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. COUZENS. Does the Senator mean that the Commissioner of Internal Revenue needs more salary to stay on the job?

Mr. REED of Pennsylvania. No; I do not mean that at all. I refer to the experts in the bureau.

Mr. COUZENS. The commissioner has been here a long time, and he has condoned and continues to condone some of the practices that have existed ever since he has been in the bureau—in 1921.

Mr. REED of Pennsylvania. I have found fault with his decisions from time to time myself. I dare say every Senator here would disagree with his conclusions in some cases, and I dare say that if anyone of us was Commissioner of Internal Revenue he could point out decisions we would make with which he would not agree; but, on the whole, the administration of Commissioner Blair has been thoroughly honest and reasonably efficient and effective.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. WALSH of Montana. I want to inquire of the Senator whether under the laws of his State the returns of the citizen for purposes of taxation are public records?

Mr. REED of Pennsylvania. My impression is that the total you return for taxation is a public record, but the return itself is not. I am not sure of that, however. I have never known of any case where a return has been published.

Mr. WALSH of Montana. Is not that the general rule?

Mr. REED of Pennsylvania. That the total amount of the return is published?

Mr. WALSH of Montana. No; that the return of every individual, every taxpayer, is a public record, open to the inspection of anyone.

Mr. REED of Pennsylvania. No, Mr. President; I do not think so.

Mr. WALSH of Montana. That is the rule in my State.

Mr. LA FOLLETTE. Mr. President, it is the rule in practically every State, so far as property taxes are concerned.

Mr. REED of Pennsylvania. Yes; so far as real estate goes.

Mr. COUZENS. It is also true so far as personal property is concerned in most States.

Mr. REED of Pennsylvania. It may be. I have never known them to be published in my State.

Mr. WALSH of Montana. They are not published in my State either, but you can go to the assessor's office and examine anything you want to examine.

Mr. REED of Pennsylvania. I am not so sure of that as to Pennsylvania.

Mr. WALSH of Montana. What basis could there be for requiring a return as to real estate to be made public and a return as to personal property not?

Mr. REED of Pennsylvania. Because the ownership of real estate is a public matter. The details of one's income are very far from being a public matter.

Mr. WALSH of Montana. I am not speaking about income. I suppose in most States there is a property tax.

Mr. REED of Pennsylvania. Yes.

Mr. WALSH of Montana. An ad valorem property tax.

Mr. REED of Pennsylvania. That is correct.

Mr. WALSH of Montana. And, of course, that is based upon the assessment of the property. I have had some experience in these matters, and I never heard of a State in which those returns of the assessor's office were not open to the inspection of anybody who cared to inspect them.

Mr. REED of Pennsylvania. My impression is that with us the record is only open to inspection upon the showing of some right to inspect; but of that I am not sure enough to make a dogmatic statement.

Mr. LA FOLLETTE. Mr. President, I can not speak of the time since 1926, but in that year I made some inquiry and found that the property tax returns in every State in the Union were public records.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. NORRIS. Perhaps I can refresh the Senator's memory as to the law in his State, with which, of course, I am not particularly familiar, and I am willing to take the Senator's word for it, but I would be very much surprised to find on examination that in the State of Pennsylvania the return of the assessor is not a public document.

Mr. REED of Pennsylvania. I did not say it was not. The return of the assessor is public.

Mr. NORRIS. That itemizes the property. That tells every item.

Mr. REED of Pennsylvania. No; on the contrary, it merely gives the aggregate.

Mr. NORRIS. I do not understand how the assessor can make a proper assessment without itemizing the property. He tells the amount of bonds the taxpayer has and the number of horses he has and the number of cattle and hogs he has. He gets the number of mortgages that he has, and in most States, I think, he permits a deduction for the debts that the taxpayer owes, figured from the evidence of indebtedness.

I want to ask the Senator, with a view of refreshing his memory on the general subject, whether the law of his State does not provide for an equalization of taxes by a board, a county board or commission, that has the power to increase anybody's assessment or to diminish it, and whether the law does not provide two things; first, that the taxpayer himself can complain before that board that he is assessed too high, and then, upon hearing, the board can either increase the assessment or reduce it.

Mr. REED of Pennsylvania. Yes; that is the law.

Mr. NORRIS. There is another thing that may happen. The other thing is that some other taxpayer may go before the board and complain that some taxpayer, naming him, has not been assessed high enough. Is not that possible?

Mr. REED of Pennsylvania. I believe not.

Mr. NORRIS. My familiarity with the laws of the various States on that particular subject is not universal, I admit, but in several States with which I am familiar, particularly my own State, that is the law, and I myself do not see how a board of equalization could properly adjust matters unless somebody were given the authority to make a complaint against a taxpayer, and he could not make that complaint without an examination of the record which showed what the assessment was.

Mr. REED of Pennsylvania. The board itself has the right to increase the assessment, but no other taxpayer has any business to interfere.

Mr. NORRIS. I understand he does not have any business to interfere, but he has a right, I think the Senator will find—I do not believe there is a State that does not give that right—to make complaint that somebody else has not been assessed high enough. That is a common thing that occurs before boards of equalization.

Mr. REED of Pennsylvania. Anybody has a right to do it; and, of course, it is often done in real-estate taxation. There is no question about that.

Mr. NORRIS. How could one do that unless the return of the assessor were a public document, so that he could examine it?

Mr. REED of Pennsylvania. The assessment of real estate is public, and the aggregate amount of personal property assessed to any individual can be learned; but the details of the returns made by individuals are not public records, as far as I have ever heard, in the sense that anybody can examine them.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. COUZENS. I wish to say that in Michigan, for example, each taxpayer is required to file a statement not only of his real estate but of his cash on hand, the amount of his family jewels, the amount of his furniture, and the amount of his investments, and in every one of those cases any citizen may go in and look at the record. I know that, because in my own last campaign one of my opponents went in and got the record and looked it all over to see if he could find some defect in my return so as to make it a campaign issue. So I know from actual experience what they may do in my State.

Mr. REED of Pennsylvania. It adds to my pride in Pennsylvania to know that such a thing is not possible there.

Mr. President, I do not mean to take any more time on this——

Mr. HEFLIN. Mr. President, I wish to ask the Senator from Kansas if he wants to have an executive session.

Mr. REED of Pennsylvania. Is the Senator aware of the fact that I have the floor?

Mr. HEFLIN. I want to have a vote on the resolution. I probably can occupy an hour on it.

Mr. REED of Pennsylvania. I am willing to yield to the Senator for a question if he asks me one, but he interrupted me in the middle of a sentence.

Mr. HEFLIN. I thought the Senator had finished.

Mr. REED of Pennsylvania. I had about finished. It seems to me that any possible increase in the tax yield that can result from this kind of publicity is far more than offset in the loss of respect for that right of privacy to which we ought to pay some attention.

We all recognize a right of privacy in the individual, but somehow more and more in our legislation we are ignoring it. The very Senators who inveigh against secrecy of tax returns want to conduct their business privately. They seal the envelopes in which they send their letters; they have blinds on their windows. They admit there is such a right. Why should it not apply also to the intimate details of a man's personal affairs? Why should it be possible for one's competitor to learn all the details of his business? It seems to me we are doing a positive damage to American business when we throw such records open to public inspection.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. BLAINE. I would like to ask the Senator what details of business there are in an income-tax return.

Mr. REED of Pennsylvania. I will tell the Senator; that is a good question.

Mr. BLAINE. It is nothing but a statement of the business. There are no secrets of the business in it.

Mr. REED of Pennsylvania. Are there not?

Mr. BLAINE. No trade secrets.

Mr. REED of Pennsylvania. Suppose the Senator is in some kind of merchandising business. His tax return has to show his gross income, his gross sales. It has to show the amount of his clerk hire. It has to show the cost of his wares. It has to show every item of deduction and the reason for it. It has to show all of his bad debts in detail, with the name of the bad debtor, and the reason why the debt can not be collected. It has to give all sorts of stuff that, if stated gratuitously, would be positively ruinous against the individual. Is there not some objection to making all that public?

Mr. BLAINE. Of what benefit is that to his competitor?

Mr. REED of Pennsylvania. It is of great benefit to his competitor to know the intimate details of the business. Suppose the Senator and I were in active competition, and I discovered by his income-tax return that he had been doing business at a loss for the last two years; would it not be very likely that I would try harder to drive the Senator out of business than if I did not know how his affairs were going? Suppose every corner grocer had to make his business public in such detail; what chance would he have against the chain store that wanted to drive him out of business? There is all that to consider, more than the mere gratification of the curiosity of the public. Suppose my rival practicing law sees that my income from my practice is going down little by little each year; what business is it of his to know that, or of the Government to tell him that?

Mr. NORRIS. Mr. President, if the Senator will yield there; does the Senator think for a moment that his rival in the law business will not know without looking at his tax return whether or not his income is going down? Does not the Senator himself know whether the business of his rivals in the practice of the law, if he has rivals, is increasing or decreasing, whether they are prospering or not?

Mr. REED of Pennsylvania. No; I do not know that.

Mr. NORRIS. Let me ask a further question. The Senator thinks that if a man is about to fail it ought not to be published, because his rivals would push him on over the precipice if they could. What would he say about the man who loans the one who is failing a lot of money and loses it, who would not loan it probably if he knew the man was not doing a prosperous business? Would it not be good for society if it prevents these men from dragging a lot of others down when they go down?

Mr. REED of Pennsylvania. If he is the kind of a banker who loans money without a statement, he deserves to lose his money.

The PRESIDING OFFICER. The question is upon agreeing to the amendment submitted by the Senator from Nebraska.

Mr. REED of Missouri. Mr. President, I am not going to delay the Senate, and I am not going to argue the question. I agree perfectly with the idea that a man in private business has a right to keep his business secret, as he has the right even to seal his letters, as the Senator from Pennsylvania [Mr. REED] states. That is all true up to the point where he comes in contact with the public and the public has business with him, and at that point the argument which has been advanced fails.

Mr. REED of Pennsylvania. Would the Senator approve of leaving the mucilage off of official envelopes used by the Treasury Department? That is the business of the public.

Mr. REED of Missouri. My friend from Pennsylvania is so intelligent and I have such respect for him that I will not characterize that argument. But I will say that the Treasury has the right to write letters to a particular individual concerning negotiations in business that are going on. When the Treasury has acted for the public, it is a mere agent that has acted for a great principal, and the principal has the right to know what the agent has done. I do not possess that childlike faith which leads me to believe that if we appoint a man to a public office or hire him as a clerk in a public office we have thereby transformed him into either a perfect man or an angelic creature.

We have had plenty of rascals in public office. Some of them have been discovered and some have not. The whole business world proceeds upon the idea that there must be checks and safeguards. There is not a bank in the United States that does not have a method devised for checking over the accounts of every clerk in the bank. There is not a State in the Union that has not devised a plan for checking over the accounts and business of its banks. The right of the principal to know what is going on with reference to the public business is a right that ought never to be denied.

Now, what is the objection to the publishing of tax returns or leaving them open for inspection? The objection is that it exposes the private business of the taxpayer. But, as has already been said, every State in the Union has a law which provides for the levying of taxes, and I know of no State where those tax returns are not open to inspection and examination under any proper rules or conditions. I know of no great wrong or injury that has ever come from that fact. It might be embarrassing to the man who represents that he is worth a very large sum of money, and it frequently has been, to find his tax returns drawn on him in order to show that that was a false statement. Conversely, when men have claimed in court and out of court that they are worth only a small sum of money it has frequently happened that their State tax returns have been presented to contradict them.

The only exception that is proposed to be made is with reference to taxes made to the Federal Government. The argument is that that exposes private business conditions, private business conditions that have already been exposed if there is an honest return made to the State officer of the State in which the business is located. But suppose that the facts are exposed. Suppose the facts of a man's income or a corporation's income is exposed. It is based upon the taxpayer's own statement. It is therefore nothing but an exposition of an admitted truth which he has written down and to which he has subscribed his name. There is no chance for misrepresentation of his business, a thing which may be done by a business rival at any time and which frequently is done.

Besides all that, there is nothing in the argument of business rivals learning the income and business conditions of the other party to that rivalry, for it is a fact that everybody knows that business institutions are required regularly to make statements to their creditors of their condition. A business institution refusing to do so very soon loses its credit standing. These reports, not only those which are made to business institutions upon demand, but reports which are made to the commercial agencies upon request, are printed and appear in Dun's and Bradstreet's reports, and in a supplementary report which they constantly put out when inquiry is made by a subscriber. Those supplementary reports contain not only what the individual has admitted in a return to the commercial agency, but they are a compendium of information that has been gleaned from every other possible source.

Mr. President, we know entirely too little of what has been transpiring in the Treasury of the United States. I take it that the Senate will be astounded when I state that the Treasury has purchased Government bonds at a premium, at a price that has run to over 114—that is, a premium of over $14 to the $100.

Mr. REED of Pennsylvania. Mr. President, the Treasury has not purchased a single one of those bonds since they were issued.

Mr. REED of Missouri. What bonds?

Mr. REED of Pennsylvania. The Treasury 4¼ bonds of 1952. Those are the only ones that have ever reached such a premium.

Mr. REED of Missouri. I have in my office a letter of the Assistant Secretary of the Treasury stating the price that has been paid for bonds and the amount of bonds, and there has been paid over 114 for certain bonds. If that is not true, some-

body made a mistake in figuring the interest. I shall be glad to send and get the letter.

Mr. REED of Pennsylvania. I have the figures in my office, and I will bring them to the Senate at once.

Mr. REED of Missouri. Very well. Arguments have been made on this floor by the Senator from Michigan [Mr. COUZENS] regarding certain transactions of the Treasury which are of a very serious character, and apparently they have made no impress. It was stated here by the distinguished Senator from Pennsylvania [Mr. REED] on yesterday that the Treasury had proceeded for a time under one rule with reference to tax levies and then had reversed that ruling; that part of the taxpayers had paid under one ruling and part had paid under another ruling, so that infinite confusion had resulted, confusion so great that all we could do now was to enact a law which would provide that when the Treasury proceeded to collect in the future the rule of law to be applied would be that most unfavorable to the Government, but if the taxpayer sought to recover his money the rule of law to be applied as to him would be that which was most favorable to the Government and most unfavorable to the litigant. That is an absurd proposition by which it is proposed to penalize a party going into court asking for justice—a ridiculous scheme! It is proposed to say there are two rules of law, one for the plaintiff and another rule for the defendant, one for the Government and another for the citizen.

I am not sufficiently acquainted with the tax decisions to carry this discussion into specific illustrations, but it is a matter of common knowledge that the rulings and decisions of the Treasury Department have produced inexplicable confusion.

One rule has applied for a given period of time and then has been changed. There is a very deep-seated conviction that these rules have been changed as acts of favoritism; and I have not the slightest doubt but that conviction is well founded. Every act of this Government, Mr. President, ought to be a public act ultimately, and ought to be a public act while it is going on, save in those instances where privacy is necessary in order that the ends of the Government may not be defeated.

Speaking about privacy, although it is aside from the question I am discussing, there was introduced into the debate the secrecy and the privacy of the transaction between the Secretary of the Treasury and Mr. Will Hays. It is claimed that the Secretary of the Treasury did not know that those bonds came from a particular company. That is immaterial. What he did know was that the directing genius of the Republican committee wanted secretly to cash those bonds; that he had them, and there was some reason why he could not take them to a bank as an honest man would do with an honest security, lay them on the bank counter, and ask to be credited with their market value. He knew that. He knew it was to be something done under cover; that there was something wrong or the bonds would have been cashed in the ordinary way. I do not know how long he kept them. I think he did not tell us how long he kept them. It does not appear that he knows just where they were kept or just when they were returned. So far as appears, this $50,000 package might have been turned over to the cook or the chauffeur; he does not know where he kept it.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Missouri yield to me?

Mr. REED of Missouri. Yes.

Mr. REED of Pennsylvania. The Senator from Missouri might be interested to know that when that package reached Mr. Mellon he put it to one side, forgot it, and left it lying all night on the top of his desk in the Treasury Department. The next morning when he found what it was he put it in the safe.

Mr. REED of Missouri. Yes.

Mr. REED of Pennsylvania. And he sent it back as soon as he could see Mr. Hays.

Mr. REED of Missouri. That was the only $50,000 package he ever left on top of a desk overnight in his long and illustrious career.

Mr. CARAWAY. I had understood that he took it home with him instead of leaving it on his desk.

Mr. REED of Pennsylvania. The Senator from Arkansas is wrong about that.

Mr. CARAWAY. The reporters of the newspapers who heard the testimony, then, were wrong.

Mr. DILL. He stated in the hearings that he forgot them, but that he went back that evening and got them.

Mr. REED of Pennsylvania. I heard the testimony. He did not say that he went back.

Mr. REED of Missouri. How long did he keep them in his safe? The Senator from Pennsylvania, of course, knows.

Mr. REED of Pennsylvania. I know because I heard Mr. Mellon testify. He tried to return them to Hays when Hays came to see him a day or so later, but Mr. Hays asked that they be sent to him in New York, because he was going on a western trip and did not want to take them with him. So the next time one of Mr. Mellon's assistants was going to New York he gave him the package to take to Mr. Hays. That is the testimony.

Mr. REED of Missouri. Mr. President, let us see why all that circumlocution; let us have regard to the fact that none of us came to town yesterday. Here are Government bonds that are just as negotiable as Government greenbacks or gold certificates. They have a market value which fluctuates but slightly from day to day; they can be cashed at any bank in the United States, big or little, at their market value. If the little bank did not have enough money to cash the bonds that day, it would nevertheless give the credit to the customer upon its books and it would get the cash the next day from a big bank. The man having honest possession of honest bonds, with nothing to conceal, with clean hands, upright heart, a decent purpose, and reasonable intelligence would have taken the bonds over to the bank and had them cashed.

Mr. REED of Pennsylvania. That is what Mellon suggested that Hays should do.

Mr. REED of Missouri. Exactly. So when Mr. Mellon said to Mr. Hays "Do not hand the bonds to me; do not leave them with me; I can not touch them; I can not take them," he knew there was "something rotten in Denmark."

Mr. REED of Pennsylvania. He testified that he knew that they were trying to conceal the fact that Sinclair had made a subscription, and they wanted to blame it on Mellon and he would not allow them to do it.

Mr. REED of Missouri. Very well. Then he knew the necessity for concealment; he knew the purpose of concealment; he knew they were Sinclair's bonds; he knew there was a committee of the United States Senate very anxious to find out the facts, and he kept the secret of the rogue who undertook to traffic with him—that is all there is to it—and he kept it well. He kept it until from outside sources at last the little track was found that led to him, and then he told of the transaction. That may be what the Secretary of the Treasury of the greatest Nation in the world ought to have done; that may be the code of morals that controls down there; that may be the response to public duty which we are there to expect; but it is not the standard the people of the United States have set up for their public officials.

Speaking of Will Hays, I wonder if he had expended so much of his energies regulating the morals of the people of the United States by censoring the picture shows that he had exhausted the moral element of his character and had no more morals left. I beg to suggest, in the interest of common sense, that Hays ought to be removed as the censor of the picture-show business and "Fatty" Arbuckle ought to be given back his job.

I remember that when Mr. Hays came before the committee of the Senate which was then investigating and trying to find out what moneys were being raised, he told us that they had adopted an ironclad rule that they would not receive, I believe it was, more than a thousand dollars—it may have been $10,000—from any man; and he proceeded to expatiate upon the wickedness of receiving large contributions, because they might create a condition where the contributors of huge sums might ask favors in return. But it was not long after that until he was receiving huge contributions from Mr. Sinclair, and that was not very long after Sinclair had obtained the oil lands of this country which he believed to be worth from $200,000,000 to $300,000,000.

Mr. President, a little more publicity, a little more light will do no harm. I have to make tax returns, and anybody is welcome to look at my tax returns. I see no reason why any honest man, making an honest return, should hesitate in his dealing with the public to have the public know that he has honestly dealt with them.

Mr. President, I have in my hand a letter addressed to the Senator from North Dakota [Mr. FRAZIER]—I am now referring to the matter of interest—which reads as follows:

THE UNDERSECRETARY OF THE TREASURY,
Washington, January 16, 1928.

MY DEAR SENATOR: In reply to your favor of the 3d instant further with reference to the application of surplus receipts to debt retirement, I am inclosing a statement compiled on the basis of daily Treasury statements showing public-debt retirements from specific sources each fiscal year from 1920 to 1927, in one column of which are shown retirements from surplus of receipts.

Of the $2,692,108,043 debt retired during the period from surplus of receipts, only $527,296,600 face amount at a principal cost of $533,923,455.52 was retired through purchases, the differences being automatically applied to the payment of maturing debt.

Details of purchases by fiscal years follow, there being included purchases during the fiscal year 1927, set forth in my letter of December 16, last:

Fiscal year	Loan	Par amount	Principal cost	
1924	Third 4¼'s 1928	$128,466,950.00	$130,170,538.59	
1926	do	80,000,000.00	81,174,455.12	
1927	Second 4's 1927–1942	296,700.00	297,886.49	[1] 100.40
1927	Second 4¼'s 1927–1942	219,082,950.00	220,016,156.85	[1] 100.42
1927	Third 4¼'s 1928	61,950,000.00	62,781,791.02	[1] 101.34
1927	Fourth 4¼'s 1933–1938	27,500,000.00	28,612,155.98	[1] 104.04
1927	Treasury bonds, 4¼'s 1947–1952	1,628,000.00	1,856,260.95	[1] 114.02
1927	Treasury bonds, 4's 1944–1954	4,686,000.00	5,108,204.16	[1] 109.00
1927	Treasury bonds, 3¾'s 1946–1956	3,686,000.00	3,906,006.36	[1] 105.9687
	Total	527,296,600.00	533,923,455.52	

[1] The figures in the extreme right-hand column, which have been added to the letter, represent estimates of the amount paid by the Government for the various bonds per hundred dollars.

Very truly yours,

OGDEN L. MILLS,
Undersecretary of the Treasury.

Hon. LYNN J. FRAZIER,
United States Senate.

(During the reading of the foregoing letter:)

Mr. REED of Pennsylvania. It is not necessary for the Senator to read any further unless he wishes. It is evident that my statement was wrong, if that is figured correctly.

(After the conclusion of the reading of the letter:)

Mr. REED of Missouri. Mr. President, that is all I desire to say at this time.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. NORRIS].

Mr. REED of Missouri. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I am paired with the junior Senator from Indiana [Mr. ROBINSON]. In his absence I withhold my vote.

Mr. CURTIS (when his name was called). I have a pair with the Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. JONES (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent. I have promised to take care of him, and therefore must withhold my vote. If at liberty to vote, I should vote "yea."

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD]. I am advised, however, that if he were present he would vote as I shall vote. I therefore vote. I vote "nay."

Mr. WARREN (when his name was called). I have a pair with the junior Senator from North Carolina [Mr. OVERMAN]. I do not know how that Senator would vote on this question. If at liberty to vote, I should vote "nay." I withhold my vote.

The roll call was concluded.

Mr. LA FOLLETTE. I have been requested to announce that the junior Senator from Montana [Mr. WHEELER] is absent from the Chamber because of the death of his sister. He has a general pair with the junior Senator from Idaho [Mr. GOODING]. I do not know how the junior Senator from Idaho would vote on this question; but if the junior Senator from Montana were present and at liberty to vote, he would vote "yea."

Mr. WALSH of Montana. On this matter I have a pair with the Senator from Vermont [Mr. DALE]. I transfer that pair to the Senator from Oklahoma [Mr. THOMAS] and will vote. I vote "yea."

Mr. NYE. My colleague [Mr. FRAZIER] is unavoidably absent. He has a general pair with the Senator from South Carolina [Mr. BLEASE]. I do not know how the Senator from South Carolina would vote upon this matter; but if my colleague were present he would desire to be recorded in the affirmative.

Mr. McMASTER. My colleague [Mr. NORBECK] is unavoidably detained from the Senate. If present, I understand that he would vote "yea."

Mr. BRATTON. I transfer my pair with the junior Senator from Indiana [Mr. ROBINSON] to the junior Senator from Utah [Mr. KING] and will vote. I vote "yea."

Mr. NORRIS. I have been requested to announce the absence of the senior Senator from Idaho [Mr. BORAH]. He is paired with the senior Senator from Massachusetts [Mr. GILLETT]. If the senior Senator from Idaho were present, he would vote "yea" on this question. If the senior Senator from Massachusetts were present, he would vote "nay."

Mr. JONES. I have been requested to announce the following general pairs:

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from New Hampshire [Mr. KEYES] with the Senator from New Jersey [Mr. EDWARDS];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from New Jersey [Mr. EDGE] with the Senator from New York [Mr. COPELAND];

The Senator from Indiana [Mr. WATSON] with the Senator from South Carolina [Mr. SMITH];

The Senator from Connecticut [Mr. McLEAN] with the Senator from Virginia [Mr. GLASS];

The Senator from West Virginia [Mr. GOFF] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Illinois [Mr. DENEEN] with the Senator from Mississippi [Mr. STEPHENS];

The Senator from Nevada [Mr. ODDIE] with the Senator from Kentucky [Mr. BARKLEY];

The Senator from Colorado [Mr. WATERMAN] with the Senator from New York [Mr. WAGNER]; and

The Senator from Oklahoma [Mr. PINE] with the Senator from Ohio [Mr. LOCHER].

Mr. WALSH of Montana. I desire to announce that the senior Senator from North Carolina [Mr. SIMMONS] has been necessarily called away. He has a general pair with the Senator from South Dakota [Mr. NORBECK].

The roll call resulted—yeas 27, nays 19, as follows:

YEAS—27

Ashurst	Dill	La Follette	Nye
Blaine	Fletcher	McKellar	Reed, Mo.
Bratton	Harris	McMaster	Sheppard
Brookhart	Hayden	McNary	Shipstead
Capper	Heflin	Mayfield	Steck
Couzens	Howell	Neely	Walsh, Mont.
Cutting	Johnson	Norris	

NAYS—19

Black	Hawes	Reed, Pa.	Steiwer
Caraway	Metcalf	Sackett	Tydings
Fess	Moses	Schall	Tyson
Greene	Phipps	Shortridge	Vandenberg
Hale	Pittman	Smoot	

NOT VOTING—48

Barkley	Edge	Kendrick	Simmons
Bayard	Edwards	Keyes	Smith
Bingham	Frazier	King	Stephens
Blease	George	Locher	Swanson
Borah	Gerry	McLean	Thomas
Broussard	Gillett	Norbeck	Trammell
Bruce	Glass	Oddie	Wagner
Copeland	Goff	Overman	Walsh, Mass.
Curtis	Gooding	Pine	Warren
Dale	Gould	Ransdell	Waterman
Deneen	Harrison	Robinson, Ark.	Watson
du Pont	Jones	Robinson, Ind.	Wheeler

The VICE PRESIDENT. On agreeing to the amendment of the Senator from Nebraska [Mr. NORRIS] the yeas are 27 and the nays are 19. The Senator from Kansas [Mr. CURTIS], the Senator from Washington [Mr. JONES], and the Senator from Wyoming [Mr. WARREN], who are present, were paired and did not vote. A quorum being present, the amendment of the Senator from Nebraska is agreed to.

Mr. SMOOT. Mr. President, I hope that we will recess at this time until 11 o'clock to-morrow. I feel that I should give notice now, so that Senators may govern themselves accordingly, that if it is humanly possible I shall try to keep this bill before the Senate to-morrow until it is disposed of.

Mr. REED of Missouri. Mr. President, that is not humanly possible, because the proposition in itself is inhumane.

DEVELOPMENT OF AGRICULTURAL EXTENSION WORK

Mr. McNARY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9495) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," as amended, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2:

(1) Page 3, line 8, after "in," insert "such."
(2) Page 3, line 8, after "proportions," insert "as may be determined by the State agencies."

CHAS. L. MCNARY,
ARTHUR CAPPER,
Managers on the part of the Senate.
G. N. HAUGEN,
JOHN C. KETCHAM,
J. B. ASWELL,
Managers on the part of the House.

The report was agreed to.

EUROPEAN CORN BORER

Mr. MCNARY. Mr. President, the RECORD shows that some days ago I made some remarks on a motion entered by the Senator from Utah [Mr. KING] to reconsider the vote by which the Senate passed the bill (H. R. 12632) to provide for the eradication or control of the European corn borer. The bill passed the House and the Senate, and the day after it passed the Senate the Senator from Utah moved to have the bill recalled from the House, and there is now pending his motion to reconsider. I desire particularly at this time that the Senate shall act on the motion to reconsider, because the deficiency appropriation bill will be here to-morrow, and it is quite necessary to carry on this important work. I therefore move to lay on the table the motion of the Senator from Utah to reconsider the vote by which the bill was passed.

The motion to lay on the table was agreed to.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 6 o'clock and 55 minutes p. m.) the Senate took a recess until to-morrow, Saturday, May 19, 1928, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES

FRIDAY, *May 18, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Again, O Lord, our God, the morning light has broken and Thy mercy embraces all, because Thou dost see and understand. From day to day Thou dost make known Thy loving-kindness, which blesses us with quiet-hearted trust. Teach us that the richest treasures of life are invisible and Thy supreme revelation is to the human heart. Thy greatest gifts can not be weighed, measured, nor counted. Do Thou spare us from the pride which is the root of sin and endow us with that humility which is the beginning of every virtue. Rebuke all unrighteous conflict throughout our country and reproach all selfishness, which is the poison that blights the flower of human happiness. Persuade us that he who forgives most shall be most forgiven. In the name of our Saviour we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 457. An act to create a board of local inspectors, Steamboat Inspection Service, at Hoquiam, Wash.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House of Representatives was requested, a bill of the House of Representatives of the following title:

H. R. 11134. An act to authorize appropriations for construction at military posts, and for other purposes.

The message further announced that the Senate disagrees to the amendments of the House of Representatives to the bill (S. 4235) entitled "An act to amend section 12 of the act entitled 'An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes,' approved July 2, 1926," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER to be the conferees on the part of the Senate.

The message also announced that the Senate concurs in the following concurrent resolution of the House of Representatives:

House Concurrent Resolution 38

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House of Representatives and of the Vice President in signing the bill (H. R. 9568) entitled "An act to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes," be rescinded, and that in the reenrollment of such bill the number "58" be stricken out and the number "158" be inserted in lieu thereof.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table under the rule, referred to the appropriate committees, as follows:

S. 126. An act for the relief of May Gordon Rodes and Sara Louis Rodes, heirs at law of Tyree Rodes, deceased; to the Committee on War Claims.

S. 200. An act for the relief of Mary L. Roebken and Esther M. Roebken; to the Committee on Claims.

S. 1364. An act for the relief of R. Wilson Selby; to the Committee on Claims.

S. 1618. An act for the relief of Margaret W. Pearson and John R. Pearson, her husband; to the Committee on War Claims.

S. 1633. An act for the relief of Edward A. Blair; to the Committee on Naval Affairs.

S. 1976. An act for the appointment of an additional circuit judge for the second judicial circuit; to the Committee on the Judiciary.

S. 2149. An act authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance; to the Committee on Agriculture.

S. 2482. An act for the relief of the White River, Uintah, Uncompahgre, and Southern Ute Tribes or bands of Ute Indians in Utah, Colorado, and New Mexico; to the Committee on Indian Affairs.

S. 2572. An act granting certain land in the town of Hot Springs, N. Mex., to the State of New Mexico; to the Committee on the Public Lands.

S. 2792. An act reinvesting title to certain lands in the Yankton Sioux Tribe of Indians; to the Committee on Indian Affairs.

S. 3327. An act for the relief of Robert B. Murphy; to the Committee on Naval Affairs.

S. 3427. An act authorizing the Secretary of the Navy to make readjustment of pay to Gunner W. H. Anthony, jr., United States Navy (retired); to the Committee on Naval Affairs.

S. 3676. An act authorizing the Turtle Mountain Chippewas to submit claims to the Court of Claims; to the Committee on Indian Affairs.

S. 3690. An act to correct the military record of Harley O. Hacker; to the Committee on Military Affairs.

S. 3692. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended; to the Committee on Naval Affairs.

S. 3694. An act regulating juvenile insurance by fraternal beneficial associations in the District of Columbia; to the Committee on the District of Columbia.

S. 3844. An act amending the fraternal beneficial association law for the District of Columbia as to payment of death benefits; to the Committee on the District of Columbia.

S. 3848. An act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers; to the Committee on the Library.

S. 3868. An act authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to the attorney for the Creek Nation, and for other purposes; to the Committee on Indian Affairs.

S. 3881. An act to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park; to the Committee on Military Affairs.

S. 3942. An act for the relief of Maj. Charles F. Eddy; to the Committee on Claims.

S. 3949. An act to amend section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (Public, No. 290, 64th Cong.); to the Committee on Public Lands.

S. 4085. An act to prevent professional prize fighting and to authorize amateur boxing in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 4187. An act for the relief of Con Murphy; to the Committee on Claims.

S. 4234. An act authorizing the purchase of certain lands by John P. Whiddon; to the Committee on the Public Lands.

S. 4309. An act to authorize the Secretary of Commerce to dispose of a certain lighthouse reservation and to acquire certain land for lighthouse purposes; to the Committee on Interstate and Foreign Commerce.

S. 4327. An act to relinquish the title of the United States to land in the claim of Seth Dean situate in the county of Washington, State of Alabama; to the Committee on the Public Lands.

S. 4344. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River near Clarendon, Ark.; to the Committee on Interstate and Foreign Commerce.

S. 4346. An act to authorize an appropriation for the purchase of certain privately owned lands within the Fort Apache Indian Reservation, Ariz.; to the Committee on Indian Affairs.

S. 4353. An act authorizing Huntington Clarksburg Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at a point at or near Winfield, Putnam County, W. Va.; to the Committee on Interstate and Foreign Commerce.

S. 4441. An act to amend the laws relating to assessment and collection of taxes in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 4454. An act for the relief of Jess T. Fears; to the Committee on Claims.

S. J. Res. 99. Joint resolution to amend joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 131. Joint resolution providing for the participation by the United States in the International Conference for the Revision of the Convention of 1914 for the Safety of Life at Sea; to the Committee on Foreign Affairs.

SECOND DEFICIENCY APPROPRIATION BILL

Mr. WOOD, from the Committee on Appropriations, reported the bill (H. R. 13873) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, and providing supplemental appropriations for the fiscal years ending June 30, 1925, and June 30, 1929, and for other purposes, which was read a first and second time, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered printed.

ADDRESS OF HON. WILL R. WOOD

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a speech delivered over the radio on Tuesday evening, May 15, by our colleague the gentleman from Indiana [Mr. WOOD].

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD by printing an address delivered over the radio by the gentleman from Indiana [Mr. WOOD]. Is there objection?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, is there any politics in that speech?

Mr. TILSON. Considering the source from which the speech came, I think there is no more politics in it than one would expect. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following address delivered over the radio Tuesday evening, May 15, 1928, from station WRC, in the "Voters' Service" program, under the sponsorship of the National League of Women Voters and the National Broadcasting Co., by Hon. WILL R. WOOD, of Indiana, chairman of the Republican National Congressional Committee:

THE CAMPAIGN OF 1928

Within the coming month our two great political parties will hold their national conventions. In these conventions the platforms will be written and the standard bearers will be chosen. The delegates to the national conventions are now being selected by the varying processes prescribed by the State laws. State conventions are adopting resolutions for the guidance of their delegates to the national conventions. Sectional and factional as well as national viewpoints are finding their way into the State party platforms. The air is filled with the claims and counterclaims of the adherents of the rival candidates for the greatest honor the American people in their wisdom can bestow. Issues are being urged in both parties as paramount to their success. There is a clash of opinion and a confusion of sound. Political observers and writers are endeavoring to clarify the atmosphere and guide us to definite conclusions. It is well that they should do so, for it is an engrossing theme and one well worthy of our best thought. Out of this welter of factional and party controversy must come, and will come, in my honest opinion, the mature judgment of the American people, which will be expressed at the polls next November. The superficial thinker may draw aside from the subject as unworthy his consideration, but the extent that we give it our attention and our thought will be the measure of our worthiness to enjoy the benefits of a representative government.

For, fellow citizens, I firmly believe that the two-party system is essential to the success of a representative form of government. Its necessity was made manifest in the early days of our growing Republic, and from that day to this outstanding American statesmen have been its advocates. Our Democratic friends seem to be agreed that that great American, Andrew Jackson, was a Democrat, though as a Republican I may well claim that the soundest part of his political theory was Republican, for he was an outstanding protectionist. Most certainly he was a party man, and no one has ever claimed he was ashamed of it.

At a time when confusion was much worse confounded than now, when factionalism was never more rife, when feeling ran higher than at any other period in the country's history, Abraham Lincoln was able to make up his mind what party best suited his views and he joined it—the new Republican Party. As a Republican, I am devoutly grateful for that.

Neither that vigorous old fighter, Andrew Jackson, nor the wise and understanding Lincoln, molded his party exactly to his liking, but each in his own way, kept in the fray and strove manfully for his ends.

The scoffer will say that the conflict of to-day is but the bickering of politicians and place seekers—that the average citizen is very little concerned in what they may say or do. The scoffer has said the same thing in every political campaign in the country's history, but, fellow citizens, the scoffer is wrong. To show concern in the things that concern us is a duty we can ill afford to scorn. We are all vitally concerned in the welfare of our Government.

Underneath all of this clamor, all of these charges and countercharges, all this apparent confusion of principles and ideas, there is a determined quest for truth. We have not too many politicians, but too few. Politics deals with the science of Government and we will have good Government only so long as our ablest citizens give this science their best attention. Politicians who give their main thought to patronage and place are not the leaders of thought in American politics to-day any more than they were in the days of Jackson and Lincoln, but even they have a better conception of government and its problems than the indifferent citizen too engaged in his personal affairs to give any thought to the subject at all.

While, as I have said, the issues of the 1928 campaign are not yet clearly defined, while they will not be fully joined until after the two great national conventions in June shall have declared their party principles and the men selected as the party condidates shall have developed their ideas and interpretations of those principles, to my mind it is sufficiently clear that in its broadest aspect the greatest outstanding question to be considered should be which party can be depended upon to manage most successfully the domestic affairs of our Government and insure to our people the most satisfactory relations with other nations.

The verdict of the 1920 election was unmistakable. An uprising of our people so nearly spontaneous—I might say so nearly unanimous—against the party then in power did not happen without a reason. There was a nation-wide dissatisfaction, as we all remember—dissatisfaction with the conduct of domestic affairs by the Democratic administration, and a deep and settled resentment against the abortive attempt which had been made to involve us in a permanent foreign alliance, in contravention of the established American policy of good will toward all nations and entangling alliances with none. The American people then expressed their determinaton that that mistaken attempt, however well intentioned, should remain an attempt and nothing more. The Democratic Party could no more return to its original position on that question, though certain Democrats still profess to think so, and hope to win an election, than it could revive the free silver issue of 1896 and hope to win on that. The promises of a party which has made such mistakes in judgment as to what is best for the American people—mistakes which were vital and fundamental, and I have cited only two of them—will well bear the closest scrutiny. The American people should not be misled by specious arguments intended to lead them away from the main theme.

Weigh the record of the Republican Party for the last 68 years, during all of which time it has been in power, with the exception of three short intervals—its promises and performances—against the record of the Democratic Party over the same period, what it did while in power during the short intervals the American people intrusted power to it and what it promised to do, and then give careful consideration to the promises of both parties for the future. But be wise, I urge you, and weigh these promises for the future in the light of the record of both parties in the past.

What does the Democratic Party propose to do about the protective tariff policy, for instance? That is one of the great fundamental policies of the Republican Party. It is a vital part of its management of the affairs of the American people which makes for their well-being and success. Some Democrats have come to see this and a growing number are beginning to acknowledge it. But the great majority of Democrats in Congress who ask protection for their particular industries still would deny it to others by voting against Republican tariff bills. They still give lip service to the theory of free trade or a tariff for revenue only, while announcing their determination to revise the tariff downward to help the American farmer. How can they help the American farmer by destroying his home market and crippling the buying power of the consumer of his products?

The standard of living of the American wage earner, the highest in the history of the world, can not possibly be maintained under anything but a protective tariff. The hordes of cheap European and Asiatic labor might just as well be freely admitted to our shores to compete with American labor as to take down our tariff wall. Cheap foreign labor can compete no less surely on its own shores as on our own.

The Democrats were honest when they said, in their minority report on the emergency tariff act of 1921, passed by a Republican Congress for the relief of agriculture, "Sensible protectionists will go to the party that has taught and practiced protection for 50 years and not to the party that has always opposed it." If they will be as honest this year in their national platform, the tariff issue will take care of itself in this campaign. For not even the solid South will much longer permit its Representatives in Congress to maintain a dishonest attitude on this question.

The mandate given the Republican Party in 1924 to continue direction of governmental affairs was no less convincing that that which returned it to power in 1920. The facts were before the American people in 1920 and 1924. They will be again in 1928. We will await in confidence the result

BRIDGE BILLS

Mr. DENISON, by authorization of the Committee on Interstate and Foreign Commerce, called up the following Senate bills on the Speaker's table, similar House bills having been favorably reported from the Committee on Interstate and Foreign Commerce, which were severally reported and severally passed, and motions to reconsider the votes by which the bills were passed were severally laid on the table:

S. 4401. Authorizing Elmer J. Cook, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md., and a point opposite in Baltimore County, Md.

(A similar House bill (H. R. 13652) was laid on the table.)

On page 2, line 25, of the above Senate bill an amendment to strike out the word "interest" and insert in lieu thereof the word "interests" was agreed to.

S. 4345. Authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Kansas City, Kans.

(A similar House bill (H. R. 13482) was laid on the table.)

S. 4381. Authorizing H. A. Rinder, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.

(A similar House bill (H. R. 13592) was laid on the table.)

S. 4357. Authorizing Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representatives, and assigns, to construct and operate a bridge across the Des Moines River at or near Croton, Iowa.

(A similar House bill (H. R. 13501) was laid on the table.)

S. 3793. Authorizing the St. Croix Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Croix River near Grantsburg, Wis.

(A similar House bill (H. R. 12912) was laid on the table.)

REAPPORTIONMENT OF REPRESENTATIVES

Mr. FENN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11725) for the reapportionment of Representatives in Congress.

The question was taken; and on a division (demanded by Mr. RANKIN) there were—ayes 58, noes 36.

Mr. RANKIN. Mr. Speaker, I object to the vote upon the ground that there is no quorum present.

The SPEAKER. The gentleman from Mississippi makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 296, nays 49, not voting 85, as follows:

[Roll No. 82]

YEAS—296

Ackerman	Davis	Jenkins	Rainey
Adkins	Dempsey	Johnson, Ill.	Ramseyer
Aldrich	Denison	Johnson, Tex.	Ransley
Allen	Dickinson, Mo.	Johnson, Wash.	Rathbone
Andresen	Doughton	Jones	Reece
Andrew	Dowell	Kading	Reed, Ark.
Arentz	Dyer	Kahn	Reed, N. Y.
Arnold	Elliott	Kearns	Robinson, Iowa
Aswell	England	Kelly	Rogers
Ayres	Englebright	Kerr	Rubey
Bacharach	Eslick	Ketcham	Sabath
Bachmann	Estep	Kopp	Sanders, N. Y.
Bankhead	Evans, Calif.	Korell	Sanders, Tex.
Barbour	Evans, Mont.	Kurtz	Sandlin
Beck, Wis.	Faust	Kvale	Schafer
Bell	Fenn	LaGuardia	Schneider
Berger	Fish	Lampert	Sears, Nebr.
Black, N. Y.	Fitzgerald, W. T.	Lanham	Seger
Black, Tex.	Fitzpatrick	Lankford	Selvig
Bohn	Fletcher	Lea	Shreve
Bowles	Fort	Leatherwood	Simmons
Bowman	Foss	Leavitt	Sinclair
Box	Frear	Leech	Sinnott
Brand, Ga.	Free	Lehlbach	Sirovich
Brand, Ohio	Freeman	Letts	Smith
Briggs	French	Lindsay	Snell
Brigham	Frothingham	Linthicum	Somers, N. Y.
Britten	Fullbright	Lowrey	Speaks
Browne	Fulmer	Lozier	Spearing
Browning	Furlow	Luce	Sproul, Ill.
Buchanan	Gambrill	McClintic	Stalker
Buckbee	Garber	McFadden	Stedman
Burdick	Gardner, Ind.	McKeown	Steele
Burtness	Garner, Tex.	McLaughlin	Stobbs
Burton	Garrett, Tex.	McLeod	Strong, Kans.
Busby	Gasque	McMillan	Strong, Pa.
Bushong	Gifford	McReynolds	Summers, Wash.
Byrns	Glynn	McSwain	Sumners, Tex.
Campbell	Goldsborough	MacGregor	Swank
Canfield	Green	Magrady	Swick
Cannon	Greenwood	Major, Ill.	Swing
Carss	Griest	Major, Mo.	Taber
Carter	Griffin	Mansfield	Tatgenhorst
Cartwright	Guyer	Mapes	Taylor, Colo.
Casey	Hadley	Martin, La.	Taylor, Tenn.
Celler	Hale	Martin, Mass.	Temple
Chalmers	Hall, Ill.	Mead	Tilson
Chase	Hall, N. Dak.	Menges	Timberlake
Chindblom	Hancock	Merritt	Tinkham
Clague	Hardy	Michener	Treadway
Clancy	Hare	Miller	Underhill
Clarke	Hastings	Monast	Vestal
Cochran, Mo.	Haugen	Montague	Vincent, Mich.
Cochran, Pa.	Hawley	Mooney	Vinson, Ky.
Cohen	Hersey	Moore, Ohio	Wainwright
Cole, Iowa	Hickey	Moore, Va.	Warren
Cole, Md.	Hill, Wash.	Morgan	Wason
Collier	Hoch	Morin	Watres
Collins	Hoffman	Morrow	Welch, Calif.
Colton	Hogg	Nelson, Me.	Weller
Connery	Holaday	Nelson, Mo.	White, Colo.
Cooper, Ohio	Hooper	Newton	White, Me.
Cooper, Wis.	Hope	Niedringhaus	Whitehead
Corning	Houston, Del.	O'Connor, La.	Whittington
Cox	Howard, Nebr.	Oliver, N. Y.	Williams, Ill.
Crail	Howard, Okla.	Palmisano	Williams, Mo.
Cramton	Huddleston	Parker	Wingo
Crisp	Hudson	Peavey	Wolverton
Crosser	Hull, Morton D.	Perkins	Wood
Crowther	Hull, Wm. E.	Prall	Woodruff
Cullen	Irwin	Pratt	Woodrum
Dallinger	Jacobstein	Purnell	Wyant
Darrow	James	Quayle	Yates
Davenport	Jeffers	Ragon	Zihlman

NAYS—49

Allgood	Goodwin	Morehead	Sproul, Kans.
Almon	Gregory	Norton, Nebr.	Steagall
Bland	Harrison	O'Brien	Tarver
Chapman	Hill, Ala.	O'Connell	Thatcher
Christopherson	Hull, Tenn.	Oliver, Ala.	Thompson
Combs	Johnson, Ind.	Parks	Thurston
Deal	Kemp	Peery	Tucker
De Rouen	Kincheloe	Quin	Ware
Dickinson, Iowa	Knutson	Rankin	Williams, Tex.
Drewry	Langley	Robsion, Ky.	Wilson, La.
Driver	McDuffie	Romjue	
Edwards	Moore, Ky.	Rowbottom	
Gilbert	Moorman	Rutherford	

NOT VOTING—85

Abernethy	Connolly, Pa.	Hammer	Milligan
Anthony	Curry	Hudspeth	Moore, N. J.
Auf der Heide	Davey	Hughes	Murphy
Bacon	Dickstein	Igoe	Nelson, Wis.
Beck, Pa.	Dominick	Johnson, Okla.	Norton, N. J.
Beedy	Douglas, Ariz.	Johnson, S. Dak.	O'Connor, N. Y.
Beers	Douglass, Mass.	Kendall	Oldfield
Begg	Doutrich	Kent	Palmer
Blanton	Doyle	Kiess	Porter
Bloom	Drane	Kindred	Pou
Boies	Eaton	King	Rayburn
Bowling	Fisher	Kunz	Reid, Ill.
Boylan	Fitzgerald, Roy G.	Larsen	Sears, Fla.
Bulwinkle	Garrett, Tenn.	Lyon	Shallenberger
Butler	Gibson	McSweeney	Stevenson
Carew	Golder	Maas	Strother
Carley	Graham	Manlove	Sullivan
Connally, Tex.	Hall, Ind.	Michaelson	Tillman

Underwood	Weaver	Wilson, Miss.	Yon
Updike	Welsh, Pa.	Winter	
Vinson, Ga.	White, Kans.	Wright	
Watson	Williamson	Wurzbach	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Begg with Mr. Abernethy.
Mr. Eaton with Mr. Fisher.
Mr. Reid of Illinois with Mr. Sears of Florida.
Mr. Bacon with Mrs. Norton of New Jersey.
Mr. Kiess with Mr. Boylan.
Mr. Manlove with Mr. Davey.
Mr. Hughes with Mr. Underwood.
Mr. Golder with Mr. Stevenson.
Mr. Butler with Mr. Pou.
Mr. Williamson with Mr. Dominick.
Mr. Beck of Pennsylvania with Mr. Yon.
Mr. White of Kansas with Mr. Drane.
Mr. Beers with Mr. Hudspeth.
Mr. Wurzbach with Mr. Carley.
Mr. Anthony with Mr. Bulwinkle.
Mr. Strother with Mr. Bowling.
Mr. Boise with Mr. Oldfield.
Mr. Doutrich with Mr. Moore of New Jersey.
Mr. Gibson with Mr. Auf der Heide.
Mr. Murphy with Mr. Rayburn.
Mr. Nelson of Wisconsin with Mr. Hammer.
Mr. Palmer with Mr. Vinson of Georgia.
Mr. King with Mr. Garrett of Tennessee.
Mr. Maas with Mr. McSweeney.
Mr. Porter with Mr. Kent.
Mr. Kendall with Mr. Wright.
Mr. Johnson of South Dakota with Mr. Douglass of Massachsuetts.
Mr. Graham with Mr. Carew.
Mr. Watson with Mr. O'Connor of New York.
Mr. Beedy with Mr. Milligan.
Mr. Connolly of Pennsylvania with Mr. Dickstein.
Mr. Updike with Mr. Shallenberger.
Mr. Winter with Mr. Weaver.
Mr. Curry with Mr. Doyle.
Mr. Welsh of Pennsylvania with Mr. Johnson of Oklahoma.
Mr. Roy G. Fitzgerald with Mr. Igoe.
Mr. Hall of Indiana with Mr. Douglas of Arizona.

The result of the vote was announced as above recorded.

The SPEAKER. The gentleman from Illinois [Mr. CHINDBLOM] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11725, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11725, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11725) for the apportionment of Representatives in Congress.

Mr. FENN. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. MCFADDEN].

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. MCFADDEN. Mr. Chairman and gentlemen of the committee, the House is honored this morning by the presence in the diplomatic gallery of one of Sweden's most distinguished men, Mr. Gustav Casel, of Stockholm, one of the greatest economists and specialists on stabilization and gold in the world. I simply wanted to call the attention of the House to the fact that he is present at this time. [Applause, the Members rising.]

The CHAIRMAN. Without objection, the time consumed by the gentleman from Pennsylvania will not be counted in the time allotted for debate.

There was no objection.

Mr. RANKIN. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Mississippi has 23 minutes remaining, and the gentleman from Connecticut [Mr. FENN] has 20 minutes.

Mr. RANKIN. I yield five minutes to the gentleman from Maine [Mr. HERSEY].

The CHAIRMAN. The gentleman from Maine is recognized for five minutes.

Mr. HERSEY. Mr. Chairman and gentlemen, will you give me your undivided attention for five minutes?

The Constitution provides that every 10 years there shall be a census of the population of the United States, and on a correct return of that population there shall be an apportionment of the Representatives in Congress.

In 1920 this Congress no doubt neglected its duty under the Constitution. We took the census of 1920, properly returned, but on that census we have made no apportionment down to the present hour. That duty has gone by. You can not return to it and perform it. Nobody to-day is claiming that you are trying to make an apportionment of Representatives in Congress based on the census of 1920. You can not do it. You know you can not do it within 2 years of a census of population taken every 10 years. It is the duty of Congress in the next Congress to pass a census bill providing how the census of industries and manufactures and population shall be taken for 1930, and when that population of 1930 has been returned by the Census Bureau and we know how many inhabitants we have in this Republic, we will make and base the next apportionment, and between now and then you can not make a legal apportionment of Members of Congress.

This attempt to do so now is one of the most foolish and useless things that Congress can do. Why, what are you attempting to do? You say, "We are going to provide an apportionment for some future Congress." Congress can not delegate its duty under the Constitution. You know that. We can not provide for some member of the Cabinet to make the apportionment for 1930. You ought to know that. What are we doing here? We are saying to the Congress that meets in 1933, after the census of population has been returned, that a Cabinet officer shall decide what shall be the size of this House and what shall be the basis for the apportionment.

Now, I say, until you get the 1930 figures of population your work to-day in passing this so-called apportionment bill is simply to take care of the prejudice that since 1920 has existed against this Congress in the minds of the people. You are trying to deceive the people. You can not do it by passing such a useless and worthless thing as this. The people will not approve it. [Applause.]

Mr. FENN. Mr. Chairman, I yield three minutes to the gentleman from Iowa [Mr. COLE].

The CHAIRMAN. The gentleman from Iowa is recognized for three minutes.

Mr. COLE of Iowa. Mr. Chairman and members of the committee, in the beginning I was very strongly for this bill. I am not so sure of my position at the present time, but I think in the end I shall vote for it. [Applause.]

I do not mean by this that I am in favor of this Congress trying to anticipate the work of the Congress which will sit in 1930, after the next census is taken. The apportionment ought to be made by that Congress and not by this. Nor do I understand that this bill attempts to do anything like that. If we pass this bill it will still be possible for the Congress sitting in 1930 to make its own apportionment. But if it fails to do so, then the provisions of this bill become operative and the reapportionment will be made automatically, not by the Secretary of Commerce at his will, but by him according to the census.

I realize that this proposition is no more than a gesture, but I believe it is a good gesture. Fault has been found because no reapportionment has been made based on the census of 1920, and more or less properly so. By passing this measure we will be giving notice that after the census of 1930 the long-deferred reapportionment will be made, as it ought to be made.

I have been consistently opposed to reapportioning according to the census of 1920. The first speech I attempted to make on this floor was in opposition to such a bill. I based that opposition on the facts which were so well stated yesterday by the gentleman from Mississippi [Mr. RANKIN]. The census of 1920 was grossly inadequate. It was taken at a time when the war workers had not returned to their normal homes. There was still a congestion of them in the industrial centers. But even many of those who should have been enumerated were not reached. The census was taken in midwinter and little effort was made by the enumerators to reach all the people.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. COLE of Iowa. Yes.

Mr. WILLIAM E. HULL. Was it not because the roads in Iowa were so muddy that you could not get to them?

Mr. COLE of Iowa. No. There was no mud in Iowa in January of 1920. The roads were all hard and frozen.

Mr. GARBER. What assurance have you that the census taken in 1930 will be a correct one?

Mr. COLE of Iowa. Warned by the experience of 1920, I think we will be more careful in 1930 to see to it that we have an adequate and correct enumeration of the people.

Mr. FENN. Mr. Chairman, will the gentleman yield?

Mr. COLE of Iowa. Yes.

Mr. FENN. The census bill now before the House provides for taking the census of 1930 in the month of May.

Mr. COLE of Iowa. Yes; and that is the proper time to take a census, in the good old summer time and not in winter. But whether the census to be taken is correct or not I shall be in favor of making a reapportionment according to its returns. I would hesitate to defer it again. If I am here I will not be a party to such postponement. There are now gross inequalities of representation. We must correct them if we would maintain the integrity of representative government. I realize that the State which I represent in part stands to lose one or possibly

two Representatives; but such loss would be no proper reason to set aside the constitutional provisions for apportionment of Representatives in Congress according to population.

Nor am I in favor of increasing the membership of the House so that States like Iowa could maintain their present number of Members in the House. I have almost come to the conclusion that the House membership is too large as it is. I believe 435 is the limit of effectiveness in legislation. I would rather vote to decrease such membership than to increase it. I am almost convinced that a House with about 360 Members would be better.

Mr. GREEN. Will the gentleman yield?

Mr. COLE of Iowa. Yes.

Mr. GREEN. Does the gentleman think it would be fair for a Member of Congress to represent, as he would under this apportionment, 220,000 people if he came from Michigan or California and 299,800 if he came from Florida. That is what the bill proposes and there is a variation there of 79,000.

Mr. COLE of Iowa. I can not go into that question at the present time. But whatever we base our apportionment on, there are bound to be some inequalities.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RANKIN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman and gentlemen of the committee, very reluctantly I find myself in disagreement with my friend and colleague from New York [Mr. JACOBSTEIN]. I yield to no man in my admiration for the qualities of that distinguished Representative. He is my friend and I am glad to testify this morning to his ability, his perseverance, and his wisdom, yet I find I must disagree with him and be opposed to this bill.

Much has been said about the unconstitutionality of the provisions of this bill, but to my mind they are not unconstitutional, and my opposition to the bill is not based upon that in any sense whatsoever. In the case of J. W. Hampton, jr., against United States, just decided by the United States Supreme Court, the court put a quietus on that kind of an argument, because the Supreme Court there said that it was not a delegation of legislative authority to the Federal Tariff Commission to empower that commission to help the President determine the difference between the cost of production here and the cost of production abroad on goods imported into this country. If that has been held not to be a delegation of legislative authority, surely the placing in the hands of the Department of Commerce of a certain standard—equal proportions or major fractions—by which they may determine reapportionment can not be held in any sense of the word unconstitutional. But it is a question of the wisdom and a question of the soundness of the policy of the bill that disturbs me. It forces subsequent Congresses to our way of thinking, and that, gentlemen, to my mind is the vice of this bill and tempts me to vote against it.

Why should we attempt by circumlocution and by subterfuge to place a future Congress in a box or in a pocket and say to it, "If you do not act; if you do not reapportion; and if you do not carry out your duty under the Constitution, then we will act for you." I can not go before my voters when I stand for reelection in 1930 and say I will come to the Seventy-second Congress with a free and open mind if you pass this bill, because, in a sense, I am bound. You have acted for me.

I am not a free agent. The bill seeks also to bind not only the Seventy-second Congress but all Congresses which fail to act and reapportion. It binds those Congresses in perpetuity. There is no limitation. It might be argued that when we pass an income tax law, in a measure that is true. Every act, unless limited, endures until repeal, but there is a difference in this bill in that it forces action. Inaction may be just as legislative as action, yet the Seventy-second Congress can not remain inactive. You act for it.

That is enough to force it to act probably contrary to its will. Such a situation is not present in the case of income tax law. Nor is such a situation present when we pass the prison-made goods bill, the Cooper-Hawes bill, which did not go into effect for three years. We had no desire to bind the Congress in existence three years hence and force it to act with respect to that bill. In this bill the proponents, realizing that there is a deadlock now, seeks to break the deadlock by subterfuge. A subterfuge that will create resentment and opposition.

I am willing right now to vote for a reapportionment on the basis of the 1920 census without let or hindrance. I shall be willing to vote in 1932 on the 1930 census. I am unwilling, however, to bind my fellows of the Seventy-second Congress, or the Seventy-third or the Seventy-fourth Congress.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. CELLER. Yes.

Mr. JACOBSTEIN. My colleague says he is binding himself so he can not act in 1932. Surely my colleague will agree that when he is here in 1932, as I hope he will be, he is going to be free to act on a reapportionment bill and every other Member of the House will be free to act.

Mr. CELLER. That is not so for this reason, because we will not then be free. We shall be compelled to act. Is that freedom of action? There is a great controversy looming between the cities and the country, and that is what is inherent in reapportionment of any sort. There is always going to be difficulty in getting a majority to vote one way or the other and you have gotten into a deadlock. The deadlock is present, and because of that deadlock there will always be difficulty in getting action on a bill of this character. The gentleman from New York indicated the deadlock because he said that a coalition of States which will lose Representatives is preventing reapportionment. If that is true, you may still have difficulty in the years to come in getting the required majority. You say here is the bill that will end the difficulty.

That will not end the difficulty. It will make the deadlock firmer. Coercion of any sort breeds resentment and makes the opposing factions more hostile. This coercive bill strengthens the arms of the warring sides.

Mr. JACOBSTEIN. Will the gentleman yield for another question?

Mr. CELLER. I have only five minutes, but I will yield.

Mr. JACOBSTEIN. I may be able to get the gentleman another minute. The gentleman has just said that a deadlock in 1930 may prevent the repeal of this bill or the passage of another reapportionment bill. Is not that the best argument for the passage of this bill?

Mr. CELLER. No; it is not. That issue underlying the deadlock must be faced. It must be faced squarely, openly. It can not be decided by trick. The gentleman indicated that this very procedure was used in 1850. It was used then because of the looming of the quarrel and struggle on slavery, and they postponed the day when they had to determine the final proposition, as they did on all questions relating to slavery. Because of that failure to meet the issue there were compromises, postponements, evasions, finally war between North and South.

I repeat, the issue and the struggle underlying reapportionment is between the large States with large cities on one side and the rural and agricultural States on the other side. That thread of controversy runs through all the political struggles evidenced in this House. That thread runs through immigration, prohibition, income tax, tariff. It is the city versus the country. The issue grows more and more menacing.

This issue, in so far as it concerns reapportionment, must be faced squarely. This bill seeks to evade it, to cover it up.

The Congress, after the 1930 census, will have to face that issue squarely. After they have taken the census it is the duty of a Congress to act. Congress should have acted long since, but, not having acted, we can now, in order to cover up the dereliction of previous Congresses by this bill, involving, as it does subterfuge and circumlocution. [Applause.]

There is some talk about increasing the size of the House. That would be idle and wrong. No good purpose could be served thereby. The House is now unwieldy as to numbers. Increase the number of Representatives and you play further into the hands of the small oligarchy that now rules the House, because the greater the number the greater must be the delegation of authority to the few leaders or "bosses" of the House.

England clearly saw the error of increasing the number of members of the House of Commons in 1918 from 670 to 707. Six hundred and seventy had been the fixed number since 1885. But after trying 707 for six years it reduced the number in 1922 to 615—lower than it had been since 1885.

The French Chamber of Deputies comprises 580 members; but that chamber is often the scene of wild disorder, primarily because of the great number of deputies. Italy's Chamber of Deputies in 1925 had 560 members. Under Mussolini these members have become mere rubber stamps. Greatness in number did not make Italy's lower house more democratic; rather did great numbers play into the hand of Dictator Mussolini.

The German Reichstag has 493 members—a number larger than ours—but most of the other lower houses of parliaments the world over are smaller than ours.

The Canadian House of Commons has 245 members.

The Norwegian Riksdig—lower house—has 230 members.

It is probably unfair to compare assemblies of sovereignties with the parliamentary systems and those like our Government with purely representative system. Under the parliamentary system there is little or no initiative from the floor. Legislation springs from the premier, from the ministry. Little

right is given to a member of the House of Commons, for example, to offer successfully enactments from the floor as we do in this House.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FENN. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. EVANS].

Mr. EVANS of California. Mr. Chairman and members of the committee, the committee report submitted with this bill states that, by reason of failure to reapportion the membership of Congress following the 1920 census, 13,000,000 American citizens have been denied equal representation in Congress since that date. It further states that by 1930, when the next census will be taken, this number will have increased to 31,000,000 people thus deprived of equal and fair representation. The population of the United States, as now estimated, is about 120,000,000. Thus it will appear that more than one-fourth of our people are denied their equal rights as American citizens, or, to express it in another way, a population equal to the average population of 12 States is without representation in this body, and we are prone to boast of our free, democratic, and representative Government. It is no uncommon thing to hear gentlemen on the floor of this House proclaim their loyalty and deep devotion to that venerated document known as the American Constitution. We listen with justifiable pride and much animation to these patriotic orations and sink back in our seats with a sense of satisfaction and feeling of security for the welfare and perpetuation of our representative plan of government. This Constitution, for which we all profess our fondness, provides, in substance, that following each Federal census a reapportionment of the membership of Congress shall be made. It was not done following the census of 1920 and it now remains to be seen whether it will be done following the census of 1930.

There seems to be opposition to this bill, based on the alleged ground that it is anticipatory legislation and therefore unconstitutional, or that it is a delegation of the legislative power of Congress. This opposition comes from the States which will probably lose in membership. It is altogether proper to ask the gentlemen who are offering this opposition what remedy, if any, they propose to submit as an alternative for the measure now before Congress? Do they propose to continue to oppose any reapportionment so long as certain States will probably be reduced in membership? Are they willing to continue to disfranchise one-fourth of our entire population and openly defy the mandates of the Constitution for purely selfish reasons?

The makers of the Constitution undoubtedly anticipated exactly the condition with which we are now confronted, and it was for the purpose of relieving from this condition that the provision for reapportionment every decade was enacted. The Congresses preceding 1920 have had the courage to reapportion. The reasons for it now are far more potent than ever before, because there are now greater inequalities than ever existed before.

Let me give you some facts and figures which directly confront us in California. I think these will open your eyes.

When Congress was last reapportioned and my State of California was allotted 11 Representatives, we had a registration of voters in the State amounting to 393,000. On the 1st day of May this year we had a registration in Los Angeles County alone—not the whole State but in one county—of 722,000. The registration for this year has not closed and will not close until 30 days before the November election. If you add to this figure the normal increase in registration from May to November, you will find that at the November election in 1928 we will have 909,000 registered voters in Los Angeles County, as compared with 393,000 in the whole State in 1910. It is true that since the 1910 registration women have been enfranchised, so in order to make allowance for that we will cut the figures in half, which will give in November a registration of 454,500 voters. This indicates that in Los Angeles County, which now has only two Representatives in Congress, we have at least 200,000 more people than were in the whole State of California when we were given the 11 Congressmen we now have. Will any of you gentlemen who oppose this bill claim that this is fair or that this is genuine representative government?

Let me give you some more figures and facts, some that touch on the economic and commercial development of Los Angeles County, with which I am most familiar, and I assert that this trend of development is more or less general throughout the State.

The following table shows the progress between 1910 and 1920 as shown by the census figures, and between 1920 and 1927 as determined by official and semiofficial sources:

	1910	1920	1927
Post-office business	$1,477,000	$4,190,000	$9,781,000
Bank clearings	$811,387,000	$3,994,280,000	$9,387,948,000
Building permits	$21,684,000	$60,024,000	$123,077,000
Population of—			
Los Angeles City	319,198	576,673	1,366,889
Los Angeles County	504,131	936,455	2,319,828

Upon analysis these figures show a remarkable check on themselves. During the first period of 10 years the post-office business practically tripled, the bank clearings increased by 400 per cent, and building permits tripled. In 1920 the city population was 187 per cent of that in 1910, while the county population became 185 per cent.

During the following seven years ending January 1, 1928, post-office business was multiplied by two and one-third, bank clearings by the same multiple, two and one-third, and building permits a little more than doubled. The city population became 237 per cent and the county population 248 per cent greater than in 1920 and over 460 per cent greater than 1910.

That the growth continues is shown by the income-tax returns, which certainly no one will knowingly pad. The tax returns to date for 1928 are $500,000 more than in the same period of 1927, with 10,000 more persons paying this tax, an increase of 5 per cent in both number of persons and the amount paid. The extraordinary growth in population, which is astounding the world, is after all only 8 to 10 per cent increase. The 1927 increase was a trifle over 5 per cent, or exactly the same as the income-tax figures indicate.

At present, based on the 1910 census, the ninth, tenth, and eleventh congressional districts of California, substantially covering southern California, have only 3 Members of this House, yet the 1920 census gave this territory a population of 1,285,220, entitling us at the existing apportionment rate to 6 Representatives. To-day Los Angeles County alone, the ninth and tenth districts, has over 2,300,000 people, and should have 10 Members.

Forget, if you please, the mere count of heads as justifying our demand for increased representation and consider for a moment the industrial value of that great western community, the taxes paid to the Federal Government, the foreign commerce, the innumerable things that are forcing California to the front rank among these United States.

The factory pay roll, based on a five and one-half day week, is $1,000,000 every working day; the moving-picture industry pay roll exceeds $100,000,000 per year; 43 new factories last year invested $42,000,000 in plants and equipment; over 8,000 factories turned out in excess of $1,278,000,000 (or over one and one fourth billions) in value of products each year; bank clearings exceed $900,000,000 monthly; $111,000,000 export trade last year, an increase of 12 per cent over the preceding year, while the national increase was but 2½ per cent. These figures exclude petroleum, which is another story of enormous wealth produced and largely spent in southern California. One hundred and ninety thousand factory workers furnish an underlying prosperity not equaled elsewhere. This is why Los Angeles last year was the only one of the first five cities to show an increase in value and number of building permits.

A normal year in 1927 gave California farmers $455,000,000 for their crops, and a total of $660,000,000 if livestock is included. Citrus fruits alone paid $120,000,000, or about three times the maximum output ever made in one year by the famous gold miners of 1849.

Los Angeles Harbor last year served 7,200 ships, carrying 26,500,000 tons of freight, valued at $910,000,000, the intercoastal tonnage alone exceeding the combined tonnage of all the northern coast ports.

The city has 4,400 miles of streets, the State has 79,000 miles of highways, 22 per cent of which are hard surfaced. We spent about $79,000,000 last year on our roads and highways.

The State has registered 1,703,685 automobiles. There is one car for every two people in my home county.

Based upon 50 per cent valuation, Los Angeles is assessed at practically $3,000,000,000 and among her banks are several which challenge the great New York Wall Street banks in wealth, prestige, and power.

Capt. Robert Dollar, the head of the numerous Dollar enterprises, including one of the most successful steamship lines of the seven seas, a man who knows the Pacific world, the Orient, the islands, the entire west coast probably better than any other living man, states that the coming development of the Pacific coast will demand a population of 50,000,000 people to fill its commercial needs.

These figures are cited, not in boast of sunny California, but to support our demand that adequate recognition be given us. This tremendous growth, this teeming hive of industry, this potential greatest city of the western world and perhaps of all the world, is represented here by two members. Like populations in the East, smaller areas of far less possibilities for further growth are represented by 6, 8, or 10 Members of this House. Combine with our great numbers the fact that we are all pioneers or the children of pioneers, alive, aggressive, and keenly conscious of our civic rights and duties, and willing to do our share, and the injustice of denying us a larger measure of representation in national affairs becomes all the more apparent. I submit that in all fairness and in all good conscience this bill should be passed. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RANKIN. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. MOORMAN].

Mr. MOORMAN. Mr. Chairman, ladies and gentlemen of the committee, in the outset, as a member of the Census Committee, I desire to say that I recognize it to be my duty to vote for a reapportionment bill of the right kind at the proper time. But any reapportionment based on the census of 1920 would be absurd, for the reason that another census upon which reapportionment can be better based is due in two years, in 1930. Also it would be unfair for certain reasons, namely:

First. That the census of population was taken as of January 1, 1920, which was considered unfair to the rural districts, especially in the years following the close of the World War; and

Second. That the actual enumeration was not efficient.

Further, the census of 1930 is provided for in a bill that our committee recently unanimously reported out. It will have new and perfected features, provides for the taking of the census May 1, which is the time agreed upon by our committee when the actual population of the cities and rural sections can be most fairly ascertained, and, on the whole, it promises to be the most complete and dependable enumeration and statistical record of people and facts ever made. In this connection I would like to say there is some disposition to have the 1930 census taken as of November 1. Our committee was convinced that this would be another mistake. Road and weather conditions would prevent fair rural enumeration. This census is going to employ about 100,000 people and will cost about $40,000,000. It will reveal many facts that Congress should have before it to intelligently consider a reapportionment bill, which is a matter of most vital importance to all the States.

I respectfully invite your attention to the minority report, concurred in by nearly half of the Census Committee, as follows:

> We desire to submit briefly our reasons for opposing this bill.
>
> In the first place, this legislation is unnecessary and is an attempt to bind a future Congress.
>
> It does not propose to reapportion Congress under the census of 1920, but attempts to legislate for a future Congress relative to a reapportionment on the basis of a census to be taken in 1930. It also attempts to arbitrarily fix the size of the House at 435 Members without first taking into consideration the inequities and injustices that might be avoided by adjusting the size of the House under the census of 1930 to take care of all of the States.
>
> It proposes to lay down a formula which they call "major fractions," and which few Members of the House will understand and fewer still can explain.
>
> It is proposed also to delegate to the Secretary of Commerce the apportioning power, which is primarily vested in the Congress of the United States. Thus, in case Congress failed to act at the first session after the taking of the decennial census, the executive department charged with the duty of taking the census would also have placed in its hands the power of reapportioning the House of Representatives under that census.
>
> In order to avoid the absurd and ridiculous situation in which the passage of this bill would place the Congress, we respectfully submit that it would be better to wait until after the taking of the census of 1930 and then have the House reapportion its membership according to that census.

The real purpose and basis of this bill is clearly indicated in the plain words of the Census Committee majority report, to-wit:

> It is anticipatory legislation. It seeks to meet an emergency situation which might develop in 1930.

There is a disposition to attribute to Representatives from the States that will lose Congressmen a desire to indefinitely postpone reapportionment. This idea is, I am impressed, largely without basis. Due to the unusual and unsettled conditions in 1920, following the war and when many rural people were in the population centers and elsewhere, resulting in an admittedly unfair population enumeration, there has been much opposition to reapportionment on the basis of the 1920 census. However, Kentucky, under this bill, will lose two Members, based on the population estimated for 1930. Even the contemplation of this result arouses and warrants deep concern. The reduction of any State's present representation is disturbing sacred rights. I do not believe the present number of representatives of any State should be reduced. The results of reapportionment on the remaining districts of a State are sometimes almost as important as the loss of Members. I also believe the anticipatory feature of the proposed legislation is fundamentally unsound and that the bill is altogether unwise. It amounts to a surrender by Congress of more of its powers, and is the unnecessary delegation of its duties and rights.

The imputation that a future Congress, with all the facts of the new and complete 1930 census before it, can not or will not know or do its duty, or that such a Congress will not possess as much intelligence or integrity as this one, I think, is unwarranted. I believe that practically every Member of this House, under the Constitution and his oath, feels largely as the majority report indicates, in the following words:

> The committee is strongly of the opinion that the failure to reapportion is a violation of the spirit, if not the letter, of the Constitution. It holds the view that no section of the Constitution is more fundamental to our Government than this section. Without its observance representative government becomes a sham.

As to limiting the number of the House to 435, I understand the corresponding branch of the German Government has 493 members, the French Government 580 members, and the English Government 615 members. By the increase of our membership to a body approximately the size of the smallest of these, all States could be saved loss of present representation. The House would be but little more unwieldy than it is at present, if any more so at all. The comparison of the legislative records of the United States Senate, with only 96 Members, with that of the House, with 435, would indicate no loss of efficiency by the suggested increase in our numbers. Further, there is a drift of population and consequently of legislative power to the cities. The losses of Members under this bill will be greatest to rural sections and the gains largely to the population centers. This tendency is worthy of our careful consideration.

Mr. RANKIN. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. RUTHERFORD].

Mr. RUTHERFORD. Mr. Chairman, I do not feel that what I may say will throw a new light on the bill under discussion, as the speakers who have preceded me have covered practically every point, but I wish to explain my position.

Some of the speakers have seen fit to impugn the motives of some who have favored the bill and of some who for good reasons have seen fit to oppose the measure.

Coming from a State that will not lose or gain a Member, no matter what method is adopted, I sincerely trust that the membership of the House will accord to me a sense of fairness and impartiality.

While the Constitution of our country does provide that an actual enumeration shall be made each 10 years, it does not definitely state or require that a reapportionment be made following each enumeration. While this practice was followed up to 1911, we have only one precedent where the Congress undertook to pass a law defining the duties of the succeeding Congress, as is undertaken in the bill now under consideration.

An effort was made in 1921 to reapportion the Representatives in several States, but the effort was defeated, and each succeeding Congress has failed to legislate on the subject.

My opinion is that if we have gone this far without making a reapportionment under the census of 1920, we should now wait until an enumeration of the population is taken in the spring of 1930. When the census of population is then submitted to the following Congress, the Congress will be in position to know how to act intelligently in the reapportionment of its Members.

The hearings before the Committee on the Census clearly showed that in many instances the census of 1920 was inaccurate, as it was taken in January, when the weather and roads were bad. The committee has sought to relieve this situation by reporting a bill authorizing the census to be taken on May 1, 1930.

When the 1920 census was taken, it was shown that the shift of population from the rural sections to the industrial centers had been greater than in any other period prior to 1920. A large number of our people had left the farms in order to take advantage of higher wages in the industrial centers.

My information is, however, that a great many of these people are now drifting back to the small towns and rural communities, and if this continues until 1930 we will have a more normal distribution of our population.

I am not in position to discuss the best method of reapportionment, as the statisticians who came before the committee differed very materially as to the methods submitted.

As the Bureau of the Census will be charged with the administration of the law now under consideration, I believe that the selection of the best method of reapportionment should be left to the bureau and not made one of the provisions of the law.

The advisory committee recommended the method of equal proportions, which has the indorsement of Doctor Hill, of the Bureau of the Census. Under this method a larger number of the small States will get the benefits.

I am opposed to any plan that reduces the representation of any of the States, even though the House membership will be increased to take care of this situation. In my opinion this is no more than a political gesture, as we are undertaking to direct future Congresses, which we have no legal right to do.

We are living in a very progressive age, and none of us can foresee what may happen in the course of a few years. For that reason we should leave this matter to a succeeding Congress to solve in the right way.

So far as I am concerned, I am not willing to delegate any more power to the different bureaus than is absolutely necessary. I think that any Congress is capable and competent of preparing and passing a bill that will make a fair and just reapportionment of the Representatives without delegating any of its rights to any department of the Government.

According to the method of major fractions provided in this bill, based upon the estimated census for 1930, 17 States lose 23 Members and 11 States gain 23 Members.

I quote from the advisory committee's report to the Director of the Census:

> The method of equal proportions leads to an apportionment in which the ratios between the representation and the population of the several States are as nearly alike as possible.

I quote further from said committee's report:

> If the method of equal proportions is used, the choice is a matter of indifference. Any or all of the possible forms of fractions will lead to the same apportionment. That is, the apportionment will bring one set of fractions "as near as may be" to equality, will also minimize the differences in the other sets of fractions. This is because when the "nearness" of ratios is measured on a relative scale the results do not depend upon the particular form of the fractions by means of which the ratios are expressed.

Doctor Hill made the following statement before the Committee on the Census, from which I quote:

> The method of equal proportions is the method by which the relative or percentage differences in either of the number of inhabitants per Representatives or the number of Representatives per inhabitants are as small as possible.

I will quote from another statement of Doctor Hill before the committee:

> Comparing three methods, the method of equal proportions is more—I will use the word favorable—is more favorable to the small States than the method of major fractions and less favorable than the method of minimum range. If it be desired to have a method that will favor the small States as much as possible, then the method of minimum range should be used. If it be desired to adopt a method intermediate between these two, not as favorable to the large States as the method of major fractions, nor as favorable to the small States as the method of minimum range, then the right method is the method of equal proportions.

Before voting on this bill I would like to warn the Members from the small States of the Union that the method set out in the bill will work to their injury. I have the utmost respect and confidence in the Bureau of the Census, and I think that the method suggested by the bureau should be adopted in lieu of the method of major fractions.

According to my best information this is the first time that the Congress has undertaken to define the method of reapportionment. It will be in the power of a future Congress to determine the number of Members, and when this is done it will be a very easy matter for the Bureau of the Census to determine the right number to each of the States of the Union. [Applause.]

Mr. FENN. Mr. Chairman, I yield two minutes to the gentleman from Michigan [Mr. CLANCY].

Mr. CLANCY. Mr. Chairman, the tremendous indictment was laid against Julius Cæsar by one of his fearless and patriotic opponents that after his return from Gaul he no longer conspired at the destruction of the constitution of the republic of Rome by mining it but that he now directed an open assault, a frontal attack upon the constitution. The result was a series of bloody civil wars, the destruction of the republic, and the establishment of a tyranny.

The basic principle of the American Constitution is "no taxation without adequate representation." The violation of that fundamental right led to war and the formation of the United States. The principle was written into the Constitution that adequate representation through a reapportionment of the people's branch of Congress, the House, should be made every 10 years.

To-day we see many Members of this House making a frontal assault on the keystone of the American Constitution. And many of these Members were instrumental in first mining the American Constitution by inserting therein a fundamental violation of its cardinal guarantees of human rights and personal liberty. They mined the Constitution with the eighteenth amendment, the sled-length proponents of which are so eager to enforce that they would blow up the provisions of the Constitution which guarantee the American citizen against unlawful search and seizure and against the unlawful use of firearms of Federal agents against the life and limbs of innocent, law-abiding citizens.

Thus we see these miniature Julius Cæsars to-day raising the hue and cry against "nullificationists." By that they mean those American citizens who are not for bloody sled-length enforcement of the eighteenth amendment, and who stand for the enforcement of the rest of the Constitution. These men would violate the bill of rights provisions of the American Constitution and and would nullify the proportional representation clause. They are the real nullificationists of this country. They are the ambitious Cæsars bent on tyranny. The only answer to a hard-riding Cæsar is the menace of civil war.

Not only do these nullificationists aim to deprive millions of American citizens of their just representation in Congress, but they also deprive these millions of their just voice in national conventions and in the Electoral College, the American's safeguards against violence in national elections such as we perenially witness in most Latin-American Republics. They would deprive these American millions of efficiently expressing their wishes in choosing the President of the United States, the Vice President, and the administrative branch of the Government, and indirectly the judicial branch of the Government.

The vote thief is the meanest of all thieves, for he steals from the citizen by connivance or violence his sacred possession and privilege.

The political gunman is the most vicious and terrible of all the foes of organized society. In his wake follow chaos and anarchy. He tears to pieces more quickly than any other gunman the fabric of government and destroys the safeguards thrown around the most cherished possessions of the human being—life, liberty, property, and the pursuit of happiness.

Speaking frankly, the foes of reapportionment have some votes in Congress to which they are not entitled under the Constitution of the United States. They hold these votes and have for six or seven years by brute strength and recourse to rape of the Constitution. The most strenuous efforts have failed to make them disgorge their plunder. They know they have cheated other groups of American citizens out of these votes and that has been continuously impigned upon their consciences, but so callous their political code of honor that it would resist a woodman's ax.

They are as hard-boiled as the toughest vote thief or political gunman that ever trained a machine gun upon a Chicago citizen. They are more dangerous to the Republic, because they sit in higher places and know they are an example for the lesser fry of politicians to go out and do likewise.

They have been haled into court here in the House yesterday and to-day and are making their defense to the American people. They are trying to explain why some 200 men, because they are Congressmen, should be allowed to violate the Constitution and thwart the will of about 123,000,000 of American people.

The real reason is that they want to save their own political hides or the hides of some of their friends or of some unknown persons in their States who may want to come to Congress the easiest way and sit in a seat that was pilfered.

But they dare not say that. They try to fool the country and the voter by parliamentary quibbles, by technical discourses. They try to becloud the issue.

They attack the system of major fractions as being confusing and not easily understood. It was the system used nearly a hundred years ago, in 1840, and it was the system used in the last congressional reapportionment, made as result of the reapportionment of 1910. It is fair and just, but these gentlemen do not want fairness and justice.

The common defense of the gunman when he is finally haled before the bar of justice is to drag out the name of his good, old mother, and ask the judge to think of that good old lady rather than the guilty one.

So these opponents of this reapportionment measure are begging the House to think of the good name of Congress and not belittle it by delegating any of its power to the administrative branch of the Government, in this case to the Department of Commerce. Now, the Census Committee, of which I am a member, and which drew up this bill, thoroughly settled that question. The majority which brought out this bill know that the delegation argument is merely an obvious red herring drawn across the trail.

This bill does not provide for a delegation of congressional authority with the Department of Commerce exercising legislative authority and doing as it pleases. It is merely a well-defined ministerial direction to do thus and so and no more. It is directed merely to undertake certain hard and fast clerical duties and commissions. These clerical duties are mathematically circumscribed. There can be no deviation. They do not amount to a curtailment of the powers of Congress; they are merely the execution of the expressed will of Congress if the bill is passed.

It shows how weak the case of these nullificationists is when they have to resort to such quibbles and subterfuges.

Some of the gentlemen have had the effrontery to explain away the rank injustice of not consenting to a reapportionment upon the basis of the 1920 census by saying that the war closed in 1918 and perhaps there was slight shifting of population in the country in 1920 as a result of the war. Could any more frivolous reason be given for a breach of contract in a civil action or the perpetration of a crime as to say, "The war was an unusual thing, and it is the reason for 'going hay wire'"? Some of the gentlemen who helped to kill reapportionment are more frank and have said they will always oppose reapportionment even if they can not fall back on the Civil War or the Great War or the depopulation of some districts by the recurrent Mississippi floods.

This bill is a great personal victory for those who have fought for reapportionment through all these dreary years. It was only brought out of the Census Committee with a favorable report because the committee was increased in number by the House Republican organization from 15 to 21 members. That organization was kind enough to give me a place on that committee at my request, although one Detroit Member, my distinguished colleague [Mr. McLEOD], was already on that committee.

We are going to carry on the good fight even though we get a setback to-day. This cause is as righteous and as fundamental to good government as any cause ever argued here. It must win. The alternative is a lowering of the whole political morality of the country. The alternatives also are the rising of fierce passions and possible civil war.

This is a constitutional question of the first importance. Men stood on this floor 20 or 30 years before our Civil War and threatened civil war if they did not have their way in breaking that great national contract, the Constitution. Men were bullheaded, and we had the Civil War.

My mother's father and brother marched out of Detroit to the battle fields of that war. It was a terrible calamity. My mother to this day never speaks of those terrible days without weeping. Many newspapers in this country are carrying editorials pointing out the danger of civil war arising out of the gross injustice of Congress refusing to reapportion. Members would do well in taking heed of the first importance of this bill which they will vote on here to-day. [Applause.]

Mr. RANKIN. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. ROMJUE.]

Mr. ROMJUE. Mr. Chairman and gentlemen, the question of whether or not this bill complies with the constitutional mandate is entirely out of the case because if the bill becomes law it will not be operative until after 1930, and the decade from 1920 to 1930 will already have passed.

However, I want to call the committee's attention to what I think is the most serious defect in the proposed legislation, if it should be enacted, and that is that in the very first section of the bill it is stated that the Secretary of Commerce shall certify to Congress as soon as practicable. Now, this is an indefinite statement. The statement is that as soon as practicable the Secretary of Commerce shall certify the census records and then upon that certification the Congress shall proceed, if it desires to do so, to apportion the Representatives to the various States of the Union.

Mr. FENN. Will the gentleman yield?

Mr. ROMJUE. Not just now.

My friends, I want to call your attention to the further fact that this authority to certify the population is vested in the Secretary of Commerce. I will admit, it is a power upon condition; that is, in the event the Congress does not apportion after the certification is made, then the condition operates, and you must take the recommendation or the record that is set forth in the certificate of the Secretary of Commerce.

The most important point I want to call attention to is this: Suppose, after the census is taken in 1930, some State—we will say the State of Oklahoma, or any other State for that matter—is satisfied it has had a fraudulent census, or an erroneous census, and we will assume that perhaps it has been a fraudulent or incomplete or erroneous census in some respects. This question will confront the Congress in the future on some occasion, and when it does confront the Congress, the State that charges that it has been defrauded or that an unlawful census has been taken has the right to get out a writ of prohibition against the Secretary of Commerce and stop him from certifying to the House of Representatives the census of that State, and as long as this is tied up in the courts of the country under a writ of prohibition, as the State would have the right to tie it up, the Congress is powerless to act, because you can not act until the certificate comes over, and you will find, gentlemen, that you are not clarifying the situation, but you are going to lead this question into the labyrinth of greater embarrassment and difficulty in the future.

As I said a moment ago, the Congress must wait for the certificate from the Secretary of Commerce before it can act, and the certificate having been tied up by a writ of prohibition by one or more States charging they have been defrauded in the census, the Secretary can not get it over for action until that is clarified in the courts and your hands are tied, and the question of practicability of certifying the matter over would certainly be very vital because if the hands of the Secretary of Commerce were tied by a writ of prohibition he would have the most practicable reason for withholding the certificate, and, as a matter of fact, the courts would restrain him from acting.

Under the present system it is true that there has been a failure to apportion this time, and once only in the entire history of the country. What other law, what other function of this Government has a better record—only once from the foundation of the Government down to now. Now, you are taking away from the dominant parties of this country the right to apportion to the people of the various States the number of Representatives which those States shall have; and where do you place that authority? I say it is a conditional taking away of the power of Congress and a vesting in a member of the President's Cabinet the power of apportioning the Members, but the condition will arise. What are you doing? You are putting into the hands of a ministerial officer, a member not chosen by the people, a member not chosen by the Congress, but appointed by the President of the United States; a member that has won his spurs and gained political prestige by his assistance to the President in a political campaign, be he Democrat or Republican.

The Constitution of the United States in its original form provided that—

> Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

The Constitution was some time after the Civil War amended and by the amending, the word "free" was eliminated so as to give consideration to the settlement of the slave question. Briefly, and so far as the Constitution refers to this matter after its amendment, it provides that—

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

No one will challenge the right and duty of Congress to make an apportionment following each census of every 10 years. This bill, however, in its present form should not pass for the following reasons:

This bill should not pass because its delegation of authority to a bureau chief, to one man, if you please, the Secretary of Commerce, is wrong in principle even though it be a delegation upon condition.

The answer to those who say it is to avoid the experience we have had following the last census—if Congress has not acted on the apportionment now said to be due—the passage of this law will not in any way compel or induce Congress to act on an apportionment following any future census.

Therefore in case of Congress failing to act in the future, if this bill becomes a law, the certificate from the Secretary of Commerce will make the apportionment of the Representatives among the people. If Congress does not act, as it may not in that future decade, as it has not in this decade, the certificate of the Secretary is final and can not be challenged, even for error or mistakes, because the bill says "each State shall be entitled," and so forth.

It is my honest and deliberate judgment, gentlemen, that among those who support this bill to-day, should it become a law, will be men who will live to see the time in which they will give serious consideration to the errors of this legislation.

If Congress will not act on the matter before the passage, time will some day prove it will not act after its passage. Then what will you have? Why, sirs, you will have instead of Democratic and Republican Representatives of the people, jointly apportioning among the people of the various States the number of Representatives to which they are entitled—you will have one man doing it, a member of the President's Cabinet, more or less under presidential influence and guidance.

If this bill should pass and become a law, it would be an effort on the part of the present Congress laying down a regulation to govern, bind, and hamper the action of future Congresses. It is said by some who favor this legislation that if a future Congress does not wish to abide by and follow the directions and restrictions of this bill, if it should become a law, the future Congress could repeal it. That is true. It could be repealed, but as the present Congress will not be bound or required to act under this law, if it becomes such, why should we force its provisions upon a future Congress? Future Congresses can meet the question when it gets to them, and besides it is considerably more difficult to repeal a law once it is written into the statutes than it is to enact a law in the first instance.

The Constitution in its present form has vested in the Congress of the United States to make the apportionment of the people's representatives among the various States, and I believe it is much better that Congress should function under the present condition of the Constitution than it is to vest even a conditional power in one man. I do not believe the different States of this Union and the people therein are willing to leave it to one man to say how many Congressmen they should have from their State, and especially when that one man is a member of the President's Cabinet.

If this bill should become a law, we might in the future find ourselves in a position after complications had arisen as I have heretofore pointed out, in which the election of the President of the United States might be contested so closely that it would be thrown into the House of Representatives to be settled and decided. Then if it devolved upon the Secretary of Commerce, a member of the President's Cabinet, to fix the number of Representatives each State should have, there is even a possibility that that representation might be so handled that the Secretary of Commerce could by his certificate increase the power of representation in some States or diminish it in others, whereby even the election of the President succeeding might devolve upon the action of the Secretary of Commerce.

That is putting the power too far away from the people and too close to the head of the Government. In these days we have greater difficulty in preserving the rights of the individual citizen and we should always be slow in taking the power away from the people and transferring it into the bureaus and into individual hands.

It is apparent to anyone conversant with the present conditions existing in this country that there is a very rapid drifting of power and population into the large cities of our country and away from the rural sections and agricultural people. The rural sections of the country already have too little power and influence and too small a number of Representatives for the most efficient work of the Federal Government as compared to the large cities and big industrial centers.

Thomas Jefferson, in my opinion the greatest statesman and most farseeing statesman the world has ever produced, never ceased to praise the rural sections of our country, and that particularly devoted to agriculture, as the one the most moral and ennobling. On one occasion he expressed himself to Mr. Madison by saying:

> I think our Government will remain virtuous for many centuries as long as the people are chiefly agricultural, and this will be as long as there shall be vacant land in America. When they (meaning the people) get piled up on one another in large cities, as in Europe, they will become corrupt as in Europe.

I wish to call your attention to this fact, that the Constitution in its present form in providing for the apportionment of Representatives in Congress to the several States takes into consideration the whole and entire population of the United States, excluding Indians not taxed; and that, without regard to whether the population consists of American citizens or people of foreign birth who are not yet naturalized.

In some of the large industrial sections, and particularly in the East, there are now in some localities as many, and in some instances more, people of foreign birth than there are native-born American citizens. And this bill, if permitted to become a law, is transferring more power by providing for an increased membership in many of these localities, and correspondingly it is lessening the comparative strength of many sections of the country where 90 or more per cent of the people are native-born Americans. So, in effect, the bill, if enacted into law, would have a tendency to take away from some States that are populated with a highly American citizenship and add to the States more power and strength in which there are a much higher percentage of people of foreign birth.

But while the Constitution fixes the basis of representation upon population, nevertheless this is the way the present bill would work if enacted into law.

It must be remembered that the census that was taken in 1920 was probably the most unfair and incomplete census that has ever been taken in the United States. It has been the custom of the Government in taking its census or enumeration of the population of the United States every 10 years, from the foundation of the Government to the present time, to take the census in the summer months, usually along about June, but the census of 1920, for some reason, departed from that practice and the census was taken for the first time in the month of January. This gave the large centers of population a great advantage over the rural sections of the country in ascertaining the number of people in the particular localities.

In the month of January the weather was extremely cold in 1920. The roads were exceedingly bad and where census enumerators in the more thinly settled States had to go over rough roads in cold weather to enumerate the population there was much less likelihood of getting an accurate and full list of all the people in such sections than there was in the cities and larger centers of population.

During the World War a great many people left the rural sections and went into the industrial sections to work, and while the war had ended when the last census was taken, a great many of these people who were really only temporarily away from their former homes had not yet returned, as they have since that time, to their former and real home residence.

The entire country will be more settled in 1930 and it is only reasonable to expect that a more complete census will be had.

And a striking and remarkable fact is disclosed by the operation of the provision in this bill, which is expected to work out under the major-fraction proposition, while in the State of Arkansas under the equal-proportion proposition would give that State seven delegates, the major-fraction proposition contemplated by this legislation would give Arkansas only six. At the same time the equal-proportion proposition would give the State of New York 42 Members and the major-fraction proposition would give this same State 43, and this is also true, as it is admitted by some who advocate the passage of this bill as between other large and small States; that is, that the major-fraction proposition would increase proportionately membership in the large States and decrease it in the small ones.

By the major-fraction proposition my own State of Missouri would lose 4 Members of Congress from that State, and while the bill provides for the membership of the House to remain at the same number, to wit, 435, if this bill should pass it would mean that Missouri would have 4 less Representatives in Congress and those 4 Representatives would be placed to the credit of some other States.

I am confident a more complete census will be had in 1930, and in my judgment it will show that Missouri is not entitled to lose that membership to some other States. Certainly I think it would not lose that many. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. FENN. Mr. Chairman, I yield three minutes to the gentleman from California [Mr. FREE].

Mr. FREE. Mr. Chairman, Article VI, clause 3, of the Constitution of the United States provides:

> The Senators and Representatives shall be bound by oath or affirmation to support this Constitution.

We have all taken such an oath.

Section 2 of amendment 14 to the Constitution of the United States provides:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons

in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the whole number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

Article I, section 2, clause 3, of our Constitution provides:

The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such manner as they shall by law direct.

Unless we observe our oath by carrying out the provisions of our Constitution, we not only violate our oath but in reality become violators of our fundamental law.

Our system of government is based on the principle of proportionate representation in the House of Representatives. Unless we conform to the dictates of our Constitution, we are in reality breaking down our system of government.

It is not right to deny any State the representation to which it is entitled.

Nearly 18 years have passed since we have had reapportionment. This means that several States have for nearly 8 years been denied the representation to which they are entitled.

My State, California, is an example.

Under the Constitution, California has been entitled to at least three more Representatives than it has had.

Not only has our State been denied representation to which it is entitled, but an additional burden has been put upon the Representatives from that and other States similarly affected.

Some Members from our State represent over 1,000,000 people, and nearly every Member is representing many more people than they should on any basis of reapportionment.

Industries requiring legislative attention increase with population, as do also the problems of internal development, such as river and harbor development.

The mere matter of answering communications from constituents adds greatly to the work of a Member as population in his district increases.

It is not fair to the Members in districts where population has materially increased to place these additional burdens upon them merely because other districts have not had such increases, nor is it fair for States lacking population to deny to States with increased population the representatives to which entitled and which means in reality denying several States votes on legislation to which they are entitled.

The Fourteenth Census of population was taken as of January 1, 1920, and the Director of the Census submitted the figures of the total population of the United States to Congress on October 7, 1920.

During the Sixty-sixth Congress, third session, the Committee on the Census reported H. R. 14498, a bill providing that after the 3d day of March, 1923, the House of Representatives shall be composed of 483 Members. Under this apportionment no State would have lost a Member.

This bill as amended, providing for a House of 435 Members, passed the House on January 19, 1921, but the Senate failed to act upon it before the close of the session.

During the Sixty-seventh Congress, first session, the Committee on the Census reported H. R. 7882, a bill providing that after the 3d day of March, 1923, the House of Representatives shall be composed of 460 Members. Under this bill Maine and Missouri each would have lost a Member. An effort to amend this bill to read 435 failed. A motion to recommit this bill to the committee was agreed to by a margin of four votes, and no further action was taken by the committee.

The Committee on the Census did not report a bill during the Sixty-eighth Congress.

During the Sixty-ninth Congress an effort was made on the floor of the House to take up reapportionment as a privileged question and discharge the Committee on the Census from consideration of H. R. 111. The Speaker submitted the question to the House for its determination. The House, by a vote of 87 yeas and 265 nays, determined that the consideration of this bill was not in order.

On March 3, 1927, a motion was made to suspend the rules and pass H. R. 17378, a bill providing that after the 3d day of March, 1933, the House of Representatives shall be composed of 435 Members, but this motion was defeated by a vote of 187 yeas and 199 nays.

While this legislation will not become effective until after the 1930 census, yet it will be a guarantee that the Congress does not intend to openly violate the provisions of our Constitution, and will give some time for the States to work upon plans for redistricting the several districts.

Let us hope that this will appeal to the fairness and broad-mindedness of our Members. May fairness and not selfishness prevail. [Applause.]

Mr. RANKIN. Mr. Chairman, I have but one more speech, and I ask the gentleman from Connecticut to use some of his time.

Mr. FENN. Mr. Chairman, I yield two minutes to the gentleman from California [Mr. LEA].

Mr. LEA. Mr. Chairman, the basis of representation in the Congress was one of the greatest and most practical of the problems of the Constitutional Convention. The adopted basis of representation was a compromise, which largely contributed to the ratification of the Constitution. Only by the constitutional assurance of equal representation in the House according to population, were the States induced to become integral parts of the Federal Government. As a distinct concession to the small States, the Constitution provides that each State shall have equal representation in the Senate. Ten large States now have half the population of the United States, with 20 representatives in the Senate; 38 States, having the other half of the population, have 76 representatives in the Senate. Inasmuch as presidential electors are granted the States on the basis of their representation in Congress, the small States, representing half the population, have 56 more electoral votes than the 10 large States having the other half of the population. Representation in the House was provided for by giving each State at least one Representative and representation otherwise in proportion to its population. In other words, for all practical purposes each State is given representation in the House of Representatives by the Constitution of the United States on an exact equality, founded upon a mathematical certainty.

The Constitution provides for the census to be taken within every 10-year period, "in such manner as" the Congress shall by law direct.

These provisions of the Constitution recognized the certainty of the increase of population and the inevitable changes in the distribution of the population. No unchangeable apportionment of representation was possible without destroying that equality of representation, according to population, that was deemed essential to the success of our representative form of government. The Constitution, therefore, trusted the Congress with the duty of readjusting representation to population for each 10-year period. It left the Congress no discretion, however, as to the basis of what that representation should be. Representation was to be in proportion to the population of the respective States.

Under these provisions the Congress was in substance given a discretion only as to two matters. The first was that the Congress could determine the number of Members who should constitute the House of Representatives. In the second place the Congress was given the power to determine the manner of taking the census by which the population is determined.

No question is raised here as to the manner of taking the census. Congress can readily agree upon that question.

Disregarding contentious trivialties, this bill presents but one substantial question, and that is whether or not we shall limit the House to a membership of 435, the present number. Members in favor of increasing the membership of the House have a legitimate reason for voting against this bill. In my judgment there is no substantial reason why a man who believes in confining the membership to 435 should not vote for the bill.

At the end of each decade, with the exception of the last one, Congress functioned by reapportioning as provided by the Constitution. In each case, with one exception, however, the membership of the House was increased, primarily, perhaps, to avoid reducing the representation of States which would otherwise lose Representatives by reason of their failure to increase population as rapidly as the average of the country. As a result Congress has been a constantly increasing body. From a membership of 65 it has increased to 435. Following the census of 1920, Congress failed to reapportion, partly because of opposition to increasing the membership of the House and partly because of the opposition from States that would lose representation on reapportionment.

In previous decades this same conflict resulted in a compromise by providing an increased membership of the House. Most of the slow-growing States retained their existing number of Representatives, and increased numbers were given to the more rapidly growing States. The feeling is now general that an increase of the membership of the House would impair the efficiency and usefulness of this body, which is already cumbersomely large. Hence we have stronger opposition to the increase of the membership of the House which was the

means by which former controversies of this kind were settled. The disparity between population and representation between the different States will become more pronounced the longer reapportionment is delayed. Reapportionment in the face of the census of 1930 will probably be more difficult than it would have been 10 years earlier.

Under the periodic plan by specific action of Congress, reapportionment is made under pressure of States which would gain or lose representation by reapportionment and the opposing pressure against enlarged membership of the House. Such a controversy involves the interest of individual Members of Congress rather than the welfare of any State or the country at large. It is of no particular benefit to any State to enlarge its representation if the representation of other States is proportionately enlarged. Any constitutional apportionment will be based on equality according to population. Whether the membership of the House is increased or decreased the relative strength of the State remains the same. Granting that the membership of the House is large enough, the only benefit of an increase of membership accrues to individual Members who would otherwise lose their seats. The relative strength of the State would remain the same. While we all have a friendly regard for the individual welfare of our colleagues that should not be a dominating reason for determining the important question of State representation in Congress.

The bill presented to Congress, if placed in operation, would largely eliminate the importance of the personal and political considerations that have heretofore embarrassed Congress in making a constitutional reapportionment. The whole history of reapportionment justifies the plan of automatic reapportionment provided by this bill in preference to the periodic plan heretofore followed.

The bill pending before the House does not propose to reapportion on a basis of the census of 1920, but instead proposes a plan under which, should Congress fail to act within a given time after the census of 1930 and subsequent censuses, reapportionment shall take place automatically. In its substantial features the bill does these things:

First. Fixes the House membership at 435 permanently, or until Congress shall provide otherwise.

Second. Prescribes the mathematical rule under which the representation shall be apportioned to the States. This rule is in accordance with the provisions of the Constitution, based on equality of representation.

Third. Requires the Secretary of Commerce, under whose direction the census is taken, to certify to Congress the number of Representatives to which each State shall be so entitled under that rule of computation that Congress prescribes.

It must be conceded that whatever may have been the duty of Congress following the census of 1920, there is no constitutional duty of Congress at the present time to reapportion on the 1930 census. That does not become a constitutional duty until after the 1930 census is taken. However, Congress has a right that can not be successfully questioned to provide for reapportionment in advance of the census. This bill simply provides a sensible and just means of reapportionment that would be effective if Congress fails to act after the next census is taken.

Since 1920 a number of States have been denied the increased representation to which they were entitled under the Constitution. A number of other States have had a representation in excess of that to which they were entitled. This inequality of representation as between the States is a political inequality and injustice that can not be viewed without just concern. The States that for six years have been denied that representation to which they were entitled would, by the enactment of this bill, be assured that they would not, after the next census, continue to be denied that constitutional representation to which they are entitled.

It has been persistently asserted that this bill is an attempt to confer discretionary powers of Congress upon an administrative body, and that it would therefore be an invasion of the constitutional powers of Congress. This contention is without any substantial foundation. The duties conferred on the administrative department are only ministerial. The duties consist merely of a mathematical calculation based upon a formula that Congress itself adopts in this bill. The duty assigned to the Secretary of Commerce involves no congressional discretion. There are literally a thousand instances in which Congress has conferred comparable duties with its right to do so unquestioned.

This bill gives Congress its opportunity to perform its constitutional function by providing in advance for reapportionment under the census of 1930. Its enactment into law would provide a permanent system for reapportionment on the basis prescribed by the Constitution. Its passage would give assurance to all States in the country that just representation would not be denied them; enactment of this measure would afford a strong protection against the recurring exercise of that political pressure which heretofore has been almost universally successful in forcing a material increase in the membership of Congress at the end of each decade. The bill offers no injustice or inequity to any State or section. Debate on this bill has made this fact remarkably evident. You have heard many speak in opposition. You have heard no speaker point out where this bill, if it became a law, would work any injustice to his State. It provides adequate representation for every State on the fair basis established by the Constitution. No speaker even asserts that this bill proposes to deprive his State of that equal and just representation to which it is entitled under the Constitution.

Mr. RANKIN. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Chairman, I find myself in the same position as the distinguished gentleman from Iowa [Mr. RAMSEYER], that when Congress provides for reapportionment, provided it is on the basis of a membership in this House of 435, there is absolutely no chance for me to be reelected. Despite this, however, I agree with the gentleman from Iowa that the membership should not be increased, and I stand ready to carry out the provisions of the Constitution whenever you see fit to bring in a bill properly reapportioning the Members of Congress among the various States.

I place myself on record now as being opposed to increasing the membership of the House and propose to vote to retain the present membership—435.

I can not agree with my colleague Mr. LOZIER, who tells of the House of Lords and House of Commons and shows that the membership of both of those bodies is nearly double that of the lower branch of the American Congress, and advances his opinion why the American Congress, or at least the House, should increase its membership. Instead of being impressed, this argument to me was rather a good one why the United States Congress should remain as it is. According to the report of the committee, 13,000,000 people are now without fair and equitable representation. Where do these 13,000,000 people reside? You know they are in the cities, and the gentlemen from the rural districts know there will be a decrease in their number if you pass a reapportionment bill leaving the membership of the House as it is to-day.

Since 1790 the Congress has complied with the provisions of the Constitution and provided for reapportionment on the basis of population, with the exception of the 1920 census. In each instance the law was passed either in the year the census was taken or the first or second year thereafter; never later. Members of this House rise in their seats time and again and speak of those who they assert nullify the Constitution. Where are the champions of the Constitution now?

Missouri, part of which I have the honor to represent, is going to lose from one to four Members when you reapportion. No one regrets this more than I do; but as a Member of Congress I have a duty to perform, and when you bring in a real reapportionment bill and not a bill where you "pass the buck" you will find me supporting it, although by so doing I will be voting myself out of a seat in this body.

My colleague Mr. LOZIER speaks of the date upon which the next census will be taken. He advocates the late spring or early summer. Fine for the rural districts, when the farms are covered with labor secured from the cities and the city vacationists are sojourning on the farms. These people, who properly should be listed as residents of the cities, will be credited to the rural communities. The census, so far as population is concerned, should be taken January 1, as it was in 1920.

As the gentleman from Illinois [Mr. WILLIAMS] says, no future Congress will be bound by the action you now take. As the report well states, it is anticipatory legislation. Its sole purpose is not to reapportion but to meet an emergency, provided it develops in 1930 after the census has been taken.

Under the terms of this bill you delegate authority vested in Congress by the Constitution to an executive branch of the Government. To this I am opposed.

Every Congress since the 1920 census was taken has shirked its responsibility on this question. If the incoming Congress assumes the same attitude, the responsibility is theirs, and it is not for us to tell them what they should do, but if action is demanded it is for this Congress to do it now. I am opposed to any attempt to permit the executive branch of the Government to assume the duties of the legislative branch. It is for this reason alone I oppose this bill.

The 13,000,000 people in the cities now deprived of proper representation are demanding that a proper reapportionment bill be passed, and when the time comes, if it ever comes during my service, when an opportunity to vote on the direct question is before me, regardless of its effect on me personally I will

support the bill, provided it does not increase the membership of the House. [Applause.]

Mr. FENN. Mr. Chairman, I yield the remainder of my time to the gentleman from California [Mr. BARBOUR]. [Applause.]

Mr. BARBOUR. Mr. Chairman, I do not want to take much time to discuss this bill. I feel at this time that the House has heard about all of the debate it cares to hear and that further discussion will not change a single vote one way or the other. There are one or two matters in connection with the discussion of the bill that I want to touch upon. A question was raised in the debate yesterday as to who was responsible for our having no apportionment legislation passed prior to this time. The statement was made that when the bill was brought in in the Sixty-seventh Congress providing for reapportionment on the basis of 460 Members a motion to recommit the bill without instructions was supported by Representatives from Michigan, California, and other States, who have since favored reapportionment. Therefore, it was charged that the Representatives from California and from Michigan were responsible for having no apportionment bill passed since that time. I think that charge is immaterial and irrelevant to the question before the House at this time, has no bearing on the question, and is of no importance anyway. The fact of the matter is this: When the bill providing for apportionment on the basis of 460 Members was brought in in the Sixty-seventh Congress those who felt that 435 was a large enough number for this House voted to recommit that bill, and it went back to the committee in the Sixty-seventh Congress. We had a right to assume and did assume that when the House went on record as favoring 435 Members the committee would report back a bill providing for a membership of 435.

Mr. LOZIER rose.

Mr. BARBOUR. No; I can not yield at this time. But it was not done, and even though the recommittal of that bill was responsible for no bill coming out again in the Sixty-seventh Congress we have since had the Sixty-eighth Congress and the Sixty-ninth Congress with no bills reported out, and the Census Committee absolutely refusing to report out apportionment bills in those Congresses. The members of the committee will recall that in the Sixty-ninth Congress several Members of the House of Representatives went before that committee and urged them to report out an apportionment bill. I took the position at that time before the committee that they should report out an apportionment bill of some kind whether it provided for 435 Members or 460 or 500, so that the House could pass upon the question; that the committee had no right to refuse to permit a bill to come before the House and have the House act upon it.

Another question that has been raised in connection with this discussion is whether or not the provisions of the Constitution with regard to apportionment are mandatory. I take the position that the provisions of the Constitution are absolutely mandatory. Article I of the Constitution provides that Representatives and direct taxes "shall" be apportioned among the States which may be included within this Union, according to their respective numbers.

It is also provided that the enumeration "shall" be taken each 10 years.

Representatives "shall" be apportioned among the various States.

If those provisions of the Constitution are not mandatory, then they are meaningless. The only purpose of taking the census every 10 years is to determine the population of the country, so that representation can be properly adjusted and based upon the population as it exists at that time. If those provisions of the Constitution are not mandatory, they are meaningless, and all of the authority that we have upon these provisions of the Constitution is to the effect that they are mandatory. We have the positive, direct rulings of two Speakers of this House to the effect that these provisions are mandatory. That is the language used by two Speakers of this House, Speakers Kiefer and Henderson, and concurred in by other Speakers of the House. It is the duty of Congress to apportion within a reasonable time following the taking of the census. For the past eight years Congress has failed to perform that duty. Opponents of apportionment during that period have taken two positions. Some of them have favored an increase in the membership of the House and would not vote for a bill unless it provided for an increase, yet each time that the House of Representatives has gone on record since the census of 1920 it has declared against a House larger than 435 Members.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Let me finish, and then if I have time I shall be glad to yield. It has been contended that the census of 1920 was taken during abnormal times, that it was taken immediately following the war, that there had been a drift from the rural districts to the industrial districts during the war, and that that drift had turned back. Assuming that to be true, this bill proposes to make an apportionment upon the basis of the census of 1930, when times will be normal in this country if they are ever normal. The census will be taken after the 1st day of May, when the conditions complained of by the opponents of this legislation as having existed in 1920 in respect to the rural population will not further exist.

As things stand at the present time, there exists in this country inequalities in representation in this House that are absolutely unfair, unjustified, and unwarranted. We have one State in this Union with a larger population than another State, yet the State with the smaller population sits in this House with five Representatives more than the State with the larger population, based on the census of 1920.

That State with the smaller population has five more members of the Electoral College than the State with the larger population. We have a State with a population, according to the figures of 1920, of 1,000,000 more than each of two other States, and yet each of those two other States sit in this House with the same number of Representatives as the State with a million more population than either of those States. That is a condition that can not be justified for any reason whatsoever. It is absolutely un-American; it is entirely foreign to the provisions of our Constitution. This condition can not continue to exist. Those who are the strongest opponents of apportionment are willing to admit that this condition must be remedied some time. When will it be remedied? This bill simply proposes that if Congress does not act within a reasonable time after the returns from the 1930 census are available, during the first Congress that follows the reporting of the returns of the 1930 census, then the Bureau of the Census, on a basis of 435 Members, shall certify to the Clerk of the House how many Representatives each State is entitled to.

The CHAIRMAN. The time of the gentleman from California has expired. All time has expired for general debate, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That as soon as practicable after the fifteenth and each subsequent decennial census the Secretary of Commerce shall transmit to the Congress a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under such census, and the number of Representatives to which each State would be entitled under an apportionment of 435 Representatives made in the following manner: By apportioning one Representative to each State (as required by the Constitution) and by apportioning the remainder of the 435 Representatives among the several States according to their respective numbers as shown by such census, by the method known as the method of major fractions.

Mr. TILSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Connecticut moves to strike out the last word.

Mr. TILSON. Mr. Chairman, the failure to reapportion according to the population of this country is in effect an attack on representative free government itself. If this refusal to reapportion in accordance with the intent and spirit of the Constitution should be persisted in long enough to produce gross inequalities like those, for instance, in Great Britain, which brought about the revolution resulting in the reform act of 1832, it might be necessary for us also to undergo a revolution that would involve us in sectional strife and possible bloodshed in order to return to the basis which was provided in the Constitution of representative government according to population.

Stripped of all camouflage, opposition to this bill must at last rest upon one of two propositions; either that we do not wish to reapportion at all, or that in case we should reapportion we make the membership of this House large enough so that no State would lose a Representative.

I do not believe that we should agree to either of these propositions, and yet this, in my judgment, is where failure to pass a bill like this will land us.

What does this bill propose to do? It proposes that after the census is taken in 1930 and is reported to Congress the Congress shall proceed in the short session of the Seventy-first Congress—that is, in 1930–31—to make a reapportionment in accordance with the returns of the census. If the Congress then in existence shall do its full duty, then this bill if enacted into law will be of no effect. It will be the duty of that Congress to make the reapportionment without reference to such law. This bill, if enacted into law, in no wise affects that duty. In fact, it would call attention to that duty specifically, because it says in effect that in case that Congress shall fail to perform its duty the population as ascertained by the 1930 census shall then be apportioned upon the basis of 435 Members.

What could be unfair about an operation of this kind? Nobody could claim that any State is not receiving its equal proportion of representation, because the apportionment will be just as accurate as mathematics can make it. All that this bill does is to place back of us the assurance that in case Congress shall fail to do its duty, as it failed eight years ago and has done ever since that time, fails to reapportion, I say then this bill, on the basis of the census, with absolute fairness to all, shall go into effect, and the reapportionment will be made on that basis. Could anything be more fair? Can anyone claim that injustice is done or that any power or right is taken from Congress?

The duty of reapportionment will be put right up to us or to our successors in the short session of the Seventy-first Congress. If that Congress does not like the bill, if we pass it, then is the time for them to meet the situation and do their duty. In case they fail, as other Congresses have failed, and as I gravely fear they may fail, then there will be the assurance, if this bill is the law, that the spirit of the Constitution is to be no longer violated. A reapportionment made on the basis of the new census and in accordance with the terms of this bill will be fair. No State will have more or less representation than it is entitled to under the census.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. BANKHEAD. Suppose that in its wisdom and judgment the Seventy-first Congress decides to increase the representation?

Mr. TILSON. There is no obstacle whatsoever in the way of doing that very thing. I hope that the Seventy-first Congress will be wise enough not to increase the membership of this House by a single Member, but there is nothing in this bill that would in any way prevent such action. It is one of the excellent features of this bill that it specifically provides for action by a subsequent Congress, but the best thing of all is that, if enacted into law, it will stand as a guaranty that no longer shall the constitutional mandate be indefinitely disregarded by the failure of Congress to do its duty.

Mr. BANKHEAD. Then, if it should not decide to do that, these figures will be of no value?

Mr. TILSON. Only in case Congress fails to do its duty will this bill become effective; but in case of such failure we should then have the consolation of knowing that a reapportionment fair and just to all the States of the Union would automatically go into effect. [Applause.]

Mr. CHAPMAN. Mr. Chairman, ladies, and gentlemen, I find myself in disagreement with the distinguished majority leader, the gentleman from Connecticut, Colonel TILSON, to whom we have just listened. I can not by any means accord with his apparent belief that the failure of this Congress to enact this bill into law to be used as "a club" over a succeeding Congress will produce any great calamity.

This is a measure both of abdication and usurpation. It is proposed that the Congress supinely surrender to the executive branch of the Government a legislative prerogative and at the same time usurp a power and assume a responsibility which under the Constitution belong to a Congress not yet elected by the American people. [Applause.]

I am in favor of a fair and proper reapportionment, not by the executive branch of the Government, not by any Federal bureau or commission, but by the Congress following the next decennial census. I believe in compliance with that provision as with every other provision of the Constitution, in letter and in spirit. But two wrongs never made a right. If Congress was recreant of its duty following the last census, as has been charged, that wrong would not be righted now in the complacent surrender by Congress of its rights and powers and the shameless abandonment of the duties and obligations vested in Congress by the Constitution. [Applause.]

The fathers of the Constitution determined upon the complete separation of the three branches of the Government as essential to the perpetuity of constitutional government and vital to the security of the liberties of the people. All legislative powers were vested in Congress, and the powers of the executive branch were hedged about by definite constitutional limitations.

Ever since 1865, when the gray legions of the South were overwhelmed and overpowered by the illimitable numbers and inexhaustible resources of the North, there has been a continuous and radical change in the relations between those two branches of the Government, as ordained by the Constitution. Not only has there been a constantly increasing tendency to concentrate power in the Federal Government at the expense of the local governments, but the executive department has continued to encroach upon numerous prerogatives of the legislative department. Even worse than the arrogation of power by the executive department is the abdication by Congress of its rights and the abandonment of its obligations.

I will mention only a few of the many examples of that dangerous tendency that menaces our form of government. We have a flexible tariff law under which a Chief Executive on favoritism bent is able to confer a bounty upon a privilege-hunting, favor-seeking industry by increasing the tariff on pig iron 50 per cent with one stroke of a pen. [Applause.] We have a public buildings law, passed in the last Congress, under which we surrendered to two Cabinet officers our legislative prerogative in the construction and location of public buildings. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CHAPMAN. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CHAPMAN. Then we have the Bureau of the Budget, in which Executive usurpation and bureaucratic dictatorship wear the mask of "economy" and lurk under the cloak of a "financial program." A congressional committee scarcely dares to consider a bill without the approval of some part of the Executive department, and worth-while legislation is strangled because, forsooth, some autocratic bureaucrat, not elected by the people, not responsible to the people, has decreed that it is "in conflict with the financial program of the President." [Applause.] We witness the shameful, pitiful spectacle of the Congress of the United States, clothed by the Constitution with all legislative power, invested with all legislative responsibility, year after year, in session after session, bowing more and more obsequiously to the dictates of a bureaucratic clerk. [Applause.]

Some of these innovations may not be, strictly speaking, unconstitutional, but they are unquestionably anticonstitutional. If they do not violate the letter, they certainly violate the spirit of our Constitution.

Now comes this proposal to enact a permanent law that would constitute the surrender of another legislative function. We ought to refuse further to dishonor ourselves by this base surrender of legislative power to an executive bureau. [Applause.] Every time we break down a constitutional barrier, every time we permit an invasion by one branch of the Government of the rights of another branch, every time we violate the spirit of the Constitution, every time we sacrifice the fundamentals of constitutional government on the altar of partisan advantage or political expediency, we find it more difficult than before ever to retrace our steps. [Applause.]

Mr. KINCHELOE. Will the gentleman yield?

Mr. CHAPMAN. Yes.

Mr. KINCHELOE. The majority leader said a while ago in his speech that a subsequent Congress would not be embarrassed in any way if we pass this bill; that if they want to increase the membership beyond 435 or make any other amendment they could do it freely. Is it not a fact that if this bill becomes a law and a subsequent Congress undertakes either to repeal it or to amend it and such a bill goes to the Executive of the Nation, whoever he may be, and he should veto the bill, it would take a two-thirds vote to override it?

Mr. CHAPMAN. That is absolutely correct, and it has been admitted during the course of this debate that the sole intention is to make this bill "a club" over a subsequent Congress.

Mr. LOWREY. Will the gentleman yield?

Mr. CHAPMAN. Yes.

Mr. LOWREY. It has been eight years since the census of 1920 was taken, and is it not clear that since we have failed to reapportion we are the people who ought to wield that club and make the next Congress do it?

Mr. CHAPMAN. I think we are not responsible for what another Congress failed to do or for what a future Congress ought to do. As I said in the beginning, two wrongs never made a right. That responsibility must be faced by the Congress that meets next after the taking of the 1930 census.

Mr. GREEN. Will the gentleman yield?

Mr. CHAPMAN. Yes.

Mr. GREEN. I was interested in the gentleman's statement about the bureaucrats. May I add right there that only this week I appeared before the mighty Appropriations Committee of the House and the chairman of the Appropriations Committee told me they were bound by the Undersecretary of the Treasury and the Underpostmaster General, and could not even grant me $25,000 with which to start a public building.

Mr. CHAPMAN. Unless we stop drifting as we have been drifting, and are drifting now, representative government will be undermined and destroyed, and on its ruins will rise an auto-

cratic, arrogant, paternalistic, centralized bureaucracy. Then constitutional government will be dead. Let us get back to the principles of the fathers, maintain this Government as an "indissoluble Union of indestructible States," as a "government of laws and not of men," preserve the separation of powers under a dual form of government, and restore the equipoise which, as the result of executive usurpation and legislative abdication, has been destroyed. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. BEEDY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maine offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEEDY: Page 2, line 4, strike out "major fractions" and insert "equal proportions."

Mr. BEEDY. Mr. Chairman and gentlemen of the committee, the Members of the House will recollect that when the constitutional convention was in session the smaller States were hesitant about adopting that Constitution, and the delegates to that convention from the larger States manifested a very generous and kindly spirit toward the smaller States, as a result of which the Constitution was finally adopted. I refer to this instance because I would ask this committee, in the same spirit which characterized the proceedings of the original constitutional convention, to vote for the amendment which I have offered. It is not of major consequence, you will say, but it results in saving, my friend from New York [Mr. JACOBSTEIN] tells me, and he has made a very careful study of it, three Representatives among some of the smaller States, which would otherwise be lost.

I trust the committee will adopt the amendment. I understand the committee having the bill in charge does not oppose it and that there is no real ground for opposition.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BEEDY. Yes.

Mr. JOHNSON of Texas. Has that method been used heretofore in any census that has been taken?

Mr. BEEDY. This method has never been adopted because Congress, unwisely I fear, in the original legislation governing apportionment, prescribed no method for computation, and the department adopted the method of major fractions which favors the larger States. I think, perhaps, it would be fair now to revert to the other method, which is conceded to be equally accurate. It does give a small advantage to some of the smaller States, not necessarily my own.

Mr. REED of New York. Will the gentleman yield?

Mr. BEEDY. Yes.

Mr. REED of New York. Is it not a fact that this is more or less a war between various groups of college professors, one group wanting to continue the plan we have followed during all of the years and another group wanting to try an experiment on the country?

Mr. BEEDY. I have not served on the committee for the last six years, but I will say that during the two years I was on the committee I did not think of characterizing the difference of opinion as a war between professors. It is true, however, that a professor from one college favors one method while a professor from another college favors the other method. It was generally conceded that the one was as accurate as the other, but that the larger States were slightly favored by major fractions, while equal proportions give a slight advantage to the smaller States.

Mr. REED of New York. I want to say to the gentleman that it is a controversy between college professors.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BEEDY. Yes.

Mr. JOHNSON of Washington. I would like to suggest to the gentleman that at the time the districts were apportioned in the beginning of our constitutional Government the population per district was very small, so that the matter of major fractions or any other method made very little difference, but now that the districts have become very large in population it is quite probable that the method of equal proportions would be quite all right, the principal objection being that it is not so well understood in the country as major fractions.

Mr. BEEDY. It will save three Representatives, to be distributed among the smaller States under the census of 1930.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. JACOBSTEIN. Mr. Chairman and members of the committee, I rise to explain my interpretation of the amendment and to give the committee such information as I happen to possess.

It is true, as the gentleman from Maine [Mr. BEEDY] said, that if you adopt his amendment, known as the method of equal proportions, you do favor the small States, the States with small populations. Everybody admits it; there is no argument about it; it is conceded by everybody.

Mr. BUSBY. Will the gentleman yield?

Mr. JACOBSTEIN. First let me make a brief statement.

If you adopt the amendment, everybody that lives in a large State should vote with his eyes open. By this proposed amendment you are favoring the small States, just as in the early days of our legislative history, from the very beginning, the method of reapportionment favored the large States.

The method of major fractions seems to be a sort of compromise that stands in between both. The early method of "rejected fractions" favored the large States, and the method of "equal proportions" now recommended by the gentleman from Maine [Mr. BEEDY] favors the small States.

It is true that the small States are likely to salvage from three to five seats in the House on the estimated population of 1930 under this reapportionment bill if the amendment is adopted. I want to call your attention to this fact, however: The small States are taken care of and were taken care of by giving every State an equal representation in the Senate. Every State has two Senators regardless of population, and that was the basis of compromise between the small and the large States.

Mr. GREEN. Will not the amendment of the gentleman from Maine come nearer giving representation according to population?

Mr. JACOBSTEIN. No. So far as representation according to population is concerned both methods are equally accurate and equally fair. The difference between the two methods is this: In equal proportions you give to each individual in the State a weight according to the ratio between himself and the population of his State, whereas in the other method you give him a weight according not to the ratio between himself and the population of his State but the weight of his State as against the population of another State. Therefore, as I said yesterday, Mr. BEEDY in Maine has greater weight than Mr. JACOBSTEIN in New York, because I am only one of 11,000,000, and my ratio is smaller. Mr. BEEDY is one of 800,000, and you would have a greater weight under equal proportions than I. Equal proportions is simply a percentage proposition—it is a ratio based upon the relative proportion of the individual to the population within the State, and therefore it does favor the small States.

Mr. MOORE of Virginia and Mr. BUSBY rose.

Mr. JACOBSTEIN. I yield first to the gentleman from Virginia.

Mr. MOORE of Virginia. The gentleman correctly stated yesterday that there has only been one act that was intended to be permanent in reference to this subject, and that was the act of 1850.

Mr. JACOBSTEIN. That is right.

Mr. MOORE of Virginia. Will the gentleman tell us what was the basis, so far as the matter we are now talking about is concerned, that was incorporated in that act?

Mr. JACOBSTEIN. I stated yesterday on the floor that we have a precedent in the matter of anticipatory legislation, because in 1850 Congress passed an act which authorized and directed the Secretary of the Interior to make a reapportionment, and this was done. The population census was taken by United States marshals under the direction of the Secretary of the Interior. The method was prescribed and the size of the House was prescribed. Two hundred and thirty-two was the size of the House, and it was divided among all the States of the Union by dividing the total population of the United States by 232.

Each State's quota was the quotient after dividing the population of the State by that divisor. Taking the total population of Virginia, Judge MOORE, dividing it by that divisor gives you the number Virginia would have. The same method was applied to New York and Pennsylvania and all other States. Then wherever there was a remainder left under 232, the State having the highest fraction got the additional Member, and they stopped at 232.

Mr. BUSBY. Will the gentleman yield at that point?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BUSBY. Mr. Chairman, I ask unanimous consent that the gentleman may have two additional minutes. I want to ask the gentleman a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BUSBY and Mr. BEEDY rose.

Mr. BUSBY. If the gentleman prefers to yield to the gentleman from Maine, go ahead.

Mr. JACOBSTEIN. The gentleman from Mississippi rose first and I yield to him.

Mr. BUSBY. The gentleman has just discovered me. I want you to yield to the gentleman from Maine, if you have any preference.

Mr. JACOBSTEIN. I did not intend to indicate any preference.

Mr. BUSBY. I note from the hearings that Doctor Hill says that there are three methods: The minimum range, which would give the small States the advantage, the major-fraction method, which would give the large States the advantage, and the equal-proportions method, which would give neither the small nor the large States an advantage; and this is the one which the gentleman has described as giving the small States the advantage. What has the gentleman to say about that comment?

Mr. JACOBSTEIN. I have talked this matter over with Doctor Hill, who is the Assistant Director of the Census, many times, and with Professor Willcox, who is the author of the major-fractions method and who helped apply the method in 1910, and I have talked with Professor Huntington. I think if you adopt the amendment by the gentleman from Maine [Mr. BEEDY] and substitute it in place of the method of major fractions, there is not any question but what the small States will get at least three and possibly five more seats in the House than under the method of major fraction.

Mr. BUSBY. Oh, yes; but not get them unfairly.

Mr. JACOBSTEIN. Both methods are fair.

Mr. BUSBY. What does the gentleman mean by small States—with what size representation?

Mr. JACOBSTEIN. Of course, there is no absolute figure. The smaller the State the more advantage it gets from the method of equal proportions. For instance, there are some States in the Union that have less population to-day than they had in 1910, and naturally those States are going to gain more by the method of equal proportions than by the method of major fractions.

Mr. BUSBY. What is the fairer and more equitable method?

Mr. JACOBSTEIN. There is no such thing as which is the fairer. It depends on what you want to do.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BEEDY. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more to answer the question which he has been trying to answer.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. BEEDY. I want to ask the gentleman if his position is the same this morning as it was yesterday, that it makes no great difference in the passage of the bill, and whether he would be willing to vote for my amendment?

Mr. JACOBSTEIN. That is true. The fundamental proposition of the bill is not affected in view of the fact that the rural population is declining and that in the city is increasing. It may be that it is wise to give a slight advantage to the small rural States, and I am willing to make that concession, and expressly so in order to get the bill through the House.

Mr. BRIGHAM. Did not the gentleman introduce a reapportionment bill in the House?

Mr. JACOBSTEIN. Yes.

Mr. BRIGHAM. What method did the gentleman provide in that bill?

Mr. JACOBSTEIN. I asked that the method of equal proportion be used.

Mr. LOZIER. Mr. Chairman, I move to strike out the last word. This amendment offered by the gentleman from Maine [Mr. BEEDY] and this debate thereon illustrates and emphasizes the folly of this proposed legislation. The statisticians, the men who have made a life study of the various formulas for apportioning representation according to population, have not been able to agree on which is the more equitable and just. The statisticians of the country are divided into four or five groups. We have the formula of "rejected fractions" advocated by Thomas Jefferson in 1793 in one of the most cogent and persuasive briefs and arguments that ever fell from his trenchant pen, in which he claimed that under the plain construction of the Constitution Congress had no right to consider fractions in making an apportionment.

Then we have the formula of "major fractions" used in 1842 in reapportioning representation among the several States and which was perfected by Doctor Wilcox, of Cornell University, which was the basis used by the statisticians of the Census Bureau and Congress in 1911 in making a reapportionment under the Census of 1910.

Then we have the "Vinton method," and the formula of "equal proportions," and then the "minimum-range" formula. In the contest between the major-fractions formula and the equal-proportions formula, Doctor Wilcox stands practically alone in advocating the system of major fractions. The American Statistical Association, composed of expert statisticians from the great colleges and universities who have made a life study of the subject, has rejected the formula of major fractions and advocated almost unanimously the formula of equal proportions. This system was first formulated by Doctor Hill, of the Census Bureau, and later perfected by other eminent statisticians.

The formula of equal proportions will make a difference in the Representatives allocated to 22 States—in other words the formula of equal proportions will either increase or reduce the representation in 22 States from what the representation would be under the major-fractions formula.

There is a bitter contest between the statisticians of this country since this bill was reported out. Under the leadership of Doctor Huntington, of Harvard, practically nine-tenths—yes, nineteen-twentieths—of the statisticians of the United States from the great colleges and universities have condemned in unmeasured terms the doctrine of major fractions and are aggressively advocating the equal-proportions method.

In other words the statistical world and the college professors are not agreed as to the method that should be used and since the bill was reported by the committee we have received numerous protests against the adoption of the major-fractions formula, and if you substitute the formula of equal proportions there will be another group of expert statisticians who will oppose that system.

The 1911 reapportionment is supposed to have been made upon the major-fractions formula, but it did violence to that system, because that formula was not faithfully followed in making the apportionment based on the 1910 census. In five or six instances, in allocating Representatives under the 1910 census, the major fractions were disregarded or manipulated. I call the attention of our distinguished Speaker and other Representatives from Ohio to the fact that they had a fraction of 22.65, and yet the 1911 apportionment act did not allocate an extra Congressman to Ohio, but this major fraction was disregarded. An additional Representative was given to Missouri that only had a major fraction of 0.64, while the Ohio major fraction was 0.65.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LOZIER. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LOZIER. Yes.

Mr. JOHNSON of Washington. Does the gentleman think that the adoption by the House of the plan of equal proportions will gain advocates for this necessary apportionment bill?

Mr. LOZIER. I think it will both lose and gain support. It is simply a question of how these different formulas effect the several States. Under the major-fraction formula some States would have more Representatives than they would get under the equal-proportion formula, while other States would get more Representatives under the equal-proportions formula.

Mr. JOHNSON of Washington. That is to say, the major-fractions idea suits some people and the method of equal proportions can not be anything else than camouflage. One is as good as the other.

Mr. LOZIER. Either would make a difference in 22 States; some States would gain and some lose under either system. It simply illustrates that when you attempt three or four years in advance to select a formula and to commit the Congress and the American people to that formula, you are legislating in the dark, and the pending bill attempts to prescribe a formula that must be followed in 1930 or 1931.

I want now to call the attention of the House to the language, not of a Democrat but of an outstanding Republican, who in debating the question in 1921 as to the size of the House spoke as follows:

I have changed my opinion as to the practical thing to do on this subject, and while some may criticize me for so doing, I have the

consolation of knowing that the old saying, crystallizing the philosophy of the ages, prefers those who sometimes change their minds above those who do not.

There is no question of principle involved here. It is a question of opinion, and while it was my opinion in former times, and I am still somewhat inclined to the opinion, that a comparatively small House is preferable to a large one, it is merely a matter of opinion, and I have no rule by which I can determine whether that opinion is sound or not. This I do know, and I say it without fear of successful contradiction, that this House, larger to-day by 70 Members than when I first came here, is a more powerful influence in legislation and the affairs of the Government than it has been at any time in the last 25 years. [Applause.] That may not be due to the increase. Gentlemen may believe that it is in spite of the increase, but this Congress, this session of Congress, has and will impress its view, will, and opinion on the legislation of this Congress more than any House has in many years. [Applause.]

They say there were giants in other days, and giants there were; and yet this House, man for man, never was finer or stronger than it is to-day. Statesmen are men who have departed this life. I expect that in the days when the gentlemen now here have passed to the great beyond men will point to many of them as we point now to the men of the past as master minds and men who were statesmen in the truest sense.

Gentlemen, whatever your opinion may be as to the size which this body ought ultimately to have, from the foundation of the Government at each decennial period save one, this House has been increased, and after having given much study to the subject in the last few months I have arrived at the conclusion that the House will continue to increase as the population grows until and unless there shall be a constitutional prohibition against such increase.

And there are many arguments for it. Some gentlemen say there is not enough time as it is for oratory, and if the number is increased gentlemen will not have as considerable an opportunity to speak as they now have. I do not think the country will necessarily suffer from that. Gentlemen all know that in every legislative body in the world legislation is largely framed in committee; that the changes on the floor are few and generally not important. We all of us know that with the increase of the number and importance of questions which Congress may be called upon to consider, we are brought face to face more and more with the necessity of having a wide geographical distribution of the representation on the committees of the House.

That is one of the problems we have constantly to meet. It can not be met if you reduce the House or hold it at its present number. There is much in the argument that increased population brings increased business, sufficient to warrant increased membership, and this is certain, that if the committees of this House dealing with the great problems that come before them are to fairly represent the various sections and interests of the country, there must be large enough representation upon the committees to give every variety of opinion an opportunity to be heard in committee. That can not be done with a small House. That can best be done by a House even of larger size than we have now. Who is he that shall say to the Representatives of 12 States of the Union, threatened here by what I hope is a minority with a reduction of their representation, that the number 435 is sacred and shall stand always as the size of this House?

That is not the language of a Democrat. That is the language of the former Representative from Wyoming, Mr. Mondell, the Republican leader of the House for many years. [Applause.] There is no reason why the membership of the House should be confined to 435 Members. That is not a sacred number. The Government is constantly enlarging its activities by the creation of bureaus and departments and commissions, and as a result the demands upon the time of a Representative have been increasing. The Member of Congress must spend much of his time in looking after departmental matters for his constituents. No Member of Congress can efficiently represent more than 200,000 or 250,000 people. I am not objecting to the amendment offered by the gentleman from Maine, but I say that it is folly for this Congress to attempt to commit future Congresses to any kind of a formula. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, I rise in opposition to the pro forma amendment. I can not follow the argument of the gentleman from Missouri based on his objection to the mathematical arrangement in the bill, and the difference of opinion existing on the formula. According to his views we are to make no change, we are to take no action, but to continue the present inequitable and disproportionate representation in the House because there is a difference of opinion as to the formula to be used. I can not see how any Member who is but slightly familiar with the genesis of that provision of the Constitution providing for apportionment can object to the bill now before the House. As a matter of fact, the Constitutional Convention had this question up for four or several days during the latter part of the month of June and early July.

After disposing of the question of whether representation should be based upon the question of wealth, and whether or not colored people should be counted, the question that the convention struggled with was that of fixing the apportionment at stated periods in order to carry out the idea of proportionate representation. When they adopted the present provision of the Constitution calling for a census every 10 years, and basing the apportionment according to that census, it was the belief of the Constitutional Convention—and you can not escape that conclusion if you read the debate—that it was mandatory. Pinckney, Randolph, Morris, all took part in the debate. It was left with the belief that there would be no time after a census, taken every 10 years, when the House would not be reapportioned. In fact, the 10-year amendment was one of the last to be adopted.

The question of apportionment had occupied the Constitutional Convention for several days in the consideration of the formation of Congress. All through the debate as to the formation of the two Houses, the Senate and the House, and the voting power of each State in the Congress the matter of proportionate representation was constantly referred to and discussed. The question came squarely before the convention on Thursday, July 5, 1787. Elbridge Gerry, of Massachusetts, delivered the report of a special committee which had been appointed a few days previously to study and make recommendations on the matter of apportionment. Omitting the matters not directly pertinent to the question of apportionment, the resolution reads:

The committee to whom was referred the eighth resolution of the report from the Committee of the Whole House, and so much of the seventh as has not been decided on, submit the following report: That the subsequent propositions be recommended to the convention on condition that both shall be generally adopted. That in the first branch of the legislature each of the States now in the Union shall be allowed one Member for every 40,000 inhabitants of the description reported in the seventh resolution of the Committee of the Whole House; that each State not containing that number shall be allowed one Member.

This brought the matter before the convention and was the subject of debate. An idea of the wide range of opinion, diversity of viewpoint, and bitterness of the debate may be gleaned from an extract taken from the remarks of Gouverneur Morris, of Pennsylvania. Reading from Madison's Debates:

Mr. Gouverneur Morris thought the form as well as the matter of the report objectionable. It seemed in the first place to render amendments impracticable. In the next place, it seemed to involve a pledge to agree to the second part if the first should be agreed to. He conceived the whole aspect of it to be wrong. He came here as a Representative of America; he flattered himself he came here in some degree as a Representative of the whole human race; for the whole human race will be affected by the proceedings of this convention. He wished gentlemen to extend their views beyond the present moment of time, beyond the narrow limits of place from which they derive their political origin. If he were to believe some things which he had heard, he should suppose that we were assembled to truck and bargain for our particular States. He can not descend to think that any gentlemen are really actuated by these views. We must look forward to the effects of what we do. These alone ought to guide us. Much has been said of the sentiments of the people. They were unknown. They could not be known. All that we can infer is that if the plan we recommend be reasonable and right, all who have reasonable minds and sound intentions will embrace it, notwithstanding what had been said by some gentlemen. Let us suppose that the larger States shall agree; and that the smaller refuse; and let us race the consequences.

The opponents of the system in the smaller States will no doubt make a party and a noise for a time, but the ties of interest, of kindred, of common habits which connect them with the other States will be too strong to be easily broken. In New Jersey particularly he was sure a great many would follow the sentiments of Pennsylvania and New York. This country must be united. If persuasion does not unite it, the sword will. He begged that this consideration might have its due weight. The scenes of horror attending civil commotion can not be described, and the conclusion of them will be worse than the term of their continuance. The stronger party will then make traitors of the weaker and the gallows and halter will finish the work of the sword. How far foreign powers would be ready to take part in the confusions he would not say. Threats that they will be invited have, it seems, been thrown out. He drew the melancholy picture of foreign intrusions as exhibited in the history of Germany, and urged it as a standing lesson to other nations. He trusted that the gentlemen who may have hazarded such expressions did not entertain them till they reached their own lips. But, returning to the report, he could not think it in any respect calculated for the public good. As the second branch is now constituted, there will be constant disputes and appeals to the States, which will undermine the General Government and control and annihilate the first branch. Suppose that the Delegates from Massachusetts and Rhode Island in the Upper House disagree and that the former are outvoted. What results? They will immediately declare that their State will not abide by the

decision and make such representations as will produce that effect. The same may happen as to Virginia and other States. Of what avail, then, will be what is on paper? State attachments and State importance have been the bane of this country. We can not annihilate, but we may perhaps take out the teeth of the serpents. He wished our ideas to be enlarged to the true interest of man instead of being circumscribed within the narrow compass of a particular spot. And, after all, how little can be the motive yielded by selfishness for such a policy? Who can say whether he himself, much less whether his children, will the next year be an inhabitant of this or that State?

Later on Mr. Morris continued. He objected to that scale of apportionment, to wit, one for every 40,000 inhabitants:

He thought property ought to be taken into the estimate as well as the number of inhabitants.

John Rutledge, of South Carolina, concurred.

The gentleman last up (Mr. Morris) had spoken some of his sentiments precisely. Property was certainly the principal object of society.

This gives an idea of the wide range of difference that existed in the convention at the time. While many were fighting hard to bring about as democratic form of government as was possible, they were confronted by determined, stern opposition.

On July 6 Gouverneur Morris sought to recommit the report of the committee. All seemed to favor that motion. Rufus King, of Massachusetts, in support of the motion, remarked that—

He thought also that the ratio of representation proposed could not be safely fixed, since in a century and a half our computed increase of population would carry the number of Representatives to an enormous excess.

This view, indeed, was prophetic. Almost a hundred and fifty years have passed and we are confronted with that very situation. The population is increasing, and if we continue the same ratio adopted in 1910 the House will become so large as to be unwieldly and unworkable. Of course, I do not agree with other reasons urged by Mr. King at the time as to the necessity of considering wealth and property together with population. There may be some of my colleagues on the floor to-day who agree with that, but the times have so changed that if they do they surely do not dare to express such views.

Charles Pinckney agreed as to the matter of population. He was firm and decided in his opposition to any other factor being taken into consideration. Mr. Pinckney stated:

The value of land had been found on full investigation to be an impracticable rule. The contributions of revenue, including imports and exports, must be too changeable in their amount, too difficult to be adjusted, and too injurious to the noncommercial States. The number of inhabitants appeared to him the only just and practicable rule. He thought the blacks ought to stand on an equality with whites.

Mr. Pinckney came from South Carolina, and I want to pause to call the attention of my colleagues on the Democratic side of the House to the last sentence of his remarks that I have just quoted.

On July 9—

Gouverneur Morris delivered a report from the committee of five members to whom was committed the clause in the report of the ratio of Representatives in the first branch to be as 1 to every 40,000 inhabitants, as follows, viz:

"The committee, to whom was referred the first clause of the first proposition reported from the grand committee, beg leave to report—

"I. That in the first meeting of the legislature the first branch thereof consist of 56 members, of which number New Hampshire shall have 2; Massachusetts, 7; Rhode Island, 1; Connecticut, 4; New York, 5; New Jersey, 3; Pennsylvania, 8; Delaware, 1; Maryland, 4; Virginia, 9; North Carolina, 5; South Carolina, 5; Georgia, 2.

"II. But as the present situation of the States may probably alter as well in point of wealth as in the number of their inhabitants, that the legislature be authorized from time to time to augment the number of Representatives. And in case any of the States shall hereafter be divided, * * * or any two or more States united, the legislature shall possess authority to regulate the number of Representatives in any of the foregoing cases upon the principles of their wealth and number of inhabitants."

Roger Sherman, of Connecticut, immediately inquired—

on what principles or calculations the report was founded. It did not appear to correspond with any rule of numbers or of any requisition hitherto adopted by Congress.

Nathaniel Graham, of Massachusetts, supported the committee report, and replied to the two reasons urged against it. Mr. Gorham stated:

Two objections prevailed against the rate of 1 Member for every 40,000 inhabitants. The first was that the representation would soon be too numerous; the second that the West States, who may have a different interest, might if admitted on that principle by degrees out vote the Atlantic. Both these objections are removed. The number will be small in the first instance and may be continued so, and the Atlantic States, having the Government in their own hands, may take care of their own interest by dealing out the right of representation in safe proportions to the Western States. These were the views of the committee.

Edmund Randolph, of Virginia, expressed apprehension, which the attitude of the House to-day, almost 150 years later, seems to justify.

Mr. Randolf disliked the report of the committee but had been unwilling to object to it. He was apprehensive that as the number was not to be changed till the National Legislature should please, a pretext would never be wanting to postpone alterations and keep the power in the hands of those possessed of it. He was in favor of the commitment to a Member from each State.

William Patterson, of New Jersey, was against it unless the future apportionments would be provided for.

Randolph, Patterson, Madison, and others then started the drive for the fixing of future apportionments. James Madison, jr., of Virginia, pointed out that the States—

ought to vote in the same proportion in which their citizens would do if the people of all the States were collectively met.

A committee was then formed consisting of one member from each State. On Tuesday, July 10, Mr. King reported that the committee had decided to recommend that the first General Legislature should be represented by 65 Members in the following proportion, to wit: New Hampshire, by 3; Massachusetts, 8; Rhode Island, 1; Connecticut, 5; New York, 6; New Jersey, 4; Pennsylvania, 8; Delaware, 1; Maryland, 6; Virginia, 10; North Carolina, 5; South Carolina, 5; Georgia, 3. A lengthy discussion followed with many amendments offered to slightly vary this apportionment. The following extract from the remarks of Gouverneur Morris is indeed apropos of what is taking place on the floor of this House to-day:

Again reading from the proceedings as recorded by Madison:

Gouverneur Morris regretted the turn of the debate. The States he found had many Representatives on the floor. Few he fears were to be deemed the Representatives of America. He thought the Southern States have by the report more than their share of representation. Property ought to have its weight, but not all the weight. If the Southern States are to supply money. The Northern States are to spill their blood. Besides, the probable revenue to be expected from the Southern States has been greatly overrrated. He was against reducing New Hampshire.

Then Mr. Randolph moved as an amendment to the report of the committee of five—

that in order to ascertain the alterations in the population and wealth of the several States the legislature should be required to cause a census, and estimate to be taken within one year after its first meeting; and every — years thereafter—and that the legislature arrange the representation accordingly.

Mr. Randolph was quick to point out the weaknesses of future legislatures. He pointed out that if the "mode" was not fixed for taking the census, future legislatures may use such a "mode" as will defeat the object and perpetuate the inequality. He stated further—

if the legislatures are left at liberty, they will never readjust the representation.

How prophetic!

The next day the debate continued. Hugh Williamson, of North Carolina, stated that the convention should make—

it the duty of the legislature to do what was right and not leaving it at liberty to do or not to do it.

He then suggested that the time for each census should be fixed and that—

the representation be regulated accordingly.

All through the debate that followed it can be seen that it was the intention and the understanding of the convention that nothing was left to the discretion of future Congresses. It was definitely stated and so written into the Constitution that a census should be taken and that reapportionment immediately thereafter was binding and mandatory upon future Congresses. Mr. Randolph was quick to agree with Mr. Williamson's proposition and expressed his willingness that it be substitute for his own. He stated—

If a fair representation of the people be not secured, the injustice of the Government will shake it to its foundations.

Continuing, Randolph stated:

What relates to suffrage is justly stated by the celebrated Montesquieu, as a fundamental article in Republican government. If the danger suggested by Mr. Gouverneur Morris be real, of advantage being taken of the legislature in pressing moments, it was an additional reason, for tying their hands in such a manner that they could not sacrifice their trust to momentary considerations. Congresses have pledged the public faith to new States, that they shall be admitted on equal terms. They never would nor ought to accede on any other. The census must be taken under the direction of the general legislature. The States will be too much interested to take an impartial one for themselves.

Then followed a running debate as to the question of counting the colored folks or only three-fourths of them.

Several votes were taken as fixing the period between censuses. It will be remembered that in the original motion the committee's report left the time in blank. A motion to make it 15 years was voted down. Then a motion of 6 years and 20 years, respectively, was voted down, and finally 10 years was agreed upon, the vote being Massachusetts, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia voting in the affirmative and Connecticut and New Jersey voting in the negative. (My State, New York, on this and many other votes on the question was conspicuous by its absence.)

As I have just stated, when the Constitutional Convention agreed to fix the taking of the census every 10 years and that there should be a reapportionment immediately thereafter it was by no means intended that it should be left to the discretion, will, or caprice of any future Congress. The debate and the motions themselves indicate that it was intended to be mandatory, and even the opponents of the proposition left no doubt that they understood that the provision in the Constitution was mandatory upon future Congresses. Hence the bill before the House is not only timely and necessary in the face of the failure of past Congresses to do their duty by obeying the express mandate of the Constitution but entirely in keeping with the intent and desire of the framers of the Constitution to make it absolutely imperative that there shall be a reapportionment following the census every 10 years.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. In just a moment. If the Constitutional Convention had had presented to it the formula or method such as we have in this bill to provide for the omission of any future Congress, it seems to me that they would have adopted it at that time. I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. Conceding what the gentleman has just said about the meaning of the Constitution, we have at this moment a question as to how fractions shall be dealt with. Does the gentleman not think that we ought to postpone determining that question until we know what the fractions are?

Mr. LAGUARDIA. No; because the principle of equal representation divided among the whole country is more important than the distribution of three Members among 48 States. [Applause.]

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. I can not yield. I have not the time. It seems to me that all that we propose to do here is in the event a Congress charged with the responsibility and constitutional mandate to provide a reapportionment fails to do so, to take the necessary precaution to provide an instrument whereby the reapportionment may be brought about.

It is all to my personal interest that there shall be no change. My colleagues from New York know well that if there is a reapportionment, considering the geographical location of my district, its population, the present popularity (?) of the present Representative in his own party, and the antagonism of the adverse party, my district will be the first district to be wiped out under this reapportionment. Notwithstanding that, I feel that the principle of representation, of carrying out the mandate of the Constitution for apportionment at stated intervals, is far more important to representative government than the political interest of any individual. [Applause and cries of "Vote!"]

The CHAIRMAN. The debate on this amendment has been exhausted.

Mr. GREEN. Mr. Chairman, I have a substitute amendment.

The CHAIRMAN. The gentleman from Florida offers a substitute for the amendment. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. GREEN as a substitute for the amendment offered by Mr. BEEDY: Page 2, line 4, after the period, add the following: "*Provided*, That said remainder of the 435 Representatives shall be apportioned so that the number of inhabitants represented by each Representative shall not vary in number in excess of 20,000."

The CHAIRMAN. In the opinion of the Chair that is not a substitute amendment.

Mr. GREEN. That is offered as an amendment to the amendment.

Now, Mr. Chairman, the amendment, if adopted, will enable the committee to adjudicate the membership of this House.

I am for reapportionment. The population of the United States has increased about 20 per cent since the last apportionment. The trend of population is governed by economic conditions. It has drifted into the economic centers of our country. My State, under the proposed legislation, would receive one, or possibly two, additional Members beyond what it now has, as the people have gone there, as in other sections of the country.

The people of the United States should be represented, regardless of where they reside. Under the present calculation a Member of Congress coming from Florida would represent 299,800 people. Under the present schedule, if it goes into effect, if the Member comes from Michigan he would represent 220,000 people. If he comes from California he would represent 220,000 people, approximately. If he comes from the State of Ohio he would represent 260,000, approximately. If he comes from Vermont he would represent 352,000 people, approximately.

Now, do you gentlemen mean to tell me that our Committee on the Census can not work out a better basis on equal proportions and major fractions whereby the people in 1930 shall be represented, no matter where they reside?

If this amendment is adopted it will prevent the great variation of population to be represented by Members of Congress. The amendment should be adopted. I sympathize with my friend from California who represents half a million people.

My colleague from east Florida, Mr. SEARS, represents possibly three-quarters of a million people, and my colleague Mr. DRANE, represents probably more than a half a million people, and my district and the district of my colleague Mr. YON contain far more than the amount allotted under last reapportionment. But if you reapportion representation, why not reapportion regardless of whether the result applies to a small State or to a large State like California or Michigan or New York? If you adopt this amendment, you give the Congress a chance two years from now to have the matter properly adjusted in the bill, and each Member shall represent an equal number of people on this floor after reapportionment.

The amendment is offered in behalf of reapportionment. I want my State to receive six or seven Members of Congress as it should, instead of five, as it would receive under the schedule offered by your committee.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. GREEN. Yes.

Mr. JOHNSON of Washington. The gentleman is in error as to that. I am in the same boat.

Mr. GREEN. Florida should have 7 Members if Michigan is entitled to 17.

Mr. JOHNSON of Washington. We have done nothing for 10 years to fix the basis of representation.

Mr. GREEN. I contend that representation should be according to population. I hope the House will adopt this amendment. I offer it to the end that we may have full representation according to population, regardless in what State the people reside. No discrimination should be made against small States. No undue advantage should be awarded to larger States.

The CHAIRMAN. The Chair will state the parliamentary situation. Without objection, the pro forma amendment of the gentleman from Missouri [Mr. LOZIER] will be withdrawn, thus making the present amendment in order.

There was no objection.

Mr. REED of New York. Mr. Chairman, the interest I have in this bill is more along business lines than political. I think every Member on the floor of the House will agree with me that during the last eight years the burden that has fallen upon the Member of Congress is many times greater than was ever known before to an average Member of Congress prior to that time. Members of the House will recall that only last year there was serious agitation for an additional office building, so that Members could have a larger space in which to transact the business of their districts. There is an unusual load falling upon certain Members of Congress. There are Members representing half a million people. There are others representing only a few thousand people. The time has come when this country is turning more and more to the Members of Congress to transact business in an efficient way, and more and more the people are turning to their Members of Congress for services unknown to a Representative years ago. It is manifestly unfair in this business age for us to go on in this way, with one Member trying to represent perhaps a half million people and another one 25,000 people.

I am for the bill, but there is one other point I want to stress, and that is this: Ever since we have been taking the census and making a reapportionment of the country we have been following the method of major fractions. The people of the country are familiar with that method and the Members of Congress are familiar with that method. Never in the history of the country has this other method been tried such as is proposed in this amendment, and I feel it would be safer for us to vote down this amendment and follow the lines which have been tested, tried, and proved satisfactory to the people and to the Members of the House.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Florida [Mr. GREEN].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine [Mr. BEEDY].

The question was taken, and the amendment was rejected.

Mr. BRIGHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Vermont offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BRIGHAM: On page 2, line 4, strike out the period, add a comma, and the following: "*Provided*, That any State whose representation would be reduced to the one Representative to which such State is entitled under the Constitution shall have apportioned to it an additional Representative if its population shall exceed by more than 25 per cent the average population per Representative for the United States, and to that extent the whole number of Representatives shall be increased accordingly."

Mr. CRAIL. Mr. Chairman, I rise to a point of order. The amendment is out of order in that it would be a violation of the Constitution of the United States.

The CHAIRMAN. Will the gentleman state what provision of the Constitution?

Mr. CRAIL. The Constitution of the United States provides that apportionment of Representatives in Congress shall be based upon the number of persons in each State and the gentleman's amendment would abrogate that provision of the Constitution.

The CHAIRMAN. The Chair will state that the constitutional effect of amendments and their consistency or other relation to other portions of a pending bill have never been considered, so far as the present occupant of the chair is advised, a subject for a point of order. The main question arising upon an amendment is its germaneness or, perhaps in the case of committee amendments, the jurisdiction of the committee, but germaneness generally. The Chair does not think the gentleman states a point of order and accordingly overrules it.

Mr. BRIGHAM. Mr. Chairman, ladies and gentlemen of the committee, I have offered this amendment for the purpose of calling attention to and providing a remedy for a condition of inequality in representation which will be brought about by the enactment of this bill.

All laws hitherto enacted by the Congress for the purpose of apportioning Representatives among the several States, with one exception, I believe, have been passed after the taking of the census when all the facts regarding the distribution of population were known and these laws have assigned to each State a definite number of Representatives. Furthermore, reapportionment heretofore has been usually by the comparatively simple process of adding to the House enough Members to take care of the gain in population in each State without taking away a substantial percentage of the Members from any State. Only once in the history of the country has the representation of a State been reduced by 50 per cent. In 1810 the representation of the State of Delaware was reduced from two to one.

The bill before us to-day provides for fixing the membership of the House at 435, the present number, and leaving it to the Secretary of Commerce to make the reapportionment of this number of Representatives among the several States according to a prescribed method—the method of major fractions.

Apportionment of Representatives by the method of major fractions means that a State will have assigned to it a Representative for each full quota of a certain determined number of population and one for a number of population which is more than one-half of such full quota. For instance, in the 1910 reapportionment a State received a Representative for each full quota of 211,877 people and an additional one if there was a remainder of 105,939 people or more.

If the reminder were less than 105,939 the State would not be entitled to a Representative for this lesser number. Therein lies the inequality between the large and the small State. Suppose a State is entitled to one Representative under the full quota of population and falls just under the major fraction which entitles it to another. The one Representative must not only represent his full quota, but an additional quota of 105,000 persons. In a large State this extra quota of 105,000 persons would be divided up among a number of Representatives. For instance, in New Jersey the extra quota could be divided among 12 Representatives and would not mean a large additional quota for each Representative.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. BRIGHAM. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent to proceed for five additional minutes. Is there objection?

Mr. RANKIN. Mr. Chairman, reserving the right to object, and I shall not object to the gentleman's request, will the gentleman yield to me to propound a unanimous-consent request?

Mr. BRIGHAM. Yes.

Mr. RANKIN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close at the end of five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this section and all amendments thereto close in five minutes, the five minutes to be occupied, under unanimous-consent request, by the gentleman from Vermont.

Mr. RANKIN. Mr. Chairman, I will make it 10 minutes.

The CHAIRMAN. The gentleman from Mississippi modifies his request so as to make it 10 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. BRIGHAM. If we fix the membership of the House at 435 and our population continues to grow, the quota of population which entitles a State to a Representative must also continue to increase. In a few decades it may require 400,000 for a full quota, so that a State with 400,000 population will have one Representative and a State will not be entitled to two Representatives until it has a population of more than 600,000.

The increase in population has not been and probably will not be equal in its distribution among the various States. Agriculture requires extent of territory for its development and with the increased use of farm machinery fewer men are required to work a given number of acres. On the other hand, the development of industry does not depend upon extent of territory but rather upon nearness to raw materials, to a supply of labor, and to markets. Therefore we may expect the States dependent upon agriculture to remain stationary in population or at any rate to gain less rapidly than the industrial States and if the House is to have a fixed membership of 435 there will inevitably be a shift of Members from the agricultural to the industrial States with an increasing number of States which will be entitled to only one Representative in this House.

It has been proposed to amend the Constitution so that each State will have at least two Representatives here. When we consider that through the illness or the death of its one Representative the people of a State may for some time be deprived of representation in this body, I believe the justice of such an amendment is apparent. However, amending the Constitution is a long process, and I believe the amendment I have offered, providing that when reapportionment works out so that a Representative in a State will have to represent a constituency larger by 25 per cent than the average for the United States, then an additional Representative is assigned to that State. I believe such an amendment would tend toward more just and equal representation of the people in the several States. [Applause.]

Representatives from the States of Michigan and California have complained bitterly at the injustice done their States by failure of the Congress to reapportion on the basis of the 1920 census. There is nothing to prevent the States of Michigan and California to reapportion the number of Representatives they now have at any time it is considered wise to do so. On the basis of the 1920 census, with the present representation of these States in this House, a Member from Michigan, if the population of that State were fairly and equally apportioned among the different Representatives of that State, would represent 282,185 persons. A Representative from California, if the people of that State were fairly and equally apportioned, would represent

311,532 persons. I call attention to the fact that if reapportionment had been made on the 1920 census a single Representative from the State of Vermont would have represented here 352,428 people.

If the people of California and Michigan, Mr. Chairman, have a right to complain of the injustice done them by the failure of Congress to reapportion, I am sure that the people of Vermont would have had a right to complain if reapportionment had been made on the basis of the 1920 census according to the method it is proposed to adopt in this bill.

Mr. STOBBS. Will the gentleman yield?

Mr. BRIGHAM. Yes.

Mr. STOBBS. How many States will that affect? The House will be interested in knowing that.

Mr. BRIGHAM. On the estimated population of 1930, I think it would affect two States—the States of Vermont and New Mexico.

Mr. STOBBS. In other words, it would add two more Representatives to the 435?

Mr. BRIGHAM. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont.

The question was taken, and the amendment was rejected.

Mr. CELLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 2, line 4, insert: "All special agents, supervisors, clerks, enumerators, interpreters, and all other employees taking the census shall be appointed from civil-service lists after examinations conducted under rules and regulations promulgated by the Civil Service Commission."

Mr. LAGUARDIA and Mr. STOBBS made a point of order against the amendment.

The CHAIRMAN. Does the gentleman from New York desire to argue the point of order?

Mr. CELLER. I would like to hear what the point of order is.

Mr. LAGUARDIA. The point of order is that the amendment is not germane, and the gentleman from New York knows it is not germane.

The CHAIRMAN. The gentleman from New York states that the amendment is not germane.

Mr. CELLER. Mr. Chairman, I think it is germane and for this reason: This bill seeks to set up a method or standard by which there may be a reapportionment so as to get due and proper representation of the people of the United States according to the census. We lay down the method and I am merely amplifying the method by which the census shall be taken upon which this reapportionment is to be based—it shall be taken by those qualified by fitness and ability to take the census. For this reason it is quite germane, relevant, and in no sense of the word outside of the provisions of the bill.

The CHAIRMAN. Will the gentleman permit a question?

Mr. CELLER. Certainly.

The CHAIRMAN. Does the bill in any sense provide for the taking of a census?

Mr. CELLER. It mentions specifically the census, and I indicate how the census shall be taken. These terms are well defined. Census means something which is definite.

Mr. BLACK of New York. Mr. Chairman, I would like to be heard on the point of order.

Mr. CELLER. I yield to the gentleman.

Mr. BLACK of New York. It seems to me this bill is adding new duties to the Bureau of the Census, calling upon the Bureau of the Census, of course, to get new employees, and the amendment is perfectly germane, because it provides that they must come from the civil-service list.

Mr. LAGUARDIA. Will the gentleman indicate where that is provided in the bill?

The CHAIRMAN. The Chair is ready to rule. The amendment of the gentleman from New York reads as follows:

All special agents, supervisors, clerks, enumerators, interpreters, and all other employees taking the census shall be appointed from civil-service lists after examinations conducted under rules and regulations promulgated by the Civil Service Commission.

It is clear to the Chair that this bill does not deal with the subject of the census or with the taking of a census and that the amendment is not germane to the section or to the bill.

The Chair sustains the point of order.

The Clerk read as follows:

SEC. 2. (a) If the Congress to which the statement required by section 1 is transmitted fails to enact a law apportioning the Representatives among the several States, then each State shall be entitled, in the second succeeding Congress and in each Congress thereafter until the taking effect of a reapportionment on the basis of the next decennial census, to the number of Representatives shown in the statement; and it shall be the duty of the Clerk of the last House of Representatives forthwith to send to the executive of each State a certificate of the number of Representatives to which such State is entitled under this section. In case of a vacancy in the office of Clerk, or of his absence or inability to discharge this duty, then such duty shall devolve upon the officer who, under section 32 or 33 of the Revised Statutes, is charged with the preparation of the roll of Representatives elect.

(b) This section shall have no force and effect in respect of the apportionment to be made under any decennial census unless the statement required by section 1 in respect of such census is transmitted to the Congress on or before the first day of the first regular session which begins after the taking of such census has begun.

Mr. MAPES. Mr. Chairman, I am in favor of the passage of this bill. The Constitution and the practice since its adoption seem to have fixed the duty upon Congress to pass reapportionment legislation as soon as practicable after the taking of each census. Justice Story so interpreted the Constitution when he stated in the case of Prigg *v.* Pennsylvania (16 Peters 618) that to make the apportionment is a "duty positively enjoined by the Constitution," and as the report of the Committee on the Census sets forth, Congress, without exception, has made such apportionment after the taking of every census until the census of 1920.

The argument that the Constitution does not in express language require Congress to make the apportionment is not very convincing in view of the express provisions requiring Representatives to be "apportioned among the several States according to their respective numbers" and an enumeration to "be made every 10 years." There is no question about the express mandate to Congress to make the enumeration, to take the census, every 10 years and to apportion the Representatives among the several States according to their respective numbers. The only question left for argument is, When shall that apportionment be made? The plain inference or intent seems to be that it shall be made every 10 years after the taking of the census. That has been the uniform interpretation of that provision of the Constitution up to this time and it is too late to question it now.

It may well be asked, How can Representatives be apportioned among the several States according to population if Congress refuses to apportion after the census has been taken and it knows what the population is? If Congress can refuse to apportion after one census, why not after another or after all?

However, as is well known, this Congress is deadlocked on reapportionment legislation, and the next best thing seems to be to pass some legislation such as is provided in the bill before us, authorizing an automatic reapportionment after the next census based upon a membership of 435, unless the Congress at that time determines otherwise.

It seems to me that the main question involved in this legislation is whether this Congress thinks it advisable to fix the membership of Congress at 435 until future Congresses take affirmative action to fix a different number. I can not help but feel that those who argue against it on constitutional grounds are going out of their way to look for trouble. To me there is no question about the power and right of Congress under the Constitution to pass the legislation if it sees fit to do so. It is not delegating any legislative power or prerogative. It is merely assigning a ministerial duty of a very limited nature to the Secretary of Commerce. It does not permit the exercise by him of any discretionary power. It is difficult to conceive of the delegation to any agency of the Government of any ministerial duty of a more restricted nature. That it would be faithfully and honestly performed, no matter who may be Secretary of Commerce or what administration may be in power, must be assumed. I do not think that any Member of Congress will seriously question but what it would be.

In fact the legislation only requires the Secretary of Commerce after the taking of the census to do what Congress itself in effect has heretofore done before it could intelligently and fairly apportion the Representatives among the several States according to the population and make the definite assignment to each State in the law of the number of Representatives to which it was entitled, as has been the practice. As a matter of practice I presume Congress has asked the Bureau of the Census to furnish for its use the very information which this legislation requires. What reasonable objection can there be to providing by law for the performance of this purely ministerial duty by the Bureau of the Census under the Department of Commerce?

The only real question for us to determine is whether 435 is the right number for the House of Representatives.

I would prefer to see the size of the House reduced rather than increased. I would also favor the passage of apportionment legislation by this Congress, but as a practical proposition I realize it is impossible to accomplish either one of these results. Therefore, as the next best thing, I shall vote for this bill. [Applause.]

Mr. COOPER of Wisconsin rose.

Mr. RANKIN. Mr. Chairman, I ask unanimous consent that debate on this section and all amendments thereto close in five minutes.

Mr. HUDSON. Reserving the right to object, does the gentleman mean the section or the paragraph?

The CHAIRMAN. The bill is being read by sections. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman [applause], I have been not a little surprised to-day to hear gentlemen very earnestly declare that the Constitution has no mandate requiring reapportionment. I can not understand how anyone familiar with the history of the Constitutional Convention and of the events in England which preceded it can make this contention.

The Constitution was formulated and published in the summer of 1787. In 1782, 5 years before, there began in England the great struggle which continued for 50 years to have just representation in the House of Commons. This struggle was long and violent. There were riots, there was bloodshed. The friends of the reform were defeated in 1782, but they fought on for half a century and triumphed at last.

Now, what was the reason for the struggle? Every reader of history knows it. There were districts in England—"rotten boroughs" they called them—with only 5 or 10 voters, and in some really only 1 or 2, and each district elected a member of Parliament. A lord sometimes owned such a district and sent his man to the House of Commons. In some instances 50 votes or 100 votes sent members to the House, while in other districts it required thousands of votes to elect a member. There was one district with a comparatively scattered population that had a larger representation in the House of Commons than had the city of London.

This was abuse, shameful, unpardonable; but special privilege had secured the advantage and the power, and it kept these for 50 more years.

Now, our fathers in the Constitutional Convention at Philadelphia in 1787 knew all about the "rotten-borough" system in England; and therefore you gentlemen who assert that the provision for apportionment in our Constitution is not mandatory must also contend that Madison, Hamilton, Franklin, Washington, and the other immortals of that great convention, knowing well the awful abuses in England, did absolutely nothing to prevent similar abuses from growing up in the Government they were about to establish. Do you believe that? It is the most serious indictment I have ever heard made against the illustrious patriots who constituted that convention—that they neglected a thing like this.

I looked in the directory a few minutes ago, and I find that here sits a Member who represents 138,000 people, while on this side of the aisle is a Member representing approximately 1,250,000 people. Is the equivalent of the rotten-borough system to obtain here and curse this country, because Congress is to continue to ignore the provisions in the Constitution, requiring that the census shall be taken every 10 years, and that representation in the House shall be based upon numbers?

This provision was adopted by the Constitutional Convention for the express purpose of preventing the Representative of only 138,000 people having one vote on this floor, and while the Representative of 1,250,000 other people has only one vote on this floor. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent to proceed for one more minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. COOPER of Wisconsin. I listened intently and with surprise to what was said here with much earnestness in denunciation of the pending bill, because, and especially because it is not to take effect until after the census of 1930 has been completed; gentlemen saying that this delay is simply a wrongful attempt to control some future Congress. Gentlemen denounce the proposed delay until after 1930. And yet, as I find the record shows, the very gentlemen who now protest against this provision of the bill before us, themselves voted on Tuesday last for the Hawes-Cooper convict labor bill, which expressly provided that it should not take effect for three years after its enactment. They are all on record as voting for it. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, I move to strike out, on page 2, line 21, all of section (b).

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, beginning on line 21, strike out all of subsection (b).

The CHAIRMAN. All time for debate on this section has expired, and the question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 3. In each State entitled under this act to more than one Representative, the Representatives to which such State may be entitled in the Seventy-third and each subsequent Congress shall be elected by districts equal in number to the number of Representatives to which such State may be entitled in Congress, no one district electing more than one Representative. Each such district shall be composed of contiguous and compact territory and contain as nearly as practicable the same number of individuals.

Mr. LOZIER. Mr. Chairman, I move to strike out the section.

The Clerk read as follows:

Amendment by Mr. LOZIER: Page 3, beginning in line 3, strike out section 3.

Mr. LOZIER. Mr. Chairman, I am not going to occupy five minutes, but I want to call the attention of the House to the fact that this section embodies a proposition that is clearly invalid. The bill provides that the Congress shall allocate to the several States the number of Representatives to which they are entitled according to their population. When that act is done the power of Congress ends. The power of Congress does not exist to determine how and in what manner the States shall elect their Representatives or in what form the States shall lay off their congressional districts. There is no power on the part of Congress to prevent a State from electing all its Members of Congress at large, if it so desires. There is no power in Congress to in any way determine or direct how the States shall elect the Members of Congress to which they are entitled.

I call attention also to the fact that section 6 is clearly unconstitutional and remind my Republican friends that in 1921 the versatile and able constitutional lawyer, Mr. BURTON, of Ohio, condemned that section as invalid. Both section 6 and section 3 of the pending bill were embraced in the act of 1921. Both are invalid because they attempt to limit the power of the States over a matter that rests exclusively in the jurisdiction of the States and in relation to which Congress has no power whatever. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

Mr. RANKIN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this section and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, I rise in opposition to the amendment. I am not complaining because my amendment was voted down a few moments ago, but I do want to call the attention of the House to what is in this bill, and if there is one member of the committee who is sponsoring the bill who can justify section (b) in the bill and give reasons for it, I think the House is entitled to know it.

Some of us who sponsor the bill are standing on the matter of principle and bringing about an express mandate of the Constitution, and some of us are doing it at expense of our own districts. This subsection (b) could not have been put in there except for some evil purpose.

Section 1 of the bill provides that the census shall be taken as soon as practicable and the Secretary of Commerce shall transmit to Congress. Now, turn to page 2, section (b), and they say that if he does not do it the whole law is void and of no effect.

What is the purpose of that section? I ask the chairman of the committee, I ask the gentleman from New York or any sponsor of the bill to stand up and explain section (b). I think the House is entitled to it. We want to go along with

the committee and stand by you, but do not ask us to vote for a joker. Section (b) is absolutely dishonest and I think the House is entitled to an explanation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. LOZIER].

The question was taken, and the motion was rejected.

The Clerk read as follows:

SEC. 4. In the election of Representatives to the Seventy-third or any subsequent Congress in any State which under the apportionment provided for in section 2 of this act is given an increased number of Representatives, the additional Representative or Representatives apportioned to such State shall be elected by the State at large, and the other Representatives to which the State is entitled shall be elected as theretofore, until such State is redistricted in the manner provided by the laws thereof, and in accordance with the provisions of section 3 of this act.

Mr. NEWTON. Mr. Chairman, I move to strike out the last word. First, I want to ask a question of the distinguished chairman of the committee. What would the situation be under this law in reference to a State which has not redistricted since 1910, where they still elect some of their Members at large? Take, for example, the State of Illinois. Under this section you provide for those States where the number of Representatives has been increased. You provide for election in the event of an increase; but as to those States where they remain the same and there are now Representatives at large, what would the situation be?

Mr. FENN. That is a matter for the State itself to determine.

Mr. NEWTON. I understood that as a general principle, but in section 4 you lay down a rule of reapportionment, which is that—

SEC. 5. In the election of Representatives to the Seventy-third or sequent Congress in any State which under the apportionment provided for in section 2 of this act is given an increased number of Representatives the additional Representative or Representatives apportioned to such State shall be elected by the State at large—

And so forth.

Mr. JACOBSTEIN. I suggest that the gentleman read section 6 in connection with this. That takes care of Representatives elected at large.

Mr. NEWTON. Section 6 applies to the nomination, not to the election.

Mr. JACOBSTEIN. It is all left to the State that elects Representatives at large.

Mr. FENN. The endeavor of the bill is to make the States redistrict and reapportion. These are the same sections that have been carried in previous reapportionment bills.

Mr. LOZIER. If the gentleman will read the subsequent part of that section, I think his question will be answered—

and the other Representatives to which the State is entitled shall be elected as theretofore.

That covers the State of Illinois absolutely. That matter was discussed in the committee, and that language adopted in order to meet the Illinois situation.

Mr. NEWTON. I think that does meet that situation.

Mr. Chairman, no one can read the Constitution of the United States and come to any other conclusion than that the duty of Congress to reapportion following every decennial census is mandatory. In addition to that, however, we should bear in mind that if representative government is to be maintained it must be kept "representative," not only in theory but in fact. There was no reapportionment made following the 1920 census. Various excuses have been made. The fact remains, however, that the opposition has come from those States which, under a reapportionment plan, would lose representation. No matter what the plan is that is presented, they are opposed to it unless the plan calls for such increase in the size of the House of Representatives as will prevent a reduction in their present representation. I do not see how anyone who has watched proceedings in the House can desire to see the membership increased. In order not to decrease the Representatives from any State the membership of this House would have to be increased to 483, or an increase of 50 Members. If the estimates are correct for 1930, when we then reapportion the size will have to be 534 Members to avoid cutting down the representation of any State. That is unthinkable. From the very commencement of this fight for reapportionment I have stood against increasing the total membership of the House, regardless of what State was affected. In my judgment, the House should not have been increased over 300 Members. With sufficient, competent help, the work could be done, and more efficiently. The pending measure, while not perfect—and no legislation is perfect—provides reapportionment. It keeps the House at the present size. It makes it effective in 1931, unless the next Congress should in the meantime determine otherwise and so provide. I trust that the constitutional mandate will be no longer disobeyed.

Mr. HUDSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman for two minutes.

Mr. HUDSON. Mr. Chairman, I do not want to detain the committee, because I think everyone has his mind made up. What the gentleman from Wisconsin [Mr. COOPER] just said is very pertinent. My district cast more votes in 1924 than 11 Southern and Western States cast. I have a district which probably in the next census will prove to have a million and a half people. Are they not entitled to a more numerous representation in this House?

Mr. NEWTON. I suggest that they have it in quality now.

Mr. WILLIAMS of Illinois. That is a matter that lies with the State legislature.

Mr. HUDSON. This does not. There is no reason why the Congress should not pass this legislation at this time. Anyone who raises the constitutional question raises it as a barrage, as a smoke screen.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 5. In the election of Representatives to the Seventy-third or any subsequent Congress in any State which under the apportionment provided for in section 2 of this act is given a decreased number of Representatives, the whole number of Representatives to which such State is entitled shall be elected by the State at large until such State is redistricted in the manner provided by the laws thereof, and in accordance with the provisions of section 3 of this act.

Mr. DALLINGER. Mr. Speaker, I move to strike out the section. I can not believe that the House will adopt this section if the Members thoroughly understand its effect. It would make possible the election of the entire delegation from a State like New York or Pennsylvania or Massachusetts at large; if one political party happened to have a bare plurality of 1 vote in the State, the entire delegation from the State would be elected all of that party, when there might be a large number of districts in the State in which the other party is in an overwhelming majority. In that case those districts would have no representation in the House at all.

Mr. RANKIN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts.

At the conclusion of the third reading of the bill I propose to offer a motion to recommit the bill to the Committee on the Census where all these matters may be straightened out. In the next section there is a provision to elect Congressmen according to the way that governors in the various States are elected. I can take the constitutions of the various States and show you that that is practically impossible. I shall offer a motion to recommit at the conclusion of the third reading of the bill and I hope it will be adopted.

The CHAIRMAN. The question is on the motion of the gentleman from Massachusetts to strike out the section.

The question was taken; and on a division (demanded by Mr. DALLINGER) there were—ayes 31, noes 106.

So the motion was rejected.

The Clerk read as follows:

SEC. 6. Candidates for Representatives at large shall be nominated, unless the State concerned shall provide otherwise, in the same manner in which candidates for governor in that State are nominated.

Mr. MONTAGUE. Mr. Chairman, I move to strike out the section.

Mr. FENN. Mr. Chairman, will the gentleman yield to me?

Mr. MONTAGUE. Yes; I shall give way to the chairman.

Mr. FENN. This section should go out. I thoroughly agree with the contention which I think the gentleman from Virginia would make in regard to this. I agree with him that it should be stricken out.

The CHAIRMAN. The question is on the motion of the gentleman from Virginia to strike out the section.

The motion was agreed to.

The CHAIRMAN. Under the rule the committee will rise and report the bill with the amendment.

Mr. FENN. Mr. Chairman, there is but one amendment.

Thereupon the committee rose; and Mr. TILSON as Speaker pro tempore having assumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the

Union, having had under consideration the bill (H. R. 11725) for the apportionment of Representatives in Congress, reported that that committee had concluded the consideration of the bill H. R. 11725, and under the rule he therefore reported the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. The previous question has been ordered under the rule. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time.

Mr. RANKIN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. The Clerk will report the motion of the gentleman from Mississippi to recommit the bill.

The Clerk read as follows:

Mr. RANKIN moves to recommit the bill to the Committee on the Census.

Mr. RANKIN. On that, Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the motion to recommit the bill.

The question was taken, and the Speaker pro tempore expressed himself as in doubt.

Mr. FENN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER pro tempore. The yeas and nays are demanded.

The yeas and nays were ordered.

The SPEAKER pro tempore. The question is on the motion to recommit the bill.

The question was taken; and there were—yeas 186, nays 164, answered "present" 1, not voting 80, as follows:

[Roll No. 83]

YEAS—186

Adkins	Deal	Johnson, Ind.	Ramseyer
Allen	Denison	Kemp	Rankin
Allgood	De Rouen	Kincheloe	Ransley
Almon	Dickinson, Iowa	Kindred	Reed, Ark.
Andresen	Dickinson, Mo.	Knutson	Robinson, Iowa
Arnold	Dowell	Kopp	Robsion, Ky.
Aswell	Drewry	Kurtz	Romjue
Ayres	Driver	Langley	Rowbottom
Bachmann	Edwards	Lankford	Rubey
Bankhead	Elliott	Leatherwood	Rutherford
Beedy	Eslick	Leech	Sandlin
Beers	Estep	Letts	Shallenberger
Bell	Fitzpatrick	Lindsay	Shreve
Bland	Fulbright	Linthicum	Simmons
Brand, Ga.	Fulmer	Lowrey	Sinclair
Brand, Ohio	Furlow	Lozier	Spearing
Brigham	Gambrill	McDuffie	Sproul, Ill.
Browning	Gardner, Ind.	McMillan	Sproul, Kans.
Buchanan	Gasque	McReynolds	Steagall
Buckbee	Gilbert	McSwain	Steele
Burdick	Goldsborough	Major, Ill.	Strong, Kans.
Burtness	Goodwin	Major, Mo.	Tarver
Busby	Gregory	Martin, La.	Thatcher
Bushong	Greenwood	Mead	Thompson
Byrns	Griest	Menges	Thurston
Campbell	Griffin	Milligan	Tucker
Canfield	Guyer	Moore, Ky.	Vestal
Cannon	Hale	Moore, Va.	Vinson, Ga.
Carew	Hall, Ill.	Moorman	Vinson, Ky.
Celler	Hall, Ind.	Morehead	Ware
Chapman	Hall, N. Dak.	Morin	Wason
Chase	Hare	Nelson, Me.	Weller
Christopherson	Harrison	Nelson, Mo.	White, Colo.
Clague	Haugen	Norton, Nebr.	White, Me.
Cochran, Mo.	Hersey	O'Brien	Whitehead
Cochran, Pa.	Hickey	O'Connell	Whittington
Cole, Iowa	Hill, Ala.	O'Connor, La.	Williams, Ill.
Cole, Md.	Hogg	Oliver, Ala.	Williams, Mo.
Collier	Holaday	Palmisano	Williams, Tex.
Collins	Hope	Parks	Wilson, La.
Combs	Howard, Nebr.	Peery	Wingo
Corning	Huddleston	Prall	Wood
Cox	Hull, Wm. E.	Purnell	Woodrum
Crisp	Hull, Tenn.	Quayle	Wright
Cullen	Irwin	Quin	Wyant
Dallinger	Jeffers	Ragon	
Davis	Johnson, Ill.	Rainey	

NAYS—164

Ackerman	Bowles	Chalmers	Crowther
Aldrich	Bowman	Chindblom	Curry
Andrew	Box	Clancy	Darrow
Arentz	Briggs	Clarke	Davenport
Bacharach	Britten	Colton	Davey
Barbour	Browne	Connery	Dempsey
Beck, Wis.	Burton	Cooper, Ohio	Doughton
Berger	Carss	Cooper, Wis.	Douglas, Ariz.
Black, N. Y.	Carter	Crail	Dyer
Black, Tex.	Cartwright	Cramton	England
Bohn	Casey	Crosser	Englebright
Evans, Calif.	Hudson	MacGregor	Seger
Evans, Mont.	Hull, Morton D.	Magrady	Selvig
Fenn	Jacobstein	Mapes	Sinnott
Fish	James	Martin, Mass.	Sirovich
Fitzgerald, Roy G.	Jenkins	Merritt	Smith
Fitzgerald, W. T.	Johnson, S. Dak.	Michener	Snell
Fletcher	Johnson, Tex.	Miller	Somers, N. Y.
Fort	Johnson, Wash.	Monast	Speaks
Foss	Jones	Montague	Stalker
Frear	Kading	Mooney	Stedman
Free	Kahn	Moore, Ohio	Stobbs
Freeman	Kearns	Morgan	Strong, Pa.
French	Kelly	Morrow	Summers, Wash.
Frothingham	Kerr	Murphy	Sumners, Tex.
Garner, Tex.	Ketcham	Newton	Swank
Garrett, Tex.	Korell	Niedringhaus	Swick
Gifford	Kvale	Oliver, N. Y.	Swing
Glynn	LaGuardia	Parker	Taylor, Colo.
Green	Lampert	Peavey	Temple
Hadley	Lanham	Porter	Tilson
Hancock	Larsen	Pratt	Timberlake
Hardy	Lea	Rathbone	Treadway
Hastings	Leavitt	Reece	Underhill
Hawley	Leblbach	Reed, N. Y.	Vincent, Mich.
Hill, Wash.	Luce	Rogers	Wainwright
Hoch	McClintic	Sabath	Warren
Hoffman	McFadden	Sanders, N. Y.	Watres
Hooper	McKeown	Sanders, Tex.	Welch, Calif.
Houston, Del.	McLaughlin	Schafer	Woodruff
Howard, Okla.	McLeod	Schneider	Zihlman

ANSWERED "PRESENT"—1

Faust

NOT VOTING—80

Abernethy	Doutrich	Lyon	Sullivan
Anthony	Doyle	McSweeney	Taber
Auf der Heide	Drane	Maas	Tatgenhorst
Bacon	Eaton	Manlove	Taylor, Tenn.
Beck, Pa.	Fisher	Mansfield	Tillman
Begg	Garber	Michaelson	Tinkham
Blanton	Garrett, Tenn.	Moore, N. J.	Underwood
Bloom	Gibson	Nelson, Wis.	Updike
Boies	Golder	Norton, N. J.	Watson
Bowling	Graham	O'Connor, N. Y.	Weaver
Boylan	Hammer	Oldfield	Welsh, Pa.
Bulwinkle	Hudspeth	Palmer	White, Kans.
Butler	Hughes	Perkins	Williamson
Carley	Igoe	Pou	Wilson, Miss.
Cohen	Johnson, Okla.	Rayburn	Winter
Connally, Tex.	Kendall	Reid, Ill.	Wolverton
Connolly, Pa.	Kent	Sears, Fla.	Wurzbach
Dickstein	Kiess	Sears, Nebr.	Yates
Dominick	King	Stevenson	Yon
Douglass, Mass.	Kunz	Strother	

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Gibson (for) with Mr. Bacon (against).
Mr. Manlove (for) with Mr. Kiess (against).
Mr. Boylan (for) with Mr. Tatgenhorst (against).
Mr. Sullivan (for) with Mr. Wolverton (against).
Mr. McSwain (for) with Mrs. Norton of New Jersey (against).
Mr. Bloom (for) with Mr. Weaver (against).
Mr. Carley (for) with Mr. Hammer (against).
Mr. Dickstein (for) with Mr. Bulwinkle (against).
Mr. O'Connor of New York (for) with Mr. Lyon (against).
Mr. Garrett of Tennessee (for) with Mr. Nelson of Wisconsin (against).
Mr. Wilson of Mississippi (for) with Mr. Abernethy (against).
Mr. White of Kansas (for) with Mr. Pou (against).
Mr. Dominick (for) with Mr. Auf der Heide (against).
Mr. Cohen (for) with Mr. Moore of New Jersey (against).
Mr. Williamson (for) with Mr. Douglass of Massachusetts (against).

Until further notice:

Mr. Boies with Mr. Oldfield.
Mr. Taylor of Tennessee with Mr. Connally of Texas.
Mr. Begg with Mr. Tillman.
Mr. Golder with Mr. Stevenson.
Mr. Connolly of Pennsylvania with Mr. Drane.
Mr. Anthony with Mr. Kent.
Mr. Beck of Pennsylvania with Mr. Yon.
Mr. Hughes with Mr. Underwood.
Mr. Michaelson with Mr. Rayburn.
Mr. Reid of Illinois with Mr. Sears of Florida.
Mr. Perkins with Mr. Blanton.
Mr. Graham with Mr. Doyle.
Mr. Faust with Mr. Bowling.
Mr. Eaton with Mr. Fisher.
Mr. Welsh of Pennsylvania with Mr. Johnson of Oklahoma.
Mr. King with Mr. Kunz.
Mr. Wurzbach with Mr. Igoe.
Mr. Butler with Mr. Hudspeth.

Mr. BRIGHAM. Mr. Speaker, my colleague Mr. GIBSON is unavoidably absent. If he were here, he would vote "yea."

Mr. O'CONNELL. Mr. Speaker, I announce the absence of the gentlewoman from New Jersey [Mrs. NORTON] because of illness. If she were here, she would vote "nay."

The result of the vote was announced as above recorded.

On motion of Mr. RANKIN, a motion to reconsider the vote whereby the bill was recommitted was laid on the table.

APPOINTMENT OF CONFEREE

Mr. KNUTSON. Mr. Speaker, I desire to announce that the gentleman from North Carolina [Mr. HAMMER], one of the conferees on the several omnibus pension bills, is out of the city, and I ask that another conferee be appointed in his stead.

The SPEAKER. The Chair appoints the gentleman from Kentucky [Mr. MOORE].

APPORTIONMENT OF REPRESENTATIVES

Mr. CLARKE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the reapportionment bill.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the reapportionment bill. Is there objection?

There was no objection.

Mr. CLARKE. Mr. Speaker, I shall support the majority members of the committee by voting for this reapportionment bill that is long overdue; but I would be unfair to myself and my constituents if I did not tell you that in my honest judgment, after the exhibitions we have seen recently on the floor of this House, that I am heartily in favor of reducing the membership by half, increasing the pay to $15,000, and deducting therefrom $100 for each day's absence, except for sickness or some preeminently legitimate excuse, in line with the bill I introduced in a previous session of this House.

I feel profoundly that it would make for better legislation, and I believe, as an incident, would be less legislation, which is what our people, overburdened with laws, need.

The citizens of the United States are the greatest crowd of joiners in the world, and every organization has some pet legislation it sponsors. This fits in with the general plan of the great Government bureaucracy that exists in Washington, seeking continually to enlarge itself, with ramifications and relations all through the United States. Each little red-tape boss and the particular crowd in his department, in his or her little bureaucracy, is seeking to add to his or her importance by increasing the force, the indirect benefit being self-gratification and the direct benefit increased salary—and more taxes for the people back home to pay.

Mr. LINTHICUM. Mr. Speaker, I am opposed to this bill, H. R. 11725, for the apportionment of Representatives in Congress. It is true that there should have been a reapportionment after the result of the census of 1920 was ascertained; that, however, is water which has gone over the dam, and while Congress ignored its constitutional obligation to make the reapportionment at that time, it is certainly too late now to make it upon that census.

It would be manifestly unfair, because the population of the country has increased something around 20 per cent, which increase has not been equal throughout the country; certain sections have grown in population much faster than other parts of the country. We can, therefore, very well afford to wait two years, inasmuch as it has been so long since the last census. We can then obtain the basis upon which to rest the reapportionment, namely, the census of 1930.

The Constitution intended that the Congress should make the reapportionment after the census, and certainly never contemplated that one Congress would endeavor to hang over the head of some succeeding Congress a sword of Damocles, as it were, to be brought into operation in the event the Congress which should make the reapportionment failed in its constitutional obligation.

I am opposed to delegating to the Secretary of Commerce a work which should be performed, as well as a constitutional obligation under the Constitution, by Congress alone. I do not criticize the people for being restless and demanding a reapportionment, but certainly this bill, if it became a law, would not bring about a reapportionment any quicker than the Congress in session after the 1930 census could perform that duty.

Suppose, for instance, when that Congress assembles, it should decide, which is again its privilege, that a larger membership shall be provided for; or, say, perhaps it should determine that a smaller representation should be provided, and it should pass a bill along those lines. That bill would then proceed to the President for his signature. The President might determine that he did not agree with the reapportionment of Congress, but rather felt that 435, as provided under this bill, should be adhered to, and so the President should veto the bill. Then, unless the Congress was able to pass the reapportionment act over the President's veto, the act which we are being asked to pass to-day would take effect, and the Congress vested with the power under the Constitution to make the apportionment would be deprived of its constitutional right by this act of the Seventieth Congress.

We are merely juggling with figures at the present time, and, while many estimates have been made as to the probable representation of the various States of the Union, there are no figures upon which we can base a certainty. My State, Maryland, for instance, might secure six Representatives, as she now has. On the other hand, by some mere fraction, she might only have five. We men representing Maryland would feel very small, indeed, if it should turn out that we were really entitled to six under the cenus of 1930 and had obtained only five under this bill. This is a very dangerous measure. According to the language of the bill it is not merely a temporary proposition, but for all time should Congress fail to perform its duty of reapportionment. The Secretary of Commerce could step in and perform that duty for the Congress. In other words, it is delegating a perpetual power to one of the departments of the Government to perform a duty which the Congress in its wisdom or unwisdom fails to do, and whenever the Congress fails to do that, whether rightfully or wrongfully, the Secretary of Commerce under this act performs the duty for the Congress.

Certainly none of my constituents can expect me, nor do they expect me, to vote for a bill so directly opposite to the mandates of the Constitution, so directly opposite to the benefits and interest of the country, and so absolutely futile when we realize that Congress will meet and perform the duty when the time arrives. The fact that Congress has not performed the duty under the 1920 census should not be subject to the severe criticism which some people try to bring against it. We must remember that when the 1920 census was taken it was soon after the war, and much of the population in various States of the Union was of a floating nature, drawn from outside territory to the centers of governmental activities, and reconstruction and natural conditions had not resumed normalcy. What, therefore, might have been apportioned then to a State after its natural conditions were restored would be unfair, and perhaps in some instances in excess and in others insufficient.

We must further realize that at that time there were vast numbers of measures for the reconstruction and rehabilitation of the country before Congress. It is useless for me to mention these various measures, but we can all recall the vast amount of legislation which was necessary after the war.

I shall therefore oppose this bill; but if I am in Congress after the 1930 census is taken will use my utmost endeavor to bring about a proper, satisfactory, and constitutional reapportionment.

CONFERENCE REPORT—ACCEPTANCE OF DECORATIONS BY CERTAIN OFFICERS OF THE UNITED STATES NAVY AND MARINE CORPS

Mr. BRITTEN. Mr. Speaker, I desire to present a conference report on H. R. 5898, to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered, for printing under the rule.

THE BENEFITS OF PROTECTIVE TARIFF

Mr. CROWTHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the benefits of the protective tariff.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CROWTHER. Mr. Speaker, all real Americans are proud of the high standard of living conditions enjoyed by the folks who toil on the farms and in the great industrial plants of this country.

Steady employment at good wages means more and better food, better clothing, better homes, more of them owned instead of rented, more opportunity for the children's education and advancement, a savings account for the proverbial "rainy day," and a chance to get acquainted with a few of the world's luxuries rather than to grind out an existence with bare necessities as the only reward for service.

A CONCERTED EFFORT TO DESTROY THE TARIFF?

The protective tariff policy, a fundamental of Republican faith, has been instrumental in the betterment of living conditions of our American workmen to a degree that has excited the wonder of the world. Never before in the country's history has there been such a concerted effort to break down this tariff policy. The most insistent demand comes from the international bankers, who, having loaned vast sums abroad, are vastly more concerned regarding industrial success in Europe than they are for the welfare of American workmen and their families. Like Shylock, these bankers cry out and demand their pound of flesh; and if in the taking the lifeblood of American industry is drained to the last drop, it will be to them but a mere incident. The attitude of the international bankers has brought great joy to the Democratic camp, and they welcome this new convert to the free trade, alias "tariff for revenue," faith, and Mr. Importer, from his retreat furnished gorgeously in orientals, shouts a loud "Amen, brother."

PROTECTIVE TARIFF IS AS NECESSARY TO SUSTAIN OUR INDUSTRIES AS IT WAS TO CREATE THEM

Under a protective tariff bill, in which the rates both specific and ad valorem have been incessantly attacked by the leaders of the Democratic Party as too high, there has developed a constantly increasing flood of imports into the United States. The total imports for 1927 are in excess of $4,000,000,000. The frequent statements of Democratic leaders and newspapers that we were shutting out the world and giving them no opportunity to trade with us are not borne out by the facts.

NO DUTIES IN FORDNEY-M'CUMBER BILL TOO HIGH; MANY OF THEM TOO LOW TO AFFORD REAL PROTECTION

Pottery products and glassware have been imported in great quantities in spite of the tariff. Potteries and glass factories have been running part time for more than a year. I am reliably informed that if the potteries of this country were to run at full capacity they could supply but 75 per cent of our needs. For a long time they have been running at about 50 per cent capacity, and the gap is being filled by imported goods.

Handkerchief manufacturers have felt the depression in their business because of the rapid growth of importations, and have applied to the Tariff Commission for an investigation looking to an increase of duty.

The candle manufacturers find themselves in the same predicament, and millions of candles for decorative purposes sold last Christmas were all labeled "Made in Germany."

Manufacturers of Pullman slippers found that they were gradually being put out of business due to the flood of similar products from Europe, and which, because they were made wholly of leather, came into the market duty free.

Glove manufacturers have just about held their own in competition with foreign-made goods, although imports have increased considerably under the present rates. Employment during the last two years in this business has been just fair. The fabric-glove industry has ceased its activities in the United States, and the cotton fabric gloves for sale at the store counters are all marked "Made in Germany" or "Made in Saxony." As always happens when an American industry is put out of business by insufficient protection the price of these fabric suéde gloves is very much higher than when we made them in this country.

UNEMPLOYMENT IN OUR COPPER MINES

Four hundred thousand tons, or 800,000,000 pounds, of copper were imported from foreign countries in 1926 in addition to 300,000,000 pounds of concentrates with copper content. The copper mines of Michigan and other Western States are struggling for existence.

DUTIES ARE TOO LOW ON AGRICULTURAL PRODUCTS

The rates on agricultural products should be raised high enough to keep out unnecessary imports or at least raise their price sufficiently to give our American farmers a chance to compete. We import hundreds of millions of pounds of vegetable oils every year. More than 78,000,000 pounds of cheese was shipped to America in 1926, over 8,000,000 pounds of butter, and 22,000,000 pounds of milk, milk powder, condensed milk, and cream. Conservatively, this would be the product of a million cows that would make a home market for alfalfa, bran, corn, and other feeds. Why not make the rates high enough to allow the folks in the dairy industry in the United States to reap this benefit?

We also imported 300,000 dozen eggs in shell, and of whole eggs, frozen, 10,000,000 pounds; of dried eggs and egg albumen, more than 15,000,000 pounds. Why not allow the American poultryman to enlarge his business and supply some of this demand?

Vegetable-oil imports take the place of hog fats as well as butter, cheapening the price of hogs and forcing the farmers to sell their pork in low foreign markets.

We imported 80,000,000 pounds of tomatoes in their natural state in 1926 and 83,000,000 pounds of canned tomatoes, besides 18,000,000 pounds of tomato paste, the canned tomatoes and tomato paste being imported from Italy. Mexico also ships into the States vast quantities of these same products.

FARM PRODUCTS THAT SHOULD BE GRANTED HIGHER RATES OF DUTY WHEN TARIFF BILL IS REVISED

Milk, sour milk and buttermilk, and cream, condensed or evaporated, and whole or skimmed milk powders.
Butter and cheese and substitutes.
Live poultry and dressed poultry.
Eggs, frozen or dried, or preparations of albumen.
Onions, tomatoes, turnips, buckwheat, and flax.
Hay, straw, and corn.

WHY NOT ALLOW AGRICULTURE TO BENEFIT UNDER A PROTECTIVE-TARIFF POLICY?

If in addition to the list I have suggested we can have a thorough revision upward of agricultural schedules, we can provide a tariff that will shut out unnecessary imports and improve the condition of our folks on the farms. We are now importing peanut oil and low-grade eggs from China, coconut oil from the Philippines, cattle hides from Argentina, cheese from Italy and Switzerland, wool from Australia and New Zealand, silk from Japan, and flax, fruit, vegetables, rice, nuts, and many other products from every country in the world.

If we have this great loss to our American farmers under the present tariff laws, what can we expect but absolute disaster to our people if the Democrats have their way and reduce the tariff rates all along the line?

EXCESS OF IMPORTS OVER EXPORTS

Let me call your attention to the fact that Europe is now shipping to the United States about $500,000,000 worth of agricultural products more than we are shipping to them each year. Rates on agricultural products must be based on the difference in production costs as in industrial products, for we desire that the standard of living on the farms shall be just as high as that accorded to the industrial workers. Let us have protection that really protects American workers, and play no favorites whether they live and toil in the North, the South, the East, or the West.

THE FARMERS' SURPLUS IS IMPORTED

If it were not for these excessive importations which take the place of products raised on the American farms, the problem of surplus would be greatly simplified. All sorts of experts, bankers, professors, and economists have been advising the farmer to slow up on production. If we can stop this flood of agricultural imports amounting to the vast sum of $1,000,000,000 a year, we shall not have to worry so much about what to do with the surplus. If we make the tariff rates sufficiently high to keep out these products, we shall soon be rid of the surplus problem.

PERCENTAGE OF FREE IMPORTATIONS

Do not lose sight of the fact that of the more than $4,000,000,000 worth of imports that we received from Europe in 1927 that 64 per cent of them came in duty free, and only 36 per cent paid duties at the customhouse.

FREE-LIST GOODS NOT CHEAPER TO AMERICAN CONSUMERS THAN DUTY-PAID GOODS

Ask the free trader why prices are as high and frequently higher on imported goods that are on the free list than they are on goods which pay a duty at the customhouse. Ask him to explain his party's charge that the duty is a tax and adds to the cost. Ask him to explain why the goods on the free list are increased in price if his theory is that the existence of a tariff is the factor that raises the price.

The beneficial results of free trade or tariff for revenue only have never made their appearance during any Democratic administration. The advantages of a protective-tariff policy under which industry has thrived, labor has profited and saved, living standards have advanced, and the United States the most envied Nation in the world, is well worth the careful study and consideration of the American people.

CRITICISM OF TARIFF NOT WARRANTED WHEN ITS BENEFITS ARE SO PLAINLY INDICATED

If the history of tariff protection showed that the effect of a protective tariff upon articles had been to enhance their cost, and that the people have been imposed upon and robbed in that way, there might be some plausible excuse for free trade or low tariff; but, on the contrary, history reveals quite the reverse.

Whenever a protective tariff has been levied upon any article which we have been able to produce successfully the ultimate and speedy result has been to greatly reduce the cost of such article, and to this there is no exception.

This being true, how can it consistently be claimed that a protective tariff is a robbery? It furnishes employment to our people and gives us the product at a reduced price.

It is no answer to say that the reduced price is the result of improved machinery and improved methods, for these very improvements are brought about by the stimulus and competition produced by the protective tariff.

COMPETITION KEEPS PRICES FROM BEING TOO HIGH

With fair protection we may always depend upon the active competition among our own people to keep prices as low as is consistent with the payment of fair wages to those who do the work, and that is all any American ought to desire. It is certainly not to be desired that our laborers shall be reduced to

the same scale of wages as those of England or Europe, simply that the product of their labor may be had at a lower price. This is not demanded by the best interests of our country, nor do the people desire it.

PROTECTIVE TARIFF IS AS NECESSARY TO SUSTAIN OUR INDUSTRIES AS IT WAS TO CREATE THEM

The Democratic Party advocates a tariff for revenue only. The history of their attempts to make this policy work is a long record of failure. Whenever we have had a Democratic tariff bill it has brought about reduction of wages and a general leveling down of values. Such tariff bills have always failed of their primary purpose, which was presumed to be the raising of revenue. Bond issues and special taxes have always followed the Democratic policy of tariff for revenue only. The Wilson-Gorman bill, passed by the Democrats in 1894, carried an income tax amendment to provide for the estimated loss in customs revenue of $75,000,000. After the Underwood-Simmons bill, passed by the Democrats in 1913, had been in effect a short time President Wilson sent a message to Congress asking that special taxes be levied to meet the current expenses of the Government.

TARIFF FOR REVENUE ONLY SPELLS DISASTER TO PROSPERITY

The situation is like this: A few of the Democratic Members of Congress are protectionists. More of them would like to be, if they could only forget their early training and overcome the prejudice of certain of their constituents who are wedded to free trade. If you discuss the subject with Democrats, they will assure you that they are not for free trade, but that they believe special interests are benefited by the protective tariff. They never attempt to explain the hard times and shrunken pay roll that makes life miserable for our folks who work for wages under Democratic tariff laws.

DIFFERENT VIEWPOINTS

Then again, some Democrats believe in enacting what they term an "economic tariff," but always they set their faces against any suggestion that it should be a protective tariff. The title "protection" is anathema to them! The result is that when they write a tariff act they write one that fails to protect industry and its employees and also fails to provide revenue.

They have admitted that the Underwood bill provided "incidental protection," which, of course, did not help industry, and, as the records will prove, failed to provide necessary revenue. So you see that when the Democrats write a tariff bill they do not all stand on common ground. Some are for free trade and have advocated burning all the customhouses. My friend and colleague from Nebraska [Mr. HOWARD] is more constructive in his desire to use them as schoolhouses. If that purpose is ever accomplished, I trust that the libraries of those schools will contain the historical reminiscences of the periods of suffering and distress among our people, both of the farm and of the mill, during the Cleveland administration. Compare their present condition and enjoyments and opportunities to-day and credit the favorable balance to a protective-tariff policy that has made for a general condition of advancement and prosperity.

ASK THE FARMER

Ask the American farmer what kind of a market or price he expects for his produce when the great industries of the Nation are running at half time or completely shut down. Ask them if the foreign-made merchandise on the store shelves is any cheaper in price than American goods of the same quality. Ask him if he prefers the importers to make exorbitant profits and send the money to Europe to help fill their pay envelopes, or if he would rather that money was added to the pay roll of American workers, who would spend it for what he bends his back and sweats his brow to raise. There is a new generation of American farmers, who were small boys during the Cleveland administration, but they remember something of the Wilson administration, when the Underwood-Simmons bill was in force. They all know that the World War saved us from industrial and agricultural disaster that we were headed for straight at that time.

IMPORTANCE OF GOOD WAGES

The question of a high wage, with opportunity for its increase with the development of industry and the skill of the workmen, is a vital necessity to continued progress of the people of this Nation. The workers and their families, who are the producers, are also the consumers, and their purchasing power must be gradually increased, for no longer are we satisfied that our American workmen shall be able to just barely exist, but must be able to purchase not only necessities but some of the comforts and luxuries and still have a margin that will permit them to keep an account in a savings bank or a building and loan association.

ASK THE FOLKS WHO WORK IN OUR GREAT INDUSTRIAL PLANTS—

If they remember that under the sort of tariff legislation the Democrats wrote the mills discharged thousands of employees and the remainder worked on part time.

Ask the wives and mothers who assumed the difficult task of trying to make the one dollar on half-time pay feed and clothe the family and pay the rent and doctor's bills, when it was hard enough to accomplish with a full-time pay envelope. They will not welcome a return of Democratic free-trade policies or even the makeshift tariff for revenue only. There are men and women still working in the shops who remember the long line of American workmen and their families during the Cleveland administration who waited for their loaf of bread and pail of soup in order to keep body and soul together.

What has happened can happen again, but I have an abiding faith in the common sense and understanding of the American people, and when they have even the shadow of a doubt as to the return of these conditions they will deny to the Democratic Party the opportunity of making it possible.

CONSOLIDATION OF ACTS RESPECTING COPYRIGHT

Mr. VESTAL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 6104, to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, with a Senate amendment, and agree to the Senate amendment. The Senate amendment merely adds the word "as."

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table H. R. 6104, with a Senate amendment, and agree to the Senate amendment. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were presented to the House of Representatives, by Mr. Latta, one of his secretaries, who also announced that on the following dates the President approved and signed bills of the House of the following titles:

On May 17, 1928:

H. R. 126. An act to add certain lands to the Missoula National Forest, Mont.;

H. R. 158. An act to amend chapter 137 of volume 39 of the United States Statutes at Large, Sixty-fourth Congress, first session;

H. R. 332. An act validating homestead entry of Englehard Sperstad for certain public land in Alaska;

H. R. 4927. An act for the relief of Francis Sweeney;

H. R. 8105. An act to provide for the membership of the Board of Visitors to the United States Military Academy, and for other purposes;

H. R. 8307. An act amending section 5 of the act approved June 9, 1916 (39 Stat. L. 218), so as to authorize the sale of timber on class 3 of the Oregon & California Railroad and Coos Bay wagon-road grant lands;

H. R. 8337. An act to amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926;

H. R. 8474. An act for the relief of Elmer J. Nead;

H. R. 9363. An act to provide for the completion and repair of customs buildings in Porto Rico;

H. R. 9612. An act authorizing and directing the Secretary of the Interior to allow Norman P. Ives, jr., credit on other lands for compliances made in homestead entry, Gainesville 021032;

H. R. 9789. An act for the relief of Sallie E. McQueen and Janie McQueen Parker;

H. R. 11475. An act to revise and codify the laws of the Canal Zone;

H. R. 11716. An act authorizing and directing the Secretary of the Interior to issue patents to Ethel L. Saunders, and for other purposes;

H. R. 11852. An act providing for the confirmation of grant of lands formerly the United States barracks at Baton Rouge, La., to the board of supervisors of the Louisiana State University and Agricultural and Mechanical College;

H. R. 12049. An act to authorize the Secretary of the Interior to sell to W. H. Walker, Ruth T. Walker, and Queen E. Walker, upon the payment of $1.25 per acre, the southeast quarter section 34, township 2 north, range 14 east, Choctaw meridian, Clarke County, Miss.; and

H. R. 12383. An act to amend section 11 of an act approved February 28, 1925 (43 Stat. 1064, U. S. C., title 39), granting sick leave to employees in the Postal Service, and for other purposes.

On May 18, 1928:

H. R. 491. An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California;

H. R. 10360. An act to confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926;

H. R. 11022. An act to extend medical and hospital relief to retired officers and retired enlisted men of the United States Coast Guard; and

H. J. Res. 184. Joint resolution designating May 1 as Child Health Day.

SECOND DEFICIENCY APPROPRIATION BILL

Mr. SNELL. Mr. Speaker, I present a privileged resolution from the Committee on Rules.

The SPEAKER. The gentleman from New York presents a privileged resolution from the Committee on Rules which the Clerk will report.

The Clerk read as follows:

House Resolution 213

Resolved, That after the adoption of this rule it shall be in order in the consideration of H. R. 13873, for the chairman of the Subcommittee on Appropriations in charge of the bill to offer an amendment in the nature of a substitute for the language on page 47, lines 3 to 12, inclusive, notwithstanding the provisions of clause 2, Rule XXI, or clause 7 of Rule XVI.

Mr. SNELL. Mr. Speaker, this resolution is presented at this time on account of the unanimous request of the Naval Affairs Committee and the Appropriations Committee. It is not very often that the Rules Committee goes as far as to make in order matters that are not in order on a regular appropriation bill, but certain conditions have arisen whereby the people in charge of the Government high explosives, whereby they feel that it is very important that these appropriations be made in order at this itme. It makes in order an appropriation for moving the high explosives which are stored at the present time along the eastern coast to the more sparsely settled regions of the West, also Pearl Harbor and the Philippines. I understand there is no opposition from any sources, and I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution, which requires a two-thirds vote.

The question was taken; and two-thirds having voted in favor thereof, the resolution was agreed to.

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13873) making appropriation to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes; and pending that motion I will ask the gentleman from Tennessee if we can agree upon time for general debate. I would suggest that we have 15 minutes on a side.

Mr. BYRNS. I understood the gentleman was very anxious to complete consideration of the bill as soon as possible, and while I have two or three requests for time, I am going to waive any remarks of my own. I think it will be entirely satisfactory to have 30 minutes on the side. This is in accordance with my understanding with the gentleman, and I have made some promises in view of the statement of the gentleman that we would have an hour.

Mr. WOOD. If the gentleman can not get along with any less than that amount of time, I would suggest giving the gentleman one-half hour on his side and taking 15 minutes on this side.

Mr. BYRNS. That is entirely satisfactory. I do not want it for myself.

Mr. WOOD. Then it may be agreed that general debate shall be limited to three-quarters of an hour, 30 minutes to be controlled by the gentleman from Tennessee, and 15 minutes by myself.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13873, and pending that asks unanimous consent that general debate on the bill be limited to three-quarters of an hour, 15 minutes to be controlled by himself, and 30 minutes by the gentleman from Tennessee. Is there objection?

Mr. CHINDBLOM. Reserving the right to object, can the gentleman state what his purpose is with reference to completing the consideration of the bill?

Mr. WOOD. It is the desire of the committee, if possible, to complete the consideration of the bill to-night. The Senate has asked us to get it over there to-night if possible.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13873, the second deficiency bill, with the gentleman from Massachusetts [Mr. TREADWAY] in the chair.

The Clerk read the title of the bill.

Mr. WOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WOOD. Mr. Chairman, the Committee on Appropriations, in presenting the accompanying bill making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes, submit the following in explanation thereof:

The estimates upon which the bill is based were submitted in Senate Document No. 47 and in the following House documents of the Seventieth Congress: Nos. 204, 212, 213, 218–223, 225, 227, 229–231, 234, 235, 237, 239, 240, 245, 249, 250, 254–263, 266, 267, 270–277, 279–285, and 287–299. Estimates totaling $3,110,000 submitted in House Document No. 74 of the present session in connection with the transfer of ammunition from Army ordnance depots at Curtis Bay, Md., and Raritan, N. J., action on which was postponed by the first deficiency bill, fiscal year 1928, are also considered in connection with this bill.

The total amount of Budget estimates considered in the preparation of the bill is $103,949,606.27.

The amount recommended to be appropriated by the bill is $99,032,885.76. This sum is $4,916,720.51 less than the Budget recommendations.

Of the $99,000,000 recommended to be appropriated in the bill, approximately $84,000,000 is due to new laws or treaties recently in effect and for which this bill affords the first opportunity for appropriation.

The aggregate of the bill is caused by several very large items. A broad distribution by general totals is as follows:

Settlement of war claims act (alien property)	$50,000,000.00
Purchase of Cape Cod Canal bonds	6,230,000.00
Acquisition of triangle properties in the District of Columbia	5,000,000.00
Public buildings projects under the act of May 25, 1926, as amended	17,513,500.00
Ammunition storage and redistribution, Army and Navy	3,108,159.00
Marine Corps, on account of extraordinary expenses in connection with expeditions to China and Nicaragua	2,353,747.69
Post Office Department, transportation of mail to foreign countries by aircraft	1,750,000.00

I desire to call your particular attention to this last item. It is the purpose of the Post Office Department, if this appropriation is made, to establish, as soon as practicable, mail routes to Cuba, to the Central American nations, and to some of the South American countries. This is very essential. Other nations have been trying to get the exclusive right of carrying aerial mail to these countries. Of course, the United States, occupying the position that she does and under her policy, could not consent and will not consent to other nations having such an exclusive privilege. We are therefore either compelled to enter upon this enterprise ourselves or else assume a dog-in-the-manger attitude and not permit other nations to do it.

It is thought that after a while this service will prove remunerative. At first it was a question of whether or not anyone could be induced to undertake this character of business.

The Postmaster General has informed us that he already has a number of corporations and individuals who have signified their intention to enter upon this work. The hearings upon this proposition are very edifying and illuminating. They demonstrate the possibility of carrying the mail through the air at a profit. It has already been proven that contracts that were originally let when it was thought they would be absolutely destructive to the concerns that undertook to carry the mail by air are to-day showing a profit, and in consequence of these con-

tracts that are now being let for carrying the mail throughout the United States are being let at a very greatly reduced price.

Acquisition of additional lands for forest reserves	$1,000,000.00
Judgments and audited claims	2,879,412.45
All other supplemental and deficiency items	9,158,066.62

The following explanations are offered for the principal items in the bill. While the total recommended is comparatively large, it is accounted for in the main by a number of outstanding sums and these are dealt with in detail, the minor amounts being left for explanation upon such inquiry as Members may care to make concerning them.

PUBLIC BUILDINGS

The amount recommended to be appropriated for public buildings under the provisions of the act of May 25, 1926, as amended, is $17,513,500. This sum comprises a total of 99 projects of which 96 are submitted under the provisions of section 5 of the act and 3 are under section 3. The total limit of cost recommended to be fixed for such projects by the Budget estimates is $74,845,000, of which $2,175,000 is chargeable under section 3 of the act and $72,670,000 under section 5. All of the projects submitted have been recommended by the committee in a total limit of cost $74,532,000, of which $2,175,000 is chargeable to section 3 and $72,357,000 is chargeable to section 5. The net reduction made in the total limits of cost is $313,000. This sum is effected in the following manner: The limit of cost of the inspection buildings at Douglas, Ariz., and San Ysidro, Calif., are increased from $60,000 to $65,000, and $93,000 to $105,000, respectively, to make provision for Public Health Service activities not fully covered in the original submission and now recommended by the Treasury Department to be so included.

The limit of cost of the building at Salt Lake City, Utah, is reduced from $1,115,000 to $910,000, the difference in the amount of the total cost being due to a recommendation on the part of the committee that the enlargement of the present structure be made to provide for the same amount of space contemplated by the original submission but to be accomplished by an extension in a direction where the additional land can be acquired at less cost and the addition to the building effected without disturbance of the present ornamental and monumental portion of the building as originally suggested. The limit of cost of the building at Sterling, Colo., is reduced from $225,000 to $100,000, due to the elimination of provision made in the estimate for construction of court facilities. Federal court has been held at Sterling for only a very brief time, and it is the opinion of the committee that the court business, present and immediately prospective, is not sufficient to justify the additional expenditure. The appropriation is so made that the building will be constructed in such a manner that accommodations for the courts may be added later. These four changes constitute the only alterations made by the committee in the program submitted for consideration. The submission of additional public buildings estimates at this time was made possible by the act of February 24, 1928, which increased the total limit of cost of public buildings outside the District of Columbia under the present law from $100,000,000 to $200,000,000. The amount of appropriations recommended in this bill, together with those previously made, places to the credit of the Treasury Department a total of appropriations as great as it is now possible to make and still keep the expenditures within the annual limits fixed by public-buildings legislation.

SETTLEMENT OF WAR CLAIMS

The sum of $50,000,000 is recommended toward carrying into effect the provisions of the settlement of war claims act (alien property), approved March 10, 1928. Of this amount, $25,000,000 is to be allotted for the payment of claims allowed by the arbiter for German ships, patents, and radio stations seized by the United States, toward which, under the provisions of the act, partial payments may be made under tentative awards pending final decision. The remaining $25,000,000 is to be credited to the special fund from which will first be paid the American claims. Awards for the payment to American citizens are now being certified by the Mixed Claims Commission through the Department of State. The committee recommends the appropriation of the full $50,000,000, so that the settlement of claims that have been pending for many years may be disposed of as rapidly as determination can be effected.

CAPE COD CANAL BONDS

The sum of $6,230,000 is recommended for the payment of the $6,000,000 of 5 per cent, 50-year, first-mortgage bonds of the Cape Cod Canal Co., authorized to be purchased under the provisions of the river and harbor act of January 21, 1927. Title to the canal passed to the United States on March 30, 1928. The earliest date on which the bonds can be called by the United States under the contract is January 1, 1929. The amount recommended includes $225,883.33 for interest on the bonds from March 30, 1928, to January 1, 1929, $4,116.67 for expenses of advertising, and $6,000,000 to cover the face value of the bonds.

ACQUISITION OF TRIANGLE PROPERTIES IN THE DISTRICT OF COLUMBIA

An estimate of $9,750,000 was submitted for the acquisition of additional property under the authorization of $25,000,000 in the act of January 13, 1928, for the purchase of sites for Government buildings, and other purposes, in the so-called triangle area. The committee recommends $5,000,000 of the sum estimated. The Treasury appropriation act for the next fiscal year contains an appropriation of $2,680,000 for this purpose, which, together with the sum granted herein, will make a total available the first year under the $25,000,000 authorization of $7,780,000, or approximately one-third. The committee is of the opinion that this amount is all that should be granted at this time, and is further of the opinion that the sum should be used to make the most advantageous purchases possible from all of the properties contemplated to be taken under the act. The committee is further of the opinion that acquisition of such property in full should not be proceeded with wherever condemnation is necessary until a more comprehensive and adequate condemnation law is provided. Such legislation is now pending in Congress.

MARINE CORPS

The sum of $2,353,747.69 is recommended for the Marine Corps, in addition to a reappropriation of $863,336.31, making a total of $3,217,084, on account of extraordinary expenses incurred during the fiscal year 1928 for keeping the expeditionary forces in China and Nicaragua. The force stationed in each place is approximately 3,750 men. In addition to the appropriations made available in this bill, there has been expended from current appropriations approximately $220,000, which would otherwise not have been expended, making the total extraordinary cost for this fiscal year on account of the two expeditions approximately $3,400,000, of which 56 per cent is on account of China and 44 per cent on account of Nicaragua.

FOREIGN AIR MAIL

The sum of $1,750,000 is recommended to enable the Postmaster General to carry into effect the provisions of the act approved March 8, 1928, authorizing contracts for the transportation of mail by air to foreign countries and insular possessions for periods not exceeding 10 years. This amount will supplement the sum of $300,000 already appropriated for the next fiscal year for foreign air-mail service. With the expenditure of the amount recommended it is contemplated to extend the existing lines into Cuba and the West Indies and to undertake the establishment of lines to Mexico and other Central American countries and possibly South America. Very little definite information is available at this time in connection with the proposed routes. The Government has recognized the necessity of taking a leading part in the inauguration of such a service and hopes to be able as soon as funds are available to proceed upon definite lines and secure contractors for carrying the mail over the proposed routes. The project is an essential one not only for the development of air navigation but very important from the standpoint of development of a more rapid means of communication between the United States and Central and South America.

ACQUISITION OF ADDITIONAL LANDS FOR FOREST RESERVES

The act of April 30, 1928, authorized the appropriation of $2,000,000 for the fiscal year 1929 for the acquisition of additional lands for forest reserves. Of this authorization the sum of $1,000,000 is provided in the agricultural appropriation act for 1929, leaving $1,000,000 to be provided in this bill to supplement that sum. The amount carried in the agricultural act is made immediately available and is already committed by projects now approved by the National Forest Reservation Commission and unless the additional sum is granted now, the work of the commission will be practically at a standstill during the next fiscal year so far as the initiation of new projects is concerned.

JUDGMENTS AND AUDITED CLAIMS

The sum of $2,879,412.45 is carried for the payment of judgments rendered against the United States by United States district courts and for the payments of audited claims settled and determined by the General Accounting Office. These judgments and claim allowances are final and binding on the United States and their payment should not be delayed or avoided. In connection with the appropriations for the payment of judg-

ments the committee has inserted a limitation, upon recommendation of the Comptroller General, prohibiting the payment of interest on any judgment for a period in excess of 30 days after the approval of the act in which is contained the appropriation for the payment thereof. The Comptroller General advised the committee that frequently in cases where judgments bear interest at 6 per cent from date of rendition to date of payment, the judgment creditors are slow to request payment because of the unusual interest rate and of the security of payment due from the United States Government. The General Accounting Office is prepared to pay judgments promptly after the appropriation is made for them and the committee is of the opinion that a period of 30 days affords sufficient time in which to make payment, and that thereafter interest should cease.

AMMUNITION STORAGE AND TRANSPORTATION, WAR AND NAVY DEPARTMENTS

The bill contains a total of $3,108,159 for ammunition storage facilities and redistribution of ammunition at ammunition depots for the War and Navy Departments, of which the sum of $1,193,998 is recommended for the Navy Department and $1,914,161 for the War Department.

The recommendations contained in the bill are the conclusions of a special subcommittee of the Committee on Appropriations and the history, explanation, and development of the items contained in the bill are fully and completely set forth in the following special report which the Committee on Appropriations has adopted in full:

REPORT OF THE SPECIAL SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS ON AMMUNITION STORAGE, WAR AND NAVY DEPARTMENTS

MAY 15, 1928.

From: Special subcommittee of the Committee on Appropriations on the subject of ammunition storage, consisting of Messrs. FRENCH (chairman), BARBOUR, HARDY, TABER, CLAGUE, OLIVER, HARRISON, AYRES, and COLLINS.

To: Acting chairman Committee on Appropriations, House of Representatives.

The special subcommittee, composed of the entire membership of the subcommittees charged with the consideration of the annual War and Navy Department appropriation bills, designated by our late chairman, the Hon. Martin B. Madden, to consider the report (H. Doc. No. 199, 70th Cong.) on ammunition-storage conditions of the Joint Army and Navy Board appointed pursuant to the provision contained in the first deficiency act, fiscal year 1928, authorizes me to present the following report:

HISTORICAL

Following the cessation of hostilities with the Central Powers of Europe the need arose to house great quantities of ammunition of all classes. Existing storage facilities, both Army and Navy, were not adequate to shelter the accumulation without creating hazards to life and property, public and private. There remained no alternative, however, if the material was to be preserved, and at a number of Army and Navy storage depots vastly more explosive material was permitted to be stored than good practice warranted. This situation continued, being somewhat ameliorated from time to time by service expenditures and deterioration and a certain amount of redistribution, until lightning occasioned a disastrous explosion at the naval magazine, Lake Denmark, N. J., on July 10, 1926, which resulted in bringing ammunition-storage conditions forcibly to the attention of all concerned.

The Congress was not in session when the Lake Denmark disaster occurred. The then chairman of the Appropriations Committee (Mr. Madden), however, assured the Chief of the Bureau of Ordnance of the Navy Department that he would support him in securing reimbursement of his then current appropriation for such reasonable and necessary expenditures as he might make in rehabilitating the Lake Denmark depot, removing certain high explosives and properly storing the same at a point where the hazard would be negligible. Accordingly, estimates later were presented totaling $927,000 and appropriations made in consonance therewith in the first deficiency act, fiscal year 1927.

Subsequently, estimates aggregating $3,122,681 were presented and considered in connection with the second deficiency bill, fiscal year 1927, for taking care of the Army's ammunition-storage situation at Raritan, N. J., and Curtis Bay, Md. The Appropriations Committee did not include the items comprising the sum stated in the bill reported to the House. However, this bill, it will be recalled, did not become law.

At the commencement of the present session estimates aggregating $3,110,000 were again presented touching the ammunition situation at Raritan and Curtis Bay for consideration in connection with the first deficiency bill, fiscal year 1928. Simultaneously, an estimate of $2,300,000 was presented for the rehabilitation of Picatinny Arsenal, N. J., to correct the situation there occasioned by or growing out of the Lake Denmark disaster.

The appropriation on account of Picatinny has been made in accordance with the estimate. However, again the committee did not recommend appropriations on account of Raritan and Curtis Bay. Instead, the first deficiency act, fiscal year 1928, carried the following provision:

The Secretary of War and the Secretary of the Navy, through a joint board composed of officers appointed by them, shall make a survey of the points of storage of supplies of ammunition and components thereof for use of the Army and Navy, with special reference to the location of such ammunition and components as are in such proximity to populous communities and industrial areas as to constitute a menace to life and property. The results of such survey shall be embodied in a joint report which the Secretary of War and the Secretary of the Navy shall make to Congress not later than March 15, 1928, with their recommendations as to what changes, if any, should be made in such storage facilities and their points of location and the feasibility of the joint use thereof by the Army and Navy.

REPORT OF JOINT BOARD

The report of the joint board thus created was transmitted to the Speaker on March 9, 1928, and by him referred to the Committee on Appropriations on March 12, 1928. The report is exceedingly well prepared and is sound both in its premises and conclusions. Its perusal by all concerned is recommended.

Paragraphs 4, 5, 6, and 8 of the report follow:

4. The most stringent laws on explosives in the United States are the laws of the State of New Jersey. These, together with the American Table of Distances, are the result of studies of the effects of every known explosion in the world since 1863 on which reliable data could be obtained. They are commonly recognized throughout the United States. Such few other States as have laws on explosives have generally copied those of the State of New Jersey.

5. The board has adopted the laws of the State of New Jersey, which incorporate the American Table of Distances, for its standard of safety. In the few cases not specifically covered by them, the board has adopted safety standards worked out independently—but with almost identical results—by the Army and Navy. All these safety standards are used as minima. As regards the "safety" of individuals and structures outside the boundaries of ammunition depots, the word "safety" is a relative term. No one is ever absolutely safe from injury. The average chance of the average individual of escaping injury has, by custom, been termed "safe." It is with such an understanding that the board uses the expression.

6. A common error, and an utterly unreliable safety guide in judging the safety of ammunition storage, is to assume that the danger is measured by the total amount of explosives stored. It is not the total amount in the depot that should be the guide but rather the amount in any one pile or building, the manner in which this is stored, and the kind of explosives that are stored in its vicinity. Certain explosives are merely fire hazards while others are explosive hazards; some are safe when stored by themselves and dangerous when stored with others; some are dangerous only when subjected to fire; the danger from practically all types may be greatly reduced by employing suitable methods of storage.

8. Military high explosives must, from the nature of their employment, be so insensitive to shock that they will withstand firing from cannon and so safe in storage that they may be carried year after year in the ships of the Navy. The board does not desire to convey the impression that military high explosives are not hazardous under certain conditions, but it does desire to point out that the hazard is relatively smaller than that of certain commercial explosives, such as dynamite, nitroglycerin, etc. The hazards of military explosives are fairly well known and can be removed or effectively controlled by following certain well-established principles, such as those adopted by this board for its guidance. A brief summary of the varying hazards of military high explosives follows:

The joint board states that stored ammunition creates three kinds of hazards: Fire hazard, explosion hazard, and missile hazard. Its recommendations are predicated upon the elimination to the extent practicable of all hazards and are designed, in addition to providing for the safety of life and property adjacent to the depots, to limiting by dispersion and proper storage any appreciable loss by fire or explosion of the ammunition reserve of our armed forces, which, from a national-defense standpoint, is of paramount importance.

In selecting destinations for ammunition to be moved—

Again quoting from the joint board's report—

the board * * * acted with due regard both to safety and to practical considerations, such as the correct strategic location of ammunition reserves, the vacant storage space and Government-owned land available, the ability to make peace-time ammunition shipments economically, the avoidance of storage conditions liable to cause excessive deterioration, and the reasonable limitation of the possible ammunition loss in a single fire or explosion.

The subcommittee wishes to direct especial attention to the personal interest of service people in the proper adjustment of this matter, as voiced by the joint board in paragraph 14 of its report, reading as follows:

14. The board does not consider it amiss to state that no agency has any more personal interest in the safe storage of military explosives than the personnel of the Army and Navy itself. The people who live and work in the ammunition depots are the officers, enlisted men, and civilian employees of the Army and Navy. Their families usually live on the reservation with them. No one is more vitally interested in safe storage than these persons who are most likely to suffer in case of explosion.

HEARINGS

The special subcommittee has held extended hearings, which have been printed and are presented herewith. All of the members of the Joint Army and Navy Board appeared before it, and in the consideration of the Navy's problems members of the Naval Affairs Committee aided to the fullest extent in working out a definite program with the view to getting it under way without delay. The Secretary of the Navy, the Chief of Naval Operations, and the Chief of the Naval Bureau of Ordnance appeared before the subcommittee, and the Secretary of the Navy, in compliance with the subcommittee's request, furnished cost figures for making effective the joint board's recommendations with respect to naval-ammunition storage.

OBSERVATIONS

The subcommittee is impressed with the need for providing completely, properly, and promptly for the accommodation of Army and Navy ammunition. It is alive to the prevailing uneasiness in certain sections occasioned by the nearness of ammunition storage. It believes that the remedy lies in the complete adoption of the primary recommendations of the joint board, except as to Raritan, N. J., and Curtis Bay, Md., hereinafter referred to. It sees no occasion for the abandonment of any of the existing stations. Each is necessary in the dispersion scheme, and some of these need to be enlarged in area, and each has a current mission or a potential one in time of national emergency. The joint board's recommendations are designed in the interest of safety to neighboring communities as well as to station personnel and property.

The subcommittee finds that the Navy is in a worse plight than the Army as regards ammunition storage. Particularly is this true as to east-coast storage and conditions in Hawaii. The establishment of additional depots would seem to be the only remedy.

The report of the joint board includes comment and recommendations with respect to naval ammunition storage points, but includes no cost estimates. These have been supplied to the committee by the Secretary of the Navy, as previously indicated.

The total cost to carry out the joint board's recommendations is as follows:

Army (primary recommendations)	$2,959,012
Alternative recommendation as to Raritan (hearings, p. 253)	251,732
Alternative recommendation as to Curtis Bay (hearings, p. 253)	105,761
Navy	9,179,500
Total	12,496,005

The estimate before the Committee on Appropriations, submitted for the Army only in connection with the first deficiency bill, fiscal year 1928, is in the sum of $3,110,000.

RECOMMENDATIONS

ARMY

The subcommittee recommends the complete adoption of the joint board's primary recommendations, except as to Raritan and Curtis Bay, for which it recommends alternative proposals looking to the removal of all separately loaded high-explosive shells, exclusive of a small number of shells loaded with explosive D, which are not considered hazardous. This will involve an additional expenditure of $357,493. With the other adjustments to be made at these two places, the subcommittee is advised specifically and definitely by the best authorities that there can be no room for complaint from sources without the reservations. The same can be said also with respect to other Army storage depots when the joint board's recommendations shall have been consummated.

The subcommittee recommends an appropriation of $1,194,161 to commence the Army's program, to cost in all $3,316,505. There follows a list of the points or objects of expenditure, the total cost for or on account of each, the amount recommended for appropriation at this time, and the amount remaining to be appropriated:

	Recommended by joint board and special subcommittee	Proposed by special subcommittee for appropriation at this time	Remaining to be appropriated
Raritan, N. J.	[1] $593,015	$221,224	$371,791
Curtis Bay, Md.	[2] 257,280	257,280	
Delaware, N. J.	283,394	151,910	131,484
Pig Point, Va.	394,700	252,130	142,570
Charleston, S. C.	241,240	61,500	179,740
Picatinny, N. J.	200,346	64,967	135,379
Benicia, Calif.	136,514	24,414	112,100
Bragg, N. C.	46,000	46,000	
Savanna, Ill.	58,828	53,828	5,000
Ogden, Utah	30,000	30,000	
Panama	201,900	201,900	
Hawaii	524,280	200,000	324,280
Philippines	6,000	6,000	
Miscellaneous	343,008	343,008	
Total	[3] 3,316,505	1,914,161	1,402,344

[1] Primary recommendation of joint board, $341,283; this figure recommended in hearings, p. 253.
[2] Primary recommendation of joint board, $151,519; this figure recommended in hearings, p. 253.
[3] Primary recommendation of joint board, $2,959,012.

The subcommittee recommends the inclusion of the following paragraph in the second deficiency bill, fiscal year 1928, to make effective the foregoing recommendation with respect to the Army:

ORDNANCE DEPARTMENT

Ammunition storage facilities, Army: Toward providing ammunition storage facilities (limit of cost, $3,316,505), in accordance with the primary recommendations contained in House Document No. 199, Seventieth Congress, except as to Raritan, N. J., and Curtis Bay, Md., as to which such primary recommendations are modified to call for a total expenditure on account of each of such places of $593,015 and $257,280, respectively, $1,914,161, including $204,000 for the acquisition of land, and such sum shall remain available until June 30, 1930.

NAVY

The subcommittee recommends the complete adoption of the joint board's primary recommendations. The Navy's chief problem in the United States is the lack of storage facilities for proper dispersion and housing, creating a condition in east-coast depots that should not longer be tolerated. The subcommittee concurs in the joint board's recommendation that the solution lies in the establishment of an additional depot and, since the fleet is maintained in the Pacific, believes that such a depot should be established at some isolated point served by transportation lines within a reasonable radius of the west coast. The joint board had the benefit of studies made by the Navy Department during the last two years, within which time some 20 projects were examined and particular attention was given to two sites that seemed most desirable—one at Secret Valley, Calif., and the other at Hawthorne, Nev. The latter was recommended by the joint board and has been recommended by the Naval Affairs Committee of the House of Representatives after extensive hearings (see H. R. 13682), the thought being, first, that it can be established at a saving of about $457,000 over the Secret Valley site; second, that the character of the terrain is considered to be more suitable; and third, that meteorological conditions are as good, if not better. Your committee concurs in the conditions recorded. The cost completely to establish the Hawthorne depot has been estimated at $3,500,000. (For details, see hearings, p. 171.) With such a depot the Navy would be enabled to relieve the situation on the east coast, where adjustments then can be made that will make all the depots along the Atlantic seaboard comply with the safety standards which guided the joint board in framing its recommendations.

NEW EASTERN DEPOT NOT RECOMMENDED

Your subcommittee considered the question of establishment of an eastern ammunition storage depot adequate for either the Army or the Navy, or both, and the possible abandonment of three or more of the existing depots in the East which

are in closest proximity to centers of population. The question was considered and rejected by the joint board.

Your committee decided not to recommend the establishment of such a depot for the following reasons:

1. The cost would be not less than from five to twelve millions of dollars, including site.

2. The cost of removal of ammunitions now stored in eastern depots that would be vacated would entail a cost probably in excess of $8,000,000.

3. The investment in existing depots is so large that it would be impossible at this time for the Government to receive more than 20 to 25 per cent on the dollar for the original investment, and upon this basis the loss to the Government on account of present facilities would probably exceed $15,000,000.

4. Upon the completion of the program recommended by your committee, it is not believed abandonment of any eastern depot is justified upon the ground of hazard to life or property.

5. The building up of an eastern station removed from centers of population would mean certain hazards along lines of railway communications in the shipment of explosive materials over and above whatever handling hazards may now exist.

6. The omission of establishment of a new eastern storage depot will not be in conflict with any material construction plans recommended by your committee, and were it desirable to establish such a depot in the future it could be done without involving loss on account of the proposed program with the possible exception of very minor storage facilities that your committee recommends for existing eastern stations.

Beyond the mainland area of the United States, the Navy's major problem is the lack of adequate and proper storage facilities in Hawaii. Here the existing situation, if the subcommittee be correctly advised, should not be countenanced any longer than is necessary to provide relief. The program there calls for an expenditure of $3,540,000. In the Philippines a bad situation prevails, growing out of the transfer of naval activities from Olongapo to Cavite, at which latter point the ammunition storage facilities are rather of an improvised nature and need to be replaced. The cost is estimated at $1,000,000.

These three items are the sizable Navy projects. The others are all contingent upon the establishment of a new depot in the United States.

The total cost of the Navy's program, as recommended by the Joint Army and Navy Board, has been represented by the department to be $9,179,500. The subcommittee recommends the adoption of this program and an initial appropriation toward its accomplishment of $1,195,839, which will cover all land purchases necessary to be made and allow a margin of $475,000 to be expended in the discretion of the department on other phases of the program.

There follows a list of the points or objects of expenditure, the total cost for or on account of each, the amount recommended for appropriation at this time, and the amount remaining to be appropriated.

	Requested by Navy Department to carry out recommendations of joint board	Proposed by special subcommittee for appropriation at this time		Remaining to be appropriated
Hingham, Mass	$27,000			
Iona Island, N. Y	159,000			
Fort Mifflin, Pa	100,000			
Newport, R. I	14,000			
St. Juliens Creek, Va	225,000			
Puget Sound, Wash	145,500	For purchase of land	$638,998	$7,985,502
Keyport, Wash	196,000	For civilian assistants	80,000	
Mare Island, Calif	269,000	For general application	475,000	
San Diego, Calif	4,000			
Hawthorne, Nev	3,500,000			
Hawaii	3,540,000			
Philippines	1,000,000			
Total	9,179,500		1,193,998	7,985,502

The subcommittee recommends the inclusion of the following paragraph in the second deficiency bill, fiscal year 1928, to make effective the foregoing recommendation with respect to the Navy:

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS

Ammunition storage facilities, Navy: Toward providing ammunition storage facilities in accordance with the recommendations contained in House Document No. 199, Seventieth Congress, first session, $1,193,998, of which sum $638,998 shall be available for the acquisition of land and $80,000 shall be available for the employment of classified personal services in the Bureau of Yards and Docks and in the field, to be engaged upon such work and to be in addition to employees otherwise provided for.

The foregoing includes no authorization to meet the situations as to a depot at Hawthorne and as to facilities in Hawaii and in the Philippines. The subcommittee has been assured, however, that such authorization will be forthcoming at the proper time and in sufficient time to make the appropriation proposed completely effective.

The adoption of the foregoing recommendations will bring the appropriations proposed both as to the Army and Navy within the Budget estimate of $3,110,000 now pending before the committee.

In conclusion, the subcommittee desires to suggest the wisdom of having a permanent joint board to supervise ammunition storage, such a board, perhaps, to have jurisdiction over the execution of the programs now recommended for adoption, and to see that, if and when adopted, no further undesirable situations are permitted to creep in; in other words, to be an agency to guard against a repetition of the conditions now confronting us. The subcommittee suggests the inclusion of a provision somewhat as follows in the second deficiency bill, fiscal year 1928:

The Secretary of War and the Secretary of the Navy, through a joint board of officers appointed by them, shall keep advised of storage supplies of ammunition and components thereof for use of the Army and Navy, with special reference to keeping such supplies properly dispersed and stored and to preventing hazardous conditions to arise endangering life and property within and without storage reservations. Such board shall advise and confer with such Secretaries on the execution of the recommendations contained in House Document No. 199, Seventieth Congress.

Mr. ACKERMAN. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. ACKERMAN. I understand from the gentleman, from what he has learned concerning the removal of the explosives from the area affected, that absolute confidence can be placed by the citizens that everything will be made safe?

Mr. WOOD. I do not think there is any doubt about it. The hearings had by the committee of which Mr. FRENCH was chairman are full and complete. Both sides were heard and the committee feel that they have taken away all possible danger and have done their best to remove the high explosives, and that such a thing as the Lake Denmark disaster will not occur again. [Applause.]

Mr. BYRNS. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. KVALE].

THE INAUGURATION PARADE

Mr. KVALE. Mr. Chairman, war is a remnant of the jungle. It is anticivilization, anti-Christian. It is not civilized, much less Christian. In a so-called Christian civilization it can only be retained as a means of settling differences by fanning the flames of race hatred, bigotry, greed, and commercialism.

And the war spirit is fostered by glorifying war on all imaginable occasions. In most of our public celebrations there is much more of the spirit of war than of the spirit of peace.

Our Independence Day celebrations have degenerated, if they may be so characterized. Once they were the occasion for addresses by inspiring orators, for thrilling surges of patriotism that inspired the participants to even deeper love of country, for exercises that, while bright and joyous, never lost their solemnity. Now there is too little of that, too much of shooting, shouting, fireworks, sham battles, military displays.

Many other celebrations and activities, entirely peaceful in their very nature, are made to partake of a war-like atmosphere by the predominating military exhibits that make up the parade intended to add impressiveness and magnitude to the celebration.

I confine myself to-day to the parade that marked the inauguration of the President of the United States on March 4, 1925. It is the only inaugural I have witnessed. And I sincerely hope it will be the only inaugural of its kind I shall ever be called upon to witness.

An idea of the extent of the military participation can best be obtained by referring to the news reports of the parade. You will find that the parade was almost exclusively a war parade. The division of troops consisted of the following:

Two troops of Cavalry as escort to the President, the Twelfth Infantry Regiment, an Engineer band, a battalion of Engineers, the Fifty-sixth Regiment Air Service, the Third Cavalry

band, the First Battalion of the Sixteenth Field Artillery, the Sixth Field Artillery band, Tank Corps personnel with 48 tanks.

The marine and naval contingent comprised a regiment of naval men from Hampton Roads Naval Base; the Navy band; the Fifth Regiment of Marines from Quantico, Va.; the Marine Band; a detachment of troops from Marine Barracks and the navy yard in the District of Columbia.

As I watched the parade, with its display of uniforms, guns, machine guns, caissons, tanks, and all the accessories of war, I wondered if we were back in Germany or in France in 1914, inciting the populace to a World War under Kaiser Wilhelm or the French militarists, or whether we were in the United States in the year 1925, a few years after the war to end war, gazing upon one of the most impressive and colorful spectacles in a Nation populated by citizens devoted to peace and peaceful pursuits.

I grew sick at the sight of all these war paraphernalia. Mark you, there were 48 rumbling, trundling tanks. Not one, that might have been fairly paraded as evidence of the development of national defense, but 48 of them.

If guns and swords, bayonets, and machine guns, tanks, and all the man-killing and man-maiming instruments of modern warfare are to be exhibited to the gaze of a patriotic throng in attendance at the inauguration of their Chief Executive, why not complete the picture and satisfy the morbid, blood-thirsty beings hungry for such a spectacle by exhibiting as a part of the parade a few more of the instruments used in times past and present for taking human life.

In other words, if the inauguration of a President of the United States in a time of peace—at a time when the clamor of the whole civilized world is for the ending and the outlawry of war—if the inauguration features are to be overshadowed by a parade glorifying the wholesale murder and slaughter called war, why not "do it up brown," why not make it complete, why not show it up in all its barbaric, satanic bestiality and gruesomeness?

Let some one impersonate Socrates drinking the hemlock. His life was snuffed out for bearing witness to the truth against the autocrats of his day.

Give us an arena, with real lions and animals dressed in the clothes of human beings torn to pieces by them.

Erect a replica of the Roman instrument of torture and killing, and have some soldiers nailing a human form to the cross and hoisting it in the air.

Let forms representing human bodies be dragged at the end of triumphant chariots.

Let us have a Procrustean bed and something representing a living human being that might be stretched to conform to the size of the bed, or might have its limbs sawed off for the same purpose.

The picture would be decidedly incomplete without a human torch in effigy. Let us have a burning at the stake.

Of course, the gibbet must have a place in the procession. Let us have the trapdoor and all, with something representing a human form dangling in the noose.

Naturally, we must have a float showing some one being roasted alive over a real fire.

And if it should be difficult to secure anyone willing to enact this fiendish rôle, surely it should be comparatively easy to obtain a modern version of this hellish torture, an electric chair in which we roast and toast people alive in our would-be Christian civilization.

But the real features are neglected in the modern warfare exhibit. Let us have it in all its hideousness. We see the rifles, machine guns, artillery, and tanks; why have the barbed wire, the shattering grenades, the poison gases, the flame throwers, the trench daggers with metal knuckles, the numerous other death and torture dealing weapons and instruments been omitted from the spectacle? Give us a large float, with a miniature city populated by mice and guinea pigs, so that we may have a hint of what lethal gas can do and will do in the next war. Let us see war in its hideousness, with the wire, trenches, lice and vermin, reek and stench, disfigurement and gore, instantaneous death, and lingering death, and even living death.

In short, if the parades at the inaugural ceremonies are to portray war instead of peace, let it not be simply glorification of war by giving us a picture of beautiful uniforms, gleaming ornaments, shining weapons giving off the sunlight's glint, prancing steeds with sleek coats and polished hoofs, medals and insignia, salutes, and martial music. Let us have a true picture, an honest portrayal of man's inhumanity to man, in the hundred different ways of torturing and killing our fellow humans.

I have cited but a few examples. I might insert a list of over 2,000 instruments of torture and killing employed by punitive groups from antiquity down to the present time. The vast majority of them, and the most inhuman among them all, the most devilishly devised, have had their origin in a so-called Christian civilization. And there are devices and instruments, methods and plans now being perfected which challenge our very imagination and our conception of wholesale death, which, if ever used, will make the World War shambles dwindle into the insignificant.

In the name of decency, in the name of humanity, in the name of every Christian in this Nation, in the very name of the Prince of Peace I solemnly protest against making our festive events and ceremonies—and especially the inauguration of our Presidents—the occasions for glorifying war and the taking of human life. If we want the world to believe us even half civilized, let the instruments of killing, of wholesale murder and slaughter, be banished forever from our public parades.

O, Mr. Chairman, I am not protesting against any and all participation in such ceremonies and parades by representative groups and detachments from each arm of our national defense. Certainly our well-drilled, well-equipped, well-disciplined troops are to us as citizens a matter of pride; we recognize their proper place in our scheme of Government, and any parade might well be considered incomplete without their rhythmic, swinging march.

And certainly those aged heroes of the more distant wars, who constituted the President's guard of honor, belonged in the position of honor which they were accorded in conformity with the President's wish. Yet they did not exhibit the weapons and instruments they used in their war to inflict death and torture, did they?

Nor do I protest against the military and naval bands which participated in the cavalcade. Our Army, Marine, and Navy bands are admittedly in the forefront of such musical organizations, and their stirring strains of marches and national airs could not well be dispensed with. Yet in time of war these musicians have a somewhat different task. Why not present some of them, if you please, with their stretchers, aid kits—yes, and their spades.

Why not equip the battalion of intrepid, well-groomed policemen who marched in the parade with their revolvers, bludgeons, black marias, and all their punitive instruments?

Had I the time I could easily point out a hundred different ways in which the parade could exemplify the pursuits of peace instead of war, in which it could be representative of all departments in the Chief Executive's branch of our Government, instead of a War Department field day. It should not be necessary. Visualize a parade showing the marvelous advance and progress in science, art, and invention, and in all fields of endeavor which make for progress in human liberty, mercy, and brotherhood. What limitless, endless opportunities for showing, not instruments for the taking of human life, typical of the human cruelty and hatred and revenge that finds its expression in the ghastly horror of modern war, but devices for conserving and prolonging human life, enhancing and furthering the pursuits of peace and the spirit of brotherly love between man and man.

Whoever may be the one to be inaugurated as our next President, to whichever party he may belong, whatever be his nationality or his creed, I appeal to him, I adjure him—I believe I do so in the name of all liberty-loving, peace-loving Christian men and women in the Nation—I appeal to him to make his inaugural parade not a messenger of war, but a message of peace, so to arrange and order it that it shall conform to the views and opinions of the Christian civilization which he is chosen to represent, and yet shall give fullest expression to the citizens who set aside that day in which to pay their respects and to honor their new President. [Applause.]

Mr. BYRNS. Mr. Chairman, I yield to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SABATH. Mr. Chairman, within a short time after the 1924 quota restriction law was enacted, civic organizations and, especially, the women's organizations of America, appealed to Congress that the law be amended by eliminating some of the extremely harsh and unjust provisions.

Extra and special appeals have been made to humanize the law, so as to enable the reuniting of families.

Such organizations as the national board of the Young Women's Christian Association of the United States, repre-

sented by Mrs. Harry M. Bremmer; the National Catholic Welfare Conference and Council of Men; the National Council of Jewish Women; the Federation of Labor of America; the National Women's Trade League; the American Jewish Committee and Congress appeared before the committee and so clearly and strongly demonstrated the need to humanize the law, so as to make possible the reunion of the families, that I firmly believed that the committee would not ignore the extraordinary strong pleas and arguments and would act favorably.

Notwithstanding the fact that about 30 Members introduced bills to amend the 1924 immigration law to make possible the reunion of separated families, the committee instead of acting favorably upon these country-wide requests and appeals reported the so-called Jenkins bill, H. R. 12816, and gave the country the implication that the reuniting of families would be made possible by this bill.

Therefore, I feel it to be my duty to call attention to the fact that the Jenkins bill does not embody the remedial and relief legislation sought and requested by these civic and labor organizations of the country.

All it does in addition to the present immigration law is to grant a few husbands and the children of American citizens up to 21 years of age a nonquota status.

It gives a preferential status up to 50 per cent to the parents of American citizens, skilled agriculturists and their children up to 18 years of age, and the remainder of the quota to the wives and children of the lawfully admitted aliens who have established a permanent residence in the United States.

Many Members and people who are not thoroughly familiar with this proposed legislation may actually believe that relief is being accorded to these unfortunate aliens who have for years sought to bring over their wives and children, but such, I regret, is not the case.

This bill in no way grants them any aid or relief from the cruel, harsh, inhumane, present 1924 restriction act.

First. A majority of these separated families are and come from countries that have an extremely small quota and, consequently, it will take years and years before they can be benefited or aided or secure any relief.

Second. This preferential status only applies to countries having a quota over 300 and therefore it will not apply to some of the small countries most discriminated against.

The gentlemen who reported this bill can not truthfully deny these above-stated facts. This bill will aid only a very few, namely, husbands of American citizens and children of American citizens between the ages of 18 and 21; and the number of these is negligible.

The report of the State Department states that on March 1 the applications on file numbered 700 such husbands and 3,425 children; however, a large number of these have been admitted since and charged to the quotas of the respective countries.

As to the preferential status: The present law gives a preferential status to the parents of American citizens, to the skilled agriculturists, and, also, to children of American citizens up to 21 years of age.

So the present Jenkins bill does not, in any way, aid or assist or make easier the coming of the parents of American citizens; the only thing in addition to the few exemptions to the husbands and children of American citizens from 18 to 21 years of age it gives is a preferential status of the balance of the quota to the wives and children of aliens permanently residing in the United States.

As I have stated, the quotas the countries, where these stranded wives and children are, is extremely small, and the relief granted in this bill to them is merely nominal, as almost every one of these countries in issuing passports to their emigrants give preference to the wives and children of those now residing in the United States, and our consuls abroad are following this policy as well.

As I have good reason to believe that a good deal of publicity will be given through the press, that Congress has passed legislation that will relieve the inhumane condition and that will enable to bring about the reuniting of these many unfortunate families, I am making this explanation for the purpose of familiarizing the Members of this House with what this bill actually provides, and what relief, if it can be called a relief, it will give, so that they will not be misled when answering the appeals of these organizations and their constituents.

Mr. Speaker and gentlemen, it is to be deplored that the Immigration Committee and this House refuse this nearly unanimous appeal of the good American mothers that compose these many civic organizations in America, and are swayed by a few so-called patriotic—but more properly unpatriotic—intolerant organizations, represented by a few professional lobbyists and propagandists.

Though there might be justification for the liberalization of the immigration law in other respects, in view of the millions of unemployed no one is requesting it or has sought to increase the large number of unemployed or that would permit of entry of any that would take the places of American laboring or wage-earning people. Had that been proposed I am sure that the American Federation of Labor, who are at all times guarding the interests of the American wage earner, would not have joined in the recommendation for this legislation to bring about the reunion of the families. They realize that none of those that would be permitted to come, whether the parents of American citizens or the wives and the children under 18 years of age of the residing alien would in any way affect the present deplorable labor situation, therefore, the reason for refusing the sought for legislation can not be justified on these grounds, but is only due to the prejudice and intolerance brought about, as I have often stated, by a limited number of professional restrictionists.

I can not help but say that the present administration and the Congress is pursuing a shortsighted policy which is detrimental to the best interests of our country.

How much nobler and grander it would be if our country would pursue a broader and more liberal policy and bring about friendly feeling and good will instead of incurring the animosity of those many groups in and out of the United States.

I feel that the Members have received, just as I have, hundreds of requests and appeals for legislation to reunite the eight to ten thousand families that are now separated.

I regret that these requests have fallen upon deaf ears, just as the appeal to nullify the national-origin scheme has. The time before it is to go into effect has been extended for one year instead of being repealed, as was promised by the administration and the Republican leaders. I can not understand why that action has not been taken, especially in view of the fact that the three Secretaries, the Secretaries of State, Labor, and Commerce, the administration, and the leaders of both Houses have been obliged to concede that there was no possible way to ascertain even approximately the allocation provided for in the discriminatory 1924 act.

I have on several occasions pointed out that it was a scheme for the purpose of further discriminating against certain nationalistic groups in the United States. I not only conceded but maintained that although we have the right and the power to do whatever we desire, we should legislate in the interest of America and that all legislation enacted should be considered only from that point of view. Firmly believing that it was for the best interests of our country to treat all of our peoples, it mattered not of what nationalistic group, fairly and justly, I pointed out, as I have stated, how discriminatory and biased this national-origin scheme was.

I argued that under the estimates submitted by the gentlemen who developed this wonderful scheme, countrymen of some of our citizens who beyond doubt would have demonstrated their worth in the future will be deprived and prevented from coming to the United States if this scheme is enforced. I also demonstrated that this legislation was preeminently in the interests of Great Britain.

I maintained further that the national-origin scheme according to estimates, would reduce the immigration from Germany from 51,227 to 20,028; from Sweden, from 9,561 to 3,072; from Norway from 6,453 to 2,053; from Denmark from 2,789 to 945; from Czechoslovakia, from 3,073 to 1,359; from Poland, from 5,982 to 4,535. On the other hand, I pointed out that the number that would be permitted to come from Great Britain would be increased from 34,007 to 85,135.

These statements that I made on this floor are borne out and fully substantiated by the table, which has been worked out and submitted by the three Secretaries after two years of investigation under the provisions of the law, and which is as follows:

The immigration act of 1924—Immigration quotas

Country of origin	Present quotas based on 1890 foreign-born population	Provisional quotas on basis of national origin
Armenia	124	
Austria	785	1,486
Belgium	512	410
Czechoslovakia	3,073	2,248
Denmark	2,789	1,044

The immigration act of 1924—Immigration quotas—Continued

Country of origin	Present quotas based on 1890 foreign-born population	Provisional quotas on basis of national origin
France	3,954	3,837
Germany	51,227	23,428
Great Britain and North Ireland	34,007	73,039
Irish Free State	28,567	13,862
Norway	6,453	2,267
Poland	5,982	4,978
Portugal	503	290
Rumania	603	516
Sweden	9,561	3,259
Switzerland	2,081	1,198

Their reports to the President and the President's report to the Senate show that these tables are unreliable and that it is impossible to reach with any degree of accuracy the correct number of nationals according to origin. These reports further show that Great Britain and northern Ireland would receive over 50 per cent of the entire immigration and all the balance of Europe under 50 per cent. In addition, the 100,000 Canadians that come into the United States outside of the quota, would give England and its colonies nearly 75 per cent of the total immigration.

The fact that these professional restrictionists have made no effort to place Canada and Mexico on a quota basis and have refused to pass the Box and my bills to stop the great Mexican and Canadian labor influx, satisfies me that they are not as sincere as they profess to be, but are mainly interested in retaining America for England. As to Mexico, the railroads and sugar-beet interests seem to have convinced these restrictionists that Mexican immigration is more beneficial to America than European immigration.

These gentlemen with their English leanings set up the English race as superior to all others without justification, and show undue interest in keeping out other nationals for fear that the English stock in America would suffer by the influx of Germans, Swedes, Norwegians, Poles, Bohemians, Lithuanians, Russians, Rumanians, and others by them designated as inferior and undesirable people.

Every one who honestly considers the contributions on the part of these various non-English nationalistic groups in the United States, it matters not how prejudiced he may be, is obliged to concede that these people who are being discriminated against, have beyond doubt contributed in a great measure not only to the prosperity and financial development of our Nation, but to our literature, art, and science as well. The character, history, and civilizations of these nations was recognized long before the English race was known.

Gentlemen, any one familiar with the national-origin scheme knows the source from which the power comes and also knows that this scheme and the pressure behind it is directed and commanded by the secret organizations which seem to control the action not only of the committee, but also of the House. How long will this be tolerated? How long will this great House of Representatives permit itself to be bossed and controlled by it?

This national-origin scheme, which is nothing but prejudiced biased class legislation fostered by a nefarious organization whose purpose seems to be the destruction of equality, should not only have been extended—it should have been repealed and a fair, just, and humane law substituted in its stead.

Mr. BYRNS. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. LANKFORD].

Mr. LANKFORD. Mr. Chairman and gentlemen of the committee, I have four articles on the subject of Sunday observance—one from the Boston Post; a short extract from a veto message recently delivered by Governor Fuller, of Massachusetts; a short statement from Harry Lauder, the great Scotch comedian; and an article by the late Senator Watson, of Georgia; all of which would take about 10 minutes to read. I ask unanimous consent to extend my present remarks in the RECORD and to include the articles and statements just mentioned.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LANKFORD. Mr. Chairman, my bill to provide for Sunday as a day of rest in the Nation's Capital has been attacked as an effort to destroy "religious freedom" and bring about the "union" of church and state. Of course, this contention is absolutely without foundation. Sunday legislation is in furtherance of "religious freedom" and of both the church and the state, but in no sense provides for their union.

No man in Georgia ever made a more determined fight for religious freedom and against the union of church and state than the late Senator Thomas E. Watson, of Georgia. It is therefore quite fortunate that Senator Watson expressed fully his views on Sunday laws in an article recently carried in the Watsonian, which I now quote practically in full:

A DAY OF REST

By Thomas E. Watson

A few more years, and the charging columns of traffic will have stormed the ancient battlement of the sacred city, and the steady stream of gain seekers will flow on, unimpeded by its barrier.

Already the beer gardens, the dance halls, the baseball and football teams, the railroads, and the newspapers drive right through its hallowed precincts. Already the busy contractor in the great city makes the hammers ring while the church bells chime.

Well, I am an old-fashioned man—simple in some things, I reckon. God knows I am little fitted to sermonize, but I am not ashamed to say that I feel a profound reverence for that old landmark—the Sabbath day. To see it go down under the hurrying feet of mere selfish money hunters would, in my eyes, be a far-reaching calamity.

This is said in no spirit of narrow sectarianism. Far from it. But I believe a periodical rest day is so very needful to the world; so true an economy of time, of energy, of strength; so moral and elevating in all its tendencies, that were religion entirely removed from the debate I would, as a lawmaker, vote to compel a weekly halting of the human hordes.

I have read somewhere that in crossing the plains, in the emigrant days, the teams which halted for Sunday always caught up with, and then passed, those which had traveled on without the halt. I do not doubt that such would be the case in any similar test.

The French Republic, in its general reforms, undertook to eliminate the seventh day, Sabbath, and to make every tenth day the Sunday instead. Historians tell us the attempt was a failure; that men and beasts wore away under the lengthened strain, and that France had to return to the old seventh-day rest.

In this country we have a heartless, tireless, pitiless race for wealth, such as the world never saw before. The great lines of duty are becoming dim. The grand ideas of moral responsibility are fading away. The sublime conception of life as a trusteeship of noble powers, aspirations, and opportunities, is battling for its very existence.

Every year this maddening rush for money; this insane "get-there" push for success, regardless of methods, sees us drawing nearer to the fatal brink over which so many nations have gone down in ruin. Whenever we lose entirely the belief in human accountability to Eternal powers; whenever we are possessed utterly by the creed that life ends at the grave, and that therefore we must "eat, drink, and be merry"—then, indeed, we are doomed.

Money will be the God we worship. The basest passions of our animal nature will assert supreme authority over thought and speech and act. From January to January there will be the rush, the roar, the march, the deadly combat, the shout of onset, the cry of the wounded, the cheers of these relentless civilized savages whose only care, purpose, effort, religion is to get money. In this mad saturnalia, so very destructive to the better attributes of manhood, the catchwords of the procession will be precisely the same as those under which all the old pagan nations went headlong to perdition, "money and woman and wine."

Strike Sunday out of the habits and thoughts and reverences of men, and we will have lost a priceless heirloom of the past whose value we did not know until it was gone.

I love the day of rest, quiet, and reflection. With folded hands one can stop and think. There's no thought that rivals are passing while we pause. They are halting, too.

There is time to look back upon the road already traveled and number the mileposts. On this day we are not afraid that somebody will drive by us and get ahead.

There is time to deal honestly with one's self, and to inquire with what cargo we are sailing on to the unknown seas—a most serious inquiry.

There is time to look over the leaves of our "Brief of Testimony," and to see what kind of case we are carrying to the great High Court.

There is time for all these and for many things yet better than these; and when Monday comes no man goes fresher or stronger to the unfinished tasks of life than he who can say, "I remembered the Sabbath day and kept it holy"—each being the judge of how he construes the word "holy."

Blessed forever be the old Sabbath of our fathers! Let every man frame his own creed and be true to it—but to me it is a sublime thought that when the sun comes up, on the seventh day, he glances over a world of rest; that the allotted tasks have been done; that strife is hushed; that rivalry enjoys a truce; the arm of labor is relaxed; the rush of capital is arrested; greed is at bay; conscience is alive; duty is on guard; and the white tents of peace are dotting every plain and valley on all this great globe.

Mr. Chairman, surely the fearless Thomas E. Watson would never have penned these words if he believed that Sunday laws were in the least antagonistic to the great principles for which he so nobly fought. There is practically no limit to the quotations in favor of Sunday laws. Great men from every calling of life have advocated Sunday laws. The solid fight against Sunday laws comes from those who either wish to make Sunday their greatest money day or who believe in some other day of the week as the true Sabbath or who hate our Christianity or who deny the existence of God. Probably the highest-salaried stage entertainer in the world is the great Scotch comedian, Sir Harry Lauder. Those of us who have heard him know he is not only an entertainer but also a man full of sympathy and love for all humanity. He gave his only son to make the supreme sacrifice in the World War and himself, too old to fight, went to the battle front and cheered the boys by his patriotic songs of bonny Scotland, of home, and of victory.

It is a real pleasure to quote from this great man. Here is what he says about Sunday observance:

SIR HARRY LAUDER'S SUNDAY

I am against Sunday theater shows, and I have told my fellow artists that if we fail to uphold our religion and our Sunday, men will scorn us, women will weep for us, and children will be taught to hate the name of the theater; and the curses of the generations to come will be forever at the stage door. * * * When for the first time I came to America I had four Sunday performances, and a more miserable engagement I never fulfilled. I felt I was doing something against my religion, something which I had been taught by my mother was wrong. It was unnatural for me to work on the Sabbath, and I felt the shame of it. I am a Scot, and I would die rather than dishonor God's Word. It would be better for me to go back to the mines where at any rate Sunday is looked on as God's gift, and when a man can refresh himself for the next week's labor.

Now, let me quote from a recent veto message of Governor Fuller, of Massachusetts, as follows:

This bill not only permits the sale of bread and other foods but also permits the delivery of the same on Sunday.

Such legislation is unnecessary. Massachusetts will do well to have no part in the commercializing of Sunday. There never was a time when a day of rest and quiet each week was more needed than it is to-day. To make Sunday just another week day is against the best traditions of Massachusetts and against the best interest of its people.

I welcome the opportunity of saying that I stand foursquare against the legalizing of business and also professional sports on Sunday, and I want to prophesy that if the sacredness of Sunday, with all the sentiment and beauty that the day inspires, is violated by legalizing business and by professional sports on that day, it will not be long before it is a regular working day for those to whom it might otherwise be at least a day of rest.

It is not a far flight from legalizing the working of women evenings—recently indorsed by one branch of the legislature—to working the men on Sunday. I look forward to that time when the laboring men and women of America will be working on a five-day rather than a seven-day week, of which this proposed legislation appears to be a forerunner.

I wish to give this additional quotation from a recent issue of the Boston Post:

Governor Fuller indicated plainly yesterday that he would have promptly vetoed the bill allowing professional sports on Sunday had it reached him. The governor's strong words against commercializing Sunday will be gratifying to those who fought the bill.

It is grossly unfair and unbecoming to charge those who opposed this bill with being fanatics, meddlesome persons, and extreme Puritans. Reverence for Sunday is a New England tradition and one close to the hearts of thousands of people. Many believe, and with truth, that once Sunday observance is broken down the whole moral atmosphere of the community will suffer a decline.

There is a mistaken idea that churches ought to cater to what is sometimes called "popular sentiment." Principles must never be yielded for the purpose of a little temporary applause. Governor Fuller very properly aligns himself with those who demand a proper reverence for Sunday and who will never surrender their right to defend its traditional sacredness.

Mr. Chairman, I receive a great many letters and newspaper clippings attacking me and the bill which I introduced to provide Sunday as a day of rest in the District of Columbia. I consign a large part of these to the wastebasket if they are not from my district. I answer my own people, regardless of what they may write about. I have never received a mean letter from my district, though, about this bill nor about any other bill. I do wish to answer a courteous letter from Portland, Maine.

I do not wish by correspondence to try to change any person's sincere religious belief; and I do not purpose conducting a correspondence law school for those who praise the Constitution when they can twist it into a shield for their wrongs and crimes and condemn and would destroy that noble document when its plain mandate contravenes their criminal proclivities and purposes. I regard the Constitution as a shield of justice rather than as a protection of the dagger of the assassin. It is the stronghold of a liberty-loving, righteous, God-worshiping people rather than the hiding place or rendezvous of the criminal, the libertine, and the atheist. Its every mandate is for the protection of personal liberty rather than personal libertinism.

Again, I do not purpose arguing either in writing or otherwise with an atheist or a fool. There is no sense in wasting good ammunition at nothing. I want a target when I shoot.

"God made him; therefore let him pass for a man." I receive letters almost daily from individuals "cussing" out all churches, all ministers, all chaplains, believers in Christ or God, announcing that our Constitution is godless, our Nation godless, and those of our people fools and criminals who believe in any kind of religion. I do not answer such letters. I know all the universe proclaims the existence of a God, but why argue with an individual who denies the greatest truth of all time and the only truth of eternity? If God Almighty, with His eternal, all-powerful wisdom and power, does not convince the atheist, why should I attempt such a task?

There can be no greater argument in behalf of the Great I Am than the eternal, everlasting work of His own hands.

The heavens declare the glory of God and the firmament showeth His handiwork.

Another class of individuals I do not purpose arguing with is those who think argument consists in calling each other mean names or applying derogatory epithets to the measure one favors or principle one advocates. Such people admit their inability to argue a proposition and simply get mad, say mean things, and make ugly faces. I do not care to rush into such a conflict, even though I feel I could put up the better argument. I do not choose to enter into a wrestling contest with a skunk, even though I am larger and stronger. I am glad, though, to give to any person honestly seeking after the truth my reasons for favoring a rest bill for the District of Columbia.

The fight on my bill to provide a day of rest for the District of Columbia is most remarkable. "Politics makes strange bedfellows." The infidels in their crazy fight on all religions, on Christianity, and on God are the most bitter against me and the bill sponsored by me. Almost if not quite as determined as the atheist are those that bow down to the mammon of unrighteousness and make the dollar their god, rather than serve the best interest of humanity and their country. Then there are those opposing my bill who are not Christians but who believe in God, who are fighting shoulder to shoulder with the atheist in their effort to make this a godless Nation and a godless people. Why should this aid, comfort, and help be given to the atheist by these historic, biblical people of God? They even believe in a "Sabbath," and yet fight a bill providing for one day of rest out of every seven. Why are they fighting Sunday legislation? Do they prefer atheism to one day of rest out of every seven? Do the Sunday box receipts at the movie and theater enter into the matter? Are they worshiping gold instead of God?

Then there is still another class of people fighting all Sunday legislation everywhere. Who are Christians? They are believers in God, but are making a determined stand with the atheist and nonbelievers who oppose all believers in Christ, the Bible, and God. These good Christians are furnishing ammunition and guns to the infidels and nonbelievers, which munitions are being used in a broadside against all churches and church people. These splendid Christians who honestly believe Saturday is the true Sabbath are applauding, shouting "Bravo" and "Well done" when those who deny the divinity of Christ score what seems to be a hit in their battle against Christianity. They are vigorously supporting those who favor Sunday movies, theaters, and baseball in destruction of the Christian Sunday and are giving aid and comfort to those who put gold ahead of God, and are offering Christ for "30 pieces of silver." I am wondering why all this is happening. I had as soon embrace a live rattlesnake as arm up politically or otherwise with an atheist.

I fear we Christians ofttimes engage in a warfare on each other destructive of ourselves and all we hold near and dear simply because we differ on an inconsequential detail. So far as my bill is concerned, let me say it only seeks to provide one day of rest out of every seven. It is not a religious bill. What

other day could be better used in this country, where most people use Sunday as a day of rest? And now, having made these observations, let me answer more specifically the letter of my friend from Maine.

He inclosed a newspaper clipping which tells the whole story. As usual, the newspaper item is misleading and absolutely unfair to my bill. It does not appear what paper carried the item; however, it does not at all state the truth about the bill. An effort is made to show that my bill is the bill of the rich man rather than for the protection of the poor. I shall not quote the item in full. Anyone who will take time to read the bill will see that this item and thousands like it was written either with the deliberate purpose to deceive or with a criminally careless indifference to the truth.

It has been urged from time to time that Sunday laws are unfair to the poor workingman and that I am attempting to legislate a hardship on the laboring man by endeavoring to provide one day of rest out of every seven. I pride myself on being the friend of the poor. None of my people are people of wealth.

My father prior to his marriage was a track hand on the old Atlantic & Gulf Railway, in Georgia. He finally became section foreman and received $40 per month. All my people earned a living by their manual labor. When I was a boy I walked and carried many a dozen eggs 5 miles to market, at 15 cents per dozen, and then walked back home with a bucket full of potash, Arm and Hammer Brand Soda, and so forth, in payment for the eggs. I plowed many a week until I was glad to see Sunday. I learned to love Sunday as a day of rest. .

No; I am not an enemy of the man who toils. I am his friend, heart and soul. They are my kind of folks. I have never knowingly voted or worked against the people who toil. As God has given me to see the light, I have always voted and struggled for the man who is poor and who earns his living by honest toil. My record in this respect is open to all, and I am proud of it.

How am I seeking to hurt the poor laboring man by a bill to provide for one day of rest out of every seven? If I was seeking to eliminate Sunday as a day of rest and require in the District of Columbia and elsewhere that all departments of Government, all factories, and other enterprises continue operation every day without any day of rest, I could be justly said to be fighting the poor workingman. The Sabbath was ordained for the workingman who toils on the six days. The man who does no work does not need physically to rest on the seventh. Too many people in this country are in the class of the idle rich, who do not work on any day. God Almighty ordained that man should rest one day after working six, because it is not right for man, slave or free, to work every day with no day of rest. Neither is it right for any oxen or beast of burden to be deprived of the one day of rest out of seven.

The laboring man owns one day of rest out of every seven, just as he owns his wages, his dinner pail, his home, or his life. The injunction in the commandments against theft are for the protection of the laboring man's property, the one against murder for the protection of his life, and the one against the destruction of the Sabbath is for the protection of the laboring man's one day of rest out of every seven. The Sabbath was made for man, not man for the Sabbath. Truly the Sabbath was made for the laboring man just as the "eight hours a day" law was made for the laboring man.

I received a few days ago a petition signed by a few people of my district, objecting to my bill and all efforts of Congress to control labor.

This petition is on a prepared form, and therefore probably hundreds and thousands of them are being signed and mailed to Members of Congress. Truly these people have not thought fully of the import of their recommendation. The safety of the public is at stake. Millions of lives are hazarded if the engineer is forced to pull the throttle and keep his eyes on the rail after his faculties are exhausted. Surely reasonable laws regulating the hours of labor of the workingman were made for mankind. It is just as important that man rest after working six days as it is that he rest after working eight hours. "The Sabbath was made for man, not man for the Sabbath."

Man was not made to be destroyed on the Sabbath; surely he was not made to be exploited or debauched on the Sabbath. The Sabbath was set apart as a day of rest for man to regain his fagged physical energies and give such attention as he might wish to his moral and religious welfare. The Sabbath was made for man; it is therefore right to help our fellow man on the Sabbath. To give of one's goods, chattels, and moneys for the benefit of the poor and suffering is commendable. It is likewise right and noble to devote part of one's day of rest to assistance of the suffering and the poor.

"The Sabbath was made for man," and unselfish service of man on the Sabbath is in accordance with the purpose of the Sabbath. If works of necessity and charity were stopped by legislation or as a result of Sabbath observance, then man would become the tortured slave of the Sabbath.

Man was not made for the Sabbath, the Sabbath was made for man. It was made for the poor and needy. It was made for the laboring man. It was made for the man who has toiled all the six days and needs so much as one day of rest.

The fact that man on that day turns his face to the God who gave him life and worships makes the day no less "for man" and no less desirable. Neither is the day less desirable or necessary because through the ages it has afforded the laboring man—even the poorest of the poor—one day out of seven with his wife and children in the home and permitted an opportunity for the family to strengthen the ties of love which bind the family and tie it to the great brotherhood of man and fatherhood of God.

"The Sabbath was made for man," but that is no reason for its destruction. Food was made for man, not man for food, but that does not legalize chicken stealing, cow stealing, or hog theft. Life was given to man "for man," but that takes none of the offense away from murder. Our Federal Constitution was made for man, not man for the Constitution, and yet it is well to preserve that instrument. Our Government was made for man, not man for the Government; nevertheless, one seeking the downfall of his Government is no less a traitor.

"The Sabbath was made for man," and, oh, what a fortress of protection it has been for man and especially for the tired and worn man of toil. It has blessed his home, his family, his country; has helped him to lead his sons and daughters to a better life, and has enabled him by precept and example to point to rest everlasting.

"The Sabbath was made for man," not to perpetuate him in slavery either of body or soul but to enable him to climb to a new level of physical, moral, and religious freedom. "The Sabbath was made for man"—the laboring man, if you please—and it has saved his body from physical wreck because of overwork, has sweetened his rest, made his home a foretaste of heaven on earth, has enabled him in the past to raise his sons and daughters to be the purest and best of all the earth and the greatest men and women of all time, and has enabled him—the workingman—with a day set apart for his own use, to worship God according to the dictates of his own conscience and enjoy communion with his God, the Creator of mankind.

Yes, "the Sabbath was made for man"; for man's best interest, for his home, his church, his country, and his God. The commercialized amusement interests seem to think both man and the Sabbath were made for them. They care nothing for man except as he brings his cash to their money changers. They care not for the Sabbath, or Sunday, except that they are making it the biggest business day of their week. They favor Sunday in so far as it closes other business, governmental departments, and places of employment, and gives them a monopoly on Sunday business. The commercial amusement interests make no fight on Sunday as a rest day in so far as their patrons are relieved of work to attend their shows. They favor Sunday in so far as it helps their pocketbook. They oppose Sunday regulation if it hurts their pocketbook. If they are so opposed to Sunday observance, why do they not use their money and the influence of their confederates to make a fight to prevent any recognition of Sunday as a practice or custom? They want Sunday as a money-making enterprise. These same people who protest so loudly about their freedom of religion being imperiled by Sunday legislation are content that everybody else close so as not to be in competition with them and so as to furnish a crowd for their cash windows. Are they sincere in their alleged fight for freedom of religion? Why do they not oppose celebration of Christmas as the birthday of Christ? They are strong for Christmas holidays. That helps business.

Are not "freedom of religion," "separation of church and state," and "intolerance" overworked by those who are the most intolerant and who do not care what becomes of church, state, or religion, just so their particular whim is not disturbed nor their greed for gold molested? I shall have more to say presently of these matters.

"The Sabbath was made for man, not man for the Sabbath." I am equally sure the Sabbath was not made for the commercialized amusement interests, although an effort is now being made to deliver it to them.

I am just wondering how Christians who recognize Saturday as the Sabbath decide that they will be deprived of "freedom of religion" if movies, theaters, and commercialized baseball should stop on Sunday. How do they arrive at the conclusion that a law stopping and preventing on Sunday the vulgarity of the public dance hall and the profanity of the pool room will immediately cause a union of church and state? If they are so afraid of the union of church and state by the passage of a law providing for one day of rest out of seven, why do they not oppose chaplains, the exemption of church property from taxation, and every other recognition of the church by the state?

These good people know that neither of these nor a decent Sunday law will bring a union of church and state or in the least interfere with the fullest of religious freedom.

Chaplains are proper. They go as ministers to the boys in the Army or at war who could not get to confer with ministers otherwise. If I have any criticism of the chaplains of the Army it is that all faiths are not represented fully enough. The making of a reasonable amount of church property free from taxes is not harmful, neither does it interfere with the right of religious freedom.

My bill (H. R. 78) to provide for Sunday as a day of rest in the District of Columbia would not in the least infringe any of these splendid guaranties. My bill, though, stirs up a fight, for there are those who favor Sunday when it closes his competitor's place of business, but objects if he must close at the same time. He prefers to stay open while all others are closed. He gets all the trade.

The commercialized amusement interest favors Sunday and Christmas in recognition of birth and resurrection of Christ so long as they help business, but cry for all the protection of every known and unknown right when their financial interest is disturbed in the least.

The keeping of Sunday as a day of rest by the public does not prevent others from keeping other days. Most of those who complain of unfair Sunday law do not observe any day. They look at the whole as a gigantic money-making scheme. Shall those who have always fought the Christian Sunday now become the masters of the Sabbath to destroy it as a day of rest by making it the great day of financial desecration and profit? Many who oppose Sunday legislation have a double motive. They hate the Christian Sunday and hope through the movies and theater to lead our children to hate our Sabbath and our Christianity and want us to pay them millions of dollars every month for the outrage.

My bill to provide a Sunday rest law for the District of Columbia is not an abridgment of freedom of religion; neither is it objectionable as being religious. It is true it is in accordance with one of the Ten Commandments. So is the law against murder. In fact, there is Scriptural authority for practically every statute, both civil and criminal. That does not make them objectionable. They say Christian people favor the bill. That is true, but a very few Christians oppose it, and, so far as I know, all non-Christian believers and atheists oppose it. This does not make it a religious measure. It is said it will help religious people. I believe it will. I certainly would not favor it if I thought it would help only atheists and nonbelievers. All good laws help Christians, churches, schools, homes, and the best people generally.

I favor separation of church and state as much as anyone, but separation of church and state does not mean to make ours a godless Constitution for a godless Nation of godless people. Some want to separate the church from our country by destroying all churches and making our citizenship a godless people. Others object to people who believe in the divinity of Christ having any part in making our laws. Others object to any people of the Protestant faith advocating reasonable laws and urge that the Constitution is being assaulted. Still others urge that this should be a government of infidels, for infidels, and by the infidels.

The union of church and state, which is objectionable, is the control of the government by one or more churches in the state prescribing a specific religion for all. The sponsoring of a measure by religious people does not make it objectionable. I am frank to say, though, I would look with great disfavor on a bill not advocated by any believers in God.

My bill does not interfere in the least with complete religious freedom or with the fullest separation of church and state.

Mr. WOOD. Mr. Chairman, I yield three minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman, transportation is the big problem before this country to-day.

At various times during the past several years I have pointed out to the Interstate Commerce Commission the excessive and, as we believe, discriminating freight rates that obtain in the Pacific Northwest. The Portland differential, fruit rates, and wheat rates east and west constitute three separate problems.

The differential in favor of Portland operates to eliminate Seattle and Tacoma as competitive buyers in that great wheat territory south of the Snake River in Washington and Oregon. Directly and indirectly the Portland preferential is said to cost the wheat growers of that section 3½ cents a bushel, or about $450,000 annually.

Several unsuccessful attempts to correct this injustice have been made. Another hearing is contemplated. So the controversy has continued for several years, and so it must continue till a fair deal is secured for our wheat growers and grain buyers in that territory. Meanwhile these repeated hearings and the delay are imposing a heavy burden on our people which in justice they ought not to bear.

But this is not all. The whole agricultural freight structure in the Pacific Northwest needs revamping.

HOCH-SMITH RESOLUTION

To facilitate freight adjustments on agricultural products the Congress passed the Hoch-Smith resolution in January, 1925. That resolution provides, in part, as follows:

Resolved, etc., That it is hereby declared to be the true policy in rate making to be pursued by the Interstate Commerce Commission in adjusting freight rates that the conditions which at any given time prevail in our several industries should be considered, in so far as it is legally possible to do so, to the end that commodities may freely move.

* * * * * * *

In view of the existing depression in agriculture, the commission is hereby directed to effect with the least practicable delay such lawful changes in the rate structure of the country as will promote the freedom of movement by common carriers of the products of agriculture affected by that depression, including livestock, at the lowest possible lawful rates compatible with the maintenance of adequate transportation service: *Provided*, That no investigation or proceeding resulting from the adoption of this resolution shall be permitted to delay the decision of cases now pending before the commission involving rates on products of agriculture, and that such cases shall be decided in accordance with this resolution.

A hearing under this resolution will be held at an early date at Seattle. We are entitled to a prompt decision.

FARMERS WEARY OF DELAYS

At the time we passed the resolution and every day since we passed it it has been common knowledge that the farmers were gripped by an almost unprecedented depression and that the railroads were more prosperous than ever before. Regardless of these facts ceaseless investigations by the Interstate Commerce Commission have gone on for three years. Of course, there are two sides to all questions and in fairness all parties at interest must be heard. However, witnesses should not be permitted to filibuster. No good purpose is served by taking thousands of pages of testimony that can never be considered. The Congress provided in the Hoch-Smith resolution an instrument for speedy adjustments and the reduction of excessive rates on farm products, but the Congress and the country are already weary of delays.

True, beneficial adjustments have been given to certain sections of the country and on certain products but vast areas are still waiting. A freight reduction inaugurated several years after a farmer is bankrupt and out of business doesn't greatly concern that particular farmer. My wheat farmers and apple growers need their freight reduction benefits in 1928.

If general reductions are not more speedily obtained under the Hoch-Smith resolution then I predict the repeal of section 15a of the transportation act at no distant date.

At this time I want to present a general discussion of western grain rates in the United States and Canada by the chairman of the Interstate Commerce Commission:

INTERSTATE COMMERCE COMMISSION,
Washington, April 23, 1928.

RATES ON GRAIN IN THE UNITED STATES AS COMPARED WITH CANADA—PROGRESS UNDER HOCH-SMITH RESOLUTION

Hon. JOHN W. SUMMERS,
House of Representatives, Washington, D. C.

MY DEAR DOCTOR SUMMERS: This will have further reference to your letter of April 30, which I acknowledged on that date.

Before dealing directly with the Canadian-American wheat-rate situation to which your letter primarily refers, I think it well to deal briefly with the general grain-rate situation in the western United States. As far as I know, there never was material complaint with respect to the general adjustment of grain rates for export from the

western part of the United States prior to the war. Due to increased costs of materials and supplies and wages of employees, the expenses of operating railroads in this country increased heavily between 1915 and 1920. Under such increased costs it became impossible to continue operation of the carriers in this country under the rates formerly in effect. While there has been a considerable drop in prices since 1920, the prices of almost everything still average about 50 per cent higher than in 1914. Freight rates were first increased in 1918 by 25 per cent, and again in 1920 by varying percentages, the increase in western territory being 35 per cent, except that in the territory west of the Rocky Mountains the increase was only 25 per cent. Speaking generally, these increases applied alike to all traffic except that on grain the increase of 1918 was limited to a maximum of 6 cents per 100 pounds, so that the rates on that commodity that were more than 24 cents were not increased as much as other traffic.

During the depression of 1921, which was particularly pronounced in the grain-raising regions of the West, this commission conducted an investigation of grain rates throughout the West and reduced the rates on wheat, hay, and their products to the extent of removing one-half of the increase imposed in 1920. On coarse grains and their products the same reduction and an additional 10 per cent (reduction) was made. The effect quite generally was to reduce wheat rates 13 per cent and coarse-grain rates 20 per cent. The commission reduced all other rates on July 1, 1922, by 10 per cent. It is therefore apparent that, speaking generally, grain rates in the West have been reduced to a greater extent since 1920 than rates on other commodities.

In 1923 the commission conducted another investigation of grain rates in the West. Its decision was rendered on July 10, 1924, and was to the effect that the evidence did not warrant further reductions in rates. Rates and Charges on Grain and Grain Products (91 I. C. C. 105). A copy of the commission's decision setting forth the facts upon which this conclusion was reached is inclosed.

A third investigation of grain rates in the West was started on December 30, 1926, and is known as part 7 of the commission's general investigation under the Hoch-Smith resolution, No. 17000. The first hearing in this case was held at Dallas, Tex., commencing May 9, 1927, and lasted 3 weeks. Further hearings have been held at Wichita, Kans., 5 weeks; at Minneapolis, Minn., 8 weeks; and at Chicago, 11 weeks, the latter hearing ending in March of this year. Three additional hearings are to be held, the first to commence at Seattle, Wash., on May 22, and the other two to be held at Los Angeles, Calif., and Portland, Oreg., respectively, and to follow immediately after the close of the Seattle hearing. Self-evidently much of the testimony with respect to the Montana-Idaho-Washington situation will be developed at these later hearings and therefore is not yet in the possession of the commission.

Notwithstanding that grain rates in the western part of the United States have been reduced since 1920 to a greater extent than have rates on other commodities, it is true that, speaking generally, rates for like distances in Canada are somewhat lower than those in the United States. I make this statement, although I do not have complete and accurate information with respect to the rate situation in Canada because railways in that country are not required to file with this commission their tariffs applying between points in that country. However, I will endeavor in this letter to give you such information as is in my possession with respect to the relative wheat-rate situation in this country compared with Canada.

In 1924 the United States Tariff Commission made an investigation of this subject, and its report to the President was printed by the Government Printing Office under the caption, "Wheat and Wheat Products." According to that report the average weighted rate on Canadian grain to ports on Lake Superior such as Fort William and Port Arthur was 14.1 cents per bushel. The Tariff Commission estimated that comparable rates from American points to Duluth averaged 4.77 cents per bushel higher. These respective figures reduced to rates per 100 pounds would be 23.5 and 7.9 cents. The same report found the westbound rates from the Canadian Provinces to Canadian ports to be about the same as the westbound rates from points in the United States to Puget Sound ports, and higher than the eastbound Canadian rates to the Lake ports. I have every reason to believe that the figures prepared by the Tariff Commission are substantially correct.

Since that time there has been comparatively little change in the rates in the United States, but some change has been brought about in the Canadian situation by reason of an order entered by the Board of Railway Commissioners for Canada on September 12, 1927, which was made as a result of an investigation made pursuant to a resolution by Parliament adopted June 5, 1925. Briefly stated, the order of the Canadian commission made no changes in the eastbound rates from main-line points to ports on Lake Superior. It did, however, extend to points on branch lines which formerly had higher rates, rates to the Lake Superior ports substantially the same as those from main-line points. As I understand that the rates quoted by the Tariff Commission represented largely main-line hauls, the relative situation in the United States and Canada with respect to transportation eastward through Great Lakes ports and thence by water therefore remains about the same as it was found by the Tariff Commission in 1924. Said order also required that westbound rates to Pacific ports be made substantially the same as eastbound rates for like distances to Lake Superior ports and made a reduction in the export rate all-rail from Fort William and Port Arthur to Quebec for export, from 34.5 cents down to 18.34 cents.

I am not prepared to express a definite opinion as to the precise effect of the Canadian commission's order upon the transportation charges actually paid by Canadian grain producers. I am inclined to think that the heavy reduction from Fort William and Port Arthur to Quebec will have comparatively little effect, because, as I see the situation, it consists principally of bringing down the all-rail rate from these ports to a basis which will still be higher than the water or water-and-rail rate already available via the Great Lakes from Fort William and Port Arthur. Presumably the principal effect of this change will be to have a greater percentage of the grain move over the railroads and a less percentage via the Lakes, although it may not even have this effect, because the water rates will still be lower. Grain produced in the United States and shipped to Duluth would pay from Duluth to Quebec by water substantially the same rate as grain from Fort William and Port Arthur to Quebec by water. Therefore the net disadvantage of American grain would be represented by the difference in rail transportation from the point of production to Duluth as compared with Canadian grain transported to Fort William or Port Arthur.

If shipped by water from Duluth to Buffalo, and thence by rail to New York, the charge for the rail transportation from Buffalo to New York would be 13.5 cents per 100 pounds, to which would have to be added the water rate from Duluth to Buffalo. The latter rate fluctuates considerably. Sometimes it is as low as 1.5 cents per bushel, not including elevation, insurance, and similar charges, and at other times it is considerably higher. The total charge from Duluth to cars at Buffalo probably would be under ordinary conditions from 8 to 9 cents per 100 pounds.

The effect of the reduced westbound rates to the Pacific coast ports will probably be to increase the movement through the Pacific ports as compared with the eastbound movement to Atlantic ports, but I do not know whether or not it will actually reduce the transportation charges paid by the producers to any material degree.

I am not aware of any recent reduction of 3 cents per 100 pounds or any other amount in export rates on grain from Montana, such as mentioned in your letter.

I think it might be well also to call attention to some factors which bear upon the relative rate situations in Canada and the United States. The railroad policies of the two countries are vitally different. In the United States we have private ownership and management. There are many strong and powerful systems and many weaker lines. The stronger lines are, generally speaking, in position to make rates lower than those in effect on the weaker lines, but the policy of Congress, as declared by the transportation act, 1920, is to maintain a system of rates which will build up an adequate transportation machine for the country as a whole on a basis which will enable the weak lines as well as the strong lines to live and serve adequately the communities along their lines. The important thing, however, is that the lines of this country are wholly dependent upon the revenues derived by them from transportation. The situation in Canada is materially different. Practically all the mileage in Canada is owned by two systems—the Canadian National and the Canadian Pacific. The former is owned by the Government of Canada. It embraces practically all the weaker lines in Canada. The Canadian Pacific is a strong line comparable to the strong carriers in this country, such as the Union Pacific. Consequently, Canada is in position to impose a level of rates which will be as low as a strong line, such as the Canadian Pacific, can stand, regardless of the effect upon the revenues of the Canadian National, deficits in which are made up from the public treasury. That such deficits have in fact been incurred by the Canadian National is evidenced by the fact that in 1925 it failed to earn enough to pay the interest on its debt by $42,197,664 and failed likewise in 1926 to the extent of $29,894,072. I have not available the figures for 1927.

Many years ago the Canadian Pacific was granted a charter to build a line from Lethbridge, Canada, through what is known as the Crows Nest Pass into British Columbia. At that time it was given an extensive land grant and a subsidy of $3,500,000. In return it agreed, among other things, to reduce the then existing rates on grain to the Lakes by 3 cents per 100 pounds and to maintain those rates perpetually unless permitted by the Canadian Government to raise them.

Those rates were made effective in 1899, at which time costs of railway operation were materially less than they are to-day and at which time the level of rates in the United States were, generally speaking, lower than it is to-day. Between July, 1919, and July, 1923, the Canadian Government permitted the Canadian Pacific to charge higher rates than were permitted in this so-called Crows Nest Pass agreement, but on July 7, 1923, it required a return to the rates which were made effective in 1899. Those rates applied principally from main-line points, and are those upon which the computations of the Tariff

Commission above mentioned were made, and, of course, they are also the rates upon which the reduced rates from branch-line points to the Lakes made effective in September, 1927, were based.

At one of the hearings in the grain-rate investigations now being conducted by the commission a witness for the Great Northern Railway introduced an exhibit purporting to show the taxes per mile of road paid by the Great Northern in the States in which it operates as compared with the taxes paid by Canadian lines which operate immediately north of the Canadian border. According to this exhibit the taxes per mile in the States of Washington and Idaho are, respectively, $1,264 and $1,602, whereas in comparable parts in British Columbia the taxes of the Canadian lines per mile of road are shown as $301. The exhibit indicates that the Great Northern paid in the period covered by the exhibit taxes amounting to $9,280,137, whereas if the taxes had been at the same rate per mile of road as paid by the Canadian lines such taxes would have been $1,623,706. The difference of $7,656,431 represents 42 per cent of the gross revenue received by the Great Northern for transporting grain and grain products in the same period. In other words, the carrier contends that if its taxes were at the same rate as in Canada it could reduce its rates on grain to a basis as low or lower than that in force in Canada and still make as much net revenue as it now makes.

I do not, of course, vouch for the accuracy of the exhibit or for the deduction drawn therefrom by the carriers, but I am informed that its substantial accuracy was not questioned. If said exhibit does portray a true relative picture of the taxes paid in the United States and Canada, it would go a long way to explain the existing difference in rates in the two countries.

Pages 67 to 72 of the commission's annual report to the Congress for the year 1927 contain an outline of the investigations made by the commission under the Hoch-Smith resolution. As you can undoubtedly obtain a copy of that report from the Library of Congress if you do not already have it in your office, I will not attempt to reproduce that information in this letter. Since that report was issued hearings in all of the 11 parts therein mentioned have been proceeding as rapidly as the commission's appropriation and staff permitted.

Very truly yours,

J. B. CAMPBELL, *Chairman.*

In the foregoing letter Chairman Campbell states that the general commodity price level now is about 50 per cent higher than in 1914, but I remind the commission that the primary market wheat price—the price received by the farmer in the State of Washington—has probably not averaged more than 25 per cent during the past several years above the pre-war price.

The railroad taxes referred to in this letter are assessed, collected, and expended by the towns, counties, and States through which the roads pass and, of course, can not be influenced in any way by act of Congress.

The following brief table of comparisons is vitally interesting:

Carload wheat rates in cents per 100 pounds in United States and Canada

Distance (miles)	To Portland, Oreg., from—	Rate per hundredweight
244	Walla Walla, Wash.	18½
265	Yakima, Wash.	21½
273	Waitsburg, Wash.	19
294	Turner, Wash.	19
304	La Crosse, Wash.	21½
312	Pomeroy, Wash.	23
325	Connell, Wash.	21½
356	Lewiston, Idaho	24
611	Shoshone, Idaho	42
701	Twin Falls, Idaho	44
817	Montpelier, Idaho	47

Distance (miles)	To Port Arthur, Ontario, from—	Rate per hundredweight
298	Kenora, Ontario	13½
621	Elkhorn, Manitoba	18
635	Fleming, Saskatchewan	19
739	Indian Head, Saskatchewan	20
822	Moose Jaw, Saskatchewan	20

Wheat, fruits, and vegetables yield enormous revenues to the roads, but the rates are very burdensome to the growers. It seems a speedy, general adjustment of rates in the Pacific Northwest would be mutually beneficial to agriculture and to the roads.

Mr. BYRNS. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK of New York. Mr. Chairman, in the few minutes at my disposal I shall call the attention of the House to a little monkey business that is going on between the White House and the Capitol, and that has been going on ever since I have been here. The President comes in with a message and asks the Congress to do this, that, and the other. We start out to do these things, and we spend money on them. Then there is a howl from the White House, and it is generally the congressional leaders on the Republican side who lead the pack in the House protesting against the expenditure of the money. That is hypocrisy and political bunkum of the lowest order. The other day one of the bulldogs of the Treasury in the House, the gentleman from New York [Mr. SNELL], read to the House a warning, in which he itemized certain problems that were going to be attended to by the Congress, and he pretended to be alarmed at the cost of them. I took occasion to read the message of the President one day when I did not have much else to do, and found that the President sent word to Congress that he wanted all of these things done. I am wondering whether the President expected these things to be attended to without the expenditure of money.

The President said something about flood control in this message. We passed a bill for flood control, and the President in conference with some distinguished statesmen put a "the" where an "a" should be and changed a comma to a semicolon, and the bill was thus so amended as to satisfy his idea of economy and was signed, with no substantial change in the bill at all. Notwithstanding this, the chairman of the Rules Committee was alarmed at the cost of flood control. Then the President said something about doing something about Muscle Shoals. We tried to do something about Muscle Shoals, and the gentleman from New York again was alarmed. Then we have Boulder Dam, with the same thing occurring, and also with respect to the Virginia Road, and the same thing also in respect to the vocational education bill. The President wanted something done about farm relief. Of course, we hear about that in every session of Congress. Then there is the good roads bill. The President had a message on that, too. He also said something about the Clark memorial, and yet on May 8 the chairman of the Committee on Rules takes a fling at Congress because Congress tried to do something about this program that the President sent to Congress, which he said we ought to take care of.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. BLACK of New York. I yield to the gentleman from Michigan.

Mr. CRAMTON. Can the gentleman from New York point out to the House any message from the leading Democratic candidate for the Presidency with reference to farm relief, Muscle Shoals, or any other national problem except prohibition?

Mr. BLACK of New York. I will say that when the leading Democratic candidate of the Democratic Party becomes President there will be cooperation between the White House and the Capitol, and when the leading Democratic candidate becomes President, when he sends a message to this Congress, he will mean it. During his service as Governor of the State of New York he has sent messages to the legislature and has made a Republican legislature do things that were desired by the people, whereas the President in the White House now, in his six years' service, has not succeeded in doing anything to make the Congress follow his leadership.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield further?

Mr. BLACK of New York. I can not yield.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WOOD. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. FREAR].

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. FREAR. Mr. Chairman, I had no intention of speaking until the gentleman from New York [Mr. BLACK] misstated the effect of the flood control bill, which he says was approved by the President with no substantial change in the bill after its passage by the House. A week's effort to expose the viciousness of the bill as it passed the Senate and House appears to have been wasted in seeking to enlighten him. Anyone familiar with the facts knows that the bill as changed and modified will save the Federal Government several hundred millions of dollars, depending in amount upon the exact plan hereafter adopted. Possibly the gentleman from New York was not present during consideration of the bill, and that may account for his error.

I will not repeat what has been set forth in the RECORD beyond a brief correction of his statement that should not go

unchallenged. The flood control bill was before the House committee for about five months, during which time over 300 witnesses were heard. A bill was reported out by the House committee, but opposed by six Republican members of the committee. Their minority report disclosed many unjust provisions in the bill which would cost the Federal Government $1,400,000,000 instead of $325,000,000 carried in the bill, or a billion dollars more than the camouflaged amount named in the bill. These figures were actual estimates reported by Army engineers. I was a member of that minority.

The flood control bill was not pressed for passage in the House, but immediately thereafter the Senate committee held brief hearings on a Senate flood control bill and this bill was rushed through the Senate with less than two hours' discussion, passing the Senate unanimously, carrying $325,000,000, although its estimated cost by engineering experts reached over a billion dollars. After passing the Senate in order to influence House action that had been halted by the minority report disclosures, the Senate bill with modifications was hurriedly reported by the House committee. That bill was debated by the House for over a week's time and its viciousness and extravagance was exposed so that when the House voted on my motion to recommit the bill a total vote against the bill in favor of such motion reached 167, or far more than enough to sustain a veto. Additional support was assured for that emergency if necessary. This result, in view of its unanimous passage by the Senate and overwhelming sentiment at the outset in the House, was a surprise to those who expected to railroad the bill through Congress and override the President on a sympathy plea.

The flood control bill that passed the Senate and with slight modifications was reported to the House provided that the Federal Government must buy or condemn approximately 4,000,000 acres of land for flood ways or secure flowage rights. This it was estimated by Army engineers would cost the Government $200,000,000 or more based on the brief survey they had made. The House bill also compelled the Federal Government to buy all land along the Mississippi River that was overflowed because of Government levees on the other side of the river or else to secure flowage rights.

No estimate of this enormous cost could be offered by anyone because it was simply a blanket insurance of all land so affected along 1,000 miles of the river. Next under the bill the Federal Government was made liable for all costs of relocating railways and railway damages estimated by railroad engineers at over $71,000,000. Estimates of these and other costs reached anywhere from $300,000,000 to $500,000,000 for flowage rights, damages, and other governmental liability under the bill.

This bill with slight changes, I believe, was voted for by the gentleman from New York.

Mr. BLACK of New York. Then the Republican side of the House confesses extravagance on the flood control bill as originally introduced.

Mr. FREAR. I have stated the facts, although I voted against it; but, as to that, did not the gentleman from New York [Mr. BLACK] vote for it, and did not all of the Tammany Democratic delegation from New York vote for it?

Mr. BLACK of New York. I did vote for that. I am glad to say I did it.

Mr. FREAR. That is what makes possible the enormous waste of which the gentleman from New York complains.

Mr. LAGUARDIA. The Republican side always does well when it follows the lead of progressive Republicans like the gentleman from Wisconsin and myself. [Laughter.]

Mr. FREAR. Let me say that no more valuable Member of the House can be found than my distinguished friend from New York, Major LAGUARDIA, and at this time I express my appreciation for his aid in exposing the objectionable features of the flood control bill when before the House, and in compelling its acceptance as finally passed. That exposé enabled the President to secure concessions which saved to the Federal Government several hundreds of millions of dollars, as first stated. The bill was so emasculated and expurgated by the conferees that its best friend would not have recognized it in the bill which finally received the President's signature and became law.

In a brief word, the 4,000,000-acre purchase of flood-way lands was eventually stricken from the bill. The unlimited damage to 1,000 miles of Mississippi River lands due to Government levees built on the opposite side of the river, was also finally stricken from the bill. In their stead is a modest provision that flowage damages must be beyond those of 1927 or of any other flood before the Government is responsible. It is estimated this will not cost the Government 2 per cent of the enormous land purchases proposed in the Senate and House bills, or far less than the annual interest charge on the bill as originally reported. It will save to the Federal Treasury from $200,000,000 to $300,000,000 or possibly over that amount. But this is not all. The $71,000,000 in the Senate and reported House bills for railway damages is also now stricken from the bill. To these changes should be added a nonpolitical commission, unlike the Senate body, that now should arrive at an uninfluenced judgment in recommending a flood-control plan. The President and not the commission is to determine acceptance of the plan. A right to offset benefits to land against the limited flowage area as now anticipated and a provision that declares a policy of one-third contribution for all future flood-control projects are other important changes.

I repeat the Mississippi flood control bill passed by the Senate and House bears slight resemblance to the sheared and scoured measure accepted by the President after it had been cut down and radically changed by the Attorney General, Chief of Engineers, and other advisers.

Not one necessary or important part of the bill is missing, for every essential feature remains with an ultimate reduction on the 10-year $1,000,000,000 to $1,500,000,000 estimated project in the bill as passed by the Senate and House to an amount not greatly in excess of $325,000,000 originally named for the project.

I assume the gentleman from New York [Mr. BLACK] was not familiar with the course of the flood control bill or he would not have sought to make political capital out of a bill for which he voted. I rarely seek to draw political lessons from financial legislation, because party lines are not always well defined and political liability is second to official responsibility, but I call attention to the fact that of the 167 votes on my motion to recommit the bill which thus saved several hundred million dollars to the Federal Treasury at a minimum estimate, over 160 votes were from Republican Members, including every Member from my own State, while of the Members willing to swallow the billion dollar bill as first submitted, practically every Democratic Member, with two or three exceptions, voted for the full limit.

These included the entire Tammany Democratic delegation from New York as stated, with possibly one or two exceptions. Whatever restrictions and savings were accomplished by the week's fight against the reported bill belong entirely to Republicans who made certain a vote that would sustain a presidential veto.

During the last Democratic control of the House a decade ago I devoted much work in exposing different "pork barrels" with the Federal Treasury furnishing the cash that went into needless uncommercial waterways and public buildings. Several of these bills were blocked in the House or Senate, but if the hopes of the gentleman from New York and of his party colleagues are realized in the next House or if the next administration should be Democratic, I point to their last record as a warning of what may be looked for in the future.

This is not a prediction, but is in answer to any attempt to minimize the change in amount and character wrought in the Mississippi flood control bill as finally passed by Congress. No measure in recent years has approached that bill in importance and no greater improvement has ever been brought about during my experience by an unyielding, courageous, constructive minority than is found in that same bill as finally passed by Congress. Everyone believes in flood control, but in addition to eliminating vicious, extravagant provisions and reducing the cost of flood control to a comparatively low figure, opportunities for graft, pork, and waste have been reduced to a minimum in the bill as finally passed.

I submit that it was well worth the effort.

Mr. BYRNS. Mr. Chairman, I yield to the gentleman from Kansas [Mr. AYRES].

Mr. AYRES. Mr. Chairman, I saw an article in this morning's Post by George Rothwell Brown. I heartily agree with the sentiment expressed in this little squib. It is as follows:

> The spilling of the blood of more marines in Nicaragua leads to the conclusion that if this isn't a war we'd better get out, and that if it is, we'd better send down a force large enough to win it.

I do not intend to launch into a severe criticism of the administration's Caribbean policy, although I am not at all satisfied with it. I want to be fair, knowing we have certain duties and responsibilities that we must, as a Nation, discharge so long as we maintain the Monroe doctrine. Yet it would seem this could be done in a more satisfactory manner than by pursuing the present policy. I was hopeful that the International Conference of America recently held at Habana, Cuba, would accomplish something in the way of a treaty or arrangement whereby the United States could be taken into good fellowship with the other nations in this hemisphere.

There have been a great many speeches made in both branches of Congress within the past three months severely criticizing the administration's policy in Nicaragua. It is an easy matter to criticize. In fact, this is a Nation of critics. This is especially true in a presidential election year. It is one thing to criticize and altogether another thing to offer constructive criticism.

That our policy in the Caribbean is unpopular in Latin-America is stating it mildly. It is unpopular even in the United States among the masses. The press throughout the Nation, regardless of political affiliation, complains bitterly of our policy in Nicaragua. The Latin-American press denounces such a policy in the most vehement manner, and the press in other foreign countries refers to the policy as our dollar diplomacy.

As a Nation we have certain obligations to meet. We must protect American lives and property in foreign lands. That does not mean, however, that as a Nation we are to follow the adventurer into a foreign land with an army to protect him and his property. There is a limit to which our country has to go to carry out the doctrine of protection to American life and property. So long as we adhere to the Monroe doctrine we have still another obligation to meet. It is unnecessary for me to explain that doctrine, which is or should be familiar to all, even the school children of this country. European nations have interests in most, if not all, of the Latin-American countries. They also have an obligation to meet in protecting the lives and property of their nationals in the South and Central American countries, but the Monroe doctrine forbids an aggressive move on the part of any nation foreign to this hemisphere toward any of the Latin-American Republics. Therefore, under certain circumstances we are compelled to assume that responsibility or else abandon the Monroe doctrine. I am a firm believer in the Monroe doctrine, for it was established, not alone for the protection of the weaker nations of this hemisphere but also for the protection of the United States. It declares:

> Our policy in regard to Europe, which was adopted at an early state of the wars which so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government de facto the legitimate government for us; to cultivate friendly relations with it; and to preserve those relations by a frank, firm, and manly policy, meeting in all instances the just claims of every power, submitting to injuries from none. But in regard to these continents circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference.

It can be seen that the statesmen of this Nation at the time the Monroe doctrine was established recognized the fact that if the allied powers should extend their political system to any portion of this continent, it would endanger our peace and happiness. It denies the right of any foreign power to establish or extend a system to any part of this hemisphere which might be considered dangerous to our safety. It also was intended as a safeguard to the South and Central American countries from foreign aggression.

It is plain, however, that the Monroe doctrine confers no power upon the United States to interfere with the internal affairs of any other country. This was so declared by Monroe himself within a short time after its adoption. He said:

> The new states are settling down under their governments, elective and representative, in every branch similar to our own. In this their career, however, we have not interfered, believing that every people have the right to institute for themselves the government which in their judgment may suit them best.

A more recent interpretation of the Monroe doctrine was made by that eminent lawyer and statesman, Mr. Root, in which he said:

> The declaration of Monroe was that the rights and interests of the United States were involved in maintaining a condition, and the condition to be maintained was the independence of all the American countries. * * * A false conception of what the Monroe doctrine is, of what it demands, and what it justifies, of its scope, and of its limits has invaded the public press and affected public opinion within the past few years. Grandiose schemes of national expansion invoke the Monroe doctrine. Interested motives to compel Central or South American countries to do or refrain from doing something by which individual Americans may profit invoke the Monroe doctrine. Clamors for national glory from minds too shallow to grasp at the same time a sense of national duty invoke the Monroe doctrine. The intolerance which demands that control over the conduct and the opinions of other peoples, which is the essence of tyranny, invokes the Monroe doctrine. Thoughtless people who see no difference between lawful right and physical power assume that the Monroe doctrine is a warrant for interference in the internal affairs of all weaker nations in the New World. Against this suppositious doctrine many protests, both in the United States and in South America, have been made, and justly made. To the real Monroe doctrine these protests have no application.

It is clear that we have no right to interfere with the internal affairs of any of our southern neighbors by reason of anything that appears in the Monroe doctrine, which simply declares that the European nations shall keep their hands off of the Latin-American countries; but in no sense does it provide that the United States shall exercise powers and authority not therein specifically provided. We should frankly admit that just so long as we insist upon a strict adherence to the Monroe doctrine on the part of foreign nations, there are certain and well-defined obligations that must be met by this Nation.

The most serious question, to my mind, is what is the best plan or method of meeting these obligations. It is unnecessary for me to reiterate that our policy in Nicaragua at this time is losing us that friendship, respect, and confidence of our Latin-American neighbors. It seems to me this could be obviated. I realize that it would never do to advocate a League of Nations of this hemisphere, because it would be misinterpreted if for no other reason than a political one. But there should be a coalition of all of the American nations, calling it by any name—Pan American Union or Association of American Nations, it matters not what it may be called, just so articles of agreement may be entered into whereby when it becomes necessary to police any one of such nations by outside forces, then all of the other nations shall be consulted as to the policy or manner in which it shall be done. I am confident that if this Nation should invite Central and South American nations to join with us in policing any incorrigible state, whether it be Nicaragua, as at this time, or some of the others in the future, it would be well received on the part of those countries. It was a great disappointment to many that such an arrangement did not materialize at the Habana meeting.

Now that we are in Nicaragua there is no doubt but that we shall have to remain until the present difficulty is settled. However, with the present trouble settled we should not assume that it will not be soon repeated either in Nicaragua or some one of the other countries; so why not prepare for the next difficulty by formulating some kind of a coalition of these countries whereby all of the American nations can be taken into consultation, and by so doing establish a feeling of friendship, respect, and confidence, instead of jealousy and suspicion, which now exists. Certainly this can be done without the United States having to surrender any of its prerogatives or powers it now rightfully possesses.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to extend the time of the gentleman from New York [Mr. BLACK] in order that he may answer my question.

The CHAIRMAN. The time on that side is in the control of the gentleman from Tennessee [Mr. BYRNS].

Mr. CRAMTON. I ask unanimous consent that the gentleman from New York may extend his remarks to answer the question I asked of him.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time of the gentleman from New York be extended. Is there objection?

Mr. BLACK of New York. I say I will answer the gentleman on March 5, and I will have a brown derby on. [Laughter.]

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOOD. Mr. Chairman, I ask that the Clerk read the bill for amendment.

The CHAIRMAN. If there is no further request for time, the Clerk will read.

The Clerk read as follows:

> Speaker's Office: For an additional clerk in the Office of the Speaker at the rate of $1,200 a year, fiscal year 1929, $1,200.

Mr. WOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. WOOD: On page 3, after line 7, insert the following:
>
> "Sergeant-at-Arms Office: For additional compensation during the fiscal year 1929 at the following rates: Cashier, $500; messenger, $770;

in all $1,270, of which $600 shall be paid from the appropriation for the fiscal year 1929 for a stenographer and typewriter for such office which is hereby made available therefor."

The amendment was agreed to.

Mr. CANNON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CANNON: On page 3, after line 7, insert as a new paragraph:

"Office of the Clerk: For additional amount necessary to make the compensation of the Journal Clerk, two reading clerks and the tally clerk, at the rate of $5,000 per annum during the fiscal year 1929, $3,930, to be available in addition to the appropriation for the salaries of such positions in the legislative appropriation act for the fiscal year 1929. And the salary of each of the said positions is hereby fixed at $5,000 a year for such fiscal year and thereafter."

Mr. CANNON. Mr. Chairman, the purpose of the amendment is the equalization of the salaries of the four men at the desk.

The CHAIRMAN. The question is on the adoption of the amendment.

The amendment was agreed to.

The Clerk read as follows:

Hereafter the Sergeant at Arms of the House is authorized, in the disbursement of gratuity appropriations, to make deductions of such amounts as may be due to or through his office or as may be due the House of Representatives.

Mr. SINNOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: On page 4, after line 6, insert as a new paragraph:

"Committee on Public Lands: For defraying such expenses as may be deemed necessary by the Committee on Public Lands in connection with the securing of information preliminary to the preparation of legislation within the jurisdiction of such committee, including transportation and traveling, per diem in lieu of subsistence not to exceed $8, and other incidental expenses, fiscal years 1928 and 1929, $5,000, to be disbursed under the direction of such committee."

The amendment was agreed to.

The Clerk read as follows:

Auditor's office: For personal services at rates provided by law, $3,800.

Mr. WOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: On page 9, line 6, after the word "law," insert "fiscal year 1929."

The amendment was agreed to.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I ask unanimous consent to extend my remarks upon this bill.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks on the pending bill. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Chairman and members of the committee, it is particularly gratifying to me to vote for this bill, H. R. 13873, a bill making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years; to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes, for the reason that on page 78 there is an item reading:

New Orleans (La.) quarantine station: For commencement of construction on a site owned by the Government of a new quarantine station, together with necessary auxiliary structures and facilities, outside service lines, and approach work, $150,000, under an estimated total cost of $425,000. This item is written into the deficiency appropriation bill under the authorization contained in section 5 of the public buildings act approved May 25, 1926.

From the time I first came to Congress I have worked with all of the energy that I could throw into the work for the purpose of securing a quarantine station and a marine hospital for the city of New Orleans and a light ship off the entrances of the Mississippi River. I think that I can say with pardonable pride, in view of my intense interest in the subject of public buildings that were needed all over the United States, and particularly in New Orleans, as a result of the cessation of building during the war and for several years thereafter, that my addresses on the subject on the floor of the House, my reminders to the country of the deplorable conditions that existed in the marine hospital particularly, tended to stimulate and accelerate the movement that led to the passage of the act of 1926, the first great constructive measure of legislation on the subject of public buildings and their construction in the United States. I will always remember with profound pleasure the interest I succeeded in arousing in the subject after I had spoken upon the Washington-Lincoln Memorial Bridge on the day that measure was under consideration. I was assured by any number of friends that that modest speech was going to produce some result. I hope it did for I will always feel that it is an honor to be associated in the most insignificant manner with an act that took the construction of public buildings out of the field and realm of the pork-barrel scheme of legislation, whereby political influence and not necessity made for the location of Federal buildings. That act, I repeat, has made for the construction of buildings where they would serve a useful purpose, where they are needed. That act unquestionably is the harbinger to other acts that must follow as a consequence of the merit which is so clearly to be seen to-day in such legislation. Some day we will arrive legislatively to the common-sense and therefore intellectual height to make lump-sum appropriations annually for the improvement of our waterways with a mandate to the engineers whose force should be increased to make for expeditiousness in the work that lies in the future to go ahead and improve the rivers in a scientific manner instead of in accordance with the system that prevails to-day, which makes for the adoption of projects that are unrelated to each other and therefore prevents that development which would make for a perfect waterway transportation system.

In no other way can we make our great rivers and their tributaries the wonderful assets they should be to this Republic. But that is another story, as Kipling says. To return to our mutton, as the French proverb has it. When the movement was first started for a public-buildings program in 1924 I joined in the movement enthusiastically and most hopefully. I knew that New Orleans had a claim for a marine hospital and quarantine station and a lightship that no commission or governmental agency that might be created could ignore. We had the facts, and facts are the truth, and I knew that "ye shall know the truth and the truth shall make you free" could be relied upon to vindicate and make triumphant our demands for the treatment to which we were entitled. I knew from the attention given to my feeble efforts on the floor of the House when I recited in simple language the wretched, dilapidated, and antiquated conditions that existed at the marine hospital; how our sailors who served our country on ships that went into every port in the world were crowded into fire traps—wooden structures that would be a disgrace to Haiti; how the Government, a great, proud, opulent Government, ignored business and maintained a quarantine system that would be deemed to be obsolete in Patagonia; I knew, I repeat, from the profound interest manifested that similar conditions existed in other parts of the country and that a movement would soon be strong enough to pass any well-thought-out bill through the House. To the chagrin and disappointment of the advocates of the first House bill, that of 1925, it failed in the Senate. I was one of the House Members that vainly endeavored to persuade Members of the Senate to pass the bill because it was a trail blazer and would mark for the wonders which have been accomplished under it. But the leaven that leavened the lump was at work. Public opinion—the mightiest factor in the life of the Republic; substantially the highest law of the land spoke in no uncertain tone—authoritatively decreed that procrastination should come to an end, so that the next year the bill of 1926 became the law.

I am glad, Mr. Speaker, that my work in some small way with that of my colleagues who voted for the bill of 1925, though it failed, marked the way for the act of 1926. That paved the way for the amendment of 1927. Under the amended act the country will erect buildings wherever they are needed, and the scandalous manner in which they were constructed a number of years ago will be regarded only as an episode in the life of a country which had to undergo its growing pains and pass through the hectic period of youth. Before I close, Mr. Speaker, I would again call the attention of the House to the fact that the best way to meet months of depression or cycles, as they are called, is by a coordination in the performance of all public works by the Federal, State, county, and municipal Governments throughout the United States. In

other words, in slack times the full force of all of these governmental activities should be utilized for the purpose of taking up the slack resulting from depression in commercial and industrial operations. No bigger task confronts the statesmen than to solve the problem of meeting unemployment, which saddens the faces of millions of men, writes the lines of care on the woman's brow, and puts the haunting look of "why?" in the eyes of children just beginning to understand their parents' woe at the thought that on to-morrow the bread chest will be empty.

The Clerk read as follows:

For additional amount for the erection of a four-room extensible building in Potomac Heights, fiscal year 1928, $24,000.

Mr. WOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: On page 10, in line 11, after the word "Heights," strike out "fiscal year 1928."

The amendment was agreed to.

The Clerk read as follows:

The sum of $11,000 of the appropriation of $37,250 for the purchase of school-building and playground sites, contained in the District of Columbia appropriation act for the fiscal year 1928, is made available for the acquisition of land in the vicinity of the Peabody School in accordance with the final award in condemnation proceedings, without limitation as to price based on assessed value.

Mr. SIMMONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SIMMONS: On page 11, after line 17, insert as a new paragraph the following:

"The Commissioners of the District of Columbia are authorized to employ a consulting landscape architect under the appropriation of $250,000 for treatment of grounds of the Langley Junior High School and the McKinley High School, contained in the District of Columbia appropriation act for the fiscal year 1929, at a cost not to exceed $1,500, which amount shall be included as a part of the 3 per cent of said appropriation allowed the municipal architect's office for personal services."

Mr. CRAMTON. Mr. Chairman, will the gentleman from Nebraska state why the office of Colonel Grant could not furnish all of that labor?

Mr. SIMMONS. We are expending on those high-school sites between two and three million dollars. The municipal architect asked for this authorization, and I believe it is one that is justified.

Mr. CRAMTON. I yield to the gentleman's judgment.

The amendment was agreed to.

The Clerk read as follows:

PUBLIC BUILDINGS AND PUBLIC PARKS

Park police: For an additional amount for pay and allowances of the United States park police, in accordance with the act approved May 27, 1924, as amended, fiscal year 1929, $6,700.

Mr. NEWTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. NEWTON: On page 17, line 5, after the figures "$6,700" insert a new paragraph to read as follows:

"National Zoological Park: For construction and equipment of necessary exhibition cages and walks around the exterior of public exhibition building for birds, fiscal years 1928 and 1929, $30,000."

Mr. NEWTON. Mr. Chairman, this item is for the purpose of finally completing the bird house at the Zoo. I understand it is acceptable to the chairman of the committee.

The amendment was agreed to.

The Clerk read as follows:

BUREAU OF FISHERIES

Fish distribution car: For the purchase or construction of a steel car for the distribution of useful food fishes, including the necessary equipment, $60,000, to remain available until June 30, 1929.

Mr. LANHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LANHAM: On page 24, line 5, after the figures "1929," insert a new paragraph, as follows:

"That portion of the appropriation, miscellaneous expenses, Bureau of Fisheries, 1927, which was made available for a fish-cultural station at Lake Worth, Tex., shall continue available for such purpose during the fiscal year 1929."

The amendment was agreed to.

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent to return to page 4, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to page 4, for the purpose of offering an amendment.

Mr. CRAMTON. Mr. Chairman, the urgency for getting this bill through is such that I am obliged to object.

The Clerk read as follows:

Michaud division, Fort Hall Indian Reservation, Idaho: To carry out the provisions of an act entitled "An act authorizing an appropriation for the survey and investigation of the placing of water on the Michaud division and other lands in the Fort Hall Indian Reservation," approved March 28, 1928, fiscal years 1928 and 1929, $25,000 (reimbursable).

Mr. MORROW. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New Mexico offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MORROW: On page 30, line 4, insert a new paragraph:

"Middle Rio Grande conservancy project, New Mexico: For payments to the Middle Rio Grande conservancy district, in accordance with the provisions of an act entitled 'An act authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes,' approved March 13, 1928, fiscal year 1929, $100,000 (reimbursable)."

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. MORROW. I yield.

Mr. CRAMTON. The contract between the Government and the conservancy district authorized by the act referred to has not yet been signed and therefore our committee could not give consideration to that contract and the extent to which it conformed with the act.

It is the understanding of the gentleman and his expectation that if this appropriation is given now, and I know there is some urgency requiring it, that when the next appropriation comes along next December, the committee will not be estopped, but it will be expected that the committee will make a study of the situation and of the contract that will then have been entered into.

Mr. MORROW. Mr. Chairman and members of the committee, I will say my understanding was that everything concerning that contract had been practically complied with before the gentleman who represented the district left for New Mexico, but something arose afterwards concerning the same and I had a conversation with the Assistant Commissioner of Indian Affairs to-day in which he says it is perfectly satisfactory. This amount was approved by the Budget, went to the President, and I was assured up until this morning, when I got the bill, that it was in the bill, and I was surprised when the bill came out without this item being included.

Mr. CRAMTON. With the understanding I have suggested I would have no objection to the gentleman's item, and I am sure the committee would not.

Mr. MORROW. It will be carried out without any question.

The amendment was agreed to.

The Clerk read as follows:

Crop damage, Isleta Pueblo, N. Mex.: Indian pueblos, New Mexico: For payment of damages to crops and improvements destroyed in constructing the Isleta drainage canal, fiscal years 1928 and 1929, $161.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, I do not want to make a nuisance of myself. Sometimes I do, although I do not intend it.

I want to make an appeal to the gentleman from Michigan [Mr. CRAMTON], if he will give me his attention. A few moments ago by action of the committee we increased certain salaries of employees of the House, and properly so. I understand the bill also provides a timely and proper increase for the pay of the reporters. A few years ago we increased our own salaries. This leaves the salaries of the executive officers of the House of Representatives entirely out of proportion to the salaries of the employees and the salaries of the Members.

I have prepared a little amendment. I do not believe it will meet with the objection of the distinguished chairman of the Committee on Appropirations. I do not believe there is any

opposition to it from the ranking minority member, the gentleman from Tennessee. I am sure it meets with the approval both of the majority floor leader and if I may say so, the Speaker of the House, with whom I have just talked. This being so, it is a rather simple matter. It does not involve any legislation that will require a great deal of study.

May I appeal to the gentleman from Michigan to withdraw his objection and permit me to ask unanimous censent to go back to page 4 and insert this item?

Mr. CRAMTON. Mr. Chairman, of course the gentleman has the right to appeal, but let me say this to the gentleman: There are certain items that were gone into carefully by the subcommittee on the legislative bill.

They have been carefully investigated. An appeal was made on the floor for certain other employees when the legislative bill was up. At that time I made a point of order for the reason that there had been no preliminary investigation by any committee. I suggested that every employee around the Capitol had some Member to speak for him, and if you once started there would be no place to stop. So I made the point of order. There has been a further investigation made as to employees. I did not think it wise to put them in to-day but, because there has been an opportunity for investigation and study, and feeling that they ought to be put in, I did not make objection.

Now, the gentleman from New York suggests that some other employees whose cases no committee has given any study or consideration to, and right now on each side of me have been forming lines of Members of the House awaiting an opportunity to make an appeal for their employees if the gentleman from New York is successful; because I think there is no other place to stop it except right here I am going to object. If the gentleman would offer the amendment I should make the point of order, so there is no object in going back.

Mr. LAGUARDIA. I realize my helplessness unless I have the gentleman's good will.

Mr. CRAMTON. The gentleman from New York has my good will.

The CHAIRMAN. The time of the gentleman from New York has expired, and the pro forma amendment is withdrawn.

The Clerk read as follows:

Salaries, fees, and expenses of marshals, United States courts: For salaries, fees, and expenses of United States marshals and their deputies, including the same objects specified under this head in the act making appropriations for the Department of Justice for the fiscal year 1924, $1,861.35.

Mr. BLACK of New York. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. BLACK of New York: Page 40, line 2, after the figures "$1,861.35," insert the following: "*Provided*, That such marshals and deputy marshals shall not be employed to serve or enforce injunction orders against the officers of a municipality or a State in matters affecting the rates of public utilities."

Mr. WOOD. To that Mr. Chairman, I make the point of order.

Mr. BLACK of New York. Will the gentleman reserve it?

Mr. WOOD. No; I make it.

Mr. BLACK of New York. I want to be heard, Mr. Chairman, on the point of order. I am offering this amendment for the sole purpose of keeping the marshals and their deputies within the proper sphere of their duty. It is my contention that the Federal Government should not through the executive branch, to wit, the marshals under the Department of Justice, interfere with the State officials trying to maintain the laws of the States. If I may be permitted to give a concrete example——

The CHAIRMAN. The Chair desires that the gentleman confine himself to the point of order.

Mr. BLACK of New York. I want to limit the marshals of the United States courts where the court has taken jurisdiction without warrant under the Constitution. There is one case that comes to my mind where the court took jurisdiction on an ex parte application in the middle of the night. I do not want such action in the executive branch of the Government stepping into a State or a city with the strength of the United States back of them and interfering with local laws and regulations.

Mr. LAGUARDIA. Mr. Chairman, the gentleman's amendment is a limitation.

The CHAIRMAN. The Chair considers the amendment as a direct instruction in the form of legislation and sustains the point of order.

Mr. BLACK of New York. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

Mr. WOOD. The gentleman spoke five minutes on the point of order without saying anything about the point of order.

Mr. BLACK of New York. I do not think the Chairman of the committee wants to keep me from speaking on the merits of the amendment for five minutes.

Mr. WOOD. I do not want to object, but I do want to get along, because we want to finish this bill to-night.

Mr. BLACK of New York. I will not take but three minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLACK of New York. I want to call attention to the situation that confronts this Government in the city of New York.

For years in New York they have been charging on the subways a 5-cent fare under a contract between the people of the city of New York and the transit companies. We have courts in New York to which the transit companies could go, were there any proper question concerning the contracts. The transit companies of New York have gone into the Federal jurisdiction and on motion a statutory court was created, and the opinion was handed down by that court against the 5-cent fare, and to read the opinion you would think that it was written by the transit companies' lawyers.

Mr. LAGUARDIA. It was.

Mr. BLACK of New York. I am vouchsafed some information by the gentleman from New York that I did not have. The people of the city of New York are concerned about this situation. They resent the Federal court interfering with this matter. We have had bills here to give us more judges in the Federal courts in New York upon the theory that they had too much work to do now. They have enough work within their own proper jurisdiction. The State courts of New York were there for the transit companies to appeal to. They should not summarily have gone into the Federal courts to try out this proposition. There is a general resentment throughout the country against the Federal courts becoming rate-making bodies. We have in each State utility commissions to pass upon the question of rates, because these commissions can give the time required for a proper study of this question. This statutory court in New York, on papers filed by both sides, without going into the evidence, came to the conclusion that the 5-cent fare contract proposition is confiscatory. I have not the time to go into the entire question now.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out "$1,861.31" and insert in lieu thereof "$61.35."

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 40, line 2, strike out "$1,861.31" and insert "$61.35."

Mr. LAGUARDIA. Mr. Chairman, it may appear unseemly that the gentleman from New York [Mr. BLACK] and myself should take this time when the committee is anxious to adjourn, but this encroachment of the Federal court in New York City on the powers of the State courts and interferences in the rights of the city is so vital to 6,000,000 people in New York, so vital to the confidence that the American people should have in the Federal courts, that this House can not spend too much time on the question. It will be squarely before you sooner or later. There is not a lawyer in this House but will agree that the Federal Government either by legislation or through its courts can not interfere in the rights of contract. It is guaranteed in the Constitution that no law shall impair such rights. We are operating in New York City with the Interborough Co. on a contract that is 15 years old. This company applied to the Legislature of the State of New York to amend the law, so as to permit them to change their contract. During my time at the city hall they made an application to the board of estimates for the modification of that contract.

They have appealed to the State courts time and time again, and yet after going to the State legislature seeking a modification of the contract, after themselves insisting when they were making huge profits that it was a valid contract, after going to the city government seeking a modification of the contract, after appealing to the State courts time and time again to get away from that contract, they went to the Federal court and found three judges that were willing to do the dirty work for the grafting exploiters of the Interborough. We can not help becoming indignant about this. As my colleague from

New York [Mr. BLACK] stated, this was granted on paper, and when I say that the lawyers of the transit company wrote the opinion, the gentleman from New York knows and others may be convinced by simply taking the brief of the transit lawyers and comparing it with the opinion of the court. It is easy to find where the court got its law. The situation in New York City is serious. It is very serious. It is not necessary to be a constitutional lawyer to know that the Federal courts, these so-called statutory courts, have gone beyond their powers. Every strap hanger in New York knows it. I tell you it is going to make a very bad impression upon the people of the country when 6,000,000 people refuse to obey the order of the court, because the people of New York will never pay the extra 2 cents on this outrageous decision, improperly obtained. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

Damage claims: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the act entitled "An act to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels," approved December 28, 1922, as fully set forth in House Documents Nos. 271 and 296, Seventieth Congress, $25,741.22.

Mr. EDWARDS. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read. We have it before us, and it will take a good deal of time to read it. I suggest that the amendments be offered and then pass the bill. Let the bill be considered as having been read, and print it in the RECORD.

The CHAIRMAN. The gentleman from Idaho wishes to offer amendment a little later on.

Mr. EDWARDS. Very well. I will withhold my request.

The Clerk read as follows:

Ammunition storage facilities, Navy: Toward providing ammunition storage facilities in accordance with the recommendations contained in House Document No. 199, Seventieth Congress, fiscal years 1928 and 1929, $1,193,998, of which sum $638,998 shall be available for the acquisition of land, and $80,000 shall be available for the employment of classified personal services in the Bureau of Yards and Docks and in the field to be engaged upon such work and to be in addition to employees otherwise provided for.

Mr. FRENCH. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: Page 47, after line 2, in lieu of the matter appearing in lines 3 to 12 both inclusive, insert the following:

"Ammunition storage facilities, Navy: Toward providing ammunition storage facilities in accordance with the recommendations contained in House Document No. 199, Seventieth Congress (and the Secretary of the Navy is authorized to enter into contract or contracts for such facilities at a cost in the aggregate not to exceed $9,179,500, which amount will include the establishment and development of a naval ammunition depot in the vicinity of Hawthorne, Nev., at a total cost not to exceed $3,500,000, the establishment and development of a naval ammunition depot in the Territory of Hawaii, at a total cost not to exceed $3,540,000, and the replacement of storage facilities at the Naval Station, Cavite, P. I., subject to and in conformity with the treaty limiting naval armament, ratified August 17, 1923), $1,193,998, of which sum $638,998 shall be available for the acquisition of land, and $80,000 shall be available for the employment of classified personal services in the Bureau of Yards and Docks and in the field to be engaged upon such work and to be in addition to employees otherwise provided for."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Idaho.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. EDWARDS. Mr. Chairman, I renew my request.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to consider the bill as having been read and to print it in the RECORD.

Mr. WOOD. If the gentleman will just withhold a moment, we wish to offer another amendment.

Mr. EDWARDS. Mr. Chairman, I withhold my request.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

St. Louis, Mo., courthouse, customhouse, etc.: Toward the acquisition of a site and construction of a building in lieu of carrying out the authorization in the act of July 3, 1926, $600,000, in addition to the unexpended balance of any money heretofore appropriated for that purpose, which is hereby made available, under an estimated total cost of $3,825,000; and the Secretary of the Treasury is authorized to enter into a contract or contracts for the entire foregoing estimated cost of such project: *Provided*, That any cost in excess of $1,600,000 shall be charged against the $100,000,000 authorized in section 5 of the public buildings act approved May 25, 1926, as amended.

Mr. COCHRAN of Missouri. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. COCHRAN of Missouri. Mr. Chairman and Members of the House, the bill carries an item of $3,825,000 for a new Federal building in St. Louis. Construct this building and over $5,000,000 will be received by the Government when the present customshouse, erected in 1884, the appraiser's stores building, erected in 1859, and a vacant lot belonging to the Government are sold.

Then, again, when this new building is constructed the Government will save annually over $62,000 it is now paying in rents to house Government agencies in St. Louis. The exact figure for the present fiscal year is $62,762. This explanation alone should satisfy the House the proposal carried here for the St. Louis building is a good business proposition.

The people of St. Louis found it hard to understand why the Government will not put back in a public building in our city the amount it will receive when the present holdings are disposed of. This has been explained by the Assistant Secretary of the Treasury, Mr. Carl T. Schuneman, to the satisfaction of the civic organizations of St. Louis and if the Department keeps its promises, which I am sure it will do.

St. Louis, my friends, is now engaged in beautifying the city. A bond issue was passed several years ago which provides for an expenditure of $87,000,000. A large amount of this money is being spent in constructing public buildings and creating a plaza in front of our union station. I predict in three years St. Louis will look like a new city to the visitor. Therefore you will fully understand why we want the Government to erect a building of a type which will coincide with the municipal program.

Mr. Schuneman has promised us a monumental type of building six or seven stories high, so constructed as to enable the Government, if necessity demands, to erect additional stories. He has promised us a building which will be a credit to the Government and one of which St. Louis will be proud.

This proposition means a great deal to St. Louis. It so happens the Government owns the most valuable block of ground in St. Louis, the block now occupied by the present Federal building, Eighth, Ninth, Olive to Locust Streets. Upon this site was erected in 1884 one of the most substantial public buildings constructed by the Government up to that time. It cost over $5,000,000. It is built of granite, 4 feet thick, and there are two basements. The granite, I am told, is used from the lower basement up. At that time it was used as the main post office, as well as for the courts and other Government agencies. When that building is sold the purchaser will be required to construct a building which will equal in size any structure in our city in order to secure a fair return on his investment. It is expected the Government will realize from four and one-half to five and one-half million dollars when the sale is arranged. The trains that cross the famous Eads Bridge, which spans the Mississippi River at the foot of Washington Avenue, enter a tunnel which passes directly alongside of the eastern boundary of this site.

Many suggestions have been offered as to what use it will be put, some contending it will make an ideal location for a downtown railroad station, which we do not now have. A suggestion has been advanced to arrange construction so that suburban trains will be brought to this point, thus discharging passengers in the heart of the business district, and not 15 blocks distant, as is now the case. We hope that when we see the plans for this new building they will prove satisfactory to all, but in the event we do not receive a building of the type to which we feel we are entitled I say now we will be back asking that this appropriation be increased.

Below will be found a table prepared by the Supervising Architect:

Activities in St. Louis, Mo., which will be accommodated in the proposed new building; showing location of space at present occupied, rentals paid, and allowance in new building—spaces given in square feet net and are approximate only

[Figures in parenthesis indicate storage additional]

Activity	In custom-house	In appraisers' stores	Rented	Rental	Proposed
	Square feet	*Square feet*	*Square feet*		*Square feet*
Postal—Substation	[1] 27,262 (23,310)				30,000 (No storage.)
Justice:					
Courts	24,000				38,000
United States commissioner	937				1,200
Treasury:					
Prohibition and narcotics and intelligence	1,935		6,971	$12,075	7,972
Customs	4,230				4,450
Appraiser		7,654 (18,330)			[2] 10,150
Internal Revenue	18,587 (1,669)				[2] 21,179
Secret Service	723				1,000
Marine hospital dispensary		682			682
Custodial	674	356 (1,025)			[4] 1,030
National bank examiner			1,200	2,460	1,800
Agriculture:					
Biological Survey					300
Weather			1,926	3,600	[5] 2,250
Economics		1,574	1,606	3,600	3,000
Animal Industry	2,680				3,904
Bureau of Chemistry		3,600 (300)			[6] 3,900
Grain Inspection			2,658	3,600	3,000
Interior—Pensions		768			480
Commerce:					
Census			700	2,400	700
Foreign and domestic			1,356	3,180	2,000
Lighthouse superintendent		656			656
Locomotive inspection		332			332
Steamboat inspection		1,374			1,374
Labor:					
Naturalization	1,050				1,560
Immigration		1,062			2,000
War:					
Engineers	3,955				5,000
Mississippi River Commission			4,729 4,397	3,300	[7] 9,500
Reserves and recruiting	2,560	3,875			3,874
Corps headquarters					1,300
Ordnance			280	720	280
Navy:					
Recruiting		1,095			1,200
Marine recruiting		485			900
Veterans' Bureau			18,095	24,428	10,000
Civil Service		3,832			[8] 4,480
Interstate Commerce Commission			960	1,920	960
Shipping Board			648	1,485	648
Total	88,593 24,979	27,345 19,655	41,129 4,397	62,762	181,061 30,000

[1] Does not include storage, about 23,210 square feet, which will be provided when main post office is extended, nor lobby (9,626 square feet).
[2] Does not include 21,200 square feet storage-warehouse space to be placed in basement.
[3] Does not include 1,669 square feet storage to be placed in basement.
[4] Does not include 1,025 square feet storage to be placed in basement.
[5] Does not include 250 square feet storage in basement.
[6] Does not include 505 square feet storage in basement.
[7] Does not include 4,000 square feet storage in basement.
[8] Does not include 1,500 square feet storage in basement.

I withdraw the pro forma amendment. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Okmulgee, Okla., post office, courthouse, etc.: For acquisition of site and commencement of construction, $75,000, under an estimated total cost of $330,000.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word. The gentleman from Oklahoma is recognized.

Mr. HASTINGS. Mr. Chairman, I am glad to know that the claims of Okmulgee for a public building to house her Federal activities are at last to be realized. Okmulgee is one of the splendid, populous, growing, progressive cities of the new State of Oklahoma. It has a population of more than 30,000 and I am sure that before this building is completed its population will exceed 50,000.

It is the center of a large oil area and in every direction oil derricks delight the eye. Perhaps there are fewer dry wells found in that vicinity than in any other area.

In the southern part of the county there are great quantities of coal. The oil, gas, and coal has invited factories to that section and in the near future it is expected that Okmulgee will be one of the great industrial centers as it is now one of the commercial centers in eastern Oklahoma.

In addition, Okmulgee is surrounded and supported by the very best agricultural land that is to be found in the Middle West.

The authorization of this building is the realization of an effort that I have been making since I first came to Congress. We have always been able to present such a showing that the committee has at each session made a favorable report, but we have not passed an omnibus public building bill since 1913, and I was first elected in 1914.

Okmulgee was made a Federal court place through an amendment which I offered to the bill in February, 1925. This justified a larger building. The population has increased rapidly and the postal receipts are in excess of $100,000. It is the fourth city in population in Oklahoma.

In addition to housing the post office and Federal court the building will care for a larger number of agricultural employees, Indian Service, and numerous other governmental activities. For several years past public-spirited citizens have been contributing from their own means to the payment of rent for a building to house the post office. I am glad to know that this financial burden is to be lifted and soon to be borne by the Government.

Okmulgee is entitled to a building that is not only attractive but one that will care for the future needs of all governmental activities. [Applause.]

I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sterling, Colo., post office, courthouse, etc.: For commencement of construction of the building, $50,000, under an estimated total cost, except for the courts, of $100,000: *Provided*, That such building shall be so constructed that accommodations for the courts may be added later.

Mr. WOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 83, line 12, strike out "$100,000" and insert "$120,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk resumed and concluded the reading of the bill.

Mr. WOOD. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 13873) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes, reported that that committee had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WOOD. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Clerk will report them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WOOD, a motion to reconsider the last vote was laid on the table.

DR. WALTER REED

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my remarks on the life and character of Dr. Walter Reed and include therein a speech made by Col. J. Randolph Kean, of the United States Army, now retired, delivered at the birthplace of Walter Reed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLAND. Mr. Speaker, Dr. Walter Reed was a world hero whose work brought immeasurable blessing to mankind.

On Saturday, October 15, 1927, there was dedicated at Belroi, Gloucester County, Va., the birthplace of Dr. Walter Reed. The house in which Doctor Reed was born is still standing, and it has been restored as nearly as possible to the same condition that it was in when Doctor Reed was born there on the 13th day of September, 1851. His father was a minister of the Methodist Church and was stationed on the Gloucester circuit at the time of Walter Reed's birth.

This property was purchased by the Walter Reed Memorial Commission for the encouragement of research work upon the direction of the Medical Society of Virginia. Funds were raised by popular subscription. The house has been restored, and when sufficient funds have been raised it is intended to complete the restoration of the entire property, to furnish it in keeping with the period when Doctor Reed was born, to inclose the property, to plant shrubs and flowers, and to preserve the property as a national shrine in such condition as to make it a fitting memorial to the hero who was born there.

At the dedication on October 15, 1927, there was delivered a notable address by Col. Jefferson Randolph Kean, Medical Corps, United States Army, retired, editor of the Military Surgeon, Washington, D. C., former chief surgeon at Gen. Fitzhugh Lee's headquarters in Cuba when Doctor Reed's experiments were conducted. Colonel Kean was an intimate friend of Dr. Walter Reed and had personal knowledge of Doctor Reed's work. His speech is a valuable historical contribution to the life, character, and service of Doctor Reed and deserves preservation in the records of the Congress of the country which Doctor Reed served with such distinction and upon which he reflected such glory by his contribution to humanity.

I have sought and obtained permission to extend my remarks in the RECORD by publishing the speech made by Colonel Kean at the dedication of Dr. Walter Reed's birthplace.

Colonel Kean said:

Ladies and gentlemen, in the lives of great men two places have in all ages and among all peoples had a peculiar interest and sacred quality—that where they are born and that where, when life is ended, their remains are laid to rest in the last sleep. It was my sad duty on a November day in 1902 to select the spot where Walter Reed should rest, on a beautiful hillside in Virginia overlooking the Potomac and the Capitol, in that silent city where the soldier dead of the Republic sleep in their thousands in the consecrated fields that once belonged to the great captain, Robert Lee. I feel it therefore a great privilege and honor to be present also at this spot where Walter Reed was born.

Sir William Osler said in one of his addresses:

"Of the altruistic instincts, veneration is not the most highly developed at the present day; but I hold strongly with the statement that it is the sign of a dry age when the great men of the past are held in light esteem."

It is my hope and my belief that Virginia may never be dry in that sense.

To the Romans the word "pietas," which is our word piety, meant dutifulness, and it had reference not only to their attitude to their parents but to the spirits, or genii, of their dead and to the cult of the quaint little gods, the Lares and Penates, who presided over the family hearth and the domestic affairs. Their cult consisted in offerings of flowers or dainties from the table, and it has survived the ages in the offerings of flowers which we lay upon the graves of those we love.

It is to this Roman belief that he was always the object of observation and solicitude by spiritual beings which he had been taught to venerate that gave to the Roman character, in the opinion of Pater, its steadiness and regard for duty and dignity in all the affairs of life. I like to believe that we Virginians are in this sense a pious people, that we hold in high esteem the great men of the past, that in our lives we are not unmindful of them, and that we would like so to live as not to shame them. This is a cult which brings the great men of the past into our lives, and will perpetuate their virtues and reproduce their qualities. It is such a feeling I am sure which has crowded the fair capitol of this State with the statues of soldiers and statesmen, has made shrines at Mount Vernon and Monticello, and has impelled your State Medical Society to purchase this humble dwelling, and to dedicate it to the memory of the great man and choice spirit which here first saw the light of day.

Walter Reed was born on this spot September 13, 1851, the fifth and youngest child of Lemuel Sutton Reed and Pharaba White, his first wife. Lemuel Reed, though he spent his adult life in Virginia as a minister of the Gospel, was a North Carolinian by birth, and it was to the old North State that his now famous son went at the age of 25 to wed his chosen wife, Emilie Lawrence—the gracious lady whom we have with us here to-day.

Of the 26 years of his Army life, much of interest might be told did time permit, his varied experiences in his stations in the then far distant Arizona, in Nebraska, Alabama, Dakota, and posts farther west. It was not until 1893 that he became professor of bacteriology and clinical miscroscopy in the then newly organized Army Medical School and was able to devote himself to the special branch of medical science in which he attained enduring fame. But for this he had a year of preparation in 1890 when he was stationed in Baltimore and had the rare good fortune to study under that great scientist and grand old man, Dr. William H. Welch, now the Nestor of medical science in America. Never was opportunity more eagerly seized or more profitably pursued. Then was made the liaison between master and pupil which profoundly influenced and guided the 12 brief years of life which the fates then allotted to Reed. I can not now undertake the narrative of even these few years. We have for the story of his life Howard Kelly's admirable biography and many shorter sketches, with some of which each of you is doubtless familiar. I will therefore, if you will permit me, depart somewhat from the text which has been assigned me and give you some personal reminiscences of the man as I knew him and of his work in Cuba as it came under my observation. He had been my predecessor at Fort Robinson in the uttermost parts of Nebraska, and I had heard much of his professional skill and his devotion to his patients, not only those in the garrison but the poor pioneers who gained a miserable existence by the cultivation of those arid plains.

My first acquaintance with Walter Reed came in July, 1896, when he came to my station at Key West, Fla., attracted by an epidemic of smallpox which then afflicted the town. He wished to study a curious ameboid body which he had observed in the blood of children and of the Rhesus monkey after vaccination, in the hope that it might be the much-sought cause of smallpox. In the mornings we went to the smallpox hospital to take blood from the victims of that loathsome disease; the afternoons he spent over his microscope; and the evenings were passed on the broad veranda looking out over the tranquil bay or at the strange stars in the southern sky while he told with whimsical humor tales of his life in the West. Except for a few days that I was his guest in Washington, I did not see him again for two years when came the Spanish War and the fever camps of the South. A board was ordered with Major Reed at the head and Majs. Victor C. Vaughan and Edward O. Shakespeare, both distinguished in the medical profession, to study these fevers. They went from camp to camp, observed, studied, and advised. They showed how the diagnosis could be made between the milder typhoids and malarial fever, for which the former were so commonly mistaken. Thus I saw Reed again when the board came to Gen. Fitzhugh Lee's camp of the Seventh Army Corps at Jacksonville, where the most important hospital happened to be in my charge. The work lasted over a year, and their famous report, which shed a flood of light on the whole subject of the mode of spread of typhoid fever in camps, had not been completed when Reed was ordered to Cuba in 1900.

His first visit to Habana was in March when he came to investigate the use by the engineers of a disinfectant called electrozone, made by a patented process out of sea water. It was fondly hoped by many that the free use of this fluid on the streets of the city might banish diseases as well as smells and even disinfect the sewers and cespools. As may be imagined this procedure received small support from Reed and was promptly abandoned.

The yellow-fever board, or commission as it is usually called, was created by War Department order, May 24, 1900, and was composed of Maj. Walter Reed and three acting assistant surgeons—James Carroll, Aristides Agramonte, and Jesse W. Lazear. The two latter were already on duty in Cuba when Reed arrived there on June 25.

A severe epidemic was in progress in Habana and at the neighboring town of Marianao, where Gen. Fitzhugh Lee has his headquarters. He was in command of the two Provinces of Habana and Pinar del Rio, which include the western end of the island, but the city of Habana was excepted from his command and was under another general. Major Gorgas was the health officer of the city, and I was the chief surgeon of General Lee's command, and had sanitary control of the outside country. I had been taken with yellow fever on June 21 and was ill when Reed landed on the morning of June 25, and he hastened to visit me in the hospital at Camp Columbia. It pleases me to think that in my person he saw the first case of the dread disease with which his fame will be forever associated. The board was given quarters and laboratory space in a barracklike wooden building belonging to the hospital and some half mile from General Lee's headquarters.

The other members of the commission were capable and well-trained scientists.

James Carroll had risen from the ranks in the Army and by hard work and Reed's encouragement and assistance obtained his medical education. He had been for several years Reed's laboratory assistant.

Aristides Agramonte was born in Cuba during the 10 years' war in which his father, a Cuban officer, was killed in battle by the Spaniards. His family had refugeed in the United States, and he had been educated in New York. He had graduated from the College of Physicians and Surgeons of New York in 1892 and at this time was in charge of the laboratory of the Division of Cuba in Habana. He is the only surviving member of the commission and has for many years been a distinguished professor in the school of medicine of the University of Habana. He has never received from the Government of the United States any honor or material reward for his share in the work of the commission.

Dr. Jesse W. Lazear, the fourth member of the commission, was a graduate of Johns Hopkins. He then studied medicine at Columbia and was a classmate of Agramonte's at the College of Physicians and Surgeons. After graduation he studied in Europe, part of the time at the Pasteur Institute. When he came to Cuba he was bacteriologist to the medical staff at Johns Hopkins Hospital and was assistant in clinical microscopy in the university. He spent much time in the study of malaria and was expert in work with mosquitoes.

It seems to me that the time has come and is long overdue when our Government should show its gratitude for the noble and beneficent work of these four men by an adequate and fitting provision for the families of those who died, and by suitable honors and material rewards for the one who survives.

The first work of the board was to study the *Bacillus icteroides*, which had been announced three years before by Sanarelli to be the cause of yellow fever. His claims were generally accepted and had been corroborated by two investigators, Wasdin and Giddings, of the Public Health Service of the United States, who had been at work in Habana since the American occupation of the city. Their claims had been disputed, however, by the findings of Agramonte, and the Reed board was instructed to decide the matter. And they did decide it, in a report so clear, thorough, and conclusive that, though hotly contested by both Wasdin and Sanarelli at the time, their conclusions have ever since stood unshaken.

It was then decided on August 1 to study the theory that yellow fever was conveyed by the mosquito. This theory had been advanced by several observers in preceding years, but its chief and, at that time, only proponent was Doctor Finley in Habana. He had written a paper 20 years before advancing this theory and giving good epidemiological evidence in support of it. He had even fixed on the variety of mosquito which was the criminal, and had made many efforts to transmit the disease by its agency. He claimed some successes, but these results seemed to be doubtful. The reasons for his failures, for we know now that they were all failures, were the same that defeated the efforts of Reed's board in the first weeks of their work.

Yellow fever had always been the most elusive and puzzling of diseases and had defeated the attempts of a multitude of able investigators to find out its secrets. A study of Lazear's wonderfully detailed and accurate notes, including the individual history of each of his mosquitoes, uncovered two traps:

The first is that the yellow-fever patient ceases to have the infective agent in his blood after the third day of the disease and can not infect mosquitoes after that time.

The second trap is that after the mosquito has bitten a case of yellow fever, even in the first three days, she is quite harmless for a period of incubation of 12 to 14 days, after which she becomes able to infect.

Now, it happens that in most cases yellow fever in the first three days is much like malaria and other fevers, and it is only about the third day that the patient begins to take on the characteristic yellow tinge and the diagnosis becomes certain. So it was quite natural that the experimenter would take his mosquito to a well-marked yellow-fever case more than three days old, and she would fail to become infected when she bit.

This was trap No. 1, and if by good luck the experimenter escaped it and hit on a patient in the first three days, what would he do next? Naturally he would take the mosquito to the volunteer who agreed to be bitten, with as little loss of time as possible, for captive mosquitoes in jars and test tubes are delicate creatures and apt to die, or to be eaten by ants, or escape. So those who missed trip No. 1 were caught by trap No. 2 and, as we have said, none of Doctor Finlay's experiments got by both of them, nor did our board's at first.

Finlay's theory was, as Gorgas once said to me, "a wonderful instance of scientific clairvoyance."

Reed was called back to the United States during the first week in August on account of the death of Doctor Shakespeare, to put in order the manuscripts of the typhoid-fever board and the experiments began in his absence.

They fed the supposedly infected mosquitoes every few days by letting them bite the arm of a member of the board or a volunteer, and these were not difficult to find among the young doctors and orderlies at the post hospital. On August 27 Lazear took his mosquitoes to Las Animas Hospital to be fed on yellow-fever patients, but one of them refused to bite. It happened that this insect had bitten a man in the second day of fever 12 days before and was thus past both traps and was what we came to call "loaded"; but this fact was not then appreciated. As the insect appeared to be weak and liable to die, Carroll offered to feed it on his arm and did so. On the 30th Carroll felt badly and had a chill. He was thought to have malaria, and no one thought of yellow fever until the symptoms of that disease were apparent. Carroll thought so little of the mosquito bite and was so far from regarding it as a scientific experiment that he went into the infected zone and even into the post-mortem room, where Agramonte was conducting an autopsy on a yellow fever case. This greatly vexed Reed when he returned and heard of it, as it vitiated to a large extent the value of the case as an experiment. When Carroll's diagnosis became clear, Lazear and Agramonte were greatly troubled but determined to verify the virulence of this mosquito by putting her on the first volunteer who presented himself. A young soldier of the Seventh Cavalry, Pvt. William H. Dean, came by the laboratory soon after they had agreed to do this (August 31) and readily agreed to feed the mosquitoes. He became sick five days later, and as he had been in the quarantined camp all the time and so could not have acquired yellow fever in any other way, the demonstration of mosquito conveyance was perfect. A little later Lazear was bitten while feeding his mosquitoes in a yellow-fever ward by a mosquito not of his flock, and died September 25 after a few days' suffering of yellow fever in its most malignant form. His case as a demonstration was of even less value than Carroll's as he had been in frequent contact with cases of yellow fever. Such were the conditions when Reed returned from the United States a few days after Lazear's death. The three cases, especially that of Dean, convinced him, and he determined to hasten back to the United States to report these cases to the American Public Health Association and also to consult the Surgeon General and his wise mentor, Doctor Welch, as to the next steps to be taken, for it was evident that this small and imperfectly controlled series of cases was not sufficient to convince the medical profession and the general public.

I had at that time returned from a short sick leave in the States and was chief surgeon at Gen. Fitzhugh Lee's headquarters. When Reed mentioned to me on October 11 his intention to go to Habana next day to get General Wood's permission to go to the United States, I offered to get transportation and take him down. Accordingly, through the courtesy of the adjutant general, Major Michie, I got permission to use General Lee's fine horses and carriage, and so we drove down in great style. When we were on the road I urged him to ask General Wood for a considerable sum of money to pay the expenses of a series of experiments and give liberal bonuses to Spanish immigrants, who I was sure could be induced in that way to volunteer, especially as they came to Cuba with always the probability of having yellow fever. He did not commit himself as to what he would do, and I awaited the interview with keen interest.

General Wood received us graciously, as he knew us both well and had taken a course of study under Reed. They stood facing each other in the embrasure of a window of the palace looking out on the Plaza de las Armas and to me, a silent observer, it was a most dramatic scene with all the setting of a great historic moment. Looking out between them I could see Morro Castle and the blue waters of the harbor and on our left the ancient Fort la Fuerza, built by the gallant De Soto before he sailed northward to find his grave in the turbid current of the Mississippi. The two men offered a singular contrast in their appearance. General Wood, massive, leonine, impassive; Reed, slender, alert, with mobile features and sparkling blue eyes as he told the story of the three cases and summed up the evidence. Then, after a moment's pause, he said very earnestly, "General Wood, will you give me $10,000 to continue and complete these experiments?" General Wood's reply came almost without hesitation—"I have this morning signed a warrant for that amount to aid the police in the capture of criminals, and surely this work is of more importance to Cuba than the catching of a few thieves. I will give you $10,000 and if that proves insufficient I will give you $10,000 more."

We said good day to the military governor and with joyous hearts betook ourselves to the Paris restaurant, where we celebrated this happy outcome with a good luncheon, and I pledged his success and future fame with a bottle of Rioja Clarete.

Next day Reed sailed for New York and read his paper before the American Public Health Association on October 24. There he encountered Wasdin full of his demonstration that *B. sanarelli* was its cause and that it was transmitted through the respiratory channel like measles or grippe. The clash was sharp, bitter, and personal on Wasdin's part, courteous and impersonal on Reed's, but conclusive that the organism which had led Wasdin and the rest of the world astray was common in the Tropics and was simply accidentally present in the bodies of

some cases, and it was in fact a member of the hog-cholera group of bacteria.

Reed did not linger to enjoy his victory, and four days later he was back in Cuba eager to take up the work with all the facilities which General Wood's financial and moral support placed in his hands.

When Reed applied for the promised money General Wood told him that he would place it for disbursement in Kean's hands, as he was an officer permanently on duty there and Reed would be saved the worry of it. So this was done, and I acquired in a subordinate and business way a connection with this famous board.

The building of his experimental station, Camp Lazear, where the tests should be made, was at once begun, and Spanish immigrants were readily found who for a handsome sum were willing to be bitten by the "little flies," and if they were taken sick to be nursed by the señoritas Americanas, as they called the nurses. A most dramatic episode of this period was the volunteering of Moran and Kissinger to be the first victims of the experimentation. Kissinger was in fact the first case—a noble offer which has been often and fully told. These were followed by other American soldiers from the Hospital Corps, so that between the Americans and the Spaniards the supply of subjects for experiment was ample. The Spaniards furnished Reed much amusement, especially a jolly young Spaniard peasant named Antonio Benigno, but whom Reed called Boniato, which means a sweet potato, on account of his fondness for that vegetable. His contract with Reed in Spanish, signed by both, hangs on the wall of my office. He was first to recover, and when I took his reward to him I got it in ten $20 gold pieces. The poor Spaniard had never seen such great coins or so much money, and his joy was that of a child with a new toy.

The revolting test of the infected clothing and bedding by Dr. Robert P. Cook—Virginian, by the way—and his six privates of the Hospital Corps, who slept in them by twos for 60 successive nights, was another heroic episode. All this makes it a wonderful and thrilling story, which is well told in Kelly's admirable work.

Suffice it to say that his demonstrations carried conviction with them to the physicians of Habana, who had remained incredulous during the 20 years that Dr. Carlos Finlay had been laboring to convince them with arguments and experiments of this very thing. So then they bethought themselves of this dear old man who was at the head of the yellow-fever board, and 60 doctors of Habana gave him a dinner to celebrate the verification of the Finlay theory.

Dr. Juan Guiteras, who died this year in Habana, presided, and as I recollect the military governor sat on one side of him and Doctor Finlay on the other. Reed, Carroll, and Agramonte were there and Gorgas and I and perhaps other medical officers. Guiteras, with his musical voice and admirable diction, undertook to divide the honors between Finlay and Reed. He compared this work to the demonstration that the Anopheles mosquito carried malaria, which had been published by Ross two years before. Finlay was like Patrick Manson, who propounded the theory, and Reed was like Ross, who demonstrated it so that it was accepted by the scientific world. We all agreed that the simile was a good one and the division of credit just. But as the years have passed and the fame of Walter Reed has spread to all corners of the world our Cuban friends have come to feel that Finlay has not had his share. They do not realize that it is to the demonstrator and not to the theorist that the world of science gives the highest place.

About the time that Doctor Finlay made the first announcement of his theory a distinguished physician of Washington, Dr. A. F. A. King, read a remarkable paper before the Philosophical Society, which was afterwards published in the Popular Science Monthly, entitled "Insects and disease—Mosquitoes and malaria," in which he pronounced his theory that malaria was carried by mosquitoes and gave 19 good epidemiological reasons in support of his theory. But it remained a barren theory, although it had later the powerful support of the father of tropical medicine, Patrick Manson, until Ross furnished the demonstration. Although Doctor King was loved and admired in Washington, as was Finlay in Habana, no one that I have heard has raised the cry that he has been robbed of the fame and credit that is due him, as the Cubans have recently done in an official publication in the case of Doctor Finlay. Goldberger, of the Public Health Service, has stated the case in one pithy sentence, "Reed has converted a discredited theory into an established doctrine."

My remarks have already taken too much time for me to make even a brief estimate of the value of Reed's work, or of the vast sum of human suffering and loss of life from this terrible plague which he made it possible to bring to an end. Professor Welch said of it in a letter to the Secretary of War:

"Doctor Reed's researches in yellow fever are by far the most important contributions to science which have ever come from an Army surgeon. In my judgment, they are the most valuable contributions to medicine and public hygiene which have ever been made in this country with the exception of the discovery of anæsthesia. They have led and will lead to the saving of untold thousands of lives. I am in a position to know that the credit for the original ideas embodied in this work belong wholly to Major Reed. Such work, if done in Europe, would receive substantial recognition from the government."

General Wood, whose recent death we still mourn, said:

"I know of no man on this side of the world who has done so much for humanity as Doctor Reed. His discovery results in the saving of more lives annually than were lost in the Cuban war, and saves the commercial interests of the world from a greater financial loss each year than the cost of the Cuban war. * * * Hereafter it will never be possible for yellow fever to gain such headway that quarantine will exist from the mouth of the Potomac to the mouth of the Rio Grande. Future generations will appreciate fully the value of Doctor Reed's services. His was the originating, directing, and controlling mind in this work and the others were assistants only."

It was stated in a recent biography of General Gorgas that Reed, when his demonstration was complete, did not know what to do with it, that he did not see how mosquitoes could be successfully fought, and that his attitude in the first months of 1901 was one of pessimism and depression.

Nothing could be further from the truth. His letter to Dr. L. O. Howard, Chief of the Bureau of Entomology, at Washington, on January 13, 1901, rings with joyful anticipation, and in it he says "with Howard and kerosene we will soon knock out old *Culex fasciatus*" (the name applied at that time to the yellow-fever-bearing mosquito).

In the paper which he read to the Pan American Congress held in Habana on February 4 the tenth conclusion is:

"The spread of yellow fever can be most effectually controlled by measures directed to the destruction of mosquitoes and the protection of the sick against the bites of these insects."

This was written at a time when Gorgas, according to his own statement, still was in doubt whether this was the only way or even the common way in which yellow fever was spread.

Such claims grievously misrepresent Gorgas. Between Reed and Gorgas, I am glad to say, there was never any rivalry or any feeling but the most cordial friendship and confidence. Their relation as they saw it was well expressed in a letter from Gorgas to Reed, dated from Habana August 26, 1901, in which he said:

"I am very happy to shine in the more humble rôle of being the first to put your discovery to extensive practical application."

The fame of Gorgas is secure in the performance of the greatest feat of sanitary administration that the world has seen. That of Reed is admirably stated in the citation of President Eliot, of Harvard University, which is the epitaph on Reed's tomb—

"He gave to man control of that dreadful scourge, yellow fever."

We here to-day may make for Walter Reed the proud boast of the Roman poet:

"Exegi monumentum aere perennius."

He has indeed "built a monument more lasting than bronze and loftier than the pyramids of kings, which neither storms, nor winds, nor the immeasurable flight of time can destroy."

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES

The Speaker laid before the House the following messages from the President of the United States, which were read, and, with the accompanying papers, were referred to the Committee on Foreign Affairs and ordered printed:

INTERNATIONAL AERONAUTICAL CONFERENCE ON CIVIL AERONAUTICS (H. DOC. NO. 308)

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Secretary of State with the accompanying papers, to the end that legislation may be enacted authorizing (1) the President to invite representatives of foreign Governments to attend an International Aeronautical Conference on Civil Aeronautics to be held in Washington, D. C., December 12, 13, and 14 of this year, and (2) an appropriation of $24,700 for the expenses of such a conference in accordance with the recommendations of the Secretary of Commerce, as submitted through the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

INTERNATIONAL TELEGRAPH CONFERENCE (H. DOC. NO. 309)

To the Congress of the United States:

I transmit herewith a report from the Secretary of State requesting that the Congress be asked to enact legislation authorizing an appropriation in the sum of $19,800 to pay for the expenditures involved in the participation by the United States in the International Telegraph Conference to be held at Brussels, beginning about September 10, 1928.

I recommend that the Congress enact legislation authorizing an appropriation for the sum mentioned, in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 3470. An act granting relief of Havert S. Sealy and Porteus R. Burke;

H. R. 8314. An act to amend an act of Congress approved March 4, 1927 (Public, No. 795, 69th Cong.), to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War;

H. R. 9568. An act to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes;

H. R. 10159. An act granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes;

H. R. 10363. An act to provide for the construction or purchase of two L boats for the War Department;

H. R. 10364. An act to provide for the construction or purchase of two motor mine yawls for the War Department;

H. R. 10365. An act to provide for the construction or purchase of one heavy seagoing Air Corps retriever for the War Department;

H. R. 10786. An act authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Gila River and its tributaries above the San Carlos Reservoir in New Mexico and Arizona;

H. R. 11133. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes; and

H. R. 12286. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2148. An act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes;

S. 2463. An act to amend an act entitled "An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me," approved May 19, 1926; and

S. 3057. An act authorizing the Secretary of War to transfer and convey to the Portland Water District, a municipal corporation, the water pipe line including the submarine water main connecting Fort McKinley, Me., with the water system of the Portland Water District, and for other purposes.

JOINT RESOLUTION AND BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval a joint resolution and bills of the House of the following titles:

H. J. Res. 263. Joint resolution authorizing the president and fellows of Harvard College to erect, on public grounds in the District of Columbia, a monument to Maj. Gen. Artemas Ward;

H. R. 2473. An act for the relief of Louie June;

H. R. 4012. An act for the relief of Charles R. Sies;

H. R. 4060. An act to correct the military record of Charles E. Lowe;

H. R. 4087. An act to correct the military record of Albert Campbell;

H. R. 4839. An act for the relief of the Press Publishing Co., Marianna, Ark.;

H. R. 5322. An act for the relief of John P. Stafford;

H. R. 5548. An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct;

H. R. 5644. An act to enable an enlisted man in the naval service to make good time lost in excess of one day under certain conditions;

H. R. 5718. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service";

H. R. 5826. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum of the city of New Orleans, La., the silver bell in use on the cruiser *New Orleans;*

H. R. 5930. An act for the relief of Jesse W. Boisseau;

H. R. 6152. An act for the relief of Cromwell L. Barsley;

H. R. 6195. An act granting six months' pay to Constance D. Lathrop;

H. R. 6842. An act for the relief of Joseph F. Friend;

H. R. 6854. An act to add certain lands to the Montezuma National Forest, Colo., and for other purposes;

H. R. 7142. An act for the relief of Frank E. Ridgely, deceased;

H. R. 7895. An act for the relief of the Lagrange Grocery Co.;

H. R. 7897. An act to ratify the action of a local board of sales control in respect of contracts between the United States and the West Point Wholesale Grocery Co., of West Point, Ga.;

H. R. 7898. An act to ratify the action of a local board of sales control in respect of contracts between the United States and the Lagrange Grocery Co., of Lagrange, Ga.;

H. R. 7903. An act to authorize the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States;

H. R. 8031. An act for the relief of Higgins Lumber Co. (Inc.);

H. R. 8440. An act for the relief of F. C. Wallace;

H. R. 9046. An act to continue the allowance of Sioux benefits;

H. R. 9355. An act to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes;

H. R. 9620. An act for the relief of E. H. Jennings, F. L. Johanns, and Henry Blank, officers and employees of the post office at Charleston, S. C.;

H. R. 9965. An act to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., where, on February 14, 1779, Elijah Clarke, of Georgia, and Colonel Pickens, of South Carolina, overtook the Tories under Colonel Boyd, killing him and many of his followers, thus ending British dominion in Georgia;

H. R. 10503. An act for the relief of R. P. Washam, F. A. Slate, W. H. Sanders, W. A. McGinnis, J. E. Lindsay, and J. T. Pearson;

H. R. 11405. An act to acquire an area of State land situate in Lassen Volcanic National Park, State of California, by exchange;

H. R. 11621. An act to authorize the Secretary of the Navy to advance public funds to naval personnel under certain conditions;

H. R. 11724. An act to provide for the paving of the Government road, known as the Ringgold Road, extending from Chickamauga and Chattanooga National Military Park, in the State of Georgia, to the town of Ringgold, Ga., constituting an approach road to the Chickamauga and Chattanooga National Military Park;

H. R. 12067. An act to set aside certain lands for the Chippewa Indians in the State of Minnesota.

H. R. 12192. An act authorizing the Secretary of the Interior to accept a deed to certain land and issue patent therefor to the city of Buhl, Twin Falls County, Idaho;

H. R. 12446. An act to approve a deed of conveyance of certain land in the Seneca Oil Spring Reservation, N. Y.;

H. R. 3470. An act granting relief to Havert S. Sealy and Porteus R. Burke;

H. R. 8314. An act to amend an act of Congress approved March 4, 1927 (Public, No. 795, 69th Cong.), to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War;

H. R. 9568. An act to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes;

H. R. 10159. An act granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes;

H. R. 10363. An act to provide for the construction or purchase of two L boats for the War Department;

H. R. 10364. An act to provide for the construction or purchase of two motor mine yawls for the War Department;

H. R. 10365. An act to provide for the construction or purchase of one heavy sea-going Air Corps retriever for the War Department;

H. R. 10786. An act authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Gila River and its tributaries above the San Carlos Reservoir in New Mexico and Arizona; and

H. R. 12286. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. EATON (at the request of Mr. BACHARACH), on account of illness.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 39 minutes p. m.) the House adjourned until to-morrow, Saturday, May 19, 1928, at 12 o'clock noon.

COMMITTEE HEARING

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, May 19, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(11 a. m.)

To provide for the use of net weights in interstate and foreign commerce transactions in cotton, to provide for the standardization of bale covering for cotton (H. R. 10303).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

530. A letter from the Comptroller General of the United States, transmitting report on the claim of Christina Arbuckle, administratrix of the estate of John Arbuckle, deceased, late of the city and State of New York, together with his recommendations thereon; to the Committee on Claims.

531. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and plan and estimate of cost of improvement of Puget Sound and tributary waters, Washington, particularly in respect to the condition of the channels and mouths of sand bars and other obstructions by the use of a suction dredge or otherwise (H. Doc. No. 307); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WOOD: Committee on Appropriations. H. R. 13873. A bill making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes; without amendment (Rept. No. 1731). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. S. 1131. An act to encourage and promote the production of livestock in connection with irrigated lands in the States of Wyoming, Montana, and New Mexico; with amendment (Rept. No. 1732). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 11285. A bill to establish Federal prison camps; with amendment (Rept. No. 1735). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. S. 4183. An act authorizing the filling of a vacancy occurring in the office of district judge for the northern district of Illinois created by the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922; without amendment (Rept. No. 1736). Referred to the House Calendar.

Mr. MORROW: Committee on Irrigation and Reclamation. H. R. 6496. A bill granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested; without amendment (Rept. No. 1737). Referred to the House Calendar.

Mr. MORROW: Committee on Irrigation and Reclamation. H. R. 6497. A bill granting the consent of Congress to compacts or agreements between the States of New Mexico and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested; without amendment (Rept. No. 1738). Referred to the House Calendar.

Mr. MORROW: Committee on Irrigation and Reclamation. H. R. 6498. A bill granting the consent of Congress to compacts or agreements between the States of New Mexico and Colorado with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested; without amendment (Rept. No. 1739). Referred to the House Calendar.

Mr. MORROW: Committee on Irrigation and Reclamation. H. R. 6499. A bill granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested; without amendment (Rept. No. 1740). Referred to the House Calendar.

Mr. WHITE of Colorado: Committee on Irrigation and Reclamation. H. R. 7024. A bill granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested; without amendment (Rept. No. 1747). Referred to the House Calendar.

Mr. WHITE of Colorado: Committee on Irrigation and Reclamation. H. R. 7025. A bill granting the consent of Congress to compacts or agreements between the States of Colorado and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested; without amendment (Rept. No. 1748). Referred to the House Calendar.

Mr. WHITE of Colorado: Committee on Irrigation and Reclamation. H. R. 7026. A bill granting the consent of Congress to compacts or agreements between the States of Colorado and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested; without amendment (Rept. No. 1749). Referred to the House Calendar.

Mr. WHITE of Colorado: Committee on Irrigation and Reclamation. H. R. 7027. A bill granting the consent of Congress to compacts or agreements between the States of Colorado and Nebraska with respect to the division and apportionment of the waters of the North Platte River and all other streams in which such States are jointly interested; without amendment (Rept. No. 1750). Referred to the House Calendar.

Mr. WHITE of Colorado: Committee on Irrigation and Reclamation. H. R. 7028. A bill granting the consent of Congress to compacts or agreements between the States of Colorado and Utah with respect to the division and apportionment of the waters of the Colorado, Green, Bear, or Yampa, the White, San Juan, and Dolores Rivers and all other streams in which such States are jointly interested; without amendment (Rept. No. 1751). Referred to the House Calendar.

Mrs. LANGLEY: Committee on Immigration and Naturalization. H. R. 13791. A bill relating to the naturalization of certain aliens; without amendment (Rept. No. 1752). Referred to the House Calendar.

Mr. HOGG: Committee on the Post Office and Post Roads. H. R. 58. A bill to authorize the assignment of railway postal clerks and substitute railway postal clerks to temporary employment as substitute seapost clerks; without amendment (Rept. No. 1753). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. S. 4035. An act authorizing conveyance to the city of Hartford, Conn., of title to site and building of the present Federal building in that city; without amendment (Rept. No. 1754). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. S. J. Res. 50. A joint resolution providing that the Secretary of Agriculture be directed to give notice that on and after January 1, 1929, the Government will cease to maintain a public market on Pennsylvania Avenue between Seventh and Ninth Streets NW.; without amendment (Rept. No. 1755). Referred to the Committee of the Whole House on the state of the Union.

Mr. MACGREGOR: Committee on Expenditures in the Executive Departments. H. R. 12064. A bill to discontinue certain reports now required by law to be made annually to Congress; with amendment (Rept. No. 1757). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on Irrigation and Reclamation. H. R. 13420. A bill to provide for the storage and diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project; with amendment (Rept. No.

1758). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on Irrigation and Reclamation. H. R. 13421. A bill to provide for the storage and diversion of the waters of the North Platte River and construction of the Saratoga reclamation project; with amendment (Rept. No. 1759). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SPEAKS: Committee on Military Affairs. H. R. 3202. A bill for the relief of Elizabeth Hunt; with amendment (Rept. No. 1733). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 12650. A bill granting an honorable discharge to John F. Fleming; with amendment (Rept. No. 1734). Referred to the Committee of the Whole House.

Mr. LAMPERT: Committee on the District of Columbia. H. R. 8388. A bill for the relief of Jennie Bruce Gallahan; with amendment (Rept. No. 1742). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. H. R. 9085. A bill for the relief of Charles A. Moore; without amendment (Rept. No. 1743). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 12359. A bill for the relief of the widow of Edwin D. Morgan; without amendment (Rept. No. 1744). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. H. R. 12995. A bill for the relief of Etta B. Leach Johnson; without amendment (Rept. No. 1745). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 13795. A bill for recognition of meritorious services performed by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes; without amendment (Rept. No. 1746). Referred to the Committee of the Whole House.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 5952. A bill for the relief of Robert Michael White; without amendment (Rept. No. 1756). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WOOD: A bill (H. R. 13873) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. BUSHONG: A bill (H. R. 13874) to further amend the act of March 4, 1925, as amended March 3, 1926, and April 6, 1926, to provide for the relief of the Bethlehem Steel Co. and to further carry out the provisions of the award of the National War Labor Board of July 31, 1918, and the action of the War Department Claims Board of July 6, 1921; to the Committee on Claims.

By Mr. CANNON: A bill (H. R. 13875) to amend the tariff act of 1922, entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes"; to the Committee on Ways and Means.

By Mr. DREWRY: A bill (H. R. 13876) to authorize the construction of barracks and mess hall for enlisted men at the naval training station, Hampton Roads, Va.; to the Committee on Naval Affairs.

By Mr. CELLER (by request): A bill (H. R. 13877) to correct certain abuses and regulate and standardize the hours of labor, leaves of absence, also sick and annual leave and leave without pay, and the general conditions of labor at present prevailing within the Treasury Department, especially amongst the employees of the outdoor staff; to the Committee on the Civil Service.

By Mr. W. T. FITZGERALD: A bill (H. R. 13878) to grant a World War service compensation to soldiers, sailors, and marines of the World War, their widows, minor children, and helpless and dependent children; to the Committee on World War Veterans' Legislation.

By Mr. RAGON: A bill (H. R. 13879) to declare Petit Jean River a nonnavigable waterway; to the Committee on Interstate and Foreign Commerce.

By Mr. RATHBONE: A bill (H. R. 13880) to regulate interstate and foreign commerce in bituminous coal; provide for consolidations, mergers, and cooperative marketing; regulate the fuel supply of interstate carriers; require the licensing of corporations, producing and shipping coal in interstate commerce; and to creat a bituminous coal commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SOMERS of New York: A bill (H. R. 13881) to amend the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925; to the Committee on the Post Office and Post Roads.

By Mr. VESTAL: A bill (H. R. 13882) to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska; to the Committee on Agriculture.

By Mrs. ROGERS: A bill (H. R. 13883) to amend the act (Public, No. 135, 68th Cong.) approved May 24, 1924, entitled "An act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes"; to the Committee on Foreign Affairs.

By Mr. BUTLER: A bill (H. R. 13884) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; to the Committee on Naval Affairs.

By Mr. WHITE of Colorado: A bill (H. R. 13885) to provide for the applicability to certain classes of persons of the provisions of articles 3 and 4 of the war risk insurance act, as amended, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. SMITH: A bill (H. R. 13886) authorizing the Secretary of the Interior to issue patent to the District War Mothers, Montpelier, Idaho, for 40 acres of public lands; to the Committee on the Public Lands.

By Mr. LINTHICUM: Joint resolution (H. J. Res. 308) directing the Comptroller General of the United States to readjust the accounts between the city of Baltimore and the United States; to the Committee on the Judiciary.

By Mr. SIROVICH: Joint resolution (H. J. Res. 309) calling upon the President of the United States to issue a proclamation every year designating the first week in May as national health week; to the Committee on the Judiciary.

By Mr. MAGRADY: Joint resolution (H. J. Res. 310) proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. PORTER: Joint resolution (H. J. Res. 311) to provide an annual appropriation to meet the quota of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts; to the Committee on Foreign Affairs.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 312) relating to the enforcement of the contract-labor provisions of the immigration act of 1917; to the Committee on Immigration and Naturalization.

By Mr. SMITH: Joint resolution (H. J. Res. 313) for the improvement of the ice caves near Shoshone, Idaho; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 13887) granting a pension to J. Campbell Palmer; to the Committee on Pensions.

By Mr. FROTHINGHAM: A bill (H. R. 13888) for the relief of Charles McCoombe; to the Committee on Claims.

By Mr. FULMER: A bill (H. R. 13889) for the relief of Hattie L. Padgette; to the Committee on Claims.

By Mr. GOLDER: A bill (H. R. 13890) for the relief of John Thomas Lonergan; to the Committee on Naval Affairs.

By Mr. GREENWOOD: A bill (H. R. 13891) granting a pension to Harriet J. Young; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 13892) granting an increase of pension to Anna M. Shank; to the Committee on Invalid Pensions.

By Mr. SCHAFER: A bill (H. R. 13893) for the relief of Roland Zolesky; to the Committee on Claims.

By Mr. SOMERS of New York: A bill (H. R. 13894) granting an increase of pension to Josephine Alexander; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 13895) granting a pension to Mary S. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13896) granting an increase of pension to Elizabeth J. Varner; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 13897) for the relief of John K. Kelley; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 13898) granting a pension to Minnie M. Smith; to the Committee on Invalid Pensions.

By Mr. O'CONNELL: Resolution (H. Res. 214) paying additional compensation to the six minority employees, the Deputy Sergeant at Arms in charge of pairs, and the pair clerk and messenger; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7705. By Mr. BLOOM: Petition of the directors of the Flatbush Chamber of Commerce, who add their protest to House bill 8127; to the Committee on Expenditures in the Executive Departments.

7706. By Mr. BOYLAN: Resolution adopted by Flatbush Chamber of Commerce, Brooklyn, N. Y., opposing House bill 8127; to the Committee on Rivers and Harbors.

7707. By Mr. BURTON: Memorial of Cincinnati Chamber of Commerce, Cincinnati, Ohio, opposing any measure calling for Government operation of Muscle Shoals and urging that steps be taken for the early operation of Muscle Shoals by private enterprise; to the Committee on Military Affairs.

7708. Also, memorial of the Toledo Clearing House Association, Toledo, Ohio, opposing Senate bill 3151, limiting the jurisdiction of district courts of the United States; to the Committee on the Judiciary.

7709. Also, petition of the Men's Bible Class of the United Church (Congregational) of Oberlin, Ohio, indorsing the establishment in Washington or elsewhere of a national school of diplomatic relations; to the Committee on Foreign Affairs.

7710. By Mr. CARTER: Petition of B. J. Mansfield and many others, of Oakland, Calif., urging the passage of House bill 11474, known as the old age bill; to the Committee on Pensions.

7711. By Mr. CELLER: Petition of Flatbush Chamber of Commerce (Inc.); to the Committee on Rivers and Harbors.

7712. By Mr. JOHNSON of Washington: Petition of citizens of Centralia, Wash., praying for increases of pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7713. By Mr. MANLOVE: Statement from Rev. William Cady, of Neosho, Mo., protesting that the name of Judge George Wood, of Neosho, Mo., was used without his consent in connection with a petition praying for defeat of the compulsory Sunday observance bill (H. R. 78), Judge Wood declaring that he is a Christian and is unalterably opposed to commercializing of the Lord's Day; to the Committee on the District of Columbia.

7714. By Mr. O'CONNELL: Petition of William J. MacMillan, president Bayway Terminal, opposing the passage of the Smith bill (S. 4441) and Vinson bill (H. R. 13646); to the Committee on Agriculture.

7715. By Mr. QUAYLE: Petition of J. C. Penney, of New York City, favoring the passage of House bill 10958, placing a tax on butter made from nuts and products other than milk; to the Committee on Ways and Means.

7716. Also, petition of Travelers' National Legislative Committee of New York, favoring the passage of House bill 668, the repeal of the war-time Pullman surcharge; to the Committee on Ways and Means.

7717. By Mr. PARKS: Petition from citizens of Ashley County, Ark., protesting against any change in the place of holding court to the district in which Little Rock is located; to the Committee on the Judiciary.

7718. By Mr. PEAVEY: Petition by the Ashland County Board of Supervisors, favoring the raising of the tariff on cheese high enough so that the American farmer can compete with the Canadian farmer; to the Committee on Agriculture.